

Appendix A: DGEIS Public Hearing Transcript June 10, 2010

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TRANSCRIPT OF PROCEEDINGS OF THE PUBLIC HEARING
ON THE PROPOSED COMPREHENSIVE PLAN AMENDMENTS
AND THE DRAFT GENERIC ENVIRONMENTAL STATEMENT
ON PROPOSED AMENDMENTS TO THE TOWN OF RED HOOK
ZONING LAW, SUBDIVISION LAW AND COMPREHENSIVE PLAN
TO IMPLEMENT THE CENTERS AND GREENSPACE PLAN

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DATED: June 10, 2010
Red Hook, New York
7:30 p.m. - 9:03 p.m.
Donna M. wells, Court Reporter

MINUTES
OF
PUBLIC HEARINGS

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APPEARANCES:

TOWN OF RED HOOK TOWN BOARD
Sue Crane, Town Supervisor
Susan McCann, Town Clerk
Micki Strawinski
Harry P. Colgan
William T. O'Neill
James M. Ross

RAPPART, MEYERS, WHITBECK
SHAW & RODENHAUSEN, LLP
Attorneys for Town of Red Hook
35 Main Street, Suite 541
Poughkeepsie, New York 12601
BY: CHRISTINE M. CHALE, ESQ.
VICTORIA PALADINO, ESQ.

Greenplan, INC.
Environment Planners
302 Pells Road
Rhinebeck, New York 12572
BY: MICHELE GREIG, SENIOR PLANNER

SPEAKERS:

Sheryl Griffith
John Douglas
Linda Keeling
Jeff Anzevino
Vicky Perry
Douglas Moat
Marcy Appell
Susan Mora
Paul Fredericks
Chris Klose
Beth Jones
Robert McKeon
Richard Biezynski
Ken Migliorelli
Neil Alexander

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THE SUPERVISOR:

It is now 7:30 and we will open the Town Board meeting. Please take your seats. Good evening everyone. I know there will be people filing in as they can. It's a busy week for everybody and we're delighted to see people here. Thank you for coming. This is a special Town Board meeting, June 10, 2010, and it is our task tonight to review the DGEIS, the Generic Environmental Impact Statement, and we will be having a presentation from our planner. As you know, Town consultants have prepared the documents that we will be discussing tonight. Before we start please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited by all in attendance.)

So we'll declare the Town Board meeting officially open. This is the initial public hearing to assure you a full opportunity to citizen participation in the preparation of the proposed Comprehensive Plan amendments.

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2 Thank you for taking the time to be with us
3 tonight. We will have the opportunity to be
4 here again, and I hope you will continue with
5 us in this endeavor. I want to tell you that
6 there are materials that are available at the
7 side door or on my left, your right. Those
8 materials are not prepared by the Town Board.
9 They have been developed by citizens to offer
10 information and there appears to be highlights
11 in the Executive Summary that have not been
12 prepared by the Town Board. I need to just
13 make it clear that it has not been prepared by
14 the Town Board. I would like to introduce to
15 you several people that have been important in
16 this process. First, our consultants, the
17 planning consultants from Green Plan; Ted Fink
18 and Michele Greig who have been the backbone
19 behind the Town Plan. Thank you both for
20 being here. And our Town Attorney, Christine
21 Chale, and with her, Victoria Paladino.
22 Victoria, thank you for being with us, and we
23 have the court reporter. I would like to ask
24 you when it's time for public comments to come
25 to the microphone and to speak clearly. The

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court reporter will make sure that all is

3 recorded tonight so that we can take into
4 consideration everything that is said, so
5 please take your time. Let's be aware of the
6 proper way of handling a public hearing which
7 is to give respect to others and we will give
8 respect to everyone who speaks. The Town
9 Board is looking forward to your comments and
10 we'll begin by the introduction of Michele
11 Greig who will lead us through some comments.
12 Thank you.

13 BY MS. GREIG:

14 Thank you, Sue, and good evening everyone.
15 We're just going to turn the lights off so
16 that it's a little easier to see the slides.
17 I'm going to give a 20 minute presentation of
18 just an overview of the proposed action. For
19 people who are maybe not as familiar with it
20 I'm going to turn this little flashlight on so
21 I can see what my comments are. I'm Michele
22 Greig, and I've been working with the Town
23 Board over the last several years on the
24 proposed amendments to the Zoning Law, the
25 subdivision regulations and the Comprehensive

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2 Plan. I'm going to refer to those amendments
3 tonight as the proposed action just for

4 simplicity sake, and I've also assisted the
5 Board with the preparation of the Draft
6 Generic Environment Impact Statement which is
7 also referred to as the DGEIS. The DGEIS was
8 developed based on the scoping document that
9 the Town Board adopted last spring which
10 itself is based on public scoping sessions and
11 the scoping documents outline all the items
12 that had to be analysed and discussed with the
13 DGEIS. The DGEIS and the proposed amendments
14 are all available. They're available on line
15 at the Town's website, from the clerk, and in
16 the libraries. You can also order a copy if
17 you like from F & M Printing. They have hard
18 copies there and they'll just run one off for
19 you for the cost of printing. The DGEIS
20 analyses the potential impacts of the proposed
21 action and it compares those impacts to the
22 impacts of the existing zoning which is known
23 as the No Action Alternative. In other words,
24 if the Town Board decides not to make any
25 changes to the existing zoning what would the

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2 impacts of that be. So it compares the impact
3 of the proposed existing zoning. It also
4 analyses a number of the alternatives to the

5 proposed actions. Tonight we're going to have
6 two public hearings combined as one; public
7 hearing on the proposed amendments to the
8 Comprehensive Plan, and, two, on the Draft
9 Generic Environmental Impact Statement. The
10 Town Board, of course, will accept comments on
11 the proposed zoning and subdivision
12 amendments. It's pretty difficult to
13 entertain these things for each -- there will
14 be an actual formal public hearing on the
15 zoning and subdivision amendments down the
16 road. So I'm just going to keep it very brief
17 about the proposed actions and give you sort
18 of an overview of some of the highlights of
19 the DGEIS. The purpose of the proposed action
20 is to ensure that as the Town of Red Hook
21 grows it remains a small town rather than
22 being converted into a suburb. So it remains
23 a small town with rural landscapes and new
24 residential neighborhoods that are designed to
25 be consistent with and in keeping with the

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2 walkable village development that you already
3 have in the Village of Red Hook rather than
4 suburban sprawl type development which is
5 still allowed in a lot of areas in the Town.

6 Preparing the amendment was the result of a
7 lot of work. The first thing that people did
8 was they reviewed all the previous planning
9 documents in the Town; the Comprehensive Plan,
10 Open Space Plan and the many, many planning
11 documents. The Town has excellent, excellent
12 planning documents. There's a first rate
13 planning that has been going on in the Town of
14 Red Hook for the last 40 years, so really this
15 project is sort of a natural outgrowth of all
16 the work of all those people some of whom are
17 in the audience tonight. At the time that the
18 Comprehensive Plan was adopted in the early
19 90s it had been very difficult to implement
20 some of the recommendations of the
21 Comprehensive Plan to preserve the Town's
22 small town character. There just were not the
23 zoning tools available at that time such as
24 incentive zoning which was adopted
25 subsequently by the New York State Town Law

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2 which gives you now much more greater
3 flexibility in terms of accomplishing these
4 goals. So this is really a question of
5 standing on the shoulders of giants. The
6 proposal was based on census, public

7 participation process that included hundreds
8 of public meetings, workshops, community
9 forums, meetings with stakeholders, individual
10 landowners, meetings with Town and Village
11 committees and Boards, and throughout the
12 process many changes were made to the
13 document, changes made in response to
14 community comments. The zoning amendment
15 would create two new zoning districts; the
16 Agricultural Business District which you see
17 in this darker green, and the Traditional
18 Neighborhood District which is south of the
19 Village of Red Hook which is approximately
20 between Hannaford Drive north to the Village
21 of Red Hook boundary. The purpose of the
22 Agricultural Business District is to implement
23 the existing goals of the Town's adopted
24 Comprehensive Plan to preserve irreplaceable
25 agricultural soils, to minimize land use

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2 conflicts between farm and non-farm neighbors,
3 and to encourage and promote agriculture as a
4 component of the local economy. The purpose
5 of the Traditional Neighborhood District is to
6 ensure that new development that occurs south
7 of the Village of Red Hook is compatible with

8 and consistent with the character of the
9 existing historic neighborhoods in the village
10 of Red Hook. The T & D, you can see the blow
11 up of up of it here, consists of three sub
12 districts. The office industrial area which
13 is south of Hannaford Drive would permit light
14 industrial uses such as an office and research
15 park, a hotel and conference center, and this
16 district was actually added at the
17 recommendation of the Town's Economic
18 Development Committee. The Town currently has
19 a floating light industrial zone, but that
20 zone has never been landed, so to speak, and
21 the Economic Development Committee recommended
22 that this be added to the proposal in order to
23 enhance the Town's tax base. It would include
24 a 200 foot buffer from the road, a vegetated
25 buffer to screen development on those lands

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2 from views from Route 9 to protect the Town's
3 southern gateway. The commercial center of
4 the Traditional Neighborhood District which is
5 in the red, it's on either side of Route 9, it
6 would allow for mixed use development with all
7 of the features of the traditional main street
8 development, and I'm going to show you a

9 series of slides that show you how a
10 commercial strip similar to what you have in
11 the neighborhood of the Hardscrabble area can
12 be, from the commercial strip can be in filled
13 and retrofitted as a walkable main street
14 environment, and these are slides taken from
15 an actual community like your own that has
16 adopted amendments to its zoning law to allow
17 for this type of walkable main street
18 environment. So you can see, first of all,
19 the existing conditions, and it's sort of a
20 little mix of some buildings closer to the
21 road and in front of other buildings and so
22 on. This community making some public
23 infrastructure improvements similar to what
24 you've been doing in the area of Hardscrabble
25 with installation of the sidewalks they

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2 installed some street trees, and they also
3 amended their zoning to allow the buildings to
4 be built right up against the sidewalk and
5 closer to each other. So those are two
6 critical features to have the buildings close
7 to the sidewalks, close to each other in order
8 to enhance the walkability on that main
9 street. These slides were prepared by a

10 company called Urban Advantage, and you can go
11 to their website. There are over 150 examples
12 on their website of communities like your own
13 that have adopted zoning amendments to allow
14 for this type of main street in fill of
15 suburban areas. The residential neighborhood
16 would have a base zoning of one dwelling unit
17 per acre which is roughly the density that's
18 allowed there at the present time. Developers
19 could enhance the building section in that
20 area so that it would be similar to what you
21 have in the Village of Red Hook now by
22 contributing to dedicated green space funds
23 that could only be used to purchase
24 development rights from farms within the
25 Agricultural Business District. So this is a

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2 mechanism, this refers to a zoning tool called
3 incentive zoning and it's a means of shifting
4 building potential into the centers where it
5 supports the kind of economic development we
6 just looked at in the previous slides rather
7 than having it be spread out over the
8 farmland. The Agricultural Business District
9 would allow landowners, permit them additional
10 business opportunities for their farms, and

11 many of those uses would receive a streamline
12 review process with very minimal site plan
13 review and a requirement for no public
14 hearings. They would also be allowed to sell
15 their development rights at the current zoning
16 level if they chose to. There's no
17 requirement that anybody sell their
18 development rights, but if they wanted to they
19 could sell development rights at the current
20 zoning level, so if the land is currently
21 zoned R1.5 or R3 acres they could sell at that
22 level. If they wanted to develop their
23 property or if they wanted to sell their
24 property to a developer they could develop it
25 at a density, it's called a sliding scale

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2 density. This is the sliding scale and you
3 can see it's based on the parcel size where a
4 parcel that is zero to six acres would be
5 allowed one dwelling unit. A parcel that is
6 six to 20 would be allowed two and so on, and
7 the dwelling units would be located using
8 another zoning tool called conservation
9 subdivision zoning which identifies the
10 natural resource zoning property and locates
11 the development away from those resources and

12 in this particular case it would be used to
13 locate development away from the best
14 agricultural soils on the property and also as
15 far away as possible from neighboring farms to
16 minimize the land use conflicts between farm
17 and non-farm neighbors. As part of the DGEIS
18 analyses we conducted a build out analyses of
19 land in the Town. A build out analyses of the
20 undeveloped and underdeveloped land in the
21 community. It deducts the public land or
22 lands that are under conservation easements,
23 it deducts areas that are really unbuildable
24 like wetlands and surface water, lakes, ponds,
25 streams and so on, and it will also make a

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2 deduction for infrastructure, necessary roads
3 and drainage features, and then you're able to
4 apply the zoning regulations and make a pretty
5 good estimate of how much development would be
6 allowed in the community on the remaining
7 undeveloped land. This map shows you all of
8 the areas that we studied in the Town. You
9 can see that we did not analyze the two
10 villages because it's not part of this action,
11 and we also did not analyze lands that are
12 unlikely to ever be developed such as the Mill

13 Road Elementary School, Bard College over here
14 and we didn't analyze the hamlets because
15 there's not much building potential there.
16 This just shows you the areas that we studied.
17 We basically studied the whole Town as you can
18 see. We broke it up into the various sub
19 study areas. That's the different columns
20 that you see, but it's not showing you any
21 deductions that we made before we calculated
22 the permitted density. So I hope you can read
23 it all right. It shows you the results of the
24 analyses of the build out of the current
25 zoning, the Town's existing Zoning Law, based

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2 on the build out determines would allow for
3 around 3,600 new dwelling units to be
4 constructed in the Town. That's in addition
5 to the dwelling units that are already here.
6 It would be a little bit more than double the
7 Town's existing population. The current
8 population is around 8,500 and this would add
9 another 11,000 or 12,000, residents, and then
10 we compared that to the proposed zoning, and,
11 again, I hope that you can see it, but it
12 shows that under the proposed zoning there
13 would be a reduction in the number of dwelling

14 units that would be permitted down to
15 approximately 1,400 dwelling units, and
16 therefore there would be fewer residents,
17 fewer school age children and so on. One of
18 the things you can notice -- I'm just going to
19 point out a few of the things the DGEIS
20 analyses -- but one of the things you'll
21 notice is that there's a pretty significant
22 reduction in the amount of traffic that would
23 be generated under the proposed action. Under
24 the existing zoning there's potential for
25 another 36,000 vehicle trips on local roads.

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2 Just to give you an idea of how much that is
3 right now, between Hannaford's and the Village
4 light in Red Hook there's about 9,500 vehicle
5 trips per day and under the proposed zoning
6 that would be reduced to about 12,000
7 additional vehicle trips. So there's
8 approximately, I think it was 64 percent
9 reduction in traffic impacts, and also because
10 of the proposed action would reduce the
11 residential build out in the community and
12 also increase the amount of commercial
13 development that would be permitted in the
14 Traditional Neighborhood District. It would

15 also be physically far superior to the
16 existing zoning impacts. And you can see that
17 we ran build out analyses for all of the
18 various alternatives that were studied in the
19 DGEIS and the numbers varied from alternative
20 to alternative, but generally speaking all of
21 the alternatives are similar to the proposed
22 action in that they significantly minimize the
23 potential impacts over the existing zoning.
24 The proposed action is consistent with the
25 vision, the predominant vision of the Town's

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2 Comprehensive Plan and the Town's Open Space
3 Plan which calls for conserving the historic
4 Town and country settlement pattern of Red
5 Hook, and you can see that both of those plans
6 talk about shifting development, encouraging
7 development locations within and adjacent to
8 existing centers rather than dispersing it
9 throughout the community in a sprawl type
10 pattern, and, as I said previously, this is
11 the work of people who have worked in the
12 community of Red Hook for many years
13 developing goals and envisions for the
14 community. The amendments are also consistent
15 with these regional and national plans amongst

16 many other plans. The County has just come
17 out with a new draft Greenway Plan that uses
18 Red Hook as the model for other communities to
19 emulate. It's also consistent with the
20 recommendations of the Dutchess County
21 Agricultural and Farmland Protection Plan and
22 State and also some national recommendations
23 as well. The U.S. Supreme Building
24 Neighborhood Development Rating System has
25 just come out with the rating standards of

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2 their recommendations. And all of these
3 plans, by the way, they're all saying the same
4 thing. They're all saying that you need to
5 enhance economic viability of your village
6 centers while preserving irreplaceable
7 agricultural resources. So the DGEIS is a
8 very long document. Clearly, I can't
9 summarise everything here tonight. I really
10 encourage you to read it in order to become
11 fully informed of the proposal that the Town
12 Board is considering. If you haven't had a
13 chance to read it already don't worry. There
14 are going to be many opportunities to comment.
15 There's going to be a second public hearing on
16 the Comprehensive Plan and a continuation of

17 the public hearing on the DGEIS at sometime in
18 July, and the Town Board will set that date
19 tonight, as I understand. So there will be
20 another opportunity to comment. There will
21 then also be a public hearing on the proposed
22 zoning and subdivision amendment. The Town
23 Board tonight, by the way, is not going to
24 respond to your comments. They're not going
25 to be answering questions. What they're going

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2 to do is listen very carefully to what you
3 have to say. They're going to gather up your
4 comments in the subsequent public hearings and
5 comments that are submitted to the Board in
6 writing, and you can submit your comments to
7 the Board to the Town Clerk, and then they
8 will respond to your comments formally in
9 writing in a document that's known as the
10 Final Generic Environmental Impact Statement,
11 the FGEIS, and you'll be able to review that
12 as well. Subsequent to that the Town Board
13 will adopt what's known as a Findings
14 Statement and that will conclude the SEQRA
15 process and the Board will then be able to
16 take some action. So that's quite a ways down
17 the road, a few months down the road at least.

18 You'll have lots of time to comment. Thank
19 you for your time.

20 THE SUPERVISOR:

21 when you came in you saw that there was a sign
22 up sheet. If you wish to speak tonight please
23 go to the door where there are still sheets
24 for sign up for anyone who wishes to speak
25 tonight. we'll take speakers in order of the

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2 sign up. we will ask you to confine your
3 remarks to about three minutes and after
4 everyone who has signed in and wants to speak
5 has had an opportunity to do so the speakers
6 who wish to speak again will be offered
7 another opportunity, maybe another two or
8 three minutes. we're going to try to keep
9 this to maybe an hour and a half. we're
10 hoping that we can count on you to do this in
11 an orderly fashion, and to speak slowly and
12 tolerate each other as we hope to instill in
13 the entire process beginning tonight a means
14 of courtesy and respect for one another's
15 opinions. Nothing brings more passion to
16 people in communities than zoning and
17 planning, and so we expect you to feel
18 passionately, and I know that some of the

19 statements will be passionate and I ask your
20 restraint in applauding or hissing anyone.
21 We'll just assume that you will listen as
22 carefully as we need to. Thank you. We need
23 now for Sue McCann to read the Public Hearing
24 Notice.

25 THE TOWN CLERK:

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2 This legal notice was published in the
3 official Town newspapers, the Poughkeepsie
4 Journal and the Daily Freeman on May 24th.
5 "Notice of Public Hearing Town of Red Hook.
6 Please take notice that a public hearing will
7 be held by the Town Board of the Town of Red
8 Hook on June 10th, 2010 at 7:30 p.m. local
9 time, at the Red Hook High School gymnasium,
10 103 West Market Street, Red Hook, NY 12571, to
11 hear all interested persons regarding the
12 following matter. All reasonable
13 accommodations will be made for persons with
14 disabilities. In such a case, please notify
15 the Town Clerk in advance at Town Hall, 7340
16 South Broadway, Red Hook, NY, or by phone
17 845-758-4601 so that arrangements can be made.
18 State Environmental Quality Review (SEQR)
19 Notice of Completion of Draft Generic EIS and

20 061010TR[2].TXT
21 Notice of SEQR Hearing. Lead Agency: Town
22 Board of the Town of Red Hook. Address: 7340
23 South Broadway, Red Hook, NY 12571. Date:
24 May 11, 2010. This notice is issued pursuant
25 to Part 617 of the implementing regulations
pertaining to Article 8 (State Environmental

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2 Quality Review Act) of the Environmental
3 Conservation Law. A Draft Generic
4 Environmental Impact Statement (GEIS) has been
5 completed and accepted for the proposed action
6 described below. Comments on the Draft GEIS
7 and Comprehensive Plan amendments are
8 requested and will be accepted by the contact
9 person until the close of business on June
10 21st or ten days after the close of the public
11 hearing, whichever is later. A public hearing
12 on the Draft GEIS and Comprehensive Plan
13 amendments will be held on June 10th, 2010 at
14 the Red Hook High School gymnasium at 7:30
15 p.m. Red Hook High School is located at 103
16 West Market Street, Red Hook, NY 12571. Name
17 of Actions: Proposed adoption of amendments
18 to Chapter 143 entitled Zoning and Chapter 120
19 entitled Subdivision of Land of the Code of
20 the Town of Red Hook and the Comprehensive

21 Plan. Description of Actions: The Town Board
22 has proposed adoption of amendments to the
23 Town of Red Hook Zoning Law, Subdivision Law
24 and Comprehensive Plan to implement the
25 proposed Centers and Greenspaces Plan. The

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2 amendments will create two new zoning
3 districts (the Agricultural Business District
4 and the Traditional Neighborhood Development
5 District), will replace the Town's existing
6 cluster regulations with provisions for
7 conservation subdivisions, and will add a new
8 section on open space incentive zoning, in
9 addition to other incidental changes
10 necessitated by these amendments. In order to
11 encourage village-scale density within the
12 Traditional Neighborhood Development District,
13 the law eliminates the density bonus for
14 provision of central water in the R1 and R1.5
15 Districts. The amendments are designed to
16 protect the health, safety and welfare of Town
17 residents and to bring the Town's Zoning Law
18 and Subdivision Law into conformance with the
19 Town's Comprehensive Plan, Greenway
20 Connections: Greenway Compact Program and
21 Guides for Dutchess County Communities

22 pursuant to Chapter 17-3 of the Town Code, and
23 with recent changes to New York State Town
24 Law. To prepare the proposed amendments, the
25 Town Board, working with the Villages of Red

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2 Hook and Tivoli, appointed an 11-member
3 Intermunicipal Task Force comprised of
4 representatives from each of the three
5 municipalities' Planning Boards and Zoning
6 Boards along with additional appointees from
7 each of the municipalities, including one
8 member from the Town's Conservation Advisory
9 Committee. The Task Force worked for over
10 three years to create the Centers and
11 Greenspaces Plan and the proposed amendments
12 to the Zoning and Subdivision Laws. In
13 preparing the proposed amendments, the Task
14 Force sought out the preferences and
15 priorities of townspeople through five
16 community meetings and workshops, two meetings
17 held specifically for landowners in the
18 proposed Agricultural Business District,
19 numerous meetings with individual stakeholders
20 representing various interests in the
21 community, and more than 200 Task Force
22 meetings, workshops, and forums, including

23 061010TR[2].TXT
24 meetings with Town and Village Boards,
25 committees and organizations to solicit their
input. Location: Town of Red Hook, Dutchess

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2 County, NY. Potential Environmental Impacts:
3 The proposed action may result in impacts on
4 Land Use, Zoning and Public Policy,
5 Agricultural Resources, Water Resources,
6 Terrestrial and Aquatic Ecology,
7 Transportation, Community Services and
8 Infrastructure, Cultural and Historic
9 Resources, Community Character, and Economic
10 and Fiscal Considerations. The DGEIS
11 indicates that there were no potential
12 significant adverse impacts identified for the
13 Proposed Action. The DGEIS did not, nor could
14 it, evaluate potential site-specific impacts
15 that may result from development of parcels
16 based on the proposed Zoning Law amendments.
17 As such, future site-specific environmental
18 impact assessments of development proposals
19 may be required to identify environmental
20 impacts of the site-specific conditions of the
21 development program. A copy of the Draft GEIS
22 may be obtained from: Contact Person: Sue T.
23 Crane, Supervisor. Address: Town Board of

24 061010TR[2].TXT
the Town of Red Hook, 7340 South Broadway, Red
25 Hook, NY 12571. Telephone: 845.758.4600.

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2 Copies of the DGEIS are available from the
3 Town Clerk, and at the Red Hook Public Library
4 and Tivoli Free Library for viewing. The Town
5 of Red Hook website contains downloadable
6 electronic versions of this Notice and the
7 full DGEIS at <http://redhook.org>. Copies of
8 the DGEIS may be purchased for a fee to cover
9 the cost of reproduction. By order of the
10 Town Board of the Town of Red Hook, dated May
11 11, 2010. Sue McCann, Town Clerk, Town of Red
12 Hook."

13 THE SUPERVISOR:

14 Thank you very much, Sue. So I'll entertain
15 as Chair the Board motion to open the public
16 hearing on the Comprehensive Plan.

17 BY MS. STRAWINKSI:

18 So moved.

19 BY MR. COLGAN:

20 Second.

21 THE SUPERVISOR:

22 Any further discussions. All in favor?

23 THE BOARD:

24 Aye.

25

THE SUPERVISOR:

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The Board will make a motion to open the hearing on the Draft Generic Environmental Impact Statement. Do I hear a motion?

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BY MR. COLGAN:

6

So moved.

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THE SUPERVISOR:

8

Second?

9

BY MR. ROSS:

10

Second.

11

THE SUPERVISOR:

12

Thank you, Jim. All in favor?

13

THE BOARD:

14

Aye.

15

THE SUPERVISOR:

16

So we heard about the rules for speaking and that there is an order of speaking and that we ask you to speak slowly and clearly so the court reporter can get all of it, and we're anxious to hear what you have to say. So without further adieu may invite the first speaker who is Sheryl Griffith. Would you please come to the microphone, and, if you wish, you may again announce your name and where you live. Thank you.

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BY MS. GRIFFITH:

My name is Sheryl Griffith. I live on Linden Avenue in the Town. I didn't come tonight with a substantive comment on the environmental impact statement draft. I came because I want to express my support for this very thoughtful action. This morning I read an article on the global food crisis. The world is running out of agricultural land and even more distressing is that a lot of places which are now major areas of agricultural production are running out of water, so we need to preserve agricultural land in areas which have adequate rainfall, that would be Red Hook. I spent most of my adult life here and then I moved away for ten years and I couldn't wait to get back from the overdeveloped Washington, D.C. area with impossible traffic. I did discover, however, that I now have to wait through the light in Red Hook two or three times. I think this plan is very good in addressing those kinds of quality of life issues and encouraging development where people can walk or bicycle

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and not have to drive everywhere. I just -- I think it's an excellent plan. Mainly I signed up first because nobody was starting the list. Thank you for this opportunity to express my views.

THE SUPERVISOR:

Thank you, Miss Griffith. The second speaker is John Douglas from Red Hook.

BY MR. DOUGLAS:

Thank you for this opportunity to speak. In 2008 the Economic Development Committee did some work and they came up with some interesting information. I recently had the opportunity to gather some information myself. The Town Assessor says there's 23,590 acres in the Town of Red Hook. Between January 1, 2000 to May 27, 2010, we've had exactly 280 house permits where they built new homes in the Town of Red Hook. So in that period of time there's approximately 28 permits per year if you average it out by ten, and I understand that we've actually had six total permits for this year up to this point that happened after May 7, 2010. The Economic Development

1
2 Committee had stated that there's 12,338
3 acres. 53 percent of the property of Red Hook
4 is either wholly exempt from taxes, is under
5 PDR Scenic Hudson, restricted easements,
6 private and/or Government, Winnakee Land
7 Trust, Scenic Hudson, Government or ag exempt
8 land. If you add up all those different
9 parameters that's 12,338, acres and that's as
10 of 2008, and I know for a fact with Chuck
11 Simmons' property of 20 acres and Mr. Mead's
12 property of 86 acres, I believe, that's coming
13 down the pike this month I believe, that's
14 another 106, and the Fasbergs (PHONETIC) are
15 going to be putting some land going to the
16 Winnakee Land Trust, and I believe that Mr.
17 McCann did about 300 or 400 acres, I'm not
18 sure of the number, on his property with some
19 kind of PDR, if I understand it correctly.
20 Back in the 80s the number that I remember was
21 that the total land build out, i.e., house
22 build out for the Town of Red Hook would be
23 12,000 homes. The number that Michele just
24 showed was 11,749. Now that was in the 80s
25 and 90s. Since then in 1997 I believe we

1
2 started with the PDRs with Scenic Hudson, and
3 we put under Scenic Hudson 1,972 acres and
4 another 427 where Scenic Hudson partnered with
5 the Government. If you take all those numbers
6 and if you really understand and look at the
7 nice land use inventory map that the Economic
8 Development Committee put together in '08
9 which is now outdated because even more land
10 is coming under PDR, and if you look at the
11 properties that are developable and if you
12 understand our zoning I don't know how you
13 come up with 11,000 homes. It doesn't make
14 sense to me. Now, the homes that they're
15 talking about, if I understand it ,and I
16 haven't read this present form of this plan.
17 I read a previous version. I don't know what
18 version you're on presently, but if I
19 understand it correctly they want to build
20 anywhere from 600 to 750 homes in two areas.
21 One would be the Cookingham -- (PHONETIC)
22 property, I believe, and the second one would
23 be down on the Hoffman property, if I
24 understood it correctly, and if they haven't
25 changed that. I don't know if that's been

1
2 changed. That's an awful lot of homes in a
3 very short period of time to be constructed in
4 the Town of Red Hook especially if you think
5 about the past construction building permits,
6 and I didn't go into the 90s so I don't know
7 what those stats are. So I think you really
8 need to understand the Town of Red Hook and do
9 we really want to have 600, basically 300 in
10 one location and 300 in another, in a very
11 confined area of people and you also have to
12 think about the consequences of the school
13 district where you have 1.4, statistically,
14 children per household, and what's that going
15 to do to the school district. Thank you.

16 THE SUPERVISOR:

17 Thank you, Mr. Douglas. The third speaker
18 will be Linda Keeling.

19 BY MS. KEELING:

20 Linda Keeling, 38 Pitcher Lane, Red Hook.
21 What I have is written down. It's three pages
22 which I will submit and in addition to my own
23 comments four other citizens have signed on in
24 agreement to these comments.

25 THE SUPERVISOR:

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Thank you, Miss Keeling. The fourth speaker will be Jeff Anzevino.

BY MR. ANZEVINO:

Good evening, my name is Jeff Anzevino, Director of Land Use advocacy for Scenic Hudson, Inc., a 47 year old nonprofit environmental organization and separately incorporated land trust dedicated to protecting and enhancing the scenic, historic, agricultural and recreational treasures of the Hudson River and its valley. Scenic Hudson has established in Red Hook the popular Poets' walk Park and assisted the Town with its goal of farmland protection by purchasing development rights on nearly 1,800 acres of farmland including preservation efforts that matched financial support from Scenic Hudson with funds from both the Town and Dutchess County. Additionally, Scenic Hudson has supported local funding initiatives for the purchase of development rights. The Town of Red Hook is blessed with outstanding scenic, historic and natural resources recognized by federal and state designed districts. These

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2 districts include: The Hudson River National
3 Historic Landmark District, which stretches
4 from Hyde Park to Germantown; more that 5,800
5 acres of land in the Estates District Scenic
6 Area of Statewide Significance; nearly 3,800
7 acres of lands in New York State DEC
8 designated biological important areas,
9 including 800 acres in the Tivoli Bays
10 National Estuarine Research Reserve; and more
11 that 14,000 acres of soils of statewide
12 importance and prime agricultural soils, as
13 defined by the U.S. Department of Agriculture.
14 The historic and scenic significance,
15 ecological integrity, and agricultural
16 importance of these lands contribute to
17 greater biodiversity, as well as economic
18 stability and sustainability. Scenic Hudson
19 strongly supports the Comprehensive Plan for
20 Centers and Greenspaces. The Centers and
21 Greenspaces approach is consistent with the
22 principles outlined in Scenic Hudson's
23 upcoming publication, Revitalizing Hudson
24 Riverfronts: Illustrated Conservation &
25 Development Strategies for Creating Healthy,

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Prosperous Communities. It is also consistent
Page 34

3 with Dutchess County's Centers and Greenspaces
4 Plan. The adoption of these amendments
5 continues the process of implementing the
6 Comprehensive Plan's recommendations which
7 express the community's vision for how Red
8 Hook should grow. We expect that these
9 amendments will focus growth to areas with
10 existing infrastructure. Likewise, the
11 amendments will safeguard important scenic,
12 historic, ecological, and agricultural areas
13 for local food production and preserve
14 community character. The Town of Red Hook has
15 approached this process very wisely by using
16 several techniques, such as Purchase of
17 Development Rights (PDR) and Conservation
18 Subdivision in order to direct growth to
19 appropriate areas and ensure that future
20 development is designed in a manner compatible
21 with Red Hook's community character. The use
22 of PDR also provides a mechanism for
23 landowners to be compensated for the loss of
24 development potential. The Traditional
25 Neighborhood Development District is very

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2 thorough in that the purpose and intent of the
3 district is clearly stated along with specific
Page 35

4 design standards, complete with illustrations
5 which should result in the type of development
6 prescribed in the Comprehensive Plan. This
7 center-oriented development will also help
8 accommodate any overflow growth from the
9 Village by creating a seamless extension that
10 maintains the feel of traditional,
11 pedestrian-friendly main streets with
12 buildings close to the sidewalk, parking on
13 streets and behind buildings, and reduced
14 setbacks. Future development in the
15 Agricultural Business District includes more
16 options than in other Hudson Valley
17 communities. The proposed amendments strike a
18 healthy balance between conserving land
19 without stripping away the development rights
20 and economic value of larger properties.
21 Scenic Hudson understands that several
22 meetings were held with large landowners to
23 seek an equitable way of implementing
24 recommendations from the Comprehensive Plan
25 into the zoning that do not remove economic

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2 value from the land. Scenic Hudson applauds
3 the Town and stakeholders for working together
4 to arrive at such a progressive implementation
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5 strategy. In conclusion, Scenic Hudson
6 supports the proposed Zoning and Subdivision
7 of Land amendments. Communities throughout
8 the Hudson Valley must find ways to direct
9 future development to existing built areas and
10 adjacent lands that are served with
11 infrastructure. This is especially true for
12 Red Hook which boasts an array of historic,
13 scenic, ecological, and agricultural resources
14 potentially at risk from uncontrolled growth.
15 Scene Hudson appreciates the opportunity to
16 provide comments on the Centers and
17 Greenspaces Plan and proposed amendments to
18 the Zoning and Subdivision Law. We'll email a
19 copy of these to you tomorrow, and we'll
20 submit more thorough comments before the end
21 of the comment period. Thank you very much.

