Bob Powell – 135 Mygatt Road – Amenia

Presented November 12, 2026

The Cascade Creek project has been presented as one that will benefit Amenia by providing workforce housing. Yet there is no clear mechanism ensuring these homes will be sold to Amenia residents or local workers rather than income-eligible buyers from outside the town. If the primary justification for locating this development in Amenia is local benefit, that benefit must be secured in the approvals. Without it, the rationale for the project is undermined.

I have seen no detailed statement from the Planning Board or the applicant, listing the specific public benefits Amenia is expected to receive, supported by evidence. If the Board believes this project is important for the town, that list—with supporting numbers and analysis—should be part of the public record. To date it has not been.

The site lies within the Aquifer Overlay District. While a SEQRA negative declaration has been issued, I have not seen a completed, independent long-term study that demonstrates the additional demand from 26 homes (served by on-site wells and a community septic system) will not adversely affect the aquifer or neighboring wells. Residents along Cascade Road have already raised this concern. Approving the project without such verification would place a multi-generational water resource at risk on the basis of incomplete information.

What has been presented so far consists largely of expectations and assumptions. There has been limited independent professional evaluation outside the town's own process, and little apparent weight given to the volume of resident opposition expressed at public hearings. The general consensus I have observed is that residents do not support this density and configuration. Using the letter of the zoning and subdivision rules to move the project forward does not substitute for demonstrating that it serves the town's interests.

I do not support this project as currently proposed. A lower-density development on larger lots might represent a reasonable compromise more consistent with the character of the community. Twenty-six homes on quarter-acre lots does not.

I request that the Planning Board require the following before any further approvals: (1) a binding local-preference or local-workforce priority for buyers, (2) a documented list of public benefits to Amenia with supporting analysis, and (3) a completed independent evaluation of aquifer and well impacts acceptable to neighboring property owners. Absent these, the project should not proceed.

Hello - Margaret Dexter -

I'd like to call attention to a number of studies procured by the applicant, HRH, and submitted by the applicant to you. As an example, Dutchess County and the town list the parcel of land being considered as 18 acres. It seems strange as the applicants' recent survey indicates 24.3 acres.
Don't you think it would be a prudent expenditure of money to hire a surveyor of your choice to double check the actual property size????

Another study provided by the applicant is a September 2024 Phase 1 Bog Turtle Habitat Suitability Assessment report. Wouldn't you want to commission your own study by a vendor of your choice in regard to the sensitivity of the Bog Turtle??

Please consider having your own independent studies done.

Thank you.

Margaret Dexter

Because he can't be here today, I'm going to read some of **ERIK TOZZI Comments**. Mr. Tozzi is **MANAGING DIRECTOR,** and **SENIOR WEALTH MANAGER OF TRUIST BANK** and lives at **24 OLD NORTH RD** in Amenia:

"The **business plan** does not allow very much margin for error. If a few assumptions don't pan out, the project becomes **unviable**, and we are left with an **unfinished** building site.... There is considerable risk for the **individual homeowners**. They will take on a number of financial obligations - mortgage, insurance, homeowner association fees and taxes. [and] are responsible for the **collective fortune** of the project. Their upside is very limited; they cannot sell their property for a profit. ... Frankly, I would never recommend to any of my children that they apply for such housing.

.... Considering the **lack of transparency**, I object to the project, as I do not want to risk having a **bankrupt development** in my neighborhood. Absent any transparency about the project, I tried **to reverse engineer** the business plan."

We've given you a **SPREADSHEET** showing **MR. TOZZI'S** findings **FINDINGS**. I have additional ones here. MR. TOZZI continues:

"I have looked at the AMI criteria in **section 121-42** of our code and have these questions:

1. What is the estimate for each **homeowner's obligation** with respect to insurance, taxes and HOA fees? What are some conditions that might spike HOA?
2. When our base number for these expenses is deducted from 30% of the applicant's income, **how much is available** for mortgage payments? What is **the range of mortgages** this calculation can sustain?
3. What is the **total cost** of the project? How much in **grants** has HRH secured? What is your projection for how much can be paid by mortgages? How much by down payments?

4. Are there **contingencies** for a shortfall? What if not enough houses find suitable buyers?" .. *The last thing anyone should want is for HRH to lower the bar for applicants to recoup their fixed costs but be left with a significant pool of homeowners who would struggle to meet their obligations.*

Mr. Tozzi submitted his findings to an **AI program**. Here's some of what AI said:
"The spreadsheet perfectly illustrates the **core structural deficit** plaguing the project, showing that it is **fundamentally unviable** as a standalone private market venture **without massive public capital injections**. Your math cleanly demonstrates the "affordability gap" .... Your assumption of **$7,200 annually** for taxes, common charges, and insurance is **highly realistic**. .... Your model highlights exactly why the project has faced **local skepticism:** if public grants stall or infrastructure costs spike past **your $11M projection**, the per-unit gap becomes **too wide for public subsidies to bridge,** threatening the viability of the entire development.

