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### 5.3 Master Development Plan

**Comment 5.3-1-GP140:** We recommend the Planning Board request first floor elevations be added to all buildings. [Greenplan, Inc., Letter, April 6, 2008, Comment #140, page 24]

**Response 5.3-1-GP140:** This modification has been added to the MDP.

**Comment 5.3-2-GP141:** The access to the wastewater treatment plant is located within an NYSEG utility easement. The applicant should submit correspondence

from NYSEG stating that they approve of this arrangement. [Greenplan, Inc., Letter, April 6, 2008, Comment #141, page 24]

**Response 5.3-2-GP141:** The access to the WWTP has been moved so that it is located outside of the NYSEG utility easement. Please see Sheets U-1 to U-3 in the MDP in Appendix M.

**Comment 5.3-3-GP142:** We recommend the Planning Board request an enlargement of the area for the welcome house and an elevation of the proposed gated entrance area. A description of how the welcome house will function should be discussed in the narrative. For example, will the Welcome House be manned for 24 hour on-site security? Will a gate be located at the Welcome House? We note there also appears to be a gate at the southern entrance located along Route 22. There does not appear to be a gate to the Vineyard Townhomes. Will one be considered there? [Greenplan, Inc., Letter, April 6, 2008, Comment #142, pages 25]

**Response 5.3-3-GP142:** The area for the welcome house has been enlarged and an elevation of the proposed gated entrance area has been prepared. These are included in the MDP (see Appendix M). Please see Response 3.12-1-PHT for a discussion of the purpose and operation of the Welcome House. The Applicant is proposing security gates at the southern entrance on Route 22 and at the entrance to the Vineyard townhomes, which will allow access only to residents. The public will enter the resort at the main entrance on Route 22 and will have access to the winery and overlook on DeLavergne Hill.

**Comment 5.3-4-GP143:** The MDP should include a figure which outlines the land and related buildings/structures which will be governed by each of the HOA entities. [Greenplan, Inc., Letter, April 6, 2008, Comment #143, page 25]

**Response 5.3-4-GP143:** It is the Applicant's opinion that this is an issue that should be resolved during Site Plan Review. An outline of the management structure has been provided in the April 2008 MDP.

**Comment 5.3-5-GP144:** The MDP refers to the "Project Sponsor". The FEIS should clarify who the "project sponsor" is (e.g., is it Millbrook Ventures, LLC or Higher Ground Country Club, LLC) and whether the project sponsor will retain a majority ownership of the development. [Greenplan, Inc., Letter, April 6, 2008, Comment #144, page 25]

**Response 5.3-5-GP144:** The Applicant and owner is Higher Ground Country Club. The developer and sponsor is Millbrook Ventures, LLC.

**Comment 5.3-6-GP145:** Is RAMSA preparing design guidelines for the entire site? If not, please indicate which components the firm will be responsible for and

indicate who will be preparing the design guidelines for the remainder of the project. Please indicate when the design guidelines will be provided and which entity will be responsible for implementation of the guidelines for the entire project. [Greenplan, Inc., Letter, April 6, 2008, Comment #145, page 25]

**Response 5.3-6-GP145:** RAMSA has provided a document titled “Silo Ridge Resort Community Architectural and Landscape Character” that was included as part of the MDP submission April 3, 2008. RAMSA will be the design architect for all resort and residential buildings except the winery. Two Architects of Record will handle the construction documents and implementation oversight. RAMSA will also be involved as it relates to design issues that may occur during implementation. Currently, Jensen/Fey is handling the Hotel, Spa, Conference, Clubhouse and Minno & Wasko is handling the residential buildings and the winery Architect of Record responsibilities. The Applicant will be required to construct the project in compliance with the “Silo Ridge Resort Community Architectural and Landscape Character” document.

**Comment 5.3-7-GP146:** The applicant should enhance the tables detailing each component of the proposed development by phase which appear on sheets SP5a, SP6a, and SP7 to include minimum setbacks, distance between structures, distance between structures and parking areas, landscape buffers, open space if applicable, building height, maximum footprints and maximum grades for driveways. This is key component of the Master Development Plan. [Greenplan, Inc., Letter, April 6, 2008, Comment #146, page 25]

**Response 5.3-7-GP146:** Each component of the project is detailed by phase in the April 2008 MDP. Please see Response 3.8-12-GP101.