22 THE SUPERVISOR:

23 Thank you, Mr. Anzevino. The next speaker is
24 Vicky Perry.

25 BY MS. PERRY:

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2 My name is Vicky Perry, and I live on Old Post
3 Road in Red Hook. I want to take a moment to
4 thank you all for your support of the
5 development of the Centers in Greenspace Plan.

6 I want to express my support for Centers in
7 Greenspace. I would also like to focus on one
8 critical aspect of the DGEIS and that is the
9 fiscal implication. The fiscal impact of the
10 proposed changes are dramatic resulting in
11 less taxes because there will be less of an
12 increase in school children and more
13 commercial opportunities. The difference
14 appears to be approximately \$7,000,000 in
15 taxes per year that we can't avoid. This
16 doesn't even take into account additional
17 school construction costs that might result
18 from current zoning verses the new C & G
19 proposal. As we just saw the school capital
20 project there is not much of an appetite for
21 adding onto the schools. In fact, we're
22 sitting in the gym/theatre, and sad to say Red
23 Hook still does not have a performing arts
24 center for its children. The school system is
25 the center of the whole problem with the

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2 zoning that we have today and what we're
3 trying to avoid. If we live long enough
4 Albany might do something intelligent about
5 taxes, but until then we have to carefully
6 consider how we can stay within our current

7 school infrastructure and the Centers in
8 Greenspace is a solution. There's nothing
9 more expensive than a house on two or three or
10 five acres and that's basically what has been
11 built in the Hudson Valley. As a parent with
12 girls in college I hope that we're doing what
13 we can to provide more moderate housing
14 options, something other than McMansions in
15 Red Hook. Many of us empty nesters will no
16 longer need as much space and this new plan
17 goes a long way to provide additional smaller
18 and more affordable homes. I'm glad to have a
19 say on this change since I will be among those
20 footing the bill, and, again, I support
21 Centers in Greenspace, and thank you for your
22 time.

23 THE SUPERVISOR:

24 Thank you, Miss Perry. The next speaker is
25 Douglas Moat.

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2 BY MR. MOAT:

3 I think without question, Bill, in particular
4 in your group, deserves tremendous credit for
5 this work. It's awesome, and I would say to
6 the rest of you here that for those of you who
7 believe that this community will, in fact,

8 grow over the next 12 to 15 years and how we
9 should preserve land around it makes a great
10 deal of sense. On the other hand, I think
11 that the devil is in the detail in all of
12 these things. In having looked at this and
13 tried to read through it I've noticed two
14 minor kinds of things I would draw to probably
15 Christine's attention more than anything and
16 one to be a major insignificant deficiency.
17 If you don't mind me nit picking, and Michele
18 helped me with this this evening, I noticed as
19 we read through it inconsistencies in
20 terminology. We have silly little things like
21 ag district, ag business district, ag business
22 development district and all the acronyms that
23 go with it. I presume they're all the same
24 way. You ought to be consistent. There are
25 sections of the act which in my few create

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2 conflict for those who are going to have to
3 administer it, not unlike those that snuck
4 through when we put the transfer tax, the
5 Community Preservation Act together. For
6 example, I'll draw one to your attention that
7 I think has some significance. With respect
8 to the open space incentive zoning, and I'm

9 taking it slightly out of context, the
10 specific purpose will be to preserve open
11 space in the Agricultural Business District.
12 The specific purpose will be that. One, two,
13 three, four, five, not five paragraphs later
14 it says the purpose will be to provide
15 incentives for new development in the
16 Traditional Neighborhood District or to allow
17 the village, scale and commercial residential.
18 How can it be specific in one instance and
19 still do these other things. I would be
20 inclined to suggest that we can clean up the
21 language and take out some of these specific
22 things or exclusive things to allow the act --
23 and there are a number of issues like that.
24 I've got a group of people looking at them.
25 We're prepared to give the Board some

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2 suggestions and I'll share them with all of
3 you. However, I think in referencing what
4 another gentleman mentioned a short time ago,
5 in my judgement the plan fails significantly
6 in one major way and that is that it fails to
7 adequately address what I believe to be the
8 most significant issue in this community and
9 that is the level of our taxes and the rate

10 which our taxes have increased. Six or seven
11 years ago we were the seventh most heavily
12 taxed community among the 21 communities in
13 Dutchess County. Today we're the third or
14 fourth depending on how you include the City
15 of Poughkeepsie. Our tax rate, total tax
16 burden on our citizens has grown faster than
17 any other community in Dutchess County. I've
18 heard it said it's a State problem and we can
19 do nothing about it. I, personally, disagree.
20 We proposed to the community some four years
21 ago a study that suggested that the total
22 taxes beginning in 2007 would increase
23 approximately 43 percent over a five year
24 period. Three years into that study we're
25 slightly ahead of that at an increasing rate.

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2 It's logical now to assume that the taxes from
3 that period, 2007, will probably have
4 increased closer to 47 and 48 percent, and
5 having met with the school administrators as
6 late as yesterday and the Town Board financial
7 people I can project -- we're trying to
8 project through five years the problem will
9 get worse. The one solution that's available
10 to us is to expand suitable commercial

11 development, emphasis on suitable. I'm not
12 talking about big shops and stores on the
13 entrance to the community, but I do think we
14 can do far, far better at looking for property
15 that we can develop for appropriate commercial
16 purposes and on that basis we'll, in fact,
17 minimize the impact on the tax burden on our
18 residents in the community. I would like to
19 make an observation to you that I think that
20 while it's stated fairly clearly in these
21 studies that there's a huge difference between
22 a total, total, total build out under our
23 existing zoning and what's on these benefits,
24 it's somewhat spacious. The fact of the
25 matter is under no circumstances would you

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2 have 100 percent build out based on our
3 current zoning. I have nine and a half acres
4 in three acre zoning and it would be totally
5 impossible for me to put two other houses on
6 that property. I'm not alone in that. So
7 that to think that we're making many, many,
8 many millions of different dollars of
9 improvement between this ultimate current and
10 what we could get. Will there be savings,
11 absolutely, but let's not kid ourselves that

12 they're that dramatic. So I guess the issue
13 to me is have we invested enough effort to
14 attempt to identify both the property and how
15 we can diminish the tax burden on our
16 residents. If the Board and the community
17 feel that the most significant problem in this
18 community is to preserve open space then what
19 you're doing as it is is totally appropriate,
20 but if you're willing to admit that the tax
21 burden in this community is extremely
22 burdensome to a great number of our citizens
23 will impact our ability to develop community
24 in the future then I suggest to you that this
25 plan is deficient in that regard and we should

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2 look more carefully at the opportunity to
3 develop commercial expansion of an appropriate
4 nature. Thank you.

5 THE SUPERVISOR:

6 Thank you. The next speaker is Marcy Appell.

7 BY MS. APPELL:

8 My name is Marcy Appell. I live at 917 River
9 Road, Red Hook. I did read 115 pages and I
10 had some questions, but I understand I won't
11 get any answers today. I did have a question
12 on the difference between the conservation

13 subdivision and the open space density
14 subdivision, but I'll get that clarified at
15 some other point. The one thing that caught
16 my attention is that in the Agricultural
17 Business Zoning District one of the permitted
18 uses are carnival, fair or circus and it looks
19 like you don't need a special permit or any
20 kind of approval and I question that because
21 we've had questions about that in the past
22 when proposals like that come before the
23 Board, so really I think anything like that --
24 you know -- a carnival or circus should
25 certainly be subject to a special permit by

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2 the Planning Board or some sort of review by
3 the Town Board. Thank you.
4 THE SUPERVISOR:
5 Thank you, Miss Appell. The next speaker is
6 Susan Mora.
7 BY MS. MORA:
8 My name is Susan Mora, village of Red Hook. I
9 don't have comments like many of the
10 predecessors here tonight. I haven't studied
11 things the way they have or researched them.
12 I just wanted to speak as a citizen of Red
13 Hook and say that since I moved here eight

14 years ago the traffic has gotten worse and the
15 congestion in Town is very notable, and I
16 wanted to say that I really think development
17 should be limited and that I commend the
18 people and I thank the people that have worked
19 on this for many years. It seems much longer
20 than I was even aware of. I also want to say
21 that I speak from experience when I say that
22 overcrowded in schools is a horrendous
23 problem. I come from teaching in New York
24 City and the impact of overcrowding in the
25 classrooms could never even be imagined by

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2 people who teach in this Town or have ever
3 taught in this Town, and I would like to see
4 that it's limited, the overcrowding, and I say
5 the development that's controlled rather than
6 allowed to have free rein is going to be a
7 much better situation for Red Hook and the
8 people who value the education of their
9 children, and basically that's what I wanted
10 to say.

11 THE SUPERVISOR:

12 Thank you, Miss Mora. The next speaker will
13 be Paul Fredericks.

14 BY MR. FREDERICKS:

15 My name is Paul Fredericks. I realize like
16 Marcy I have some questions and I'm probably
17 not going to get answers tonight, but I'll ask
18 them anyway. One of the things in the code
19 that I didn't get to read at all, the question
20 was is the light industrial zone being
21 eliminated from the zoning code for one, and
22 if it is then there are other questions I'm
23 going to have. I'm also here specifically to
24 talk about the 46 acres by Hannaford which is
25 owned by clients of mine. Presently that

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2 property has 59 uses allowed by zoning. with
3 this law it looks like it's going to be cut
4 down to seven -- light industrial park,
5 lodging, office and office park. Michele had
6 said that a hotel was allowed. According to
7 this code it is not allowed because the
8 conference center, it says in the code, while
9 dining and lodging facilities may be provided
10 as part of the conference center facilities
11 the use and benefit of participants of events
12 of the conference center. No restaurant,
13 tavern or hotel, motel or inn serving the
14 general public shall be operated and
15 maintained upon the premises. I know it's a

16 piece of land that we're thinking about
17 developing to increase our tax base, and I
18 don't think we're doing that. Also what
19 you're saying in this document is that it
20 would increase a great deal of commercial
21 development in the Town and Village, and we
22 really have the same strip along Route 9 going
23 down to Hannaford. Then on the other hand I'm
24 going to start thinking about people here and
25 mentioning in the fiscal analyses we're

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2 talking about homes being valued at a median
3 sale of \$306,000. If you take our family
4 income at \$47,000 then those people are paying
5 almost 12 percent of the income on real estate
6 taxes. Most of them paying more in real
7 estate taxes than they are income tax. I
8 think we have to study that because we're
9 really forcing a lot of people out of the
10 community and mainly your senior citizens.

11 THE SUPERVISOR:

12 Thank you, Mr. Fredericks. The next speaker
13 is Chris Klose.

14 BY MR. KLOSE:

15 I'm Chris Klose, Echo Valley Farms. My family
16 has been here 67 years, and I'm here today to

17 talk about community and the sense of
18 community that is routed in a very strong past
19 that Red Hook enjoys and that is the people
20 first and its places which are marvelous to
21 all. I am speaking for community about the
22 community because I care deeply about this
23 community and will continue to do so until my
24 dying breathe. I want to commend the
25 volunteers, all of you who sit before me, who

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2 are sitting behind me and all around me who
3 come before me I'm with you now, but I'll
4 continue to work until I pass on, but you have
5 been for community. I am here for community
6 and I hope we can reach a consensus on what I
7 believe after reading and studying it, the
8 constructive plan. It's built on 20 years
9 plus of foundation of extraordinary public
10 work, volunteer work, effort and thought and
11 care about the community from the State level
12 to the counties, the towns, and the villages
13 that all surround. It is consistent with our
14 vision. We care for the future of the
15 community that is routed deeply in the past,
16 but seeks to strive for a strong future and it
17 is conservative. In the very best sense of

18 the word it conserves what I believe to be our
19 spring which is community, people coming
20 together and agree to disagree, but sharing
21 information in an open process and striving to
22 reach what is not going to be a ten percent on
23 the left or a ten percent on the right,
24 depending on where you sit, agreeable, but to
25 the 80 percent of us who are indeed in the

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2 middle it will be the best it can possibly
3 think of. we're only human. we are flawed,
4 desperately so, but we strive passionately to
5 come together for community, so I'm here again
6 to speak in support of this marvelous attempt
7 at maintaining our strength for the future for
8 Red Hook that is strongly rooted in its past
9 in the agricultural and seeks to provide a
10 strong future for all of us. Thank you.

11 THE SUPERVISOR:

12 Thank you, Mr. Klose. The next speaker is
13 Beth Jones.

14 BY MS. JONES:

15 Beth Jones from Red Hook. I just have a few
16 comments. As a citizen of this wonderful Town
17 I want to just share an experience I had. I
18 grew up in the Town of Wappingers Falls, and

19 when I was a young child the Town of
20 wappingers looked very much like Red Hook
21 looks today. It was a lot of farms, a lot of
22 apple orchards, and it was a wonderful place
23 to grow up as a young person. As an adult
24 that lived in Dutchess County most of my life
25 I chose to move to Red Hook in late 2004

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2 because of the character of this Town and my
3 love of historical property, and we have an
4 abundance of that, and we seem to really
5 appreciate that. I also want to commend the
6 folks that have worked on this because I
7 really believe that in all the time, and
8 effort, and money that's been put into this
9 process that we are to be commended for an
10 extraordinary piece of work and I'm proud to
11 say that I live in a town that actually cares
12 about the future of its town verses looking at
13 its individual personal gains from business
14 ventures, etc., but actually considers the
15 whole, and I think that's very, very
16 important, and I think that ultimately that's
17 what creates the value to the community, and I
18 know myself and many, many people in this room
19 are volunteers in this Town and work very hard

20 to maintain the quality of life that we have,
21 and I think that it's really critical that we
22 work through the final details of whatever we
23 need to do to get this plan in place and move
24 it forward, and I want to commend everyone for
25 working on that. Thank you very much.

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THE SUPERVISOR:

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Thank you, Miss Jones. The next speaker is
Robert McKeon.

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5

BY MR. MCKEON:

6

Thank you for the opportunity to speak this
evening. I wanted to make a brief comment on
the DGEIS. I believe that the result is a
very lengthy document confirms what most
people would expect that the plan provides for
less development, lower need for services,
school and otherwise, and targeted resource
protection. It also confirms what farmland
preservation experts have been saying for
years. We would be making a mistake to use
tax dollars on PDRs and other programs if we
don't use zoning properly to compliment them,
and I would like to submit an article written
by Deborah Bowers. It's entitled, Achieving
Sensible Agricultural Zoning to Protect PDR

20

21 Investment, and I put some copies on the table
22 that has a lot of handouts on it. The local
23 taxpayers, County taxpayers, State taxpayers,
24 land trusts, have all contributed toward
25 farmland preservation under the assumption

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1
2 that those dollars are being used wisely
3 instead of patch work. This article which
4 documents the presentation by Ms. Bowers talks
5 well to this issue going on to say that the
6 PDR would be wasted if surrounding lands are
7 allowed to be developed. Each year in
8 addition to New York City and its taxpayers
9 support an ag assessment program that reduces
10 the taxes for active farmers. This incentive
11 can be substantial and while most farmers
12 still pay quite high property taxes these
13 dollars will do little to help achieve
14 farmland preservation if farms are eventually
15 allowed to become large developments. What
16 the DGEIS cannot and does not analyze, which
17 Sheryl alluded to, is what will happen if Red
18 Hook and this country become dependant on
19 others for their food. We see what we have
20 been willing to do for fossil fuel. To me the
21 impact on the environment of everything we do

22 is relevant as we face climate change. In a
23 year when these various oil rig workers, coal
24 miners and watched Vermont's Yankee Nuclear
25 Plant leak we must remember there's an

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1
2 opportunity when good decision making could
3 have prevented these possible outcomes. By
4 adopting Centers for Greenspace we can prevent
5 a good deal of emission by properly locating
6 development where alternatives to driving are
7 possible. The DGEIS also does not and cannot
8 assess how we all would feel if our biggest
9 farms were to become large developments. My
10 hope is that we can all work together, both
11 farmland owners and council people, to achieve
12 a good compromise for this community otherwise
13 we will compromise away what we love about it
14 most. Thank you.

15 THE SUPERVISOR:

16 Thank you very much, Mr. McKeon. The next
17 speaker is Richard Biezyński.

18 BY MR. BIEZYNSKI:

19 I'm Richard Biezyński, Northwood Farms. I
20 also belong to the Ag Committee. Now, this is
21 a nice document, but as Moat said, the devil's
22 in the details. First of all, on the map I

23 saw the State land was not taken out. It
24 wasn't in white, so that's a lot of
25 properties. Tax base, commercial, they keep

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2 saying that more commercial properties will
3 reduce our tax base. Ask anybody that lives
4 in westchester where there's a lot of
5 commercial base how their taxes are. Traffic,
6 nobody's going to drive a car with these
7 developments, right? well, I go to Stewart's.
8 I drive my car to IGA. As we get older we're
9 going to drive that car more, I don't care if
10 you're three blocks away, but I don't see
11 where that's going to stop the traffic because
12 with the sewer design that we're going to have
13 I heard that there was going to be 900 homes
14 so that's 1,300 kids. I don't know how that
15 work outs with school taxes, if we're going to
16 have less school taxes. Then the other thing
17 is the selling of our building rights. Right
18 now the only way -- and that documents that we
19 can sell to Scenic Hudson or to the Town and
20 before the election then Mckeon, Councilman,
21 stated that we're not going to be able to sell
22 it individually and that the building rights
23 which would be considered building credit will

24 be used by the Town and distributed and sold,
25 however it is, then if we need money then we

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1
2 can ask them for the money for that. That is
3 socialism. They are thinking of taking our
4 rights. That's not right. We should be
5 allowed to sell our rights individually. If
6 the Town has money sell it to the Town or
7 Scenic Hudson, but not by a Board of the Town
8 deciding what the value is and with that all
9 landowners including the farmers that are
10 supposed to be protected have dug their heels
11 in on that, so they made a lot of adjustments
12 -- and I think I said enough, and my passion
13 is in my red shirt.

14 THE SUPERVISOR:

15 Thank you, Mr. Biezyński. The next speaker is
16 Ken Migliorelli.

17 BY MR. MIGLIORELLI:

18 Ken Migliorelli, Tivoli, New York. I'm
19 shooting from the hip here. I sat on the
20 Interview -- (INAUDIBLE) task force for about
21 a year, I think it was, and I was surprised to
22 hear that it was still meeting up to like
23 every Friday for five or six years I believe.
24 I think there was a lot of effort put into the

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plan to beautify Red Hook. I have concerns

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about what it could do to the village as far

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as an increase in homes and the traffic, and I

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think that needs to be looked at, and I guess

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the main thing is the equity on the building

6

rights. Going from zero to six with one home

7

and six to 20 with two dwellings definitely is

8

taking away, I feel, equity from landowners

9

and it would be interesting to see that the

10

last piece of property that received a PDR

11

that if this law was in place if the

12

assessment on that land would have been

13

different and that person would have received

14

less than what he received. So maybe on the

15

equity level a meeting should be with Scenic

16

Hudson, Dutchess Land Conservancy, Winnakee

17

Land Trust to maybe take a couple of pieces of

18

property and see what would happen if this law

19

was in place and what it would do to the

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assessment when they do the assessment to

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figure out the amount what that person would

22

receive in the PDR. Thank you.

23

THE SUPERVISOR:

24

Thank you, Mr. Migliorelli. The next speaker

25

and final speaker, unless someone wishes at

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 this time to sign up, will be Neil Alexander.

BY MR. ALEXANDER:

For the record, my name is Neil Alexander. I'm a partner in the law firm of Cuddy & Fader. I also happen to be one of only 40 attorneys in the State of New York who is a lead accredited professional as well. When I decided to come up tonight on behalf of my client, CSI, who owns about 43 acres collectively on Hook and Baxter Road I asked myself why am I coming up here. I could write a letter from afar and send it in to preserve my client's rights as far as standing to litigate any of issues that are part of your Environmental Impact Statement, and I realized that the reason I came up here is that I want to reopen that dialogue with your Town. I think you're fully aware of the census data of the Tri-County Housing Study as to the size of Red Hook and it's relative proportionality to surrounding communities. Based on the data that we've seen you are probably the largest in land area, largest in housing starts, believe it or not, largest in number of

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2 households yet you have no affordable housing.
3 You have no multifamily housing. Your only
4 Town home -- (INAUDIBLE) -- that I know of is
5 also one dwelling unit for three acres and
6 that's the golf course because they use the
7 golf course as part of open space. I could
8 rant and rave here about exclusionary --
9 (INAUDIBLE) -- about the fact that you've
10 taken CDGB money and there are serious
11 questions as to whether or not this law is in
12 furtherance of fair housing. I could talk
13 about the -- (INAUDIBLE) -- processes, a
14 myriad of laws about how you're treating the
15 retail community. That's not what I want to
16 do. I want to reopen the door to have a
17 dialogue. The Tri-County Housing Study said
18 by 2020 you need to provide almost 1,500
19 housing units that are affordable. You're
20 proposing 1,400 new units under you're code.
21 There's a problem there. There is a big
22 problem. I want to be part of the dialogue.
23 I think we can come to some kind of solution,
24 something that works. If there's a piece of
25 land or pieces of land that are not at the

1
2 outskirts of Town or part in the Village and
3 backs up to the Town. whether we're a half a
4 mile or two-thirds of a mile of Route 9 and
5 199 we could fight about that. we could fight
6 about walk scores throughout the whole -- but
7 ultimately this is a piece of property that's
8 maybe a 20 minute limit, and that's what
9 you're talking about wanting to accomplish. I
10 would like to be part of the dialogue.
11 Obviously no one's trying -- (INAUDIBLE) --
12 the open meeting law. I think by us coming
13 down we also said we've been watching what's
14 going on. we have an asset in this community.
15 You have no money for sewers. You're going to
16 need the development in some form or fashion.
17 There are opportunities to leverage funds and
18 to get infrastructure money -- (INAUDIBLE) --

19
20 (Whereupon, a member of the audience asked Mr.
21 Alexander to speak more loudly and
22 the court reported requested that he speak more
23 loudly and clearly.)

24
25 BY MR. ALEXANDER:

1
2 I think it's important and I think that
3 dialogue is important, and you know I'll put
4 it right on the record. The telephone number
5 to the law firm is 914-761-1300, and please
6 reach out to us. I think there's really a
7 great opportunity to find that window and not
8 be in an adversary -- (INAUDIBLE) -- with all
9 the other applications that have been proposed
10 for multifamily units on these properties.
11 Thank you.

12 THE SUPERVISOR:
13 Thank you very much, Mr. Alexander. The final
14 signee has spoken. Is there anyone who has
15 spoken and wishes to speak again? Yes, Mr.
16 Klose.

17 BY MR. KLOSE:
18 I would like to take a moment to quote Pogo,
19 "We have seen the enemy and he is, Neil."

20 THE SUPERVISOR:
21 Mr. Biezyński.

22 BY MR. BIEZYNSKI:
23 You know when we talk about McMansions and
24 then housing that is cheaper, but they think
25 the taxes are going to be cheaper, it's not

1
2 going to happen. When I talked to a fellow
3 farmer in South Hampton, of all places, who
4 has 100 acres on the ocean he told me what his
5 taxes are I couldn't believe it, so I called
6 another friend who's a lawyer and I said
7 what's the story out there in South Hampton.
8 He says, well, guess what, we have no
9 industry. We have all these big mansions that
10 pay high taxes so our taxes for him and in a
11 modest house is very cheap. The farmers only
12 pays \$2,500 in taxes, so don't tell me
13 industry helps you. We should have the
14 mcmansions. We should have the people going
15 to Poughkeepsie Day School, send their kids,
16 so we don't have to pay for the kids. I don't
17 see where everybody's thinking that that's
18 wrong. I like that idea. Okay.

19 THE SUPERVISOR:

20 Thank you, Mr. Biezynski. Anyone else? Yes,
21 Mr. Fredericks.

22 BY MR. FREDERICKS:

23 I just wanted to add, when you look at the
24 fiscal report that Mr. Fairweather (PHONETIC)
25 did and he came out with median price for

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2 homes of \$306,000 our median family income is,
3 again, around \$47,000, but to buy that house
4 for \$306,000 you have to be earning \$90,000 to
5 \$100,000 a year. That's where the big
6 discrepancy comes in of what people are
7 earning and what they can buy, and as far as
8 what Mr. Biezynski said about the Hamptons,
9 he's right, but the reason is not because of
10 the commercial development or the McMansions.
11 It's more than 50 percent of the people in the
12 Hamptons do not live there during the school
13 year, but they pay taxes. Their children
14 don't go to school there. That's why their
15 tax grid is lower in the Hamptons. Thank you.

16 THE SUPERVISOR:

17 Thank you, Mr. Fredericks. I don't see any
18 other hands. I see another hand. Mr.
19 Douglas, please.

20 BY MR. DOUGLAS:

21 We recently had a vote in the school district
22 about the expansion of the school buildings.
23 It was defeated. Three to four months later,
24 2010, the school district came out with a
25 census report. I believe by 2016 or 2017 the

1
2 school district is presently projecting that
3 the school population will be approximately
4 1,600 students. It's presently about 2,300.
5 1970, mid 70s we had 2,500 students in the Red
6 Hook Central School District. Since the 70s
7 we've had two additions, big additions put on
8 to the high school and one big addition put on
9 to -- we have less children and more space and
10 they're projecting, the school district's
11 projecting that we're going to go from
12 approximately 2,300 to about 1,600 or 1,700 at
13 present levels. Thank you.

14 THE SUPERVISOR:

15 Thank you, Mr. Douglas. If that is all the
16 public wishes to have to say tonight I think
17 what I'll ask the Board to do is to -- we have
18 two things to do, actually. We need the
19 public hearing on the DGEIS to be adjourned,
20 this one, as well as the Comprehensive Plan to
21 another specified date and that date will be
22 July 7th, Wednesday, July 7th, when we can
23 come back here to entertain more input from
24 the public. So I would like to make a motion
25 that we adjourn.

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BY MS. CHALE:

Madam Supervisor, we're looking to adjourn the hearing on the DGEIS to a date certain. We're treating each hearing separately.

THE SUPERVISOR:

Thank you for that clarification. We're looking to adjourn the DGEIS to the date of July 7th. May I have a motion to that effect, please.

BY MR. COLGAN:

So moved.

BY MS. STRAWINSKI:

Second.

THE SUPERVISOR:

All in favor?

THE BOARD:

Aye.

THE SUPERVISOR:

Thank you. It will be at 7:30, Wednesday, July 7th, here in the high school gym. The second motion is to adopt a resolution to close the public hearing on the Comprehensive Plan and set a second public hearing. This is the second piece to this and a resolution to

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that effect is: "Closing the first public

3 hearing and establishing a date for a second
4 public hearing regarding the adoption by the
5 Town Board of the Town of Red Hook of proposed
6 Comprehensive Plan Amendments. Therefore be
7 it resolved by the Town Board of the Town of
8 Red Hook that the Town Board of the Town of
9 Red Hook shall close the public hearing on the
10 proposed Comprehensive Plan amendments held on
11 June 10, 2010 at 7:30 p.m. at the Red Hook
12 High School gymnasium, 103 Market Street. The
13 Town Board of the Town of Red Hook shall hold
14 a second public hearing on July 7th at 7:30
15 p.m. at the Red Hook High School gymnasium,
16 103 West Market Street, Red Hook, New York, to
17 hear all interested parties on said proposed
18 Comprehensive Plan amendments, and the Town
19 Clerk is hereby authorized and directed to
20 publish notice of said second public hearing
21 in the Poughkeepsie Journal and the Kingston
22 Freeman, the official newspapers of said Town,
23 and to provide notice of the public hearing to
24 the clerks of all adjacent municipalities on
25 or before," and I believe we have to do it

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1
2 within two weeks, within ten days of tonight.
3 Okay. So by June 20th which is not less than

4 ten days prior to the set date, and we need a
5 motion for that resolution, please.
6 BY MR. COLGAN:
7 I will move for that motion.
8 THE SUPERVISOR:
9 Thank you. And as a second.
10 BY MR. ROSS:
11 Second.
12 THE SUPERVISOR:
13 All in favor, starting on my left. Jim.
14 BY MR. ROSS:
15 Yes.
16 BY MS. STRAWINSKI:
17 Yes.
18 THE SUPERVISOR:
19 Harry.
20 BY MR. COLGAN:
21 Yes.
22 THE SUPERVISOR:
23 Bill.
24 BY MR. O'NEILL:
25 Yes.

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1
2 THE SUPERVISOR:
3 And myself, aye. Thank you all.
4 BY MS. CHALE:

5 Madam Supervisor, I would like to have it
6 indicated that written comments will continue
7 to be accepted.

8 THE SUPERVISOR:

9 Thank you. We will be receiving written
10 comments until the 10th of July, I believe
11 it's the 10th of July; is that correct?

12 BY MS. CHALE:

13 It will be ten days after the close of the
14 public hearings.

15 THE SUPERVISOR:

16 So it's ten days after July 7th, so we'll be
17 receiving public comments, written public
18 comments until July 19th. So the Town Board
19 wishes now to declare the public hearing is
20 adjourned until that further date, and I would
21 like to go into Executive Session with the
22 Board on personnel matters, and we thank you
23 all for coming, and we hope you all come back
24 on July 7th. Thank you very much for coming.

25

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2 STATE OF NEW YORK)
3 COUNTY OF DUTCHESS) ss:

4
5 I, DONNA M. WELLS, a stenotype reporter and

061010TR[2].TXT

6 Notary Public within and for the State of New York,
7 do hereby certify that the foregoing is a true and
8 correct transcript of the minutes recorded by me and
9 reduced to typewriting under my supervision to the
10 best of my knowledge and ability.

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X

DONNA M. WELLS

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Appendix B: DGEIS Public Hearing Transcript July 7, 2010

-----X

TRANSCRIPT OF PROCEEDINGS OF THE PUBLIC HEARING
ON THE PROPOSED COMPREHENSIVE PLAN AMENDMENTS
AND THE DRAFT GENERIC ENVIRONMENTAL STATEMENT
ON PROPOSED AMENDMENTS TO THE TOWN OF RED HOOK
ZONING LAW, SUBDIVISION LAW AND COMPREHENSIVE PLAN
TO IMPLEMENT THE CENTERS AND GREENSPACES PLAN

-----X

DATED: July 7, 2010
Red Hook, New York
7:30 p.m. - 8:58 p.m.

Donna M. Wells, Court Reporter

MINUTES
OF
PUBLIC HEARINGS

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APPEARANCES:

TOWN OF RED HOOK TOWN BOARD
Sue Crane, Town Supervisor
Susan McCann, Town Clerk
Micki Strawinski
Harry P. Colgan
William T. O'Neill
James M. Ross

RAPPORT, MEYERS, WHITBECK
SHAW & RODENHAUSEN, LLP
Attorneys for Town of Red Hook
35 Main Street, Suite 541
Poughkeepsie, New York 12601
BY: CHRISTINE M. CHALE, ESQ.

Greenplan, INC.
Environment Planners
302 Pells Road
Rhinebeck, New York 12572
BY: MICHELE GREIG, SENIOR PLANNER

SPEAKERS:

Michele Martin
Christopher Klose
Ken Migliorelli
Leigh Cookingham
Jeff Anzevino
Paul Fredericks
Brenda Cagle
Nick Anus
Richard Biezynski
John Douglas
Ken Anderson
Dan Turgeon

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THE SUPERVISOR:

3

It is now 7:30. Good evening and we thank

4

you. You're amazing to come out on a night

5

like this. I'm Sue Crane. This is a public

6

hearing. Please rise for the Pledge of

7

Allegiance.

8

9

(Whereupon, the Pledge of Allegiance

10

was recited by all in attendance.)

