

Minutes of the Comprehensive Planning Committee
April 12, 2011 7:30 pm
Copake Town Hall

Members Present: Bill Kiernan, Charles Dodson, Harvey Weber, Marcia Becker, Roberta Roll, Jeanne Mettler

Members Absent: Frank Peteroy, Dan Haas, Rus Davis

Mr. Dodson opened the meeting, as Ms. Mettler said she would be delayed. He reported that the CDBG grants application process is on schedule for a May 1 draft. Also, at the recent Town Board meeting, our letter regarding the rezoning committee recommendations was read and accepted.

Dr. Beneke reported that he and Mr. Kiernan reviewed the Farmland Protection Profile. He noted that residential properties consume \$1.20 - 1.30 for every tax dollar spent, whereas farmland properties consume \$.70 per tax dollar. He mentioned a pamphlet that Ms. Becker had provided that gave information about open space stabilizing the tax base. He commented that we used to have a lot of farms, as well as low taxes. Now we have many expensive homes and our taxes have risen in comparison to other towns. He also said that he does not like the fact that the Profile is not specific to Copake and is outdated. He said Mr. Kiernan has some good ideas. Mr. Kiernan said that the report contains some good information and strategies. We all agreed on this and said that we can include it as an appendix to the comp. plan as background information on farming and strategies to protect farmland (which is exactly what it purports to be). Ms. Becker commented that the County farmland protection plan is due to be finalized by mid 2012.

Ms. Mettler arrived and reported that Margaret Irwin had made all the corrections we suggested for the Farmland Protection Profile. We will accept it with the 2011 date. Mr. Kiernan then spoke of some of his ideas for strategies. He reiterated the low farmland and commercial use per tax dollar, saying that towns that do not carefully plan for development often find themselves in difficulty as residential development increases costs of services more rapidly than tax revenues. He said towns with significant farmland would do well to encourage that land to stay in agriculture. The best way to ensure that is to encourage the profitability of farming. Towns can encourage innovation and expansion into such areas as alternative energy, building of farmstands and value added buildings, such as cheese production plants, milk processing plants, etc. He said towns also benefit from putting aside funds to purchase farm properties or open space when they come up for sale in cases where the conversion of these properties would significantly alter the character of the town. This could be funded through a real estate transfer tax, e.g. of 2% on properties over \$100,000. This is often known as a community preservation fund and can be used to purchase historic sites or buildings, as well as farmland. It could be used to buy the HR land. Mr. Kiernan also suggested that the Town could sell off some of their properties and use some of that money to purchase the HR land. It was noted that the sale of Town lands must include provisions for some of the money to go into projects that will benefit the citizens. He noted that Warwick, NY has preserved 2,500 acres and has 18 million in its fund. Ms.

