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Durst Organization Hudson Valley Development

July 2020

Q: What is the Durst Organization Hudson Valley Development project?

A: The Durst Organization plans to develop a 2,700-acre site in the towns of Pine Plains and Milan. Approximately 2,652 acres of the land is located in Pine Plains. The company is exploring the development concept of a residential community with a recreation-oriented resort as its centerpiece for this property. The company believes that the “beautiful landscape and rural character of the Project site provides a unique setting to create a master-planned resort community that is both respectful of the natural environment and compatible with the character of Pine Plains and Milan.”

Q: What is the Durst Organization?

The Durst Organization is one of the oldest family-run commercial and residential real estate companies in New York. Established in 1915, the company is owned and operated by the third generation of the Durst family. Members of the Durst Family have owned homes in Pine Plains for many years. In addition, The Durst Organization is a business partner in McEnroe Organic Farm in our neighboring Town of Millerton. This project is being spearheaded by Alexander Durst, Principal and Chief Development Officer of the company, and a member of the fourth generation of the Durst real estate family.

Q: Where is this property located?

A: The property is generally located in the northwest quadrant of the Town of Pine Plains (both north and south of Route 199), with portions extending west, into the Town of Milan, and east, close to the recreational areas of Stissing Pond and Thompson Pond.

Q: What is the history of the project?

A: Timeline:

1960s - Ice-cream store pioneer Tom Carvel purchased several parcels of Pine Plains farmland with the hopes of developing it into a recreation resort and residential community known as Sports City. He created the golf course and the Sports City Subdivision around Lake Carvel, but his overall plan was never completed, and after he died, The Durst Organization bought the land from his estate.

2001 – The Durst Organization purchases property from the Carvel Estate. The Durst Organization also purchased additional adjacent acreage which was included in the original proposal.

2003 - Initial proposal for plan with 951 units. At the time, Pine Plains lacked any zoning laws that define how property in specific geographic zones could be used and whether specific

geographic zones are acceptable for residential or commercial purposes. The Town of Pine Plains imposed a moratorium on development to adopt zoning. This moratorium permitted any developer to continue with the environmental review (SEQRA or State Environmental Quality Review Act) of a project at their own risk during the moratorium. The Durst Organization proceeded with the SEQR process. The SEQR DEIS (Draft Environmental Impact Statement) was found to be complete in January of 2008 and several public hearings were held. By June of 2008, the applicant was considering a new alternative plan due to the negative comments that had been received during the public comment period and that alternative plan was presented by the applicant in October of 2008.

In 2009, Pine Plains established a zoning code. Under that new zoning code a provision for a New Neighborhood Development (NND) zone was included that would permit more density than the other provisions of the code relating to rural land in the town.

In 2011, the applicant decided to file their alternative, or second, plan, seeking a rezoning under the new NND section of the new zoning code to allow 591 units in Pine Plains. The proposed plan was reconfigured to meet the requirements of the NND provisions and to respond to the SEQR comments and community discussions. Preliminary discussion began but ultimately that plan lay dormant for nearly seven years.

In 2017 the applicant indicated that they were interested in proceeding but decided that they wished to hear from the Town and its residents to see how they felt about the project since quite a lot of time had lapsed.

February - June 2018. The Durst Organization came back to discuss their commitment to the development of the property. Two public meetings were held at the Town Community Center where residents, business owners, Town officials and The Durst Organization could be heard for open dialogue and public comment.

June 2018 – February 2020. Based upon public comment, The Durst Organization determined to withdraw its plans for an NND and to instead develop the property as a conservation subdivision under existing R-Rural zoning, and consider the feasibility of a “recreation-oriented resort as the centerpiece of a residential community . . . that will be a sustainable and productive part of the Town of Pine Plains (the “Resort”).” Conservation subdivision is the required form of development for all subdivisions of more than 15 lots and a resort is permitted in the R District by special permit issued by the Planning Board. A public meeting and Q&A was held on February 18, 2020. The applicant indicated that the conservation subdivision would include additional acreage that had been acquired since the NND proposal had been submitted.

April 15, 2020 - After discussions with the Planning Board, The Durst Organization filed Pre-Sketch Submissions for a conservation subdivision. At this stage, the Planning Board establishes the maximum number of lots permitted by zoning (prior to considering environmental issues) and prioritizes the conservation features to be preserved as open space in the conservation subdivision.

