



August 28, 2014

Chairman Norm Fontaine and Planning Board Members  
Amenia Town Hall  
Amenia, NY 12501

Dear Chairman Fontaine and Planning Board Members,

The purpose of this memo is to address several of Mr. Janes' comments presented during the August 21, 2014 Planning Board Meeting.

- 1- Comment:** Unprocessed RAW images were used in the Visual Simulations instead of properly processed JPEG images to match existing conditions closer to how the image looks to the human eye.

**Response:** As stated by Mr. Janes in his memo, the latest JPEG images used for the Confirmatory Visual Analysis had very little adjustments from its original RAW format. As of the date of the memo, Mr. Janes had not received the Original JPEG to assess whether the difference between the two images was material or not. Since then, we have been able to find the original image taken along with the RAW format which is attached below. It is our opinion that the difference between the RAW images and the Original JPEG images are not material and does not affect the ability to assess the overall visual analysis. Furthermore, the visual simulations were not required to use one specific type of image.

Please see below a comparison between the images.



*Original JPEG (RAW + JPEG) Image Existing Conditions Viewpoint 7*



*RAW Image for Visual Simulation Existing Conditions Viewpoint 7*



*Simulated Image Using RAW image format*

**2- Comment:** Image 7.5 is missing a house

**Response:** The applicant utilized the wrong image when putting together the visual booklet. Below is the correct simulation for viewpoint 7.5.



*Correct Viewpoint 7.5 Simulation*

- 3- **Comment:** Screening level in Viewpoint 1.1 Simulated buildings equivalent in location to C-6, C-7, C-8 from 2009 plan are visible.

**Response:** The proposed plan can include landscaping to block these buildings but it was the applicant's understanding from meetings held with the Planning Board in fall of 2013 that the Planning Board did not necessarily want all buildings completely screened. Measures to be taken into consideration if total screening is desired by the board include:

- Extension of treed knoll to the north
- Landscaping adjacent to the east side of Route 44 at the hairpin curve
- Low landscaping inside the hairpin curve

- 4- **Comment:** Approved 2009 MDP compared with the 2014 Proposed Plan. (Estate Homes at south end are visible from several viewpoints)

**Response:** Over the last 12 months a lot of effort has gone into the proposed plan in order to have a viable project which ultimately complies with our 2009 Special Use Permit and additionally further reduces impacts. In order to accomplish this we have reviewed many facets of the project including:

- Ecological
- Steep Slopes
- Overall Disturbance
- Visual Impact
- Marketability & Financial Viability

We present the following comparison to indicate the reduced impacts achieved as a result of careful planning by our design team and in certain instances in collaboration with the town's team of consultants.

## **2009 APPROVED MASTER DEVELOPMENT PLAN**

### **South Lawn**

The 2009 MDP included a total of 247 units within the South Lawn composed of 150 Phase II Hotel units and 97 Condominium Units. This area also included the secondary access road to Route 22 which allowed the project to have a more dense area at this location. However, the secondary road required a significant amount of grading and disturbance all within existing forested habitat, in very close proximity to NYSDEC Wetland AM -15 and in steep slopes in excess of 30%. Of the 247 units:

- 15 are within slopes of 30% or greater;
- 40 are within slopes of 15% - 30%;
- Roughly 200 are located within the SPO district; and
- 173 required height waivers (See Summary Table below)

## **Estate Homes**

The 2009 MDP included a total of 41 single family estate homes. For purposes of this memo we have broken down this area into two sections. Section 1 includes all houses after crossing the bridge from the golf villas to stream X. Section 2 includes all houses after stream X to the most southern portion of the site.

Section 1 includes a total of 19 homes of which:

- 7 are within slopes of 30% or greater;
- 12 are within slopes of 15% - 30%; and
- 14 are within the SPO

Section 2 includes a total of 22 homes of which:

- 10 are within slopes of 30% or greater;
- 12 are within slopes of 15% - 30%; and
- 21 are within the SPO

## **2014 PROPOSED MDP**

### **South Lawn**

The 2014 Proposed MDP includes a total of 32 units comprised of single family houses. This is a significant reduction from the 247 units in the 2009 Approved MDP. Additionally, the Proposed MDP eliminates the access road, thus eliminating a significant amount of grading within existing forested habitat, disturbance in close proximity to NYSDEC Wetland AM -15 and disturbance to steep slopes in excess of 15% - 30% and 30% >. Of the 32 units:

- 2 are within slopes of 30% or greater;
- 13 are within slopes of 15% - 30%;
- 24 are located within the SPO district; and
- None require height waivers

While the new plan generates a significant ecological and visual improvement within the South Lawn, the deficiency in number of units has a significant negative impact on the marketability and financial viability of the project. As such, the applicant needed to relocate units to other areas of the community with less impact in order to cover this void. Approximately 9 units were relocated to the Golf Villas area, 8 units were relocated to Section 1 of the Estate Homes of which 3 are within the SPO, and 8 were relocated to Section 2 of the Estate Homes, all of which are within the SPO. A total of 25 units were relocated from this South Lawn area, of which 11 are within the SPO. This results in a total reduction of 190 units, of which 185 were within the SPO.

## **Estate Homes**

The 2014 Proposed MDP includes a total of 57 single family estate homes which constitutes an increase of 16 units from the 2009 Approved MDP. However, due to the new golf course design and further engineering, the Applicant has been able to reduce the overall amount of units in slopes of 30% within Section 1 of the Estate Homes. It should be noted, that during Phase II Site Plan approval, the applicant will further minimize impacts on 30% or greater slopes by better positioning the houses in Phase 2. The detailed engineering has not been performed for Phase 2 as the pending application before the board is for Phase 1 site plan.

Section 1 includes a total of 27 homes of which:

- 3 are within slopes of 30% or greater;
- 24 are within slopes of 15% - 30%; and
- 17 are within the SPO

Section 2 includes a total of 30 homes of which:

- 10 are within slopes of 30% or greater;
- 20 are within slopes of 15% - 30%; and
- 29 are within the SPO

Additionally, all houses located within the Estate Homes area have strict Design Guidelines which will further lessen any potential future Visual Impacts (Please refer to the Silo Ridge Design Guidelines).

In summary, while the 2014 Proposed MDP relocates an additional 16 houses within the Estate Homes area it clearly reduces the overall impacts. Please see table below.

SEE TABLE ON NEXT PAGE

<b>SUMMARY TABLE</b>		
<b>Approved Master Development Plan Compared to Proposed MDP</b>		
Feature	Approved Master Development Plan	Proposed MDP
<b>OVERALL SITE DISTURBED AREAS</b>		
<b>TOTAL Disturbed Area (acres/percent)</b>	<b>282.9± ac/42%</b>	<b>268.3± ac/39.3% *</b>
Disturbance to land not previously disturbed	113.5	97.8
Steep Slope Disturbance (acres/percent)	136± ac/20%	114.1± ac/16.7% *