**Comment 5.3-8-GP147:** Please quantify open space on the site not including the golf course. [Greenplan, Inc., Letter, April 6, 2008, Comment #147, page 25]

**Response 5.3-8-GP147:** Please see Response 3.4-8-34I.

**Comment 5.3-9-GP148:** On page 10 of the MDP, it is noted that the golf course is expected to operate primarily as a semi-private facility. The applicant should fully describe how the public will be able to access this site including use of the golf course and other facilities such as the restaurants, spa, pools, etc. [Greenplan, Inc., Letter, April 6, 2008, Comment #148, page 25]

**Response 5.3-9-GP148:** Please see Response m-11-29A.

**Comment 5.3-10-GP149:** On page 10 of the MDP, there is phrase which states that the spa is not "currently envisioned as a day spa". Does the applicant anticipate this

as a future possibility? Does the spa contain rooms for overnight guests? If so, does it have food service capabilities? How has parking for this facility been accounted for? Is the spa available to the public? [Greenplan, Inc., Letter, April 6, 2008, Comment #149 page 25]

**Response 5.3-10-GP149:** Hotel guests, as well as residents of the resort community, can use the spa facilities. The Applicant does not anticipate this changing. The hotel contains rooms for overnight guests. Food service is at the hotel. Please see Response m-11-29A.

**Comment 5.3-11-GP150:** The discussion of parking should be included in the FEIS including the table which explains the parking rationale. Further we note the language should be revised to reflect that a source was utilized to develop the parking space counts. It is confusing to read the text where it indicates there are no standards only to review the table and see that the applicant has utilized a generally accepted practice endorsed by the Urban Land Institute on Shared Parking. [Greenplan, Inc., Letter, April 6, 2008, Comment #150, page 25]

**Response 5.3-11-GP150:** The April 3, 2008 MDP (see Appendix M) includes a series of sheets regarding parking (Sheets P-1 through P-8) that contain the requested information. The narrative part of the MDP submission includes an explanation of the rationale for the amount of parking that is provided.

**Comment 5.3-12-GP151:** Please explain who will be responsible for the common elements of the proposed project including the lighting, landscaping, Village Green and other publicly accessible open space including trails, snow removal, parking areas, wastewater treatment plant, water system, stormwater management facilities and the ecological areas. Please distinguish between common elements from "private" elements. [Greenplan, Inc., Letter, April 6, 2008, Comment #151, pages 25-26]

**Response 5.3-12-GP151:** This is outlined in the discussion of management structure in the April 2008 MDP.

**Comment 5.3-13-PHT:** It suggests that there are going to be 300 rooms in the hotel, a reduction of 20 from the original plan, but the number of keys is going to be 393. If you add 2 people per room, you now have 786. [Bart Wu, November 17, 2007 Public Hearing Transcript, page 90]

**Response 5.3-13-PHT:** The hotel is not a residential use and it will not be possible for the hotel units to be occupied by the same occupant on a permanent basis. The hotel will be operated as a "hotel condominium," for which the Town's Zoning Code has a very specific definition:

“A lodging facility or a set of dwelling units used as lodging for transient occupancy and/or as part-time residences by owners, renters, or lodgers, whether in condominium, time-share, fractional, fee simple, single-owner, cooperative, or any other form of ownership. For purposes of this definition, (1) “transient occupancy” shall mean that the lodging facility and/or dwelling units are not occupied by any occupant for more than 48 days in any calendar year nor more than 15 continuous days; and (2) “part-time residences” shall mean that the lodging facility and/or dwelling units are not occupied by any occupant for more than 120 days in any calendar year nor more than 30 continuous days. [Emphasis added.] For purposes of enforcement of these occupancy limitations, the Town may, in its discretion, require that compliance be established by annual certification provided by the owners of such units, the manager thereof, or any condominium or similar association for such units.”

