

4 February 2008

Town of Pine Plains Planning Board
Don Bartles, Jr., Chairman
P.O. Box 955
Pine Plains, NY 12567-0320

**Re: SEQRA DEIS REVIEW, Carvel Property Development
Parcel: Multiple, Towns of Pine Plains and Milan
SQ08-018**

Dear Town of Pine Plains Planning Board:

Thank you for the opportunity to review the Draft Environmental Impact Statement for the proposed Carvel Property Development. The following comments are based on our review of the documentation provided to us by the project sponsor.

SEQRA

Chapter 2 of the DEIS states that "various existing rural design guidelines have been reviewed for applicability..." and none were deemed applicable to this project because the guidelines were for hamlet extensions, and the proposed action is a "master planned second home recreationally oriented golf community." A thorough investigation by the project sponsor would have revealed that the Towns of Pine Plains and Milan have both partnered with Dutchess County and New York State Hudson River Valley Greenway and become Greenway Compact communities. By doing so, both communities have adopted Greenway Principles included in the Dutchess County "Greenway Connections" publication. It is an in-depth guide to "helping communities grow and prosper without sacrificing their traditional character." Of specific importance to the project sponsors for developing alternate plans are sections on protecting the countryside, saving farmland, walkable communities, traditional neighborhood design, and connected habitats.

The project sponsor chose to proceed with SEQRA even though the Town has a moratorium on major subdivisions, understanding that at the completion of the permitting process they would need to comply with whatever, if any, zoning was enacted. Gambling that there will be no zoning, none of the alternatives included in the SEQRA process follow the proposed standards for the draft zoning law. Ignored are the following:

- o Proposed density formula that will likely reduce the number of units.
- o Requirement for clustering using Traditional Neighborhood design principles.
- o Proposed requirement to make 10% of the housing affordable.

None of the alternatives presented by the project sponsors follow the walkable neighborhood design standards as recommended by the proposed zoning law and outlined in the Greenway Guides. We would suggest the Board consider a Supplemental DEIS process with an alternative based on the Comprehensive Plan and zoning proposed for Pine Plains.

**Dutchess County
Department of
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Development**

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The sprawling suburban pattern of the proposed plan spreads development over most of the 2,000 acre site in a suburban density development pattern contrary to the rural/agricultural low density called for in the Town Comprehensive Plan. An alternative with a lower over-all density and designed within a significantly tighter footprint that promotes walkable neighborhoods (fitting within a half-mile radius) should be presented.

The preferred alternative includes 99,000 feet of constructed public roads, private roads and shared driveways totaling 43 acres of paved surface. 60,210 linear feet (11.4 miles) will be turned over to the Town for maintenance. The Town of Pine Plains presently maintains 38.8 miles of public highway. Further, the amount of water and wastewater infrastructure is nearly double that of the length of roads. Again, tighter clusters and traditional neighborhood design should significantly reduce the requirement for new roadway construction and piping, and inevitable disturbances caused by construction.

Community Character

The project sponsors have stated that the marketing success of this project relates in part to the sense of community and "belonging" that a prospective resident will have. Except for the areas immediately around the golf complex, we fail to see how much of a sense of community can develop in the outer reaches of the site, where suburban-style sprawl is the pattern and reliance on the automobile will be mandatory.

The project sponsors are not building the single family residential portions of the project. Further, they will limit their review of individual residential designs. To protect what they term "character", architectural design standards of "Dutch Colonial" and "Rural Farm Complex", will be employed. We see two problems with this approach: given the preferred site plan and such generic standards, character will be difficult to create; it will also be difficult to enforce a uniting character. The proposed "standards" show a simplistic understanding of the rich architectural heritage of the Hudson River Valley. Compare developments around Park City, Sedona, Taos, and Bozeman to what is being proposed, and we find a distinct lack of character here. The project sponsors should investigate local communities built around the turn of the century for a similar market segment (identified by the sponsor as the "uber-affluent") for inspiration: Elka Park, Onteora Club, and Twilight Park in Greene County. They are of a neighborhood scale, and to achieve character and beauty, rely on picturesque shingle style construction, appropriate for the unique Catskill region.

Open Space and Trails

Commendably, the project sponsor has identified natural resources and greenspace to preserve. However, much of the so-called open space that is created seems to be the unintended consequence of a site design approach maximizing lot count. Much of this open space is disconnected fragments typical of a suburban sprawl development pattern, and includes as open space, the back yards of proposed lots. The project sponsor should look at alternatives where creating greenspace has a common good for both for flora,

fauna, and people. Ecological principals should be used to define areas of significance for wildlife with the lot arrangement following.

