

### Section 3.6 Visual Resources

Several public comments were received regarding visual resources. In order to better address the comments, they were organized into one of eight categories. The categories are:

- General Visual Comments
- View *from* DeLavergne Hill
- View *of* DeLavergne Hill
- View/Location of Winery
- Architectural Style
- Visual Renderings
- Lighting
- General Comments Regarding Visual Resources

#### *3.6.0 General Visual Comments*

**Comment 3.6.0-1-ESC1:** For the several reasons described herein, it is my opinion that materials published in the DEIS do not adequately disclose impacts of the proposed action on visual resources, and the Lead Agency should require additional information so that it may understand the project's impacts on the area's visual resources. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #1, page 1]

**Response 3.6.0-1-ESC1:** The visual impact analysis of the project was completed in accordance with the SEQRA scoping document and the instruction of the Planning Board. The Applicant has presented visual simulations, architectural renderings, and other resource materials to illustrate the project's potential impacts. In response to the Planning Board's request, the Applicant has prepared a series of additional photosimulations (please see Appendix G).

For each viewpoint a minimum of three panoramic images are presented. First is the "Existing Conditions" image taken in "leaf off" conditions in late winter/early spring season. Next is the "unmitigated" panoramic image. The Planning Board required inclusion of an "unmitigated" view, showing the buildings as white, with no screening, for a worst case scenario. It is acknowledged that the Applicant is not proposing to construct the "unmitigated" project. Next is the "Mitigated" panoramic image, which represents the views after construction, as proposed by the Applicant, using earth toned colors, natural roof colors, and incorporating vegetation and other natural screening. These photosimulations have been prepared based on the April 2008 MDP and incorporate building details from the architectural

elements presented therein, as well as site grading activities. The Applicant has also prepared a viewshed analysis depicting the project site and the visibility of the site (see Appendix G). This has been supplemented with key plans that identify all of the buildings visible from each of the eight evaluated viewpoints. These are included in Appendix G. Annotated photosimulations that depict the visibility of buildings requiring a waiver from the RDO height limitation of 35 feet have also been provided. These are located in Section 1.0 of this FEIS.

**Comment 3.6.0-2-ESC2:** The Applicant and the consulting team should have reviewed two documents before preparing the Visual Resource chapter...the Final Scoping Document...and Assessing and Mitigating Visual Impacts...which outlines some basic minimums for materials that should appear when assessing impacts on visual resources in New York State. In addition to the instruction found in these two documents, the EIS should also be consistent with the state of the practice and reflect industry Best Practices, especially as they regard visual simulation. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #2, page 2]

**Response 3.6.0-2-ESC2:** The Applicant and its consultants are familiar with the referenced documents. The Scoping Document is the controlling document with respect to the breadth and detail for preparing the technical studies contained in the DEIS. The NYSDEC Policy is also a valuable reference and guide. The Planning Board has taken the NYSDEC Policy Document into account in requesting and obtaining additional visual simulations that were not initially provided in the DEIS, and in conducting additional visual analysis of the project.

**Comment 3.6.0-3-ESC3:** While the EIS includes most of the information required by the Scoping Document, the EIS omits basic procedures called for in the Visual Policy Document. To ensure that the action does not impact visual resources of statewide significance, the Visual Policy Document instructs applicants to perform the following omitted steps: first the Applicant needs to perform a visibility analysis (also known as viewshed mapping) that shows the areas within a five mile radius of the proposed action that have theoretical visibility to the proposed action... [Environmental Simulation Center, Letter dated April 28, 2008, Comment #3, page 2]

**Response 3.6.0-3-ESC3:** Please refer to Response 3.6.0-1-ESC1. Also see Section 1 of Appendix G which contains viewshed mapping (“Visibility Analysis Depicting the Potential Visibility of the Silo Ridge Resort”).

**Comment 3.6.0-4-ESC4:** After this is done, the Applicant must inventory and map visual resources of statewide significance on top of the viewshed map to shown what

the visual resources of statewide significance have theoretical visibility to the proposed action. [The comment then lists those potential types of resources]. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #4, page 2]

**Response 3.6.0-4-ESC4:** Please refer to Response 3.6.0-1-ESC1. Also see Section 1 of Appendix G which contains viewshed mapping (“Visibility Analysis Depicting the Potential Visibility of the Silo Ridge Resort”).

**Comment 3.6.0-5-ESC5:** The Lead Agency can always add to this list by identifying viewpoints of local concern, which the Town has done, but having a list of viewpoints of local concern does not obviate the applicant’s responsibility under the State’s Visual Policy Document. This is a basic omission which needs to be corrected to ensure all visual resources have been identified and evaluated. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #5, page 3]

**Response 3.6.0-5-ESC5:** Please refer to Response 3.6.0-1-ESC1 and Response 3.6.0-2-ESC2.

**Comment 3.6.0-6-ESC6:** The resources that have theoretical visibility need to be field tested to see if they have actual visibility. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #6, page 2]

**Response 3.6.0-6-ESC6:** Please refer to Response 3.6.0-1-ESC1 and Response 3.6.0-2-ESC2. Also see Section 1 of Appendix G which contains viewshed mapping (“Visibility Analysis Depicting the Potential Visibility of the Silo Ridge Resort”).

**Comment 3.6.0-7-GP85a:** In reviewing the visual assessment provided by the applicant, we have used the NYS DEC "Assessing and Mitigating Visual Impacts" technical memorandum as a guide. In this document, the DEC defines aesthetic impact as "occurring when there is a detrimental effect on the perceived beauty of a place or structure". For this project, the place of concern is the view of the Harlem Valley as experienced from DeLavernne Hill. The importance of this public view is well documented in the Town's Comprehensive Plan and Zoning (please also see items 29, 44 and 52 in this Memorandum). This visual resource is also recognized by Dutchess County as one of the eighteen "scenic vantage points along US and State roadways in the county identified in the *Dutchess County Natural Resource Inventory*. [Greenplan, Inc., Letter, April 6, 2008, Comment #85a, pages 14-15]

**Response 3.6.0-7-GP85a:** Comment noted. This was acknowledged in the DEIS and the SEQRA scoping document and hence the reason for selecting the photo locations that were assessed.

**Comment 3.6.0-8-GP85b:** In its role as Lead Agency in the SEQR review of this application it is the Planning Board's responsibility to determine whether the project will cause a diminishment of the public enjoyment and appreciation of the Harlem Valley view or if the project impairs the character or quality of the view. From the information provided in the DEIS, it is our opinion that this project will create a significant aesthetic impact. As proposed, the project will alter both the near and distant views of the Harlem Valley from DeLavergne Hill by introducing buildings spread across the entire site. While the golf course may remain a central focal point, the buildings surrounding the course, particularly those proposed south and east of the hotel area, will serve to draw your eyes to the latest intrusion on the landscape and will "box in" your view thereby disrupting the sweeping views of the Valley. It is important to recognize that it is not the entire development which creates the diminishment of the view. In the following items, we attempt to describe, by project phase, the areas of greatest concern along with some other technical issues which need to be addressed. [Greenplan, Inc., Letter, April 6, 2008, Comment #85b, page 15]

**Response 3.6.0-8-GP85b:** It is important to note that the project as originally conceived has been shaped by the Planning Board, the public, and the Town's technical consultants. It is the Applicant's opinion that by virtue of pursuing the Traditional Neighborhood Alternative as the preferred alternative, the project has improved and reduced the impacts to the environment. The location of winery has shifted, and building materials and colors will be employed to blend the structures into the landscape. Landscaping will be employed in instances where this will benefit the screening of structures without impeding public views of the landscape. Eighty percent of the site will remain protected as open space by a conservation easement, including approximately 320 acres as natural woodland and wetland and 43 acres as fields, meadows and re-vegetated land. Please refer to Appendix G which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP.

**Comment 3.6.0-9-GP86:** As acknowledged by the applicant, portions of the preferred alternative are visible from nearly all of the viewpoints selected. However, the DEIS does not describe how this impacts the area as a whole. We suggest the applicant prepare a site plan map showing which portions of the project area visible from the various viewpoints to provide an overall visual summary. [Greenplan, Inc., Letter, April 6, 2008, Comment #86, page 15]

**Response 3.6.0-9-GP86:** Please refer to Response 3.6.0-1-ESC1. The Applicant prepared the requested maps, which are provided in Appendix G. The key plans show all of the buildings that are visible from each of the eight viewpoints, unmitigated and mitigated, that were chosen by the Planning Board to be evaluated.

**Comment 3.6.0-10-GP87a:** The most critical viewpoints of concern regarding the views of the Harlem Valley occur along Route 44 and are referenced in the DEIS as Viewpoints 1, 2 and 3. In Phase 1, a number of elements are introduced into the viewshed. These include portions of the hotel from Viewpoints 1 and 2, portions of the Block "D" townhomes from Viewpoint 2 and portions of the Block "B" townhomes/condos. The large scale of the project can be noted in the simulation of Viewpoint 1 (Left) where you can compare the size of the buildings to a height of the person who appears to be standing midway between the location of the photographer and Route 44 as you exit the hairpin turn. [Greenplan, Inc., Letter, April 6, 2008, Comment #87a, page 15]

**Response 3.6.0-10-GP87a:** Comment noted. Please refer to Appendix G which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP.

**Comment 3.6.0-11-GP87b:** The winery will be clearly visible to people traveling from the west into the hairpin turn and it will certainly draw the eye of the viewer away from the sweeping view of the Valley out towards Depot Hill to the winery complex presented in the immediate landscape. The Planning Board and the public have expressed some serious concerns about building located in the hairpin turn and relocation of the winery facility and all other buildings from this visually sensitive area should be seriously considered. This visually sensitive area was defined by the applicant in a map dated January 25, 2007 in a Figure titled CM-1 prepared by The Chazen Companies. This map was distributed during a site visit by the Town's consultants. During the review of the preliminary MDP, we had asked for this map to be included. We note the area defined as "Visually sensitive area as seen from Route 44" places the winery building within the visually sensitive area. We note the Figure included in the submission of the MDP referenced as SP13 has shifted the "visually sensitive area" from its original position on the January 25, 2007 map. This shift, which moves the triangularly defined area beginning from the driveway on the west side of Route 44 opposite the entrance to the winery to approximately 150 feet to the south, removes the winery building from this "visually sensitive area". We assume this is a mistake which needs to be corrected on SP13 in the MDP. Important to note is that the Clubhouse, Village Green and Spa areas are not seen from these viewpoints. [Greenplan, Inc., Letter, April 6, 2008, Comment #87b, pages 15-16]

**Response 3.6.0-11-GP87b:** The winery restaurant has been shifted a total of approximately 145' to the north from the location depicted in the DEIS documents. It is the Applicant's opinion that the visual simulations of the winery including the video and Appendix G indicate that the view to the east from the hairpin curve is not obscured. The winery building is in the view, but does not block the view. Selection of building colors and placement of vegetation serves to reduce the overall visual impact of the project. An Artisan's Park Overlook is also proposed so people can enjoy the vista from a

safe location off the road. The Applicant evaluated the relocation of the winery to the Miller property. It is the Applicant's opinion that the winery building does not fit comfortably in the Miller Property, as described in Section 1.0 of this FEIS and Responses 1.1-1-GP8 and 3.6.3-1-PHT.

