

# Zoning Update 2025

Throughout the discussions regarding zoning over 2024, there were several consistent topics in terms of public response/requests. Affordability of housing, conservation protections, and maintaining Gallatin’s small-town appeal were regular topics. The Board has looked to maintain a balance between past, present, and future and the balancing of any change will be reflected in the viewing of zoning code as a living document.

## Goals:

- Preserve aspects of life in Gallatin that contribute to its natural and rural character.
- Bring back Gallatin’s historic roots as a place where young and old alike can afford to own a home or start a business

Those two elements are often in conflict with one another—the language preserve the rural character of the town use tools like larger lot sizes, expanded restrictions in overlay districts, increased approval hurdles, and

The Conservation Advisory Council has done an incredible job highlighting Gallatin’s placement in the contiguous forest corridor that runs from the northeast to the southwest of the town, providing migrating animals with a connection from the Berkshire Mountains to the Hudson River Valley. Preserving our role as a “forest town” remains a goal of zoning reform. How we get there is a process. Codification of land restriction is legally sensitive and it is the goal to use the discretion of the planning board and Town Board, working jointly on large projects under the FCID to take into account clear guidelines to those boards from the new zoning regulations on how to look at forest preservation and land use. FCID and subdivision boundaries will also be delineated- We have had few to no major subdivisions in decades and perhaps subdivisions can be limited to smaller numbers and preserve the FCID process for larger development projects with more flexibility.

## ADU’s

Lack of infrastructure complicates our ability to lure in housing developers, but we do have the ability to be creative and proactive. ADUs can provide affordable housing options, support multigenerational living, and make efficient use of existing properties. Simplifying the permitting process would make it easier for property owners to build ADUs by streamlining the approval process and minimizing fees. The NYS Plus One grant program has a minimum requirement of 400 sq ft, which our zoning is fine

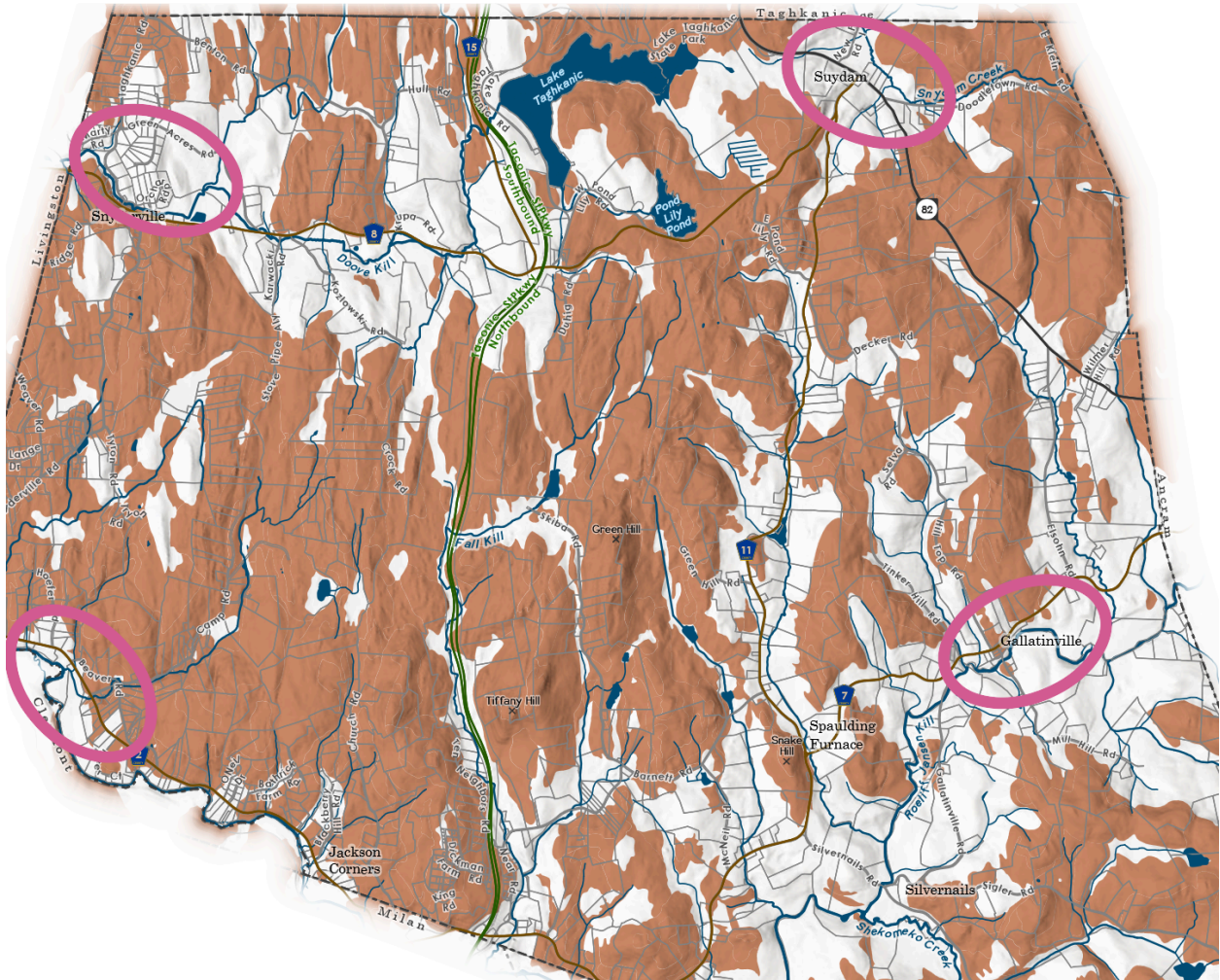
with as ours is 500 sq feet. When the program reopens it may be worthwhile to email blast it as a possible funding source to resident.

