

**PINE PLAINS ZONING LAW AND MAP
FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)**

Project Description: The Town of Pine Plains Town Board proposes to adopt the Town's first zoning law and zoning map.

Location: Town of Pine Plains, Dutchess County, NY

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1.0 EXECUTIVE SUMMARY

This Final Generic Environmental Impact Statement (FGEIS) has been prepared in accordance with the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations, 6 NYCRR Part 617. The FGEIS provides responses to public comments received by the lead agency, the Pine Plains Town Board ("Town Board"), on the Draft Generic Environmental Impact Statement (DGEIS). The DGEIS examines the potential impacts associated with the adoption of the Town of Pine Plains Zoning Law and Map. SEQRA prescribes that the lead agency is responsible for the adequacy and accuracy of this FGEIS.

The FGEIS consists of this document, the accepted DGEIS, and all technical reports and studies referenced in these documents, which are incorporated herein by reference.

No statement in this FGEIS shall be interpreted as a limitation on any existing or future town board to conduct a full and thorough SEQRA review of a site-specific development application that may have been or may be filed with a Pine Plains town agency.

1.1 SEQRA Process

The regulations implementing SEQRA state:

"No agency involved in an action may undertake, fund, or approve the action until it has complied with the provisions of SEQR."

In accordance with Sections 264 and 266 of New York State Town Law, the Town of Pine Plains Town Board ("Town Board") is the agency responsible for adopting the proposed Zoning Law and Zoning Map. The Town Board assumed the role of lead agency on February 19, 2009. The Lead Agency is responsible for determining whether an environmental impact statement is required in connection with the proposed action, i.e., adoption of the zoning law, and ensuring that the environmental impacts associated with the proposed action are considered.

The SEQRA regulations designate the initial adoption of a municipality's comprehensive zoning regulations as a Type I action. A Type I action is more likely to require preparation of an environmental impact statement. The Town Board, on February 19, 2009, issued a SEQRA Positive Declaration requiring preparation of a draft generic environmental impact statement ("DGEIS").

Section 617.10 of the regulations implementing SEQRA allows a Lead Agency to prepare a "generic" environmental impact statement ("GEIS"). GEISs are broader and more general than site or project specific EISs. They allow a Lead Agency to evaluate the environmental impacts associated with *"an entire program or plan having wide application or restricting the range of future alternative policies and projects, including new or significant changes to existing land use plans, development plans, zoning regulations..."*

The DGEIS examined the potential impacts that may result from adoption of the Zoning Law and Map. The DGEIS relied on the inventory of data gathered during the Town's comprehensive planning process to assess potential environmental impacts associated with the proposed adoption. Where necessary, the environmental data were supplemented and updated.

The DGEIS was deemed complete by the Pine Plains Town Board on March 6, 2009. Public hearings on the DGEIS were held concurrently with the zoning hearings on April 18, 2009, and

April 22, 2009. The written comment period on the DGEIS was held open until the close of business day on May 4, 2009.

As stated in the regulations implementing SEQRA, the lead agency must prepare or cause to be prepared and must file a final EIS. A final EIS must consist of: the draft EIS (incorporated by reference), including any revisions or supplements to it; copies or a summary of the substantive comments received on the DGEIS and their source; and the lead agency's response to all DGEIS substantive comments. The Town Board, as lead agency, is responsible for preparing the final generic environmental impact statement ("FGEIS").

1.2 Summary of the Proposed Action

1.2.1 Location

The Town of Pine Plains is an unincorporated area located in northern Dutchess County, New York. This approximately 31-square mile community is generally bounded by Columbia County to the north, the Town of Milan (Dutchess County) to the west, the Town of Northeast (Dutchess County) to the south and east, and the Town of Stanford (Dutchess County) to the south. **Figure 1-1** of the DGEIS illustrates the regional location of the Town of Pine Plains.

1.2.2 Proposed Action

The Town Board formed a Zoning Commission to assist in the preparation of the Town's first zoning local law. The Zoning Commission was assisted by a planning consultant, Community Planning and Environmental Associates, in this endeavor. The Zoning Commission, over a period of two years, crafted land use regulations that were released to the Pine Plains Town Board and the general public in July 2007. At the end of 2007, the Pine Plains Town Board retained Tim Miller Associates, Inc., to review and revise the draft zoning regulations. The draft Zoning Law and Map, the subject of the DGEIS, represented the third draft document to be reviewed and considered by the Town Board. The third draft of the Zoning Law and Map was made available for review on the Town of Pine Plains website. The third draft of the Zoning Law was incorporated into the DGEIS by reference.

1.3 Revised Actions

As a result of the Town Board's review of the various public comments raised with regard to the zoning and DGEIS, numerous revisions were made to the proposed Pine Plains Zoning Law and Map. A fourth and final draft of the Zoning Law and Map, dated July 30, 2009, is available for review on the Town of Pine Plains website and in the office of the Town Clerk and is incorporated herein by reference. A redlined document is available to readily review the proposed changes. Most of the public comments were directed to proposed Section 100-28 that would create and regulate the New Neighborhood Development ("NND") floating zone. The NND is an unmapped zone which may only be applied to a tract of land through Town Board approval of a zone petition. The following narrative summarizes the major substantive changes to the final and 4th draft of the Zoning Law and Map:

Zoning Text

1. Farmers Market has been added as a use allowed in all districts except for the H-CR and H-R districts.
2. Heliports and helipads are prohibited.

3. Caretaker and guest cottages are allowed as permitted or special uses in the R and WP zoning districts. Multiple cottages on conservancy lots are allowed subject to special use permit approval. A multiple use social and recreation club is a use that has been added to the R district and is allowed by special use permit.
4. Provisions that would regulate the keeping of domestic livestock in association with non-agricultural uses have been eliminated.
5. Swimming pool regulations are more closely aligned with the NYS Building Code provisions.
6. The calculation of the open space incentive (Section 100-22.B) now allows a proportionate increase in the incentive residential density (by increments of one percent) above the minimum 10 percent required to be eligible for the incentive.
7. The purchase of an existing dwelling and conversion to affordable housing is now permitted in Section 100-23.
8. The standards for affordable housing have been revised to allow all income levels up to 120 percent of the Dutchess County median income to be eligible for affordable housing.
9. The Mining -Overlay regulations have been revised to require a 250 foot setback to any residence on an adjoining property.
10. Various revisions have been made to the NND (Section 100-28) section. These changes include but are not limited to: the NND shall be in single ownership at the time of zone application; an NND application cannot include properties with an existing conservation easement; the minimum open space requirement is increased from 50 to 60 percent; the economic development incentive provisions allow a fee in lieu of the community benefit - this would allow funding to be used for Pine Plains hamlet revitalization; the regulations clearly state that 15% inefficiencies are to be eliminated from the calculation of base yield; the relationship of the special use permit standards to uses in the NND have been clarified; the overall NND zone application process has been clarified and streamlined; the Town Board may mandate phasing of a NND.
11. Section 100-32 has been revised to further clarify the open space ownership and maintenance standards.
12. The site plan regulations reference the Hudsonia Significant Habitats publication as a guide to developing a sketch site plan.
13. Various other sections have been revised, including the definitions section, of the Zoning Law.

Zoning Map

The following revisions have been made:

1. The H-MS zone has been expanded to include the portion of the Pilch property formerly proposed to be zoned R.
2. The H-MS zoning district has been eliminated from properties along North Main Street to better reflect the overwhelmingly residential character of the street. Properties have been zoned to H-R, H-CR, and R.
3. The Mining Overlay has been revised to eliminate a mining area along Johnnycake Hollow Road and to add mining areas to several properties that are presently mined.

The text and map changes do not result in a significant substantive change that would require additional SEQRA analysis. The North Main Street revisions rezone properties that are primarily developed and thus the map changes will have an inconsequential effect. The Pilch property is approximately 70 acres. Approximately 28 acres would be revised from the R to the H-MS zone. Of this total, 50 percent of the soils are hydric, an indication of the presence of

wetlands. Thus, approximately 14+ acres are buildable. Assuming the site is sewerred and receives all residential incentives and bonuses, the maximum residential yield (compared to the R district zoning) is estimated to be approximately 45 dwelling units. This yield would represent approximately 1.3 percent of the total buildout of new residences resulting from the adoption of the Zoning Law; it would not materially alter the conclusions of the DGEIS analyses. Changes in the Mining-Overlay zoning district boundaries have no impact on the Town's estimated buildout.

1.4 FGEIS: Response to DGEIS Comments and Format

The FGEIS is arranged in sections, with comment summaries and responses arranged by subject area similar to the DGEIS. A comment summary, in some cases, may incorporate more than one individual comment on the same subject, followed by a response to that comment. The comment may also be paraphrased where more than one commentator is addressing the same substantive comment. The sources of each comment are referenced. The format of the comments and responses is as follows:

Comment # (Source): Comment summary text.

Response #: *Response text.*

A summary list of all commentators and the comments received on the draft Zoning Law and Map or the DGEIS is included as Appendix A. The transcripts of the public hearing are included as Appendix B, and all written comments (letters, emails, and faxes) that raised environmental impact questions or comments are included in Appendix C. The summary list identifies commentators that specifically raised substantive comments on the DGEIS.

A number of commentators identified in the summary list issued comments on the draft Zoning Law and Map only. For example, various emails were received after the public hearings were closed with the comment "*Drop the NND*". Since this is not a substantive comment on the analyses or conclusions of the DGEIS, no substantive response to the comment is provided in the FGEIS. The summary list in Appendix A specifically identifies the commentators who raised substantive and SEQRA comments regarding the DGEIS.

The Lead Agency erred on the side of caution and responded to comments that described a potential impact although the comment did not specifically reference the DGEIS. For example, form letters were received with the following comment (or a variation thereof): "*...[The NND] is at odds with the goal of the citizens of Pine Plains, as stated in the Comprehensive Plan, to maintain the town's unique rural character.*" This comment, addressing a perceived negative effect on the town's rural character, is addressed in the Community Character section of the FGEIS.

1.5 List of Involved/Interested Agencies and Permits/Approvals

The Town of Pine Plains is the Lead Agency responsible for the review of the proposed action, i.e., the adoption of the Zoning Law and Map. This action requires the following reviews and approvals:

Involved Agencies/Approvals

- Town of Pine Plains – Adoption of Zoning Law and Map

Interested Agencies

Notice of the completion of the FGEIS and/or a copy of the FGEIS will be sent to the following agencies:

- NYS Dept. of Environmental Conservation
- NYS Office of Parks, Recreation and Historic Preservation
- NYS Department of Transportation, Region 8
- NYS Department of Agriculture & Markets
- Dutchess County Department of Planning and Development
- Dutchess County Health Department
- Dutchess County Public Works
- Dutchess County Water and Wastewater Authority
- Town of Pine Plains Planning Board
- Town of Pine Plains Conservation Advisory Council
- Pine Plains Central School District
- Town of Northeast
- Town of Milan
- Town of Stanford
- Town of Ancram
- Town of Gallatin
- Columbia County
- Columbia County Department of Planning/Economic Development

2.0 DESCRIPTION OF THE PROPOSED ACTION COMMENTS AND RESPONSES

Greenway Compact Comments

Comment 2-1 (141): The Town is a Greenway Compact Community, so “The provisions of the Greenway Compact must be made part of State Environmental Quality Review Act and Historic Preservation Act review,” see:

<http://www.hudsongreenway.state.ny.us/commcoun/commbene.htm>

Response 2-1: This provision does not apply to the adoption of the Town of Pine Plains Zoning Law and Map. Specifically, p. 14 of the Greenway Planning Guide identifies various “Greenway Compact Benefits” including: “Incorporation in **State Laws** - The provisions of the Greenway Compact must be made part of the State Environmental Quality Review Act and State Historic Preservation Act reviews.”

Article 44, Hudson River Valley Greenway, Section 44-0115, of the NYS Environmental Conservation Law, is the legislative source for the noted “benefit”. Section 44-0115 is entitled “State agency reports and consistency” and it states:

“3. After the compact is in effect, any **state agency** conducting, funding or approving activities directly affecting greenway resources shall, to the fullest extent practicable, consult with, cooperate with, and coordinate its activities with the council and the appropriate participating community. Any such **state agency** shall conduct or support such activities in a manner which is, to the maximum extent practicable, consistent with the compact in addition to requirements of other laws, including those of article forty-two of the executive law. The compact shall be incorporated as part of the reviews of actions pursuant to the state environmental quality review act as provided in article eight of this chapter and the New York state historic preservation act of 1980.... “

The provision relates only to actions taken by state agencies.

Environmental Controls

Comment 2-2 (S16): The environmental control provisions in general are detailed and offer Town residents a high level of protection.

Response 2-2: Comment noted. With the provision of environmental controls, adoption of the proposed Zoning Law and Map are anticipated to have a beneficial impact on the environment.

Agricultural Overlay District

Comment 2-3 (S3, 5): The Agricultural Overlay District needs to be altered because...it would interfere with commercial and residential development virtually everywhere in the Town.

Response 2-3: The Agricultural Overlay District does not limit the uses that are allowed in any underlying base zoning district. Enactment of the overlay district will not interfere with commercial and residential development.

H-MS District

Comment 2-4 (S17): Additionally, I believe....we have reverted to the old fashioned and bad strip development of our highway entrances.

Response 2-4: *Comment noted. Upon review of the third draft Zoning Law and Map, the Town Board found that the H-MS district, as drawn, had the potential to create strip development which would result in a potential impact to the Pine Plains hamlet character. To address this potential impact, the Town Board proposes two revisions to the Zoning Map:*

- 1) *Eliminate areas of H-MS zoning along North Main Street and rezone to H-R, H-CR, or R. This rezoning is consistent with the residential uses and character of the North Main Street corridor. The limited number of commercial uses with frontage on North Main would remain zoned H-MS.*
- 2) *Zone the former Pilch Farm on the east side of South Main Street to H-MS to expand opportunities for business and residential development. The H-MS district would be extended to meet the boundaries of the WP district.*

Comment 2-5 (S31): Pine Plains, you want to maintain your Town center but all of those building lots that you have designated there are so shallow and you really couldn't establish much of a business other than a very small retail business in any of those locations, and you're going to be knocking down a lot of your historic houses in order to even provide that....I would think you would want to designate some area acreage-wise where you could develop some industry or some commercial properties.

Response 2-5: *See response to Comment 2-4. Additional areas will be rezoned to H-MS which proposes to expand retail development opportunities. Appendix A, Design Standards, includes the following guideline: "H-MS: Conversion of a residential structure to a commercial use shall be permitted only provided the residential nature and character of the facade is maintained." This provision is intended to address in part this concern. Adoption of the Zoning Law is not anticipated to have a significant adverse impact on converted historic properties as it does not encourage or propose demolition of historic structures. The Town Board will continue to monitor and evaluate the effectiveness of the proposed regulations and may revise them to address impacts that may arise through future zone amendments.*

Project Description - Impact on Neighboring Communities

Comment 2-6 (139): We very much object to the NND...the impact on our town of Milan will be enormous. We would like you to remove the NND.

Response 2-6: *The impacts associated with a site-specific NND will be determined at the time a NND zone application is made. The proposed Zoning Law and Map will regulate lands in the Town of Pine Plains only. The Town of Milan, as either an involved or interested agency, will have opportunity to comment on the potential impacts associated with any proposed NND rezoning.*

General

Comment 2-7 (170): You say in 2.1.3 [of the DGEIS] that the second draft of the zoning law was made available for public review. Not true. Those of us who read and commented on the second draft had to FOIL for it.

