

Appendix B
Public Hearing Transcripts

TOWN BOARD OF THE TOWN OF PINE PLAINS

Public Hearing

Re:

PROPOSED LOCAL LAW NO. 1 OF 2009
CREATING THE TOWN OF PINE PLAINS
ZONING LAW AND ZONING MAP ON THE DRAFT
GENERIC ENVIRONMENTAL IMPACT STATEMENT

April 18, 2009

9:30 a.m.

Lions Club Pavillion

82 Beach Road

Pine Plains, NY

TOWN BOARD: A. GREGG PULVER, Supervisor
RICK BUTLER, Councilman
DOREEN GARDNER, Councilwoman
GEORGE KEELER, Councilman
ROBERT COUSE, Councilman

ALSO PRESENT: WARREN REPLANSKY, ESQ.

Town Attorney

NAN STOLZENBURG

Town Planner

RAY JURKOWSKI

Town Engineer

BONNIE FRANSON, Planner

Tim Miller Assoc.

REPORTED BY: KAREN SCHMIEDER, CSR, RDR

COPY

1 SUPERVISOR PULVER: Can I
2 have your attention, please. Can
3 everybody quiet down.

4 First of all, I would like
5 to welcome everybody to the Town of
6 Pine Plains and the Lions Club
7 Pavilion, our recreation area,
8 lakeside and our ball diamond, which
9 gets a lot of use during the summer
10 months.

11 We do not have amplification
12 today, so I would ask that everybody
13 remain quiet. Any side conversations,
14 please take outdoors. Please turn
15 your cell phones off or on vibrate as
16 a courtesy to everyone else that is
17 speaking.

18 We have an exit in the back
19 if, God forbid, we need it, and an
20 exit to the side, and there's also an
21 exit through both hallways.

22 The bathrooms are over here.
23 Again, if we can limit disruptions,
24 that would be great also. So there is

1 the women's room, the first one; the
2 men's room is the second. So we are
3 providing for that.

4 We are going to ask that
5 everyone be respectful of the
6 speakers. We know that this is an
7 emotional issue to a lot of of folks,
8 but we have to be respectful to all
9 opinions here today.

10 We are going to ask people
11 with just by a show of hands -- we are
12 not going to have a set order of
13 speaking, although we are going to ask
14 some of the experts that have come
15 here to lead some of the session off.
16 So we are going to try to do that in a
17 manner.

18 We are going to reserve the
19 right to gavel you down, so to speak,
20 if it gets off topic or redundant in
21 your own remarks, not redundant in the
22 context of the zoning ordinance. But
23 if your own remarks are starting to
24 turn around on themselves, please, we

1 want to give everybody an opportunity
2 to speak today and listen to what you
3 have to say.

4 Warren is going to start
5 here in a couple of minutes with a
6 brief introduction on how things are
7 going to proceed from this point on.

8 I do have a couple of
9 commercials, however, that I would
10 like to add into that.

11 The Historical Society is
12 having a function today at the
13 Stissing House at 4:00 p.m. The
14 guest speaker is the Amenia historian
15 and is going to speak on the hamlet
16 square -- the Federal Square, sorry,
17 which was the hamlet during the
18 Revolution, and she'll talk about the
19 history. It is a cash bar, but it
20 looks like it is going to be a very
21 good program.

22 Also today, at the high
23 school is the Phil Amelio Memorial
24 Baseball Tournament. Phil was the

1 young man that grew up in Pine Plains,
2 did a lot of commercials in his
3 younger days and appeared in Lucille
4 Ball show. He died tragically a few
5 years ago, actually due to an
6 infection, a MRSA infection. And his
7 father is our varsity baseball coach
8 and had been the little league coach
9 in town for 30 plus years. So that's
10 today at the high school. They've
11 done a tournament for the last three
12 years I believe to raise money for a
13 scholarship fund.

14 Lastly, but not least, if
15 anybody is interested, the fire
16 company is putting on a chicken
17 barbecue today. I don't have all the
18 details, but I believe they are going
19 to start serving around 5:00, and that
20 is at the intersection of Lake Road
21 and South Main Street, kind of near
22 the -- across the street from the Post
23 Office. Those are the little blurbs
24 for today.

1 We are going to try to wrap
2 this up today at 12:30. We figure
3 after three hours you'll be tired of
4 looking at us, although we will not be
5 tired of looking at you.

6 (Laughter.)

7 But if it is still going on at this
8 point in time, all right, or at that
9 point in time we obviously will stay
10 here. But we are just going to try to
11 get this part of the day over with by
12 12:30. We think by that time
13 everybody will need lunch and
14 something. We do not plan a break
15 during this, so we hope that everybody
16 is comfortable now.

17 There is a podium up here.
18 However, if you do not feel
19 comfortable using the podium,
20 especially for the people in the back,
21 it would help our stenographer if you
22 would step at least as far up as the
23 curtain, the room divider to get you
24 ahead of that. We do ask for that.

1 So certainly, if you are willing, to
2 use the podium. If not, at least step
3 forward and speak in front of the room
4 divider.

5 I think that's all the
6 housekeeping we have. I am going to
7 read the Notice of Public Hearing, and
8 then I'm going to turn it over to
9 Warren to start things off.

10 Please take notice that the
11 Town Board of the Town of Pine Plains
12 shall hold public hearings on the
13 proposed Local Law No. 1 of 2009
14 creating the Town of Pine Plains
15 Zoning Law and Zoning Map at a public
16 hearing on the Draft Generic
17 Environmental Impact Statement, known
18 as the DGEIS, that has been completed
19 and accepted for the proposed action.
20 The public hearing shall be held on
21 April 18th, 2009 at 9:30 a.m., and on
22 April 22nd 2009 at 7:00 p.m. at the
23 Pine Plains Lions Club Pavilion,
24 located at 82 Beach Road, Pine Plains,

1 New York. The Proposed Local Law
2 creates a comprehensive zoning law
3 that would regulate land use and the
4 density and intensity of the same
5 throughout the Town of Pine Plains.
6 Copies of the Local Law, Proposed
7 Zoning Map and the DGEIS are available
8 for inspection at the Town of Pine
9 Plains Town Hall located at 3284 Route
10 199 Pine Plains, New York, and at the
11 Pine Plains Free Library at 7806 South
12 Main Street, Pine Plains, New York,
13 during regular business hours. Copies
14 of the DGEIS and Proposed Zoning Law
15 Map maybe obtained from the Town
16 Clerk's Office. Copies of the DGEIS
17 and Proposed Local Law and Zoning Map
18 have been placed at the town's
19 official web site at [http://Pine](http://PinePlains-NY.gov/content/Generic/View/7)
20 [Plains-NY.gov/content/Generic/View/7](http://PinePlains-NY.gov/content/Generic/View/7),
21 and may be downloaded. All persons
22 desiring to comment on the Proposed
23 Local Law and/or the DGEIS shall be
24 permitted to do so either in writing

1 or during the course of the public
2 hearings. Written comments on the
3 DGEIS and the Proposed Local Law shall
4 be accepted until the close of
5 business day on May 4th, 2009 or until
6 ten days following the close of the
7 public hearings, whichever is later.
8 All written comments shall be
9 addressed to the Town Supervisor, Town
10 of Pine Plains, Pine Plains Town Hall,
11 3284 Route 9, P.O. Box 5, Pine Plains,
12 New York 12567, by order of the Town
13 Board, Town of Pine Plains, dated
14 March 11, 2009.

15 At this point one last
16 thing. If you stand up and agree --
17 this is something I say at all my
18 public hearings -- and you agree with
19 the person that just spoke before you,
20 don't reiterate everything the person
21 said. Just say, I endorse that or I
22 support that. There's a lot of
23 content here.

24 MALE SPEAKER: Everyone

1 should give their name first.

2 SUPERVISOR PULVER: Yes, we
3 do ask when everybody stands up and
4 speaks to give their name and
5 affiliation or an address, and
6 spelling for the stenographer. We are
7 having a stenographer, so please spell
8 your name, even if it is something
9 short like Smith or Jones or whatever,
10 still spell it, and that way we have
11 the correct spelling.

12 At this point I would like
13 to turn it over to Warren and let him
14 kick things off.

15 MR. REPLANSKY: One thing I
16 would like to add, I know that people
17 are members of various --

18 AUDIENCE MEMBER: Louder.
19 Can't hear.

20 MR. REPLANSKY: One thing I
21 would like to add is that we would
22 prefer not to have any jeering or
23 clapping after people speak. It slows
24 down the process. If you want to

1 speak and express support for your
2 position or somebody else's position,
3 you can get up and do that. But if
4 people are criticized by jeering or
5 making noise or by clapping each time
6 a speaker speaks, it extends
7 unnecessarily the process. We'd like
8 to get through this and really hear
9 the substantive comments. We are very
10 much interested in what you have to
11 say.

12 I am Warren Replansky, the
13 attorney for the Town of Pine Plains.
14 I just want to bring you through this
15 process so you know how we got to this
16 point.

17 The Town Board adopted an
18 updated Comprehensive Plan in November
19 of 2003. In 2005 the Town Board, by
20 resolution, created a Zoning
21 Commission pursuant to Section 266 of
22 the Town Law, which governs the
23 creation of a first zoning law for a
24 municipality to recommend to the Town

1 the boundaries of the various original
2 zoning districts for the Town and
3 appropriate land use regulations to be
4 enforced. The commission was a lay
5 commission consisting of seven members
6 of the community. The Zoning
7 Commission, with the aid of Nan
8 Stolzenburg, a professional planner,
9 after the conduct of public hearings
10 and meetings, issued its final report,
11 and that's what it is, it is a report,
12 to the Town Board on July 9, 2007 in
13 the form of a Proposed Draft Zoning
14 Law.

15 The board, Town Board, after
16 review of that document felt that it
17 was an excellent effort but determined
18 that the proposed law needed
19 refinement and some changes and was
20 desirous of having its own consultant
21 take a fresh look at the document.
22 This often happens because the Zoning
23 Commission's recommendation to that
24 Town Board is only a recommendation.

1 Once the Zoning Commission gives its
2 report to the Town Board, it no longer
3 exists by matter of law, and it's the
4 board's document, the Town Board's
5 document at that point to adopt and to
6 change as it feels necessary before it
7 adopts it as a local law.

8 The board utilized the
9 services of its planning, engineering
10 and legal consultants and retained an
11 additional planner, Tim Miller
12 Associates, with Bonnie Franson
13 working with the Town to, where
14 necessary and appropriate, review,
15 edit, modify, amend, supplement the
16 proposed draft law as reported to the
17 Town by the commission.

18 What followed off that was a
19 series of workshops involving the
20 consultants, oftentimes involving
21 certain board members to get input
22 from the board members on how they
23 felt about certain issues. And there
24 were periodic public sessions where

1 the consultants went back to the Town
2 Board for guidance and tentative
3 approval on certain changes and
4 modifications that they wanted to make
5 to the document.

6 The Zoning Law, as revised
7 by the Town Board and the consultants,
8 had that document submitted to the
9 Town Board in February of 2009, and
10 what is known as a positive SEQR
11 declaration was issued on February 19,
12 2009, which meant that the Zoning Law
13 had the potential for one or more
14 significant environmental impacts and
15 directed the preparation of what we
16 call a Draft Generic Environmental
17 Impact Statement. It is a very
18 difficult document to draft because it
19 is not site specific. It's not a
20 development-specific Environmental
21 Impact Statement that you see where a
22 project is proposed.

23 In any event, the work on
24 that was performed by Tim Miller

1 Associates, and that was completed and
2 the Draft Generic Environmental Impact
3 Statement was accepted for public
4 review on March 11, 2009.

5 The document in its present
6 form, which you have -- assuming
7 you've read and you have before you,
8 because we will be asking you
9 questions about it -- is dated
10 February 2009. And it does differ
11 somewhat from the original document
12 that was prepared and submitted to the
13 Town Board. But most of the essential
14 elements of the original draft have
15 been retained. The document was
16 reformatted, was edited, was put into
17 what we felt was a more readable,
18 user-friendly form. I hope people
19 agree with that. But there are some
20 important substantive differences
21 between the original document as
22 proposed to the board and what you see
23 before you. I'm just going to go over
24 those briefly.

1 One significant change was a
2 different density regulation for
3 active agricultural land. It was a
4 ten-acre minimum density that was
5 required for active agricultural land,
6 which the Town Board and the
7 consultants felt was somewhat punitive
8 to farmers and to people who had these
9 properties under their control and use
10 for many years. We felt a better way
11 of protecting agricultural land would
12 be through an agricultural overlay
13 zone where in the subdivision process
14 these agricultural lands are protected
15 from development without requiring a
16 ten-acre minimum lot size for those
17 properties.

18 The environmental control
19 formula that we have in the current
20 law differs from the original Zoning
21 Law. That control formula was, we
22 felt, too difficult to administer. It
23 did not prescribe minimum lot sizes,
24 which we felt was a problem. And we

1 felt that the same result could be
2 achieved by the utilization of the
3 conservation subdivision process,
4 which is essentially similar to what
5 was in the original law, but with
6 prescribed minimum lot sizes, as we
7 have done. And the base minimum lot
8 size throughout the Town outside the
9 hamlet areas is a five-acre minimum.

10 The wellhead protection zone
11 that was originally an overlay
12 district is now a base zoning district
13 to provide more protection and to more
14 clearly prescribe the uses in that
15 zone. There was a limited transfer of
16 development rights provision in the
17 Zoning Law, which we felt did not
18 adhere to the requirements of Town
19 Law. And we felt that such a
20 provision at this point was too
21 complex for the Town to administer and
22 create in the first Zoning Law, so
23 that has been omitted.

24 There were many special uses

1 that were not defined throughout the
2 law, which we spent a long time
3 creating special use requirements for
4 the special uses and have changed
5 definitions and allowed other special
6 uses throughout the Town which were
7 not originally a part of the Zoning
8 Law.

9 An important change, and I
10 know that a lot of you here are
11 concerned about that, was the NND
12 floating zone. And we had a workshop
13 session with the Planning Board the
14 other evening to try to explain to the
15 Planning Board and the public who
16 attended that meeting what this was.
17 And I'll give you an idea of the
18 outgrowth and how this came about.

19 We had checked the minutes
20 of the Zoning Commission and found
21 that the Zoning Commission did in fact
22 seriously consider a Planned Unit
23 Development Zone, which is a floating
24 zone that's created by legislative act

1 by the Town Board. It's not a special
2 permit use. It's not an as-of-right
3 use. It has to go through normally a
4 fairly rigorous rezoning application
5 to the board before it can be created.
6 The Zoning Commission actually had a
7 presentation made to it by Department
8 of State as to why a Planned Unit
9 Development is an accepted and
10 well-used zoning tool in many
11 communities. And it allows the Town
12 more and the developer more
13 flexibility in the design and the Town
14 more control over the nature of
15 large-scale projects, sometimes those
16 projects are residential, a Planned
17 Unit Development; sometimes they are a
18 combination of residential and
19 commercial. We created it to do deal
20 with large-scale development and one
21 development in particular that we were
22 concerned with and that we wanted to
23 have maximum control over. A
24 variation on the Planned Unit

1 Development, which is what we call the
2 NND zone. It is a New Neighborhood
3 Development zone. It is a form of
4 Planned Unit Development, but it goes
5 much farther than most Planned Unit
6 Developments. It is a very, very
7 rigorous process which creates, which
8 requires a consideration of eighteen
9 criteria, which are listed on page 41
10 and 42 of the Zoning Law, for the Town
11 Board to consider in whether to rezone
12 that property for an NND. We feel
13 that by utilization of this process,
14 which provides many givebacks to the
15 community in terms of increased
16 affordable housing, increased open
17 space, an opening of some of the
18 property to public use, public trails,
19 a giveback to the community in terms
20 of development of essential
21 infrastructure for the community, the
22 Town. Through this process it can
23 achieve a lot more in dealing with a
24 large-scale residential project than

1 it could under a normal conservation
2 subdivision. There are things that
3 can be required of the developer in
4 that process, which cannot be required
5 of a developer in a normal
6 conservation subdivision process.
7 It's a give and take between the Town
8 Board and the Planning Board, which is
9 an essential component of that
10 process.

11 If you read the law, it is
12 pretty complex, but the Planning Board
13 is a very essential component of that
14 process, because it is envisioned that
15 the Planning Board would act as lead
16 agency in the environmental review of
17 that process. And through the studies
18 and the environmental review and the
19 public hearings that would occur, the
20 Planning Board, in conjunction with
21 the Town Board, would really control
22 the density of the project, the
23 configuration of the project, what the
24 project is going to do for the

1 community before it makes a decision
2 as to whether to rezone the property
3 to allow for this to happen.

4 I want to emphasize that it
5 is a rezoning process. It is a
6 legislative act of the Town Board.
7 The Town Board can reject an NND
8 application out of hand; it can start
9 the process and terminate its
10 consideration of the process, or at
11 the end of the day it can deny the
12 project.

13 It also has the power to set
14 the density for that development. The
15 density is set through an elaborate
16 series of formulas, potential bonuses.
17 But there is one important factor in
18 that there is a cap on that density,
19 and the cap is 611 units for any such
20 project. The Town Board cannot
21 authorize an NND which exceeds that,
22 no matter what.

23 We think there is some
24 confusion over that aspect of it. We

1 got feedback from the Planning Board
2 at our meeting last week, and people
3 seemed to think that it's not that
4 clear that that is the cap. And it
5 certainly was the intention of the
6 Town Board and the planners to make
7 that clear, and we will revise the law
8 as necessary to make sure there is no
9 uncertainty as to the maximum amount
10 of units. That doesn't mean that a
11 development will be approved for 611
12 units. It could be approved for
13 something substantially less than
14 that. That will be in the discretion
15 of the Town Board. It will also be a
16 factor of the environmental review
17 conducted by the lead agency, and the
18 lead agency's -- which we expect again
19 will be the Planning Board -- findings
20 and its own recommendations.

21 We expect that after this
22 process, the public hearing process,
23 we are going to get many comments from
24 the public. Many people will feel

1 that the document is less than
2 perfect. We don't feel it's perfect
3 by any means. We are open to
4 suggestions on how it can be improved
5 and clarified. We have already
6 received input from members of the
7 public at our last meeting. We have
8 gotten written documents from various
9 members of the public. That will all
10 be considered, and it will be
11 responded to. All comments that are
12 made on the environmental impacts of
13 the project have to be responded to in
14 what we call the FGEIS, which is the
15 Final Generic Environmental Impact
16 Statement.

17 When I say "we," I am
18 talking about the Town Board; we will
19 be responding to other comments on the
20 project. We haven't decided how that
21 will be, whether that will be in
22 workshop sessions or public
23 information sessions, but we will
24 respond to you. We are not going to

1 do that today. We don't want this
2 hearing today to be a question and
3 answer period. We want you to give us
4 the questions, and we will try to
5 respond to you in kind. It may be by
6 the next public hearing that we will
7 be able to respond to some of your
8 questions. But if we get into a give
9 and take, that's not going to be
10 productive for why we are here today.

11 After the second public
12 hearing the Town Board will determine
13 whether further public hearings are
14 necessary; it has discretion to set
15 one or more additional public
16 hearings. We envision when the public
17 hearing is closed there is going to be
18 a ten-day period for additional
19 written comments. We know that there
20 are going to be workshop sessions
21 after the close of the public hearing,
22 when the consultants will be working
23 with the Town Board to evaluate the
24 responses, the questions, the

1 criticisms, the request for change.
2 We know that we are going to get
3 changes from various property owners
4 who are not happy with the way the
5 Zoning Law impacts their particular
6 property. We have already gotten some
7 of those. We will be looking at those
8 too.

9 It is quite possible the
10 Zoning Law will be changed
11 substantively. It certainly will be
12 changed and amended to correct any
13 deficiencies and typographical errors
14 and things that Jane Waters discovers
15 for us after she reads it. That might
16 result in additional public hearings,
17 if we make substantial changes which
18 we think the public really needs to be
19 aware of. We may disclose that and
20 have the further opportunity for you
21 to comment on that in a future public
22 hearing.

23 The process that the board
24 follows and is required to follow by

1 law is that the FGEIS, which is the
2 Final Generic Environmental Impact
3 Statement, has to be prepared, which
4 will include the Draft Environmental
5 Impact Statement, any changes made or
6 additions to that, any changes made or
7 additions to the Local Law, and we
8 will have to respond to your comments
9 as part of that FGEIS on the
10 environmental aspects of the project.

11 After the preparation of the
12 FGEIS there is an additional period
13 for public review, and then the Town
14 Board is required to create a Findings
15 Statement in which it finds or hopes
16 to find that the environmental impacts
17 of the new law have been mitigated to
18 the fullest extent practicable. And
19 after it goes through that process it
20 can then vote on the adoption of the
21 Zoning Law in final form.

22 So we have Bonnie here. I'd
23 rather start getting your comments.
24 We have Nan Stolzenburg here, Ray

1 Jurkowski, our engineer. We have maps
2 set up. So rather than going through
3 the Zoning Law -- we think that you
4 are probably pretty familiar with
5 it -- we'd like it hear your comments.
6 If at the next public hearing we feel
7 there is a need for presentation to
8 explain certain aspects of the law, we
9 can certainly do that. But now we
10 should leave it open to public
11 comment.

12 SUPERVISOR PULVER: At this
13 point we are going to open to public
14 comment. We do have some people that
15 we are going to ask to speak first,
16 but after that we are going to ask for
17 just a show of hands. And again, we
18 are trying to be respectful to
19 everybody that's here. We are trying
20 to give everybody an opportunity to
21 speak. So please be cognizant of
22 that.

23 So at this point Lisa Nagle,
24 would you please come up.

1 MS. LISA NAGLE: I usually
2 speak loud enough. If you can't hear
3 me, let me know. Okay, thank you.

4 Good day. My name is Lisa
5 Nagle, and I'm a certified planner and
6 founding partner of Elan Planning and
7 Design. We are here today
8 representing Pine Plains United and
9 making a few comments on their behalf.

10 Just to give you a little
11 bit of background, I've spoken before
12 this board before and the Planning
13 Board previously, but I have about 18
14 years of experience. Our firm
15 specializes in comprehensive planning,
16 downtown revitalization planning and
17 updating zoning ordinances throughout
18 New York State. We work throughout
19 the Hudson River valley as well, and
20 our specialty is working with rural
21 communities, such as Pine Plains, to
22 preserve the unique character that we
23 have in writing zoning ordinances,
24 because it is a tough job. I commend

1 you for taking on the tough task of
2 writing the Town's first zoning
3 ordinance.

4 It is a thoughtful and very
5 good document. What I would like to
6 do is focus on one provision, which
7 Warren really hit on, which is the NND
8 in the New Neighborhood Development
9 provision. What I would like to do is
10 focus first on that provision,
11 speaking specifically to the
12 Comprehensive Plan.

13 You did a Comprehensive
14 Plan, which was adopted by this Town
15 Board, a very well written document.
16 Many of the people in this room and
17 throughout the community put a lot of
18 their time and effort into the
19 document. It is a thoughtful
20 document. The result of that document
21 are numerous goals, recommendations
22 and not the least of which is a Future
23 Land Use Map.

24 Some of the specifics that

1 I'd like to say, I'm going to
2 highlight my letter. I'll be
3 submitting the letter, so I'll keep my
4 comments brief with respect to the
5 Supervisor's wishes today.

6 What I would like to say is
7 that the Comprehensive Plan sets off
8 and says that any new high density
9 development should occur within the
10 hamlet of Pine Plains. We feel that
11 the NND provision in and of itself is
12 inconsistent with that goal of the
13 Comprehensive Plan, and that
14 underlines all of my comments.

15 For example, there is a cap
16 of 611 units on 750 acres. And while
17 it is true that somebody may get 750
18 acres, I would think that if somebody
19 who is going to assemble that much
20 land they'd probably push for as many
21 homes as they can get. So the basic
22 fundamental fact that we can have 611
23 units adjacent to the Pine Plains
24 hamlet is very large and duplicates

1 the center of your community.

2 Specifically, on the NND
3 too, just some of the comments on the
4 language, is that it doesn't exactly
5 require a direct link to the hamlet,
6 as the way the language is written
7 right now. It doesn't say that it has
8 to be a transportation link, nor does
9 it say it has to integrate to the
10 existing neighborhoods of the hamlet.
11 That's a bit concerning, because it
12 can push these NNDs to the fringes, if
13 you will, outside the hamlet, far away
14 from the hamlet. I'd say it is like
15 three or four miles over to the
16 Taconic Parkway, so that's pretty far
17 from the center of the hamlet.

18 The second point I would
19 like to make is the NND provisions are
20 really unnecessary. Because of the
21 way in which the entire zoning
22 document was written -- which is very
23 good -- there is enough flexibility to
24 allow a variety and a mix of

1 development throughout the Town in any
2 zone, including the rural zone. One
3 of the stated goals, amongst many, in
4 the NND on page 41 is to allow
5 planning and zoning flexibility.
6 However, as an example, the
7 conservation subdivisions allow for
8 such flexibility to achieve this goal.
9 The only added benefit that we can see
10 of the NND would be an increased
11 density in terms of one unit per three
12 acres as a density versus one unit in
13 five acres in rural zoning.

