

Town of Pine Plains Zoning Commission Minutes  
August 9, 2006

Members Present: Jon DePreter, Peter Caldwell, Gary Keeler, Helen McQuade, Margo Jackson, Vikki Soracco, Scott Chase and Nan Stolzenburg (Consultant).

Guests: (19) members of the public. Millerton News. Register Herald

Meeting called to order at 5:15 PM.

Caldwell motioned to approve the July 26, 2006 minutes. Seconded by Keeler. All in favor. McQuade abstained due to her absence at the July 26<sup>th</sup> meeting.

The Commission reviewed the letter to the Commission and the revised list of frequently asked questions (FAQs) submitted by Warren Replansky at the last meeting. Caldwell suggested various corrections to grammatical errors as well as additional text to various responses to the listed FAQs. All agreed upon corrections and/or changes will be made by the commission's secretary after which both documents will be posted on the town website.

Stolzenburg asked the Commission members if they are happy with the twenty (20) questions chosen by Replansky. Jackson stated that she is fine with Replansky's legal advice. Caldwell stated that the Commission will be allowing additions to the list as the process moves forward. The Commission agreed to accept the 20 FAQs chosen by Replansky, post them on the website and add to them as needed.

DePreter introduced Anne Saylor, Housing Coordinator with the Dutchess County Department of Planning. DePreter explained that the Commission invited Saylor to do a presentation on affordable housing as a result of the many requests on our surveys from the community.

Saylor gave a detailed explanation of inclusionary housing, stating that the cost of housing is not entirely the fault of developers and that various other things can drive the cost of housing up such as construction costs, the cost of land and the market's proximity to New York City and Albany.

Saylor explained that smaller lots are better and although they are not a solution to affordable housing, accessory apartments is a great option also. Saylor explained that most people initially build accessory apartments for family members after which they eventually trickle down into the market. Saylor further explained that the community can help by being flexible with setbacks and road standards and that a moderately priced floating zone can also be set up.

Saylor went on to explain what she will be going over during her presentation on affordable housing and asked that the public hold all questions until the end.

Saylor explained the affordability problem and the median family income in 2006. Saylor stated that Pine Plains is at 74% of the county's median income level.

Saylor stated that the two questions she is asked most frequently are "what is affordable housing?" and "who is it for?" Saylor stated that affordable housing used to be government subsidized housing where the government paid 70% and the tenant paid 30% but subsidized housing is not being built anymore. Saylor explained that the community can do a survey in order to choose the correct median income percentage for the town and then use that percentage to create affordable rents. Saylor stated that she would recommend doing a survey of people in the area that the town is afraid of losing, such as teachers, firefighters, etc. Saylor further stated that she would not ask on the survey how much money someone makes but would ask what the household income is.

Saylor explained that as far as "who" affordable housing is for, it is up to the community to decide who it is for by developing a local preference system with Dutchess County Residents being the second to last preference. Saylor explained that the law states that we can not be exclusionary so "All Others" should always be put at the end of the preference list. Saylor stated if the town wants to, it can list the order of preferences as adjacent counties first, then Dutchess County residents and then all others.

Saylor explained that the ordinance requires a percentage of units to be moderately priced, sometimes in return for a density bonus and that it is her opinion that it should be a mandatory requirement rather than on a voluntary basis because unless a developer is going to make a profit, there may not be much incentive for them.

Saylor stated that some people are concerned about what the moderately priced units will look like. Saylor explained that the exterior of the moderately priced units should be comparable to market rate units to blend into the community but may be smaller and have less expensive interior finishes.

Saylor went on to explain where and when the ordinance would apply stating that it would apply throughout the municipality, in areas where there is water and sewer if possible, to owner-occupied and rental units, which Saylor stated should be mandatory and to all construction that creates new units, which should also be mandatory.