The essence of this definition is that the hotel units may only be used on a transient basis or as a part-time residence, and both of the options are further defined in terms of time limits. This ensures that none of the hotel units can be occupied by the same occupant continuously for more than 120 days. The definition also includes a provision that enables the Town to verify compliance with the occupancy restrictions. The “hotel condominium” definition and the provision for Town verification of occupancy ensure that the hotel proposed at Silo Ridge will not convert to permanent, full-time residences.

Regarding the 393 keys, the Applicant has since reduced the number of keys to 367. Please see Response 5.2-3-GP9 for an explanation of the “lock-off” concept.

**Comment 5.3-14-39C:** The same investor presentation describes the hotel as a “condo hotel” with fractional ownership units. The DEIS does not disclose how many rooms will be available for hotel use and by whom. The proposed hotel structure may be nothing more than condominium apartments with a few rooms available for guests of Project residents. Under what terms and conditions will “condo hotel” units be sold? How many rooms will be available for hotel use and used by whom? [Steven Benardete, Letter, March 24, 2008, Comment C]

**Response 5.3-14-39C:** Please see Response 5.3-13-PHT. Two hundred twenty-five of the units will be kept as hotel rooms only, available for transient use. In addition, the Applicant’s research has shown that 90% of the 75 remaining for-sale units are likely to be put into the hotel rental pool, which furthers the transient use of the hotel. This transient use is necessary to ensure successful operation of the hotel.

**Comment 5.3-15-PHT:** The hotel will slowly evolve into condos. Do we want that kind of dwelling density as opposed to transient density in one spot? [Patrick J. Nelligan, November 17, 2007 Public Hearing Transcript, page 45]

**Response 5.3-15-PHT:** Please see Response 5.3-13-PHT.

**Comment 5.3-16-PHT:** I had made comments before, but since the last public hearing and since what has come out at Planning Board meetings, the hotel has grown from 300 to 392 rooms. That's almost a 25 percent increase in the size of the hotel. I know that's been brought up during the Planning Board meetings and hopefully it is going to be brought up again and addressed about the size and capacity of that hotel. Which we are finding out more and more will not be for the public. I've worked in the restaurant business for twelve years and have experience with lots of conferences, weddings. Even if two functions are held at the same time at the same facility, the maximum needed for functions for rooms cannot be more than 50 rooms at a time. Do I think a hotel is needed in Amenia? Most definitely yes. Do I think a 400-room five-story hotel is needed in Amenia? Absolutely not. 100 to 150 room hotel would suffice this area. It would be a great added and needed facility to this area. [Elizabeth Whaley, March 5, 2008 Public Hearing Transcript, page 67]

**Response 5.3-16-PHT:** See Responses 5.2-3-GP9 and 5.3-13-PHT. Section 5.2 of the DEIS described and evaluated the fact that the 300 hotel units could be configured into a maximum of 393 keys by utilizing "lock-offs." The Applicant has subsequently reduced the number of keys to 367. The commentor's opinion that a 100-room or 150-room hotel would suffice in this area is noted.

**Comment 5.3-17-PHT:** I think you have to consider the likelihood that all the dwellings will be year round dwellings. I think there's simply no alternative. [Dean Kaye, November 17, 2007 Public Hearing Transcript, page 152]

**Response 5.3-17-PHT:** As required by the Final Scoping Document, the DEIS examined the worst-case scenario of all of the homes being occupied on a year-round basis. This scenario is highly unlikely to occur, but to present a conservative, worst-case scenario, the population, fiscal, school, traffic, and all other population-based impacts were analyzed assuming this situation. As noted in Response 5.3-13-PHT, none of the hotel units will be occupied as primary residences.

**Comment 5.3-18-PHT:** Taxes are going up, and it's just getting out of sight. But I think Silo Ridge, in my opinion, has to get their information out a little bit more to the public. I don't think it's been put out there well enough to inform us of that. But I know the Planning Board has a big job, a big decision, what they are going to do.

