

COMMUNITY HOUSING PLAN

Town of Chester



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EXECUTIVE SUMMARY

PROJECT OVERVIEW

The Town of Chester is examining the state of affordable housing and is recommending techniques and strategies that will enhance the supply and quality of housing for residents of the community. The issue of affordable housing is examined on the town wide level; however, the study focus is on strengthening existing housing and providing strategies to grow housing opportunities in the Hamlet areas of Chestertown, Pottersville, North Creek and Riparius.

PROJECT GOAL

The goal of this plan is to provide a programmatic framework that will sustain and enhance the supply, quality, and affordability of housing in the Town of Chester, thereby improving the quality of life for residents within the community.

COMMUNITY TRENDS

A number of trends in Chester are held in common with most Adirondack communities. These trends - both positive and negative – will ultimately help Chester establish short and long term goals and address the need for new policies that will shape the future of the community. Noted trends include:

- Families are moving out of the Adirondacks;
- College educated youth do not return;
- Aging population (Warren County: 17% residents over the age of 62 and 100% of seniors earn 60% or less of Average Monthly Income);
- Declining school enrollment;
- Difficulty attracting young professionals;
- Housing costs are exceeding income. Median house sale in Chester \$210,000 with mortgage ability of \$100,619 (2007);
- Declining ability of homeowners to provide regular upkeep and maintenance.
- Town and school district property taxes are exceeding the ability of some residents to pay;
- Shift of affordable year-round homes to seasonal residents;
- Seasonal home demand continues to outpace demand from year round residents; and
- Deficient year-round jobs offering wages to meet household expenses including mortgage, property taxes, heating and utilities.

HOUSING INVENTORY

The inventory of housing units provides a basis for understanding whether there is a balance of housing that meets the current and future needs of the resident population.

- Number of multi-family units: 71;
- Number of apartments: 32+;
- Housing units devoted to subsidized housing: 0;
- Housing units devoted to seniors: 12;
- Number of assisted living facilities: 1 (region)-48 total beds/ 42 filled; and
- Number of mobile homes: 209 (2000) down from 275 in 1980.

EXECUTIVE SUMMARY

HOUSING NEEDS

For many residents, housing is approaching a serious threshold and future needs in the community are only likely to increase. If housing needs cannot be met, Chester will either eventually lose residents to other communities where their needs can be met, or, in some cases, people will be living in substandard conditions. These needs include:

- Affordable housing for renters, especially those in the everyday workforce;
- Affordable housing for those in the seasonal workforce;
- Housing that accepts subsidized housing vouchers;
- Housing choices for residents with special needs or in need of support;
- Affordable starter housing for young two-parent and single-parent families;
- Housing for “empty-nesters”; and
- More access to rehabilitation and weatherization grants.

FACTORS THAT LIMIT HOUSING CHOICES

The variety of housing choices in Chester is primarily determined by market forces. However, even if demand is available there are a number of factors that limit expansion of any of the markets. These include:

- Limited available land in Hamlets for building;
- Lack of municipal sewer and water;
- Inflexible or restrictive zoning regulations;
- Low credit worthiness, lack of home down payment, and mortgage gap;
- Lack of stable year round jobs within reasonable driving distance.

POTENTIAL HOUSING STRATEGIES AND RECOMMENDATIONS

There are six basic ways to improve housing conditions and supply. They include the following strategies:

1. Improve the existing housing stock: provide funds to make capital improvements and repairs of homeowner and rental properties;
2. Increase the affordability of existing housing: make the opportunities match the economic realities of the existing residents;
3. Rehabilitate and reuse vacant or under-utilized lots and buildings:
4. Expand building density;
5. Increase flexibility in land use regulations; and
6. Introduce builder/buyer incentives.

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INTRODUCTION



INTRODUCTION

Project Purpose and Overview

The Town of Chester supports the concept that a key to continuing to be a sustainable community is to offer a variety of housing options that are affordable to a range of household incomes. A full range of housing that satisfies all demographic categories will serve to stabilize the population and provide a steady and reliable base of patrons to support the commercial businesses and services that are an integral part of the community. The town realizes that access to affordable housing choices makes Chester a place where life long residents can continue to live through their retirement years and young people can begin their lives in the same community where they grew up and raise new families.

The report recommends techniques and strategies that will enhance the supply and quality of housing for residents. These improvements will permit new affordable housing opportunities on lands that would not otherwise be appropriate due to natural resource or cost constraints. This plan will also assess the existing housing stock and current levels of affordability, promote housing rehabilitation, and identify vacant properties suitable for future residential development.

A number of trends are held in common with most Adirondack communities. These trends - both positive and negative – will ultimately help Chester establish short and long term goals and address the need for new policies that will shape the future of the community. Some of these trends include:

- Families are moving out of the Adirondacks in general;
- College educated youth and young professionals cannot find work and will not return;
- The population is aging (Warren County: 17% residents over the age of 62 and 100% of seniors earn 60% or less of AMI);
- There is a precipitous decline in school enrollment;
- Housing costs are exceeding resident's income levels. Median house sale in Chester \$210,000 with income ability of \$100,619 (2007);
- There is a declining ability of homeowners to provide regular upkeep and maintenance of residences;
- Town and school district property taxes are exceeding the ability of some residents to pay;
- Seasonal residents are purchasing the stock of affordable year-round homes in Hamlets;
- The demand for new seasonal homes continues to outpace demand from year round residents;
- There is a rising demand for specialized housing for senior and special needs citizens;
- It continues to be a challenge to provide affordable housing to seasonal workers;
- Access to municipal sewer and water is limited or non-existing; and
- Access to mortgage financing continues to be a challenge.

The town of Chester has an active history in initiating, supporting and implementing community planning proposals. Two separate recent planning initiatives: Hamlet of Pottersville Main Street Enhancement Strategy and Hamlet of Chestertown Main Street Enhancement Plan. These plans recognize and strengthen the need to generate a strong foundation of support for neighborhood transit stops, commercial centers, and community resources through a blend of enhanced streetscapes, improved public spaces, and strong varied housing choices to ensure a jobs-housing balance.

The town understands that it needs multiple tools to successfully retain their base population. One of the tools that will be considered is a system that identifies homes that are targeted for sale due to lack of payment for taxes and getting landowners to instead, deed the home to the Adirondack Community Housing Trust. At that point the home can be leased or bought back by the homeowner resulting in a net gain for the community. The Town may also establish several "critical housing areas" that will serve as receiving areas for pockets of

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controlled equity housing that guarantees some houses/units or restored properties remain affordable on a sustained basis.

The Community Housing Plan will identify areas in the community that have potential for creative housing alternatives/opportunities. These could include auxiliary units to existing cabin colonies, underutilized properties, or the adaptive reuse of private lands that have fallen into disrepair. Two private parcels, one in Pottersville and the other in Chestertown, are known possibilities that need to be explored through this plan. The Town will form a unique relationship with builders, landowners, and developers that helps link up land sale possibilities with community housing needs. The Town will keep an inventory of available lands and properties that are or may be available for adding to the Adirondack Community Housing Trust or for a private enterprise that may also be able to meet the needs of the community.

Description of Study Area

This study examines how the existing housing stock can be strengthened and how to grow housing opportunities on the town wide level. However, the primary focus of the study is in immediate and adjacent areas of the hamlet areas of Chestertown, Pottersville, North Creek and Riparius.

Community Vision

Residents of all ages and income levels should have the opportunity to live in safe, quality affordable housing. A programmatic framework is being developed that will sustain and enhance the supply, quality, and affordability of housing, thereby improving the quality of life for residents within the community. The goal is to create and maintain a balanced housing stock, so that some of the most integral members of the community (seniors, young families, public servants) can continue to live and work in the town, if they so choose. The vision for housing is also to prevent sprawl and protect natural resources by directing new housing into the fabric of existing hamlets whenever possible.

A set of strategies is, therefore, developed that will result in housing that is:

- Affordable to residents of all ages and income levels;
- Adequate to meet the changing workforce, population and age demographic needs;
- Developed to maximized density while being consistent with existing regulatory controls;
- Maintained to meet or exceed local and state building codes;
- Supported by existing infrastructure; and
- Integrated into existing neighborhoods.

Community Goals

- **Improve the Condition of the Existing Housing Stock**
 - Identify critical housing areas within the Planning Areas that would benefit from concentrated planning and subsidized rehabilitation efforts to improve housing condition.
 - Evaluate the overall condition of the existing housing stock within the Planning Areas.
 - Identify programs to address the quality, efficiency and condition for residents.
- **Increase the Affordability of Housing**
 - Increase the availability of affordable housing for young families, seniors, empty nester's, seasonal workers, the disabled, and lifelong residents.

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- Identify developable land within the Planning Areas that is suitable for future residential development and assess their value, environmental constraints, access to infrastructure and development options.
- Take advantage of existing federal, state and regional funding sources and programs used to subsidize construction of affordable housing units, site acquisition, rehabilitation, predevelopment costs, and rental properties.
- **Provide a Variety of Innovative Housing Choices**
 - Adaptively Re-use Vacant, Abandoned, or Underutilized Buildings for mixed office/commercial/residential uses.
 - Permit mixed-use situations such as apartments above downtown storefronts, conversions of single to multi-family units, and infill.
 - Encourage the construction of smaller, less expensive, and more energy/space efficient houses.
 - Recycle and/or develop underutilized parcels to accommodate higher and better economic uses.
- **Expand Capacity to Increase Building Density**
 - Identify existing infrastructure system components and identify property suitable for development in close proximity to existing infrastructure.
 - Develop in-fill housing on vacant lots in existing neighborhoods.
 - Address the potential of accessory units to meet some housing demand.
 - Identify pending housing legislation and its potential impact on building density and housing issues.
- **Increase Flexibility in Local Land Use Regulations**
 - Assess the limitations and opportunities associated with land use regulations, cost of housing and land, availability of developable land, and energy efficiency in new construction and rehabilitation.
 - Determine future development potential in APA classified Hamlet land use areas.
- **Enhance Public and Private Housing Partnerships**
 - Identify regional and state housing programs that will support the success of the Affordable Housing Strategy.
 - Strengthen partnerships with existing housing agencies and non-profit organizations.
- **Increase the availability of year-round employment with wages that improve affordability through increasing household incomes.**
 - Working cooperatively with the Warrant County Economic Development Corporation (EDC) to recruit new businesses and industry to the town and region.

DEMOGRAPHIC AND COMMUNITY HOUSING PROFILE



DEMOGRAPHIC AND COMMUNITY HOUSING PROFILE

Introduction to the Community

The Town of Chester was incorporated in 1799 and is approximately 84.5 square miles in size. The town is located in northern Warren County and is bounded by the town of Johnsbury to the west, the towns of Horicon and Schroon Lake to the East, the town of Warrensburg to the south, and the towns of Minerva and Schroon to the north in Essex County. Interstate 87 travels north-south through the eastern portion of the town, NYS Route 9 runs north-south through the Hamlets of Chestertown and Pottersville, and County Route 8 travels east west through the town. In total, there are approximately 145 miles of local, county, and state roads within the town. See Figure 1 for a map of Chester and the Hamlet areas which is the focus of this report.

Based on APA Land Use Classifications the largest classification, in terms of land area within the town, is Rural Use, covering 60 percent of the town. The next largest land use classifications are Moderate Intensity (13.5 percent), Low Intensity (11.4 percent), and Resource Management (10.4 percent). The Hamlet Land Use Classification accounts for 3.1 percent of the land area within the town (see Figure 2)

In terms of existing land use, the town is consistent with other towns across the Adirondack Park in that its largest land use is Wild, Forested, Conservation Lands and Public Parks (24,475 acres, 46.7% of the land area). The next largest land uses are Residential (15,382 acres, 29.4% of the land area), and Vacant Land (10,100 acres, 19.3% of the land area). In total, the town is 52,404 acres in size and comprised of 3,928 parcels. Using 2009 parcel and land use data from the Warren County Planning Department, Figure 3 illustrates the existing land use pattern throughout the town, and within the Hamlet areas.

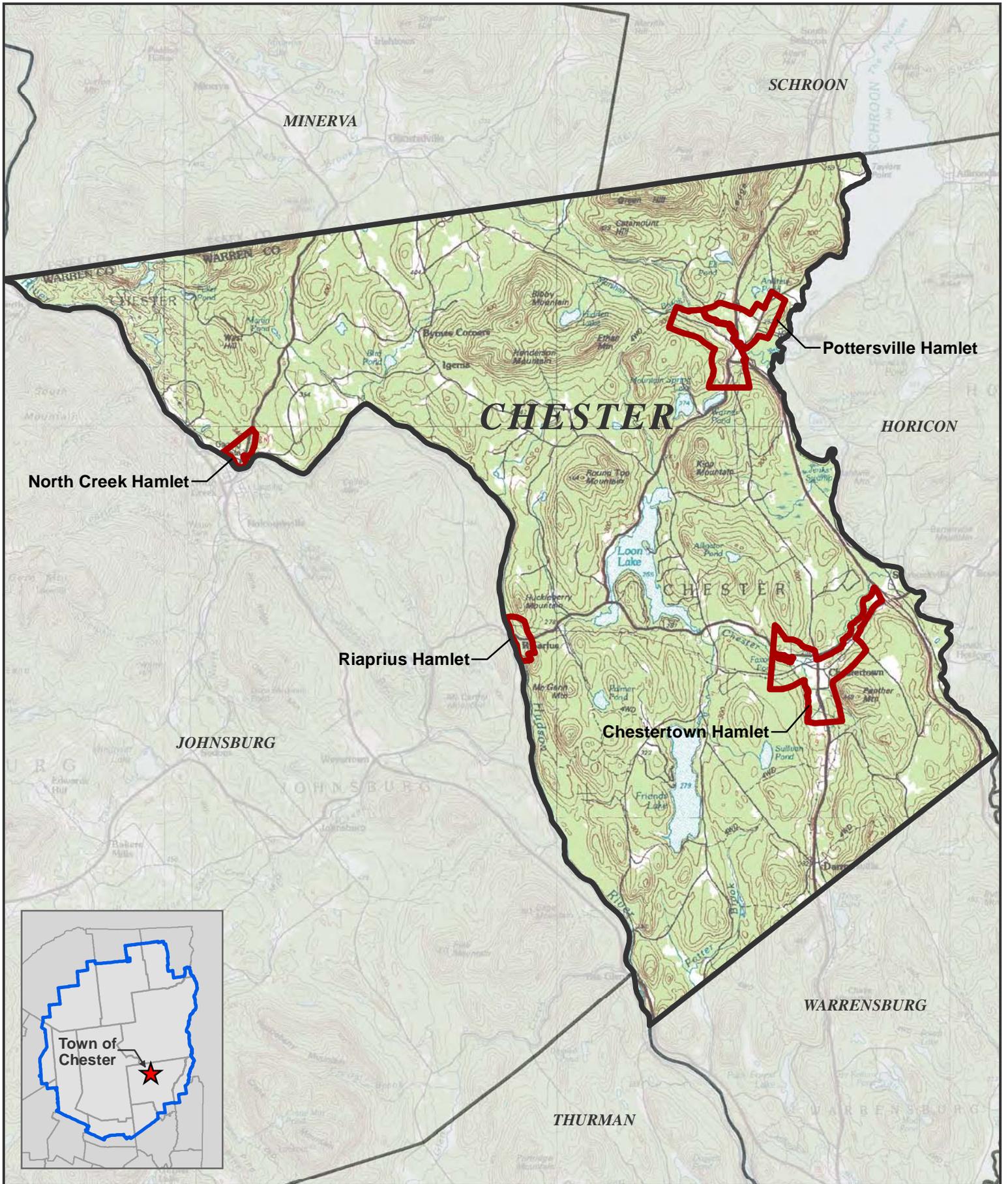
The property tax and service district tax structure within the town of Chester is complicated. In total, there are five school districts, two water districts, four fire protection districts, and three special districts around Schroon Lake and Loon Lake. Each of these districts assigns a different tax rate. In addition to the tax rates for each of these districts, the town tax is \$1.20 and the county tax is \$3.29. Local residents' tax could range from around \$10 per \$1,000 of assessed value to upwards of \$18 per \$1,000 of assessed value in 2009.

