

COMPREHENSIVE PLAN REVIEW COMMITTEE
Minutes of Meeting on September 8, 2021

The Comprehensive Plan Review Committee held a meeting on September 8, 2021 at 7:00 pm via Zoom teleconference.

Committee members present: Karen Mosher, Tom Angell, Richard Bell, Gary Lovett, Conrad Levenson, Jeff Spiers and James Sansum.

Others present: Rosemarie Miner, Committee Secretary; Wendy Burton, Town Board liaison

The agenda for the meeting was: 1) Review and approve the minutes of the July 13 meeting; 2) Discuss comments on the Draft Comprehensive Plan provided informally by Heather LaVarnway of Dutchess County Department of Planning and Development (which are appended to the end of these minutes), 3) Discuss proposal to extend the RC zone to the west side of Route 82 north to Millis Lane, and 4) Consider a resolution to transmit the Draft Plan to the Town Board.

1. The minutes of the July 13 meeting were approved unanimously.
2. There was a lengthy discussion of the comments provided by Heather LaVarnway. We are grateful to Ms. LaVarnway for her thoughtful and insightful comments. The Committee decided that the following changes to the Draft Plan should be made in light of these comments:

- **Competing interests.** The Committee agrees that the goal to focus development in the Town Center could be constrained by the lack of suitable infrastructure. We will acknowledge this in the Plan as follows:

P. 117, second column, before “The Plan, the entire text...”, we will add the following:

“This Comprehensive Plan recognizes that the Town’s goals to focus future commercial development in the hamlets of Stanfordville and Bangall and to create a vibrant, walkable town center may be constrained by the lack of infrastructure. As the hamlets grow, the Town should carefully monitor the groundwater quality and revisit the water supply issue. In the event that the water quality deteriorates, the Town may wish to consider other options, including a central water and sewer system if outside funding becomes available. “

- **Expansion of the RC district.** The Committee discussed the expansion the RC zone, which in the current version of the Plan includes the east side of Route 82 and the west side of Millis Lane between the current RC boundary and the intersection of Millis Lane and Route 82. After considerable discussion, the Committee decided to revise the expanded RC zone to include only the east side of Route 82, and not the west side of Millis Lane, because of the residential nature of Millis Lane. The Committee also decided not to include the west side of Route 82 in the recommended RC zone because of concerns about the proximity to the Wappingers Creek and concerns noted by Ms. LaVarnway regarding incompatible businesses possibly coming into the

large lots in that area. A motion was made by Gary Lovett and seconded by Tom Angell to change the wording in the Draft Plan to say that we recommend extending the RC zone northward along the east side of Route 82 to the intersection with Millis Lane. Votes on the motion were: Angell: Yes, Mosher: Yes, Lovett: Yes, Spiers: No, Sansum: Yes, Levenson: Yes, Bell: Yes. The motion carried.

- **Short-term Rentals.** We agreed with Ms. LaVarnway's suggestions about young families and the confusing wording on B&Bs, and will revise the Plan to clarify these points. We were pleased to hear of the County's housing needs study and the assistance offered for monitoring short-term rentals.
 - **Solar.** We will revise the recommendations on solar facilities to include battery storage facilities. We agree that the Town should use the resources offered by NYSERDA and Scenic Hudson as it considers siting of solar facilities.
 - **Agriculture.** We will make the specific changes suggested in the bullet points on Agriculture in Ms. LaVarnway's letter, and we will add our intention of collaborating with the Dutchess County Department of Planning and Development to assess the "farm-friendliness" of current regulations. We will replace the third sub-bullet under "Review the Town's Zoning Code" on p.113 in the Plan with:

"Ensure that local laws are consistent with NY State Agriculture and Markets Law (section 305-b), which requires an agricultural data statement for any application for a special use permit, site plan, use variance, or subdivision that occurs on property within an agricultural district or within 500 feet of a farm operation located in an agricultural district."
 - **Census data.** We will make the changes indicated by Ms. LaVarnway's letter regarding use of census data.
 - **Plan Organization.** We agreed that the multiple places where recommendations are listed could be confusing, so we will eliminate the tables of "General Recommendations and Rationale/Goal" that are at the start of chapters 3-6.
3. Agenda item 3, expansion of the RC Zone, was addressed in the discussion of Ms. LaVarnway's letter, see above.
 4. Because of the extensive changes proposed for the Draft Plan, the Committee decided that it should meet again and review the revised Plan before recommending it to the Town Board.

