

## **JOEL RUSSELL, ATTORNEY-AT-LAW**

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*Admitted in New York, Massachusetts, and Connecticut*

September 24, 2021

Paul Schwartz, Chairman  
Town of Washington Comprehensive Plan Review Committee  
Town of Washington Town Hall  
10 Reservoir Drive  
Millbrook, New York 12545

Dear Dr. Schwartz:

Tim Mayhew has contacted me regarding the CPRC's RFP for consulting services to assist the Town in determining whether and how to amend its Comprehensive Plan to provide for hospitality uses. I know the Town well, having lived in Dutchess County for 14 years, including two years in the Town of Washington in the 1980s. I was the first Executive Director of the Dutchess Land Conservancy and I have continued to serve as counsel to the Conservancy since 1988. I have also served as a planning and zoning consultant to the Town of Washington, where I drafted amendments to the Comprehensive Plan and a new Zoning Law, both adopted in 1989. After the zoning was adopted, I served as a consultant to the Town Planning Board to assist in implementing it.

I have reviewed the RFP, which is very thorough, and I am interested in providing the requested services as both a Planner and Attorney. While I agree with the basic thrust of the RFP, I find that some requirements in the scope of work may not be necessary, and I think that I can provide a streamlined suite of services that accomplish the Town's goals more quickly and at less cost.

I have drafted many comprehensive plan and zoning provisions related to hospitality uses in rural and semi-rural communities, including the original resort development overlay zoning used for the Silo Ridge property in Amenia. I believe that it is unwise to have decisions about large-scale development driven by the needs and desires of developers. The Town is wise to put this decision process in the hands of Town officials and citizens, basing its choices on community needs and benefits rather than on the goals and requests of individual developers. In this way, the Town can choose to attract only those developers who will do what is in the Town's best interest. It may even choose to discourage or restrict this type of development if it is unwelcome. A good solution must balance community goals with market realities and the legitimate rights of property owners.

The most important aspect of this project is ensuring that it furthers the shared goals of citizens and allows and encourages only the types of projects that fit within the goals and

objectives of the Comprehensive Plan as it may be amended from time to time. This requires active outreach to citizens, landowners, and public officials. Since market conditions are inherently unpredictable, there is limited utility in doing extensive economic or market research. Market research rarely predicts important changes that significantly affect land values and community character. The Town should first determine what kinds of hospitality uses it would like to attract (if any), and craft comprehensive plan and zoning provisions that facilitate projects that fit the Town's needs and desires, considering current and likely future trends and market conditions. The Comprehensive Plan and Zoning Law should create the conditions that encourage landowners to use their properties in ways that benefit the Town.

Comprehensive Plans provide a useful forum for discussion, but they rarely result in implementation without further action by a Town, largely through zoning amendments. In my experience, amendments to Comprehensive Plans are much more effective if they are accompanied by simultaneous zoning amendments that implement the Comprehensive Plan goals. As both a planner and lawyer, I have worked with many towns to draft mutually reinforcing comprehensive plan and zoning amendments that are adopted together to ensure consistency and effective implementation. This makes me especially qualified to assist the Town with this project.

As of now, the Town does not provide for large-scale hospitality uses, and controversy over the proposed development of the Migdale property has revealed that there are very different views about such uses. To find common ground it is necessary to hold an inclusive community conversation about this topic in an atmosphere of mutual trust and open exploration of various options. This discussion needs to take account not only of environmental and community character concerns, but also concern for jobs, tax base, housing, and fairness to landowners.

I would be pleased to meet with the CPRC to discuss how I can assist the Town in charting its course through these challenges. In my experience the best proposals evolve through this kind of discussion and exploration, and I would enjoy the opportunity to engage in such a discussion with the CPRC.

Sincerely yours,

*Joel Russell*

Joel Russell, Esq.

cc. Tim Mayhew