

April 15, 2020

Hon. Michael Stabile, Chair  
and members of the Planning Board  
Town of Pine Plains Town Hall  
3284 Route 199  
PO Box 955  
Pine Plains, NY 12567

Re: **1133 Taconic LLC**  
**Pre-sketch Review for Conservation Subdivision**

Dear Chairman Stabile and members of the Planning Board:

This letter provides an update to the Planning Board since our discussions at the Planning Board's public meeting on February 19, 2020. It also encloses the required materials for the Planning Board's Pre-Sketch determination, which will allow the applicant to complete and submit a sketch plan for the conservation subdivision and begin the SEQR review process. We file this submission only after discussions with the Planning Board Chair and Town Attorney that confirmed the viability of conducting this review at this time, in keeping with the Planning Board's procedures and the Governor's Executive Orders.

**Withdrawal of NND Application:**

In furtherance of the discussions at public meetings with the Town Board and Planning Board on February 18<sup>th</sup> and 19<sup>th</sup> of this year, 1133 Taconic LLC (hereafter "1133 Taconic" or "applicant") has formally withdrawn its NND Zone Petition. A copy of the letter of withdrawal is attached.

As confirmed in that letter, and as we discussed with the ZEO and Planning Board on February 19<sup>th</sup>, the new vision for the property includes a recreation-oriented resort as the centerpiece of the land development. A resort is a permitted use by special permit in the R-Rural zoning District. The remainder of the land will be developed as a conservation subdivision creating single-family residential lots and open space, pursuant to the Town's zoning provisions for conservation subdivisions.

**Required Next Step:**

As we discussed at the public meeting on February 19<sup>th</sup>, Pine Plains has imposed several requirements to control design of subdivisions. First, the Town mandates that all subdivisions of more than 15 lots be developed as conservation subdivisions, which provide for preservation of a significant amount of the land as open space. Additionally, rather than simply allowing an applicant to propose a layout for review and comment, Zoning Law Section 275-31 J prohibits the applicant from submitting a proposed sketch plan layout until the Planning Board reviews the conservation features on the property to designate the areas which should remain as open space in the design of the conservation subdivision (these areas must constitute at least 50% of the land). While the final layout of any subdivision is subject to evaluation and

refinement during the more detailed review in preliminary and final subdivision stages and in the SEQR process (see, e.g. Section 275-31 J (4)), the identification and prioritization of conservation resources during Pre-Sketch review forms the basis of the project design, including the proposed lot layout for the residential portion of the property, and the proposed lot size and location for the Resort special permit application. During Pre-Sketch review, the Planning Board also applies the density provisions of the Zoning Law to the property and determines the permitted number of residential dwelling units ("base residential yield").

**Distribution of Materials and Funding for the Planning Board's Pre-Sketch Review:**

Materials are being distributed to Board members and filed in the Planning Board office as agreed with the Town Attorney and Zoning Enforcement Officer. Escrow funds are being deposited under separate cover under an Escrow Agreement developed under the direction of the Town Attorney.

**Summary of Pre-Sketch Submission Documents Enclosed:**

This letter submits materials for both aspects of Pre-Sketch review:

- (1) the Yield Determination under Section 275-31 J (1), 275-31 C, and 275-16, and
- (2) the prioritized designation of open space areas under Section 275-31 J (2).

The sections below describe these materials in further detail.

**PRE-SKETCH DETERMINATION 1: DETERMINATION OF THE NUMBER OF LOTS PERMITTED IN THE CONSERVATION SUBDIVISION**

The first Pre-Sketch determination (275-31 J (1), 275-31 C, and 275-16) is a determination of the maximum number of residential lots to be permitted in the conservation subdivision. The following materials are enclosed with this submission:

1. A Figure showing all properties owned by the applicant. The parcels acquired subsequent to the December 21, 2011 NND Zone Petition are highlighted in a darker shade of green.
2. A Yield Figure required by Section 275-31 J (1) showing the specified land characteristics set forth in Section 275-16.
3. A separate Yield Calculation Table, demonstrating the calculations required by Section 275-31 C.