Historically, the town was founded in the 1800s as a logging community because of the ability to float logs down the Schroon River. As the industry developed, log houses, grist mills, hotels, tanneries, and a church were built to support the growing town. The two Hamlet areas of Chestertown and Pottersville became the central communities within the town. Through the 19th Century, industries taking advantage of the natural resources continued to grow, and the town became recognized as a desirable resort area because of its access to scenic areas around Friends Lake, Loon Lake, and Schroon Lake as well as the Hudson River and Schroon River.

Today, natural resources continue to play an important role in the town as businesses such as The Original Lincoln Logs and Peckham Materials Corporation make use of these resources. In addition, the community has also grown with increasing numbers of second-homeowners, and a growing retirement community.

Demographic and Economic Trends

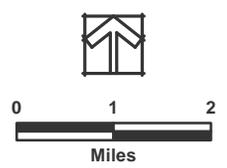
The population in the town of Chester has seen fairly consistent growth in the past 60 years. The town experienced its greatest levels of growth between 1970 and 1990 as it grew by more than 1,100 residents. Since 1950, the population has grown by 91 percent from 1,927 residents to an estimated population of 3,684 in 2009. Based on this estimate, the population density within the town is 61 people per square mile. Population projections for Warren County, completed by the Cornell University College of Human Ecology, Program of Applied Demographics, suggest that from 2010 through 2035 the county will experience a growth rate of approximately 4 percent, or approximately 2,300 residents.



Project: 08094
Date: 1/4/2011

Town of Chester Community Housing Plan

Figure 1 - Chester Hamlet Location Map



Land Classification by APA

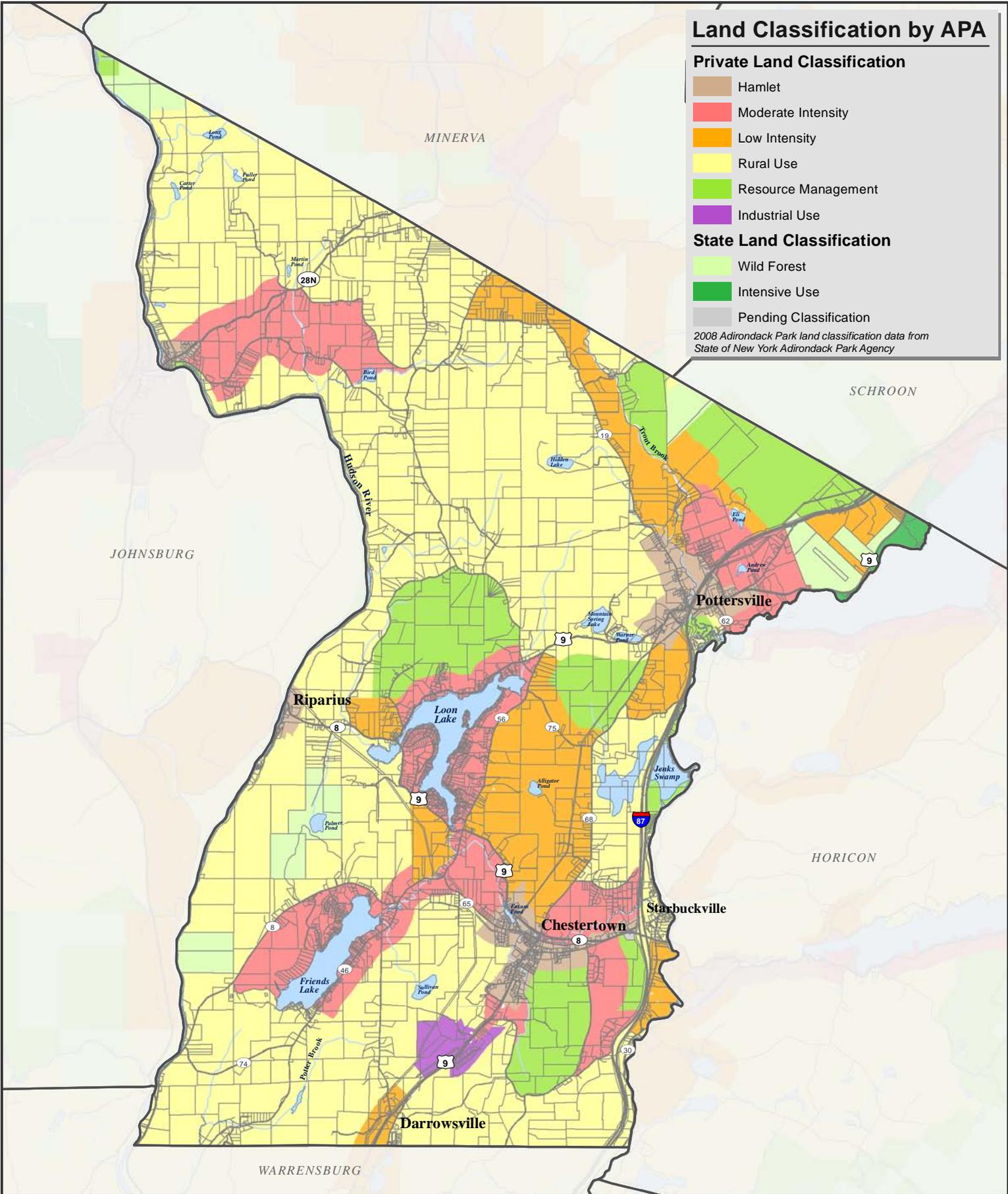
Private Land Classification

- Hamlet
- Moderate Intensity
- Low Intensity
- Rural Use
- Resource Management
- Industrial Use

State Land Classification

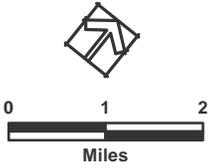
- Wild Forest
- Intensive Use
- Pending Classification

2008 Adirondack Park land classification data from State of New York Adirondack Park Agency



Project: 08094
Date: 1/4/2011

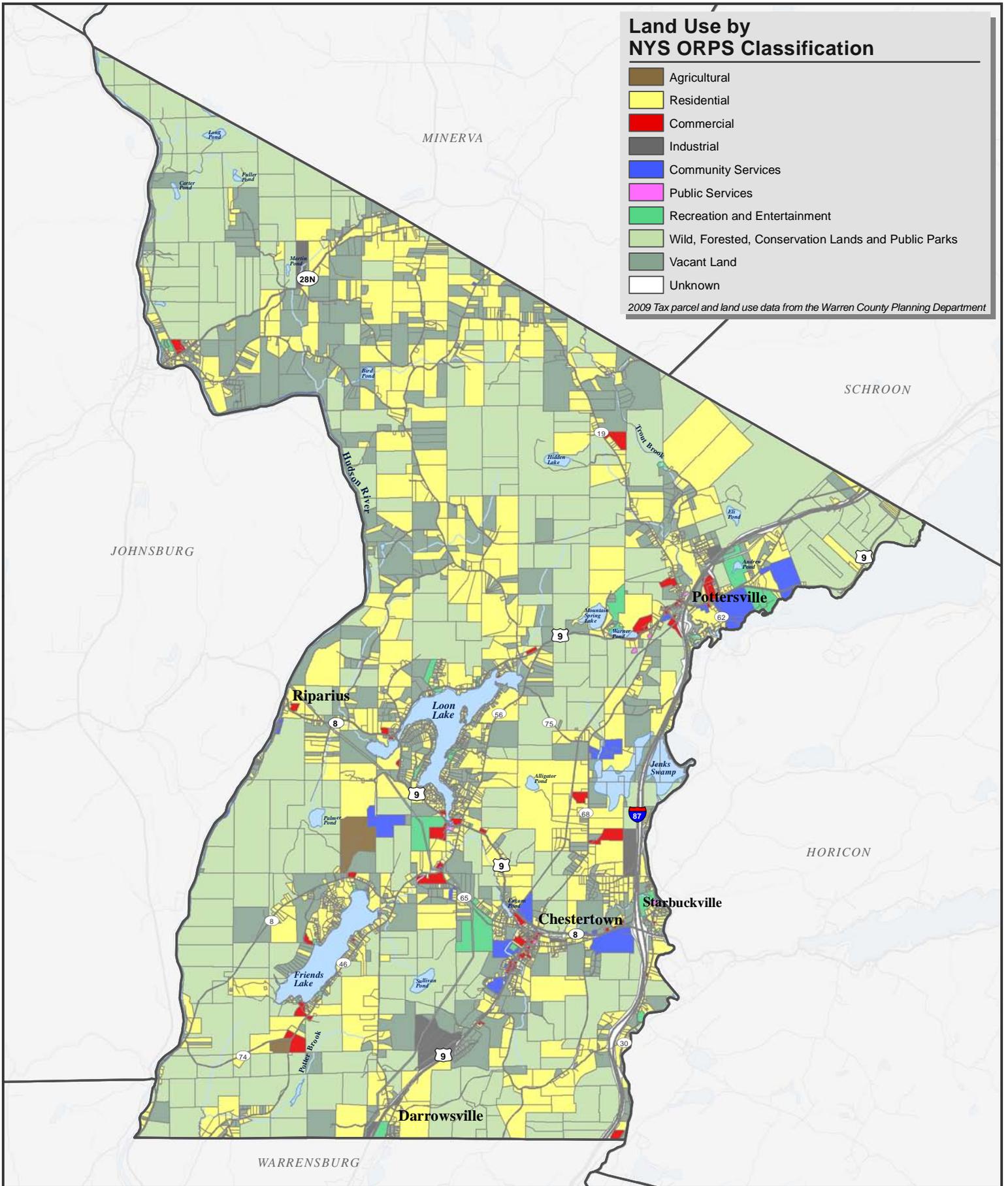
**Town of Chester
Community Housing Plan
Figure 2 - Land Classification by APA**



Land Use by NYS ORPS Classification

- Agricultural
- Residential
- Commercial
- Industrial
- Community Services
- Public Services
- Recreation and Entertainment
- Wild, Forested, Conservation Lands and Public Parks
- Vacant Land
- Unknown

2009 Tax parcel and land use data from the Warren County Planning Department



Town of Chester Community Housing Plan

Figure 3 - Land Use by NYS ORPS Classification



DEMOGRAPHIC AND COMMUNITY HOUSING PROFILE

Despite consistent population growth, the age distribution of residents within the town has seen considerable shifts that are consistent throughout other Adirondack communities. From 1980 to 2000 the age cohort of under 18 years of age declined by nearly 20 percent, while the cohort of people ages 18-64 grew by 38 percent, and the cohort of people 65 and older grew by 44 percent. Population projections by age cohort further suggest significant declines in all age cohorts below the age of 65. The age cohort of 65 and over is projected to grow by 60 percent from 2010 through 2035; increasing this age cohort from 11,171 residents to 17,887 residents.

The median age of residents also shifted dramatically during this time period from 29 years of age to 37 years of age by 2000, a 30 percent increase. Comparatively, the median age of residents in the town of Chester is below that of the median age of a resident of Warren County (39 years of age), and slightly above the median age of a resident of New York State (36 years of age).

Consistent with the growth in population, the town has also seen considerable growth in households. From 1980 to 2000 the town experienced a 40 percent increase in households, while units increased by 24 percent in the same period. Based on this data, the median monthly owner costs for those with a mortgage was \$763. The same data reports that 46 percent of owner occupied households dedicate less than 15 percent of their household income towards housing costs, while 11 percent dedicate 15 to 19 percent of their household income (see Table 1).

Table 1 Monthly Owner Costs as a Percentage of Household Income

	Number	Percent
Less than 15 percent	340	46.1%
15 percent to 19 percent	79	10.7%
20 to 24 percent	85	11.5%
25 to 29 percent	62	8.4%
30 to 34 percent	18	2.4%
35 percent or more	153	20.8%

Source: 2000 Census

The workforce within the town did not see significant changes from 1990 to 2000. The workforce in 1990 was 1,582 workers and in 2000 it had increased by 27 workers to 1,609. The major industries reporting the largest employment in 2000 were Education, Health and Social Services (337 employees, 22 percent of total), Arts, Entertainment, Recreation, Accommodation and Food Services (250 employees, 16 percent of total), Construction (208 employees, 14 percent of total) and Retail Trade (178 employees, 12 percent of total). There were a number of industries that saw a slight decline in employment from 1990 to 2000. Some of the industries that experienced the greatest decline from 1990 to 2000 include manufacturing (45 jobs), Transportation, Warehousing, and Utilities (40 jobs) and Finance, Insurance, Real Estate, and Rental and Leasing (27 jobs).

Based on an analysis of Census data for the town, and 2008 inflation rates, median household income has increased by 13 percent from \$41,648 to \$47,190 between 1990 and 2000. Although more recent data is not available for the town, median household incomes in Warren County, adjusted to 2008 dollars, were \$48,998 in 2000, and \$49,772 in 2008. After inflation, this represents an increase of approximately two percent.

Housing affordability is highly dependent upon employment and income. A significant mortgage gap has developed due to the increasing differences between the average cost of a housing unit and the mortgage ability of the average Chester resident. A report entitled "Analysis of Issues Affecting Housing Quality", prepared by the Warren County Planning Department in May 2008, indicates that Chester has the fourth highest mortgage gap, signifying that housing are beyond the reach of low and moderate income families. See Table 2 below on how Chester fairs amongst the other townships in Warren County.

DEMOGRAPHIC AND COMMUNITY HOUSING PROFILE

Town	Adjusted Median Income	Median Land Value	Median House Sale	Mortgage Ability	Mortgage Gap	Percent Gap
Bolton	56,043	110,000	305,000	126,096	178,904	142%
Chester	44,720	35,000	210,000	100,619	109,381	109%
Hague	47,016	148,000	830,500	105,786	724,714	685%
Horicon	43,560	38,000	210,000	98,010	111,990	114%
Johnsburg	36,489	12,000	98,000	82,100	15,900	19%
Lake George	50,323	57,000	245,000	113,228	131,772	116%
Lake Luzerne	43,401	25,000	105,000	97,653	7,347	8%
Queensbury	56,389	54,000	198,900	126,876	72,024	57%
Stony Creek	39,339	20,000	105,900	88,513	17,387	20%
Thurman	43,442	23,000	116,680	97,745	18,935	19%
Warrensburg	36,864	27,000	120,000	82,944	37,056	45%

Source: Warren County Planning Department

Local Housing Profile

As a community that is wholly within the Adirondack Park, development is regulated in a way that encourages greater density within Hamlet areas. The lack of density restrictions within the Hamlet areas is intended to encourage development at greater density to offset the restrictions in the other APA Land Use Classifications.

The town of Chester has four Hamlet areas. The Hamlets of Pottersville (1,366 acres) and Chestertown (1,291 acres) are completely within the town, while the Hamlets of North Creek (114 acres) and Riparius (493 acres) are only partially within the town (see Table 3 below).¹ In addition to these hamlet areas having limited density restrictions, they also serve as the primary neighborhoods within the town. According to the Adirondack Park Land Use and Development Plan (APLUDP), these hamlet areas are the growth and service centers of the Park. As such, the 2009 parcel data shows a diversity of uses within each of the Hamlet areas (see Figures 4-7)

NYS Property Type Classification	Chestertown		North Creek*		Pottersville		Riparius*	
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres
100 Agriculture	-	-	-	-	-	-	-	-
200 Residential	224	328	35	39	111	434	45	66
300 Vacant	77	565	14	56	45	192	9	101
400 Commercial	49	58	2	17	21	104	-	-
500 Recreation and Entertainment	4	150	-	-	2	76	-	-
600 Community Services	18	115	2	3	9	151	3	9
700 Industrial	1	6	-	-	-	-	-	-
800 Public Services	5	2	-	-	3	6	-	-
900 Wild, Forested, Conservation Lands and Public Parks	2	67	-	-	6	403	1	291
TOTAL	380	1,291	53	115	197	1,366	58	467

*Represents that portion of the Hamlet area within the Town of Chester

Source: Warren County Planning Department and NYS Office of Real Property Services

¹ The Hamlets of North Creek and Riparius are only partially within the town of Chester. Therefore, data indicating acreage and parcels is representative of only the land area within the town of Chester.