But Amenia needs something. We need a tax break. And these houses, I don't know what the costs are going to be, you know, \$500,000, a million dollars, I don't know. But we certainly need a tax break in this town. I'm in favor of the hotel. I think it would be a boon for the Town. You know, it will also be a boon for the Silo Ridge when people come in to golf, to have golfing packages, whatever. [William Carroll, March 5, 2008 Public Hearing Transcript, page 18]

**Response 5.3-18-PHT:** Comment noted.

**Comment 5.3-19-14G:** What if the Silo residents demand from our town offices more, bigger and better services than our small town neighbors could afford through tax increases. Silo residents will have a large block of voters. [William J. Burke, Letter, November 30, 2007, Comment G, page 2]

**Response 5.3-19-14G:** The permanent resident population of the Silo Ridge project is expected to be quite small, since the development is a resort-oriented community. Therefore, the amount of voting influence such residents could have when compared to the overall Town population would also be quite small.

**Comment 5.3-20-PHT:** There were a number of comments regarding the economic viability of the project. Commentators are concerned about the recent housing downturn and news regarding a potential recession, and how that will impact the project. It was questioned whether studies have been done regarding the viability of this sort of resort development in this region.

- Tom Flexner, November 17, 2007 Public Hearing Transcript, page 32
- Steven Benardete, November 17, 2007 Public Hearing Transcript, page 74
- Michael Peek, November 17, 2007 Public Hearing Transcript, page 88
- Bart Wu, November 17, 2007 Public Hearing Transcript, page 91
- Elizabeth Whaley, March 5, 2008 Public Hearing Transcript, page 74
- Romia Kimball, March 5, 2008 Public Hearing Transcript, page 13
- Steven Benardete March 5, 2008 Public Hearing Transcript, page 28

**Response 5.3-20-PHT:** While an analysis of the financial feasibility of a project is not typically authorized by SEQR, the Applicant has provided a summary market study (see Appendix D) that describes and substantiates the market for the project. Furthermore, there are numerous examples across

the country where similar projects have been successful within similar locations. The Applicant has been working with experts in real estate marketing and development and has done extensive research on the potential market for a development of this type in this area of the Northeast. They and their expert consultants are confident that the project will be successful.

**Comment 5.3-21-PHT:** Was there ever a need analysis done for the hotel? Is there any analysis showing that we really need in this community a 325-room hotel? Viability is one question. [Patrick J. Nelligan, November 17, 2007 Public Hearing Transcript, page 44]

**Response 5.3-21-PHT:** See Response 2.2-4-PHT. Comment noted.

**Comment 5.3-22-PHT:** We are not a 4-season resort area, so I think this project is more pie in the sky than something that would be reality here. We do have ski areas in the area, which sometimes draw people, but if there is no snow, there is no skiing. Playing golf 4 months out of the year to me doesn't justify such an awesome endeavor. And I don't think it's going to bring the draw that the developers think it will bring. [Cheryl Morse, November 17, 2007 Public Hearing Transcript, page 139]

**Response 5.3-22-PHT:** The developers have conducted extensive market research to establish a program of amenities that will draw people to the property throughout the year. The golf course will be the strongest draw from April through October, plus other resort amenities are available on the property. Furthermore, the hotel is positioned to attract leisure guests as well as corporate travelers. Thus, the hotel will be marketable throughout all seasons as well as during the weekday and weekends. The numerous amenities, level of service and quality level are all designed to attract guests and residents throughout the year.

**Comment 5.3-23-PHT:** The idea of a resort here makes very little sense. There are so many golf resorts out there to be looked at. I think we should get some experience behind us by having somebody, a professional go out and look at these other resorts and see what impacts they have had and how different communities have dealt with them. [Dean Kaye, November 17, 2007 Public Hearing Transcript, page 152]

**Response 5.3-23-PHT:** Please see Response 3.17-19-25A.

**Comment 5.3-24-PHT:** If the portion of the project north of Route 44 were being developed as a stand-alone project, I don't believe this town would easily consider the number of units that are being put up there. So I don't see a clear connection between the really fabulous work that is being done on integrating this project down here and those units up on the hill. And why would we consider so many? The number of units is something that concerns me and other people. They are



interested in the business components but the number of housing units is a huge concern. So that is a particular location that seems out of balance with the design of the whole project. [Mark Doyle, November 17, 2007 Public Hearing Transcript, page 82]

**Response 5.3-24-PHT:** The housing units on the parcels north of Route 44 will be integrated into the overall facility by their access and services, yet be positioned as an extension of the resort that will appeal to a different demographic than one that is looking to stay in the center of the resort village.