Recognizing that there are additional visually sensitive areas associated with the proposed project, as reflected by the SPO in zoning, the Planning Board has requested the visually sensitive area cone be removed from Sheet ENV-1. The viewpoints map found on Page 15 of Appendix G "Visual Assessments and Simulations" identifies ~~provides~~ the viewpoints selected by the Planning Board and the corresponding panoramic area assessed in the analysis.

**Comment 3.6.0-12-GP87c:** In Phase 2, buildings proposed along the south eastern portion of the site become prominent on the landscape from Viewpoints 1 and 2. These include significant portions of Block "E", "F" and "G". Block "H" single-family homes are visible in the distant view. In this phase, the single-family homes in Blocks "K", "J", "I" and "L" are not visible from these critical viewpoints. [Greenplan, Inc., Letter, April 6, 2008, Comment #87c, page 16]

**Response 3.6.0-12-GP87c:** Comment noted. The Applicant acknowledges that homes in Blocks E, F, and G are visible, but in the Applicant's opinion they are not necessarily prominent in the unmitigated version of the revised visual simulations. The Applicant believes they are adequately mitigated with the use of natural colors and landscaping features.

Based on the cross-section found in Appendix G, proposed landscaping will screen Blocks E, F, and G. The Block G location referred to in the comment above has been relocated per the April 3<sup>rd</sup>, 2008 MDP to the base of the western hill, moving these four homes out of the central view.

**Comment 3.6.0-13-GP88:** One of our concerns with the layout of the project is the applicant's acknowledgement that (page 5-15) "the development is laid out to maximize views of the golf course from as many homes as possible" because it is a golf course community. While we understand the goals of the applicant, the Planning Board is charged with balancing the social, economic and environmental factors of this project as they relate the stated purpose of the RDO described at the beginning of this memorandum. The views of the Harlem Valley contribute significantly to all of the factors which are to be considered and we believe mitigation is necessary to reduce this impact. [Greenplan, Inc., Letter, April 6, 2008, Comment #88, page 16]

**Response 3.6.0-13-GP88:** From the time the DEIS was accepted as adequate for public review on October 4<sup>th</sup>, 2007 until the time the MDP was submitted April 3<sup>rd</sup>, 2008, the Applicant and its architects and engineers evaluated the

plan and made modifications that reduced impacts. These modifications were made in part in response to the Planning Board's consultants and public comments. These reductions are identified in Appendix M (see Section 3, page 5).

During this process the current topography and landscaping features along with visual and environmental constraints were again taken into account. Consideration of visual impacts of the project was of prime concern when locating and designing structures. The Traditional Neighborhood Alternative plan was presented to Greenplan in April 2007. Further, the Traditional Neighborhood Alternative was the design goal sought by the Town during preliminary reviews of the project as the preferred alternative. This alternative reduces the visual impacts compared to the original proposed plan.

**Comment 3.6.0-14-GP89:** The applicant has provided a few photo simulations of the preferred alternative which includes landscaping as a mitigation measure. There are three views shown and there is no rationale provided as to why these only three locations. For example, only viewpoint 3 (left) is shown with the landscaping however a review of the right view reveals a greater visual impact from that location. Further, any landscaping provided in the hairpin turn will also impact the view. This needs to be addressed in the FEIS. [Greenplan, Inc., Letter, April 6, 2008, Comment #89, page 16]

**Response 3.6.0-14-GP89:** See Response 3.6.0-1-ESC1. The revised visual simulations for all eight viewpoints contain landscaping as a proposed mitigation measure. The cross-sections and narratives illustrate and explain why the proposed landscape mitigation will not obstruct the view. Due to the slope of the topography, the viewer is at a higher point from the viewpoint and the topography slopes downward. The landscaping will not obscure the view at this location, but it will screen the buildings that are at lower elevations. Please see Appendix G for a cross-section to illustrate this point.

**Comment 3.6.0-15-GP90:** The simulation of Viewpoint 2 shows evergreens will be used to shield the buildings from the view. Viewpoint 2 is the view of the Harlem Valley from DeLavernne Hill and is a signature viewshed in Dutchess County. We do not believe blocking the entire view with evergreens is appropriate mitigation in this circumstance. [Greenplan, Inc., Letter, April 6, 2008, Comment #90, pages 16-17]

**Response 3.6.0-15-GP90:** The proposed mitigation is a combination of deciduous and evergreens. Due to the nature of the sloping topography and as evidenced by the revised visuals, the proposed landscaping mitigation will block the views of the Valley. Please refer to Appendix G which depicts Visual

Assessment based on the April 3<sup>rd</sup>, 2008 MDP. This Appendix includes cross-sections depicting the location of the proposed extension of the wooded knoll without blocking the view to the distant hills.

**Comment 3.6.0-16-GP91:** The architectural examples offered in the *Statement of Design Principles and Architectural Character* do not provide any examples of architecture in Amenia. If the project is to respect existing community character, an examination of local architecture would seem much more appropriate as part of the analysis to reduce the visual impacts. [Greenplan, Inc., Letter, April 6, 2008, Comment #91, page 17]

**Response 3.6.0-16-GP91:** Robert A.M, Stern Architects (RAMSA) reviewed and took pictures of Amenia architecture as well as regional architecture. They provided the Applicant with precedent boards that included Amenia architecture. The "Architectural and Landscape Character" booklet submitted as part of the MDP is reflective of local and regional architecture styles.

**Comment 3.6.0-17-GP92:** Other mitigation strategies to be considered per the DEC "Assessing and Mitigating Visual Impacts" document include relocation, camouflage/disguise, low profile, downsizing and non-specular materials. We believe the applicant should include an analysis of these additional strategies to further reduce the impact from DeLavergne Hill. For example, what would the visual impact be if the profile of the Block D single-family homes were lowered? What would the impact of a four story hotel be or if the hotel were relocated to the flat area of the proposed Village Green? Further, it appears as if the Planning Board contemplated these considerations by including the "Reduced Scale Alternative" which was to "reduce development on steep slopes and reduces or eliminates visual impacts from DeLavergne Hill". [Emphasis added] We note for the Planning Board there is no analysis of visual impacts of this alternative included in the DEIS. [Greenplan, Inc., Letter, April 6, 2008, Comment #92, page 17]

**Response 3.6.0-17-GP92:** Please see Response 3.6.0-1-ESC1. From the time the DEIS was accepted as adequate for public review on October 4<sup>th</sup>, 2007 until the time the MDP was submitted on April 3, 2008, the Applicant and its architects and engineers evaluated the plan and made modifications that reduced impacts. These modifications were made in response to the Planning Board, town Consultants and Public Comments received during the DEIS public comment period. These reductions are quantified on page 5 of Section 3 (see Appendix M):

- In the mitigated photo simulations the Block D golf villas are not visible.



- The April 3, 2008 MDP hotel is four stories from the front (north).
- Relocating the hotel to the village green would remove a valuable design and publicly enjoyable asset, the village green, and is not in keeping with the applicant's project goals for the resort or RAMSA's design to incorporate green space within all components of the project. RAMSA built two scale models of the project and took into account existing topography and environmental features and constraints, the view from DeLavergne being one of them, during the Master Plan design process. Extending the wooded knoll is one of the mitigation measures proposed for the hotel in its current configuration.
- Low profile elements are incorporated into block F, G.
- Below grade parking has been utilized to reduce visible garage structures.
- Subdued tones are proposed for roof and façade.
- Natural materials are proposed.
- The April 3, 2008 MDP includes relocation of certain buildings to reduce the visual as well as environmental impacts. These impact reductions are quantified on page 5 of Section 3 (see Appendix M) and the Executive Summary.
- The April 3, 2008 MDP reduced density by 21 units from the DEIS density.

It is important to note that the project as originally conceived has been shaped by the Planning Board, the public and the Town's technical consultants. By virtue of pursuing the Traditional Neighborhood Alternative as the preferred alternative, it is the Applicant's opinion that the project has improved and reduced the impacts to the environment compared to the original plan. The location of winery has shifted, and building materials and colors will be employed to blend the structures into the landscape. Landscaping will be employed in instances where this will benefit the screening of structures without impeding public views of the landscape. The Applicant did discuss the preparation of visual simulations for the Reduced Scale Alternative and was instructed by the Town and its consultants that it was not required. The Applicant feels strongly that the project as presented minimizes impacts to the landscape and mitigates any adverse impacts to the extent practicable. Please refer to Appendix G, which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP.

**Comment 3.6.0-18-GP93:** The discussion of how the preferred alternative reduces visual impact as compared to the proposed action is not relevant. You cannot compare the project desired by the applicant to a project not desired by the applicant or the Town. The relevant comparison is between the preferred alternative and the existing conditions. [Greenplan, Inc., Letter, April 6, 2008, Comment #93, page 17]

**Response 3.6.0-18-GP93:** Consideration of alternatives is a requirement of SEQRA. Section 5.2 of the DEIS includes an extensive comparison of the preferred alternative with existing conditions.

**Comment 3.6.0-19-GP94:** Figure 5.5 shows the various viewpoints from which the proposed action and the preferred alternative have been evaluated. We believe the red "V" symbol next to the viewpoint number and location indicates the direction in which the photo was taken. The photos however for viewpoints 5 and 6 appear to be taken in a slightly different direction. For example, the direction the "V" for viewpoint 5 points leads one to believe the photos would be showing the preferred alternative in the direction of balloons 6, 7 and 8. The photos show the preferred alternative in the area of balloons 13 and 14. For viewpoint 6, it looks like the area near balloons 4, 5 and 6 were to be evaluated but the photo shows balloons 12 and 13. The Planning Board should consider whether the photos evaluated the appropriate area of concern for those particular viewpoints. The applicant should clarify the direction of the "V"s on the Figure 5.5. [Greenplan, Inc., Letter, April 6, 2008, Comment #94, page 17]

**Response 3.6.0-19-GP94:** The 'V' symbol is meant as an aid to the viewer. It was not the intent to depict the field of view from the viewpoint through the use of the symbol. The photos themselves depict what is visible from the designated viewpoint. Please also refer to Response 3.6.0-1-ESC1.

**Comment 3.6.0-20-GP95:** In the Traditional Neighborhood Alternative Simulation for viewpoint 1 (left), there is an area between the label for balloon 8 and Block F Townhouses which contains some of the preferred alternative, but that area is not labeled. Also, the Block H Towns/Condos is not labeled on Site plan sheet SP2-B. [Greenplan, Inc., Letter, April 6, 2008, Comment #95, page 17]

**Response 3.6.0-20-GP95:** The labels placed on the photos were for purposes of orientation and not meant to include every building cluster and type due to limitations of space and readability.