The Board was in general agreeable to following those new NYS Plus guidelines and codifying them.

### **Gallatin's Historic Hamlets**

Reading the history portion of Gallatin's 2023 Comprehensive Plan was eye-opening for me. In the 19<sup>th</sup> century, each of Gallatin's four historic hamlets (Suydam, Elizaville, Gallatinville, and Snyderville) were locations for settlement and commerce, including:

- Snyderville: a store, hotel, gristmill, plaster mill, cider distillery, and a blacksmith shop
- Suydam: a stagecoach inn, a school, and a doctor's office
- Gallatinville: a railroad station, a hotel, stores, a grist mill, a plaster mill, two blacksmith shops, a post office, and a log schoolhouse
- Elizaville: had a station on the Rhinebeck and Connecticut Railroad



*Figure 1 - A map of Gallatin geography with low-depth to bedrock (tan-shaded areas) with the four historic hamlets highlighted.*

One of the broad-ranging discussions we’ve had over the past year is how to encourage the construction of more housing, including housing that is priced at a level young families or entrepreneurs can afford. Smaller, more affordable housing also increases options for Gallatin seniors who want to downsize but remain residents of our town. Similarly, we’ve discussed how to make Gallatin a more friendly environment for small business owners to set up shop without resorting to the burdensome establishment of a Floating Commercial/Industrial District (FCID).



*Figure 2 - The Ancram Little Store: a coffee shop in neighboring Ancram*

I believe Gallatin's historic hamlets provide clear locations for increased density and the possibility of commercial enterprise. Decreased lot sizes (or abolishing the minimum lot size), eased subdivision restrictions, reduced setback requirements, and an allowance for multifamily (4+ units) would restore these areas as potential sites for greater economic dynamism and the development of new housing at a level young families or older residents can afford. There is a reason these areas were settled hundreds of years ago—an inspection of drainage and depth-to-bedrock maps highlights our four historic hamlets as natural pockets of density within our broader forest town context. Further, these hamlets are often primarily serviced by county roads, mitigating the impact on Gallatin's highway department.



*Figure 3 - A picture of gentle density housing adjacent to a large forest.*

Changing our zoning law to permit this kind of development does not mean that thousands of apartments, mobile home parks, or strip malls will spring up overnight. The town is merely creating an environment where greater density and minor commercial development are possible, as we have neither the funding nor the desire for public development projects. But viewed in our town's historic context, I believe 2-4 unit multifamily homes, small commercial enterprise, mobile home parks, and small mixed use residential/commercial development would add to Gallatin's historic character rather than detract from it.

As a final word on why affordability is important, remember our search for someone to work in the highway department in 2023. Very few current, working age residents of Gallatin have a mortgage or background that makes them a good fit for a ~\$50k/year job at our highway department. But if we ask someone to work for our town, they should be able to afford to live in our town. Let's lay a foundation for the development of housing that allows young and working class families can afford.

Second, we need to more clearly define what a home business is-deciding what types of business we want to encourage or discourage, and what process they have to go through for approval.

The Near Rd property should trigger a major home occupation due to the size of the garage and the amount of traffic created by storing equipment and employees meeting there.

One thought was that there should be a more streamlined process for home businesses/on site businesses as long as they don't disturb the general peace of the neighboring properties and significantly increase road traffic, with an emphasis on large vehicle traffic. Perhaps that is defined by the number of employees, type/size of mobile equipment needed, noise production at the site, and necessary material storage and storage type.