**Comment 5.3-25-PHT:** You can't play golf here for six months of the year because of this winter of ours. I'm sure a few of us in this room have been down south, maybe to Florida, maybe to the Carolinas, maybe to Arizona. And one thing you would have done down there possibly is play golf. You would have seen some sunshine. Another thing you would have seen is the carcasses of the tens of thousands of projects exactly like this one that are all around this country. Ladies and gentlemen, I'm sure you all know that we are in an economic crisis right now. It is called the mortgage crisis, right. It is based on real estate. It is based on things exactly like this in places where they have a much, much higher likelihood of succeeding. We all want free sewage. We all want more jobs. The people behind this project are very well-known for their last disaster. I would like to look into the real likelihood and the proper economic context of the success or failure of this thing. Is it feasible to have a \$1.4 billion real estate project here, when they are failing on the basis of golf in places where you can play golf. Are we going to be left with an abandoned project, just like each of those tens of thousands of American towns in the sun belt that have seen these failures heard the same promise about sewage, about their tax burden being lightened, beautiful new schools, busy libraries, people strolling down their beautiful main streets like ours. We must look at the worst-case scenario, because the likelihood is enormous. What is it going to cost us or what might it cost us should the most likely outcome, which is failure, happen? [Bartle Bull, March 5, 2008 Public Hearing Transcript, page 58]

**Response 5.3-25-PHT:** Comment noted.

**Comment 5.3-26-1A:** Silo Ridge may be a welcome addition to our town, but in my opinion it will be too large if built as proposed. If there were fewer houses, a smaller hotel, and more open space, other than the green of the golf course and the woods, it would be more appropriate for this area. [Charlotte Murphy, Letter, March, 19, 2008, Comment A, page1]

**Response 5.3-26-1A:** Comment noted. The DEIS evaluated a reduced scale alternative that includes fewer residential units. However, according to the Applicant, this alternative does not meet the Applicant's objectives.

**Comment 5.3-27-2G:** A realistic and intelligent downsizing of this development to half to one-third of its proposed size. In the current recession this would facilitate fund-raising by Silo Ridge and also enable them to sell/rent a greater portion of their buildings. Both Silo Ridge and Amenia would therefore have a greater chance of success with the project, and the benefits to each would be realized sooner. [Romia Kimball, Letter, March 24, 2008, Comment G, page 2]

**Response 5.3-27-2G:** Comment noted. Please see Appendix D which substantiates the market for the development.

**Comment 5.3-28-3A:** While I understand that within the context of the DEIS, the applicant is not necessarily obliged to provide detailed market feasibility studies to support the viability of such a large scale project, I will suggest that, especially in this economic environment, the financial viability of the project is of prime importance to our town. Given that the developers stated fiscal impact and tax revenue projections assumes a market value of the units to be significantly higher [up to 2500/0] greater than both the current home prices in the Town, and for the similar proposed developments in surrounding communities, surely the applicant needs to substantiate their assumptions? The SEQR process, and any subsequent approval for this development may be entirely in vain if the project is not built due to poor economic conditions. In fact the consequences of such failure might well be the wasted investment of tax payers money, time, and energy, on the part of the town, and the desecration of an historic and unique viewshed. What is the town left with if the project is only partially completed or if many of the houses remain unsold? The present Recession has resulted in a serious downturn in property values and a huge slump in the nation's housing sales, making this project's economic viability an important consideration for the Planning Board. In light of this, it is imperative that the Planning Board have at hand a recent, thorough, market viability study done by independent experts. Research completed in an earlier buoyant economy and paid for by the applicant may not, in my view, present an accurate and thorough picture. We all know that, even in areas with year round golfing, the countryside is littered with failed similar projects. Amenia taxpayers cannot afford a failed project of such magnitude. At recent public hearings, speakers, experts in the field of finance and resort development, have warned that, because of current economic conditions, the probable success of this type of project has become far less favorable. In fact, at a previous public hearing, one expert, familiar with the funding of such projects, cautioned against such a project at this time. [Andrew Durbridge, Letter, March 14, 2008, Comment A, pages 1-2]

**Response 5.3-28-3A:** Comment noted. The marketing study in Appendix D substantiates the market for the project and the proposed selling prices. Also see Response m-11-29A.