George,

I consulted with our Bureau of Fisheries on this matter, and they informed me that the DEC is aware of trout spawning in this area. It is likely that any in water work proposed would be subject to a time of year restriction to protect spawning trout. Additionally, any effluent discharges (if proposed) would likely have thermal limits to further protect the fish.

If you have any other questions regarding trout or the stream classification, you can reach out to our Bureau of Fisheries directly, at 845-256-3161 or fwfish3@dec.ny.gov. Please let me know if I can provide any other information.

**MICKENNA MEYER** *(she/her/hers)*
Environmental Analyst, Region 3

**New York State Department of Environmental Conservation**
**Division of Environmental Permits**
21 S. Putt Corners Road, New Paltz, NY 12561
dec.ny.gov | @NYSDEC on Social Media | Podcast

**From:** George Bistransin <midvalefarm@aol.com>
**Sent:** Friday, November 6, 2026 6:18 PM
**To:** dec.sm.DEP.R3 <DEP.R3@dec.ny.gov>
**Subject:** Cascade Creek

Dear sir or madam,

There is a project advancing in Amenia that proposes a dense subdivision along Cascade Creek in Amenia that I fear will do great environmental damage. An old timer here in Amenia believes there is evidence that this Creek is a spawning ground for trout. Could you tell me how I could investigate this further.

Your help would be greatly appreciated.

Sincerely yours,
George Bistransin
937-708-9717

.....Herbert Eschbach, who was an environmentalist that moved upstate, says that the Amenia Stream and the wetlands that extend.....way down past Cumberland and Main Street etc.....functions as a fishery, where baby fish are spawned.....records might be in the DEC District Office #3, or a section on Fish ,...

**From:** **Kim Travis** kimtravis1102@gmail.com
**Subject:** 11/12 statement
**Date:** November 12, 2026 at 2:34 PM
**To:**

The proposal set forth by HRH will have a significantly detrimental impact on the character of our neighborhood. You are changing the rural nature of Amenia in ways that have not been fully thought through. While the ideology of work force housing or affordable housing, whatever you want to call it, is a fine idea but not if it comes at the expense of common sense & thoughtful planning.
HRH has admittedly NEVER done any housing project of this scale. Why would WE want to be their "experiment"?
Especially, as we have on video, the town attorney has admitted that the taxpayers of Amenia, will be on the hook for any cleanup & maintenance of this development should things go awry.

The proposals discuss the specifics of how to build this new community in detail, yet show little to no concern for the general well-being of Amenia or the true impact this will have on the town and on everyone who already lives here. You are ignoring those of us who moved here precisely to get away from the kind of development now being proposed.

Make no mistake about what this is. This is low-income housing being placed in the middle of our community by people who have not demonstrated any real advantages to its implementation. These so called affordable houses are not even for Amenia residents or workers. HRH has stated that ANY priority policy for the people of Amenia would be discriminatory. So, who are they really for?
Not to mention that calling these houses "affordable" is ridiculous. Even middle income workers wouldn't be able to afford these homes, much less someone working for minimum wage.

My husband & I moved here 21 years ago to escape this type of thing, thinking that the people in a rural town like Amenia would always want to maintain the charm and serenity of an uncluttered, clean, and quiet landscape. That is the character that drew many of us here and that we have worked to preserve.
This plan emphasize unit counts, eligibility rules, and construction details while giving far less attention to the cumulative effects on traffic, services, the rural setting, and the people who already call Amenia home. Those of us who chose this town for its low density and separation from denser patterns have a legitimate stake in how these changes will alter the place we have lived in for decades. The proposals should address those impacts with the same seriousness given to the design of the new buildings.

Density being a huge, but just one concern. Traffic, loss of farmland, loss of wildlife habitats, negative impact on the schools system, the increase burden to our already overwhelmed first responders are just a few of the reasons the Planning Board should reject this proposal.

Corporations & millionaires should not be dictating how our rural communities thrive, We The People should.

Quoting from the Amenia Town Code:
From the Town of Amenia, NY Codes
Art 1: Title, Scope and Purposes

D. In recognition of the economic value of Amenia's natural beauty and environmental amenities, we must **protect the integrity of scenic views, ridge lines, agricultural land, existing and potential recreation areas, waterways, groundwater and surface water supplies, ecological systems, wetlands, wildlife habitat, and natural vegetation, and to maintain environmentally significant open space in its predominately undeveloped state, in order to maintain property values and preserve the open and rural character of the Town.**

F. **To encourage the continuation of agriculture and the preservation of open space, and to avoid regulating agricultural uses in a manner that unreasonably restricts or regulates farm structures or farming practices, while encouraging other economic activities that require large areas of contiguous open space, such as sustainable forestry, tree farming, and recreation.**

G. **To regulate building density** in order to concentrate population in appropriate locations where municipal infrastructure is available and to ensure access light and air, conserve open space, facilitate the prevention and fighting of fires, minimize the cost of municipal services accomplish the other purposes enumerated in section 263 of the Town Law of New York State.