**Comment 3.6.0-21-GP96:** For viewpoint 7 (left), there are buildings seen in the background which are not labeled. These appear to be single-family residences in blocks J and I. They are clearly visible and we question why they are not labeled on

the photo or described in the text. [Greenplan, Inc., Letter, April 6, 2008, Comment #96, pages 17-18]

**Response 3.6.0-21-GP96:** Please see Response 3.6.0-20-GP95.

**Comment 3.6.0-22-GP97:** Was Phase 2 of the hotel for the preferred alternative evaluated in the visual assessment? We believe a portion of phase 2 hotel will likely been seen from viewpoint 7 and possible others. [Greenplan, Inc., Letter, April 6, 2008, Comment #97, page 18]

**Response 3.6.0-22-GP97:** The entire hotel was evaluated in the simulations. The hotel is partially screened from view by existing vegetation from Viewpoint 7. It should be noted that the hotel is now proposed to be constructed in one phase.

**Comment 3.6.0-23-GP98:** We have seen the wood frame structure which represents the winery building along Route 44 at the top of the hill. Does the height of this structure represent the height of the building at its proposed finished grade? [Greenplan, Inc., Letter, April 6, 2008, Comment #98, page 18]

**Response 3.6.0-23-GP98:** The frame was placed at the request of the planning board for approximate location and height. The Applicant has revised the location of the winery restaurant, moving the location a total of 145' to the north of where the frame was placed. The applicant has since staked out the proposed winery location and given a site plan to the Planning Board showing the shift. The Applicant has provided a video simulation which provides the viewer with multiple views of the winery. The simulations include details from the actual building design.

**Comment 3.6.0-24-GP99:** What is the height of the retaining wall associated with the winery building? [Greenplan, Inc., Letter, April 6, 2008, Comment #99, page 18]

**Response 3.6.0-24-GP99:** Two 7-foot retaining walls are proposed at the winery that will be separated horizontally with one stepped back from the other. They may appear as one wall depending on the viewer's location but there will actually be two separate walls. Details about wall design are provided in the April 2008 MDP included in this FEIS as Appendix M. The retaining walls are depicted in the winery photosimulations and the video. Landscaping will placed both above and below the stone retaining walls to reduce visual impacts. The retaining walls will be made of natural materials and colors.

**Comment 3.6.0-25-41CCC:** As a result of leveling the ground for parking, won't the famous views southward from Route 44 be completely obstructed by the ground

buildup, parked vehicles, railings, shrubbery and lighting? As a result of the partially exposed water tank, won't the view also be partially blocked? [Bart Wu, Letter, March 25, 2008, Comment CCC, page 11]

**Response 3.6.0-25-41CCC:** Please refer to Response 3.6.0-1-ESC1. The views to the south from Route 44 will not be obstructed. The winery building, including all parking, railings, shrubbery and lighting, has been moved 145' north from the location as depicted in the DEIS. The winery is in the view looking east, but does not block the view. It is the Applicant's opinion that the visual simulations prepared by the Applicant show that the building will not interfere with views from the hill. The water storage tank is proposed to be buried and below ground except for needed maintenance access, which has been designed to be located within a retaining wall as part of the winery restaurant landscaping features, so it will not impact views from DeLavergne Hill. The intent is to have this access very discreet and screened. The area within the hairpin turn will provide a public overlook that will allow clear and unobstructed views across the valley from a safe location off of the road.

### *3.6.1 View from DeLavergne Hill:*

**Comment 3.6.1-1-PHT:** Many comments were received during the public hearings regarding the view from DeLavergne Hill. The comments indicated that the view from DeLavergne Hill is one of the most important assets the town has, and it is what drew many people to the area. Many commentators related their personal stories of how they venture to the Hill to paint, watch thunderstorms, or simply relax. Several people also discussed press coverage of the view from DeLavergne Hill and what it means to the community. The majority of these commentators are concerned that the view will be permanently and significantly altered so that future generations will no longer be able to enjoy it as it is now. Several people also suggested the relocation of buildings and other structures proposed for the Silo Ridge development in order to best preserve the view.

- Dan Brown, November 17, 2007 Public Hearing Transcript, page 51
- Sharon Kroeger, November 17, 2007 Public Hearing Transcript, pgs. 57-58, 60
- Betty Rooney, November 17, 2007 Public Hearing Transcript, pgs. 75-76
- Tom Werner, November 17, 2007 Public Hearing Transcript, page 84
- Leo Blackman, November 17, 2007 Public Hearing Transcript, page 110
- Darlene Riemer, November 17, 2007 Public Hearing Transcript, page 116-117

- Mark Doyle, March 5, 2008 Public Hearing Transcript, page 35
- David MacMillan, March 5, 2008 Public Hearing Transcript, page 43
- Liz Faulkner, March 5, 2008 Public Hearing Transcript, page 50
- Tonia Shoumatoff, March 5, 2008 Public Hearing Transcript, page 83
- William Carroll, March 5, 2008 Public Hearing Transcript, page 86
- Cheryl Morse, March 5, 2008 Public Hearing Transcript, page 86
- Aaron Howard, Jr., March 5, 2008 Public Hearing Transcript, page 88
- Elizabeth Whaley, March 5, 2008 Public Hearing Transcript, page 135

**Response 3.6.1-1-PHT:** From the time the DEIS was accepted as adequate for public review on October 4<sup>th</sup>, 2007 until the time the MDP was submitted on April 3<sup>rd</sup>, 2008 the Applicant and its architects and engineers evaluated the plan and made modifications that reduced impacts, both environmental and visual. It is also the stated intent of the Applicant to allow greater public enjoyment and appreciation of the view from Route 44 by providing safe access to the public observation area and winery restaurant. These modifications were made in response to the Planning Board Consultants and Public Comments received during the DEIS public comment period. These changes are quantified in Appendix M (see Section 3, page 5) and the Executive Summary of this FEIS. Please also refer to Responses 3.6.0-1-ESC1 and 3.6.3-1-PHT.

**Comment 3.6.1-2-GP4:** The visual impact of the preferred alternative from DeLavernge Hill is significant and needs to be closely examined. At a minimum we recommend relocation of the winery building from the hairpin turn and believe other changes to the plan are likely to be necessary so that the view is not irreparably harmed. [Greenplan, Inc., Letter, April 6, 2008, Comment #4, page 2]

**Response 3.6.1-2-GP4:** Please refer to Response 3.6.0-11-GP87b.

**Comment 3.6.1-3-1B:** I feel very strongly that the planned building on the loop of DeLavernge Hill should be moved back much farther toward the Miller house, or eliminated all together. If placed in the area where the wooden outline was constructed a few months ago, it would definitely interfere with the beauty of the scenery for drivers traveling both down and up the hill. Please don't let them compromise our view. [Charlotte Murphy, Letter, March, 19, 2008, Comment B, page 1]

**Response 3.6.1-3-1B:** Comment noted. See Response 3.6.0-11-GP87b regarding the mitigation measures pertaining to the winery and Response 1.1-1-GP8.

**Comment 3.6.1-4-2F:** Similarly, placing a building in the curve of Route 44 on DeLavernge Hill destroys the beautiful view and puts another blot on our sought-after landscape. There must be another spot to place such a building which will neither disfigure our landscape nor create a serious traffic hazard. [Romia Kimball, Letter, March 24, 2008, Comment F, page 1]

**Response 3.6.1-4-2F:** Comment noted. See Response 3.6.0-11-GP87b and Response 1.1-1-GP8.

**Comment 3.6.1-5-3E:** Lastly, and no less importantly, any build out of this project located within the DeLavernge 'horseshoe' area will be a visual blight, and a serious traffic and safety hazard, and should be drastically scaled back or removed from consideration. As planning board members representing town taxpayers, there is no such thing as too much scrutiny. There maybe a temptation to support the applicant, when they complain about delays. There may be a tendency to yield to those who shout, "Just do it!" Please do not be pressured by either faction, our town has too much to lose if this project fails. There is no obligation to rush this. The questioners at the public hearings and the Planning Board members should be commended for their diligence and for their thoughtful questions and deliberations. Amenia has only one chance to get it right, please take the time necessary to do a thorough and careful analysis. [Andrew Durbridge, Letter, March 14, 2008, Comment E, page 3]

**Response 3.6.1-5-3E:** Comment noted. Please see Response 3.6.0-11-GP87b. The project will have to comply with all NYSDOT safety regulations. The Dutchess County Planning Department concurs that the plan provides a safe place to park and enjoy the proposed scenic overlook. The Dutchess County Planning Department letter dated March 25, 2008 is included as letter 27 in Appendix C of the FEIS.

**Comment 3.6.1-6-5K:** The Resort destroys the views, ridge lines and rural character of a town we all love. [G.A. Mudge, Letter, March 19, 2008, Comment K, page 4]

**Response 3.6.1-6-5K:** The Applicant has presented a comprehensive evaluation of the visual impacts of the project, documenting the build condition. Measures have been taken to avoid and/or mitigate any adverse impacts. The Applicant believes there will not be an adverse impact to the views, ridgelines, or rural character. Please refer to Appendix G, which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP.

**Comment 3.6.1-7-11B:** The historic view south from the top of DeLavernge Hill on Rt. 44 is of great significance as a view shed. The fact that this view would be blocked with the placement of the winery is not in the best interests of the Town. The winery should be tucked into the property the developers are purchasing to the north where it can't be seen from the road. [Emily Rutgers Fuller, Letter, January 28, 2008, Comment B]

**Response 3.6.1-7-11B:** Comment noted. The winery will change the visual perception of the area, but it will not block the view from DeLavernge Hill. See also Response 3.6.0-11-GP87b and Response 1.1-1-GP8.

**Comment 3.6.1-8-16A:** When you think of Amenia, what do you think of as its most unique situation, its greatest asset? I think the five-mile view down the Harlem Valley from DeLavernge Hill is so outstanding. Now there are plans to sacrifice that area, which up to now has remained so little changed. Silo Ridge plans to put a 400-unit residential development there.

If you agree that Amenia should not surrender its best asset - the rare landscape view that still exists - all for a development that promises much financial adjusting by the community then write or talk to the Planning Board or other officials. Tell them not to approve such a development. [Arlouine Wu, *The Millerton News* editorial, October 11, 2007, Comment A]

**Response 3.6.1-8-16A:** Comment noted. Please refer to Appendix G, which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP.

**Comment 3.6.1-9-22A:** Please review carefully the project's plans for DeLavernge Hill. We can all speak and write of the unique view shed it provides. We see how nature formed the valley in which we live. We see artists and photographers attempting to preserve the view. There are other places for a winery, townhouses, parking lots, but there is no other view quite like that. Sacred? Maybe. Let's ask Silo Ridge to consider other alternatives. [Sue Gregory, Letter, March 25, 2008, Comment A]

**Response 3.6.1-9-22A:** Comment noted. See Response 3.6.0-11-GP87b regarding the mitigation measures pertaining to the winery and Response 1.1-1-GP8. Please refer to Appendix G, which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP. The scenic overlook provides a safe location for the public to enjoy the view from DeLavernge Hill.