**The Yield Determination Process:**

Zoning Law Section 275-31 C provides that the applicant may choose one of two alternate methods of determining the maximum number of permitted lots within a conservation subdivision. The applicant has chosen to use the method of yield determination set forth in Section 275-31 C (1). Under this calculation formula, one residential lot is permitted for every 5 acres of "net lot area," after specified areas of the land are deducted. In contrast, as a reference, the base density in an NND project is one residential lot for every 3 acres of net lot area.

The calculation process is set forth in Section 275-31 C and Section 275-16.

Step 1: The calculation begins with determining the land area subject to the yield calculation. Generally, this is the gross acreage of the property. However, the Zoning Law, in order to avoid any “double counting” of land for density purposes, requires a landowner to subtract the acreage of any land area for which it will seek density credit for pre-existing lots of record (Section 275-34). The applicant plans to seek density credit for the pre-existing lots in the Sports City subdivision and is therefore required to deduct the 176 acres of the Sports City subdivision from the total Pine Plains acreage of 2,652 acres. The gross area of the site for purposes of the yield calculation is therefore **2,476** acres.

Step 2: The next step, per Section 275-31 C (1) (a) (1), involves identifying areas within the site that meet certain characteristics specified in Section 275-16 B and totaling those areas in acres:

Floodplains:	3 acres
Wetlands:	186 acres
Lands covered by water:	22 acres
Areas of slopes greater than 25%:	613 acres
½ of the area of slopes between 15% and 25%:	341 acres
<b>Total:</b>	<b>1,165 acres</b>

The reduced lot area (“Net Lot Area”) after subtraction of the 1,165 acres specified in Section 275-16 B from 2,476 acres is **1,311** acres. The applicant will make available to the Town engineer any requested supportive documents for these calculations.

The attached Yield Figure illustrates the areas of Floodplains, Wetlands, Open Waters, and Slopes greater than 25%. The acreage constituting half of the slopes between 15% and 25% has been calculated and deducted, but can’t be illustrated on the map, because it is impossible to illustrate “half of” an area.

Step 3: The next step per Section 276-31 C (1) (a) (2) requires a further subtraction of 15% of the Net Lot Area, which is 197 acres. This subtraction accounts for areas required for streets and to account for irregularly shaped lots. The reduced Net Lot Acreage is **1,114** acres.

Step 4: The final step, per Section 275-31 C (1) (a) (3), is to divide the resulting acreage by the minimum lot size in the zoning district:

The resulting net area shall be divided by the minimum required lot area for a single-family dwelling in the district in which the property is located to determine the total number of lots or dwelling units permitted. The maximum number of lots or dwelling units is referred to as the “base residential yield.”

Per Section 275-16 C, all density calculations are rounded to the nearest whole number. Based on the calculation applied to the applicant’s property, the base residential yield (“BRY”) for the conservation subdivision is **223** residential lots. The Planning Board establishes the base residential yield by resolution (Section 275-31 J (1)).

The applicant acknowledges that this proposed BRY calculation would assume that all site acreage would be allocated to residential development, whereas the applicant plans to also allocate certain lands to the development of a Resort. However, the applicant cannot determine the size or location of a compliant Resort lot until the Planning Board has completed the both parts of the Pre-Sketch process, including designating the open space areas. This designation of open space areas involves the entirety of the

property, including the Sports City acreage. The applicant needs both the yield calculation and the open space designation in order to complete the proposed layout of the residential portion of the project and the location and configuration of the Resort lot. After the site layout has been created, the BRY can readily be recalculated based on the reduced acreage (after deducting the resort lot).

**PRE-SKETCH DETERMINATION 2: DESIGNATING AND PRIORITIZING AREAS OF THE LAND FOR OPEN SPACE IN THE CONSERVATION SUBDIVISION:**

The second Pre-Sketch determination (275-31 J (2)) identifies the portions of the site to be designated for open space, and thus directs the lot layout to the remainder of the property. The process involves identification and prioritization of the features to be conserved, so that at least 50% of the gross land area of the property remains as open space. Since the entirety of the property, including the Sports City acreage, is included in the conservation subdivision acreage, the gross land area of the property in Pine Plains subject to this calculation is 2,652 acres. The prioritization of features to be designated for open space use is made through discussions with the applicant, and consideration of the applicant's development objectives, as well as consideration of resources on adjoining properties (Section 275-31 J (2) (b)). The figures submitted show all conservation features within 200 feet of the property boundary.