H. **To integrate harmoniously different types of homes that are compatible with the Town's rural character and scale**.

| | |
|---|---|
| Annual Taxes | 2400 |
| Common Charges | 2400 |
| Insurance | 2400 |
| Total Other Expenses | 7200 |

| # in household | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|
| AMI (Area Median Income) | $ 86,125.00 | $ 98,437.50 | $ 110,750.00 | $ 125,900.00 | $ 136,000.00 |
| 80% of AMI | $ 68,900.00 | $ 78,750.00 | $ 88,600.00 | $ 100,720.00 | $ 108,800.00 |
| <This is the maximum income per household size | | | | | |
| Only 30% if income to be spent on mortgage, taxes etc. | $ 20,670.00 | $ 23,625.00 | $ 26,580.00 | $ 30,216.00 | $ 32,640.00 |
| Less Fixed costs above | $ (7,200.00) | $ (7,200.00) | $ (7,200.00) | $ (7,200.00) | $ (7,200.00) |
| Cash Flow available for mortgage | $ 13,470.00 | $ 16,425.00 | $ 19,380.00 | $ 23,016.00 | $ 25,440.00 |
| Interest | 7.32% | 7.32% | 7.32% | 7.32% | 7.32% |
| Tenor | 30 | 30 | 30 | 30 | 30 |
| Maximum monthly payment (line 16) | $ 1,122.50 | $ 1,368.75 | $ 1,615.00 | $ 1,918.00 | $ 2,120.00 |
| Implied mortgage | $163,408.06 | $199,255.93 | $235,103.80 | $279,213.06 | $308,619.23 |
| Value with 20% downpayment | $204,260.07 | $249,069.91 | $293,879.75 | $349,016.32 | $385,774.04 |
| Assumptions for unreimbursed fixed costs | $8,000,000 | $9,000,000 | $10,000,000 | $11,000,000 | $12,000,000 |
| Spread over 26 Units | $307,692.31 | $346,153.85 | $384,615.38 | $423,076.92 | $461,538.46 |
| Spread over 28 Units | $285,714.29 | $321,428.57 | $357,142.86 | $392,857.14 | $428,571.43 |

The spreadsheet perfectly illustrates the **core structural deficit** plaguing the project, showing that it is fundamentally **unviable as a standalone private market venture** without massive public capital injections.

Your math cleanly demonstrates the "affordability gap": for a 4-person household at 80% AMI, the maximum implied sustainable mortgage is roughly **$279,213**. However, if fixed infrastructure and construction costs scale to $11,000,000, the raw development cost per home sits between **$392,857 and $423,076** before any developer profit. This leaves an immediate capital shortfall of **$113,000 to $143,000 per home**.

**1. The Low-Income Housing Underwriting Paradox**

In a traditional market-rate development, the sale prices must equal or exceed the total construction costs plus a margin. For affordable homeownership projects under HUD guidelines, **cost and price are completely decoupled**. The sales price is fixed backwards based strictly on the buyer's income, while the actual physical cost to build the home is heavily subsidized to bridge the gap.

**2. How the Project Proposes to Bridge Your Calculated Deficit**

Hudson River Housing (HRH) relies on a specific financial layer cake to absorb the per-unit loss shown in your numbers:

- **Silent Second Mortgages (Subsidized Equity):** HRH does not expect the buyer's primary bank mortgage to cover the full cost of the home. Programs like the NYS Affordable Housing Corporation (AHC) or the federal HOME program provide deferred, non-amortizing "silent second" grants (often $40,000 to $75,000 per unit). These grants sit on the property as a forgivable lien, matching the exact gap between your calculated $279,213 sustainable mortgage and the true cost of construction.
- **Infrastructure Grant Capitalization:** The heavy per-unit fixed utility costs (decentralized water/septic networks and fire safety reservoirs) are targeted for direct public funding. Capital grants from New York State's Homes and Community Renewal (HCR) or Dutchess County's infrastructure funds are designed to strip the infrastructure costs out of the developer's raw cost-per-unit equation entirely.
- **The Land Trust Model Option:** Affordable developers frequently utilize a Community Land Trust (CLT) structure. If implemented, HRH or a land trust retains ownership of the underlying land, selling only the physical structure to the buyer. This instantly deletes the land acquisition and baseline site-work allocation from the buyer's purchase price, lowering the required value threshold closer to your calculated $204k–$349k range.

**3. Your Assumptions vs. Developer Mitigations**

- **The 20% Down Payment Factor:** Your spreadsheet assumes a standard **20% down payment** to hit the purchase value. In practice, low-income lottery buyers rarely possess $50,000–$70,000 in liquid cash. Instead, they rely on the **Dutchess County First-Time Homebuyer Program** or SONYMA loans, which permit 3% down payments paired with direct cash assistance grants for closing costs.
- **Fixed Expenses Capping:** Your assumption of **$7,200 annually** for taxes, common charges, and insurance is highly realistic. To protect the thin cash flow available for the mortgage, HRH must secure a long-term **municipal tax exemption or PILOT (Payment in Lieu of Taxes)** agreement from the Town of Amenia to keep the "Annual Taxes" row artificially suppressed during the initial occupancy years.

