



Woodstock Housing Oversight Task Force in consultation with Nan Stolzenburg FAICP

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## Report to the Town Board

# Summary of Proposed Zoning Changes Made Since April 2023 Incorporating Changes Resulting from Town and Public Input

## Introduction

On October 3, 2023 the Housing Oversight Task Force (HOTF) provided the revised Subdivision and Zoning Code drafts to the Town Board that is subsequent to our April 18, 2023 submittal. This reflects a detailed review and evaluation of each and every comment received since April 2023. HOTF's comprehensive review and evaluation of received comments has resulted in the following list of significant and incidental revisions included in the revised draft Zoning and Subdivision code documents.

Since our April 2023 submission to the Town Board, they formally accepted those draft laws for review and submitted to Ulster County Planning Board for the required 239 Referral. We have also received numerous comments from Town Committees and town residents through the official comments link provided on the Town website. Every single comment has been carefully reviewed and evaluated. As a result, there are a number of additional revisions to reflect some of that input that will further protect the environment and allow for more ways to create long-term affordable dwellings for year-round residents in Woodstock.

Historically, this current list is the second set of revisions derived from community input. The first occurred between Version 1 (May 30, 2022) and Version 2 (April 18, 2023). These initial revisions, which were detailed and highlighted in the April 2023 submission and totaled greater than 36 significant changes, were in response to officially submitted comments received from Town Committees, Boards and town residents, as well input during meetings held with various town committees.

During this extended comment period a number of the comments received were unrelated to zoning or subdivision code, but instead fell into non-zoning policy. Recognizing the importance of these non-zoning comments, we compiled them and our own recommendations that were outside of the code and referred them to the Housing Committee that is currently working on that material and will be submitting separately to the Town Board.

We have organized this current list with the changes to Zoning first and the changes to Subdivision second. Zoning code determines the types of uses that are permitted, and Subdivision code determines how the land can be divided. Within these sections, HOTF arranged these revisions listing initially the more significant followed by more minor changes to the code.

## Proposed Zoning Law Updates Since April 2023

1. Removed 3- and 4-plex housing types as an allowable use in the Scenic Overlay District. Clarified that 3- and 4-plex, multifamily housing, and clustered lot developments are not allowed in the R8, LI/SLI, FW or Scenic Overlay District.
  - a. Added language that no FRDs are allowed in the R8 or Scenic Overlay District.
2. As per County 239 referral requirements, language was added to
  - a. prohibit use of an Accessory Dwelling Unit (ADU) to be used as a short-term rental when only one ADU is on a parcel.
  - b. Require that when a second ADU is requested on a parcel, then the first ADU must be affordable housing restricted to accommodate income eligible persons. A second ADU may be used as a short-term rental, but only one short term rental per parcel (as per existing rules) are allowed and only when all other short term rental rules are met.
3. Clarified that ADUs are not allowed to be associated with two family, three and four plex dwellings, townhomes, or any other form of multifamily housing.
4. Removed option for an applicant to provide a payment in lieu of building affordable housing units throughout the code.
5. Clarified and defined that ADUs must be subordinate to the principal structure, except when placed in existing accessory structures that are already bigger than the home (such as a barn).
6. Clarified that ADUs are not allowed in a Floating Residential District unless there are individual lots created for single family homes within it.
7. Addressed ADUs on lots having a shared driveway (only one ADU allowed and only when the other landowner sharing the driveway agrees).
8. Clarified that existing hedgerows, wooded areas, topography or existing buildings can be used to screen ADUs, but if not present, landscaped screening shall be required.
9. Added a requirement that at least 15% of new dwelling units in a major subdivision must be dedicated as affordable housing units. This is higher than the minimum 10% affordable units that Ulster County Planning Board is requiring for a major subdivision. Clarified that no discrimination permitted regarding race, color, national origin, sex, religion or age when selling or renting a dedicated affordable unit.
10. Clarified that any affordable unit shall be indistinguishable from those units not restricted as affordable units in design, appearance, construction, and quality of materials.
11. Updated definitions related to affordable housing and dwelling units (rental and for sales) and added in additional affordable housing requirements related to restrictive covenants, provision of a housing plan, development of affordable residential lots, and donation of buildable land for provision of affordable housing to a housing trust or other housing-oriented non-profit organization.
12. In clarifying definitions of affordable dwellings, we have removed references to below market rate and market rate units and replaced with formal code language.

