

Germantown Comprehensive Plan Changes in Response to Comments

The following changes are made to the Germantown Comprehensive Plan in response to written comments from the Planning Board and oral and written comments provided to the Town Board during the public comment period. Page, chapter and heading references are provided for each edited section along with original text. Deletions are indicated with “strikethroughs.” New text is underlined and provided with a [Blue](#) font color.

Chapter 6. Natural Resources and Agriculture

p. 29 [paragraph 2, third sentence] ...These areas include many of the Town’s largest parcels and should be planned to ~~significantly~~ limit residential and other development that could conflict with adjacent agriculture or adversely impact water resources. [The strategies employed should at the same time allow the landowner flexibility in sizing new lots for subdivision, and provide the Town with oversight for siting new dwellings on those lots.](#)

[paragraph 4, second sentence] ... It is proposed that [in both of these designations](#), major subdivisions ~~involving five or more lots in either designation~~, [as defined by the Zoning Committee](#), be required to use conservation design standards. ...

p. 30 **Recommendations:**

3. Develop GIS (Geographic Information Systems) capability, ~~within Town government~~ [within the Town’s resources](#), as a planning tool.

Chapter 7. Housing

p. 36 **Recommendations:**

3. ~~Create a Housing Committee to gather information about affordable housing options and resources available from county, state and federal governments and banking institutions.~~ [Create a means for the Town government to work with other government agencies and organizations in order to provide information and assistance on affordable housing options to income-eligible families.](#)

Chapter 9. Community Facilities and Services

p. 45,46 **Local Government.** [third paragraph]...The Town employs a full-time administrative assistant to the Supervisor and three full-time Highway Department personnel. Part-time employees include four police officers, board secretaries, a sewer manager and a building inspector/~~code enforcement officer~~ [who also fills the position of code enforcement officer.](#)

p. 47 **Administrative Bodies.**

Building Inspector. The building inspector reviews and processes all building applications, issues building permits, periodically inspects building sites and issues certificates of occupancy. ~~As the code enforcement officer.....~~

Code Enforcement Officer. The code enforcement officer receives complaints about violations of the Zoning Ordinance, investigates them and initiates sanctions when appropriate.

p. 52 **Parks and Recreation.**

~~**Town Campsite.** A parcel of Town land~~

Dale's Bridge Road. The Town owns the parcel of land on the southeast bank of the Roeliff Jansen Kill. For many years the Town has leased this property to a private organization, the Germantown Sportsmen. A variety of events that are open to the community are held there, and there is public access to the creek. More recently, the Town has also been in the process of developing a public campsite on the southwest bank for which New York State funds have been secured.

p. 53 **Private Parkland.** ~~A private recreation site is a 150-acre bird sanctuary open to the public on County Route 8 east of the Rockefeller Home.~~ One private recreation site involves a 150-acre bird sanctuary that is open to the public, located on County Route 8 east of the historic Rockefeller Tavern. Fisherman and boaters also use an abandoned riverside trail siding at the end of Lower Main Street that could be developed into parkland.

p. 54 **Library.** ~~The Germantown Library is currently~~ The Germantown Library was started by members of the Garden Club in the 1920s and was formerly dedicated in 1948. The Library was certified by the New York State Education Department in 1988. According to the yearly report submitted to New York State in 2006, the Library circulated 18,039 books or materials, with a total attendance of 10,105 visits, including an estimated 870 children attending the children's program. Since a 2005 referendum, the operating expenses of the Library have in large part been met by public tax funds. In the summer of 2007, the Germantown Library relocated to its new location at 31 Palatine Park Road. The new 3,000 square foot modular building was paid for by a private trust and local donations. The new building complies with the American Disabilities Act.

p. 56 **Library.** ~~Although the Library has now obtained tax funding to meet operational expenses, progress on building the new library has been slow because of problems with fundraising.~~

p. 57 **Recommendations:**

~~7. Create a standing Water Resources Committee to guide future efforts to protect groundwater quality and supply by:~~

~~a. Proposing zoning and subdivision amendments to regulate~~

~~.....~~

d.~~due to contamination or drought.~~

~~8. Revise regulations to require testing for adequate groundwater supply for large development proposals.~~

7. Amend zoning and subdivision standards to:

- a. regulate the density of development, minimum lot sizes and adequate well spacing according to the availability of groundwater resources by requiring a groundwater extraction assessment prepared by a qualified hydrogeologist, as recommended in the Groundwater Protection Plan. Such standards should ensure that new development not have adverse impacts on water supply to existing wells, the functioning of septic disposal systems, and on groundwater resources that may supply future public water-supply wells.
- b. institute well-head protection regulations to protect groundwater from potential contamination, including from development activity not served by the public sewer system.

8. Create a means within Town government, such as through a subcommittee of Town boards and by contracting with qualified experts, to:

- a. explore the feasibility of a municipal water supply through mapping of potential locations, working with landowners, and conducting testing for water quality and quantity, and to
- b. create an emergency response plan in the event that water sources fail due to contamination or drought.

Chapter 12. Future Land Use

It is not within the mandate, responsibilities or legal ability of the Comprehensive Plan Committee to rewrite the Town's zoning ordinance. The following ~~descriptions of proposed~~ examples of land-use designations, ~~as reflected on the accompanying Future Land Use Map~~ are intended only as a general guide to updating that ordinance by applying the findings of this comprehensive plan. ~~The Future Land Use Map is not a zoning map. The creation of a new zoning map will be the responsibility of a Zoning Committee appointed by the Town Board and, before it becomes official, will have to satisfy all state and Town regulations, including the holding of public hearings. Some of the designations below already exist while others are new. Additional detail on the reasoning behind the proposed designations would result in the rezoning of significant areas of the Town, details of that zoning would be determined only as part of the zoning update process follow the Town's adoption of this comprehensive plan.~~ Some of these designations are part of the current ordinance while others are new. Additional detail on the reasoning behind the proposed designations can be found in the Future Planning sections of Chapters 6, 7 and 8. The overall objective is to provide for focused development within a compact village core adjacent to needed services while preserving the Town's rural agricultural landscape, natural resources and open space, moving outward from the village to the Town limits.