11

12

Before we get started I think it's important

13

to acknowledge the amount of work that's gone

14

into the past iteration of what we're going to

15

hear about tonight and what we're going to

16

comment about tonight and say that this has

17

been a work in progress for five years, at

18

least, and I was a simple Town Board member

19

when that got started, and I remember saying I

20

think someone who would be good at chairing a

21

look at our Comprehensive Plan and updating

22

that would be a friend of mine whose name is

23

Bill O'Neill, never dreaming that he would say

24

yes, silly guy, and he did, and, Bill, tonight

25

I want to be sure and compliment you and the

1
2 entire committee that has worked on this.
3 It's not an easy thing. It is fraught with
4 criticism and discontent whenever zoning is an
5 issue, and we know that and Bill probably knew
6 that shortly after he got into it,
7 nevertheless, he soldiered on. He and Harry
8 Colgan, a member from the Village Board, Brent
9 Kovalchik and many, many people were involved.
10 Brenda Cagle attended weekly meetings. It's
11 not perfect. Tonight we're going to talk
12 about the SEQRA requirements, the SEQRA
13 requirements only, and discuss how we address
14 SEQRA, and, if we have, we can close that
15 portion of the hearing tonight. There will be
16 another hearing, there will be maybe many
17 hearings that will discuss the actual law
18 itself, so rest assured that if you have
19 friends that have something to say, if there
20 are people in the audience who regret that
21 they can't be here there will be ample time to
22 say to the Town Board, no, we don't like that
23 piece and we would like you to consider
24 amending it, deleting it, changing it. We'll
25 have time to do that, so tonight we're going

1
2 to talk about environmental impact and you're
3 welcome to say anything you wish, but that's
4 the purpose of tonight. It's hot as hades in
5 here, but I used to play basketball and never
6 even minded, so I'm going to pretend that
7 we're sports people and we're not minding the
8 heat. I would like to introduce Christine
9 Chale who is our attorney for the Town, and
10 Michele Greig of Greenplan who is the planner
11 for the Town who has helped enormously in
12 background and up front with all of the
13 preparation materials that we're going to
14 discuss. John Clark is from Dutchess County
15 Planning and has been an immeasurable help to
16 us. Thank you, John, for all the work you've
17 done, and please thank everyone from planning
18 in Dutchess County for the availing of your
19 talents because without it we probably would
20 still be at square one, so thank you. So I
21 guess at this point what I would like to do is
22 turn it over to our Town Clerk, Sue McCann,
23 who will read the announcements, the postings
24 that went out about tonight's hearing, so
25 you'll hear again what the public hearing is

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about.

THE TOWN CLERK:

Good evening. The public hearings were published in the official Town newspapers, the Daily Freeman and the Poughkeepsie Journal on June 21st, 2010. "Notice of Public Hearing, Town of Red Hook. Please take notice that a public hearing will be held by the Town Board of the Town of Red Hook on July 7, 2010 at 7:30 p.m. local time, at the Red Hook High School gymnasium, 103 West Market Street, Red Hook, NY 12571, to hear all interested persons on proposed amendments to the Town's Comprehensive Plan to implement the Centers and Greenspaces Plan. Copies of the proposed amendments are available from the Town Clerk, at the Red Hook Public Library and Tivoli Free Library, and on the Town of Red Hook Web Site at www.redhook.org. Written comments will be accepted until the close of business on July 19th, or ten days after the close of the public hearing, whichever is later. All reasonable accommodations will be made for persons with disabilities. In such a case,

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2 please notify the Town Clerk in advance at
3 Town Hall, 7340 South Broadway, Red Hook, NY
4 12571, or by phone 845-758-4606 so that
5 arrangements can be made. By order of the
6 Town Board of the Town of Red Hook, dated June
7 10th, 2010. Sue McCann, Town Clerk, Town of
8 Red Hook." This notice was also published on
9 June 21st in the two Town official newspapers.
10 "Notice of continued public hearing Town of
11 Red Hook. Please take notice that the public
12 hearing on the Draft Environmental Impact
13 Statement ("DGEIS") for proposed amendments to
14 the Town's Zoning Law, Subdivision law and
15 Comprehensive Plan to implement the proposed
16 Centers and Greenspaces Plan, has been
17 continued from June 10th, 2010 to July 7th,
18 2010 at 7:30 p.m. local time, at the Red Hook
19 High School gymnasium, 103 West Market Street,
20 Red Hook, NY 12571. Written comments will be
21 accepted until the close of business on July
22 19th, or ten days after the close of the
23 public hearing, whichever is later. The
24 Notice of Completion of Draft Generic EIS and
25 Notice of SEQRA Hearing is set forth below.

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2 All reasonable accommodations will be made for
3 persons with disabilities. In such a case,
4 please notify the Town Clerk in advance at
5 Town Hall, 7340 South Broadway, Red Hook, NY
6 12571, or by phone 845-758-4606 so that
7 arrangements can be made. State Environmental
8 Quality Review (SEQR) notice of Completion of
9 Draft Generic EIS and Notice of SEQR Hearing.
10 The lead Agency, Town Board of the Town of Red
11 Hook. Address, Town Hall, 7340 South Broadway,
12 Red Hook, NY 12571. The date was May 11,
13 2010. This notice is issued pursuant to Part
14 617 of the implementing regulations pertaining
15 to Article 8 (State Environmental Quality
16 Review Act) of the Environmental Conservation
17 Law. The Planning Board has determined that
18 the proposed action is a Type I action under
19 SEQRA. A Draft Generic Environmental Impact
20 Statement (GEIS) has been completed and
21 accepted for the proposed action described
22 below. Comments on the Draft GEIS and
23 Comprehensive Plan amendments are requested
24 and will be accepted by the contact person
25 until the close of business on June 21st or

1
2 ten days after the close of the public
3 hearing, whichever is later. A public hearing
4 on the Draft GEIS and Comprehensive Plan
5 amendments will be held on June 10th, 2010, at
6 the Red Hook High School gymnasium at 7:30
7 p.m. Red Hook High School is located at 103
8 West Market Street, Red Hook, NY 12571. Name
9 of Actions: Proposed adoption of amendments
10 to Chapter 143 entitled Zoning and Chapter 120
11 entitled Subdivision of Land of the Code of
12 the Town of Red Hook and the Comprehensive
13 Plan. Description of Actions: The Town Board
14 has proposed adoption of amendments to the
15 Town of Red Hook Zoning Law, Subdivision Law
16 and Comprehensive Plan to implement the
17 proposed Centers and Greenspaces Plan. The
18 amendments will create two new zoning
19 districts (the Agricultural Business District
20 and the Traditional Neighborhood Development
21 District), will replace the Town's existing
22 cluster regulations with provisions for
23 conservation subdivisions, and will add a new
24 section on open space incentive zoning, in
25 addition to other incidental changes

1
2 necessitated by these amendments. In order to
3 encourage village-scale density within the
4 Traditional Neighborhood Development District
5 the law eliminates the density bonus for
6 provision of central water in the R1 and R1.5
7 Districts. The amendments are designed to
8 protect the health, safety and welfare of Town
9 residents and to bring the Town's Zoning Law
10 and Subdivision Law into conformance with the
11 Town's Comprehensive Plan, Greenway
12 Connections: Greenway Compact Program and
13 Guides for Dutchess County Communities
14 pursuant to Chapter 17-3 of the Town Code, and
15 with recent changes to New York State Town
16 Law. To prepare the proposed amendments, the
17 Town Board, working with the Villages of Red
18 Hook and Tivoli, appointed an 11-member
19 Intermunicipal Task Force comprised of
20 representatives from each of the three
21 municipalities' Planning Boards and Zoning
22 Boards along with additional appointees from
23 each of the municipalities, including one
24 member from the Town's Conservation Advisory
25 Committee. The Task Force worked for over

1
2 three years to create the Centers and
3 Greenspaces Plan and the proposed amendments
4 to the Zoning and Subdivision Laws. In
5 preparing the proposed amendments, the Task
6 Force sought out the preferences and
7 priorities of townspeople through five
8 community meetings and workshops, two meetings
9 held specifically for landowners in the
10 proposed Agricultural Business District,
11 numerous meetings with individual stakeholders
12 representing various interests in the
13 community, and more than 200 Task Force
14 meetings, workshops, and forums, including
15 meetings with Town and Village Boards,
16 committees and organizations to solicit their
17 input. Location: Town of Red Hook, Dutchess
18 County, NY. Potential Environmental Impacts:
19 The proposed action may result in impacts on
20 Land Use, Zoning and Public Policy,
21 Agricultural Resources, Water Resources,
22 Terrestrial and Aquatic Ecology,
23 Transportation, Community Services and
24 Infrastructure, Cultural and Historic
25 Resources, Community Character, and Economic

1
2 and Fiscal Considerations. The DGEIS
3 evaluates the Proposed Action and nine (9)
4 alternatives at a generic level. The DGEIS
5 indicates that there were no potential
6 significant adverse impacts identified for the
7 Proposed Action. The DGEIS did not, nor could
8 it, evaluate potential site-specific impacts
9 that may result from development of parcels
10 based on the proposed Zoning Law amendments.
11 As such, future site-specific environmental
12 impact assessments of development proposals
13 may be required to identify environmental
14 impacts of the site-specific conditions of the
15 development program. A copy of the Draft GEIS
16 may be obtained from: Contact Person: Sue T.
17 Crane, Supervisor. Address: Town Board of
18 the Town of Red Hook, 7340 South Broadway, Red
19 Hook, NY 12571. Telephone: 845.758.4600.
20 Copies of the DGEIS are available from the
21 Town Clerk, and at the Red Hook Public Library
22 and Tivoli Free Library for viewing. The Town
23 of Red Hook Web Site contains downloadable
24 electronic versions of this Notice and the
25 full DGEIS at <http://redhook.org>. Copies of

1

2

the DGEIS may be purchased for a fee to cover

3

the cost of reproduction. By order of the

4

Town Board of the Town of Red Hook, dated June

5

10th, 2010. Sue McCann, Town Clerk, Town of

6

Red Hook."

7

THE SUPERVISOR:

8

Thank you, Sue. So without further adieu I

9

believe I can open the public hearing and turn

10

the program over to our planner, Michele

11

Greig, who will explicate, as the French say.

12

She will explain the basis for what we're

13

attempting to understand tonight. Michele,

14

I'm going to pass this mike that was very

15

successful in being heard on our PANDA

16

television station, and thank you, Steve, for

17

being here. This particular microphone was

18

very clear on the last broadcast when we held

19

this same meeting, and so what we're going to

20

do is pass this off to Michele so she can be

21

heard clearly and then we're going to put it

22

here for speakers who wish to be heard so that

23

you can be heard clearly at home. It doesn't

24

matter that they hear me anymore. I've said

25

all I'm going to say.

1

2

BY MS. GREIG:

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Good evening everyone. We're just going to turn the lights down so you can see this. My name is Michele Greig, and I'm the planning consultant for the Town of Red Hook, and I've been working with the Town over the past several years, with the Town Board to prepare this proposed action which consists of the amendments to the Zoning Law, the Subdivision Regulations, and the Comprehensive Plan, and I've also assisted them in the preparation of the Draft Generic Environmental Impact Statement to be referred to by the initials of DGEIS. So tonight is the continuation, as Sue mentioned, of the public hearing on the DGEIS and the second public hearing on the Comprehensive Plan amendments. At the last public hearing I made a fuller presentation on the proposed action. I'm just going to give a very brief synopsis of the purpose tonight of the proposed action, and then I'm going to respond briefly to some of the factional questions that were asked at the last public hearing. As I mentioned at the last public

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2 hearing, the Town Board will not be responding
3 directly tonight to comments or questions from
4 the public. They will respond formally at the
5 end of the public comment period to your
6 comments in writing in a document that's
7 called the Final Generic Environmental Impact
8 Statement. So all the substantive comments
9 that they received during the public comment
10 period will be responded to in writing at that
11 time, but for tonight I thought I would just
12 address a couple of the factual questions that
13 were asked at the last public hearing. As Sue
14 McCann said, these documents are all readily
15 available. They've been available for a month
16 or so on the Town's Web Site, and the Town
17 Clerk and the public library, and F & M
18 Printing will also print you a hard copy if
19 you like. The purpose of this proposed action
20 is to ensure that as the Town grows it remains
21 a small Town with rural landscapes and compact
22 walkable neighborhoods adjacent to the Village
23 of Red Hook and the areas south of Village of
24 Red Hook that are similar to the historic
25 residential streets in the Village of Red

1
2 Hook. This is the so called Centers in
3 Greenspaces Concept. So it's trying to
4 promote small town development rather than
5 sprawl type development. The amendments would
6 create two new zoning districts; the
7 Agricultural Business District which is this
8 green through here and the Traditional
9 Neighborhood Development District in this area
10 south of the Village of Red Hook. The TND
11 District which you can see a larger version of
12 that here consists of three sub districts, and
13 just to help you get your bearings this is
14 Route 9 coming up through here. The TND
15 District will consist of three sub districts;
16 the residential neighborhood on either side of
17 Route 9, the office industrial area which
18 would allow for light industrial commercial
19 uses with a required 200 foot set back, a
20 vegetated set back from Route 9 to protect the
21 southern gateway into the community. This was
22 added at the suggestion of the Town's Economic
23 Development Committee to enhance the tax base,
24 and, thirdly, the commercial center right
25 here. Most of these lands are currently zoned

1
2 for commercial use. The proposal was
3 developed in consultation, particularly that
4 commercial center, in consultation with
5 elected officials from the Village of Red Hook
6 to ensure that new commercial development that
7 occurred in the commercial center can be
8 consistent with and compliment the Village of
9 Red Hook rather than be sprawl type
10 development with large parking lots and big
11 box type establishments. So it's really
12 designed to extend the existing character of
13 the Village of Red Hook into this area south
14 of the Village. The proposal is consistent
15 with the vision of the Town's major planning
16 document, the Comprehensive Plan which calls
17 for maintaining the Town's rural character by
18 encouraging new development to locate within
19 or adjacent to the existing center such as the
20 Village of Red Hook rather than encouraging
21 that development to sprawl throughout the
22 Town. It's also consistent with the statement
23 of the Open Space Plan that the Town should
24 maintain its historical town and country
25 development pattern. This is essentially

1
2 another version of the Centers in Greenspaces
3 Concept. We also received a proposal against
4 a the number of regional and state plans.
5 Some of them are listed here, and there's been
6 discussion of an analysis of the consistency
7 of the proposal with those plans and the DGEIS
8 and it was determined that the proposal is
9 consistent with the recommendations of these
10 various state and regional plans. Now, I want
11 to address just a few of the questions that
12 came out at the last public hearing. Some of
13 them had to do with the build out analysis
14 that was done for the Town as part of the
15 Draft Generic Environmental Impact Statement.
16 A build out analysis is a planning tool that's
17 recommended by the American Planning
18 Association. It's also recommended by
19 agencies such as the U.S. Environmental
20 Protection Agency. It's a tool that allows
21 communities to understand how much development
22 their current zoning would permit or proposed
23 zoning amendments would permit. Many people
24 are under the misunderstanding that they
25 believe that if they have zoning it's

1
2 preventing development from happening in their
3 community. That's not the case. Zoning
4 actually permits development to occur,
5 different types at different levels and
6 different intensities of development. So a
7 build out analysis allows you to understand
8 how much development your current zoning or
9 different zoning scenarios would allow and
10 what the impact of that development would be
11 on the community. So this is the slide that I
12 showed you last time, and it identifies the
13 study areas. Those are the lands that are in
14 various colors. You can see it did not
15 include, for example, the two villages because
16 they're not part of this action, and we didn't
17 include obvious lands that will never likely
18 be developed for residential purposes such as
19 Bard College and the Mill Road Elementary
20 School and so on. Now, someone asked last
21 time were the state lands analysed in the
22 build out analysis because obviously those
23 lands also cannot be included in the
24 development for residential purposes, and the
25 answer to that question is no. I said at the

1
2 last time that the first thing we in preparing
3 the build out analysis was to identify public
4 and easement protected land throughout the
5 Town. The acreage of those lands which are
6 shown in the dark green here were right off
7 the top taken out of the equation because
8 residential development is not permitted on
9 those lands. So, for example, the gentleman
10 in the last public hearing was asking about
11 the Tivoli Bay area which is up here. You can
12 see that we did not include that in the
13 calculations. Another gentleman stated that
14 he had a nine acre parcel of land and that
15 because of the configuration of the parcel and
16 because of the constraints on the parcel you
17 would never be able to get more than one house
18 on that parcel, and he thought that that
19 question was a result of the build out
20 analysis, but, in fact, that kind of situation
21 was also taken into consideration. The next
22 thing that we did was we deducted from the
23 acreage the acreage that was constrained with
24 wet lands or streams, wet plains and so on,
25 and we also deducted from the total acreage a

1
2 percentage of the total to account for things
3 like irregularly shaped lots, and new roads,
4 and drainage figures and things like that. We
5 also, of course, deducted the acreage that
6 would be required for existing dwellings. So
7 only after we had made all of those deductions
8 that we actually calculated the number of new
9 homes that could be constructed in the Town
10 under the current zoning and under the
11 proposed amendments. And this statement shows
12 you the result of the build out analysis for
13 the current zoning. You can see that the
14 current zoning would allow to the Town
15 approximately 3,600 or 3,500 to 3,600 new
16 development, and then we calculated additional
17 residence that would generate additional
18 school age children and vehicle trips, around
19 35,000, 36,000 additional vehicle trips per
20 day on local roads. We used standard,
21 accepted standard multipliers to calculate
22 these. For school age children, for example,
23 we used the Rutgers University Center for
24 Urban Policies Residential Demographic
25 Multipliers Standard, the most recent, most

1
2 accurate multipliers for New York State. For
3 the vehicle trips we used the Institute of
4 Transportation Engineers multipliers. Now,
5 someone at the last public hearing had stated
6 they heard that the build out estimated there
7 would be about 11,000 new homes. That's not
8 correct. The build out estimated
9 approximately 35 or 3,600 new homes. The
10 population increase would be 11,000. In
11 comparison the proposed action would reduce
12 the number of new dwellings that would be
13 constructed in the Town to approximately
14 1,400, and, of course, that would result in
15 fewer new residence, fewer new school age
16 children, and fewer vehicle trips per day. In
17 fact, you can see, if you go to the next slide
18 you've got the proposed action which resulted
19 in approximately 64 percent reduction in
20 traffic impacts over the current zoning, and,
21 of course, much of that traffic that we
22 generated under the current zoning, 35,000
23 vehicle trips, 34,000 vehicle trips, will be
24 funneled onto the main corridors in the
25 community; Route 9, Route 9G, Route 199.

1
2 Also, because the proposed action would reduce
3 the residential build out and would also allow
4 for an increase in commercial development,
5 particularly in the office industrial sub
6 district, it would bring the Town's land uses
7 into a much better balance. Right now the
8 Town's zoning permits far more residence
9 dwellings than can ever be offset with
10 commercial development in the Town. I just
11 don't think the Town of Red Hook would ever be
12 able to attract enough commercial development
13 to offset the impact of that residential
14 development, so this proposal would bring the
15 land uses into a better balance, and
16 physically superior to the impact of the
17 current zoning. Now, someone also had
18 remarked, a couple of people remarked at the
19 last hearing, that they had heard that there
20 were 900 or 700 houses being proposed. I just
21 want to clarify that this is not a development
22 proposal. There are no houses being proposed
23 as part of this action. This is a proposal to
24 amend the Town's zoning and subdivision
25 regulations, that's all. And the proposal

1
2 would actually reduce the future residential
3 build out in the community. One gentleman
4 remarked at the last hearing that there were a
5 lot of different terms being use to talk about
6 the Agricultural Business District, so I did a
7 search of the Local Law. In fact, there are
8 two separate types of Agricultural Districts
9 that are referred to in the Local Law. One is
10 the Agricultural Business District which is
11 the proposed zoning district, and the other is
12 the New York State Certified Agricultural
13 District which is created pursuant to New York
14 State Ag and Markets Law. Those are two
15 separate entities, two separate things, and
16 they're referred to consistently and correctly
17 throughout the Local Law. So there is no
18 inconsistency there. However, we do
19 appreciate the careful reading that the
20 gentleman had given to the Local Law, and
21 we're looking for those kinds of substantive
22 questions and comments. Another person had
23 asked about temporary use that has been
24 included in the proposed Agricultural Business
25 District. This is a slide of a page in the

1
2 current Zoning Law, and this particular
3 temporary use is called carnivals, fairs,
4 circus, flea markets, all other similar
5 events, and you can see that this use -- I
6 circled it in red -- is currently permitted in
7 all districts in the Town with the exception
8 of the Water Front Conservation District,
9 which is along the Hudson River, and the Light
10 Industrial District which has actually never
11 been established on any lands in the Town. So
12 it's currently a permitted use throughout the
13 Town and that's why it was included in the Ag
14 and Business District. It is true, as the
15 commentator said, that this use does not
16 require a special permit from the Planning
17 Board. However, any gathering in the Town
18 such as a gathering for a fair or a carnival
19 with more than 1,000 people or that lasts for
20 more than a few days and has more than 500
21 people is required to get a permit from the
22 Town Board. So there are actually on the book
23 under Chapter 44 of the Town Code provisions
24 to protect public health, safety and welfare
25 for a use such as this. Nonetheless, there is

1
2 a weakness, I think, in the current Zoning Law
3 which is that it does not define what is meant
4 by a temporary use. Most zoning laws will
5 state that it's permitted two weekends a year
6 or five consecutive days in a year or
7 something like that. So we will recommend to
8 the Town Board that they consider including an
9 amendment that would define what is meant by
10 temporary. This is the last slide and the
11 last point that I'll make. Another gentleman
12 made comments that the Office Industrial Sub
13 District, he did not believe, would permit a
14 conference center or a lodging facility like a
15 hotel or motel. So this, again, is just a
16 page from the proposed Local Law that shows
17 you -- those uses are circled. They would
18 actually be permitted uses that would not
19 require a special use permit, and a conference
20 center and lodging are giving you the
21 definition of lodging -- available for
22 transient renting of bedrooms excluding a
23 boarding house or rooming house which is a
24 separate use. So a lodging would be a hotel
25 or motel or a bed and breakfast or anything

1
2 like that. So those are just a few of the
3 responses to some of the factual questions
4 that were asked at the last public hearing.
5 The last slide is just a summary of some of
6 the points that I've made tonight, and, again,
7 I just want to stress that all of the
8 substantive comments will be responded to by
9 the Town Board, not tonight, but at the end of
10 the public comment period in the Final Generic
11 Environmental Impact Statement. Thank you for
12 your time.

13 THE SUPERVISOR:

14 If someone could turn on the lights please.
15 What we will do now is systematically take by
16 person as they have signed in, comments, and
17 we're asking that each of you keep your
18 comments as close to three minutes as
19 possible. We will call people up in the order
20 in which they have signed up. Having the
21 opportunity for all people to speak you may
22 come back and speak again. So we're asking
23 for three minutes and then a follow up and a
24 second time around for possibly two minutes.
25 I know you're going to extend that, but do

1
2 your best to stick to the three minutes as
3 best you can. You may not address the Town
4 Board at this meeting. This is a public
5 hearing and as such you are to address the
6 public and be recognized by me. I will call
7 the names. All persons speaking will be given
8 respect and courtesy from all in attendance
9 and in return can be expected to be respected
10 and respectful and courteous. Use of profane
11 language, slanderous or personal remarks and
12 boisterous conduct including booing and hand
13 clapping is not acceptable. Any persons
14 speaking forth with the consent of the
15 Supervisor shall address their remarks to the
16 Board not other members in the form of a
17 debate. So this is not a debate. This is
18 public comment. Without further adieu I'm
19 going to call on the first person. We ask
20 that if you are able and wish to announce
21 where you live that's fine. If you do not
22 wish to announce where you live that's fine.
23 The first speaker will be Michele Martin.

24 BY MS. MARTIN:

25 Good evening. My name is Michele Martin,

1
2 Chair of the Economic Development Committee
3 for Red Hook, and tonight the Economic
4 Development Committee is submitting a
5 statement, and I will read the statement to
6 you and then copies of the statement will be
7 provided for those who wish in the back on the
8 table. The Economic Development Committee is
9 an advisory group of citizen volunteers
10 appointed by the Town Board to be the source
11 of information for and about business in Red
12 Hook. Our mission is to grow business for a
13 strong Red Hook. We submit this statement in
14 support of the Draft Environmental Impact
15 Statement to the Town's Zoning Law and
16 Comprehensive Plan to implement the proposed
17 Centers and Greenspaces Plan. Among its
18 strongest economic assets Red Hook has an
19 important agricultural history and continues
20 to be home to many successful farms that have
21 a major impact on our Town and on our region.
22 The Committee believes that farming provides a
23 good model for sound economic development
24 policy. Farming takes the resources with
25 which we are blessed, good soils, moderate

1
2 climate and rainfall, and our industrious,
3 hard-working people and creates value in the
4 form of abundant, safe, fresh produce,
5 livestock and other products. Farming
6 generates jobs, tax revenues and a flow of
7 steady spending to many local businesses in
8 our Town. Likewise, businesses attracted by
9 our convenient Mid Hudson Valley location,
10 excellent schools, and other unmatched assets
11 only make Red Hook stronger. They mean more
12 new jobs, greater local spending and increased
13 tax revenues. Development that is out of
14 scale with this careful, conservative, asset
15 based model cannot serve us well, and that is
16 why we are guided by the wisdom to leverage
17 our unique human and natural resources to seek
18 out the simplest solutions with the biggest
19 impact. The proposed Centers and Greenspaces
20 Plan, of which the Draft Environmental Impact
21 Statement is part, is a way to do just that.
22 It gives us that rare opportunity and the
23 responsibility to secure a deeply rooted
24 strong future for our Town and that is why our
25 Committee stands in support. Thank you.

1

2

THE SUPERVISOR:

3

Thank you, Michele. The next speaker is

4

Christopher Klose.

5

BY MR. KLOSE:

6

Thank you. Chris Klose from Echo Valley Farm

7

and my family's been on the farm since 1943,

8

and it is a privilege to serve on the Economic

9

Development Committee and support farming. I

10

want to share with you a moment in time. My

11

brother, Woody, about Red Hook, spent his life

12

here and loved every square inch of the valley

13

and the rolling hills that we've come to love

14

and admire and take for granted, and not long

15

before he passed, now six years ago, we sat

16

out in the back and looked around at our farm

17

which he had worked as hard as they could,

18

Peter, Elizabeth and their kids and we coming

19

and going from our lives as well cherished the

20

work on the farm as stewards only, he said to

21

me, Chris, look around. What do you see. I

22

just smiled as we all would, and he said for

23

years and years I've represented the Town and

24

we thought we had it right. We thought that

25

indeed development was the highest and best

1
2 use for the land. He got it wrong. We need
3 to save what we have and steward it carefully,
4 and I just want to repeat that for my friends
5 and my fellow neighbors, fellow farmers, all
6 of us passionate in our own ways about it, but
7 I really am supporting, personally, Centers in
8 Greenspaces Plan, and acknowledge the
9 incredible hard work that's gone into this.
10 Bill, thank you.

11 THE SUPERVISOR:

12 Thank you. The next speaker is Ken
13 Migliorelli.

14 BY MR. MIGLIORELLI:

15 Ken Migliorelli, Tivoli. I was on the
16 Comprehensive Plan at the on set and didn't
17 realize it was going this long. There's many
18 parts of it I do support. The one thing I'm
19 concerned about which Michele Greig didn't
20 address was the equity that might be lost with
21 some of the landowners, and speaking to some
22 of the Town Board members it seems like
23 there's room for adjustments in the plan which
24 I hope to see, and being on the Ag and Open
25 Space Committee that we could get involved in

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2

some of that decision making. Thank you.

3

THE SUPERVISOR:

4

Thank you. The next speaker is Leigh

5

Cookingham.

6

BY MR. COOKINGHAM:

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I represent the Cookingham family. We're not

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100 percent sold on everything that is

9

proposed here. We have some concerns on the

10

financial end of it. Where is all this money

11

going to come, the development rights, we just

12

don't understand it. We were hoping that

13

somebody could pull us aside and explain it to

14

us individually and that hasn't happened yet.

15

Thank you.

16

THE SUPERVISOR:

17

Thank you. The next speaker is Jeff Anzevino.

18

BY MR. ANZEVINO:

19

Good evening. My name is Jeffrey Anzevino,

20

Director of the Land Use Advocacy for Scenic

21

Hudson, a 47 year old non profit environmental

22

organization separately incorporated land

23

trust dedicated to protecting and enhancing

24

the scenic, natural, historic, agricultural

25

and recreational treasures of the Hudson River

1
2 and its valley. Scenic Hudson is established
3 in Red Hook one of our most popular parks,
4 Poets' Walk and assisted the Town with its
5 goal of farmland protection by purchasing
6 development rights on nearly 1,800 acres of
7 farmland including preservation efforts that
8 matched financial support from Scenic Hudson
9 with funds from both the Town and Dutchess
10 County. Additional, Scenic Hudson has
11 supported local funding initiatives for the
12 purchase of development rights. The Town of
13 Red Hook is blessed with federal and state
14 designated districts that celebrate
15 outstanding scenic, historic and natural
16 resources and contribute to greater
17 biodiversity, as well as economic stability
18 and sustainability. In the interest of time I
19 won't list them all. You know them because
20 you live here. Scenic Hudson strongly
21 supports the Comprehensive Plan for Centers
22 and Greenspaces. The Centers and Greenspaces
23 approach is consistent with the principles
24 outlined in our publication, Revitalizing
25 Hudson Riverfronts, and it's consistent with

1
2 Dutchess County's Centers and Greenspaces
3 Plan. The adoption of this plan continues the
4 process of implementing the Town's
5 Comprehensive Plan recommendations which
6 express the community's vision for how Red
7 Hook should grow. We expect that the plan
8 will focus growth to areas with existing
9 infrastructure. Likewise, the plan safeguards
10 important open space, particularly
11 agricultural areas for local food production.
12 The Town of Red Hook has approached this
13 process very wisely by using several
14 techniques such as Purchase of Development
15 Rights (PDR) and conservation Subdivisions in
16 order to direct growth to appropriate areas
17 and ensure that future development is designed
18 in a manner compatible with Red Hook's
19 community character. The use of PDR also
20 provides a mechanism for landowners to be
21 compensated for the loss of development
22 potential. In conclusion, communities
23 throughout the Hudson Valley must find ways to
24 direct future development to existing built
25 areas and adjacent lands that are served with

1
2 infrastructure. This is especially true for
3 Red Hook which boasts an array of historic,
4 scenic, ecological and agricultural resources
5 potentially at risk from uncontrolled growth.
6 Scenic Hudson supports the Centers and
7 Greenspaces Plan and proposed amendments to
8 the zoning and subdivision law. Thank you
9 very much for the opportunity to make these
10 comments.

11 THE SUPERVISOR:

12 Thank you, Jeff. The next speaker is Paul
13 Fredericks.

14 BY MR. FREDERICKS:

15 My name is Paul Fredericks. I'm a resident of
16 Red Hook. I was part of the Comprehensive
17 Plan many years ago with Ken Migliorelli and a
18 lot of other people, and I'm on the Village
19 Planning Board. One of the things that
20 bothers me about -- well, it doesn't bother me
21 -- I think it needs an explanation. The
22 current zoning with the build out would be a
23 disaster, I'm not denying that. The proposed
24 action in my mind would also be a disaster.
25 What we have to consider is where we are now.

1
2 Where our people are now and how they can
3 afford to live in Red Hook. Our taxes are one
4 of the highest in the County and they're going
5 higher. A number of years ago the Economic
6 Development Committee predicted an increase in
7 taxes of 45 percent in five years. We are
8 going faster than that now. There are people
9 in the Village of Red Hook, senior citizens,
10 who are paying more than 20 to 25 percent of
11 their income towards real estate tax. People
12 are paying more money in real estate taxes
13 than they are in income tax. Now, if you lose
14 a job you don't pay a tax. If you lose a job
15 you still pay the income tax. What I would
16 like to see the committee do is come out with,
17 by Peter Fairweather, where this would take
18 us, what would be the impact financially, what
19 would be gained with the commercial growth. I
20 know there's 320,000 square feet. What does
21 that amount to in tax revenue, the 320,000
22 square feet retail commercial or does it
23 include apartments. Apartments are not really
24 a plus when you think of the tax base. I
25 think that should be considered and the people

1
2 should know to where we're going and can they
3 afford to live here. Yes, I believe in saving
4 the farms. I believe in saving the working
5 family farm. I would like to see more land
6 and farm production. We have a number of
7 farmers who are trying to do that now, but
8 then we have other people who farmed. We
9 should save farms. We should promote farms.
10 We should save the land and protect, but we
11 have to think about protecting the people too
12 and how do they live there. Then on another
13 note which Michele brought up in the 46 acres
14 down in -- you have lodging there. I don't
15 see why hotel cannot be substituted for
16 lodging in it's original zone rather than spot
17 zoning and changing that 46 acres to something
18 unique. Leave it the way it is so we can
19 develop it the best way for the Town of Red
20 Hook to find out exactly what we need to help
21 us with our tax base. Also, I think in the
22 picture will be helpful, a lot of people have
23 questions and they're looking for answers
24 about how things are going to impact them.
25 You heard some of the farmers mention that and

1

2

I think it would be a good idea if you had a

3

meeting where people could pose questions and

4

hopefully get an answer. Thank you.

