

TOWN OF PINE PLAINS

Town of Pine Plains Planning Board
Pine Plains Town Hall
3284 Route 199
Pine Plains, NY 12567

TOWN OF PINE PLAINS PLANNING BOARD, LEAD AGENCY

STATE ENVIRONMENTAL QUALITY REVIEW
POSITIVE DECLARATION
NOTICE OF INTENT TO PREPARE A SUPPLEMENTAL DRAFT EIS (SDEIS)

CARVEL PROPERTY DEVELOPMENT

MAY 9, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Pine Plains Planning Board, as lead agency, has determined to require the preparation of a Supplemental Draft Environmental Impact Statement (SDEIS), based upon the determination that one or more significant environmental impacts may result from project changes and changes in circumstances relating to the project that were not adequately addressed in the previously filed Draft Environmental Impact Statement (DEIS).

Name of Action/Project: Carvel Property Development

Name of Applicant: 1133 Taconic, LLC

SEQR Status Type I action

Scoping: X Yes. Scoping will be conducted in accordance with Part 617.8. The Lead Agency has required the Applicant to submit a draft scope to the Lead Agency. After receipt of the draft scope, the Lead Agency will schedule public scoping, and will also provide an opportunity for written comments for at least 10 days subsequent to the public scoping session.

History of Application: In 2003, 1133 Taconic LLC (the "Applicant") made application to the Town of Pine Plains Planning Board for subdivision and site plan approval for a project consisting of the phased development of a primary and secondary residential home community consisting of approximately 975 single family housing units on varying lot

sizes and configurations and various amenities. At the time of the application, the Town of Pine Plains Land Use Regulations consisted of a Site Plan Review Law and Subdivision Regulations. The Town did not have a Zoning Law or Ordinance. Pursuant to the provisions of Part 617.6, this action was declared to be a Type I action; the Planning Board was designated as Lead Agency; and a positive SEQRA Declaration requiring the preparation of Draft Environmental Impact Statement ("DEIS") was issued.

Subsequently, the Town of Pine Plains undertook adoption of a Zoning Law and thereafter enacted Local Law No. 1 of 2006 entitled "A Law Imposing a 12 Month Moratorium on Certain Development and Uses in the Town of Pine Plains" which would have prevented the Applicant from moving forward with this application before the Planning Board for site plan and subdivision approval during the period of the Moratorium. Pursuant to the terms of the Moratorium Law, and by agreement between the Town and the Applicant, the Applicant was permitted to move forward with the SEQRA review of its proposed development project during the term of the Moratorium to the point of the preparation of a Final Environmental Impact Statement ("FEIS"), with the stipulation that the SEQRA review of the project would not proceed to the point of the issuance of a Finding Statement by the Lead Agency.

Thereafter, scoping pursuant to the provisions of 617.8 was conducted by the Planning Board; hearings were held as part of the scoping process; and the Planning Board provided a final written scope of the project to the Applicant. The Applicant, thereafter, prepared a DEIS which was, after review and revision, accepted by the Lead Agency as adequate with respect to scope and content for the purposes of commencing SEQRA review. Five public hearings were held on the DEIS and an extensive review of DEIS and related submissions and studies prepared by the Applicant was conducted by the Planning Board and its planning, engineering and legal consultants. The SEQRA review of the project did not, however, proceed to the point of a preparation of a FEIS.

The Town enacted a Zoning Law in October of 2009 and adopted new Subdivision Regulations consistent with the provisions of the Zoning Law and the Town's Comprehensive Plan. The Town's Zoning Law sets forth in Article VI, §100-28, the process for the establishment of a New Neighborhood Development ("NND") District. The process includes, but is not necessarily limited to: (i) the conduct of a pre-application meeting; (ii) the submission of an NND Zone Petition and proposed Concept Master Plan; (iii) the

conduct of a SEQRA review; (iv) the referral to the Planning Board for a Planning Board report; (v) the issuance of the Town Board NND Zone Decision; (vi) the execution of a Development Agreement; and (vi) Planning Board approval of the site plan and subdivision application.

On or about January 20, 2010, the Applicant submitted an NND Pre-Application to the Town Board pursuant to the requirements of §100-28(B)(1) and a Pre-Application meeting with the Town Board and the Planning Board was conducted on March 16, 2010. Thereafter, on or about April 28, 2010, the Town Board and Planning Board issued its preliminary, non-binding comments with regard to the consistency of the NND proposal with the criteria set forth in §100-28(B) of the Zoning Law, supplemented by a Memorandum dated February 10, 2012, containing comments from the Town of Pine Plains consultants on the NND Pre-Application submission.

On or about December 16, 2011, the Applicant submitted an NND Zone Petition and Concept Master Plan pursuant to the provisions of §100-28(D)(2) of the Zoning Law seeking an NND designation and related approvals for the project.

