

**Dutchess County Planning Board
MINUTES – July 10, 2019**

Present

Gary Baright
Colleen Cruikshank
Edith Greenwood
Edward Hauser
Hans Klingzahn
J. Patrick Lambert
Warren T. Smith
Randall Williams
Brad Barclay, *Staff*
Shelby Frangk, *Staff*
Heather LaVarnway, *Staff*
Anne Saylor, *Staff*
Lynn Schara, *Staff*
Eoin Wrafter, *Staff*

Absent

Michael Dupree
Hans Hardisty
James Nelson
Jill Way
Rick Wilhelm
Linda Fakhoury, *County Attorney Liaison*
John Metzger, *County Legislative Liaison*
Jennifer Coccozza, *Staff*

Hans Klingzahn, Chairman, called the meeting to order at 3:35 PM. All board members, staff and guests introduced themselves.

A motion to approve without change the minutes from March 13, 2019, was made by Warren Temple Smith, and seconded by Ed Hauser; with no objections, the minutes were adopted.

Commissioner's Update, Eoin Wrafter

The department completed 184 referrals during the first half of the year, which is about 46% of our annual estimate.

Census Update – we are preparing for the Census New Construction Program, the review of last year's LUCA submission, and a Complete Count Committee. The target areas and populations to increase responses from include minorities and families with children. We will work with municipalities and community action groups to try to increase participation.

We are working on a CFA application for a Brownfield Opportunity Area for the Schatz site. The County's goal is to attain the parcels through foreclosure and then transfer them to RUPCO Kearney for revitalization and development. The application is due at the end of July and we expect to hear final determination in December.

An Urban Trail Network has been proposed between the City and Town of Poughkeepsie. It lies on the former CSX rail line, providing connections from the Poughkeepsie Waterfront to Marist College, to Hudson Heritage by Schatz and the former Saint Francis Hospital, back to the Dutchess Rail Trail and into the north side of the City of Poughkeepsie. We expect this to be a transfer from Scenic Hudson to the County. Once we own the property, we will begin design for construction of the trail. Design will be different than the Dutchess Rail Trail due to its urban context.

Presentations

Short Term Rentals – Heather LaVarnway, Senior Planner, has been leading an internal team to gain perspective on short-term rentals in the county. The industry is growing rapidly, causing municipalities to start developing regulations, and several have reached out to us for help in understanding the pros and cons. Issues include housing availability and affordability, impact on neighborhood character, unhosted rentals (owner is not on-site), insurance liability and complaints. As of April 2019, there were approximately 1,200 listings in the county, with some in every municipality.

Our department conducted a survey of municipal staff to better understand their questions and issues surrounding short-term rentals. The response rate was 36%, representing 26 out of 30 communities, and most indicated they don't know specifics about their rentals (location, type, quantity). Of those responses, 53% said they do see opportunities, 79% said they have concerns. None of the communities have specific short-term rental regulations, but a few are applying other sections of their code when issues arise. We know of eight municipalities that are drafting regulations and another ten interested in developing regulations. Hotel bed tax is collected on behalf of the County by Airbnb for all rentals listed with them. The Finance Department is responsible for enforcement of unpaid hotel bed taxes.

New State Housing Laws – Anne Saylor, Community Development Administrator, spoke about some of the new tenant protection laws that were passed. The Housing Stability and Tenant Protection Act of 2019 (TSTPA) expanded the option for rent stabilization statewide (prior to the new law, it was limited to NYC, and Nassau, Westchester and Rockland counties). It will apply to buildings with six or more dwelling units that were built prior to 1/1/1974, with some exceptions regarding building conversions and buildings with significant mechanical system upgrades. Although the final guidance has not been established, it is believed that each municipality will be able to opt in after conducting a statistically valid vacancy study every three years that shows a 5% or less vacancy in that demographic, and after conducting a public hearing and voting to implement rent stabilization. Once finalized, there will be a local training to clarify the requirements.

The other law recently passed, Source of Income Law, mandates that you cannot discriminate against a potential renter for their source of income. For example, you can't deny them if they are receiving Section 8 funds. Also, as part of TSTPA, security deposits will now be limited to one month and there will be a limit on application fees, among other expanded protections.