5

THE SUPERVISOR:

6

Thank you. The next speaker is Brenda Cagle.

7

BY MS. CAGLE:

8

Brenda Cagle, Church Street Extension and

9

Chair of the Conservation Advisory Council.

10

The comments will be for that committee. The

11

CAC believes that, for the most part, the

12

Centers and Greenspaces Plan will have

13

positive environmental impacts for the Town.

14

We agree that the following have only positive

15

impacts on the environment as indicated in the

16

DGEIS. The estimated decrease in build out

17

potential of the proposed plan compared to the

18

current zoning is significant. The build out

19

analysis of the study area shows that under

20

existing zoning the estimated number of

21

additional residents would be about two times

22

greater than the number of additional

23

residents projected with the proposed zoning.

24

This additional population would use about 1.1

25

million more gallons of water per day and take

1
2 almost 22,000 more vehicle trips per day than
3 the water used and trips taken by the
4 additional population estimated with the
5 proposed zoning. The new Agricultural
6 Business District provides a zone where
7 agriculture can flourish. Incentive zoning
8 provides a mechanism for establishing funds to
9 preserve agricultural lands and open spaces, a
10 priority goal in the Town's Comprehensive
11 Plan. The Traditional Neighborhood District
12 or TND uses smart growth techniques to
13 encourage a walkable vibrant neighborhood
14 where goods and services are nearby rather
15 than the sprawl type of development that
16 current zoning encourages. The proposed
17 conservation subdivision regulations with the
18 four step design process better protects
19 natural resources by first identifying
20 features to be preserved and then designing
21 for development. For major subdivisions a
22 resource analysis map would be required during
23 the pre-application process so that natural
24 resources to be protected can be identified
25 early making the planning process speedier for

1
2 the applicant and the resources better
3 protected. Proposed increased density in the
4 southern portion of the Town does have some
5 negative environmental impacts, also noted in
6 the DGEIS. Because of concerns about water
7 quantity and quality the Chazen Companies were
8 commissioned to conduct a water resource
9 assessment on the impacts of the Centers and
10 Greenspaces Plan. The report determined that
11 there is sufficient sustainable aquifer
12 recharge to supply the cumulative water
13 demands of this plan, the proposed Village
14 plan, Anderson Commons, Red Hook Commons, and
15 Knollwood Commons. Increase in impervious
16 surfaces in the TND was considered in this
17 determination. The report also stated that by
18 using sustainable stormwater management
19 practices recharge rates could be improved.
20 The CAC recommends that study of low impact
21 design stormwater management techniques
22 continue and be implemented. Most of the TND
23 lies over the Village's well field recharge
24 area. Therefore, the report did recommend
25 that a stronger aquifer ordinance than exists

1
2 today be adopted by both the Town and the
3 Village. We ask the Town Board to follow this
4 recommendation so that our aquifer is better
5 protected before development in the proposed
6 TND begins. Although the proposed new zoning
7 in the Village is not yet complete we hope
8 that the Village will adopt an aquifer
9 ordinance. We also want to note that there is
10 an Office Industrial sub district in the TND,
11 but this district is located south of Rokeby
12 Road and is outside of the aquifer recharge
13 area. Also, with regard to aquifer protection
14 the study stated that wherever domestic wells
15 and septic systems are in use parcel sizes
16 should at a minimum meet average sizes
17 recommended by Dutchess County Water and
18 Wastewater Authority's septic density study.
19 We recommend that these guidelines be followed
20 throughout the Town, and, in conclusion, the
21 CAC was represented on the Task Force
22 throughout the years of preparation of this
23 plan and we would like to thank the Board for
24 this opportunity. We will help in any way we
25 can to address environmental concerns that may

1

2

arise throughout the review process of the

3

Centers and Greenspaces Plan. Thank you.

4

THE SUPERVISOR:

5

Thank you. I would like to take a second to

6

acknowledge Donna Wells who is our court

7

reporter who is getting every word and there

8

will be a transcript of this available for

9

you, so thank you, Donna. I meant to

10

acknowledge you at the very outset, and if

11

you're able to speak a little slowly it helps

12

Donna catch every word. The next speaker is

13

Nick Anus.

14

BY MR. ANUS:

15

Hi. I'm Nick Anus. I'm a naturalized citizen

16

of Red Hook, that is, I wasn't born here.

17

I've lived in other communities in the San

18

Francisco Bay area, and I've seen just in the

19

short time I was there, 23 years, I've seen

20

areas that were almost 100 percent farming

21

turn into nearly 100 percent commercial

22

residential in just two decades, so I know

23

what can happen if the demand is here. I

24

listened to certain people say that we need

25

commercial development here to increase our

1
2 tax base and it's unfortunate. I have this
3 sense that much of the planning, the future
4 planning for Red Hook is tax driven rather
5 than what the people want. I really think
6 what the people want has not been considered.
7 I see Red Hook primarily as a farming
8 community that has somewhat grown into a
9 bedroom community. Some people want to
10 increase commercial development, commercial
11 development will bring jobs, jobs will bring
12 more people, more people bring more houses and
13 you get into the cycle that's just going to
14 make this Town increase. I can't imagine
15 anybody that's come to the Town of Red Hook
16 and say this place is too small. It really
17 needs to be grown. Why don't we increase its
18 size by another 20 or 50 percent or something.
19 I don't understand why a Town can't stay the
20 size it is. I don't understand why growth is
21 necessary. I don't understand this drive for
22 growth, why we need more of this more of that,
23 more houses, more people, more jobs. If
24 that's what you want I think people ought to
25 pack up and go somewhere else. The other

1
2 thing I see, if you look at the beneficiaries
3 of some of this, if you develop this Town and
4 start to grow this Town there are only two
5 people that are really going to benefit from
6 this. One is the business people that live
7 here. It may improve their business demand,
8 and the second is anybody that's in a position
9 to sell their real estate and get out. Those
10 are the two people. The rest of the people I
11 can't understand why someone who wants to live
12 and die in this community say well, I sure
13 like it to get bigger. Those are my comments.

14 THE SUPERVISOR:

15 Thank you. The next and last speaker, unless
16 we have another round of speakers, is John
17 Colburn please. I think we tired him out. Is
18 there anyone here who wishes to speak, Rich
19 Biezyński.

20 BY MR. BIEZYNSKI:

21 I'm Richard Biezyński from Northland Farms.
22 I'm glad Michele answered just about all my
23 questions. The 900 houses was not exactly
24 zoning. It's what's going to happen if we
25 have a sewer system. But like Kenny said,

1
2 it's the economics. The devil's in the detail
3 as was mentioned last time. We really want to
4 know what's going to happen with these
5 transfer of development rights. That's the
6 sticking point right now and we're supposed to
7 meet with Bill O'Neill, and we want people to
8 discuss that, what exactly, because most of
9 the landowners don't understand this transfer,
10 how it's going to work, and we want it
11 clarified exactly what the plan is on that
12 because we want to keep farming, and I want my
13 son to keep it, but there's equity in that
14 because when he goes for a loan he's got to
15 have something to show of value so that is
16 very important, otherwise farmers will leave
17 because they can't get the loans, especially
18 young farmers and remember that so we want to
19 clarify that. It's the most important thing
20 right now. We discussed a lot of different
21 things on this zoning and changes have been
22 made and I'm grateful for it, but that's where
23 I am. I'm stuck on that as everybody well
24 knows. Thank you.

25 THE SUPERVISOR:

1

2

Thank you. John Douglas please.

3

BY MR. DOUGLAS:

4

This plan, the portion I'm very concerned

5

about is you're going to be taking development

6

rights from, like, say, Mr. Richard

7

Biezynski's farm and you're going to take it

8

and allow Mr. -- or whoever owns the property

9

-- to have more homes built on that parcel

10

because Mr. Richard Biezynski has given up the

11

right to build homes on his property and he

12

gets some kind -- the problem is that whoever

13

does this is now going to have the right to

14

build a large amount of homes that are going

15

to be jammed together and the one plan I read,

16

and I haven't read the latest draft. I read

17

the draft a long time ago, is that you walk

18

out your front door and you're approximately

19

10, 15 feet from the curb of the road and you

20

don't park your car in front of your house

21

because you have to park it around the corner

22

in some kind of parking lot area, and your

23

house is maybe 30 feet wide and then the house

24

is butted up next to your home and you're on a

25

small lot and that's not Red Hook, and neither

1
2 is 200 homes jammed together. That's not Red
3 Hook, and the problem here is that a little
4 developer's not going to build just -- he's
5 not going to do this. You're going to get
6 some big developer and he's going to come in
7 and he's going to build these 200 homes and
8 they're going to be fast and quick, and it's
9 going to be done and then we're going to get
10 200 new homeowners, and then the school
11 district's going to say wait, we don't have
12 room for these people, and that's only one
13 development. If I understand it, you may have
14 changed it. I haven't read it in a long time.
15 There's a portion that I believe is on the
16 Cookingham's property too and there's
17 approximately, if I understand this plan
18 correctly, 600 potential homes being built at
19 three different locations, 200 in each
20 location. I may have all these numbers
21 incorrect, but those are the numbers I seem to
22 remember when I read it a long time ago.
23 That's my biggest fear is we're jamming a lot
24 of people into a very small area, and a very
25 concentrated area, and do we really want this

1
2 folks. The last time the Town Board came and
3 Mr. Clark come in with a plan on Mr.
4 Anderson's property the Town Board proposed
5 and what happened, the developer took the plan
6 and ran with it, and now he's been in the
7 Planning Board for many years discussing this
8 plan. We may have never had that plan if the
9 Town Board never took the initiative to
10 develop it in the first place. Now the Town
11 Board's doing this again, developing a new
12 plan, and this only means that some new
13 developer is going to come in and say well,
14 this is what the Town of Red Hook wants. Is
15 this really what we want? Do we really want
16 this? Really think about this. Thank you.

17 THE SUPERVISOR:

18 Anyone else who wishes to speak? Yes, Mr.
19 Anderson.

20 BY MR. ANDERSON:

21 Ken Anderson. I'm not sure I can say what I
22 wish to say because my words probably don't
23 come together like I would like them to, but I
24 looked at the conclusion of your plan and
25 there was two very important points here. To

1
2 preserve the Town, first of all, rural
3 character. It's easy to say, but how do we go
4 about doing that. First of all, in order to
5 preserve this rural Town don't we have to
6 preserve the farmer who's trying to operate
7 his land and the costs of doing so today are
8 extremely high for a farmer. It's high for
9 most all of us because we all have taxes to
10 pay and various expenses, but to preserve this
11 Town's rural character I really question what
12 we're doing. I guess I haven't seen or heard
13 anything that really convinces me that we've
14 got a real Comprehensive Plan that's going to
15 benefit the farmer, benefit us and our rural
16 land, and surrounding Red Hook, and what are
17 the benefits of this Town to preserve this
18 Town's rural character. The other thing is
19 locate new development adjacent to the
20 Village. That sounds good. It sounds easy,
21 but it's very difficult in Red Hook today to
22 do really any kind of development. Now, I'm
23 all in favor of controlled development. I
24 think that's very important. How we go about
25 it is probably going to turn out to be very

1
2 costly to the developer, and I think we're
3 finding -- I know myself -- finding that we
4 can't afford to do development in Red Hook.
5 Just why, there's so many factors involved,
6 and in order to get a development plan, I can
7 speak from experience. I spent four and a
8 half years of my current development plan and
9 I'm still not anywhere's near the end of it.
10 I don't know how we survived these four and a
11 half years, but we're still hanging in there.
12 I think we've got a good plan that compliments
13 the new development adjacent to the Village,
14 and there's a lot of people that I meet on the
15 streets and say when are we going to see this.
16 I said well, I've gone through probably four
17 developers already. I still don't have one
18 that's really secure, but we're getting there,
19 but it's taking a long time, and it's very
20 costly. So just how we go about this total
21 plan preserving the rural atmosphere while
22 encouraging development, what incentives are
23 there for a developer that the Town is going
24 to try to attract him to come into our area
25 and work with us with our zoning and we

1

2

probably have -- our current zoning needs

3

updating badly, and we're in the process of

4

doing that and we're making success I think,

5

but is it really going to benefit us all in

6

the end. I question that. I really do. I

7

wish I had an answer, but I really don't.

8

Thank you very much.

9

THE SUPERVISOR:

10

Thank you. Anybody else that wishes to speak?

11

Paul, you have some more comments?

12

BY MR. FREDERICKS:

13

I understand the farmers concern and what is

14

happening with this plan, and their problem

15

basically is if they have a bad year of crops

16

and they go to the bank now because the land

17

unfortunately can't be developed the banks

18

will lend them money. They're not lending

19

them money because they don't have an income.

20

Do we almost have to set up a bank in Red Hook

21

for the farmers to when they're in trouble

22

because what we're doing now is we're changing

23

into large lot development. Our incentive

24

zoning which means they have to sell their

25

development rights -- I've been checking with

1
2 some bankers. They will not lend money to a
3 farmer if development rights have to be sold.
4 The only way you really save farmland is by
5 saving the working farmer. The man who tills
6 the land, who puts it into production, and
7 produces crops. We're not doing that, and I
8 think that should be an important part of what
9 we're considering and that's why the farmers
10 are concerned. What do they do? They have to
11 sell out to someone whose income is not coming
12 from farming. Thank you.

13 THE SUPERVISOR:

14 Thank you. Anyone else? Yes, sir.

15 BY MR. TURGEON:

16 My name is Dan Turgeon. I'm a teacher and I'm
17 quite appreciative of the conversations
18 tonight. This is my first meeting I've
19 attended, and I really think everyone's
20 comments are pretty much spot on. I think a
21 great resource as the presentation pointed out
22 is the rural characteristic of Red Hook. In
23 terms of farmers, New York State is the best.
24 We in New York State lose one farm every three
25 days. If New York State was left unto its own

1
2 it would only be able to feed about 30 percent
3 of its population and the future of farming is
4 the ability to feed yourself. Take a look at
5 a Town like Rhinebeck, it's booming on the
6 weekends and certainly part is the
7 restaurants, the farmers markets, the interest
8 generated from people knowing where the food
9 comes from is probably one of the biggest
10 growing trends in this area today, and it's so
11 important that we do support these farmers. I
12 think controlling growth is important and
13 basically enabling rural characteristic to
14 continue to foster and continue to grow is of
15 utmost importance, not just for five years
16 out, ten years out, but really you need to
17 start thinking 20, 25 years out. Our food's
18 not going to be traveling as far. People are
19 -- just because of the health epidemic in this
20 country more and more people want to know
21 where the food comes from, and I think we have
22 such a unique circumstance here. I think our
23 bucket of gold is in the fact that we do have
24 so many farmers in the area, and it's of the
25 utmost importance that we support them. Thank

1

2

you.

3

THE SUPERVISOR:

4

Thank you, sir. Anyone else? Christopher

5

Klose.

6

BY MR. KLOSE:

7

Thank you for the comments. I appreciate

8

them. For ten years in my professional career

9

I worked all over the United States one end to

10

the other top and bottom farming for trade

11

associations for large industry and it's

12

industrial agriculture. That's what you're

13

talking about. Industrial agriculture's a

14

wasteland. You go from Chicago west to the

15

coast what you see is the result of the

16

industrialization of everything in America.

17

You're right. What we have here and what

18

everybody's spoken to, Paul, thank you for

19

your comments, Ken, thank you, this is

20

something that we need to tussle with, and

21

we're almost there. I can hear it, and it is

22

and that's why our statement we believe is the

23

policy statement that points to the future is

24

rooted deeply in our rural character which is

25

absolutely precious and fragile. You can look

1
2 at what's happening here. Nick, he's right.
3 Look what happened in the San Francisco Bay
4 area in 20 years. That's going to happen
5 here. We say no, because we take it all for
6 granted what we see around us, but look at
7 Hyde Park. It goes very fast, so I think
8 we're almost there. I can hear it and I can
9 feel it. The consensus is tough, but we can
10 get there. They're issuing equity. Indeed,
11 we have our own form of equity issued.
12 Indeed, where is the money going to come from.
13 How do we live in a world surrounded by the
14 people, but they've done that very well in New
15 York City for many, many years. Rhinebeck
16 booms on the weekends because of the strength
17 of its farms and we can do the same and we
18 are. It's an extraordinary opportunity we
19 have and thank you.

20 THE SUPERVISOR:

21 Thank you. Anyone else wish to speak tonight.
22 We're kind of at the end of the public comment
23 period, and I guess I need some direction from
24 our attorney and planner as to the Board's
25 resolution.

1

2

BY MS. CHALE:

3

So the Board's next action, what you can

4

consider I think in sequence is you have a

5

Comprehensive Plan hearing open which is your

6

second hearing on the Comp Plan. You could

7

move to close that hearing and then you also

8

have the hearing that you're holding on the

9

DGEIS that was continued from last time. You

10

can also then move to close that DGEIS hearing

11

and what would happen after is that Michele

12

would proceed to begin to draft the responses

13

to the comments. That would become part of

14

your next step. We will have a period, if you

15

close the hearing you will have a period of

16

ten days which would be until July 19th, I

17

believe, because of the weekend, for people to

18

submit written comments.

19

THE SUPERVISOR:

20

So we've been advised that we can close both

21

hearings tonight, both the DGEIS and the Comp

22

Plan proposal, and we have ten days. There

23

are ten days that people can continue to

24

submit comments that will be part of the

25

consideration and the record for the Draft

1

2

Environmental Impact Statement. So maybe the

3

Board could discuss this. Do we have an

4

agreement that we wish to close the DGEIS, the

5

Draft Environmental Impact Statement?

6

BY MR. COLGAN:

7

I have a question for Chris. If we close the

8

hearings tonight then we have other hearings

9

that we have to have.

10

BY MS. CHALE:

11

That will be on the Local Law for the Zoning

12

Law, yes.

13

BY MR. COLGAN:

14

The Zoning Law?

15

BY MS. CHALE:

16

Yes.

17

BY MR. COLGAN:

18

And then we will have the final DGEIS. Are

19

there any hearings on that?

20

BY MS. CHALE:

21

No.

22

BY MS. GREIG:

23

There's a comment period.

24

BY MR. COLGAN:

25

There's a comment period on what we've done

1

2

tonight, correct?

3

BY MS. CHALE:

4

No.

5

BY MS. GREIG:

6

There's a hearing on the Final Generic Impact

7

Statement.

8

BY MS. CHALE:

9

So the Final Generic Impact Statement will be

10

prepared and then you would take comments.

11

BY MR. COLGAN:

12

We would take comments on it, but not in the

13

form of a hearing, in the form of written

14

comments.

15

BY MS. CHALE:

16

Correct.

17

BY MR. COLGAN:

18

And then the next thing that would happen

19

would be the hearing on the actual zoning.

20

BY MS. GREIG:

21

And the subdivision regulations.

22

BY MR. COLGAN:

23

And the subdivision regulations. Okay. And

24

that is unscheduled as of yet.

25

BY MS. CHALE:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
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20
21
22
23
24
25

That could be happening concurrently.

BY MR. COLGAN:

Okay. But we're not setting that now.

BY MS. CHALE:

We can discuss that scheduling at our next meeting.

BY MR. COLGAN:

Okay. Thank you.

THE SUPERVISOR:

Bill, do you want to comment?

BY MR. O'NEILL:

No. I just want to move to close the hearing.

BY MR. FREDERICKS:

I have a question about the economic study, you were there when we did that a few years ago about where we are and where we are going. Will that be done now or is it --

BY MS. GREIG:

That was updated and included in the Appendix of the DGEIS.

BY MR. FREDERICKS:

Pardon me?

THE SUPERVISOR:

She said that has been updated and it is

1

2

appended to the current DGEIS.

3

BY MR. FREDERICKS:

4

I couldn't find it.

5

BY MS. GREIG:

6

I think it's the final appendix.

7

BY MR. FREDERICKS:

8

That's why I brought up the question before, I

9

could not find it.

10

BY MS. GREIG:

11

I'll check and make sure. It should be on

12

line.

13

THE SUPERVISOR:

14

We're relatively sure that we have it and is

15

part of this statement to answer that

16

question. Do any of the other Board members

17

wish to have anything to say while we're in

18

discussion period? Jim.

19

BY MR. ROSS:

20

Well, personally, I would like to keep the

21

public hearing open and adjourn it on the

22

DGEIS, at the very least, until our next

23

official meeting with an announcement that

24

tonight is probably not the best night because

25

of the heat that people might want to comment

1

2

and might not want to come out tonight knowing

3

that it's here in the gymnasium and there's no

4

air conditioning, and so therefore I feel in

5

all fairness, in my mind, to keep it open at

6

least until our next official meeting which is

7

next Tuesday.

8

THE SUPERVISOR:

9

So you're proposing to leave both hearings

10

open until Tuesday July 13th; is that correct?

11

BY MR. ROSS:

12

Correct.

13

THE SUPERVISOR:

14

When we would meet again at Town Hall to

15

entertain any additional public comments

16

before closing the public hearing. Does

17

anyone have any objection to that?

18

BY MR. O'NEILL:

19

I think we should just close it tonight.

20

BY MR. COLGAN:

21

We have two more weeks left of written

22

comments in any case, so we will continue to

23

get comments.

24

BY MS. STRAWINSKI:

25

Will we be reading those written comments at

1

2

the next meeting?

3

THE SUPERVISOR:

4

I don't think that was our intention.

5

BY MR. ROSS:

6

We have 12 days according to what Sue read.

7

BY MR. COLGAN:

8

They'll be part of the public record.

9

THE SUPERVISOR:

10

We have ten days from the point at which we

11

close the hearings, so if we were to extend it

12

to the 13th of July then we would have to July

13

23rd, is that right, to receive public

14

comments?

15

BY MS. CHALE:

16

That's correct.

17

THE SUPERVISOR:

18

That's only an additional five days really.

19

It's not a huge difference to me.

20

BY MS. STRAWINSKI:

21

Except that that's after our meeting on the

22

21st.

23

THE SUPERVISOR:

24

We meet July 13th. What you're proposing is

25

that we extend this five more days until July

1
2 13th, Tuesday, at Town Hall when people could
3 attend that business meeting and we could open
4 this to public comments for these two
5 hearings, if there is further public comments,
6 and then move into the business meeting. Is
7 that what you're proposing, Jim?

8 BY MR. ROSS:

9 Yes.

10 THE SUPERVISOR:

11 I don't have a problem.

12 BY MR. O'NEILL:

13 Why do that?

14 THE SUPERVISOR:

15 To give people an opportunity who couldn't
16 come out in the heat.

17 BY MR. ROSS:

18 It's been a very confusing issue to the
19 public, what public hearing we are having,
20 which one we are closing.

21 BY MR. O'NEILL:

22 My only thought is that you're liable to get
23 people that they like to listen to themselves
24 talk and you'll end up in a two to three hour
25 public hearing at the time you're having your

1

2

business meeting. Is that what you want to

3

do?

4

BY MR. COLGAN:

5

I have the impression that people tonight had

6

a pretty good idea of what's going on.

7

BY MR. ROSS:

8

That's true.

9

THE SUPERVISOR:

10

I don't think five days is a big deal,

11

frankly. It doesn't make a difference to me.

12

BY MR. ROSS:

13

Tonight was an hour and a half and most of the

14

commentators were the same commentators that

15

we had at the last meeting.

16

BY MR. O'NEILL:

17

Will they be the same ones at the next

18

meeting?

19

BY MR. ROSS:

20

They very well may be but it's a little more

21

publication of it, not to mention the fact, as

22

I said, that the weather may have discouraged

23

people.

24

BY MS. STRAWINSKI:

25

We may have that same weather in five days.

1

2

THE SUPERVISOR:

3

Let's reach some sort compromise where, if I

4

may, suggest that we agree to keep the

5

hearings open until 7:30 at Town Hall on

6

Tuesday, July 13th, when we will dedicate 45

7

minutes for additional public comment and that

8

is to say public comment that has not yet been

9

recorded and stated. Not people reading the

10

same thing, but people who have not been heard

11

or views that have not been heard, and I think

12

45 minutes should do it if we offer three

13

minutes per person and then we'll move into

14

the business meeting that night. Is that

15

complicating anything legally or from a

16

planning point of view?

17

BY MS. CHALE:

18

You're going to need to have the steno there

19

again.

20

BY MS. GREIG:

21

I will not be able to attend.

22

THE SUPERVISOR:

23

And you will not be able to attend?

24

BY MS. GREIG:

25

I don't think so.

1

2

THE SUPERVISOR:

3

If we have a stenographer will that meet the

4

need?

5

BY MS. STRAWINSKI:

6

What's the cost?

7

THE SUPERVISOR:

8

I think the cost is probably \$400.

9

BY MS. STRAWINSKI:

10

I think most of the concerns that we're

11

hearing tonight have more to do with zoning

12

than the Draft Environmental Impact Statement

13

and I'll second to Bill's motion to close the

14

public hearing.

15

THE SUPERVISOR:

16

There's been a motion to close the public

17

hearing, both public hearings is your motion?

18

BY MR. O'NEILL:

19

Yes.

20

THE SUPERVISOR:

21

And that's a second to close both?

22

BY MS. STRAWINSKI:

23

Yes.

24

BY MR. ROSS:

25

As a part of that motion could it be very

1

2

clear as to what public hearings are closed?

3

When you say both public hearings nobody knows

4

what we're talking about.

5

BY MR. O'NEILL:

6

The Comprehensive Plan and the DGEIS.

7

THE SUPERVISOR:

8

It's the Draft Environmental Impact public

9

hearing and the Comprehensive Plan proposal,

10

proposed amendments to the Town's

11

Comprehensive Plan, and the motion is to close

12

both of those public hearings tonight. That

13

does not mean there won't be time for further

14

comment on the actual plan itself.

15

BY MS. STRAWINSKI:

16

Yes.

17

THE SUPERVISOR:

18

This has to do with the environmental impact

19

of the plan. I could go either way. So we

20

have a motion and a second. Any further

21

discussion? All in favor?

22

BY MR. COLGAN:

23

I'm inclined to agree that we should close it

24

tonight. With the difficulties that we see

25

here I think it would not be an effective

1

2

continuation and we wouldn't have the proper

3

people there and a great deal of expense. I

4

will vote aye.

5

THE SUPERVISOR:

6

Motion to second and an aye. Jim Ross?

7

BY MR. ROSS:

8

No.

9

THE SUPERVISOR:

10

And I will vote yes. I think it's fine. For

11

our purposes we will have ample time to hear

12

other concerns at another public hearing.

13

This won't be the last one.

14

BY MS. CHALE:

15

Madam Supervisor, could I just ask you to

16

reiterate then that as you voted to close the

17

public hearing you will be receiving public

18

written comments until the 19th, if you would?

19

THE SUPERVISOR:

20

Yes. Just for the sake of everyone who still

21

needs to be reminded, we will be receiving

22

public comments from the public from anyone

23

until July 19th on the Draft Environmental

24

Impact Statement, so the opportunity is still

25

there and available. We are open Monday to

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Friday and the Town Clerk or I will receive comments until July 19th, and then those comments will be taken into consideration for the Final Environmental Impact Statement. So I guess we can declare the hearing closed.

BY MS. STRAWINSKI:

So moved.

THE SUPERVISOR:

It's been moved, second and voted and the vote was four to one. Thank you all for coming.

BY MR. COLGAN:

We can close our meeting.

THE SUPERVISOR:

I move to adjourn.

BY MR. COLGAN:

Second.

THE SUPERVISOR:

All in favor?

BY THE BOARD:

Aye.

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NOTES

Appendix C: Written Comments

Dutchess County Department of Planning and Development

FAX INFO ONLY	To	Date	# pgs
	Co./Dept.	From	
	Fax #	Phone #	

SEQRA Circulation Form

Municipality: Town of Red Hook

Referring Agency: Town Board

Tax Parcel Number(s): N/A

Project Name: DRAFT DGES - Amendments to Ch. 143 + Ch. 120

Applicant: Town Board

Address of Property: N/A

Please Fill Out This Entire Portion of the Form

Type of Action:

Lead Agency

Scoping

DEIS Review -DGES

FEIS Review

Other: _____

Location: Please indicate if this project is located within 500 feet of (check all that apply):

State Road _____

County Road _____

State Property

County Property

Municipal Boundary

Agricultural District

Date Response Requested (if less than 30 days): 6/10

If subject of a previous SEQRA Circulation or Zoning Referral, please note County SQ/Referral number(s):

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

Disclaimer: Any response regarding SEQRA issues does not constitute a Zoning Referral response from the County. Projects must be resubmitted, as per General Municipal Law sections 239-1 and 239-m, under separate cover to the County for the Zoning Referral process.

<p>No Comments:</p> <p><input type="checkbox"/> Project Withdrawn</p> <p><input type="checkbox"/> County Takes No Position on Lead Agency</p> <p><input type="checkbox"/> No Comment</p>	<p>Comments Attached:</p> <p><input type="checkbox"/> Preliminary Comments</p> <p><input checked="" type="checkbox"/> Comments</p> <p><input type="checkbox"/> Incomplete</p> <p><input type="checkbox"/> Incomplete with Comments</p>
---	---

Date of Submittal: <u>5/20</u>	Notes: <u>Hearing on Comp Plan 7/7/10; comments by 7/19/10</u>	<input type="checkbox"/> Major Project	<input type="checkbox"/> Archive
Date Submittal Received: <u>5/21</u>			<input type="checkbox"/> Discard after 2 yrs
Date Report Requested: <u>6/10</u>	Hearing on DGES continued to 7/1/10, comments by 7/19	SQ#: <u>10-209</u>	<input type="checkbox"/> Discard after 7 yrs
Date Report Required: <u>6/18</u>			
Date of Transmittal faxed: <u>6/18</u> mailed: <u>6/10</u>	Reviewer: <u>Noela Hooper</u>		

RECEIVED
 JUN 18 2010
 TOWN OF RED HOOK
 TOWN CLERK

cc-all

June 18, 2010

To: Town Board, Town of Red Hook

**Re: Referral: SQ10-209, Comprehensive Plan Amendments,
Centers and Greenspaces, Draft GEIS Comments**

The Town has submitted a Notice of Completion of Draft Generic Environmental Impact Statement for proposed Amendments to Chapter 143 entitled "Zoning" and Chapter 120 entitled "Subdivision of Land" of the code of the Town of Red Hook and the amendments to the Town of Red Hook *Comprehensive Plan*. The proposed amendments are intended to implement the proposed "Centers and Greenspaces Plan," creating two new zoning districts: The Agricultural Business District and the Traditional Neighborhood Development District.

The following comments are offered in regard to the Draft Generic Environmental Impact Statement.

**Dutchess County
Department of
Planning and
Development**

**William R. Steinhilber
County Executive**

**Kealy Salomon
Commissioner**

**Eoin Wrafter
Assistant Commissioner**

27 High Street
Poughkeepsie
New York
12601
(845) 486-3600
Fax (845) 486-3610

The Draft Generic Environmental Impact Statement assesses the potential impacts of the proposed action and includes a series of alternatives. In a previous letter regarding the DGEIS Scoping Document (Referral SQ 099-057, March 10, 2009) this Department requested that the GEIS include consideration of several alternatives for the Agricultural Business District and the Traditional Neighborhood Development provisions. These alternatives have been included in the DGEIS.

- Alternative E permits less density in the Agricultural Business district, with a base zoning of one unit per 20 acres without a sliding scale, as originally proposed by the Intermunicipal Task Force, with a sliding scale applied to parcels smaller than 40 acres.
- Alternative H permits greater building potential with flexible per-acre densities in the TND District, in order to provide smaller, more traditionally proportioned lots and to increase the number of potential customers for sewer infrastructure, lowering the per-unit costs for all customers.



The Department had previously submitted preliminary comments regarding the proposed amendments to the Town Code and amendments Comprehensive Plan (Referral 09-020 PR, February 17, 2009). We continue to fully support the reciprocal and mutually beneficial strategies represented by the proposed Agricultural Business and Traditional Neighborhood Development Districts and look forward to submitting further comments as the Town's review process continues.

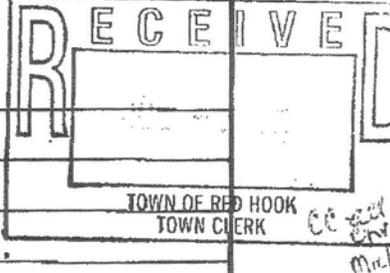
Kealy Salomon, Commissioner
Dutchess County Department of Planning and Development

By

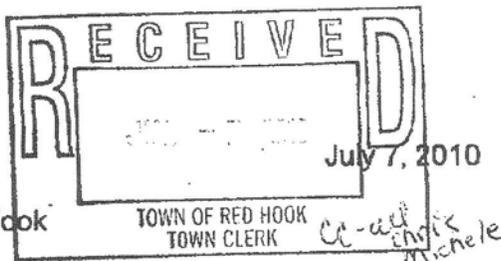
A handwritten signature in black ink that reads "Noela Hooper". The signature is written in a cursive, flowing style.