Your model highlights exactly why the project has faced local skepticism: if public grant pipelines stall or infrastructure costs spike past your $11M projection, the per-unit gap becomes too wide for public subsidies to bridge, threatening the viability of the entire development.

Would you like to use an active interactive amortization calculator to test how adjusting the **interest rate** or injecting a **$50,000 state grant** alters the required buyer cash flow? Alternatively, we can calculate how a **municipal PILOT tax reduction** would expand their borrowing capacity. Let me know what you'd like to model next!

Judith A. Moran
PO Box 387
Amenia, NY 12501
(845) 797-8272

Received
NOV 12 2026
Planning
Zoning

Town of Amenia Planning Board
4988 Route 22
Amenia, NY 12501

Re: Cascade Creek Subdivision and Workforce Housing Development

Dear Planning Board Members and Attorney:

I attended the Public Hearing for the above application and made comments during my three-minute time limit. I have significant other questions and comments concerning this application and the Workforce Housing Law under which it is being submitted. I would like to receive answers and/or explanations for what I see as failure to follow the law in relation to procedures, failure of the law to state the consequences if certain requirements for owners are not met, and a lack of information available to the public concerning the application itself. As a results, I request that the planning board address them in response to this letter.

1. In the first paragraph of the Workforce Housing Law the following language appears: "Prior to any approval by the Planning Board, all development applications subject to the requirements of this section shall be referred to the Housing Board for review and recommendations in accordance with the requirements and standards set forth in § 121-42 and pursuant the Housing Board authority provided therein. The Housing Board shall be required to provide a report and recommendation to the Planning Board within 45 days of receipt of the referral." I believe the referral was received by the Housing Board but it did not make the **required** report and recommendation.

2. Paragraph J repeats the language:
**Paragraph J. Process**: "Any special permit, site plan, subdivision, or other application involving the creation of workforce housing under this § 121-42 shall be referred to the Housing Board for a report and recommendation. The Housing Board shall be required to provide a report and recommendation within 45 days of receipt of the referral." The law requires a **report and recommendation**, and since the Housing Board is in fact responsible for oversight of any Workforce Housing Project, I fail to see how its failure to do so is something that can just be ignored.

3. Under Paragraph J (1) following, information to be provided in any application for Workforce Housing details the requirement for a Management company approved by the Housing Board to fulfill a list of 8 responsibilities. Not only do I not see a management company specified in the application, but I see no approval by the Housing Board since they have failed to join in any part of the Planning Board process, as they are required to by law. A "Project Narrative" was included as part of the application, containing a resume of sorts for Hudson River Housing, but

the narrative is long on mentioning other projects that they have been involved with and short on specifics detailing its ability to manage the list of actual responsibilities listed in this paragraph.

4. Paragraph K states: "The Town Board shall appoint a Housing Board, which shall promote, administer and monitor the workforce housing program. The Town Board, in consultation with the Housing Board, may retain a qualified administrative entity to facilitate the administration and monitoring of the workforce housing program including workforce housing built and/or owned by the Town. The Housing Board would have direct oversight of the administrative entity, which could be a not-for-profit organization, government agency, private consultant, staff, or other entity qualified to perform the responsibilities specified in this section as delegated by the Housing Board, or by contract with Dutchess County." I am unaware of any action by the Town Board to retain a *qualified administrative entity* for this purpose, leaving the responsibility in the hands of the Housing Board, which has been missing in action in relation to this project. In anticipation of a possible claim by some that Hudson River Housing is fulfilling or will fulfill this facilitation, please explain to me how the same company that is presumably both the applicant and management company can also fulfill the role of monitoring themselves with respect to the project. This does not pass the smell test, since one of the responsibilities of this entity enumerated in Paragraph K (5) of the Workforce Housing Law is, "Review annual reports from management companies."

5. Paragraph K (1)(b) states the administrative entity will "Maintain eligibility list, annually certify and recertify applicants." So owners must submit information every year certifying that they are financially eligible for owning workforce housing. My question is what happens if they are *not* eligible in any given year? If someone gets a raise or a member of the household gets a job and the household now earns too much to qualify, what happens? Are they forced to sell their house? Do we ignore the requirements of the law that the housing only be owned by persons who qualify? This seems to me to be a rather gaping hole in the provisions of the law that needs to be addressed before any units are actually sold.

   Paragraph K also lists specific responsibilities of the Housing Board as follows:

   (2) Assist the Town Board/Planning Board in determining and reviewing applications to build workforce housing units.

   (3) Recommend annual maximum income limits; rental prices; resale values.

