

March 10, 2010

**PINE PLAINS PLANNING BOARD MINUTES
MARCH 10, 2010**

PRESENT: Rick Butler, Chairman
Don Bartles, Jr.
Sarah Jones
Vikki Soracco
Brian Coons
Kate Osofsky
Ken Mecciarello

ALSO IN ATTENDANCE: Drew Weaver
Ray Jurkowski
Nan Stolzenburg
Warren Replansky
Peter Goss, Town of Milan
Jack Grumet, Town of Milan
John Forelle, Alternate PB member
Twenty-two members of the public
Millerton News

Chairman Butler called the meeting to order at 7:30 PM. He introduced the new alternate member to the Board, John Forelle. He stated Forelle would fill in on an as-needed basis and welcomed him to the Board.

CARVEL: Alexander Durst, Dan Stone of Chazen Engineering, Jennifer Van Tuyl of Cuddy and Feder, and Will Agresta of Matthew Rudikoff Associates represented the applicant. Durst stated it has been a year since the applicant was in front of the Planning Board. Durst stated they submitted an NND pre-application that meets the requirements of the Pine Plains Zoning Law. He stated it was presented to the Town Board on January 21, 2010. He stated their intent was to give the Planning Board a similar presentation on February 10, 2010, but a blizzard caused the cancellation of that meeting. Durst stated that the Board has had the NND pre-application for over a month and on Tuesday, March 16 will be attending a joint meeting with the Town Board. He stated this evening's presentation would be very helpful in making Tuesday's meeting more productive and informative for everyone. He stated they would present the plan and discuss any aspect that the Board wanted to. Durst stated the plan conforms to the newly adopted zoning, the plan will be beneficial for the Towns of Pine Plains and Milan and the Northern Dutchess area, and the development will make both construction and permanent jobs. He also stated the residents of this community will eat, shop and retain the services of businesses in Pine Plains and the surrounding communities. He stated the project would provide a mechanism to assist in creating affordable housing for Pine Plains' residents or help them maintain existing homes. He stated that additionally, this plan is protective of natural resources with strategies to protect natural resources that include, but are not limited to, wetlands' buffers and vernal pool buffers that are greater than regulations

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require, protections of the ecology in and around Hambrook and a significant amount of open space. He stated more than 65% of the property will remain as open space which will be protected forever. He stated this 65% does not include the golf course. He stated the plan also affords visual protection of the corridor around Hambrook. He stated that when a person drives on Route 199 it would be difficult to see the developed portions of the project. Durst stated there would be a pedestrian trail network in the development so that residents can get around without the use of cars. Durst stated that the NND has been a public document since January 21, 2010. He stated they have already received some feedback and that included where exactly the trail network would be located and which portions will be public or private. He stated this is a very important issue. He stated he is a former employee of the Trust for Public Land and presently on the board of the City Parks Foundation. His experience with those two organizations includes putting land into conservation and increasing access and programming. He stated that they recognize the good work that Dutchess Land Conservancy and Winnikkee Land Trust have done here, as well as Scenic Hudson, and would like to build on their good work. Durst stated he needs the input of the Planning Board members and the Town Board so they can take it and put something on the plan as a trail network that will work for the residents of both Pine Plains and the development. Durst stated they have a commitment to a high quality project and the Town of Pine Plains, Milan and Northern Dutchess County. His family's business throughout their history has been committed to quality, sustainability and to the communities where they have built. He emphasized his long-term commitment to Pine Plains and Milan and plans to demonstrate this over the coming months. He emphasized that the process of building the home sites and selling the homes will take many years. He stated there would be strict limitations on the number of home sites that can be sold each year to protect the value of local real estate. He stated they could only succeed if the towns of Milan and Pine Plains succeed. He stated the Zoning Law requires that an NND pre-application include a discussion of affordable housing. He stated that addressing this issue is very important to them. He stated affordable housing could be successful or unsuccessful if not done properly. He stated that the Durst organization has successfully developed over 350 units of affordable housing and has considerable experience in this area. He stated to determine what would be best for the Town of Pine Plains they have done significant research and personally met with many experts including Dutchess County Planning Dept., Ed Murphy of Hudson River Housing, Tricor Alliance, Enterprise Community Partners and toured an affordable housing development in Red Hook where developer, Ken Kearney, built Red Hook Commons, a successful, affordable housing complex for seniors. He stated it is important to provide affordable housing so that existing residents are able to remain in the community. He stated they believe they would make the largest possible contribution to that end by contributing to an affordable housing fund to be set up by the Town and managed by an affordable housing group. He stated this is one of the options specifically authorized in the Zoning Law. He stated that this would provide the Town maximum flexibility to offset bills including rent, mortgage payments, home repairs or utilities or the Town could be retained and used to develop affordable housing when and where the Town needs it. He recognized that the Town is in the process of developing an affordable housing program and they stand ready to work with the Town to best develop it so that it benefits the residents of the Town of Pine Plains. He stated serious objections have been raised on