14 Just further on this issue
15 of flexibility -- I'm going to veer
16 away from the NND provision -- if we
17 look to table A, your document are the
18 use regulation. If you look at the
19 allowed uses in your rural zone, there
20 are 37 nonresidential uses allowed in
21 that rural zone, in other words,
22 commercial uses. So if the NND is
23 intended to have some commercial and
24 some residential, it is really not

1 necessary to have the NND, because we
2 are providing this elsewhere in the
3 document. So the NND, again, is
4 unnecessary.

5 Last and probably most
6 importantly, is that we really feel
7 the NND provision would change the
8 face of Pine Plains. We are a very
9 rural community, very scenic landscape
10 as we drive around the community. And
11 what we feel as the NND language as
12 currently written provides excessive
13 discretion as to how it may be applied
14 in the future. This might not be the
15 intent of the document, but the way
16 the language, as we read it is
17 written, that there may be some trust
18 in this Town Board or the current
19 Planning Board, but in years as we
20 project forward we feel there is a lot
21 of discretion in the language.

22 Finally, we provided and
23 will be included in my letter a map of
24 the community using the base zoning

1 map as, the proposed zoning map as a
2 base, and we have illustrated where we
3 think four new NNDs can happen around
4 the hamlet. That is very large and
5 very alarming if we really think about
6 it. Now there may be some discussion
7 as to whether these four can really
8 happen, because you have to assemble
9 750 acres; we have to consider the
10 environmental constrained lands, and
11 we understand that. But in careful
12 study of the map we really believe
13 four new NNDs could happen around the
14 hamlet.

15 The NND language says that,
16 among other criteria, an area must
17 have sufficient amounts -- and
18 emphasis added -- of non-constraining
19 land, as identified in the Pine Plains
20 Future Land Use Map, satisfying to the
21 fullest extent practicable in the NND
22 criteria. This is some of the vague
23 language that's open to some
24 discretion of the Planning Board.

1 Further, the Future Land Use
2 Map in and of itself, that being
3 referenced in the NND language, does
4 not provide any legislative
5 protection. Just because an area is
6 included in an agricultural district
7 or conservation district does not
8 preclude development on those lands,
9 okay. It may dictate where a
10 development may go in an agricultural
11 district, if we are going to site it
12 at the edge of the field, for example,
13 or back at the edge of the woods,
14 because as Warren said with the
15 overlay district, you want to preserve
16 your agricultural lands but it doesn't
17 preclude development.

18 So given these two basic
19 factors, we feel the potential NND, as
20 mapped, NNDs as mapped by us really
21 could happen.

22 Last two points is that the
23 NNDs require infrastructure for 75
24 percent of the units. And we feel

1 that if the NND has infrastructure,
2 there is potential for new development
3 at the edges of the NND, say
4 conservation subdivision, if you will,
5 being in a rural zone, and you could
6 extend the infrastructure into that
7 conservation subdivision. And there
8 are density bonuses within the NND
9 itself of course, and there are
10 density bonuses for the conservation
11 subdivisions.

12 There are a lot of density
13 bonuses throughout this document,
14 which is a bit unlikely -- as a
15 professional planner I don't normally
16 see this many density bonuses
17 throughout a zoning ordinance. So if
18 we have infrastructure in an NND and
19 it could be extended to the SCNND, we
20 could have fairly large developments,
21 edged sprawl, if you will, around the
22 edge of an NND. Something to
23 consider.

24 So let me just wrap up here.

1 While the idea of an NND may be
2 appropriate in some communities that
3 have older zoning -- I've used them
4 for our private clients as well, an
5 NND does provide flexibility in
6 design; it does preserve open space,
7 and it is a long legislative process,
8 as Warren highlighted. But with a
9 brand new zoning ordinance here in
10 Pine Plains, the practical application
11 and the concept is inconsistent with
12 the Comprehensive Plan, and it is not
13 necessary, because you have the
14 flexibility already written into the
15 remainder of the document.

16 Next, there is not a call
17 for such a zoning tool in the
18 Comprehensive Plan, and there are
19 direct conflicts with the NND in the
20 Comprehensive Plan, as I've previously
21 sighted. The zoning ordinance in
22 itself provides enough flexibility
23 without the NND. Allowing the NND
24 could result in serious an unintended

1 consequences throughout the Town.

2 So lastly, what we would
3 like to make is our parting comments.
4 We would urge the Pine Plains Town
5 Board to remove this provision from
6 the ordinance, which in all other
7 respects serves the residents of the
8 Town well in implementing the spirit
9 of the Town of Pine Plains. Thank you
10 for your time and consideration.

11 MR. JOHN F. LYONS: John F.
12 Lyons, Grant & Lyons.

13 Supervisor Pulver and
14 members of the Town Board, good
15 morning. Thank you for the
16 opportunity to speak.

17 I had met most of you
18 before, but nevertheless let me begin
19 by introducing myself. My name is
20 John Lyons; I'm an environmental land
21 use lawyer. I'm a partner in the law
22 firm of Grant & Lyons in Rhinebeck,
23 New York. I have been practicing
24 environmental land use and real estate

1 law for 24 years. Since my firm's
2 founding in 1994, we have dedicated
3 our practice solely to those fields of
4 law.

5 I am here this morning
6 representing Pine Plains United. My
7 remarks are a shortened version of a
8 letter I'll be handing up to you this
9 morning. That letter contains more
10 detail and also sets forth the
11 necessary citations to the laws,
12 regulations and precedent which
13 support the statements I am making
14 this morning.

15 Pine Plains United is a
16 group of citizens who care deeply
17 about Pine Plains and how it will
18 grow. They have closely followed the
19 work of the Zoning Commission and your
20 work as the town's first ever Zoning
21 Law has been drafted. PPU is grateful
22 to you and the Zoning Commission. All
23 of you have volunteered many hours of
24 your own time to help Pine Plains

1 secure a better future. PPU applauds
2 you for your work. And with the
3 exception of the New Neighborhood
4 District, which I'll talk more about
5 today, PPU puts its full support
6 behind this new law.

7 PPU believes that a
8 well-crafted Zoning Law that
9 implements the goals of the Town's
10 Comprehensive Plan will be critical in
11 helping assure that Pine Plains can
12 grow without sacrificing the character
13 and qualities which make it such an
14 extraordinary place. For the reasons
15 I will discuss today, PPU believes
16 that Pine Plains will best be served
17 by adopting the new Zoning Law without
18 the NND zone.

19 As a Town, your power to
20 enact zoning regulations comes from
21 state law. That law requires that
22 local zoning regulations be enacted
23 pursuant to a Comprehensive Plan. The
24 notion that zoning regulations should

1 be imposed only in accordance with the
2 Comprehensive Plan is based on the
3 premise that zoning laws are a means
4 to an end, not an end in and of
5 themselves. Their function is to
6 implement an existing plan for the
7 future development of a community.

8 For you, that plan is your
9 April 2004 Pine Plains Comprehensive
10 Plan. Chapter 11 sets forth goals and
11 strategies. Goal number one is to
12 protect the Town's natural beauty and
13 rural character. When discussing
14 zoning in relation to that goal, the
15 Comp Plan states that Pine Plains
16 should implement a land use program
17 which has "its primary goal the
18 protection of the environment and
19 rural character."

20 As was clear from Lisa
21 Nagle's presentation, reasonable
22 scenarios exist for the possibility of
23 up to four NND projects. Those
24 projects could potentially bring up to

1 200 extra units each, above and beyond
2 the maximum density otherwise allowed.
3 As Lisa's letter to you will show, the
4 750 acre minimum for an NND project
5 creates a project scale that may
6 actually encourage dense development.
7 Since the cost of assembling that
8 acreage and getting a project of that
9 size reviewed and approved would push
10 developers very hard to maximize
11 density. These results are
12 antithetical to goal number one of the
13 Comp Plan.

14 Comp Plan goal number two is
15 to have future growth be consistent
16 with the Town's rural character. The
17 Comp Plan contains a Future Land Use
18 Map, and that map depicts a compact
19 hamlet district with the hamlet
20 bounded to the west and northwest
21 mostly by conservation and
22 agricultural district plans. But as
23 demonstrated by Elan Planning, the NND
24 provision opens up the possibility

1 that those conservation and
2 agricultural district lands could end
3 up as sites for several NND projects.
4 This is clearly not consistent with
5 either goal number two or the Future
6 Land Use Map.

7 Comp Plan goal number three
8 is to preserve the hamlet of Pine
9 Plains and maintain it as the Town's
10 center and principal location of
11 commercial, cultural and residential
12 uses. As explained by Elan Planning,
13 the NND zone could have several
14 adverse impacts on the hamlet.
15 Because only a narrow hamlet
16 connection is required, the NND could
17 end up creating several competing new
18 hamlets only thinly connected to the
19 present hamlet by a bike trail or
20 pedestrian walk. This would
21 contradict Comp Plan goal three. For
22 these reasons and all the reasons
23 discussed in the Elan Planning letter,
24 the proposed NND provision is

1 antithetical to the goals of the Comp
2 Plan. Since your Zoning Law is
3 legally required to be consistent with
4 the Comp Plan, these inconsistencies
5 may also create legal pitfalls.

6 Now I want to move onto a
7 new subject and address the elephant
8 in the room, the Durst-Carvel Project.
9 Whether true or not, I wish to address
10 the rumor that this new Zoning Law
11 contains the NND zone because the Town
12 is concerned about potential
13 litigation by the Dursts. In case
14 that is a concern, let's take a closer
15 look at the issue. Would the Town put
16 itself in jeopardy or even make itself
17 vulnerable if it were to pass the law
18 without the NND zone? The answer is a
19 resounding no. Might the Dursts sue?
20 Sure, they have sued early and often
21 in Milan. But the real issue is
22 whether they would win, and again, the
23 answer is no.

24 During most of the

1 Durst-Carvel Project environmental
2 review, a moratorium has been in
3 place. Nevertheless, the Dursts chose
4 of their own free will to proceed with
5 the SEQR review of their project.
6 They did this despite the moratorium
7 and despite knowing that the new
8 Zoning Law could affect their project.
9 They made this choice knowing that the
10 SEQR review would be long and
11 expensive. And remember, the Dursts
12 aren't babies in the woods. They are
13 a third-generation family of
14 developers who have earned their
15 stripes in the rough and tumble of the
16 Manhattan real estate market.

17 Further, every version of
18 the Pine Plains moratorium that I've
19 seen contained a provision that
20 required any applicant choosing to
21 proceed with a SEQRA review during the
22 pendency of the moratorium to
23 acknowledge in writing that he or she
24 was continuing at his or her own risk.

1 So somewhere the Town has a piece of
2 paper from the Dursts saying that they
3 have voluntarily chosen to proceed at
4 their own risk. But even without that
5 piece of paper or the moratorium,
6 there is no valid legal basis upon
7 which the Dursts can claim that they
8 have acquired a vested right to their
9 project as presently proposed.

10 The term vested right is
11 used in the law to describe a right
12 which has ripened to the point that it
13 is protected. In New York there is a
14 simple two-prong test to determine
15 whether one has a vested right.

16 First, the property owner must show
17 that they already have been issued a
18 legal permit. And second, they have
19 to show that they have already
20 incurred substantial development costs
21 in furtherance of that permit. The
22 Dursts cannot meet either prong of
23 that test. In short, the Town has
24 nothing to fear from the Dursts. In

1 fact, the potential of legal peril
2 actually comes from the opposite
3 direction, where the courts have found
4 that zoning amendments have been
5 amended not for the benefit of the
6 community as a whole but instead for
7 the benefit of a particular property
8 owner, they have been struck down as
9 invalid for not being in accordance
10 with a well-considered Comprehensive
11 Plan. Thus, if it were to be
12 established that the Town did placate
13 the Dursts by including the NND zone
14 in the Zoning Law for their benefit,
15 the NND zone could be invalidated by
16 the courts.

17 Now I would like to turn to
18 the issue of SEQR. PPU has a number
19 of concerns about the DGEIS and
20 whether it adequately addresses the
21 reasonably foreseeable consequences of
22 an NND floating zone. The PPU has
23 concerns about whether the DGEIS
24 adequately assesses the potential

1 impacts of multiple NND projects,
2 including secondary and long-term
3 impacts, both of which are required to
4 be assessed by SEQR. There is also
5 concern about whether a no NND
6 alternative is sufficiently included
7 in the alternative section. But for
8 the sake of saving time today I'm not
9 going to go into the details of those
10 issues. But they are important.

11 A detailed discussion of
12 those concerns and the applicable law
13 is set forth in my letter, which I am
14 handing up to you today. I would ask
15 you to consider that discussion
16 carefully.

17 Finally, PPU is concerned
18 about how as a practical matter the
19 NND decision process might put Town
20 Board members in a difficult position
21 to make decisions that are in the best
22 interests of the Town. Imagine, if
23 you will, that a developer goes
24 through the entire NND process, a

1 process that can easily take years and
2 involve significant costs. And after
3 all that then the NND application
4 lands on your desks as Town Board
5 members for a vote of yes or no. Even
6 if the project were not the best for
7 the Town, I submit to you that a
8 normal person's sense of fairness
9 would make it very hard to vote no,
10 especially knowing that the no vote
11 would mean that all of the applicant's
12 time and money would be lost. Indeed,
13 some might say that this scenario has
14 already presented itself in connection
15 with the Durst-Carvel Project, and the
16 result is the inclusion of the NND in
17 the new Zoning Law.

18 As a practical matter, the
19 process and decision sequence of NND
20 approval can easily create a
21 circumstance where the best interests
22 of the Town could lose out to a sense
23 of fairness about the applicant. This
24 risk can be avoided by removing the

1 NND from the Zoning Law.

2 In closing, I reiterate
3 again that PPU commends you for your
4 work. PPU's concerns are focused on
5 the NND zone, a small, albeit an
6 important part of the Zoning Law. The
7 NND provision raises a multitude of
8 potential difficulties, legal and
9 otherwise. At the same time, as Lisa
10 Nagle said, your law doesn't even need
11 this provision. In most cases PUD
12 provisions are used by municipalities
13 to build some planning flexibility
14 into an older and less evolved law.
15 Your law doesn't need that kind of
16 Band-Aid. It is fresh from the
17 showroom and already incorporates
18 flexibility and the latest design and
19 conservation tools.

20 Remember, the Zoning
21 Commission has already seriously
22 considered this, as Warren indicated,
23 and they decided against it. PPU
24 urges you to do the same and adopt the

1 Zoning Law but without the NND zone.

2 Thank you very much for your time and
3 attention.

4 SUPERVISOR PULVER: Brody
5 Smith.

6 MR. BERNIE SMITH: Thank you
7 for giving me the opportunity to
8 speak. My name is Brody Smith. I
9 represent Fulton Rockwell. I'm sorry
10 I wasn't able to configure the screen
11 somewhere up here where everybody can
12 see it. I know only half the audience
13 can see my slide show. I'll include
14 as much description as I can; I think
15 you'll get the gist of what I'm saying
16 without it.

17 The reason I'm here is to
18 make a few criticisms of the proposed
19 plan as it is written now. The three
20 things that I am going to focus on
21 are, first, the Zoning Law as it is
22 currently written, would interfere
23 with residential and commercial
24 development virtually everywhere in

1 the Town and be an undue burden,
2 lowering people's property values,
3 making it difficult for them to
4 develop their land.

5 Secondly, I would like to
6 talk specifically about cluster
7 subdivisions, called conservation
8 subdivisions or cluster subdivisions,
9 and some reasons why that is not the
10 best method to control density and to
11 control development in the Town.

12 And then finally, I'd also
13 like to talk about some criticisms of
14 the Design Guidelines used for the
15 conservation subdivision.

16 So first, let me begin with
17 the Agricultural Overlay District.
18 The Agricultural Overlay District
19 needs to be altered because, as I
20 said, it would interfere with
21 commercial and residential development
22 virtually everywhere in the Town. The
23 definition as to where the
24 Agricultural Overlay District will

1 apply is basically anyplace that was
2 farmed, is farmed or could be farmed.
3 The whole town. It could conceivably
4 be, as the definition is written in
5 the Zoning Law, this overlay district
6 could apply to the whole town.

7 Now that being said, there
8 is a zoning map which is attached to
9 the overlay district, and that map is
10 all the green that you see on the
11 poster that blew over, which in any
12 event, even with the best case
13 scenario, that includes virtually the
14 whole town. The overlay is nearly 75,
15 80 percent of the Town. So this
16 affects everyone, this agricultural
17 overlay.

18 Now, here is what the
19 agricultural overlay does. We know it
20 is very broad. It says that the board
21 must "protect agricultural land and
22 prime farmland soils and soils of
23 statewide significance," except those
24 things though discussed and a few

1 different terms are used to discuss
2 those soil definitions throughout the
3 code; they are never defined in the
4 code. So it is absolutely up to the
5 Planning Board what they decide is a
6 soil of significance. They have
7 complete discretion, and they can
8 apply this overlay in any spot, in
9 anyplace where they want to. Meaning
10 there is too much discretion. Vague
11 laws beg to be applied unfairly.

12 Again, as the last speaker
13 said, I agree with much of what they
14 said, though there is faith in the
15 present Planning Board, there is faith
16 in the present Planning Board; there
17 may not be as much faith in the next.
18 The reason we have laws is to make
19 sure people are treated the same.
20 This is wildly vague, and could be
21 applied unfairly very easily.

22 This is the map I was
23 telling you about. Anyplace that you
24 see that is green, and you see that

1 throughout the Town, there is really
2 only a piece here on the extreme
3 eastern part of the Town that isn't
4 part of the overlay. Almost
5 everything else is in the hamlet or
6 overlay. I'm going to hold up this
7 map here. This might be even easier
8 for people to see who are behind the
9 wall. Anything that's green is the
10 agricultural overlay, so all of that
11 is what I'm talking about. And that
12 affects almost everyone.

13 The overlay is further
14 flawed because it requires cluster
15 subdivisions. Cluster subdivisions
16 within the overlay and the agriculture
17 use requirements say if you're going
18 to develop in that area, you have to
19 use a cluster subdivision. Cluster
20 subdivisions will drastically reduce
21 the value for everyone's property
22 because it reduces A) the desirability
23 for developing that property, B) it
24 will reduce the number of lots you can

1 subdivide if you did want to develop
2 that property for some other use in
3 the future.

4 The Agricultural Overlay
5 District also imposes many criteria.
6 If you look at a combination of the
7 district requirements, the criteria
8 right there on the Zoning Law section
9 dealing with that, the two sections
10 I'm talking about, if anyone wants to
11 look later, 20 and 26. And also, if
12 you look in the agricultural use
13 section, if you take the two together,
14 and they both would be applied, there
15 are one, two, three, four, five, six,
16 seven different criteria that the
17 Planning Board has to consider before
18 it can let anybody put any kind of
19 development in the agricultural
20 overlay. All those criteria --
21 compatibility of the proposed use,
22 agricultural activities, agricultural
23 productivity of the land proposed to
24 be disturbed, including those

1 undefined terms they talked about with
2 soils of statewide significance and
3 prime farmland soils, the availability
4 of non-agricultural soils for septic
5 systems -- incidentally, the county
6 would almost certainly require
7 agricultural type soils for septic
8 systems because that's the best place
9 for septic systems, thereby basically
10 making it impossible to build a septic
11 system. Potential impact to increase
12 farm trespass, the proposed
13 disposition of any agricultural land
14 that maybe preserved as open space and
15 whether it will be made available to
16 agricultural operators on a fee simple
17 or leaseback basis and any other
18 proposed effects on the project on any
19 agricultural operation.

20 So they are forcing the
21 Planning Board to consider all of
22 these things before anyone can build
23 anything. And the bottom line, the
24 take-away from it is it privileges

1 agricultural development over any
2 other kind of development in an unfair
3 way. Basically, anything done within
4 that entire overlay -- which is
5 virtually the whole town -- the board
6 is forced to consider all these
7 factors about nothing but agriculture,
8 completely ignoring any other
9 interests the Town might have about
10 residential development, commercial
11 development or any other interest. It
12 completely places agriculture ahead of
13 everything else. That might be going
14 too far.

15 Second, I'm going to talk
16 about cluster subdivisions. This
17 cluster or conservation subdivision
18 has been thrown around a lot. This is
19 a little bit different than the
20 neighborhood district that was talked
21 about before. I think this is a
22 particularly dangerous concept, which
23 has begun to be promoted in many new
24 zoning codes. It is very different

1 than a conventional Zoning Code. It
2 couldn't be more different. First, it
3 will threaten the Town's rural
4 character by creating suburban, Long
5 Island, New Jersey type residential
6 cul-de-sacs in the middle of what used
7 to be farm land. Instead of what you
8 would usually have if you had a
9 conventional subdivision: bigger
10 lots, farm houses or camps or
11 whatever, spread out and surrounded by
12 fields or woods that you would hardly
13 see.

14 The second thing is it will
15 lower property values. Because you
16 can talk to any appraiser, and land
17 that's required to be developed
18 through a cluster subdivision is not
19 worth as much. It is not just as
20 desirable to develop in a way that
21 would be consistent with the character
22 of this town. What you could do is
23 build these clusters, these
24 cul-de-sacs that are lifted up right

1 out of Levittown, New Jersey and
2 dropped in the middle of your town.

3 And then finally, it would
4 require that all new subdivisions that
5 take the form of a kind of commune.
6 Because half the land, most of the
7 land would be owned jointly by the
8 houses that were able to be built. It
9 would be an open space requirement.
10 Let me explain that a little bit more.
11 I think it is easier to see with some
12 pictures. First, a conventional
13 subdivision law for a rural area would
14 require that, for example, you have
15 five-acre lots. So there would be a
16 minimum lot requirement, so you would
17 have houses spread out. There would
18 be plenty of room for wells, plenty of
19 room for septic. You wouldn't have
20 these houses pushed together and all
21 of these things on top of each other.
22 Also things like traffic, density,
23 quality of life are preserved.

24 So in a conventional

1 subdivision, if you had a 20-acre lot,
2 you could then take that 20-acre lot
3 and subdivide, for example, if we are
4 using the five-acre minimum, subdivide
5 into four lots, and you'd have houses
6 evenly spaced across the 20-acre lot,
7 and you'd have plenty of space for
8 those things that I just described.

9 What a cluster subdivision
10 does instead is it seeks to push all
11 of the houses onto one corner of the
12 property, usually up against a road.
13 So what happens is there is no minimum
14 lot requirement in a cluster
15 subdivision. The Zoning Code
16 specifically gives the Planning Board
17 the discretion to set the lot
18 requirements to be whatever it wants.
19 It is not a conventional subdivision;
20 it is something different. So they
21 could have quarter acre lots, if
22 that's what they decided they wanted
23 to do. So you push all the houses --
24 you can normally put four houses on a

1 20-acre lot like that -- you push all
2 the houses into a tiny corner, one
3 side of the lot, creating a very
4 out-of-character cul-de-sac type of
5 development. And then the whole rest
6 of the lot, the remaining acreage of
7 the 20-acre lot, in our case, if they
8 are doing quarter-acre lots, the 19
9 acres would be owned and maintained
10 communally to maintain that property.
11 It would be an odd dead space that
12 would be difficult for the Town to
13 have very much influence over either.
14 Because right now the Zoning Law is
15 written so that the Town would be
16 required to have third-party
17 enforcement rights, which are patently
18 illegal in New York. You need to have
19 privity with the easement for deed
20 restrictions in order to enforce this.
21 You have this very ambiguous,
22 unenforceable open space, which at
23 best would be protected by a deed
24 restriction, at worst not being

1 protected at all.

2 There are examples of this
3 being done elsewhere. I've actually
4 printed out some newspaper articles
5 and put them on the side of the room;
6 you can take one on the way out if
7 you'd like.

8 This has become a major
9 issue in Snohomish, Washington.
10 Snohomis, Washington is a rural area
11 pretty far away from the major
12 population center in Washington state
13 but close enough where wealthy people
14 want to go out and build these houses
15 in the country. What they did,
16 instead of imposing a Zoning Law which
17 would have a conventional minimum lot
18 requirement, forcing people to spread
19 out and not create these suburb-like
20 developments, they went the other way.
21 They did the cluster subdivision,
22 which is what is proposed here. And
23 here is the result.

24 In the cluster subdivision,

1 as the people in the front can see
2 there, you have what looks like a
3 residential cul-de-sac in the middle
4 of what was woods. If you did this
5 with a conventional subdivision, you
6 would have one, two houses in this
7 frame. So what you end up with is a
8 little piece of New Jersey or Long
9 Island in the middle of the woods;
10 more traffic, more density, not as
11 much space for wells and for septic
12 and all the problems associated with a
13 densely packed suburb in the middle of
14 the woods.

15 Here is another example
16 here. Very similar. This is another
17 cluster subdivision in the State of
18 Washington. The reason this has
19 become a national story is because the
20 people in the town are revolting.
21 They have mounted a massive campaign
22 to have the zoning law changed. As an
23 active protest they have burned down
24 the entrance signs to the cluster

1 subdivisions. Because it is really
2 changing the rural character of their
3 town and making it look and feel a lot
4 more like a suburb.

