

**Scenic Hudson, Inc.**  
One Civic Center Plaza, Suite 200  
Poughkeepsie, NY 12601-3157  
Tel: 845 473 4440  
Fax: 845 473 2648  
email: info@scenichudson.org  
www.scenichudson.org



**Statement of**

**Mark Wildonger, AICP  
Planner  
Scenic Hudson, Inc.**

**Draft Zoning Law and DGEIS of the Town Zoning Law and Map**

**Town of Pine Plains, NY**

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Good morning. My name is Mark Wildonger. I am a certified planner for Scenic Hudson, Inc., a 46-year-old nonprofit environmental organization and separately incorporated land trust dedicated to protecting and enhancing the scenic, natural, historic, agricultural and recreational treasures of the Hudson River and its valley.

Scenic Hudson has reviewed the draft zoning and accompanying DGEIS. We believe that the zoning law as proposed should be adopted, but without the New Neighborhood Development District (NND). The proposed provisions of the NND will not achieve its intended result of creating an environmentally sensitive, economically beneficial and socially desirable development. Nor is the NND consistent with the recommendations in the Town's comprehensive plan. The Town comprehensive plan seeks to implement a land use program that has as its primary goal, protection of the environment and rural character. If adopted, the NND is likely to encourage dense development nodes in rural areas away from hamlet which would compete with the hamlet.

**Rural and Hamlet Character**

The Town of Pine Plains is one of few examples of a community in Dutchess County that has a distinct hamlet and surrounding rural lands that have not been compromised by urban sprawl. The intent of the proposed NND zoning district appears to create a gradient from higher densities in the hamlet area to the rural areas, thus still maintaining the character of the community. However; certain provisions of this draft zoning district conflict with this objective.

As proposed, the NND zone intends to promote a Traditional Neighborhood Development (TND). 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 the rural areas would be inconsistent with the spirit of the comprehensive plan and perceived intent of the proposed NND zoning district. In addition, TNDs typically have lot and area requirements so housing tracts are clustered and houses are positioned close to sidewalks to encourage the social interaction found in hamlets. Scenic Hudson would recommend that if an NND zoning district were created, it would be allowed within a certain radius - preferably ½ mile - of the existing hamlet area.

The extension of an NND zone into the rural area creates the potential for new hamlet areas. Evidence of this found in the draft zoning relates to residential cores and the creation of economic development areas. The DGEIS states that 50 percent of all dwelling units must be situated within a 1/2-mile radius to create a core residential area that can be served by sidewalks or trails. Scenic Hudson is unclear as to how a new residential core would not compromise the existing hamlet.

Furthermore, the proposed NND would require a centerpoint of which lower densities would radiate. Goal 3 of the comprehensive plan states that the hamlet of Pine Plains will be maintained as the town center and principal location for commercial, cultural, and residential uses.

#### Density

Scenic Hudson recommends that the draft NND district explicitly state that even with all incentives, the maximum number of housing units must be below 611 units as stated in the proposed zoning.

The use of incentives anywhere within this district that reward the developer with density is not a reasonable technique to create a lower density gradient extending away from the town center. Density incentives should be focused within or towards the hamlet districts. It is understood that the objective of creating the NND district is to gradually reduce density as it extends from the established hamlet area. If the intent of the new district is to create such a density gradient, then incentives should be awarded strictly as they relate to proximity to the hamlet, where greater densities would be encouraged.

#### Open space

Scenic Hudson strongly recommends that the single family residential use be omitted from the regulation as a permitted use in the open space district. Scenic Hudson would also recommend that golf courses be omitted as well. Though a golf course could technically be considered open space because it does not have structures on it, a truer definition of open space would add the provision that open space should be publicly accessible.

#### Carvel project

We believe it 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. As it appears, the bulk of any residential and or non-residential development within this project would not occur in close proximity to the hamlet district. Such a development strikes a discord with the vision of the comprehensive plan as well as this proposed zoning district. Scenic Hudson would recommend that language pertaining to the Carvel project be removed.

#### Conclusion

Scenic Hudson urges the Town Board to adopt the code; however, the provisions for the NND district should be removed from the code. As it stands, adoption of the zoning code without the NND district would not create any gaps which would hinder any regulation or development in the Town. The Town can revisit this particular district in more depth after the adoption of the zoning law.

Thank you for allowing us the opportunity to speak. We look forward to working with the Town on this issue in the future. Thank you.