The meeting was adjourned at 8:45 PM.

Minutes submitted by Gary Lovett

MARCUS J. MOLINARO
COUNTY EXECUTIVE



EOIN WRAFTER, AICP
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

To: Town of Stanford Comprehensive Plan Review Committee
ATTN: Gary Lovett, Chair
From: Heather LaVarnway, CNU-A, Senior Planner. *HL*
Date: August 26, 2021
Re: Informal Review – 2021 Draft Stanford Comprehensive Plan

This informal review of the 2021 Draft Stanford Comprehensive Plan is provided at the request of the Chair of the Comprehensive Plan Review Committee. This opportunity to provide early feedback on the draft plan is much appreciated – please feel free to reach out with any further questions regarding the comments contained herein. Upon finalization of the draft plan, state law requires the Town refer the plan to our office for official review via the GML-239 process.

We commend the Town for staying committed to the work of updating the comprehensive plan. Overall, this draft plan is clearly written, well organized, and makes appropriate use of photos, maps, tables and graphs. Having completed my initial review, the following informal comments, questions, and suggestions (with related page numbers from the plan indicated in parentheses) are offered for your consideration:

Competing Interests

The draft plan alludes to numerous competing interests: a desire to retain historic development patterns versus an interest in diversifying local housing stock; a desire to locate new housing and commercial development in the Stanfordville and Bangall hamlets versus a lack of interest in pursuing central water and/or sewer infrastructure in those areas; an interest in increasing the walkability and vibrancy of the hamlets versus a suggested increase in the amount of land zoned for non-residential development, thus spreading the hamlet boundary further out and working against the desired vibrancy and walkability. Being a rural community with a small, well-defined hamlet center could be the best of both worlds. A small hamlet center that includes a critical amount of residential and non-residential activity all located in close proximity can create the kind of quaint, active, walkable place that supports rather than competes with the rural characteristics found beyond the bounds of the hamlet center. Some specific parts of the draft plan where these contradictions crop up include:

- The first two general recommendations and associated rationales/goals listed in the Future Land Use section (p66) – encouraging a range of housing types in a community that is predominantly made up of single-family homes would mean that Stanford can't also "maintain the Town's current development patterns and density." Our region is in the midst of a housing crisis that has been brewing for decades, and which has become more acute since COVID. The Town recognizes this, and could promote a variety of housing types such as smaller homes on smaller lots, cottages, and multi-family units. However, it is difficult to build anything but large-lot, single-family homes when relying solely on wells and septic systems.
- The first item listed in the Future Land Use plan recommendations (p67) mentions focusing new housing growth in and around the two main hamlets. This is a great approach as it can help improve the vibrancy of the hamlet center, support local businesses, and relieve some of the development pressure on rural and agricultural lands outside of the hamlets. But again, this would work best when paired with water/sewer infrastructure to allow for an appropriate amount and variety of housing types within the hamlet(s).

- Discussion of the Stanfordville and Bangall hamlets (p68/69) mentions creating a vibrant Town center to include infill development, pedestrian amenities, shared parking and the like. Focusing additional development in the hamlets would also support other stated Town goals such as preserving large, forested blocks and areas with unfragmented habitats. To create a vibrant, walkable hamlet center, more residential and non-residential activity would be needed within a relatively small, well-defined area. Again, these goals would be aided by centralized infrastructure.

While the draft plan does leave the proverbial door ajar for future efforts to bring central water and/or sewer to the hamlets, the Town may want to strengthen some of the language in the plan so that if outside funding were ever sought to support water/sewer infrastructure, the comprehensive plan would be seen as supportive. It can be difficult to secure grant funding if a project is not fully supported by a community's comprehensive plan.

Economic Development and Expansion of RC District

The plan suggests expanding the Rural Center (RC) district to accommodate additional commercial development. We note the Town's population of just under 3,700 (as per the 2020 Census) and location in the rural north-central portion of Dutchess County. Has the Town considered conducting a review of the existing and untapped market potential, or perhaps a vacancy study of parcels/buildings in the RC zone, to get a sense of how much non-residential development Stanford can support compared to how much it has? This type of review could inform whether or not the RC district should be expanded, and if so, by how much.

