

Town of Ancram
Zoning Revisions Committee
30 April 2012

Members Present: Hugh Clark, Barry Chase, Donna Hoyt, Bonnie Hundt, Jane Shannon, Dennis Sigler

Members Absent: Terry Boyles, Barbara Gaba, Kyle Lougheed, Bob Mayhew, Don MacLean, Jim Miller, Bob Roche

The ZRC convened at 7:10 p.m. Because there was not a quorum, no meeting was conducted.

Members present informally reviewed a density bonus update that implements 16 April and 23 April guidance. From that discussion, several points emerged. Note: Nan Stolzenburg comments are added in caps.

-Land use terminology sometimes may be misconstrued. "Maximum unit density" is an example. As used in A(3), the maximum unit density prescribed elsewhere in the zoning ordinance is not truly the maximum that the land can hold because A(3) provides for an "incentive adjustment to the maximum unit density requirements of this Law. Similarly, at A3(c) (1) and (2), the term "total allowable units/lots" appears. Is that the same as "maximum unit density?" I UNDERSTAND YOUR RATIONALE IN SAYING THE MAXIMUM IS NOT THE MAXIMUM.... THE MAXIMUM AS DETERMINED FROM THE DENSITY TABLE IS THE MAXIMUM FOR EVERYONE UNLESS A BONUS HAS BEEN APPROVED...YES, TOTAL ALLOWABLE UNITS/LOTS IS THE SAME AS THE TOTAL NUMBER OF UNITS ALLOWED PER TABLE 1. WE CAN CHANGE THE A3 WORDING TO BE ...AN APPLICANT MAY APPLY FOR AN INCENTIVE ADJUSTMENT TO THE TOTAL UNIT DENSITY ALLOWED UNDER TABLE 1 OF THIS ORDINANCE IN EXCHANGE FOR THE FOLLOWING BENEFITS. IN NO CASE SHALL THE TOTAL APPROVED INCENTIVES EXCEED A 20% AGGREGATE INCREASE TO THE TOTAL UNIT DENSITY FOR THE PROPOSED PROJECT. AND THE WORDING OF A3C1 AND 2 COULD ADD THE REFERENCE TO TABLE 1 IN BOTH PLACES. DOES THAT CLARIFY THAT ISSUE?

-re: A(3)—Members seek text or examples inserted into text that clearly state the relationship or calculation between the "initial" maximum unit density, any bonus units or lots, and any affordable units or lots.

Such text would clarify whether bonus units/lots—and whether affordable units/lots—would be calculated as a percentage of:

- a. the "initial" number of units/lots per maximum unit density; or
- b. the "initial" number of units/lots per maximum unit density + bonus units/lots; or
- c. the "initial" number of units/lots... + bonus units/lots + affordable units/lots.

Such text or examples would especially clarify whether affordable units/lots are counted *within* the "grand total" of units/lots to be approved, or whether affordable units/lots are somehow *in addition to* the total of initial units/lots plus bonus units/lots to be approved.

THE WAY TO DO THIS IS TO CALCULATE THE TOTAL NUMBER OF UNITS ALLOWED AS PER TABLE 1. THE BONUS IS IN ADDITION TO THAT AND CALCULATED FROM THAT. FOR EXAMPLE, IF SOMEONE IS ELIGIBLE FOR 25 LOTS, AND THEY WERE AWARDED THE TOTAL 20% BONUS FOR PROVIDING ANY OF THE AMENITIES, THEN THEY WOULD GET 5 ADDITIONAL UNITS FOR A TOTAL OF 30 UNITS OR LOTS.

THE NUMBER OF AFFORDABLE LOTS OR UNITS IS PART OF THE ORIGINAL AS PER TABLE 1....FOR EXAMPLE, IF SOMEONE WAS ELIGIBLE FOR 25 LOTS AND WERE WILLING TO PROVIDE 15% ON SITE AS AFFORDABLE, THEY WOULD HAVE TO HAVE 4 AFFORDABLE UNITS OR LOTS PLUS 21 REGULAR UNITS OR LOTS AND WOULD GET 5 BONUS LOTS OR UNITS.

I AM NOT SURE IT IS APPROPRIATE TO PUT AN EXAMPLE IN THE ZONING, BUT WE COULD ADD IT AS A READERS AID BOX. OR WE COULD DO A BETTER JOB OF MAKING SURE THE TEXT IS CLEAR HOW THESE THINGS ARE CALCULATED.