Businesses outside of that should trigger a major home occupation application and process. Larger scale industrial businesses (ie our gravel bank) should continue to operate on the current FCID system.

## **Affordable housing**

Certainly the dire need for affordable housing in our town is evident and demands action. The promotion of ADUs is something I totally support. I believe issues as to size, setbacks, shared septic, well usage, etc are all things that will need to be worked out. I see ADUs as probably the most effective and quickest way to help alleviate the housing shortage. We should support the programs that provide funding to homeowners interested in putting an ADU on their property.

Allowing smaller homes or cottages on smaller lots promotes affordability while limiting sprawl. Reduce minimum lot sizes for certain zones to allow for compact, affordable housing.

“Realistic Zoning” - a notion that we've talked about a bit. It isn't realistic that every 2-3 acres of the town can be built on due to slopes/bedrock/setbacks/etc. Should we increase lot sizes according to the aforementioned factors, and conversely decrease them in alternate areas (ie traditional hamlets and current hamlets) to counter balance?

Most Board members do not think we should allow for a lot to be subdivided into any unbuildable additional lots (due to size/setbacks, conservation status/slope/etc).

Affordable housing is a very difficult thing for a town of our size to influence, however aforementioned ideas of smaller lot size in Hamlet zones, allowances for cluster housing

on larger lots with oversight, continuing to allow and encourage ADU's are some of the ways the Board could look at this issue.

The board spent a lot of time discussing the current overlays on acreage. The Town does not have zoning districts, aside from the hamlet designations, and uses a relatively artificial 2 and 3 acre zoning allotment that has never come to play since the 1970s in terms of major development. The Board discussed alternatives to this townwide overlay and keeping lots of record with guidelines for minimum acreage, but in general create much more flexibility to the Planning Board (and in conjunction with the Town Board on large projects) to cluster and plan lot development without thinking about an exact 2 or 3 acre minimum lots.

The Town board has also looked at the relatively arbitrary use of road frontage at 220 feet and how that may be adapted for denser development in areas where it makes sense. The reality of the space needed for well and septic in general guides the lot development process. Our current setbacks and road frontage has led to very little increase in housing inventory and should be re-examined to encourage the goals outlined herein.

## **Short Term Rentals**

Our discussion of Short Term Rentals (STRs) in the town landed on a more laissez-faire approach to how the micro-hospitality industry will affect the town:

- Registration and an initial submission to the zoning board will require STRs to come into compliance with egress, emergency placard, and local management laws appropriate for hospitality properties
- Homes rented only a small fraction of the year (primary residents who use STRs to infrequently supplement income) will not be subject to new zoning restrictions.

The presence of STRs in Gallatin at some ~5% of housing stock demonstrates demand for local hospitality, so we should wonder why only one bed & breakfast exists in the town. While we understand the position of the rest of the board that we do not want to negatively impact property owners who purchased homes to run as small businesses, those property owners were also operating within a grey area of local laws—running hospitality businesses without conforming to local hospitality regulations.

One view is that local entrepreneurs who are committed to making Gallatin an accessible place to visit should instead choose to open bed & breakfasts or motels. STRs take homes off the market, for both buyers and renters, and are under-utilized relative

to the demand for housing in the area. As a second homeowner, I realize that I want to have my cake and eat it too, so my position regarding STRs entails a certain hypocrisy.'

The town has settled on requiring registration, taxation, submission to the planning board, and the employment of a local caretaker as sufficient to address the STR issue in the town. As with any local regulation, dealing with non-compliance will be something to watch in the short to medium term.

There is no doubt that STRs exacerbate the housing shortage by removing long term rental properties from the market. I do believe in regulations that require registration of STR properties and inspection of properties to insure they are safe. The requirement for local caretaker is something I agree with.

One take away from the numerous discussions on STR's is that they are here to stay, but can be embraced with an eye on regulation and neighborhood concerns. Since we require permitting and inspections of B & B's, the same should extend to short term rentals as well.

- Permitting and safety inspections required, as well as registering with the town as a business.
- Requirement of a local caretaker in place if owners are not on site.
- Fee structure will be different for on site owners (lower \$) vs. Off site, caretaker maintained properties (higher \$).
- System for neighbor issues to be reported/dealt with, with punitive action if properties become problematic to the neighboring residents and are not corrected by owner oversight.

Anyone renting for less than 30 days out of the year or for greater than 3 months per renter is exempt from fees/regulations.

If you are granted a BNB business license you are exempt from additional fees.

All properties should have a base fee and be inspected for safety compliance.

