SHELTON PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES
Thursday, April 04, 2019
Shelton City Hall, Room 104
54 Hill Street, Shelton, CT 06484

PZC Commissioners Present:  Virginia Harger, Chairman
Elaine Matto, Secretary
Jimmy Tickey (arrived at 6:43 p.m.)
Charles Kelly
Mark Widomski
Nancy Dickal, Alternate

PZC Commissioner Excused:  Anthony Pogoda, Vice-Chairman
Ned Miller, Alternate

PZC Excused:  Josh O’Neill, PZC Assistant

Also Present:  Kenneth Nappi, Provisional, Planning and
Zoning Administrator
Anthony Panico, Consultant (via telephone)
Alexander Rossetti, PZC Assistant
Sarah Vournazos, Recording Secretary

Tapes, correspondences, and attachments are on file in the City/Town Clerk’s office
and the Planning and Zoning office. Minutes are on the City of Shelton website:
www.cityofshelton.org.

I. Call to Order
Comm. Harger called the meeting to order at 6:37 p.m.

II. Pledge of Allegiance
All those present rose and recited the Pledge of Allegiance.

III. Roll Call
Chairman Harger identified members present.

IV. New Business

A. Affordable Housing – Mr. Michael C. Santoro, Acting Director, Connecticut
Office of Housing Development, Department of Housing – Presentation –
Overview of Affordable Housing and related subjects.

B. General Discussion – Mr. Michael C. Santoro, Commission and Staff.
Mr. Santoro identified himself and stated he has been working for the Department of Housing (DOH) since its beginning in 1986. He noted that the Department of Housing (DOH) is the “lead agency for all housing matters in the state of Connecticut.” He said they are responsible for “housing development, advocacy, research, development, preservation and developing strategies to encourage the provision of housing, not just affordable housing but including housing for low, extremely low and moderate-income families.”

Mr. Santoro spoke about affordable housing and paraphrased the definition of the CT Gen Stat § 8-39a (Affordable Housing) as, “housing for which persons and families who pay 30% of their annual income or less, where such income is less than or equal to the area median income for the municipality in which the housing is located, as determined by the U.S. Department of Housing and Urban Development.” Mr. Santoro also stated that “affordable housing is considered to be accessible and available to individuals who earn at or below the area median income where they pay a reasonable price for that housing.” He also noted that he usually refers to affordable housing as “housing that people of any income range can live in comfortably, safely and within their financial means.”

Mr. Santoro said the housing units “can and should look like any other housing unit in your community.” For example, the units may be two or three family homes, townhouse style apartment complexes or condominiums. He noted his department’s mission statement says that “it envisions a Connecticut that is inclusive, productive and where homelessness is a thing of the past.” He also indicated that affordable housing is not for “poor people” but for “the residents of the State of Connecticut.”

Mr. Santoro said the statutes that “govern” affordable housing are CT Gen Stat § 8-2i (Inclusionary Zoning), CT Gen Stat § 8-3c (Special Permits, Exceptions and Exemptions) CT Gen Stat § 8-31m (Incentive Housing Zones) and CT Gen Stat § 8-30g (Affordable Housing Appeals Act). In addition, he indicated that there are a wide variety of statutes that govern affordable housing programs that his department administers. They can be found in the book “Volume Two of the CT General Statutes”, predominately in Chapter 128.

Mr. Santoro’s message to the PZC is that “you can plan for it, design it, require it, encourage it and in many respects, you can control it but what you can’t do is ignore it.” He stated that the PZC has the opportunity to establish what they want to see in terms of affordable housing development in their community and “can drive not only what it is but where it is.” He recommends that the PZC should have affordable housing in their regulations. He informed the PZC that they have the ability to control what the developers build and said, “the developers are more likely to build what you want and where you want it, how you want it to look because for the developers, it is about the bottom line.”
Mr. Santoro explained the CT Gen Stat § 8-30g (Affordable Housing Appeals Act) offers the developer an appeal that he would not otherwise be entitled to based on a local decision of a board or a Commission. "Just because the developer says it's an affordable housing project, does not mean it is," said Mr. Santoro. He mentioned that "of all of the units in the project, not less than 15% must serve persons or families, at 60% of the lesser of the state or area median income." He noted that the state wide median income for an average family of four earns $93,800 as of the year 2019. He stated that "the balance up to 30% of the project has to serve people at 80% of the area median income or below." He said, that CT Gen Stat § 8-30g "breaks down the barriers in the communities that are using zoning to prevent development."