The draft plan mentions (p69) the idea of expanding the existing RC zone. The well/septic requirements to obtain health department approval on existing parcels in the RC district is viewed as a limiting factor for commercial growth. Some thoughts regarding the two possible expansions:

- Option 1 – The inclusion of parcels east of 82 up to the intersection with Millis might make sense as several of them are already in commercial usage, and their location along Route 82 would be a logical extension of the existing Stanfordville hamlet. The inclusion of parcels west of Millis is more concerning as that area appears to be wholly residential in nature and is a bit "off the beaten path" for commercial development.
- Option 2 – Expanding the district to parcels west of 82 up to the intersection with Millis would encompass two larger parcels and a handful of smaller ones. Proximity to and impacts on the Wappingers Creek should be taken into consideration, and if the district were expanded the Town could consider including buffer/setback requirements to protect the creek. One note of caution – by expanding the RC district to this area west of 82, there would need to be a comfort level with knowing that **any** use listed as permitted or specially permitted in the RC district could be sited there. Those larger parcels could attract chain retail interest or other large or incompatible uses. Additionally, those larger parcels could invite more intensive uses, which could further exacerbate water quality/quantity issues in the hamlets. If the Town felt strongly about allowing commercial uses on these parcels, another approach would be to create a separate transition zone with carefully crafted regulations, particularly with regard to allowable uses and setbacks.

Short-Term Rentals and Other Housing Considerations

- Noting the aging population, the plan mentions diversifying the housing stock to reflect the needs of aging residents (p18). The same approach could be used to attract younger residents to town. Page 29 acknowledges that the loss of younger residents could be due in part to a lack of housing and job opportunities.
- Additional comments on the Future Land Use plan recommendations (p67): o We are pleased to see items four/five regarding accessory apartments. Making it easier for property owners to have an accessory unit is a relatively simple, often low-impact way to boost long-term rental housing stock.

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o It is unclear what is meant by item six regarding more flexibility in the definition of a rental. The mention of B&Bs and Lodging/Rooming Houses conflates a short-term rental use with a long-term rental use.

o Regarding the 7th recommendation, the Town may be pleased to learn that Dutchess County has begun work on a countywide housing needs assessment. While our report will not drill down to the individual municipal level, we will be looking at sub-regions of the county and providing information on needed housing supply in each sub-region.

- The plan mentions short-term rentals (STRs) in numerous sections, but only ever suggests requiring STRs obtain a permit from the Town. The world of STRs has changed rapidly over the last few years, and it has become clear that the increase in short-term rental offerings is having a negative impact on housing availability and affordability in Dutchess County and beyond. The County contracts with a company called Host Compliance to help track short-term rentals for tax collection purposes. As of their 2Q reporting (mid-July 2021), the Town of Stanford was found to have at least 41 short-term rental units. Regulating STRs can be complicated and nuanced, and the particulars of how to do so depend on each individual community's priorities. We strongly encourage all of our communities to have open and in-depth discussions about the pros and cons of short-term rentals, and to build local zoning regulations that reflect community priorities. In recognition of the zoning enforcement challenges related to STRs, the County has extended an offer to cover the cost of Host Compliance's *Address Identification and Compliance Monitoring* modules for any local community that has zoning regulations in place regarding STRs (I can provide additional information on this if desired).

Solar

The Town could consider using Scenic Hudson's [Solar Mapping Tool](#) to decide what areas to allow commercial/utility-level solar farms. This scale of facility must be located near three-phase power lines or transmission facilities to economically transfer that much generated power to the grid. The Town may also want to include consideration of allowing battery storage facilities to be associated with solar farms. NYSERDA has a model local law for permitting battery storage facilities that could be referenced and which focuses primarily on required fire prevention and emergency planning as battery storage facilities come with inherent safety issues. Many municipalities are banning stand-alone energy storage facilities due to those safety issues.