***Response 2-7:** The second draft of the zoning law was available for public review, i.e., it was not an internal document for Town Board review only. The third draft was posted on the Town's website as it was the draft that was the subject of public hearings, the DGEIS and the SEQRA process.*

Comment 2-8 (170): Table 2-12 - This table does not match the one in the zoning law on all points: The difference I noticed is in the Wellhead Protection area here is a O for mixed use building or Dwelling (marked with an X in the zoning draft on page 8). And why is a two Family conversion marked as a P in the both versions of the Wellhead Protection District when it requires site plan review in most other districts? It seems to me that the intent of the Wellhead Protection District is to be more stringent than less stringent.

***Response 2-8:** See the final draft of the Pine Plains Zoning Law incorporated herein by reference and available for review at Town Hall and on the Town's website. Two-family dwellings in the WP district require site plan review. Mixed use buildings are not permitted in the WP district.*

Comment 2-9 (141): It would be helpful to provide additional discussion of the reasons for the particular features of the proposed Zoning Districts (e.g., the locations and coverage selected for the Zoning Districts; the nature and appropriateness of the permitted, prohibited or special permit uses; and the creation of non-conforming uses).

***Response 2-9:** Table 2-3 describes the purposes of the various proposed zoning districts which in turn relate to the uses allowed within each zone. The coverage of the various zoning districts are based on the conceptual land use plan provided as an attachment to the Comprehensive Plan, refined to reflect data gathered subsequent to the completion of the Comprehensive Plan.*

Comment 2-10 (141): The DGEIS should include the impact evaluation required by 261-b.3(g) of New York State Town Law, as follows: "Prior to the adoption or amendment of the zoning ordinance or local law....to establish a system of zoning incentives or bonuses the town board shall evaluate the impact of the provision of such system of zoning incentives or bonuses upon the potential development of affordable housing gained by the provision of any such incentive or bonus afforded to an applicant or lost in the provision by an applicant or any community amenity to the town. Further, the town board shall determine that there is approximate equivalence between potential affordable housing lost or gained or that the town has or will take reasonable action to compensate for any negative impact upon the availability or potential development of affordable housing caused by the provisions of this section."

***Response 2-10:** The Town of Pine Plains proposes to adopt a mandatory affordable housing program which is set forth in Section 100-23 of the draft Zoning Law and which was described in Section 3-9 of the DGEIS. Thus, the adoption of incentive zoning as part of the Pine Plains zoning will not have any effect on the provision of affordable housing, as the Town is adopting stand alone regulations that mandate the creation of affordable housing.*

Proposed Carvel/Durst Development

Comment 2-11 (S4, 4): We believe it is presumptuous that this floating zone would apply to the Carvel project when only a minimal amount of their site actually abuts a hamlet zoning district....Scenic Hudson would recommend that language pertaining to the Carvel Project be removed.

Response 2-11: *The proposed Zoning Law does not include any references to the Carvel project. As the Carvel project appears to meet the minimum standards to petition for a NND zone change, it is appropriate for the DGEIS to include an estimate of the potential buildout of the Carvel project for purposes of examining the overall potential impacts associated with the adoption of the Zoning Law and Map.*

Comment 2-12 (141): Figure 2-1 should identify the existing subdivision lots surrounding Lake Carvel. In addition, this figure incorrectly identifies areas of the Carvel property as “inactive agricultural,” “cropland/cropland pasture,” “permanent pasture” and “tree farm,” and omits certain NYSDEC Wetlands (refer to Carvel Property Development Draft Environmental Impact Statement, January 11, 2008, Figure 3.1, Existing Land Use, Figure 8.2A, Ecological Communities Map and Figure 9.1, Site Streams, Wetlands and Drainage Divides).

Response 2-12: *Figure 2-1 of the DGEIS is not a parcel map and thus it does not show the existing vacant subdivision lots surrounding Lake Carvel. The FGEIS acknowledges that the Existing Land Use map that was taken from the adopted Comprehensive Plan does not accurately portray the land uses present on the Carvel site nor does it show all NYSDEC wetlands. Comments noted.*

Comment 2-13 (141): The back-up factors, raw data and calculations utilized to derive (i) the residential buildout calculations in Table 2.5; and (ii) the Carvel notes on page 2-16 following table 2.5, should be included as appendices to the DGEIS, so that Table 2.5 and the Carvel notes can be evaluated.

Response 2-13: *The back-up data provided in Table 2-5 of the DGEIS are explained on page 2-16 of the DGEIS. Appendix C of the DGEIS provided the data for buildout of the Carvel project. These calculations have been vetted and further refined, based on discussions with the Carvel project’s representatives, and are provided in Table 2-1 of this FGEIS (see below).*

New Neighborhood Development Floating Zone

Comment 2-14 (S4, 4): The proposed provisions of the NND will not achieve [the zoning law's] intended result of creating environmentally sensitive, economically beneficial or socially desirable development.

Response 2-14: *The Town Board has determined that the NND, by design, must be environmentally sensitive, economically beneficial and socially desirable in order for any NND application to be approved. The 18 criteria guiding the NND are as follows:*

- (1) *creates a distinct neighborhood settlement area integrated with protected open space which may be used for agricultural, silvicultural, recreational, limited nonresidential and environmental protection purposes;*

- (2) in its design, maximizes opportunities to provide a continuous system of open space which may be linked to open space areas on adjoining property;*
- (3) creates opportunities and/or the potential to physically link the existing Pine Plains hamlet to the NND by creation of pedestrian and bicycle corridors and accessways;*
- (4) promotes architecture and building design consistent with that existing in traditional and historic Hudson River valley communities including the Pine Plains hamlet;*
- (5) promotes energy-saving building techniques, like those promulgated by the U.S. Green Building Council;*
- (6) includes a diversity of dwellings that satisfy the needs of various household types, age groups, and income levels in Pine Plains, and promotes affordable housing opportunities;*
- (7) promotes traditional building and site development patterns with an interconnected and generally grid-like pattern of streets and blocks, except where topography and other unique environmental characteristics limit said pattern;*
- (8) promotes use of neighborhood greens, landscaped streets, and "single-loaded" streets woven into street and block patterns in order to provide neighborhood identity and space for social activity, parks, and visual enjoyment, except where topography and other unique environmental characteristics limit said pattern;*
- (9) meets the community service demands generated by an increased population associated with a NND;*
- (10) is designed in accordance with the design standards set forth in §100-28.F(G);*
- (11) preserves the site's biodiversity, maintains the diversity of plant and animal communities, protects significant habitats and insures long-term protection of water quantity and quality;*
- (12) encourages protection of historical buildings and sites, sensitive archaeological areas and other important cultural resources;*
- (13) encourages the conservation and enhancement of the visual quality and rural character of undeveloped areas of the Town by protecting visible open space and scenic vistas, and encourages the creation and/or preservation of vegetative buffers along highways and between potentially conflicting land uses by the careful siting, design and buffering of building development;*
- (14) minimizes flooding and erosion by protecting the functions of wetlands, water bodies, water courses, flood plains, areas of high water table, steep slopes, erosion hazard areas and natural vegetative cover;*
- (15) minimizes stormwater runoff and maximizes the quality and quantity of groundwater recharge by reducing land disturbance, using natural drainage systems wherever possible, filtering runoff from impervious surfaces and maximizing on-site recharge;*

(16) provides special community benefits such as open space protection, public access to park land, hiking trails, biking trails and recreational resources;

(17) provides for the construction or improvement of public facilities, services or utilities;

(18) allows limited opportunity for nonresidential development through adaptive reuse of historic structures, or proposes uses that are allowed in the R district and will not compete with retail, personal service or other commercial uses intended to be accommodated in the Pine Plains hamlet.

Comment 2-15 (S8): The NND states...18 benefits....All those benefits are already obtainable using the base planning processes included in the document without the NND section and through the careful SEQR process....giving up to what amounts to be over a 100 percent increase in the number of units via the NND is too much....

Response 2-15: *The benefits noted in the response to Comment 2-14 above are not all achievable elsewhere in the zoning. Specifically, the additional affordable housing, and the mandate for a mix and diversity of housing types is not mandated in a conservation subdivision. A NND has the potential to increase the density of a development by 66 percent compared with a conservation subdivision.*

Comment 2-16 (S23): One of the things that troubles me about the language in the NND Zoning Law and in the SEQR is that it seems to say we are doing one thing when in fact we are not doing that. It says we are creating opportunities for housing next to the hamlet and one place it says hamlets so you could even put it next to Bethel or next to Lotus [sic] Corners and I'm sure that is not intended but it tries to justify something that doesn't exist.

Response 2-16: *The NND tract must be adjacent to a Pine Plains hamlet zoning district. The NND regulations have been revised to specifically state: "The NND is not permitted adjacent to the Pulvers Corners or Bethel hamlet zoning districts."*

Project Description - Buildout Analysis

Comment 2-17 (S33): You almost have to redo the SEQR review of the environmental impact of all of bonus units because that is a huge increase in the density and you can't just presume that if it's a 40 percent, then the impacts are going to be more percent more.

Response 2-17: *The total number of dwellings that may be achieved through inclusion of bonus units were calculated and identified in Appendix C and Table 2-5 of the DGEIS and considered in the evaluation of potential SEQRA impacts.*

Comment 2-18 (141): The DGEIS should provide updated Build-Out analyses relating to the current (Third Version) of the draft Zoning Law.

Response 2-18: *The narrative contained in Section 2.5.3 of the DGEIS represented an up to date buildout analysis of the third draft Zoning law. The buildout analysis was conducted on November 28, 2008. No substantive revisions were made between the second draft, on which the November 28, 2008 buildout was conducted, and the third draft which would affect the buildout calculation.*

Comment 2-19 (141): The acreages pertaining to “Constraints in Pine Plains” as represented by “Using Site Specific Data” are overstated and thus incorrect....The stepped calculations also appear to include relational errors as well (i.e., Total Net Buildable Area appears to have been incorrectly correlated with the base site acreage, which we assume would be the “Total Acres outside of the Previous Subdivision”). The back-up raw data and specific calculations utilized to derive each quantity should be included in the text or provided as an appendix to the DGEIS.

Response 2-19: *The commentator is referring to buildout calculations prepared for the Carvel site. Based on mapping data provided by Chazen Companies and MDRA, consultants to the Carvel project, the buildout for the Carvel project, based on a NND rezoning, is summarized in Table 2-1.*

Comment 2-20 (141): The “Total Carvel Buildout” and “Total Carvel Buildout with 30% Incentive Bonus” are incorrect and appear to nullify the existing subdivision lots surrounding Lake Carvel. Again...the back-up raw data and specific calculations utilized to derive each quantity should be included in the text or provided as an appendix to the DGEIS.

Response 2-20: *The potential buildout of the Carvel NND has been questioned throughout the DGEIS and zoning public hearing process. Table 2-1 provides a summary of the potential maximum buildout of the Durst property based on the data provided by the applicant to CP&EA. This information was read into the record at a Town Board public workshop meeting at which the zoning was discussed. Table 2-1 includes the calculation assuming the applicant is approved for one-to-one credit of the pre-existing lots surrounding Lake Carvel as per Section 100-34 of the draft Zoning Law.*

Table 2-1 Carvel Buildout - NND Zone		
A	Total Acreage in Pine Plains	1815 acres
B	Acreage of Existing Subdivision	172 acres
C	Acreage Outside Existing Subdivision (A-B)	1643 acres
D	Environmental Constraints Acreage	659 acres
E	Net Acreage without Environmental Constraints (C-D)	984 acres
F	15 percent inefficiencies	147.6 acres
G	Net Acreage for Determining Base Yield (E-F)	836.4 acres
H	Base Yield (G/3 acres)	279 dwelling units (du)
I	10 percent density for affordable housing	28 du
J	30 percent discretionary incentives	84 du
K	10 percent discretionary economic incentives	28 du
L	Yield with Affordable Density Bonus and Incentives (H+I+J+K)	419 du

Table 2-1 Carvel Buildout - NND Zone		
M	Pre-existing lots fully or partially (50% or more) in Pine Plains	174 du
N	Potential Maximum Buildout (L+M)	593 du
Source: CP&EA, Tim Miller Associates, Inc., 2009.		

Comment 2-21 (1): ...the NND is very confusing in terms of numbers, and may potentially create a suburban development west of the Village which is at odds with the Town Comprehensive Plan. It is difficult to be certain of the maximum buildout that Durst may be allowed because of the many bonuses awarded, and the possibility for off-site affordable housing...these numbers could add well over 700 new households to Pine Plains, a number many of us are very unhappy with and find totally out of keeping with the Town Comp. Plan.

***Response 2-21:** The Town does not have an incorporated village - Pine Plains is a hamlet. Table 2-1 provides a summary of the buildout of the Durst project with application of the various incentives and the affordable housing bonus. With the exception of the economic development incentive (equivalent to 10 percent of the base yield), all incentives may be applied to any subdivision in the Town. Incentive zoning is discretionary and must be approved by the Town Board. The NND caps development to a maximum of 611 dwelling units. If affordable housing units are shifted to the hamlet, it would have the effect of decreasing the size of a NND. The draft Zoning Law is not out of keeping with the Town Comprehensive Plan - the Comprehensive Plan is silent with regard to recommended residential densities or buildout.*

Comment 2-22 (91): The Town would double in size at the stroke of a vote - stop the NND.

***Response 2-22:** The buildout of any NND will depend on factors include: the size of the NND tract, the environmental constraints on the tract; the net buildable area on which to calculate the base residential yield, and the incentives that are approved at the discretion of the Town Board. It can be concluded that compared to the R district zoning, the population of the NND resulting from the base yield could be up to 66 percent higher than the population generated by a conservation subdivision. Note that this percentage estimate does not consider the specific mix of housing units required by the NND, and that this percentage would likely decrease since attached and multifamily dwelling units generate smaller households and fewer schoolage children. Refer to the publication entitled "Residential Demographic Multipliers - Estimates of the Occupants of New Housing", prepared by Burchell & Listokin, June 2006 for a comparison of population and student multipliers by housing type.*

Comment 2-23 (170): Re the residential buildout of 2,364-3,428 dwelling units in the Zoning law: aren't these new dwelling units on top of those we already have in town?

***Response 2-23:** Yes. As per the analyses conducted by CP&EA, these represent the residential buildout of new residences in the Town.*

Comment 2-24 (170): Page 2 of 6 in Appendix C - Did the buildout include the 274 parcels in the rural zone that are between 2 and 9 acres that would be eligible for a one time split? If not shouldn't it?

Response 2-24: *Based on the discussion of the buildout analysis on the referenced page, it does not appear that the additional buildout from a one time split was calculated. This allows up to an additional 274 dwelling units to be constructed. At the same time, residential buildout is probably overestimated since a proportion of the vacant land could be and would be developed for nonresidential uses. The purpose of the buildout analyses are not to provide a specific maximum number of dwellings that could be constructed, but to provide an “order of magnitude” comparison associated with the adoption of the proposed Zoning Law.*

Project Description - Buildout Analysis - Multiple NNDs

Comment 2-25 (S1, S10, S21, S23, 13, 93, 159): We have illustrated where we think four new NNDs can happen around the hamlet. That is very large and very alarming if we really think about it.

