

# Myths and Facts: Housing Oversight Task Force

## HOTF Proposed Zoning and Subdivision Code

### Myths and Facts

#### Dispelling the misinformation

Woodstockers have seen a stream of misinformation (including outright falsehoods) about the proposed zoning changes. This scares and confuses many in the community and undermines the work of the dedicated volunteers trying to address our housing challenges – the Housing Oversight Task Force and the Woodstock Housing Committee. The turmoil distracts us from the housing crisis in our town and may prevent solutions that can help the community begin to address the needs of its year-round residents while maintaining protection of the environment. The list below represents the kinds of things people have been saying that are demonstrably not true. Let's reframe the discussion based on facts. That is the goal of this document.

The Housing Oversight Task Force (HOTF) is committed to helping provide the town with the necessary tools to enable affordable housing, and at the same time, provide maximum protection of the environment we all love. Either some people don't understand this, or they resist change. Change is already happening. It is inevitable, and we can either direct it in constructive ways or it will happen to us whether we like it or not.

#### **MYTH: "New zoning will bring overdevelopment which will spoil the environment."**

**FACTS:** The proposed code prohibits multi-family buildings in environmentally sensitive areas – the lowest density (R8 Zone) and the Scenic Overlay District. Where multiple-unit buildings (three to eight dwelling units) are permitted, the proposed new code increases the required acreage to correspond to the zone. In developing the proposed code, HOTF analyzed the entire town and found very few large parcels that can accommodate multiple-unit housing in permissible zoning districts (R5, R3, or smaller). Nonetheless, the proposed code ensures that any development beyond a single-family house or duplex (or first ADU) meets environmental protection goals while enabling affordable housing to the extent possible.

#### **MYTH: "Keep Woodstock Rural."**

**FACTS:** Woodstock is a small town, but it doesn't function like a rural town. Woodstock is "Woodstock" – there are pluses and minuses to being famous. We're a tourist destination with remarkable environmental and cultural attractions. We are also a "second home" town. Fully ⅓ of single-family houses are owned by people with a primary address outside of Ulster County. In

a traditional small rural town, most people work and live in town. In our Town, most people who work here cannot afford to live here.

**MYTH: “Woodstock's rural character will be forever changed by this new zoning.”**

**FACTS:** The proposed zoning adds strict conservation requirements that do not currently exist. Any subdivision of a parcel into 5 or more lots must create 50% permanently conserved contiguous land. Smaller subdivisions may also be required to do so if conditions warrant it. We are also fortunate in Woodstock to have close to 40% of the land permanently protected by NYS Forest Preserve, NYCDEP lands, WLC, Town parks, and the City of Kingston. In addition, the HOTF proposal authorizes the Planning Board to make decisions based on traffic studies and visual impact everywhere in town, not just in the Scenic Overlay as currently required.

**MYTH: “The code revision is being rushed.”**

**FACTS:** HOTF started its work over two years ago, first looking at current code and best practices, and then meeting with business owners, people who work in the community, people who work for the town, town volunteers, religious leaders, home builders, and architects, young people and seniors, and nonprofits, as well as all Town boards and committees. The HOTF also included town-wide mapping and analysis to identify sensitive environmental locations. HOTF started sharing the results in the form of a draft code more than a year ago (May 2022), and solicited comments from all members of the community, including formal responses from Town boards and committees. The Task Force made significant changes based on this community input. Drafts were reviewed by the Town’s land use attorney.

In April 2023, HOTF submitted updated recommendations to the Town Board, which they referred to the County Planning Board for formal review. Some County recommendations and all County requirements were incorporated. Town committees and boards as well as the public were invited to comment on the second draft. This resulted in the current draft that was submitted to the Town Board on October 3rd. The Town Board will consider it and will hold one or more public hearings, the first one scheduled for October 17th.

This entire process of over two years has been oriented toward receiving and integrating input from all corners of the community. The current draft is the third draft available to the public along with extensive explanatory material, all of which has been on the Town website.