**Comment 3.6.1-10-27A:** The DeLavernge Hill/Route 44 view, designated by the Town as a Visual Protection Corridor, is such an iconic resource that any proposal that would alter it would inevitably provoke strong responses. The Applicant acknowledges that portions of the project will be visible: "...even with vegetative

screening and sensitive site design, development on certain areas of the site will be visible from key viewpoints" which include the areas within the hairpin turn on Route 44 and the broad open area of the site immediately south of the Route 44 hairpin turn." The DEIS also acknowledges that development in the Village Center and Town Home areas may change the visual character of the site and affect views from the Route 44 hairpin turn and Depot Hill Road." (Section 3.6 Visual Resources.)

An earlier proposal for Silo Ridge was considerably more intrusive with homes distributed in a far more diffused arrangement across the site and up the hillside immediately below the DeLavernge hairpin turn. The current proposal has concentrated the distribution of buildings primarily in the lower-lying areas surrounding the existing golf course complex, making them less visible. Despite these improvements, however, the Board could ask the Applicant to consider whether the proposed height of the five story hotel could be reduced.

The Board should ensure that building planting and screening along roadsides are sufficient to minimize any visual impacts. The Board can also require that roofing materials be muted and varied in natural colors (grays, greens and browns), mixed in pattern with variations to make rooflines less monolithic and blend into the surrounding landscape. [Noela Hooper, Dutchess County Department of Planning, Letter, March 25, 2008, Comment A, page 2]

**Response 3.6.1-10-27A:** The project as proposed incorporates a number of methods of avoiding and mitigating visual impacts. The visual impact of the hotel has been reduced by positioning it behind a treed knoll and a Traditional Neighborhood design has been proposed. Overall the project program has been reduced by 10% from that evaluated in Section 5.2 of the DEIS and the Applicant has stated that further reductions to the hotel would not achieve the Applicant's objectives. See Appendix G. Also please refer to the roof color palette in the "Architecture and Landscape Character Booklet" provided by Robert A.M. Stern Architects, which is in the April 3<sup>rd</sup>, 2008 MDP (Appendix M).

**Comment 3.6.1-11-46B:** Speaker after speaker at the March 5 public comment session stressed the value of the view from - and of - the switchback curve of Route 44 as it descends DeLavernge Hill. Surely no structures should compromise that view, whether seen from the hilltop, or from below looking up toward the hilltop. Applicants are seeking a payout of several hundred millions of Dollars. They could sacrifice a few income-producing structures to preserve the natural beauty that is after all one of the main reasons folks will want to pay the better part of a million dollars to live here. [Jerry Thompson, Letter, March 7, 2008]



**Response 3.6.1-11-46B:** Appendix G of this FEIS presents a series of analyses of views from the 8 viewing points selected by the Planning Board as requiring visual assessment. The analysis contains visual images showing the existing views, together with the proposed views as they would exist when the project is built (labeled as "Mitigated" view, as it includes earth toned roof/structures, vegetation, etc). The Planning Board also required the inclusion of an "unmitigated" view from each of these viewpoints, which would show the appearance of the buildings if (1) they were painted white with white/light roof, and (2) if the vegetation otherwise softening or screening the view was removed. The Board required this view to enable it to assess the nature of the structures being built, so as to understand and evaluate the effectiveness of the mitigation proposed. It is understood that the Applicant is not proposing to build the "unmitigated" project (white/light color structures).

The visual analysis in Appendix G includes photosimulations of each view, together with a description of the material presented in the photosimulations. Also included are key-maps, showing the subject matter presented in the photographs and the building(s) that can be seen from each viewing point. A comparison of the "Existing" View and the "Mitigated" view shows the change in the existing view that will be caused by the project.

Similar visual assessments are included for the proposed winery (video and renderings). Additional evaluations were also required in areas of anticipated grading impacts (for views 5 and 7).

Appendix G also contains a visual analysis regarding the potential visual impacts of the building height waiver requests.

An aerial plan in Appendix G identifies the locations of the 8 viewpoints. The first series of viewpoints ( 1, 2, 3) are the "down hill" views or the "views from DeLavergne Hill" looking south and east from Route 44 / DeLavergne Hill out over the valley, and over the golf course.

Viewpoint 4 looks back up (from viewpoint 3 location) northwest to the proposed winery restaurant location on the east side of Route 44 on DeLavergne Hill.

Viewpoints 5, 6, 7, and 8 include the "uphill" views, or views to DeLavergne Hill, looking northwest back to DeLavergne Hill from Route 22, County Road 81, and Depot Hill Road.

Members of the public noted the importance of the views both from and to DeLavergne Hill, and section 121-18 (C) (4) states that priority in open space

protection for RDO developments shall give priority to land within the SCO and SPO, especially the view to and from DeLavergne Hill.

Viewpoints 1, 2, 3 looking “from” DeLavergne Hill have been noted by the public and specifically by the town’s visual consultant, Environmental Simulation Center, as “the place of concern” for this project. Appendix G describes the siting of the buildings in relation to existing topography and the Applicant’s proposal to use subdued/natural colors for roofs and facades, natural materials (wood shingles, stone) and extensive landscaping to screen or break up massing. All of these have been characterized as mitigation measures to reduce the visual impacts of any structure not completely obscured in the views “from” DeLavergne Hill by natural topography or existing vegetation. No ridge line is broken by any of the proposed structures. The proposed plan includes construction of a publicly accessible overlook adjacent to viewpoint 1, where the public can safely pull off Route 44 and park to enable public enjoyment of the view "from" or "down" from DeLavergne Hill.

There is only one structure proposed for the area within the hairpin turn, the winery restaurant. The winery is not visible as shown in Viewpoint 1 with mitigation measures in place. As discussed in Response 3.6.0-11-GP87b, the winery has been shifted approximately 145’ to the north, away from the hairpin turn, of the location depicted in the DEIS documents. This modification took place in response to Planning Board and public comments made during presentations of the winery color renderings and video simulations. The winery building roofline does not break the distant ridgeline. The backdrop to the winery from this view is a stand of existing trees immediately behind the winery. The un-obscured view of agricultural fields along Depot Hill Road is farther to the right in View 1 and not over the winery building. The "mitigated" view shows the subdued building colors, textures and plantings that the applicant proposes to include in its proposed action. The mitigated view represents the appearance of the view with this mitigation incorporated. Appendix M (MDP) contains color renderings, elevations and perspectives of the winery. Note: The current April 3, 2008 MDP documents do not represent the more recent April 30, 2008 shift of the winery building further north. The photosimulations in Appendix G do show the overall shift of 145’ from the DEIS plan.

Viewpoint 4: This view looks back up DeLavergne Hill at the winery restaurant on DeLavergne Hill to the northwest. The winery building roofline does not break the distant ridgeline. The "mitigated" View shows the subdued building colors, textures and plantings that the applicant proposes as part of the proposed action. The mitigated view represents the appearance of the view with this mitigation incorporated.

Viewpoints 5, 6, 7, 8: These include "uphill" views toward DeLavernge Hill from these viewpoints. The "mitigated" view shows the subdued/natural colors, natural materials (wood shingles, stone) and landscaping which are incorporated as part of the applicant's proposal ( the "preferred plan"). The Applicant has no intention of constructing the buildings in the manner shown in the "unmitigated" view. None of the Vineyard Cottages breaks a ridgeline from any of these viewpoints. The area surrounding the vineyard cottages is proposed to have trees that will not only occur in the 100' green buffer but will also continue between and around the units so they will be further screened.

There are other homes in the immediate area of DeLavernge Hill and Depot Hill Road and visible from these locations. Appendix G "existing conditions" photos from viewpoints 1 and 3 confirm that if one stands on DeLavernge Hill and looks east, northeast, and southeast, one can see over 100 structures both near and far, including homes on Depot Hill Road, Powder House Rd, and Chandley Drive. A number of the existing structures do not utilize subdued colors. The Applicant proposes to use subdued colors for the proposed project.

A copy of the DEC Program Policy on Visual assessment is included in Appendix G.

**Comment 3.6.1-12-38G:** What place does a 5+ story hotel have in the center of a nearly undeveloped, regionally recognized, downright gorgeous, even inspirational, Rural Pastoral Panoramic viewscape as you circumnavigate DeLaVerne Hill? Why go up instead of out (i.e., 2-story motor lodge) in a Rural community????? = \$\$\$\$\$\$. (& "impervious surfaces") [Patrick J. Nelligan, Letter, March 24, 2008, Comment G, page 5]

**Response 3.6.1-12-38G:** Please refer to Appendix G, which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP. Page 10 of The 2007 Comprehensive Plan Update states, "The addition of guest rooms in Amenia will encourage more tourists to visit, shop, and eat in Amenia. This will further enhance the town's reputation as a location for vacationing and for country homes that are easily accessible to New York City. It will provide needed local employment opportunities and a boost to community's tax base." The proposed resort hotel also includes conference, banquet and spa/fitness amenities that attract tourists. Per the current MDP, the hotel is 4 stories on the north side and 5 stories on the south side, per the definition in the Town Zoning Law.

As stated on page 10 of the 2007 Comprehensive Plan Update, "Where possible, configuration of development as a traditional neighborhood

development (TND) is recommended as the best way to achieve a compact pedestrian-oriented layout that preserves open space and reduces driving.” Also per Zoning Section 121-18-C-7, traditional neighborhood design seeks to cluster development to preserve open space and reduce impervious surfaces. The impervious surface coverage is 6%, which is well below the allowed 15%.

**Comment 3.6.1-13-PHT:** Somebody else already mentioned the 19 townhouses that are proposed north of 44. It may not have a serious visual impact when you are looking south. But it will have enormous impact, in my opinion, when you are looking north from 22. [Bart Wu, November 17, 2007 Public Hearing Transcript, page 98]

**Response 3.6.1-13-PHT:** Comment noted. Appendix G contains the visual analysis of the proposed project, including additional analysis that the Planning Board has requested since publication of the DEIS to further assess potential impacts. Appendix M (MDP) also contains the “Silo Ridge Resort Community Architectural and Landscape Character” document prepared by Robert A.M. Stern Architects, LLP, which provides information about what the project will look like.

### *3.6.2 View of DeLavernge Hill:*

**Comment 3.6.2-1-PHT:** Three commentors at the November 17, 2007 public hearing expressed their appreciation for the current view of DeLavernge Hill. The commentators all requested that the view be preserved. [Matthew Anderson, November 17, 2007 Public Hearing Transcript, page 122; Elizabeth Whaley, November 17, 2007 Public Hearing Transcript, pgs. 133-134; Elizabeth Whaley, November 17, 2007 Public Hearing Transcript, pgs. 136-137]

**Response 3.6.2-1-PHT:** Comment noted. See also Response 3.6.0-1-ESC1 and Response 1.1-1-GP8. Please refer to Appendix G, which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP.