5 Also, it is a little worse
6 than that. The other problem with the
7 cluster subdivision is that even --
8 that's assuming everything goes better
9 than I would expect it to go. If you
10 have any area of your land that is
11 sloped at least 15 percent -- that's
12 not a very big slope -- or considered
13 a wetland, and it is not very hard to
14 be delineated a wetland anymore, that
15 would not be counted in your total
16 acreage. So theoretically, if you had
17 10 acres of that 20-acre lot were
18 considered wetland or sloped land,
19 that would be subtracted from the
20 maximum number, that 20-acre number,
21 that you'd be able to use to
22 subdivide. So you wouldn't be able to
23 put four houses on that lot. You'd be
24 able to put two. And I haven't even

1 talked about the guidelines yet, which
2 restrict where you could actually
3 locate your house on the lot.

4 So they keep trimming back
5 the amount you could subdivide if you
6 wanted to sell your land and make a
7 responsible development using a
8 conventional minimum lot requirement,
9 rendering your land virtually
10 worthless. And if you do want to
11 develop it, you have to use a cluster
12 development, which creates all the
13 density problems which I think were
14 trying to be avoided when this
15 exercise began.

16 They are alternatives. It
17 doesn't have to be this way. If you
18 look at the Town of Amenia's new
19 Zoning Law, it does a much better job
20 of this. It allows conventional
21 subdivisions. It allows the limited
22 development subdivisions where the
23 Planning Board sees more protection is
24 needed. Meaning bigger, not smaller

1 lot sizes. Remember, our code gives
2 the Planning Board the ability to make
3 lot sizes even smaller with the
4 cluster subdivision than the minimum
5 lot requirement. What Amenia does is
6 go the other way. They give the
7 Planning Board the ability to make it
8 bigger if there's a worry there's
9 going to be too much density, too much
10 of this type of development.

11 Then finally, it also has a
12 cluster subdivision option that the
13 Planning Board can use when
14 appropriate. It just doesn't require
15 them to use it in the whole town, like
16 our agricultural overlay does, and how
17 bulk requirements that are currently
18 set up in the Zoning Law require.
19 There are alternatives. It doesn't
20 have to be this way.

21 The last thing I'm going to
22 talk about is the Design Guidelines.
23 Design Guidelines are a bit of a
24 misnomer, because they are required to

1 be used, so they are not really
2 guidelines. It is just an extension
3 of the Zoning Law. The guidelines
4 restrict where you can place a
5 structure, and it does so in a way
6 that's very, very hostile to
7 responsible development. If the
8 provisions of the conservation
9 subdivision section of the Zoning Law
10 don't do enough to declare large
11 swaths of private lands worthless, the
12 Design Guidelines add more
13 restrictions. Specifically, not only
14 do the Design Guidelines prohibit the
15 following land from not being counted
16 towards the lots and the acreage.
17 They also require that buildings be
18 situated in a manner that avoids slope
19 land, that avoids the 100-year
20 floodplain; that avoids areas within a
21 hundred feet of a stream bank, state
22 or federal wetland, significant
23 ecological habitat and any soils --
24 remember, we don't have any

1 definitions of these soils -- any
2 sales they want to protect.

3 So my point is that it is
4 going to be harder to subdivide, but
5 you're not going to be able to build
6 even if you could subdivide. Because
7 virtually this is great farm county.
8 Virtually the whole town has great
9 farm soil, so you can't build anymore
10 where there's good soil. That's not a
11 fair Zoning Law.

12 The second problem with the
13 Design Guidelines, also worth noting
14 is in Appendix B it prohibits building
15 envelopes from encroaching on primary
16 conservation areas and avoiding
17 secondary conservation areas to the
18 greatest extent possible. Neither
19 primary conservation areas or
20 secondary conservation areas are
21 defined anywhere in the Zoning Law.
22 Meaning it is whatever the Planning
23 Board decides. That's a vague law.

24 Finally, Appendix A is

1 entitled Design Standards, and it's
2 divided into two sections; one dealing
3 with the standards for various hamlet
4 zoning districts and the other dealing
5 with rural and wellhead protection
6 zoning districts. There are no
7 standards for any type of conservation
8 subdivisions in A. In Appendix B, on
9 the other hand, is entitled
10 Conservation Subdivision Guidelines
11 and divided into three sections: 1)
12 general, 2) rural/hamlet and 3)
13 traditional neighborhood hamlet.
14 Accordingly, the guidelines referenced
15 in the Zoning Law for conservation
16 subdivisions isn't in the appendix.
17 Does it need to be reorganized? Does
18 it need to be relabeled? Does
19 something need to be added? I don't
20 know. But something needs to be done
21 to make it consistent with the Zoning
22 Law. Because right now, again, it
23 creates more vagueness. No one knows
24 which guideline to use. No one knows

1 what you can and can not do.

2 Therefore the Planning Board gets all
3 the discretion and can pick and choose
4 what anyone can build and can't build.

5 I'm going to stop there.

6 Like I said, I left those articles
7 there on the side for anyone who is
8 interested. I am very sorry that
9 people in the back part of the room, I
10 couldn't get the pictures up. But
11 I'll leave it up after the meeting if
12 anyone would like to look, and I have
13 some paper copies too. And I'm also
14 available for questions from the board
15 or anyone else.

16 SUPERVISOR PULVER: Thank
17 you.

18 Again, there are several
19 organizations that are here that have
20 asked to speak. So Scenic Hudson, go
21 ahead.

22 MR. MARK WILDONGER: Good
23 morning. My name is Mark Wildonger.
24 I'll spell that for you, because I

1 know it's a tricky last name. It's
2 W-I-L-D-O-N-G-E-R.

3 I am a Certified Planner for
4 Scenic Hudson. We are a 46-year-old
5 nonprofit environmental organization
6 and separately incorporated land trust
7 dedicated to protecting and enhancing
8 scenic, natural, historic,
9 agricultural and recreational
10 treasures of the Hudson River and its
11 valley.

12 Scenic Hudson has reviewed
13 the Draft Zoning and accompanying
14 DGEIS. We believe that the Zoning Law
15 as proposed should be adopted but
16 without the New Neighborhood
17 Development District. The proposed
18 provisions of the NND will not achieve
19 its intended result of creating
20 environmentally sensitive,
21 economically beneficial or socially
22 desirable development. Nor is the NND
23 consistent with the recommendations in
24 the Town's Comprehensive Plan. The

1 Town Comprehensive Plan seeks to
2 implement a land use program that has
3 as its primary goal protection of
4 environment and rural character. If
5 adopted, the NND is likely to
6 encourage dense development nodes in
7 rural areas away from the hamlet
8 district.

9 The Town of Pine Plains is
10 one of few examples of a community in
11 Dutchess County that has a distinct
12 hamlet and surrounding rural lands
13 that have not been compromised by
14 urban sprawl. The intent of the
15 proposed NND zoning district appears
16 to create a gradient from higher
17 densities in the hamlet area to rural
18 areas, thus not maintaining that --
19 I'm sorry, let me repeat that
20 sentence.

21 The intent of the proposed
22 NND zoning district appears to create
23 a gradient from higher densities in
24 the hamlet area to rural areas, thus

1 still maintaining the rural character
2 of the community. However, certain
3 provisions of the draft zoning
4 district conflict with this objective.

5 As proposed, the NND zone
6 intends to promote a TND, a
7 Traditional Neighborhood Development.
8 This planning technique would be most
9 appropriate adjacent to the hamlet
10 area and must fit intimately with the
11 existing hamlet. That is to say an
12 NND that stretches into rural areas
13 will be inconsistent with the spirit
14 of the Comprehensive Plan and
15 perceived intent of the proposed NND
16 zoning district.

17 The extension of the NND
18 zone into the rural area creates the
19 potential for new hamlet areas.
20 Evidence of this found in the draft
21 zoning relates to residential cores
22 and the creation of economic
23 development areas. The DGEIS states
24 that 50 percent of all dwelling units

1 must be situated within a half mile
2 radius to create a core residential
3 area that can be served by sidewalks
4 or trails. Scenic Hudson is unclear
5 as to how a new residential core would
6 not compromise the existing hamlet.
7 Furthermore the proposed NND would
8 require a center point of which lower
9 densities would radiate. Goal three
10 of the Comprehensive Plan states that
11 the hamlet of Pine Plains will be
12 maintained as the Town center and
13 principal location for commercial,
14 cultural and residential uses.

15 Scenic Hudson recommends
16 that the draft NND district explicitly
17 state -- and this was mentioned in
18 several other comments -- that even
19 with all incentives, the maximum
20 number of housing units must be below
21 611 units, as stated in the proposed
22 zoning. The use of incentives
23 anywhere within this district that
24 reward the developer with density is

1 not a reasonable technique to create a
2 lower density gradient extending away
3 from the Town center. Density
4 incentives should be focused within or
5 towards the hamlet districts. It is
6 understood that the objective of
7 creating an NND district is to
8 gradually reduce density as it extends
9 away from the established hamlet area.
10 If the intent of a new district is to
11 create such a density gradient, then
12 incentives should be awarded strictly
13 as they relate to proximity of the
14 hamlet, where greater densities would
15 be encouraged.

16 We believe it is
17 presumptuous that this floating zone
18 would apply to the Carvel Project,
19 when only a minimal amount of their
20 site actually abuts the hamlet zoning
21 district. As it appears, the bulk of
22 any residential or nonresidential
23 development within this project would
24 not occur in close proximity to the

1 hamlet district. Such a development
2 strikes a discord with the vision of
3 the Comprehensive Plan as well as this
4 proposed zoning district. Scenic
5 Hudson would recommend that language
6 pertaining to the Carvel Project be
7 removed.

8 In conclusion, and some
9 members from Pine Plains United have
10 spoken, Scenic Hudson urges the Town
11 Board to adopt the code; however, the
12 provisions for the NND district should
13 be removed from the code. As it
14 stands, adoption of the Zoning Code
15 without the floating NND district
16 would not create any gaps which would
17 hinder any regulation or development
18 in the Town. The Town can revisit
19 this particular district in more depth
20 after the adoption of the zone law.

21 Thank you for allowing us
22 this opportunity to speak, and we look
23 forward to working with the Town in
24 the future.

1 MR. REPLANSKY: Mark, are we
2 going to get something in writing?

3 MR. WILDONGER: Yes, I'll
4 get you a copy of this.

5 SUPERVISOR PULVER: Becky
6 Thornton from the Dutchess land
7 Conservancy.

8 MS. BECKY THORNTON: As
9 stated already, I'm Becky Thornton
10 with Dutchess Land Conservancy, and I
11 would just like to thank you for the
12 opportunity to speak on the Pine
13 Plains proposed third draft Zoning
14 Law. And I would like to commend all
15 of you for the number of hours you've
16 dedicated to work on this to come up
17 with a Zoning Law that has a lot of
18 really good components to help direct
19 growth in ways that try to achieve the
20 Town's objectives.

21 Most of you know that DLC
22 has been working since 1985 to
23 preserve the rural character of this
24 area by working with landowners who

1 voluntarily agree to protect land and
2 by encouraging towns to adopt
3 innovative comprehensive plans and
4 zoning techniques that preserve rural
5 quality and encourage well-planned
6 growth. We have now succeeded in
7 protecting over 30,000 acres. 3300 of
8 which are in the Town of Pine Plains.

9 There are a number of good
10 things in the proposed law, including
11 policies to encourage agriculture and
12 foster an understanding about
13 day-to-day ag practices, providing
14 buffers between farms and residential
15 land, conforming with ag districts
16 that allows for a lot of mixed uses
17 and a variety of housing types and
18 affordable housing; that it promotes
19 preservation of town character over
20 the state's natural resources and the
21 agricultural; that it promotes compact
22 development patterns, and that the
23 environmental constraints are
24 subtracted from the gross lot area to

1 determine density.

2 But I do have some
3 suggestions that could help make it
4 stronger with regard to conservation
5 goals stated in the law and hopefully
6 better balance conservation with
7 future growth. I will only touch on
8 these and will submit my detailed
9 suggestions in writing by the May
10 deadline.

11 The Zoning Law offers a lot
12 of incentives and flexibility for
13 developers to encourage growth. We
14 often think of zoning only in terms of
15 future change, but what about offering
16 incentives to existing private
17 landowners to encourage them to keep
18 their land and not sell it for
19 development? What better way to try
20 to keep some of Pine Plains land
21 intact and rural.

22 Suggestion one. Allow more
23 flexibility for existing owners of
24 parcels of large -- parcels of 20

1 acres or more of land as of right.
2 DLC has been in the business of
3 working with landowners on easements
4 for almost 25 years. For landowners
5 who agree to forever restrict their
6 land to densities of 20, 50, 100, 200
7 acres we try to provide flexibility
8 within easements to allow them to be
9 able to use the land in a reasonable
10 manner and to afford to keep it. Some
11 of these uses include as-of-right
12 farming, equestrian, forestry and
13 commercial and non-commercial
14 recreational uses.

15 The Town should consider
16 allowing large landowners acres
17 as-of-right flexibility to use their
18 property in a way that is compatible
19 with the rural character of the Town,
20 to promote their continued ownership,
21 stewardship and affordability of the
22 land.

23 Under our conservation
24 easements, DLC also allows flexibility

1 for accessory structures, such as
2 accessory dwellings. I encourage the
3 Town to consider such flexibility
4 within zoning so landowners could
5 agree to keep their land undeveloped.
6 Incentives can include allowing a
7 number of accessory dwellings and/or
8 apartments in addition to a principal
9 dwelling to provide a place for elder
10 family members and children to reside
11 on the same property without forcing
12 the land to be subdivided, for
13 example, a family compound. This can
14 be advantageous for the families that
15 want to stay together but don't
16 necessarily want to live in the same
17 house, as well as for farm families
18 who need housing for workers, for
19 those who want to have a rental house
20 to derive income to help pay their
21 taxes. And it also provides for a
22 place for someone who wants to pay
23 rent or to rent a place and for larger
24 landowners who may want to provide

1 accessory dwellings, for employees and
2 guests.

3 I also encourage you to
4 consider allowing accessory dwellings
5 to be larger than 650 square feet to
6 accommodate real-life housing needs.
7 If landowners are allowed more
8 flexibility under zoning, if they were
9 to keep their land open or voluntarily
10 protected within a conservation
11 easement, they might be more inclined
12 to keep it in intact. This in turn
13 could certainly help the Town achieve
14 its conservation goals.

15 Suggestion two is to
16 encourage density within the existing
17 Village of Pine Plains as a way to
18 protect rural character.

19 Suggestion three is to
20 require greater land protection within
21 the NND district. The proposed law
22 provides an opportunity for much
23 greater density in the NND district
24 than in any other area. Currently,

1 the law requires 50 percent open space
2 for this district; the same percent
3 requires conservation subdivisions
4 with much less density. Within an NND
5 why not increase the required amount
6 of open space to 70 or 80 percent of
7 the land so that the Town really gets
8 something in return for the added
9 density above and beyond a mix of
10 housing.

11 Suggestion four. Enhance
12 the permanent open space requirement
13 section. It is encouraging that the
14 proposed zoning is requiring deed
15 restrictions and conservation
16 easements to ensure long-term
17 protection of its open space. I will
18 have suggestions to make to this
19 section to make it stronger and more
20 effective.

21 In conclusion, overall DLC
22 is encouraged that as the only town in
23 Dutchess without zoning, that you are
24 considering a law that appears to

1 encourage a mission of open space
2 preservation and future growth. I
3 hope that you will consider additional
4 enhancements to permit the Town to in
5 some areas remain the same and in some
6 areas grow, while ensuring that such
7 growth does not come at the expense of
8 the Town's rural character or at the
9 expense of its priceless natural
10 resources.

11 Thank you for the
12 opportunity to comment.

13 SUPERVISOR PULVER: Jon
14 Depreter, please.

15 MR. JON DEPRETER: Hi. My
16 name is Jon Depreter. You probably
17 all know me here in the room.

18 I would like to comment on
19 just a couple of things that have been
20 said already very generally. That the
21 argument to remove the NND from the
22 proposal, I've heard this around town.
23 And just by way of explanation, one of
24 the things that the Zoning Commission

1 had talked about, not necessarily a
2 PUD, but when a development got to a
3 certain size, to a certain scale, and
4 we made it at 30 homes, that we
5 thought that it would be wise and more
6 in keeping with the tradition of the
7 rural tradition here to have a
8 clustered maybe even more densely than
9 a regular conservation subdivision,
10 more at the core. So what we had said
11 was we'd like to see is 75 percent of
12 the homes in a more centralized hamlet
13 location, and then 25 percent of the
14 homes spread out.

15 Now as Warren said, that
16 does not necessarily mean the Zoning
17 Commission's recommendations were
18 going to be taken by the Board, that
19 the Town Board obviously had
20 discretion to change it and work with
21 it the way they wanted to. But that
22 being said, I would like to offer a
23 couple arguments for the NND, probably
24 against expectations, but I think this

1 is what the Town Board has to think
2 about.

3 I would say what we have
4 seen is the NND is basically what it
5 seems like the complaints have been to
6 this point is that there is an
7 increased density. And I think that
8 it's wise to think in terms of not
9 just the density but the site and the
10 density. It could be said that with a
11 project as large as it is, 700 acres,
12 that you could have 30 percent less
13 homes, but they might not necessarily
14 be as centralized as they are in this
15 particular case.

16 So some of the benefits for
17 the Town Board to weigh against what
18 the other people have said of an NND,
19 in my reading at least, is that in an
20 NND the developer will be required to
21 have five percent more affordable
22 units. Instead of having ten percent
23 affordable units, they will be
24 required to have 15 percent. There is

1 a greater control of the housing types
2 as I read it. It is more delineated
3 as I understand it, as far as how many
4 -- what the types of housings need to
5 be. Which I don't think that you
6 would get in a regular rural
7 subdivision. 50 percent of the units
8 which was talked about, 50 percent of
9 the units in an NND would have to be
10 within a half a mile from the center
11 of the circle of the development. So
12 what that means is the further
13 concentration. Granted you're getting
14 more homes, but it is a further
15 concentration of those homes into a
16 hamlet type setting.

17 There are going to be
18 sidewalks in the area, which you might
19 not necessarily have in a regular
20 rural subdivision. And unless I'm
21 wrong, this wouldn't be required in a
22 regular subdivision, conservation
23 subdivision; 25 percent of the homes
24 would have to be LEED certified. So

1 that's just something for the Board to
2 think about in terms of some of the
3 benefits.

4 And then I just have a
5 couple other comments. One is on page
6 47 of the draft zoning. There's an
7 economic development area incentive.
8 And one of the things that -- two of
9 the things that would come up in the
10 Zoning Commission meetings all the
11 time, what we would hear I think over
12 and over again is that pretty much
13 everybody in the Town agreed upon from
14 all sides of the conversation, and
15 that was a need for more affordable
16 housing in the Town and the need for
17 more economic development,
18 specifically in the middle of town.

19 The one thing that I was
20 very happy and surprised that the Town
21 Board did and took on, which if I was
22 a betting man I would have not bet
23 that you would not have, was having
24 mandatory affordable housing in the

1 code. Peter will tell you and other
2 people on the Commission will tell
3 you, I didn't think that was a good
4 idea, because I didn't think you guys
5 would do it, because it is extra
6 administration. I think you probably
7 heard what the community wanted and
8 you had said you thought this was a
9 good idea and it is worth the extra
10 administration and extra bureaucracy
11 to attain this. So I would like to
12 compliment the board on that.

13 As far as the economic
14 development variance incentive, on
15 page 47 it says it is an incentive
16 that you have in here -- NND, in
17 addition to any incentives allowed in
18 any section of the Zoning Code may
19 also be granted a residential density
20 bonus of no more than ten percent of
21 the dwelling units established in
22 section -- it says encouraging the
23 establishments of non-tax ratable,
24 non-residential uses that complement

1 but do not compete with the uses
2 allowed in the Pine Plains hamlet. A
3 minimum of five percent of the gross
4 land area of the NND shall be
5 dedicated to nonresidential uses.

6 So my question was
7 essentially, the way I figure it, five
8 percent -- we'll speak specifically
9 the Carvel Project, would be, unless
10 I'm wrong, if it is 1800 acres would
11 be about 90 acres of land in economic
12 development. And if that is the case,
13 then the next question to ask is: Is
14 the golf course considered a
15 non-ratable, and would that qualify to
16 be included in this minimum five
17 percent they have? If it is, then I
18 think it might be a conflict with also
19 calling it open space. I think it has
20 to be either one or the other. If it
21 is not considered commercial
22 development area, obviously things
23 that they would have there that the
24 Town may feel is beneficial, like a

1 convenience store so people aren't
2 coming into town would also be. But
3 it is hard to conceive that 90 acres
4 there would be best for the Town to
5 have 90 acres of business incentive
6 put on the Carvel site. So we don't
7 really want to be dragging customers
8 from here up to there.

9 So it is my recommendation
10 that the Town Board should consider
11 having the economic development
12 incentive be worded so some of that
13 economic development would be moved
14 off-site into either our business
15 district or our Main Street district.
16 I think that would solve two problems
17 at once. You wouldn't have too much
18 commercial area there and rewarding a
19 developer who had economic incentives.
20 So that's really the main thing.

21 The second thing is on page
22 nine in the uses you have a bank
23 drive-through. And I looked at that
24 and the Zoning Commission had talked

1 about drive-thrus in general. And I
2 think what ended up happening was we
3 had decided that any drive-thrus in
4 the Main Street district or the
5 business district would be disruptive
6 to the whole idea of the Main Street
7 district, which was to be a pedestrian
8 district.

9 And as many of you know I
10 have a sign business, and I've done a
11 lot of signs in and around drive-thrus
12 for banks. I want to tell you, they
13 have to pour a lot of extra concrete.
14 It is very disruptive. Even in
15 shopping center context. So I think
16 as an example -- and I talked about
17 this to Warren privately, if you go
18 into Rhinebeck, and you walk up from
19 north on 9, and you go by the new
20 drive-thru that came in, the new bank
21 put in there when they did their
22 expansion, it is very disruptive to
23 the whole situation is. I think you
24 only have to imagine if one of the

1 lots in the Town where the old
2 Stissing deli was at had a drive-thru
3 bank structure.

4 I think the Board also has
5 to ask itself, if it is allowing a
6 bank to have a drive-thru, why
7 wouldn't you allow a pharmacy to have
8 a drive-thru; how would you defend
9 just having the banks do this? So I
10 would just say you're better off just
11 remove it.

12 And another thing that was
13 said here today as far as NND, I think
14 overall it is a good tool. I think it
15 is only going to be as good as the
16 Town Board applies it, of course. So
17 if the Town Board applies it in a way
18 that the Town reaps more benefit to
19 make up for extra density, then I
20 think it's good.

21 I have to say, I think
22 Becky's suggestion was an excellent
23 suggestion. That if you feel this
24 density increase is too generous, that

1 one of the ways to adjust that is by
2 maybe asking for a higher percentage
3 of the site, in this case the Carvel
4 site, to be open space. I think
5 that's a really good way of balancing
6 it.

7 And then one question, which
8 you don't have to answer now, but when
9 determine residential yield for the
10 property, and say the property has a
11 hundred acres, and there is -- 60 of
12 the acres are in conservation, would
13 that be -- is that included in the
14 residential deal? I don't know. If
15 somebody has conserved land on their
16 property, it is already conserved,
17 would that be included in the
18 residential land? Thank you.

19 SUPERVISOR PULVER: Thank
20 you. Everett Cook, please.

21 MR. EVERETT COOK: Thank
22 you. Supervisor and Town Board
23 members, my name is Everett Cook. I
24 am president of Mashomack Preserve, a

1 not-for-profit membership club located
2 on 1970 acres of beautiful land in the
3 Town of Pine Plains on Route 82, just
4 south of the main hamlet.

5 The club provides its
6 members and invitees year-round social
7 and outdoor recreational activities
8 which include fishing, equestrian and
9 hunting pursuits. It also permits
10 responsible agricultural and forestry
11 activities.

12 Just by the way of
13 background, Mashomack was founded in
14 1964 on Shelter Island, a land that is
15 now conserved by the Nature
16 Conservancy. And it moved to its
17 present location in Pine Plains in
18 1979, a land that is now conserved by
19 the Dutchess Land Conservancy. And
20 I'm told this is the largest
21 Conservancy project that the DLC has
22 put in place to date.

23 The club and its members
24 have a long legacy of active support

1 and participation in local causes.
2 Our founder, Daniel L. Daley, endowed
3 the Mashomack Foundation with his
4 entire residuary estate from the
5 proceeds of a sale of the club to its
6 members in 2006. This foundation
7 provides scholarship support to Pine
8 Plains high-school students and was
9 supported by the clubs members prior
10 to Mr. Daley's death.

11 The club is also an active
12 supporter of several local
13 organizations, including the Cub
14 Scouts, Poughkeepsie Police, Salvation
15 Army, Food Pantry, Pine Plains
16 Library, as well as other local and
17 national organizations.

