

### Section 3.14 Utilities – Wastewater

**Comment 3.14-1-PHT:** I think if this plan goes forward, it would be important to have a staging process that starts with the sewage treatment plant so that what the town has to get has to start initially. We are in an economically depressed situation with financing both nationwide and region wide. We don't know if the builder will be able to continue along the lines of what is being suggested. The developer may go bankrupt or have difficulty in finishing. Let's have the sewage treatment plant first so that at least we will have gotten something out of this. [Sharon Kroeger, November 17, 2007 Public Hearing Transcript, page 63]

**Response 3.14-1-PHT:** Phase 1 of the development includes the WWTP and other necessary infrastructure. The Town will secure a performance bond from the Applicant to ensure that the WWTP is completed according to the approved plan.

**Comment 3.14-2-PHT:** I would like to ask the developers if they would consider purchasing another property that is more feasible to the use of the Town for the waste management plant. In the past, the Allen property was considered a good site for such a facility. This property is strategically located and could serve the Town and Silo Ridge as well as the proposed Keane Stud Equestrian Community. Topographically, this property appears lower and therefore would be a better choice for the Town. [Patty O'Neil, November 17, 2007 Public Hearing Transcript, page 28]

**Response 3.14-2-PHT:** Extensive review of the site was performed in order to find a suitable location for the WWTP. Another location near West Amenia Lake Road was originally considered under the "Proposed Action" plan, but this location was rejected due to the presence of cultural resources. The site development plan was subsequently redesigned to include the location across Route 44. In addition, it was necessary to find a location within the proposed development plan that would provide the Town with easy access to the WWTP in the event that the Town takes over operation of the facility. The current location accomplishes this objective.

**Comment 3.14-3-PHT:** I am concerned with the wastewater treatment facility. I believe Dutchess County wastewater treatment does not have to take that on. If they don't, it is up to the town and the taxpayers to run the facility. It is a nice carrot for them to dangle in front of the town to get this project approved, but if DCWWA doesn't take on responsibility, is it going to be worth it to the town? We do need it; there is no question about that. I know there are properties here in Amenia that can't be sold because they can't put in new septic systems once they change hands. [Cheryl Morse, November 17, 2007 Public Hearing Transcript, pgs. 144-145]

**Response 3.14-3-PHT:** DCWWA does not have to accept ownership of the WWTP. A transportation corporation will be offered to the Town.

**Comment 3.14-4-PHT:** I understand that the SRRC Development Project has offered the Town of Amenia to utilize the waste management treatment facilities that are to be built. The Town desperately needs to move in this direction, as many of us know. My concern is the expense that the Town will incur to hook into the treatment plant. The proposed location of the plant appears to be at a high elevation, which will be an added expense to the Town. The majority of the expense is in laying the piping and tearing up our roads. With the added elevation, we would have to install several pump stations to get the sewage up to this facility. Can the PB and the developer tell us the elevation difference, say from a point on Route 22 to the area where they proposed the waste management site? [Patty O'Neil, November 17, 2007 Public Hearing Transcript, page 27]

**Response 3.14-4-PHT:** Please see Response 3.14-2-PHT. There is a 110-foot elevation difference between the WWTP and the golf club entrance from Route 22. The Applicant acknowledges that providing a sewer system in the hamlet will require a considerable cost investment by the Town. However, a WWTP is one major component of the system that the Town will not have to pay for in the current proposal, which represents a significant cost savings. Furthermore, while the WWTP is a significant benefit for the Town, the Town could choose not to accept the offer to utilize it.

**Comment 3.14-5-PHT:** My other concern about specifics is about the WWTP. I support what the first speaker said about the pumping costs. I know that the developer has 2 pumping stations as well in his WWTP, but he has less elevation than the Town would have to pump. The conveyance system would be the town's expense. The idea that the developer is taking the cost of the treatment facility, approx. \$2 Million, is great. [Dan Brown, November 17, 2007 Public Hearing Transcript, pgs. 52-53]

**Response 3.14-5-PHT:** Please see Response 3.14-4-PHT.

**Comment 3.14-6-PHT:** This is a negotiation. There is a quid pro quo. At what point will a contract be negotiated? Against whom will the contract be enforceable? That's the kind of question I have about the WWTP implications. [Michael Chamberlain, November 17, 2007 Public Hearing Transcript, page 106]

**Response 3.14-6-PHT:** A Letter of Intent was sent to the Town Board by the Applicant in March 2008. It is the Applicant's understanding, based on a May 4, 2008 meeting with the town's wastewater consultant Rich Renna, that the proposed capacity offered by the Applicant meets the initial demand anticipated by the hamlet sewer district as currently envisioned. Ongoing

discussions will evaluate if any additional capacity is available at the WWTP for anticipated future needs of the hamlet, as these needs are estimated. The next step in the process will be a Memorandum of Understanding between the applicant and the Town Board when the Town Board and the Wastewater Committee determine the Hamlet Sewer District and its needs. The applicant will continue to work with the Town Board, the Wastewater Committee and its consultants to answer any questions it has regarding the WWTP. Please also see Response m-21-41H.

**Comment 3.14-7-PHT:** In Chapter 3, under the WWTP paragraph, the plant was enclosed. The tanks were proposed to be enclosed within a structure. One of the reasons given was for odor control, and that makes sense to me. In the traditional neighborhood alternative plan, page 5-151, it states that because it is at a higher elevation, enclosing the tanks would no longer be required for aesthetic reasons. And that tag, for aesthetic reasons, is a qualifier, and it gives me cause for concern. Instead, the tanks would be located outdoors with low-profile engineered cover, but that is not the same as enclosed. It's not the rationale that was given for enclosure in the first place. I would like to have that issue explored in a little more detail and the feasibility of the enclosure of the tanks for other than aesthetic reasons be considered by the Planning Board in its review of this Draft EIS. [Dan Brown, November 17, 2007 Public Hearing Transcript, pgs. 54-56]

**Response 3.14-7-PHT:** The entire WWTP is enclosed and all processed air within the building with exception of the office area and mechanical room passes through an odor control devise.