The HOTF has already begun working on a written response to all written comments received. All these comments were evaluated, and many suggestions have been incorporated. Now that the 3rd revision has been submitted to the Town Board for formal consideration, the comment period will remain open until the Public Hearing is closed. The HOTF will work with the Town Board to finalize the document for their vote.

**MYTH: “It will open the floodgates to greedy developers.”**

**FACTS:** The floodgates were already open. The proposed revisions add controls and tools that are not in the current code, enabling the Planning Board to protect the environment and manage development more effectively. Conservation subdivisions put a significant limit on what a “greedy developer” can do with a parcel of any significant size. Affordable units are required in major subdivisions, multiple dwellings, and whenever there is a second ADU. This will be a disincentive for people who are “just in it for the money.”

**MYTH: “The new zoning is being imposed on Woodstock.”**

**FACTS:** The Town Board must agree to any and all changes. Nothing can change without the Town Board’s voting after a public hearing. We are a democracy - nothing can be “imposed.”

**MYTH: “Affordable housing won’t happen with new code.”**

**FACTS:** The proposed code cannot guarantee affordable housing because that requires someone with the resources to build affordable housing. However, it will require affordable housing when someone wants to build something new other than a single-family home, duplex, or first ADU. A new first ADU cannot be an STR. Affordable housing is required in every subdivision and every multi-family larger than a duplex. No STRs are permitted in any multifamily structures.

**MYTH: “It’s good now. Don’t change it.”**

**FACTS:** Samuel Johnson wrote “Nothing will ever be attempted if all possible objections must be first overcome.” And it isn’t good now. Average families, workers in local businesses, town employees and teachers cannot afford to live in Woodstock now. Change has come upon us, and we can see the damage it is doing to our community already. It will overwhelm us if we don’t act to direct it.

**MYTH: “Multiplex housing will result in big apartment complexes.”**

**FACTS:** Big apartment complexes are not permissible in the new code. Any developments with multidwelling structures will need to meet strict environmental siting criteria for the location, designed to be in scale and character to fit the community. No single building with more than 8

units is permitted. Such a building would be the size of a large farmhouse or the Lasher Carriage House. Three and four-plex units are required to be built resembling single-family dwellings.

**MYTH: “There will be an increase in STRs”**

**FACTS:** The HOTF proposal prohibits STRs in many situations where they might currently be permitted such as with two-family homes and multi-family homes. Apart from that, the STR situation is in the hands of the Town Board and the Zoning Revision Committee and there is an existing cap on the total number of STRs in the town.

**MYTH: “There will be development everywhere; there will be too much density.”**

**FACTS:** Density is the number of dwellings (e.g., a house) allowed per acre in a subdivision or on a single lot. The minimum number of acres required per dwelling unit is defined by which Zoning District contains the subdivision or lot.

The proposed law does not change the location, size or underlaying density shown in the Dimensions Table and on the zoning map. The new law proposes a change from measuring density in the Residential (R) districts from a minimum lot size to density. A 3-acre minimum lot size is the same thing as a density of 1 dwelling per 3 acres. By changing the calculation of the number of houses from minimum lot size to density, the Town offers the flexibility to use average lot sizes, which assists housing by allowing the creation of smaller lots where water and septic can be accommodated while maintaining the same density. So, in a subdivision, the same number of lots could be created using the proposed system as now, but the lot sizes could be different.

However, the proposed law will actually lower the allowable density in many locations. That is because it proposes use of Net Acreage for determining how many lots can be created in a subdivision. This means that the number of dwellings is calculated from the actual buildable acreage on a parcel instead of its total size. The parcel’s acreage that can be counted towards density is reduced by the amount of the parcel that is unbuildable. This is done by determining how many acres of the original parcel contains wetlands, wetland buffers, streams, stream buffers, and steep slopes. This number is then subtracted from the Total Lot Size to arrive at the Net Acreage. Then the permitted number of lots is determined by dividing the Net Acreage by the minimum lot size permitted.

