

**TOWN BOARD  
TOWN OF PINE PLAINS**

**CARVEL PROPERTY DEVELOPMENT**

**NEW NEIGHBORHOOD DEVELOPMENT**

**PRE-APPLICATION**

**Applicant:**

**1133 Taconic LLC  
One Bryant Park  
New York, NY 10036**

**Date: January 21, 2010**



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## **Introductory Statement:**

The Carvel Property Development application is presently pending before the Town of Pine Plains. The Applicant, 1133 Taconic LLC, intends to amend its pending application to qualify for consideration under the provisions of the New Neighborhood Development (NND) section of the new Town of Pine Plains zoning law. In accordance with §100-28.D(1) of the Pine Plains Zoning Law, 1133 Taconic LLC, as Prospective Applicant, submits this NND Pre-Application and requests a pre-application meeting with the Pine Plains Town Board and Planning Board to discuss the Pre-Application submission, and to receive preliminary comments as provided in that section of the zoning law.

## **Description of Proposed Project**

The proposed project is a master planned golf and recreation-oriented second home/vacation community on 2,255 acres in the towns of Pine Plains and Milan. A portion of this community, 1,816 acres, is located in the Town of Pine Plains and comprises the proposed NND. The master planned community has been designed in accordance with the Town of Pine Plains NND standards which require protection of environmental features, preservation of open space, and compatibility with the rural image and character of the roadways and neighborhoods surrounding the site.

The proposed NND consists of 572 residences, including the 195 existing Sports City Estates subdivision lots in Pine Plains, some of which have been reconfigured to meet the NND design standards, along with a range of recreational elements.

On the 439 acres in Milan, there are additional recreational amenities and 52 residences proposed, including the 23 existing Sports City Estates subdivision lots in Milan. While this portion of the project is not part of the NND, it has been designed to integrate with the NND in Pine Plains.

## **Golf and Recreation Features**

The existing 18-hole golf course will be reconfigured into nine new holes and a driving range. An additional nine holes will be added surrounding Lake Carvel to complete the new 18-hole golf course which will feature five sets of tees, providing challenge and playability for all levels of players. Of the 18 holes, seven full holes and portions of four additional holes are located within the proposed NND; the remainder of the golf course is located in the Town of Milan.

The golf course design protects and enhances existing natural features such as site wetlands, topography and vegetation. The golf course will be managed under a comprehensive Integrated Pest Management Plan (IPM), which will establish practices to maintain healthy turfgrass while minimizing the use of fertilizers and pesticides and their impacts on soils, surface water, and groundwater.

The existing clubhouse, located in Milan, will be removed and replaced by a new clubhouse in Pine Plains that will include a pro shop, locker rooms, spa, dining facility, and cart barn. The new clubhouse will be centrally located, architecturally compatible with local historic styles and

building materials, and will be designed to achieve LEED certification. The golf course and golf clubhouse will be privately owned and maintained, and available for use by golf club members. The homeowners' social facility buildings will also be designed to meet the standards for LEED certification and will be located adjacent to Lake Carvel. The architectural design will feature groups of buildings similar in design to a complex of farm buildings. The social amenities will include tennis, grill/store, an activities barn, swimming, lakefront recreation, fishing, trails, and non-motorized boating, and will be available to all project residents and their guests.

### Residential Component

The project design avoids development in sensitive ecological areas such as wetlands, watercourses, and vernal pools by imposing buffers that exceed regulatory requirements. The majority of the proposed residences and amenities in the NND have been located in the Fish Woods Creek watershed, thereby affording greater protection of the Ham Brook watershed.

Proposed residential areas have been located and configured to maintain the viewsheds most regularly seen by travelers using existing public roads. The clustered neighborhood areas, consisting of 532 lots varying in size from approximately .25 to 5 acres, are sited within the central valley near Lake Carvel and are shielded from view along the NYS Route 199 corridor and the Taconic State Parkway by flanking ridgelines. Locating these areas of the proposed development within the valley has provided for preservation of considerable contiguous open space in the more visible portions of the project site, particularly along Route 199.