<b>TOTAL Disturbance to slopes 15% - 30% (acres)</b>	<b>101.5±</b>	<b>92.4±</b>
Disturbance to naturally forested slopes 15% - 30% (acres)	57.8±	51.9±
Disturbance to previously altered (unforested) slopes 15% - 30% (acres)	43.7±	40.5±
<b>TOTAL Disturbance to slopes &gt; 30% (acres)</b>	<b>34.5±</b>	<b>21.7±</b>
Disturbance to naturally forested slopes > 30% (acres)	20.0±	14.4±
Disturbance to previously altered (unforested) slopes > 30% (acres)	14.5±	7.3±
<b>SOUTH LAWN AREAS</b>		
<b>TOTAL UNITS</b>	<b>247.0</b>	<b>27.0</b>
<b>Total Units within slopes 15%-30%</b>	<b>30 ±</b>	<b>14 ±</b>
Units within naturally forested slopes 15% - 30% (acres)	11	2.0
Units within previously altered (unforested) slopes 15% - 30% (acres)	19	12
<b>Total Units within slopes &gt;30%</b>	<b>17 ±</b>	<b>2 ±</b>
Units within naturally forested slopes > 30%	17	2.0
Units within previously altered (unforested) slopes > 30%	0	0
<b>Total Units within SPO</b>	<b>200 ±</b>	<b>24</b>
<b>Total Buildings / Units that required Height Waivers</b>	<b>3 B ± / 173 U ±</b>	<b>0</b>
<b>ESTATE HOMES SECTION 1</b>		
<b>TOTAL UNITS</b>	<b>19.0</b>	<b>27.0</b>
<b>Total Units within slopes 15%-30%</b>	<b>19 ±</b>	<b>27 ±</b>
Units within naturally forested slopes 15% - 30% (acres)	10	9.0
Units within previously altered (unforested) slopes 15% - 30% (acres)	9	18.0
<b>Total Units within slopes &gt;30%</b>	<b>7 ±</b>	<b>3 ±</b>
Units within naturally forested slopes > 30%	7	3.0
Units within previously altered (unforested) slopes > 30%	0	0
<b>Total Units within SPO</b>	<b>14 ±</b>	<b>17 ±</b>
<b>ESTATE HOMES SECTION 2</b>		
<b>TOTAL UNITS</b>	<b>22.0</b>	<b>30.0</b>
<b>Total Units within slopes 15%-30%</b>	<b>13 ±</b>	<b>20 ±</b>
Units within naturally forested slopes 15% - 30% (acres)	13	20.0
Units within previously altered (unforested) slopes 15% - 30% (acres)	0	0.0
<b>Total Units within slopes &gt;30%</b>	<b>9 ±</b>	<b>10 ±</b>
Units within naturally forested slopes > 30%	9	10.0
Units within previously altered (unforested) slopes > 30%	0	0
<b>Total Units within SPO</b>	<b>21 ±</b>	<b>29 ±</b>
<b>SOUTH LAWN AND ESTATE HOMES SUMMARY BY UNIT</b>		
<b>TOTAL UNITS</b>	<b>288.0</b>	<b>84.0</b>
<b>Total Units within slopes 15%-30%</b>	<b>62 ±</b>	<b>61 ±</b>
Units within naturally forested slopes 15% - 30% (acres)	34	31.0
Units within previously altered (unforested) slopes 15% - 30% (acres)	28	30
<b>Total Units within slopes &gt;30%</b>	<b>33 ±</b>	<b>15 ±</b>
Units within naturally forested slopes > 30%	33	15.0
Units within previously altered (unforested) slopes > 30%	0	0
<b>Total Units within SPO</b>	<b>235 ±</b>	<b>70+/-</b>
<b>Total Buildings / Units that Required Height Waivers</b>	<b>3 B ± / 173 U ±</b>	<b>0</b>