18 The club wishes to
19 congratulate the Town Board for
20 putting forth the well-conceived and
21 constructed proposal to bring zoning
22 to Pine Plains. We believe the many
23 years of hard work that so many
24 residents have given to this project

1 are bearing fruit, and we encourage
2 you to move forward with this
3 proposal. The proposed Zoning Law
4 will serve the Town well as it faces
5 growing pressures from development in
6 the future. We especially appreciate
7 the many provisions that will
8 encourage preservation of the Town's
9 rural and open space character. These
10 are not only resources of value in
11 their own right, but they are also
12 resources that contribute tremendous
13 economic value to the Town.

14 Indeed, the scenic and
15 natural resources of Pine Plains
16 attract our members from all over the
17 region and beyond, which adds economic
18 vitality to the Town in the form of
19 jobs. And parenthetically, the club
20 employs 50 people directly and
21 indirectly, through associated
22 equestrian activities 70 people; so
23 120 people altogether.

24 For local residents and

1 revenues -- provides local revenues to
2 local businesses without burdening
3 local services or adding enrollment to
4 the school district.

5 We believe that Mashomack
6 also makes an important contribution
7 to the Town's quality of life by
8 maintaining a large and highly visible
9 green belt at the southern gateway to
10 the Town's center. We trust that the
11 people of Pine Plains want to continue
12 to keep this part of the Town in its
13 natural and open condition. In order
14 to do this, we believe that a few
15 adjustments to the proposed Zoning Law
16 would be helpful, and we will detail
17 these in a follow-up letter to the
18 Town Board before the close of comment
19 period. These adjustments would be
20 designed to enable us to thrive by
21 ensuring our right to use the club
22 property -- to use the club. These
23 adjustments would be designed to
24 enable us to thrive by ensuring our

1 right to use the club property as
2 properly defined and recognized as
3 conforming under the new Zoning Law,
4 and that the Mashomack preserve club
5 is a desirable land use for the Town
6 and in harmony with the other land
7 uses which the Town seeks to
8 encourage.

9 Our club applauds your
10 efforts to regulate land use in Pine
11 Plains under a progressive and
12 thoughtful Zoning Law. Our goal is
13 simply to ensure that we will be
14 entitled to freely use our property in
15 the future as we have used it
16 historically for recreation, hunting
17 fishing, equestrian sports, as well as
18 other uses that serve other membership
19 and local community.

20 Thank you again for your
21 hard work and the positive results you
22 have achieved. We look forward to
23 working with you to finalize the
24 proposed Zoning Law so that it will

1 best serve the needs of the people of
2 Pine Plains. Thank you very much. I
3 speak for the members of the Club,
4 Mashomack.

5 SUPERVISOR PULVER: Thank
6 you. Scott. And I want to bring your
7 attention back to the front. Scott
8 Chase.

9 MR. SCOTT CHASE: My name is
10 Scott Chase, and I live at 560
11 Carpenter Hill Road. I've lived in
12 Pine Plains for over fifty years, and
13 I have been a professional planner
14 with the county and other towns for
15 over 30 years. I served as the chair
16 of the Town Planning Board and have
17 participated in preparing two of the
18 Town's Comprehensive Plans and have
19 most recently served on the Zoning
20 Commission charged with drafting the
21 Proposed Zoning Law Report.

22 I know full well that it is
23 a difficult process to write zoning
24 regulations that meet the diverse

1 interests of our community. I want to
2 compliment the Town Board on their
3 efforts to enact the Zoning Code which
4 I support, with a couple exceptions
5 which I'm about to point out. Again,
6 this is constructive criticism.

7 Some of the proposed
8 provisions in the draft zoning
9 released for review caused me great
10 concern, because I believe they
11 clearly violate the Town Comprehensive
12 Plan and hence could be used to stymie
13 our goal of enacting a defensible
14 Zoning Code. Specifically, the New
15 Neighborhood Design section, the NND,
16 as proposed is inconsistent with the
17 Comprehensive Plan which calls for a
18 more intensive residential and
19 commercial development activity to be
20 focused in proximity of the historic
21 hamlet center of Pine Plains in order
22 to support and preserve its vitality.

23 In our plan, lands outside
24 the hamlet center are characterized as

1 rural and agricultural properties with
2 agricultural, scenic, open space and
3 recreation values. One of the issues
4 municipalities have grappled with at
5 all levels is the need to stop
6 suburban sprawl and focus development
7 in a manner that will save energy,
8 protect our environment and enable
9 efficient provision of services. Our
10 Comprehensive Plan strongly supports
11 this common-sense approach. We must
12 follow through and support the
13 principles of the plan by ensuring
14 major new development occurs in close
15 proximity of our existing town center,
16 and at the same time preserving the
17 rural and scenic character of our
18 outlying areas.

19 While planning is always
20 about the future, we need to ensure
21 our efforts to protect the interests
22 of current residents. Allowing
23 large-scale development that draws
24 people and resources away from our

1 identified town center and forces
2 expenditures on additional community
3 services is clearly not in the
4 interest of current residents.

5 There are two significant
6 violations of the Comprehensive Plan
7 in the proposed NND: The permitted
8 increase to a three-acre suburban
9 density and the provision that allows
10 a huge new development equal to our
11 existing town center. Changing the
12 density from three-acre -- I'm sorry,
13 from five-acre to three-acre is a 60
14 percent bonus to the developer.

15 The NND then goes further
16 and allows the developer up to another
17 50 percent bonus on top of that
18 increase in the base density. Why are
19 we abandoning the goals of the
20 Comprehensive Plan by encouraging more
21 development outside of our town
22 center? Allowing 611 units in a new
23 development is too many in a community
24 that only has 1200 existing units, as

1 is even 500 or 400 units. The crux of
2 the problem is scale. Digest the
3 numbers for a minute. 611 units is
4 almost a 50 percent increase in our
5 population in one development.

6 We should protect our
7 community from rampant expansion that
8 will turn our town into a place that
9 we don't want to live. Even 300 units
10 would be a huge 25 percent increase in
11 our population. Allowing, or some
12 would say encouraging, a larger
13 expansion with numbers like 611 goes
14 against the main thrust of the
15 community survey responses in the last
16 two efforts at a Comprehensive Plan,
17 which overwhelmingly supported keeping
18 our small-town feel and preserving our
19 rural and scenic character.

20 Again, I can't emphasis
21 enough the numbers. Think of the
22 numbers that we are talking about. In
23 order to remain consistent with the
24 Comprehensive Plan, we cannot allow

1 our designated rural and agricultural
2 areas to be converted to suburban
3 three-acre densities. Nor can we
4 allow the creation of new centers that
5 come close to size and competing with
6 our existing hamlet center, if in fact
7 our main goal is to focus development
8 along or in and around or existing
9 hamlet center.

10 Now, I realize that the
11 central premise of the NND is that the
12 Town Board would have strong controls
13 over the number of units and be in a
14 strong negotiating position with
15 developers. I support this concept.
16 What you may not realize is that you
17 already have that negotiating position
18 in Section 1022, pages 22 through 25,
19 where the Town Board controls the more
20 than 30 percent incentive increase in
21 units that developers can request for
22 open space, ag preservation, senior
23 housing, cultural and historic
24 preservation and public access.

1 That's already in the base language.
2 The Town Board is the only entity that
3 can grant these bonuses, and it is
4 done at the beginning of the process.
5 Similar as to what would happen with
6 the NND.

7 So the Town Board already
8 has that strong negotiating position
9 with the ability to give up to a 30
10 percent increase in density. That's
11 in the base language. Ask any CEO if
12 they'd like to increase their profits
13 by 30 percent. It is huge already.
14 Of course they would. They are going
15 to come to you; they are going to ask
16 for that kind of bonuses.

17 In addition, the NND states
18 at the beginning 18 benefits of the
19 NND on pages 41 and 42. I don't know
20 if you know, but if you look at those,
21 all those benefits are already
22 obtainable using the base planning
23 processes included in the document
24 without the NND section and through

1 the careful SEQOR process. Please read
2 that Section again, and then read the
3 Design Guidelines in the base
4 language. Giving up what amounts to
5 be over a 100 percent increase in the
6 number of units via the NND is too
7 much, unnecessary and, frankly, it
8 looks suspiciously like it came from
9 the developers.

10 Having served on the Zoning
11 Commission I know for a fact that the
12 overwhelming majority of the
13 commission rejected the need for a PUD
14 provision, which is what the NND is.
15 Because we already had the design
16 flexibility and incentives for good
17 development built into our base
18 language. I believe that our
19 chairman, Mr. Depreter, asked for the
20 inclusion of a PUD at least twice, and
21 it went unsupported both times by more
22 than a simple majority, which is why
23 it wasn't in our draft.

24 We even held a special

1 meeting and had experts from the New
2 York State Department of State give us
3 a seminar on PUD so we could know what
4 the purpose it might serve. What we
5 determined is we already provided the
6 flexibility and incentives to
7 encourage creative design. To come
8 back with it at this time with over a
9 100 percent density bonus to developer
10 is, frankly, a significant policy
11 change from our recommendation, and we
12 spent literally hundreds of person
13 hours over a two-year period crafting
14 the base language.

15 As written, the NND allows
16 bonuses and incentives that total over
17 a hundred percent increase in density.
18 The first, again, is to change the
19 overall density from five units down
20 to three units. Again, I emphasize
21 that's a 66 percent increase in
22 allowable density. It is too much.
23 You then can add on top of that
24 another 30 or 40 percent for the

1 recreation and affordable housing.

2 And again, it just gets down to the
3 numbers. It's more than what's
4 needed.

5 And I guess that the other
6 concern that I have is that the way
7 that it's written, it essentially
8 allows fingers of development to
9 extend like two miles out from the
10 Town, from the hamlet. That's not the
11 intent of the plan.

12 If the NND were to remain,
13 it needs to be re-worked to ensure
14 that any new neighborhood is clearly
15 subordinate to and supportive of the
16 Pine Plains center. In addition, the
17 result should never be suburban
18 densities in our rural and agriculture
19 area, potentially miles out of our
20 town center, like the three-units per
21 acres proposed as allowable in the
22 NND.

23 Forgive me if I come across
24 a little too emotional on this.

1 Obviously, many people have put
2 hundreds of hours into this. I've
3 invested a few hours myself over the
4 last 30 years in trying to assist the
5 Town in developing comprehensive plans
6 and zoning language to implement them.
7 Overall this is a good proposal with
8 the exception of giving away the store
9 to big developers in the NND section
10 as presently written. It can be fixed
11 by leaving the density at five acres
12 and dropping the max number of units
13 to 250 units for development beyond a
14 walking distance of ten minutes from
15 the Town center.

16 I'll give you more specific
17 comments, but this is my main concern,
18 and I'll get them in before the
19 deadline. Thank you. And again,
20 thank you for all your efforts.

21 SUPERVISOR PULVER: Do we
22 have any volunteers to go next. Jane
23 is going to go.

24 MS. JANE WATERS: My name is

1 Jane waters, J-A-N-E W-A-T-E-R-S. I
2 live in Pine Plains.

3 Except for the concerns
4 noted below and major reservations
5 about the whole New Neighborhood
6 Development section, I support the
7 Zoning Law. Although it is a major
8 revision of the draft produced by the
9 Zoning Commission, it generally
10 achieves the same community goals,
11 especially that of protecting rural,
12 character while fostering residential
13 and commercial growth in the hamlet
14 area. I support the emphasis on
15 conservation subdivision layout and
16 the agricultural overlay as detailed
17 here. I'm also pleased that the
18 measures to provide for affordable,
19 moderately priced housing are included
20 throughout the document.

21 I do, however, have some
22 concerns about the following:

23 Number 1. Efforts to
24 protect agriculture, open space,

1 scenic views and ridgelines, which are
2 the chief goals of the Comprehensive
3 Plan, can be undone by the lack of
4 restrictions about placement of a
5 single house on a lot. Such
6 restrictions are in the law when a
7 project has to undergo site plan
8 review, generally when two or more
9 houses are planned. And an example of
10 this kind of concern, a building
11 permit was recently issued by the Town
12 for an 18,000 square foot house
13 overlooking the Shekomeko Valley right
14 on the ridge as you come across
15 Fulton's property, there is the view
16 that opens up to the Shekomeko Valley.
17 Right on that ridge is where that
18 house is going. This is a scenic view
19 mentioned in both the Comprehensive
20 Plan and the DGEIS and on a county
21 list of scenic vantage points
22 according to the DGEIS. Now, I agree,
23 the little spot that's actually in the
24 Comprehensive Plan where people were

1 talking about the view at the southern
2 end of Shultz Hill Road looks like
3 they are talking about the view of
4 Fulton's barn and house. But in fact,
5 what people were referring to was the
6 view farther down. I was at the
7 meeting, at the scoping session for
8 the document, and that's what they
9 were talking about. It is too late to
10 protect that particular ridgeline, but
11 something should be done to protect
12 the others that are left in our
13 community. Why not add -- and there's
14 another large house that is being
15 planned for one of the other views
16 that's also mentioned. Why not add
17 that the building inspector will not
18 issue a building permit for a single
19 house if the placement violates those
20 restrictions.

21 2. A similar issue is where
22 outside lights can shine. This is on
23 page 67. Again, even a single house
24 can have lights that shine too far

1 outward rather than down that are
2 annoying to the neighbors. Drive to
3 the Shekomeko Valley on a clear
4 weekend night over Shultz Hill Road to
5 see what impacts this can have even
6 over great distances. The lights on
7 just a few houses high on Silver
8 Mountain shine right into our house
9 across the valley, and that's a couple
10 of miles distance.

11 3. As a professional social
12 worker -- my last job in the City I
13 was head of a social working
14 department of one of the major
15 hospitals affiliated with Columbia
16 University and on the faculty of
17 Columbia. I have concerns about the
18 occupancy standards on page 29 that
19 limit the number of bedrooms in a
20 "affordable" housing unit in such a
21 manner that each bedroom has to be
22 shared. In order to maximize for the
23 impacts of this, in order to maximize
24 school achievement, children need a

1 quiet space to retreat to where they
2 can study. Arguments between siblings
3 occur frequently and in virtually any
4 family, but they can much harder to
5 defuse when those siblings have to
6 share bedrooms. Consider the
7 consideration of a single parent who
8 has both sexes. There is generally
9 agreement among experts that it is
10 better for children and parents not to
11 share bedrooms, and it is better for
12 children of different sexes not to
13 share bedrooms, especially in
14 adolescence. Why require this when
15 developers will either be providing
16 the housing or the money to build it?
17 Especially when this housing is
18 intended for people of modest income
19 who qualify because of their service
20 to the Town in one way or another. I
21 would urge that the housing not only
22 be similar to the market rate housing
23 in the same project on the exterior
24 but on the interior. If this is a HUD

1 or state requirement, please let me
2 know, and I will lobby to have it
3 modified. Most of you are probably
4 not aware that the current HUD
5 secretary spent a great deal of his
6 childhood living Pine Plains and is
7 very interested in what happens here
8 and is continuing to follow the
9 development of the zoning proposals.

10 4. Affordable Housing Fee.

11 Page 28. I found this section
12 confusing. Does everybody pay an
13 Affordable Housing Fee when applying
14 for the building permit, the way they
15 do a recreation permit; or just a
16 developer who chooses to pay a fee in
17 lieu of building the required number
18 of units?

19 Paragraph 5. Reconfiguring
20 of Preexisting Lots. The section on
21 the Density Credits for Re-Subdivision
22 of Existing Lots of Record, on pages
23 63-4. The density credit given for
24 reconfiguring preexisting lots is not

1 clear. Does this mean that a
2 reconfigured lot also'entitles the
3 builder to build an additional lot on
4 top of the reconfigured lot, or is it
5 just a simple one-for-one exchange. I
6 hope the latter. If this were to
7 occur in an NND, this was clarified at
8 the Planning Board meeting, but the
9 language doesn't actually make it
10 clear that even the number of
11 preexisting lots that allow to be
12 built come in under the 611 limit for
13 that housing in Pine Plains. So the
14 language needs to be clarified on both
15 of these issues.

16 6. I agree with Becky,
17 accessory dwellings should be allowed
18 to be larger than 650 square feet. Or
19 does that automatically, for instance,
20 in town require that to come in as a
21 two-family house? I was completely
22 unclear about that. But my concerns
23 about a 650-square foot unit is very
24 similar to what I had to say earlier

1 about numbers of bedrooms, etcetera.
2 It is just not adequate for a family.

3 7. Size of a caretaker's
4 cottage, again, I have exactly the
5 same concerns. And particularly since
6 it is in the rural district, I would
7 suggest a more reasonable upper limit,
8 if you're going to build a caretaker
9 cottage, would be something like 1800
10 square feet.

11 Section 8. New Neighborhood
12 Development. In their March 10, 2007
13 meeting, the Zoning Commission
14 discussed but did not approve the idea
15 of adding a Planned Unit Development
16 section to the Zoning Law. My
17 comments are similar to ones that have
18 been made before. But a PUD section
19 allows a town that has had a standard
20 kind of minimum lot size zoning
21 regulation in place to find a way
22 around that. And it works the best in
23 a town that has largely been pretty
24 heavily developed, doesn't have a lot

1 of open space left, they want to
2 preserve some open space, so they put
3 it in the PUD thing saying it requires
4 a different kind of layout that
5 preserves open space in order not to
6 have to change the whole Zoning Law.
7 We have started out with a zoning
8 regulation that builds most of what's
9 needed into the regular lot layout,
10 instead of requiring minimum lot size
11 all over for larger projects. So I
12 think it's a serious problem and
13 unnecessary to accomplish those goals
14 to preserve rural character and
15 concentrate most growth in the Town
16 center.

17 The rationale Warren
18 Replansky gave to the Town Board in a
19 recent Town Board meeting was somewhat
20 similar to what he said today. The
21 PUD section was added because they
22 felt that the Zoning Commission's
23 draft didn't give enough recognition
24 that there was a large project already

1 before the Town. Why does the Durst
2 organization deserve this special
3 treatment? And why should the Town
4 compromise its principles in this
5 case? Is this an example of spot
6 zoning in reverse? Although I
7 understand the intent is the 611-unit
8 limit in an NND includes all the
9 bonuses in preexisting lots that are
10 subject to the current language -- you
11 know, I went over this about six
12 times -- does not make that clear.
13 The table on page 48 is a bit more
14 clear, but again the language in the
15 document needs to be consistent with
16 what you actually want it to say. And
17 it's not now.

18 Then you have when you're
19 talking about how this affects the
20 Carvel development, you also need to
21 think about the lots in Milan. The
22 611 is Pine Plains zoning. Warren
23 even confirmed the other night it
24 can't limit the numbers of units in

1 Milan. The Carvel Project currently
2 is asking for somewhere between 60 and
3 70 lots in Milan. A number of the
4 lots covered are partially in Milan
5 and partially in Pine Plains. So that
6 adds somewhere between another 60 to
7 70 units right on top of the 611, of
8 course, if they get everything they
9 want according to SEQRA and according
10 to the bonuses you guys give them.

11 Also, the zoning allows that
12 the ten percent affordable units that
13 the developer has to provide, and he
14 actually has to provide 15 percent,
15 but the ten percent can be built
16 off-site. So that's another increase
17 in terms of the total impact that the
18 project could have.

19 My next comments were really
20 the same as Scott's, about how a one
21 to three acre change from a one to
22 five acres density is already a 60
23 percent increase in density. And then
24 you add both in NND and the regular

1 zoning allow for 40 percent density
2 bonuses on top of that. But the NND
3 allows for another ten percent for the
4 commercial development. So that's
5 where he was getting the 50 percent
6 increase.

7 Designing Carvel under the
8 regular subdivision one to five acre
9 density, with all the bonuses allowed
10 in that section, would already allow a
11 500 plus or minus unit project,
12 including the lots in Milan and every
13 other town you could get. This is
14 quite a large development with a
15 fairly high level of density. Why
16 does the Town need to do more.

17 And the lip service
18 justification with consistency with
19 the Comprehensive Plan, repeated in
20 the DGEIS, is that the NND
21 concentrates residential growth next
22 to the hamlet and provides housing
23 needed for various income levels in
24 Pine Plains. This is a sham, when no

1 one impact would want that level of
2 density on the Spruce Farm part of the
3 Carvel plan for instance, and the
4 housing is intended for the uber
5 affluent from New York City. In fact,
6 the Comprehensive Plan also calls for
7 preserving the views along 199 and for
8 having a fairly distinct boundary
9 between built and unbuilt areas, which
10 I'm quoting directly, which is a
11 significant feature of rural
12 character. That's on page 43, Chapter
13 11. Nowhere does it call for a
14 transitional zone, which actually
15 would be an example of sprawl. And it
16 also calls for preserving the views
17 along 199, which is the only place you
18 could put a lot of that housing. And
19 I also, if you actually could have the
20 other three NNDs that Lisa was
21 referring to, and we have looked at
22 the maps and you could get them
23 because they touch a state road, you
24 wrap them around, the only thing you

1 couldn't get them is directly to the
2 south because of the wellhead
3 protection area and the very large
4 conservation easement on the O'Neil
5 property. The language in fact also
6 in various parts talks about how it
7 has to be contiguous to a Pine Plains
8 hamlet. So you have revise the
9 language, so they could not tack on a
10 611 unit to ten other houses or
11 whatever that are in Bethel.

12 Remember that the zoning we
13 are passing now is for the foreseeable
14 future, and the DGEIS must examine the
15 long-range implications of the actions
16 we take, not just the circumstances at
17 present. This plan also must put in
18 place regulations that not only the
19 current town officials can implement
20 wisely, but also regardless of who is
21 in office, regulations that will work
22 best for the community.

23 The NND process, the way it
24 is described in terms of what each

1 board has to do and the time frames,
2 have such short time frames that it
3 almost guarantees a cursory review,
4 especially when the Town Board would
5 be doing its work on an NND on top of
6 everything else it has to do to govern
7 the Town responsibly. Why not pass
8 the zoning without it and wait to see
9 if any additional section is needed.

10 I understand the Town can
11 use the NND rezoning process to obtain
12 impact development contributions from
13 the developer beyond what it can
14 demand as mitigation through the SEQOR
15 process. But I'm afraid that this is
16 selling the soul of the Town to the
17 highest bidder. The Durst family
18 signed on to continuing the review of
19 their project at their own risk during
20 the moratorium, with full recognition
21 that they would have to comply with
22 the zoning the Town adopted at the end
23 of the process. The NND section could
24 give them more than they even wanted

1 at this point. They are only asking
2 at this point for 648 units. I urge
3 you to remove the whole section from
4 the law and have the rural district
5 density apply to all owners in the
6 rural district. Thank you.

7 SUPERVISOR PULVER: Thank
8 you, Jane.

9 Jim.

10 MR. JIM MARA: Good morning,
11 I want to speak just initially as
12 co-chairman of Pine Plains United and
13 thank you for your time and the effort
14 that you've already spent. And
15 judging by the comments and the
16 promise of written materials coming
17 your way, thank you for the additional
18 time you're going to put in on this
19 project.

20 My name is Jim Mara,
21 M-A-R-A. As I have stated publicly
22 before you, Pine Plains United exists
23 -- one of its main goals for existing
24 is to support the Town Board in its

1 efforts to gain zoning for our town.
2 We reaffirm that commitment today. We
3 wish to be of help to you, and we hope
4 that the statements made by our
5 consultants this morning will be of
6 benefit to you. And there will be
7 more coming I'm sure.

8 We still, as Pine Plains
9 United number close to 700 members.
10 The vast majority of whom do maintain
11 residences in our town. Many of them
12 vote here. All of them pay taxes
13 here. These are your friends, your
14 neighbors and your constituents. And
15 on their behalf we thank you for your
16 time, and we ask that you give careful
17 consideration to what has been said by
18 them and their representatives this
19 morning and to what will be coming
20 your way in written format.

21 Very briefly, as a resident,
22 20-year resident of Pine Plains, if I
23 could just add these brief thoughts.
24 These have mostly been said by

1 previous speakers. I didn't know what
2 they were going to say, so I will keep
3 my remarks very, very brief now and
4 submit them to you at a later time.

5 I think the NND proposal is
6 a bad idea that began for a good
7 reason. I know that the Town Board in
8 its wisdom and its concerns once
9 leveraged to negotiate with major
10 developers, but I believe that they
11 have that through the law that is
12 proposed in its other parts through
13 the SEQR process. So I ask you to
14 consider that carefully when you
15 rethink this whole process. And I ask
16 you to question yourselves as to how
17 much leeway do you need and how much
18 do you think the Town needs from this
19 extra wiggle room that's built into
20 the NND provision?

21 I think we want primarily
22 open space. We want protection of our
23 environment. And we want the rural
24 character that we have. And I believe

1 if you maintain that for us, with the
2 law as you've proposed, exclusive of
3 the NND. So I would ask you to
4 consider taking that out.

5 Two other brief areas of
6 concern to me are the lighting
7 regulations. I think they are good,
8 but I think they should apply to all
9 residences, including single-unit
10 residences. And I would ask you to
11 consider adding a requirement for site
12 plan review for all units, single lots
13 included as well as multiple lots.

14 And lastly, I do think
15 specifically in regard to the DGEIS,
16 it needs to further address the
17 potential impact of multiple NNDs, not
18 just the one that's currently
19 addressed.