Response 2-25: *The Town Board has reviewed the submission of the commentator to determine whether the four potential NNDs are achievable. In analyzing the potential applicability of the NND districts, it has reviewed these four NNDs against the provisions of the final draft of the Zoning Law. The Town Board determines the following:*

- 1) *With the exception of NND #3, none of the other three NNDs meet the single ownership requirement. It is unlikely that NNDs #1, #2, and #4 could be created as they would require the purchase of numerous single-family dwellings (including an entire residential neighborhood in one instance) and other residential properties to cobble together the acreage to conform to the 750 acres.*
- 2) *Based on a review of tax data and property acreages for parcels in NND #1, it appears that the NND does not meet the minimum 750-acre requirement.*
- 3) *the NND must contain sufficient amounts of land included in the non-constrained district illustrated in the Pine Plains Future Land Use Concept Map of the adopted Comprehensive Plan. NNDs #1, #2, and #4 have nominal amounts of non-constrained land.*

At this time, there appears to be one tract, the Carvel property, which could petition the Town Board to be rezoned to the NND zoning district. Development of the Carvel property as a NND was analyzed in the DGEIS. The Town Board acknowledges that while the four potential NND areas presented in the commentator’s letter do not meet the NND minimum standards, that does not eliminate the potential for some other combination of properties to be purchased by a single entity and for a NND zone petition to be submitted to the Town Board. For purposes of the FGEIS, the following table 2-2 presents the hypothetical buildout of a NND that would be in addition to the potential Carvel NND. This represents a worst-case analysis as it does not deduct any environmental constraints from the buildout calculation. Based on the worst-case analysis, this hypothetical NND zone could generate 319 dwelling units and a population of 829 persons. By comparison, a conservation subdivision in the R district would generate 179 dwelling units or a total of 465 persons (the conservation subdivision scenario also maximizes the incentives and applies the affordable housing bonus). Thus, a hypothetical NND could generate 364 persons over what the base residential density in the R district would yield.

Table 2-2 Hypothetical NND Zone - Worst Case Analysis		
A	Total Acreage in Pine Plains	750 acres
B	Environmental Constraints Acreage	0 acres
C	Net Acreage without Environmental Constraints (A-B)	750 acres
D	15 percent inefficiencies	112.5 acres
E	Net Acreage for Determining Base Yield (C-D)	637.5 acres
F	Base Yield (E/3 acres)	213 dwelling units (du)
G	10 percent density for affordable housing	21 du
H	30 percent discretionary incentives	64 du
I	10 percent discretionary economic incentives	21 du
J	Maximum Yield with Affordable Density Bonus and Incentives (F+G+H+I)	319 dwelling units
Source: Tim Miller Associates, Inc., 2009.		

Comment 2-26 (S2, 9): The PPU has concerns about whether the DGEIS adequately assesses the potential impacts of multiple NND projects, including secondary and long-term impacts, both of which are required to be assessed by SEQR.

Response 2-26: See response to Comment to 2-25.

Comment 2-27 (S2, 9): Chapter 11 [of the 2004 Comprehensive Plan] sets forth goals and strategies. Goal number one is to protect the Town's natural beauty and rural character...Those [4 NND] projects could potentially bring up to 200 extra units each, above and beyond the maximum density otherwise allowed...the 750 acre minimum for an NND project creates a project scale that may actually encourage dense development... These results are antithetical to goal number one of the Comp Plan

Response 2-27: Refer to the response to Comment 2-25 regarding the potential for four additional NNDs.

3.1 GEOGRAPHY, TOPOGRAPHY AND SOILS COMMENTS AND RESPONSES

Comment 3.1-1 (S3, 5): So it is absolutely up to the Planning Board what they decide is a soil of significance. They have complete discretion, and they can apply this overlay in any spot, in anyplace where they want to. Meaning there is too much discretion.

***Response 3.1-1:** The Planning Board does not make a determination what is deemed a soil of statewide importance. Soils of statewide importance are identified in Table 3.1-1 of the DGEIS.*

Comment 3.1-2 (2): ...site work on an estate lot may include large scale tree removal or even deforestation, extensive driveway construction on steep slopes and prolonged earth moving as in pond construction. There may be significant engineering issues involving erosion and drainage. There may be prolonged noise and dust, all of which impact neighboring property owners. Where are the protections limiting the completion time for these projects?

***Response 3.1-2:** At this time, the Town's first adopted Zoning Law will regulate land use activities requiring site plan, special use permit or subdivision application resulting in a disturbance of one acre or more (see Section 100-42 of the Zoning Law). Site plan approval is not proposed for individual dwellings as it was not a specific recommendation of the adopted Comprehensive Plan. The Zoning Law does not propose any regulations that would encourage or cause proliferation of these activities and adoption of the Zoning Law absent a provision regulating individual estate lots would not result in a significant impact. It is noted that soil erosion and stormwater management controls will be part of any lot which is approved as part of future subdivisions subsequent to adoption of the Zoning Law.*

Comment 3.1-3 (S12): My concern has to do with site work on an estate lot...I do not see any system in the Zoning Law for performance standards, time tables or oversight...they share many environmental issues as large-scale developments but require little or no scrutiny under the proposed zoning.

***Response 3.1-3:** See response to Comment 3.1-2.*

Comment 3.1-4 (S25): From our point of view and the whole purpose of the soil and water is we want to keep the water clean. We want you to put the septic on the land with the best drainage.

***Response 3.1-4:** The Conservation Subdivision Design Standards in Appendix B indicate that dwellings should be so located to take advantage of suitable soils for subsurface sewage disposal. Also, septic systems may be situated within open space areas. The draft Zoning Law does not require that septic systems be located on poor soils.*

Comment 3.1-5 (S26, 12): I ask that the portion of the mining overlay surrounding 134-136 Johnny Cake Hollow Road be eliminated. Also, please note in the DGEIS, Johnny Cake Hollow Road is identified as having quote "scenic vantage points and is a scenic location." The DGEIS goes on to say the preservation of historic and scenic resources is an important objective in the land-use review and decisionmaking process and enactment of the draft Zoning Law and map is anticipated to result in a positive impact to these features...I think that a gravel mine on Johnny Cake Hollow Road would most definitely have an impact on the scenic resources.

Response 3.1-5: *Comment noted. The gravel mine area referenced in the comment has been eliminated from the proposed M-O zoning district.*

3.2 WATER RESOURCES COMMENTS AND RESPONSES

Comments were not received regarding water resources.

3.3 ECOLOGY COMMENTS AND RESPONSES

Comment 3.3-1 (60): Referencing pages from the DGEIS 1-1 and 1-5...I find it curious that there is no mention of the effect of 1 or more NNDs on sensitive ecological habitat. The reason I find it curious is that open space for an NND does not seem to have as its main purpose the protection of sensitive ecological habitat.

Response 3.3-1: *The NND requires that a minimum of 60 percent of the land area be set aside as open space - this is 10 percent greater than the requirement for a conservation subdivision. This provision would apply to any NND. The open space may consist of a variety of forms, including natural habitat, farmland, scenic vistas, or open recreation areas. Areas appropriate for open space will be determined in consultation with the Town's boards. The NND would require that an ecological survey be conducted identifying flora and fauna and assessing the type and quality of ecological habitat found on the project site. The survey must summarize the results of on-site field investigations.*

Comment 3.3-2 (121): The Stissing Mountain Critical Environmental Area (CEA) adopted by the Town of Pine Plains in 2004 must be referenced in the Zoning Law and described and delineated on the Zoning Map as an area of special concern and protections. This will ensure that the CEA will not be overlooked when dealing with future subdivisions and/or building projects.

Response 3.3-2: *The Zoning Law and Map will include an attachment that overlays the CEA boundary on a property map. In this way, various boards and agencies working with the document will have a ready reference when reviewing development applications to determine if the property is in the CEA. However, the CEA is not a zoning district, thus it will not be shown on the zoning map.*

Comment 3.3-3 (60, 121): The Pine Plains Comprehensive Plan outlines natural resources and how they represent varying degrees of constraints on development. We suggest that these features be identified on rural, undeveloped parcels when a building permit is applied for. We feel that the law should include a procedure leading up to site plan review for single family dwellings on large scale or "estate lots" . As an example, an estate lot may be defined as a lot of 10 acres or more and/or a proposed residence of 4,000 square feet or more. The purpose of this is to provide the building inspector with an additional level of scrutiny in order to evaluate whether the topography meets certain thresholds of concern such as wetlands of any size, streams, steep slopes, ridge lines, potential drainage issues, sensitive environmental areas of concern or habitats of concern, etc. If one or more areas of concern is included on the lot to be developed, then it would trigger increased scrutiny by the building inspector and a site plan review would be required. It is our opinion that a single family dwelling has the potential to be as damaging to the environment as a subdivision.

Response 3.3-3: *The Zoning Law does not contemplate regulating individual single family dwellings at this time. Adoption of the Zoning Law will not result in the creation or proliferation of single family dwellings impacting the environment. The DGEIS and FGEIS conclude that the draft Zoning Law and Map will reduce the number of dwellings that may be constructed. The Town Board will continue to monitor and evaluate the effectiveness of the proposed regulations and may revise them to address impacts that may arise in the future through appropriate zone amendments.*

Comment 3.3-4 (121): The Town should adopt a wetland/watercourse law protecting those waterbodies currently unprotected by NYS or Federal laws. The CAC has submitted a draft law for consideration in the past -- see attachment hereto.

Response 3.3-4: The Zoning Law will regulate wetlands and watercourses as set forth in Sections 100-40, 100-41, and 100-42. Adoption of the Zoning Law is not anticipated to create or exacerbate impacts to wetlands or watercourses and will offer wetland protection. The Town Board will continue to monitor and evaluate the effectiveness of the proposed regulations and may revise them to address impacts that may arise in the future through applicable zone amendments.

Comment 3.3-5 (121): The pending Habitat Map and report currently in production by Hudsonia should be incorporated into the site plan review process for all developments including single family homes and referenced in the Zoning Law. This will aid as a definitive environmental reference and guide for research conducted by town officials.

Response 3.3-5: Reference to the Hudsonia maps is now included in Section 100-62.A. governing the submission and review of sketch plans during site plan review.

Comment 3.3-6 (121): The Zoning Law should include stronger requirements for habitat protection, particularly as it related to open space requirements and future management of open space. It should be required that all open space for new subdivisions be set aside and donated to an approved trust or organization specifically designated to monitor such open spaces (i.e., Dutchess County Land Conservancy). Thus there would be outside monitoring of all open space easements to insure that habitat and wildlife corridors are not compromised by homeowners and others.

Response 3.3-6: A municipality, under NYS Town Law, does not have the authority to mandate the ownership of the proposed open space. However, it can ensure that said open space is maintained in accordance with its intended purposes. This will be accomplished in accordance with the regulations set forth in Section 100-32., Required protected open space; ownership and maintenance standards.

Comment 3.3-7 (121): We have noticed that there are conflicting standards for measuring the required open space when comparing minimum lot area; density as found in Section 100-16 of the Zoning Law with the New Neighborhood Development (NND) as found in Section 100-28 of the Zoning Law. It is our belief that those standards set forth in Section 100-16 are more restrictive than those found in the section on NNDs.....We are extremely concerned that the open space requirements specified for an NND do not seem to have as its main purpose the protection of sensitive ecological habitat.

Response 3.3-7: The NND requires that the same environmental constraints netted out in Section 100-16 are netted out when determining the NND's base residential yield. In addition, 15% of the area remaining after the environmental constraints are netted out must also be excluded consistent with Section 100-31.C. The NND requires that a minimum of 60 percent of the land area be set aside as open space - this is 10 percent greater than the requirement for conservation subdivisions. Lastly, the open space may consist of a variety of forms, including natural habitat, farmland, scenic vistas, or open recreation areas. Areas appropriate for open space are determined in consultation with the Town's boards.

Comment 3.3-8 (170): Page [3.3-4] - Indiana bats are not birds, although they do have wings and can fly. Bats are a species of mammal. And likewise a bog turtle is not a bird; all turtles are reptiles (unless you are referring to the fact that dinosaurs, which were reptiles, are now viewed as ancestors to birds).

Response 3.3-8: *The Commentator is correct - the Indiana Bat is a mammal and the bog turtle is a reptile.*

3.4 TRANSPORTATION COMMENTS AND RESPONSES

Comment 3.4-1 (S1, 13): [The NND] doesn't exactly require a direct link to the hamlet...it doesn't say that it has to be a transportation link, nor does it say it has to integrate to the existing neighborhoods of the hamlet.

Response 3.4-1: *A criteria for approving a NND is as follows: "creates opportunities and/or the potential to physically link the existing Pine Plains hamlet to the NND by creation of pedestrian and bicycle corridors and accessways." The NND proposes a transportation link to the Pine Plains hamlet.*

Comment 3.4-2 (60): One or more NNDs could reasonably be expected to have an adverse impact on transportation within and around the town of Pine Plains. Transportation involved not just getting somewhere, but being able to stop and park when you get there. The addition of a hundred or more cars to the streets of our town would certainly require mitigation, if only in terms of parking. Yet the DGEIS states that: The draft Zoning Law and Maps are not anticipated to have a significant adverse impact on the transportation network. No mitigation measures are proposed.

Response 3.4-2: *Parking standards have been included in the draft Zoning Law which will handle the demand of the individual uses that may attract new customers to the downtown business district. With parking requirements established and implemented, no mitigation measure is required.*

Comment 3.4-3 (83): The NND will add traffic to our roads.

Response 3.4-3: *Any proposed residential or nonresidential development will add traffic to the local network. Site-specific traffic analyses will be required to determine the magnitude of potential traffic impacts and whether the Town's road system can accommodate said traffic. The NND provisions require that the NND maintain frontage on a state or county road - this is to ensure that residents have access to higher order roads with more capacity than lower order town roads. If a project, including an NND project, were to negatively impact the road system, mitigation measures would have to address these impacts otherwise the development may not be approved.*

3.5 COMMUNITY SERVICES AND FACILITIES COMMENTS AND RESPONSES

Comment 3.5-1 (18): What does such [NND] mean in further services and other considerations from the community? More school space, teachers and maintenance? Larger police and permanent fire departments? Traffic congestion and where will it likely occur? Increased demand beyond our present usages of water and sewage? What do higher priced homes invite in greater rates of crime? What pollution problems will occur?

Response 3.5-1: *The purpose of the SEQRA process is to examine the potential cumulative impacts of the proposed adoption of the Town of Pine Plains draft Zoning Law and Map and to compare the potential impacts of said adoption to the impacts that may result in the absence of the new law. In the absence of the new law, the prevailing land use and subdivision regulations would govern development. Section 2.5.3 of the DGEIS examined the potential buildout of the Town under the existing regulations and with the proposed regulations, including development of at least one NND that would apply to the Carvel property. Table 3.5-3 of the DGEIS examined the difference in the community demand placed on the Town with and without adoption of the proposed Zoning Law and Map. It is evident that adoption of the Zoning Law and Map will reduce the potential demand placed on community facilities and services. It is difficult to assess the specific impact of a project without site-specific data, e.g., types of housing proposed, market value, specific population generation based on type of housing, etc.*

With regard to the NND provisions, the following hypothetical analysis is provided to compare theoretical demand - this analysis compares development of a 750-acre NND to a 750-acre conservation subdivision - it assumes that incentive zoning and affordable bonuses are awarded. The primary difference in buildout is that the NND allows a higher density of development (one dwelling unit/3 acres) compared with R zoning (1 dwelling unit/5 acres) and also allows an additional 10 percent incentive for economic development. This example assumes that the land is not environmentally constrained, thus only 15 percent is deducted for inefficiencies of laying out a subdivision (as required by Section 100-31 of the draft Zoning Law). Using the 2000 U.S. Census estimate of 2.6 persons as the average household size in Pine Plains, the population from the hypothetical NND would be 829 persons, and the population generated by the conservation subdivision would be 465 persons. It is noted that this analysis will overstate population size, since a NND is required to incorporate multifamily housing which typically results in smaller household sizes when compared to a single-family detached conservation subdivision. Table 3.5-1 provides a general comparison of development with and without a NND:

Table 3.5-1 Community Service Demand			
Service Provider	Standard	NND	Conservation Subdivision
Population (persons)		829	465
Recreation	Mini-Park: 0.5 acres per 1,000 population	.41 ac	.23 ac
	Neighborhood Park: 2 acres per 1,000 population	1.65 ac	.93 ac
	Town Park: 8 per 1,000 population	6.6 ac	3.7 ac
Emergency Medical Service	1 Vehicle per 30,000 population	.02 vehicles	.01 vehicle
	4.1 full time personnel per 30,000 population	.1 personnel	.06 personnel
Police	2 personnel per 1,000 population	1.65 personnel	.93 personnel
	0.6 vehicles per 1,000 population	.5 vehicles	.279 vehicles
	200 square feet facility space per 1,000 population	165 sf	93 sf
Fire	1.65 personnel per 1,000 population	1.4 personnel	.8 personnel
	0.2 vehicles per 1,000 population	.2 vehicles	.09 vehicles
	250 square feet facility space per 1,000 population	207 sf	116 sf
General Government	10.9 per 10,000 population less than 50,000; 10.3 for 50-99,999 population	nominal	nominal
Library Space	0.8 square feet per person for less than 10,000; 0.6 sf per person for population 35-100,000	663 sf	372 sf
Source: Development Impact Assessment Handbook, Urban Land Institute, 1994.			

