

Town of Stanford
Zoning Commission Meeting

March 28, 2024

Present: Wendy Burton, Thomas Angell, Steve Gotovich, Don Smith, Chris Flynn, Steven Horowitz

Absent: Barbara Warren

7:00 pm meeting begins

The topic for discussion at this meeting is housing for the Town, particularly to provide alternatives to the current Town arrangements and look for a variety and availability of housing options for community members.

Members of the County Planning Department were in attendance to present housing option proposals based on the Comprehensive Plan draft that they have reviewed.

Heather LaVarnway is leaving the County so Dylan Tuttle, senior planner, will be our contact person moving forward. Clayton Gurnett is assigned to our town, a junior planner. Gail the Community Development administrator. Mr. Tuttle had read the comprehensive plan and understands at its core there are the common rural issues that there is concern of raising costs, how to keep families and gain businesses, but maintain rural identities. Ms. Burton said that sounds true, and explain that there are set goals for this Commission that address ADU restrictions, tiny houses or smaller homes, and 5 acre zoning. Mr. Angell pointed out in the last meeting that each member suggested focal points to address. Mr. Angell said they initially it had been proposed to install central water and sewage the first time around, but the Town did not accept that, so now the Commission is looking for alternatives without central sewage and water. Mr. Tuttle had looked at the ADU regulation, and explained that it is so restrictive it makes obtaining an ADU difficult. Mr. Angell clarified that the code has a provision for making adjustments. Mr. Angell said in 20 years there has one ADU approved within the Planning Board, due mostly to the parameters set. Mr. Horowitz said that there may have been a Supreme Court case that invalidate zoning requiring people to be related to live in a home together. Mr. Angell said our code has a definition of family as 5 people that do not necessarily have to be related. Mr. Tuttle explained that it is pretty standard practice to have the ADU occupied by the property owner on site so they can rent whatever building they choose and they can oversee the rental nearby. Mr. Angell mentioned that ECHO housing is permitted for temporary housing of an elderly person, but then you have to remove it after you are not using it, and it negates the investment. Mr. Angell said duplexes are allowed but you need double acreage. Ms. LaVarnway explained the option to remove the needed family member

living on the property with the ADU is a natural way to increase housing and they tend to be smaller homes, but it is not a solution because it is expensive and many people are not interested in being a landlord. But the idea would be to make it easier for those that are interested in that type of housing development. Ms. LaVarnway said that there tends to be a misconception that if you remove regulations ADUs will start popping up everywhere, but that it not usually the case, that it is more of people creating a home for their elderly parent or a college student home from school and then adjusting the need after it is no longer in use. Mr. Angell asked for an opinion on having the owner on site versus having two rental units. Mr. Tuttle said it usually becomes a flashpoint but shouldn't be that way. Ms. LaVarnway brought up that there needs to be consideration whether the ADUs can be used as short term rentals because the Town will not gain any long term housing with them. Ms. LaVarnway explained that it depends on the community's priorities and objectives. This could be a focus on tourism when there is not lodging available or the opposite direction is some Towns want to prevent investors from taking homes out of the natural churn of housing stock. A community conversation on priorities would be needed to craft the direction based on the regulation they put in place. Ms. Burton explained that the Town Board is studying model laws from similar rural towns and collecting data. Ms. Burton said it is her sense it is happening already, houses that are being bought and used for short term rentals in our Town. Mr. Tuttle said that there are 40-45 short term rentals in Stanford from 2023 that are available for rent for 30 days or less. Ms. LaVarnway said about 1/3 of towns with short term rentals have regulations. Ms. LaVarnway said the County can review draft regulations informally, but they can't write the zoning codes. Mr. Horowitz asked if there has been enough time passed to see the effect of short term rentals and Mr. Tuttle explained that the numbers have not been very reliable because of COVID, but the trend is upward currently, but not predictable. Ms. LaVarnway said that if a Town adopts regulations regarding short term rentals there are web service bed tax modules that can be covered by the County, up to 2 modules to help with enforcement. This would be through the Department of Finance. Ms. LaVarnway explained without the centralized systems other methods would have to be put in place, maybe larger buildings could be split or allow smaller lot sizes in areas where there are crossroads. Ms. LaVarnway explained that an ADU is typical a smaller size than the primary dwelling versus duplex which are similar sized buildings. Mr. Tuttle said stacking the restrictions make it difficult for most lots to qualify. Mr. Tuttle said some towns want a percentage to define duplex versus ADU. Mr. Tuttle mentioned that 35% of the primary home can be very restrictive. Ms. LaVarnway said sometimes the percentage to square footage causes an impossibility to form an ADU and most of the time only allows wealthy people with bigger homes to meet the provisions. Mr. Horowitz asked the drawback of the increased size of an ADU, and Mr. Tuttle said the limitations help naturally limit the activity and number of people living within an ADU, but