**Comment 3.6.2-2-32B:** The “loop” on DeLavernge Hill should be kept undeveloped, and NEVER have anything built upon it. It is the gateway to Amenia, the prime view into our community as travelers come off the mountain. It should remain open and pristine. A winery could be constructed on the adjacent Miller house site, with the same spectacular view, without marring the first impression one gets as they come down off the mountain. [Cheryl Morse, Email, March 25, 2008, Comment B, page 1]

**Response 3.6.2-2-32B:** Comment noted. See also Responses 3.6.0-1-ESC1 and 3.6.0-11-GP87b.

**Comment 3.6.2-4-41N:** With respect to the water plant, how high will the tank rise above ground, and how wide will it be if placed on the curve on DeLaVergne Hill? Will it have fencing and lighting above the tank? Will it have parking around it? On what basis should the Town believe that looking at a partially sunken water tank will enhance the rural and scenic view looking either up at, or down from, De La Vergne Hill, widely recognized as one of the county's most spectacular views? [Bart Wu, Letter, March 25, 2008, Comment N, page 4]

**Response 3.6-2-4-41N:** The water tank is a 54' by 56' rectangle that will be buried and below ground except for needed maintenance access, which has been designed to be located within a retaining wall as part of the winery restaurant landscaping features. The intent is to have this access very discreet and screened. Please refer to Appendix G, which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP or the winery video. The MDP depicts adjacent parking that can be used for the scenic overlook. The scenic overlook provides a safe location for the public to enjoy the view from DeLaVergne Hill. It should also be noted that the water tank has been shifted back from the location originally presented in the DEIS.

**Comment 3.6-2-5-41DDD:** How will building what is effectively a bar, along with a partially exposed water tank, on the inner circle of DeLaVergne Hill retain or enhance the rural setting of the Town, or enhance the views from that Hill, or the views looking across at that Hill from the east and south? How does it "preserve the ridgeline"? [Bart Wu, Letter, March 25, 2008, Comment DDD, page 11]

**Response 3.6.2-5-41DDD:** Please note that the Applicant is not proposing a bar; it is a winery-themed restaurant that includes a bar area and is open to the public. Also note that the water storage tank is now proposed to be buried. Please see response 3.6.2-4-41N. It is the Applicant's opinion that the project as a whole has been carefully developed to effectively minimize any negative impacts on the environment including the landscape, community character and visual/aesthetics (Appendix G). The winery does not negatively impact any ridgeline.

### *3.6.3 View/Location of Winery:*

**Comment 3.6.3-1-PHT:** During the November 17, 2007 public hearing, several commentators expressed their preference for the winery to be moved to the Miller property. The commentators feel that locating the winery at or near the Miller property would cause less disturbance to the viewshed. [Patty O'Neil, November 17, 2007 Public Hearing Transcript, page 29-30; Laurence Levin, November 17, 2007 Public Hearing Transcript, page 158; Mark Doyle, November 17, 2007 Public Hearing Transcript, page 82; Cheryl Morse, November 17, 2007 Public Hearing Transcript, pgs.145-146]

**Response 3.6.3-1-PHT:** Comment noted. The winery restaurant has been shifted to the north 145'+/- from where it was located in the DEIS documents. The visual simulations of the winery indicate that the view to the east from the hairpin curve is not obscured. An Artisan's Park Overlook is also proposed so people can enjoy the vista from a safe location off the road. The winery restaurant facility (specifically the patio and parking/circulation) will not fit comfortably on the Miller property.

The Miller property is 2.2 acres in size. The natural topography of the site slopes from north to south dropping about 45 feet in elevation with the majority of the site within the 15-30% slope category. The site is bisected by a utility easement and a stream corridor which must be crossed by a bridge when entering from the west on Route 44.

The Preferred Alternative shows a proposed cabana of approximately 1,500 sf that would include bathrooms, showers, indoor seating area as well as a covered porch, a pool and pool deck together with drop-off and convenience parking for 10 cars. These recreational components will serve the Vineyard Cottages and can be designed to fit on this site.

The Winery restaurant is a 5,000 square foot facility on two levels with storage and service occurring on the lower level. Parking for circulation and drop-off for 40 cars is provided as well as a service access and circulation. The winery has outdoor patios, terraces and pergolas for dining and guest enjoyment. The total developed footprint of the winery Building and outdoor facilities to support it is approximately 2.5 acres in size. Fitting the winery restaurant on the Miller site proper is not possible dimensionally as the utility easement reduces the developable area of the site to approximately 1.6 acres. Seventy percent of this useable area is comprised of slopes 25% or greater. With the additional constraint of existing topography, siting the winery program on the Miller property would require using additional land to the south currently proposed as vineyard cottage development. Additionally a suitable site for the vineyard cottage recreation program would have to be found as well. These factors would decrease the number of vineyard cottages that could be sited on this property and thereby decrease the viability of the development proposal with respect to the Applicant's capabilities and objectives. Please see Response 1.1-1-GP8 and Response 2.2-2-PHT.

**Comment 3.6.3-2-27B:** The applicant has proposed establishing a commercial Winery in the area immediately north of and within the hairpin turn on Route 44 at DeLavernge Hill. We fully support the creation of a public overlook that will finally provide an enhanced area where the general public can safely stop to appreciate the spectacular views. However, a clear distinction should be made between public viewing and parking area and the commercial use and parking area. The close

proximity shown in the proposed plan could make general public feel uncomfortable when stopping at the observation platform if they seem to be intruding on commercial property. Moving the building farther back on the parcel could provide separation from the public area, maximize the views, and minimize the view of the hotel and townhouses from Route 44. [Noela Hooper, Dutchess County Department of Planning, Letter, March 25, 2008, Comment B, pages 2-3]

**Response 3.6.3-2-27B:** The winery has been shifted back 145'+/- from the DEIS location. The winery is a Napa-themed restaurant that is open to the public. There is parking in close proximity to the overlook for use by the public.

**Comment 3.6.3-3-33H:** The location of the winery is vague. Pictures depicting the visual impact of this sensitive spot should be generated. [David Reagon, Letter, March 20, 2008, Comment H, page 7]

**Response 3.6.3-3-33O:** Please see Response 3.6.0-1-ESC1. A video and still images of the winery location have been presented to the Planning Board and its consultants. These visual simulations clearly depict the location, character and quality of the winery restaurant facility.

#### *3.6.4 Architectural Style:*

**Comment 3.6.4-1-PHT:** One of the exceptions that the Planning Board will have to grant the developer is the 35-foot height restriction waiver. But this resort, as seen from the north, is only 4 stories as defined by the law and it is not a high rise hotel by any definition. It might become an architectural landmark. [Dan Brown, November 17, 2007 Public Hearing Transcript, page 50]

**Response 3.6.4-1-PHT:** Comment noted.

**Comment 3.6.4-2-PHT:** Scale is the primary issue. The height restriction is a significant concern. As somebody mentioned earlier, and I don't necessarily disagree, architectural design can enhance beauty. I think we need to be concerned about how we go about enhancing the valley. Height is a definite concern. [Matthew Anderson, November 17, 2007 Public Hearing Transcript, page 123]

**Response 3.6.4-2-PHT:** A revised Visual Simulation is contained in Appendix G and includes all eight viewpoints and specifics about the height waivers that are being requested for the project. The heights of the buildings are included in the visual simulations and the potential visual impacts are clearly portrayed in the photosimulations.

**Comment 3.6.4-3-PHT/37A/37B/37D:** Tonight I am speaking for myself, and I am speaking in support of the planned Silo Ridge Project. Let me share my vision. I see the blending of the art of world class architecture and the beauty of this great valley, not concrete, steel and glass monoliths, not cookie-cutter housing development, not massive excavations to flatten the contours of a lush hillside in order to make construction easier and cheaper, but a thoughtful, artistic use of colors and design elements that will enhance our town. I see a winery, hotel and housing units whose style and colors blend into the landscape. Through the efforts of engineers and architects to work with the landscape and its contours, I am convinced they will make for a development that, as the welcoming sign to Amenia says, is pleasing to the eye. I see the expansion of a public library becoming feasible by the creation of a municipal sewer system. Hundreds of new patrons to serve and to be potential donors and volunteers. New ideas, new cultures and excitement in the growth of the Main Street area that will surely become a vibrant part of daily life. (...) And for some of us, we are approaching retirement and have dreamed of a life free of the chores of maintaining a home and property as we get older. I see the possibility of staying in this beautiful area, living in the midst of a golf community and keeping our friends and community ties that are so dear to us. So that's a snapshot of my vision. Of course the path to the future will have a few potholes. I am not so naive as to think otherwise. But should we be afraid of the challenges that face us? I think not. Silo Ridge has presented this town with an amazing opportunity. They have been a tremendous asset to Amenia for many years. They have not simply uttered hollow words but have taken solid actions to generously support and enhance our town. I support the Silo Ridge Project and eagerly await the fulfillment of my visions. [Alan Gamble, March 5, 2008 Public Hearing Transcript, pages 47-49; Letter, March 5, 2008, Comments A, B, and D]

**Response 3.6.4-3-PHT:** Comment noted.

**Comment 3.6.4-4-25G:** The Zoning Code allows a variance for the 35-foot height limitation if no significant views are adversely impacted. The DEIS presently does not enable the Planning Board to determine this adequately and therefore places both the applicant and the Planning Board at risk of legal challenge. Moreover, the applicant does not show any alternatives by which to balance this request, nor an explanation of the necessity of this height in the first place. [Mark Doyle, Letter, March 24, 2008, Comment G, page 2]

**Response 3.6.4-4-25G:** Please refer to the Height Waivers section of Appendix G for a complete discussion about visual impacts of the requested height waivers. The heights of the buildings have been included in Appendix G and the potential visual impacts are clearly portrayed in the photosimulations. A series of alternatives was evaluated within the DEIS as specified by the SEQRA Scoping document. The Planning Board will utilize this information in forming its Findings.



**Comment 3.6.4-5-PHT:** Will all the homes in the village buildings conform to the design styles indicated in the proposal? Is this proposal binding as far as architecture is concerned? [Patty O'Neil, November 17, 2007 Public Hearing Transcript, page 29]

**Response 3.6.4-5-PHT:** Yes, the design styles will be as outlined in the "Silo Ridge Resort Community Architectural and Landscape Character" document by Robert A.M. Stern Architects, LLP, that was submitted with the MDP (see Appendix M). It is anticipated that the SEQRA Findings Statement will require that all buildings in the project be constructed as depicted in the noted materials.

**Comment 3.6.4-6-41FFFa:** With respect to Block V1, V2, and V3, which contemplates 38 units in 19 townhouses, proposed to be located on the site currently a meadow north of Rt. 44, how will construction of the buildings, which style does not otherwise exist currently in the Town, retain or enhance the rural character of the Town? How will sticking suburban styled buildings enhance views of the Hill from south or the east of the Town? [Bart Wu, Letter, March 25, 2008, Comment FFF, page 12]

**Response 3.6.4-6-41FFFa:** Updated Visual Assessments for the Vineyard Cottages have been provided in Appendix G. The architectural design in the April 3<sup>rd</sup>, MDP submission is refined from what was submitted in the DEIS. The April 2008 MDP includes only 19 cottage style units opposed to 38 stacked townhome units. Cottage style homes have been designed for this location by Robert A. M. Stern Architects, LLP and are illustrated in the "Architectural & Landscape Character" booklet contained as part of the April 2008 MDP.

