

### Section 3.8 Land Use and Zoning

**Comment 3.8-1-PHT/38D:** The zoning law was passed without any kind of generic EIS done. I would like to know more about global impacts on the community, since there is no global analysis of what the RDOs do. I specifically want an analysis of this RDO, which is the largest. It dwarfs the historical hamlet in size and scope. Density is tremendous here. [Patrick J. Nelligan, November 17, 2007 Public Hearing Transcript, page 41; Letter, March 24, 2008, Comment D, pages 3-4]

**Response 3.8-1-PHT/38D:** The DEIS assesses the potential adverse environmental impacts that the project may have on the community. A Generic Environmental Impact Statement (GEIS) is not required.

Furthermore, it is the Town of Amenia's position that the SEQRA review underlying the enactment of the revised Zoning Law was wholly lawful and proper, and thus no GEIS is required to evaluate town-wide impacts as part of the pending SEQRA herein.

**Comment 3.8-2-PHT:** If you include the golf course as open space in your conservation analysis, then on the 200 acres that they are actually developing, the densities are about one unit per 1/2 acre, instead of one unit per 10 acres, which the zone is now. [Patrick J. Nelligan, November 17, 2007 Public Hearing Transcript, pgs. 41-42]

**Response 3.8-2-PHT:** According to the Town's 2007 Zoning Law (Section 121-18C(5)), the RDO supersedes all density and dimensional requirements of the underlying zoning designation (the Rural Agricultural (RA) designation in the case of the Silo Ridge site. Furthermore, in the calculation of open space in the RDO district, the Zoning Law allows the inclusion of recreational lands such as golf courses. Please refer to Section 121-18C(4) of the Zoning Law.

**Comment 3.8-3-PHT:** I just have a comment to make that really refers to the early planning and intent that came through from CEPAC. My concern is that in order to protect the Town and protect the developer against challenge essentially, and of course for our own future, this project needs to meet the RDO requirements. It is actually 121.18(a) under the purpose. The last sentence there says: In exchange for granting permission for the use, flexibility and more intensive development than is allowed by the underlying zoning, the Town seeks to achieve significant protection of open space resources, especially scenic viewsheds, ridgelines, water resources and ecosystems. [Mark Doyle, March 5, 2008 Public Hearing Transcript, page 35]

**Response 3.8-3-PHT:** The project meets the significant 80% open space requirement of the RDO District and is well below the 15% maximum impervious surface area threshold. The project has been carefully sited and designed through many iterations, with input from the Planning Board and its consultants, to be sensitive to the important view from DeLavergne Hill and the overall visual character of the site. The Applicant has also been working closely with Dr. Klemens, the Town's ecological consultant, as well as its own ecological and wetland specialists and a highly qualified team from Audubon International, to ensure adequate protection of water resources, minimization of impacts to flora and fauna, and the sensitive operation of the golf course. Please see the Habitat Management Plan in Appendix F of this FEIS.

**Comment 3.8-4-5B:** The resort will violate the new Comprehensive Plan and Zoning Law. Much of the new Comprehensive Plan and new Zoning Law is designed to protect the open space, ridge lines, views and viewsheds within Amenia and the rural character of the Town. The proposed Resort is so large that it would ruin much of what the Comprehensive Plan and Zoning Law were designed to protect. The proposed townhouses high on the DeLavergne Hill are obvious examples. The Planning Board should not approve the Resort, which will violate the new Comprehensive Plan and new Zoning Law. [G.A. Mudge, Letter, March 19, 2008, Comment B, pages 1-2]

**Response 3.8-4-5B:** The DEIS includes a full analysis of the project's consistency with the Comprehensive Plan Update and its conformance to the new Zoning Code. Development of a resort in the proposed location is consistent with both of these Town planning documents. Appendix G contains photosimulations of the proposed development and key plans identifying building visibility from the studied viewpoints. Appendix M (MDP) includes an architectural and landscaping character document that provides detailed renderings of the proposed buildings, as well as design guidelines for the proposed development that the Applicant will be required to implement. These appendices include detailed information about the development that is proposed on DeLavergne Hill. As discussed in Section 3.6 of this FEIS, the Applicant has adjusted the position of the winery on the hill to respond to public comments about the potential impacts of the building on the view. It has been moved so that it has a reduced impact on the view coming around the turn on Route 44.

**Comment 3.8-5-15C:** Some of the tools that are given in the RDO as part of a clustering plan are not available in normal ZBA guidelines for individual plots such as clustering, posturing of homes on a site plan, demanding that homes be visually situated to avoid scenic view objections and other considerations. [Rudolph Eschbach, Letter, January 24, 2008, Comment C, page 1]

**Response 3.8-5-15C:** Comment noted.

**Comment 3.8-6-39A:** I would like to add an additional comment on the qualification of the Project under the provisions of the RDO District, Section 121-18 of the Amenia Zoning Law, Adopted July 19, 2007 (the “Zoning Law”) states “The [RDO] district provides a procedure for master plan development...to promote tourism, recreation and open space protection”. The project, as described in the DEIS, does not meet the requirements of this provision of the Zoning Law. Section 3.12.3 of the DEIS.