**Comment 3.14-8-PHT:** What happens if the management fails to operate the water and wastewater treatment plants? Unlike any other development, this is a clear burden which may or may not be assumed by the homeowners' association, if that fails, or by those who buy their properties outright. More likely that the cost will be assumed by the Town's budget and the Town's occupants. [Bart Wu, November 17, 2008 Public Hearing Transcript, page 91]

**Response 3.14-8-PHT:** Per Section 3.14 of the DEIS, the plan is to initially build and operate the proposed WWTP as a privately-owned facility. Under this plan, the Town of Amenia would consent to the formation of a private Sewage Works Transportation Corporation pursuant to Article 10 of the Transportation Corporations Law. Thus, the Sewage Works Corporation would own and operate the wastewater infrastructure, and would generate operating revenue by collecting sewer fees from the residents of the development and from the commercial properties such as the golf course (clubhouse) and hotel.

However, Section 120 of the Transportation Corporations Law provides that a Town may, at the time of granting the consent to incorporation, require an option to purchase the system from the Sewage Works Corporation. Moreover, pursuant to Section 119 thereof, a Town can require the posting of a performance bond for the completion of construction of the sewage works system, and can require a reasonable guaranty that the corporation will continue to maintain and operate the system for five years. Thereafter, in the event of a default by a private sewage works corporation, a Town has the right under Section 119(4) to continue the maintenance and operation of the system at the established rates, with the cost assessed against the users, and it may levy taxes, or sewer rents for such purposes in the same manner as if such facilities were owned by the Town. A Town has such powers until such time as another corporation or agency may undertake to maintain and operate the sewer system, or until such time as it becomes a part of a sewer district system. Please also see Response m-21-41H.

**Comment 3.14-9-PHT:** I heard that the DEC had turned down the wastewater, and he said no, that's not true. [William Carroll, March 5, 2008 Public Hearing Transcript, page 18]

**Response 3.14-9-PHT:** Comment noted. The DEC is currently reviewing the system.

**Comment 3.14-10-PHT:** My comments are as a private citizen and resident of the Town of Amenia and the hamlet of Wassaic; although I am the Housatonic Valley Association Ten-Mile River Watershed Coordinator. I first of all want to compliment the Applicant for doing the most comprehensive 20-bound booklet EIS I've ever seen in the Town of Amenia. I want to compliment them for providing, or offering to provide a sewer for the Town, which I think is a really important thing and a wonderful opportunity. The wastewater aspect of the EIS is probably one of the most interesting parts of it. I think the gray water reuse is really a good idea. I do think that pumping waste uphill is asking for trouble and possible clogs. The location of the wastewater treatment plant should be reconsidered. [Tonia Shoumatoff, March 5, 2008 Public Hearing Transcript, page 20]

**Response 3.14-10-PHT:** Please see Response 3.14-2-PHT above. Wastewater pump stations provide a practical method of providing sanitary sewer service to developed areas that cannot be supported by conventional gravity systems. The pumping of sewage is an acceptable industry practice; one which is implemented on a frequent basis and has been proven effective for decades. Sewage pump stations are typically designed so that one pump or one set of pumps will handle normal peak flow conditions. Redundancy is built into the system so that in the event that any one pump is out of service, the remaining pump or pumps will handle the designed flow. The proposed

pump stations will be designed in accordance with applicable State and/or local requirements.

**Comment 3.14-11-PHT:** I grew up on my parents' dairy farm in Amenia Union. I owned my own home here in Amenia for thirty years. I've heard talk tonight about needing a sewer for five years, eleven years. It's probably been talked about for about forty years. As I look around, there's a lot of us downtown Amenia was a vibrant, busy business area. We had the DeLavernne, the Brookside, we had the department stores, grocery stores, two pharmacies, barber shops, little restaurants, car dealerships -- not tractor supply, but a tractor dealer. So we were very busy. As I heard, I think Bill said, yeah, we lost that. If you look into the Master Plan and to the new Comprehensive Plan, it all says we need a sewer. And I think with this project, the way Silo Ridge is going about, they are offering to build a sewage treatment plant that will have the capacity to accept the wastewater from a district that the Town is going to develop in the hamlet. We have a wastewater committee that meets almost every Monday night. The next meeting is Monday the 10th at 5:00 o'clock at Town Hall. They are working diligently to get this project going. If we didn't have Silo Ridge building the treatment plant, I believe the cost would be exorbitant, and I don't believe it would pass. This way, with Silo Ridge saving the residents probably over \$2 million, the people in this district will have to pay for what they call the transportation, that's the piping and the pumping of the sewage. This way, spread over the businesses and the residents, I believe it can be affordable and will bring back the Amenia that I knew. [Wayne Euvrard, March 5, 2008 Public Hearing Transcript, page41]

**Response 3.14-11-PHT:** Comment noted.

**Comment 3.14-12-PHT:** I know the Planning Board has a big decision to make. But I think if this town is ever going to get sewer, we need Silo Ridge. Otherwise, we have talked about sewer in this town since I've lived here. That's been all my life. I just hope the project to the Town itself or the people that are going to be in the sewer district, that it won't be exorbitant. Because there are a lot of senior citizens that really can't afford it. So it has to be held down a little bit if it can be done. But if you don't have Silo Ridge, you won't have a sewer project. Amenia will never see it. I don't believe it. That's my opinion. [William Carroll, March 5, 2008 Public Hearing Transcript, page 16]