Viewpoints 5, 6, 7, and 8 in the Visual Analysis (see Appendix G) show these units in unmitigated and mitigated views. Under the Viewpoint 5 discussion there are also two Aerial Artist Renderings, which show that the area surrounding the vineyard cottages is proposed to have trees that will not only occur in the 100' green buffer but will also continue between and around the units so they will be further screened and will blend more with the adjacent forested area. Through the use of subdued tones for architectural roofs and facades and planting materials that both partially screen and break-up building mass, site structures are reduced in impact. It is the Applicant's opinion that the overall character of the view is largely unchanged from the existing character as evidenced by the panoramic images provided in Appendix G.

### 3.6.5 Visual Renderings:

**Comment 3.6.5-1-ESC7:** More typically, EISs not only evaluate the quantitative aspects of visual impacts, but also the qualitative aspects. While there is flexibility in the manner in which this evaluation is done, at a minimum the DEIS should describe the visual character of the existing landscape and how the action will impact this visual character. Visual character of a landscape is most often evaluated by analyzing the project's impact on the elements that compose it. These elements include form, line, color, texture, and scale/dominance, and/or other criteria as it suits the specifics of the location. Regardless of the definition, the EIS needs some kind of detailed analysis of the qualitative impacts of the action. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #7, page 3]

**Response 3.6.5-1-ESC7:** The qualitative impacts are clearly represented in the photosimulations. The interpretation of the impacts and qualitative descriptions are presented in the narratives accompanying the simulations.

**Comment 3.6.5-2-ESC8:** Grading – an action of this type can be described by its components, which are buildings, ancillary components (roads, parking lots, retention ponds, retaining walls, golf courses, etc.), and grading and site disturbances required for the buildings and ancillary components. While not entirely clear in the written documentation, it is apparent from the photosimulations that the visual analysis omits the third component of the action: the proposed grading. In projects that do not have extensive grading, this is not a serious omission. In this area, however, with the amount of disturbance that is proposed, the steep slopes involved, and the distinctive landscape character of the area, the simulations need to reflect changes in elevation due to grading, and they must show how the land is recovered from the grading. The following image from DEIS item number SP3-B is a portion of the site grading plan for the area around the Hairpin Turn showing the grading that is proposed for the Winery building and ancillary structures. [The comment letter has a figure illustrating this issue, which is not reproduced here in order to minimize the electronic size of the document]. The darker contour lines show areas where the natural elevation of the site changes due to proposed site grading. The slightly thicker line right above the word "WINERY" is a retaining wall that is as tall as 10-feet in places. All this grading is necessary because the proposal shows that the Winery building will be constructed on a flat building site, which means that there will be a very steep slope along the east side of the building. Now, examine the following existing conditions photograph and accompanying photosimulation for this same building, taken from the hairpin turn. [The comment letter reproduces Viewpoint 4 from the DEIS, which is not reproduced here in order to minimize the electronic size of the document.] The visual simulation of the building clearly does not show the grading proposed in the grading plan: no retaining wall can be seen, no artificially steep slope on the right side of the building, and the building looks like it is sunk into the

side of the hill on the left when, in fact, its building site is proposed to be flat. Further, by not showing site grading, the simulations do not have to show how the site is recovered from the grading. Typically, lacking specific landscaping for this site, graded areas are recovered with sod, which helps to limit erosion on disturbed steep slopes. But in views such as this one, mowed sod--which remains green all year--would show contrast with the fallow field that dominates the viewpoint, and contrast is key to developing photosimulations and assessing impacts (as discussed in detail later in this letter). Even though the slopes shown in the photosimulation for Viewpoint 4 require significant grading for the proposed building, this is still one of the flatter areas to be developed (noted as "Area A" in the figure below). [Environmental Simulation Center, Letter dated April 28, 2008, Comment #8, pages 3-5]

**Response 3.6.5-2-ESC8:** See Response 3.6.0-1-ESC1. As agreed with the Planning Board and its visual consultant (Environmental Simulation Center), the visual simulations from Viewpoints 4, 5, and 7 presented in Appendix G incorporate the planned grading activities as shown in the MDP. Additionally, the video simulation of the winery incorporates these elements as well. The Vineyard Cottages photosimulations from Viewpoint 5, 6, and 7 include grading impacts and retaining walls. (According to Google earth, the following distances were estimated: from Viewpoint 7 to Vineyard Cottages is 6,000'. From Viewpoint 7 to the Single Family Homes is 6,200'.) Due to the fact that the single family homes are at a greater distance from Viewpoint 7 than the Vineyard Cottages and that the Vineyard Cottage retaining walls are not visible from Viewpoint 7, the retaining walls for the single family homes have not been included because they would not be visible.

**Comment 3.6.5-3-ESC9:** Much, if not most, of the remainder of the site used for buildings is at very steep grades of 10 and 15% or more. The DEIS clearly states that to create development sites on these steeply sloping areas they will need to be graded, which means that the existing trees will be removed and tall retaining walls are planned. Figure 3.1-3 shows the slope disturbance map, which demonstrates extensive disturbance required by the development. [The comment letter then reproduces Figure 3.1-3 from the DEIS]. All colored areas are to be graded, a process which removes existing vegetation. Retaining walls that will be required for creating building sites will be very tall. By omitting them from the simulations the Applicant is ignoring a significant portion of the action. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #9, page 6]

**Response 3.6.5-3-ESC9:** From the time the DEIS was accepted on October 4<sup>th</sup>, 2007 until the time the MDP was submitted on April 3<sup>rd</sup>, 2008 the Applicant and its architects and engineers evaluated the plan and made modifications that reduced impacts. These modifications were made in part in

response to the Planning Board Consultants' comments and public comments. These reductions are quantified in Appendix M (see Section 3, page 5). As agreed with the Planning Board and its Consultant, ESC, grading impacts were provided visually for Viewpoints 4, 5 (Vineyard Cottages), and 7 (Single Family Homes and Vineyard Cottages). The homes in this area will be designed to fit within the grade as opposed to needing major cuts and fills by trying to create flat lots as previously indicated in the DEIS. These homes will be custom tailored to each home site with environmental considerations being taken into account. This re-design has reduced retaining walls, tree clearing and grading impacts. The visual simulations represent the new MDP layouts for the single-family homes and the proposed mitigation plan for the Vineyard Cottages that creates a 100' buffer along Route 44 and proposes to incorporate trees in and around the Vineyard Cottages.

Figure 3.1-1 in Section 3.1 of this FEIS illustrates areas where grading on 30% slopes is proposed to occur. As shown, approximately 13.6 acres of grading on steep slopes are proposed in the area of the single-family homes along the base of the hillside. An additional figure has been provided to illustrate the impacts of relocating single-family homes to areas with a lower slope gradient. Should the Planning Board select this Response Plan, grading impacts to 30% slopes could be reduced; however, impacts to other resources such as the viewshed would most likely be increased. Please see Figure ES-2c, "Response Plan – 30% Slopes Alternative".

**Comment 3.6.5-4-ESC10:** Consider the following portion of grading plan (SP3-B), taken from the area listed as "Area B" above: [The comment letter then reproduces a portion of SP-3B with red highlighting of a large retaining wall added.] This plan says that the retaining wall highlighted is, in places, 20-feet tall. The down-slope at the bottom of the retaining wall is between 40 and 48%, and would probably require special treatment and/or materials for its stabilization (i.e. simple recovery through planting sod will be difficult). This level of change in the landscape simply cannot be ignored when assessing an action's impact on visual resources. To omit site disturbance from the visual simulations and show only part of the proposed action renders the photosimulations useless for completely assessing the action's impacts on visual resources, and is misleading as to the character of the development and its relationship to the land. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #10, pages 6 and 7]

**Response 3.6.5-4-ESC10:** See Response 3.6.5-2-ESC8.

**Comment 3.6.5-5-ESC11:** Methodological errors in the photosimulations - Changes in photosimulations not caused by proposed Action. The fact that the Applicant chose photosimulation as a method of describing the action is good, as there is no requirement for photosimulations in the Scoping Document and photosimulations

are a desirable way of communicating the visual impact of an action. That being said, the photosimulations are not very good. For example, look at the photosimulation of Viewpoint 4 reproduced earlier in this document and compare it to the existing conditions photograph. You should notice that the two images are different sizes. You should also notice that the color in the simulated photo changes. Color contrast is lessened in the simulation and the entire image appears washed out when compared with the existing conditions photograph. Color contrast is an important part of changes to a landscape and is one of the typical criteria used to evaluate the qualitative impact on visual resources. The change in image quality and size between existing and proposed is not due to the reproduction of these images in this document. These images have been faithfully reproduced from the digital copy of the DEIS that can be found on-line. The size of the image should never change between existing conditions and photosimulation. The color of the image should not change unless the action is causing the change. The only change between the existing conditions photograph and the photosimulation should be due to the proposed action. This is a very basic error that should have never reached the published DEIS. The process of publishing an EIS, even digitally, sometimes introduces errors in documents. But a careful look at the EIS will show that most of the simulations show these types of exogenous changes from the existing conditions photograph, which suggests that this error is a symptom of a problem with the simulation method and not due to publishing. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #11, pages 7 and 8]

**Response 3.6.5-5-ESC11:** The Applicant acknowledges that the original simulations found in the DEIS contained errors. New visual simulations were created for the FEIS and are found in Appendix G.

**Comment 3.6.5-6-ESC12:** Visual representation of buildings. When discussing the use of simple massing models to represent buildings of the action, the DEIS states: *“In order to portray the highest level of potential visual impact, blank forms for the proposed structures were used with no architectural detail, fenestration, materials or true color representation, which would mute the impact. Additionally, proposed landscaping was intentionally left out of the photo simulations to ensure that the full visual impact height, mass and relative scale of the structures in their proposed locations could be assessed.”* (DEIS p. 3.6.26). Despite the contention that the method selected would portray the highest level of potential visual impact, the representation of the buildings of the action actually does the opposite and minimizes the impact of the action. For example, examine Viewpoint 2 and its corresponding simulation: [The comment letter then reproduces Viewpoint 2 (existing and proposed conditions from the DEIS)]. You will note that the buildings, especially those in the distance on the far side of the water body to the left of the photograph, blend into the photograph. One of the reasons for the blending is that the color chosen for the massing model provides very little contrast with the surrounding colors. If massing models are going to be used to represent the built

environment, then the colors selected for the massing models need to show contrast with colors in the photograph. Most of the existing conditions photographs are dominated by browns and tans of fallow fields and leafless forests. The color selection of the massing models appears to have been designed to maximize this blending with the background, which is contrary to the reasonable worst-case scenario required by SEQR. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #12, pages 8 to 10]

**Response 3.6.5-6-ESC12:** The photosimulations presented in Appendix G contain existing conditions, unmitigated buildings in colors as directed by the Planning Board and its consultants on May 1, 2008, and then mitigated simulations. The Applicant agrees that the color and materials chosen for certain buildings will allow them to “blend into the photograph” as part of the mitigation proposed along with landscaping. The Applicant also believes that not all buildings that are introduced into a landscape scene are necessarily negative impacts that require mitigation.