you don't want to make it impossible. Mr. Horowitz said what do we know about rentals that make up 20% of our Town's housing and Mr. Tuttle said it comes from the census, but likely they would be single family homes. Mr. Flynn said a main issue when you add an ADU it adds a bedroom to the septic system and it is hard to expand once the Board of Health gets involved. Mr. Angell asked if Planning and Board of Health have had discussions about this issue because there are houses close together in Bangall where the well separation and septic are too close and couldn't even be built today. Mr. Angell said a soil test was done and showed that there are very few places with limited acreage where the septic improvement could be done. Mr. Angell asked if the Planning Department have talked to Health Department and why are they are hesitate to allow new septic systems. Mr. Tuttle suggested to get in touch with Devin and Owen for Department of Health. Mr. Angell said it would seem the only way to make progress in density is to stack septic system without public sewage. Mr. Tuttle said what they have been discussing mostly tonight is "affordable housing" with a lower case "a" meaning it is naturally more affordable by the size of the home, lot, or age of the house. Affordable housing with a capital "A" is often subsidized and there is a County Trust Fund to invest in affordable housing and they would like to find rural outlets for these funds, even if it is a developer that just wants to do 2-4 units. Mr. Angell asked any projects have been funded that do not have central septic and water and Ms. LaVarnway said they have only done one funding round so far that awarded money to 6 projects ranging in the number of units from 3 – 200, but they all had access to centralized infrastructure. Most of the projects had developers that were ready to start, and it happened quickly. The Trust Fund functions as a loan with no or low interest rates with a 30 year compliance period with stipulations on affordability and then the loan is forgiven if all the criteria are met. Hudson River Housing may be doing duplexes in Amenia without centralized infrastructure. Mr. Tuttle said the median sizes of new houses for Dutchess County is lowest it has been in decades. Ms. Burton asked if there are restrictions on Tiny Houses, and Mr. Tuttle said there are no specific restrictions, just Building and Fire Code that has to be followed, but they still have septic and water requirements. Mr. Tuttle explained that since septic system needs are based on the number of bedrooms, it is more affordable the smaller the house is.

Mr. Tuttle said that the Town of Stanford now has one less person per household on average than it did a couple decades ago. Mr. Tuttle also said the trend of the Town of Stanford's population is flat to falling, it may not be permanent because of the 2020 census happened during COVID, and there was an increase in vacancy rates due to people purchasing second homes. Mr. Tuttle said Stanford's vacancy rate has held steady at about 20% the last couple of years and about 12-15% of housing in Stanford is in the occasional use category. Mr. Tuttle also said the median age for Stanford is about 9 years older than the County as a whole. They see population growth in the Southeast area of the

County and a decrease in the Northeast. The increase price of housing, but a flat to declining population shows likely that people want to be in the area, but cannot afford to be.

Ms. Burton said the housing stock in the Town of Stanford is low and Mr. Tuttle said that is a trend for Dutchess County as well. Ms. LaVarnway said the high Interest rates have effected the turnover as well because people do not want to sell right now and buy a new house that would have a higher interest rate. Mr. Smith said in 2023 he issued about 20 building permits for new buildings, mostly high-end houses. Mr. Angell asked what a “moderate” priced house would be, the webinar they attended recently said it would be in the \$100,000 - 150,000, 3 times your annual income is a rough estimate. Mr. Tuttle said there were 30 home sales in 2023 and the median price was \$422,500. Mr. Gotovich said the COVID years saw a jump to 80 sales and is back down to around 30 each year. Mr. Tuttle and Ms. LaVarnway said even newer high end homes being built is nothing to worry about, that it still adds to the housing stock. Mr. Gotovich said it does add to the tax revenue. Mr. Tuttle explained that there is pressure on both ends for people that are forced to buy or rent what they cannot afford and then the top of the market buyers are dipping down because they couldn’t find what they want. Mr. Angell asked if there are any communities with zoning solutions like ours, and Mr. Tuttle said Amenia, Pine Plains, Dover have explored options, but the extent of the impact is unknown.