The Future Land Use map that accompanies this section illustrates how these designations might be applied in the town. It was arrived at by overlaying the information contained on all other maps prepared for this plan – for example, the existing land use information was combined with topography, soils, water resources, infrastructure, and more – in order to analyze where future land uses might best be located in order to be consistent with this comprehensive plan. At the same time, the Future Land

Use map is not a zoning map. The creation of a new zoning map will be the responsibility of a Zoning Committee appointed by the Town Board and, before it becomes official, will have to satisfy all state and Town regulations, including the holding of public hearings. Any decisions to rezone areas of the Town would be determined only as part of the rezoning update process.

[designations re-ordered as below]

Village Residential. The Village Residential designation applies to existing and planned future residential land in the village center and west of Route 9G to the Hudson River. ~~This~~ The designation is ~~intended to~~ could permit single-family dwellings and duplexes at traditional village densities with. ~~These areas are intended to receive public sewer service.~~ While this area currently relies upon ~~reliant on~~ on-lot wells, if a public water system were developed, ~~this area should receive public water.~~ this designation assumes that it could be included in a public water district if one is developed.

Rural Residential. The Rural Residential designation is ~~intended to apply~~ applies to land areas in the central part of the Town surrounding the village center. These lands show a pattern of scattered residential development and tend to be more parcelized and have fewer significant natural and agricultural resources than other parts of the Town. ~~A two-acre minimum lot size is proposed for this designation. In general, these areas are not intended for public sewer and water service.~~ The minimum lot size should be determined based upon existing soil conditions and groundwater availability in order to provide for the proper functioning of septic disposal systems coupled with on-lot water wells under the assumption that these areas are outside the reach of the public sewer district and may be out of reach of any public water district.

Environmental Resource. The Environmental Resource designation is ~~intended to apply~~ applies to those contiguous areas of larger-lot lands characterized by combinations of the following resources: forest cover, wetlands, streams, hydric soils, soils vulnerable to contamination, floodplain, Hudson River waterfront, steep slopes, designated and proposed scenic byways and rare animal habitat. ~~A five-acre minimum lot size is proposed for this designation, with conservation design subdivisions required for major subdivisions (see Chapter 6).~~ These areas are not intended for public sewer and water service. A larger minimum lot size, with conservation subdivision design required for major subdivisions (see Chapter 6) could be applied here in order to accommodate modest residential growth while providing for resource protection. A number of good resources are available to assist the Zoning Committee in determining what land use and zoning tools to apply to achieve these objectives. The Land Use Law Center of Pace Law School offers helpful publications and training, (914) 422-4262, www.pace.edu/lawschool/landuse

Agricultural Resource. The Agricultural Resource designation is ~~intended to include~~ includes lands within the Town's Agricultural District and lands with extensive overlapping areas of wetlands, streams, hydric soils and soils that are vulnerable to contamination. These lands include many of the Town's largest landholdings, some of which are currently zoned for 10-acre minimum lot sizes under the Conservation zoning district. ~~A 10-acre minimum lot size is proposed for this designation, conservation design subdivisions required for major subdivisions (see Chapter 6).~~ These areas They are not intended for public sewer and water service. Recommended strategies in these areas of Town would help to maintain viable tracts of agricultural land while providing for careful subdivision into smaller lots, such as by establishing a low residential density or providing for average density designs, or congregating smaller lots along existing roads. Other strategies could include maintaining siting

standards for non-agricultural building in order to avoid conflicts with agriculture, and requiring conservation subdivision design, in concert with programs to preserve land permanently for agriculture. One such program is as the New York State agricultural protection program, now extended to municipalities, Purchase-, lease-, or transfer-of-development rights programs and other tools also exist. A valuable reference is The American Farmland Trust publication, "Guide to Local Planning for Agriculture in New York," (518) 581-0078, <http://www.farmland.org/>

Village Commercial. The Village Commercial designation applies to existing and planned future small-scale, locally oriented commercial uses mixed with compatible residential uses. The designation ~~seeks to~~ could allow adaptive reuse and conversion of older homes while employing design standards to promote attractive new development. ~~This area is intended for public sewer service. While currently reliant on on-lot wells, if a public water system were developed, this area should receive public water.~~ This designation assumes the availability of public sewer hook-ups, as well as public water if such a system is developed.

Highway Commercial. The Highway Commercial designation ~~is intended to permit~~ s a variety of primarily commercial uses that are oriented to automobile traffic and are commonly found along highways. This designation applies to ~~an area of land~~ already in ~~existing~~ commercial use, with additional land for expansion, in North Germantown on State Route 9G, just north of the intersection with Hover Avenue (County Route 33). While public sewer ~~and water are~~ is not available to this area, and public water is not currently available, it could be possible to develop ~~an~~ alternative or community sewer ~~or~~ and water systems. ~~could be appropriate.~~

Light Industrial. The Light Industrial designation ~~is intended to permit~~ s nonpolluting light-industrial, high-tech and office-park uses. Two areas of land ~~have been designated for this use~~ along the State Route 9G corridor could be allocated for this use. While public sewer is not available in this area, and public water is not currently available, ~~are not available to this area,~~ it could be possible to develop ~~an~~ alternative or community sewer and water systems. ~~could be appropriate.~~