**Comment 5.3-29-3D:** In reading the recent independent [The Hudson Group] analysis report, it is quite apparent that the applicant needs to improve the accuracy of the research and information used in making their assumptions and predictions for the project. The size and scale of this project if approved as currently proposed would conservatively double the size of our community. Consequently, I believe that the current size and scale of the full proposed build out is too large. Some residents wish to believe that there will be a local tax windfall to follow, and might use this message to promote the approval. It is imperative that they look more closely. There are many communities who have grabbed at this same 'carrot' and failed. There is not a direct increase in local tax revenue without the required cost of an increased local budget to provide the services. Several speakers at the public hearings have pointed out that the taxes received from condominiums are also much less than those from single-family houses. [Andrew Durbridge, Letter, March 14, 2008, Comment D, page 2]

**Response 5.3-29-3D:** Comment noted. The marketing study in Appendix D substantiates the market for the project and the proposed selling prices. This FEIS responds to comments raised by The Hudson Group, the Town's other consultants, and the public. Also see Response m-11-29A.

**Comment 5.3-30-5C:** The resort is not realistic. The proposed Resort is simply not realistic. The downturn in the real estate market is real and possibly long-term, both across the country and in Amenia. We are in a recession. The project is unlikely to get the necessary financing. The units will not sell for the prices used in the projections of the Developer. The Report of the Hudson Group documents that the Silo Ridge units are substantially overpriced in a competitive market where supply exceeds demand. Failure to obtain financing and to proceed with construction will have a negative impact on Amenia. Approval of a "stalled project" will have a negative impact on other, more rational development which might otherwise proceed at a modest pace. Starting the project and not finishing it would leave the Town with a terrible mess. The risks of failure are very real, and the consequences of failure are very great. The Planning Board should not approve the Resort, which is clearly not viable. [G.A. Mudge, Letter, March 19, 2008, Comment C, page 2]

**Response 5.3-30-5C:** Comment noted.

**Comment 5.3-31-11A:** What I object to is the number of condo units, and hotel rooms in this project. The number is just too many for the area. The project should be a third of the size it is currently planned for now to make it a positive addition to the town. [Emily Rutgers Fuller, Letter, January 28, 2008, Comment A]

**Response 5.3-31-11A:** Comment noted. Please see Response 5.3-26-1A.

**Comment 5.3-32-32C:** There are three other developments of similar construction in the application process within less than 20 miles of Amenia. These other developments will presumably be competing for the same prospective second home, empty nest market as that of Silo Ridge. Given that fact, the region will see a saturation of housing being constructed at a time when the economic state of the housing industry is in crisis and new home sales have come to a standstill. It is difficult to imagine that this project will be constructed in these economic times. [Cheryl Morse, Email, March 25, 2008, Comment C, page 1]

**Response 5.3-32-32C:** Comment noted. Please see Response 3.17-26-GP126.

**Comment 5.3-33-5F:** The units do not sell at the projected prices. Many units are not sold. With an over supply of housing, real estate prices in Amenia continue to fall. [G.A. Mudge, Letter, March 19, 2008, Comment F, page 3]

**Response 5.3-33-5F:** Comment noted.

**Comment 5.3-34-5J:** New stores and restaurants appear within the village of the Resort, but not within the Town of Amenia; the village in the Resort is very active, but the Town of Amenia is not revitalized. [G.A. Mudge, Letter, March 19, 2008, Comment J, page 3]

**Response 5.3-34-5J:** Comment noted. Please see Response 7.0-7-HG58.

**Comment 5.3-35-27C:** We can support locating a commercial use at this location, as it would provide increased security and maintenance of the public observation area. We suggest, however, that the Applicant consider alternative commercial uses, perhaps an establishment less oriented towards alcohol and more oriented toward family use, such as a restaurant or other tourist-based business. [Noela Hooper, Dutchess County Department of Planning, Letter, March 25, 2008, Comment C, page 3]

**Response 5.3-35-27C:** Comment noted. The winery will also contain a restaurant and the Applicant envisions being able to hold small events on the patio of the facility that would have considerable tourist appeal.