20 And lastly again, finally,
21 thank you for your time, for now and
22 the future.

23 MR. HARRY WILSON: My name
24 is Harry Wilson, and I live in Pine

1 Plains. And I'm going to make it very
2 brief.

3 This is a concern. On page
4 51, Section H, area and yard
5 requirements: No minimum lot size
6 frontage or yard requirements within
7 an NND shall be required except those
8 dictated by health, fire, safety,
9 function and buffer considerations.
10 But the wording of H, space between
11 homes could result in significant
12 density and turn the present Pine
13 Plains into a suburban community.

14 Fundamentally, this document
15 speaks of preserving the character of
16 the Town. This Section H seems to me
17 to potentially be in contradiction to
18 the environment we now know and love.
19 And I would like to see the
20 environment we now know and love
21 preserved.

22 Thank you for your time.

23 MS. JOAN REDMOND: Good
24 afternoon -- or good morning. I'm

1 Joan Redmond, R-E-D-M-O-N-D. I am a
2 resident of Pine Plains, on Johnnycake
3 Hollow Road.

4 My concern has to do with
5 site work on an estate lot where a
6 single-family home and dependent
7 structures are proposed. I do not see
8 any system in the Zoning Law for
9 performance standards, time tables or
10 oversight.

11 For example, site work on an
12 estate lot may include large-scale
13 tree removal or even deforestation,
14 extensive driveway construction on
15 steep slopes, prolonged earth moving,
16 as in pond construction. There may be
17 significant engineering issues
18 involving erosion and drainage. There
19 may be prolonged noise and dust, all
20 of which impact the neighboring
21 property owners.

22 Where are the protections
23 limiting the completion time for these
24 projects? They share many of the

1 environmental issues as large-scale
2 developments but require little or no
3 scrutiny under the proposed zoning.
4 Thank you.

5 I'll make a copy for the
6 board.

7 SUPERVISOR PULVER: Thank
8 you. We are looking for volunteers.
9 Yes.

10 MS. SUSAN CROSSLEY: My name
11 is Susan Crossley, C-R-O-S-S-L-E-Y. I
12 am a resident and business owner in
13 Pine Plains.

14 I do find the New
15 Neighborhood Development inconsistent
16 with the intent of the Comprehensive
17 Plan and would like to see the Zoning
18 Law passed without it. However, I've
19 got some other things I would like to
20 talk about.

21 I would like to see some
22 degree of site plan review for
23 single-family residential homes in the
24 rural district in the following areas.

1 A) placement to protect agricultural
2 fields and ridge lines; B) lighting to
3 protect the Town from light pollution;
4 C) I would like to see some kind of
5 control over maximum square footage.
6 We can learn from the Hamptons and
7 their mega mansions.

8 Number 3. As far as
9 accessory dwellings and caretaker
10 cottages, they should not be limited
11 to 650 square feet. That's way too
12 small.

13 4. Mining hours. 12 hours
14 a day, six days a week. Yikes! Way
15 too much. How about eight hours a day
16 five days a week? Mining is very
17 invasive.

18 Something that I think may
19 have been overlooked because it is so
20 new are on-site storage pods. I think
21 there should be some kind of
22 regulation, whether -- I'm not against
23 them, but if they become something
24 that's there for years and years, you

1 know, two, three, months, but two,
2 three years in a front yard.

3 6. Penthouses should not be
4 a height exception. This is page
5 15-H. It could be a major loophole
6 for a mega mansion. So you've got a
7 20,000-square foot mansion and you
8 could have a 2,000-square foot
9 penthouse on its roof. That will get
10 you automatically above your 35-foot
11 height regulations.

12 And here's one no one has
13 mentioned. We live in a rural town.
14 A few chickens should be allowed on
15 lots under one acre. No roosters.
16 But chickens.

17 (Laughter.)

18 SUPERVISOR PULVER: I'll
19 tell you, I've gotten a whole week of
20 people complaining about chickens and
21 roosters running over their yard. In
22 the middle of town, honestly, all
23 week.

24 MS. CROSSLEY: Did you know

1 that New York City allows hens? New
2 York City! And Pine Plains isn't
3 going to allow them?

4 And finally, could you
5 please confirm for me that the general
6 performance standards on page 65 will
7 apply to all properties? Just a
8 simple yes or no. Does anybody know
9 that?

10 SUPERVISOR PULVER: Thank
11 you.

12 MS. DOROTHY SPRAGUE: Good
13 morning. I'm Dorothy Sprague,
14 S-P-R-A-G-U-E.

15 And I agree with so much of
16 what's been said here today, and I am
17 against the NND.

18 I would just like to ask the
19 Town Board to reflect on the fiscal
20 impact of the density permitted in the
21 NND. The negative impacts of growth
22 fiscally have to do with the rate of
23 growth. We all see for sale signs
24 right now. And when you have a house

1 for sale, and there are twenty other
2 people with a house similar to yours,
3 it is very difficult to sell your
4 house, and the value of your house
5 goes down. And if you really have to
6 sell, you really have to lower your
7 price. I ask you to think about what
8 it is going to be like to have this
9 major development with 670 odd houses
10 for sale for an extended period of
11 time, when our current house unit is
12 -- I don't know, 1200, 1300, something
13 like that. So that is one impact that
14 will affect all of us, is an
15 impairment of our real estate values.

16 The second issue has to do
17 with the impact on the school budget.
18 While we are all reading about our
19 school closings and reduction because
20 of student size, many of you may not
21 know, I have sat on the board for
22 sixteen years of a school in New York
23 City, and I am intimately familiar
24 with school budgets. 80 percent of a

1 school budget, approximately, and I
2 don't care if it is a private or
3 public school, is the cost of faculty
4 and staff. So we may have empty
5 buildings, but when you add children,
6 you need to add teachers. And the
7 larger your student body, you may need
8 to add all kinds of specialized
9 experts to deal with issues that you
10 currently do not have to deal with.

11 So as we consider population
12 growth we really need to consider the
13 composition of that growth and the
14 impact of increases in school taxes.
15 And we are in a terrible economic
16 environment right now. It is
17 punitive. Those of us who live in the
18 hamlet will be as affected as people
19 with large land holdings.

20 So at any rate, I'd just
21 like you to consider those fiscal
22 impacts. And thank you again for all
23 your work and the time that you've
24 given all of us here to comment.

1 Thank you.

2 SUPERVISOR PULVER: Thank
3 you. Yes.

4 MR. JOHN FORELLE: Greg,
5 Town Board members, my name is John
6 Forelle. F-O-R-E-L-L-E.

7 Dorothy touched on this,
8 Dorothy Sprague, I think she was the
9 first to comment on it. I think the
10 interesting thing to me is that this
11 zoning process started in the year of
12 go-go land and big pressure
13 development, and we are all going to
14 get rich by selling our land. Now
15 that we have, you know, Wall Street
16 bonuses and the subprime mortgages I
17 think we have a totally different
18 situation here. I think it focuses to
19 me on the NND and some other comments
20 that were made today.

21 The NND strikes me as an
22 economic matter. Have you all driven
23 by Yankee stadium and seen the new
24 Yankee stadium right next door? It

1 just doesn't make a lot of sense. Do
2 we want to do that here? Do we want
3 to take the existing hamlet and just
4 replicate is next door? I just don't
5 understand the logic of that. If the
6 goal of the NND is really to allow for
7 future development, let's develop the
8 existing hamlet. There is lots of
9 land. As Dorothy said, there are lots
10 of houses that are for sale. Why
11 create a whole overlay that competes
12 directly with the hamlet.

13 Secondly, comments were made
14 by Mr. Rockwell's attorney, which I
15 disagree with for the most part as a
16 planning matter, but on the economic
17 issue, this red herring that this
18 zoning is going to decrease value,
19 value is not going to be created or
20 not created by the Zoning Code. It is
21 going to be created by economics. And
22 if we have a permissive Zoning Code
23 which allows everybody to subdivide,
24 you're just going to have thousands of

1 lots on the market and everybody is
2 going to compete with everybody else.
3 The value is going to be based on who
4 is coming here and wants to build. It
5 is not going to be based on the
6 zoning. So let's not get carried away
7 with the Zoning Code is going to cut
8 down value. Value will be developed
9 in this town with intelligent zoning,
10 not liberal zoning.

11 Lastly, on the NND, as I
12 read the Code, it seems to me that the
13 Town Board has to deal with a
14 developer that comes forward. And I
15 know you're shaking your head, Warren,
16 but it seems to me it says that in
17 determining whether or not to approve
18 the NND the Town Board shall consider
19 the following criteria and determine
20 to what extent the proposed NND meets
21 these criteria and whether the
22 proposal on balance benefits the Town.
23 The Town Board must deal with that
24 provision. It can't ignore it. It

1 can't be capricious when the developer
2 comes forward, and it can't just say
3 no. It has got to deal with it.
4 There are a lot of developers out
5 there, we have got one right now with
6 a lot of money, a lot of lawyers and
7 they can push the board very hard. If
8 this provision is just deleted from
9 the Code, you can say no. But with it
10 in here you've got to act responsibly;
11 you've got to act objectively, and you
12 can't be capricious and arbitrary
13 about rejecting a proposal. So I
14 suggest we'd be better off without the
15 NND than with it. Thank you.

16 SUPERVISOR PULVER: Looking
17 for hands. Going once. You got the
18 gavel going twice.

19 (Gavel)

20 Sold.

21 (Whereupon, the
22 above-captioned proceedings concluded
23 at 11:58 a.m.)
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C E R T I F I C A T I O N

I, Karen Schmieder, a
Certified Shorthand Reporter, Certificate
No. 768, and Notary Public, do hereby
certify that I recorded stenographically the
proceedings herein at the time and place
noted in the heading hereof, and that the
foregoing transcript is true and accurate to
the best of my knowledge, skill and
ability.

IN WITNESS WHEREOF, I have
hereunto set my hand this 6th day of May
2009.



KAREN SCHMIEDER, CSR, RMR

Registered Diplomat Reporter

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STATE OF NEW YORK : COUNTY OF DUTCHESS

TOWN OF PINE PLAINS ZONING BOARD

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PUBLIC HEARING REGARDING NEW NEIGHBORHOOD DEVELOPMENT

----- x

Lions Club Pavillion

Beach Road

Pine Plains, New York

April 22, 2009

7:00 p.m.

B E F O R E:

GREGG PULVER, SUPERVISOR

RICHARD BUTLER, COUNSEL

GEORGE KEELER, COUNSEL

DOREAN GARDNER, COUNSEL

A P P E A R A N C E S:

WARREN REPLANSKY, Town Attorney

RAY JURKOWSKI, Town Engineer

1 MR. PULVER: I would like to welcome
2 everybody to the public hearing. We have a few
3 housekeeping things. There is an exit behind you
4 in case of an emergency. There is an exit to the
5 left. There is an exit behind each one of these so
6 you can get out that way in case of an emergency.
7 The bathrooms are down that hallway. First
8 bathroom is the ladies and the second bathroom is
9 the men's room. If you have a cell phone, please
10 turn it to vibrate or silence, please, just for the
11 convenience of everybody else. We ask that
12 everybody be respectful to one another during this
13 process. We also ask that you hold all applause
14 and cheers and jeers. It just prolongs the night
15 so if you want to agree with somebody, please tell
16 them after the meeting that you did a good job.

17 We do have a commercial. We did a couple of
18 commercials the other day. There is a benefit for
19 the library, Victorian Tea, Sunday, May 3rd.
20 Tickets are at the Pine Plains Pharmacy and at the
21 library itself so if anybody wants to attend that,
22 it's a very good time and it does support the local
23 library which is moving to its new location early
24 this summer. They are looking forward to that.

1 At this point, I'm going to read the Notice
2 of Public Hearing.

3 Please take notice that the Town Board of the
4 Town of Pine Plains shall hold public hearings on
5 proposed Local Law No. 1 of 2009 creating the Town
6 of Pine Plains Zoning Law and Zoning Map and a
7 public hearing on the Draft Generic Environmental
8 Impact Statement (DGEIS) that has been completed
9 and accepted for the proposed action. The public
10 hearings shall be held on April 18, 2009 at 9:30
11 a.m. and on April 22, 2009 at 7:00 p.m., at the
12 Pine Plains Lions Club Pavilion located at 82 Beach
13 Road, Pine Plains, New York. The proposed Local
14 Law creates a Comprehensive Zoning Law that would
15 regulate land uses and the density, intensity of
16 the same throughout the Town of Pine Plains.
17 Copies of the Local Law, proposed Zoning Map and
18 the DGEIS are available for inspection at the Town
19 of Pine Plains Town Hall located at 3284 Route 199,
20 Pine Plains, New York, and at the Pine Plains Free
21 Library at 7806 South Main Street, Pine Plains, New
22 York, during regular business hours. Copies of the
23 DGEIS and proposed Zoning Law and Map may be
24 obtained from the Town Clerk's Office. Copies of

1 the DGEIS and proposed Local Law and Zoning Map
2 have been placed on the Town's official website and
3 may be downloaded. All persons desiring to comment
4 on the proposed Local Law and the DGEIS shall be
5 permitted to do so either in writing or during the
6 course of the public hearings. Written comments on
7 the DGEIS and the proposed Local Law shall be
8 accepted until the close of business day on May 4,
9 2009 or until (10) days following the close of the
10 public hearings, whichever is later. All written
11 comments shall be addressed to the Town Supervisor,
12 Town of Pine Plains, Pine Plains Town Hall, 3284
13 Route 199, P.O. Box 955, Pine Plains, New York
14 12567.

15 We can get started. I would like everybody
16 to when they get called to come to the podium or
17 you can speak from your spot. If you're way in the
18 back, we would like you to move in front of the
19 curtain at least so that the Stenographer can hear
20 you or you can use the podium up there. Please
21 spell your name for the Stenographer. This is
22 being recorded by the Stenographer. We are not
23 going to impose a time limit as we did on Saturday.
24 It seemed to work very nicely. We did not impose

1 time limits. If you are redundant in your
2 statements, in your own comments, we may ask you to
3 sit down or if you take too long or seem to be
4 taking a lot of time, we may ask you to sit down
5 and finish at a later time. We will try to hear
6 everybody's comments or we will hear everybody's
7 comments. We would like to kind of wind down by
8 9:30, if at all possible. We had pretty good
9 success on Saturday winding down after two hours,
10 two and a half hours so we don't feel that should
11 be a problem.

12 At this point I'm going to turn it over to
13 Warren, and he's going to give you some brief
14 background on why we are here and how we got here.

15 MR. REPLANSKY: Thank you. For those of you
16 who were at the public hearing on Saturday, this
17 will be redundant but I'm going to repeat what I
18 said at that meeting. I just wanted to explain to
19 the public how we got to this point in the Zoning
20 Law Adoption Process and where we may go from here.

21 In April of 2004, the Town Board adopted an
22 updated Comprehensive Plan. In 2005, the Town
23 Board created a Zoning Commission pursuant to
24 Section 266 of the Town Law which applies to first

1 Zoning Laws created by a municipality to recommend
2 to the Town Board the boundaries for the various
3 original zoning districts in the Town and
4 appropriate land-use regulations to be enforced in
5 the Town.

6 The Zoning Commission with the assistance of
7 land use and environmental planners, Nan
8 Stolzenburg, after the conduct of many meetings and
9 public hearings, adopted its final report and gave
10 it to the Town Board on July 19, 2007 in the form
11 of a Draft Zoning Law. The work performed by the
12 Commission was excellent. The Town Board after
13 review of the law determined that the proposed law
14 needed some refinement and change. In order to
15 provide a fresh look at the document, the Town
16 Board retained the services of a second land use
17 and environmental planner, Bonnie Franson, of Tim
18 Miller Associates. Just so you know, this is
19 Bonnie and that is Nan and this is Ray Jurkowski,
20 the Town Engineer. The process ensued involving
21 the town's engineer, the attorney, planning
22 consultants and a process of reviewing, editing,
23 modification, supplementation of the proposed draft
24 Zoning Law occurred. This process also involved

1 many meetings, workshops oftentimes involving
2 various members of the Town Board to obtain Town
3 Board member input. Consultants also met with the
4 Town Board periodically in open session to obtain
5 guidance and approval from the full Board on the
6 most significant changes and amendments to the
7 draft Law.

8 The Zoning Law, as revised with the aid of
9 its consultants, was presented to the Town Board
10 for acceptance and recommencement of the adoption
11 process in February of 2009. A positive SEQR
12 declaration, that's a declaration of the State
13 Environmental Quality Review Act, was issued on
14 February 19th after finding that the proposed law
15 could have the potential for one or more
16 significant environmental impacts.

17 The Town's consultants were directed to
18 prepare what is known as a Draft Generic
19 Environmental Impact Statement, we call it a DGEIS,
20 to identify and analyze the potential impacts of
21 the project, and that DGEIS was accepted as
22 adequate in content and scope for public review on
23 March 11, 2009.

24 The public hearing tonight is the second

1 public hearing held on the Zoning Law and the
2 DGEIS. The first was Saturday, February 18th.
3 After review of the process, the consultants and
4 the Town Board identified several significant areas
5 of the Zoning Law that require change. The main
6 areas of change were that the agricultural 10-acre
7 district was eliminated and instead the density
8 throughout the Town outside the hamlet area was
9 made five acres. It was thought that the 10-acre
10 agricultural district was unduly restrictive for
11 the people that we most want to protect in the
12 municipality, and that is our farmers. Instead
13 though, the agricultural lands were protected by an
14 agricultural overlay district which promotes
15 development outside. Promotes development outside.
16 Does not prohibit necessarily development outside
17 prime agricultural farmland and soils of statewide
18 significance and active agricultural operations.
19 Again, the protection is there. It is not
20 necessarily a prohibition. It means in the
21 planning process, the Planning Board for a
22 conservation subdivision will try to mold the
23 project in a way that avoids to the greatest extent
24 practical these types of lands.

1 The original agricultural control formula,
2 which was controlled density by eliminating in
3 perpetuity the amount of net density that could be
4 created from a single property without minimum
5 prescribed lot sizes was deemed to be too complex
6 for a municipality's first Zoning Law and was
7 abandoned. Instead, we think we achieved the same
8 result by excluding environmentally constrained
9 land from calculations of net density but with the
10 imposition of a five-acre minimum lot size
11 prescribed with a conservation subdivision process.
12 A conservation subdivision process is essentially
13 identical to what was put in the proposed Law with
14 some tweaking.

15 The wellhead protection zone was created
16 rather than a wellhead protection overlay zone.
17 The new zone has its own bulk standards and use
18 regulations. We felt that was a better way of both
19 protecting that area but also providing for uses
20 within that area which made sense. There was a
21 limited transfer development right's program that
22 was contained in the original Law. We did not deem
23 that provision to be in accordance with the
24 requirements for creation of a TDR as prescribed in

1 Town Law and the creation of such a TDR process is
2 quite complex. It involves its own set of
3 environmental review standards and we felt it best
4 to keep that out of the Law for the time being.
5 It's certainly something we may want to revisit at
6 a later date.

7 Special use standards were added for most
8 uses. We have supplemented the Law with standards
9 that were not in the original Law and additional
10 bulk and performance standards were added to the
11 Law to ensure that specially permitted uses, uses
12 that are permitted pursuant to a special permit
13 issued by the Planning Board, are consistent with
14 their surrounding areas.

15 The NND floating zone, which was the area of
16 the Law that got the most comment at the last
17 public hearing, was created to allow the Town
18 additional residential growth in a controlled
19 manner subject to specific and stringent design
20 standards. The NND is not a use that is
21 permitted as a matter of right or even pursuant to
22 a special use permit. It involves the legislative
23 act of rezoning by the Town Board and it's entirely
24 discretionary with the Town Board as to whether to

1 entertain an NND application, and once the NND
2 application is entertained, the Town Board retains
3 the power to turn it down, abandon its
4 consideration at any time or at the end of the
5 process, to deny the NND application. Again,
6 because it's a legislative act, it gives the Town
7 Board in conjunction with the Planning Board much
8 more control over the project.

9 The NND, if it's employed, does provide for
10 greater density and that may be granted by the
11 Board in its discretion. There is no set amount of
12 density that the Town Board can prescribe. There
13 are formulas and there are bonuses which may be
14 given to the developer. They are given in return
15 for givebacks by the developer to the Town in terms
16 of increased affordable housing, public access,
17 trails, economic development and mandatory dwelling
18 diversity and construction of public facilities.
19 There is a limit though and the Town Board cannot
20 approve any NND that has a density of greater than
21 611. There seems to be some misconception over
22 this fact. I don't know why it is. We try to make
23 it clear but we are going to revisit the Law to
24 make sure there is no misunderstanding about that

1 fact. It doesn't mean also that 611 units would
2 ever be approved by the Board for the NND. It will
3 be on case by case basis depending on development
4 and it's conceivable that the amount of density
5 approved would be substantially less than that.

6 We feel that the NND provides the Town Board
7 and the Planning Board with greater flexibility and
8 the design and more control over the shaping of a
9 large-scale development than is permitted under a
10 Zoning Law without that provision.

11 Just so you know, the Zoning Commission did
12 consider a variation on what we call an NND, and
13 that is Planned Unit Development and it was our
14 understanding that the Zoning Commission
15 entertained this. There were extensive discussions
16 about it. The Department of State came down and
17 spoke to the Zoning Commission but it was not
18 included in the final draft of the Law. The Town
19 Board determined that it was something worthwhile
20 to include on its own. You have to remember that
21 the Zoning Commission draft is only a proposal to
22 the Town Board. Once that draft gets into the Town
23 Board's hands, the Zoning Law is the Town Board's
24 document and the Town Board has the discretion and

1 the duty to make whatever changes it deems
2 appropriate and in the public interest to that
3 document. It is not, it is not intended to create
4 an additional commercial hamlet outside the
5 existing hamlet. That was not the intent of that
6 provision. The focus on an NND is residential, not
7 commercial. The discussion about commercial in
8 the NND is a very, very limited type of commercial
9 development that would in no way replicate what you
10 have in the hamlet. It was not intended to compete
11 with the hamlet or provide another commercial
12 hamlet district. If the Law fails in that point,
13 in that regard, we are going to review it and make
14 sure that that is clear.

15 We had a lot of valuable input from the last
16 meeting. We received a number of written comments
17 and we intend after, when I say we, I mean the Town
18 Board, we intend after the close of the public
19 hearing and the close of the comment period to
20 review all of these comments that have come in. We
21 fully anticipate that as a result of these
22 comments, we will be making changes to the draft
23 Law. Depending on how substantive those changes or
24 amendments are, it's conceivable there may be an

1 additional public hearing so the public has the
2 chance to review it. It's conceivable they may not
3 require another public hearing. We have to see
4 what changes are made before making that
5 determination.

6 We welcome the comments from the public. We
7 urge you to comment tonight. We urge you to put
8 your comments in writing. All of the comments will
9 be considered and all be reviewed. Some of them
10 will be responded to in the form of the Final
11 Generic Environmental Impact Statement, the FGEIS,
12 which consists of the DGEIS and the changes made to
13 the DGEIS, the final, the amended Zoning Law and
14 the essential part of that will be a response to
15 comments made on the environmental impacts of the
16 project. That will be included in the FGEIS. I
17 would anticipate that the Town Board will also be
18 responding in some fashion to the comments on the
19 Zoning Law itself. It may be that we include that
20 as part of the FGEIS or in a separate response.
21 I'm certainly going to advise the Town Board that
22 in addition to workshop meetings, that it may be
23 necessary to have one or more public information
24 meetings.

1 We had, I thought, a very good meeting with
2 the Planning Board last week and it went through --
3 the emphasis was on the NND to try to explain to
4 the Planning Board how the NND worked and how the
5 process worked, and we had thought that we had
6 cleared up a lot of misconceptions about the Law at
7 that time. Based on the comments that we had last
8 week, they may not have all been cleared up. We
9 would probably have at least one more workshop
10 meeting hopefully to involve the Planning Board,
11 the Town Board members so that they understand
12 fully how this all works and, of course, the public
13 and that would be announced at a later time.

14 Once the FGEIS is completed, the Town Board
15 and accepted, if we have a public hearing, we will
16 have the public hearing. If we don't, there will
17 be a public review period. There are publication
18 requirements that the Town Board has to comply with
19 and then the Town Board has to issue what is known
20 as a Finding Statement in which it finds that the
21 environmental impacts identified associated with
22 the Zoning Law have been mitigated to the fullest
23 extent practicable. Once the Finding Statement is
24 made and that finding is made, the Town Board can

1 then vote on the adoption of the Zoning Law. That
2 ends the process.

3 So, I turn it back over to the Town Board for
4 the opening of the public hearing. I think we have
5 a General Municipal Law response that we have
6 received today from county.

7 MR. PULVER: Rick is going to read that
8 letter. I think you're tired of hearing from me
9 and Warren at this point.

10 MR. BUTLER: One of the provisions is that
11 the County Department of Planning and Development
12 has input on the Zoning Law and the Commissioner
13 sent us a preliminary letter today which I'll read.