DEMOGRAPHIC AND COMMUNITY HOUSING PROFILE

However, the greatest concentrations of residential housing can be found within the Hamlets of Chestertown and Pottersville. In terms of land area, residential uses account for 25 percent in Chestertown, and 32 percent in Pottersville. The residential property type classification includes those uses that are predominantly residential in nature, however excluding uses such as apartments and mobile home parks that also have a commercial aspect to their use. Table 4 below identifies residential uses more specifically in each of the Hamlet areas.

NYS Property Type Classification	Chestertown		North Creek*		Pottersville		Riparius*	
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres
210 Single Family	179	188	29	35	82	96	10	7
220 Two Family	14	4	1	1	6	14	1	2
230 Three Family	1	3	-	-	2	7	-	-
240 Rural Residence	3	106	-	-	4	282	2	56
250 Estate	-	-	-	-	-	-	-	-
260 Seasonal Residence	-	-	1	<1	2	1	32	2
270 Mobile Home	20	20	3	2	10	29	-	-
280 Residential - Multi-Purpose	6	7	1	2	5	5	-	-
411 Apartments	3	3	-	-	1	<1	-	-
416 Mobile Home Parks	1	2	1	14	-	-	-	-

*Represents that portion of the Hamlet area within the Town of Chester

Source: Warren County Planning Department and NYS Office of Real Property Services

In terms of rental units, it is estimated there are a total of 32 apartment units within the town. These are predominantly located within the hamlet areas and include a number of senior living units. It should also be noted that there is a sizeable concentration of mobile homes with the Hamlet areas. At a minimum, there are upwards of 178 mobile homes with the entire town, and approximately 33 within the Hamlet areas, not including those that are located in a mobile home park, according to 2008 parcel data.

Building permit data provided by the Warren County Building Department shows declining trends in the number of annual permits for single family and multifamily homes within the town of Chester from 2005 through August of 2010 (see Table 5). However, this trend is likely consistent throughout the Adirondacks and much of New York State in consideration of the economic recession.

	2005	2006	2007	2008	2009	2010	TOTAL
Single Family Homes	34	27	25	25	18	8	137
Multi-Family Homes	2	0	0	0	0	0	2

Source: Warren County Building and Codes

However, according to the Building Department in the Town of Chester, approximately 75 percent of the new construction occurring within the town is seasonal in nature; versus the 25 percent of new construction for year-round residents. New housing is generally provided through the new lots generated by land subdivisions.

Based on an analysis of residential property ownership patterns in 2008 using owner zip codes, it is estimated that more than 28 percent or 1,021 of 2,277 residential parcels within the town of Chester are owned by people with addresses outside of the Adirondack Park.

DEMOGRAPHIC AND COMMUNITY HOUSING PROFILE

Other Housing Types

Housing choices for senior citizen residents are very limited in Chester. There are few options other than single family homes, therefore, many older residents remain in their homes whether they want to or not. Known as “aging in place”, this growing trend isolates senior’s and restricts their access to services. The Warren County Housing Report also found that low income elderly households have the highest percentage of owner-occupied residences that can be described as moderate to severely sub-standard. According to the housing census, there are 12 housing units in Chester that are strictly assigned to senior residents. These units exist in multiple properties throughout the town and are predominantly full. While demand for this type of housing is not specifically documented, town leaders report numerous calls requesting assistance with senior living issues.

There is one assisted living facility in the region located in Warrensburg. This facility is known as an “adult care home” where residents are mostly self-sufficient but need some supervision. Countryside recently downsized to 48 total beds for which 42 are filled on a regular basis. Warren County health nurses provide day to day patient nursing needs.

Seniors and other residents can often qualify for Housing Choice Voucher Programs, a type of federal assistance provided by the United States Department of Housing and Urban Development (HUD) dedicated to sponsoring subsidized housing for low-income families and individuals. It is more commonly known as Section 8, in reference to the portion of the U.S. Housing and Community Development Act of 1974 under which the original subsidy program was authorized. According to Warren County records, there are no housing units in the town of Chester specifically devoted to subsidized housing.

Existing Housing Policies

There are no specific policies that address housing in the town of Chester. The town relies on the resources of the Warren County Department of Planning and Development of Community Development for the application for funding and implementation of federal and state programs relating to housing.

The primary program currently offered through Warren County is the administration and management of home improvement and new home ownership programs that benefit low and moderate income persons. Warren County also has current application in to State Mobile Home Replacement Program which will enable the replacement of three older mobile homes with newer, safer and more energy efficient models.

The main reports that address housing affordability and that are most relative are regional-based and include:

- Analysis of Issues Affecting Housing Quality prepared by the Warren County Planning Department, May 2008.
- Statewide Affordable Housing Needs Study: Capital District Regional Report prepared by the Office of Policy Research and Development, July 2008.
- A Planning Process for Smart Growth and Expansion: Hamlets of the Adirondacks 3.

The Builder’s Perspective

Local builders express that the local building focus has been the moderate to high end single family home market. This trend remains essentially unchanged from previous years. There is no impetus to build speculative housing since demand is limited to individual custom homes. The cost of building smaller homes or multiple family units tends to yield a significantly lower profit margin and the vacancy results are, at best, uncertain.

DEMOGRAPHIC AND COMMUNITY HOUSING PROFILE

However, there is some interest in constructing small (4 units) apartment complexes. Stimulating the construction of lower end and rental housing will involve subsidizing at least a portion of the costs. An additional concern is the per-unit cost of land due to the land use densities established by the Adirondack Park Agency.

The Employment-Housing Link

As suggested in the 2009 North Country Regional Report, prepared by the Office of Policy Research and Development for NYSDHCR, and found in the projections of industry employment, there is a lack of sustainable jobs within the North Country as a whole. This lack of sustainable jobs has a number of effects. First, it limits employees' local housing opportunities, often forcing them to commute from outside the community. Second, it places a greater demand for public subsidy of housing when resources are currently exhausted. And lastly, it severely limits residents' ability to afford the preservation and rehabilitation required of their homes, often resulting in sub-standard conditions of the local housing stock.

The provision of improved employment is at the core of the housing affordability issue. Improved wealth resulting from higher wages will provide the means for meeting housing costs across the region. It is understood that improved employment needs to be a sustained effort over the long term. However, as employment opportunities improve the demand for subsidized purchase, rental payments and rehabilitation programs will correspondingly be reduced.

Promoting businesses and industries that provide sustainable jobs will increase local residents' income, aim to alleviate the dependency on local, state and federal subsidies, and promote owner financed rehabilitation of the existing housing stock.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS



HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Housing Issue 1: Lack of Available Buildable Density

Description

The construction of new housing within the Adirondacks, as a whole, has two primary factors that influence residential development. First, development of higher density residential development (multiple units per acre) is controlled by a regional land use regulatory program Adirondack Park Agency (APA) that limits density in areas outside of hamlets. Secondly, with higher density building sites in limited supply, the land cost portion of the overall development cost has risen to a level that depress opportunities to construct low to moderate housing.

Fundamentally, the regulatory structure designates where land is suitable for development, what types of uses are appropriate, and the density at which it can occur. Environmental constraints such as wetlands, hydric soils, and steep slopes further play a role in determining what land is suitable for development. As a result of these two considerations, land that is suitable for higher density housing is limited and, therefore costly. Consequently, the price of land is a major limiting factor in the success of developing affordable housing.

Expanding development potential within Hamlet areas can occur in an “outward” movement where development is linear, at the edge of the hamlet, or in discrete development areas such as a shopping center or a formal planned unit development. An “inward” movement is also possible through adaptive reuse of under-utilized vacant buildings or properties, and the subdivision of lots which permit more density. Many communities find it necessary to employ these techniques to make the environment attractive to builders of affordable housing.

Potential Solutions

Increase Available Building Density

The APA recognizes that this is a significant issue in a growing number of Adirondack communities. They have therefore proposed the Adirondack Community Housing Density Relief Bill as a strategy to reduce some of the regulatory restriction immediately outside the hamlet areas. This bill would increase affordable housing opportunities on land that is environmentally suited to sustain a higher density of development. The bill would encourage “community housing projects”, within a three mile radius of APA classified Hamlet land use areas, through special treatment under the “overall intensity guidelines” of the Adirondack Park Agency Act (APA) Act, Executive Law (EL) Article 27. This bill would establish a special provision for “community housing” that modifies the definition of “principal building” to allow up to four dwelling units to qualify as one principal building on lands classified Low Intensity or Moderate Intensity Use within a three mile radius of APA defined “Hamlet” land use areas. Eligible projects would need to meet the following criteria:

- Maximum floor space of 1,500 square feet per building, excluding the garage;
- No closer than 1/10 of a mile from shoreline;
- Located within 3 miles of a Hamlet land use area boundary;
- Primary residence, affordable over time for successive owners or occupants – residential use only; and
- Adirondack Park Agency permit required.

In addition, this bill would also require that potential homeowners meet an income eligibility criterion that is consistent with the Adirondack Housing Trust Program’s guidelines. At a minimum, criteria would include that participating households earn 120% or less of the median income for the county in which the project is located are eligible. Based on the 2008 data, as reported by the US Census Bureau, Warren County has a median household income of \$49,772. Using the 120 percent of median income standard, property owners and occupants that are eligible must have a household income below \$59,726.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Progress towards passage of this bill has been slow. In 2009, the Adirondack Community Housing Density Relief Bill was introduced as New York State Assembly Bill A-11464 and Senate Bill S-3367-B. The bill has since been dropped on the Assembly side but has a sponsor in the Senate and was referred to the Senate Finance Committee on December 22, 2010. On the Assembly side, the bill will need a new sponsor to re-introduce it. It appears that this bill will require significant public education before it receives the support needed to vote it into law.

There are numerous possibilities for land development that could open up with the passing of Bill S-3367B. A mapping exercise was completed for each of the APA Classified Hamlet areas within the Town of Chester. This analysis took into consideration the criteria laid out in the proposed Community Housing Density Relief Bill. As such, each of the maps (see Figures 8-11) illustrates a number of layers of information. The background of the map shows APA Land Classifications, roadways, as well as water bodies. Critical to the analysis is the three mile radius surrounding the Hamlet areas within which properties can be eligible for Community Housing projects.

Only properties located in Moderate or Low Intensity are eligible for the density incentive. Applying this analysis to those properties within the three mile radius results in a selection of properties illustrated in a faded pink and orange color. While each of these properties could be eligible, many of them have existing land uses within the context of their neighborhoods. It is important to note that the Community Housing Density Relief Bill does not distinguish the use of a vacant property or the use of an underdeveloped property for a Community Housing project. The map only illustrates those vacant properties in each of the Density Relief Areas, including land within Hamlet areas, which could have potential for a Community Housing Project. See Figures 8-11 for the specific locations of potential areas that would be impacted by the Housing Density Relief Bill.

Based on the above mapping analysis and the available land identified, the total amount of vacant land that is eligible for Community Housing projects was determined in each of the Hamlet density relief areas:

- Chestertown - 2,512 acres
- Pottersville - 1,305 acres
- Riparius - 1,241 acres
- North Creek - 1,430 acres

The total number of eligible acres throughout the Town of Chester is 6,488. Assuming after extracting roads and environmental constraints from the available acreage, an estimated 2,000 acres would be potentially eligible for participation in the density relief program. After applying the average lot size requirement of moderate and low intensity of 2.25 acres per unit yields the potential for 888 units. Applying a factor of four (4) through the density relief program increases that potential to a total of 3,555 housing units.

Hypothetical Application of a Community Housing Project

An eligible property, 30 acres in size, is located within the APA Land Classification of Low Intensity. This land classification has an intensity guideline of 3.2 acres per principal dwelling. This hypothetical scenario makes the assumption that there are no environmental constraints that need to be taken into consideration, and there are no complications in the provision of water and sewer services.

If this 30 acre property were developed as a Community Housing Project, the owner could develop up to 37 affordable units. The primary consideration that allows this project to increase the number of units that can be developed is the change in the definition of principal dwelling. Currently, a principal dwelling is one unit, regardless of whether or not that unit is an apartment or a single family home. Altering the definition to allow up to four units to count as one principal dwelling would allow for additional affordable housing to occur on this property. Should this bill not pass, the property owner would only be able to develop 9 units on this property. That's a difference of 28 units.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Create Opportunities for Infill Development on Conforming and Non-Conforming Lots

The recycling of existing buildings can be an important and effective preservation tool. Relief from code requirements for on-site parking, set-backs, and drainage can reduce costs of developing infill housing. Policies would need to be developed to address a gradual replacement of individual buildings that are in decline in the business district.

Create a Transfer of Development Rights Bank

Currently, the transfer of development potential is only available from the Adirondack Park Agency (APA) within the same APA land use area. A new bill introduced by the APA would expand the opportunity for transfer of development rights. It proposes the option of transfer of development rights from a more restrictive land use area to a less restrictive land use area within the same municipality. An APA permit would be required in order to execute such transfer of development rights. The permit would include conditions and terms to ensure “no adverse environmental impact” occurs and adherence to other permit criteria. Transferring development potential from more restrictive APA land use areas into less restrictive areas can balance protection of the Park’s unique natural resources with the growing demand for increased development opportunities especially for affordable community housing on land capable of sustaining higher density development.

This idea can be expanded on a regional basis by accounting for and “rescuing” the unused development rights that are created when state lands are purchased throughout the Adirondack Park. Communities throughout the Adirondack Park could potentially apply for these rights for community-based affordable housing projects.

Recommendations

- Lobby the NYS Legislature for the passing of the Community Housing Density Relief Bill through the NYS Legislature;
- Upon the passage of the Community Housing Density Relief Bill, develop an education program within the town to inform local residents owning eligible property as to how the program works, and how it could be beneficial to develop new affordable housing units;
- Create an affordable housing overlay district that identifies properties that could legally accommodate additional units under the Community Housing Density Relief Bill outside the Hamlet districts. The overlay will allow the town to target particular sites for infill. Guidelines would be established to provide the needed flexibility;
- Encourage the construction of multi-family structures wherever the market allows by updating the land use code and streamlining the permitting process;
- Establish a land banking program with appropriate administrative oversight for homes being foreclosed upon and identify town-owned sites for potential construction of affordable housing units. Keep an inventory of land that could be suitable for affordable housing development;
- Prepare an inventory of potentially suitable sites for rehabilitation of existing housing and adaptive re-use of nonresidential properties. The Town should create a data base of housing that has past code violations, sought rehabilitation loans, or has been changed from single to multi-family use. In the downtown area in particular, the data base should include information on the potential for expansion to accommodate additional affordable housing, mixed use opportunities, parking information lot area and merger status, etc. These units should be evaluated for their potential for acquisition and conversion to affordable housing by nonprofit housing agencies; and
- Maintain a subsidized housing inventory and establish a waiting list of qualified households applying to rent affordable units (“Ready Renters List”).

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Issue 2: Limited Access to Affordable Housing

Description

The people who will benefit from affordable housing are people who already live and work in the community. However, there is a growing gap between income and housing costs for low to very-low income residents. This is occurring for multiple and complex reasons. The primary reason is that the incomes of low-income households are not able to keep pace with rising housing costs. This issue is compounded by retirees and second home owners with higher incomes diminishing the supply of housing units through purchases for seasonal use. This type of demand results in upward pressure on housing costs. Many young families cannot compete in the local housing market without a substantial subsidy or other assistance. This problem extends to the availability of affordable rental housing stemming from an unwillingness of landlords to accept Section 8 vouchers. On the regional level, there exists a disconnection between planning for economic development, employment, transportation, and housing. The lack of responsive initiatives to address affordable housing issues on a regional level contributes to the significance of this issue.