A hypothetical NND would place more demand on community services and facilities when compared to a conservation subdivision but the magnitude of the potential demand is not deemed significant. Furthermore, the NND specifically requires the integration of parks and other civic uses into the design to minimize potential impacts to community services and facilities. The intent of the NND provisions is to ensure that a NND will not negatively impact community facilities and services. If the Town Board determines that a NND would have a significant impact on community services, it can, at its discretion, not entertain a NND zone application or reject it. The Town does not have this discretion with a large conservation subdivision that may be proposed in the Town.

Comment 3.5-2 (23): I understand the NND, if approved, would permit a developer to create over 600 residential units. Even if carried out over time the sheer size would represent a huge increase in population and create a strain on municipal services and facilities.

Response 3.5-2: *The maximum size of a NND would be 611 dwelling units so that it would not exceed the present size of the Pine Plains hamlet area. The actual size of a NND will depend on the proposed acreage, environmental constraints, and incentives requested. See response to Comments 3.5-1 and 3.7-1 for a discussion of the population of a hypothetical NND and a conservation subdivision.*

Comment 3.5-3 (52): We are writing to express our continued concern that the draft law would allow developers to build developments with hundreds of homes with three-acre zoning...Our goal would be for Pine Plains to grow in a thoughtful way that provides housing and business development long term and new residents without undermining the natural beauty that has drawn many to live and work here. We hope that can be done without dense developments of many homes that will put unprecedented pressure on the town government and services and change the landscape forever from rural to suburban.

Response 3.5-3: *Hundreds of homes can be achieved with three acre or five acre zoning - the size will depend on the property that is being subdivided and the extent to which environmental constraints limit development of same. The NND, which would allow three acre zoning, would allow a diversity of housing that is not otherwise mandated elsewhere in the Town and would still be required to protect the Town's rural character by requiring that 60 percent of the site be set aside as open space. Lastly, see the response to Comment 3.5-1 with regard to the potential impact on community services and facilities.*

Comment 3.5-4 (60): One must consider the possibility that one or more NNDs will include a) primary homeowners with children -- effect on school population b) Substantial population increase requiring increased emergency personnel and equipment to respond to emergencies outside the hamlet of Pine Plains. The draft Zoning Law and Maps are not anticipated to have a significant impact on Community Services. No mitigation measures are proposed. It seems that "no mitigation measures are proposed" makes sense, at least for these three areas, only if NNDs are ignored.

Response 3.5-4: *The DGEIS analyzed the potential demand on community services and facilities assuming at least one NND was constructed. See also the response to Comments 3.5-1. Unlike other residential development in the Town, a NND requires Town Board discretionary legislative approval and can be disapproved or rejected outright. With regard to multiple NNDs, refer to the response to Comment 2-25.*

Comment 3.5-5 (83): Any development of this size [NND] would strain our school.

Response 3.5-5: *Until a development application is received for a specific NND proposal, it is unknown what the potential schoolage children generation would be. The schoolage population will depend on the type of housing proposed, the bedroom mix, and any restrictions that may be placed on the development for marketing purposes, e.g., active adult versus non-age restricted developments. However, because the NND is a discretionary legislative decision subject to Town Board approval, the Town Board may disapprove or not entertain the NND where it finds that the project could negatively impact the Town's community services and facilities, including school facilities. Unlike*

the NND, a conservation subdivision cannot be disapproved where it is found that there will be a negative impact on the school. Lastly, enrollment within the school district has been declining (see Table 3.5-1 of the DGEIS). Thus, the school district has excess capacity at this time to accommodate additional school age children.

Comment 3.5-6 (141): Table 3.5-3 contains an error, in that the “General Government” entry under “Current Regulations” should be 79 personnel, not 10; and under “Draft Zoning” law should be 10 personnel, not 11.

Response 3.5-6: *Comment noted. The correct calculation would be 82 personnel for “Current Regulations” and 10 personnel for “Draft Zoning Law.”*

Comment 3.5-7 (141): The DGEIS states that the adoption of the Law would result in a significant decrease in the residential buildout in the community,” which “alone would reduce total net costs associated with residential uses that must be paid to the various community service providers.” This statement should acknowledge that residential development over a certain assessed value can more than compensate for the community services provided to it, particularly when the development includes second homes and/or master-planned communities.

Response 3.5-7: *The conclusion reached in the comment cannot be made in the absence of specific detailed data. Each site-specific development, based on its unique mix of housing types, bedroom count, market values, and the age segment being marketed to, will generate its own unique set of property tax revenues and will place its own specific demands on community service providers. In the absence of detailed data, it is unknown whether the property tax revenues generated by a project would compensate for the community service demand. For example, a development consisting entirely of second homes will have a different fiscal impact than a development consisting of 10 percent second homes. Merely “including” second homes in a development will not necessarily result in a positive fiscal impact. In addition, there is no evidence to suggest that a master-planned community will result in a net positive fiscal impact. A master planned community consisting of dwellings limited to active adult seniors will have a very different fiscal impact than a community of four-bedroom, non-age restricted, single family detached dwellings in a desirable school district. In summary, each residential development must be evaluated on a site-specific basis to determine the fiscal impact that it would generate.*

3.6 UTILITIES COMMENTS AND RESPONSES

Comment 3.6-1 (148): Page 3.6-1 of the DGEIS contains information regarding the Bethel hamlet water system that is grossly out of date as the Bethel central water system ceased functioning several years ago and now each parcel relies on their own well.

Response 3.6-1: Comment noted.

3.7 DEMOGRAPHY COMMENTS AND RESPONSES

Comment 3.7-1 (S8): Why are we abandoning the goals of the Comprehensive Plan by encouraging more development outside of our town center? Allowing 611 units in a new development is too many in a community that only has 1,200 existing units, as is even 500 or 400 units. The crux of the problem is scale....611 units is almost a 50 percent increase in our population in one development.

Response 3.7-1: *Any residential development, whether or not in conjunction with the NND, will result in a population increase. With regard to the NND, the size of the population will depend on the proposed size of the NND property, the base residential yield, any incentives that may be granted by the Town Board, and the specific mix of housing types according to bedroom count for the development. Using the Pine Plains average household size of 2.6 persons per household, and assuming that a hypothetical NND consists of 750 acres of non-constrained land, the population that could be generated by a NND would be 829 persons (assuming all incentives applicable to a NND are granted). This compares with 465 persons that could be generated by a conservation subdivision. The NND population would likely be less than 829 persons since the NND requires that 30 percent of the housing consist of attached and multifamily housing - household sizes for these housing types are less than households inhabiting a conventional single-family detached dwelling. The Town's population, according to the 2000 U.S. Census, was 2,569 persons. A NND would represent 32 percent of the Town's existing population; a conservation subdivision would represent 18 percent of the Town's population. Refer to the publication entitled "Residential Demographic Multipliers - Estimates of the Occupants of New Housing", prepared by Burchell & Listokin, June 2006 for a comparison of population and student multipliers by housing type.*

The purpose of the DGEIS is to examine the impacts of the proposed zoning law with the NND. Table 2-6 of the DGEIS summarized population changes with and without adoption of the Zoning Law and also considered the potential buildout of a NND on the Carvel property. Without adoption of the proposed zoning, the potential buildout of the Town would be approximately 51,623 to 76,528 persons. With the proposed Zoning, the buildout would be between 6,146 to 8,913 persons, depending upon the availability of central sewer and/or water, incentives, mandatory affordable housing bonuses, and a potential Carvel NND. Adoption of the Zoning Law would significantly reduce the potential population buildout of Pine Plains.

Comment 3.7-2 (59): Permitting NND to increase our population by 50 percent will change the character of Pine Plains forever.

Response 3.7-2: *Refer to response to Comment 3.7-1. For a discussion of the NND impact on community character, refer to Section 3.10 of the FGEIS.*

3.8 ECONOMIC CHARACTERISTICS COMMENTS AND RESPONSES

Comment 3.8-1 (S3, 5): ...the Zoning Law as it is currently written, would interfere with residential and commercial development virtually everywhere in the Town and be an undue burden, lowering people's property values, making it difficult for them to develop their land.

Response 3.8-1: *Comment noted. The proposed Zoning Law will establish zoning districts that would regulate the types of residential and nonresidential uses that are allowed within the Town of Pine Plains. There is no evidence submitted that enactment of the zoning would reduce property values.*

The New York State Draft SEQRA Handbook states as follows: "Purely economic arguments have been disallowed by the courts as a basis for agency conclusions when concluding a SEQR review by developing Findings. Therefore, potential effects that a proposed project may have in drawing customers and profits away from established enterprises, possible reduction of property values in a community, or potential economic disadvantage caused by competition or speculative economic loss, are not environmental factors." Thus, comments raised on the potential impact to property values raised during the SEQRA process are acknowledged by the Town Board and will be considered along with SEQRA comments.

Comment 3.8-2 (S3, 5): Cluster subdivisions will drastically reduce the value for everyone's property because it reduces A) the desirability for development that property, B) It will reduce the number of lots you can subdivide if you did want to develop that property for some other use in the future.

Response 3.8-2: *The same number of lots that could be developed under a conventional subdivision can be developed in accordance with a conservation subdivision. However, the proposed layout of a conservation subdivision will require the preservation of 50 percent open space - the location of the open space, and the lotting of the subdivision, would vary from a conventional subdivision in order to preserve the open space. However, the conservation subdivision regulations will not reduce the number of lots that can be subdivided. See response to Comment 3.8-1 regarding property values.*

Comment 3.8-3 (S6): It is my recommendation that the Town Board should consider having the economic development incentive worded so some of that economic development would be moved off-site into either our business district or our Main Street district. I think that would solve two problems at once. You wouldn't have too much commercial area [at Carvel site] and rewarding a developer who had economic incentives.

Response 3.8-3: *The commentator is referring to the NND provisions. In order to protect and ensure that a NND would not negatively impact the Pine Plains business area, the NND regulations have been revised to allow a cash contribution to be provided in lieu of providing on-site commercial development. A cash contribution is consistent with the incentive zoning section (Section 100-22) of the proposed draft Zoning and New York State Town Law which allows cash contributions as an incentive.*

Comment 3.8-4 (1, 3, 46): The allowable commercial development [in the NND] is also arguably at odds with the Town Comprehensive Plan....these are very real threats to our small but valued business district that we are working so hard to protect.

Response 3.8-4: *As per p. 42 of the adopted Comprehensive Plan, the objective of the Plan is to direct the majority of commercial and residential growth in and adjacent to the hamlets, especially the hamlet of Pine Plains. The NND, if approved by the Town Board, is allowed only on properties zoned "R" that adjoin Pine Plains hamlet zoning districts. The NND regulations have been further refined to limit nonresidential uses to those uses otherwise allowed in the underlying "R" district. This is intended to eliminate the potential development of retail and other uses which are intended strictly for the Pine Plains hamlet.*

Comment 3.8-5 (22): ...it seems that the document allows for the creation of a large commercial hamlet (a small perhaps) outside and in addition to the historic town center of Pine Plains...if came to pass, we would be well on our way to the kind of suburban sprawl that the comprehensive plan and the zoning laws were supposed to avoid.

Response 3.8-5: *The NND will permit only those uses otherwise allowed in the R district. The integration of economic development areas is discretionary and subject to the approval of the Town Board. The NND is intended to allow development that would not otherwise occur in the Pine Plains hamlet. Thus, a golf course might be allowed if it is allowed in the R district, but retail uses would not be permitted. The NND does not permit development that would compete with, and impact the Pine Plains business areas.*

Comment 3.8-6 (S21): The draft of Local Law 1 makes the following statements about the purpose of the Law: to maintain the Pine Plains hamlet as the Town's center and principal location for residential and nonresidential uses and to promote and encourage appropriate business development in the hamlet. The effect of the NND places this portion of the document at odds with the Law's own stated purposes as well as the Comprehensive Plan allowing higher density NNDs with incentives for economic development.

Response 3.8-6: *See response to Comment 3.8-5.*

Comment 3.8-7 (S21, S28): Bottom line is the wealthier the [school] district you are, the less state aid you get, the greater the burden that is put on the local taxpayer. In my opinion, if these homes are sold to the target population that the Durst people are really going after, its going to greatly increase our taxes for reasons other than what has been discussed in the past.

Response 3.8-7: *Absent a specific NND zone application, the fiscal impact on the school district cannot be determined. The fiscal impact must be determined by assessing: the market value of the proposed housing product, the housing product and its bedroom mix, and the market to which the dwellings are intended to be sold, e.g., age versus non-age restricted dwellings. Recent work conducted by the Penn State College of Agricultural Sciences has found that "expensive" single family dwellings have a positive impact on school districts. Refer to <http://pubs.cas.psu.edu/FreePubs/pdfs/ec410.pdf>. Thus, it cannot be concluded in the absence of a project-specific fiscal impact analysis that a NND will have a negative impact on the Town's fiscal base. Since the NND floating zone is a legislative action*

subject to the Town's Board discretion, a NND which has a significant economic impact on the community may not be entertained by the Town Board.

Comment 3.8-8 (S29): Before the NND is adopted, there should be some sort of formal economic public assessment.

Response 3.8-8: *Absent a specific NND zone application, the fiscal impact on the community cannot be determined. The fiscal impact must be determined by assessing: the number of dwellings proposed, the market values of the proposed housing product, the type of housing and bedroom mix, and the market to which the dwellings are intended to be sold, e.g., age versus non-age restricted dwellings. Unlike a conservation subdivision, approval of the NND zone is a legislative discretionary action. If the Town Board determines that the NND would have a significant negative fiscal impact, it may elect not to consider or may disapprove the NND. This same opportunity does not exist when reviewing a conservation subdivision of any size.*

Comment 3.8-9 (S34): The Town needs growth, both residential and commercial, and you have addressed that largely through that [NND] process. The commercial zoning is probably my biggest concern. There is not enough space in Pine Plains for commercial....commercial growth helps to mitigate taxes over time.....

Response 3.8-9: *Comment noted. See Section 3.8 of the DGEIS. The Town Board has revised the zoning map to incorporate additional vacant land into the H-MS to promote commercial development. The R district allows limited nonresidential uses as set forth in Table A of the draft Zoning Law.*

Comment 3.8-10 (S8): Allowing large-scale development that draws people and resources away from our identified town center and forces expenditures on additional community services is clearly not in the interest of current residents.

Response 3.8-10: *The potential fiscal impact of the NND on the Town's community facilities and services will depend on the market values of the proposed development compared to the demands the project will place on community services and facilities. For example, a NND that consists of entirely active adult housing would likely have a significant positive fiscal impact on the Pine Plains school district. The specific impact will depend on the mix of housing types, the market values of said homes, and the population, including schoolage children that are generated and that place demand on services. Unlike a conservation subdivision, Section 100-28 requires that a NND provide for the construction or improvement of public facilities, services or utilities. A market feasibility study and demographic and fiscal impact analyses must be submitted with the application. If the Town Board were to find that the NND has a significant negative fiscal impact on the community, it may disapprove the project. Unlike a conservation subdivision whereby the Planning Board would have no ability to disapprove the project even where it is found that the project would impact the Town negatively from a fiscal impact perspective, the NND may be disapproved since it requires discretionary legislative action.*

Comment 3.8-11 (61): [The NND] threatens our community's fiscal equilibrium, and our attractive tax rates.