-re: A(3)(c)(2)—Mrs. Hoyt opined that a 10% bonus for 15% affordable units/lots does not provide any realistic incentive for a developer because the developer would probably either lose money or merely break even. She suggested that the percentages be reversed—10% affordable units/lots gains 15% bonus. In response, members noted that the committee had consciously determined that the bonus for affordable units/lots off site should be significantly less than for on site. Members also perceived that the developer's expense for the affordable units/lots probably would be significantly less than for market rate units/lots and probably would still provide a margin of profit, albeit a smaller margin than for affordable units/lots on site. AS I SAID BEFORE, THE BONUSES NEED TO BE ENOUGH FOR SOMEONE TO WANT TO GO TO THIS LENGTH. TOO SMALL AND THIS PROVISION WONT GET USED. TOO MUCH AND IT IS TOO MUCH DENSITY THAT WOULD NOT BE APPROPRIATE FOR THE TOWN.

-re: A(6)(d)—Mrs. Hoyt asked whether the reimbursement would come from the escrow account already established in conjunction with the original proposed project. She also asked whether there is any need to insert language that the reimbursement would come from an escrow account already established, or to be established, by the applicant. YES, THIS COULD COME FROM AN ALREADY ESTABLISHED ACCOUNT PROVIDED THAT IT WAS UNDERSTOOD THAT THIS IS IN ADDITION TO THAT NEEDED TO REVIEW THE REGULAR APPLICATION. I THINK IT IS A GOOD IDEA TO ADD LANGUAGE THAT IT COULD COME FROM ALREADY ESTABLISHED OR NEW ACCOUNT AND TO CLARIFY THAT IF FROM AN ESTABLISHED ACCOUNT THAT THIS FUNDING IS NEEDED IN ADDITION TO THE REGULAR ESCROW FOR THE REVIEW OF THE PROJECT.

Members present then informally reviewed draft revisions to Section VI, Non-conforming Buildings, Uses and Lots. All edits were satisfactory. However, re: F 1 a, Mrs. Hoyt opined that this provision "devalues" the second adjoining lot if the owner cannot also build on that non-conforming lot. Mr. Sigler and others pointed out that a fundamental principle is to avoid creating non-conforming uses or to convert them to conforming uses. It was also noted that the owner of such adjoining parcels can always seek a lot line adjustment, which is the sort of "method, feasible for the applicant to pursue, other than an area variance" that is

contemplated in Section VIII J 3 b (2). I AGREE WITH DENNIS. THE POINT IS THAT IF SOMEONE HAS TWO ADJACENT NONCONFORMING LOTS, THEN THEY SHOULD JOIN THEM TOGETHER TO MAKE A CONFORMING LOT.

A question also arose: Are F 1 a and b separate situations and criteria, or do F 1 a and b both have to occur to preclude the need for a variance? NO – THESE ARE SEPARATE CRITERIA.

The Chair handed out hard copies of “Section V Updates April 2012 Parking and Signs” and conveyed Nan Stolzenburg’s observations about the existing parking and signs sections. During a cursory scan of the parking provisions, Mrs. Hoyt asked whether the numbers of spaces, size of spaces, and other quantifiable elements are based on some source as industry standard. Mr. Sigler opined that most parking spaces sizes have decreased during the past few years. The Chair asked members to examine proposed revisions before the May 7 meeting with Nan. TO BE HONEST, I DID NOT SPEND MUCH TIME REVIEWING THE EXACT NUMBER OF PARKING SPACES PER USE. THE SIZE OF SPACES AND WIDTHS ARE UPDATED TO MODERN STANDARDS. I ALSO ADDED IN LANGUAGE TO CONVEY THAT THESE ARE GUIDELINES AND THAT THEY COULD RESULT IN OVERBUILT PARKING. THERE ARE SOME BROAD STANDARDS BUT ALAS, NOTHING THAT EVERYONE USES EVERYWHERE – ALL TOO OFTEN RESULT IN OVERBUILT LOTS. SEE THE LANGUAGE ADDED TO HELP THE PB REVIEW THE ACTUAL NEEDS OF THAT SPECIFIC BUSINESS AND NOT RELY TOTALLY ON THOSE GUIDELINES. PARKING SPACE SIZES HAVE NOT REALLY DECREASED, BUT THE NUMBER OF PARKING SPACES HAS. IF YOU WANT ME TO TAKE THE TIME TO REVIEW EACH USE AND ITS PARKING REQUIREMENT, I CAN. IT COULD BE TIME CONSUMING AND I DIDN’T WANT TO SPEND THE TOWNS FUNDS WHEN THE PLAN DID NOT ADDRESS THAT. I COULD LOAN YOU SOME OF THE MATERIALS AND SOMEONE COULD GO THROUGH THEM IF YOU WANTED.

Looking forward, the Chair commented that the May 7 meeting with Nan will probably include:

- final points about the Density Bonus and Non-conforming uses sections;
- Nan’s overview/primer about Section V, Supplementary Regulations—what is the purpose of supplementary regulations, what topics are typically included, what are pitfalls to avoid and beneficial trends to apply, etc.;
- Nan’s initial guided tour of parking and signs.

Discussion concluded at 8:25 p.m.