**Response 3.14-12-PHT:** Comment noted.

**Comment 3.14-13-3C:** Supporters of the project, seeing the "glass half full," say that even if the project fails the town would be left with a sewer. It is my understanding that the Silo Ridge project is building a WWTP for its own use, but that it will build increased capacity so that Amenia may connect to it. The Town will then have to assume the costs of connection, the costs of all infrastructure

building, as well as the land costs. In addition, the construction and maintenance costs for at least one pump station (since the plant is so high and waste must be pumped up hill from the hamlet) will fall upon the citizens of the water district. Contrary to what some are saying, Silo Ridge is NOT about to "build Amenia a sewer". We must have at least a realistic estimate of the infrastructure cost to the Town, and the annual tax cost to the water district residents before we begin such a potentially expensive undertaking. It is only realistic to assume that if the project doesn't sell, the cost burden will become exponentially higher to the residents of the water district. [Andrew Durbridge, Letter, March 14, 2008, Comment C, page 2]

**Response 3.14-13-3C:** Comment noted. The Applicant is building a WWTP that will serve the anticipated flows from the proposed Silo Ridge development, as well as from the hamlet of Amenia, so that when Amenia eventually has a sewer system it will have a facility ready to accept the flows. The Applicant is not building, and has never stated that it will build, the Town a sewer system. The WWTP is just one integral component of the sewer system.

**Comment 3.14-14-5D:** The sewer smells fishy. The hope that the Town might use the Waste Water Treatment Plant of the Resort is just a hope, probably unrealistic. The feasibility and cost of the Town's using the WWTP of the Resort needs to be carefully studied. Is this realistic? What is the cost? Will it really work? How must this be structured and financed to protect the Town? These are complicated technical, legal, financial and political questions. The Developer is not Santa Claus, and Santa Claus does not give away sewer systems, even to Amenia. The Planning Board should not approve the Resort on the false hope that the Resort will somehow solve the sewer problems facing Amenia. [G.A. Mudge, Letter, March 19, 2008, Comment D, page 2]

**Response 3.14-14-5D:** Comment noted. Please see Responses 3.8-15-GP104 and 3.14-13-3C.

**Comment 3.14-15-8A:** I have been in Amenia for over 20 years. I listen to the words that the town will have to pay for the Sewage System if we do not allow Silo Ridge to do this project. Well, I do not believe this. I do believe that it is the Town's responsibility to uncover every avenue to help the town in any way they can with every issue. I do believe that it will NOT cost the town millions if the town was to BUY a piece of property and apply for the GRANTS that are out there for the Sewage System! Please request and obtain the facts before approving anything as massive as this project. We have a Grant Writer!!! The Facts are that this town will not benefit in the long run with this project! Thank You. [Amy Thompson, email forwarded by Lana Anguin, March 10, 2008]

**Response 3.14-15-8A:** Comment noted.

**Comment 3.14-16-14C:** That the town would realize a \$2,000,000 benefit if they connect to Silo's wastewater treatment facility. What if the data used to come up with that benefit was incorrect and that the actual cost was substantially less? What if the figure was inflated in order to influence the residents of Amenia concerning their opinion of the project? What if we don't get detail specifications and cost to build lift stations and all the connections required. [William J. Burke, Letter, November 30, 2007, Comment C, page 1]

**Response 3.14-16-14C:** The Applicant's engineer provided a cost estimate for the proposed additional work required to increase the size of the WWTP to accommodate wastewater from the hamlet area. The Applicant believes this to be a conservative estimate of savings for Amenia residents. The Applicant suggests that the Town's Wastewater Committee can request that its own consultant provide a quick estimate of two things to assess the applicants proposed benefits:

- 1) What would a WWTP cost the Hamlet residents if the Applicant were not offering the use of their facility?
- 2) What is the cost of providing the capacity for an additional 160,000 gpd to this facility?

The Applicant conservatively estimates the first cost to be \$5,000,000 and the second to be \$2,000,000, were the Hamlet of Amenia to pay for either of these on their own. Since the Applicant is proposing a project, the second was used as a conservative estimate of the benefit. It could be argued that the real benefit to the town is actually \$5,000,000. The sum total of both of those figures is the benefit to Amenia Hamlet Residents. The Applicant strongly believes the benefit conveyed is correct. It would be the Town's responsibility to determine any further costs associated with the hamlet area's conveyance system, including lift stations or connections.

**Comment 3.14-17-15D:** The sewage treatment plant alone in the Silo Ridge proposal has so many benefits to the town which would not be captured in a spread out format. [Rudolph Eschbach, Letter, January 24, 2008, Comment D, page 1]

**Response 3.14-17-15D:** Comment noted.

**Comment 3.14-18-18A:** DEIS Section 3.14 Utilities – Wastewater. In late 2006, the Silo Ridge developer (a.k.a. Higher Ground/Millbrook Ventures) presented a concept to the Town's Wastewater Committee whereby the developer would construct a wastewater treatment facility that would include expansion capacity for the future Amenia Hamlet Sewer District. The developer later enhanced that proposal in their May 29, 2007 letter to Town of Amenia Supervisor Janet Reagon by indicating that

the Silo Ridge "wastewater treatment facility could be initially constructed so as to include the expansion capacity, thereby alleviating the need for the Hamlet to recoup the wastewater treatment facility expansion costs, currently estimated to be in the range of \$2 million, through the sewer assessments to be paid by the residents of the Hamlet. The only cost that the residents would have to bear, under this scenario, would be the costs of the conveyance system itself.... We believe that this proposal offers the best opportunity to the residents of the Hamlet and at the same time allows us to realize significant cost savings during the initial construction of the facility by adding the expanded capacity to the facility right from the outset (as opposed to constructing the expansion in a later date.)"