Response 3.8-11: *See response to Comments 3.8-7 and 3.8-9.*

Comment 3.8-12 (63, 159): The current NND provision could seriously...threaten the Pine Plains business district. The last thing anyone wants is to turn Pine Plains into exurban sprawl; the comprehensive plan calls for commercial development in the hamlet, not two or three miles from there.

***Response 3.8-12:** The NND regulations have been revised to allow only those uses that would otherwise be permitted in the R zoning district. Retail uses, which are typically found in a business district and permitted in the Pine Plains hamlet, will not be allowed in a NND. The NND district is intended to allow nonresidential uses that would not otherwise compete with and impact businesses within the Pine Plains hamlet.*

Comment 3.8-13 (S14, 90): The analysis in the DGEIS does not present the full impact of the NND provision. There will be serious negative financial impacts from the buildout of the NND in the foreseeable future...the town budget will have to increase significantly due to: 1) the maintenance of all the new roads in the Carvel development and the additional wear and tear from greatly increased traffic on existing roads 2) the need to provide fire and police protection, which would involve creating a paid fire department, and the need to hire more teachers and staff to handle the increase in students.

***Response 3.8-13:** The potential fiscal impact of a NND will be examined at the time a site-specific NND zone petition application is submitted to the Town Board. The review process requires the submission of demographic and fiscal impact analyses. It is acknowledged that additional development, regardless of whether in conjunction with a NND or as part of a conservation subdivision, will increase demand for community services and facilities. However, the proposed development will also be assessed and taxed and will generate additional property tax revenues in an amount based on the proposed market value of the project. In the absence of a specific development application, the potential fiscal impact is unknown. However, unlike a conservation subdivision, which cannot be denied as a result of potential fiscal impacts, the NND is a discretionary legislative action that can be disapproved or rejected if the Town Board determines it would have a negative fiscal impact on the Town of Pine Plains. See also response to Comments 3.8-7 and 3.8-9.*

Comment 3.8-14 (98): The impact on our schools and infrastructure [from the NND] will drive people out of town, due to the incredible raises in taxes that will be necessary.

***Response 3.8-14:** See response to Comment 3.8-7, 3.8-9 and 3.8-12.*

Comment 3.8-15 (140): High density new hamlets [NND] far from the town center will create the need for additional services that our town cannot afford. And the argument that dramatic increases in population bring with them significant increases in tax revenues that offset the increase in cost of services has been, time and again, refuted by economists.

***Response 3.8-15:** Any new development regardless of form, i.e., NND, conventional subdivision or conservation subdivision, will place demand on community services. The NND proposes that most development be concentrated in a core area which is intended to reduce the amount of new roads and infrastructure introduced to the Town. It cannot be determined, in the absence of a site-specific development application, what the impact on the town's tax revenues and costs would be. See response to Comments 3.8-7, 3.8-9 and 3.8-12. The Town Board can deny the NND zone petition at any time as the zone's approval represents a discretionary legislative approval. Thus, if the Town*

found that the NND would have a significant adverse impact on its fiscal base, it can deny the NND.

Comment 3.8-16 (144): Perhaps the key economic attribute that permits rural character is a small population. On the commercial side, part of that rural character comes from small locally owned and mom and pop businesses in towns like Pine Plains. Having a small population keeps rural towns off the radar screens of large national businesses, such as chain stores and big box stores, distribution companies and other similar businesses....Doubling the population, as the Draft Zoning's current buildout permits, will only serve to place our communities on those radar screens which will attract those chain store type businesses and forever change the character of the local business structure.

Response 3.8-16: *Table 2-6 of the DGEIS identified the population that would result from the proposed Zoning Law and the population that would result if the Zoning Law is not adopted, i.e., development in accordance with the current land use regulations. The buildout from the proposed Zoning Law will be substantially less than what would occur in the absence of Zoning. Under any scenario, with or without the NND, the Town's population will more than double. The 2000 Town population was 2,569 persons - the approximate buildout will be between 6,146-8,913 persons. While the Town can regulate architecture and design of commercial buildings, the Town cannot prohibit franchise establishments. For those familiar with the Town, Stewarts is already present. The Zoning Law does establish maximum building standards for nonresidential uses - see Section 100-17.C. which limits the potential size of any establishment that may seek to locate in Pine Plains.*

The New York State Draft SEQRA Handbook states: "Purely economic arguments have been disallowed by the courts as a basis for agency conclusions when concluding a SEQRA review by developing Findings. Therefore, potential effects that a proposed project may have in drawing customers and profits away from established enterprises, possible reduction of property values in a community, or potential economic disadvantage caused by competition or speculative economic loss, are not environmental factors." The Town Board notes the commentator's comment.

3.9 HOUSING COMMENTS AND RESPONSES

Comment 3.9-1 (S22): The Zoning Commission placed a high priority on flexibility in the Zoning Law and used a five-acre residential base density formulation for the rural Pine Plains with no minimum lot size...the minimum five-acre lot size included in your revised Law is restrictive both for lot design and because of five-acre minimum lot size, purchase may not be affordable to some...should be removed.

Response 3.9-1: *The Town of Pine Plains draft Zoning Law includes opportunities to develop housing on lots of various sizes as follows:*

- 1) *The hamlet zoning districts allow smaller lot sizes than other zoning districts (refer to Table B that sets forth bulk regulations);*
- 2) *The conservation subdivision regulations do not require a minimum lot area (refer to Section 100-31.1);*
- 3) *Pre-existing lots may be subdivided at lot sizes smaller than five acres (refer to Section 100-33); and*
- 4) *the NND zone, approved at the discretion of the Town Board, may permit smaller lot sizes (refer to Section 100-28).*

In addition, the Town proposes to adopt housing provisions that would mandate the construction of affordable housing - see Section 100-23 of the draft Zoning Law. Also refer to the response to Comment 3.9-2 below.

Comment 3.9-2 (S22): The NND takes rich people on one side and poor people on the other. I just disagree with selling off your affordable housing to someone else.

Response 3.9-2: *The draft Zoning Law would mandate the creation of affordable housing for all developments proposing 10 or more dwelling units or residential lots. The method by which affordable housing can be created is as follows:*

- (1) *Construction of affordable housing on site;*
- (2) *Payment of an affordable housing fee to the Pine Plains Housing Trust Fund in lieu of the construction of affordable housing as per §100-23.E. of this section;*
- (3) *Donations of land to the Town suitable for the construction of affordable housing;*
- (4) *Construction of affordable housing off site within the Town;*
- (5) *Rehabilitation of substandard housing to standard affordable housing;*
- (6) *Purchase of existing housing for conversion to affordable housing; and*
- (7) *A combination of the above.*

The Town Board shall approve, in its sole discretion, the method or combination of methods that shall be used to meet the provisions of this section of the Zoning Law based on the unique characteristics of the application being reviewed, and based on a recommendation of the Planning Board. It is premature to determine how affordable housing may be achieved in a NND zone in the absence of a specific zone application.

Comment 3.9-3 (S27): I know with the NND there is a big push for affordable housing, which is certainly commendable, but I think we have to keep it in prospective that affordable housing is obviously great but if you have four children and if it costs you four or 5,000 per kid to educate in our schools, somebody is paying for it. If it is not the person living in the new home, its the surrounding residents...we don't want an undue burden on our residents.

Response 3.9-3: See response to Comment 3.9-2. All developments with 10 or more dwelling units or residential lots will be mandated to provide affordable housing. The draft Zoning Law is consistent with the Comprehensive Plan which states (p. 67): "3. Encourage housing options by creating incentives for provision of low and moderate income housing as part of a proposed development. Offering developers a density bonus can be an effective incentive." The Town of Pine Plains is incorporating affordable housing provisions to ensure that it meets local and regional housing needs. The specific fiscal impact cannot be determined absent information on the type of housing, the bedroom mix, and proposed market values of the affordable housing and market rate housing that is proposed. Fiscal impacts will be evaluated on a project-specific basis.

Comment 3.9-4 (76): Purported benefits of the NND plans such as "providing greater flexibility" or creating more affordable housing" are illusory, as these matters are more than adequately dealt with in the draft zoning law before the addition of the NND provisions.

Response 3.9-4: The NND will promote a diversity of housing types and affordable housing that would not be created by a conservation subdivision. Specifically, in exchange for the increase in residential density, from 1 dwelling unit per 5 acres in the R district to 1 dwelling unit per 3 acres in the NND district, an applicant is required to construct 30 percent of the housing units as single-family attached or multifamily dwellings. Alternative housing types, which have a reduced market value when compared to a single-family detached dwelling, would not be constructed voluntarily within a conservation subdivision especially given the very low densities allowed in the R district. In addition, the NND requires an additional 5 percent set aside of affordable housing without any additional density bonus. These benefits are requirements of the NND and are not illusory. The NND, if approved, would have a positive impact on the construction of affordable housing and would provide a diversity of housing types. The Town Board, at its discretion, may opt not to entertain a NND zone application that has the potential to significantly impact the community.

3.10 COMMUNITY CHARACTER COMMENTS AND RESPONSES

This section addresses comments raised with regard to the following topics: land use and planning policies, consistency with the Town Comprehensive Plan, scenic and visual resources, and community character comments, e.g., rural character.

Comment 3.10-1 (S1, S15, 13): The Comprehensive Plan sets off and says that any new high density development should occur within the hamlet of Pine Plains. We feel that the NND provision in and of itself is inconsistent with that goal of the Comprehensive Plan; If the goal of the NND is to allow for future development, let's develop the existing hamlet. There is lots of land. Why create a whole overlay that competes directly with the hamlet.

Response 3.10-1: The Comprehensive Plan specifically states, on p. 48: "1. Discourage higher density housing in areas outside of the hamlet of Pine Plains." However, the Comprehensive Plan does not set forth any specific residential densities for the Town of Pine Plains. It also states, on p. 42, "4.....direct the majority of commercial and residential growth in and adjacent to the hamlets..." (emphasis added). Lastly, the Comprehensive Plan, on p, 45 and 46, discussed the establishment of a higher density district entitled "non-constrained district" which was not established by the Zoning Commission. The Town Board has determined that creation of the NND is consistent with the Comprehensive Plan as: 1) it proposes a lower density than the hamlet zoning districts; 2) it must be adjacent to the Pine Plains hamlet zoning district; and 3) the Town Board must make a finding that there is sufficient non-constrained areas on any property to apply for a NND. Lastly, it is noted that while the proposed density is one dwelling unit per 3 acres, the actual density will be lower as environmentally sensitive areas must be excluded from the calculation of residential density, and 15% of the net buildable area must be excluded from the calculation of residential density to established the base residential yield.

Comment 3.10-2 (S16): The New Neighborhood Development, NND provisions, are particularly tailored for the need to balance the opportunities for well-managed growth with the Town goals of environmental and rural area protection. The Dutchess County experience has been that Planned Unit Development provisions are rarely used, even ones that have been on the books for decades. In the event the NND section is used in Pine Plains, it promises to yield a kind of construction that will add to the Town's vitality and quality of life. The comprehensive range of protection and reviews are compelling to those who want to see development practices be enlightened and safeguard the interest of the local population. The market tends to temper demand causing a build-out process to be gradual and organized as it unfolds.

Response 3.10-2: Comment noted. The Town Board finds that the NND zoning provisions promote well-managed growth and that the NND is consistent with numerous goals and objectives of the Comprehensive Plan. Each site-specific NND zone application will be reviewed for its consistency with the 18 criteria set forth in Section 100-28.B and will be evaluated for its potential impact on the Town of Pine Plains. Where the Town Board finds that a site-specific NND will have a negative impact on the environment, it has the discretion to disapprove or not entertain the NND zone application.

Comment 3.10-3 (S1, 13, 28): So the basic fundamental fact that we can have 600 units adjacent to the Pine Plains hamlet is very large and duplicates the center of your community.

Response 3.10-3: *The specific size of a NND will depend on the size of the proposed NND parcel, the base yield that can be achieved after subtracting the features set forth in Section 100-31.C of the Zoning Law, and the discretionary incentives that may be approved. It does not duplicate the center of the community, i.e., the Pine Plains hamlet, as: 1) it does not permit the mix of nonresidential uses allowed in the hamlet; and 2) it does not allow the density that exists in the Pine Plains hamlet. Like a conservation subdivision, it allows the creation of a new residential neighborhood on tracts of land that are adjacent to the hamlet in which a minimum percentage of open space must be preserved, i.e., 60 percent.*

Comment 3.10-4 (S1, 13):....there is enough flexibility to allow a variety and a mix of development throughout the Town in any zone, including the rural zone. The only added benefit we can see of the NND would be an increased density in terms of one unit per three acres versus one unit in five acres in rural zoning.

Response 3.10-4: *There are a number of benefits associated with the NND that cannot be accomplished through a conservation subdivision. Among the benefits is that the NND mandates a diversity of housing types to meet the needs of different types of households in the community, and it requires an additional five percent of affordable housing without getting an additional one-to-one credit for this additional affordable housing. All of the benefits are set forth in Section 100-28.B of the draft Zoning Law.*

Comment 3.10-5 (S8, 46): In order to remain consistent with the Comprehensive Plan, we cannot allow our designated rural and agricultural areas to be converted to suburban three-acre densities.

Response 3.10-5: *The adopted Comprehensive Plan does not specify residential densities that would be considered "rural". References to density are limited to the discussion on pages 45 through 46 which does not describe specific densities for the proposed base zoning districts.*

Comment 3.10-6 (S1, 13): We really feel the NND provisions would change the face of Pine Plains. We are a very rural community, very scenic landscape as we drive around the community. And what we feel as the NND language as currently written provides excessive discretion as to how it may be applied in the future.

Response 3.10-6: *The NND will require that a minimum of 60 percent of a NND tract be set aside as open space. In addition, a specific criteria guiding the approval of a NND is as follows: "13) encourages the conservation and enhancement of the visual quality and rural character of undeveloped areas of the Town by protecting visible open space and scenic vistas, and encourages the creation and/or preservation of vegetative buffers along highways and between potentially conflicting land uses by the careful siting, design and buffering of building development." The Town Board has the discretion to not entertain the NND zoning petition if it determines that a proposed NND would not meet this objective.*

Comment 3.10-7 (S2, 9): Comp Plan goal number three is to preserve the hamlet of Pine Plains and maintain it as the Town's center and principal location of commercial, cultural, and residential uses...the NND could end up creating several competing new hamlets only thinly connected to the present hamlet by a bike trail or pedestrian walk. This would contradict Comp Plan goal three.

Response 3.10-7: See response to Comment 3.10-3.

Comment 3.10-8 (S3, 5): The cluster or conservation subdivision...is a particularly dangerous concept, which has begun to be promoted in many new zoning codes...it will threaten the Town's rural character by creating suburban Long Island, New Jersey type residential cul-de-sacs in the middle of what used to be farmland.

