

Town of Ancram  
Zoning Revisions Committee  
9 April 2012

Members Present: Hugh Clark, Barry Chase, Barbara Gaba, Donna Hoyt, Bonnie Hundt, Don MacLean, Jim Miller, Bob Roche, Dennis Sigler

Members Absent: Terry Boyles, Kyle Lougheed, Bob Mayhew, Jane Shannon

Others Present: None

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The ZRC convened at 7:00 p.m., determined no recusals were necessary, and approved minutes for the 2 April meeting.

The Chair noted that revisions of LL#1 of 2011, Telecommunications Towers, are now complete and he is preparing a memo transmitting ZRC recommendations to the Town Board.

Members then examined the second draft of the Density Bonuses section and approved various technical edits that aid clarity.

Deliberation focused on subsection A(3)(c), Affordable Housing. The committee approved incorporating Comp Plan language that “at least 20% of the total development” must be affordable housing to qualify for the density bonus. The committee also requested that Nan Stolzenburg add language to make clear that the 20% must be from the ultimate total that includes the approved bonus in the calculation.

Extensive discussion about related issues raised several questions for Nan to answer:

1. Must the developer actually build the affordable houses in order to qualify for the density bonus, or may he simply set aside designated lots?

2. Related to the first question, is there a difference between an affordable house and an affordable lot?

3. Must the affordable house always be owned and/or occupied by a qualifying person?

That is, after the first owner/occupant, may the affordable house be sold to, or bought by, or rented to, or rented by, a person who does not qualify for affordable housing?

Considering various land use, social, and owners’ rights factors, members also pondered whether a density bonus should be granted only for putting the affordable housing within the boundaries of the development, or whether it would be permissible for the developer to put the affordable housing on some separate parcel that is not part of or contiguous to the development. The committee seeks Nan’s thoughts.

A related question for Nan: What do you think of granting a larger bonus (though not greater than the 30% max) for putting affordable housing within the development versus a smaller bonus for putting the affordable housing on a separate parcel outside the development? Depending on your outlook, what percentages would you suggest?

While examining draft bonus percentages (15% for open space and public access/rec; 30% for affordable housing) and potential tweaks to those percentages, members ultimately reached several tentative conclusions and questions. The committee seeks Nan's responses:

a. What is the source of the various percentages? Are these the commonly accepted percentages for each category of bonus?

b. Is it correct to conclude that the developer incurs greater costs for including affordable housing, and therefore the developer needs greater incentives to include affordable housing?

c. Is it correct to conclude that unless the affordable housing is itself profitable for the developer, he/she will generate that profit elsewhere in the development?

d. Is it correct to conclude that the density bonus (and probable profits) the developer gains for building affordable housing more than compensates for the costs of including affordable housing?

e. Is it correct to conclude that the developer's costs for including additional open space or public access/recreation are relatively modest compared to the costs for providing affordable housing?

f. Is it correct that the maximum density increase the developer can gain is 30% more units? If so, could the 30% be attained by 15% for open space and 15% for public access/rec, which would thereby exclude affordable housing from the calculation? Or, that the 30% could be attained from affordable housing alone?

Note: Pursuant to the scenarios in f above, is it correct to conclude that the developer gains much more potential for profit by providing open space and public access/rec, than by affordable housing?

Members affirmed changing "may" to "shall" at A(6)(f) for TB referral to CAC, and with inserting related references to CAC elsewhere (e.g. B(1))for consistency.

The committee affirmed changing 30 days to 62 days at B(1) [sic—should be (2)]. However, members also perceive that the developer's application for the development project normally would already be working its way through the PB site plan review process before the density bonus application is generated. If so, then the project application probably has most of the detailed information the PB would need to draw conclusions and provide a rational recommendation about the density bonus to the TB. If the basic project is not already before the PB, then the PB would need information beyond that required by A(6)(c).

Consensus was that language should be added to this draft stating that there must already be an active application before the PB that contains all requisite information, or that the density bonus application must contain information similar to that required for SPR.

Also, the committee seeks Nan's advice about adding language that specifies at what point (or the latest point) in the project SPR review process a density bonus application must be submitted.

The meeting adjourned at 8:30 p.m.