Potential Solutions

Support an Official Regional Approach to Housing

As the official regional planning umbrella in the Adirondack Park, the APA has been addressing affordable housing issues for the last five years or so. There is agreement that many, if not most Adirondack communities share this problem and, therefore, a common solution approach could be successful. The APA has held several workshops on affordable housing issues to assist local communities in defining common issues and potential solutions. The Adirondack Housing Trust produced a handbook on process, tools, and guidelines for hamlet expansion in the Adirondack Park. It also recommends policies, guidelines, and procedures for dealing with the proposed hamlet expansions. This effort needs to be expanded and support garnered for a set of regional affordable housing initiatives with funded implementation measures.

Reuse Vacant or Under-Utilized Lots and Buildings

Rural communities often have an abundance of vacant or under-utilized primary and accessory buildings that can be restored and retrofitted for residential housing. Many of the existing vacant and underutilized buildings are located in and around the Chestertown and Pottersville business districts. Their redevelopment could stimulate private sector investment and the revitalization of these downtown areas. One of the best examples of redevelopment is represented in Chestertown where the old school was adapted into a community building that now supports the town hall, library, and police station.

The four hamlets in the Town of Chester offer numerous opportunities for adaptive reuse. The Town will need to carefully evaluate individual opportunities for redevelopment of vacant, blighted, or underutilized parcels and pursue those opportunities in priority order. Some of these opportunities are listed below.

Hamlet of Chestertown:

- Expanded commercial center at the Grand Union Market;
- Underutilized building at intersection of Route 9 and Pine Street; and
- Sullivan Park on Route 9 across from Peckham Industries, Inc.

Hamlet of Pottersville:

- Beadnell property (old Glendale Drive-In) is an opportunity for mixed residential, expanded businesses, recreational, and Northway service uses; Automotive service center.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Another opportunity for new affordable housing is through the conversion into apartment units of motels and cabin colonies that are underutilized or for sale. In recent years, small motels and cabin units have fallen out of favor as providers of overnight accommodations for visitors. With minimal renovations, they have the capacity to be revitalized by offering housing units to seasonal or transient workers, single mothers and fathers, older residents.

The main source of financial assistance for projects involving the demolition, deconstruction, rehabilitation and/or reconstruction of vacant, abandoned, condemned, and surplus commercial and residential properties is the *Restore NY Communities Initiative*. This program needs to be re-funded by the NYS Legislature but it could be an important potential a source of funding in the future.

Increase the Affordability of Existing or New Housing

Affordable Housing Opportunity Areas could be established to serve as town-endorsed receiving areas for pockets of controlled equity housing that guarantees some houses/units or restored properties remain affordable on a sustained basis. To target development to these areas, incentives are often offered by a town such as offering tax breaks to new owners and creating a fund to provide zero interest loans or gap financing.

Offer Property Tax Credits / Abatements for Affordable Housing for any new or expanded affordable housing, including rehabilitation work, will require revaluation of the property by the town and the payment of higher taxes. This can act as a disincentive to property owners who construct these housing units, especially in light of the restrictions that are placed on the use and occupancy of this housing. In order to be considered “low or moderate income housing,” restrictions in the form of land leases or deed restrictions must be placed on this unit for a period of not less than thirty years. The costs of new construction and/or substantial rehabilitation are significant in most cases, and, without some form of financial subsidy, often prevent new affordable housing from being created. In order to provide an incentive to property owners who wish to create affordable housing, the town should consider enactment of a tax credit or abatement of taxes on all or a portion of the value of new low and moderate income housing created in the town.

The Adirondack Community Housing Trust (ACHT) is a not-for-profit housing trust that utilizes the Community Land Trust (CLT) model for perpetually affordable housing. For qualified home buyers, those whose household income is between 80 and 120 percent of the area median income, ACHT will finance a portion of the mortgage to purchase an affordable house in exchange for title to the land. ACHT retains ownership of the land on which the homes are located and the homebuyers receive a deed to the house and any other improvements on the land. The homebuyers also get a 99-year renewable ground lease giving them secure long-term control of the land. The lease gives the ACHT homeowner most of the rights of conventional homeowners, but with a few limitations: if they want to sell the home, it must be sold back to ACHT or to another income-qualified family; and it must be sold for a price that is limited by a formula written into the lease. ACHT’s resale formula allows the seller to receive the amount they originally paid for the house, plus the value of any ACHT–approved capital improvements they have made at their own expense, plus 25% of any additional appreciation in the value they originally paid for (but not the appreciation of that portion of the home’s original market value that was paid for by ACHT). This model allows ACHT to build an inventory of housing that will perpetually remain affordable within the Adirondacks. However, beyond this model there are additional opportunities for the ACHT to collaboratively work with the other area housing authorities.

In addition to programs to help assist families with the purchase of affordable housing, ACHT has the capacity to assist families that may be dealing with foreclosure situations. ACHT is regularly notified of property owners that may be facing an impending foreclosure and provides information regarding potential solutions that exist to

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

either avoid foreclosure, or to transfer the property to ACHT while allowing the owners to remain in their home. ACHT can also implement a program where a family can transition into homeownership by transferring their Section 8 Vouchers towards a mortgage payment for a period of 15 years.

Another means to make home-ownership more affordable would be to subsidize the purchase cost through down payment assistance and/or increasing affordability through subsidy of the housing cost. As a final consideration, a rehabilitation subsidy is needed to assist with labor and material costs related to correction of substandard conditions (i.e. heating systems, fundamental building elements, structural deficiencies, energy conservation measures, etc.).

In order to establish the extent of the subsidy required, more detailed and case specific information will need to be gathered. State and federal programs that can provide these types of subsidies exist and there is administrative capacity within the region to access and manage these programs. It is recommended that the communities within the region develop data to document the extent of the need. Such data can be derived from surveys of potential home-owners to document housing needs and affordability rates and inspection of exterior and interior building conditions within targeted neighborhood areas to determine specific deficiencies and associated costs for repair.

In terms of the availability of funding sources to assist with the affordability issues, NYS Division of Housing and Community Renewal (DHCR) currently has a number of programs that it offers to assist with the development of affordable housing. Costs eligible in many of these programs include site acquisition and pre-construction and development costs. Although many of these programs have lengthy restrictions and criteria of eligibility that must be met in order to access funding, they do provide an option to assist with the construction of new housing. Examples of the programs DHCR currently offers include the Housing Development Fund (HDF), Homes for Working Families Program (HWF), and the NYS HOME Program (HOME).

Habitat for Humanity Program

The Habitat program builds and rehabilitates simple homes in partnership with selected qualified families. Houses are financed with affordable, no interest loans and sold to families at no profit. Families who are currently living in substandard housing and cannot obtain a mortgage through standard means may qualify. If selected, families are required to provide a down payment and monthly mortgage payment, plus significant contributions of labor during the building process. Habitat can partner with ACHT for an arrangement that satisfies some qualification issues. Habitat has offices in several Adirondack Park communities.

ComLinks Housing and Services

ComLinks is a not-for-profit organization that seeks to offer a continuum of services for families to remain in a safe, affordable living environment. Their focus is on providing housing for families requiring temporary services while trying to meet the growing demand for high-quality affordable housing for working families who want to remain living in the Adirondacks. Peaceful Valley Townhouses in the Town of Johnsburg is ComLinks most recent project.

Zones for Modular Home Communities

Special mobile home community districts could be established that are targeted to households with limited incomes and persons over the age of 55.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Smaller Homes

Builder magazine (November 2008 issue) reports a consumer trend towards smaller, more modestly priced homes. The construction of a smaller home on a lot in the hamlet can demonstrate an efficient use for a lot that most developers would consider unusable. Design, budget, and environmentally conscious buyers typically include young families that want to move into an area.

Special Revenue Fund

A special fund could be created by allocating a portion of funds garnered through the Warren County Occupancy Tax and other fees (i.e. real estate transfer tax). This fund could be used to purchase property and/or develop a revolving loan program for home or apartment down payment assistance or repair/maintenance costs.

Land Banking

Land banks are public or community-owned entities created for a single purpose: to acquire, manage, maintain, and repurpose vacant, abandoned, and foreclosed properties – the worst abandoned houses, forgotten buildings, and empty lots. The role a land bank plays in a community is usually dependent on the capacities of the local government, nonprofit and developer industries within the locality. Furthermore, when land banks acquire property, they must make a number of choices regarding property re-use, in addition to a number of choices with respect to property acquisition, disposition, re-use and other policies and procedures.

The role of a public sector land bank will vary widely depending on the housing and real estate market conditions in their community. Land banks must assess their development strategy by carefully considering market conditions and promoting property use that helps to alleviate blight and stabilize neighborhoods. An important role of any land bank is to provide a pipeline of properties in support of the activities of the local governments and non-profit entities within its area of operation.

Recommendations

- Establish local Affordable Housing Opportunity Areas in the following locations:
 - Beadnell property in Pottersville Hamlet (old Glendale Drive-In);
 - Sullivan Park on Route 9 across from Peckham Industries, Inc.; and
 - Timber Lodge Estates on Woodridge Road and Route 8.
- Coordinate an opportunity with the Adirondack Community Housing Trust to utilize undeveloped lots in an approved subdivision for the construction of multiple affordable housing units;
- Establish contacts with the local Habitat for Humanity to locate a potential property with a qualified homeowner candidate and initiate a relationship. Work with ACHT to find the right set of resources and assistance to assist residents;
- Establish a contact with ComLinks to identify an opportunity site for affordable apartments;
- Identify rehabilitation and revitalization opportunities at existing commercial facilities that could support small rental projects with 8-12 units for families and seniors. Choose housing or sites that are accessible, near public transportation, stores, employment, services, good schools (if family housing) etc. Access to some form of public transportation may be particularly important for tenants with incomes under 50% of median income;
- Examine the town land use code and remove provisions that would discourage or prevent the conversion of underutilized or abandoned properties for housing units;
- Support the restoration of Restore NY grant funds; and
- Continue to permit less expensive housing types such as mobile and manufactured homes.
- Construction of smaller, more energy-efficient houses: this type of housing has the capacity to sustain families over a longer term.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

CASE STUDIES

Dart Brook Housing Community:

This project is the product of years of diligent work by the volunteer group, Keene Community Housing Committee. It is a six lot subdivision located off of Route 9N and 73 in the Town of Keene. The homes will be built to US-EPA Energy Star Certified rating standards. The target income levels for purchase of these homes will be moderate income households.

Peaceful Valley Townhouses

This ComLinks project has 20 one, two, and three bedroom apartments in the Hamlet of North Creek for renters who qualify under affordable guidelines of the Glens Falls MSA. Designed to fill the demand for temporary and transient housing, these units will eventually become available to local families for purchase at below market prices.

Adirondack Community Housing Trust - Assisted Single Home Purchase

In 2010, ACHT helped assist a family in Wevertown purchase an affordable three bedroom home in North River. This family of four recently moved into a remodeled farmhouse that is just 10 minutes from their workplace. The home is on a half acre, and has a view of the Hudson River. The family, in an article published in the Adirondack Journal, said that they were impressed with how easy the process was and would recommend it to anyone.

Harwich, MA Affordable Housing Special Revenue Fund

This fund was established in 2005 to be used for any purpose related to the planning, development, administration and occupancy of affordable housing. Funding in this case comes primarily from annual cell tower rents (\$30,000). The key to the success of this program has been its town board management, built-in flexibility, and reliable funding stream.

Cottage Housing

An innovative public/private partnership between the town of Westford and developers Wescon, Inc. and Cottage Advisors, a new model has emerged for transforming municipally owned land into a neighborhood of affordable single-family homes. Westford will create an attractive community of homes for underserved buyers while boosting its tax base. Under the law, 20% of the homes created through 40B permitting are earmarked for affordable housing, with the remaining homes allowed to be sold at market value, earning a developer as much as a 20% profit. "Unlike other 40B projects, we decided to limit our profit potential to just 8%. Uniformly built and priced, these homes will be bought through a lottery of income qualified applicants. This model varies from the typical 40B affordable housing model in that it is 100% affordable housing." The project also is unusual because the town issued a request for proposals from developers and supplied the land at a reduced cost, enabling local officials to retain control of the project and generate goodwill. During a town meeting, 75 percent voted in favor of the neighborhood, according to Angus Jennings, Director of Land Use Management for Westford. Located on 5.3 acres, the 20 detached two- and three-bedroom cottage-style homes are priced at \$151,000 and \$168,500 and range from 900 - 1,100 square feet. The homes' small size and use of Energy Star rated materials will make them efficient to heat and cool, translating into savings for their owners.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Issue 3: Inflexible Land Use and Zoning Regulations

Description

There are two authorities that serve to regulate land use in the Town of Chester- the Adirondack Park Agency regulates land use and building density primarily outside the Hamlet land use areas; and the town regulates land use development in all areas of the town through the local land use code. While the two land use and development codes are compatible, the areas that have the greatest amount of flexibility and capacity to add density without variances are the Hamlets. Chester's land use code in the Hamlets is typical of most jurisdictions that require a conventional mode of separated uses. The code does not reflect state-recommended Smart Growth principles that call for the mixed uses of buildings (residential, office, and retail), the adaptive reuse of older buildings, the use of accessory apartments, and infill development. Developers wishing to use a Smart Growth approach could be forced to obtain a variance which can substantially add to the cost and regulatory burden for the developer.

Additionally, for new buildings, complying with the construction code is a straightforward process, but it is difficult to apply the code rationally and predictably to existing buildings. The building code can also add unnecessarily to the time and expense of rehabilitating existing buildings because it was not written with existing buildings in mind. Because developers and building owners cannot predict with certainty what will be required to bring a deteriorated building back into use, projects that pose the greatest uncertainty in terms of time and resources are not attempted at all and the buildings remain unused.

Potential Solutions

Current policies often serve as obstacles for redevelopment opportunities. The most effective way to address this issue is to increase the flexibility in the local zoning code. The following techniques represent some of the ways to make the code more receptive to affordable housing:

Rehabilitation Codes

Provide a flexible, simplified set of building codes for the repair, renovation, alteration, reconstruction, addition, and change of occupancy in buildings that 10 or more years old. A good model can be found in the New Jersey Rehabilitation Code described in the case studies below. Flexible zoning for requirements in lot size, floor area ratio, parking or setbacks can help developers to build more affordable units while reducing the need for additional subsidies.

Streamlined Project Review Process

Restoration, rehabilitation, and reuse projects can be encouraged through the use of expedited review processes, relaxed building codes, tax exemptions, and zoning code changes. A streamlined process eliminates some of the cost burden and encourages developers and investors to the community.

Expedited Permitting Process

An expedited permitting process saves the developer money by allowing construction to begin on the site sooner, which brings units to market at a faster pace. Most municipalities only offer this expedited process to developments that contain a certain percentage of affordable housing units. This provides an incentive to developers to propose housing with an affordable component and also helps to provide cost savings to the developer.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Density Bonuses

Additional lots or units are granted to developers under a local mandate that a percentage of the units of certain sized subdivision dedicate a portion of the units for moderate income households.

Mixed-use

Allow for mixed residential and commercial uses in downtowns, commercial centers, and commercial corridors. Housing should be permitted interspersed or above commercial uses. Keeping residents downtown ensures commerce for the local businesses.

Cluster Subdivisions

Subdivisions support smaller clustered lots that are less expensive to service and conserve remaining open space. Incentives could be created for homes offered exclusively to low to moderate income households. However, effective clustering requires lots to be services with municipal water and sewer.

Accessory Unit Law

A promising source of new affordable housing is development of units that are accessory to single-family dwellings. Accessory units can provide a significant supply of affordable housing, increases the tax base, and create a rental revenue stream for homeowners. These units can serve as temporary housing for seniors, disabled family members, and seasonal workers. The need for small units is especially pronounced in Chester since there are numerous seasonal homes that require the assistance of caretakers.

Tandem Lots

These lots are created from larger lots already supporting a single family residence. A small fully-functional small house is built at the rear of the property.

Smaller Individual Lots

Incentives are offered to developers that construct houses on small lots and that are affordable to moderate income groups. The hamlets offer many situations for splitting lots and providing opportunities for infill housing.