Residential lots have been clustered in neighborhoods around open space, neighborhood greens, the golf course and other planned recreational amenities. The residential neighborhoods contain a variety of housing configurations and an array of housing types. As provided in the NND standards, the publication "Crossroads, Hamlet, Village, Town" (Randall Arendt) has been used as a guide for the community design. Residential lots will be accessed either by individual or common driveways and include comprehensive stormwater controls, necessary site utilities and integrated architectural and landscaping measures, reflective of local communities.

The remaining 40 residences will consist of individual conservancy lots ranging in size from approximately 5 to 10 acres or more, with a minimum of 80% of the lot area conserved and protected from future development or alteration.

### Sewage Disposal and Water Supply

Separate Transportation Corporations will be established to own, operate, and maintain wastewater and water supply systems to serve the site. The golf clubhouse, homeowner's club facilities, and 540 of the NND residences will be connected to the community wastewater collection and water distribution systems. Several adjacent outparcels will be offered the opportunity to connect to these community systems. The 32 conservancy lots located south of NYS Route 199 and on the Spruce farm property are remotely located from the central facilities and will be served by on-site individual subsurface disposal systems and wells.

The water supply wells and the proposed wastewater treatment plant will be located north of Route 199 in the Fish Woods Creek watershed, keeping water withdrawal and treated water return mainly in the same watershed. The existing golf maintenance building (in Milan, and

therefore not proposed as part of the NND) will be adaptively reused to house the wastewater treatment plant. Wastewater will be conveyed to the treatment plant using low impact techniques to limit energy use and land disturbance. Treated wastewater will be used to irrigate the golf course, limiting overall groundwater demand.

### Site Roadways, Driveways and Trails

The project residences, amenities, facilities and open space areas will be connected by a series of public roads, private drives and intersecting trails. The project includes approximately 54,125 linear feet of proposed public roads (including approximately 50,060 linear feet in the Pine Plains NND and 4,065 linear feet in Milan). The proposed roads have been designed to follow landscape contours and limit site disturbance and encroachment on site constraints.

Proposed public road improvements include the elimination of the existing easterly intersection of Woodward Hill Road and NYS Route 199, and reconstruction of the westerly intersection to provide a safer condition. In Milan (therefore not proposed as part of the NND), the Ferris Lane interchange on the Taconic State Parkway will be modified to eliminate all but emergency cross traffic, as required by the New York State Department of Transportation. The reconstructed northbound exit and entrance into the project site area will be landscaped to provide an area that is more natural in appearance and more consistent with the viewshed along the Parkway than the currently existing intersection.

Various design elements have been incorporated to limit impact of roads, including the use of rural road standards, appropriate road geometry, and signage. Roads have been configured to avoid or minimize impacts to sensitive environmental areas. While the proposed rural roadway geometry has been designed to calm traffic and minimize construction impacts and the amount of impervious surface, the proposed road widths, maximum lengths, and turnarounds at dead ends have also been designed to allow access for emergency vehicles such as fire and rescue vehicles.

The streetscape design includes use of native grasses and wildflowers along the shoulders leading up to a natural wood line. In the residential neighborhoods, landscaped common greens or pocket parks will be connected with sidewalks or site trails. Street plantings throughout the project site, including small flowering trees and native shrubs, will blend into the landscaping on individual residential lots and open space areas.

Common driveways are proposed to avoid unnecessary site clearing and reduce creation of impervious surfaces. The Applicant will seek approval to allow up to four residences to be served by a common driveway in the NND, as is currently permitted in other neighboring communities such as Milan.

A series of interconnecting sidewalks and trails will be provided to promote pedestrian movement between and through neighborhoods, planned site amenities and recreation facilities, and proposed open space resources, as well as linkage to the adjoining hamlet district.

## Open Space Preservation

Approximately 1,535 acres or 68% of the entire site will be protected as large tracts of contiguous and interconnected open space, which may be linked to existing open space areas on adjoining properties. Of the 1,535 acres, 1,292 acres are located in Pine Plains and part of the NND, while 243 acres are located in Milan. Therefore, 71% of the NND is proposed to be set aside as open space in perpetuity. Areas preserved as open space include sensitive natural resources and significant viewsheds, and these will be preserved as provided in the Town's zoning law.