   (4) Recommend rules and regulations as necessary.

   (5) Review annual reports from management companies.

   (6) Seek public-private partnerships to develop workforce housing.

   (7) Assess and report on the Town's workforce housing needs.

   Again, the Housing Board has been missing in action in performing any of these responsibilities delegated to them by the Workforce Housing Law. If any legal action on a Workforce Housing Project is ever commenced, how do you think these failures on the part of the Town to follow its own laws will look to a court?

6. Paragraph F. Initial sale and resale of workforce housing units.

   (1) Calculation of initial sales price. The initial sales price of a unit shall be calculated such that the annual cost of the sum of principal, interest, taxes and insurance (PITI) and

common charges, as applicable, shall not exceed 30% of the maximum family income allowed for such unit under § 121-42D(1) above.

Has the Planning Board requested ANY financial information from the applicant which would allow them to assess whether this project is likely to be economically feasible and ensure that the developers will be able to provide financial assurance that sufficient reserves will be available should there be any problems with the development, and that the town and/or the purchasers of these homes will not wind up in serious trouble? The applicant is not paying any of the normal town fees thanks to the Workforce Housing Law, but the town is incurring serious costs for our professional advice, and I would hope that the same professionals would suggest that we verify the ability of the applicant to carry through to the end on this project.

7. The letter from Cuddy + Feder LLP dated June 22, 2026 submitted "enclosed improvements" to the submission based on the comments from the June 10, 2026 meeting. The first "Provides sprinklers for the individual homes **in lieu of** [emphasis added] the proposed 60,000 gallons of onsite water storage..." I may have not been listening well, but I do not recall hearing at the Planning Board meetings that the water tanks are now off the table apparently. Has the Fire Department been informed of this, and are they on board?

These are the most pressing concerns I have at this point, and I do hope to receive some feedback on the subjects raised. Thank you for your time and attention.

Yours truly,

*Judith A. Moran*

cc: Town Board and Town Attorney
Housing Board

## § 121-42. Workforce housing. [Amended 8-28-2014 by L.L. No. 2-2014; 3-16-2023 by L.L. No. 4-2023]

In any development in which workforce housing is provided in order to obtain a density bonus [see § 121-20C(5)] or where workforce housing is mandated by any other provisions of this chapter (see §§ 121-16 and 121-42P) or by the Subdivision Law,[1] such housing shall comply with the requirements set forth in § 121-42. Prior to any approval by the Planning Board, all development applications subject to the requirements of this section shall be referred to the Housing Board for review and recommendations in accordance with the requirements and standards set forth in § 121-42 and pursuant the Housing Board authority provided therein. The Housing Board shall be required to provide a report and recommendation to the Planning Board within 45 days of receipt of the referral.

A. Purpose and intent. The Town Board of the Town of Amenia recognizes the local housing shortage and that people with moderate incomes lack opportunity to find housing that is affordable to them within the Town. The Town Board further recognizes that there is a need to encourage the construction of housing units in the Town of Amenia that will be affordable to moderate-income residents and to ensure that these units remain affordable in perpetuity for the benefit of the current and future workforce and residents of Amenia.

B. Definition of "workforce housing unit." As used throughout this section, the term "workforce housing unit" refers to a single or multifamily housing unit or lot in a residential subdivision approved for construction of a single or multifamily housing unit that is owned or rented by an income-eligible household, as defined herein.

C. Development standards.

(1) Physical integration. All workforce housing units must be physically integrated into the design of the development and constructed with the same quality building materials as the market rate units. The exterior finishes for workforce housing units shall be indistinguishable from all other units. The developer may, however, substitute different appliances and interior hardware or other interior finishes where such substitutions would not adversely impact the livability of the unit. All electrical appliances shall bear the "ENERGY STAR®" rating. The workforce housing units shall be integrated with the market rate units to the extent practical. The Planning Board may waive this requirement where an applicant proposes to build workforce housing units off-site.

(2) Dwelling unit type and size. Workforce housing units may be located in multifamily, single-family attached, or single-family detached dwellings and may be studio, one-, two-, three-, or four-bedroom units.

(3) Minimum floor area. The gross floor area per workforce housing unit shall be no less than the minimum required by the Building Codes of the State of New York.

(4) Phasing.

(a) For any project that will be built in phases, the following schedule shall apply for all workforce housing units:

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1. See Ch. 105, Subdivision of Land.

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| Phase | Percentage of Workforce Units Receiving Certificates of Occupancy | Percentage of Market Rate Units Receiving Certificates of Occupancy |
|---|---|---|
| 1 | At least 25% | Up to 25% |
| 2 | At least 50% | Up to 50% |
| 3 | At least 75% | Up to 75% |
| 4 | 100% | 100% |

(b) Certificates of occupancy shall only be issued for market rate units when the required percentage of workforce housing units for the respective phase has been completed and a certificate of occupancy has been issued for the workforce housing units or the corresponding fee in lieu of building workforce housing has been paid.