14 "Mr. Gregg Pulver, the Supervisor of the Town
15 of Pine Plains. Dear Supervisor Pulver: The
16 Dutchess County Department of Planning and
17 Development is reviewing the extensive and
18 impressive third draft of the Zoning Law you
19 proposed for the Town of Pine Plains. This letter
20 includes preliminary comments and will be followed
21 by a more detailed review by the May 4th deadline.
22 In general, the extensive work by Pine Plains on
23 this Draft Zoning Ordinance is well conceived and
24 appears to be a good representation of the Town's

1 goals as expressed in its recently completed Master
2 Plan. The Zoning Law is very detailed. Sometimes
3 unnecessarily so. For example, the zoo standards
4 are unnecessary but the Law leans to the side of
5 detail, which is preferable to ignoring important
6 factors. The Town takes a diversified approach
7 towards implementing affordable housing practices.
8 We will make several recommendations to adjust some
9 of the language in this section.

10 The environmental control provisions in
11 general are detailed and offer Town residents a
12 high level of protection. The New Neighborhood
13 Development, NND provisions, are particularly
14 tailored for the need to balance the opportunities
15 for well-managed growth with the Town goals of
16 environmental and rural area protection. The
17 Dutchess County experience has been that Planned
18 Unit Development provisions are rarely used, even
19 ones that have been on the books for decades. In
20 the event that the NND section is used in Pine
21 Plains, it promises to yield a kind of construction
22 that will add to the Town's vitality and quality of
23 life. The comprehensive range of protection and
24 reviews are compelling to those who want to see

1 development practices be enlightened and safeguard
2 the interest of the local population. The market
3 tends to temper demand causing a build-out process
4 to be gradual and organized as it unfolds. One
5 matter of concern is located in Article 12, Site
6 Plan Review Section 162, Procedures. We prefer a
7 sketch plan process that asks essential questions
8 before the owner or developer has spent
9 considerable funds to engage a consultant team of
10 surveyors, engineers or planners. The list of
11 subdivision requirements can be expanded to resolve
12 many of our concerns. Dutchess County has prepared
13 a model subdivision regulation approach which we
14 will send to the Town in a separate correspondence.

15 Thank you for the opportunity to comment on
16 the draft Zoning Law for Pine Plains.

17 We look forward to providing the Town with a
18 more detailed commentary. In the meantime, please
19 feel free to contact me. Sincerely, Roger Ackley,
20 Commissioner of the Department of Planning and
21 Development, and the letter is dated April 22,
22 2009.

23 MR. PULVER: At this point we are going to
24 open the public hearing. I believe Dale Mitchell

1 will lead us off tonight. Dale, please spell your
2 name for the Stenographer, please.

3 DALE MITCHELL: My name is Dale Mitchell,
4 M-I-T-C-H-E-L-L. I'm a business owner, property
5 owner and resident of the community. I would like
6 to express my thanks to Gregg Pulver and the Town
7 Board who have spent many hours on this Zoning Law.
8 Special thanks to Gregg who has freely given his
9 time over many cups of coffee to help me understand
10 the Law and his interpretation of it. I don't
11 always agree with him but I respect his opinion and
12 the opinions of the rest of the Town Board, which
13 sometimes don't agree with either one of us. That
14 is the democratic process of small towns and in my
15 experience, it usually works. I would like to
16 thank John DePeter and the Zoning Board for his
17 endless hours spent on this Law, and also Don
18 Bartles in the Planning Commission for their part.
19 Don is one of the best examples of why the small
20 democratic process works.

21 I would like to extend special thanks to Pine
22 Plains United for their extensive input into the
23 Zoning Law. Their input as a group helps to add
24 more balance to the process.

1 I would like to read into the record a short
2 letter which I wrote to the Town Board on January
3 5th of 2009. "Dear Town Board members: I have
4 read the most recent draft of the Pine Plains
5 Zoning Law with great interest and would like to
6 commend the Town Board for its obvious effort to
7 simplify the Law and make it more user friendly.
8 Also, Article 100-28, New Neighborhood Development,
9 NND overlay clearly addresses one of the major
10 issues not addressed in the original Zoning Law
11 draft but I am still left with the following
12 concerns and hope that they can be addressed before
13 the final draft is finished. Historically, Pine
14 Plains has always used its Master Plan of
15 development to express its concerns regarding
16 orderly and healthy growth of its commercial and
17 business area by setting aside an area called the
18 Planned Development District, often known as PDD.
19 The Planned Development District for the hamlet of
20 Pine Plains was intended to keep development of the
21 hamlet's entrance to a minimum while still allowing
22 and planning for appropriate expansion of business
23 services as the Town of Pine Plains grows.
24 Historically, the Planned Development District also

1 addressed the desperate need for moderate income
2 affordable housing and affordable housing for
3 senior citizens of Pine Plains.

4 Article 100-22 and 100-23 on incentive zoning
5 and affordable housing recognized the need but do
6 not set aside a specific area to satisfy that need
7 as the Master Plan historically has. Just as a New
8 Neighborhood Development allows for the orderly
9 expansion of the high-end population base in Pine
10 Plains, a well-designed Planned Development
11 District for the hamlet will provide business
12 opportunities and affordable housing for our youth
13 and local full-time residents that form the base of
14 the Pine Plains' community. Assisted living
15 community such as Noble Horizons in Salisbury,
16 Connecticut, is an important and dignified way of
17 preserving the heritage of Pine Plains by showing
18 our seniors that they are a highly valued part of
19 our community. I'm reaching that point pretty
20 rapidly as some of the rest of us here so I
21 appreciate that even more.

22 I sincerely hope that these issues will be
23 properly addressed before the final version of the
24 Zoning Law is released. Thank you for your

1 consideration in these matters.

2 I would like to expand on each of the points
3 in this letter and add a few other issues to that
4 list. I would like to address my support of the
5 New Neighborhood Development Provision that the
6 Board has added. I also would agree with Pine
7 Plains United that it may need some provisions and
8 that on-site commercial development should be
9 limited. I understand that has already been
10 addressed tonight so this is kind of redundant and
11 I put in parenthesis but I believe that was the
12 original intent. I also agree with the many
13 members of Pine Plains United that encourage higher
14 density commercial development within the hamlet of
15 Pine Plains. This brings me to my major concern
16 about need to add a provision to the Zoning Law for
17 a Planned Development District within the hamlet of
18 Pine Plains. Historically, such a district was
19 always a part of our Master Plan and was strongly
20 supported by the community over the alternative of
21 strip development of our highway entrance to Pine
22 Plains. Indeed it was a major part of the Zoning
23 Law that was proposed a number of years ago by
24 Scott Chase. Additionally, I believe that

1 provision was lost from the current proposed Law
2 and we have reverted to the old fashioned and bad
3 strip development of our highway entrances. Please
4 refer to the proposed land district map for the
5 hamlet of Pine Plains and look at the big red X.
6 You all have seen this, I'm sure. The big red X,
7 that represents the highways in and out of this
8 community and personally I think this is a mistake.
9 It is not what we have talked about in the past.
10 It is not at all what I think most of us want but
11 look at it and see what you think. I feel that it
12 is not what we want. It is not what I want. Do
13 you want all of the beautiful homes on Main Street
14 to be converted to commercial businesses? There
15 are currently three or four land masses within the
16 hamlet that would be suitable for a Planned
17 Development District and on all three, commercial
18 development is allowed only on a few acres of
19 highway frontage while it's specifically prohibited
20 from the rest of the property and I emphasize that.
21 It's specifically prohibited from the rest of the
22 property. Now, I may be wrong about that but that
23 is the way I read it. If you look at this map
24 again, there are many properties, and I'm sure most

1 of you are pretty familiar with this. I don't know
2 if that one on the side is any bigger and would
3 show this better but you would all know, the local
4 people would all know Danny Adams' property. Dan
5 Adams' property is right here and that property has
6 about five acres I would guess of road frontage.
7 That is commercial and on the rest of his property
8 commercial development would be prohibited. I
9 think that is perhaps a mistake. I could look at
10 the Catholic Church property but I guess we learned
11 a long time ago that we shouldn't really look at
12 that Catholic Church property. It shows commercial
13 in the front and dense residential in the back of
14 it but again, just a couple of acres of commercial.
15 If you look at the Pilch (ph) property, which
16 indeed I'm quite familiar with, the Pilch property
17 has basically at the present time one acre of
18 frontage that is commercial. One acre. That is
19 it. The rest of it is residential. Not even
20 dense residential. If I look at the cemetery up
21 here, the whole cemetery is bright red. It seems
22 to me that that may be a mistake and perhaps some
23 of that red should be moved elsewhere to one of
24 these other parcels because certainly you are not

1 going to develop the cemetery for any kind of a
2 Planned Development District. So I would ask you
3 to take a look at that, the big red X.

4 Please let's consider the Planned Development
5 District in relation to affordable housing and
6 assisted living center. A Planned Development
7 District through incentive zoning would be better
8 equipped to require that type of housing be
9 included in it. A healthy mix of this type of
10 housing within a dense commercial development would
11 be a good plan. A Planned Development District
12 would also allow you to require that a large
13 project be phased so as to not have too large of an
14 impact on the community at one time. Land could be
15 banked for the future and used only when there is a
16 proven need for it to be used. Tax incentives
17 might be given to the developer to bank land for
18 the future use.

19 Last, but not least, I would like to talk
20 about a central wastewater treatment plant. The
21 only way that our hamlet center can ever revive
22 itself requires a modern-day wastewater treatment
23 plant. If there is going to be a time when Pine
24 Plains moves into the 20th Century, it's probably

1 right now. The Obama administration has placed a
2 priority on this type of community project and some
3 type of cooperative effort between the Town and a
4 developer of a Planned Development District could
5 be a way to move in the right direction. I firmly
6 believe that the technology and engineering to
7 build a wastewater treatment plant that does not
8 discharge any wastewater into our lakes and streams
9 and would recycle that purified water for on-site
10 gardens and off-site agricultural use exists and it
11 can be built here in Pine Plains. I believe that.
12 I don't know it as a fact but I believe that. I
13 would love to talk to people about it.

14 Incidentally, for this idea to work, you
15 would need to look at your table of regulations on
16 page 12 and reduce lot size to make this idea
17 economically sound. Thank you all for listening to
18 me and I sincerely certainly hope that you find my
19 comments worthy of your concern. Thank you.

20 MR. PULVER: Steve Tarshis.

21 STEVE TARSHIS: My name is Steve Tarshis.
22 I'm an attorney from Orange County, New York. I'm
23 here on behalf of Tom Lew of Pine Plains, which is
24 an entity that owns property in Pine Plains which

1 property was acquired well before the moratorium
2 was put into place when you had the Master Plan in
3 place. I'm not going to repeat what Dale has said
4 but Dale told me a story. I don't know if it's
5 true but I believe it is. He told me that a
6 laundromat wanted to be built or installed in the
7 Town and they couldn't do it because you don't have
8 central sewer. Why do I bring that up? The
9 project that my client is looking to develop is
10 going to require central sewer system. Central
11 sewer system is very expensive. It's a must in the
12 21st Century for any community, whether it's a
13 rural community or a developed community to have.
14 I live in the Town of Monroe. I used to live in
15 the Village of Monroe. Many years ago during the
16 depression, Rosco Smith, who was then involved as
17 one of the founders of Orange and Rockland
18 Utilities and heavily involved in the village, was
19 given the choice from the work organization that
20 President Roosevelt had put into place either to
21 have a central sewer system put in the village or
22 to have two beautiful ponds built. He had the two
23 beautiful ponds built. They are still there and
24 they are beautiful and they attract the geese and

1 everything but many years later, the community
2 realized that they can no longer have the systems
3 they had which were merking up the brown water and
4 the beautiful ponds so they had to install a
5 central sewer system. It was a ton of money and it
6 was like 25 years later so what I'm suggesting is
7 this. When you consider the utilization in the
8 course of a central sewer system and how it affects
9 the ability of any developer to implement, you have
10 to take into account your density provisions.

11 I read through your Law, your proposed Law
12 and I think it's well drafted. A lot of hard
13 effort. I noticed disparity that I couldn't
14 reconcile in my own mind about if I'm in an HMS
15 district, the density requirement without central
16 sewer is 20,000 square feet. With central sewer,
17 it's 15,000 square feet. That's not enough of an
18 inducement to promote the development of a central
19 sewer system. The density requirement for the
20 central sewer system certainly should be more dense
21 than a differential between 20 and 15. Probably
22 more like 20 or 10 would make a lot of sense in
23 that regard.

24 Affordable housing, we all recognize a need

1 for affordable housing to keep the people we need
2 locally to afford to live here, whether it's the
3 school teachers or the firemen or the policemen or
4 the retirees or anybody who wants to come to the
5 community and stay here for a good part or the
6 balance of their lives in retirement after they
7 have sold perhaps their main resident and want to
8 live in something less costly. Again, the
9 developer will build the affordable residence
10 because they understand the needs of the community
11 and they understand the community works hand and
12 hand with the developer but in that regard, because
13 affordable housing is just that, something that is
14 much less expensive than the typical dwelling that
15 is built for across-the-board residential
16 community. You have to consider the density
17 requirements for that. It shouldn't be at the same
18 level as normal -- forget normal. A typical
19 dwelling that people will occupy as opposed to
20 affordable housing and I don't think the Law takes
21 that into consideration. I don't think there is a
22 density differential, and I think that is something
23 if you want to encourage affordable housing and you
24 want the people to develop it, you have to work

1 hand in hand. I think have you to address that and
2 I don't think it was addressed.

3 I looked at the wellhead zone district and I
4 understand it. What I don't understand is how the
5 line was determined. I know it was based on 2007
6 studies. When the DEC comes in and they do a
7 wetland's designation, the Army Corps of Engineers
8 comes in and does a wetland designation, they come
9 in and they do it. They study it, look at it,
10 analyze it and they come back and reanalyze. I
11 think if you're going to have a wellhead district,
12 I think that it should not be cast in stone. I
13 think it's something that the Town and the
14 developers should work together with the proper
15 engineering and hydrologists to make sure that
16 you're either not overshooting or undershooting
17 that wetland's protection. I don't think your law
18 allows that and I think that should be considered.
19 I also think that when you consider incentive
20 zoning bonuses that you call them or where you give
21 more density, you have to also take into
22 consideration that if the developer is coming here
23 and is going to put in a central sewer system, you
24 perhaps ought to consider not only the size of the

1 lots that I mentioned before but perhaps if the
2 developer is going to want to do cluster zoning,
3 and that is you put houses closer together or
4 multiple-family dwellings, such as condos or
5 something closer together and you have a wider span
6 of open area, if they are going to be building a
7 central sewer system too, that you should consider
8 some how promoting that by offering more density in
9 a cluster situation. I don't think your Zoning Law
10 deals with that either.

11 I think you're doing a great job. It's a
12 great community and I think it could even be
13 greater and better with the few comments I had and
14 with the comments that Dale mentioned, and I would
15 like to thank you for giving me this opportunity.

16 BUDDY GALM: Buddy Galm. I know these people
17 are from Ancram and Stanfordville and everybody is
18 concerned about your Town. I have a question on
19 the business district. If you look at it, to do
20 any kind of a business, a person would have to buy
21 up a nice home on South Main Street or North Main
22 Street, houses that are being brought up to look
23 nicer than they did 10 years ago, a lot of money
24 invested and it would be a lawyer's dream because

1 the first person to buy a house on South Main
2 Street would have every neighbor up in arms and
3 rightfully so. I would also be up in arms if
4 somebody bought a lot next to me who would take the
5 house down and put up a commercial building because
6 you wouldn't have the right space for parking.
7 There would be an argument there. You wouldn't be
8 able to get the right sewage system. That would be
9 another argument, and you're making laws that are
10 going to affect the Town 10, 20, 30 years from now.
11 Let's take it hypothetically. What if somebody
12 bought three lots on West Church Street and two
13 lots on East Church Street and five lots on South
14 Main Street and put up commercial buildings, what
15 would your Town look like? Would it look like it
16 does now, a nice rural Town? It would look all
17 chopped up. I think it would look pretty ugly. I
18 don't think you have any kind of agricultural board
19 with your zoning to say this is what you have to do
20 to make it look nice. You have areas in Town that
21 can be developed. Most towns have two areas. Look
22 at Millerton. They have the old section. You go
23 out to Trotta's and it's a new section. People say
24 it's very busy but you go a half mile out of

1 Millerton and you still have open farms, areas that
2 weren't touched, nice lakes. So, you have to think
3 about the future 10 or 20 years from now. I
4 probably won't be here then but I have children and
5 grandchildren in the area. Think about the Town
6 and how it looks if you took these houses down, put
7 up a flat commercial building and had them all over
8 the Town in different areas. Most of those lots
9 aren't big enough to put a commercial building on.
10 You have to buy two or three homes and take those
11 out and you are going to end up with a very ugly
12 town, I think.

13 So, think about it before you look into it.
14 I don't think anybody looked at it too much. Like
15 Dale said, how can you develop a cemetery? When
16 you go just passed the cemetery, it's wetlands.
17 You go passed that, it's a steep bank so that whole
18 North Main Street is pretty well shot before you
19 start. So, think about the future, not just now
20 and people's reactions to what is happening with
21 zoning but think about what your Town will look
22 like down the road. Thank you.

23 MR. PULVER: Peter.

24 PETER CALDWELL: Peter Caldwell. I served on
Schmieder & Meister, Inc. (845) 452-1988

1 the Special Board for the Comprehensive Town Plan
2 and on the Zoning Commission. In my view, the
3 inclusion of the New Neighborhood District
4 provision poses several problems. First, it is too
5 high a residential density for rural Pine Plains.
6 Second, the rural citing is away from the Town's
7 Center which is what we had hoped would be the
8 target for development. Third, there is an
9 inherent obligation to engage an applicant in the
10 NND process as was explained by John Ferrell (ph)
11 and the hazards of such were also discussed by John
12 Lyons. So, in conclusion, I think the NND
13 provision should be removed from the Zoning Law.

14 The Zoning Commission placed a high priority
15 on flexibility in the Zoning Law and used a
16 five-acre residential base density formulation for
17 the rural Pine Plains with no minimum lot size.
18 This allows for smaller lots. The minimum
19 five-acre lot size included in your revised Law is
20 restrictive both for lot design and because of
21 five-acre minimum lot size, purchase may not be
22 affordable to some. The rural five-acre minimum
23 lot size restriction should be removed from the
24 Zoning Law.

1 Affordable housing design standards in rural
2 Pine Plains should not be limited in design
3 dimensions or number of bedrooms. Affordable
4 housing where mandated in developments should be
5 included on site in a residential development and
6 not off site somewhere else.

7 Finally, I would like to comment on the
8 process. I welcomed Warren's remarks that there is
9 a possibility we will have an extended review
10 period for the public with additional hearings
11 because since the Zoning Commission submitted the
12 Law to you, we have had one and a half years of no
13 public participation, a period in which you have
14 shielded your operations and discussions from the
15 public and have argued that these were quote
16 "interagency deliberations" so that only in
17 December did we get the Zoning Law. Then in March
18 we get the DGEIS, which has the build-out numbers
19 which really lays out the implications of the NND
20 inclusion. Only since last Saturday has the public
21 had an opportunity to address this.

22 I have seen no newspaper commentaries on this
23 and I think the public would be well-served by
24 having additional time and well-served by more

1 educational programs by the Town Board to explain
2 to the public what amounts to a very substantial
3 change in the Zoning Law that was presented to you
4 by the Zoning Commission. Thank you.

5 MR. PULVER: Helene.

6 HELENE McQUADE: My name is Helene McQuade. I
7 live on Woods Drive in Pine Plains, and I want to
8 just say for the record that I'm speaking as a
9 private citizen and not on behalf of any
10 organization. I also did serve on the Zoning
11 Commission. I want to thank the Town Board and I
12 commend you for the commitment that you made for
13 bringing Zoning. Overall, I believe the proposed
14 Zoning Law has many positive aspects which will
15 benefit the Town and the community which honor the
16 goals that are required by the Town's Comprehensive
17 Plan.

18 After listening last Saturday to the comments
19 made regarding the New Neighborhood Development
20 Floating Zone, I would like to add my voice to a
21 few specific concerns about the NND. The draft of
22 Local Law Number One makes the following statements
23 about the purpose of the Law: To maintain the Pine
24 Plains hamlet as the Town's center and principle

1 location for residential and non-residential uses
2 and to promote and encourage appropriate business
3 development in the hamlet. The effect of the NND
4 places this portion of the document at odds with
5 the Law's own stated purposes as well as the
6 Comprehensive Plan allowing higher density NNDs
7 with incentives for economic development. Areas in
8 the rural districts of the Town contradicts the
9 goal of maintaining the Pine Plains hamlet as the
10 Town's center. In its description of the NND, the
11 document states that the purpose of the NND is to
12 allow greater planning and zoning flexibility,
13 which is necessary to achieve environmentally
14 sensitive, economically beneficial and socially
15 desirable development and the commonalty of
16 benefits to the public and to an applicant, and the
17 following I want to emphasize is possibly under
18 more rigid, conventional zoning regulations but the
19 Zoning that I believe you have here and one of its
20 strongest points is that the overall document
21 allows for a great deal of flexibility. For
22 example, by offering density, bonuses for
23 conservation, clustering and affordable housing,
24 just as an example. It is not the rigid,

1 conventional Zoning Law which might warrant an NND
2 provision. The document says that the NND allows a
3 limited range of non-residential uses that would
4 complement, not compete, with non-residential uses
5 allowed in the Pine Plains hamlet.

6 I have heard from business people in the
7 Town's center who are concerned about the creation
8 of competing businesses in the NND while the Draft
9 Law states its intention to complement and not
10 compete. The vagueness of that description leaves
11 a lot of room for interpretation and it would be
12 difficult to enforce.

13 My final concern about the NND comes from
14 statements at last Saturday's hearing that
15 according to the guidelines for eligibility, there
16 is the potential for a total of four NNDs in Pine
17 Plains. If that is the case, the unintended
18 outcome of opening the door to that much
19 development would go against all that you have
20 worked to achieve with this Zoning Law. I
21 encourage the Board to investigate this particular
22 issue so that the full consequences of the proposed
23 NNDs are understood. Thank you.

24 MR. PULVER: Barry Chase.

1 BARRY CHASE: My name is Barry Chase. I'm a
2 dairy farmer and have been here for 67 years and
3 have been a part of the community. I was here
4 Saturday. I was very impressed with what was said
5 and there are two in particular people they said it
6 much better than I am. I'm against the NND. I'm
7 not going to go through it all but I want to pick a
8 few of the things those two people said so we
9 aren't repetitive. First it was John Lyons, a
10 rural land-use lawyer 24 years who, I'm sorry
11 Warren, I was very impressed with what he said.
12 You're shaking your head. I'm watching you and
13 what he said was two things for me that were
14 important. He said that he felt the original
15 document he was against the NND. The original
16 document had the teeth that would stand up in court
17 and very important to me because if we have to go
18 to court, that document will do it. He added also
19 the concept there was an accommodation, the NND was
20 an accommodation to Durst or a developer to try to
21 make it less litigious. That is not my concern.
22 My concern is for the Town. Scott Chase gave a
23 very powerful and complete report and for me, the
24 two things that he said were, and this really comes

1 back to me constantly, is the NND is not at all in
2 line with what the Comprehensive Plan stated and
3 mainly because of the rural character concept. The
4 main concept of what we said is important to our
5 Town and secondly, shockingly, he gave us
6 statistics of a possible 40 percent increase in
7 development with the NND if you were to proceed.
8 For me, my comments are much simpler than some of
9 the ones we had, and it basically goes back to the
10 concept of the rural character of our Town and our
11 Comprehensive Plan, the long process and what the
12 people said they wanted. Rural character are those
13 agricultural fields and open lands and beautiful
14 vistas but rural character is the people also.
15 Something that we seem to forget. The people of
16 Pine Plains. It is not important to the people of
17 Pine Plains whether you're rich or poor. It is not
18 important if you have a sunny personality or warts.
19 I think we prefer the warts actually. We are one
20 people and that is what that document is saying.

21 I will go through this quickly. We have a
22 school in which we are very proud of our sports and
23 play. We have a Lion's Club, we have a fire
24 department, we have a beautiful facility here which

1 is full three-fourths of the year with our members
2 working together being very active. This is what
3 is important to us. The community itself has a
4 Parade of Lights. It goes on and on. My point,
5 and I think it's obvious, is that is what the
6 people want to maintain, that rural character.
7 The NND takes rich people on one side and poor
8 people on the other. I just disagree with the
9 concept of selling off your affordable housing to
10 someone else. The original document had that as
11 an occlusion. If you want to come into our
12 community, you try to help make it part of our
13 community. That's all I want to say. Thank you
14 very much.

15 MR. PULVER: Sarah.

16 SARAH JONES: Sarah Jones, Pine Plains. I
17 really do agree with what Barry said. I have never
18 been a huge fan of zoning. I grew up where they
19 had zoning and it turned into mega mansions,
20 suburbia because they had this great five and
21 three-acre zoning and now people of modest means
22 can't live there. So, I never liked it but
23 obviously now we have come to the point where we
24 probably have to have it. I thought Pine Plains

1 was wonderful, has always been wonderful, and we
2 have done very well without Zoning in terms of not
3 having our beautiful, rural character ruined.