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previous versions of the plan. They know that comments and criticisms are a valid part of the review process and the comments have affected their plan. He stated this illustrates that the process does work and will continue to work as they move forward. He stated they are aware that many people criticized the NND ordinance and he pointed out that with the NND the Town can guarantee that over 1400 acres of open space on the property will be put into conservation. He stated with the NND the Town could guarantee that buffers will exist around the most sensitive ecological water-based resources. He stated that with the NND the Town could guarantee that an affordable housing fund will have relevance. He stated that the entire NND process is extremely rigorous and the Town controls the process during every step of the review. Durst asked the Board for an open mind so they can state their case and answer questions. Durst stated that March 16th is the Board's opportunity to contribute constructive feedback that will allow them to shape the plan in the way the Board would like on behalf of the residents of Pine Plains. Dan Stone gave a brief presentation on the plan. Stone stated the plan is a rendering as they envision the community to be when it is completed. He stated there are two principal watersheds on the plan-the Fishwick Creek watershed that flows to the northwest and the Hambrook watershed that flows to the northeast. He stated this plan is quite different than the one studied in the DEIS. He stated it was crafted because the applicant listened and engaged EDAW to help them understand what the community was saying and to have the plan be responsive to that. He stated they heard that the Route 199 corridor is very important with respect to community character and visual impacts associated with that. He stated that the DEC spoke about the Hambrook and its importance as a trout fishery. In response to those two very important criticisms, the plan was reconfigured to eliminate approximately 190 homes. He stated that the plan includes clustered development in discreet areas so that neighborhoods can evolve. He stated they envision a system of trails interconnecting the neighborhoods. He stated clustering allows wide corridors of open space. He stated they have proposed a road system that minimizes disturbance. He stated they are proposing 572 homes both single-family and semi-attached. He stated they are not at this time proposing multi-family except for the semi-attached. He said the 572 count represents a 40% reduction from the plan that was the subject of the SEQR. He stated the neighborhoods are clustered largely away from the 199 corridor and excluded visually where practical. Stone stated the Zoning Law requires there be a core residential area and peripheral residential areas. He stated they have pushed development north and west away from Rt. 199. He stated the law requires that 50% of the houses be contained within a half mile radius of a central point and the NND application submitted shows that this has been met. He stated this is still a second home community centered on recreation particularly golf. He stated the previous plan had 27 holes of golf that encompassed the existing course and nine holes on the west and east side of the ridge. He stated the new plan has a total of 18 holes and has been pulled back principally to the west side of the ridge. He stated the road system is largely built north and west of Rt. 199. He stated they are proposing the main access would be the Taconic to come in and the principal means of egress to be either northbound on the Taconic or use of Woodward Hill Road to Route 199. He stated they are proposing in large part to have community water and wastewater services serving nearly all of the homes north and west of Rt. 199. He stated over 94% of the homes proposed will be served by community water and wastewater. He stated the

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conservancy lots south of Rt. 199 are proposed to be served by individual water and wastewater systems. He stated they had discussions with the Dutchess County Health Department about the acceptability of that and the indicated it would be better to do it this way. He stated the road system is proposed to be publically owned. He stated they would be asking the Town to look at an alternative standard that is less impactful. He stated there would also be private drives that will serve the conservancy lots. He stated up to 4 homes are proposed to share a private drive. He stated they would be asking the Town Board to accept that proposal. He stated having common driveways is a means to reduce the number of curb cuts onto public highways. He stated they expect the DOT will be supportive of that. Stone explained to the Board how they got to the 572 housing number. Short discussion followed with regard to the existing subdivision. Jennifer Van Tuyl gave a brief overview of the NND process and highlighted what they are hoping to accomplish at the March 16th pre-application discussion. She emphasized that pre-application is not any sort of approval but comments and feedback. Butler stated that the idea that the applicant needs information from the Board in order to develop the trail system is contrary to his personal philosophy as he feels it is incumbent on any applicant to provide at least the basic framework of what fits their project. Butler stated he would like to see a starting point from the applicant on which to base comments and suggestions rather than the applicant looking for direction from the Board. He stated he is leery of any Board doing initial design work of a phase of any project. Durst stated he understood. Butler stated to place the burden of a starting point on the Board is not something he is comfortable with. Osofsky stated the applicant obviously has resources to help them with that process. Short discussion followed on the Recreation Department's development of a five-year plan. Durst stated the trail system is not something they can come up with by the 16th but they take it into consideration. Butler stated the Board did not expect them to do so by Tuesday. Replansky stated the consultants are going to have to talk among themselves prior to the meeting on Tuesday to develop an agenda. He asked the Board for ideas on how the meeting should flow and what they expect from the consultants. Butler stated that his understanding is that the meeting is for comment from the two Boards and is not open for public comment. Replansky stated that is correct. Jones stated they have received the consultants' review and wanted to know what they should be doing with that and how it should be used. Butler stated he would suggest it is up to the individual Board members. He stated he prepared a statement on the pre-application materials prior to getting the consultants' memo and has chosen not to go back and edit it. Jones asked if they had been made available to the applicant. Butler stated yes. Butler stated the consultants' memo was developed to help the Board and members can use it any way they want. Replansky stated they were cautious on developing a memo because they didn't want it to be a substitute for the Board members own analysis. Replansky stated the Board members should be developing their own critiques and use the memo as a supplement. He stated the meeting on the 16th should be the Board members' views not the consultants' views. Replansky stated he would anticipate that all of the input would be put in a letter that would go to the applicant. Jones agreed. Stolzenburg stated it is important to get feedback from the Board on how the application meshes with the 18 criteria of the NND so the Board should be familiar with both the criteria and the proposal. Butler stated that his expectation is that the Town Board takes the lead in the meeting and that Pulver

