

April 3, 2008

By Hand

Hon. George Fenn,
and Members of the
Planning Board of the Town of Amenia
Town Hall
P.O. Box 126
Mechanic Street
Amenia, NY 12501

Re: Silo Ridge Golf Country Club/Higher Ground Country Club, LLC
Special Permit/ Master Development Plan
Application for Proposed Silo Ridge Resort Community

Dear Supervisor Fenn and Members of the Planning Board:

As you know, this firm represents Higher Ground Country Club, LLC, (the "Applicant"), in connection with proposed Silo Ridge Resort Community in the Town of Amenia (the "Project"). As you also know, the Applicant is the owner of a 670 ± - acre project site located west of NYS Route 22 in the Town of Amenia (the "Project Site"). Approximately 170 acres of the Project Site consists of the existing Silo Ridge Country Club, including an 18-hole golf course and clubhouse with associated amenities.

In furtherance of the above-referenced application, enclosed herein please find eleven (11) sets of Master Development Plan materials, including the following:

- Narrative
- Set of Drawings, T-1 through ENV-1 (46 sheets), dated 4-3-08.

- Architecture and Landscape Character Booklet by Robert A.M. Stern Architects

Pursuant to the Town's revised Zoning Law, adopted on July 9, 2007 as Local Law No. 2 of 2007(the "Zoning Law"), the Project Site is currently classified within the Rural Agricultural (RA) District and the Resort Development Overly (RDO) District.

As more fully set forth in §121-18 of the Zoning Law, the RDO provides a procedure for master planned development of large properties to promote resort development, tourism, recreation, and open space protection. The regulations of the RDO supersede the use and dimension regulations of the underlying RA District in cases where there is a conflict. Among the allowable uses in the RDO District are the following:

- All uses allowed in the RA District;
- Lodging facilities, hotel-condominium, meeting rooms, and conference facilities;
- Restaurants;
- Retail, recreational, and service businesses associated with the resort use;
- Riding academy and other equestrian uses;
- Such other uses that may be approved by the Planning Board in issuing a Special Permit for a development plan consistent with the purposes of the RDO.

The RDO requires a Master Development Plan (MDP) for any proposed use that is not allowed in the underlying RA zoning district. According to Section 121-18 C(3)(b) of the Zoning Law, the MDP must include a conceptual Site Plan showing an open space system (including preserved open space), access and road layouts, proposed buildings (including their uses, footprint, height, and total square footage), proposed recreational facilities, proposed utilities (including water supply and wastewater disposal), and a phasing plan if the project is to be built in phases.

Where buildings will be visible from public roads, bicycle trails, or other publicly accessible areas, submission of proposed elevations of buildings and proposed architectural standards and covenants is required. Architectural standards and covenants may also substitute for any of the design standards that would otherwise be applied to the RDO. Sign standards may also be developed as part of the architectural standards and may substitute for other signage requirements in the Zoning Law. The MDP must also contain a management plan for the future management of the proposed development as a unified entity. The Applicant believes that the enclosed MDP materials meet all of the foregoing requirements .

As set forth in Section 121-18-(C)(2), the RDO also includes a provision for the submission of a conservation analysis to the Planning Board; however, for projects for which a DEIS has been submitted prior to adoption of this provision, the DEIS substitutes for the conservation analysis. Here, the detailed environmental analysis in the Applicant's accepted DEIS serves as the conservation analysis for the Project. The RDO also contains a provision (§121-18C(5)) limiting retail establishments that sell goods and supplies to no more than 5% of the total floor area of the proposed development. This limitation applies to retail stores and not to hotel, spa, or restaurant uses. The enclosed MDP proposes a floor area ratio for retail of 3.27%, in compliance with the foregoing.

The RDO requires a minimum of 80% of the total land area of the parcel to be preserved by a conservation easement as open space, with a maximum impervious surface coverage of 15% of the total site area. The RDO gives priority in open space protection to land within the Scenic Protection Overlay (SPO) and Stream Corridor Overlay (SCO) districts, especially the view to and from DeLavernne Hill, ridgelines, historic resources, unique ecosystems, prime agricultural land, and water resources.