For each viewpoint a minimum of 3 panoramic images are presented. First is the “Existing Conditions” image taken in “leaf off” conditions in late winter/early spring. Next is the “unmitigated” panoramic image, which was required by the Planning Board, showing the buildings as white, with no screening, for a worst case scenario. It is acknowledged that the Applicant is not proposing to construct the “unmitigated” project. Next is the “mitigated” panoramic image, which represents the views after construction, as proposed by the Applicant, using earth toned colors, natural roof colors, and incorporating vegetation and other natural screening.

**Comment 3.6.5-7-ESC13:** The issues with the representation go beyond color. It appears that the massing models are entirely colored the same color and any contrast seen is due to shading. Edges are not defined and, consequently, the objects lose definition in the photosimulations and appear, at times, simply as a single mass without definition between buildings. There is some debate amongst simulation professionals as to the appropriateness of the use of massing models to simulate impacts on visual resources. Some contend that they should only be used in limited circumstances, such as a generic environmental impact statement. My office is on record as promoting the use of massing models in broader applications such as a project like this one. But the representation of the massing model must still be that of a reasonable worst-case scenario. The use of a massing model to represent a proposed action is not license to select colors that blend a proposed project into the background of the photograph. The colors selected must be bright and show contrast with the existing environment. For example, considering the following images: [The comment letter reproduces three visual simulation photographs from another project as an example]. These are simulations created for another DEIS. The colors used for the architectural massing model are generally

light and show contrast with the existing natural environment. The buildings are simulated with a light gray while the roofs are simulated a darker color to add definition among and between buildings. This simulation also shows disturbed areas recovered from grading, which adds additional contrast and understanding of the action. This example is intended to show how high contrast is possible when using massing models in a photosimulation and--by example--show how contrast is minimized in the photosimulations found in the Silo Ridge DEIS. It has been brought to my attention that the Planning Board approved the colors used in the massing models during an August 30, 2007 meeting. These building colors do not represent a reasonable worst-case development scenario for impacts on visual resources as required by SEQR. Even with the color approved by the Planning Board (identified as "beige" in the minutes) the simulations still could have been performed to show more contrast. Providing edges to the massing model, selecting a lighter shade than the background, or coloring roofs differently than the walls all would provide more contrast and thereby increase visibility. To demonstrate the effect of color selection on visibility, my office altered the simulation for Viewpoint 2 (right) to reflect a reasonable worst-case development scenario while still keeping the buildings a shade of beige. [The comment letter then reproduces Simulation of Viewpoint 2 altered with Photoshop to shown an appropriate use of color.] Review the existing conditions photograph and the DEIS's photosimulation for this viewpoint reproduced on page 9 of this document. You should see that the addition of color contrast shows more visibility of the action. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #13, pages 10 to 12]

**Response 3.6.5-7-ESC13:** See Response 3.6.0-1-ESC1 and Response 3.6.5-6-ESC12.

**Comment 3.6.5-8-ESC14:** Regarding visibility, the DEC Visual Policy document instructs: Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision-making. Instead, a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource...(DEC Visual Policy, p. 9). Nevertheless, visibility is the starting point for understanding impacts on visual resources and without accurate representation of the action's visibility it is difficult to understand impacts on the viewpoints analyzed. Additional discussion of visual simulation representation for SEQR can be found in Visual Simulation under SEQR, which can be found online: [http://www.simcenter.org/Viz\\_sim\\_in\\_SEQR/Viz\\_sim\\_in\\_SEQR.pdf](http://www.simcenter.org/Viz_sim_in_SEQR/Viz_sim_in_SEQR.pdf). [Environmental Simulation Center, Letter dated April 28, 2008, Comment #14, page 13]

**Response 3.6.5-8-ESC14:** Comment noted. See Response 3.6.0-1-ESC1 and Response 3.6.0-2-ESC2. The visual simulations provided follow the discussion outlined in the above link.

**Comment 3.6.5-9-ESC15:** Camera and lenses. The photosimulations use a zoom lens on a standard digital camera. Most professionals use a fixed lens, to ensure that the zoom does not drift, but more importantly, most professionals either continue to use film or use what is known as a full-frame digital camera, which reproduces an image in a manner much more similar to 35mm film than a standard digital camera. The technical reasons for not using a standard digital camera in an EIS are discussed in the Visual Simulation under SEQR document referenced in the above link, but one reason is that an image produced natively from a standard digital camera has a different size and aspect ratio than traditional film or full frame digital. Further, there are also curious statements in the text. For example, the EIS states: *“While a 35mm lens will provide the best approximation of the field of view perceived by the human eye, an 85mm lens setting will provide the best representation of the degree of detail perceivable by the human eye. As a result, a 50mm lens setting is the most reasonable composite of these two parameters...”* This is certainly a novel justification of a 50mm lens, but is not typical. A 50mm, or the so-called “normal” lens, is used because the image it creates best reproduces the relative distance relationships of the human eye. At less than 50mm objects in the image seem further away than they would to the human eye. At more than 50mm, the objects seem closer than they would to the human eye. 50mm is a good lens to use for photography in an EIS<sup>11</sup>, so the accuracy of this statement is not material to the content of the DEIS, but is symptomatic of the many problems with this poor document. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #15, pages 13-14]

**Response 3.6.5-9-ESC15:** Comment noted. Appendix G identifies that a 50mm lens was used.

**Comment 3.6.5-10-ESC16:** Conclusions. The Applicant produced a Visual Resources chapter that does not adequately disclose the visual impacts of the action. The materials produced omit basic information and the photosimulations used to communicate the impact of the action are fundamentally flawed. The Lead Agency should require additional materials in the FEIS so it may better understand the impacts of the proposed action. [Environmental Simulation Center, Letter dated April 28, 2008, Comment #16, page 14]

**Response 3.6.5-10-ESC16:** Additional information was provided to the Planning Board. See Response 3.6.0-1-ESC1.

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<sup>11</sup> A 50mm lens is not a hard rule. There is some variation in what can be considered a normal lens. My office considers any lens between 50 and 55mm a normal lens. Other offices are more generous. Further, wide angle lenses are often better in urban environments (to show development on both sides of the street, for instance) or in viewpoints where an action is very close to the observer. Telephoto lenses can be used to simulate the acuity of the human eye, which has the ability to focus on objects in the distance. A 50mm lens is a starting point, but if other lenses increase the understanding of an action's impact on visual resources they should also be used.



**Comment 3.6.5-11-PHT/35A:** Several commentators expressed their interest in seeing a 3D CAD representation of the project so that they could see more detail of the proposed viewshed. One commentator suggested that a nearby project had done this, and it was very helpful. [Tom Werner, November 17, 2007 Public Hearing Transcript, page 84; Mark Doyle, March 5, 2008 Public Hearing Transcript, page 35; Cheryl Morse, November 17, 2007 Public Hearing Transcript, page 142; Bart Wu, November 17, 2007 Public Hearing Transcript, page 96; Tom Werner, March 5, 2008 Public Hearing Transcript, page 12; Leo Blackman, November 17, 2007 Public Hearing Transcript, page 111; Tom Werner, Letter, March 5, 2008, Comment A]

**Response 3.6.5-11-PHT:** The revised photo simulation prepared by Virtual Sciences includes a "Statement of Methodology" identifying how 3D CAD was incorporated into the simulations. Please refer to Appendix G which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP The 3D CAD alone would not give the viewer a representation with the actual view as background. As requested by the Planning Board the Applicant has prepared a video simulation for the winery that illustrates the views from multiple viewpoints.

**Comment 3.6.5-12-25D:** As to the visual analysis: they have done an inadequate job with a few small-scale photos depicting buildings that may or may not relate to the preferred plan. Silo Ridge MUST provide a digital and interactive simulation of the actual project. [Mark Doyle, Letter, March 24, 2008, Comment D, page 1]

**Response 3.6.5-12-25D:** Please refer to Response 3.6.0-1-ESC1, Appendix G, and Response 3.6.5-11-PHT.

**Comment 3.6.5-13-25E:** I would like to see a visual simulation prepared that is functionally equivalent to the creation of 3D structures in exact geographical locations by software such as Google's "Sketch-up Pro" (see:<http://www.sketchup.com/index.php?title=2>) as a "plug-in" to something similar to "Google Earth". This combination will allow the public to place "themselves" anywhere in Amenia, in a digital simulation. [Mark Doyle, Letter, March 24, 2008, Comment E, pages 1-2]

**Response 3.6.5-13-25E:** Please refer to Response 3.6.0-1-ESC1 and Response 3.6.5-11-PHT.

**Comment 3.6.5-14-25F:** It is an absolute requirement that specific renderings (as opposed to exact architectural elevations) of the large buildings and large clusters of buildings are presented. Just saying that they'll have architectural features to break up the bulk of the buildings is not nearly sufficient. It is understood that this stage of the process is designed to establish the environmental impact of the concept plan and that specifics will be designed later. Nevertheless, the visual impact of the

proposal looms as such a large issue that it is incumbent on the developers to provide a good deal more renderings of specific buildings that indicate an architectural style, window patterns, roof-lines, balconies or other softening features etc. This is the requirement of the scoping document. The Planning Board is not able to determine whether the development will "be in harmony with surrounding land uses". [Mark Doyle, Letter, March 24, 2008, Comment F, page 2]

**Response 3.6.5-14-25F:** The Applicant provided architectural details with the submission of the MDP. The visual simulations incorporate the details of the architecture as it is known at this time. Please refer to Appendix G, which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP.

**Comment 3.6.5-15-33Z:** The Silo Ridge DEIS visual analysis is wanting in many respects. It should be revised so the true visual impact of the project can be analyzed. This would include creating a virtual tour of the project and, at the least, enlarging all the photographs in the visual assessment so that they can be viewed on a large screen. The small format photos in the DEIS just do not supply the detail needed to see the impact. A realistic depiction of the buildings should be provided instead of the dismal looking ones in the existing photos. Since visual impact is the most important perceived impact by the public, it would be in the best interests of the applicant to provide a realistic analysis. [David Reagon Letter, March 20, 2008, Comment Z, page 23]

**Response 3.6.5-15-33Z:** Please refer to Response 3.6.0-1-ESC1 and Response 3.6.5-11-PHT. Also see Appendix G which depicts Visual Assessment based on the April 3<sup>rd</sup>, 2008 MDP.

**Comment 3.6.5-16-33AA:** The visual impact on the Harlem Valley Rail Trail and the park that will be built on the Old Amenia Landfill is not assessed in the DEIS and must be. [David Reagon, Letter, March 20, 2008, Comment AA, page 23]

**Response 3.6.5-16-33AA:** Regarding the Harlem Valley Rail Trail, please see Response 3.6.7-8-33C.

The following narrative assesses the potential visual impact of the proposed Silo Ridge Resort Community on the Old Amenia Landfill site. It is anticipated that the Old Amenia Landfill site will become a passive use park. Figure 3.6-1 illustrates the potential opportunities and constraints for re-use of the landfill, as prepared by consultants to the Town.