Response 3.10-8: *The conservation (cluster) subdivision is consistent with the Greenway Compact of which the Town of Pine Plains is a member and is intended to avoid the conventional sprawl development which some would argue is characteristic of the locations referenced by the commentator. The layout of each conservation subdivision will be designed to preserve the specific unique attributes of each parcel in open space and cluster development in areas where development will pose minimal environmental impact. A cul-de-sac is not an inherent design feature of conservation subdivisions. In fact, Section 100-31.J states: "Street connections to adjoining properties are encouraged to reduce the introduction of dead end roads wherever possible."*

Comment 3.10-9 (S25): To go back to the old fashioned way of preserving that land is the way to preserve it. In other words, big lots, big sections. It should never be divided up into small. The worst thing would be cluster. To ruin that rural, agricultural look with bunches of suburban or even urban concepts and putting a whole bunch of houses on top of each other would be a desecration of that land the way it is today and anybody who wants to divide it up into five-acre pieces, fine.

Response 3.10-9: See response to Comment 3.10-8.

Comment 3.10-10 (S4, S22, 4, 46, 81): The NND is inconsistent with the recommendations of the Town's Comprehensive Plan. The Town Comprehensive Plan seeks to implement a land use program that has as its primarily goal protection of environment and rural character. If adopted, the NND is likely to encourage dense development nodes in rural areas away from the hamlet district.

Response 3.10-10: See response to Comment 3.10-1.

Comment 3.10-11 (S4, 4): The NND zone intends to promote a TND, a Traditional Neighborhood Development. This planning technique would be most appropriate adjacent to the hamlet area and must fit intimately with the existing hamlet. That is to say an NND that stretches into rural areas will be inconsistent with the spirit of the Comprehensive Plan and perceived intent of the proposed NND zoning district.

Response 3.10-11: *The Town of Pine Plains is a Greenway Compact community and the creation of hamlet groupings of buildings within rural areas is consistent with the Dutchess County Greenway Connections Report (see p. 25 of the report which recommends creating a hamlet style grouping of buildings to preserve the countryside). There is no mandate that clustered groupings of residential buildings must fit intimately with an existing hamlet. The NND zone proposes to allow for the potential creation of a new residential neighborhood that would be linked to the Pine Plains hamlet. It is a primarily residential development which does not allow the full complement of uses that are allowed in the Pine Plains hamlet zoning districts. While the NND attempts to*

achieve some elements of a traditional neighborhood design, e.g., gridded pattern of streets, it acknowledges that topographic and other environmental features may not permit a traditional neighborhood design. Hamlet and other clustered groupings of dwellings within rural areas is consistent with the Comprehensive Plan - see p. 50 through 52.

Comment 3.10-12 (S5, 7): Encourage density within the existing Village of Pine Plains as a way to protect rural character.

Response 3.10-12: *Densities for residential development in the hamlet of Pine Plains are higher than in any other proposed zoning district in the Town. Consistent with the Comprehensive Plan, rural character is being preserved by creation of the Agricultural Overlay district which emphasizes preservation of agricultural land, mandating conservation subdivision design for major subdivisions which will require a minimum of 50 percent open space, and establishing lower residential densities outside the hamlet zoning districts.*

Comment 3.10-13 (S10): I think we want primarily open space. We want protection of the environment. And we want the rural character we have. An I believe if you maintain that for us, with the law as you've proposed, exclusive of the NND. So I would ask you to consider taking that out.

Response 3.10-13: *The NND will preserve 60 percent of any tract as open space. A specific criteria of the NND is that it preserve the rural and scenic character of the tract. See response to Comment 3.10-6.*

Comment 3.10-14 (27):drive west on Rt 199. As you get close to Red Hook, you are sure to notice that once lovely farmland is now over-run with McMansions. And they look like they are being built on a weekly basis. If you believe, despite the Comprehensive Plan, that expressly states that Pine Plains needs to keep its rural character, that Pine Plains residents want a big part of its town to look like this development, only perhaps, 10 times as big, then include the NND in the zoning law.

Response 3.10-14: *A review of the Red Hook zoning map indicates that the zoning for Red Hook along the Rt 199 corridor allows a density of development ranging between 1 dwelling per 1 acre to 1 dwelling unit per 3 acres. The appearance of development along this corridor appears to be less of a function of the permitted density but a result of allowing large lot, conventional subdivision development. The Pine Plains proposed Zoning Law mandates that major subdivisions be laid out as conservation subdivisions wherein no less than 50 percent of any property is preserved as open space. In the NND floating zone, where development is required to be laid out like a conservation subdivision, the open space requirement is a minimum of 60 percent. By clustering development as required in accordance with the design standards contained in the draft Zoning Law, the Town is protecting its rural character and avoiding the type of landscape that the commentator finds inconsistent with the Town of Pine Plains Comprehensive Plan.*

Comment 3.10-15 (S8, S9, S20, 35): The NND as proposed is inconsistent with the Comprehensive Plan which calls for a more intensive residential and commercial development activity to be focused in proximity of the historic hamlet center of Pine Plains in order to support and preserve its vitality; I appeal to you, the Town Board, to adhere to the goals of the

comprehensive plan and, by so doing, not allow an increase in the amount/density of development (as proposed in said plan) outside of the Town Center; First, it is too high a residential density for rural Pine Plains. Second, the rural citing [sic] is away from the Town's center which is what we had hoped would be the target for development...; ...the lip service justification with consistency with the Comprehensive Plan, repeated in the DGEIS, is that the NND concentrates growth next to the hamlet and provides housing needed for various income levels in Pine Plains. This is a sham, when no one impact would want that level of density on the Spruce Farm part of the Carvel plan for instance, and the housing is intended for the uber wealthy from New York City.

Response 3.10-15: *The proposed Zoning Law is consistent with the Comprehensive Plan except as it relates to the density associated with the proposed H-PC and H-B zoning districts. The Town Center is the term used in the Comprehensive Plan that is applied to the Pine Plains hamlet. The Comprehensive Plan, on p. 48, states as follows: "1. Discourage higher density housing in areas outside of the hamlet of Pine Plains." The density of residential development proposed for the Pine Plains hamlet zoning districts ranges from 1 dwelling unit per 15,000-30,000 square feet, depending on the availability of sewer and water. Outside the hamlet of Pine Plains, the only other areas that propose higher density housing are the H-PC and H-B zones - these hamlet districts allow residential densities of 1 dwelling unit per 20,000-30,000 square feet. Otherwise, the WP and R districts allow a maximum residential density of one dwelling unit per 5 acres and the NND floating zone allows a density of one dwelling unit per 3 acres. The AG-O and M-O districts are guided by the bulk regulations and density standards of the underlying base zoning district. The density is further reduced by the provisions of Section 100-16 and 100-31 which eliminate acreage associated with environmentally sensitive features when calculating the density of a residential development. For conservation subdivisions, an additional 15 percent of the buildable land area is also excluded when calculating residential yield to account for inefficiencies of layout.*

With the exception of the hamlet districts, the density of housing outside the Pine Plains hamlet is substantially less than within the proposed Pine Plains hamlet zones. The DGEIS examines the impacts associated with a potential NND on the Carvel site as the property appears to meet the minimum standards for a NND. However, until a site-specific NND zone application is received, it is unknown what market segment any development on that property will cater to - any proposal that may be submitted will have to conform to the criteria and intent of the NND regulations set forth in Section 100-28 of the draft Zoning Law. While an applicant may seek approval for a high end housing development, the Town Board will review and evaluate the appropriateness of the specific NND application to the Town.

Comment 3.10-16 (77): The argument has been made that the NND is inconsistent with the Comprehensive Plan by allowing too much development. I would counter that the goals of the Comprehensive Plan are not only about limiting residential yield, but include other clearly stated goals such as 1) increased housing affordability 2) controlling the mix of housing options 3) pedestrian friendly environment 4) more clearly defined boundaries between development and open space 5) economic revitalization of the Hamlet Center 6) job opportunities for the Town. I believe that with some adjustments to the current NND language, these goals can be met more effectively with an NND than without one, and that the trade off between more density and the realization of these goals is desirable.

Response 3.10-16: *Comment noted. The Town Board is in agreement that the NND is intended to achieve these various goals and is consistent with the Comprehensive Plan.*

Comment 3.10-17 (42): I am still concerned that the NND would allow a developer to build a development that is too large and too dense. I do not understand why the density is recommended to be one unit per three acres rather than the one acre per five acres that is required in the rest of the Rural District.

Response 3.10-17: *The purposes of the NND are numerous and are set forth in proposed Section 100-28 of the Zoning Law. With regard to the increase in the density, it is intended to achieve two primary objectives, among others: allow an increase in density to achieve a mix of housing types, and increase the amount of affordable housing that is constructed with large developments. In order to achieve this objective, an increase in the base residential yield would be permitted. Otherwise, at a very low density of one dwelling unit per five acres, it is unlikely that a mix of housing types would be constructed. This “transitional” density is permitted on properties adjoining the Pine Plains hamlet only. It is consistent with the Comprehensive Plan that recommends commercial and residential growth in and adjacent to the hamlets, especially the hamlet of Pine Plains. Lastly, it also provides opportunities for areas with “non-constrained” land (see p. 45 of the Comprehensive Plan) - the creation of a zoning district that incorporates non-constrained land was omitted from the 2007 zoning draft.*

Comment 3.10-18 (S9): No where does the [Comprehensive Plan] call for a transitional zone, which actually would be an example of sprawl.

Response 3.10-18: *The NND would allow development in areas identified as “non-constrained district” shown on the Pine Plains Future Land Use Concept map attached to the adopted Comprehensive Plan. The Plan, on p. 46, clearly intended that there would a proposed district with a base density which would be less than a hamlet district but more than an agricultural, conservation, or wellhead protection district. The NND creates development opportunities on tracts of land with sufficient non-constrained land. That density is “between” the density allowed in the H districts and the density in the R (a.k.a. agricultural) districts. The NND does not promote sprawl as it requires that development be clustered to preserve 60 percent of any tract as open space. See also response to Comment 3.10-17.*

Comment 3.10-19 (S8, 25, 29, 33, 36, 38, 39, 43, 44, 47, 48, 53, 55, 56, 58, 63, 64, 65, 66, 68, 70, 75, 76, 80, 86, 89, 92, 97, 103, 104, 105, 107, 108, 111, 116, 117, 123, 124, 125, 127, 130, 131, 133, 134, 135, 137, 138, 147, 150, 151, 152, 153, 156, 160, 161, 163, 166, 167, 169): The NND provision allows a developer, such as the Durst Corporation, to build a development far too large (611 homes, in Pine Plains alone) and far too dense (one unit per three acres rather than the one acre per five acres that is required in the rest of the Rural District). This plan would negative impact on the area’s unique rural character.

Response 3.10-19: *Although the zoned density for the R district and the NND district are one dwelling unit per 5 acres and one dwelling unit per 3 acres, respectively, the residential densities are lower once acreage with environmental constraints is subtracted when determining the base yield and 15 percent of the developable land is removed from the density calculation to address inefficiencies in laying out a development. The adopted Comprehensive Plan did not establish recommended densities for the various areas of the Town, thus there is no expression of what residential density is consistent*

with rural character - a primary objective of the Comprehensive Plan is to encourage conservation (i.e., cluster) subdivisions to protect swaths of open space and the Town's rural character (see pages 49-52 of the Comprehensive Plan) - the appropriate placement of improvements is equally as important and emphasized in the Comprehensive Plan. The NND would require that a minimum of 60 percent of a NND be set aside as open space.

Comment 3.10-20 (S8, 25, 33, 36, 38, 39, 43, 44, 47, 48, 53, 55, 56, 58, 63, 64, 65, 66, 68, 70, 75, 80, 86, 89, 92, 97, 103, 104, 105, 107, 108, 111, 116, 117, 123, 124, 125, 127, 130, 131, 133, 135, 137, 138, 151, 152, 153, 155, 156, 160, 161, 163, 166): Further, the provision would allow the creation of an entirely separate hamlet equal in size to the historic hamlet of Pine Plains, thus undermining the stated goal of focusing development in and adjacent to the town center. This too is a clear violation of the Comprehensive Plan.

Response 3.10-20: *The size of the NND will depend on the specific development application, the environmental constraints of the land, and the discretionary incentives that the Town Board may permit. For a hypothetical NND that meets the 750 acre minimum size threshold, and assuming no environmental constraints, the NND would have a base residential yield of 213 dwellings which is fewer dwellings than in the hamlet of Pine Plains. The 2007 draft zoning which was the product of the Zoning Commission envisioned the creation of small rural hamlets in the Town. Specifically, all major subdivisions consisting of 30 or more dwelling units were to be designed as hamlets with traditional neighborhoods, the purpose being to concentrate development for purposes of maximizing open space and farmland protection. The same objectives apply to the NND, with the exception that the NND requires slightly more open space - a minimum of 60 percent - compared with a conservation subdivision that requires 50 percent open space. Lastly, the Town of Pine Plains is a Greenway Compact community and the creation of hamlets is consistent with the Dutchess County Greenway Connections Report (see p. 25 which recommends creating a hamlet style grouping of buildings to preserve the countryside).*

Comment 3.10-21 (82): I support your efforts to make this potential law comprehensive, protective of the environment, consistent with our rural character and consistent with the Comprehensive Plan. I believe the proposed zoning does all this and because of the NND section, provides our town with the potential for future controlled beneficial development.

Response 3.10-21: *Comment noted. The Town Board finds that the NND is consistent with the goals and objectives of the Comprehensive Plan.*

Comment 3.10-22 (14, 22, 73, 74): The scale of the development permitted by the NND provision is far too large, six or five or 400 units would overwhelm our Town and would weaken the rural character protection called for in the Comprehensive Plan.

Response 3.10-22: *The NND provision requires that the Town Board find, on balance, that the NND benefits the Town based on review of 18 criteria. One such finding is that the NND "encourages the conservation and enhancement of the visual quality and rural character of undeveloped areas of the Town by protecting visible open space and scenic vistas, and encourages the creation and/or preservation of vegetative buffers along highways and between potentially conflicting land uses by the careful siting, design and buffering of building development". The NND also require preservation of a minimum of 60 percent open space, ensuring that the development is clustered - a strategy*

incorporated in the Comprehensive Plan to protect open space. If the Town Board finds that the NND would result in a development that is inconsistent with rural character, it may reject the NND application.

Comment 3.10-23 (17, 54, 57, 67): ...we are completely confounded by the inclusion of the NND proposal...it is inconsistent with and in direct conflict with the goals of the Comprehensive Plan which calls for our area to retain its rural character...it violates the Comprehensive Plan in terms of population density and commercial development.....

Response 3.10-23: *The Comprehensive Plan did not include any specific goals or objectives relative to population density thus the NND does not violate the Plan. The Comprehensive Plan specifically states “Discourage higher density housing in areas outside of the hamlet of Pine Plains” - the residential density of the R (one dwelling unit per 5 acres) and NND districts (one dwelling unit per 3 acres) is less than the residential densities permitted in the Pine Plains hamlet (up to one dwelling unit per 15,000 square feet, or approximately 3 dwelling units per acre). For a discussion of commercial uses, refer to the Comments in Section 3.8 of the FGEIS.*

Comment 3.10-24 (S11, 18): “No minimum lot size, frontage, or yard requirements within an NND shall be required except those dictated by health, fire, safety function and buffer considerations. Does this lead to suburban house-next-to-house sprawl?”