So, it is a fact that any parcel having those environmental features within it that is proposed for subdivision will almost certainly be allowed fewer lots under the proposed law than in the current code, because of the Net Acreage requirement.

**MYTH: “Accessory Dwelling Units (ADUs) will be built everywhere!”**

**FACTS:** Since a change made in 1998, the town’s current law allows ADUs (previously called “accessory apartments”) to be built in every zone “By Right,” which means there are no requirements other than a building permit. This has not changed in the proposed code.

The only exceptions in the new code that might lead to additional development are ADUs and density bonuses specifically for affordable housing. Those who are concerned about overdevelopment caused by ADUs should recognize that currently only approximately 6% of properties in the town have ADUs. Building costs are currently at least \$300 per square foot (not including water and septic costs) and are likely to rise. It is unlikely that many additional ADUs will be built under these circumstances. In addition, new ADUs cannot be STRs under the new code.

**MYTH: “The Town will run out of water!”**

**FACTS:** As explained above, the density allowed as the HOTF proposal is the same as the current code or less because of Net Acreage. County water and septic requirements must be met for all developments, including ADUs, and we have added authority for the Planning Board to require hydrology studies that applicants can use to prove water capacity. Many large single-family houses already put significant demands on our water and septic capacities. Dwelling units that are 1000 sf in size will not add more.”

**MYTH: "This ought to be done with experts, not by volunteers."**

**FACTS:** The HOTF worked with one of the best planners in the state, Nan Stolzenberg. She is one of 9 planners in NYS accepted into the College of Fellows of the American Institute of Certified Planners and only one of 4 planners in NYS that is also a Certified Environmental Planner. The Task Force made up of citizens who know the town and its problems, worked with that expert planner who knows where the solutions are and how to formulate them as code to meet the goals of the town’s Comprehensive Plan.

**MYTH: “The proposed zoning is over 300 pages and has over 800 changes.”**

**FACTS:** The HOTF started with the current code as published by the General Code Publishers which is 186 pages, not including the Use Tables or the Dimension Tables.

1. To this, the HOTF added 70 pages of new laws already adopted by the Town that had not yet been incorporated into the document and put online by the General Code Publishers. These included the Wellhead Protection and the Telecommunication zoning changes. Including these already passed laws, brings the total size of the existing zoning law to 256 pages.

2. To this, the HOTF added a new section for the Planning Board, so they have the rules and procedures required by NYS municipal law. This added 3 pages to the code, bringing the total to 259 pages.

3. The substantive changes proposed by HOTF add 37 pages to the text, including a new chapter on housing that brings the total proposed zoning law to 296 pages including the Use and Dimension Tables.

Unfortunately, corrections such as typos, punctuation, and reorganization of some sections (e.g. definitions) and the addition of Readers Aid Boxes, made it appear that there were more substantive changes than there were. The old zoning law was complicated and, as acknowledged by the Planning Board, hard to understand, and we've changed text to make it easier to understand. HOTF considered 2 different options of how to present the zoning law to the Town Board for adoption, and chose "Repeal and Replace" as the better option because changes were scattered throughout the original text.

The alternative to Repeal and Replace is extremely cumbersome line-by-line editing requiring a separate motion for each and every change including punctuation, reorganization, typos, commas, and periods – a totally unmanageable process.

Presenting the local law as a "Repeal and Replace", a legal term, means that the proposed Zoning and Subdivision code can be adopted as a whole instead of piecemeal.

**MYTH: "Ulster County Planning Board did not like the HOTF proposal"**

**FACTS:** Quite the opposite. The County Planning Board is excited about the proposed code. They had a few suggestions and requirements for enhancing affordability. They stated in their comment letter, "The Board congratulates the Town on these efforts and the following comments are in that spirit and designed to help provide a better focus on ways to potentially increase and clarify opportunities for affordable housing in Woodstock."