

TOWN OF NORTH SALEM

The Town has adopted most portions of the model affordable housing zoning ordinance and applies it to all residential districts. The Town mandates that at least 10 percent of the units in new housing developments be affordable, and it provides zoning density incentives for developments that exceed the 10 percent requirement. The Town has made excellent progress towards fulfilling its affordable housing obligation under the unadopted 2005 County plan; close to half of the roughly 150 allocated units have been built. To meet its benchmark obligation, though, the Town must provide another 78 FAH units. Multifamily development is permitted in some areas, but a minimum lot size of five acres and maximum density of four to six units per acre might prohibit developments from achieving the scale that typically makes multifamily units economically feasible. The Town contains several large parcels that are available for new multifamily development, and can accommodate about 300 new multifamily units. Although that is theoretically sufficient to meet the Town's outstanding affordable housing obligation if all the sites are developed and more than a quarter of the units are affordable, it may be necessary for the Town to provide additional opportunities for affordable housing development. This might be done by reducing the minimum lot sizes for multifamily housing, increasing the permitted densities for multifamily housing, mapping additional areas for multifamily housing, allowing accessory housing units in a greater number of areas, allowing mixed-use development, allowing quadraplexes or cottage housing in some lower density areas, or some combination of these measures.

Model Zoning and County Benchmark

- The Town has adopted most portions of the model affordable housing zoning ordinance, although there is no provision for expedited review.
- The unadopted Affordable Housing Allocation Plan produced in 2005 by the County's planning department called for 152 affordable housing units in North Salem, of which almost half (74 units) have been built in the interim, leaving a balance of 78 units.

Zoning Ordinance

- Multifamily housing is permitted as-of-right in three zoning districts: the Medium - High Density Residential (R-1/4) district, the Residential - Multifamily / Medium Density (R-MF/4) district and the Residential - Multifamily / High Density (R-MF/6) district.
- Multifamily dwellings for elderly and handicapped persons operated by nonprofit organizations are permitted as-of-right in two zoning districts and by special permit in seven additional zoning districts.
- Two-family dwellings are permitted as-of-right in one zoning district (R-1/4) and by special permit in four additional zoning districts.
- Accessory apartments are permitted as-of-right in one zoning district (the Planned Development - Continuing Care Retirement Community (PD-CCRC) district) and by special permit in ten additional zoning districts.
- The Town's definition of *affordable housing unit* is consistent with the model ordinance, though the Town also defines moderate-income housing (MIH), which

is a single-family dwelling unit with rent not exceeding a multiple of the average annual salary paid to full-time Town employees, depending on unit size. The Town code notes that this definition "includes only the five (5) fee-simple owned units at Salem Chase and the seven (7) rental units at Owensville and Odle Close."

Restrictive Practices

- Multifamily developments must be on lots of at least five acres.
- In the R-1/4 and R-MF/4 districts, the maximum density for multifamily development is four units per acre. The R-MF/6 district has a maximum density of six multifamily units per acres.
- Mixed-use development (i.e., residences above stores) is not permitted in any zoning district.

Incentives and Mandates

- In all residential districts, at least 10 percent of all units in subdivisions of 10 or more units must be affordable, except that in the R-1/4 district the mandate does not apply to multifamily units for the elderly or for handicapped persons.
- Density bonuses of approximately 25 percent may be awarded to a development that provides more than the required 10 percent affordable units, or, in subdivisions of less than 10 lots, a "reasonable number" of affordable units.

Zoning Map, Development Pattern and Development Potential

- Zoning districts that allow multifamily housing as-of-right are mapped in six locations, covering one percent of the Town's land area.
- The six areas contain only four identified development sites, but they are large sites, averaging 19 acres. They can cumulatively accommodate slightly more than 300 housing units.
- Only 0.05 percent of the total land area is occupied by multifamily housing. An additional 0.32 percent of the total land area is occupied by two- and three-family housing.
- Because of the low housing values in the Town, density bonuses alone, absent subsidies, would probably not be sufficient to induce substantial mixed-income development.