Response 3.10-24: *The NND requires the submission and approval of bulk requirements specific to the NND development. The bulk requirements depend in part on the type of housing product proposed, e.g., single-family detached on large to small lots, semi-attached dwellings, attached or multifamily dwellings. See 100-28.D.(7). Like a conservation subdivision, there is no pre-set minimum lot area. In addition, the NND requires compact neighborhoods that preserve 60 percent open space, and promote quality building development through the review and approval of architectural design for all buildings in the NND.*

Comment 3.10-25 (24): *Changing the density from 5 acres to 3 acres is a 60 percent bonus to the developer. The NND then goes further and allows the developer up to another 50% bonus on top of the increase in base density. Why are we abandoning the goals of the Comprehensive Plan to encourage more development outside of our Town Center?*

Response 3.10-25: *Comparable to a conservation subdivision in the R district, the density will be less, as 15% must be subtracted for inefficiencies of layout and environmental constraints must be subtracted before the yield is determined. The conservation subdivision provides the same 10 percent affordable density bonus and up to 30 percent incentives as the NND district. However, as a tradeoff for the increase, the NND requires mandatory construction of alternative housing types (30 percent must be attached or multifamily dwellings) and 15 percent of the base residential yield must be affordable (unlike 10 percent for a conservation subdivision). The increase in density is intended to achieve the additional affordable housing requirement and promote housing diversity. Lastly, the Comprehensive Plan states that the basic strategies of a land use program are to “direct the majority of commercial and residential growth in and adjacent to hamlets” and at the same to discourage higher density housing in areas outside the hamlet of Pine Plains. The NND would allow for residential growth adjacent to the hamlet of Pine Plains but is less dense than the density of housing allowed in the hamlet (up to 3 dwelling units per acre compared with 1 dwelling unit per 3 acres allowed by the*

NND). The NND is consistent with the broad objectives expressed in the Comprehensive Plan.

Comment 3.10-26 (26): Numbers like 611 go against the Comprehensive Plan surveys that overwhelmingly supported keeping a small town atmosphere and preserving rural and scenic character.

Response 3.10-26: *The NND, as a criteria of approval, requires that any NND development preserve the scenic and rural character. The 611 number represents a maximum amount of development that can occur on any NND site. Depending on the environmental constraints of properties in Pine Plains, the 611 threshold cannot be achieved without a project incorporating significant amounts of acreage - assuming a site had no environmental constraints and also assuming all potential incentives were granted, a project site must be approximately 1,500 acres to achieve this magnitude of buildout. Of this total, 900 acres would be required to remain as open space. Development would be clustered, comparable to a conservation subdivision, in a manner that preserves rural and scenic views. If this cannot be achieved, the Town Board can deny the NND application.*

Comment 3.10-27(40, 146): The NND...obliterates everything we are working to maintain and protect in terms of size, density, rural character -- everything the Comprehensive Plan tries to protect and secure for our future generations; developments will materially and adversely affect the wonderful rural charm of Pine Plains.

Response 3.10-27: *See response to Comments 3.10-1 and 3.10-6.*

Comment 3.10-28 (41, 113): I oppose adoption of the proposed zoning law for Pine Plains on the basis that it does not preserve the rural character of Pine Plains. I do not wish to see development in Pine Plains of the scale that would be allowed under the NND provision.

Response 3.10-28: *See response to Comment 3.10-6. The size of the NND will be a function of the size of the property seeking zoning approval - see also response to Comment 3.10-1.*

Comment 3.10-29 (61, 95, 106, 144): The NND is in direct conflict with the wishes of the majority of Town residents who have repeatedly expressed their wishes for a truly rural future....The NND is not in keeping with the Comprehensive Plan. The densities allowed in the NND are too high. The potential for suburbanization is far too high as well.

Response 3.10-29: *See response to Comment 3.10-1 and 3.10-17.*

Comment 3.10-30 (69): Please remove the NND....to her this far and not do the right thing for the Towns of Milan and Pine Plains would ruin the rural character of the Town for the future.

Response 3.10-30: *See response to Comment 3.10-6. The Town of Pine Plains Town Board has no zoning authority over land use activities that occur in the Town of Milan.*

Comment 3.10-31 (140, 158, 159): The NND section, if adopted, would allow developments of new hamlets -- at some distance from the town center -- which would create a feeling of suburban sprawl; the NND provision would allow the blight of suburban sprawl to explode right within our beloved town.

Response 3.10-31: *The NND does not propose the creation of a hamlet - it proposes a new neighborhood as an extension of the Pine Plains hamlet. A criteria is that the NND must be connected or be planned to be connected to the Pine Plains hamlet to reinforce this extension. The NND also does not permit the same range of uses that are allowed in the Pine Plains hamlet.*

Comment 3.10-32 (93): A new large [NND] hamlet would allow the sprawl that we are trying so hard to avoid and allow another large area of development and all the rest of the unwanted consequences, one of which the pollution of night light that I feel we don't address as much as we should.

Response 3.10-32: *The proposed NND represents an extension of the Pine Plains hamlet and must be connected to same - it is not intended to be a stand alone new hamlet. It will not permit the same mix of uses as the Pine Plains hamlet. The NND is consistent with the Comprehensive Plan which recommends residential growth within and adjacent to the Pine Plains hamlet. The NND will be reviewed against Section 100-38, Lighting, which applies to all site and subdivision plans. These regulations are being implemented to protect the night sky.*

Comment 3.10-33 (S10, 60, 121): Lighting regulations...should apply to all residences, including single-unit residences. I would ask that you consider adding a requirement fro all units, single lots included as well as multiple lots; There should be stronger measures to protect the night sky from excessive lighting by requiring lights to be minimized, shielded and otherwise directed so as not to be cast onto neighboring properties or the night sky.

Response 3.10-33: *All activities requiring site plan, special use permit, and subdivision plan review and approval must conform to the provisions of Section 100-38, Lighting. Any use not requiring these approvals will not be regulated by this Section. Adoption of the Zoning Law is not anticipated to create or exacerbate impacts to the night sky. The Town Board will continue to monitor and evaluate the effectiveness of the proposed regulations and may revise them to address impacts that may arise in the future through appropriate zone amendments.*

Comment 3.10-34 (121): There should be increased visual protection for ridgeline development projects. Similar to point number 2, ridgelines that are deemed to be critical to the scenic beauty of Pine Plains should be delineated on the Zoning Map and there should be an increased level of scrutiny involved in developing such an area - be it at the submission of the request for a building permit or the submission of a subdivision application.

Response 3.10-34: *During the review of a site plan, special use permit or subdivision plan, in the R and WP districts, the Planning Board is required to review the application against the design standards set forth in Appendix A Section II. The standards require that buildings be situated no less than 10 feet below any ridgeline so that they do not protrude above treetops and crest lines of hills as viewed from a public place or road. Rooflines should not protrude above the ridgeline. Existing vegetation atop a ridge shall be preserved to the maximum extent. Any use not requiring these approvals will not be regulated by this Section. Adoption of the Zoning Law is not anticipated to create or exacerbate impacts to ridgelines. The Town Board will continue to monitor and evaluate the effectiveness of the proposed regulations and may revise them to address impacts that may arise in the future through appropriate zone amendments.*

Comment 3.10-35 (S6): Drive-thrus in the Main Street district or the business district would be disruptive to the whole idea of the Main Street district, which was to be a pedestrian district.

Response 3.10-35: *Except for bank drive-throughs, drive-throughs will be prohibited to protect the pedestrian environment. The bank drive through use is allowed by special use permit and site plan approval in the H-MS district only. The Planning Board will evaluate potential site-specific impacts of a bank drive through to ensure that the bank will not have a significant impact on the environment, including pedestrian environment.*

Comment 3.10-36 (S19): What if somebody brought three lots on West Church Street and five lots on South Main Street and put up commercial buildings, what would your Town look like? Would it look like it does now, a nice rural Town? It would look all chopped up. I think it would look pretty ugly. I don't think you have any kind of architectural board with your zoning to say this is what you have to do to make it look nice.

Response 3.10-36: *Development within the H-MS district, which includes West Church Street, that is subject to site plan, subdivision or special use permit approval is subject to Design Standards set forth in Appendix A of the draft Zoning Law. The design standards are intended to protect the hamlet character and mitigate against inappropriate architectural development.*

**4.0 ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED IF THE
PROJECT IS IMPLEMENTED COMMENTS AND RESPONSES**

Comments were not received on this Section of the DGEIS.

5.0 ALTERNATIVES COMMENTS AND RESPONSES

Comment 5-1 (S2, 9): There is also a concern about whether a no NND alternative is sufficiently addressed in the alternative section.

Response 5-1: *The DGEIS buildout described in Chapter 2 of the DGEIS and summarized in Table 2-5 considered the potential buildout of a NND on the Carvel project site. The following narrative provides a general comparison of the potential impacts associated with a zoning alternative that does not include a NND. For purposes of this analysis, the no NND alternative assumes that the NND tract would instead be developed as a conservation subdivision with single-family detached dwellings. Without the NND, as described in Table 2-5, the buildout of new residences in the Town would be 3,238 dwelling units, or approximately 190 fewer dwelling units than with a potential Carvel NND. However, using the refined data presented in Table 2-1 of the FGEIS, the number of additional dwelling units with the potential Carvel NND is 185 dwellings. This “No NND” alternative assumes that there would be 190 fewer dwelling units without the NND.*

Geology, Topography and Soils: Without the NND, there may additional potential impacts to geology, topography and soils. With the NND, 60 percent of a tract must be in open space - without the NND, only 50 percent is required to remain as open space. However, depending on the proposed use of open space with the NND, e.g., a golf course, earthwork associated with a NND may be greater. With either alternative, Section 100-42, Stormwater Management, would regulate and mitigate against potential stormwater and soil erosion impacts.

Water Resources: Under either scenario, the provisions of Sections 100-39, 100-40, 100-41, and 100-42 would regulate and limit impact to water resources. These sections regulate impacts associated with potential disturbances to the 100-year floodplain, natural streams and watercourses, freshwater wetlands, and drainage. It is not anticipated that there would be a significant difference in impacts under either alternative.

Ecology: With the NND alternative, there may be additional benefits that result from the additional 10 percent of open space required with the NND zoning. However, impacts to ecology will depend on the use of the open space - if the open space is used for a golf course, it can be argued that the ecological value of the NND’s open space may be reduced when compared to the open space associated with a conservation subdivision.

Transportation: The additional 190 dwelling units would result in additional trips to the local roadway network. The NND requires provisions for the creation of or potential linkage of the NND to the Pine Plains hamlet. No such provision is required with a conservation subdivision.

Community Facilities and Services: The additional 190 dwelling units would place additional demand on community facilities and services. However, the NND requires that civic and municipal uses be incorporated into the design of the development - no such provision is required with a conservation subdivision design. The actual impact of the additional community facilities and services depends on whether or not a development will generate sufficient revenues to cover the costs of the additional

demand. This is unknown in the absence of a specific NND or conservation subdivision plan.

Utilities: Given the size of either a NND or a conservation subdivision on a tract of 750 acres and greater, centralized water and sewer services will be required as the buildout will exceed 49 lots requiring the provision of said services. Utilities may either be in private or public ownership. The water supply demand and wastewater generation would be less under the No NND alternative.

Demography: The No NND alternative would result in fewer Town residents. Based on the Town's 2000 U.S. Census household size of 2.6 persons, 190 units would generate an additional 380 persons. This is nominal under the present land use regulations that could generate anywhere between 51,623-76,528 persons. The additional 380 persons represent an additional 4.5 percent increase over the No NND buildout of 8,419 persons for new residences. Adding the No NND buildout of new residences to the Town's 2000 population of 2,569 persons would generate a total population of 10,988 persons. The additional population generated by the NND would represent a 3.5 percent increase over said buildout.

Economic Characteristics: As stated through the FGEIS, it is difficult to determine the fiscal impact of a NND or a conservation subdivision in the absence of specific data on market values, housing product, bedroom count, and the segment of the market being targeted. The comparison of the NND to No NND assumes that the NND has benefited from the economic development incentive. Thus, the NND would incorporate some nonresidential ratables which would benefit the tax base, or would provide a cash benefit to revitalize the Pine Plains hamlet business area. Unlike the NND alternative, the Planning Board has no authority to deny a conservation subdivision based on fiscal impact. However, the Town Board can deny the NND zone petition where it finds the project would adversely impact the Town's fiscal base since a zone change is at the discretion of the Board.

Housing: The No NND alternative results in 190 fewer dwelling units. It would also result in 5 percent fewer affordable housing units that are mandated by the NND. Lastly, the No NND alternative would result in the construction of a conservation subdivision that would not have the diversified housing mix mandated by the NND. Any conservation subdivision under the No NND alternative would likely consist of single-family detached dwellings. The NND also requires that 25 percent of the dwelling units use green technologies as per the U.S. Building Council or comparable rating agency - the No NND alternative would not result in a similar benefit. Lastly, the NND requires that the proposed housing meet architectural design guidelines approved by the Town to ensure a quality residential development compatible with the Town's vernacular - the No NND alternative has no such requirement.

Cultural and Visual Resources: Under either alternative, cultural and visual resources would be protected. Cultural and visual resources are required to be protected under both the NND zone and the conservation subdivision design provisions. However, with the NND, an additional 10 percent of the tract is required to be protected as open space, potentially further limiting the extent of buildings on the landscape and possibly limiting impacts to any viewshed.

Comment 5-2 (S17): Historically, Pine Plains has always used its Master Plan of development to express its concerns regarding orderly and healthy growth of its commercial and business area by setting aside an area called Planned Development District, often known as PDD. The Planned Development District for the hamlet of Pine Plains was intended to keep development of the hamlet's entrance to a minimum while still allowing and planning for appropriate expansion of business services as the Town of Pine Plains grows....Just as a New Neighborhood Development allows for the orderly expansion of the high-end population base in Pine Plains, a well-designed Planned Development District for the hamlet will provide business opportunities and affordable housing for your youth and local full time residents that form the base of the Pine Plains community.

***Response 5-2:** Adoption of the Zoning Law without a PDD provision is not anticipated to create or exacerbate impacts to businesses or business opportunities. Affordable housing will be created through the implementation of 100-23, Affordable housing. The Town Board will continue to monitor and evaluate the effectiveness of the proposed regulations and may revise them to address impacts that may arise in the future through appropriate zone amendments. The PDD may be considered in the future.*

Comment 5-3 (148): Alternative maximum sizes for the NND of 2/3s or ½ the 611 unit size of the Pine Plains hamlet should be reviewed in the DGEIS to further mitigate competition with the Comprehensive Plan designated center of Pine Plains.

***Response 5-3:** The Town Board does not find that the 611 dwelling unit cap associated with the NND will have a significant adverse impact that requires mitigation. The NND allows development on property adjoining a Pine Plains zoning hamlet and requires a connection or future connection of the NND to the Pine Plains hamlet. The new neighborhood is intended to be an extension of the hamlet center, not another designated center. Thus, it would not compete with the Town Center.*

Comment 5-4 (148): The NND discusses an incentive for an economic activity area equal to 10% if 5% of the gross land area in the NND is dedicated to non-residential uses. The impact of having what could amount to 10s or 100s of acres of commercial use established outside the town center needs to be reviewed. An alternative that gives greater incentive credit for economic investment in the Pine Plains town center rather than potentially miles away should be reviewed in the DGEIS.

***Response 5-4:** Section 100-28 regulating the NND has been revised so that only those nonresidential uses that are otherwise allowed in the Rural zoning district will be allowed in conjunction with a NND. In addition, consistent with the provisions of 100-22 regulating incentive zoning, the Town Board may accept a fee in lieu of providing the community benefit so that the fees may be used to revitalize the Town's business district.*

Comment 5-5 (S9, 23, 148): The DGEIS should evaluate the impact of having no restrictions on construction of single family homes of any size on ridgelines and areas of scenic concern. An alternative that would require site plan review of single family homes and other structures larger than 3,500 square feet (or a size designated by the Town Board) should be discussed.

***Response 5-5:** During the review of a site plan, special use permit or subdivision plan in the R and WP zoning districts, the Planning Board is required to review the application against the design standards set forth in Appendix A Section II. The standards require*

that buildings be situated no less than 10 feet below any ridgeline so that they do not protrude above treetops and crest lines of hills as viewed from a public place or road. Rooflines should not protrude above the ridgeline. Existing vegetation atop a ridge shall be preserved to the maximum extent. Any use not requiring these approvals will not be regulated by this Section. Adoption of the Zoning Law is not anticipated to create or exacerbate impacts to ridgelines. The Town Board will continue to monitor and evaluate the effectiveness of the proposed regulations and may revise them to address impacts that may arise in the future through appropriate zone amendments.