Open space land preserved under this subsection may include farmland and farm structures, ponds and streams, and recreational land such as golf courses, cross-country ski trails, equestrian trails, and hiking trails. Protected open space does not include land lying under non-agricultural structures taller than 20 feet, non-agricultural buildings larger than 200 square feet in footprint area, or land that is covered by impervious surfaces other than trails or golf cart paths. In addition to the 80% open space requirement, the RDO also requires open space buffers of at least 100 feet from any existing residential uses that are not within the RDO District. Such buffers may be wooded or open and may contain trails, but may not

contain any buildings or other recreational structures. This requirement does not apply where residential uses to be buffered lie across a State or County highway from the RDO District. The maximum height of 35 feet may be increased to five stories in the RDO District at the discretion of the Planning Board based on a visual analysis. The Applicant will be seeking a waiver of the 35' height limitation as authorized under section 121-18 (C)(10)(b). Specifically, the following proposed buildings are over 35' (as measured to the midpoint of highest gable):

- Hotel, Spa, Banquet, Clubhouse, CR-1, CR-2, C-3, C-4, C-5, C-6, C-7, C-8, C-16, CR-17, S-2, and S-6.

The density and dimensional standards in §121-11, all other density and dimensional regulations in the Zoning Law other than those contained in Section 121-18, do not apply to the RDO District and are superseded by the RDO. Other dimensional and density standards are approved by the Planning Board in the MDP, based upon the physical characteristics of the site, the character of the proposed development, relevant performance standards contained within the Zoning Law, and the requirements of the SEQOR process.

Other than the waiver of the 35' height limitation noted above, the Applicant respectfully submits that the proposed MDP complies with all other provisions of Section 121-18 of the Zoning Law.

The Applicant's intention with the proposed MDP is to create a luxury resort community with a mix of residential uses centered on a golf course and other resort amenities, set within the natural beauty of Amenia and the Harlem Valley, with emphasis on walkability and the preservation of scenic resources. The MDP proposes 60 single-family homes, of which 41 will be "fee simple" lots, 136 "flats", 142 townhomes for a total (not including hotel) residential unit count of 338 various sizes, to be built along the golf course and a 300-unit hotel facility and spa. The hotel facility, retail uses and residential units are proposed to be concentrated within a core area, which facilitates and encourages pedestrian travel between the residential units or hotel rooms to the golf course and other amenities. Within this core area, is the hotel, restaurant and spa, below-ground parking, a new golf clubhouse, banquet facilities, and over half of the residential units.

The golf course is proposed to be renovated, and the existing clubhouse will be demolished and rebuilt in approximately the same location. The Project also

includes a small "winery" theme restaurant and "Artisan Park" overlook, north of the hairpin turn on Route 44, which is intended to serve as a tourist destination and afford an opportunity to enjoy the views from the hill. The Project is also intended to be built and marketed as a second-home, resort style community, where the vast majority of residential unit owners are expected to be part-time residents who occupy their home on weekends or for short vacation stays.

In addition, on-site retail uses, a restaurant and café have been incorporated into the hotel facility. Parking for the hotel facility and a majority of the multi-family dwellings has been placed primarily underground. Interior relationships are planned from an environmental and pedestrian perspective, and the landscape has an improved aesthetic due to the enhanced clustering of units and variety of building masses, heights, rooflines and architectural features. The wooded hillside and ridgeline in the western portion of the site would remain undeveloped.

In closing, the Applicant believes that the proposed Silo Ridge Resort Community will meet the applicable Special Permit criteria for a Major Project, as follows:

1. Will Comply with all land use district, overlay district and other specific requirements of this and other chapter and regulations, and will be consistent with the purposes of this chapter and of the land use district in which it is located.

The Project Site is located in the Rural Agricultural (RA) District and the Resort Development Overlay (RDO) District. It is also located within the Aquifer Overlay District (AO) and portions of the site are within the Scenic Protection Overlay District (SPO) and the Stream Corridor Overlay District (SCO). In accordance with the RDO, a MDP has been prepared for the proposed project. The proposed MDP complies with nearly all of the Town's RDO requirements. Specifically, it meets the minimum required 80% open space requirement and is below the maximum 15% impervious surface area (proposing approximately 6± %). However, the hotel buildings and some of the residential buildings would exceed the 35-foot height limitation contained in the RDO. The RDO allows the Planning Board to waive the 35-foot height limit to allow a maximum height of five stories counted from the average grade at the front of the building (excluding any story within a roof), provided that visual impacts will not be significant. Thus, waivers will be requested for the hotel and some of the residential buildings.

The RDO gives the Planning Board discretion regarding dimensional and density standards, including parking. The nature of the proposed resort development is such that much of the parking will be shared among the different uses onsite. The Applicant commissioned a Parking Study, which was discussed in the DEIS and subsequently refined during development of the MDP, to identify minimum parking standards for the Project. These parking figures were based on the shared relationships among the uses, as well as the project's proximity to public transportation and the Applicant's intention to provide shuttle service.