(5) Waiver of recreation fee and other requirements. When a recreation fee is calculated in lieu of an approved reservation of recreation lands, the Planning Board may calculate such fee based on the total number of dwelling units exclusive of those which are workforce housing units.

(6) Violation. Any developer, owner, property manager, contractor, and/or other responsible person/entity, upon failure to implement the development standards in this section, shall be subject to enforcement as provided in Town of Amenia Zoning Code § 121-57.

D. Determining applicant eligibility.

(1) Income limits. To be eligible to purchase a workforce housing unit, the household's annual income shall not exceed 80% of the area median income (AMI) for Dutchess County as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 30% of 80% AMI, adjusted for family size. To be eligible to rent a workforce housing unit, the household's annual income shall not exceed 60% Dutchess County AMI and for which the annual housing cost of the unit, defined as rent plus any tenant-paid utilities, does not exceed 30% of 60% AMI adjusted for family size.

(2) Other assets.

(a) Any household with net assets exceeding 50% of the for-sale cost of a two-bedroom workforce housing unit shall be ineligible to own or rent a workforce housing unit.

(b) Any non-income-producing assets may be assigned an income producing value and included as income by the reviewing agency when determining eligibility.

E. Occupancy requirements.

(1) Standards. To prevent overcrowding of workforce housing units, at the time of purchase

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or rent, the following schedule of occupancy shall apply:

| Number of Bedrooms | Maximum Number of Persons |
|---|---|
| 0 (studio) | 2 |
| 1 | 3 |
| 2 | 4 |
| 3 | 6 |
| 4 | 8 |

(2) Residency. All workforce housing units shall be the primary residence of the owners or renters. Owners may not rent their unit to others, and renters may not sublet their unit, except that one-year subleases shall be permitted if the household is required to move temporarily for reasons of employment, health, or family emergency, not to exceed a total of two years. These restrictions shall not apply to the developer of the workforce housing units.

F. Initial sale and resale of workforce housing units.

(1) Calculation of initial sales price. The initial sales price of a unit shall be calculated such that the annual cost of the sum of principal, interest, taxes and insurance (PITI) and common charges, as applicable, shall not exceed 30% of the maximum family income allowed for such unit under § 121-42D(1) above.

(2) Resale of workforce housing units.

(a) Workforce housing units shall only be resold to eligible moderate- income households of similar size.

(b) The owner of a workforce housing unit shall notify the owner or designate manager of the property of his or her intent to sell prior to contact with any realtor or purchaser.

(c) The maximum base purchase price shall be calculated to include the purchase price of the workforce housing unit adjusted for the increase in the consumer price index (CPI to be recommended by the Dutchess County Department of Planning and Development) during the period of ownership. In addition to the base purchase price, the maximum permitted resale price shall also include the cost of permanent fixed improvements made by the homeowner (not to exceed 5% of the home's value per year of ownership) and necessary resale expenses.

(d) The original deed and any subsequent deeds or instruments used to transfer title to a workforce housing unit shall include a provision indicating that the housing unit is a workforce housing unit subject to perpetual restrictions on occupancy and resale. The following paragraph must be included in all deeds and other transfer instruments: "This dwelling has been constructed for use by moderate-income families pursuant to a special workforce housing program established under the Amenia Town Code. All future sales, resale or rental of this dwelling in perpetuity

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must be to a person who is determined to be eligible pursuant to the criteria set forth in the Amenia Town Code and at a price determined in accordance with the Town's workforce housing program."

G. Initial lease and renewals of workforce housing rental units.

(1) Calculating permissible rent. Maximum monthly rent, including utilities (heat, hot water and electric), shall not exceed 30% of the maximum family income allowed for such unit. Maximum rent shall be set in such a manner that the eligible households will have sufficient income to qualify to rent such units.

(2) Lease terms and renewal. Applicants for workforce housing rental units shall, if eligible and selected for occupancy, sign leases for an initial term of one year. As long as the household remains eligible and has complied with the terms of the lease, the household shall be offered a one-year renewal every year. If at the time of renewal the household's annual gross income exceeds the maximum income limit as established by the Amenia Town Code, such household shall be offered a market rate rental unit in the development, if available. If no such unit is available at a rental price that the household can afford, the household may renew the lease at the workforce housing rental rate for one more year, subject to the condition that should a market rate unit become available, the household shall be required to move to such unit. At the end of the lease for such additional year, the household shall have no further right to reside in the workforce housing unit at the restricted workforce housing rent. At that time, the landlord shall have the option of increasing the rent of the unit to a market rate, provided that the landlord makes a comparable unit available to another eligible household at the restricted workforce housing rental rate.

(3) Housing Board review. All lease terms shall be reviewed and approved periodically by the Housing Board or an appropriate department or qualified third-party consultant to the Town as designated by the Housing Board.