Mandated Worker Housing

Commercial or resort development employers are required as a permit condition to dedicate a percentage or units to worker housing units. When this is not possible, employers could contribute to a local or regional community fund that supports affordable housing.

Manufactured and Modular Homes

This type of housing represents an affordable housing choice for many residents. Manufactured homes were formerly referred to as mobile homes or trailers and now offer more style options than in the past. A manufactured home is an expanded contemporary version of a mobile home but with many more style options than in the past. The Town of Chester does not limit the placement of these structures in the zoning law. Permitting and encouraging manufactured homes, modular homes, and mobile homes in the community. Modular homes are now the fastest growing segment of the new housing market. State building codes have become increasingly similar and consumers understand the value that factory-built construction offers. As mobile homes are phased out due to age, condition, and the difficulty in bank financing options, manufactured and modular homes have steadily replaced them.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Recommendations

- Adopt new land use regulations that maximize density;
- Develop a rehabilitation code;
- Develop an accessory unit law and add to the zoning code;
- Support the expansion of Warren County's Mobile Home Replacement Program; and
- Work with social services agencies, regional, and state housing agencies to increase the number of Section 8 vouchers available to the community.

CASE STUDIES

Conversion Laws in Cape Cod

A number of communities in the Cape Cod region have embraced conversion and reuse strategies to address the predominance of high housing prices and the abundant supply of seasonal units. The strategies involve standards for the conversion of motels and single-family homes into year-round apartments, and for the conversion of non-residential properties to residential use. Requirements call for a percentage to include affordable housing.

Town of Westport District Regulations for Accessory Apartments

The Adirondack Park Agency and the Town of Westport recently approved a law that permits accessory apartments in all districts except the industrial district. The intent of the provision is to allow separate living space within an existing single family dwelling to be occupied by family members or caregivers in a manner that preserves neighborhood character and property values. See Appendix C for the amendments that were adopted into law in 2010.

Town of Fishkill Affordable Housing Law

In response to escalating home prices and increasing apartment rentals, Fishkill took dramatic actions to embrace the affordable housing issue. A Town Housing Department was established that works closely with residential developers to ensure reasonably priced options for both senior citizens and younger working people. The first project, Senior Horizons, is an all-affordable 90-apartment senior community on Dogwood Lane. Additional housing plans featuring provisions for less-than market rate costs are coming to the town, and will help both elderly and younger residents to continue to live in the town. In addition, the town adopted a density bonus for including units affordable for ownership to households at 100% of median income or below and at 80% of median household income level or below for renters. Developers who do not want to comply must make a cash payment to a housing trust fund. The Town Housing Department takes responsibility for screening and placing applicants in the affordable units.

New Jersey Rehabilitation Code

New Jersey, with some of the oldest housing stock in the nation, is in desperate need of rehab work, especially in its cities. The challenge facing New Jersey was to develop provisions for existing buildings that were rational, predictable, and that delivered safe and sound rehabilitated structures. There are four categories of rehabilitation: repair, renovation, alteration, and reconstruction. Code users report this document provides an excellent level of life and fire safety is very user friendly. It is effectively increasing adaptive reuse, controlling suburban sprawl, encouraging urban reinvestment, and stretching funding.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Issue 4: Substandard Condition of Affordable Housing Stock

Description

Chester's housing stock is limited and much of the affordable housing is in substandard condition. Responses to the Chester Community Housing Survey indicated that the general condition of housing within Chester is in fair condition; responses were split between "fair condition improving" and "fair condition declining". Based on this information, and from a windshield survey, there is a need for assistance with housing rehabilitation.

The hamlet areas are further challenged by the deteriorating condition of many of their mixed use buildings as well as outright vacancies of dilapidated structures. Some of the Community Housing Surveys returned indicated that many of the mixed use buildings need significant repair and upgrade and that the owners are in need of assistance. It was also noted that a building façade program is needed too.

The issue of housing conditions extends beyond that of the available housing stock within the town. There are many dilapidated buildings, and vacant or underutilized lots within the hamlet areas that have significant potential for adaptive reuse. State and federal housing rehabilitation programs, however, lack adequate flexibility to address scattered housing that makes up the majority of housing stock in low-density rural areas. Communities can meet some of their affordable housing and community development needs by bringing disinvested properties (abandoned, vacant, tax-delinquent) back into productive use.

In communities such as those suffering long-term disinvestment and those only recently affected by the current mortgage foreclosure crisis, implementing policies to re-use the properties as part of a neighborhood redevelopment strategy can stimulate a cycle of re-investment, fostering communities that are safe, welcoming, and thriving. By allocating at least some redeveloped sites for affordable housing, communities can ensure that working families will be able to stay in the area even if property values and home prices rise as the neighborhood improves.

Communities have overcome these challenges through tax foreclosure reforms, land banks, and shared databases of abandonment indicators. By streamlining the procedures for acquiring and disposing of disinvested properties in a strategic manner that is consistent with local priorities, communities can help alleviate blight, stem neighborhood decline, and expand the availability of quality, affordable homes. Code enforcement and nuisance abatement programs can also be useful for reducing the spread of disinvestment while other properties in the community are being reused or redeveloped.

Potential Solutions

Fund Rehabilitation and Improvements to the Existing Housing Stock

Warren County Department of Community Development Resources monitors and applies for federal, state, and county programs relating to housing. The Department also administrates home improvement and new home ownership programs that benefit low and moderate income persons, and the Mobile Home Replacement Program (Warren County currently has an application in to State).

The town has participated in the Warren County Housing Rehabilitation Program to provide grants for repair and rehabilitation of low and moderate income housing, including both single and multi-family structures. Funded through CDBG appropriations, this program is typically under-funded, and many worthwhile projects are neglected. The Town should request additional funding for housing rehabilitation programs.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Local Contractor Consortium

A comprehensive home repair and modification program made up of primarily local builders and contractors that provide pro-bono or reduced cost assistance to qualifying homeowners.

Create Local Incentives for the Construction of Affordable Housing

Waive local fees where applicable for production of affordable housing units through new construction or rehabilitation.

State and Local Tax Incentives

Provide financial assistance to households that otherwise would be displaced by revitalization efforts. These potentially include: tax incremental financing, for housing construction; support of regional housing funds supported by property tax revenues, tax abatements or deferrals for long-term low income homeowners.

Private Sector Involvement

To leverage private sector involvement in pursuing housing solutions, the first step is to explore whether the local community's workforce can or does live there. Employers reduce turnover costs and increase their appeal to new employees when there are quality housing options affordable to the local workforce, as this choice enables many employees to devote more time to their work, families and communities. Communities benefit from increased local investment and a more stable housing stock, while shorter commutes reduce stress on transportation infrastructure and the environment.

Property Tax Abatements (PA 93-0316; or, in Cook County, Class 9)

Reducing property assessments reduces property taxes. To qualify for property tax abatements, housing may have to meet specific requirements, such as including a certain number of affordable units.

Community Reinvestment Act (CRA)

The CRA requires banks with at least \$250 million in assets to play an active role in community and economic development. This includes their lending and investing services. Therefore, local banks can become a partner in a community's affordable housing efforts. For example, in the Chicago area, CRA programs have helped to create or re-finance senior housing, special needs housing, battered women's shelters, and single family homes.

Vacant, Abandoned, and Substandard Property Rehab and Sale Programs

Many cities have created programs that acquire vacant, abandoned and substandard property in order to rehabilitate that property and produce affordable housing. This tool can be an effective method for providing affordable housing to low- and moderate-income homebuyers while simultaneously improving the quality of life of affected neighborhoods. A local government can operate this program in collaboration with a community land trust and with funds from a housing trust fund.

Infill of Vacant or Underutilized Lots

A local rehabilitation program would require a detailed housing condition study that evaluates the condition of housing units that may be physically deteriorating as identified in field research, and more detailed interior inspections. The results of the housing condition study would identify targeted neighborhoods that need rehabilitation and set forth a strategy for how housing conditions within those neighborhoods are improved. The neighborhoods, predominantly in the Hamlet areas within Chester, would benefit from this systematic approach as the neighborhoods are of a compact and concentrated scale. Rehabilitation of these neighborhoods would have tangible results in overall community restoration. Furthermore, rehabilitation will preserve traditional neighborhoods and the overall residential integrity of these communities.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Funding for rehabilitation may be offered in differing ways to the benefit of individual home-owners or landlords. Assistance may range from grants to loans and usually focuses on housing elements relating to structural, mechanical and energy efficient improvements. The predominant source for funding is the New York State Small Cities Community Development Block Grant (CDBG) program as administered by the NYS DHCR. The program is a competitive grant program providing assistance to communities with a population of 50,000 persons or less. A primary aspect of the funding is assurance that funds will be to the benefit of persons with low to moderate income as defined for the area by the HUD income limits.

Conversion of Surplus Town-Owned Lands and Buildings to Affordable Housing

The town should adopt a policy and create a process of offering surplus properties for priority use as affordable housing. In such cases, the town should offer these buildings/properties through a Request for Proposals (RFP) to private or nonprofit developers, who would be required to develop a mix of affordable and market rate housing as a reuse of former town-owned buildings.

Recommendations

- Request Warren County Department of Planning and Community Development to apply for additional funding for housing rehabilitation programs;
- Support the adoption of a county set-aside program that provides a more efficient funding stream for home rehabilitation programs;
- Appoint a Chester Housing Coordinator that could connect builders/landowners/developers to land sale possibilities that have the capacity to meet community housing needs;
- Develop a partnership with the Builders and Remodelers Association of Northern New York (BRANNY);
- Support a new application for funding assistance for Warren County through the DHCR programs;
- Maintain an inventory of available lands and properties that are or may be available for adding to the Adirondack Community Housing Trust or for a private enterprise that may also be able to meet the needs of the community; and
- Support home buyer assistance programs through partnerships.

CASE STUDIES

Linked Deposits for Housing Rehabilitation

In Cuyuga County, Ohio, the county invests up to 10 percent of total tax revenues in participating banks at below-market rates. In exchange, the banks must commit to passing on the savings to borrowers in the form of low interest loans for housing rehabilitation and renovation.

Septic Rehab Program

The Town of Yarmouth, MA provides technical and financial support to help residents make necessary improvements related to updating their failing septic systems. Assistance is in the form of a 0% deferred loan that is paid back when the property is sold or transferred during 15 years. In return, the homeowner must allow the property to be included in the Subsidized Housing Inventory. A local Septic Pumping Program supplements this program. Over a 5 year period, 29 owners have participated in the program with an average grant of \$6,900 in CDBG funds per property with a total cost of \$200,000.

Genesee County, New York Land Bank

Over the last five years, this land bank acquired thousands of properties through an expedited tax foreclosure process. In disposing of these properties, procedures built in great deal of flexibility in holding, demolishing, and transferring properties as needed to meet housing program goals including the redevelopment of abandoned properties into affordable homes. To meet this goal, the land bank can sell properties to on-profit developers for less than the fair market value but not less than the costs to the land bank.

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

Issue 5: Lack of Consumer Awareness of Housing Programs and Assistance

Description

Many people in rural areas with housing needs do not know where to go for or how to access available housing programs. Distance to local housing organizations hinders access to housing information and services. The town could take on the responsibility for educating constituents about affordable housing and how to apply for it. This action would aid in the retention of existing residents.

Potential Solutions

Establish Partnerships with Local Non-Profit Housing Providers

The Adirondack Community Housing Trust (ACHT) has established a significant presence in the Adirondacks. The Town should forge a proactive partnership with this group to work cooperatively on the creation of low and moderate income housing opportunities.

Participate in Statewide Housing Activities and Planning Efforts

Continue to participate in the development of a regional housing plan for the Adirondack and monitor the development of state housing plans and participate as required in their preparation.

Explore Development of a Foreclosure Alert System

Municipalities have the capacity to acquire properties, including land and buildings, for development of affordable housing by the tax foreclosure process. Through a series of required notices to owners who are delinquent on their taxes and additional processing through the courts, municipalities can obtain title to these properties and choose to convey them via auction or special redevelopment initiatives. An option is for the Town Board to Requests for Proposals to select developers who obtain ownership at some nominal or discounted value, improve the properties and lease or sell them to low- or moderate-income households. A Request for Proposals that specifies project requirements – such as ownership vs. rental, type of structure, funding requirements – and selection criteria – including technical capacity, financial capacity, preliminary design, costs – would be issued by the town. The town would select a developer, who would then secure any necessary subsidies, undertake the rehab or construction activity, lease or sell the units to income qualified households and manage the property in the case of rentals. A monitoring agent would be contracted to monitor long-term affordability requirements.

Provide the Public with Affordable Housing Information

Design and distribute an education campaign to municipal, planning, and zoning boards and other interested officials. Identify community stakeholders, some of which may include:

- Community organizations involved with housing, homeless issues, or domestic violence issues;
- Faith-Based Groups Involved with Housing;
- Service Organizations (Kiwanis, for example) and Local Chambers of Commerce;
- Local Realtors, Schools, Developers/Homebuilders, Non-Profit Developers, and Home Builders Associations;
- Local Employers and Municipal Employees; and
- Local Citizen Leaders and Seniors.

Recommendations

- Assist local residents by providing a central place for information and links to home buyer assistance programs and regional organizations that can help;

HOUSING ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

- Assist private developers in the pursuit of grants, low interest loans, or other funding for the development of affordable housing by providing them the best available information; and
- Use area banks to identify possible properties that involve foreclosures and where possible work to convert them to long-term affordability.

CASE STUDY

Implementing a Coordinated Housing Strategy in the Twin Cities

A statewide Minnesota partnership is working to understand the foreclosure crisis in the state, reach out to and counsel distressed renters and homeowners, reclaim foreclosed properties, and create innovative financing products. A focus of the Minnesota Foreclosure Partners Council's efforts is the acquisition, rehabilitation and disposition of foreclosed properties and the creation of innovative financing products that will enhance the Council's ability to transfer foreclosed properties to responsible owners. Members of the Partners Council are working throughout Minnesota communities to rehabilitate foreclosed properties into affordable and market rate housing and restore a healthy housing market. Minnesota officials recognized the scale of the foreclosure problem before most of the nation's experts and took quick action. The Minnesota Foreclosure Partners Council is an extraordinary example of organizations and government working together on a statewide basis to solve important issues. Their work is both visionary and grounded, focusing on innovative financing, buyer incentives and quick, strategic acquisition of REO properties as pilot communities for the National Community Stabilization Trust's First Look program. Their efforts send a powerful message to funders and organizations looking for worthy projects to invest in.

IMPLEMENTATION



IMPLEMENTATION

The Community Housing Plan outlines a series of actions and initiatives that are required to improve the long-term function and efficiency of affordable housing choices for the Town of Chester. The recommendations outlined below focus on two main affordable housing strategies: Expand opportunities outward by increasing density, and expand opportunities inward through lot infill, the allowance of accessory units, new buildings on open lots, and the reuse and rehabilitation of existing buildings.

A strong implementation strategy is necessary to make any of the recommendations happen. The approach is to build upon and integrate the many successful regional housing initiatives already underway such as the ACHT, while pursuing new initiatives to improve future conditions. The town needs to concentrate on opportunities for new affordable housing opportunities that have the greatest potential to affect change. By endorsing and showcasing best management practices, positive case studies, and accomplishments in the town and region, the town has the capacity to become a model housing plan for all communities in the Adirondack Park.

The most important action necessary to moving the Community Housing Plan to the next level is for the Town Board to assign a point person in the community to keep, organize, and distribute information on housing and coordinate local housing initiatives and projects. This person could be a shared resource with North Creek or other neighboring community. A primary task would be to focus on finding a willing and qualified family and link them to an acceptable property and link them to an opportunity with the Adirondack Community housing Trust. The next step would be to form a Local Affordable Housing Advisory Board to act as a catalyst for affordable housing initiatives within the town. It would also assist the town, the state, and private and nonprofit developers to provide affordable housing in a manner that is consistent with the Community Housing Plan. The Board would initially be appointed by the Town Board and consist of citizens who represent the housing community, banking, real estate, builders, business, local community organizations and others who have a direct interest in affordable housing in the town. It would be advisory in nature, and would not replace or duplicate the duties of the Town Board, Planning Board, or Zoning Board.