The applicant has not made the necessary commitments in the DEIS to support the assertion that “there will be no impact to recreational...resources in the Town”. In fact, documents produced by an affiliate of the Applicant suggest just the opposite. If the Silo Ridge golf course is closed to the public and the hotel structure is nothing more than condominium apartments with a few rooms available for guests of Project residents, the Project should not qualify as a RDO District under Section 121-18(A) of the Zoning code. What commitments will the Applicant make in the Final Environmental Impact Statement to support their claim that there will be no impacts to recreational...resources in the Town”? [Steven Benardete, Letter, March 24, 2008]

**Response 3.8-6-39A:** The Zoning Law contains a specific definition of “condominium hotel” that precludes such a facility from becoming an apartment complex or a full-time residency condominium complex (see Response 5.3-13-PHT). Two hundred twenty-five of the hotel units will be available for transient use only and will function as “regular” hotel rooms. It is also expected that 90% of the remaining 75 for-sale units will be returned to the rental pool when not in use by their owners (see Response 5.3-14-39C).

As previously noted, several components of the proposed resort will be open for public use. These include the hotel restaurant and lounge, Village Green shops, and winery restaurant. As a guest of the hotel or a member of the public, reservations can be made through the resort operator for any of the available resort amenities, including golf and spa, with the exception of the private components of the Club facility. Furthermore, as stated in the DEIS, in the “No Build” alternative, the golf course will cease to operate if operated in the current state. Nevertheless, the project will allow for members of the public to utilize the golf course on a limited basis. Residents of the Silo Ridge project will likely utilize publicly owned recreational and open space facilities within the Town, but the Applicant believes that the project will not significantly impact such facilities.

**Comment 3.8-7-26G:** Agriculture. The section labeled "agricultural data" is almost fraudulent. The applicant is saying that there is no farming taking place in any

adjacent area, and that there are two properties which could be “potential farms.” What an insult to the farmer (Walter Culver) who still sometimes farms with a team of horses when he does not use his tractor, and whose industrious cultivation of the land in traditional patterns on the eastern hillside of the valley helps to provide the spectacular view one sees while driving down Route 44, The other “non-existent” farm is that of Mr. Rosendale on Route 44, who owns livestock. In truth, both these two properties are agricultural, and it is all the others which may be labeled as “potential farms” should their owners later decide so. [Sharon Kroeger, Letter, March 24, 2008, Comment G, page 3]

**Response 3.8-7-26G:** The Agricultural Data Statement (see Appendix 9.16 of the DEIS) identifies farm operations on properties within an Agricultural District that are also within 500 feet of the project site. Both Mr. Culver’s and Mr. Rosendale’s properties are noted as active farming operations in an Agricultural District within 500 feet of the project site. The Statement notes that “With the exception of these two parcels, no working farm operations have been identified within 500 feet of the subject site.” (Emphasis added.)

**Comment 3.8-8-33R:** The “gift” of a sewer system in lieu of payments for workforce housing may be a good deal for the Town, but the applicant is obliged by the Zoning Ordinance to provide workforce housing, payment in lieu of, or “a substantial contribution toward the cost of providing water/and or sewer infrastructure to the hamlet of Amenia or Wassaic.” Judging by the public comments at the March 5, 2008 public hearing, people seemed to think that Silo Ridge is gifting the Town a sewer system out of sheer generosity. In reality, the Zoning requires them to do that or something similar. [David Reagon, Letter, March 20, 2008, Comment R, page 12]

**Response 3.8-8-33R:** Comment noted. Page 5-138 of the DEIS states that the offer to construct the project’s WWTP with capacity to serve the hamlet “helps advance the Town’s goal of providing sewers in the hamlet by providing a significant infrastructure contribution and thus would satisfy the project’s workforce housing provision...” The Applicant also submitted a letter to this effect, dated June 9, 2008 (see Appendix E). See also Response 2.1-12-GP25. If Silo Ridge Resort Community were not offering the WWTP, the Applicant believes, based on engineering estimates, that a WWTP would cost the Hamlet in excess of \$5,000,000.

**Comment 3.8-9-33S:** The Town of Amenia Zoning, July, 2007, contains clear and concise rules for building on steep slopes. Steep slopes are meant to be protected because of several reasons including aesthetic and practical. Silo Ridge proposes to build on over 100 acres of steep slopes. The DEIS does not discuss, except in vague terms, how they will proceed with this building or why it is necessary. According to 121-36, many criteria must be met by anyone considering to build on steep slopes. The DEIS has not met many of these criteria. Compare the Zoning Law above with

their DEIS below and this becomes apparent. [David Reagon Letter, Comment S, March 20, 2008]

**Response 3.8-9-33S:** The April 2008 MDP has reduced the extent of development on steep slopes (slopes of 15% or greater) to 105 acres out of a total 246 acres of disturbance, or 42.7% of the disturbance. Of the 105 acres, 68 acres of disturbance results from structural development and the remaining 37 acres of disturbance results from golf course re-development on prior disturbed land. As shown on Figure 3.1-1 of this FEIS, approximately 19.7 acres are on slopes greater than 30%, 13.6 of which are associated with structural development.

According to the Town of Amenia Zoning Code, "[t]he purpose of the RDO is to provide use and design flexibility to encourage resort development on appropriate large properties." The Zoning Code goes on to state, "[I]n exchange for granting permission for use flexibility and more intensive development than is allowed by the underlying zoning, the Town seeks to achieve significant protection of open space resources, especially scenic viewsheds, ridgelines, water resources and ecosystems." The April 2008 MDP provides 80% of the site in open space protection by conservation easement, the majority of which lies within a scenic viewshed. Further, the proposed development does not propose development that breaks a ridgeline, thus protecting a major ridgeline that occurs on the property through a conservation easement. The development also provides a Habitat Management Plan (see Appendix F) to protect water/wetland resources and ecosystems.

In these areas where development is proposed on slopes, the impacts of disturbing slopes will not negatively impact visual resources and these areas are part of the broader development plan analysis (EIS) for Silo Ridge that weighs and balances the full range of environmental issues. Please see Section 1.0 for a discussion of the project's compliance with Section 121-36(A) (Steep Slope Regulations) of the Zoning Law.