### **The NND Pre-Application:**

This NND Pre-Application submission contains the elements required by the zoning law [§100.28.D(1)]:

- NND Sketch Plan
- Narrative showing compliance with minimum standards
- Preliminary calculation of the base residential yield
- Preliminary identification and calculation of incentive dwelling units and community benefits
- Initial description of how affordable housing component will be achieved

Each element is separately summarized below.

### **The NND Sketch Plan:**

In addition to the description of the project, above, the sketch plan consists of a series of maps which are submitted as Appendix A. They include:

- An area map showing the subject property and all properties, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the subject property (Appendix A.1, Boundary Survey Map)
- A topographic map of the site (Appendix A.2, Existing Topographic Conditions)
- A map showing the ecological communities covering the entire NND site, noting that many of these communities are common to the area (Appendix A.3, Ecological Communities Map). The ecological communities map was prepared by Matthew D. Rudikoff Associates, Inc. and consists of the same mapped information that was provided to Hudsonia for its use in the Significant Habitats document, which has not yet been published. For additional information regarding natural features including locations of surface water, wetlands, and tree stands refer to Appendix A.2, Existing Topographic Conditions.
- Locations and dimensions of existing and proposed principal and accessory uses and structures (Appendix A.4, Proposed Uses and Structures)

**Narrative describing how the NND proposal will be designed to meet the minimum NND standards set forth in section §100-28.C**

- ***Location of NND:*** *property must be zoned R (Rural) District*

The proposed NND meets this standard. The proposed site is comprised entirely of properties currently zoned R (Rural District). Refer to Appendix B, Zoning Map.

- ***Minimum Size:*** *750 contiguous acres in single ownership*

The proposed NND meets this standard. The proposed site is comprised of approximately 1,816 contiguous acres in Pine Plains, all owned by 1133 Taconic LLC. Of this acreage, approximately 1,653 acres are located outside of the previously approved and platted 163 acre Sports City Estates Subdivision (Filed Maps #3623 and #3977). Refer to Appendix A.2, Boundary Survey Map. The proposed NND exceeds the requirement of 750 contiguous acres that are in single ownership and not presently restricted from development by a conservation easement, deed restriction, or other restriction limiting development.

- ***Proximity to Pine Plains Hamlet:*** *a portion of the NND shall adjoin a Pine Plains hamlet zoning district*

The proposed NND meets this standard. The proposed NND adjoins the western edge of the Pine Plains H-R Hamlet – Residential district, as illustrated on the Zoning Map attached as Appendix B.

- ***Utilities:*** *75% of residential dwellings to be served by community water/central sewer*

The proposed NND plan has been designed to meet this standard. Approximately 94% (540 of 572 total units in Pine Plains) of the proposed residential dwellings will be served by community central water and sewer. The remaining approximately 6% (32 of 572 total units in Pine Plains) of the proposed residential dwellings, located south of NYS Route 199 and on the Spruce farm property, will be served by individual well and subsurface disposal systems. Refer to Appendix C, Proposed Water and Wastewater Service Areas Map.

- ***Road Access:*** *a portion of the NND shall have frontage on a state road/highway*

The proposed NND meets this standard. The proposed site has approximately 2.8 miles of frontage along both sides of NYS Route 199 in Pine Plains. Refer to Appendix A.4, Proposed Uses and Structures.

- ***Non-Constrained Lands:*** *NND shall have sufficient non-constrained land to allow for development meeting the standards set forth in §100-28.B.*

The proposed NND meets this standard and allows sufficient land for development satisfying the criteria set forth in §100-28.B, *Criteria for approval of the NND*. Of the 1,653 acres in Pine Plains that are outside of the existing Sports City Estates

subdivision, approximately 986 acres consist of non-constrained land as defined in §100-16.B.

As discussed above, the zoning law requires an NND to have a minimum acreage of 750 acres, portions of which may be constrained. The proposed NND is large enough to meet the minimum acreage standard, even when only the 986 acres of non-constrained land is considered. The size of the non-constrained lands on the site will thus allow for development meeting the criteria set forth in §100-28.B.