Mr. Tuttle said that overcrowding of schools is a concern when discussing housing, but most school districts would welcome more students, there is room for growth because there has been a decline in enrollment in 20 years. Ms. Burton asked if there were Incentives for long term rentals versus short term rentals and Mr. Tuttle said the best way would be to regulate short term rentals to make long term rentals more appealing and to provide in the code for housing types that fit the rural design. Mr. Tuttle said one unit intervention would have to be the focus, but if there is interest for something a little bigger like cottage courts, perhaps water and sewage could be entertained for that particular area and would still fit in the character of the Town. Mr. Angell mentioned that there is cluster housing in the Code, but it isn’t really for affordable housing, it is for land conservation. Mr. Tuttle said County-wide 32% of housing is rental, most rural Towns have a percentage around 20-25%. Mr. Tuttle distributed a 2 page document that outlines ways to address affordable housing with the goal of getting the information online.

Mr. Horowitz said Berkshire Taconic Community Foundation is interested in affordable housing and have a new initiative that may be announced soon where they fund consultants for Towns to help solve housing problems through a grant.

Mr. Gotovich encouraged the Board to bring topics from email conversations that they have to the meetings if they want to discuss them further. Ms. Burton would like to meet twice a month, most of the Board agreed it is not necessary or possible scheduling-wise. Ms. Burton would like to accomplish a few items that have urgency to give people options that there are not right now.

Mr. Angell brought up a webinar that some Board members attend on how Towns can preserve open space and have affordable housing in a community. Red Hook had Scenic Hudson purchased an 100 acre farm and set aside 15 acres for development, but the farm bordered the central sewage and water, so they were able to do that. The Town of Stanford not having centralized systems makes these solutions not applicable.

Mr. Horowitz asked what was the opposition to the central sewage system. Mr. Flynn explained that no one wanted the Town to pay for it and the location was problematic. Mr. Angell said the Town hired an engineer to design a prototype where the proposed location of the plant would have been where the Highway garage is now and be gravity fed with no proposal for Town fee, it was going to voluntary to be part of it and it would have had a sewer district. There was also a well location up in Bangall. Mr. Angell said the concept was paired with higher density housing and that would be a different Stanford.

Mr. Flynn said even with grant money and only 20 out of 500 people hooked up to the system, you have to pay to maintain the system so there are long term costs involved. Mr. Angell said that the County has opportunities to run sewage systems through their own infrastructure. The Comprehensive Plan does not reflect a view with centralized systems. Mr. Angell said septic is going to be the biggest challenge dealing with housing solutions. Mr. Horowitz would like to look at how Copake is handling their new central septic. Ms. Burton said the opposition is still huge to centralized systems. Ms. Burton said focusing on small solutions is what they will have to do.

Mr. Flynn said affordability is not a reality in Dutchess County and Board of health has the biggest impact on getting approvals, but would like to give a lot of options and maybe offer changes on a sliding scale.

Items from the Comprehensive Plan regarding “small A” affordable housing

Mr. Angell suggested removing double acreage for duplexes with Board of Health approval. Members of the Board agreed.

Mr. Angell suggested any property owner can build an accessory dwelling unit whether it is inside, an addition, or separate unit with Board of Health approval. Members of the Board agreed.

Mr. Horowitz clarified if there is a difference between ADU and duplex, and why there is a difference, and would like to discuss the definition more moving forward, and if it is necessary.

Mr. Angell also suggested for further discussion the removal of the term guest houses because it is essentially another house.

The discussion of Short Term Rentals to be a Town Board decision

For next meeting:

- Looking for Dutchess County Health Department to come speak about septic systems
- Home-based businesses, Tom to bring previous work done
- Rank the considerations from the Comprehensive Plan to be discussed

Next meeting Thursday, March 25th 7 pm

Mr. Horowitz motioned to approve the February 15 meeting minutes as written, Mr. Smith seconded. All in favor, Ms. Burton, Mr. Angell, Mr. Smith, Mr. Flynn, Mr. Gotovich, Mr. Horowitz. Motion carried.

Meeting adjourned at 9:05 PM

Meeting recorded by Sara Knickerbocker