Additionally, to reduce visual impacts, in the April 2008 MDP the Applicant adjusted the single-family and townhome unit designs that are adjacent to or on steep slopes so that the lower level normally associated as basement would be utilized as living space. Stairs or an elevator will be used to gain access to the uphill side of the dwelling units. This greatly reduces disturbance required to site a home because the structure is designed to fit into the topography. It should also be noted that many of the slopes help shield the buildings from the hairpin turn viewshed given how they are situated on the site. Terracing and stepping with low walls will be used to connect disturbed areas back to existing grade lines.

In areas of steep slopes, erosion control and drainage measures will be placed as prescribed by NYSDEC and outlined in the Master SWPPP. The measures include the following:

- Roadways have been aligned along contours lines to reduce grading impacts and steep road/drive grades;
- Removal of existing vegetation will be minimized by field surveying each building site including trees 8" caliper and larger prior to site plan submission and custom designing each building for the site;
- The Applicant will establish an escrow account to provide funds for the Town to retain engineering review of all site plans and no certificates of occupancy will be granted until all erosion control and drainage measures required have been completed to the Town's satisfaction.

Section 3.1.3 of the DEIS, *Construction-Period Erosion and Sediment Control Measures*, discusses the following engineering solutions which will be utilized in addition to the intensive survey, additional detailed geotechnical survey, and custom design practices for buildings and structures discussed above:

- Stabilized construction entrances;
- Dust control;
- Temporary soil stockpile;
- Temporary seeding;
- Stone inlet protection barrier;
- Erosion control blanket;
- Stone check dams; and
- Temporary sediment basin.

Additionally, under the *Post-Construction and Permanent Erosion Control Devices* discussion in that section, other design practices include the establishment of permanent vegetation and rock outlet protection.

**Comment 3.8-10-33G:** The Amenia Fish and Game Club is shown within the boundaries of the core area. This is an active club whose members shoot guns at this location. SR's buildings will be within three hundred feet of the shooting. This should be noted somewhere in this document. [David Reagon Letter, March 20, 2008, Comment G, pages 13-14]

**Response 3.8-10-33G:** The Applicant is working with the Amenia Fish and Game Club to find a suitable location to relocate the facility. Nevertheless, the Errata section of this FEIS includes modified text for Section 3.16 of the

DEIS to note that the project site is in close proximity to the Amenia Fish and Game Club where shooting activities currently take place.

**Comment 3.8-11-GP100:** One of the requirements of the RDO (§ 121-18.C.3.c) is that where buildings are visible from public roads, bicycle trails, or other publicly accessible areas, the Planning Board shall require the submission of proposed elevations of buildings and proposed architectural standards and covenants. The applicant has acknowledged the visibility of this project from the area's public roads, however, the architectural details and specifics which would allow the Planning Board to make an informed decision regarding mitigation of this impact are lacking. The Statement of Design Principals and Architectural Character included in Section 5.0 merely provide small conceptual renderings of certain areas within the project site. The rendering of the hotel clearly reveal its prominence on the landscape. Reconciling the visual impacts of this project, including the proposed architecture will be critical in this process. The applicant must address these issues more fully in the FEIS. [Greenplan, Inc., Letter, April 6, 2008, Comment #100, page 18]

**Response 3.8-11-GP100:** Detailed architectural elevations of the hotel, clubhouse, and residential buildings from various points along interior roadways were provided in the April 2008 MDP. Also provided are elevations of the winery building and Welcome House (Sheets A-1 through A-7 of the April 2008 MDP). These detailed images clearly show what the buildings will look like. The Applicant has also prepared additional photosimulations of the project, as well as video imagery of the winery building, which further provide detailed information about the look of the project. Section 3.6 of this FEIS describes the additional visual analyses (also see Appendix G).

**Comment 3.8-12-GP101:** It is understood that the RDO provides flexibility in design and that there are no specific bulk and area requirements. However, by virtue of the proposed design, bulk and area guidelines have been created. So while there are no compliance issues, there should be an explanation and table (similar to what has been included in the Preliminary MDP) describing what is being proposed in terms of minimum setbacks, distance between structures, distance between structures and parking areas, landscape buffers, building height, maximum footprints and maximum grades for driveways so that moving forward there is a basic understanding how this will be developed and that consistency between development phases will be maintained. [Greenplan, Inc., Letter, April 6, 2008, Comment #101, page 18]

**Response 3.8-12-GP101:** The requested information is provided below and will be included on the MDP plan set that is submitted at the conclusion of the SEQRA review process.

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**Silo Ridge Resort Community MDP Bulk Design Standards**