Mr. Santoro indicated that the builders are required to have an affordability plan which contains minimum requirements of what has to be included. Even though the DOH sets the minimum at the state level through statutes and regulations, Mr. Santoro mentioned that the PZC has the ability to put additional requirements or components to the affordability plan, as long as it is not "discriminatory or onerous." He then informed the Commissioners that "if your zoning regulations for your community is tied to your plan conservation development, which identifies development zones in your community, you can designate where you want that high-density development." He noted that the affordability plan will need to be reviewed and approved by the PZC. He stated that the DOH considers a project as "eligible for an affordable housing project, but it is not a completed application until they have a complete affordability plan." He also said that the developer is required to include the Affirmative Fair Housing Marketing Plan in his affordability plan.

Mr. Santoro reminded the Commissioners to "encourage the developers of what you want and not what they can't." He said, "zoning should be a tool to promote development in your community but many PZCs use it as a tool to prohibit development." He noted that the communities which have "developed inclusionary zoning or have implemented an incentive housing zone or have an affordable housing overlay, see great cooperation from the development community in getting what they want, where they want it."

Mr. Santoro mentioned that there are two levels of affordability for the unit whether it is ownership or rental. 1) Is the family income eligible to live in the affordable unit? 2) Is the cost of the unit affordable? The developer has to identify what the rental cost is or what the sales price is based on the unit and not who actually lives there. He then presented statistical data that included income limits of potential occupants, whether they are renters or purchasers to live in what is considered affordable housing. He also distributed handouts to the Commissioners.

Mr. Santoro indicated that when the affordability of the unit is calculated, "you do not necessarily rely on fair market rents, but it's part of the calculation." He mentioned that fair market rents for apartments in Shelton are considered to be $846 monthly for a studio unit, $1,010 for one bedroom, $1,272 for two bedrooms and $1,595 for three bedrooms. He then stated that "it is an actual income value calculation based on the
area and the number of bedrooms in the building that the developer is proposing to build."

Mr. Santoro explained the requirements of the affordability plan. He said the affordability administrator has to be able to demonstrate that he knows his recording responsibilities and has to provide the PZC with an Affirmative Fair Housing Marketing Plan. This is the same as if one purchases an affordable housing unit. He stated, "there has to be a detailed sale and resale process as part of the affordability plan for 40 years."

Mr. Santoro indicated that if the builder is proposing an affordability project the units should be diversified by bedroom size and there has to be comparable amenities in all of the units. He reiterated that since the developer is "all about the bottom line," "volume is how they make money." He stated that it is not "exclusively density but it may be about set asides."

Mr. Santoro answered questions from the following two members of the audience.

Carl Lasante of Centerview Drive, Shelton, CT
Thomas W. Harbinson, 15 Soundcrest Drive, Shelton, CT

Comm. Harger mentioned that 2.9 % of housing in Shelton is considered to be affordable according to the Housing Profile of 2016. Mr. Santoro stated that "we have the ability to choose to pay more for a house but low-or moderate-income families don't necessarily have that choice and that's the issue." He mentioned that communities should look at stabilizing their growth and said "if you're not growing, your community is dying."

V. Adjournment

Motion made by Comm. Widomski, seconded by Comm. Matto to adjourn. On a voice vote, the PZC unanimously voted to adjourn at 8:20 p.m.

Respectfully submitted,

Sarah Vournazos
Recording Secretary