Noela Hooper
Senior Planner

Please Fill Out This Entire Portion of the Form	Dutchess County Department of Planning and Development		To Town Board	Date 7/7/10	# pgs 3
			Co./Dept Town of Red Hook	From N. Hooper	
			Fax #	Phone 845-4600	
	Zoning Referral				
Municipality:		Town of Red Hook			
Referring Agency:		Town Board			
Tax Parcel Number(s):		_____			
Project Name:		Centers & Greenspaces Plan			
Applicant:		Town Board			
Address of Property:		_____			
Type of Action: <input type="checkbox"/> Local Law / Text Amendment <input type="checkbox"/> Rezoning <input type="checkbox"/> Site Plan <input type="checkbox"/> Special Permit <input type="checkbox"/> Use Variance <input type="checkbox"/> Area Variance <input checked="" type="checkbox"/> Other: Comp Plan Amend		Jurisdictional Determinant: <input type="checkbox"/> State Road _____ <input type="checkbox"/> County Road _____ <input type="checkbox"/> State Property <input type="checkbox"/> County Property <input checked="" type="checkbox"/> Municipal Boundary <input type="checkbox"/> Agricultural District			
Date Response Requested (if less than 30 days):					
If subject of a previous referral, please note County referral number(s): 10-209 (DGEIS)					



FOR COUNTY OFFICE USE ONLY			
Response from Dutchess County Department of Planning and Development			
No Comments: <input type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Project Withdrawn		Comments Attached: <input checked="" type="checkbox"/> Local Concern with Comments <input type="checkbox"/> Conditional <input type="checkbox"/> Denial <input type="checkbox"/> Incomplete — municipality must resubmit to County <input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County	
Date of Submittal: 6/17	Notes: Comp Plan - 7th	<input type="checkbox"/> Major Project <input type="checkbox"/> Archive <input type="checkbox"/> Discard after 2 yrs <input type="checkbox"/> Discard after 7 yrs	Referral #: 10-259
Date Submittal Received: 6/18			
Date Report Requested: 7/7			
Date Report Required: 7/14			
Date of Transmittal faxed: 7/7 mailed: 7/7	Reviewer: Noela Hooper		



To: Town Board, Town of Red Hook

Re: Referral: 10-259, Amendments to Comprehensive Plan

The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m). After considering the proposed action in the context of countywide and intermunicipal factors, the Department finds that the Board's decision involves a matter of some concern and offers the following comments.

Action

Proposed amendments to the Town of Red Hook Comprehensive Plan regarding reducing residential development "For lands within the Conservation/Rural Development area which are suitable for agriculture..." and increasing potential residential development within lands "identified as a 'receiving area' for the transfer of building potential from agricultural lands in the Town."

Comments

As you are aware, the Department has been working with the Intermunicipal Task Force on its development of the proposed Centers and Greenspaces Plan. The proposed amendments to the Town of Red Hook Comprehensive Plan represent the initial step in implementing regulations that will focus new commercial and residential development around the Village center and support the conservation of the Town's agricultural infrastructure.

The proposed amendments respect and reinforce the rural traditions of the Town and the Villages of Red Hook and Tivoli. By providing convenient and safe pedestrian access from neighborhoods located closer to stores and services, traditional neighborhood development reduces dependence on driving, increases the customer base for centrally located businesses, provides sufficient consumers to support central services, reduces the cost of services, and protects the working landscape from incompatible development.

The DGEIS provided a comprehensive evaluation of three coordinated proposals: adoption of amendments to Chapter 143 entitled "Zoning," and Chapter 120 entitled "Subdivision of Land" of the Town Code, and adoption of amendments to the Comprehensive Plan. The DGEIS analyzed a wide range of alternatives, including the number of new residences and residents each would allow and the services they would require. This detailed analysis clearly demonstrated that the proposed Centers and Greenspaces Plan and all

Dutchess County
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Development

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alternatives considered significantly reduce the amount of residential development currently allowed by the Town's existing Zoning Law and, more specifically, the sprawling residential development that would otherwise replace Red Hook's valuable agricultural landscape.

We respect the Board's ongoing, comprehensive review process, and we encourage the Board to support the proposed amendments to the Comprehensive Plan and to continue to move toward a vote on the proposed amendments to the Town's Zoning and Subdivision Laws to implement the proposed Centers and Greenspaces Plan.

Recommendation

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Kealy Salomon, Commissioner
Dutchess County Department of Planning & Development

By



Noela Hooper
Senior Planner

June 10, 2010

To the Town of Red Hook Town Board,

Re: Draft Generic Environmental Impact Statement (DGEIS) and Comprehensive Plan Amendments SEQR Public Hearing Comments

The following comments are offered for the public record on the proposed amendments to the Town of Red Hook Zoning Law, Subdivision Law and Comprehensive Plan to implement the proposed Centers and Greenspaces Plan.

1. The Non-Transparent Creation of an Intermunicipal Task Force (ITF):

The ITF was established as a “task force” by the Town Board without the transparency of a designated Committee. A task force is not required to maintain or distribute minutes, have a quorum for formal votes and attendance recorded from its meetings as are required of “Committees”. Committee minutes are posted on the town’s official website for the public to read but the working public could not have access to the discussions and decisions made by a selected few within the Task Force. This fact, along with the inappropriate meeting time of Friday morning at 8 am, did not allow these meetings to be attended by the working public and local business people who will be impacted the most by these “*arbitrary and capricious*” design schemes. Additionally, many meetings occurred with “selected” individuals (stakeholders) who may have an inordinate financial interest in supporting the creation of an alternative Village.

2. The Original 1990 Comprehensive Plan Utilized a Public Survey:

In 1989, the public was mailed a survey by first class mail to solicit their thoughts, feelings, impressions and future desires. No such survey was designed and administered to the public on the proposed Centers and Greenspaces Plan, especially in the creation of a competitive second Village in the southern Rt. 9 corridor. In fact, the ITF group orchestrated a proposed Part County Sewer District without written notification to the property owners who would pay for the system instead of spreading out the costs over the entire Red Hook population. Businesses cannot take on the extra taxing burden with this poor economy.

3. Increased Environmental Impacts to the Air, Water and Traffic Patterns:

In past years, Dutchess County has failed NYSDEC air quality standards. Increased traffic will further degrade the air quality, increase asthma related illnesses and hamper the flow of traffic. To date, no recent traffic studies have been done to measure the already “bumper-to-bumper” crowded Rt. 9 roadway and its impact on the secondary roadways. It most likely will necessitate another

expensive traffic light which will further increase travel time and personal stress for the locals. Creating another Village through intensified land density development will negatively impact the aquifer with non-point pollution run-off. The present greenspaces of the Hardscrabble Plaza provides a means for rain water to penetrate and cleanse itself naturally and inexpensively to replenish the aquifer, a source of the public's drinking water.

4. New Secondary Village Impact on the Primary Village of Red Hook: A secondary Village will be in direct competition with the older historic buildings in the primary Village. Retail businesses will move out of the primary business district to the secondary Village. The Greenway concept proposes building outward from the established business centers within a 1500 ft. radius by infilling, living spaces above retail businesses, creating pocket parks, locating smaller parking areas throughout and sidewalks for easy access to businesses. This is the concept that the Village of Rhinebeck has used successfully. A secondary Village will redirect businesses and negatively impact the primary Village by creating a ghost town.

5. Secondary Village Social Impacts: A Secondary Village will intensify the number of structures per acre in a NY City like brownstone type of community. This will attract non-locals who lack a sense of volunteerism but rather a sense of entitlement. Our Fire Departments and Police Department's personnel and financial resources will be negatively impacted by the need to buy more equipment to service an increased population and new structures. The demographic analysis was not considered when offering this building development plan. This could lead to a paid full time Fire Department and higher Police costs thereby further increasing the taxes for the residents and businesses. New York residents already pay the highest taxes compared to other states. More people translate to more taxes. The local population may well be forced out of affordable living situations and cause a shift in residence to outside the Red Hook municipality or out of state. These people's historic relationship to the township is the living linkage to our past history. Unless you study and learn from the past, one is condemned to an uncertain future of instability. The cultural anthropologist is cautious and knows that introducing one change to a society's structural make-up can disrupt their cumulative heritage. A secondary Village would be the cultural disruption that would change the make-up of our population. We cannot allow that to happen.

6. Study Our Past Historical Patterns to Plan for the Future: The Town of Red Hook was part of Rhinebeck until 1813 when NYS divided the municipalities up so the public could attend meetings using horse and carriages. Today, cars, communication devices and the internet have lessened the need for concern about travel time. The Primary Village was only formed after the huge fire of 1893. The Rhinebeck Pocahontas fire pumper was not lent out to Red Hook for the fear of not covering their town. As a result, a required one square mile Village of Red Hook was formed in 1894 to accommodate the establishment of our own fire department. The one stall Fire Department started on Prince St. then moved to the Firehouse Plaza building. Our present multi-

stall fire department straddles the town and village line and is part of a mutual aid response. Our dedicated neighbors and volunteers spend their own time attending required training.

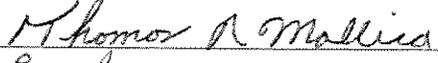
7. The Intermunicipal Task Force Didn't Address the Dissolution of the Village Governments: The ITF should have prepared a plan to dissolve the Villages and solve the double taxation problem. Shared services are utilized for efficiency and counteract duplication of services. Red Hook has too many governments and makes it difficult for the citizenry to attend all the meetings. Both Villages' property owners pay a double property tax to the town and village. The federal, state, county and local government's economic conditions is likened to the Great Depression with bank and housing foreclosures, massive job losses and worse as it has affected countrywide bankruptcies which is predicted to last many years. The Intermunicipal Task Force should have researched the means to reduce taxes and keep the local population intact while supporting their local businesses. Eliminating the bureaucracy of multiple governments will save money for the taxpayers, allow them to attend and fully participate in one government meeting, consolidate services and personnel under one governmental structure thereby making life more meaningful and tolerable.

8. Farmland Protection Programs and Open Spaces: The Town of Red Hook has several programs in place, funded by the public, to ensure farmland and open spaces for the protection of the natural environment. A secondary Village will not enhance the present gateway entrances but rather concentrate and take over what little greenspaces and open farmland remain in the southern gateway. There will be no reason to drive or visit the primary Village to the north thereby further causing the demise of the primary Village cultural cohesiveness.

Sincerely,


Linda J. Keeling 238 Pitcher Lane Red Hook, NY

Others in Agreement:

	6-10-10
	6-10-10
	6-10-10
	6-10-10

Scenic Hudson, Inc.

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Poughkeepsie, NY 12601-3157
Tel: 845 473 4440
Fax: 845 473 2648
email: info@scenichudson.org
www.scenichudson.org



Statement of

**Jeffrey Anzevino, AICP
Director Land Use Advocacy
Scenic Hudson, Inc.**

**Comprehensive Plan for Centers and Greenspaces Plan &
Draft Generic Environmental Impact Statement**

Town of Red Hook, NY

July 7, 2010

Good evening. My name is Jeffrey Anzevino, Director of Land Use Advocacy for Scenic Hudson, Inc., a 47-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 established in Red Hook one of our most popular parks--Poets' Walk--and assisted the Town with its goal of farmland protection by purchasing development rights on nearly 1,800 acres of farmland – including preservation efforts that matched financial support from Scenic Hudson with funds from both the Town and Dutchess County. Additionally, Scenic Hudson has supported local funding initiatives for the purchase of development rights.

The Town of Red Hook is blessed with federal- and state-designated districts that celebrate outstanding scenic, historic and natural resources and contribute to greater biodiversity, as well as economic stability and sustainability.

- The Hudson River National Historic Landmark District, which stretches from Hyde Park to Germantown;
- More than 5,800 acres of land in the Estates District Scenic Area of Statewide Significance;
- Nearly 3,800 acres of lands in New York State DEC-designated “Biological Important Areas”, including 800 acres in the Tivoli Bays National Estuarine Research Reserve; and
- More than 14,600 acres of soils of statewide importance and prime agricultural soils, as defined by the U.S. Department of Agriculture.

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Scenic Hudson strongly supports the Comprehensive Plan for Centers and Greenspaces. The Centers and Greenspaces approach is consistent with the principles outlined our publication, *Revitalizing Hudson Riverfronts*. And, it's consistent with Dutchess County's Centers and Greenspaces Plan.

The adoption of this plan continues the process of implementing the Town Comprehensive Plan's recommendations which express the community's vision for how Red Hook should grow.

We expect that the plan will focus growth to areas with existing infrastructure. Likewise, the plan safeguards important open space, particularly agricultural areas for local food production. The Town of Red Hook has approached this process very wisely by using several techniques, such as Purchase of Development Rights (PDR) and Conservation Subdivisions in order to direct growth to appropriate areas and ensure that future development is designed in a manner compatible with Red Hook's community character. The use of PDR also provides a mechanism for landowners to be compensated for the loss of development potential.

In conclusion, communities throughout the Hudson Valley must find ways to direct future development to existing built areas and adjacent lands that are served with infrastructure. This is especially true for Red Hook, which boasts an array of historic, scenic, ecological, and agricultural resources potentially at risk from uncontrolled growth. Scenic Hudson supports the Centers and Greenspaces Plan and proposed amendments to the zoning and subdivision law.

**Town of Red Hook Economic Development Committee
Wednesday, July 7, 2010**

**Statement on the
Draft Environmental Impact Statement (“DGEIS”) for proposed
amendments to the Town’s Zoning Law and Comprehensive Plan to
implement the proposed Centers and Greenspaces Plan**

The Economic Development Committee is an advisory group of citizen volunteers, appointed by the Town Board to be *the* source of information for and about business in Red Hook. Our mission is to grow business for a strong Red Hook.

We submit this statement in support of the DRAFT Environmental Impact Statement to the Town’s Zoning Law and Comprehensive Plan to implement the proposed Centers and Greenspaces Plan.

Among its strongest economic assets, Red Hook has an important agricultural history, and continues to be home to many successful farms that have a major impact on our town and region. The Committee believes that farming provides a good model for sound economic development policy.

Farming takes the resources with which we are blessed – good soils, moderate climate and rainfall, and our industrious, hard-working people – and creates value in the form of abundant, safe, fresh produce, livestock and other products. Farming generates jobs, tax revenues and a flow of steady spending to many local businesses in our town.

Likewise, businesses attracted by our convenient mid-Hudson Valley location, excellent schools, and other unmatched assets only make Red Hook stronger. They mean more new jobs, greater local spending and increased tax revenues.

Development that is out of scale with this careful, conservative, asset-based model cannot serve us well. That is why we are guided by the wisdom to leverage our unique human and natural resources, to seek out the simplest solutions with the biggest impact.

The proposed Centers and Greenspaces Plan, of which the DRAFT Environmental Impact Statement is part, is a way to do just that. It gives us that rare opportunity – no, the responsibility – to secure a deeply rooted, strong future for our town.

This is why our committee stands in its support.

Thank you.

7/7/10

July 7, 2010

To: Red Hook Town Supervisor and Board Members
From: Red Hook Conservation Advisory Council
Re: Comments on DGEIS for Centers and Greenspaces Plan

The CAC believes that, for the most part, the Centers and Greenspaces Plan ("plan") will have positive environmental impacts for the Town. We agree that the following have only positive impacts on the environment as indicated in the DGEIS.

- The estimated decrease in build-out potential of the proposed plan compared to the current zoning is significant. The build-out analysis of the study area shows that, under existing zoning, the estimated number of additional residents would be about two times greater than the number of additional residents projected with the proposed zoning. This additional population would use about 1.1 million more gallons of water per day and take almost 22,000 more vehicle trips per day than the water used and trips taken by the additional population estimated with the proposed zoning.
- The new Agricultural Business District provides a zone where agriculture can flourish. Incentive zoning provides a mechanism for establishing funds to preserve agricultural lands and open spaces, a priority goal in the town's Comprehensive Plan.
- The Traditional Neighborhood District (TND) uses smart growth techniques to encourage a walkable, vibrant neighborhood where goods and services are nearby rather than the sprawl type of development that current zoning encourages.
- The proposed conservation subdivision regulations with the four-step design process better protect natural resources by first identifying features to be preserved and then designing for development.
- For major subdivisions, a resource analysis map would be required during the pre-application process, so that natural resources to be protected can be identified early, making the planning process speedier for the applicant and the resources better protected.

Proposed increased density in the southern portion of town does have some negative environmental impacts, also noted in the DGEIS. Because of concerns about water quantity and quality, The Chazen Companies were commissioned to conduct a water resource assessment on the impacts of the Centers and Greenspaces Plan. The report determined that there is sufficient sustainable aquifer recharge to supply the cumulative water demands of this plan, the proposed Village plan, Anderson Commons, Red Hook Commons, and Knollwood Commons. Increase in impervious surfaces in the TND was considered in this determination. The report also stated that by using sustainable stormwater management practices, recharge rates could be improved. The CAC recommends that study of low impact design stormwater management techniques continue and be implemented.

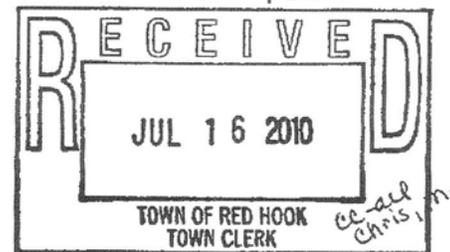
Most of the TND lies over the village's well-field recharge area. Therefore, the report did recommend that a stronger aquifer ordinance than exists today be adopted by both the Town and the Village. We ask the Town Board to follow this recommendation so that our aquifer is better protected before development in the proposed TND begins. Although the proposed new zoning in the Village is not yet complete, we hope that the Village will adopt an aquifer ordinance. We also want to note that there is an Office Industrial sub-district in the TND, but this district is located south of Rokeby Road, and is outside of the aquifer recharge area.

Also with regard to aquifer protection, the study stated that "... wherever domestic wells and septic systems are in use, parcel sizes should at a minimum meet average sizes recommended by Dutchess County Water & Wastewater Authority's septic density study (Chazen, April 2006)." We recommend that these guidelines be followed throughout the town.

In conclusion, the CAC was represented on the Task Force throughout the years of preparation of this plan and we would like to thank the Board for this opportunity. We will help in any way we can to address environmental concerns that may arise throughout the review process of the Centers and Greenspaces Plan.

Sincerely,

Brenda Cagle
Conservation Advisory Council, Chairperson



July 14, 2010

To the Honorable Supervisor Sue Crane and the Red Hook Town Board:

After reviewing the Generic Environmental Impact Statement (GEIS) for the Centers and Greenspaces Zoning Amendments, we, the undersigned members of the Save Our Town Committee, feel that this Plan would have negative effects on both the Town and the Village of Red Hook. We feel the following impacts have been minimized or even omitted by the GreenPlan Consultants:

1. The GreenPlan Consultants have been working on major premises concerning growth since 2007 but the statistical basis for the Plan were not presented until March 2010 (Build-out analysis), therefore, GreenPlan's conclusions were faulty. This is like putting the cart before the horse. Additionally, the engineer's 2007 report was not included so the public could analyze his data.

2. No Traffic Study has been submitted. How could one possibly believe that the addition of approximately 600 dwellings would have no effect on traffic, especially when the ingress and egress is all funneled onto Route 9 in the immediate vicinity of the Village of Red Hook which is the main north and south corridor for this region?

3. Although Scenic Hudson and GreenPlan state that this new zoning favors the local farmers, most of the local farmers are vehemently opposed (Migliorelli, Biezynski, etc.). We would hope that all committees involved would not presume to know better what behooves the farmer than the farmer himself.

4. The Plan on page I-5 states: "*Enhance agricultural businesses that contribute to the general economic conditions of the Town by allowing a wider range of industrial and commercial uses on farm properties*" and "*Prevent fragmentation of the Town's existing agricultural lands by non-agricultural development.*" These two statements contradict themselves. Growing food for human consumption should be encouraged rather than exploiting the land for industrial uses at a farm government subsidized tax rate. It is the homeowner who picks up the decrease in tax revenue. In addition, wider commercial uses could negatively impact the value and quality of life of adjoining residential properties.

5. We are appalled that the Intermunicipal Task Force would contradict itself by stating on page I-6: "*The Village of Red Hook plays an important role as the principal commercial and residential center in the Town.*" Meanwhile the ITF wants to establish another Village Center at the Hardscrabble Plaza. Every professional consultant from Slam Dunking Wal-Mart by Al Norman has said... *once you duplicate or transpose the Village proper of any township, you destroy Main Street* (ie: Poughkeepsie, Arlington, etc.) Has anyone looked to see how many empty businesses exist in the Village of Red Hook presently?

6. More houses mean more school taxes, crowding, congestion and a lower quality standard of living for the locals. We are appalled that anyone could honestly suggest building scores of new homes and new apartments when "For Sale" and "For Rent" signs are everywhere you look.

7. Once again, as in the case of the proposed sewer district for the Village and Town of Red Hook, landowners were confused by the convoluted data while being purposefully misled in order to fulfill their own wrongful assumptions. It was assumed by the Intermunicipal Task Force (ITF) that the proposed sewer (that failed) was of utmost necessity to making the Centers and Greenspace Plan a reality. The ITF misinformed us that the sewer district was there to protect the aquifer but, in truth, it's included in the Plan to promote land density for potential developers, benefitting selected landowners. Incidentally, you don't protect open spaces by promoting density!

8. We further object to the proposal on the theory of "Too much, too fast". Since the 1960's, when our population was approximately 6,000 residents, we have grown to approximately 11,000 plus or minus residents to date. In fact, the Poughkeepsie Journal, in a recent article, indicated we have lost population. Our growth over the last 40 plus years has been approximately 2% per year based on the 1960's total.

We believe that our current zoning law has contributed to this slow but steady growth. It takes one and a half to three years to get a subdivision approved (with less than the allowable units). The new proposal will allow hundreds of homes to be approved at one time, allowing for a very rapid build-out – "Too much, too fast".

9. I-2 states: "*With the Town's Agriculture and Open Space Advisory Committee, the Task Force also conducted a survey of landowners in the proposed Agricultural Business (AB) District and offered to meet with survey respondents to further clarify the proposal.*" The contents and results of the survey were never revealed to the public at large. It does not indicate the number of proposed ABD residents receiving the survey, the types of questions and the statistical results. Importantly, those individuals selected never met as a large group, advertised to the general public in an open session. Just like the proposed sewer district fiasco, landowners were not fully informed of the facts or able to hear the opinions and react to those selected individuals. After all, it cost the taxpayers of Red Hook thousands upon thousands of dollars to have this questionable plan created.

10. The Town population was underestimated. The new 2010 census has not even been completed yet. In Appendix F, p. 2, it states: "*... in 2008 the Town's population was approximately 8,455 persons.*" Although the Town and Villages worked on this plan together, it underestimates the actual town population which was 10,400 in 2000. Environmental impacts know no municipal borders and therefore their populations should be counted in the calculations. The population figures should include the working Visa (green card) growing population, Bard College, Devereux and the Eddie Parker Residential Facility.

11. Also, landowners with more than 10 acres have been given a tax break if they promise not to develop their land. Those were not figured into the calculations. Additionally, many farmers have received a Purchase of Development Rights advantage which takes most of their acreage out of the residential calculations.

12. Appendix F, p. 6 states: "*Lands in educational use (Bard College, Mill Road Elementary School, and the Devereux Foundation and the NYS property on Turkey Hill Road) were not included in the analysis since they are unlikely to be developed for residential uses.*" This is a wrong conclusion as Bard College and Devereux have in the past purchased properties to be used for staff. They have the potential of building more dormitories and housing units in the future. Dormitories at Bard College are occupied for nearly 10 months of the year and should be figured into the calculations.

13. Additional structures and impervious roadways covering the land within the Waterfront Conservation, Institutional and Historic districts can negatively impact the ground water recharge as they are at the headwaters

of the Hudson River. At all costs, we must protect our water resources as the Dutchess County Planners have described Red Hook as the Saudi Arabia of a pure water resource.

14. New apartments or institutionally built housing hurt existing apartment owners who have diligently paid taxes for scores of years. Presently, many apartments remain vacant in Red Hook and the surrounding areas due to the poor economy. One only has to look to Rhinebeck to see an incomplete garden apartment (The Gardens) housing complex with a multitude of unfinished buildings. This hurts the resale value of the few buildings occupied when the remaining 20 units are open to the weather and potential vandalism. This is what could happen to Red Hook in sight of Rt. 9.

15. Additionally, the Plan promotes Rt. 9 strip development by adding additional businesses south of the Village of Red Hook. This is in direct violation of the premises of the Greenway's Smart Growth philosophy. Landowners receiving a tax advantage who convert their property's green space or farm to commercial use must pay back their former savings. The local government must ensure that the taxes are paid back.

16. There is a proscribed limitation in the B-1 and B-2 districts which unfairly limits commercial uses to disallow camping or picnicking in the woods. The farmers who pay very little taxes on their land have unlimited uses and income potential. Why can't a commercial property also have more uses for their property?

17. How can Councilman O'Neill and Councilman Colgan be considered fair and impartial as to the overwhelming negatives of this proposal when they are the conceptualizers and creators of the entire Plan. They should recuse themselves immediately from any future voting relating to this issue.

Progress does not mean building new or covering the ground with foot upon foot of toxic Blacktop. Sometimes progress means leaving things alone, especially when a New Plan is not "concise, clear or correct". We must stop this Plan and Save Our Town and Village now!

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Deborah Temple 22 Kelly Rd Red Hook NY

Ann Freed 102 Manor Rd Red Hook, NY

Angie Susenda 173 Linden Ave Red Hook

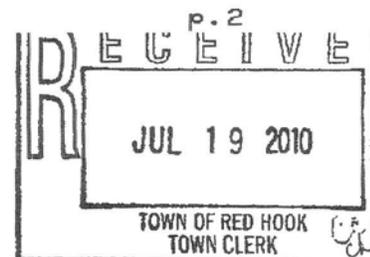
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The Fiscal Impact Analysis of proposed zoning changes in the Town of Red Hook prepared by Fairweather Consulting has some misconceptions and deficiencies which I think can be attributed to the facts that the committee supplied to him for use in his report.

First and foremost, is a statement on page 6 after table 3, "Since the current zoning includes no increase in commercial development as included in the proposed TND no new commercial development is included in the analysis of this alternative." This is not true since the fact is that nearly all of the proposed TND is almost a mirror image of the current B1 Zone (Business) and the proposed Office/Industrial District with use limitations is already allowed as the RD3/Light Industrial Zone. Therefore, the claimed 320,000 sq.ft. of new commercial development is presently allowed, but was not calculated in the analysis which effects all of the comparisons. It is also questionable that the use of spot zoning to create the new Office/District and eliminating almost 50 uses which are still allowed in other RD 3 zones including a 3 story hotel and imposition of limitations to 4 or 5 uses that any development will occur, therefore the proposed change will mean a 50% loss of sq.ft. in commercial development.

The report concentrates on the fiscal impact on the community through taxes but it is deficient in not assessing the individual loss of equity in land values. Working family farmers of crops and livestock whose major source of income is from the production will be hard pressed to find financial help through bank loans when the land has limited value. The large farm land holders and investors whose primary income is not from agriculture

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will not be effected to the same extent and will most likely benefit from the change.

However, there are also concerns for the owner of smaller parcels as to what will happen to the value of their homesites or vacant land. Will the owners of parcels that may no longer be subdivided be able to receive a lower land assessment for tax relief? How will they make up the financial loss if they were considering this as a college or retirement fund? How will the shift in the tax burden be resolved or will it continually be from the pockets of the less affluent citizens of our community? Shouldn't the analysis have included of a fiscal study of where we are now in terms of individual tax liability to where the alternatives are going to take us? Contrary to what we are being led to believe taxes will go up and traffic will increase. Is it the intent to overlook our fiscal problems and decide that the easiest solution is to establish a minimum income to live in our town? The analysis estimates the cost of the 400-600 proposed townhouses and 2 story rental units to be about \$300,000. To purchase or rent, a family would need an income in excess of \$75,000 a year. What will it be next year or in the future?

The above impacts our senior citizens as well, especially those who entirely depend on social security for their only income. They are our history and tradition. They are part of our character, Many have lived in Red Hook their entire life and family members are buried in our local cemeteries and when the time comes they would like to join them. When did people become an impediment and obstacle to good planning?

This is why I think this analysis which is based on misleading facts, poses more questions than answers and serious concern.

Need 6/10/10
Submitted by Robert
McKean

Achieving Sensible Agricultural Zoning to Protect PDR Investment
By Deborah Bowers
Editor, *Farmland Preservation Report*
Co-Author, *"Holding Our Ground ~ Protecting America's Farms and Farmland"*
Presented at the conference:
Protecting Farmland at the Fringe: Do Regulations Work?
Strengthening the Research Agenda
September 6, 2001

Good morning.

In the United States, 800,000 acres of farmland have been preserved through the purchase of development rights, known as PDR programs, at a cost to taxpayers of \$1.2 billion. Farmers in more than 250 localities nationwide can participate in these programs, which protect farmland from development in perpetuity. Some of the local governments that implement PDR programs have enacted effective agricultural zoning as a first line of defense against over-development of agricultural areas, but most do not.

What is "effective" protection when it comes to agricultural zoning?

Effective agricultural zoning does two things: 1) it promotes and otherwise helps agriculture be productive and profitable, and, 2) it protects productive lands, the resource upon which agriculture depends, by placing limits on both the type of development and the amount of development that can happen in agricultural areas.

An agricultural protection ordinance will not allow activities that fragment agricultural lands such as airports, golf courses and residential subdivisions. Agricultural zoning recognizes that if too many homes are built in a farming region, a suburban lifestyle will begin to supplant the rural way of life and farming practices will go from being accepted to being resented. In time, all the farmers may sell out.

The aspect of agricultural zoning that I will address is density allowances – that is, how many new homes are allowed to be built on how much land? This is particularly important in localities that are spending significant amounts of public funds on preserving farmland. Since it is primarily local governments, and not state governments, that govern land use, the focus here is on local governments, dozens of them here in the Mid-Atlantic, and the relationship between their PDR programs and their agricultural zoning.

It is apparent to me, after 11 years of reporting on this issue, that some local governments are spending millions of dollars on PDR in an attempt to buy their way out of bad zoning. But an effective farmland preservation program is not defined by the number of dollars spent, or even by the number of acres preserved. It is defined by the combination of techniques used, because over time the strength of one technique can compensate for the weakness of another. For example, a weakness of the purchase of development rights, also known as the purchase of agricultural conservation easements, is that it costs a lot of money. You may never have enough money to protect all the farmland you think is needed to keep your local ag economy strong.

That's why agricultural zoning is needed. It should be used as the first line of defense against conflicts with nonfarming neighbors. Agricultural zoning, in fact, makes PDR more affordable and more successful.

2

Many local governments in the mid-Atlantic states have spent millions in both state and local dollars paying landowners not to develop their land. Amazingly, at the same time, they are inviting developers to build residential subdivisions around these preserved farms. At some point in the not-too-distant future, these localities will have to evaluate their approach to farmland preservation, and they will do one of two things: they will either get together with their landowners and discover that agricultural zoning is not so bad as they thought, or, they will continue their avoidance behavior and face the consequences of having all or most of their preserved farms surrounded by suburban subdivisions in what will ultimately be a failed experiment in land use governance.

Some localities will tell you that agricultural zoning has become impossible because land values have escalated to a point that any level of downzoning would result in unbearable takings claims. But these are assumptions, not facts. It is not necessarily a fact that the fewer homes you can build on your land, the less money you will make when you sell that land. More about that in a few minutes.

For now, let's have a quick ag zoning refresher.

First, every state has a zoning enabling act. Nearly every state expressly authorizes localities to use agricultural zoning. About half of all states have at least some localities that have enacted agricultural protection zoning. These states are across the northern half of the nation, but excluding New England and New York.

I am sure most of you understand the relationship between planning and zoning. Agricultural zoning depends, for its legal standing, on stated public policy goals, in this case, the preservation of agriculture.

An ag zoning ordinance can do a lot of things, such as allow farm-based businesses, provide a nuisance disclaimer that warns new residents about farming practices, establish setbacks from property boundaries for new farm buildings, and, determine how many new residential structures can be built on a given amount of acreage.

We are concerning ourselves right now just with the last of those. It deals with lot areas and subdivisions.

There are basically two types of what is called nonexclusive agricultural zoning: minimum lot size and area based allocation.

Under minimum lot size zoning a farm can't be broken into parcels below a certain number of acres. The idea behind this type of zoning is to make the parcel big enough so that it is unaffordable as just a home site (although this is a big variable depending on your local land market), and minimum lot size zoning helps to keep farmland in blocks large enough to farm.

This type of zoning works best in areas where farming is predominant, but localities have to make sure that the size of the lot is related to the average size farm to make it legally safe in the courts. In area-based allocation, the number of allowed nonfarm dwellings depends on the size of the parcel, and lots can be as small as the minimum allowed, usually one to two acres.

There are two types of area-based allocation: fixed area and sliding scale.