This submission includes three figures. The first two figures show, respectively, the Primary and Secondary conservation features as categorized in Section 275-31 J (2). The third figure is a synthesis, showing the applicant's proposed prioritization of open space, which constitutes 1,417 acres of property, or 53% of the property, and includes all of the primary conservation features and the applicant's view of the most important secondary features.

**Description of Conservation Areas shown on the Figures:**

***Figure 1: Primary Conservation Features***

[a] *Slopes of 25% or greater and ridge lines:*

The Primary Conservation Area Figure designates **635 acres** of slopes 25% or greater throughout the site. This acreage includes the ridgeline for the portion of Little Stissing Mountain located on the applicant's property. This ridgeline has no fixed width and therefore adds no additional acreage beyond what is already calculated under the steep slope category.

[b] *Surface water resources, including but not limited to wetlands, watercourses, water bodies and the one-hundred-year floodplain:*

The Primary Conservation Area Figure designates **251 acres** of wetlands, watercourses, water bodies and one-hundred-year floodplain.

*Wetlands, Watercourses & Waterbodies:* The Primary Conservation Area Figure designates 248 acres of wetlands, watercourses, and waterbodies. The wetland acreage includes 133 acres regulated by both the NYS Department of Environmental Conservation (DEC) and the US Army Corps of Engineers (ACOE) and 1.10 acres regulated solely by the ACOE, as well as 5 acres of isolated unregulated wetlands. Included within wetlands, watercourses and waterbodies are Lake Carvel (30 acres), a portion of Stissing Pond (2 acres), and 36 on-site small ponds within the wetland system.

100-year Floodplain: The Primary Conservation Figure also identifies 3 acres of floodplain adjoining Stissing Pond.

- [c] Any habitat identified by the NYSDEC Natural Heritage Program as critical habitat associated with any species identified on the New York State or federal listing of rare, threatened, endangered or special concern species.

The New York State-listed Threatened and Endangered species occurrence records mapped by the NYSDEC Environmental Resource Mapper for the site indicate there is the potential for six such Threatened or Endangered species to be located in the vicinity of the site. However, the DEC has not identified or defined any critical habitat for any of those species.

Although there is no critical habitat on the site for inclusion in Primary Conservation Resources, the Primary Conservation Resource Figure includes 248 acres of wetlands and the Secondary Conservation Resource Figure includes 345 acres of regulated wetland buffers (see discussion below). The applicant proposes to include both of these areas within the designated open space in the subdivision. Inclusion of wetlands buffers as a Conservation Feature will provide habitat connectivity across the property as well as connections to adjoining protected properties. The site's habitat, including its potential to support any rare, threatened or endangered species, will be further investigated during the SEQRA process.

**Figure 2: Secondary Conservation Features**

- [a] Properties or features listed or eligible for listing on national, state or local historic registers.

Four such features are shown on the Figure, as follows:

- Former Hicks Hill Farm (three buildings)
- Former Hedge Farm North Barn (one building)
- J&R Ham (Spruce Farm) site (one building)
- Warehousen Site (one building)

An acreage has not been assigned to these features because of their minimal size.

- [b] Scenic and recreational resources identified in the Town's Comprehensive Plan.

The Secondary Conservation Area Figure designates 245 acres of the slopes and summit of Little Stissing Mountain that are identified in the Town's Comprehensive Plan. These 245 acres also qualifies for designation as a Critical Environmental Area (CEA) under category (c) below. Portions of this area also qualify as primary conservation features (steep slopes or wetland/water resources) and have been identified as such on the Primary Conservation Area Figure. However, for purposes of calculating acreage and percentage of site, Conservation features that fall into more than one category have not been double counted.

Although not explicitly called out as a scenic resource in the Comprehensive Plan, the Town has previously identified the importance of the visual character of Route 199 as part of the NND review.

The applicant has therefore proposed to include the additional lands that would create continuous open space along the Route 199 corridor to enhance its visual character. (see Figure 3)

- [c] *NYSDEC, Dutchess County, or Town-designated critical environmental areas, or unique natural or geological formations.*

See previous entry. The designated Stissing Mountain area qualifies under both categories but has not been double counted.

- [d] *Outlines of the vegetative cover conditions on the property, including, but not limited to: cultivated land, grassland, old field, stone walls, hedgerow, woodland and wetland, and the actual canopy line of existing trees and woodlands.*

The Secondary Conservation Area Figure designates these cover conditions which collectively cover the entire site and are described as follows.