Further, the open space "preservation" methods (deed restrictions) policed by homeowner's associations as described by the project sponsors have proven to have limited utility as preservation tools. **Permanent conservation easements** to be held by local land trusts supported by endowments for future monitoring activities would be a preferred alternative.

The DEIS calls out over 43,000 feet of "scenic and wilderness walking trails" In certain areas, the trail system does connect the club complex with a moderate amount of housing. But in other areas, the trails either lead to nowhere or rely to a great extent on the road system, a road system without sidewalks, which limits its safe usage for pedestrians. We feel the project sponsor should consider sections of a pedestrian/ bicycle trail paralleling NYS Route 199, in areas where a resident would be forced to walk along this major road. Further, connections should be considered to Stissing Mountain and the Roeliff Jansen Multiple Use Area.

All trails should be protected in perpetuity with pedestrian access easements, and be open to the public. By doing so, the project sponsor may be able to gain liability protection related to trail usage under NYS General Obligations Law.

Affordable Housing

Affordable housing has been identified as an important need by the Town and the County including the Dutchess County Economic Development Corporation. The scale of this development should allow for some provision for affordable housing. The proposed zoning specifies a 10% affordable housing component for large scale developments. We think this proposed requirement is prudent.

Green and Sustainable Design

It is clear comparing the DEIS visualization documents and Chapter 15, "Energy Conservation and other Sustainable Considerations in Facilities" that there is a disturbing incongruity between renderings of the proposed house sitings, showing conventional suburban architecture set in obsolete suburban sprawl, and the "stated intent (of the developer, said to be "among the world's foremost green developers") that the proposed action be constructed as a model sustainable project".

We are of the opinion that all of the potential energy savings to be realized by "green" building methods and "LEED Certification" contemplated for the sponsor-built facilities cannot offset the inherent inefficiencies of such an auto-centric residential site development plan, where driving is a necessity for even the most basic of necessities. Ironically, it is a revelation that the vehicles shown in renderings include some of the most inefficient vehicles, including a HUMV and a Ford Excursion.

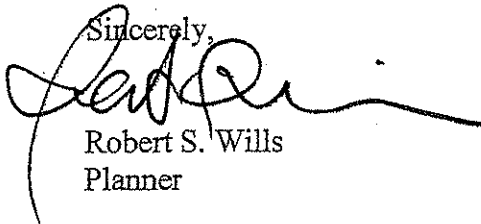
Clearly, many portions of what is being proposed is not a green development, but “greenwash”. Here are some examples from Chapter 15:

- The project sponsor will “require” all individual residences be constructed to meet energy efficient design standards and incorporate sustainable site planning measures,” yet “energy conservation and other greening considerations will either be a required feature of project homes or will be offered as options”.
- Determinations of which energy savings and sustainable features will be incorporated into project structures will be based on (in part) “cost benefit analyses, project density and land use approvals, (and) marketing and price point considerations”.
- Buildings, although stated as being oriented true south (except for site constraints), are not shown oriented true south on the proposed plans. This, along with adherence to the proposed architectural style, will make it that much more difficult (and expensive) to implement passive solar techniques.
- Education of proposed individual buyers and their builders (not mandates) is the method relied upon by the project sponsors to have buyers “build and operate their homes in a highly energy efficient and sustainable manner”.
- Sophisticated energy modeling and analysis methods that the project sponsor states will be used to minimize energy usage on their buildings should be extended to all structures on the site, including future homeowners.

The vision as we understand it is not that of a planned community that strives for true sustainability and “greenness”, but one where there are no guarantees, with “greening” efforts commendably proposed for the golf facilities, but not mandated for any of the future home builders/buyers. Further, we see any “green” or “sustainable” efforts stillborn by the inherently inefficient auto-centric site plan. For these additional reasons, we see it as imperative that the project sponsors develop a viable alternative site plan that incorporates green planning principles such as Traditional Neighborhood Design, incorporation of hamlet-scale commercial, office, and live-work units, and “healthy communities” design principals which rely on walking and cycling as means of transportation.

In this project’s current form, using the adjective “green” is nothing more than putting the proverbial “spats on a pig”. We are hopeful that the project sponsor, with its acknowledged urban record of implementing exemplary green strategies in their other projects, will, in good conscience, redesign Carvel Property Development as a true model of sustainable development, a character-filled community within which residents will be inspired to live, and Pine Plains will be proud to welcome.

Sincerely,



Robert S. Wills
Planner

c: Milan Planning Board