Permitted Use	Maximum Permitted Units/Keys (Note K)	Minimum Lot Area (SF)	Minimum Lot Width (ft)	Maximum Lot Coverage (%) (Note H)	Building Setbacks			Minimum Distance to Centerline Fairway (ft)	Landscape Buffers (minimum)		Current Provided Parking (See P-1 to P-8 in MDP) (Note L)	Maximum Building Height (ft): Mid-Point Highest Gable	Bedrooms (Note M)
					Front (ft) (Notes C, D)	Rear Standard/Alley (ft) (Note E)	Side/Combined (ft) (Note F)		Interior SRRC Roads (ft) (Note J)	Exterior (RT 44, RT 22, Cascade Amenia Road) (ft) (Note J)			
Hotel (Notes A, B)	300 units w/ 67 lockoffs equals 367 keys	NA	NA	NA	8	20	0	NA	5	100	477	70	437
Spa (Note B)	NA	NA	NA	NA	8	100	0	NA	5	100	37	52	NA
Conference/Banquet (Notes B)	NA	NA	NA	NA	8	20	0	NA	5	100	60	36	NA
Club House	NA	NA	NA	NA	8	20	40	NA	5	100	100	42	NA
Winery Restaurant (G)	NA	NA	NA	NA	140	245	538	NA	5	100	30	28	NA
Retail in 1st floor on Main Street	NA	NA	NA	NA	12	20	12	NA	5	100	31	NA	NA
Welcome House	NA	NA	NA	NA	8	20	0	NA	0	100	0	25	NA
Maintenance	NA	NA	NA	NA	20	20	20	NA	5	100	24	35	NA
Wastewater Treatment Plant	NA	NA	NA	NA	70	70	70	NA	NA	30	4	31	NA
Employee Parking Area	NA	NA	NA	NA	NA	NA	NA	180	5	100	120	NA	NA
<b>Residential</b>													
Single Family (Fee Simple) Category 1: < 15,500 and ≥ 22,000	14	15,500	120	45%	15	10	20	80 (I)	15	100	56	35	158
Single Family (Fee Simple) Category 2: < 22,000 and ≥30,000	21	22,001	120	40%	15	10	20	80 (I)	15	100	84	35	Incl in above
Single Family (Fee Simple) Category 3: < 30,000	6	30,001	120	35%	15	10	20	80 (I)	15	100	24	35	Incl in above
Golf Villas (Condominium)	19	NA	NA	NA	15	10	10	150	5	100	57	35	57
Vineyard Cottages (Condominium)	19	NA	NA	NA	15	10	6	NA	5	30	38	28	57
Multi-Family	259	NA	NA	NA	12	5	6	150	5	100	527	48	635
<b>Total</b>	<b>638</b>										<b>1,668</b>		<b>1,344</b>

- Notes:**
- A Hotel front setback is 8' at front entry curb inset
  - B Hotel, banquet and spa side setback is 0' due to spa/hotel/banquet connection
  - C Setbacks do not include porte cochere(s) for any building
  - D Front setbacks are measured from face of curb/road edge to face of building/porch face not including protruding steps.
  - E Rear Standard/Alley setbacks are measured from face of building to closest building if applicable or face of curb for road/alley. Rear setbacks do not include patios/retaining walls/steps. Single Family rear setback is property line to structure.
  - F Side Combined setbacks are measured from face of building to face of next closest building or to face of curb/road edge. Side setbacks do not include patios/retaining walls/steps. For Single Family the dimension is both side yards combined with 10' minimum for each property. WWTP is to property line.
  - G All winery restaurant setbacks are to Route 44: Front to the west, side to the south, rear to the east. The south measurement is to the furthest point out on the arc of the curve.
  - H Maximum Lot Coverage is computed as the total amount of impervious surface on the lot divided by the total lot area. Impervious surfaces are as defined in Zoning Law adopted July 2007.
  - I Single family minimum distance to centerline of fairway generally exceeds 150' however there are 2 units 80' from tee box on hole #17. Measured from face of building to centerline of fairway.
  - J Interior landscape buffers are measured from face of curb or road edge to face of building. Exterior landscape buffers are from R.O.W. to face of building. Buffers will be interrupted in certain instances by sidewalks, drives and roads. WWTP exterior buffer is depth of island at access.
  - K Unit count matches MDP submitted 4-3-08
  - L Provided Parking matches MDP submitted 4-3-08
  - M Bedroom Count matches MDP submitted 4-3-08. The Single Family bedroom count is not broken down by lot size.

**Comment 3.8-13-GP102:** In the discussion of RDO compliance, the applicant must describe more fully the proposed open space system. § 121-18.C.4. indicates priority in open space shall be given to land within the Scenic Protection Overlay and the Stream Corridor Overlay districts, *especially the view to and from DeLavergne Hill*, ridgelines, historic resources, unique ecosystems, prime agricultural land and water resources. [Emphasis added] The visual analysis reveals the preferred alternative does impact the views from DeLavergne Hill. The FEIS needs to explain how the priority open space and the visual impacts are related.

Further, this section indicates the open space *shall* be preserved by conservation easement. [Emphasis added] The applicant needs to describe proposed compliance with § 121-20.K regarding the conservation easement. [Greenplan, Inc., Letter, April 6, 2008, Comment #102, page 18]

**Response 3.8-13-GP102:** The MDP submitted to the Town dated April 3, 2008 meets the minimum 80% open space requirement and provides 536 acres that will be placed in a conservation easement. This open space is shown on Sheet SP-5 in the MDP dated April 3, 2008 (see Appendix M).

The relation of the priority open spaces to the visual impacts are as follows: The Applicant has provided an updated Visual Assessment and Simulations, Appendix G of this FEIS. Eight viewpoints are analyzed as selected by the Planning Board. The visual impact of the proposed unmitigated structures is quantified for each viewpoint and expressed as a percent of the image. The quantitative percentages for the 8 viewpoints in the unmitigated panoramic images are 3.8%, 3.1%, 2.2%, 3.4%, 1.7%, 1.0%, 1.5%, 0.5%, respectively. These percentages would be further reduced through proposed mitigation. Four of these viewpoints are from DeLavergne Hill and four of these viewpoints are to DeLavergne Hill. These quantitative percentages indicate that Robert A. M. Stern took into account the existing topography and vegetative features when siting buildings in order to reduce visual impacts. It also indicates that proposed mitigation measures further reduce visual impacts. It also indicates that from each of the 8 viewpoints, the majority of the visible portion of the site in the image is priority open space. This includes the wooded hillsides to the west of the site, the wooded hillside to the north of Route 44, the wooded knolls to the northwest and southeast of the resort core, the open fields on the inside and outside of the hairpin curve, all wetlands and watercourses and the golf course. All ridgelines remain intact and unobstructed.