Master Plan

- The most recent comprehensive plan was adopted in 2011 and completed by Ferrandino & Associates. The plan reviews the existing affordable housing developments in the Town and presents an estimated need for additional affordable housing based on the Rutgers Affordable Housing Needs Assessment report of 2004.
- The plan acknowledges existing challenges to the development of affordable housing, such as the limited amount of land available for development and high land and housing costs.
- The plan recommends that the Town adjust its formula for affordability to align with HUD income limits used by Westchester County, increase support for

affordable rental units, and work with the County to implement the fair housing Settlement.

Implications

- The Town has made excellent progress towards fulfilling its affordable housing obligation under the unadopted 2005 County plan; close to half of the roughly 150 allocated units have been built. To meet its obligation, though, the Town must provide another 78 FAH units.
- In its 2011 comprehensive plan, the Town has committed to satisfying its affordable housing obligation, and the Town mandates that 10 percent of newly developed housing units be affordable. The Town does not provide incentives towards meeting the mandate, but it does provide zoning density bonuses of up to 25 percent for developments that exceed the 10 percent requirement.
- The Town contains several large potential development sites where multifamily housing can be built as-of-right. The sites can accommodate more than 300 housing units, which is almost four times the number needed to satisfy the Town's outstanding affordable housing benchmark obligation.
- The potential number of units is large enough for the outstanding benchmark obligation to be satisfied through mixed-income developments, but too small for mixed-income developments at a customary ratio of market-rate to affordable units. Whereas the Town code requires that at least 10 percent of units be affordable, more than 25 percent of the units would have to be affordable for the Town's benchmark obligation to be satisfied on the identified development sites.
- The potential number of housing units on these sites is limited by the relatively low densities permitted for multifamily housing: four to six units per acre, or five to 7.5 units per acre if more than 10 percent of the units are affordable.
- A minimum lot size of five acres prevents multifamily development on smaller sites.
- The low value of market-rate multifamily housing in North Salem, relative to the high cost of development, may necessitate significant incentives to ensure the development of affordable units.
- It therefore may be necessary for the Town to provide additional opportunities for affordable housing development. This might be done by reducing the minimum lot sizes for multifamily housing, increasing the permitted densities for multifamily housing, mapping additional areas for multifamily housing, allowing accessory housing units in a greater number of areas, allowing mixed-use development, allowing quadraplexes or cottage housing in some lower density areas, or some combination of these measures.
- Even with additional Town actions, the creation of a sufficient number of FAH housing units will remain problematic without assistance from the County, in the form of financial subsidies and marketing assistance (such as the maintenance of a Countywide registry of FAH units).

NORTH SALEM FACT SHEET

a. Total acreage of the Town	14,864 acres	100%
b. Total acreage in zoning districts where multifamily housing is permitted as-of-right	142.7 acres	1.0%
c. Undeveloped area in these zoning districts	104.3 acres	0.7%
d. Undeveloped area not subject to wetlands, floodplain and steep slopes	96.7 acres	0.7%
R-MF/4	54.34 acres	
R-MF/6	26.13 acres	
R-1/4	16.21 acres	
e. Order of magnitude area available for development*	77.3 acres	0.5%
R-MF/4	43.47 acres	
R-MF/6	20.9 acres	
R-1/4	12.96 acres	
f. Number of sites available for development	4 sites	
g. Average size of sites	19.3 acres	
h. Theoretical number of multifamily units that can be developed as-of-right	307 units	
R-MF/4	173 units	
R-MF/6	83 units	
R-1/4	51 units	
i. Average selling price for multifamily (condo) units	\$324,000**	
j. Order of magnitude value for land, per condo unit	\$ 65,000	
k. Order of magnitude total cost of development, per condo unit	\$375,000	
l. Percent minority population (0.8% Black, 3.7% Hispanic)	5%	
m. Percent minority population in the zoning districts permitting multifamily housing as-of-right and containing available development sites		
R-MF/4	N/A***	
R-MF/6	N/A***	
R-1/4	N/A***	

n. Number of units needed to meet the 2000-2015 Allocation Plan benchmark	78 units
2015 Allocation	152 units
Number of units created since 2000	74 units

* After applying a factor of 80 percent to account for irregular site configuration, setbacks, building form restrictions, and the like.

** Regional value employed where data was not provided for the municipality, employing the County's definition of North, Central and South for what is meant as region. Weighted averages were calculated using available data for each region.

*** If the total population is fewer than ten persons, the Census Bureau does not report racial breakdown.