H. Maintenance, upkeep and repairs.

(1) All workforce housing units shall be maintained in a satisfactory manner as prescribed by the Building Inspector/Code Enforcement Officer, Housing Board, or by an appropriate department as may be designated by the Town Board. Neither owners nor renters of workforce housing units shall make any improvements that require a building permit without prior written permission from the owner/managing company.

(2) All workforce housing units shall be maintained at least at the original builder's specification level. At the time of resale, the owner/managing agent may determine that the unit has not been properly maintained and shall be authorized to impose such assessments as necessary to reasonably return the unit to its original condition. Said assessment shall be deducted from that portion of the selling price reverting to the seller of the unit.

I. Tax assessment. The Town Assessor shall consider the limited resale value of workforce housing units when determining the appropriate assessment on such units.

J. Process. Any special permit, site plan, subdivision, or other application involving the creation

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of workforce housing under this § 121-42 shall be referred to the Housing Board for a report and recommendation. The Housing Board shall be required to provide a report and recommendation within 45 days of receipt of the referral. Workforce housing requirements for Planning Board review:

(1) Any application involving the creation of workforce housing shall include the plans, descriptive information, and other documents sufficient to clearly portray the intentions of the applicant with respect to workforce housing and demonstrate compliance with the development standards required by Subsection C of § 121-42 and shall include such other information as the Housing Board deems necessary to conduct an informed review. Such information shall include:

(a) Management company required. A private developer proposing to build workforce housing units shall retain by contract a qualified management company approved by the Housing Board that specializes in income-restricted housing, or the developer may enter into a contract with Dutchess County to manage the income-restricted units in accordance with the terms of this section. The developer's application shall include the qualifications of the management company shall demonstrate its capacity to fulfill the following responsibilities:

[1] Screening the residents and managing the workforce housing units for each project for which it has been retained.

[2] Managing the sale, resale, and rental of all housing units and monitor the same for compliance with Town Code and applicable New York State laws.

[3] Accepting and processing all resident applications.

[4] Filing annual reports with the Housing Board. Such reports shall be due to the Housing Board on June 15 of each year, or as specified by the Housing Board.

[5] Certifying tenant/purchaser eligibility pursuant to this chapter.

[6] Certifying that the workforce housing units are being maintained in accordance with this section and the New York State Building Code.

[7] Certifying its compliance with all applicable terms of § 121-42.

[8] Such other requirements as promulgated by the Housing Board.

(2) Incorporation of conditions of approval. Any special permit, site plan, or subdivision approval involving the creation of workforce housing under this § 121-42 shall include specific conditions referencing the requirements of this section, which shall also be noted on any approved site plan or subdivision plat and incorporated in any deeds, as required by this section. In any phased development, such conditions shall also establish a phasing schedule to ensure that any required workforce housing units are built or fees in lieu of building such units are paid on a pro rata basis as the development is built out.

K. Administrative and monitoring agency. The Town Board shall appoint a Housing Board, which shall promote, administer and monitor the workforce housing program. The Town Board, in consultation with the Housing Board, may retain a qualified administrative entity

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to facilitate the administration and monitoring of the workforce housing program including workforce housing built and/or owned by the Town. The Housing Board would have direct oversight of the administrative entity, which could be a not-for-profit organization, government agency, private consultant, staff, or other entity qualified to perform the responsibilities specified in this section as delegated by the Housing Board, or by contract with Dutchess County. The following list identifies the responsibilities and duties of the Housing Board:

(1) Oversee the administration and monitoring of the workforce housing program. Administrative items, which the Housing Board may delegate to the administrative entity, include:

(a) Accept and review applications.

(b) Maintain eligibility list, annually certify and recertify applicants.

(c) Review certification from owners and lessors of rental units certifying that units are occupied by eligible families.

(d) Maintain list of all workforce housing units in the Town.

(e) Review all deed restrictions for workforce housing units.

(f) Review all lease terms for workforce housing units.

(2) Assist the Town Board/Planning Board in determining and reviewing applications to build workforce housing units.

(3) Recommend annual maximum income limits; rental prices; resale values.

(4) Recommend rules and regulations as necessary.

(5) Review annual reports from management companies.

(6) Seek public-private partnerships to develop workforce housing.

(7) Assess and report on the Town's workforce housing needs.

L. Appeals. Any person aggrieved by a decision of the management company may appeal such decision to the Housing Board.

M. Fee in lieu of providing workforce housing.

(1) Purpose and intent. The Town Board hereby implements § 121-42N by establishing a fee to be paid into a dedicated Workforce Housing Trust Fund as an alternative to the construction of workforce housing where such housing is either mandated or available as a condition of a density bonus and by authorizing the creation of a Town Workforce Housing Trust Fund for the purpose of receiving funds from payments and/or fees and/or gifts collected or received by the Town pursuant to the Town's Workforce Housing Law and this section.

(2) Workforce Housing Trust Fund.