Substantial additional data, generated by years of detailed, site-specific analysis and field surveys, has refined the accuracy of the general characterization of land contained in the Comprehensive Plan "Pine Plains Future Land Use Concept" map. All the available data has been incorporated and used to identify and calculate the constrained and non-constrained portions of the site under the applicable standards of §100-16.B, which is graphically represented in Appendix D, Constrained Lands Affecting Density Calculation. The associated density calculation is outlined in Appendix E, Carvel Property Development Yield Calculation.

### **Preliminary identification and calculation of the Base Residential Yield**

The Base Residential Yield for the NND is 279 units. Appendix E, Carvel Property Development Yield Calculation, contains details the calculation of this number.

Appendix E also provides, for informational purposes, the proposed calculations of total unit count, which include, under section §100-34, density credits for pre-existing lots from previously approved and filed subdivision plats which are incorporated into the NND plan. A density credit for 195 lots in the existing Sports City Estates subdivision (Filed Maps #3623 and #3977) is proposed under this section.

The combined total of the residential base yield units (279) and existing lots (195) is 474 units.

The other elements of total unit count, including the Mandatory Affordable Housing Bonus Units, the Community Benefits Incentive Zoning Units, and the Economic Development Area Incentive Units, are discussed below.

### **Preliminary identification and calculation of incentive dwelling units being requested and community benefits to be provided**

- *Community Benefits & Incentives per §100-28.E(4) and §100-22.B*

The Zoning Law authorizes the Town Board to approve additional residential units of up to 30% of the Base Residential Yield (84 units in this instance) in consideration for provision of a range of community benefits. The Applicant is seeking approval for 84 Community Benefits Incentive Zoning units, and at this pre-application stage, the Applicant has identified the following general areas in which the proposed NND can provide community benefits:

- *Open Space* - Pursuant to §100-22.B(1), a residential density bonus may be granted by the Town Board in consideration of an applicant preserving more than

60% open space. The zoning law provides for an additional .5% of the Base Residential yield for each 1% of increased open space. Currently, the plan proposes 1,292 acres of Open Space in Pine Plains, or 71% of the project site in Pine Plains, which is 11% more than is required. Therefore, currently, the proposal qualifies for 15 residential incentive units. The Open Space acreage relied upon in this calculation excludes consideration of the 81 acres of golf course area in Pine Plains. Under the zoning law, an applicant may seek consideration for up to a maximum of 42 residential incentive units under these provisions.

- ***Public access and recreation*** - Pursuant to §100-22.B(4), up to an additional 84 residential units (30% of the Base Residential Yield) can be granted by the Town Board in consideration of creating public recreational lands or trails, public access to streams or open space land and other recreational opportunities. The Carvel project provides a number of possibilities for such public access and recreation.

Although the above incentive factors may individually add up to more than 84 units, the overall cap for Community Benefits Incentive Units is 30% of Base Residential Yield, which in this case is 84 units total. The Applicant intends to request approval for all 84 Community Benefit Incentive Units, based on the Applicant's intent to provide a combination of the above factors (refer to Appendix E, Carvel Property Development Yield Calculation). As set forth in §100-22(B)(7), the above can be accomplished in a number of ways including provision of community benefits on-site, off-site or through a fee payment in lieu.

- ***Economic Development Area Incentive per §100-28.E(5)***

The Zoning Law permits an additional 10% of the Base Residential Yield (28 units) in consideration of the establishment of economic development areas that encourage tax-ratable non-residential uses that do not detract from the economic viability of the Pine Plains hamlet. A minimum of 5% of the gross land area of the proposed NND must be applied to utilize this incentive.

Approximately 101 acres (or 5.5% of the proposed NND in Pine Plains) are designated as an Economic Development Area, including portion of the golf course in Pine Plains and associated Clubhouse with Pro Shop, and the space currently occupied by Antique & Vintage Woods.

Since a golf course is permitted by special use permit in the R district, it qualifies for the Economic Development Area incentive. Because the large amount of land required for a golf course is not available within the hamlet, this use will not compete with any existing or future uses in the Pine Plains hamlet. In addition to the benefit provided as a result of being a tax-ratable nonresidential use, the Applicant believes this use will complement and enhance the viability of the Pine Plains hamlet by providing additional employment opportunities for area residents.