Description of Action:

The Carvel Property Development as described in the NND Petition, is a proposed recreation-oriented, residential community of 645 homes (591 in Pine Plains and 54 in Milan) situated on 2,376 acres in the Dutchess County, New York Towns of Pine Plains (1,932 acres) and Milan (444 acres). Permanently protected open space will be provided over 1,697 acres or 71% of the total project site acreage, along with voluntary protective buffers of wetlands, streams and amphibian pools. Proposed recreational facilities include a new 18-hole golf course, a new golf clubhouse with pro shop, locker rooms, dining facilities and cart barn, as well as a golf practice and putting green, a grill and small sundries store, a fitness and yoga center, a health spa, family and fitness pools, tennis courts, croquet lawn, non-motorized boating, and events lawn. Also proposed is a publicly accessible cultural and educational facility at the Spruce Farm Chautauqua, designated areas for agricultural use, community gardens, and hiking and biking trails including 4.3 miles of publicly-accessible hiking trails. New project roads are proposed to be privately owned and maintained, as will related stormwater management and treatment facilities, water and wastewater facilities and the reconstructed dam at Lake Carvel.

Location of Action: Towns of Pine Plains and Milan, Dutchess County, New York

The subject property consists of multiple tax parcels totaling 1,932 acres in the Town of Pine Plains and 444 acres in the Town of Milan. The subject property is located in the western portion of the Town of Pine Plains and eastern portion of the Town of Milan. The eastern portion of the project site adjoins the Town of Pine Plains Residential-Hamlet Zoning District. The Taconic State Parkway passes through the western portion of the site in a north-south direction, while NYS Route 199 (Route 199) traverses the southern portion, in an east-west direction. Ferris Lane/Woodward Hill Road extends in an east-west direction through the northern portion of the site, and Mt. Ross Road (County Route 50) extends north through the site from its intersection with Route 199. Other Town of Pine Plains roads located on the site are Hicks Hill Road, Sherwood Road, and Stissing Mountain Road. Private roads within the Pine Plains portion of the property include Guerra Drive, Virginia Drive and West Shore Drive. Fish Woods Road adjoins the property in Milan.

Location Map attached

Determination of Planning Board with regard to Continuance of the Planning Board as Lead Agency for Purposes of SEQRA Review of this Application:

The Planning Board has determined that notwithstanding the fact that the Applicant has submitted an NND Zone Petition for this development pursuant to the provisions of the Town's Zoning Law, this application should be deemed to be an amendment and continuation of the prior application filed by the Applicant in or about 2003 and that the Planning Board should continue as Lead Agency with regard to all aspects of the proposed development, including the NND Zoning Petition and the proposed Master Plan and, as a result, there is no need to circulate a request for Lead Agency designation. The Pine Plains Town Board has determined, by Resolution dated May 9, 2012 that it concurs in this determination of the Planning Board that the Planning Board should continue as Lead Agency for purposes of SEQRA review without the need to circulate a request for Lead Agency and that the proposed development is a continuation of the previous proposed development, albeit, pursuant to the new Town Zoning Law provisions.

Reasons Supporting Determination to Require Preparation of a Supplemental DEIS ("SDEIS"):

The Lead Agency has determined that the proposed modifications to the Proposed Action in the context of the changed circumstances of the new zoning law and NND provisions may have one or more potential significant adverse environmental impacts not addressed, or inadequately addressed, in the DEIS previously circulated, which potential impacts will be further identified during the scoping process.

The Applicant for Carvel Property Development has submitted a revised development plan in the context of an NND Petition modifying the proposed action in a number of ways. The changes according to the Applicant, were designed to respond to comments on the previously filed DEIS

and to qualify for designation of the property as an “NND” under the newly adopted Town of Pine Plains Zoning Law. Changes to the development plan include, but are not necessarily limited to, the following:

- The revised layout incorporates all of the former Sports City Subdivision that is owned by the Applicant, as previously requested by the Planning Board, and incorporates design elements throughout the project to meet the NND Design Standards. There are some areas of the property which are disturbed under the revised plan which were not disturbed under the plan presented in the DEIS.
- The project acreage has been increased by the addition of 13 more existing Sports City Estates Subdivision lots (7.8 acres in the Town of Pine Plains and 2.2 acres in the Town of Milan) as well as two additional existing lots (95.8 acres) in the Town of Pine Plains on Mount Ross Road.
- The revised plan proposes to locate the sewage treatment plant for the project in the Town of Milan, although the original location in the Town of Pine Plains will continue to be considered as an alternative. The proposed system is a STEP wastewater disposal system which requires the use of less electricity and provides enhanced wastewater treatment.
- The revised plan proposes the reconstruction of the existing dam at Lake Carvel in a new location which would enlarge the lake.
- The proposed layout modifies the location of the golf course to include a greater portion of the course in the Town of Pine Plains than presently exists, while providing additional fairway frontage for proposed lots..
- The revised layout proposes, as a basis for incentive units, various project elements which were not part of the original DEIS analysis: a publicly accessible trail system extending from the Pine Plains Hamlet Residential Zoning District to the Lafayetteville State Multiple Use Area in the Town of Milan, with a path to the historic Warehausen cemetery; a publicly accessible cultural and educational facility at the Spruce Farm Chautauqua; a community garden at the Spruce Farm Chautauqua accessible to members of the community.
- Additionally, the project now proposes designated areas for agriculture use at the former Spruce and Hedge Farms. A proposed silviculture program is proposed.
- The revised layout proposes a modified road system to comply with the required NND layout standards, and all new project roadways are now proposed to be privately owned and maintained, and built to standards consistent with Dutchess County Planning department rural road guidelines. The revised layout also proposes several improvements to public roads running through the site, including a roundabout at the Woodward Hill Road intersection with West Shore Drive improving sight distance, and modification of the Woodward Hill Road and Route 199 intersection to improve sight distance and road geometry.