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(a) The Workforce Housing Trust Fund receives funds from payments and/or fees collected by the Town pursuant to this section, which establishes a fee to be paid in lieu of providing workforce housing and allows funds from gifts of property or grants for the purpose of providing workforce housing. Deposits into the Workforce Housing Trust Fund shall include all revenues from payments collected by the Town pursuant to the Town's Workforce Housing Law and this section and any gifts for the purpose of providing workforce housing.

(b) The Workforce Housing Trust Fund shall be a segregated municipal fund administered by the Town Board. The Workforce Housing Trust Fund shall be used exclusively to provide for the purchase, planning, development, construction, improvement, rehabilitation, sale or resale, rental, subsidy, support, or other legal means of creating or supporting workforce housing for income-qualified households. Funds in the Workforce Housing Trust Fund may also be allocated toward capital improvements to water and/or sewer infrastructure, provided that the Town Board, after consultation with the Housing Board, determines that such contribution to such infrastructure substantially advances the Town's goal of increasing the availability of workforce housing for the persons who are the intended beneficiaries of the workforce housing program as described in § 121-42.

(c) Interest earned or accrued on moneys deposited in the Workforce Housing Trust Fund shall be credited to and become part of said fund. Pending expenditures from such Workforce Housing Trust Fund, moneys therein may be invested in the manner provided by law.

(d) Except as previously set forth herein, in no event shall moneys deposited in the Workforce Housing Trust Fund be transferred to any other account unless such transfer shall be determined by the Town Board, after consultation with the Housing Board, to be in furtherance of the workforce housing goals of the Town as set forth in § 121-42.

(e) Costs of administering the Workforce Housing Trust Fund as it is applied toward advancing the workforce housing program shall not exceed 10% of the average fund balance for each calendar year.

(3) Fee. The Town Board hereby establishes a fee to be paid into the Workforce Housing Trust Fund as an alternative to the construction of workforce housing where such housing is either mandated or available as a condition of a density bonus. Fees paid as an alternative to the construction of workforce housing shall be paid to and deposited into the Workforce Housing Trust Fund.

(a) After review and consideration of the provisions of § 121-42, consultation with the Housing Board, review and consideration of an economic analysis performed at the request of the Town Board, and the standard of practice that workforce housing units be of the same or similar quality and size as the market rate units, the Town Board establishes a fee to be paid into the Workforce Housing Trust Fund in lieu of providing workforce housing as follows:

[1] For each workforce housing unit that would be required to be built pursuant

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to § 121-42, the per-unit fee, regardless of unit size (bedroom count), shall be 1.25 times (l.25X) the U.S. Housing and Urban Development (HUD) Dutchess County area median income (AMI) for a household of four for the year in which the project is approved.

(b) Where an applicant for a phased development elects to pay a fee in lieu of constructing workforce housing ("the fee in lieu") in accordance with a phasing schedule as described in § 121-42C(4), the applicant shall be obligated to pay the fee in lieu before any certificates of occupancy for market rate units are issued in that respective phase. The fee in lieu shall be based on the rates in effect at the time payment is made into the Workforce Housing Trust Fund. The applicant may elect to pay the fee in lieu at an earlier time in accordance with the fee in lieu schedule in effect at the earlier time of payment.

(4) Financial guarantee or security. The Town Board has the right to require the posting of a financial guarantee and/or security to ensure timely payments required as an alternative to the construction of workforce housing.

N. Mandatory workforce housing.

(1) In any development of 10 or more dwelling units, or a subdivision of 10 or more lots, at least 10% of the units/lots shall be developed as workforce housing under this § 121-42. In computing this number, fractional units of 0.5 or more shall be rounded up. The workforce housing units shall be added to the allowable unit count established under this chapter. For example, if an applicant is permitted to build 25 dwelling units under this chapter, the applicant shall be required to build at least three workforce housing units in addition, bringing the total allowable unit count to 28.

(2) The applicant may, instead of building the workforce units on-site, substitute one or more of the following alternative measures, if such measures are consistent with the Town of Amenia Comprehensive Plan and the purposes of this§ 121-42:

(a) Pay a fee in lieu of constructing the workforce housing units as provided in Subsection M above.

(b) Construct the required workforce housing units in another location approved by the Planning Board.

(c) Make a substantial contribution toward the cost of providing public water and/or sewer infrastructure. In order to allow this contribution to substitute for satisfying the workforce housing requirement, the Planning Board in consultation with the Town Board and Housing Board must find that:

[1] The contribution substantially advances the Town's goal of providing such infrastructure; and

[2] The provision of such water and sewer infrastructure will result in an increase in the availability of housing for persons who are the intended beneficiaries of the workforce housing program as described in this § 121-42.

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O. Fees. New workforce housing units shall be exempt from site plan, recreation, and building permit fee requirements that would otherwise apply. Where the new workforce housing units are part of an application that includes non-workforce housing components the fee shall be calculated for the total development and a proportional share deducted for the workforce housing units. Accessory dwelling units shall be exempt from recreation fees.

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