The Applicant also proposes to maintain the non-residential use of the property currently occupied by Antique & Vintage Woods. This space is appropriate for uses such as craft

workshops, repair facilities, equipment storage, etc., which require substantially greater storage and work space than would be viable within the Pine Plains hamlet. These uses are also permitted by special use permit in the R district, and qualify for the Economic Development Area incentive.

The Applicant will be seeking approval for all 28 possible incentive units for these economic development areas (refer to Appendix E, Carvel Property Development Yield Calculation).

**Initial description of how the affordable housing component will be achieved.**

The Zoning Law requires an NND applicant to provide affordable units equivalent to 15% of the Base Residential Yield (42 units). The Applicant proposes to achieve the required affordable housing component by contributing a fee to the Pine Plains Housing Trust Fund as authorized in the Zoning Law. The Applicant proposes to contribute the required fee for each of the mandatory 42 affordable units, up to a maximum cap and according to a payment schedule as provided for in §100-23.E, which would be set in the Development Agreement as established per §100-28.D(8) between 1133 Taconic LLC and the Town of Pine Plains. The unit count calculations below recognize that the 15% affordable housing figure (42 units) is subtracted from the permissible unit count, even when the affordable housing requirement is paid by a fee.

Per §100-28.E(3), there is a mandatory affordable housing density bonus of additional market-rate units equal to 10% of the Base Residential Yield (28 units). These additional market-rate units are provided as an integral bonus element of the mandatory affordable housing program, and are not discretionary incentive units (refer to Appendix E, Carvel Property Development Yield Calculation).

Appendix E contains the calculation of the proposed total NND unit count of 572 units, which includes the Base Residential Yield (279) plus the credit for existing subdivision lots (195) plus 98 net additional units (84 incentive units + 28 economic development incentive units, minus 42 affordable units + 28 affordable bonus units = net 98 units).



## **APPENDICES**

### **Appendix A: Sketch Plan**

- 1.** Boundary Survey Map
- 2.** Existing Topographic Conditions Map
- 3.** Ecological Communities Map
- 4.** Proposed Uses and Structures

### **Appendix B: Zoning Map**

### **Appendix C: Proposed Water and Wastewater Service Areas**

### **Appendix D: Constrained Lands Affecting Density Calculation**

### **Appendix E: Carvel Property Development Yield Calculation**

### **Appendix F: Carvel Property Development Conceptual Rendering**

*Note: Appendices A, B, C, and D are attached separately as 18" x 24" maps. Appendices E and F are attached to this document.*



## Appendix E:

### Carvel Property Development Yield Calculation

CRITERIA	PARAMETER	ACREAGE
Total Land Area in Pine Plains		1816
Minus Area of Existing Subdivision*		-163
Area Subject to Base Residential Yield Calculation	1816 minus 163	<b>1653</b>
Constrained Lands:		
Floodplain		0
Wetlands		120
Open Water		11
Steep Slopes >25%		264
½ Steep Slopes 15-25%		272
Total Constrained Lands		<b>667</b>
Area Subject to Base Residential Yield Calculation	From above	1653
Minus Constrained Lands	From above	-667
<b>Net Site Area in Pine Plains</b> (before 15% reduction)	1653 minus 667	<b>986</b>
Minus 15% reduction for roads and lot inefficiencies	15% of 986	-148
<b>Net Site Area in Pine Plains used to determine BR Y</b>	986 minus 148	<b>838</b>
<b>YIELD CALCULATION</b>		
Base Residential Yield (BR Y)	1 unit / 3 net acres (838/3)	279
Community Benefit Incentive Units	Max 30% BR Y	84
Economic Development Incentive Units	Max 10% BR Y	28
Market Rate Units for meeting affordable requirement	10% BR Y	28
Minus Affordable Housing Requirement (provided via payment of fee in-lieu)	15% BR Y	-42
Credit for Existing Subdivision Lots	1 credit per existing lot	195
<b>Total Residential Yield</b>		<b>572</b>

\* The 163 acres of the Sports City Estates subdivision that are within Pine Plains have been excluded from Residential Base Yield calculations but will be applied under the provisions for “Density Credit for Re-Subdivision of Existing Subdivision Lots of Record” as set forth in §100-34.