- There are 33 acres of cultivated land currently planted, or programmed to be planted, in hay or corn. These comprise three fields located south of Stissing Mountain Road, east of Wood Drive and West of Stissing Mountain Drive.
- There are 11 acres of grassland, most of which are coincident with the tees, greens and fairways of the former Carvel Country Club. There are other small areas of grassland located throughout the site.
- There are approximately 360 acres of old field located throughout the site. Some or all of them may have formerly been used for hay or other crop cultivation, or for grazing.
- The Figure shows a number of stone walls scattered throughout the site. No acreage can be quantified.
- The Figure shows hedgerows located throughout the site. No acreage can be quantified.
- There are approximately 1,750 acres of woodland on the property. The Figure also illustrates canopy lines associated with woodlands. Additionally, there are 260 acres of shrubland which constitutes a transitional area between old field and woodland.
- There are 251 acres of wetlands, watercourses, waterbodies and floodplain. These areas are also designated on the Primary Conservation Figure. This Secondary Conservation Resource Figure shows 345 additional acres, representing the buffers for regulated wetlands. (Any areas which would also qualify as steep slopes have not been double counted.)

- [e] *Existing or planned routes of trails, bikeways, and pedestrian facilities as per comprehensive or resource plans of local, county, state, federal or regional agencies.*

This Figure shows the existing formally mapped and designated trails within the Stissing Mountain CEA.

- [f] *Location of existing streets, buildings, utilities and other improvements.*

The Figure shows the locations of the State (Route 199), County (Mt. Ross Road – County Route 50) and Town (Stissing Mountain Road) and private (West Shore Drive, Virginia Drive, Woodward Hill

Road, Hicks Hill Road, Sherwood Road and Lake Drive ) roads in the vicinity of the property, The figure also shows utility lines and the approximately 50 structures on the Project Site (which includes the buildings identified in section (a) above).

[g] All easements and other encumbrances affecting development of the subject property.

The Warehouse cemetery is subject to an easement providing for public access.

Woodward Hill Road, Hicks Hill Road, Sherwood Road and Lake Drive are "highways by use" as that term is defined by Section 189 of the State Highway Law, in which the public holds an easement for highway purposes.

There are no other easements or encumbrances affecting the development of the Project Site.

[h] Contiguous areas in public or private ownership set aside as open space

Adjoining public or private lands set aside as open space includes land owned by the Dutchess Land Conservancy, the Friends of Stissing Landmarks, the Thompson Pond Nature Preserve and the Lafayetteville State Multiple Use Area. Although not immediately adjacent to property owned in Pine Plains the Roeliff Jansen Kill State Multiple Use Area adjoins the project site to the west in Milan.

**Figure 3: Applicant's proposed open-space designation:**

The zoning law provides for a collaborative discussion between the parties to determine open space areas:

In consultation with the applicant, the Planning Board shall identify and prioritize features to be conserved. On the basis of those priorities and considering the context of the subdivision to resources on adjoining properties and the applicant's development objectives, conservation areas shall be delineated so as to set aside at least 50% of the gross lot area of the property subject to the application as protected open space. (Section 275-31 J (2) (b))

In the applicant's view, the site's most important conservation features are the wetlands and associated buffers, the Stissing Mountain CEA, steep slopes and enhancing the visual character of Route 199. The Stissing Mountain CEA is an important resource recommended for protection in the Town's planning documents. The Town's Comprehensive Plan and zoning regulations both recognize the need to carefully plan development on steep slopes. As discussed above, the Town previously identified the Route 199 corridor as a scenic resource. The most important vegetative cover features to be conserved are the regulated wetlands and associated buffers because they provide open space and habitat benefits, and also provide habitat connectivity across the site and to adjoining properties.