# Opportunities & Constraints For Beneficial & Sustainable Re-use of the Old Amenia Landfill



Drawing Name: S:\10400-10499\10454-00\ENG\DWG\410\_MDP\_FIG\_3.6-1\_10454-02.dwg Date Printed: Aug 20, 2008, 11:19am



Silo Ridge Resort Community  
Master Development Plan  
**Opportunities and Constraints  
for Old Amenia Landfill Re-Use**  
Town of Amenia, Dutchess County, New York

SCALE: NONE

**Figure  
3.6-1**

From the parking area, single-family homes H-30 to H-36 will be visible looking west to southwest. The south entrance will be visible looking north. The view looking northwest is blocked by pine trees on the Old Amenia Landfill property. Trees in the 100' wetland buffer on the Silo Ridge property also provide additional screening. The visual impact of the homes will be reduced by the mitigation methods shown in Appendix G of this FEIS, such as the use of natural materials, subdued colors and landscape screening.

From the Wildflower Meadow, single-family homes H-10, H-12, H-14, H-16 and S-13 through S-19 will be partially visible looking west and northwest. Single-family homes H-30 to H-36 will be visible looking southwest from the northern portion of the meadow. As one travels south in the meadow, the view to the west becomes continuously more obstructed by the Upland Trails/Overlook area on the Old Amenia Landfill property. Currently there is a buffer of vegetation on the Silo Ridge property (minimum width of 100') between Wetland AM-15 and S-13 through S-19, as well as a vegetative buffer that varies in width from approximately 50' to 100' on the Old Amenia Landfill property. Most of this vegetation is within the required 100' buffer of Wetland AM-15 on both sides of the wetland and therefore will not be disturbed; this reduces the visual impacts of these buildings. The visual impact will be further reduced by the mitigation methods shown in Appendix G, such as the use of natural materials, subdued colors, and landscape screening.

From the Upland Trails/Overlook area looking west, the single-family homes will be seen through the trees in wintertime. Looking north and northwest, the golf villas, clubhouse, Blocks F, G, part of Block E, and part of the hotel will be seen through the trees in wintertime. The visual impact will be further reduced by the mitigation methods shown in Appendix G, such as the use of subdued colors, and landscape screening.

### *3.6.6 Lighting:*

**Comment 3.6.6-1-PHT:** Several comments were received regarding the effect that lighting will have on the viewshed. Commentators voiced their desire to have minimal or reduced lighting on the project site. [Tonia Shoumatoff, March 5, 2008 Public Hearing Transcript, page 22; Bart Wu, November 17, 2007 Public Hearing Transcript, page 100; Darlene Riemer, November 17, 2007 Public Hearing Transcript, page 116; Matthew Anderson, November 17, 2007 Public Hearing Transcript, page 121]

**Response 3.6.6-1-PHT:** The Silo Ridge development is committed to protecting the night for its residents, its neighbors, and for the preservation

of plants and animals. In this interest, Silo Ridge commits to the following nighttime lighting limits that will minimize light pollution (skyglow, light trespass, and glare):

#### Up-light

- No more than 2% of the light (measured in lumens) emitted from the street lighting, area lighting (parking lots, storage areas, utilitarian building-mounted lighting, etc.) and path lighting will be directed upward. All of these fixtures will have “cutoff” optical systems that direct almost all light downward.
- Any externally-lighted signs will be lighted from fixtures above the sign.

#### High brightness and Glare

- No more than 300 lumens shall be emitted from a single streetlighting, area lighting, or path lighting fixture between 80 degrees and 90 degrees. (0 degrees is straight downward from the fixture; 180 degrees is straight overhead.)
- Street, path, and area lighting poles will not exceed 20’ in height.
- Where bright arc tubes from metal halide lamps (bulbs) or LED products would be glaring for pedestrians beneath the fixtures, prismatic lenses or diffusers will be used to reduce the direct glare of the light source.
- No lighting will be used on the practice range for extending the hours of operation. Any nighttime lighting used will only be immediately after dusk, for staff use only.
- No street or area lighting fixtures will be tilted upward to project light farther, since this can turn a good-quality fixture into one that produces glare or skyglow.

#### Energy Use

- The outdoor lighting system will use 75% or less of the power allowed by the ASHRAE/IESNA 90.1 2004 energy standard.
- Continuous lighting, (i.e. street lighting on regular pole spacings, located continuously along a street or roadway) will be used in areas of

high vehicle/pedestrian conflict only. It will be limited to the resort core/Village Green areas in the town. All other areas will use street lighting at intersections, cross-walks, or other areas of potential safety concern.

- Pedestrian pathway lighting will be used at steps, ramps, turns, important meeting points, or points of safety concern only. Lighting will not be continuous.
- No lighting fixtures used for street lighting, area lighting, or path lighting will use a higher wattage lamp or lighting system than 150W.

### Decorative Lighting

- Wall sconces, post-top lighting, pedestal lighting, or hanging lanterns used outdoors for decorative purposes will be limited to 400 lumens per bulb unless they emit their light downward only. (400 lumens is the approximate light output of a 40W incandescent bulb.)

### Façade lighting

- Any façade lighting will direct 90% or more of its lumens toward the façade, allowing no more than 10% of the lumens to escape to the sky. Façade lighting will be minimal, using no more than 50% of the power allowed by the ASHRAE/IESNA 90.1 2004 Energy Standard.
- Façade lighting will be shut off within ½ hour after curfew.

### Landscape Lighting

- Landscape lighting, if used, will use lamps emitting less than 1000 lumens (equivalent to a 50W MR16 halogen lamp.)
- All landscape lighting will be switched off within ½ hour after curfew.

### Curfew

- In order to preserve the quiet and darkness of night, the Community at Silo Ridge will establish a curfew, after which decorative or unneeded lighting will be extinguished. As an example, curfew from Sunday through Thursday may be set at 11pm; Friday and Saturday curfew may be set at 1am in order to allow residents and guests later hours for dinner, activities, and entertainment. It may be possible to reduce street, area, and path lighting within a set time after curfew.

### *3.6.7 General Comments Regarding Visual Resources:*

**Comment 3.6.7-1-PHT:** I don't feel a lot of the photos from DeLavernge Hill are portrayed correctly or actually accurately. I stood on the hill myself and took my own photos, and I tried to match them up to the size to where the actual input from the photos in the SEQR are, and the views don't match up from somebody who is actually coming down the hill, pulling over to stop. They are taken from different areas. Granted it was on a smaller camera from they used; it was still an SLR. But I tried to match them up to the SEQR, and they just don't match up to where somebody would be coming down the hill or from the actual spots. So please look into that. It doesn't portray how much of the center of the hill -- excuse me. Let me back up. Page 29 of Section 3.6 on the Visual Resource section and the proposed water tank. It doesn't portray how much of the center of the hill has to be destroyed to place it there and partially put it underground. Because that's what it looks like from the picture, that the tank has to be embedded in the ground. It is also deemed in that statement as an observation area on top, but there is no portrayals in the photo in the DEIS of any kind of a walkway to it or a parking lot for people to actually utilize that as a visual observation area. So that's another concern I hope you look into. Page 35, Section 3.6 from the Visual Resources section, area and the townhouses in the center of the circle. That photo shows a huge impact on the viewshed just from that one single photo alone. another comment on the viewshed from DeLavernge Hill. [Elizabeth Whaley, March 5, 2008 Public Hearing Transcript, page 70]

**Response 3.6.7-1-PHT:** The Applicant prepared revised visual simulations of the project and the winery. Please see Appendix G.

**Comment 3.6.7-2-33BB:** The Old Amenia Landfill is a Superfund site that is presently being remediated. Part of the remediation calls for the entire 28 acre site to be turned into a Town of Amenia park. The Silo Ridge DEIS does not take the visual impact of its project on the park. [David Reagon, Letter, March 20, 2008, Comment BB, page 23]

**Response 3.6.7-2-33BB:** The Planning Board established the viewpoints for the visual analysis within the SEQRA Scoping Document. The park does not currently exist and the Planning Board did not request this analysis. Please see Response 3.6.5-16-33A.

**Comment 3.6.7-3-33CC:** The Harlem Valley Rail Trail passes within 400 feet of Silo Ridge buildings. The visual impact of these buildings on the trail must be assessed as they fall within the guidelines of the Scenic Protection Overlay in the Amenia Zoning Ordinance. [David Reagon Letter, March 20, 2008, Comment CC, page 23]

**Response 3.6.7-3-33CC:** Please see Response 3.6.5-16-33A. As a point of clarification, the closest proposed building on the project site is more than 500 feet from the Harlem Valley Rail Trail. To respond to this comment, the Applicant prepared the following narrative assessing the potential visual impact of the project on the Harlem Valley Rail Trail, starting from the southern end and moving north. The rail trail was traveled by foot, starting from a point south of the Allen Sand & Gravel intersection with the rail trail and then continuing north past the existing Silo Ridge Country Club front entrance.

The portion of the rail trail assessed starts out at an elevation that is below Route 22 and finishes at an elevation that is above Route 22. The rail trail is fairly level along this section but Route 22 drops in elevation north from the Allen Sand & Gravel entry, then rises above the rail trail again north of the proposed southern entrance to the project site. It drops down again as one passes the rock face on the west side of Route 22 north of the billboards.

There is a natural vegetative buffer varying in density and width located between the rail trail and Route 22. The vegetative buffer is approximately 60' wide on average. During the portion of the year when the leaves are on the trees this buffer provides a fairly continuous visual impediment looking west, although portions of this buffer are broken up by some less dense patches. When the leaves are not on the trees the effectiveness of the vegetative buffer is decreased.

Due east of the Allen Sand & Gravel entrance off Route 22 is where certain buildings of SRRC will first become visible. Rail trail is still below Route 22 elevation at this location by about 5'.

- Proposed Single Family homes H-27, H-28, H-29 will be visible looking due west.
- Buildings S-6, S-7, S-8 will be visible or partially visible looking northwest across Wetland AM-15.

From Rail Trail Station 438 + 240 looking due west across Wetland AM-15, the following proposed buildings of Silo Ridge will be partially visible:

- S-7, S-8, S-11, S-12, S-13, S-14, S-17, S-18

One-hundred feet north of the proposed south entry to Silo Ridge, the rail trail drops below Route 22 and blocks views to buildings previously seen as noted above. Between 160' and 180' south of Station 440 + 880 is the existing



Silo Ridge Country Club entry. At this location the rail trail is approximately 15' above Route 22. From this vantage point:

- The proposed Welcome House and existing maintenance building will be visible looking west
- A portion of the proposed vineyard cottages will be visible looking northwest.

The Applicant strongly believes that with proper building coloring that can be approved in advance, as well as the proposed enhanced landscaping and natural environment buffer improvements, the MDP will not “interfere with or reduce the public’s enjoyment and or appreciation of an inventoried resource”.