It is noted that the next sentence in the Town of Amenia Zoning Code, Section 121-18.C.4 says, "Open space land preserved under this subsection may include.....recreational land such as golf courses...and hiking trails."

The Applicant has been responsive to concerns about visual impact specifically to and from DeLavernge Hill by moving the winery building 145' north from the location presented in the DEIS. This shift further out of the apex of the curve on Route 44, along with vegetative buffering, reduces the visual impact of the winery and increases the open space to the south of the building which is a priority. The Applicant also reduced the density of the vineyard cottages in half, from 38 units in the DEIS plan to 19 units in the MDP plan, and has proposed a mitigation plan with a 100' buffer from Route 44 as required by the SCO district. The vineyard cottages area is also proposed to be planted with additional trees as opposed to primarily tall grasses as previously envisioned in the DEIS. These mitigation measures, among others outlined in Appendix G of this FEIS, reduce visual impacts to and from DeLavernge Hill while still complying with the RDO open space provisions. Again, the topography and natural features of the site have been taken into consideration by RAMSA in the layout of the development to reduce visual impacts and screen buildings.

The proposed MDP layout has been designed to minimize permanent disturbance to sensitive habitats and preserves open space and wildlife habitat. The layout of the development will leave approximately 230 acres along the hillsides and the entire length of the ridge undisturbed and open space, which will continue to provide habitat for wildlife movements. This includes unique ecosystems associated with vernal pools and forested slopes. Open space will also be provided within the golf course, with extensive grassland habitat managed for grassland birds. There will also be open space within the SPO and the SCO. The existing golf course located within the SCO will remain golf course open space in the proposed plan with increased buffers as outlined in the Habitat Management Plan. The Applicant worked with the Town of Amenia's consultants to develop the Habitat Management Plan, and this plan can be found in Appendix F.

The Applicant commits to placing the 80% open space in a conservation easement with a qualified organization in compliance with 121.20.K.

Please also see Section VII, "Conservation Analysis Requirement" of the FEIS Executive Summary for more information regarding compliance with section 121-18(C) of the Zoning Code of Amenia.

**Comment 3.8-14-GP103:** The applicant must describe compliance with §121-18.C.6 regarding open space buffers between the proposed action and existing residential uses, if any. [Greenplan, Inc., Letter, April 6, 2008, Comment #103, page 18]

**Response 3.8-14-GP103:** The project will require a waiver from this section of the Zoning Law for the former Miller property. This property includes a cabana that will be less than 100' from the adjacent residential property line. It should be noted that Section 121-18(C)(6) requires open space buffers of at least 100 feet from "any existing residential uses that are not within the RDO District." The Applicant interprets this to mean as measured to the property line of the residential property not within the RDO District.

**Comment 3.8-15-GP104:** The applicant appropriately indicates the project is subject to the provisions of § 121-42.P which governs mandatory workforce housing. For the preferred alternative, the applicant is offering to construct a wastewater treatment plant with excess capacity to serve the Town in the future. There is no description of how much excess capacity will be available.

According to Zoning, the Planning Board must find the contribution substantially advances the Town's goal of providing such infrastructure and that the provision of such water and sewer infrastructure will result in an increase in the availability of housing for persons who are the intended beneficiaries of the workforce housing program. Evidence which supports either concept should be provided. The applicant asserts that the offer will help, but how? It is also stated the *only* cost to the Town residents will be the cost of sewer conveyance. [Emphasis added] What does this mean? Does the cost include the piping? This can be significant and needs to be quantified. How much excess capacity will there be, how many homes/commercial uses can it serve and what is the most feasible area to service? Has the proposed excess capacity been analyzed in the DEIS? If not, it needs to be included in the FEIS. A rational conceptual plan needs to be identified along with how it will ultimately benefit the persons in need of workforce housing. [Greenplan, Inc., Letter, April 6, 2008, Comment #104, page 19]

**Response 3.8-15-GP104:** The Applicant submitted a Letter of Intent to the Town Board in March 2008 indicating that 160,000 gpd of wastewater capacity would be provided, which is the amount that was previously estimated by the Town's consultants. In a meeting on May 4, 2008 with the Town's wastewater consultant, Morris Associates, the 160,000 gpd capacity was in keeping with the anticipated initial wastewater district needs. This amount was accounted for in the analysis of potential impacts in the DEIS. Ongoing discussions will evaluate the future flexibility of the WWTP as it relates to future needs of the hamlet as it grows.

With respect to costs to the Town, the Applicant is providing the WWTP for the Town's use. The Town will have to bear all other costs associated with the sewer conveyance system, which includes the piping system to get wastewater from each residence to the WWTP. The Applicant understands that the Town has its own consultant (Morris Associates) evaluating the

establishment of a sewer service area for the hamlet and the work includes an assessment of the potential costs of doing so. The Town has been working for many years on the details of providing a sewer system in Amenia and this goal was “Priority Action Item No. 1” as stated in the Town’s Comprehensive Plan Update.

Sanitary sewer service to the hamlet area of Amenia will facilitate infill development, one of the goals of the Comprehensive Plan. Provision of infrastructure (including wastewater services) increases the potential for successful programs within the hamlet. Please see Response 3.8-8-33R and Appendix E, which includes a letter from the Applicant with respect to the offer to provide wastewater treatment capacity for the Town.