Roll noted that Mr. Kiernan had mentioned PDR on several previous occasions and wondered why he did not mention it in his report tonight. Mr. Kiernan replied that there are no funds from the State right now. Mr. Dodson asked what about in 20 years? Mr. Kiernan said yes, PDR would be a good way to preserve farmland when the funds are there. Mr. Dodson asked if perhaps the establishment of a community preservation fund should be a catalyst for Goal II - Farming. Ms. Roll agreed, noting that the idea of a fund was on our original list of catalysts (created by Ms. Irwin). Dr. Beneke said that many farmers are not great businessmen. He talked about how the milk processors control the price of milk and will do all they can to destabilize the market. He talked about creating a milk processing plant here so that the area farmers could have more control and make more money. Ms. Becker said she thought a real estate transfer tax would be a "hot potato." Ms. Mettler said it is only 2%, and it might even help create a more cohesive feeling among the townspeople. We agreed to make the community preservation fund a catalyst for Goal II - Farming. Further comments were made about water on the HR land and about the lack of public access to water bodies in Copake. We went on to continue our review of Goals and Actions, focussing on goal IX - Housing. Mr. Dodson said one issue was that elderly couples are ready to move, and what could we do to decrease that exodus. Also, younger people and those below the median income have trouble finding affordable housing. Ms. Becker handed out some copies of the email Margaret Irwin had sent to us, as well as some photos of ECHO housing. Mr. Weber said that an organization had approached the Town about doing ECHO at Oleanna. He said it is being done in Stuyvesant off Rt. 9. Mr. Dodson said there were comments on the survey that expressed dissatisfaction with not being able to have in-law accessory apartments. Ms. Roll said that they are allowed, and Ms. Becker confirmed. She cited some of the provisions in the code. Multi and 2 family dwellings are allowed, as well as semi-attached homes. In-town second storey apartments are allowed. Mr. Dodson asked about multifamily housing developments. They are limited to 4 units per building. Ms. Irwin had noticed a discrepancy in our code regarding multifamily (232-8-1) and senior (232-21) housing units. Dr. Beneke said we have talked about increasing density and decreasing road frontage in town, but we still have to go through the Col. County Board of Health. We also need water and sewer. We discussed the ECHO housing - mobile, modular, and the fact that it would be used as one unit on a property, not as a way to build mobile home parks or modular developments. Ms. Becker said that this type of housing is already allowed. Ms. Roll asked about the mobile aspect, and whether this would be allowed. Ms. Becker said it would have to be defined. Mr. Dodson said we could word it to reflect the desired purpose. Ms. Mettler asked if the current code specifies the accessory housing being for relatives. Ms. Becker said yes. Ms. Mettler asked what happens if the property is sold - can the new owner rent the "shed?" Ms. Becker said no, that is not the intent, but it's not clear. We discussed this further and concluded that we would need to recommend that accessory housing be used for relatives only and that it not be used for income. Ms. Becker said that Ms. Irwin has noted that our code is commendable for allowing this type of housing - many other towns do not. Mr. Dodson asked if it would be useful to set a limit on the number of them. Ms. Becker said that a property can only have five bedrooms, including the main house, to qualify. Dr. Beneke brought up the

issue of the Board of Health again. Ms. Becker said that an accessory unit requires a zoning board review, which will examine the septic system. If it is not adequate, the owner must update; however there is a big problem with compliance on this in Copake. The Bd. of Health is not brought in unless there is a complaint or a problem. We discussed tax incentives for affordable housing. The two options that Ms. Irwin had suggested to us were land development incentives, allowing a developer to build more units than current zoning allowed in exchange for offering community benefits, e.g. a % of affordable housing, green building, more set aside, public access, etc. - i.e creating more density in exchange for preserving open space. The other incentive is inclusionary zoning, where developers of more than, say 5 units, are required to set aside a percentage of units for affordable housing. Ms. Roll said she felt uncomfortable with the first idea - why create zoning and then tell a developer he doesn't really have to follow the code. She felt it just perpetuates the whole attitude and cycle of not following and enforcing zoning, an attitude of things being done "under the table." Why not just create the parameters you want and have the developers follow those guidelines from the beginning? Ms. Mettler suggested requesting affordable units in exchange for higher density. We discussed this possibility. Mr. Dodson asked about other incentives such as tax breaks, e.g. for an owner, a first time home buyer if they stay for, say, 10 years. He also suggested tax exemptions for emergency workers and fire volunteers. It was noted that we have this already. We agreed to put in a recommendation for first time home buyers. Back to the topic of higher density and more open space, Mr. Kiernan said that things get complicated with open space, e.g. people don't like the smell of manure on the fields, etc. After some more discussion about development incentives, we decided we would recommend inclusionary zoning, instead of density incentives. Ms. Mettler said that Ms. Irwin cannot meet with us this month, but could meet with us at both meetings in May. Ms. Becker made a motion to adjourn, Mr. Dodson seconded and the meeting was adjourned at 9:30 pm.

Respectfully submitted,

Roberta Roll