According to Town Supervisor Reagan, the Silo Ridge developer has not rescinded their May 29, 2007 offer to build a new Silo Ridge WWTP that would include treatment capacity adequate for the projected needs of the future Hamlet sewer district. However, the aforementioned DEIS makes no reference to this additional treatment capacity being included in the WWTP's initial construction, design or projected wastewater flows. Rather, the DEIS states under section 3.14.2 (Potential Impacts) that "a new on-site wastewater collection and treatment system will be designed and constructed to accommodate flow from the proposed development." According to Table 3.14-1 that follows this statement in the DEIS, the project's total average daily flow at full build-out will be about 219,020 gallons per a day (gpd). However, this calculation does not factor in the significant daily flow that is anticipated from the future Amenia Hamlet Sewer District. If the Silo Ridge WWTP is being designed and built from the outset with sufficient treatment capacity for the future Amenia Hamlet Sewer District already included, then this additional flow should be so noted in the Projected Wastewater Flows illustrated by Table 3.14-1 and elsewhere in the DEIS as part of the total design flow for the proposed Silo Ridge WWTP. In addition, the requested discharge limit for the NYS DEC SPDES permit for this proposed Silo Ridge WWTP should not only be based upon the project's total average daily flow at full build-out (219,000 gpd), but should also factor in the average daily flow anticipated for the future Amenia Hamlet Sewer District. (We defer to the Town's engineer to furnish any specific flow data that may be projected for the Hamlet.)

Finally, on page 3.14-5 of this section on wastewater treatment, the DEIS states, "Discussions with the Town indicate that all foreseeable expansions would approximately double the capacity of the WWTP to nearly 400,000 gpd over several years. The Town would be responsible for this future expansion. The flow rate of 219,000 gpd identified above represents what is required to service only the Silo Ridge development." Again, what has been stated in the DEIS is at variance with the developer's May 2007 proposal to the Town which had included constructing treatment capacity in the proposed Silo Ridge WWTP to handle the anticipated flows from the future Amenia Hamlet Sewer District with such treatment capacity being provided at no cost to the Town or its residents.



The Silo Ridge developer should clarify whether their May 29, 2007 *offer* to the Town to build a new Silo Ridge WWTP that would include, at no cost to the Town or its residents, treatment capacity adequate for the projected needs of the future Hamlet sewer district, remains valid or not. If the offer is no longer valid, it would be appropriate for the Silo Ridge developer to communicate that immediately to the Town and to the Authority so that public funds are not further expended on preparing a map, plan and report for a future Hamlet sewer district that may not then have a viable means of wastewater treatment. Otherwise, it would be in the public interest for this DEIS to clearly state that the proposed Silo Ridge WWTP would be built from the onset with sufficient treatment capacity to handle the intended flow from the future Amenia Hamlet Sewer District and that as a result, said flow from the future Hamlet Sewer District's collection system would then likely be conveyed to the new Silo Ridge WWTP via a direct pipe connection. [Edward J. Mills Dutchess County Water and Wastewater Authority, Letter, November 16, 2007, Comment A, pages 1-2]

**Response 3.14-18-18A:** The commentor is referred to Section 5.2 of the DEIS, which discusses the Applicant's preferred alternative for development of the site. This alternative includes the Applicant building the extra capacity in the WWTP for the Town of Amenia to tie into when it develops a sewer system. The Applicant fully intends to construct the WWTP with the extra capacity needed for the Town's hamlet area (currently estimated at or below 160,000 gpd per the Town's engineering consultant.)

**Comment 3.14-19-18B:** SEQW Wastewater Concept (DEIS Appendix 9.8) - On page 14 (section 4.2.1) of this Appendix to the DEIS, it states that, "The Town of Amenia is considering construction of a community WWTP along Route 22, just east of the Silo Ridge property. However, this concept is not fully developed, has not yet received public approval or funding, and may progress on an unpredictable schedule." This statement in the DEIS is inaccurate and misleading as it presents a concept for the potential siting of a WWTP that the Town's Wastewater Committee has not seriously considered since 2005, following the defeat of a public referendum on the Town's proposed purchase of land for this and other municipal purposes. The proposed construction of a community WWTP along Route 22, just east of the Silo Ridge property, by either the Town or the Authority, is not currently a practical alternative for off-site treatment of wastewater from the Silo Ridge project, nor is it a realistic option for the immediate future. [Edward J. Mills Dutchess County Water and Wastewater Authority, Letter, November 16, 2007, Comment B]

**Response 3.14-19-18B:** Comment noted. The Applicant was aware of the Town's early discussions about the potential for a constructed wastewater treatment system east of Route 22 and the Final Scoping Document required that the Applicant discuss the possibility of a constructed wetlands system to treat wastewater. It is the Applicant's understanding that this was

determined to be an infeasible option and it was taken off the table. The statement was not intended to mislead the public, but rather to comply with the scoping requirement to touch on the issue.

**Comment 3.14-20-20E:** According to the information shared with the Town and the public, the applicant proposed that a wastewater treatment plant would be constructed which had the capacity to accept the sewage from the Amenia sewer service district. The Town Wastewater Committee has invested considerable time and funds to complete an engineering study which would allow the Town to pump sewage to the project's wastewater treatment plant. The application only proposes a plant with the capacity to handle sewage from the development. The applicant should coordinate planning with the Town of Amenia to ensure that, going forward the Town is able to plan for its needs. [Elaine LaBella, Housatonic Valley Association, Letter, March, 25, 2008, Comment E, page 2]

**Response 3.14-20-20E:** Please see Response 3.14-13-3C.

**Comment 3.14-21-20F:** HVA applauds the applicant for designing a wastewater system that would utilize treated effluent for onsite irrigation, However, we are not certain that the pond designated to accept the outflow is of sufficient size to handle the effluent from a full build-out. We ask that the applicant provide detailed information about how the wastewater treatment system would work. [Elaine LaBella, Housatonic Valley Association, Letter, March, 25, 2008, Comment F, page 2]