13. As per County 239 referral requirements, added an ability to calculate density of units, for purposes of offering a Density Bonus incentive for affordable housing, to be based on the number of bedrooms, rather than the number of units. Further added language to ensure that NY State and federal requirements for affordable housing must be met when funding is received from those governments.
14. Added language to be consistent with subdivision regulations (Chapter 202) so that subdivisions proposing 3 or 4 lots on parcels > 15 acres must submit both a conventional yield plan and a conservation design, and that the Planning Board has the authority to require a conservation design if the unique circumstances of the lot are such that it would be a better design and result in greater environmental protection.
15. Added language authorizing Planning Board to require a traffic impact analysis, visual impact analysis or hydrological analysis when needed and offered details on how those studies should be conducted.
16. Added in definition of and reference to Town of Woodstock Complete Streets Policy in appropriate locations in the law. Added in Complete Streets Committee as a local group that the Planning Board can seek advice from along with an expanded list of other committees relevant to an application before it.
17. Added in a variety of terms to help clarify use of the law including artisanal food, complete streets policy, conventional subdivision, food artisan, shared driveway, smart growth, traditional neighborhood design, subordinate structure or use, and yield plan.
18. Removed private uses such as day care centers and any commercial markets from a co-housing development. Added that public spaces in a co-housing development shall only be used for non-commercial purposes.
19. In addition to adding the Article XV for Planning Board authority included in April 2023 version 2, in this revision we have further strengthened the review and approval process of the Planning Board replacing “may” with “shall” in a number of key areas.
  - a. Changed Building Inspector or Code Enforcement Officer to Zoning Enforcement Officer in all places. The Zoning Enforcement Officer is the proper enforcer of the Zoning Law.
  - b. Clarified that site plan review is required as part of all special use permit review processes.
  - c. Added that publicly available maps can be used during the sketch phase to broadly identify natural resources that may be on a parcel.
  - d. Added other local committees to the current list from which the Planning Board can seek input, including Complete Streets Committee, Housing Committee, Tree Committee and others that the Planning Board finds relevant during review and approval of an application.
20. Changed lower size limit of a tiny house to be 300 sf to be consistent with NYS Building Code.
21. Updated definitions including family, dwelling unit, habitable space, manufactured home, motel, open space, residence, townhouse.
22. Ensured text and tables (Use and Dimensions) match.

23. Minor grammatical, format, numbering, and typographical corrections were made.

## **Proposed Subdivision Law Updates Since April 2023**

1. Added that all minor subdivision applications proposing 3 or 4 lots on a parcel 15 acres or larger shall be required to submit both a conventional and conservation based plan during sketch phase (conceptual review), and the Planning Board is authorized to require adherence to the conservation design based upon the unique environmental character of the parcel.
2. Added that the Planning Board shall ensure adequate potable water resources exist for the proposed subdivision, that they are authorized to require a hydrological study, and that they are authorized to require a traffic impact study whenever more than 100 cars per day are proposed as a result of a subdivision.
3. Added that grading and earthmoving on steep slopes >25% is prohibited in association with a subdivision.
4. Updated definitions so that affordable housing terms used in both subdivision and zoning are defined the same. Added conventional subdivision regulations to clarify differences between a conventional and conservation subdivision. Added definition of yield plan.
5. Added references to the Town of Woodstock Complete Streets Policy in definition and appropriate locations in the regulations.
6. Clarified and changed throughout the definition of a major subdivision to be the creation of 5 or more lots, that is, more than four lots is a major subdivision, less than five is a minor subdivision.
7. Strengthened and clarified the language that all major subdivisions shall be designed as a conservation subdivision.
8. Added how shared driveways (shared by two-five lots per Section 202-24) are to be addressed in Subdivision when an ADU is proposed on a lot.
9. Added a requirement that at least 15% of new dwelling units in a major subdivision must be dedicated as affordable housing units. This is higher than the minimum 10% affordable units that Ulster County Planning Board is requiring for a major subdivision.
10. Clarified that affordable housing units and those that are not restricted for affordable housing shall be located on the same site, dispersed not segregated, and shall be indistinguishable from other, non-restricted units.
11. Added in authority for the Planning Board to seek advice on subdivision from local Town staff and committees, and regional County, State and private consultants as may be needed to aid them in their review of a subdivision.