Comment 5-6 (S9, 148): The DGEIS should discuss the lack of control over outdoor lighting and the potential negative impacts on neighbors, animals and viewing of the night sky. An alternative that requires all new outdoor lighting to be minimized, directed down or be shielded should be discussed.

***Response 5-6:** All activities requiring site plan, special use permit, and subdivision plan review and approval must conform to the provisions of Section 100-38, Lighting. Any use not requiring these approvals will not be regulated by this Section. Adoption of the Zoning Law is not anticipated to create or exacerbate impacts to the night sky. The Town Board will continue to monitor and evaluate the effectiveness of the proposed regulations and may revise them to address impacts that may arise in the future through appropriate zone amendments.*

Comment 5-7 (148): The DGEIS should discuss alternative zoning language which provides greater protection to existing historic structures particularly on those properties which may be converted to other uses. Language which prohibits demolitions prior to site plan review and requiring preservation of historic facades where possible will enable the community to preserve its character while proving sufficient flexibility for adaptive reuse of properties.

***Response 5-7:** Since the 2007 draft was presented to the Town Board, the design guidelines have been revised as follows: "H-MS: Conversion of a residential structure to a commercial use shall be permitted only provided the residential nature and character of the facade is maintained." Adoption of the Zoning Law is not anticipated to have a significant adverse impact on converted historic properties as it does not encourage or propose demolition of historic structures. The Town Board will continue to monitor and evaluate the effectiveness of the proposed regulations and may revise them to address impacts that may arise in the future through appropriate zone amendments.*

Comment 5-8 (148): The DGEIS should review alternative language to soil mining. Presently the proposed law states no activity within 75 feet of property line or within 200 feet of a highway. I'd swap the numbers and add further restrictions of no activity within 250 feet of an existing house on a neighboring property for more than eight weeks unless agreed in writing by the neighbor.

***Response 5-8:** The soil mining provisions contained in Section 100-27 of the draft Zoning Law has been revised to limit mining activities so that they are no closer than 250 feet to any residence on an adjacent property. The Town Board finds it impracticable to limit a soil mining business within the time frame suggested given other factors, including seasonal and weather conditions.*

6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES
COMMENTS AND RESPONSES

Comments were not received on this Section of the DGEIS.

7.0 GROWTH-INDUCING ASPECTS COMMENTS AND RESPONSES

Comment 7-1 (S1, 13): NNDs require infrastructure for 75 percent of the units. And we feel that if the NND has infrastructure, there is potential for new development at the edges of the NND, say conservation subdivision, if you will, being in a rural zone, and you could extend the infrastructure into the conservation subdivision. And there are density bonuses within the NND itself of course, and there are density bonuses for the conservation subdivisions...So if we have infrastructure in an NND and it could be extended to the SCNND, we could have fairly large developments, edged sprawl, if you will, around the edge of an NND.

Response 7-1: *Whether the utility infrastructure of one NND can be used to serve adjoining proposed development will depend on a variety of factors, including but not limited to: 1) whether the public utilities are in public or private ownership; 2) whether the proposed utilities are proximate to adjoining parcels proposed for development. Although utilities could potentially be extended to an adjoining subdivision, it would have no impact on the proposed buildout of the subdivision except where a subdivision is proposed to be located in a hamlet zoning district. The hamlet zoning districts allow a higher residential density of development where central sewer or water is provided. The largest zoning districts, the R and WP districts, do not allow variable residential densities based on the provision of sewer and water. The DGEIS already presents an analysis of the additional residential yield in the hamlet district that would result from the provision of sewer and water (see Appendix C and Table 2-5 of the DGEIS). Likewise, Appendix C and Table 2-5 also account for a buildout that could accommodate an additional 30 percent development if incentives were granted for all development in the Town. Thus, consideration of public water and sewer and additional incentives is already considered in the DGEIS analysis.*

8.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES
COMMENTS AND RESPONSES

Comments were not received on this Section of the DGEIS.

Appendix A
List of Commentators

Substantive SEQRA comments raised during the public hearings or received during the written comment period are summarized in the FGEIS. A speaker reference number or written comment reference number follows each comment. The speaker or commentator that raised the comment can be found in the tables below alongside the reference number.

Public Hearing Testimony

Comments on the DGEIS and draft Zoning Law and Map were made by the following speakers at the public hearings held on April 18 and April 22, 2009. Commentators that raised substantive comments on the DGEIS are noted in the 3rd column of the "Public Hearing Testimony" list. The full hearing transcripts are provided in Appendix B of this FGEIS. Where a speaker also submitted a written version of the testimony, the written document is also reference in the Written Comment List. The number of the Comment letter is provided next to the Speaker reference number.

Public Hearing Testimony		
Speaker Reference #	Speaker Name	Substantive Comment on the DGEIS? (Yes or No)
S1 (#13)	Lisa Nagle, Elan Planning and Community Design, representing Pine Plains United	Yes
S2 (#9)	John F. Lyons, Grant & Lyons, representing Pine Plains United	Yes
S3 (#5)	Bernie Smith, Esq., representing Fulton Rockwell	Yes
S4 (#4)	Mr. Mark Wildonger, Scenic Hudson	Yes
S5 (#7)	Becky Thornton, Dutchess Land Conservancy	Yes
S6	Jon DePreter	Yes
S7 (#8)	Everett Cook, President, Mashomack Preserve	No - Zoning comments only
S8 (#149)	Scott Chase	Yes
S9 (#11)	Jane Waters	Yes
S10	Jim Mara, Co-Chair, Pine Plains United	Yes
S11 (#18)	Harry Wilson	Yes
S12 (#2)	Joan Redmond	Yes
S13 (#12)	Susan Crossley	Yes
S14	Dorothy Sprague	Yes
S15	John Forelle	Yes
S16 (#15)	Roger P. Akeley, Commissioner, Dutchess Co. Dept. Of Planning & Development (letter into the record)	Yes
S17	Dale Mitchell	Yes
S18	Steve Tarshis, Esq., representing Tom Lew	No - Zoning comments only
S19	Buddy Galm	Yes
S20 (#16)	Peter Caldwell	Yes
S21	Helen McQuade	Yes
S22	Barry Chase	Yes

Public Hearing Testimony		
Speaker Reference #	Speaker Name	Substantive Comment on the DGEIS? (Yes or No)
S23 (#79)	Sarah Jones	Yes
S24 (#6)	Sandra David	No - Zoning comments only
S25	Fulton Rockwell	Yes
S26 (#12)	Susan Crossley	Yes
S27	Jack Grumet	Yes
S28	Jim Mara	Yes
S29 (#132)	Stan Hirson	Yes
S30	Rick Osefsky	No - Zoning comments only
S31	David Chittick	Yes
S32	Ward Duffield	Yes
S33	Jane Waters	Yes
S34	Brad Mitchell	Yes
S35	Paula Redmond	No - Zoning comments only
(Number) = The written commentator number in the Written Comments list that corresponds to testimony made at the public hearing. A comment may appear under either the Speaker Reference number or the Written Commentator number.		

Written Comments

Written comments were received via email, fax or letter. The public comment period was held open until the end of business day May 4, 2009. The following list coincides with the Town of Pine Plains official list of written commentators. Since the zoning comment period coincided with the DGEIS comment period, all comments that were received by the Town Board were reviewed to identify those comments that related to the substance of the DGEIS and its analyses. Commentators who raised DGEIS-related substantive comments are noted in the third column of the list below. Documents that specifically raise SEQRA substantive comments as identified in the 3rd column of the list below are included in Appendix C. All other documents, specifically those that raised non-SEQRA zoning comments, are filed at the Pine Plains Town Hall.

Commentator Reference #	Commentator Name	Substantive Comment on the DGEIS? (Yes or No)
1	Kathleen and Roland Augustine	Yes
2 (S12)	Joan Redmond	Yes
3	Gerald Chestney	Yes
4 (S4)	Mark Wildonger, AICP (for Scenic Hudson)	Yes
5 (S3)	BS&K (for Fulton Rockwell)	Yes
6 (S24)	Sandra David	No - Zoning comments only
7 (S5)	Rebecca Thornton	Yes
8 (S7)	Everett Cook	No - Zoning comments only
9 (S2)	John F Lyons, Esq. (for PPU)	Yes
10	Carl Popp	No - Zoning comments only
11 (S9)	Jane Waters	Yes
12 (S13, S26)	Susan Crossley	Yes
13 (S1)	Lisa Nagle, AICP, Elan Planning & Design (for PPU)	Yes
14	Ross L Pattison	Yes
15 (S16)	Dutchess County Planning	No - Zoning comments only

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16	Peter Caldwell	No - Zoning comments only
17	Amy & Fredric Gold	Yes
18 (S11)	Harry Wilson	Yes
19	Tom & Jean Wesdorp	No - Zoning comments only
20	Felix Charney	No - Zoning comments only
21	Stanley & Ellen Weinstock	No - Zoning comments only
22	Stephen Andors	Yes
23	D Miles Price	Yes
24	Bernadette and Randy Fertel	Yes
25	Susan Wechsler	Yes
26	Rosey Lyons	Yes
27	David & Valerie Itkin	Yes
28	Janet Fitzgerald	Yes
29	John Sidoli	Yes
30	Bernadette Murray-Fertel	No- Zoning comments only
31	Stephanie Bernheim	No - Zoning comments only
32	Richard Peck II	No - Zoning comments only
33	George Rush and Joanna Malloy	Yes
34	Renee Petrofes & Gerald McNamara	No - Zoning comments only
35	Kate Pollock	No - Zoning comments only
36	Patricia O'Shea	Yes
37	David Silvert	No
38	Marcie Murray	Yes
39	Willi and Anne Kunz	Yes
40	Lisa Lancaster	Yes
41	Scot Galliher	Yes
42	Richard Hamilton	Yes
43	Joan Martorano	Yes
44	Rodney Paterson	Yes
45	ILLEGIBLE NOTE	Accidental attachment not related to Pine Plains
46	Jim Mara	Yes
47	Mitchell Klein	Yes
48	Phillippa Wehle	Yes
49	Woods/Bruckman	No - Zoning comments only
50	Susan Bodo & David Behl	No - Zoning comments only
51	Matthew Gold	No - Zoning comments only
52	Andrew & Amy Kuritzkes	Yes
53	Don Zavelo	Yes
54	Douglas Nicholson	Yes
55	Kimberly Nisbet	Yes
56	Joel Cardillo	Yes
57	Deborah & Robert Bull	Yes
58	Bruce Macfarlane	Yes
59	Richard Schwartz	Yes
60	Thomas Kelly	Yes
61	Ward Duffield	Yes
62	Larry Steel	No - Zoning comments only
63	Malcolm & Sophie McConnell	Yes
64	Constanza Low	Yes
65	Guy and Caroline Merison	Yes

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66	GT Herman	Yes
67	Ruth Bezares	Yes
68	Mary Bowen	Yes
69	Betti Steel	Yes
70	Selina van der Geest	Yes
71	Michael & Louisa Ruby	No - Zoning comments only
72	Everett Cook for Mashomack Preserve	No - Zoning comments only
73	James Petrie	Yes
74	Marianne Goldstein & Donald Berman	Yes
75	Dianne Will	Yes
76	Daniel Schechter	Yes
77	Jon DePreter	Yes
78	Daniel Adams	No - Zoning comments only
79 (S23)	Sarah Jones	Yes
80	Eleanor Graff	Yes
81	Molly Schaefer	Yes
82	Leonard Liberta	Yes
83	Jill deJoode	Yes
84	BS&K for Fulton Rockwell	No - Zoning comments only
85	Judith Scott	No - Zoning comments only
86	Sheila Buff	Yes
87	Becky Thornton for Dutchess Land Conservancy	No - Zoning comments only
88	Paul Chaleff	No - Zoning comments only
89	Joseph Terrizzi	Yes
90	Dorothy & John Sprague	Yes
91	Peter Auld	Yes
92	Fritz Henze	Yes
93	Denise Stowell	Yes
94	David Levine	No - Zoning comments only
95	Constance Young	Yes
96	Marion Cooper	No - Zoning comments only
97	Carol Lee	Yes
98	Jack & Sue Grumet	Yes
99	Charles & Katherine King	No - Zoning comments only
100	Janet Levine	No - Zoning comments only
101	Al Putnam	No - Zoning comments only
102	Lynne Franzone	No - Zoning comments only
103	Ethan McGhee	Yes
104	Mindy Mount	Yes
105	Beat & Gretchen Baudenbacher	Yes
106	Catherine Wells Reiner	Yes
107	Bernadette Scutaro	Yes
108	Vivian Walsh	Yes
109	Ginny King	No - Zoning comments only
110	Leslie & Don Hastings	No - Zoning comments only
111	Pavan and Anna Gattani	Yes
112	Dale Mitchell	No - Zoning comments only
113	Warren Berland	Yes
114	Dick Hermans & Priscilla Herdman	No - Zoning comments only

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115	Mary Beth Halpin	No - Zoning comments only
116	Philip Sego & Susan Yanow	Yes
117	Jeanne Chisholm	Yes
118	Bill Broe	No - Zoning comments only
119	Lisa Morris	No - Zoning comments only
120	Aldo Graham	No - Zoning comments only
121	Pine Plains Conservation Advisory Committee	Yes
122	Don & Elizabeth Potter	No - Zoning comments only
123	Nany & Lawrence Fox	Yes
124	Margaret Davidson	Yes
125	Amy Rothstein	Yes
126	Catherine Hanley	No - Zoning comments only
127	Joan Redmond	Yes
128	Dutchess County Planning	No - Zoning comments only
129	Kate Osofsky	No - Zoning comments only
130	Siouxzanne Harris	Yes
131	Alex A Pandaleon III	Yes
132 (S29)	Stan Hirson	Yes
133	Robert Osborne	Yes
134	Guido Forte Jr	Yes
135	Michelle Alfandri & Tom Goldenberg	Yes
136	Anthony R Sloan	No - Zoning comments only
137	Jennifer Hand & Thomas Tierney	Yes
138	Roberta Ifill	Yes
139	Ruth Ketay & Rene Schnetzler	Yes
140	Peter Salerno	Yes
141	Will Agresta, Matthew Rudikoff Associates for Durst	Yes
142	Rick Osofsky	No - Zoning Comments only
143	Sal & Pat Puca	No - Zoning comments only
144	John Henry Low	Yes
145	Robert Hedges	No - Zoning comments only
146	Andre & Jodi Dady	Yes
147	Jim Tozer	Yes
148	Scott Chase	Yes
149 (S8)	Scott Chase	Yes
150	Jeffrey Hoffman	Yes
151	Mark & Bridget Colman	Yes
152	Beth Rappleyea	Yes
153	Jane Berkey	Yes
154	John M Forelle	No - Zoning comments only
155	Wolcott B Dunham Jr	Yes
156	Terri Tcherepnine	Yes
157	Rachel Minkoff	No - Zoning comments only
158	Brian McCarthy	Yes
159	Steven A Neil	Yes
160	Bryan O Colley	Yes
161	Barbara Graham	Yes
162	Joan Binzen	No - Zoning comments only
163	Constance Sayre & Gilman Park	Yes

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164	Paula Redmond	No - Zoning comments only
165	Barbara Del Duca	No - Zoning comments only
166	Stephen & Frances Edelstein	Yes
167	Hollie Bart	Yes
168	James P Jeffreys	No - Zoning comments only
169	Lyons Tully	Yes
170	Jane Waters	Yes

(Number) = The Speaker reference number that corresponds to written testimony provided by the speaker. A comment may appear under either the Speaker Reference number or the Written Commentator number.