**Response 3.14-21-20F:** Please see Response 3.2-2-PHT.

**Comment 3.14-22-22B:** It is wonderful that Silo Ridge will build a wastewater treatment facility large enough to someday accommodate the town's needs. We need to know the eventual cost to the wastewater district. Where will the district's pumping station be built? What are the added costs to the town residents for pumping waste uphill to the treatment plant? Nothing will be "free". I am in the wastewater district and desperately want to see a wastewater treatment facility built. There are many, many questions to be answered. The current Wastewater Committee has been working for years. I hope their knowledge can be of use. [Sue Gregory, Letter, March 25, 2008, Comment B]

**Response 3.14-22-22B:** Please refer to Response 3.8-15-GP104 regarding the costs of creating a sewer district.

**Comment 3.14-23-26E:** Water Treatment Facility. It is possible that the water treatment facility could be such a support, however, it is not easy to find reference in the documents to clarify this and its potential beneficial impact on the Amenia Hamlet. Looking at Volume 9.5.1 at page 10 we see a statement of components of

construction where the water supply, treatment and storage as well as the wastewater treatment plant would be part of Phase 2. This order of priorities is not satisfactory for Amenia. There must be bonding and the wastewater system must be the priority, along with the protection of Wassaic Hamlet from any early or late stage construction runoff to the Amenia Stream. [Sharon Kroeger, Letter, March 24, 2008, Comment E, page 2]

**Response 3.14-23-26E:** The WWTP and other infrastructure will be constructed in Phase 1 of the development

**Comment 3.14-24-27E:** The Silo Ridge proposal includes a “Wastewater Master Plan” that promises “future expansion potential to take additional wastewater from the Town”. This facility is key to balancing the inevitable impacts of proposed development with the potential for enhancements that can benefit the hamlet of Amenia and the entire community. [Noela Hooper, Dutchess County Department of Planning, Letter, March 25, 2008, Comment E]

**Response 3.14-24-27E:** Comment noted. The Applicant is proposing to construct the on-site WWTP with the extra capacity for the hamlet of Amenia, currently estimated at 160,000 gpd.

**Comment 3.14-25-30D:** In the months of participating in the review of the Silo Ridge development, I have come to see the wastewater facility as less important to the long term health of the town than it seemed at first. Even if Amenia does not immediately tie into that system, over time, in a natural progression of growth, the increased town income from the taxes on the new development will make it possible for the town to build its own waste treatment facility. [Tracy Salladay, Letter, March 25, 2008, Comment D]

**Response 3.14-25-30D:** Comment noted.

**Comment 3.14-26-31K:** Page 3.14-4, Wastewater Treatment: The second paragraph refers to a Phase I cultural resources survey as being currently underway. Report the results of that survey. [Michael Soyka, Rohde, Soyka & Andrews, Letter, March 27, 2008, Comment K, page 2]

**Response 3.14-26-31K:** The findings of that report are discussed in Section 5.2 of the DEIS. No prehistoric or historic artifacts were found in shovel test pits in the proposed location of the WWTP on the north side of Route 44. Therefore, no impact to cultural resources would occur in this location and no further archaeological work is required.

**Comment 3.14-27-31L:** What is the location of the WWTP? The proposed action shows it on the south side of Route 44 while the Traditional Neighborhood

Development shows it on the north side of Route 44. That location was chosen due to the archaeological sensitivity of the site on the south side of Route 44. Will the north side of Route 44 be the location of the WWTP for the proposed action as well? [Michael Soyka, Rohde, Soyka & Andrews, Letter, March 27, 2008, Comment L, page 2]

**Response 3.14-27-31L:** The Applicant's preferred development plan is the Traditional Neighborhood Alternative, for which the WWTP is located on the north side of Route 44.

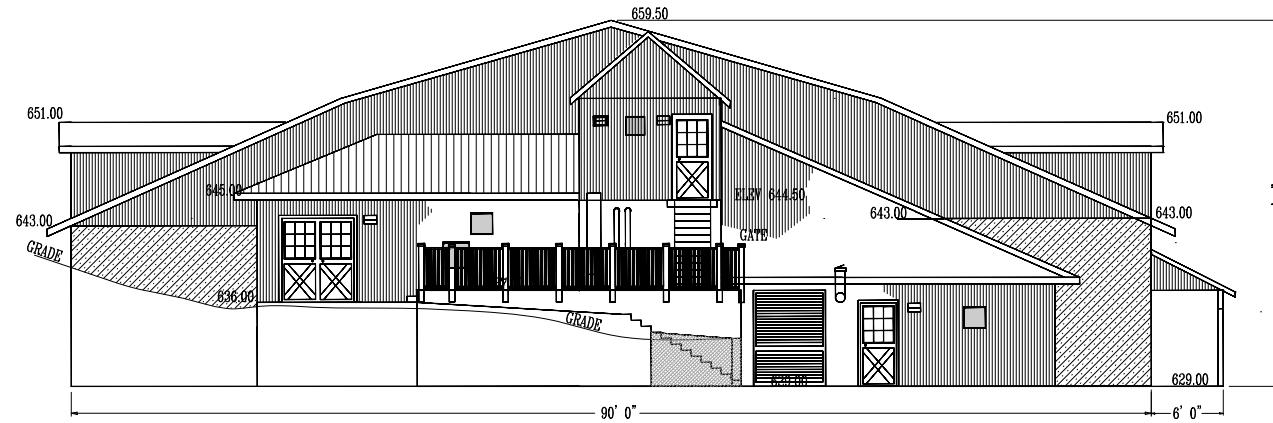
**Comment 3.14-28-31M:** Provide an elevation view of the WWTP. Indicate its height. [Michael Soyka, Rohde, Soyka & Andrews, Letter, March 27, 2008, Comment M, page 2]

**Response 3.14-28-31M:** Sheet U-3 of the April 2008 MDP plan set shows two of the four the elevations of the proposed WWTP. This sheet of the MDP will be revised to show all four elevations, as shown in Figure 3.14-1. The height of the WWTP is identified on the Figure and is approximately 31'.