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would chair the meeting. Replansky stated he would double check the next day to make sure the proper notice was given by the Town Board but the Planning Board also needs to give notice as it is a special meeting by them. Proper advised she would take care of this. Jack Grumet asked if the applicant could give more information on the economic development incentives and the community based incentives and why they think they qualify for both of them. Stone stated that he has no additional information and the ideas was that through the process they would get the maximum if the Town Board granted it. Stolzenburg and Butler encouraged the Board to go over the criteria and the pre-application to be ready for discussion on the 16th.

DRAFT SUBDIVISION REGULATIONS: Butler stated the newest draft was emailed to the Board on Monday evening. He stated it was not his expectation, given the timeframe in which they went out, to have an in-depth discussion this evening. He stated if anyone had the opportunity to go through them, he would entertain comments. Butler stated he expects to spend a fair amount of time at the April meeting going through them. He stated the discussion would be with an eye toward endorsing the draft that night. He stated the Town Board has not conducted a public hearing yet. Replansky stated he prepared a resolution for the Board to adopt them tonight. Replansky stated he would like to get these adopted as soon as possible. Replansky stated the process is that the resolution would recommend to the Town Board that the subdivision regulations be adopted. After the Planning Board makes the recommendation, it goes to the Town Board for the local law adoption process that includes a SEQR review and public hearing. Replansky stated that this could be time consuming. He stated some special meetings might need to be held to move the process along. Replansky asked the Board to get comment, corrections or edits to get them to him before the next meeting. Replansky asked for the Board to be ready to give the final sign off at the April meeting. Replansky stated that if there are a lot of revisions, a special meeting might be necessary. Short discussion of the process followed.

Butler stated that he and Drew Weaver, along with help from Proper, Karen Pineda and Stolzenburg, have been working on a new application. Butler stated the applications were emailed out to the Board and consultants. Butler asked if Replansky had looked at them. Replansky stated he had a lot of comments. Butler asked him to put it in a memo. Butler stated this could be a work in progress so they can be used right away. Short discussion followed. Butler stated that Proper redid the consent/authorization forms that now include a notary block.

OTHER BUSINESS:

Butler stated that each Board member received at the meeting a hard copy of the consultants' memo that was emailed previously.

Butler stated that Proper is making her annual offer to Board members to get a ream of paper to offset their at-home printing costs.

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Butler stated that the Board has been reminded to fulfill their training requirement for the year. Butler brought a couple of publications from a training class that will be available for Board members to borrow and return.

Butler stated that they are in receipt of some correspondence from Paraco. He stated that an email was received a couple of days ago. The first was on March 9th from Pineda stating that Pulver asked her to forward the attached letter in which Paraco was asking for a check from the Town representing the remainder of their escrow account. Butler stated that the application has not been withdrawn and Replansky stated that we need to find out if there are any outstanding consultant bills and Paraco needs to formally withdraw their application. Butler advised that they don't think at this point there are any outstanding bills. Bartles stated the last correspondence was the letter telling them that zoning had been enacted and how to proceed with their application. Butler stated that he received a copy of a letter that Pulver sent out this date explaining that they have to formally withdraw their application with the Planning Board. Butler asked Replansky if he needed to send a follow up letter. Replansky stated no. Short discussion followed.

Jones made a motion to accept the minutes from January 13, 2010; second by Mecciarrello. All in favor: motion carried.

Osofsky made a motion to adjourn; second by Jones. All in favor: motion carried.

Respectfully submitted by:

Nancy E. Proper
Secretary

Richard Butler
Chairman

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