In addition to the above mentioned comparison, the comment mentions that Section 2 of the Estate Homes is visible within several viewpoints. More specifically Mr. Janes describes the action as much more visible than the previous simulations. Please note the following:

- The 2009 FEIS Visual Simulations did not include the houses to be relocated to Section 2 of the Estate Homes. This relocation was due to minimizing disturbances within a stream and steep slopes in the northern portion of the site. Therefore it would be incorrect to compare one to the other.
- The new simulations were performed using a different methodology than the 2009 FEIS Visual Simulations. A worst case scenario was used for building colors, landscaping, grading and tree clearing. Additionally, 2014 uses individual larger scale images vs panoramic simulations utilized in 2009. As stated in Mr. Janes memo, the 2009 FEIS Visual Simulations shows that “through the use of subdued tones for architectural roofs and facades...site structures are reduced in impact.” As shown in the images below, the 2009 FEIS Simulations utilizes subdued colors and schemes while the 2014 Proposed MDP Visual Simulation follows Mr. Janes recommendation and utilizes a worst case scenario by incorporating white and light colors for “ALL” trims, windows, porches and columns.



*2014 Proposed MDP Visual Simulation*



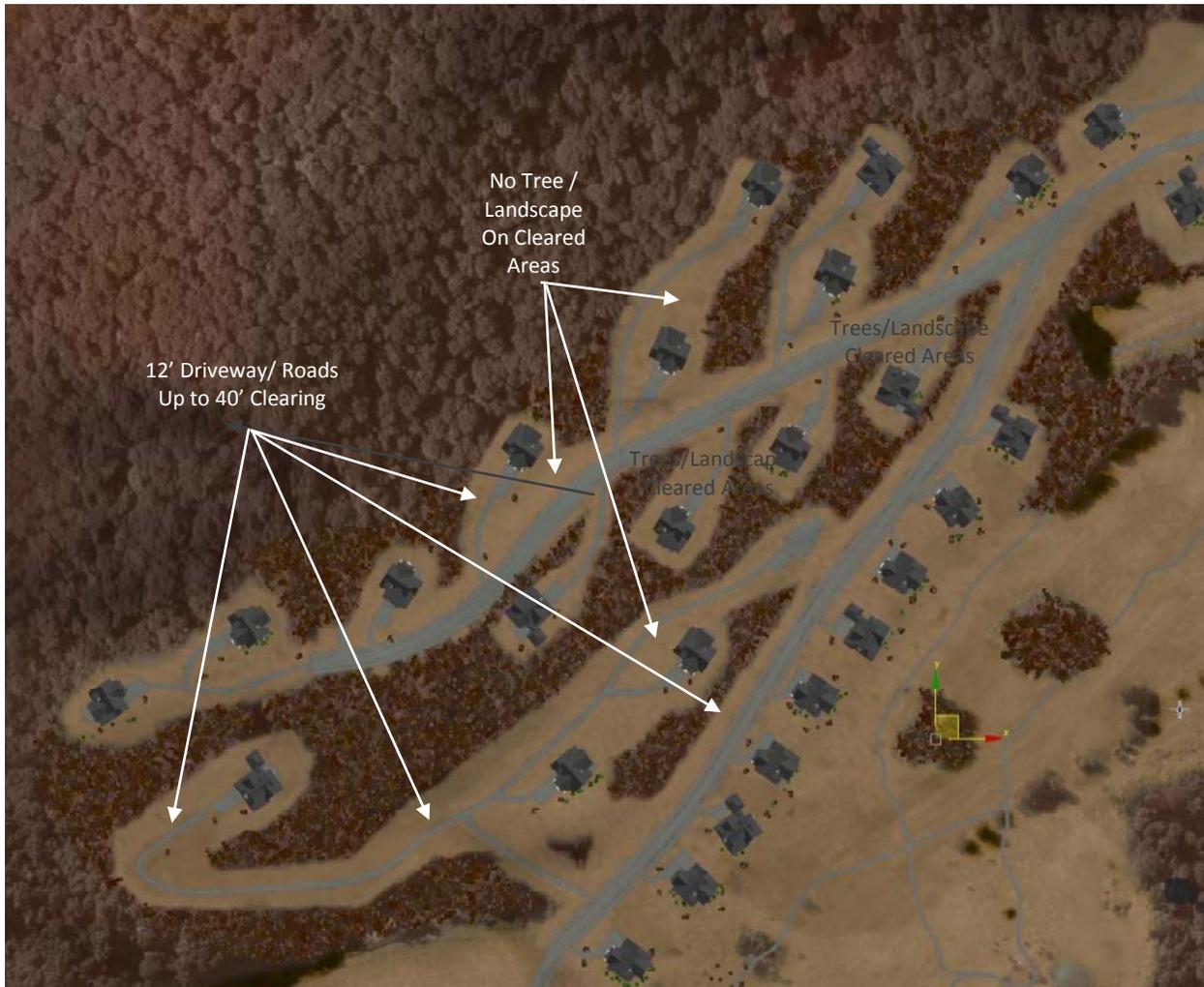
*2009 FEIS Visual Simulation*

Furthermore, Section 2 of the estate homes in the new visual simulations shows greater tree clearing and grading than what is planned for and includes minimal landscaping within the graded or lot areas. For example, 18 foot wide roadways are simulated as having a total clearing path of 50 feet. **It should be noted that these examples would be in direct conflict with the Design Guidelines for this area.** However, during the review process it was decided to use this approach rather than debate what trees would get cut down and which ones would not (especially since it is extremely difficult to predict this on a simulation where the picture is over a mile away).

In comparison, the approved 2009 visual simulation was done implementing a very different approach which included less grading, clearing within roads, driveways and home sites and included landscaping around the home areas all of which is more representative of what was proposed. For instance, clearing

within the roads and driveways for the approved 2009 simulation only included the roads and right of way and any cleared areas included additional landscaping.

As depicted in the image below, the 2014 worst case approach resulted in 12' driveways and 18' roads having up to 40 feet to 50 feet of clearing area and no trees in areas adjacent to roads or home sites. As noted by Mr. Janes comment that "on-site plantings are small and do little screening..." the result is an image with little to no screening and with brighter colors through the site.