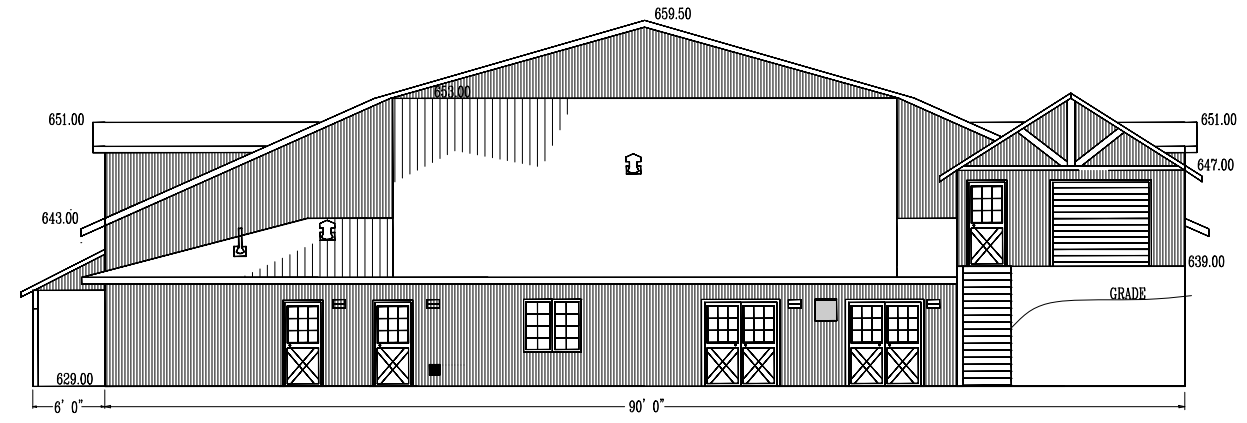
**Comment 3.14-29-32A:** Their misconception is that Silo Ridge is GIVING the town a waste treatment plant, when clearly that is not the case. Out of courtesy, if they get approval, they are considering increasing capacity for the Hamlet (Village) of Amenia to tie into the system, but that is not the same thing as being GIVEN a waste treatment plant. The town will still have the associated costs of creating a constructed infrastructure to tie into the waste treatment facility, which will cost millions of dollars. The approval of this project cannot be predicated on a waste treatment facility that the town might or might not have access to tie into. It may never be built, and the town gains nothing. It is an attractive carrot they are dangling, but there is no guarantee for the town. Imagine the anger of the residents if approval is given, the treatment facility never built, and we end up with a blighted landscape. It is happening to similar projects around the country, and it could happen here. Amenia cannot afford to make a mistake on this issue. It will have long term ramifications that could have a serious negative impact on our beautiful, quaint rural community. [Cheryl Morse, Email, March 25, 2008, Comment A, page 1]

**Response 3.14-29-32A:** Please see Response 3.14-13-3C.

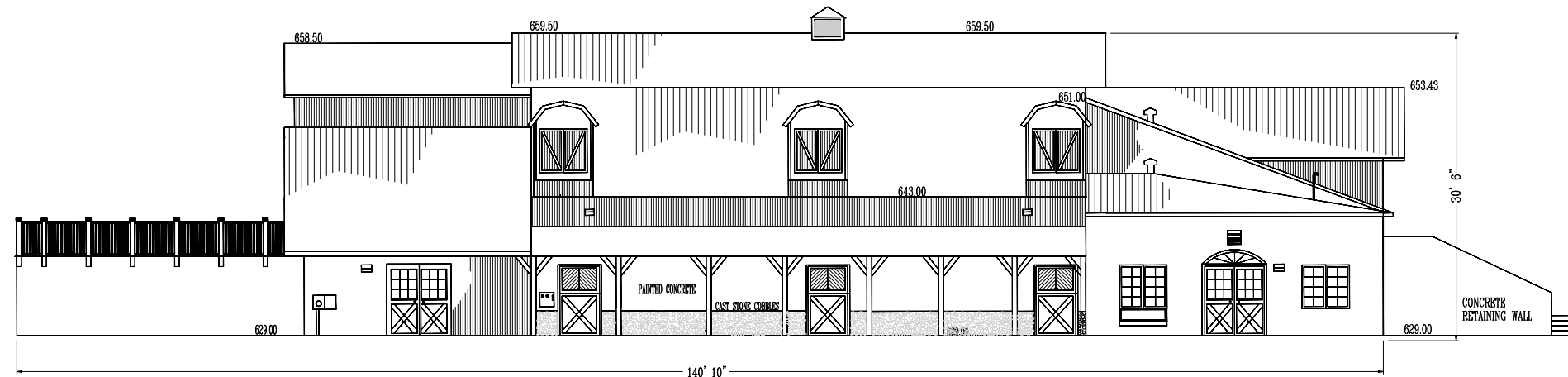
Drawing Name: S:\10400-10499\10454\00\ENG\DWG\410\_MDP\_FIG\_3.14-1\_10454-02\_WWTP Elevations.dwg Date Printed: Jul 21, 2008, 11:22am