Least additional Fees: Owner on site

More Fees: Caretaker is a resident of the town Also, making registration an annual occurrence with a "x" number of complaints against your property and the planning board has the right suspend your right to rent. Rental ability should not transfer with title in the event of a sale. And, I think all of this should specifically be revisited in a 2 year period to discuss the effects of additional regulation and if limiting the number of STRs would be beneficial at that juncture.



Overall, with the Town now part of the Granicus system and the county tax system on line -- short term rental registration and monitoring has been made possible with very little town resources needed. In addition, the Town will get revenue through a population weighted tax share system. The Town, therefore, is now watching mainly at what qualifies as a short term rental and what will be the local registration fee and enforcement issues.

### **From Farm Town to Forest Town**

A lot of our conversation over the past year has focused on what we perceive to be the identity of the town, and how that perception has shifted from one of large farms to one of vast swathes of forest. GIS data (located in the Comprehensive Plan), along with the Natural Resource Inventory put forward by the CAC, highlight the appropriateness of this shift.

The proposed solution for forest preservation is a new Forest Protection Overlay District (FPOD) that would impose restrictions on lots within the overlaid area, from increased setbacks to limits on tree harvests. While we support the spirit of the FPOD, I am personally worried about the increased regulatory burden for current and future landowners. We want to protect the Gallatin portion of the contiguous forest corridor, but with temperance—additional permitting, applications, survey work, or land use restrictions will make Gallatin less attractive for small or multifamily housing developers, not more.



*Figure 4 - A suggestion for limiting the use of FPOD for forest corridor*

If we opt for a more restrictive overlay district, I'd argue that it be reserved for the contiguous corridor. The CAC's presentation to the board proposed a 90% threshold for FPOD designation, but I'd also be interested in seeing 85% and 80% maps.

Some Board members were skeptical of upzoning in general, and think building restrictions should be reserved for the FPOD. If current landholders are interested in land or forest preservation, they should explore conservancy options. Outreach efforts to inform landowners of these options could be of benefit.

**Conservation:**

One take away from Jim's December 2024 presentation was that Gallatin has had an eye on protecting its natural resources and small-town roots, but we can be more proactive in ensuring we are prepared for an issue before one arises. For example, the board may rather take a look at strengthening our ridgeline protections now rather than try to play

catchup in the future when problems arise that current law doesn't cover. Pages 2-4 of his presentation had good suggestions.

### **Forest Overlay Protections**

Understanding the uniqueness of Gallatin as a forest community and the importance of the contiguous forest, it makes sense to have forest overlay protections in place. The onus of that falls on the Board to strike a balance between protective conservation and property owners rights to build/use their properties as they desire. A focus on tree canopy coverage, clear cutting regulations, and replanting initiatives makes sense, but in my mind, making sure that applies to the actual contiguous forest makes more sense than a wider overlay application.

### **Ridgeline Protections**

Strengthening the current ridgeline protections in regards to clear cutting and slope protections, while again, recognizing a landowner's rights to build/utilize their property should be explored. The damage of ridgelines cleared without regard to erosion damage, loss of natural habitat should be addressed and more restrictions and penalties be included. My concern is builders/landowners taking an "ask forgiveness instead of permission" approach because we don't have robust enough permitting requirements for lot clearing/preparation.

We understand ourselves as a forest community, not a farming community, and take steps to preserve that, lot sizes in areas we want to prioritize (ie. forest protection overlay district) should increase and reasonable regulations be put in place. I'm not opposed to the carrot or stick question though I worry about our abilities to offer a carrot worth taking, fully acknowledging we struggle with a stick that has any meaningful bite too. I'm in favor of a FPOD that necessitates specific environmental oversight of defined construction. One of the more contentious properties/building that went on this past year in Gallatin was the new house/garage on Near Rd. Concern was raised due to the amount of land clearing done on that lot in addition to the impact of the business truck traffic increase to/from the garage. This raises two issues in zoning:

First, in the spirit of rural character/forest protection/etc. there should be some reasonable oversight and regulation regarding percentage of land cleared in relation to lot location and size.

We have logging permits/regulations in place, and should extend some of those considerations to homeowners

The rights of the landowner to develop their land the way they want, and the desire of the town to regulate land clearing and protect our forests and ridgeline at times can seem in complete conflict, finding a viable solution that all will be happy with is going to be challenging and will take a concerted effort by all to find consensus on both protecting our forest and ridgelines and also protecting the landowners rights. The protection of our forests and the natural beauty of our town is something I see as the duty of our town board.

### **Conclusion**

While the input portion of the zoning reform process is ending, we are still a number of revisions away from a final version. As a reminder, our zoning law should be a living document—if we make a change that isn't working for the town, we can change the law to reflect our priorities and values. We look forward to our continued work on this important issue.