Lastly, comparing panoramic simulations vs. sectioned simulations is not apples to apples. In Mr. Janes presentation, he utilizes the panoramic images in viewpoint #7 from 2009 and then compares them to the five (5) new sectioned simulations from 2014. It is our opinion that this does not provide an accurate comparison of the 2009 FEIS Visuals vs the 2014 Proposed MDP for the following reasons

- 2009 FEIS Visuals do not include the relocated houses within Section 2 of the Estate Homes
- As mentioned above both simulations were performed using different methodologies when taking into consideration grading, clearing and landscaping

- Panoramic Images should not be compared to individual images. First, individual images will focus the viewer into that specific area providing a sense of “zoom”.
- Another factor that should be considered when comparing the two simulations is that the 2009 FEIS Visuals were rendered in a lot lower resolution. Images utilized in the 2014 Proposed MDP are almost double the size and quality than those provided previously. This alone will generate a clearer and more defined rendered simulation.

Nevertheless, even when not considering all of the facts mentioned above, comparing both panoramic images reveals there is not a material difference between the overall visual impact between the two. Please see images below.



**FEIS Proposed Panoramic Image – Viewpoint #7**



**2014 Simulated Panoramic Image – Viewpoint #7**

It is noted that the 2009 image was taken later in the spring when the grass was greener and trees were starting to bud. The 2014 image was taken just after the vast majority of snow had melted on April 2, 2014.

### **Viewpoint 7.1 (Section 1 of Viewpoint #7) Simulated**

**5- Comment:** Section 4 of the Visual Analysis details how the project complies with the SPO standards. The Planning Board may waive one or more of these standards.

- a) Will not significantly impair scenic character and will be aesthetically compatible with its surroundings.

**Response:** In our opinion the proposed plan does not significantly impair scenic character, we believe we will be improving the scenic character with a beautiful resort community. We believe we will far exceed being aesthetically compatible with the surroundings and would be willing to take pictures of adjacent and nearby buildings as a reference to validate this belief. As Mr. Janes states in his comments: "This is a judgment call for this Board"

- b) Will minimize the removal of native vegetation

**Response:** The proposed plan reduces native vegetation removal below the 2009 approved MDP.

- c) Will locate and cluster buildings and other structures in a manner that minimizes their visibility from public spaces

**Response:** The proposed plan locates clusters of buildings around a central green and uses existing topography and vegetation to screen proposed buildings from public spaces.

- d) Will not disturb the continuity of the tree line.

**Response:** The proposed plan does not disturb the continuity of any ridge line

- e) Will not result in clearing a building site area greater than 30,000 sf.

**Response:** We will not be clearing more than 30,000 sf for any building site

- f) Complies with landscape, architecture and fences requirements and rural siting principles.