**Comment 3.8-16-GP105:** For the preferred alternative, there is no discussion of compliance with the RDO 5% cap on retail uses on the site. §121-18.C.5 states no more than 5% of the total footprint area may be used for retail establishments that sells goods and supplies. This should be addressed. [Greenplan, Inc., Letter, April 6, 2008, Comment #105, page 19]

**Response 3.8-16-GP105:** The total footprint of buildings in the preferred alternative is approximately 571,300 square feet. The allowable amount of retail, based on the 5% cap in the RDO, would be approximately 28,560 square feet. The project proposes approximately 18,627 square feet of retail on the Village Green, in addition to 2,000 SF of sundry/gift shop space in the hotel, 1,500 SF of space for spa products, and 4,000 SF for the golf pro shop. The total retail space is therefore 26,127 SF, which is less than the allowable 5%. The project therefore complies with this provision of the RDO zoning requirements.

**Comment 3.8-17-GP106:** It is assumed that after the approval of the MDP the applicant will seek individual site plan approval for each component/phase of development. If the Site Plan is materially different from the approved MDP including any changes to the type or density of a residential component or the type and size of a commercial component, amendments to the MDP would be required along with review and approval from the Planning Board. Please confirm that the applicant intends to proceed in this manner. It should be stated that all site/subdivision plans for any one or more phases of the Silo Ridge Resort would be required to be consistent with the approved Master Development Plan for the site. The site/subdivision development plans would be reviewed and approved by the Planning Board in accordance with procedures set forth in the zoning law. [Greenplan, Inc., Letter, April 6, 2008, Comment #106, page 19]

**Response 3.8-17-GP106:** This is understood. The Applicant is either seeking one site plan approval for the entire development or individual site plan

approval for each phase of the development. The Town's Zoning Law specifies the review and approval procedure for projects within the RDO district and provides the overall procedure for site plan review and approval. Any material changes to the approved MDP will require the review and approval of the Planning Board. The phasing of construction will ultimately be detailed in the MDP and the approvals issued by the Planning Board. The Applicant intends to comply with the applicable procedural requirements of the Town of Amenia Zoning Law.

**Comment 3.8-18-GP107:** The applicant should discuss the permitted accessory uses for each residential use type and whether accessory uses for the single-family homes are proposed. [Greenplan, Inc., Letter, April 6, 2008, Comment #107, page 19]

**Response 3.8-18-GP107:** No accessory uses for the single-family homes are specifically proposed by the Applicant. However, should any future owner want to add an accessory use to their property, they would be subject to the provisions of the Zoning Law.

**Comment 3.8-19-GP108:** There is limited discussion of the proposed action's compliance with the Aquifer Overlay District. Specifically, the DEIS notes a special permit may be required for the storage of pesticides and herbicides. This needs to be more fully described for the preferred alternative. Given the golf course exists and is in operation, we believe estimates can be made regarding the amount of pesticides and herbicides which will be stored on-site. A special permit is required if the amount exceeds 500 pounds. If the amount of materials to be stored exceeds the 500 pound threshold, the project sponsor should address the items in § 121-15.E.3 and § 121-15.E.4. There also should be a discussion of whether chloride salts will be stored on site for road and path maintenance. [Greenplan, Inc., Letter, April 6, 2008, Comment #108, pages 19-20]

**Response 3.8-19-GP108:** The amount of pesticides and herbicides to be stored at the golf course at any one time would be less than 500 pounds. This is the case currently. Therefore, it does not appear that a special permit would be required. Further, in accordance with the NRMP included in the DEIS, all liquids pesticides will be stored separately from fertilizer so to avoid cross contamination. Where liquids are stored, spill containment will be provided (containment lip at door with concrete walls, sump, etc). An emergency response plan (who to call, spill kit, etc) will also be provided. Snow removal chemicals and sand will be stored at the maintenance facility with appropriate secondary containment, or may be supplied by an outside plowing contractor.

**Comment 3.8-20-GP109:** There appears to be some disturbance related to reconfiguring the golf course (holes 3 & 4) in the area of the Amenia/Cascade Brook. The applicant should discuss compliance with § 121-14 [Stream Corridor Overlay District] and identify whether the project meets or exceeds any threshold (§ 121-14.E.1). If it is concluded the project exceeds any of the thresholds, then the Planning Board may only grant approval if it finds the proposed activity: *Will not result in degradation of scenic character and will be aesthetically compatible with its surroundings; Will not result in erosion or stream pollution from surface or subsurface runoff.* For the Planning Board to reach a conclusion, additional information needs to be provided by the project sponsor. [Greenplan, Inc., Letter, April 6, 2008, Comment #109, page 20]

**Response 3.8-20-GP109:** Please see Response 3.2-22-GP37. Section 1.0 (VIII) of this FEIS includes a discussion of certain zoning provisions, including Section 121-14, “Stream Corridor Overlay District,” which require the Planning Board to make the findings for the area in question. Please refer to this section for more information about compliance with the Stream Corridor Overlay District. Additional information has been provided in Appendix F, “Habitat Management Plan,” which proposes enhanced riparian and water quality buffers for this area.