The general duties and purposes of an Affordable Housing Advisory Board would be to:

- Establish short-term and long-term housing goals for the town that include those in this Plan;
- Support and expand the role of non-profit organizations in providing permanent affordable housing in the town;
- Research properties in the town that may be sites for affordable housing projects;
- Develop a site inventory of potentially suitable sites for rehabilitation of existing housing and adaptive re-use of nonresidential properties;
- Conduct educational programs regarding affordable housing issues within the community;
- Assist the town in developing zoning amendments contained in this Plan to encourage affordable housing;
- Identify funding sources for the production of affordable housing within the town; and
- Monitor the status of low or moderate income housing units in the town to ensure their continued restriction to qualified renters or owners.

IMPLEMENTATION

The chart below summarizes all of the recommendations in the Plan and outlines a strategy for the funding and timing of their implementation.

Implementation Strategies for the Chester Community Housing Plan

Strategies and Actions	Resources & Comments	Responsible Parties
STRATEGY 1: CREATE PROGRAMS THAT ACTIVELY SUPPORT AFFORDABLE HOUSING OPPORTUNITIES		
Action 1 Form a Local Affordable Housing Advisory Board.	The Town Board must establish this Board by resolution, and identify its purposes, duties, composition and authority.	Town Board <i>Funding: None Needed</i>
Action 2 Appoint a Chester Housing Coordinator that could connect builders/landowners/developers to land sale possibilities that have the capacity to meet community housing needs. This point person will keep, organize, and distribute information on housing and coordinate local housing initiatives and projects.	Consider sharing this individual with one or more adjacent communities to provide the highest impact. The position could start out as a volunteer position and move into a paid position when funding is located.	Town Board, Affordable Housing Advisory Board <i>Funding : None Needed</i>
Action 3 Assist local residents by providing a central place for information and links to home buyer assistance programs and regional organizations that can help. Develop an education program Community Housing Density Relief Bill to inform local residents.	This action is critical to the success of the plan. Once one family has been assisted, the program will take off.	Affordable Housing Advisory Board, Housing Coordinator <i>Funding: None Needed</i>
Action 4 Establish and maintain strong partnerships with local nonprofit housing providers such as ACHT.	Communication amongst housing partners will enable the momentum of the affordable housing conversation to deepen and expand.	Affordable Housing Advisory Board, Housing Coordinator <i>Funding: None Needed</i>
Action 5 Establish specific methods and procedures for the review of low and moderate income housing applications.	Work with Warren County Planning Department to develop a template.	Affordable Housing Advisory Board, Planning Dept., Housing Coordinator <i>Funding: Town Budget</i>

IMPLEMENTATION

Strategies and Actions	Resources & Comments	Responsible Parties
<p>Action 6 Participate in regional and statewide housing workshops and planning efforts.</p>	<p>On-going coordination with Statewide Planning and the Housing Resources Commission is required</p>	<p>Housing Coordinator <i>Funding: None Needed</i></p>
<p>Action 7 Assist private developers in the pursuit of grants, low interest loans, or other funding for the development of affordable housing by providing them the best available information.</p>	<p>Research and maintain a library of information so that Chester is One-Stop shopping for affordable housing information.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator <i>Funding: None Needed</i></p>
<p>Action 8 Work with area banks and realtors to identify possible properties that involve foreclosures and where possible work to convert them to long-term affordability.</p>	<p>Work with local banks for a reliable foreclosure tracking system. The goal is the potential intervention so that there can be a rent or buy back situation for the distressed owner.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator <i>Funding: None Needed</i></p>
<p>STRATEGY 2: IDENTIFY AREAS FOR THE EXPANSION AND IMPROVEMENT TO LOCAL HOUSING</p>		
<p>Action 1 Prepare an inventory of sites for rehabilitation of existing housing and adaptive re-use of nonresidential properties. Maintain an inventory of available lands and properties that are or may be available for adding to the Adirondack Community Housing Trust or for a private enterprise that may also be able to meet the needs of the community.</p>	<p>This work can be done in-house. Allow for input from property owners, residents, local nonprofit and for-profit housing providers.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator <i>Funding: None Needed</i></p>
<p>Action 2 Advance potential opportunities for affordable housing at Beadnell, Sullivan Park and Timber Lodge Estates Subdivision.</p>	<p>These sites have been identified as prime housing opportunity areas.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator, Town Board <i>Funding: None Needed</i></p>
<p>Action 3 Advance opportunities created through the Density Relief Bill.</p>	<p>This would have to occur after the Bill has been enacted, hopefully in the Spring 2011.</p>	<p>Affordable Housing Advisory Board, <i>Funding: None Needed</i></p>

IMPLEMENTATION

Strategies and Actions	Resources & Comments	Responsible Parties
<p>Action 4 Create a process for the conversion of surplus town-owned lands and buildings to affordable housing units.</p>	<p>The Town Board should adopt a resolution stating this policy, and require all municipal agencies to prepare a list of potentially surplus properties.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator, Warren County Planning Dept.</p> <p><i>Funding: None Needed</i></p>
<p>STRATEGY 3: PROVIDE MORE LAND AND EXPAND BUILDING DENSITY FOR SINGLE AND MULTIFAMILY HOUSING</p>		
<p>Action 1 Identify vacant and/or underutilized sites for the construction of new affordable housing development within the town.</p>	<p>As new sites are identified from time to time, amendments to the Affordable Housing Plan should be made.</p>	<p>Town Board, Affordable Housing Advisory Board</p> <p><i>Funding: None Needed</i></p>
<p>Action 2 Lobby the NYS Legislature for the passing of the Community Housing Density Relief Bill.</p>	<p>This action will provide the best expansion potential but will require a sustained level of pressure to move the bill forward.</p>	<p>Town Board, Affordable Housing Advisory Board</p> <p><i>Funding: None Needed</i></p>
<p>STRATEGY 4: WORK WITH REGIONAL HOUSING ORGANIZATIONS TO BRING OPPORTUNITIES TO CHESTER</p>		
<p>Action 1 Establish a contact with ComLinks to identify an opportunity site for affordable apartments.</p>	<p>Contact Johnsburg regarding the town's experience with a ComLinks project devoted to workforce housing.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator</p> <p><i>Funding: None Needed</i></p>
<p>Action 2 Coordinate an opportunity with the Adirondack Community Housing Trust.</p>	<p>ACHT is a responsive organization and needs the towns to bring opportunities to them.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator,</p> <p><i>Funding: None Needed</i></p>

IMPLEMENTATION

Strategies and Actions	Resources & Comments	Responsible Parties
<p>Action 3 Establish a contact with one of the Adirondack branches of Habitat for Humanity organization.</p>	<p>This organization is active in several northern Adirondack communities. It may be more expedient to make initial contact with the main organization: Adirondack Habitat For Humanity in Ray Brook.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator, <i>Funding: None Needed</i></p>
STRATEGY 5: PROVIDE HOUSING LINK BETWEEN THE PUBLIC, TOWN AND OUTSIDE RESOURCES		
<p>Action 1 Maintain a subsidized housing inventory and establish a waiting list of qualified households applying to rent affordable units (“Ready Renters List”).</p>	<p>The town should monitor the status of all affordable housing units in the community to determine when they may lose their restriction to remain affordable. To be successful, this action will require regular maintenance.</p>	<p>Affordable Housing Advisory Board <i>Funding: None Needed</i></p>
<p>Action 2 Request additional housing rehabilitation funding from the Warren County Department of Planning and Community Development.</p>	<p>The town should Support a new application for funding assistance for Warren County through the DHCR programs.</p>	<p>Affordable Housing Advisory Board <i>Funding: None Needed</i></p>
<p>Action 3 Consider supporting the adoption of a Warren County set-aside program that provides a more efficient funding stream for home rehabilitation programs.</p>	<p>This is a Warren County Planning Department recommendation that has yet to receive widespread support.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator, <i>Funding: None Needed</i></p>
<p>Action 4 Develop a partnership with the Builders and Remodelers Association of Northern New York (BRANNY). Request the development of a Local Contractor Consortium to assist Adirondack Communities with affordable housing issues and projects.</p>	<p>This group is has good representation in the Adirondacks and a lot to offer in terms of the practicality of implementing the recommendations in this plan.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator <i>Funding: None Needed</i></p>
STRATEGY 6: CREATE LOCAL INCENTIVES FOR DIVERSE HOUSING CHOICES		
<p>Action 1 Revise Local Zoning Code: <ul style="list-style-type: none"> ▪ Create an affordable housing overlay district over all </p>	<p>The use of professional consultants for this work element may be required. The Affordable Housing Advisory Board provides</p>	<p>Affordable Housing Advisory Board, Town Board, Planning Board</p>

IMPLEMENTATION

Strategies and Actions	Resources & Comments	Responsible Parties
<p>hamlet areas in the town.</p> <ul style="list-style-type: none"> ▪ Develop a Local Building Rehabilitation Code. ▪ Permit use of merged lots for affordable housing. ▪ Develop an Accessory Unit Law utilizing the Town of Westport Model since it is APA approved. ▪ Develop standards for residential and mixed-use conversions from existing mills, manufacturing buildings, and abandoned service or retail facilities. Remove code language that prohibits or discourages these uses. ▪ Consider higher density allowances for multifamily development. 	<p>input.</p> <p>The town should prepare and adopt a single comprehensive amendment to the Zoning Ordinance to implement the affordable housing strategies provided in this Plan.</p>	<p><i>Funding: Estimated \$5,000</i></p>
<p>Action 2 Consider offering property tax credits /abatements for affordable housing projects.</p>	<p>The town must research the potential impact on local taxes and weigh the benefits versus the net loss in taxes for this option.</p>	<p>Town Board</p> <p><i>Funding: Needs to be Evaluated</i></p>
<p>Action 3 Streamline the permitting and review process for affordable housing projects.</p>	<p>Any townwide effort to reduce red tape sends a positive message to potential developers.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator, Town Board, Planning Board</p> <p><i>Funding: None Needed</i></p>
<p>Action 4 Consider waiving local fees where applicable for production of affordable housing units through new construction/rehabilitation.</p>	<p>Any reduction in fees lowers the overall cost of building the project and increases profitability for the builder.</p>	<p>Affordable Housing Advisory Board, Housing Coordinator, Town Board, Planning Board</p> <p><i>Funding: None Needed</i></p>

Appendix A

Community Housing Density Relief Bill
APA Procedural Modifications Bill



Community Housing Density Relief

Encourages Community Housing projects near hamlet areas
inside the Adirondack Park

Assembly Bill No.: A11464

Assembly Sponsors: Sweeney - D. Long Island

Senate Bill No.: S.3367-B

Senate Sponsors: Carl Kruger, D- Brooklyn

Purpose:

The purpose of this bill is to increase affordable housing opportunities within the Adirondack Park on land best suited to sustain a higher density of development. The bill would encourage Community Housing projects, within a three mile radius of APA classified Hamlet land use areas, through special treatment under the "overall intensity guidelines" of the Adirondack Park Agency Act (APA Act) Act, Executive Law (EL) Article 27.

This bill would establish a special provision for "Community Housing" that modifies the definition of "principal building" to allow up to 4 dwelling units to qualify as one principal building on lands classified **Low Intensity** or **Moderate Intensity Use** within 3 miles of designated hamlets, or 1 mile of the Post office for certain other locations. The use of a Community Land Trust model, such as the Adirondack Housing Trust, will guarantee properties are perpetually "affordable".

Background:

Over the past several decades a number of factors have increased housing demand and property values in some Adirondack park communities to a point where the purchase of a detached or townhouse dwelling unit is unaffordable for many year-round residents. The growing recognition of the Park as a tourist destination and as a desirable place to live contributes to higher housing costs. In addition, housing values are impacted by land, construction and utility costs as well as property costs.

If density limitations are modified, developable land and existing structures in need of rehabilitation, within eligible locations, would provide the greatest opportunity

to increase the availability of affordable primary residences for permanent Park residents. In Adirondack communities facing serious affordable housing shortages, limited changes to the APA intensity rule would increase flexibility and reduce site development costs for qualified community based institutions serving resident homeowners and renters. The lack of adequate affordable housing is a problem that must be solved to retain year-round families and ensure community sustainability.

Bill Provisions:

Increase Overall Intensity Guidelines to allow up to 4 dwelling units to qualify as one principal building in **Low Intensity and Moderate Intensity Land Use Areas** provided:

- Maximum floor space of 1500 square feet per building, excluded garage
- No closer than 1/10 mile from shoreline
- Located within 3 miles of hamlet land use area boundary or 1 mile from the following Post Offices
 - Athol, NY 12810
 - Brantingham, NY 13312
 - Gabriels, NY 12939
 - Hoffmeister, NY 13353
 - Hulett's Landing, NY 12841
 - Kattskill Bay, NY 12844
 - Paul Smiths, NY 12970
 - Piseco, NY 12139
 - Sabael, NY 12864
 - Wanakena, NY 13695
 - White Lake, NY 12786
- Primary residence, affordable over time for successive owners or occupants - residential use only
- Adirondack Park Agency permit required for all proposed community housing projects

In addition, this bill would also require that potential homeowners meet an income eligibility criterion that is consistent with the Adirondack Housing Trust Program's guidelines. Criteria include:

- Only households which earn 120% or less of the median income for the county in which the project is located are eligible

Contact: Keith McKeever, Public Information Officer
Adirondack Park Agency - (518) 891-4050



Adirondack Park Agency Act Procedural Modifications

Modifies Adirondack Park Agency deadlines; transfer of development rights; denial of permit applications without a hearing

Assembly Bill No.: AXXX

Assembly Sponsors: XXXX

Senate Bill No.: S3361

Senate Sponsors: *Carl Kruger, D-Brooklyn*

Purpose:

The purpose of this bill is to address problems related to the regional project permit process established in the Adirondack Park Agency (APA) Act, Executive Law (EL) Article 27, Section 809.

This bill would extend time clocks for initial review to determine project completeness, modify ten-day requirement for publication notice for major projects in the Environmental Notice Bulletin, establish a uniform 90-day timeframe for both project hearing and approvability determinations, allow the APA to deny a project without a hearing while still retaining a project sponsor's right to a hearing, clarify the status of an unrecorded permit when the project has been undertaken, and establish flexibility for transfer of development rights from a more restrictive to a less restrictive APA land use classification within the same municipality.

Background:

Initial Review timeframe - A 15-day time clock currently governs the initial completeness review for minor and major project applications. This timeframe repeats each time the APA requests additional information. The current period does not allow sufficient time for a site visit. Lack of a site visit often results in a generalized request for additional information.

A 30-day extension for major projects will allow staff the opportunity to first conduct a site visit which in turn will result in more focused requests for additional

information. This should create a less burdensome process for the applicant and concentrate attention on relevant subject issues sooner.

Environmental Notice Bulletin - The 10-day requirement for major project notice publication in the ENB is impractical under the existing ENB publication procedures and is unnecessary because of the Agency's additional existing statutory requirement that publication occur "in the next available ENB." This later requirement will ensure prompt public notification of APA major projects.

Project Hearing Determination - The Agency must determine if a major project warrants a public hearing 60 days after the application is deemed complete. This requirement forces staff to complete its review of the project and to recommend to the Agency Board either project approval or a formal adjudicatory hearing within the 60-day time period.

Adopting the 90-day timeframe for both hearing and project approvability determinations will allow for thorough review of complex projects, and will help avoid unnecessary public hearing expenses and delays to the application process which may result if determinations are hastened due to unreasonable time constraints.

This bill also provides the APA with the option to deny a project without first holding an adjudicatory public hearing, but preserves the project sponsor's absolute right to request the hearing after an initial denial, with another Agency determination based solely on the hearing record. In many cases, the facts of the situation are not at issue and not in need of adjudication; what the sponsor needs is the opinion of the Agency Board on the merits of the proposal. In such circumstances, the denial up front with clearly articulated reasons allows the sponsor to make an informed decision whether to request a hearing.