4 I want to commend the members of the Zoning
5 Commission. I think they did a remarkable job.
6 The meetings were so thoughtful and open to the
7 public and they considered all of the angles. I
8 want to thank them. I also agree that with the
9 Pine Plains United Consultants that the Zoning
10 overall is an excellent document. I hope that this
11 Board takes the advice of those excellent
12 professionals to heart.

13 I also want to say I know there is maybe some
14 confusion about the availability of small parcels.
15 When I read and thought about the document, we do
16 have quite a bit of availability of small parcels
17 in the rural areas, and I don't know if everyone in
18 the community understands that. Lots less than 10
19 acres can be divided and I think they can be
20 divided as small as a one-acre lot. The
21 conservation subdivisions, as I read them, can be
22 minor conservation subdivision with a very small
23 parcel if the rest of the land is preserved in some
24 way. A farmer can sell off small lots if there is

1 some kind of conservation principles that are
2 implemented, so I like that. I think that is good.

3 There is one of the incentive Zoning schemes
4 that troubles me. Apparently under the community
5 benefits a monetary fee can be in lieu of the
6 community benefit and I really don't understand why
7 that should be so. That to me means that you can
8 buy density and I don't think that we should buy
9 density. I would also like to encourage the Town
10 Board to take this opportunity to complete the
11 ridgeline protection piece of the Zoning and
12 include single-family new homes in that. When the
13 affluent come to our Town on their own, they will
14 purchase the top of the hill and they will put a
15 huge house anywhere between 15,000, 20,000 square
16 feet on top of that ridgeline and that has as much
17 of an impact as a developer coming in and putting
18 10 homes there so I would really urge you to take
19 this opportunity to include that. Also, I would
20 state that the SEQR DGEIS includes protection of
21 the ridgelines as one of the principles that we are
22 trying to protect.

23 Now we come to the NND. It's obvious that
24 the NND is the controversial piece of this new

1 Zoning proposal. It's just not consistent with our
2 Comprehensive Plan. It has been put in there to
3 some how accommodate this Durst development. Ask
4 yourselves if we didn't have the Durst development,
5 would we be even talking about any kind of NND?
6 No, we probably would be talking about what Mr.
7 Mitchell spoke about of the planned development in
8 Town which is really a very good idea and something
9 that has been considered but doesn't get into this
10 Zoning draft. You have this structure where we
11 have put in this NND for one development and it's
12 clear that there are potential other uses for this
13 NND in other places and that has not been
14 considered. It hasn't been studied and it's a huge
15 hole, especially in the SEQR document, the DGEIS,
16 which talks about Durst but doesn't talk about any
17 other possible results from the NND. When you
18 think about how this came about, Carvel bought the
19 property before there was zoning, before we had a
20 Comprehensive Plan and a plan just development of,
21 I don't know, 200 or 300 homes and the golf course.
22 It failed. The economy turned and it never got
23 completed. Then when Durst bought it and thought
24 that they would do a similar type of development

1 but at a much higher level, at that point we had a
2 Comprehensive Plan. Now, they should know that
3 that plan that they had was not consistent with the
4 Comprehensive Plan. We then got a new
5 Comprehensive Plan which was inconsistent with the
6 Carvel/Durst and now we have Zoning, and this NND
7 permits them more density than would be appropriate
8 in that location. Why we should give them more
9 than they knew that they are not likely to get? I
10 just don't understand it. It doesn't mean that
11 Durst can't do a development there. It doesn't
12 mean that there can't be a center, a population
13 center in the Carvel Bowl and we have plenty of
14 bonuses available to them. I count up they could
15 probably put in close to 500 homes if you count
16 Milan and you count the rezoned lots that they can
17 get, and that is a perfectly appropriate way to
18 deal with the problem as opposed to going to an NND
19 which creates a lot of additional problems.

20 I also think if you put it in, you have to
21 think about what kind of other developers will be
22 attracted to this area. Not the kind you want
23 probably, and this creates a lot of problems. One
24 of the things that troubles me about the language

1 in the NND Zoning Law and in the SEQR is that it
2 seems to say we are doing one thing when in fact we
3 are not doing that. It says we are creating
4 opportunities for housing next to the hamlet and
5 one place it says hamlets so you could even put it
6 next to Bethel or next to Lotus Corners and I'm
7 sure that is not intended but it tries to justify
8 something that doesn't exist. Where those
9 documents say that this is necessary in order to
10 have more flexibility than traditional Zoning gives
11 you, what we are proposing in our Zoning is not
12 traditional Zoning. It's plenty flexible to
13 accommodate the kind of developments that the Durst
14 development is. We don't need the NND, which to me
15 ends up just providing additional density and not
16 really other things. When they say it's going to
17 be connected with trails, the language I read was
18 not really -- it was very fuzzy language. Creates
19 opportunities and/or potential to physically link
20 the existing Pine Plains hamlet to the NND. This
21 doesn't mean that that is going to happen. There
22 is a lot of loopholes there. It doesn't
23 concentrate development within the hamlet areas and
24 limit development in the outlying low density rural

1 areas as it says. It's kind of like we have seen
2 in the Durst SEQR documents of just if you say it,
3 it must be so. That is not what happens here and I
4 have a really -- I'm going to specifically send
5 you the sections that I think are problematic. It
6 is not the way we should be proceeding. We should
7 be more straight forward than that. This document
8 is not straight forward.

9 Then you have to ask yourself about the
10 complexity of administering this NND and the whole
11 issue of how are you going to -- how is the
12 coordination with the Planning Board going to work.
13 The lead agency issues, probably in an NND, the
14 Town Board is going to end up as the lead agency.
15 Do you really want to be the lead agency in this
16 sort of thing? If you're not the lead agency, is
17 the Planning Board the lead agency and how do you
18 coordinate those reviews? It's very complicated.
19 The time frames are very short in the materials.
20 Does the Planning Board really want to take that
21 on? Don't we have enough just trying to implement
22 this new Zoning and try to do a good job with that
23 or are we going to have to be dealing with the NND
24 issues as well? There are other smaller issues

1 that are problematic. It sounds great to have a 25
2 percent LEED houses in an NND but when you think
3 about that, LEEDs is something that comes, is an
4 evaluation of a building after it's built, at the
5 very end. We also don't say what level of LEED's
6 certification is required. LEED's buildings
7 require special builders and they are more
8 expensive. It kind of means that the developer is
9 going to be the builder. Are we requiring the
10 developer to be the builder? Certainly in the
11 Durst proposal, they have never intended to be the
12 builder. I think that presents real problems with
13 enforcement. The same is true of controlling the
14 number of types of housing and types of bedrooms
15 and that kind of thing. Do we really want to be in
16 the position of having to enforce those kinds of
17 things after we have made a commitment that they
18 are going to get the NND Zoning designation?
19 Again, it's quite problematic.

20 I'm also very troubled by the whole
21 commercial bonus in the NND. I don't understand
22 why that is necessary. Commercial development is
23 permitted under the Zoning in the rural areas. The
24 other thing is it requires a minimum five percent

1 of the gross land of the development to qualify for
2 this bonus so in a 2,000-acre development, that is
3 100 acres. 100 acres is a large track of land for
4 some kind of commercial development. Is that what
5 we really intend? Then you have to ask yourselves
6 well, is Durst going to come in and say the golf
7 course is the commercial development so we get the
8 bonus? Now we are giving housing bonuses for golf
9 course? Is that what you intend to do? I think
10 that anywhere you look if you carefully study this,
11 because it hasn't been digested, but a large group
12 of people thinking about all of the possibilities.
13 It hasn't been done the way. The Zoning proposal
14 was done with the Zoning Commission which was an
15 exemplary process. I think you're going to find
16 more and more and more of those problems when you
17 try to apply it and you have to think about that
18 ahead of time. We don't have to do it right now.
19 We can do it later. Do the Zoning package now and
20 further study the NND. It can be implemented
21 later, if it's a good idea. I suggest that if
22 you're afraid of litigation, you're much more
23 likely to get litigation that is successful from
24 people challenging the fact that the NND is not

1 consistent with the Comprehensive Plan. I don't
2 think you should worry about people like Durst
3 suing you because they are going to sue you no
4 matter what.

5 MR. PULVER: Sandra.

6 SANDRA DAVID: Sandra David. It seems
7 appropriate that we should be considering of our
8 Town's environment on this Earth Day by commenting
9 on this third draft of the proposed Zoning. After
10 all, the environment of the Town will be determined
11 by many of the choices we make these next few
12 weeks. As stated in our 2004 Comprehensive Plan,
13 the people of Pine Plains want our Town to remain
14 rural with the higher density and economic growth
15 focused in the hamlet center. However, despite
16 better readability, I feel that the main tools for
17 achieving our goals have been watered down with
18 each subsequent draft to the point that our
19 objectives have been truly compromised. I would
20 like to encourage you to discard the idea that we
21 must compromise our ideas and vision for our Town
22 with any developer. We must not be bullied, be
23 intimidated and must not be frightened of lawsuits.
24 It's our Town and we do not want to be suburban.

1 Suburban living has proven to be very detrimental
2 to the environment. It soaks up many more taxes
3 than it produces and some would say has neither the
4 tranquility, beauty and connection to nature found
5 in rural living nor the intellect or culture
6 stimulation in rural living. In my opinion, it's a
7 dead zone. All we have to do is look at Long
8 Island and much of New Jersey to see what
9 compromising with developers has produced. Most of
10 their farmlands are gone forever. Now that eating
11 local is understood not only as better for our
12 health but also our environment, preserving farm
13 land is vital not only to our Town but country. Do
14 we really want to buy European food from China,
15 Latin America or even California? We have
16 absolutely no obligation to the Durst/Carvel
17 organization. They knew from our previous Master
18 Plan that we wanted to remain rural and when they
19 wanted to get together with me before I handed over
20 our present Comprehensive Plan to the Town Board
21 for review, it was clear they knew that our present
22 plan would also have the same goal of remaining
23 rural. Their proposal not only indicates they
24 don't respect the wishes of the people of Pine

1 Plains, but they are dated in their belief that
2 suburban living is at all green.

3 Our only obligation is to the wishes of the
4 majority of our citizens here in Pine Plains. In
5 order to better adhere to the goals of our
6 Comprehensive Plan, I would recommend the
7 following: Discard the New Neighborhood
8 Development Floating Zone, return the bulk
9 regulations for rural and wellhead protection zones
10 to one residential building per 10 acres, not five.
11 Have site plan review for individual homes so that
12 ridgelines and steep slopes are protected. The
13 impact of very large homes are addressed as well as
14 the other considerations listed in Section 2 of the
15 design standards. In Appendix A, require down
16 lighting on all new outdoor lights in all districts
17 and all buildings in order to prevent light
18 pollution. Self-storage facilities,
19 non-agricultural warehouses should not be allowed
20 on prime agricultural soil. Mixed-use buildings
21 should be allowed in rural areas. I think an
22 apartment in a barn is fine. Specify that private
23 heliports and helipads should not be allowed
24 anywhere in Pine Plains.

1 You and many here in this room have worked
2 very hard in the last eight to 10 years getting to
3 this crucial point in our community's history. I
4 appreciate these efforts and I would ask you to
5 please again review the 2004 Comprehensive Plan and
6 basically stand up to any attempt to ignore or
7 mitigate, water down or sabotage those goals.
8 Thank you.

9 MR. PULVER: Fulton.

10 FULTON ROCKWELL: I live up on Schultz Hill
11 Road and I have been farming and raising cattle for
12 25 years and around the Town for 40. First thing
13 is I want to say something about the NND because I
14 don't know anything about it. One of the things
15 that struck me that all of the speakers mentioned
16 the other day was the risk that if this went
17 through as is, other guys would get together and
18 put together the 750 acres and we would be
19 surrounded by the NND. That is one of the things
20 that stuck in my mind as not very desirable. On
21 the other hand, I think the Town needs growth.
22 Businesses are closing and winding down compared to
23 the surrounding towns. We need some growth but
24 somebody did a great job of negotiating Durst down

1 from whatever that huge number was to 600. I don't
2 know what is wrong with continuing with that. I
3 mean, I know it is not easy but I guess what I'm
4 saying is I think we need some growth. So far the
5 handling of Durst has been terrific but I think
6 people have persuaded me there is land lying around
7 that could be put together.

8 The first thing I want to mention is I spent
9 a lot of time on this and I spoke to a lot of
10 people that never come to these meetings, people
11 that work all day and people in other towns,
12 particularly in Milton where there is a family that
13 I know well that have been on the Planning Board
14 for years and years. Their first reaction of those
15 people and many of the working people in this Town
16 is too subjective, it will never work. Now, I
17 don't think I agree with that. Obviously it can
18 work. The reason I bring it up is that is what
19 is on everybody's mind and I'm sure the on the mind
20 of the Planning Board. I just think we should have
21 some pledge. Every time the Planning Board meets,
22 say the whole future of everybody in this Town
23 resides on the subject on whatever we decide on
24 this issue so just so everybody remembers.

1 Secondly, I want to go back to something that
2 was spoken about. Barry Chase mentioned it. We
3 are all together. Then there was the private
4 property never existed in the Zoning, in the
5 Comprehensive Plan and it only existed in this book
6 here. Secondly, I took a look at the Zoning Laws
7 of three neighboring towns; Amenia, Stanfordville
8 and Redhook, and it was quite surprising. In
9 Stanfordville, for example, we are talking just on
10 the first page of the scope and what they call the
11 objectives. The first page, Stanfordville has
12 three items. They say to protect the economic
13 well-being of both public and private property.
14 Number C says utilization of the lands for the
15 purpose for which it's most appropriate and G says
16 to conserve the values of buildings and to enhance
17 the value of land throughout the Town. That was
18 Stanfordville. Amenia there is just one major
19 reference but it's a wopper. Actually, there is
20 two. One is D, in order to maintain property
21 values. The big one is to base feasible land-use
22 regulations on the property rights of landowners to
23 make economically beneficial use of their lands.
24 Now, Redhook, there is one more, to encourage the

1 conservation and sound management of natural
2 resources and preserve the integrity, beauty and
3 the value of the land. I just think that going
4 down the road with all of this stuff it would be a
5 lot less conflict and a lot more understanding if
6 there was some language in this plan that gave some
7 sort of reference to the people who paid for the
8 land, paid the taxes year after year after year and
9 yet are not mentioned. Now, I have some language
10 which may seem minutia but they are not because
11 it's important to really understand them and they
12 will be in the write up but first I want to go back
13 for a second to the subjectivity. Obviously the
14 subjectivity you have put in there for flexibility
15 and that is good and it seems to me from my
16 problems there is not enough flexibility. The
17 thing that would really change that is the thing
18 that Rick Butler read from that Dutchess thing
19 where he suggested a sketch plan review. Many
20 people don't have the time or the money to go
21 through all of the administrative things that you
22 have to do plus all of the ones that they can add
23 on because they keep asking you for more stuff to
24 get to the decision by the Planning Board. I

1 thought if you could have, as they suggested, as he
2 suggested, a sketch plan review which would be
3 brief but would be preliminary things so that the
4 owner, the person presenting it could know he would
5 have to use his own judgment whether it was worth
6 going through all of the rest of the process to get
7 to the final decision because that is something I
8 think is going to stop a lot of people. Maybe
9 that's what you want. You don't want any
10 developments so you want to stop them. I think
11 that would be a terrific addition to the plan and
12 you might do it this way. Make it on an incentive
13 basis. Make it like any land owner who is going to
14 develop his land or subdivide his land at 15 acres
15 or more gets a preview, a sketch plan preview.
16 That is a terrific incentive to get away from what
17 I think is a cookie-cutter five-acre deal. People
18 live in different parts of this Town. Up on the
19 east part of the Town, the hills and valleys are
20 much more defined, the views are much bigger.
21 The land is higher. You can almost call it big ski
22 country compared to being down here. Now, to go
23 back to the old fashioned way of preserving that
24 land is the way to preserve it. In other words,

1 big lots, big sections. It should never be divided
2 up into small. The worst thing would be cluster.
3 To ruin that rural, agricultural look with bunches
4 of suburban or even urban concepts and putting a
5 whole bunch of houses on top of each other would be
6 a desecration of that land the way it is today and
7 anybody who wants to divide it up into five-acre
8 pieces, fine. Let them do it. That's an option.
9 I would never. Big lots, big acreage. We started
10 out at 10-acre lots as I remember a couple of years
11 ago and then we went to five. We are going the
12 wrong way, in my opinion.

13 Anyway, I have to finish with these two
14 language things. When Warren read the thing about
15 this building on the prime and statewide soils, he
16 used the proper language which is in the Zoning Law
17 which says you must protect them to the maximum
18 extent practicable. Now, that's a fair, reasonable
19 statement. It means to me that there is an opening
20 that you can take your plan to the Planning
21 Commission and show that a little bit of that land
22 used for a dwelling would keep 18 acres open and
23 there is no way to do it, and in the Zoning Law it
24 repeats that phrase to the maximum. We are talking

1 about soils here. I accept that you get to a point
2 where it goes into the septic and the septic it
3 changes to the maximum extent period. So that to
4 me period means there is no more discussion about
5 it so what you're saying is when you discuss it,
6 maybe you can go build a house on prime soil but
7 can't build your septic on the prime soil. As a
8 matter of fact, two weeks ago I had the best soil
9 people. They can pick up any soil and rub it in
10 their hand, whether it was prime, Douglas,
11 whatever. Anyway, first they laughed at that, that
12 particular line. Septic to the maximum extent? In
13 other words, keeping it off of the prime lands?
14 And they got angry. From our point of view and the
15 whole purpose of the soil and water is we want to
16 keep the water clean. We want you to put the
17 septic on the land with the best drainage.
18 Therefore, we want you to put the septic on the
19 prime land. I think that language should be
20 changed or corrected. The true meaning of what it
21 means should be made to the public before you guys
22 sign off on this plan.

23 The second language thing is pretty much the
24 same thing only it's worse. That is again about

1 these same soils. It says protect to the maximum
2 extent practicable mostly throughout the book but
3 if you go look under the conservation subdivision,
4 if you look at Appendix B under conservation
5 subdivision, it says eight things you have to do
6 and the list under Appendix A under rural also
7 applies and when you go there you see avoid. Now,
8 the lawyers tell me avoid means no, never. So
9 which is it? I mean, it's a big difference. If
10 it's no never, it's a conflict. If it's the same
11 language throughout, discussible, I don't see what
12 the problem is. I think I should shut up. I thank
13 you all.

14 SUSAN CROSSLEY: My name is Susan Crossley,
15 resident and business owner in downtown Pine
16 Plains. These comments specifically address that
17 section of the mining overlay which completely
18 surrounds my property on Johnny Cake Hollow Road.
19 On page 36A-5, you say that access to a mine shall
20 be from a state or a county road. If you look
21 carefully at the map of the mining overlay
22 district, you will see that the mining overlay on
23 the 62-acre parcel surrounding my property is
24 divided into two non-connected sections. The

1 reason they are not connected is that there is a
2 year-round stream and wetland which is not included
3 in the mining overlay. If you look at the maps in
4 the DGEIS, the steep slope's map, the aquifer map,
5 the land-use map, the water shed map, et cetera, et
6 cetera, you will see the stream is marked there.
7 There would be no access from the eastern portion
8 of this property to County Road Route 70 without
9 building a road over the stream and the wetlands.

10 Also, please note that at least 50 percent of
11 this portion of the overlay is steep slopes.
12 Therefore, I ask that the portion of the mining
13 overlay surrounding 134-136 Johnny Cake Hollow Road
14 be eliminated.

15 Also, please note that in the DGEIS, Johnny
16 Cake Hollow Road is identified as having quote
17 "scenic vantage points and is a scenic location."
18 The DGEIS goes on to say the preservation of
19 historic and scenic resources is an important
20 objective in the land-use review and
21 decision-making process and enactment of the draft
22 Zoning Law and map is anticipated to result in a
23 positive impact to these features. The DGEIS does
24 not anticipate that historic or scenic resources

1 will be impacted. No mitigation measures are
2 proposed. I don't agree. I think that a gravel
3 mine on Johnny Cake Hollow Road would most
4 definitely have an impact on the scenic resources.
5 Thank you. I have included some maps so that you
6 can look at it and my comments.

7 MR. PULVER: Yes, sir.

8 JACK GRUMET: Jack Grumet, 575 Academy Hill
9 Road. Although I live in Milan, my farm is directly
10 across the Parkway from the proposed Durst
11 development and additionally my children have gone
12 or go to Pine Plains School. I will be brief with
13 my comments.

14 I had a couple of concerns about the NND a
15 few years back when our Town, Milan, was
16 considering a PPU, which was very similar. We were
17 worried in that it blurs the division, the
18 separation of powers between the different Boards.
19 In other words, we felt with the PPU and the NND,
20 the distinction between where the Town Board makes
21 the decisions and the Planning Board picks up is
22 very ambiguous and there could be undue political
23 pressure in the decision-making process and the
24 state allows for the separation of the different

1 Boards; the Planning Board independent, the Zoning
2 Board independent and the Town Board elected and we
3 were very concerned to keep that separation, to
4 keep that division. That was one of our concerns,
5 and I see with the NND you have that same sort of
6 ambiguous switch when the Town Board picks up and
7 when the Planning Board would take control, and I
8 feel the state with the separation of the Planning
9 Board, the Zoning Board and the Town Board really
10 gives us a good system to work with, a good
11 framework, a clear distinction and separation of
12 powers and I think we should keep that.

13 My concern with the NND in terms of the Durst
14 proposal is that from my understanding at the last
15 meeting, it would allow up to 611 homes, and I
16 think with the current economic climate, I think
17 it's fair to say that the original Durst proposal
18 for high end weekend homes for people in Manhattan
19 might be out forever so I think we as a Town and as
20 a taxpayer I think you have to be cognizant of the
21 fact that these probably will be year-round houses.
22 If they are year-round houses, the impact on the
23 tax structure and the school tax system with that
24 additional amount of homes could be devastating to

1 the community.

2 As a young boy, I was probably about 13 or
3 14, I saw my grandfather have to leave the house he
4 built because the taxes got to be too much for him.
5 He was on a fixed income, Social Security. It sort
6 of stuck with me. My overwhelming concern is that
7 when we consider these projects, we really consider
8 the impact it's going to have on the elderly
9 residents, on the people on fixed incomes and the
10 people who have been here for a long time and make
11 sure that the increase in the school population
12 isn't going to drive out residents, isn't going to
13 drive out long-term residents and isn't going to
14 make the taxes so expensive that new people can't
15 live here.

16 I know with the NND there is a big push for
17 affordable housing, which is certainly commendable,
18 but I think we have to keep it in prospective that
19 affordable housing is obviously great but if you
20 have four children and if it costs you four or
21 \$5,000.00 per kid to educate in our schools,
22 somebody is paying for it. If it is not the person
23 living in the new home, it's the surrounding
24 residents. I think we always have to keep in mind

1 that there is no such thing as a free lunch.
2 Somebody is going to pay for it. We don't want an
3 undue burden on our residents.

4 Certainly I think the Durst project presents
5 a great opportunity for the Town in terms of
6 economic development and if it is done properly
7 with the right density, I think it will be a
8 win-win but my concerns when I hear these numbers
9 is that the density might be crippling to the
10 community and crippling to the local taxpayers.
11 Prospective is real hard. When you say 400, 500,
12 600 houses it's hard for me to gauge what that
13 looks like, how many people that is. I was working
14 down in Westchester as a contractor, huge
15 development and I asked the owner of the land, the
16 homeowner I was working for, how many houses are
17 here? And it was 66 and it was huge. When you
18 think of these numbers, geeze, 300 houses, 400
19 houses, 500 houses, that is so huge. It's massive.
20 I think you really have to put it in concrete terms
21 and try to comprehend it. The numbers are so big
22 it's hard to put a handle on it.

23 My biggest concern would be to allow this
24 development to go forward in a reasonable manner

1 with a reasonable density that doesn't cause the
2 existing residents to have a hardship of paying
3 school taxes or make the Town so expensive that new
4 families can't move in here and the taxes are so
5 high.

6 The last quick point I will make is I know a
7 lot of this, the plan of the NND was based on the
8 Randall Errance (ph) who is sort of like the flavor
9 de jour of planners right now. I know he's highly
10 thought of. I went to a talk he had given about
11 six or seven months ago and obviously he's a very
12 sharp man and knows his business but he's not good.
13 When he describes his theories, and these are just
14 theories, they are not fact. He's giving more
15 weight to lizards and salamanders and turtles than
16 people. He really discounts the density and the
17 effect to people, increased density is going to
18 have on the schools and the traffic. He almost
19 didn't even mention that. He's talking about
20 amphibians and turtles. Everything has a place and
21 everything is important but I think that you have
22 to examine his theories closely with a critical eye
23 because they are not, you know, they can be
24 discredited within a couple of years and they are

1 not God given. They leave a lot to be desired, and
2 the integrity of the Town and the integrity of the
3 school system is the most important to me rather
4 than amphibians. That's it. Thank you very much.