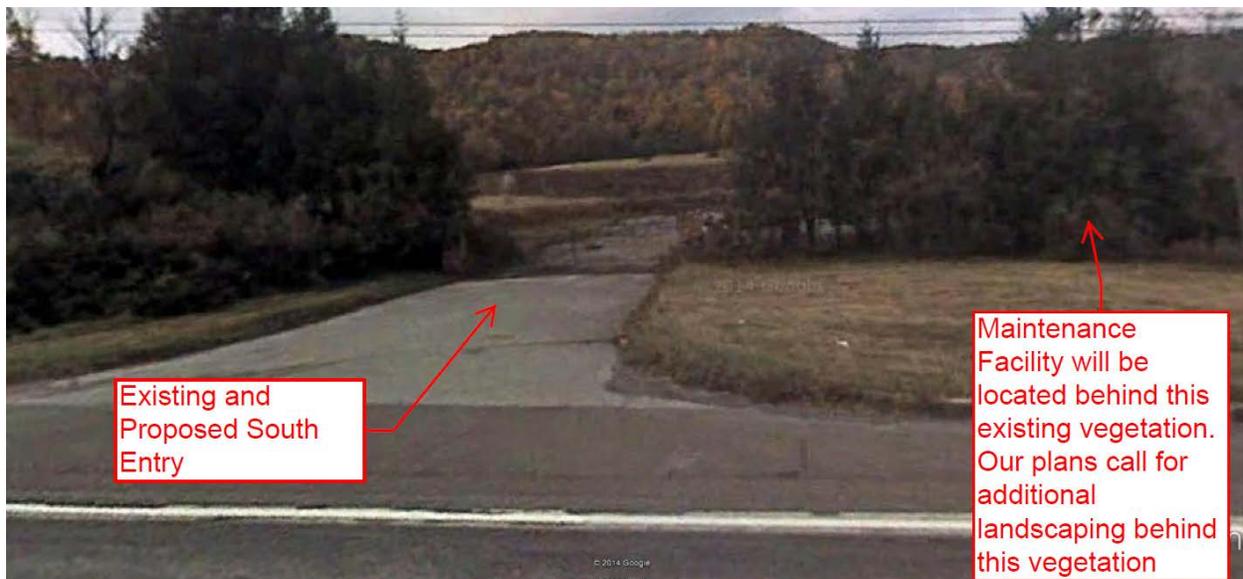
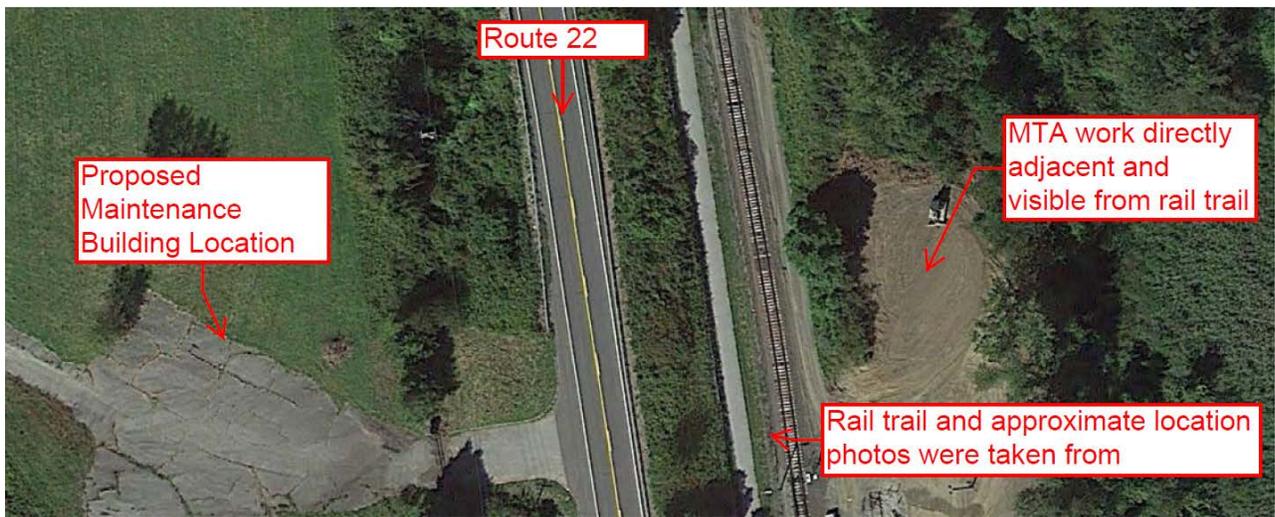
**Response:** The hedge at the hairpin curve uses a fence and the WWTP requires a fence for safety. The Planning Board can decide if the fence at the hairpin curve is something they would like kept in the plan. If allowed the proposed plan can include an aesthetically pleasing fence at the WWTP given that it also complies with safety requirements.

6- **Comment:** WWTP is barely visible from VP 7, mostly within the 100' green buffer

**Response:** The WWTP approved with the 2009 MDP was a larger footprint and had more disturbances to steep slopes and tree clearing. Impacts have been reduced from the 2009 approved plan to the current proposed plan.

7- **Comment:** Maintenance Building is in the Trail Protection Corridor and has not been analyzed visually to the same extent as the main components of the project.

**Response:** The rail trail located directly east of the maintenance building (See image for site location) is estimated to be approximately 15 feet below Route 22. The location of the proposed maintenance facility is not visible from the rail trail at this location. The photos below are taken from the rail trail looking west.



Proposed Maintenance Facility Existing Entry from Route 22. There is a 100' buffer from Route 22 to the maintenance building.



Photo taken from rail trail looking south. Location is directly east of the maintenance building location. It is noted there is MTA work taking place on the railroad tracks to the left of the chain link fence in the picture, directly adjacent to the rail trail.



Photo taken from rail trail looking west to Route 22 and the maintenance building location. It is estimated this location the picture is taken is about 16' below the crest of Route 22. It is clear from this picture you cannot see the location of the maintenance building from the rail trail.



Photo taken from rail trail looking north. Location is directly east of maintenance building location. It is noted there is MTA work taking place on the railroad tracks to the right of where the picture was taken, directly adjacent to the rail trail.