Under fixed-area based allocation, the most common here in Maryland, a certain number of new homes are allowed per number of acres, such as one home per 20 acres or portion thereof, as in Carroll County, or, one home per 50 acres, as in Baltimore County. In this example, 4 lots have been subdivided off a 100-acre farm in a 1-25 zone.

Under sliding scale, the larger the tract, the fewer number of lots allowed per acre. For example, in Clarke County, Va., a 14-acre parcel is allowed one dwelling unit, and a 100-acre parcel is allowed four, not seven as would be the case if one lot was allowed per 14 acres.

Now let's look at some counties that spend big bucks and make headlines for acres preserved, but hide their zoning in the back room.

Carroll County, Maryland has spent to date \$26.7 million of its own money, ranks in the top five of counties nationwide for number of acres preserved, and yet, has base agricultural zoning of 1:20, with opportunities for additional lots that results in an overall density of 1:15 – not enough protection for the commercial agriculture county leaders say they are determined to retain. A clustering provision would allow from three to six lots on every farm, something that can be fully expected to occur over time unless county commissioners take another look at what they've done.

The Maryland Department of Planning rates Carroll's agricultural zoning as "moderately protective." The only reason it gets this high a rating is that there are counties with worse zoning. One of those is Harford County, which the Maryland Department of Planning calls "least protective." Harford has spent or committed a total of \$46.5 million of its own funds to operate an innovative PDR program that is more sophisticated and more attractive to farmers than the state's PDR program. Harford proudly ranks 8th in the nation for number of acres preserved. Yet elected officials think they are protecting the interests of farmers by holding on to one of the most permissive agricultural zones in the nation in terms of density allowance: a preposterous ordinance that allows, first, one building right per 10 acres per deed, then, for those owners whose deeds predate the ordinance, an additional building right for almost every member of the extended family – that is, living parents of each owner, all living brothers and sisters of each owner, and all living children.

These relatives don't have to live there – they merely have to sign affidavits proving they are alive and the owners can subdivide an additional lot in their name. The resulting density works out to about 1:5 or maybe 1:6. Harford County is spending lots of money on farmland preservation, and at the same time is virtually assuring that many, and perhaps most, preserved farms will be surrounded by development, and many of those lands will be developed at densities entirely incompatible with commercial agriculture.

None of this means that PDR should not be going on in these counties. County governments are entirely within their prerogative to pursue any degree of farmland preservation they deem worthwhile. But at some point it may become evident that preserving farmland for the future of farming is not what happened, and what happened instead was suburban subdivisions interspersed with large, exclusive estates that used to be working farms. If a county is getting close to build-out, it may be impractical to pursue downzoning. But that's not true for either Carroll or Harford, or, I believe, most counties that have active preservation programs.

It is important that the public be aware of the financial investment that is being made and what it will mean to see that investment essentially wasted as the goal of preservation is not met due to zoning that negates the purpose of PDR. We know in the business world that if you don't clean up your own inefficiencies, someone will do it for you, and you may not be happy with the results. That is exactly what might happen here in Maryland. The state has been sending money to its counties for PDR since 1977, and is only now beginning to take a look at where its money is going. A task force assigned to examine the state farmland preservation program is strongly advising the General Assembly and the governor to award well-zoned counties with priority status when giving out farmland preservation dollars. Every summer, *Farmland Preservation Report* surveys all of the leading PDR localities to see where they stand in number of acres preserved. For the past seven years we have named the

Top 10 counties, and this year named the Top 12 because some newcomers were so close to the Number 10 spot. Here I've listed some of those counties along with their agricultural zoning.

A few years ago I challenged my readers to think about which counties on this list will ultimately be the more successful in protecting farmland and farming. Will it be the ones with the most acres preserved through PDR, or will it be those that have, maybe, not as many acres under easement, but have more restrictive zoning? For example, will Montgomery County, with more than 53,000 acres preserved and 1:25 zoning be more successful at farmland preservation than Marin County, which trails by 20,000 acres but has 1:60 zoning?

People in the land preservation profession don't think PDR should be a stand-alone technique. They believe very strongly that the purchase of development rights, to be successful in the end, needs to be accompanied by effective agricultural zoning – zoning that protects the investment made, and, protects the integrity of the effort overall.

So what is effective agricultural zoning?

It is zoning that will protect the type of farming that is occurring in a given community. When considering the level of density that should be allowed, look first at your average size farm. Let's say the average size farm is 50 acres. Can farming still take place if one house is built there? What about two houses? This is something for the community to decide.

In Lancaster County, Pennsylvania, every township has adopted zoning that restricts nonfarm dwellings to one unit per 25 acres.

In Baltimore County, the density allowance in the Resource Conservation District, known as RC-2, is one dwelling per 50 acres.

Many townships in York County, Pennsylvania have 1:25 zoning, including sliding scale zoning. In fact, sliding scale zoning was invented in York County about 25 years ago and first enacted in one of its townships.

Marin County, California, is famous in the PDR world for its 1:60 zoning, which it enacted as part of a very determined farmland preservation effort in the early 1970's.

Montgomery County, Maryland, is well known in the preservation field for its transfer of development rights program, or TDR, and its 90,000-acre agricultural preserve. After TDR, the remaining density allowance is 1:25.

Each of these examples can be considered effective agricultural zoning because, they have stood the test of time, that is, relatively few rezonings have occurred, the zones cover areas large enough to sustain an ag industry, and because in most cases farms can't be broken up into parcels that are too small to farm, and finally, complaints from nonfarm neighbors are minimal or nonexistent.

If your locality does not have agricultural zoning and wants to establish it, I will refer you to the book that I co-authored with Tom Daniels called *Holding Our Ground*, which contains a good chapter on agricultural zoning and some advice on how to get started.

But today I want to concentrate on the idea that even after a locality has had agricultural zoning, even for many years, it is just as important to revisit that zoning to see how it is working. If the zoning isn't doing its job well enough, than it needs some adjustments.

Baltimore County is certainly a "Profile in Courage" when it comes to land protection. In 1976 the

county downzoned a full half of the county, about 200,000 acres, from an allowed density of one unit per acre (1:1) to two zones of either 1:5 or 1:50. This was not done for farmland preservation, but to protect the water quality of three major reservoirs that provided drinking water to the Baltimore region. These two zoning densities were mixed, allowing for development into the rural areas, but keeping large contiguous farming regions together with the more restrictive 1:50 zoning. But as Baltimore County's farmland and environmental protection programs increased and matured during the 1980s and 1990s, it was felt that further protections were needed to accomplish new preservation goals.

In 1996, during an update to the master plan, the Baltimore County Planning Board proposed downzoning 12,000 additional acres from the 1:5 density to the 1:50 density to protect the county's prominent farming regions from further encroachment. You may find this hard to believe, but there wasn't a lot of opposition to this proposal, but farmers wanted the equity issue addressed.

And, so it was addressed in the most direct way, as I am about to explain.

The idea that a landowner may lose equity when the density allowance on his or her land is decreased, is a serious issue. It seems to me that ever since zoning was invented it has been assumed that the more homes you can build, the more money you will make, or, the fewer homes you can build the less money you will make.

But, again, this has always been assumed, and maybe it used to be true, but times change and so does the land market. Occasionally, a study has been done on whether decreased density allowances affect profit in land sales, but as far as I can tell, it wasn't until 1996 that such a study had a direct impact on a downzoning proposal. The Valleys Planning Council of Baltimore County, a nonprofit land use watchdog group was working hard to support the downzoning. The executive director at the time, John Bernstein, now with the Maryland Environmental Trust, took on the job of disproving the lost-equity claim.

Bernstein and his staff studied land sales on 154 parcels of at least 10 acres that were located in preservation areas. They added up all the sales and did the math and found that parcels zoned for 1-50 sold for an average of \$7,097 per acre, and parcels zoned for 1-5 sold for an average of \$6,282 per acre.

They looked also at larger, developable parcels as a group, separating out those of 60 or more acres. They found the difference in per-acre averages between the lesser density of 1-50 and the greater density of 1-5 was miniscule for these properties: In the 1:50 zone, the average parcel size sold was 113 acres and the average cost per acre was \$6,335. For the 1:5 parcels, the average parcel size sold was 120 acres, with an average cost of \$6,255 per acre. The Valleys

Planning Council had the data checked by a consulting group, which confirmed the numbers and stated there was no significant difference in land values between the two zones.

The difference was just \$80, but the important thing is, the assumption that parcels with more restrictive zoning would net less money was proved false, and in fact, the parcels with the more restrictive zoning not only competed with the 1:5 parcels, but actually sold for a little more per acre, on average.

I know that land sales data for Baltimore County may be a whole lot different where you are. But the lesson will still ring true all around: test your assumptions. Maybe your farmers are right to be concerned about the loss of equity if you propose a downzoning, but maybe they are wrong. Someone just needs to do the math. Larry Libby asked me to talk about trends I see that have to do with the regulatory side of farmland protection. Well, what John Bernstein did is probably the most exciting thing that I have seen happen in regulatory farmland protection in the last 10 years and I wrote about it in some detail in Farmland Preservation Report. But the story doesn't end there, because one incident

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does not a trend make – to call something a trend, you have to have it happen again, preferably somewhere else.

Well, as it happened, I received a lot of phone calls about that story – in fact, if I had to name my Top 10 Stories for the first 10 years of publishing my newsletter, this story would be near the top in terms of reader interest. One subscriber in Calvert County, Maryland – Greg Bowen - read that story about John Bernstein's data with particular excitement, and called me with some questions about it. Calvert County was about to update its comprehensive plan, and the county was facing tremendous growth pressure from Washington, D.C. that would require major road improvements and at least one new school. The county did a smart thing: a build-out study was conducted that showed the county could expect another 54,000 homes to be constructed under existing zoning.

Then, the county did another smart thing. It produced a full-color newspaper-type publication and sent it to all residents, and when people got the news about what Calvert County was going to be like, and how much it was going to cost, they agreed that something had to be done. At public hearings, residents overwhelmingly told officials they wanted to reduce buildout significantly, avoid new school construction, and avoid major road improvements that had been identified as necessary to accommodate the expected growth.

As part of this effort, Greg Bowen did some figuring of his own, comparing agricultural zoning in Maryland counties with per-acre appraisals within those zones, and could find no correlation between zoning densities and land values. In fact, Bowen's data showed that counties with more restrictive zoning showed higher, not lower, market value for land. In this chart, the numbers on the right show per-acre values and the bottom numbers show densities. Counties are represented by colors shown on the right.

So just two and half years after the story about the Baltimore County study appeared, I was writing about Calvert County enacting the first countywide downzoning to happen in Maryland in 20 years. It wasn't as dramatic as Baltimore County's, going from 1:5 to 1:50, but it was dramatic in terms of its coverage – the entire county decreased its potential density by half, affecting all zoning districts. In Calvert's agricultural zone, allowed density went from 1:5 to 1:10. Not great, but certainly better.

And the campaign to support this downzoning was effective and systematic: Calvert County officials basically employed a set of build-out scenarios, and asked residents what they preferred. First option: a 25 percent density reduction and a *postponement* of needed highway improvements. Second option: a 50 percent density reduction and the *elimination* of the need for major highway improvements and a new high school. At a public hearing on the comprehensive plan, residents said they favored the latter option – the 50% option, and a stronger effort to save farmland and to save money in a big way.

That was in the spring of 1999. In 2000, as I showed earlier, Baltimore County, during its most recent master plan update, downzoned an additional 10,000 acres to the 1:50 density. So now that's three major downzonings in Maryland, so I think we can call that a trend, especially considering that the equity issue was addressed, apparently to the satisfaction of landowners affected. Add to this the State of Maryland's Smart Growth policies that are leaning ever harder on counties to rethink regulatory means for protecting farmland, and maybe we can predict that this trend will continue, at least here in Maryland. But don't think downzonings can only happen in Maryland. They have happened elsewhere – in Pennsylvania and Washington state, in Illinois and in California. The important thing for you to remember about the Baltimore and Calvert County stories is that build-out scenarios and land value studies have been done before, and are very transferable, and hopefully, are coming to a locality near you.

Appendix D: Resident Population Table

Resident Population*															
New York State Governmental Units, 2009															
	April 1,	April 1,	July 1,	Change 2008 - 2009		2000-2009	Change 1990-2009								
	1990	2000	2002	2003	2004	2005	2006	2007	2008	2009	#	%	%	#	%
Dutchess County	259,462	280,150	286,769	289,088	290,637	291,586	291,471	291,815	292,500	293,562	1,062	0.4%	4.57%	34,100	13.14%
C/Beacon	13,243	14,810	14,635	14,727	14,654	14,686	14,636	14,592	14,547	14,529	(18)	-0.1%	-1.93%	1,286	9.71%
C/Poughkeepsie	28,844	29,871	30,395	30,451	30,420	30,172	29,959	29,725	29,597	29,564	(33)	-0.1%	-1.04%	720	2.50%
T/Amenia	5,195	4,048	4,115	4,142	4,149	4,143	4,140	4,134	4,134	4,122	(12)	-0.3%	1.80%	(1,073)	-20.65%
T/Beekman	10,447	13,655	14,369	14,645	14,708	14,748	14,723	14,799	14,699	14,691	(8)	-0.1%	7.05%	4,244	40.62%
T/Clinton	3,760	4,010	4,105	4,141	4,159	4,155	4,169	4,181	4,181	4,183	2	0.0%	4.14%	423	11.25%
T/Dover	7,778	8,565	8,744	8,735	8,735	8,803	8,824	8,812	8,802	8,786	(16)	-0.2%	2.52%	1,008	12.96%
T/East Fishkill	22,101	25,589	26,891	27,445	27,921	28,324	28,589	28,709	28,738	28,797	59	0.2%	11.14%	6,696	30.30%
T/Fishkill	17,655	20,258	19,336	19,437	19,896	20,158	20,342	20,563	20,891	21,449	558	2.7%	5.55%	3,794	21.49%
T/Hyde Park	21,230	20,851	20,874	20,822	20,743	20,611	20,455	20,362	20,291	20,275	(16)	-0.1%	-2.84%	(955)	-4.50%
T/La Grange	13,274	14,928	15,541	15,681	15,769	15,849	15,808	15,796	15,787	15,812	25	0.2%	5.59%	2,538	19.12%
T/Milan	1,895	2,356	2,465	2,508	2,542	2,582	2,616	2,622	2,612	2,610	(2)	-0.1%	9.73%	715	37.73%
T/North East	2,918	3,002	3,050	3,063	3,091	3,116	3,135	3,127	3,134	3,131	(3)	-0.1%	4.12%	213	7.30%
T/Pawling	5,947	7,521	7,989	8,113	8,261	8,252	8,230	8,203	8,199	8,186	(13)	-0.2%	8.12%	2,239	37.65%
T/Pine Plains	2,287	2,569	2,601	2,637	2,661	2,666	2,684	2,686	2,690	2,693	3	0.1%	4.60%	406	17.75%
T/Pleasant Valley	8,063	9,066	9,313	9,338	9,376	9,592	9,712	9,692	9,782	9,880	98	1.0%	8.24%	1,817	22.54%
T/Poughkeepsie	40,143	42,777	43,834	44,087	44,219	44,249	44,069	44,028	44,122	44,163	41	0.1%	3.14%	4,020	10.01%
T/Red Hook	9,565	10,408	10,857	11,025	11,165	11,292	11,305	11,366	11,493	11,597	104	0.9%	10.25%	2,032	21.24%
T/Rhinebeck	7,558	7,762	7,941	8,062	8,056	8,083	8,062	8,226	8,332	8,330	(2)	0.0%	6.82%	772	10.21%
T/Stanford	3,495	3,544	3,642	3,689	3,694	3,700	3,697	3,704	3,704	3,705	1	0.0%	4.35%	210	6.01%
T/Union Vale	3,577	4,546	4,804	4,952	5,026	5,056	5,061	5,067	5,071	5,067	(4)	-0.1%	10.28%	1,490	41.66%
T/ Wappinger	26,008	26,274	26,438	26,488	26,510	26,484	26,409	26,574	26,858	27,150	292	1.1%	3.23%	1,142	4.39%
T/Washington	4,479	4,742	4,830	4,900	4,882	4,865	4,846	4,847	4,836	4,842	6	0.1%	2.07%	363	8.10%
V/Fishkill	1,957	1,735	1,750	1,748	1,740	1,729	1,712	1,701	1,694	1,690	(4)	-0.2%	-2.66%	(267)	-13.64%
V/Millbrook	1,339	1,429	1,493	1,536	1,532	1,537	1,521	1,515	1,508	1,506	(2)	-0.1%	5.11%	167	12.47%
V/Millerton	884	925	932	930	925	918	910	905	902	899	(3)	-0.3%	-2.89%	15	1.70%
V/Pawling	1,974	2,233	2,244	2,247	2,298	2,283	2,263	2,252	2,244	2,240	(4)	-0.2%	0.31%	266	13.48%
VRed Hook	1,794	1,805	1,815	1,822	1,815	1,800	1,781	1,772	1,876	1,994	118	6.3%	9.48%	200	11.15%
V/Rhinebeck	2,725	3,077	3,070	3,075	3,070	3,063	3,046	3,030	3,023	3,019	(4)	-0.1%	-1.92%	294	10.79%
V/Tivoli	1,035	1,163	1,171	1,169	1,164	1,155	1,148	1,140	1,135	1,132	(3)	-0.3%	-2.74%	97	9.37%
V/Wapp. Falls	4,605	4,929	4,936	4,931	4,984	5,012	5,073	5,311	5,639	6,018	379	6.7%	18.10%	1,413	30.68%
Source: U.S. Bureau of the Census,(2001-2009 are Census estimates)															
*With each new issue of July 1 estimates, the Census revises estimates for years back to the last census.															
Town data include Villages															

Appendix E: Conservation Easement Appraisal Guide

A CONSERVATION EASEMENT APPRAISAL GUIDE:



A BRIEF OVERVIEW OF EASEMENT VALUATION IN COLORADO

COLORADO COALITION OF LAND TRUSTS

JUNE 25, 2004

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This document was produced to provide individuals involved in conservation transactions with general information regarding conservation easement appraisals. It is not intended to provide specific professional advice. If legal advice, appraisal advice or other expert assistance is required, the services of a competent professional should be sought.

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INTRODUCTION

By most measures, the past several years have been banner years for conservation easement activity throughout the State of Colorado. This is due in large part to the financial incentives designed into Colorado's unique state income tax credit for conservation easement donations. This program, along with other conservation programs such as Great Outdoors Colorado (GOCO) or the federal income tax benefits, has helped Colorado's landowners and conservation entities to protect many of Colorado's most cherished landscapes. All of this activity has greatly benefited Colorado's residents and visitors alike.

With this increase in easement activity has come an increased scrutiny of conservation easement valuations. While easement deals and easement donors vary dramatically, if landowner's intend to make a charitable contribution and take advantage of the federal and state tax benefits, the conservation easement's value must be substantiated by a qualified easement appraisal that determines its fair market value. The appraisal is also the single item that can come under the closest scrutiny from the IRS, the Colorado Department of Revenue, conservation funders or potential brokers and buyers of tax credits. *Therefore, it is absolutely critical that easement appraisals be done by qualified appraisers who thoroughly understand the very complicated process of valuing a conservation easement.*

This Guide has one primary purpose: to help ensure that Colorado has the most sound conservation easement transactions possible by introducing conservation practitioners and landowners to the fundamentals of the appraisal process. Poorly drafted or fraudulent appraisals not only damage the integrity of the particular easement transaction; they also can dent the reputation of important conservation programs such as the easement tax credit. And most importantly, bad transactions can betray the public's trust and support for conservation in general.

The primary audiences for the Guide are: 1) landowners who are considering donating or selling an easement; 2) conservation organization staff or volunteers; and 3) conservation consultants, including appraisers and attorneys. *This Guide assumes readers have a general understanding of what conservation easements are and what the respective roles are of easement donors, their advisors, and holders of the easement.* For more information regarding land trusts, conservation easements and other conservation activity, visit **www.lta.org** or see Section V for additional references.

Landowners will hopefully utilize this Guide to familiarize themselves with the appraisal process and resulting document. It should provide them with several appropriate questions to ask when hiring an appraiser, help them communicate with their appraiser, and increase their basic understanding of the resulting easement appraisal document.

For land trusts and government open space programs, this Guide provides a quick overview of things to consider when hiring their own appraisers and provides them with a template to review the resulting document. More importantly, it also provides staff or volunteers with a point of departure for discussing appraisals with potential easement donors.

Finally, for appraisers and other conservation consultants, this Guide—though basic—provides a checklist of many of the factors that should be considered when conducting an appraisal. However, it is not intended as a training manual in and of itself, nor is it intended to supplant existing information, standards or educational materials designed for appraisers.

The Guide is organized into five primary sections following this introduction:

Section I "Frequently Asked Questions about Appraisals" lists just that: a few selected questions that landowners and others may find useful in understanding some of the basic principles of easement appraisals.

Section II, "Hiring an Appraiser", addresses specific questions that landowners and others should ask when hiring an appraiser. Appraisers that offer the highest land values or those with the lowest price are not necessarily the best or most appropriate.

Section III, "A General Outline of Conservation Easement Appraisal Contents," is intended to provide a concise outline of the necessary contents of a conservation easement appraisal. This outline is best used a checklist or comparison when reviewing an actual appraisal. Its development was facilitated by input from several experienced conservation easement appraisers and has also had important contributions from other appraisers and several experienced attorneys.

Section IV, "Frequently Committed Sins in Valuing Conservation Easements", provides readers with a few basic issues that are often associated with incomplete or erroneous appraisals.

Finally, the last section, "Suggested Reading and Reference Tools" provides a brief list of resources for additional reading about conservation easements and appraisals. One useful reference that provides a much more extensive overview of easement valuation is the Land Trust Alliance's *Appraising Easements*, which can be ordered from www.lta.org.

This Guide is a work in progress, one that we hope to refine as information changes and as time and resources allow. As such, we welcome your thoughts and comments on this draft and wish you the very best in your conservation endeavors.

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June, 2004

I. FREQUENTLY ASKED QUESTIONS ABOUT APPRAISALS

1. What is a conservation easement?

A conservation easement is a tool used to preserve important lands and water features on a given property. It is a voluntary, recorded agreement between a landowner and a “holder” of the easement, which can either be a qualified charitable organization—typically a land trust—or a unit of government. A conservation easement identifies important historic, scenic, natural or agricultural characteristics of the property which benefit the general public (collectively known as the “conservation values”) and then establishes a set of restrictions on use of that property which will ensure that those conservation values are protected. In signing an easement, the landowner is granting to the easement holder the right to enforce those restrictions. The land stays in private ownership and the landowner typically reserves certain rights to the property such as the ability to maintain a residence, continue to farm or ranch, or use the property for limited recreational purposes. Most Federal or State tax incentives or easement purchase programs require that the easement be perpetual. That is, easements are intended to be in place on the property forever, and as such, the easement restrictions transfer with the title of the property to subsequent owners. For further discussion of easements and their complexities, see Section V for additional resources.

2. What rights are typically restricted through an easement?

Conservation easements are relatively flexible tools, and as such, the restrictions on use can vary depending upon the landowner’s needs, on the goals of the easement holder, and most importantly, on the conservation needs of the property. Typical easement restrictions include limitations on further subdivision or development of the property, commercial or industrial use, mining and many other uses. The restrictions are intended to preserve the conservation values of the property as set forth in the easement document as well as an accompanying document known as the Baseline Documentation or property report. The easement holder must also be able to enforce the particular restrictions that are desired.

More recently in Colorado, many conservation easements have included provisions restricting the sale or transfer of water rights. This is especially true for those properties in which the conservation values include irrigated crop lands, wetlands or other water features that are dependent upon the water. As such, the water rights are required to stay with the property and be exercised so as to not be lost through forfeiture. For more information on restricting certain water rights through a conservation easement, seek the advice of attorneys and other professionals knowledgeable about water issues. The Colorado Water Trust also has valuable information on their website at www.coloradowatertrust.org.

3. What are the benefits of conservation easements?

For the general public, conservation easements can be a very valuable and cost-effective preservation tool. Many landscapes that are important to the daily lives of Colorado residents and visitors are largely privately owned. Whether it is a scenic ranchland in a mountain valley, a fruit orchard on the western slope, or a high-value waterfowl habitat along a river on the eastern plains, many of these landscapes have scenic, cultural or natural value to the public. Many of these lands are inappropriate for public ownership—or even public access. However, the protection of these private lands can have immense benefits to the surrounding communities.

For landowners considering an easement, the primary benefit of placing an easement on their property is having the peace of mind knowing that their beloved property will be forever protected, even once it transfers out of their hands. In addition, there are several financial incentives available to landowners, including a few that are unique to Colorado. These incentives include *easement purchases*, which are available through several Federal and State conservation programs, including Great Outdoors Colorado. The financial incentives also include Federal and State tax programs for *easement donations*. These include potential Federal income or estate tax deductions for the charitable contribution of a conservation easement, as well as the unique State of Colorado income tax credit. This Guide cannot go into detail over these programs (see Section V for additional resources). However, these financial incentives are the driving force behind needing to value a conservation easement.

Because of their potential to reduce the estate tax burdens for working ranch and farmland families, conservation easements can also be an important tool to keep the land in family hands.

4. Why do conservation easements need to be appraised?

Not all conservation easements need to be valued or appraised. Several examples include cases in which a landowner does not intend to utilize any tax benefits or if the easement does not have any "gift" status, such as an easement on open space within a development.

However, if landowners intend to take advantage of the available public incentives for donating a conservation easement, such as a state income tax credit or a federal income tax deduction, the easement must be valued to determine its worth. Conservation easements are considered an asset that has value which can be "gifted" to a qualified easement holder. IRS publication 561 "Determining the Value of Donated Property" spells out the guidelines for determining the value of this gift, which is necessary for all gifts of real property greater than \$5,000.

In addition, if you intend to sell a conservation easement on your property, in most cases a buyer will need to substantiate the value through a conservation easement

appraisal. Most local, state or federal programs that fund easement purchases have specific requirements for their appraisals.

In rare cases of condemnation of all or part of a conservation easement property, most easements have a provision in which the easement holder will receive a percentage of the proceeds equivalent to the conservation easement's value at the time of donation. As such, these cases would also require the documentation of value through an appraisal.

5. How are easements valued?

While there may be other methods of determining an easement's value, the IRS, most state tax incentives, and most easement purchase programs, require the use of a qualified appraisal to determine an easement's value. The various methodologies for completing an easement appraisal are explored in more detail in Section III: "A General Outline of Conservation Easement Appraisals." In summary, there are three primary approaches to determining the value of real estate: The Sales Comparison approach, the Cost approach, and the Income Approach.

The Sales Comparison approach--in which appraisers base the value of the easement on comparable easement sales on similar properties with roughly similar restrictions--is the mandated approach in the Treasury Regulations § 1.170A if ". . . there is a substantial record of sales of easements comparable to the donated easement (such as purchases pursuant to a government program). . ." However, in most areas of Colorado, such market data are not sufficiently available, at least not presently. Therefore, most easements are valued through the "before and after" process, in which an appraiser:

- Determines a "before" property value, which is an estimate of fair market value of a property as if the landowner were to sell it without placing an easement on it (for example, the "before" value is \$1,000,000)
- Determines an "after" property value, which is an estimate of fair market value of a property as if the landowner were to sell the property with the easement restrictions in place. (for example, the "after" value is \$400,000)
- Subtracts the "after" value from the "before" to arrive at the estimate value of the conservation easement (in this case, $\$1,000,000 - \$400,000 = \$600,000$ conservation easement value).

As stated above, there are exceptions to this methodology, as will be seen in the third section.

6. What are the general requirements for conservation easement appraisals?

The requirements for appraisals depend upon the program or purpose for valuing an easement. If the easement is intended to qualify as a charitable contribution under Federal tax code, the value must be substantiated with a "qualified" appraisal. To be qualified, the appraisal must 1) be made not earlier than 60 days prior to the date of

contribution; 2) not involve a prohibited appraisal fee (such as a fee based on the percentage of the deduction); 3) include certain information (which is outlined in Section III); and 4) must be prepared, signed and dated by a "qualified appraiser."

If the easement is intended to qualify as a donation under the Colorado State Income Tax Credit Program, the appraisals also need to follow these federal guidelines.

However, many easement purchase programs, especially those funded by federal agencies, have more stringent requirements for valuing easements. After the Savings and Loan scandals of the 1980s, Congress passed legislation in 1989 requiring states to license or certify appraisers. At the same time, *the Uniform Standards of Professional Appraisal Practice* (USPAP) was created to set the ethical and technical standards for appraisals for "federally-related transactions." While neither Internal Revenue Service nor the Tax Code recognize USPAP, it has been the recognized cornerstone of accepted appraisal standards throughout the country. For example, federal land acquisition and direct lending agencies have been required by the Office of Management and Budget (OMB) to use appraisals in conformance with USPAP standards since 1992. Information on USPAP can be found at www.appraisalfoundation.org.

In addition, most agencies acquiring easements using federal funds must adhere to the *Uniform Appraisal Standards for Federal Land Acquisitions* (UAS or "Yellow Book"), which is updated periodically by the Interagency Land Acquisition Conference. Though not technically required by the Tax Code for valuing conservation easement donations, UAS has become the standard format followed and taught by many easement appraisers. As such, the outline in Section III follows the UAS format.

7. What is a "qualified appraiser"?

According to the IRS Publication 561, a "qualified appraiser" is an individual that 1) holds himself or herself out to the public as an appraiser or performs appraisals on a regular basis; 2) is qualified to make appraisals of the type of property being valued because of his or her qualifications that are described in the appraisal; 3) is not an excluded individual (such as the donor or the donor's relative); and 4) understands that an intentionally false overstatement of value of property may subject him or her to the penalty for aiding and abetting an understatement of tax liability.

For mortgage purposes, appraisers must be licensed by the State of Colorado. However, only 27 states have requirements for appraisers to be certified or licensed for conservation donations. Colorado is among the states in which an appraiser of conservation easements does not have to be licensed by the state licensing board (the Colorado Board of Real Estate Appraisers). Nor are appraisers of conservation easements required to be a member of one of the five major private appraisal associations that have some form of designation (the American Society of Farm Managers and Rural Appraisers; the American Society of Appraisers; the Appraisal

Institute; the National Association of Independent Fee Appraisers; and the National Association of Master Appraisers).

Because the requirements to be a "qualified appraiser" are relatively loose and left to the judgement of the appraiser, being certified by the state (or holding membership in a professional organization) is an indication that an appraiser has taken important steps to become more knowledgeable and professional. However, because there is no licensure or certification based solely on an appraiser's knowledge of easement valuation, neither state certification nor private designation verifies that a particular appraiser is competent in conservation easement valuation or any of the other specialized valuations.

8. What is "Fair Market Value"?

Appraisals set forth estimates of the "fair market value" of a given property or easement. The Tax Code describes fair market value as "the price the property would sell for on the open market. It is the price that would be agreed on between a willing buyer and willing seller, with neither being required to act, and both having reasonable knowledge of the relevant facts."

9. What is generally valued in an easement appraisal?

Conservation easement valuations should take into consideration all of the restrictions and reserved rights outlined in the conservation easement. This includes any restrictions on future development or subdivision and any limitations on the sale of water rights. The appraisal should cover the same legal area described in the conservation easement (many landowners only place easements on portions of their entire property). Appraisals also need to take into consideration all of the other property owned in the area by the landowners and their family. This is because of what is known as "enhancement" value. If a landowner places an easement on property adjacent to her father, the father's property benefits (or is enhanced) by the adjacent conservation easement. Therefore it must be reflected in the easement's value.

10. How accurate are easement appraisals?

Conservation easement appraisals are often described as part science, part art. It is important to note that appraisals are only *estimates* of value. As a result, appraisal values may vary depending on the appraiser and his or her methodology. However, competent appraisers using the same set of facts and similar guidelines should arrive at roughly similar results. In addition, appraisals that follow format and content guidelines such as those outlined in Section III are likely to reflect a more thorough assessment of the easement's value.

11. What are the ramifications of bad or erroneous appraisals?

Appraisals with minor technical or formatting flaws can be corrected relatively easily without major ramifications. However, grossly inaccurate or purposefully misleading overstatements of value are indeed serious and should not be tolerated by any party to the transaction. Such appraisals—and their resulting tax implications or excessive purchase prices—can erode the public’s trust in conservation easements in general and in the particular tax benefit or conservation program specifically. The news of either inaccurate or fraudulent valuations can make it difficult to gain or retain local support for important conservation initiatives, even if the news is from another part of the state.

Poorly constructed or inaccurate appraisals can also make it difficult for landowners to market and sell their tax credits, as was recently seen in Colorado. After conducting their due diligence, the buyers of credits may have reservations about purchasing a particular credit if they are not confident in the integrity of the appraisal. This is a particularly unfortunate situation that should be avoided at all costs.

In addition, both the federal and state tax systems contain penalties for the overvaluation of donated property, for underpayment of estate or gift taxes, and for the promotion of abusive tax shelters. It is beyond the scope of this Guide to go into detail over these penalties, but readers should be aware that such penalties are real and substantial.