- Affordable housing fees are proposed to be paid to the Pine Plains Housing Trust Fund, which will facilitate the construction or rehabilitation of affordable housing in areas to be designated by the Town.
- The modified layout and increase in project acreage may necessitate additional archeological evaluation.
- In addition to the reuse of viable historic resources and buildings, the project now incorporates detailed Architectural Design Guidelines developed consistent with local historical architectural styles that also include site and landscape guidelines as well as green building techniques.
- The project, with the proposed incentive units, has more than 1/3 less density than the originally proposed action analyzed in the initial DEIS. Reduction in the number of units has reduced vehicle trip generation and water and wastewater use. The total development area is reduced. The developed area is provided with greater separation from the site perimeter and adjacent uses. There is 3/4 less density along the Route 199 corridor.
- Open space areas are expanded and are part of the Applicant's incentive program. There is increased connectivity between the open space areas.
- A greater portion of the development is concentrated around Lake Carvel, which is not visible from NYS Route 199.
- The new golf course substantially removes the holes from the Ham Brook watershed. The nine-hole Academy course is eliminated.
- Direct disturbance of wetlands and stream buffers is reduced. Voluntary protective buffers around environmental resources such as wetlands and amphibian breeding pools have been expanded.
- Residential lots fronting directly on NYS Route 199 are eliminated. The number of curb cuts on NYS Route 199 is decreased.
- The inclusion of publicly dedicated roadways has been eliminated, all new project roadways will be privately owned and maintained.

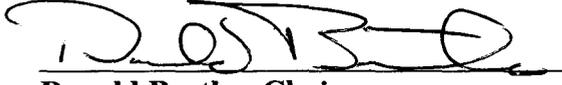
In accordance with the requests made of the Planning Board by the Town Board in its May 9, 2012 Resolution, the Planning Board acknowledges its responsibilities to conduct a coordinated review of this project pursuant to SEQRA and intends to keep the Town Board fully informed of, and involved in, the SEQRA process through, among other things, the conduct of joint meetings where appropriate, and by copying the Town Board on all SEQRA documents, meeting agendas and communications involving the proposed development. The Planning Board also, pursuant to the request of the Town Board, shall require the Applicant to make the SDEIS a complete DEIS so that all potential impacts of the project are addressed in one volume, or series of volumes, without the need for those reviewing the DEIS to refer back and forth between the original and supplemental DEIS'.

For Further Information:

Contact Person: Nancy Proper Planning Board Secretary
Address: Town of Pine Plains Planning Board
Pine Plains Town Hall
3284 Route 199
Pine Plains, NY 12567
Telephone: (518) 398-0086
Fax: (518) 398-0092
Email: pineplainspb@yahoo.com

THIS NOTICE OF INTENT TO REQUIRE PREPARATION OF SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (SDEIS) WAS AUTHORIZED AT A MEETING OF THIS AGENCY HELD ON MAY 9, 2012.

May 9, 2012
Date


Donald Bartles, Chairman

INVOLVED and INTERESTED AGENCIES:

Town of Pine Plains Town Board
Town of Pine Plains Planning Board
Town of Pine Plains Highway Department
Town of Pine Plains Fire Department
Town of Pine Plains Rescue
Town of Pine Plains Conservation Advisory Commission
Town of Milan Town Board
Town of Milan Planning Board
Town of Milan Zoning Board of Appeals
Town of Milan Highway Department
Town of Milan Fire Department
Town of Milan Rescue
Pine Plains Central School District
Dutchess County Health Department
Dutchess County Department for Public Works – Highway
Dutchess County Water and Wastewater Authority
Dutchess County Soil and Water Conservation District
Dutchess County Department for Planning and Development
New York State Department of Health
New York State Department of Environmental Conservation – Region 3
New York State Department of Transportation
New York State Department of Agriculture and Markets
New York State Attorney General / Department of Law
United States Army Corps of Engineers