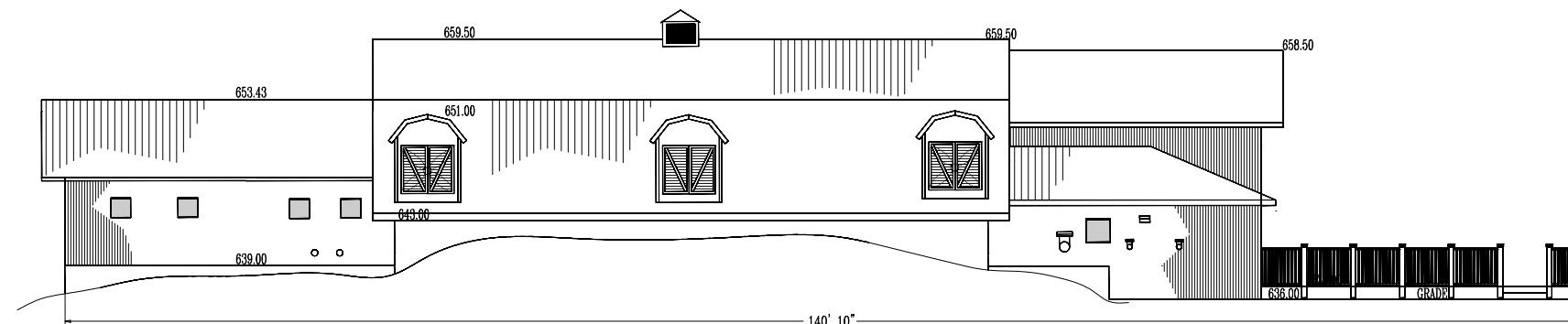
**SOUTH ELEVATION**  
SCALE 1/16" = 1FT



**NORTH ELEVATION**  
SCALE 1/16" = 1FT



**EAST ELEVATION**  
SCALE 1/16" = 1FT



**WEST ELEVATION**  
SCALE 1/16" = 1FT



THE  
*Chazen*  
COMPANIES

Silo Ridge Resort Community  
Master Development Plan  
**WASTEWATER TREATMENT PLANT ELEVATIONS**  
Town of Amenia, Dutchess County, New York

SCALE: 1/16" = 1'

**Figure**  
**3.14-1**

JOB NUMBER: 10454.02

**Comment 3.14-30-PHT:** We desperately need a sewer system. I don't see how there could be any future development in the village if we don't do something. And I don't see how new businesses can come in, because what was acceptable in the past doesn't work here now. [Cheryl Morse, March 5, 2008 Public Hearing Transcript, page 56]

**Response 3.14-30-PHT:** Comment noted.

**Comment 3.14-31-PHT:** The more we can bring in business and the smarter we do it -- and I know as you go through this there is still going to be oversight on behalf of the Town and everybody looking at this, but the waste treatment plant and everything provides an opportunity for the downtown area of Amenia to grow. Right now we can't. You know, we can't bring in real businesses. We can't really do a lot. I've been in the community about eleven years now, and we have been talking about that sewage treatment plant for the eleven years I've been here. It would be nice, and I'm in that district, so I would be personally affected by it, and I would pay for it, and that's fine. It would help move the Town forward. And if we are not moving forward, if we are standing still, I think we are actually moving backwards. So I think this is an opportunity for the community and especially for the kids, for the families to keep people here, keeping jobs here and allowing us an opportunity to grow smart as a community. [Joe Herald, March 5, 2008 Public Hearing Transcript, page 25]

**Response 3.14-31-PHT:** Comment noted.

**Comment 3.14-32-33N:** The wastewater plan pumps treated effluent uphill to a point on an intermittent stream where it is released and flows past nearby houses and at least one well as a surface stream ultimately becoming part of the irrigation system's water supply. The DEIS should address the capability of the intermittent stream's capacity of carry the peak estimated quantity of effluent during periods of heavy rainfall without overflowing its banks. During irrigation months, the wastewater will, in theory, be used for irrigation. The DEIS should assess what happens to this effluent during time periods when it is not being used for irrigation. If approval for the above plan is not approved by NYSDEC, then effluent will be diverted to Cascade Brook/Amenia Stream. The effect of this effluent on this trout stream should be addressed in the DEIS. [David Reagon, Letter, March 20, 2008, Comment N, page 9]

**Response 3.14-32-33N:** Please refer to Response 3.2-2-PHT.

**Comment 3.14-33-38C:** And, finally, while the scoping document clearly addresses the potential impacts that might be created as a result of the Sewage Treatment Plant that will be required for the project, it did not, and still does not, anticipate

the doubling of the capacity/impacts from the proposed inclusion of the Hamlet of Amenia proposed by the developer in May 2007...not coincidentally offered just as the finishing touches were being put on the draft zoning law, specifically with regard to the definition of hotel condominiums and their designation as "lodging facilities" instead of "dwelling units". How propitious for them that those changes were thus adopted! My often perversely natural cynicism aside, should such an offer have been genuine, and the hamlet of Amenia actually can afford to, or agrees to, get on board for this, when will this doubling of volume of treated human waste (solids and released water), and the geometric increase in negative impacts as a result, be examined? After the project receives its approval, or should it be included now, as part of this SEQRA review? You already know my opinion. Since the developers clearly used that proposal as a quid pro quo offer to achieve their desired goals relative to the *morphing of the hotel into a time-share condominium complex*, I believe it is incumbent upon the Planning Board to require a detailed Impact Analysis of the Sewage and Treated waste-water be conducted at the total maximum projected capacity of both the development and the hamlet, and that DEC/DOH/DOT (it crosses a major highway) approvals be based upon that potentiality *prior to even preliminary approval of the project*. [Patrick J. Nelligan, Letter, March 24, 2008, Comment C, page 3]

**Response 3.14-33-38C:** The DEIS for the project includes the capacity of the WWTP at full buildout, including the amount of capacity being offered to the Town, in its analysis of environmental impacts. The combined impact of the total flow has been evaluated by NYSDEC.