Climate Smart Communities (CSC) – Brad Barclay, Senior Planner, explained the statewide program, which is a network of communities with common environmental goals, including increased energy efficiency, increased use of renewable energy, and reduction of greenhouse gasses. The CSC offers solutions for local governments looking to reduce and adapt to climate change and can be a source of matching grants for projects that work to those ends. To date, 20 of the 30 municipalities in Dutchess County, plus the County, itself, are in the process of getting certified. The program has 100 priority actions with points assigned to each, and the more points you achieve, the higher your certification (gold, silver, bronze). Dutchess County's goal is to become bronze certified in 2020.

County Right-to-Farm Law – Shelby Frangk, Planner, explained the Right-to-Farm Local Law, which was a 2019 initiative of the County Executive, announced at the 2018 Dutchess County Agricultural

Forum. The Dutchess County Agricultural Advisory Committee was tasked with the research of this law. The law was “laid on the desk” of the legislators and will be considered at the next Government Services & Administration Committee meeting, then voted on at the board meeting. After that, a public hearing needs to be held, then it goes to the Department of State with the County Executive’s signature.

In New York State, 16 out of 62 counties have these local laws and we reviewed them to develop the local law for our county. In general, the law is a declarative, positive statement about the business of agriculture. It only applies to property within a NYS agricultural district and requires a farming operation follow sound agricultural practices and be responsible land owners to be eligible for protection under the law. The highlights include the Right-to-Farm Dispute Resolution Committee, whose responsibility is to review farming complaints, meet with the aggrieved parties, and render a written decision. It is offered as an alternative to going to NYS Department of Agriculture and Markets for resolution.

The other is the Real Estate Disclosure Notice, which would inform potential neighbors about a farmer’s right-to-farm in Dutchess County. It is required for the sale, purchase, or exchange of real property located partially or wholly within 500’ of a state-certified agricultural district.

Another highlight included in the local law is a supportive statement about agricultural data statements, which look at the potential impact of a project in relation to an agricultural district.

Partnership for Manageable Growth

Status Update – The program started in 1999. To date, through 9 bonds, the Legislature has appropriated \$10.1M in funding. We have completed 29 projects; 8 were open space, and 21 were farmland. We have protected over 3,500 acres of farmland and 500 acres of open space with \$7.4M in County funding, which acquired \$34.1M of easement properties. Additionally, we have awarded 8 farmland projects, which will result in an additional 1,500 acres at a County contribution of \$2.7M. Once completed, the program will have protected over 5,500 acres in Dutchess County.

We are scheduled to do six closings in 2019 and two more in early 2020. Scholldorf Farm was funded, but DLC asked to be left out of the press release because they are still working with the State for funding. The only project not approved was the Dover “Seven Wells” parcel; we are working with the application to help them develop a modified application for the future. Eoin has already requested an additional \$1M bond consideration as part of the 2020 budget adoption in December.

2020 Application Process Proposed Revisions – DLC suggested that the farm tours be done earlier. Instead of doing the tours in February, it was suggested that the farm tours take place in November as part of the application process. As a result, Eoin proposed the following schedule:

Applications will be released at the Agricultural Forum on August 22, then farm tours will take place in November in place of our regular meeting (date to be determined). Applications would be due in early December. Presentations would occur in January and would have to be different than what is presented on the farm tour. Scores would be due in February, then at the March meeting, we would do ranking and recommendations to the County Executive.

Since a resolution was not needed and the board members present were all in agreement, it was agreed we would proceed with the new schedule. Eoin noted that the number of applications and location of the farms would ultimately dictate the feasibility of conducting the tours in one day but advised the board that their presence would be needed during a weekday to conduct the tours.

The next meeting, originally scheduled for November 13, 2019, will not take place as intended; instead, board members will be notified by email of the date of the farm tours after the applications have been submitted.

With no further business, a motion to adjourn was made by Randall Williams and Ed Hauser seconded. The meeting was adjourned at 5:10 PM.

Respectfully submitted,

Lynn Schara