**Comment 3.8-21-PHT:** So how do we get assurances that what we get is what we see? How do we get assurances that we give approvals, and we find out we are getting something completely different? Not a 300-room hotel, we are getting an apartment complex. We are not getting a RAMSA neighborhood, he was paid X dollars to come up with the plan, and we are getting something else. I'm just skeptical of the whole thing. I think we as a town need to protect ourselves to make sure whatever we are giving approval for, that that is what we are getting. [Steven Benardete, November 17, 2007 Public Hearing Transcript, page 75]

**Response 3.8-21-PHT:** The MDP sets forth the architectural styles and details that are proposed for the development. The SEQRA Findings issued at the conclusion of the SEQRA review process also will incorporate conditions/mitigation measures that are binding. The project details may be refined throughout the Special Permit approval process, but once final approval is given, any future development on the project site will have to be in conformance with what is described in the MDP and SEQRA findings. Any proposed deviations from that will require additional review by the Planning Board.

**Comment 3.8-22-PHT:** Several commentors expressed their concern that the project will not be what is described in the DEIS. There is concern that the project design may change after approvals are granted.

- Tom Flexner, November 17, 2007 Public Hearing Transcript, page 35
- Sharon Kroeger, November 17, 2007 Public Hearing Transcript, page 76
- Cheryl Morse, November 17, 2007 Public Hearing Transcript, page 142

**Response 3.8-22-PHT:** At the conclusion of the SEQRA process, SEQRA Findings will be adopted, which will provide conditions and identify any mitigation measures. The Planning Board will then entertain the review/approval of the MDP as well as Special Permit and subsequent Site Plan review and approval of the project. The details may be refined throughout the Special Permit and Site Plan approval process, but once final approval is given, any future development on the project site will have to be in conformance with what is approved in the MDP.

**Comment 3.8-23-38B:** [In regards to the] New Zoning Ordinance: In elaboration, while the Developers and Planning Board were anticipating the adoption of a New Zoning Ordinance that would create the RDO Zone specifically for this project, the Application before the Planning Board at the time of the adoption of the Final Scoping Document was based upon only two stated Zoning concerns: *1. the need for a Zoning Amendment to allow Hotels in the RA & M Zones; and 2. a Special Use Permit to allow Townhouses in the RA Zone.* Specific awareness relative to impacts due to zoning changes are raised only in bullet point 12 of the 15 enumerated concerns listed in the Final Scoping Document as: “The potential impacts of the proposed zoning amendment with respect to the Property and other parcels in the RA & M use districts.” (No reference is made to the potential impacts of introducing Townhouse style dwellings by Special Use Permit.) Clearly, since the adoption of the Final Scoping Document, any number of additional potentially significant impacts have been introduced as a direct result of the adoption of: 1. The “Traditional Neighborhood Development” Alternative (essentially allowing for the creation of a self-contained, *gated “village” community*) by the developer; 2. The greatly expanded list of additional allowed commercial uses in the RDO in an underlying RA zone as a matter of right; 3. The addition of not only Townhouses in an RA zone, but also *Condominiums* in what was originally to be (just) a hotel; and 4. Significantly increased population density allowances as the result of the change in density calculations from “buildable lots” to “impervious surfaces”, as well as the density bonuses introduced for meeting so-called “open space” parameters. Thus, it is unarguable that the project before the Planning Board in November of 2005 was significantly less “complex” in both its vision and its potential impacts on the community. While it is true that the stated number of dwelling units and hotel units have remained the same, the resultant look and feel, or *suburban character*, of the development proposal is quite different. We now have a second separate Restaurant and Bar located on the North side of Rt. 44. Many have argued that the evolution of the project on that side of the Highway from strictly Residential to



another Commercially centered area should require a separate Planning Review. I would vehemently agree. It was not an anticipated result at the time of the initial scoping), nor when the proposed Zoning Ordinance was being finalized. Furthermore, the so-called "hotel" has now morphed into a "Condo Hotel" - their own designation - clearly indicating the emphasis shift. At the time of scoping for SEQRA only the Townhouse issue was brought to the fore in terms of its appropriateness as a residential model in a Rural Agricultural Zone. [Patrick J. Nelligan, Letter, March 24, 2008, Comment B, pages 1-3]

**Response 3.8-23-38B:** The Town of Amenia Planning Board did not ignore the potential enactment of the RDO District, when it adopted the Final Scoping Document on November 17, 2005. Section 3.8-2 of the Final Scoping Document expressly calls for a discussion of the "Proposed Resort Overlay District if it is available for public review during the DEIS preparation and if it has the potential to affect the project".

Subsequently, draft zoning legislation for a proposed RDO was made available for public review and ultimately enacted as part of the revised Town of Amenia Zoning Law, adopted by the Town Board on July 19, 2007. Accordingly, Sections 3.8 (pp. 3.8-4 through 3.8-13), and 5.0 (pp 5-136 and 137) of the DEIS comprehensively discuss and analyze the RDO and its potential impacts on the proposed action (and the Traditional Neighborhood alternative).

**Comment 3.8-24-38H:** What are the long-range impacts presented by the adoption of new "incentive" zoning density calculations based on "impervious surfaces" instead of traditional Euclidian models? ... Essentially, how the heck do we end up with nearly 700 residential "units" with as yet unanticipated Commercial "amenities" on 220 acres in a predominantly RA zone with an underlying (now) Lot size density of 10 acre parcels? And, generically what is the impact of that precedent on the rest of our Rural, Agricultural Zones? [Patrick J. Nelligan, Letter, March 24, 2008, Comment H, page 5]

**Response 3.8-24-38H:** The action evaluated in the D/FEIS does not include a proposal to adopt incentive zoning. The site is currently zoned RDO. Please refer to Section 1.0 for the discussion of zoning compliance.