Finally, appraisers who have prepared fraudulent appraisals may have their state licensure or private certifications revoked. They may also be prohibited by the IRS from having their appraisals considered "qualified appraisals."

12. What role do land trusts or other conservation entities have regarding easement appraisals?

A land trust's role regarding easement appraisals may differ depending on the nature of the transaction and the easement holder's philosophy. With the donation of gifts to a charitable organization, such as a painting to a museum, it is important that the organization receiving the gift stay at arm's length from the valuation process to avoid the perception that they are influencing the value of the gift. The same is largely true with the donation of conservation easements. However, easement holders should ensure to the greatest extent possible that easement donors are aware of federal or state requirements should they intend to claim a tax deduction or credit, such as the need to obtain a qualified appraisal.

For easement donations that are claimed as a charitable contributions, easement holders will be asked to sign I.R.S. Form 8283. This form was developed in response to the Tax Reform Act of 1984, and it requires that easement holders be furnished with, and acknowledge receipt of, the donor's appraisal summary and gift of the

easement. The easement holder's acknowledgement of the gift does not indicate that they agree with the value claimed.

There is currently no consensus as to the extent that land trusts should be involved in the appraisal and tax processes. An example of this is split opinions on whether or not a land trust should sign a Form 8283 in which the claimed value is considered to be excessive. However, every easement holder has an interest in ensuring that landowners receive sound appraisals with reasonable valuations. This is not only important for maintaining good relationships with the easement donors, but it is also critical to maintain the integrity of the tax benefits for charitable easement contributions.

Finally, in the event of easement purchases, a trust or easement holder may be the entity hiring an appraiser. In these cases, the trust or easement holder will become more involved in the valuation process, and like all landowners, they should be aware of the important questions to ask when hiring an appraiser.

II. HIRING AN APPRAISER

One of the first steps towards securing a sound appraisal is to hire a knowledgeable and competent appraiser. In addition to securing the services of a good appraiser, it is important that you stay in close contact with him or her throughout the valuation process. For example, the landowner may be negotiating the terms of the easement without telling the appraiser, who in turn provides an appraisal based on the wrong set of facts. Below are several questions you might consider when pursuing the services of an appraiser.

1. Where do I find out about potential conservation easement appraisers?

There is no formal association of conservation easement appraisers, and many real estate appraisers are not familiar with conservation easements. As a result, several of the best sources of names of potential conservation easement appraisers are:

- Other appraisers who you may already know,
- Lawyers that are experienced in drafting and negotiating conservation easements, and
- Land trusts who have had occasion to hire appraisers for their own purposes or who work with landowners that have had easement appraisals.

Recommendations or word of mouth from other landowners who have worked with a particular appraiser are also helpful. However, most landowners do not have extensive background in easements or appraisals; as a result, they often will have few points of comparison or reference when discussing an appraiser with whom they have worked.

2. When do I need to secure the services of an appraiser?

Under IRS rules, conservation easement appraisals must be completed no sooner than 60 days prior to the date of donation, and no later than the date of filing federal income taxes, including extensions.

Because good conservation easement appraisals can take time, it is necessary to contact an appraiser as soon as you are considering donating or selling an easement. That appraiser can advise you as to the timeframe for securing the necessary documents and other aspects of the appraisal process.

It is also important to note that it is possible to ask an appraiser for a preliminary estimate of value. While it would not be considered a complete appraisal for tax purposes, a preliminary valuation might be helpful if you are determining whether or not to pursue an easement.

3. What questions should I ask a potential appraiser before hiring one?

Before retaining an appraiser, it is a good idea to engage potential candidates in a wide-ranging discussion about their work experience, professional background and general attitude about conservation easements. Some pertinent questions that you may want to ask are:

- Do you hold a current Certified General appraisal license from the State of Colorado? *Though not technically necessary to value conservation easements in Colorado, such licensure indicates a level of professionalism on the part of the appraiser.*
- Do you have any other special designations such as the Appraisal Institute's RM or MAI or the American Society of Farm Managers and Rural Appraisers ARA? Why or why not? *As stated above, neither state licensure nor private certification necessarily indicates a familiarity with easements, but it may indicate a level of professionalism on the part of the appraiser.*
- Can you explain to me what are a "qualified appraisal" and a "qualified appraiser"? *Appraisers who are valuing easements for federal or state tax purposes should have a working understanding of the regulations regarding appraisals.*
- Have you appraised property in this county recently? *Though not essential, this helps indicate a familiarity with local markets (or geographic competency).*
- Have you appraised property similar to mine recently (development land, ranch land, farm land, etc.)? *Though not essential, this helps indicate competency.*
- How long have you been an appraiser? *Time in the business does not necessarily equate to competency, but it provides you with a general understanding of their experience.*
- Have you appraised property for the purpose of estimating the value of a conservation easement? *This is perhaps one of the more important questions. If they have not completed an easement valuation before, the appraiser should be still be familiar with the technical requirements and procedures for valuing easements. While all appraisers need to do their first valuations at some point, you should recognize that there is some inherent risk involved.*
- If not, what steps will you take to familiarize yourself with this type of appraisal? Would you consider affiliating with a more experienced appraiser? *Affiliating with a more experienced appraiser may help reduce some of the risks in hiring an inexperienced appraiser.*

- If so, how many appraisals of this type have you completed, and have you worked for easement donors, land trusts or other entities (such as GOCO, the Forest Service, and the BLM)? *This will provide a greater sense of their experience and competency.*
- Do you have experience with the IRS in defending any of your appraisals? *Being required to defend an easement appraisal is not necessarily a negative thing, as easement donations can be flagged for review on a number of issues. However, you should be interested in the results of such a defense.*
- In your opinion, what are the best techniques for appraising a perpetual conservation easement? *See the outline in Section III for the techniques and methodologies.*
- Please tell me how you propose to address my water rights that I am / am not planning to encumber with my easement. *Water rights, as suggested above, are more frequently being restricted through the use of conservation easements. In some areas, they also represent substantial value. However, not all appraisers are familiar with valuing water rights.*
- What do you need from me to complete the appraisal (documents, etc.)? *See below.*
- What are the fees and timeline to complete the appraisal? *See below.*
- Finally, please provide three references of past clients. *Like all services, it is important that you feel comfortable with the appraiser on a number of fronts, including their level of professionalism, timeliness, and technical expertise.*

4. What will my appraiser need from me to complete the appraisal?

Individual appraisers may request different documents. However, below are the basic documents generally required to complete an appraisal:

- Legal Descriptions of the entire property, the area subject to the easement, and any property owned by the landowners, their family, or "related persons" that is in the vicinity.
- Copies of closing documents (if recent enough to be meaningful), related purchase agreements/contracts, and copies of deeds and deeds of trust.
- Recent title insurance policy or title insurance commitments, including copies of material exceptions to title.

- Maps, surveys and sketches that identify the subject property, any specific building envelopes or restricted zones, and any other property owned by the landowners, their family, or "related persons."
- Draft or final version of the proposed conservation easement, or at least a summary of the intended restrictions and retained rights.
- Depending on the complexity of a property or assignment, additional consultants (land planner, engineer with expertise in land development, water engineer, etc.) may be appropriate.

5. What is a reasonable cost for a conservation easement appraisal?

The costs associated with easement appraisals may vary widely, depending on property's location, the particular appraiser, the level of easement complexity and other factors. They can typically range between \$5,000 and \$20,000. Please note that is a general estimate only, and you will need to speak directly with your appraiser to determine a range of his or her fees.

6. What do I do if I have misgivings about the resulting easement value or process, or more importantly, if I feel that the appraisal value might cause my donation or sale of the easement to be questioned?

As stated above, appraisals are only estimates of fair market value, based on a certain set of facts and experiences. Should you strongly feel that an appraisal's value is exceptionally high or low, you should discuss your concerns with your appraiser. Should you still not be satisfied with his or her explanation, it is always possible to secure the services of another appraiser.

Remember: if you are donating a conservation easement and intend to take a tax deduction or credit, it is your responsibility to minimize the risks of the transaction and secure the most sound appraisal possible.

Should you have extreme concerns about an appraiser's ethical conduct, there is a process for filing a complaint with the Colorado Board of Real Estate Appraisers. You can find a description of this process at www.dora.co.us/real-estate.

III. A GENERAL OUTLINE OF EASEMENT APPRAISAL CONTENTS

Introduction to Outline

This outline summarizes the “Before and After” appraisal process as it pertains to valuing conservation easements in gross. It is based generally on the very useful format found in the *Uniform Appraisal Standards for Federal Land Acquisition*, or UAS (see Section V: Suggested Reading & Reference Tools). It is intended to provide a detailed overview of the components of a “qualified appraisal” for federal income tax purposes as defined at Treasury Regulations 1.170A-13.

While the appraisal report formatting presented here is only a suggestion (independent appraisers value their status and ability to present data and analysis in ways of their own choosing), the appraisal contents outlined, unless noted, must be addressed in a qualified appraisal.

Most of this material pertains to valuation of one or more types of open space or wildlife habitat easements. These are the types of conservation easements most frequently encountered in Colorado and can include easements permitting agricultural production, protection of fish, wildlife or plant habitat, or simply preservation of open space. Each of these types of easements can accommodate limited residential, agricultural and recreational uses, as long as they are conveyed exclusively for conservation purposes and offer significant public benefit.

There are some things not addressed here. One is the appraisal of historic façade easements, a flavor of conservation easement not as common here as the more popular conservation easement. This outline does not address in any detail the issues associated with the appraisal of post mortem easements under Internal Revenue Code Section 2031(C). Also, it does not address in detail the issues associated with basis-limited gifts of conservation easements, where the donor has owned the real property for less than 12 months.

This Outline can be used in several ways. For appraisers, it can provide a brief refresher on the content of conservation easement appraisals. For landowners and land trusts hiring an appraiser, it can help familiarize them with the appraisal document and point them to potential questions they may ask about the document itself. And for all parties, the Outline is perhaps best used with a copy of an appraisal in hand to verify that the various components of the conservation easement appraisal are indeed covered.

Easement Appraisal Contents

A. LETTER OF TRANSMITTAL

1. May summarize value conclusion
2. States date of value
3. Identifies property and purpose of appraisal
4. Highlights any unusual assumptions or limiting conditions
5. States that appraisal is prepared for income tax purposes of the easement donor
6. Provides appraiser's identifying number (SSN and/or EIN)

B. TABLE OF CONTENTS

C. INTRODUCTION

1. Certification
 - a) Acknowledges assistance of others who made significant professional contribution to development of the appraisal
 - b) Assures readers of the report that appraiser did (or did not) inspect the property
 - c) Indicates that the appraisal report is in compliance with the *Uniform Standards of Professional Appraisal Practice* (USPAP), the UAS "Yellow Book" or any other supplemental standards set forth by a particular funding source or private professional associations with which the appraiser is affiliated
2. Summary of Salient Facts
 - a) Identifies Owner/Donor
 - b) States location, brief legal description and/or property address
 - c) Reviews the purpose and function of appraisal

- d) Establishes the date of value
- e) Identifies the property rights appraised
 - (1) Fee simple before grant of easement, subject to exceptions to title including pre-existing conservation restrictions
 - (2) Fee simple after grant of easement, subject to newly-created perpetual restrictions and pre-existing restrictions or exceptions
 - (3) Value of the conservation easement
- f) Includes a brief description of subject site and improvements, including water rights and minerals estate
- g) Includes as part of the subject all contiguous property owned by the donor, the donor's family, or "related persons", even if only a portion of the property is encumbered by the easement (to reflect the "enhancement" value described above).
- h) Identifies any other property owned by donor or a related person, whether or not such property is contiguous – may or may not require an appraisal of this other property
- i) Highlights any unusual or important assumptions made in appraisal
- j) Summarizes the easement
 - (1) Consistent and inconsistent activities (sometimes called restrictions and permissions)
 - (2) Conservation or historic preservation values
- k) Summarizes conclusions of highest and best use
 - (1) Before grant of easement
 - (2) After grant of easement
- l) Summarizes value estimates of all property owned by the donor and the donor's family, and possibly the value of other property owned by the donor or a related person
 - (1) Before grant of easement

(2) After grant of easement

- m) States the market value of the conservation easement

3. Purpose and Function of Appraisal

- a) Indicates that the appraisal is prepared for the federal and state income tax purposes of the donor, for use by funding agencies in support of grant-making decisions, etc. (it is acceptable to have multiple purposes)
- b) Provides this value definition:

“ . . . the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having a reasonable knowledge of the facts.” (Treas. Reg. § 1.170A-1(c)(2))

4. Property Rights Appraised

- a) Defines fee simple and easement interests
- b) Addresses water rights that may be associated with or appurtenant to the property
- c) Addresses fractional interests, interests of tenants in possession and mortgage holders
- d) Addresses mineral estate

5. Scope of Appraisal

- a) Summarizes the steps taken in preparing the appraisal
- b) States whether or not the appraisal has departed from USPAP’s guidelines, thus invoking USPAP’s Departure Provision (for example, appraisals prepared for use by the State Board of the Great Outdoors Colorado Trust Fund (GOCO) in support of funding decisions must be Complete Appraisals, which means they must contain all of the required provisions)
- c) States the type of report format (Self-Contained or Summary; a Restricted report by definition is not acceptable)
- d) Restates any unusual or important assumptions made in appraisal

6. Property Identification

Restates summary information about the property, possibly with greater detail.

7. Important Dates

- a) States Date of Value – current or retrospective
- b) Restates Date of Report
- c) Identifies Date(s) of property inspection

8. Assessment and Taxation Data

- a) Provides schedule and/or parcel number (if available)
- b) Summarizes information available from county assessor and treasurer
- c) Discusses assessment classification, likelihood of change, effect on future tax burden

9. Property History

- a) Summarizes and analyzes leases, sales within at least the past three years, and current or recent listing agreements
- b) Discusses history of use
- c) The appraiser may request data pertaining to last sale of the property, no matter how long ago it occurred

10. Contingent and Limiting Conditions

- a) Limits reliance on or use of the appraisal report
- b) Disclaims responsibility for issues, facts and studies outside the purview of the appraisal
- c) Restates prominently and in detail any unusual or important assumptions made in the appraisal

D. FACTUAL DATA BEFORE GRANT OF EASEMENT

1. Legal Description

- a) Provides detailed description using metes and bounds, aliquot portions and/or lots & blocks
- b) May include map(s) or survey, overlain on USGS 7.5° quadrangle maps, tax maps, recorded plats, etc. as appropriate

2. Area Data

Provides enough information about the immediate neighborhood and market area for the property to create a context for subsequent sections of the report discussing the property, its highest and best use and the valuation. Defines market area through a determination of what other properties reasonably compete with the subject in the market. Reports and analyzes local market trends, such as historic and forecast population changes (up, down, or level), any market for water rights separate from land, employment trends, etc.

3. Property Data

a) What should be appraised

(1) Appraisals being prepared for income tax purposes must

(a) contain a value estimate of all contiguous property owned by the donor or the donor's family

(b) address any increase or decrease in the value of any other property owned by the donor or a related person

(2) When selecting what property to value, prudent appraisers will follow accepted practice for eminent domain appraisals and appraise the larger parcel (to be appraised before and after the easement) defined by

(a) unity of title

(b) physical contiguity

(c) unity of use

b) Site or Land - Describes in detail the property under study, beginning with the site. Depending on property type, it will emphasize features key to value and use. For example, the appraisal of a rural parcel would address, at a minimum:

- (1) Location
- (2) Size and shape
- (3) Topography
- (4) Soils
- (5) Minerals estate
- (6) Environmental hazards / nuisances or hazards / endangered species
- (7) Floodplain and drainage
- (8) Legal and physical access
- (9) Existing easements or deed restrictions
- (10) Status of public utilities
- (11) Water rights, ditches, ditch and water companies, etc.
- (12) Land use regulations
- (13) Surrounding ownership and uses

c) Improvements

- (1) Many open space or scenic easements do not affect the use of existing improvements; they were there before imposition of the easement, and they will be there afterward.
- (2) Improvements need be addressed in detail only when the easement will have an effect on the utility, hence value, of the structures. For example, many historic façade easements require extraordinary upkeep, maintenance or renovation, calling for archaic techniques or materials that may be very costly. In cases like this, the improvements may turn out to be extremely important, creating a burden on the land or site.

- (3) Depending on the circumstances, there may be little need to do more than give passing mention to buildings in place at the time of the grant of easement. However, once an easement is in place, the buildings may take on more significance. For example, in some areas, a large component of the market value (or at least cost) of a property may be attributable to the value of existing structures (often second or third homes).
- (4) Appraisals should not attribute (without market support) a percentage loss in value to the whole property (land, water and buildings), when typically only the value of the land, or land and water components, is affected by the easement.

E. DATA ANALYSIS AND CONCLUSIONS OF PROPERTY VALUE BEFORE GRANT OF EASEMENT

1. Highest and Best Use of the Property – this means the land and water

a) Site As Vacant

- (1) Legal Uses - considers current zoning (and reasonable probability of it changing), existing deed restrictions or conservation easements, building codes and environmental regulations. Specifically for water, appraisals consider the landowner's ability to put the water to a use different from the current use (ditch company bylaws, water court involvement, etc.).
- (2) Physically Possible Uses – considers physical factors, utilities availability and site improvements. As to the water, can its point of diversion be changed, or are there physical limitations on what can be done with the specific shares appurtenant to a specific property under a particular ditch or canal?

- (3) Financially Feasible Uses – market demand must be evaluated. Just because state law permits a landowner to divide the property into parcels 35 acres and larger does not mean it is financially feasible to do so. Similarly, a board of county commissioners may approve zoning or a plat that permits a retirement home and a hospital – the appraiser must investigate the financial feasibility of such a permitted use, as it could contribute no value at all to a parcel. The same is true for the water. This is an excellent place in an appraisal report to highlight the disparity between the value of mutual ditch company water for irrigation and the value of the same water for municipal or industrial use, if the criteria of legal permissibility and physical possibility are satisfied. For example, if the landowner is seeking more than an in-place, irrigated land value and there is not an immediate, functional and transparent market for the specific rights, there may be a need for a substantially greater analysis of the various markets and in any engineering and/or legal limitations to determine value.
- (4) Maximally Productive Use – that use from those considered that survives all these tests and produces the greatest financial return to the land

b) Site As Improved

- (1) Considers the same four tests itemized above
- (2) Explains whether the improvements require demolition or modification or if they are consistent with the highest and best use of the site or land

c) Conclusion of Highest and Best Use of the Entire Property (Land, Improvements and Water)

- (1) Must be consistent with the four criteria outlined under E 1.a. above
- (2) Does not need to bear any relationship to the present use, but if it does not, it must be a use that could reasonably be achieved (and the appraisal needs to contain evidence that is sufficient to support the claim of reasonableness)
- (3) States the highest and best use of the property without consideration of the proposed restrictions contained in the conservation easement

2. Approaches to Valuation

- a) Introduces the concept of valuation, defines the three recognized methods of valuation (Sales Comparison Approach, Cost Approach and Income Approach), and sets forth the procedure to be used in the report. For each method not used, the appraiser must explain why the method was omitted.
- b) Land or Site Valuation. In many open space or wildlife habitat easement appraisals, most of the property value before and after the easement derives from the "vacant" land itself (and not necessarily from additional development potential, etc.) Thus in many easement appraisals, this will be the principal valuation question to be solved. In these cases, often the Sales Comparison approach is the most likely to be used.

(1) There are six interrelated techniques for valuing land as vacant:

(a) Sales Comparison

(b) Allocation

(c) Extraction

(d) Subdivision Development NOTE – This technique results in very misleading indications of property value when it is not used extremely carefully. This technique should not be used unless the highest and best use of a property is for division and development within a reasonably short period of time, when costs of development can be accurately identified, when potential sale prices of resulting parcels can be estimated, and when realistic absorption rates can be supported by market evidence.

(e) Land Residual

(f) Ground Rent Capitalization

(2) The Land or Site Valuation process can be incorporated into the Sales Comparison approach when the subject property:

(a) is vacant,

(b) is considered to have a highest and best use as if vacant, or

(c) is minimally improved with the improvements being addressed as items of contributory value.

(3) It can form the initial part of the Cost Approach when the subject property's improvements are being valued based on their replacement or reproduction cost. However, as described below, the Cost Approach alone is not relevant to vacant property in which there are no substantial improvements.

(4) In valuing certain properties, other experts' opinions (water and minerals are the most common) may be valid. *However, if the opinions of other experts are relied on, the appraiser must be aware of USPAP requirements regarding use of consultant's reports. Standards Rule 2-3, states as follows:*

“When signing appraiser(s) has relied on work done by others who do not sign the certification, the signing appraiser is responsible for the decision to rely on their work.

“The signing appraiser(s) is required to have a reasonable basis for believing that those individuals performing the work are competent and that their work is credible.”

- c) Cost Approach. This approach is not relevant to a vacant property, for it requires that the property have substantial improvements.
- d) Income Approach. This approach may not be relevant to a vacant property, for it is based on the income a particular property generates, such as professionally operated guest ranches.
- e) Correlation and Conclusion of Value. In this section, appraisers will compare the values obtained using the three methods if appropriate and determine a conclusion of value.

F. FACTUAL DATA AFTER GRANT OF EASEMENT

1. The Conservation Easement

- a) Describes in detail the restrictions and retained permissions contained in the easement in adequate detail to set the stage for the analysis of highest and best use.
- b) When possible, the appraisal includes a recorded copy of the deed of conservation easement as an exhibit to the report. If this is not available, it should include a draft copy. If no easement document is available, it should include a statement identifying the source of the terms and conditions described above.

G. DATA ANALYSIS AND CONCLUSIONS OF PROPERTY VALUE AFTER GRANT OF EASEMENT

1. Highest and Best Use

It may not be necessary to reanalyze highest and best use in detail. Normally, the easement will be specific enough so that a statement or two will suffice. However, it is good practice to re-consider the *legally permissible*, *physically possible*, and *financially feasible* land uses in order to support the conclusion of what use(s) is the *maximally productive* land use after grant of easement.

2. Valuation

Introduces the concept of valuing a restricted parcel, sets forth and explains the specific procedure(s) to be used in the report, such as:

- a) An appraiser may consider valuing the easement itself by comparing it with the sale of other conservation easements. This technique is required by the Treasury Regulations "if there is a substantial record of sales of easements comparable to the donated easement (such as purchases pursuant to a governmental program), the fair market value of the donated easement is based on the sales prices of such comparable easements."

b) The Regulations also state “If no substantial record of marketplace sales is available to use as a meaningful or valid comparison, as a general rule (but not necessarily in all cases) the fair market value of a perpetual conservation restriction is equal to the difference between the fair market value of the property it encumbers before the granting of the restriction and the fair market value of the encumbered property after the granting of the restriction.” This suggests valuation of the property subject to the easement using as many of the traditional approaches to value as are applicable.

(1) Using the Sales Comparison technique, compare the property under study to sales of other properties already subjected to similar restrictions (due to easements, restrictive covenants, physical or location considerations) at time of their sale. This should result in an estimate of property value after easement conveyance.

(a) an appraiser should reflect appropriate units of comparison (such as per building site retained on the encumbered parcel, per-acre, or perhaps others). This requires knowledge of the details of the easements affecting each sale considered and their affect on value, including:

(i) what Subdivision (as meant in Colorado, tracts less than 35 acres), division or parceling potential remains;

(ii) the number of houses and/or structures that can be built, limitations on their size, height, occupancy, and limitations on their ability to be conveyed separately from the parent tract;

(iii) any restrictions on use of the protected land (fencing, construction of outbuildings, grazing practices, use of riparian areas, public access, special land management requirements related to weed control, modification of natural drainage, prohibitions on commercial timber harvesting, mining, sand and gravel extraction, etc.);

(iv) the effect of the easement on the land owner’s ability to convey water separately from the protected land or to change the use of that water;

(5) Income Approach (if applicable)

- (a) May be the best method for establishing baseline value of restricted but still productive agricultural lands as well as properties with income-producing characteristics*
- (b) Care should be taken in development of pro forma effective gross and net operating income estimates, as well as overall capitalization rates and discount rates*
- (c) Requires caution due to potential “premium value” that many buyers may associate with scenic, recreational or secluded ranches. Such factors suggest a greater reliance on the Sales Comparison approach than on the Income Approach during reconciliation of the different values derived from the approaches.*

c) Correlation and Conclusion of Value

(1) General considerations can include

- (a) difficulty or increased expense of obtaining mortgage financing;*
- (b) perception of future (or present) difficulty in dealing with the easement-holding organization, sometimes described as a loss of part of the right of ‘quiet enjoyment’.*
- (c) potential for change in marketing time due to easement restrictions;*

(2) Appraisers should address increase or decrease in the value of other contiguous property owned by donor or donor’s family;

- (a) Required by IRS Regulations;*
- (b) If appropriate property was appraised, whatever change in value may have occurred to the contiguous property should already be included in the Before and After difference, even if all the contiguous property was not burdened by the easement;*

(3) Appraisers should address increase or decrease in value of other non-contiguous property owned by donor or a related person;

(a) If there was no effect on either contiguous or noncontiguous property, a logical explanation should suffice;

(b) If such property was affected, it may also need to be appraised in order to conclude the effect on its value (increase or decrease) resulting from the easement

H. ANALYSIS AND VALUATION OF THE EASEMENT

1. As more data become available, it is expected that valuation of easements by Sales Comparison will become more prevalent. However, as described in H.2 below, because adequate market data do not exist in most areas of Colorado, the most common approach remains the Before and After method.
 - a) Use of the Sales Comparison approach to value easements is mandated by the Treasury Regulations §1.170A-14(h)(3)(i) which provide that “If there is a substantial record of sales of easements comparable to the donated easement (such as purchases pursuant to a government program), the fair market value of the easement is based on the sales prices of such comparable easements.” While this statement may offend many appraisers who would contend that purchases pursuant to a government program would by definition not be reliable comparables, the Treasury Regulations are clear and unambiguous. Only in markets where such government programs are not established (which is almost everywhere) does the “before and after” rule apply.
 - b) Appraisers must be cautious in analyzing sales of easement interests or fee interests in easement-burdened properties, as any units of comparison developed often would not reflect damages or benefits imposed on unburdened remainders, contiguous or not. Also, as illustrated recently in the *Browning v. Commissioner* Tax Court ruling, analysts must be aware that many easement sales are intended to be bargain sales, reflecting some donative intent on the part of both grantor and grantee.

2. As described above, the most common approach remains the Before and After, where

$$\begin{array}{r} \text{Value Before the Easement} \\ \text{-- Value After the Easement} \\ \hline \text{Value of the Conservation Easement} \end{array}$$

I. EXHIBITS

1. A “Self-Contained” appraisal report should include those of the following exhibits necessary to inform a reader who is not familiar with the subject property area. Such exhibits are not required by the Treasury Regulations, and may not appear in many Summary appraisal reports. These are the types of exhibits required in some government agency and private concern appraisal contracts:

- a) Maps: All maps shall be highly legible with properties clearly identified, highlighted if necessary, and depicted in contrasting colors (e.g., subject – red, blue, or green; comparable sales – purple, etc.). Maps should be of sufficient detail, with legend, scale, north arrow, geographic features and ground-control information, so properties may be readily located on-the-ground.

(1) Area Map: Small-scale map showing general location of the subject neighborhood.

(2) Neighborhood Map: This map shall show the appraised property and its immediate neighborhood.

(3) Tract or Plat Map: This shall be a large-scale (2-inches per mile or larger) map clearly showing the appraised property and pertinent physical features, such as roads, streams, improvements, etc. If portions of the appraised property are assigned separate values, these various areas shall be delineated on this map, or a separate map may be prepared.

(4) Comparable Sales Location Map: This shall show the location of the appraised property and the sales used in the appraisal. Scale shall be a minimum of ¼-inch per mile. Where appropriate, the Comparable Sales Map may be combined with the Area Map or Neighborhood Map.

- b) Photographs: Each copy of the appraisal should contain color photographs of the appraised property and all comparable sales relied upon. Each photograph shall be identified as follows:
 - (1) Identify the scene – Appraisers should identify features shown and, if applicable, the purpose of the photograph.
 - (2) Appraisers should identify location where photograph take, direction of view, etc. This may be done on map.
- c) Comparable Sale Data Sheet: For all sales used in the appraisal, it should show detailed information concerning each transaction. Photograph and map of each sale is required.

IV. FREQUENTLY COMMITTED SINS IN VALUING CONSERVATION EASEMENTS

While almost all conservation easement appraisals are done in an ethical, technically sound manner, common mistakes or red flags may appear from time to time. Below is a short list of some common problems found in limited scope reviews of more than 80 purported “qualified appraisals” of conservation easements at the end of 2003.

Many, while not fatal, highlight appraisers’ lack of familiarity with the Treasury Regulations; these are easy to correct. Others are considered to be more serious technical flaws. These "sins" can be informative when completing or reviewing easement appraisals.

1. Serious Technical Issues

- A. Appraising the wrong property. Care should be taken that the appraisal's legal description reflects the area covered by the easement. In addition, there are instances in which the appraiser does not value all of the donor’s and their family’s property before and after imposition of the easement (thus it doesn't reflect "enhancement" value as described above).
- B. Relying entirely on the Subdivision Development Analysis technique (which bases the easement's "before" value on revenues generated by the development of the property). In order to be valid, the subdivision development plan must be a permitted use according to local zoning codes, must be technically feasible, and must be a likely form of development given the local market. Many Subdivision Development Analyses are frequently supported by:
 - inadequate land use plan without engineering input and lacking substantiated development costs.
 - poorly supported forecasts of lot sale prices,
 - poorly supported lot absorption forecasts,
 - poorly supported discount rates,
 - inadequate profit allocation
- C. Appraisals of second- or third-phase easements where the impact of the earlier easements was improperly accounted for. This is one of the common problems associated with the phasing of easements (placing an easement on only a portion of the property, with the intention of doing additional easements in the coming years).
- D. Ignoring or omitting existing zoning or property restrictions, such as covenants, deed restrictions, rights-of-way, or other pre-existing limitations on use of the property.

2. Lack of Familiarity with the Treasury Regulations

- A. Using the wrong definition of market value
- B. Failure to state that the appraisal was prepared for the income tax purposes of the donor
- C. Easements with effective dates beyond the 60-day shelf life of their appraisal's effective dates of value

3. Other More Serious Issues Not Directly Related to Appraisals

- A. Appraisals of conservation easements without evident conservation purpose. Easements without obvious conservation values and purpose risk not qualifying under Internal Revenue Code 170(h) and as such, risk not qualifying for Colorado's state income tax credit.
- B. Clever division of family-owned lands intended to maximize donors' tax credits and to avoid the issue of "enhancement" values. The phasing of easements is not uncommon and should only be considered by a land trust if each phased easement can stand alone on conservation values and purpose. However, it is not acceptable to shelter properties through various names or other methods in order to skirt the constraints of the tax credit rules or to avoid the enhancement values.

V. SUGGESTED READING AND REFERENCE TOOLS

Appraising Easements, 3rd edition; Land Trust Alliance and the National Trust for Historic Preservation; Washington D.C.; 1999.

lta.org/publications/apprea.htm

Conservation Options: A Landowner's Guide; Land Trust Alliance, Washington D.C.; 1999.

Department of Treasury Regulations 1.170A-13 Recordkeeping and Return Requirements for Deductions for Charitable Contributions

Department of Treasury Regulations 1.170A-14 Qualified Conservation Contributions

Determining the Value of Donated Property (IRS Publication 561)

<http://www.irs.gov/pub/irs-pdf/p561.pdf>

The Internal Revenue Code Section 170(h)

Preserving Family Lands, Book II; Stephen J. Small; Landowner Planning Center; Boston, MA; 1997

Preserving Family Lands, Book III; Stephen J. Small; Landowner Planning Center, Boston, MA; 2002

The Standards and Practices Guidebook: An Operating Manual for Land Trusts; Land Trust Alliance, Washington D.C.; 1993

Uniform Appraisal Standards for Federal Land Acquisition (the Yellow Book)

usdoj.gov/enrd/land-ack/toc.htm

Uniform Standards of Professional Appraisal Practice (USPAP) – published annually

http://www.appraisalfoundation.org/html/standards.asp?FileName=current_uspap

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www.cclt.org

The mission of the Colorado Coalition of Land Trusts is to promote and support land conservation excellence in Colorado through leadership, advocacy, education and outreach.