Based on a consideration of all these factors, the applicant has proposed a plan for the Board's consideration which is represented on Figure 3. This plan designates as open space all of the Primary

Conservation Resources and the identified Secondary Conservation Resources to constitute a minimum of 1,397 acres, or 53%<sup>1</sup> of the site. The proposed open space is illustrated on the third Figure and includes:

- 596 acres constituting wetlands, watercourses, and waterbodies, and a 100-foot buffer around all state and federally regulated wetlands and waterbodies
- 635 acres constituting steep slopes over 25%
- The additional 68 acres necessary to include the entirety of the Stissing Mountain Critical Environmental Area (CEA) on the applicant's property (beyond the areas designated above as steep slopes over 25%)
- 98 acres to create continuous open space along State Route 199 to enhance the visual character of this road

These proposed areas are described in more detail as follows, together with the reasons for their selection.

The applicant proposes to include the wetlands and water bodies on the property, as well as a 100-foot buffer around all regulated wetlands and water bodies. The total area of the wetlands, buffers, watercourses and waterbodies is 596 acres. In the applicant's view, designating these areas as part of the open space is particularly valuable as it provides synergistic open space and other types of benefits. As illustrated on Figure 3, including the wetland and buffer areas not only provides open space and habitat benefits for a number of species, but also provides biological connectivity across the site in all directions, including connectivity to the Stissing Mountain CEA and adjoining connected lands, the Roeliff Jansen Kill State Multiple Use Area and the Lafayetteville State Multiple Use Area.

The applicant proposes to include all slopes over 25%, the entirety of this primary conservation feature, including the designated ridgeline along Little Stissing Mountain.

The applicant proposes to include the additional acreage necessary to include the entirety of the portion of the Stissing Mountain CEA which is located on the applicant's property. Dutchess County designated the Stissing Mountain CEA in 2005 because of its "exceptional or unique character." The entire Stissing Mountain CEA totals approximately 3,975 acres (in Pine Plains). All 245 acres which are located on the applicant's property are proposed for inclusion in the open space areas, whether under the CEA, slopes or wetland categories. No such features have been double counted in computing the total included acreage. The Stissing Mountain CEA adjoins other protected land holdings including those of the Dutchess Land Conservancy, Friends of Stissing Landmarks and the Thompson Pond Nature Preserve. The CEA provides access to the Stissing Mountain Fire Tower. By including the Stissing Mountain CEA the applicant will create a large block of connected, protected land.

The applicant also proposes to include 98 acres of additional lands to create continuous open space along the Route 199 corridor to enhance the visual character of Route 199, which was identified as important to the community during the NND review of the project.

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<sup>1</sup> Specific acreages will continue to be verified, and boundaries refined, as design progresses during the sketch plan and preliminary plat phases, and the SEQR process. It is also expected that the development plan will propose certain limited improvements (e.g. for road or driveway access, utilities, or other development purpose) within the proposed open space areas. Additional areas may also be added to the open space, including conservancy lot areas. The applicant acknowledges the continuing obligation to maintain at least 50% of the total land area as conserved land pursuant to the Town's Zoning Law.



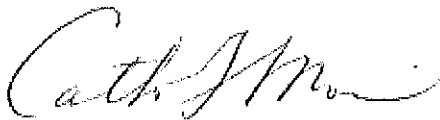
In all, the applicant proposes to designate a total of 1,397 acres as open space, which represents 53% of the site. (see Figure 3) The applicant believes that its proposed designation of open space provides the maximum benefit across all areas of open space concern and includes all primary areas and the most important secondary conservation features. The applicant requests concurrence with this proposal to allow the applicant to complete project design and submit a sketch application for further review.

**Conclusion:**

We look forward to communicating with the Board and its consultants at the May 13, 2020 (virtual) meeting to further present these materials and discuss the two determinations requested.

Thank you for your consideration. If the Board or its consultants have any questions prior to the May meeting, please contact me at (845) 486-1557 or [cmonian@chazencompanies.com](mailto:cmonian@chazencompanies.com).

Sincerely,



Catherine L. Monian, PMP, LEED AP  
Senior Project Manager

CC: A. Durst, 1133 Taconic LLC  
L. Baker, 1133 Taconic LLC  
J. VanTuyl, Cuddy Feder  
S. Mesinger, AICP Chazen

Attachments:

- NND Withdrawal Letter
- Yield Calculation Table
- Project Site Figure
- Yield Figure
- Primary Conservation Features Figure
- Secondary Conservation Features Figure
- Proposed 50% Open Space Figure





**The Durst Organization**

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**Alexander D. Durst**  
Chief Development Officer