Permits not recorded, for which the project is undertaken - The revision binds the project sponsor to the permit terms, even though not recorded, if the project has been undertaken.

Permit Amendments/Modifications - The proposed language addresses the problem of requests to amend a permit. Where the requested amendment involves no change in the proposed project, and no change in the applicable law, environmental

conditions or technology, the bill allows the Agency to deny the request without a hearing. However, the existing rule regarding "non-material" amendments remains: if the request is non-material, the Agency may grant it promptly without public notices or hearing.

Permit Conditions Appeals - This section moves into the statute the existing regulatory process and voting requirements for appeals of the terms of permits issued. It also helps provide symmetry with the statutory provisions that address permit amendments. By regulation, a permit holder has 30 days to appeal the terms and conditions of a permit plus an additional 30 days on good cause shown, and a two-thirds vote of Agency members is required to modify a prior permit determination issued by APA Board members. These rights will now be provided by the statute.

Transfer of Development Rights - Currently, the transfer of development potential is only available from the Agency within the same APA land use area. This bill would expand the opportunity for transfer of development rights. It proposes the option of transfer of development rights from a more restrictive land use area to a less restrictive land use area within the same municipality. This option is allowed regardless of whether there is an APA approved local land use program. An APA permit would be required in order to execute such transfer of development rights. The permit would include conditions and terms to ensure "no adverse environmental impact" occurs and adherence to other permit criteria.

Transferring development potential from more restrictive APA land use areas into less restrictive areas can balance protection of the Park's unique natural resources with the growing demand for increased development opportunities especially for Community Housing on land capable of sustaining higher density development.

Bill Provisions:

- Extends time period for initial review of a major project application from 15 calendar days to 30 calendar days;
- Eliminates 10-day requirement for publication of major project notices in the Environmental Notice Bulletin in favor of publication in the "next available ENB."

- Extends time period from 60 to 90 days for mailing hearing notices for major projects;
- Binds project sponsor to permit conditions if a project is undertaken without recording the permit;
- Changes timing and procedures for public hearings applicable to project denials; APA can deny project without first holding a public hearing, but the right to a hearing and a determination based on the record is retained;
- Clarifies procedures relating to permit amendment or modification; allows Agency to uphold a prior permit determination after the time to appeal has run and there are no changes in circumstances, without a hearing;
- Provides a statutory guarantee of a 30 day time period for an appeal of an Agency permit decision; an additional 30-days may be granted on good cause shown. It also provides a requirement for a two-thirds majority vote for all appeals to the Agency of a prior Agency Board determination; and
- Modifies provision relating to the application of the APA Act's intensity guidelines to allow greater opportunity for transfer of development rights.

Budget Implications:

This bill will have no significant fiscal impact to the State. It may reduce APA costs and project sponsor costs by improving efficiency of project review and approval.

Contact:

Keith P. McKeever
Public Information Officer
Adirondack Park Agency, (518) 891-4050

APPENDIX B

Introduction to Adirondack Community Housing Trust Ground Lease Summary

An Introduction to the Adirondack Community Housing Trust

Why was ACHT created?

- Homeownership in the Adirondacks is being priced out of the reach of working families.
- Through the initiative of Senator Little, the state budgeted \$1M to be used by an “Adirondack Community Housing Trust” to reduce the cost of home purchases for families making less than 120% of area median income.
- The legislation requires that the future sales of these homes be controlled by ACHT so that they will be passed on to other income-qualified families for affordable prices.

How was ACHT created and who controls it?

- ACHT was organized by the Housing Assistance Program of Essex County, which had worked closely with Senator Little to secure the funding.
- ACHT is now incorporated as an independent not-for-profit corporation with a board of directors whose members are drawn from the various parts of the Park.
- ACHT is being staffed by HAPEC, under a contract between the two organizations, but ACHT is fully controlled by its own board.

How does ACHT control the future sales of the homes it has made affordable?

- ACHT retains ownership of the land on which the homes are located. Homebuyers get a deed to the house and any other improvements on the land, and they get a 99-year renewable ground lease giving them secure long-term control of the land.
- The lease gives them most of the rights of conventional homeowners, but with a few limitations – one limitation being that when they want to sell the home they must either sell it back to ACHT or sell it to another income-qualified family, and must sell it for a price that will be limited by a formula written into the lease.
- ACHT’s resale formula allows the seller to receive the amount they originally paid for the house, plus the value of any ACHT–approved capital improvements they have made at their own expense, plus 25% of any additional appreciation in the value they originally paid for (but

not the appreciation of that portion of the home's original market value that was paid for by ACHT).

What does “income-qualified mean”?

- It means that the income of the household is less than a specified percentage of area median income (AMI), county by county, as determined by the US Department of Housing and Urban Renewal (HUD).
- ACHT expects to serve a range of income levels, so the percentages of AMI specified as the maximum allowable incomes for ACHT homebuyer will vary somewhat. Homes that have been made affordable for very low income households will be limited to households on that income level in the future. Homes that have been made affordable only for somewhat higher income households will be limited to households with comparable incomes in the future.

Can homeowners leave their homes to their children? To heirs outside of the family? What if they want to leave the home to someone who is not income qualified?

- Homeowners can leave the “asset value” of their homes to anyone they choose.
- If the heirs want to live in the home they inherit, they will be permitted to do so, even if they are not income qualified, if they are immediate members of the family. Other heirs either must be income-qualified or must sell the home under the terms of the ground lease.

What other limitations or requirements does the ground lease establish?

- The lease requires that the homeowner – or members of the owner's family – occupy the home as their primary residence. They cannot move away and continue to own the home as rental property. If they aren't going to live there, they have to sell.
- The use of the property may also be limited in certain ways – for instance it may be limited to residential use and whatever home-business uses are permitted by law.
- Other ground lease requirements, such as those relating to maintenance of the home, health and safety, etc. are generally the same as requirements already imposed by the terms of state and local ordinances and home mortgages.

Who pays the taxes, and how are the homes assessed for tax purposes? Are the taxes as high as they would be if the resale prices of the homes were not restricted?

- The owners of the homes are required to pay the taxes on both the house and the leased land.
- A committee of the ACHT board is working with the state office of housing services to make sure it is agreed that these homes will be assessed for the value they have under the terms of the resale restrictions, not the potentially higher market value they would have without restrictions.

What kinds of houses will be made available through ACHT? Newly constructed homes? Rehabilitated homes? Homes sold in as-is condition?

- The first homes to be made available will be houses rehabilitated by non-profit developers, but plans are also moving forward for new construction that will be sold through ACHT.
- A “buyer-initiated” program has also been established, whereby ACHT will work with prospective buyers to identify homes that are already on the market in a specified area and that are structurally sound and reasonably priced. Income-qualified homebuyers will then be invited to choose among these homes. ACHT will use its funds to cover enough of the price of each home to make it affordable for the purchaser, and in return will take title to the land and issue its standard ground lease to the homebuyer.

Where did the idea for ACHT come from? Are there other programs like this in existence anywhere?

- The first community land trusts (CLTs) were developed in the 1970s and early ‘80s. There are currently about 200 in the country, and the number is growing rapidly as more and more communities are concerned with preserving the affordable homeownership.
- Most of the nonprofit housing organizations in Vermont are organized as community land trusts and have been operating for some time in the way ACHT intends to operate. Burlington’s Champlain Housing Trust is more than 20 years old and is currently the largest CLT in the country.
- In New York, CLTs have operated for more than 15 years in Albany, Schenectady and Syracuse. In recent years, programs have been or

are being established in other areas of the state. There are currently 12 other CLTs in New York State.

Is there a problem in getting mortgage financing for these CLT homes?

- Although leasehold mortgages are not familiar to some lenders, a growing number of banks now provide such financing for CLT homebuyers.
- Fannie Mae offers a “community land trust mortgage product” and has established guidelines for underwriting such mortgages.
- USDA has adopted regulations allowing CLT homebuyers in rural areas to qualify for loans under its “Section 502 Direct Loan Program”
- The State of New York Mortgage Agency (SONYMA) has established a “Community Housing Trust Initiative” and has preapproved the ACHT program for participation in the new program.

A SUMMARY OF THE GROUND LEASE USED BY THE ADIRONDACK COMMUNITY HOUSING TRUST

This summary is intended to provide a general guide to the contents of the ACHT ground lease for people who own homes on land leased from ACHT or people considering buying such homes. When you need to know the exact contents of a particular section in full detail you should read that section in the ground lease itself.

Definitions of basic terms used in this summary

You: The homeowner who is leasing the land and is identified in the lease as the *Homeowner*.

ACHT: The Adirondack Community Housing Trust, which is leasing the land to you.

Premises: The parcel of land that is leased to you by ACHT.

Improvements: The house and any other structures that you own on the Premises.

Introductory “Whereas Statements”

These statements lay out a framework for the details of the agreement contained in the ground lease. They make it clear that in some ways this is not a conventional real estate transaction. ACHT’s purpose is to make homeownership affordable for low and moderate income families. The terms of the ground lease are designed to accomplish this purpose, and you understand and accept this purpose.

Article I: Letters of Stipulation and Acknowledgement

The “letter of stipulation” is a letter, signed by you, summarizing the more important parts of the lease agreement and stating that you understand these and other parts of the lease. The “letter of acknowledgement” is signed by your attorney. It states that the attorney has gone over the lease with you and advised you on its meaning. Both letters are attached to the lease as evidence that you are entering into the lease agreement with an understanding of what you are agreeing to.

Article II: Demise of Leased Premises

2.1: ACHT is turning the Premises over to you on the terms laid out in the lease, and you are accepting it “as is” at the time you sign the lease.

2.2: ACHT does *not* turn over to you the right to dig up and remove from the Premises any minerals that may be found on or in the land (including such materials as sand and gravel). ACHT still owns all such materials but does not have the right to remove them from the Premises if it would interfere with your right to live on and use the Premises.

Article III: Duration of Lease

3.1: The lease – and all the rights and responsibilities that it gives you – will be in effect for 99 years unless you sell your home and give up or transfer the lease or unless the lease is “terminated” because you have failed to comply with the terms of the lease and failed to correct the problem when notified of it by ACHT.

3.2: Before the lease expires, you (or your heirs) will have a right to renew it for another 99 years on the same basic terms. The section then lays out the process to be followed in renewing the lease.

3.3: This section makes it clear that, if ACHT ever sells the land, the new land owner must honor the lease and cannot terminate it as long as you are complying with its terms. It also says that if ACHT ever agrees to sell the land to anyone other than a nonprofit or government agency, you will have a right to buy it yourself for the price that the potential buyer had agreed on.

Article IV: Use of Leased Premises

This article describes certain restrictions and requirements regarding your use of the Premises.

4.1: You can use the Premises only for residential purposes and related purposes permitted on residential property by local zoning. **[modify as necessary]**

4.2: You are responsible for abiding by all laws and government regulations in your use and maintenance of the Premises.

4.3: You are responsible for seeing that everyone who is present on the Premises with your permission complies with the terms of the lease.

4.4: You, or someone in your immediate family, must live in the home for at least 9 months of each year.

4.5: ACHT has certain limited rights to inspect the Leased Premises, but not the inside of your home.

4.6: You have a right to enjoy your home without any unnecessary disturbance from ACHT, and ACHT has no intention of disturbing you.

Article 5: Ground Lease Fee

5.1: The ground lease fee that you pay for the use of the land is to be \$25 per month.

5.2 - 5.5: These sections deal with the way the fee is to be paid and the ways the amount of the fee may be changed under different circumstances.

Article 6: Taxes and Assessments

You are responsible for paying all taxes and special assessments on both the Improvements that you own and the land that you are leasing. If any part of what is owed is billed to ACHT, ACHT will pass that bill on to you. If you fail to pay, ACHT can pay the amount due, and you will then be required to reimburse ACHT for this amount.

Article 7: Improvements

7.1 and 7.2: You own the house and other “Improvements” on the Premises – including both what you are buying when you sign the lease and what you may add afterward.

7.3: Any new improvements or changes to existing improvements must be paid for by you, and must comply with any building codes, zoning laws or other legal requirements. New improvements and any major changes to existing improvements must be approved by ACHT before work is started.

7.4: You are responsible for preventing or, if necessary, removing any liens that might be filed against the property by someone you owe money to, including, hospitals, trades

people, etc. – but *not* including a mortgage lender if the mortgage has been approved by ACHT.

7.5: You – not ACHT – are responsible for maintaining the Premises and Improvements and must pay for all utilities and other services that you use.

7.6: When the lease finally expires or is terminated for any reason, ownership of the improvements goes back to ACHT, but ACHT must then pay you the amount you would have been allowed to sell them for (the Purchase Option Price as described in Article 10).

Article 8: Financing

8.1: You have the right to mortgage the Improvements and your leasehold interest in the land provided ACHT approves the mortgage and the terms of all related agreements. ACHT *must* give its approval for a mortgage if the terms comply with the requirements for a “Standard Permitted Mortgage” as laid out in the Exhibit PERMITTED MORTGAGES.

8.2: The holder of a permitted mortgage (the Permitted Mortgagee) has certain rights, which are laid out in Exhibit PERMITTED MORTGAGES.

8.3: If a permitted mortgage is foreclosed, or if you turn over your deed to the Permitted Mortgagee in order to avoid foreclosure, the resale restrictions contained in Article 10 can be removed from the lease to help the Mortgagee recover what is owed.

8.4: If there is a foreclosure and the home is eventually sold for more than what is owed to the Mortgagee, then some of this excess amount may be paid to you, but not any amount above and beyond what would be due to you under the terms of the resale provisions in Article 10.

8.5: Any amendments to this lease that you and ACHT agree upon must also be approved by any Permitted Mortgagee.

Article 9: Liability, Insurance, Damage and Destruction, Eminent Domain

9.1 through 9.3: You have full responsibility for the Premises. If anything happens on the Premises for which someone can be held liable (for instance, if someone is injured), then the liability is yours, not ACHT’s. If ACHT is forced to pay for something that you are responsible for, then you are required to reimburse ACHT.

9.4: You are required to insure your house and other Improvements against fire and other hazards. This insurance policy must cover the full replacement cost of the Improvements. You are also required to purchase liability insurance covering the Premises and the Improvements. (Note: both kinds of insurance may be included in a single “homeowners policy.”) The liability insurance must provide coverage as follows.

- For injury or death of one person: \$_____
- For injury or death of any number of persons: \$_____
- For property damage: \$_____

These amounts may be adjusted from year to year based on changes in the cost of living.

9.5: If your Improvements are damaged by fire or some other cause, you are required to repair the damage (using insurance money) and do whatever is necessary to make the Premises safe for people and property. However, if it is physically impossible to repair the damage or if the insurance money will cover less than 80% of the cost of full repair, you have a right to give up your lease after giving notice to ACHT – unless, within 45

days of when you give notice, ACHT is able to get the insurer to cover at least 80% of the cost of repair.

9.6: This section deals with the unlikely possibility that a government agency takes some or all of the Premises, through its right of “*eminent domain*,” for some public use (for instance, highway construction). Three possible situations are addressed.

- The entire Premises is taken, or enough of it is taken so that your home is destroyed or damaged beyond repair.
- Some part of the Premises is taken but it doesn’t affect your use of the Premises.
- Part of the Premises is taken and there is damage that does affect your use of the Premises but this damage can be repaired.

For the details of each of these situations go to Section 9.6 of the full lease.

Article 10: Transfer, Sale, or Disposition of Improvements

10.1: This section emphasizes the basic understanding that the requirements stated in this article are intended to keep the home affordable for others with incomes similar to yours.

10.2: You can sell the Improvements only to ACHT or to an “*income-qualified person*,” which means a person or household with an income less than ___% of the median household income for your county. ACHT can tell you what this dollar amount is in a given year. (Note: the percentage may vary from one ACHT home to another.)

10.3: You can leave your home to any heir or heirs you choose. Any heir who inherits the home and who is either your spouse or domestic partner or your child, or who is an income-qualified person, will have a right to take over the lease and occupy the home. Anyone else who inherits the home will have to sell it through the process described in this article.