**Appendix F: Dutchess County “To Be Built”
Affordable Housing Targets**

Table 31. Distribution of Dutchess County "To be Built" Targets (Cumulative Through the Study Period)

Municipality	OWNERS				RENTERS			
	Current	Cumulative Prospective			Current	Cumulative Prospective		
	2006	By 2010	By 2015	By 2020	2006	By 2010	By 2015	By 2020
Amenia, Town of	91	94	105	113	69	77	89	98
Beacon, City of	165	170	188	201	188	209	245	273
Beekman, Town of	242	249	275	294	44	49	57	62
Clinton, Town of	94	97	106	112	21	23	26	29
Dover, Town of	168	173	192	207	62	69	80	89
East Fishkill, Town of	428	440	482	511	66	73	85	93
Fishkill, Town of	278	287	320	347	258	287	340	385
Hyde Park, Town of	277	285	310	327	190	210	243	265
La Grange, Town of	214	220	240	253	54	59	69	76
Milan, Town of	60	62	68	73	19	21	24	27
North East, Town of	76	78	86	91	50	55	63	68
Pawling, Town of	186	192	214	232	64	70	82	90
Pine Plains, Town of	78	80	88	94	37	41	47	51
Pleasant Valley, Town of	189	195	216	233	104	116	134	148
Poughkeepsie, City of	277	285	315	339	805	894	1,050	1,174
Poughkeepsie, Town of	502	518	571	612	339	377	441	490
Red Hook, Town of	187	193	214	230	110	122	143	159
Rhinebeck, Town of	135	138	150	158	75	83	95	104
Stanford, Town of	81	84	93	99	31	34	40	44
Union Vale, Town of	77	79	87	93	18	20	23	25
Wappinger, Town of	294	303	333	355	287	320	379	429
Washington, Town of	110	114	125	134	63	70	80	87
Total	4,210	4,339	4,776	5,108	2,954	3,280	3,836	4,264

Prepared By Economic & Policy Resources, Inc.

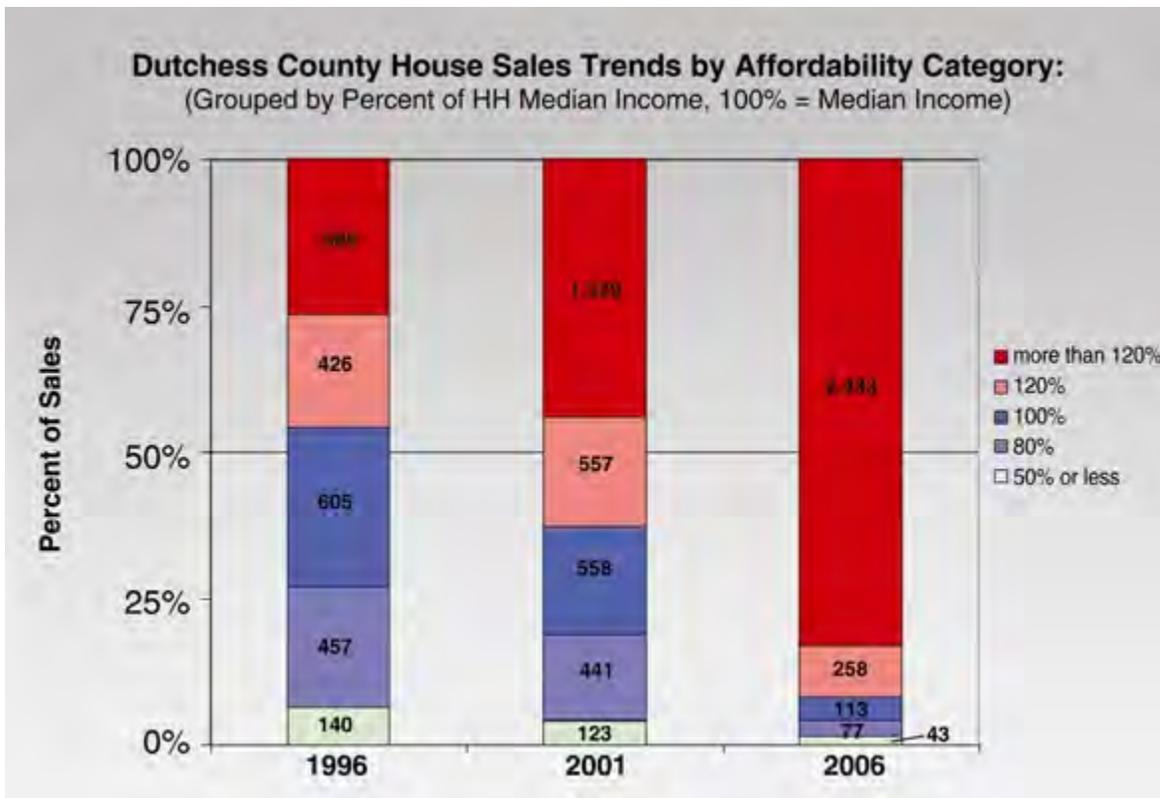


July/August 2009

Regional Housing Needs Study Released

By: Anne Saylor, Housing Coordinator

Dutchess, Ulster and Orange Counties released the first ever [Regional Housing Needs Assessment](#) earlier this month. The purpose of the study was to quantify the need for moderately-priced housing in the three-county region. The chart below is a great visual representation of the reason the study was completed. In 10 years, Dutchess County went from a fairly reasonable distribution of home prices to a focus exclusively on homes affordable only to households over 120% of the county median household income. While the housing stock distribution has certainly moderated in the last couple of years, this chart illustrates just how quickly a housing market can become unbalanced.



How Does the Recession Fit In?

Although the past two years have been a challenging time to complete such a study, it has also been exciting and in some ways vindicating. The study was overseen by a workgroup including representation from all three involved counties. Many of the workgroup's early decisions about how to define the problem have been validated. As an example, after much discussion we agreed to define affordability in owner-occupied housing as 30% of a household's income allotted for principal, interest, taxes, and insurance, as well as a 5% downpayment. What seemed like conservative standards in October 2007 have become the new mortgage industry standards as of 2009. The conservative decisions of the workgroup and the consultant have resulted in an assessment that retains validity even after all the recent fluctuations in the housing market and economy.

The study examined the current need for moderately-priced housing and completed a forecast for those needs through 2020. This study did not focus on households considered "welfare" or "Section 8", but instead covered the housing needs for households up to 120% of the median income (which is \$98,160 for a family of four). Most of the units envisioned by this study are for senior citizens, working families, and individuals.

What is Dutchess County's Overall Need?

To determine the current need, the existing housing stock was compared to existing household incomes. Through this comparison it was determined that Dutchess County has an "affordability gap" in its housing stock of 24,813 units (17,913 owner-occupied and 6,900 rental). A similar comparison was projected through 2020 which resulted in a cumulative gap of 32,461 (21,735 owner-occupied and 10,726). The study does show a slight decline in the affordability gap for owner-occupied housing through 2010 because of the recent decline in home prices.

How Many Units Do We Actually Need to Build?

Of course, we do not need build all the units in the "gap." Determining the gap was just the first step in figuring out how many units should be built. Most people in Dutchess County are housed even if the housing they secure isn't considered "affordable" by traditional definitions. Some people must pay more than they can afford just to put a roof over their head, while others decide to "buy" more house than they can reasonably afford in order to live in a particular type of house, community or school district. Some of the people whose housing is unaffordable by the study's definition wouldn't move even if more affordable options were available. Seniors are the most obvious example, where many don't want to leave the homes in which they raised their families even if there is more affordable housing nearby.

It is also important to note that building new units is not the only solution to addressing the "gap". Many existing units could be made more affordable by lowering property taxes, providing rental assistance to lower-wage households, and providing downpayment and closing cost assistance to first time homebuyers.

There are different approaches that could be taken to determine how much moderately-priced housing should be actually built. After looking at many options, the workgroup selected an option that minimized value judgments about housing choices. The build number was calculated

based on the County’s trend towards a declining household size. The logic behind the calculation is that as the average household size decreases, just this trend alone places additional pressure on the housing stock which drives up rents and sales prices. The table at right shows the number of moderately-priced units the study recommends be built by 2020.

Dutchess County Moderately-Priced Housing Build Targets Thru 2020	
Owner Units	5,108
Renter Units	4,264
Total Units	9,372

What Does This Mean for Local Municipalities?

The final step was to allocate these units to each municipality. The projections were made based on historical trends and the “development capability” factor, which reflects the expectation that future housing unit demand and affordability challenges will be concentrated in those communities with sufficient infrastructure to accommodate compact development. In today’s planning language, these allocations are a balance between a traditional “fair share” approach where units are allocated based on the existing housing stock, and a “smart growth” approach where units are focused around existing centers and infrastructure, such as water and sewer. The core of these allocations is a “fair share approach” with modest adjustments for “smart growth” criteria.

The municipality with the largest number of units needed was the City of Poughkeepsie with 1,513 units, while the Town of Milan had the smallest number at 100. The breakdowns for each municipality are available on [page 47](#) of the study.

Next Steps

In the next few months the Department of Planning and Development will develop and distribute fact sheets for each municipality which outline the study’s data for each community. The County will also begin a system which tracks the development of moderately-priced housing against the goals set forth in the study.

More Information

[A Three County Regional Housing Needs Assessment:
Dutchess, Orange and Ulster Counties from 2006 to 2020](#)

[Is There Still An Affordable Housing Crisis?](#) (May 2009 eNewsletter issue)

[CLICK HERE](#) to view past issues of the DCPF's newsletter, *Plan On It*.

This newsletter was developed by the Dutchess County Department of Planning and Development, in conjunction with the Dutchess County Planning Federation.

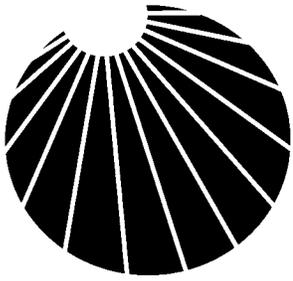
To unsubscribe from our e-newsletter mailing list, please send an email with the word "unsubscribe" in the subject line to DCPlanningFederation@co.dutchess.ny.us.

**Appendix G: Burchell, Fiscal Hierarchy of Land Uses
American Farmland Trust, Cost of Community Services**

The Fiscal Hierarchy of Land Uses

		Research Office Parks	
		Office Parks	
		Industrial Development	
		High-Rise/Garden Apartments <i>(Studio/1 Bedroom)</i>	
	(+)	Age-Restricted Housing	
MUNICIPAL BREAK-EVEN		Garden Condominiums <i>(1-2 Bedrooms)</i>	
		Open Space	
	(-)	Retail Facilities	
		Townhouses <i>(2-3 Bedrooms)</i>	
		Expensive Single-Family Homes <i>(3-4 Bedrooms)</i>	(+) SCHOOL DISTRICT BREAK-EVEN
		Townhouses <i>(3-4 Bedrooms)</i>	(-)
		Inexpensive Single-Family Homes <i>(4+ Bedrooms)</i>	
		Garden Apartments <i>(3+ Bedrooms)</i>	
		Mobile Homes	

Source: Burchell & Listokin, 1993. On the above list, the higher the position, the more positive the impact. The hierarchy takes both costs and revenues into account. It shows which land uses – after all costs and revenues are considered – are more profitable than others. For the most part, although the amount of surplus or deficit for a particular land use may vary from one jurisdiction to another, its relative position on the fiscal hierarchy does not vary.



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DESCRIPTION

Cost of Community Services (COCS) studies are a case study approach used to determine the fiscal contribution of existing local land uses. A subset of the much larger field of fiscal analysis, COCS studies have emerged as an inexpensive and reliable tool to measure direct fiscal relationships. Their particular niche is to evaluate working and open lands on equal ground with residential, commercial and industrial land uses.

COCS studies are a snapshot in time of costs versus revenues for each type of land use. They do not predict future costs or revenues or the impact of future growth. They do provide a baseline of current information to help local officials and citizens make informed land use and policy decisions.

METHODOLOGY

In a COCS study, researchers organize financial records to assign the cost of municipal services to working and open lands, as well as to residential, commercial and industrial development. Researchers meet with local sponsors to define the scope of the project and identify land use categories to study. For example, working lands may include farm, forest and/or ranch lands. Residential development includes all housing, including rentals, but if there is a migrant agricultural work force, temporary housing for these workers would be considered part of agricultural land use. Often in rural communities, commercial and industrial land uses are combined. COCS studies findings are displayed as a set of ratios that compare annual revenues to annual expenditures for a community's unique mix of land uses.

COCS studies involve three basic steps:

1. Collect data on local revenues and expenditures.
2. Group revenues and expenditures and allocate them to the community's major land use categories.
3. Analyze the data and calculate revenue-to-expenditure ratios for each land use category.

The process is straightforward, but ensuring reliable figures requires local oversight. The most complicated task is interpreting existing records to reflect COCS land use categories. Allocating revenues and expenses requires a significant amount of research, including extensive interviews with financial officers and public administrators.

HISTORY

Communities often evaluate the impact of growth on local budgets by conducting or commissioning fiscal impact analyses. Fiscal impact studies project public costs and revenues from different land development patterns. They generally show that residential development is a net fiscal loss for communities and recommend commercial and industrial development as a strategy to balance local budgets.

Rural towns and counties that would benefit from fiscal impact analysis may not have the expertise or resources to conduct a study. Also, fiscal impact analyses rarely consider the contribution of working and other open lands, which is very important to rural economies.

American Farmland Trust (AFT) developed COCS studies in the mid-1980s to provide communities with a straightforward and inexpensive way to measure the contribution of agricultural lands to the local tax base. Since then, COCS studies have been conducted in at least 151 communities in the United States.

FUNCTIONS & PURPOSES

Communities pay a high price for unplanned growth. Scattered development frequently causes traffic congestion, air and water pollution, loss of open space and increased demand for costly public services. This is why it is important for citizens and local leaders to understand the relationships between residential and commercial growth, agricultural land use, conservation and their community's bottom line.

COCS studies help address three misperceptions that are commonly made in rural or suburban communities facing growth pressures:

1. Open lands—including productive farms and forests—are an interim land use that should be developed to their “highest and best use.”
2. Agricultural land gets an unfair tax break when it is assessed at its current use value for farming or ranching instead of at its potential use value for residential or commercial development.
3. Residential development will lower property taxes by increasing the tax base.

While it is true that an acre of land with a new house generates more total revenue than an acre of hay or corn, this tells us little about

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
Colorado				
Custer County	1 : 1.16	1 : 0.71	1 : 0.54	Haggerty, 2000
Sagauche County	1 : 1.17	1 : 0.53	1 : 0.35	Dirt, Inc., 2001
Connecticut				
Bolton	1 : 1.05	1 : 0.23	1 : 0.50	Geisler, 1998
Brooklyn	1 : 1.09	1 : 0.17	1 : 0.30	Green Valley Institute, 2002
Durham	1 : 1.07	1 : 0.27	1 : 0.23	Southern New England Forest Consortium, 1995
Farmington	1 : 1.33	1 : 0.32	1 : 0.31	Southern New England Forest Consortium, 1995
Hebron	1 : 1.06	1 : 0.47	1 : 0.43	American Farmland Trust, 1986
Lebanon	1 : 1.12	1 : 0.16	1 : 0.17	Green Valley Institute, 2007
Litchfield	1 : 1.11	1 : 0.34	1 : 0.34	Southern New England Forest Consortium, 1995
Pomfret	1 : 1.06	1 : 0.27	1 : 0.86	Southern New England Forest Consortium, 1995
Windham	1 : 1.15	1 : 0.24	1 : 0.19	Green Valley Institute, 2002
Florida				
Leon County	1 : 1.39	1 : 0.36	1 : 0.42	Dorfman, 2004
Georgia				
Appling County	1 : 2.27	1 : 0.17	1 : 0.35	Dorfman, 2004
Athens-Clarke County	1 : 1.39	1 : 0.41	1 : 2.04	Dorfman, 2004
Brooks County	1 : 1.56	1 : 0.42	1 : 0.39	Dorfman, 2004
Carroll County	1 : 1.29	1 : 0.37	1 : 0.55	Dorfman and Black, 2002
Cherokee County	1 : 1.59	1 : 0.12	1 : 0.20	Dorfman, 2004
Colquitt County	1 : 1.28	1 : 0.45	1 : 0.80	Dorfman, 2004
Columbia County	1 : 1.16	1 : 0.48	1 : 0.52	Dorfman, 2006
Dooly County	1 : 2.04	1 : 0.50	1 : 0.27	Dorfman, 2004
Grady County	1 : 1.72	1 : 0.10	1 : 0.38	Dorfman, 2003
Hall County	1 : 1.25	1 : 0.66	1 : 0.22	Dorfman, 2004
Jackson County	1 : 1.28	1 : 0.58	1 : 0.15	Dorfman, 2008
Jones County	1 : 1.23	1 : 0.65	1 : 0.35	Dorfman, 2004
Miller County	1 : 1.54	1 : 0.52	1 : 0.53	Dorfman, 2004
Mitchell County	1 : 1.39	1 : 0.46	1 : 0.60	Dorfman, 2004
Morgan County	1 : 1.42	1 : 0.25	1 : 0.38	Dorfman, 2008
Thomas County	1 : 1.64	1 : 0.38	1 : 0.67	Dorfman, 2003
Union County	1 : 1.13	1 : 0.43	1 : 0.72	Dorfman and Lavigno, 2006
Idaho				
Booneville County	1 : 1.06	1 : 0.84	1 : 0.23	Hartmans and Meyer, 1997
Canyon County	1 : 1.08	1 : 0.79	1 : 0.54	Hartmans and Meyer, 1997
Cassia County	1 : 1.19	1 : 0.87	1 : 0.41	Hartmans and Meyer, 1997
Kootenai County	1 : 1.09	1 : 0.86	1 : 0.28	Hartmans and Meyer, 1997
Kentucky				
Campbell County	1 : 1.21	1 : 0.30	1 : 0.38	American Farmland Trust, 2005
Kenton County	1 : 1.19	1 : 0.19	1 : 0.51	American Farmland Trust, 2005
Lexington-Fayette County	1 : 1.64	1 : 0.22	1 : 0.93	American Farmland Trust, 1999
Oldham County	1 : 1.05	1 : 0.29	1 : 0.44	American Farmland Trust, 2003
Shelby County	1 : 1.21	1 : 0.24	1 : 0.41	American Farmland Trust, 2005

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
Maine				
Bethel	1 : 1.29	1 : 0.59	1 : 0.06	Good, 1994
Maryland				
Carroll County	1 : 1.15	1 : 0.48	1 : 0.45	Carroll County Dept. of Management & Budget, 1994
Cecil County	1 : 1.17	1 : 0.34	1 : 0.66	American Farmland Trust, 2001
Cecil County	1 : 1.12	1 : 0.28	1 : 0.37	Cecil County Office of Economic Development, 1994
Frederick County	1 : 1.14	1 : 0.50	1 : 0.53	American Farmland Trust, 1997
Harford County	1 : 1.11	1 : 0.40	1 : 0.91	American Farmland Trust, 2003
Kent County	1 : 1.05	1 : 0.64	1 : 0.42	American Farmland Trust, 2002
Wicomico County	1 : 1.21	1 : 0.33	1 : 0.96	American Farmland Trust, 2001
Massachusetts				
Agawam	1 : 1.05	1 : 0.44	1 : 0.31	American Farmland Trust, 1992
Becket	1 : 1.02	1 : 0.83	1 : 0.72	Southern New England Forest Consortium, 1995
Dartmouth	1 : 1.14	1 : 0.51	1 : 0.26	American Farmland Trust, 2009
Deerfield	1 : 1.16	1 : 0.38	1 : 0.29	American Farmland Trust, 1992
Deerfield	1 : 1.14	1 : 0.51	1 : 0.33	American Farmland Trust, 2009
Franklin	1 : 1.02	1 : 0.58	1 : 0.40	Southern New England Forest Consortium, 1995
Gill	1 : 1.15	1 : 0.43	1 : 0.38	American Farmland Trust, 1992
Leverett	1 : 1.15	1 : 0.29	1 : 0.25	Southern New England Forest Consortium, 1995
Middleboro	1 : 1.08	1 : 0.47	1 : 0.70	American Farmland Trust, 2001
Southborough	1 : 1.03	1 : 0.26	1 : 0.45	Adams and Hines, 1997
Sterling	1 : 1.09	1 : 0.26	1 : 0.34	American Farmland Trust, 2009
Westford	1 : 1.15	1 : 0.53	1 : 0.39	Southern New England Forest Consortium, 1995
Williamstown	1 : 1.11	1 : 0.34	1 : 0.40	Hazler et al., 1992
Michigan				
Marshall Twp., Calhoun County	1 : 1.47	1 : 0.20	1 : 0.27	American Farmland Trust, 2001
Newton Twp., Calhoun County	1 : 1.20	1 : 0.25	1 : 0.24	American Farmland Trust, 2001
Scio Twp., Washtenaw County	1 : 1.40	1 : 0.28	1 : 0.62	University of Michigan, 1994
Minnesota				
Farmington	1 : 1.02	1 : 0.79	1 : 0.77	American Farmland Trust, 1994
Independence	1 : 1.03	1 : 0.19	1 : 0.47	American Farmland Trust, 1994
Lake Elmo	1 : 1.07	1 : 0.20	1 : 0.27	American Farmland Trust, 1994
Montana				
Carbon County	1 : 1.60	1 : 0.21	1 : 0.34	Prinzing, 1997
Flathead County	1 : 1.23	1 : 0.26	1 : 0.34	Citizens for a Better Flathead, 1999
Gallatin County	1 : 1.45	1 : 0.16	1 : 0.25	Haggerty, 1996
New Hampshire				
Brentwood	1 : 1.17	1 : 0.24	1 : 0.83	Brentwood Open Space Task Force, 2002
Deerfield	1 : 1.15	1 : 0.22	1 : 0.35	Auger, 1994
Dover	1 : 1.15	1 : 0.63	1 : 0.94	Kingsley, et al., 1993
Exeter	1 : 1.07	1 : 0.40	1 : 0.82	Niebling, 1997
Fremont	1 : 1.04	1 : 0.94	1 : 0.36	Auger, 1994
Groton	1 : 1.01	1 : 0.12	1 : 0.88	New Hampshire Wildlife Federation, 2001
Hookset	1 : 1.16	1 : 0.43	1 : 0.55	Innovative Natural Resource Solutions, 2008
Lyme	1 : 1.05	1 : 0.28	1 : 0.23	Pickard, 2000
Milton	1 : 1.30	1 : 0.35	1 : 0.72	Innovative Natural Resource Solutions, 2005

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
New Hampshire (continued)				
Mont Vernon	1 : 1.03	1 : 0.04	1 : 0.08	Innovative Natural Resource Solutions, 2002
Stratham	1 : 1.15	1 : 0.19	1 : 0.40	Auger, 1994
New Jersey				
Freehold Township	1 : 1.51	1 : 0.17	1 : 0.33	American Farmland Trust, 1998
Holmdel Township	1 : 1.38	1 : 0.21	1 : 0.66	American Farmland Trust, 1998
Middletown Township	1 : 1.14	1 : 0.34	1 : 0.36	American Farmland Trust, 1998
Upper Freehold Township	1 : 1.18	1 : 0.20	1 : 0.35	American Farmland Trust, 1998
Wall Township	1 : 1.28	1 : 0.30	1 : 0.54	American Farmland Trust, 1998
New York				
Amenia	1 : 1.23	1 : 0.25	1 : 0.17	Bucknall, 1989
Beekman	1 : 1.12	1 : 0.18	1 : 0.48	American Farmland Trust, 1989
Dix	1 : 1.51	1 : 0.27	1 : 0.31	Schuyler County League of Women Voters, 1993
Farmington	1 : 1.22	1 : 0.27	1 : 0.72	Kinsman et al., 1991
Fishkill	1 : 1.23	1 : 0.31	1 : 0.74	Bucknall, 1989
Hector	1 : 1.30	1 : 0.15	1 : 0.28	Schuyler County League of Women Voters, 1993
Kinderhook	1 : 1.05	1 : 0.21	1 : 0.17	Concerned Citizens of Kinderhook, 1996
Montour	1 : 1.50	1 : 0.28	1 : 0.29	Schuyler County League of Women Voters, 1992
North East	1 : 1.36	1 : 0.29	1 : 0.21	American Farmland Trust, 1989
Reading	1 : 1.88	1 : 0.26	1 : 0.32	Schuyler County League of Women Voters, 1992
Red Hook	1 : 1.11	1 : 0.20	1 : 0.22	Bucknall, 1989
Rochester	1 : 1.27	1 : 0.18	1 : 0.18	Bonner and Gray, 2005
North Carolina				
Alamance County	1 : 1.46	1 : 0.23	1 : 0.59	Renkow, 2006
Chatham County	1 : 1.14	1 : 0.33	1 : 0.58	Renkow, 2007
Henderson County	1 : 1.16	1 : 0.40	1 : 0.97	Renkow, 2008
Orange County	1 : 1.31	1 : 0.24	1 : 0.72	Renkow, 2006
Union County	1 : 1.30	1 : 0.41	1 : 0.24	Dorfman, 2004
Wake County	1 : 1.54	1 : 0.18	1 : 0.49	Renkow, 2001
Ohio				
Butler County	1 : 1.12	1 : 0.45	1 : 0.49	American Farmland Trust, 2003
Clark County	1 : 1.11	1 : 0.38	1 : 0.30	American Farmland Trust, 2003
Hocking Township	1 : 1.10	1 : 0.27	1 : 0.17	Prindle, 2002
Knox County	1 : 1.05	1 : 0.38	1 : 0.29	American Farmland Trust, 2003
Liberty Township	1 : 1.15	1 : 0.51	1 : 0.05	Prindle, 2002
Madison Village, Lake County	1 : 1.67	1 : 0.20	1 : 0.38	American Farmland Trust, 1993
Madison Twp., Lake County	1 : 1.40	1 : 0.25	1 : 0.30	American Farmland Trust, 1993
Madison Village, Lake County	1 : 1.16	1 : 0.32	1 : 0.37	American Farmland Trust, 2008
Madison Twp., Lake County	1 : 1.24	1 : 0.33	1 : .030	American Farmland Trust, 2008
Shalersville Township	1 : 1.58	1 : 0.17	1 : 0.31	Portage County Regional Planning Commission, 1997
Pennsylvania				
Allegheny Twp., Westmoreland County	1 : 1.06	1 : 0.14	1 : 0.13	Kelsey, 1997
Bedminster Twp., Bucks County	1 : 1.12	1 : 0.05	1 : 0.04	Kelsey, 1997
Bethel Twp., Lebanon County	1 : 1.08	1 : 0.17	1 : 0.06	Kelsey, 1992
Bingham Twp., Potter County	1 : 1.56	1 : 0.16	1 : 0.15	Kelsey, 1994
Buckingham Twp., Bucks County	1 : 1.04	1 : 0.15	1 : 0.08	Kelsey, 1996

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
Pennsylvania (continued)				
Carroll Twp., Perry County	1 : 1.03	1 : 0.06	1 : 0.02	Kelsey, 1992
Hopewell Twp., York County	1 : 1.27	1 : 0.32	1 : 0.59	The South Central Assembly for Effective Governance, 2002
Kelly Twp., Union County	1 : 1.48	1 : 0.07	1 : 0.07	Kelsey, 2006
Lehman Twp., Pike County	1 : 0.94	1 : 0.20	1 : 0.27	Kelsey, 2006
Maiden Creek Twp., Berks County	1 : 1.28	1 : 0.11	1 : 0.06	Kelsey, 1998
Richmond Twp., Berks County	1 : 1.24	1 : 0.09	1 : 0.04	Kelsey, 1998
Shrewsbury Twp., York County	1 : 1.22	1 : 0.15	1 : 0.17	The South Central Assembly for Effective Governance, 2002
Stewardson Twp., Potter County	1 : 2.11	1 : 0.23	1 : 0.31	Kelsey, 1994
Straban Twp., Adams County	1 : 1.10	1 : 0.16	1 : 0.06	Kelsey, 1992
Sweden Twp., Potter County	1 : 1.38	1 : 0.07	1 : 0.08	Kelsey, 1994
Rhode Island				
Hopkinton	1 : 1.08	1 : 0.31	1 : 0.31	Southern New England Forest Consortium, 1995
Little Compton	1 : 1.05	1 : 0.56	1 : 0.37	Southern New England Forest Consortium, 1995
West Greenwich	1 : 1.46	1 : 0.40	1 : 0.46	Southern New England Forest Consortium, 1995
Tennessee				
Blount County	1 : 1.23	1 : 0.25	1 : 0.41	American Farmland Trust, 2006
Robertson County	1 : 1.13	1 : 0.22	1 : 0.26	American Farmland Trust, 2006
Tipton County	1 : 1.07	1 : 0.32	1 : 0.57	American Farmland Trust, 2006
Texas				
Bandera County	1 : 1.10	1 : 0.26	1 : 0.26	American Farmland Trust, 2002
Bexar County	1 : 1.15	1 : 0.20	1 : 0.18	American Farmland Trust, 2004
Hays County	1 : 1.26	1 : 0.30	1 : 0.33	American Farmland Trust, 2000
Utah				
Cache County	1 : 1.27	1 : 0.25	1 : 0.57	Snyder and Ferguson, 1994
Sevier County	1 : 1.11	1 : 0.31	1 : 0.99	Snyder and Ferguson, 1994
Utah County	1 : 1.23	1 : 0.26	1 : 0.82	Snyder and Ferguson, 1994
Virginia				
Augusta County	1 : 1.22	1 : 0.20	1 : 0.80	Valley Conservation Council, 1997
Bedford County	1 : 1.07	1 : 0.40	1 : 0.25	American Farmland Trust, 2005
Clarke County	1 : 1.26	1 : 0.21	1 : 0.15	Piedmont Environmental Council, 1994
Culpepper County	1 : 1.22	1 : 0.41	1 : 0.32	American Farmland Trust, 2003
Frederick County	1 : 1.19	1 : 0.23	1 : 0.33	American Farmland Trust, 2003
Northampton County	1 : 1.13	1 : 0.97	1 : 0.23	American Farmland Trust, 1999
Washington				
Okanogan County	1 : 1.06	1 : 0.59	1 : 0.56	American Farmland Trust, 2007
Skagit County	1 : 1.25	1 : 0.30	1 : 0.51	American Farmland Trust, 1999
Wisconsin				
Dunn	1 : 1.06	1 : 0.29	1 : 0.18	Town of Dunn, 1994
Dunn	1 : 1.02	1 : 0.55	1 : 0.15	Wisconsin Land Use Research Program, 1999
Perry	1 : 1.20	1 : 1.04	1 : 0.41	Wisconsin Land Use Research Program, 1999
Westport	1 : 1.11	1 : 0.31	1 : 0.13	Wisconsin Land Use Research Program, 1999

Note: Some studies break out land uses into more than three distinct categories. For these studies, AFT requested data from the researcher and recalculated the final ratios for the land use categories listed in this table. The Okanogan County, Wash., study is unique in that it analyzed the fiscal contribution of tax-exempt state, federal and tribal lands.

American Farmland Trust's Farmland Information Center acts as a clearinghouse for information about Cost of Community Services studies. Inclusion in this table does not necessarily signify review or endorsement by American Farmland Trust.

COST OF COMMUNITY SERVICES STUDIES

a community's bottom line. In areas where agriculture or forestry are major industries, it is especially important to consider the real property tax contribution of privately owned working lands. Working and other open lands may generate less revenue than residential, commercial or industrial properties, but they require little public infrastructure and few services.

COCS studies conducted over the last 20 years show working lands generate more public revenues than they receive back in public services. Their impact on community coffers is similar to that of other commercial and industrial land uses. On average, because residential land uses do not cover their costs, they must be subsidized by other community land uses. Converting agricultural land to residential land use should not be seen as a way to balance local budgets.

The findings of COCS studies are consistent with those of conventional fiscal impact analyses, which document the high cost of residential development and recommend commercial and industrial development to help balance local budgets. What is unique about COCS studies is that they show that agricultural land is similar to other commercial and industrial uses. In nearly every community studied, farmland has generated a fiscal surplus to help offset the shortfall created by residential demand for

public services. This is true even when the land is assessed at its current, agricultural use. However as more communities invest in agriculture this tendency may change. For example, if a community establishes a purchase of agricultural conservation easement program, working and open lands may generate a net negative.

Communities need reliable information to help them see the full picture of their land uses. COCS studies are an inexpensive way to evaluate the net contribution of working and open lands. They can help local leaders discard the notion that natural resources must be converted to other uses to ensure fiscal stability. They also dispel the myths that residential development leads to lower taxes, that differential assessment programs give landowners an "unfair" tax break and that farmland is an interim land use just waiting around for development.

One type of land use is not intrinsically better than another, and COCS studies are not meant to judge the overall public good or long-term merits of any land use or taxing structure. It is up to communities to balance goals such as maintaining affordable housing, creating jobs and conserving land. With good planning, these goals can complement rather than compete with each other. COCS studies give communities another tool to make decisions about their futures.

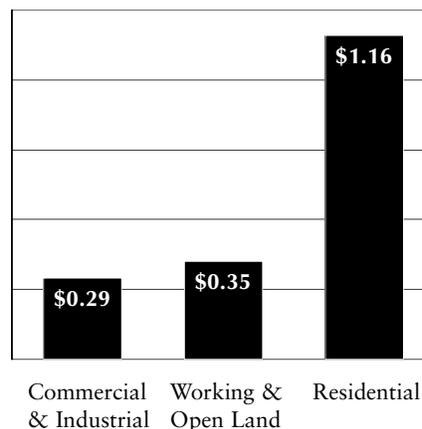
For additional information on farmland protection and stewardship contact the Farmland Information Center. The FIC offers a staffed answer service and online library with fact sheets, laws, sample documents and other educational materials.

www.farmlandinfo.org
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Median COCS Results



Median cost per dollar of revenue raised to provide public services to different land uses.