April 15, 2020

Hon. Darrah Cloud and Members of the Town Board  
Town of Pine Plains Town Hall  
3284 Route 199  
PO Box 955  
Pine Plains, NY 12567

**Re: 1133 Taconic LLC**  
**Withdrawal of NND Zone Petition for Carvel Property Development and steps to**  
**move forward with the Planning Board regarding the Conservation Subdivision**  
**process**

Dear Supervisor Cloud and Members of the Town Board:

In furtherance of our recent presentation to the Town Board at the public meeting on February 18, 2020, I am writing, first of all, to formalize the commitment we made to the Town at that meeting. 1133 Taconic LLC hereby withdraws, effective immediately, the NND Zone Petition for the Carvel Property Development, which we filed with the Town Board on December 21, 2011 (copy of submission cover letter attached).

We greatly appreciate the Town Board's leadership in undertaking the open dialogue and public comment process on the NND over the last two years which has led us to our new vision for the property. We believe that a recreation-oriented resort as the centerpiece of the residential community will create a project that will be a sustainable and productive part of the Towns of Pine Plains and Milan. We also reaffirm our commitment to work cooperatively with the Town and all interested parties as we move forward.

In that regard, I am pleased to also share news about our planned next steps before the Planning Board. We have today filed with the Town Planning Board a Pre-Sketch submission for a Conservation Subdivision, pursuant to Section 275-31.C of the Zoning Law. We filed the submission only after discussions with the Planning Board Chair and Town Attorney that confirmed the viability of conducting this review at this time, in keeping with the Planning Board's procedures and the Governor's Executive Orders.

In the Pre-Sketch process, the Planning Board will calculate the maximum number of residential lots permitted by zoning on the property (called "base residential yield") based upon the procedures set forth in Sections 275-31 J (1), 275-31 C, and 275-16 of the zoning law. The Planning Board will also review and prioritize the conservation features on the property to



designate areas which should remain as open space in the design of the conservation subdivision (these areas must constitute at least 50% of the land).

The Town zoning law requires the Planning Board to complete this review before the applicant can complete its proposed project layout and submit a proposed Sketch Plan proposal for a conservation subdivision [275-31.J (3)]. The review of conservation features is also necessary to provide the information necessary for the applicant to develop a complying lot for the Resort.

The proposed project, when submitted, will be subject to further review under the Town's zoning and subdivision laws, and under SEQR. The SEQR review for the re-conceptualized project will begin when the Sketch Plan is submitted, as this phase includes review of the EAF Part 1 and commencement of SEQR review. We hereby confirm our agreement and understanding that the re-conceptualized project will be considered as a new "proposed action" under SEQR, with a new lead agency designation process, full public scoping, and the preparation of a Draft Environmental Impact Statement upon which a public hearing process will be conducted.

Although we anticipate that the Planning Board will be the agency with primary jurisdiction over the review of the project, with approvals for conservation subdivision, site plan, and special permit for the resort, the Town Board will continue to have jurisdiction over several important aspects of the project, including the affordable housing plan, water and wastewater plans, open development area approvals for private roads, and the inclusion of the pre-existing lots of record in Sports City subdivision as part of the overall project. We look forward to the Town Board's continuing participation in the SEQR review of the project, and we are available to meet with the Town Board at any time to address any questions or concerns.

Lastly, we believe that there still remains a small balance in the Town escrow account for review of the project. We ask that any such amounts be consolidated and made part of the escrow account for the Pre-Sketch review.

Thank you for your time and consideration.

Very truly yours,

Alexander Durst  
Principal and Chief Development Officer

cc: Warren Replansky, Esq.  
Michael Stabile and Planning Board members  
Drew Weaver, ZEO



The Duest Organization Inc.

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Alexander U. Duest

December 21, 2011

Pine Plains Supervisor  
Town of Pine Plains Town Hall  
1284 Route 199  
PO Box 955  
Pine Plains, NY 12567

Re: **1133 Taconic LLC**  
**Submission of NND Zone Petition for Carvel Property Development**

Honorable Supervisor:

Enclosed are fourteen copies of the NND Zone Petition for the Carvel Property Development, pursuant to the provisions of the Town of Pine Plains Zoning Law section 100-28.D (2). Enough copies are provided for each member of the Pine Plains Town and Planning Boards, including alternates, as well as two additional copies for the Town. Copies are simultaneously being provided to the Pine Plains consultants, the Town of Milan, and the Dutchess County Department of Planning. In accordance with §100.100.D, this Petition is accompanied by the required fee of \$750.00 as set forth in the Town's most recent fee schedule.