10.4: If you decide to sell your home, you must notify ACHT in writing. If you want to recommend a potential buyer, you should name that buyer in the notice.

10.5: In order to determine the price you can receive for your home, an appraisal must be requested (within 10 days of when you give notice of your intent to sell) from a licensed appraiser that you and ACHT agree on. You will be responsible for paying for the appraisal. The appraiser will be told to determine the unrestricted market value of both the land and Improvements *as if there were no ground lease* affecting that value.

10.6: When the appraisal has been completed ACHT will have a right (“*option*”) to buy the home for the Purchase Option Price, calculated in the way described below. If ACHT decides to use its option and buy the home, it must notify you of this intent within 45 days of its receipt of the appraisal. After notifying you, ACHT can assign its option to an income qualified person. The purchase must be completed (by ACHT or the person it assigns the option to) within 60 days of when it notified you it intended to use the option.

10.7: If ACHT does not notify you within the 45-day period or complete the sale within the 60-day period, then you can sell the Improvements and assign the lease to any income-qualified person for a price that is no higher than the Purchase Option Price. If you have tried to sell the home for 6 months and it has still not sold, then you will be permitted to sell it to *any* buyer, regardless of their income, for not more than the Purchase Option Price.

10.8: If the home has been on the market for a full year and you have still not contracted to sell it, ACHT will have a right to step in and find a buyer and sell the home for you, and will turn over the money received to you, minus any costs of selling it.

10.9: The Purchase Option Price will be equal to the *lesser of* the appraised value of your “Ownership Interest” (explained below) or the Formula Price (explained in section 10.10).

Your Ownership Interest is based on the percentage of the original appraised value that you paid for (with both your down payment and your mortgage loan). The worksheet contained in section 10.10 of the full lease shows you how to calculate your Ownership Interest.

10.10: The Formula Price is the sum of the following amounts:

- your original purchase price,
- plus any Capital Improvement Credit (explained in section 10.11),
- plus 25% of any increase in the appraised value of your Ownership Interest between the time you bought the home and the time you are selling it.

(See the worksheet in Section 10.10 of the full lease.)

10.11: A Capital Improvement Credit can be added to the Formula Price to account for the value of major improvements you make to your home if you follow the procedure described in this section and ACHT approves such a credit. See section 10.11 of the full lease for the details of the procedure.

10.12: If ACHT does not use its purchase option and you sell the Improvements directly to another person, this section gives ACHT a right to charge the buyer a “transfer fee” on top of the price you receive. This fee will cover ACHT’s costs in overseeing the transfer of the lease to the buyer.

10.13: If you do sell your home, the new owner can choose between accepting an assignment of the old lease (with however much time remains in its 99-year term) or receiving a new lease from ACHT with a full 99-year term.

Article 11: Assignment and Sublease

You can sublease your home or assign your lease to another person only if ACHT gives permission in writing. Because ACHT doesn’t want to promote absentee ownership, it will allow an owner to sublease only for a limited time, if at all, and it will limit the rent you can charge to the amount needed to cover your costs. The person you sublease to will be responsible for complying with all of the terms of the lease.

The only time you can assign the lease permanently to another person is when you are selling the Improvements to that person. In that case, the price you receive for the Improvements and the lease will be limited as described in Article 10.)

Article 12: Default

A “default” is a failure to comply with the terms of the lease. A default is formally declared to be an “event of default” only if you have been notified of the failure and you have not corrected it within the time allowed.

12.1: It is an event of default if you fail to pay the ground lease fee, or other charges required by the lease, within 30 days of receiving a notice of failure to pay from ACHT.

However, if you pay at least 2/3 of the amount due within 30 days, you will be given another 30 days to pay the rest.

12.2: It is an event of default if you fail to correct “non-monetary” violations of the lease within 60 days of receiving notice of the violations. However, if you have begun to correct the violation during that 60-day period and are making a good-faith effort to complete the process but cannot complete it in 60-days, then the period will be extended enough to allow completion.

12.3: It is also an event of default if your rights to the Leased Premises are taken away by bankruptcy or other “judicial process.”

12.4: An event of default by you gives ACHT a right to terminate the lease and evict you from the Premises. Upon termination, ACHT will take ownership of the Improvements, but must pay you the Purchase Option Price minus expenses.

12.5: A failure by ACHT to do what the terms of the lease obligate it to do will result in an event of default if the failure is not corrected within 60 days of receiving notice from you, or within “such additional time as is reasonably required” to correct the default.

Article 13: Arbitration

If you and ACHT disagree about what is required by the terms of the lease, and if you cannot work out the disagreement between yourselves, then an arbitration procedure will be used. You and ACHT will each appoint an arbitrator and these two arbitrators will agree on a third arbitrator. The three arbitrators will hold a hearing at which you and ACHT will have an opportunity to present evidence and question witnesses. The arbitrators will then decide the dispute in accordance with the law, and their decision will be final. (See article 13 of the full lease for the details of the procedure.)

Article 14: General Provisions

This article contains a series of technical provisions that establish or clarify certain legal points.

APPENDIX C
Town of Westport Accessory Use Law



NEW YORK STATE
Adirondack
parkagency

M E M O R A N D U M

TO: Terry Martino
FROM: Brian Grisi 
DATE: January 4, 2010

SUBJECT: Town of Westport Local Land Use Program Amendments

The Town of Westport seeks Agency approval to amend its local land use program. The Town is proposing to add and revise several provisions in its zoning law. The amendments were submitted for approval by Town Board Resolution #240 dated December 8, 2009. The amendments are on the Local Government Services Committee Agenda for action at the January Agency meeting.

The Town of Westport has administered an Agency-approved local land use program since 1996. While there have been modest revisions to the program since its effective date, this action represents a multi-year review by the Town Board, Planning Board, and Zoning Office to correct deficiencies and to provide greater opportunities for residents and businesses. The recommendations and proposals from the town were vetted with Agency staff during this time in order to reach a consensus of actions that would achieve the town's goals and accord with the Agency's statutory requirements.

Overview of Changes

The amendments will revise the Land Use Law of the Town of Westport, Essex County, New York by:

- adding allowable new uses for accessory apartment, guest cottage, hunting and fishing cabin, industrial spring/well, self-storage facility, and water bottling facility;
- revising the home occupation definition contained in the village regulations;
- providing a provision for gifts, devises and inheritances; and
- revising the existing intensity requirements to provide allowances for pre-existing development, vacant land

acreage; and by eliminating the exclusion of wetland acreage.

The complete text of the proposed amendments is contained in the attached documentation together with a reference table created to illustrate the relationship of the proposed uses to local zoning districts, APLUDP land use areas and it includes specific zoning review required in each instance.

Staff Review and Comment

The document the "Land Use Law of the Town of Westport" was constructed by combining the old village land use law into the Town land use law when the village was dissolved in 1992. The village and town sections remain distinct in the combined document. This causes some redundancy in the text of the proposed amendments due to the need to adequately address both sections. Also to note, while the Town uses the term "intensity" to address the number of principal buildings per unit of land, the village section uses the word "density." This too is reflected in the text of the proposed amendments. The discussion below does not dwell on these issues, however, they are apparent when reviewing the actual text of the proposed amendments.

New Allowable Uses

Accessory Apartment: The proposal adds "Accessory Apartment" as a permissible use in several zoning districts (see proposed amendment use chart). The intent of this provision is to allow separate living space within an existing single family dwelling to be occupied by family members or caregivers and to ensure that this use is conducted in a manner that protects and preserves the neighborhood character and property values. With careful consideration and analysis of the existing number of residential dwellings within the Town (outside of the Hamlet land use areas), Agency staff determined the additional density associated with the accessory apartment provision is a reasonable application of the overall intensity guidelines and is consistent with the APA Act, Section 807.2(c). Accordingly, proposed Section 32.162(a) allows for up to 43 accessory apartments at any one time within the non-Hamlet portion of the Town. This corresponds to approximately ten percent of the existing residential housing. Administration for the number of accessory apartments includes a requirement to annually renew the permission to continue the accessory apartment and the removal of the kitchen facilities when the authorization for the accessory apartment expires or is invalidated.

In addressing Agency statutory requirements, and Town administration and neighborhood considerations, the proposed provision includes specific standards and requirements designed to control the use, number and physical presence of the structure. These controls are articulated in Section 32.160 of the Miscellaneous Regulations governing accessory apartments.

Guest Cottage: The proposal adds "Guest Cottage" as a permissible accessory use in several zoning districts (see proposed amendment use chart). The Town has chose to adopt the Agency's guest cottage description (as defined by the "accessory use" definition) nearly verbatim and agreed to add a condition that the lot meet the minimum lot size for that district, further limiting the potential for impacts.

Hunting and Fishing Cabin: The proposal adds "Hunting and Fishing Cabin" as a "Permitted Use" in several town zoning districts (see proposed amendment use chart). The Town clearly distinguishes such structures from "vacation homes" by using specific design and use elements. In addition, the Town chose to set the maximum size for a H&F cabin at 500 square feet; not allow more than one H&F cabin per 20 acres; and require a 150 foot shoreline building setback for any H&F cabin. Given the self-limiting features of a H&F cabin and requirements, the Town proposes to exempt H&F cabins from local intensity designations.

Industrial Spring/Well: The provisions would add a new term "Industrial Spring/Well," defined to mean "A spring or well, its accessory structures, intended to supply a large quantity of water to supply an industrial use." The industrial spring/well use would be added to several zoning districts which include Hamlet, LIU, RU and RM land use areas. As such, the IS/W use would be added to the list of projects in Appendix A of the Town's zoning law that are deemed to be Class A Regional Projects in all land use areas except Hamlet. Such projects would require a Special Permit from the Town and also require a Class A Regional Project permit if the project is proposed outside of a Hamlet land use area.

Self Storage Facility: The provisions would add a new term "Self Storage Facility," defined to mean "A commercial self storage structure open to the public." The use would be allowed by Special Permit in several zoning districts (see proposed amendment use chart).

Water Bottling Facility: The provisions would add the new term "Water Bottling Facility," defined to mean "A structure and accessory structures used in packaging water into containers for wholesale sales. Industrial business." Water Bottling Facility would be added to several zoning districts which include Hamlet, LIU, RU and RM land use areas. As such, the Water Bottling Facility use would be added to the list of projects in Appendix A of the Town's zoning law that are deemed to be Class A Regional Projects in all land use areas except Hamlet. Such projects would require a Special Permit from the Town and also require a Class A Regional Project permit if the project is proposed outside of a Hamlet land use area.

Revised Use

Home Occupation: The proposal revises the existing Village Section definition to allow for up to 2 non-residents to work for the home occupation which is consistent with APA Rules and Regulation Section 573.8(a)(1) Accessory Uses to Residential Structures.

Revisions and additions to Section 2.60-Land Use Intensity, Subdivision Calculation, and Recording

Addition: Gifts, Devises and Inheritances

The proposal adds a gift provision that is consistent with the provision contained in the APA Act Section 811(1)(c).

Revision to Section 2.062 - Intensity Designations

The proposal exempts hunting and fishing cabin and accessory apartment from intensity designations. A hunting and fishing cabin, as defined in the proposed amendments, will not be considered a principal building. An accessory apartment will constitute a principal building, however, as stated in proposed Section 32.162: "Notwithstanding the maximum density of development and the minimum lot size specified for the particular zoning district, an accessory apartment shall be allowed..." The text specifically allows for an accessory apartment use without needing to comply with the density or the minimum lot size requirements, provided all other standards are satisfied.

Revision to Section 2.063 - Subdivision Calculation and Recording

- **Pre-Existing Development** - The proposal provides a "take-out" for pre-existing development when determining potential opportunities for new principle buildings on the remaining land (this provision is consistent with and mirrors text of APA Act Section 809.10(c.)). It also provides the opportunity to "round-up" to allow an additional principal building if warranted by the acreage (this provision is consistent with and mirrors text of 9 NYCRR Part 574.7(b)).
- **Vacant Land** - The proposal provides opportunity to "round-up" to allow an additional principal building if warranted by the acreage when subdividing vacant land (this provision is consistent with and mirrors text of 9 NYCRR Part 574.7(b)).
- **Wetland Acreage Exclusion** - The proposal eliminates the exclusion of wetland acreage when calculating the maximum arithmetic potential number of lots in a subdivision. The exclusion of wetland acreage was adopted by the Town Land Use Law in 1996. In reviewing the Town zoning law, the Town Board decided it was not in the Town's interest to continue this practice since the extensive amount of forever wild State Land holdings in the town provides undisturbed preservation of a significant portion of the resource; the APA regulations do not require the practice to exclude wetland acreage in the calculation; and the need for private landowners to be able to subdivide their property without the additional restriction of not being able to utilizing wetland acreage in the calculation for subdivisions.

SEQRA

The Town of Westport declared itself lead agency under SEQRA for the amendments by Town Board Resolution #215, adopted on October 27, 2009. The town determined the action to be a Type 1 action and completed the full environmental assessment form. On December 8, 2009, by Town Board Resolution #240, adopted a negative declaration that the proposed action will not have significant environmental impact.

Memo to Terry Martino

January 6, 2010

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Summary

Agency staff concludes that the Town of Westport amendments are in accordance with the standards for an Agency-approved local land use program. The amendments are on the Local Government Services Committee Agenda for action in January. Included with the documentation from the Town is a staff draft Agency resolution to approve this action.

BFG:lhb

Attachments

cc: Daniel Connell, Town Supervisor
George Hainer, Code Enforcement Officer
James Connolly, APA

APPENDIX D

Sample Land Bank Property Donation Checklist



Sample Land Bank Property Donation Checklist

About this Tool

Description:

This sample land bank property donation checklist provides a framework for a land bank to ensure due diligence prior to accepting a donated property. This process will help prevent a land bank from accepting a donation property that will hinder the land bank program.

How to Adapt this Document:

This document should be used as a guide for creating a donation checklist that meets the needs of the land bank. It addresses the major land bank categories that should be included at a minimum. However, it should not be used as-is and should be altered to meet the goals of the individual land bank program.

Source of Document:

Substantial portions of this document come from a document utilized by the Genesee County Land Bank Authority.

Disclaimer:

This document is not an official HUD document and has not been reviewed by HUD counsel. It is provided for informational purposes only. Any binding agreement should be reviewed by attorneys for the parties to the agreement and must conform to state and local laws.

This resource is part of the NSP Toolkits. Additional toolkit resources may be found at www.hud.gov/nspta

XXXXXX Land Bank Authority
Property Donation Request Checklist (internal use only)

DONOR INFORMATION

Name of prospective donor: _____

Mailing address: _____

City: _____ Zip: _____

Phone number: _____ Cell phone number: _____

Fax number: _____ Email address: _____

PROPERTY INFORMATION

Parcel ID #: _____

Property Address: _____

City: _____ Zip: _____

Property's land use (single family house, commercial building, residential vacant lot, etc):

SEV of Property (use GLINK): _____

Market Comparables: _____

Is the property in a Strategic Reinvestment Area? Yes No

Are there potential environmental concerns? Yes No

Details: _____

Is demolition needed? Yes No

Is this a foreclosed property by NSP standards? Yes No

Is this an abandoned property by NSP standards? Yes No

Is the property occupied? Yes No

If the property is occupied, please select the following:

"Bona fide" tenant with a lease? Yes No

Tenant without a lease? Yes No

Owner-occupied at the time of notice of foreclosure (if applicable)? Yes No

REGISTER OF DEEDS INFORMATION

Current year taxes owed: _____

Delinquent taxes owed (specify year): _____

Outstanding liens on property: _____

Outstanding mortgage owed: _____

Register of Deeds title search: _____

SITE INSPECTION (IF NECESSARY)

Occupied?

Burnt? Boarding needed? Clean-up needed?

Existing utilities: _____

Water? Electricity? Gas?

Details: _____

NEIGHBORHOOD CONDITIONS

of blighted structures on block: _____

of vacant properties on block: _____

Further comments: _____

Attach a picture of the property and aerial photograph from Pictometry

Recommendation: _____

Signature of Reviewer

Date