Saylor explained some of the key decisions pertaining to affordable housing such as alternate locations, donations of land and payment in lieu of units on site. Saylor further explained the key decisions pertaining to target households for affordable housing such as requiring that the buyer be a first time homebuyer, the owner-occupied household's income is certified at the time of purchase, homebuyer counseling should be required and a tenant's income should be certified every two years.

Saylor explained that underwriting standards for calculating sales price or rent should be set. Saylor further explained that the percentage used to set the sales price/rent should be different than the percentages used for income eligibility and the percentages used for owner-occupied housing should be different than the percentages used for rentals.

Saylor stated that the first goal of administration is to minimize the ongoing compliance and have self enforcing mechanisms with the second goal being determining what is actually administratively doable. Saylor explained that a third goal would be to have the Planning Board review and approve all moderately priced units and the fourth goal should be the maintenance of a waiting list by the municipality.

Saylor explained that the zoning ordinance should authorize Executive Regulations for administrative details and quicker amendment. Saylor stated that it is much easier to change an executive regulation than it is to change an ordinance.

Saylor offered some final thoughts stating that the county is working on a model ordinance which has not been completed yet but should be available by September. Saylor further stated that the Planning Department is available to help if needed and that there are several models available throughout the country to look at. Saylor added that she thinks the models are useful but there's no reason to be constrained by them. Saylor stated that Pine Plains can use what is out there but can also come up with other ideas for the town.

DePreter thanked Anne Saylor for her presentation on affordable housing and asked if any of the Commission members had any questions.

Keeler had a question about owner occupied units in small apartment houses. Saylor stated that what she said was she thinks it should apply to owner-occupied and rental units.

McQuade stated that she heard recently that a non-profit or municipality owning the land and the structure owned at a much lower price. Saylor stated that is the land trust model and is an option but the question is always where you will get the land.

Jackson had a question about Real Estate Transfer Tax. Saylor stated that she believes there was some discussion on open space and affordable housing under the transfer tax but it didn't fly. A member of the public added that if a specific community wants to do that, there are representatives in Albany to contact.

DePreter asked Saylor if she could explain the voluntary vs. mandatory affordable housing a little more. Saylor stated that she can provide plenty of research and that ordinances are mandatory to balance everything that is rough. Saylor explained that if you have a moderate density bonus, which is usually a one to one ratio, the developer won't do it if all they will do is break even.

Chase stated that Sean Nolan spoke about the need for surveys and asked Saylor if she can expand on that. Saylor stated that what she would recommend looking at on surveys is the income.

DePreter asked how many municipalities have mandatory inclusionary affordable housing. Saylor stated that there are currently two municipalities that have mandatory inclusionary affordable housing, Fishkill and East Fishkill. Saylor further explained that Rhinebeck is considering it and that some municipalities are involved in the master plan process and are probably thinking about it.

DePreter turned the floor over to the public for questions.

Harry Wilson had a question about shared appreciation restrictions. Saylor explained that there are permanent restrictions and shared appreciation restrictions and people use different ones. Wilson asked if we are mandated to use one or another. Saylor stated that there are no mandates and that it is the town's decision.

James Sheldon asked a question about the profitability. Sheldon also stated that a half acre wouldn't guarantee affordable housing and would probably more likely be 2 acres. Sheldon stated that he is not sure financially if that's correct if you are going to come out with a model ordinance saying you should have a half acre of land. Saylor stated that it depends and that the model is only for inclusionary zoning. Saylor explained that the model will not say what should be in your town. Discussion continued between Sheldon and Saylor.

A member of the public stated that we are in such a state of evolution and in talking about models that it's very complicated when we are factoring in price and further stated that we need help in terms of figuring out pricing. Saylor stated that we are not necessarily financial experts and it is very complicated. Saylor further stated that the market doesn't always work for everyone.

DePreter thanked Saylor for coming. Chase motioned to adjourn. Seconded by Keeler. All in favor.

Respectfully submitted by:

Karen Pineda  
Zoning Commission Secretary