**Comment 3.14-34-21A1:** Based upon review of the DEIS, it appears that these issues [identified in the October 10, 2007 NYSDEC Comment Letter] were not addressed. The Final EIS (FEIS) would be the appropriate document to address these issues. By copy we are advising the Town Planning Board of our position that the FEIS should address these items. [The identified issues of concern include: In general, DEC staff view the discharge of treated sanitary wastewater to an impoundment as an unfavorable practice. Current proposed plans indicate that the WWTP outfall will be located in the central portion of the site, adjacent to the units identified as "Block D". The discharge flow path would be to an unnamed, intermittent stream that flows into the existing ponds identified as Pond "J-2", Pond "J-1", Pond "Z", Pond "K", Stream "L" and ultimately into state regulated freshwater wetland AM-15 (Class II). Based upon discussions during the September 25, 2007 meeting, this location was selected because of its ability to supply ponds with water for subsequent golf course irrigation purposes. Alternative outfall locations, including Cascade/Amenia Brook, a trout spawning waterbody, have not been evaluated. The potential impacts from a more direct discharge from the WWTP to this stream must be compared to the current proposed discharge location. DEC requests a more detailed flow analysis of the proposed outfall locations as well as an alternative discharge to Cascade Brook to be conducted. This analysis should

include, but is not limited to, a Waste Assimilative Capacity Analysis (WAC) and application of Intermittent Stream Effluent Limits (ISELs). Details of the anticipated volume of water to be used for irrigation purposes should be included. Please also note that the inclusion of flows from the Hamlet of Amenia to the proposed WWTP will require the formation of a Sewage Works Corporation. Analysis of utilizing reduced discharges to both alternative receiving streams and seasonal discharges should also be done. Please also be aware that the use of treated sanitary wastewater for irrigation will be considered as an outfall subject to additional special conditions, including meeting county health standards.] [NYSDEC, Letter, January 14, 2008, Comment A1]

**Response 3.14-34-21A1:** Please refer to Response 3.2-2-PHT.

**Comment 3.14-35-41P:** Won't the Town ultimately be liable for the costs of both plants if the Sponsor, or its assignee, is unable, or unwilling or fails at any time construct, operate, manage or maintain either [WWTP or water] plant? [Bart Wu, Letter, March 25, 2008, Comment P, page 4]

**Response 3.14-35-41P:** Please refer to Response 3.17-66-41O and Response 3.14-23-26E.

**Comment 3.14-36-41Q:** If the Town is heavily relying upon the Sponsor's undertaking to construct these [WWTP or water] plants, shouldn't the approval for the subsequent phases of the Project be contingent upon the successful completion of each [WWTP or water] plant within the projected budget, at the projected cost to each property owner and within the assumed time frame? [Bart Wu, Letter, March 25, 2008, Comment Q, page 4]

**Response 3.14-36-41Q:** Please refer to Response 3.14-1-PHT.

**Comment 3.14-37-41R:** What if the Sponsor fails to get the necessary governmental approvals, and cannot build or operate either [WWTP or water] plant, should it be allowed to continue its plan with the entire Project without its obligation to construct each plant? [Bart Wu, Letter, March 25, 2008, Comment R, page 4]

**Response 3.14-37-41R:** Please see Response m-21-41H.

**Comment 3.14-38-41S:** On the information and belief, the WWTP will be uphill from a large portion of the hamlet. Who is responsible for the construction, connection to, operation, management, and maintain of the pumping and piping portion of the WWTP? What are the projected costs to construct, connect to, operate, manage and maintain this portion of the WWTP on a property owner basis and as a whole for the Town? [Bart Wu, Letter, March 25, 2008, Comment S, page 4]



**Response 3.14-38-41S:** Please refer to Response 3.14-4-PHT.

**Comment 3.14-39-41AA:** What would be the economic impact on the Town if there were substantial depletion of the water supply to residences and businesses within the hamlet as a result of miscalculations of the water supply or an underestimation of the water usage of the Project? [Bart Wu, Letter, March 25, 2008, Comment AA, page 6]

**Response 3.14-39-41AA:** As demonstrated by the extensive pumping tests conducted on the Silo Ridge site and by the intentional design of the Silo Ridge water supply as a pre-use of existing irrigation water demand, no off-site impacts to aquifers will occur as a result of the Silo Ridge wells, and the overall regional water budget will be only minimally altered.

**Comment 3.14-40-41BB:** Wouldn't it be more prudent for the Board to approve the hotel and WWTP to determine if there are adequate water supplies for both the Project's first phase and the hamlet and allow the Sponsor to renew its application for the housing blocks and subsequent phases as experience determines? Alternatively, wouldn't approving the Reduced Scale Alternative (as such terms are used in the DEIS) provide greater assurance of adequate water supplies for the hamlet and the rest of the Town? [Bart Wu, Letter, March 25, 2008, Comment BB, page 6]

**Response 3.14-40-41BB:** Not necessary. Please refer to Response 3.13-22-41W.

**Comment 3.14-41-41VV:** As previously stated, what is the capex [capital expenditures] cost to the Town to obtain and install the wastewater "conveyance" system? [Bart Wu, Letter, March 25, 2008, Comment VV, page 10]

**Response 3.14-41-41VV:** Please refer to Response 3.14-4-PHT.

**Comment 3.14-42-5M:** It is either impractical or uneconomic to use the WWTP of the Resort to treat Town sewage. [G.A. Mudge, Letter, March 19, 2008, Comment M, page 4]

**Response 3.14-42-5M:** Comment noted.

**Comment 3.14-43-45A-M:** The commentor submitted a letter on behalf of the Town Wastewater Committee that asks several questions about the offering of the project WWTP to the Town, the operation of the plant, and the establishment and administration of the sewer district. [Darlene Riemer, Chair, Town Wastewater Committee, Letter, January 31, 2008]

**Response 3.14-43-45A:** The inquiries raised in this letter relating to the administration and operation of the proposed Wastewater Treatment Plant are beyond the scope of SEQRA. To the extent that this letter raises issues relating to environmental impacts of the proposed Wastewater Treatment Plant, please see Section 3.14 of the DEIS and FEIS. The proposal to utilize the Applicant's WWTP contribution to satisfy the workforce housing requirement is addressed in Appendix E of the FEIS. The administration and operation of the proposed WWTP will be addressed as part of the special permit or site plan approval of the proposed Silo Ridge Resort Community.

The WWTP will be located in the northeast corner of the project site on the north side of NYS Route 44 adjacent to the CHGE right-of-way.

This page intentionally left blank