Agriculture

The draft plan outlines several ideas for how the Town can continue to or even improve its support of local agriculture, such as adopting a local Right-to-Farm law and allowing multi-vendor farmers' markets. The plan makes numerous references to changing and/or developing regulations in the zoning code that would further support farming. Our department has conducted an extensive review of local zoning codes with an eye towards improving "farm-friendliness", meaning emphasizing opportunities to allow agriculture to grow rather than placing unreasonable restrictions on it. To that end, a recommendation could be added regarding working with our department to evaluate the "farm-friendliness" of Stanford's current regulations. For reference, our work on this subject was summarized here:

<https://www.dutchessny.gov/Departments/Planning/Docs/FieldingFarmFriendliness-FINAL.pdf>. We would be happy to discuss our Stanford-specific level data/information with the Town if interested.

Below are some additional comments on the Agriculture section:

- The four agricultural districts in Dutchess County encompass over 197,000 acres, not 174,000 as noted on page 111.
- The 8-year review of agricultural districts is undertaken by the Dutchess County Agricultural and Farmland Protection Board (AFPB), not the DCSWCD (p111).
- New York State's Right-to-Farm law provides an *option* for the Commissioner of Agriculture and Markets to resolve disputes, but does not "require" it (p111).

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- Reference to the “2017 Dutchess County Agricultural Navigator” (p112) is erroneous as that is a job title. Perhaps the plan is meant to refer to the 2015 Dutchess County Agricultural and Farmland Protection Plan, or the 2017 Census of Agriculture?
- The third sub-bullet under the plan recommendation to review the zoning code (p113) sounds similar to what an agricultural data statement provides. We encourage the Town to amend this sub-bullet to comply with the requirements outlined in Agriculture and Markets Law (§305-b), which states that any application for a special use permit, site plan, use variance, or subdivision that occurs on property within an agricultural district or within 500 feet of a farm operation located in an agricultural district, and requires review/approval by a municipal board, shall include an agricultural data statement.

Census Data

The section on demographics frequently compares 2000/2010 decennial Census data with 5-year American Community Survey (ACS) estimates from “2013-2018”. Comparing decennial Census data with ACS estimates can technically be done, but care should be taken, and full and frequent disclosure of the differences in the data sets should be made clear. Some issues regarding the Census information found in the draft plan include but are not limited to:

- There is no 5-year ACS data set that spans 2013-2018 (p27, footnote 2) as that encompasses six years. It would either be the 2013-2017 ACS or the 2014-2018 ACS.
- It is somewhat misleading to use information from a 5-year ACS but only reference the last year. Instead of labeling data as being from “2018” it should be listed as “2014-2018 estimate”.
- ACS estimates come with a margin of error (MOE), which should be made clear with each data set used, not just as a general mention. For example, the labor force number has a MOE of +/- 162, and housing units a MOE of +/- 174. While these numbers may not be very large by themselves, they can skew the percentages, especially in a smaller jurisdiction such as the Town of Stanford.
- The Census Bureau recommends ACS data be shown as a percentage instead of a number. In some parts of the draft plan that is done (p28 pie chart), but in others it switches back to being shown as a number (Figure 2-4 on p29 and Table 2-3 on p31).
- While it can be tempting to use decennial Census data where available and fill in the gaps with ACS estimates, another approach would be to compare separate, non-overlapping 5-year estimates (e.g. 2009-2013 and 2014-2018).
- Why does Table 2-3 use 5-year ACS estimates from, presumably, 2005-2009, rather than 2010 Census data?
- Some citations for the 5-year ACS estimates don’t indicate which 5-year span was used (e.g. tables 2-1 and 2-3).

Plan Organization

As mentioned earlier, the draft plan is well written and organized, and uses photos and other graphics to help illustrate the beauty and context of the Town of Stanford. The only thing that is somewhat confusing is the multiple places one can find recommendations on a similar topic. For example, each chapter opens with a table outlining general recommendations and associated rationales/goals. Further on in each chapter are yellow callout boxes with Comprehensive Plan Recommendations that focus on the particular topic at hand, some of which overlap with the topics covered in the grey boxes. And then at the end of the document is a list of recommended actions paired with an implementation timeline. The list and timeline compiled at the end makes sense as a quick reference. Perhaps the different types of recommendation tables found in each chapter could be consolidated? Also, coming up with a numbering system for the recommendations would make it easier to reference them.