A CD containing an electronic copy of the Carvel Property Development NND Application is also being provided to facilitate posting of the Petition to the Town website.

I would like to request that 1133 Taconic LLC be placed on the agenda for the regular January 11<sup>th</sup>, 2012 Planning Board meeting so that we may make a presentation regarding the New Neighborhood Development proposed at the Carvel Property Development site.

Thank you for your time and consideration.

Very truly yours,

Alexander Duest  
Vice President

cc: Warren Replazsky (1)  
Nis Stolzenburg (1)  
Ray Jurkawski (1)  
Heemie Fransou (1)



**HUDSON VALLEY PROJECT LOT COUNT TABLE: 4-15-20**  
 (Total Land Area Includes all Parcels Purchased since December 2011)

**METHOD FOR DETERMINING MAXIMUM PERMITTED NUMBER OF LOTS OR DWELLING UNITS**

**Pine Plains Zoning 275-31 C (1) (a)**

1. Environmental Constraints shall be subtracted from the gross lot area of the property as per 275-16, Minimum Lot area.
2. The net lot area of the property shall be reduced by 15% to adjust for that area that would be required for streets in a conventional subdivision and to account for irregular lots..."
3. The resulting net area shall be divided by the minimum required lot area for a single family dwelling in the district in which the property is located to determine the total number of lots of dwelling units permitted. The maximum number of lots or dwelling units is referred to as the "base residential yield".

**CALCULATIONS FOR DETERMINING MAXIMUM PERMITTED NUMBER OF LOTS OR DWELLING UNITS**

**STEP 1: 275-34 B (5): Remove Existing Subdivision Lots of Record from Calculation**

Zoning Law Section	Item	Acres
275-31 C (1) (a)	Total Land Area in Pine Plains	2,652
275-34 B & 275-34 B (5)	Subtract Area of Existing Sports City Estates Subdivision	176
	Per 275-34 B "The Town Board shall have the authority, upon application of a property owner, to grant a density credit of one dwelling for each existing lot of record up the following terms and conditions.." AND Per 275-34 B (5) "...the land area comprising the existing subdivision lots of record shall not be included in determining the base residential yield of any subdivision..."	
Total Land in Pine Plains Subject to Base Residential Yield Calculation (gross lot area)		2,476

**STEP 2: 275-31 C (1) (a) (1): Subtract Environmental Constraints from the gross lot area of the property Per 275-16**

Zoning Law Section	Item	Acres
275-16 B (1)	100-year flood plains as defined by the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary maps as those maps now exist or as they may be amended from time to time.	3
275-16 B (2)	Wetlands, including New York State designated wetlands but excluding the 100-foot buffer, and wetlands regulated by the U.S. Army Corps of Engineers or any successor agency, all as those wetlands now exist or may be found to exist.	186
275-16 B (3)	Lands covered by natural or constructed water bodies including, without limitation, retention and detention basins.	22
275-16 B (4)	Steep topography in excess of 25% slopes. For topography between the slope ranges of 15 percent and 25 percent, 50% of said land area shall be excluded from the calculation of minimum lot area:	
	Steep Slopes > 25% ½ Steep Slopes 15-25%	613 341
Reduced Net Lot Area		1,311

**STEP 3: 275-31 C (1) (a) (2): Reduce property net lot area by 15% to adjust for streets in a conventional subdivision & irregular lots**

Zoning Law Section	Item	Acres
275-31 C (1) (a) (2)	Subtract 15% for Roads and Lot Inefficiencies	197
Reduced Net Lot Area		1,114

**STEP 4: 275-31 C (1) (a) (3): Calculate Base Residential Yield (BRY) - Lots**

Zoning Law Section	Item	Lots
275-31 C (1) (a) (3)	Divide Reduced Net Lot Area by Minimum Required Lot Area (5 acres) <sup>1</sup>	223

**NOTES:**

1. The calculation is 222.9. All density calculations are to be "rounded to the nearest whole number." Section 275-16 C. Therefore, the BRY is rounded to 223 units. See illustrative calculation in zoning section 275-23 E.