**Comment 3.8-25-38O:** And what of our two main hamlets. Both Silo Ridge and Keane Stud, and any future RDO (& the MCO), can now have essentially unlimited Commercial Uses connected with them never before allowed/envisioned in our Rural Zones. What happens to our already less than thriving Commercial Zones as a result? I don't know, but it must be part of the Long-range Impact analyses for these newly created, self-contained "villages" in such close proximity. [Patrick J. Nelligan, Letter, March 24, 2008, Comment O, page 6]

**Response 3.8-25-38O:** A number of individuals commented on the impacts to the Town of Amenia Hamlet area and the potential impact to the viability of the existing retail enterprises. A positive impact is anticipated as a result of the project. Please refer to Response 3.19-2-PHT.

**Comment 3.8-26-38P:** A 5+ story, 390 key hotel (which will essentially be turned into a *predominantly condominium apartment complex*) in a Rural Agricultural Zone is an *obscenity*. 3 stories max. = Mitigation. [Patrick J. Nelligan, Letter, March 24, 2008, Comment P, page 6]

**Response 3.8-26-38P:** Comment noted. The hotel appears as a five-story building on the south (golf course) side of the building, but as a four-story building on the north (Village Green) side of the building. The number of keys has also been reduced to 367 keys rather than the 393 evaluated in the DEIS. Please see Response 3.8-6-39A and Response 5.3-13-PHT.

**Comment 3.8-27-38R:** The entire issue of a 390 key Condominium Hotel being allowed in an RA zone is not only unprecedented in Rural Communities such as ours, but was clearly not studied in detail as to the possible adverse effects such a precedent might cause. The very fact that the Developer shoehorned the concept into the New Zoning Law (with some illusive promise of assistance to the hamlet of Amenia with its Sewage needs) illustrates that the hotel is much too large to accommodate any anticipated transient influx. We have essentially not only now introduced Townhouses and Condominiums into a Rural Agricultural Zone., but Time-shares as well. Great for the Developer, bad for the Township. Personally, I believe I will die of ripe old age (assuming this Developer doesn't have me whacked!) Without the hamlet of Amenia ever having a Sewage system...in spite of this "generous" offer. Limiting the size of the Hotel to no more than what can be reasonably anticipated in the near future for tourist and guest transient needs - with unbiased empirical survey data – (say 125-150 units total), with very stringent restrictions on the number of keys that can be converted to Condominiums = **Mitigation** [Patrick J. Nelligan, Letter, March 24, 2008, Comment R, page 7]

**Response 3.8-27-38R:** Comment noted. The project site is within the RDO District, which allows the proposed land uses. For clarification, the proposed hotel includes 300 rooms/367 keys.

**Comment 3.8-28-38S:** What started out as a modest strictly Residential plan for the north side of Rt. 44 has turned into another almost separate community development, with unanticipated Commercial Uses and housing numbers on the slopes far exceeding what is ecologically (drainage/runoff/open wooded space) imprudent. Only by treating that area (as it is indeed segregated from the main golf course resort development by a major highway) as a separate entity with its own requirements for meeting open space percentages to receive density bonuses = Mitigation. [Patrick J. Nelligan, Letter, March 24, 2008, Comment S, page 7]

**Response 3.8-28-38S:** Section 121-18(C)(9) of the Town Zoning Law specifies that, “Regardless of the form of ownership of the property or of its division into separate parcels, the open space, buffer, and other dimensional requirements in this Section shall apply to the entire area covered by a Master Plan of Development and not to any individual parcels or lots which are portions thereof.” Therefore, the portions of the project north of Route 44 are considered within the whole of the project site for the purposes of meeting the requirements of the RDO.

With respect to building on steep slopes, please see Section 1.0 of the FEIS and Response 3.1-5-GP33.

**Comment 3.8-29-38T:** The Planning Board is inherently required, based upon the determination of the Town Board at the time of enactment of the Comprehensive Plan Update & New Zoning Law to conduct not just site specific Master Plan SEQRA reviews for these newly created self-contained Zones, but to include the Generic, Zonal, & Town-wide impacts, both ecological & human environmental, associated with their introduction and approval. Silo Ridge is the first such Development integrating the new Planning and Zoning Paradigms of the "New Urbanism", "Traditional Neighborhood Development", "Smart Growth Concepts" and "Incentive Zoning" as a replacement for the prior Euclidean Model for population density calculations. Now is the time to develop SEQRA Review guidelines that encompass the wide array of short and long term Generic effects related to them, not just the site-specific and adjacent property impacts. Had the Town Board conducted a Full Environmental Review and completed a Generic EIS, such would not be necessary. However, it did not, and placed the burden for same directly upon the Planning Board. Ignore that responsibility at your peril, and to the detriment of the entire community. [Patrick J. Nelligan, Letter, March 24, 2008, Comment R, pages 7-8]

**Response 3.8-29-38T:** Please see Response 3.8-1-PHT/38D and Response 3.8-23-38B.

**Comment 3.8-30-43A:** The CAC believes that Silo Ridge, as a condition of final approval and in accordance with the ridgeline protection standards set forth in the proposed comprehensive plan, must place a no-build conservation easement on the ridgeline that borders the western edge of their proposed project. This would begin just above the area where the proposed townhouses are and would extend to the western project boundary. We decided this as a result of our discussion on the Silo Ridge project at our meeting which took place this evening. [David Reagon Chair, Amenia CAC, Letter, February 21, 2007]

**Response 3.8-30-43A:** The ridgeline area in question has been identified as part of site that will be protected as open space, as indicated on Sheet SP-5 of the MDP (see Appendix M). This area is part of a 320-acre area of contiguous

natural woodland/wetland and part of the 80% of the site that the Applicant is required to protect as open space. The Applicant is required to create a conservation easement to include all open space areas within the 80% requirement. The easement will be created in a later review stage of the project, as more specific details are developed.

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