- Maximum Number of Residential Lots. This is governed by existing Pine Plains Zoning Laws. The Durst Organization calculated the maximum number of residential lots in connection with the Pre-Sketch submission at 223. The Town Engineer confirmed that the calculation method is consistent with the Town Code. However, please note that this figure excludes the 176 potential lots of the original subdivision for which The Durst Organization has the right to apply for a density credit. The Town Board has in its discretion, with comment from the Planning Board, the ability to grant in whole or in part or not at all the density credit request for the pre-existing lots in Sports City. Therefore, as an outside figure, the total theoretical maximum number of residential lots possible under zoning within the Pine Plains portion of the project is approximately 400, substantially fewer than permitted in an NND. The maximum unit count under zoning will be recalculated after the size of the resort lot is determined and that figure would be reduced by the amount of land set aside for building the resort/hotel portion of the project.

- Conservation Open Space. The existing Pine Plains Zoning Laws provide that the open space areas must permanently constitute at least 50% of a conservation subdivision. Applying this requirement to the approximately 2,652 acres of the land in the Pine Plains portion of the Durst property, and after studying the land, consulting with their experts and the Planning Board, The Durst Organization proposed to keep 1,397 acres (constituting approximately 53% of the total acres), as open space including:

- 596 acres of wetlands watercourses and water bodies and the 100-year floodplain, inclusive of a 100 foot buffer around all state and federally regulated wetlands and water bodies,
- 635 acres constituting steep slopes over 25%, which includes the designated ridgeline along Little Stissing Mountain,
- 68 acres additional lands within the Stissing Mountain CEA, thus protecting all of the Stissing Mountain CEA property on applicant's land, and
- 98 additional acres along Route 199, thus creating continuous open space along the Route 199 corridor.

Maps showing the property and the proposed open space can be located at www.pineplains-ny.gov

June 10, 2020 - Planning Board unanimously endorsed the Pre-Sketch Plan designating these open space areas. This allows the applicant to prepare a proposed development plan and submit it to the Planning Board as a proposed Sketch Plan. Please note that in accordance with Pine Plains Zoning Laws, the endorsement of the Sketch Plan is not deemed to be approval of the preliminary or final plat, and State and Town Law provisions confirm that no proposed conservation subdivision or related permit may be approved until public scoping, a full

Environmental Impact Statement process and consideration of alternatives in accordance with law.

Q: What are the specifics of the project? How large will the hotel be?

A: Those details have yet to be determined. Now that The Durst Organization has proposed the open areas, they will now commence the process of developing design options. Any design would be subject to the zoning law, site plan process and variance process (if needed).

Q: What happens next?

A: It will likely take several months for Durst designers to complete a proposed development plan for the project. That plan will be submitted to the Planning Board as a subdivision sketch plan, accompanied by an Environmental Assessment Form to commence the SEQR process.

SEQR requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. This means these agencies must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake. The Pine Plains Planning Board will look to declare itself lead agency for the review of the project. The Durst Organization has committed to a full SEQR review of the project, which will include multiple opportunities for public comment, beginning with scoping of a new Draft Environmental Impact Statement. Pine Plains will be coordinating and consulting with counterparts in The Town of Milan on this project.

In addition to environmental and SEQR review, the land and structures that will comprise the resort areas will have to go through a special use permitting process.

We do believe that the project, as proposed, will trigger our existing Affordable Housing laws, requiring The Durst Organization to set aside funds, land or housing units (or a combination thereof) for "moderate-income households" as that term is defined by Pine Plains Zoning Laws. The Town Board will also review the existing Sports City subdivision and consider whether and how it should be incorporated into the new development.

Q: In what ways does the Town Board expect that residents and business owners of the Town will benefit from the project and its open space, and particularly from the Resort?

These issues will be studied by the Planning Board along with the assistance of relevant consultants during the SEQR process and the public will have an opportunity to weigh in at the public hearing stage of the process.

Disclaimer. The information set forth herein is based upon information available to us as of the date first above written, is summary in nature, and therefore does not purport to be complete. We assume no obligation to update or otherwise revise such information. To the extent that any of the statements herein purport to be summaries of existing laws, such statements are qualified in their entirety by reference to such laws.)