5 MR. PULVER: Jim.

6 JIM MARA: Jim Mara. Thank you again for the
7 opportunity to speak to you. I would like to start
8 by saying that I am in favor of the Durst project,
9 not as it was originally conceived but as it has
10 been modified after many months of tweaking. I
11 think they have done an incredible job of taking
12 into account some visual impacts and other impacts
13 that were not addressed in the earlier draft.
14 However, I do have one major concern that I would
15 like to address, and I will be brief for the sake
16 of the hour.

17 The issue is that of density. I just think
18 it's too large. The NND concept could allow up to
19 611 units on-site. It doesn't count the 10 percent
20 bonus that could be allowed for affordable housing
21 built elsewhere so you could have 611 plus 60 more.
22 You do the math.

23 I would like to speak briefly about what this
24 added density will not do and what I think it will

1 do. There are people who are concerned that we
2 need increased density for growth and particularly
3 for revitalization of the downtown area. I don't
4 think putting the density out on the western most
5 parts of the Town is going to accomplish that. I
6 think doing something like Dale Mitchell spoke
7 about will. The folks out on the west part of the
8 Town, they are not going to come in 199 to Peck's
9 to buy their food when they can go out to Red Hook
10 or Rhinebeck to the bigger stores. They are going
11 to stop in Kingston and Hudson and Poughkeepsie.
12 They are going to shop on the way up from the
13 metropolitan areas south of us. I don't see them
14 adding much to the revitalization of our Town
15 center.

16 The Durst folks say they are trying to
17 accommodate or to bring in a buyer who will most
18 likely be a weekender a seasonal resident, who will
19 not necessarily bring in children to the school
20 system because they are going to be based somewhere
21 else and they are going to come in for seasonal use
22 of golfing and so forth. They are also going to
23 attract a buyer who will be purchasing a second or
24 third home here so understandably that is defined

1 as a wealthy person, a lot of discretionary income.
2 One of the things that those buyers will accomplish
3 is to add to the relative wealth of our school
4 district. Now, the school aid formula is a very
5 involved thing. I'm not sure what is involved in
6 it. It's very complex but there is an ingredient
7 called the wealth factor. That means when you and
8 I file our income taxes, we put on that income tax
9 for New York State our school district and for
10 those folks who buy these homes who chose to make
11 it their primary residence for whatever reason, a
12 better break on their car insurance, just because
13 they like the address or whatever, they put this
14 school district on their New York State income tax
15 return. Their wealth now gets factored into the
16 school-aid formula. Bottom line is the wealthier
17 the district you are, the less state aid you get,
18 the greater the burden that is put on the local
19 taxpayer. In my opinion, if these homes are sold
20 to the target population that the Durst people are
21 really going after, it's going to greatly increase
22 our taxes for reasons other than what has been
23 discussed in the past. So, I think the density
24 idea is a key issue. I don't think it's the

1 panaceas some folks want. It's something the Town
2 Board needs to consider carefully when they spell
3 out the details for the NND and that is why right
4 now I really think, to pick up Sarah's point, you
5 should delay that part of the Law for now until you
6 give it further consideration. For now I wanted to
7 bring this matter of density to your attention.
8 Thank you.

9 MR. PULVER: Stan.

10 STAN HIRSON: Stan Hirson, Pine Plains
11 resident. We are so close to getting good Zoning
12 and then comes this NND, and it's driving people
13 nuts. I don't know whether to speak up against the
14 content of the NND or the way in which it has been
15 first presented to the community. It has holes and
16 ambiguities that you can drive buses and trucks
17 through. It should be split off from the Zoning
18 legislation and carefully reconsidered publically
19 and in full view of the community the same way the
20 Zoning legislation was. Peter Coldwell has given
21 the facts. We have an enlightened, and for all
22 intents and purposes, fair Comprehensive Plan to
23 encourage commerce while retaining, and I claim
24 even enhancing our rural character and values.

1 There does not need to be a trade off between
2 economic development and a rural way of life. Our
3 rural agricultural character is not a liability.
4 It's an attraction. After all, we are in the
5 famous Hudson Valley. Economic development should
6 fit our location. Let's take advantage of it.
7 What works in Manhattan and Scottsdale, Arizona,
8 Columbus, Ohio, will not make this community
9 flourish. They are from other completely different
10 locations. We do not need to become suburbia in
11 order to make their suburban plans work. We don't
12 need more people. We need customers. We need
13 business that can make Pine Plains a destination.
14 Right now our youth has to go elsewhere to find
15 careers. We should be exporting goods and
16 services, not our youth. The Comprehensive Plan
17 shows a goal and a destination. Zoning is the road
18 map to get there and we are so close. The Zoning
19 Code would create a level playing field that
20 investors and entrepreneurs need in order to plan
21 and grow. The NND can actually hinder community
22 economic development by threatening unanticipated
23 and undesirable changes to the economic
24 environment. For example, there is no clearly

1 stated limit to the number of NNDs that can be
2 permitted. There could conceivably be several
3 radiating out from the Pine Plains hamlet. Is
4 there a possibility of other hamlets? Bethel,
5 Jackson Corners. It does not fit the Durst project
6 whose population center is at the outlying area
7 furthest away from the Pine Plains hamlet towards
8 the Taconic. The NND proposal would hope that the
9 details would be taken up at the time of each NND
10 application. But, it's the NND itself that needs
11 this analysis.

12 Before the NND is adopted, there should be
13 some sort of formal economic public assessment.
14 One example that I personally am familiar with is
15 the Community Guide to Development Impact Analysis
16 by Mary Edwards at the University of Wisconsin.
17 I'm going to quote the goals, the purpose. "A
18 socio-economic impact assessment examines how a
19 proposed development will change the lives of
20 current and future residents of the community. The
21 indicators used to measure potential socio-economic
22 impacts of development include the following:
23 Changes in community demographics, results of
24 retail service and housing market analysis, demand

1 for public services, changes in employment and
2 income levels and changes in the aesthetic quality
3 of the community." There is no time now to perform
4 this basic analysis. Who would do it anyway? We
5 would need a whole new slew of objective and
6 non-partisan expertise that would not be paid for
7 by the applicants but would have to be paid for by
8 the community. We are so close. Let's split off
9 the NND and with the Zoning and get her done.
10 Thank you.

11 MR. PULVER: Rick.

12 RICK OSFSKI: Rick Osfski. I just have a
13 couple of general comments. I have been dismissed
14 for the last few years --

15 AUDIENCE SPEAKER: We can't hear you.

16 RICK OSFSKI: I can't talk any louder. I'm
17 going to submit written comments later on. I had
18 agreed with most every speaker here in some fashion
19 which is interesting, and I think that probably we
20 all agree with each other. What is more
21 interesting is how Jim's last comments about this
22 development, I will just allude to the Durst thing
23 just for one moment because that is not the purpose
24 of my comments, where he indicated that he didn't

1 think if it were developed it would have any impact
2 on the community. There are a whole bunch of
3 people in this community that believe just the
4 opposite, and I don't know what the answer is. We
5 can all disagree. I agree with Sarah's initial
6 comments that I have never been a terribly big fan
7 of Zoning. Zoning is a prescriptive. It tells you
8 all of the things you can't do. It is not a
9 planning device, it is not a panacea, it is not a
10 road map. It doesn't tell us where we want to get.

11 Again, just an illusion to the Durst project
12 once more, it was always my position about the
13 Durst project, which is why I think we started the
14 whole Zoning thing in the first place, is that we
15 should have hired a planner and had Durst pay for
16 it and we should have come up with the planner
17 ourselves but instead of that we have come up with
18 Zoning Laws that told us all of the things we can't
19 do.

20 My objection to the ordinance. It was the
21 kinds of things that were in there that I find
22 difficult to understand and I almost believe it's
23 something like the -- well, it's a piece of
24 legislation that I feel unnecessarily broad. One

1 of the things that Gregg mentioned in a newspaper
2 article not long ago was there was a bunch of
3 people in the community that were upset about air
4 conditioners. It doesn't have a lot of them but it
5 still has them and I believe they are unnecessary.
6 These are just little technical things that I'm not
7 going to spend a lot of time on but there is a
8 provision in the ordinance that says if you're
9 going to have utilities, outdoor air conditioners
10 on the ground, they have to be screened by your
11 neighbors. There are a number of those other kinds
12 of restrictions which I think are totally
13 unnecessary. I don't see anything wrong with an
14 air conditioner sitting outside of somebody's house
15 and I don't think we have to screen them. From the
16 parking lot, from the road, somebody is going to
17 have to see it.

18 I think it's important that the ordinance
19 have an index. If I want to find something, I
20 would like to find alphabetically in the back of it
21 where I can see as opposed to going through the
22 whole thing trying to find some item in there, and
23 I looked at it numerous times and I know I wrote
24 down where this thing was and I can't find it. I

1 think it would be nice to have an index.

2 General objection to the ordinance though has
3 to do with two things. I think it has an
4 anti-business and anti-commercial bias and I say
5 that because we all speak about the need or the
6 desire of the community to maintain an economic
7 vitality of the Town. There is nothing in this
8 ordinance that does that, that even alludes to it
9 other than people suggesting that it does in some
10 way, and I can speak from personal experience the
11 Town does suffer and it suffers immensely. There
12 are those that suggest we don't need new people.
13 We need some traffic in this Town. When I say it
14 has anti-business bias, I find it interesting that
15 there is a restriction that commercial buildings in
16 this Town no matter where they are can be no larger
17 than 12,000 square feet. That is a building of 150
18 by less than 100. I don't know what you can do in
19 that building but you certainly can't build a
20 business and yet a house can be 20,000 and there is
21 no objection to it.

22 If you look at the ordinance also, if you
23 look at the Town of Pine Plains, there are probably
24 six or seven businesses in the community. I don't

1 believe that one of those would be permitted under
2 the existing ordinance for some reason, not all for
3 the same reasons, some would not be permitted, some
4 would be too big, some would be turned around the
5 wrong way, some would be upside-down. I couldn't
6 understand when they drafted it initially or draft
7 ordinances generally that they look at the
8 community, see what it is and write an ordinance
9 that actually ignores what exists. The cemetery
10 is an example of that. A place for Main Street
11 development. Why even do it? Just to give
12 somebody something to talk about? I also have
13 always asked this question of neighbors and friends
14 what it means or what we are talking about the
15 rural character of this Town. What is it? Barry
16 Chase, a farmer down the road, I have driven by his
17 farm for 60 years. What is there now instead of a
18 corn field and hay field? This huge, huge gate
19 house and a 20,000 square foot house and that's the
20 rural character of the Town? I do believe that
21 that is not the rural character of the Town but I
22 don't know whether we can hold onto the rural
23 character. I think there are two farms left in
24 Town. What are we going to do with them? Is it

1 preserving prime agricultural lands? Because there
2 is lots of it, not here, but New York State
3 contains millions of acres of prime agricultural
4 lands. What is it we are really trying to preserve
5 here and are we creating a monoculture? Everybody
6 sort of got excited when Durst at one of the last
7 writings of its proposals where it suggested along
8 with 199 instead of having lots of houses in the
9 woods it was going to have five or six 30-mini
10 McMansions. Everybody got excited. I didn't. I
11 don't know whether I would rather have the houses
12 on the hill or 10 McMansions with Mercedes in the
13 driveway. I think it's worthy of a dialogue to
14 really decide what it is that we want. Again, when
15 I say an anti-business bias, I think about most of
16 the Town is rural. We have the hamlet, which again
17 I agree with Dale completely. I don't like this
18 strip development along North Main, South Main and
19 199. I don't think it's what we want for Pine
20 Plains. I also think that in those rural areas --
21 the only thing I think is to build a house, have a
22 farm stand, some special use, special permitted use
23 but you need to get a site plan review. No retail,
24 no service industry. You can't do anything out in

1 the country. Most of the Town is out in the
2 country. I see nothing wrong with having a little
3 service company with a couple of guys driving in
4 the driveway, having some sort of shop or something
5 else, converting my barn, which I said this before
6 where I fix manure spreaders and had a million
7 gallons of liquid manure down the road. I would
8 like to convert that barn into a Mercedes repair
9 shop. Why can't I? Why am I restricted? There
10 are a lot of those little things.

11 I do agree with Stan. There are a lot of
12 stupid things in this ordinance, technical things
13 that we can improve upon. I think there are things
14 we can get rid of and I believe that -- it's
15 interesting that those people that so disagreed
16 with each other two years ago are coming closer
17 together with some consensus. I think we should
18 have more public meetings. The group should try
19 to explain to us why some of the changes were made.
20 It would be interesting to hear what the
21 motivations were.

22 I have some comments that I have written out
23 that I have to redo a couple of more times to get
24 the spelling right. Thanks.

1 MR. PULVER: Dave.

2 DAVID CHITTICK: Dave Chittick. I live in
3 Ancram. I have lived in this community for all of
4 my life and I grew up here and went to high school
5 here in Pine Plains. I have seen the community
6 grow and change and go from truly probably 40 dairy
7 farms in Pine Plains to about two or so, so the
8 Town continues to change whether you like it or
9 not.

10 I have a couple things I would like to speak
11 about. Primarily we need to chose wisely how it's
12 going to change and that's, of course, the purpose
13 of the hard work that the Board has done here and
14 the Planning Commission and all of that and they
15 have done a great job. It's a lot of work and a
16 lot of nights probably spent looking at this stuff.

17 Pine Plains is a wonderful community. It's a
18 beautiful area. We have some of the best land in
19 the state, in my opinion. We all want to preserve
20 that. We should really try to be more in agreement
21 than not in agreement and try to keep the character
22 here and need to decide how that is going to
23 change, but it is going to change whether we like
24 it or not. We are going to get more people. I'm

1 pretty much in support of the Durst proposal
2 primarily because they have done a lot of work of
3 trying to keep the integrity of that area. It's a
4 lot of houses. They have really done a lot of
5 their homework from what I can tell.

6 The other thing about Pine Plains is the
7 commercial end of it. You could look to the Town
8 of Clinton which basically did not allow any
9 commercial development. Their Zoning Law was
10 instituted in 1958 and yes, they have retained
11 their rural character but their taxes are pretty
12 high. They didn't really win in my opinion.
13 Clinton is a nice, rural town but has no commercial
14 activity to speak of. There is a Stewart's and the
15 Agway. They are all on the borderline almost out
16 of town. There is really nothing central in the
17 Town of Clinton at all. Pine Plains, you want to
18 maintain your Town center but all of those building
19 lots that you have designated there are so shallow
20 and you really couldn't establish much of a
21 business other than a very small retail business in
22 any of those locations, and you're going to be
23 knocking down a lot of your historic houses in
24 order to even provide that. That doesn't make a

1 lot of sense. I would think you would want to
2 designate some areas acreage-wise where you could
3 develop some industry or some commercial
4 properties. It just seems logical, and I think
5 that way you can target an area in the Town that
6 that will happen and you don't have this kind of
7 sprawl of commercial. I guess what I'm kind of
8 getting back to is it's a way to keep jobs for
9 people here in Town.

10 The energy thing alone, the cost of driving
11 to Kingston or Poughkeepsie or Beacon or wherever
12 you might work, you could keep jobs up here. That
13 is less fuel that is going to be expended. People
14 need jobs. We all need jobs. I'm pleased that we
15 are thinking about this and I think what we have to
16 do is keep talking and try and make some
17 intelligent decisions, and I think that is what we
18 are going for here. Thank you for your time.

19 WARD DUFFIELD: I live on 48 Fairview Avenue,
20 Pine Plains. I have lived here seven years. I
21 don't see you guys because I work on my house night
22 and day, and I work every weekend so that I can
23 spend my money on my house night and day and my
24 wife helps me on it, too. I would like to thank

1 the Board for their work and the Planning
2 Commission's work and all of the effort expended by
3 the experts and advising us and pointing out things
4 we need to know to move ahead intelligently. There
5 is some things I hear here tonight that give me a
6 little bit of concern. The County Department of
7 Planning letter that was read in the beginning of
8 the meeting seems to advocate development and it
9 seems to infer that the buildout of Pine Plains is
10 absolutely inevitable and congratulating us on our
11 smooth transition to suburbia. I don't like it.
12 If we build any of these NNDs of excessive density,
13 there is the potential for some really catastrophic
14 mistakes with financial planning and management I
15 think will exist. A central sewer district would
16 be incredibly expensive. There would be a whole
17 new layer of administration required. I think
18 Durst was very disingenuous from the getgo from
19 their distinction of a community, as a second or
20 third home community, with no load on the school,
21 no additional children, no need for anymore
22 services from the Town, no fire department
23 requirements for 600 houses, no new firehouses, no
24 need to higher a paid fire department with pension

1 benefits and all of the other expenses so we are
2 right on the cusp of a transition. After about 250
3 years of slow development and figuring out the best
4 way to proceed, we have arrived here and now and it
5 works. Pine Plains works. There are issues,
6 difficulties but we are pretty much an equilibrium.
7 When you talk about increasing the size of the Town
8 this many more people, the potential probable
9 additional requirements for services for people
10 combined with the big decrease in state revenue
11 because of the economic downturn, there is going to
12 be a lot less state aid available anywhere. I
13 think we really need to consider this NND. I have
14 a problem with this. We put a lot of work, years
15 and years of work into the document as it stood
16 last fall and this to me I don't know. Nobody said
17 the word loophole tonight but I think this is a
18 loophole. I don't like the way this looks. To me
19 it looks like a mechanism that has been thought up
20 to circumvent all of these carefully crafted
21 proposed Zoning regulations. I'm very distrustful
22 of the whole thing. I think that the proposed
23 Zoning regulations were detailed and flexible
24 enough to deal with most of the issues that would

1 come up in a Zoning context and to quote the
2 language of this, NND promotes traditional
3 neighborhood development characteristics. That is
4 another way to say sprawl. We wanted to have a
5 better way to move forward than the traditional
6 neighborhood development characteristics that
7 everybody was so sure they didn't want to have
8 here. We are trying to promote rural and scenic
9 values in the area and that just seems like what
10 the Comprehensive Plan and the residents surveyed
11 want for the Town. I mean, what they don't want is
12 a pipeline for change that circumvents a lot of
13 control which is what I think the NND does but
14 again, I do appreciate all of the work everyone has
15 done and I hope that the NND is removed and it can
16 be addressed in greater detail with more effort
17 before, if ever, gets adopted. Thanks a lot.

18 JANE WATERS: Jane Waters, Schultz Hill Road.
19 I don't know if you were all here Saturday. I
20 spoke a lot and I'm not going to go over those
21 points but in rereading again the whole sort of
22 series of what has to get done and trying to put
23 that together with granting bonuses, this is a
24 catch 22 because when you look at a plan that the

1 developer gives you that has so many units on it,
2 you have to think about all of the environmental
3 impacts of that but then if you grant the bonuses,
4 the bonuses you have in here are potentially 40
5 percent increased or 50 percent increased. You
6 have to almost redo the SEQR review of the
7 environmental impact of all of bonus units because
8 that is a huge increase in the density and you
9 can't just presume that if it's a 40 percent, than
10 the impacts are going to be 40 percent more. The
11 impacts are going to be defendant on where you put
12 the houses. You have to think about the visual
13 impacts of that. I mean, trying to think of
14 logistically how to do it is I think very
15 complicated. I just wanted to make that clear.

16 MR. PULVER: Brad.

17 BRAD MITCHELL: I'm a resident of Redhook and
18 I'm going to be very brief because of the lateness
19 of the hour and I'll do some more written
20 statements. The NND, which seems to be the issue
21 du jour I'm going to say unlike most of the people
22 who have spoken here today I think it's a fantastic
23 improvement and very much needed. The Town needs
24 growth, both residential and commercial, and you

1 have addressed that largely through that process.
2 The commercial Zoning is probably my biggest
3 concern. There is not enough space in Pine Plains
4 for commercial and because I know quite a bit about
5 Redhook and being a resident there and am on the
6 economic development committee of Redhook, I'm
7 going to talk a little bit about the sewer district
8 there and there is a huge meeting there tomorrow
9 night. They are thinking about putting the sewer
10 system into Redhook. Redhook is going to grow and
11 it wants to grow and it needs it. If you don't
12 think about it now, and start to make some plans
13 for it, then it will never happen and never have
14 the commercial growth that you might want to have
15 some day. Commercial growth helps to mitigate
16 taxes over time and in the issue of the commercial
17 Zoning in Pine Plains here, there is not enough
18 space. In Redhook right now, also they didn't plan
19 for commercial growth over time so they want to
20 bring in 150 million dollars worth of commercial
21 growth in Redhook. There are three properties
22 zoned commercial to put that 150 million dollars
23 on. They have a problem both with the sewer and
24 where to put commercial properties so I think you

1 need to think about that. There is not enough
2 space in the commercial zone as it's presently
3 configured. It doesn't make much sense.

4 The environmental control formula I don't
5 think anyone talked about too much. I'm going to
6 look at that a little more carefully and talk about
7 that at a later point in time.

8 One of the last things I want to talk about,
9 and I don't know if you're planning on doing, is
10 having a Zoning review board after this goes
11 through and you're going to need it because there
12 are problems like the one I mentioned to you,
13 Gregg, earlier tonight. There are technical issues
14 that will be probably not seen and you need to
15 review and make that the law because neither the
16 Comprehensive Plan nor the Zoning Law is in stone.
17 It will change over time and you're going to need
18 to modify it.

19 I think that is it for now. I'm going to
20 have some more things to say in the future but it's
21 getting late and I think everyone wants to go home.

22 PAULA REDMOND: My name is Paula Redmond. I
23 wasn't planning to speak tonight but I have been
24 listening to everybody's comments. I think it's

1 very interesting. I have a real estate company in
2 Pine Plains and I also have an office in Millbrook.
3 I live on Route 83. This is my neighborhood. I'm
4 part of the community here. I have been listening
5 to all of these things. I have a big problem with
6 600 houses being in real estate for 25 years.
7 Every single town in northern Dutchess, this is
8 where I work, I work in northern Dutchess, southern
9 Columbia, there is a maximum. There is probably
10 between 20 and 30 houses that are sold in every
11 town in this northern part of the county and this
12 is every year and right now guess what? There is
13 nothing selling. Everybody knows it and we go in
14 cycles every 10 years.

15 I wanted to make a comment because I really
16 feel that it's very important that in 1985, when I
17 started in real estate, I was working selling
18 condos at the old Bennett College. This is, you
19 know, it still is the old Bennett College. Jim
20 O'Day converted those condos, 40 units. It took
21 six years to sell about 30 of the units and then at
22 the end of that whole thing, the last ones got
23 foreclosed on and then they eventually sold. That
24 was started in three phases of the development and

1 that was phase one. There were two other phases
2 that never got completed. It's still an eyesore.
3 It's still, you know, under development. It still
4 has people that are trying to do something there.
5 It's a big problem. Pine Plains, 600, if you sold
6 20 units per year, 20 houses and believe me, all of
7 the weekenders do not want to come to Pine Plains
8 and be at a golf course. I don't believe this is
9 going to happen. I feel that the development, I
10 think you have to really think about this because
11 if 20 houses were sold each year, this would take
12 30 years to sell 600 houses and none of us are
13 going to be looking over this. This is going to be
14 a development that is going to go defunct. I think
15 for Durst to think of something like this of this
16 magnitude up here in rural Pine Plains is just
17 outrageous, and I just feel that we really have to
18 think about this in a big way. I mean, nobody has
19 talked about real estate and if you really look at
20 it, there is not that many people that are looking
21 every year, even in the best of times. We all make
22 a living but I don't see 200 people coming up here
23 to Durst so I think you have to really think about
24 that, and I think Zoning is so important and to be

1 out in the outskirts and the western part of that
2 you should be looking at 10-acre zoning where it's
3 really rural. I mean, if you are going to go up
4 199 and see houses on two acres all of the way up
5 there, it's like you have taken our Town and moved
6 it over there. It's just going to be. I think
7 most of all I don't see who would be moving there.
8 There is so many beautiful places everywhere. They
9 are not going to spend \$700,000.00 to be on two
10 acres of land. I don't care if you're looking at a
11 golf course or, you know, the Catskill Mountains.
12 It's just not going to happen and I really feel
13 that we have to, you know, this whole thing is
14 coming down and everybody is concerned about the
15 Durst and, you know, I just don't see where real
16 estate is going to be able to -- I just don't see
17 people moving up here in droves to come to Pine
18 Plains. To me that is great. I'm in real estate
19 but I live here also because it's a rural community
20 like everybody else and I'm not looking for
21 development. I'm looking forward to being here
22 like all of the rest of us and enjoy a nice, quiet,
23 rural community and thank you.

24 MR. PULVER: Anybody else? Going once,

1 twice. Thank you all for coming.

2 I make a motion to close the public.

3 MR. BUTLER: Second.

4 MR. PULVER: All those in favor?

5 (Whereupon all Board Members responded

6 "aye").

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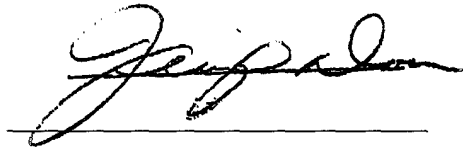
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1 THE FOREGOING IS CERTIFIED to be a true and
2 correct transcription of the original stenographic
3 minutes to the best of my ability.

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