A visual analysis was prepared for the project as required by the SPO District and no significant adverse visual impacts would occur from the proposed development. The project complies with all of the applicable requirements of the SCO District. The project also meets all applicable conditions of the AO District.

2. Will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances.

It is projected that the difference in noise levels between present and anticipated future conditions will not exceed 3 dB, which is not generally perceptible. During construction, dust control measures will be implemented to minimize the potential for off-site dust impacts. The proposed wastewater treatment plant will be designed to meet all applicable County and State regulations, and will not generate any excessive odors. The Harlem Valley transfer station and the Dutchess County Resource Recovery Plant have adequate capacity to handle the increase in solid waste from the proposed project. Given the position of proposed structures and the distance from public rights-of-way, the Project is not expected to cause any glare impacts.

The proposed uses are allowable uses within the RDO, and are therefore considered desired uses within the Town. The proposed uses will not cause any public or private nuisance.

3. Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.

The Project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads. As a component of the DEIS a comprehensive evaluation of

the project's impacts on the local transportation system was performed. The Traffic Impact Study (TIS) included an evaluation of highway capacity as measured in Level of Service (LOS) and traffic delays. The TIS concluded that all intersections analyzed will maintain an acceptable LOS under the build condition with the exception of the proposed Route 22 access road for the Hotel/Golf Course. The Applicant proposes to pursue installation of a traffic signal at this location, thus mitigating any impacts. The TIS also evaluated traffic safety (vehicular & pedestrian) as well as short-term construction related impacts. The Project incorporates a number of non-motorized transportation features and no impact to pedestrian safety is anticipated. No mitigation for construction-related impacts is required.

4. Will be accessible to fire, police, and other emergency vehicles.

As noted in Sections 3.10 and 5.2 of the DEIS, the Silo Ridge Resort Community development will be accessible to police, fire, and other emergency vehicles. The design of the site was developed with cooperation and input from emergency services personnel to make certain that the needs of these providers would be met. . The proposed MDP includes an emergency roadway around the southern end of the site that connects the east and west sides of the development. This road provides an alternate means of access that does not require going past the hotel and the main center of the development, which could better enable emergency services personnel to assist in an emergency on the west side of the development. Furthermore, representatives of the project team met with the Town of Amenia Fire Chief on May 22, 2007, for initial discussions on the Project layout from the perspective of emergency access, circulation, and safety. Roadway widths, fire hydrant spacing, turning radii, and access were discussed and it was the Fire Chief's opinion that the site plan appeared reasonable with respect to those items. Ongoing consultation with the fire department will occur during the design process, to ensure that adequate fire safety measures are incorporated into the plan.

5. Will not overload any public water, drainage, or sewer system, or any other municipal facility.

The Project will not overload any public water, drainage, or sewer system, or any other municipal facility. The DEIS included technical evaluations of public infrastructure (utilities) and community facilities.

Water

No impacts to public water supplies are anticipated. The project's estimated average daily flow is ~195,580 gpd, with a maximum daily flow of 272 gpm. This will be provided by a series of on-site groundwater wells. The installation and operation of the water supply will be regulated by the NYSDOH as a public water supply.

Stormwater (Drainage)

Stormwater generated from the planned project will be managed consistent with NYSDEC requirements and General Permit requirements of GP02-01. Stormwater runoff from the site will be collected and conveyed via a combination of closed (piped) and open (swale) systems. Stormwater quantity controls and quality treatment systems will be installed consistent with NYSDEC requirements, and sized to accommodate 50- and 100-year storm events.

Wastewater (Sewer)

No adverse impacts to municipal sewer systems are anticipated. The project is estimated to generate an average daily flow of ~197,000 gpd of wastewater. A new onsite wastewater collection and treatment system will be constructed to manage the project's wastewater. The wastewater system will be constructed to treat effluent in compliance with NYSDEC SPDES requirements.

Other Municipal Facilities

The DEIS evaluated impacts to Police, Fire, and Emergency Services and included an evaluation of the Project's fiscal impacts. While the Project will create modest increases in demand for municipal services, the impacts will be off-set by additional tax revenues.

6. Will not materially degrade any watercourse or other natural resource or ecosystem, or endanger the water quality of an aquifer.

Out of the approximate 36 acres of wetlands onsite, the Project will result in 0.11 acres of wetland disturbance and 0.012 acres of temporary disturbance, all of which will be mitigated as provided in the DEIS. No direct impacts to Amenia/Cascade Brook will occur. An Erosion and Sediment Control Plan and Stormwater Pollution

Prevention Plan (SWPPP) have been prepared for the site in accordance with NYSDEC regulations. A Natural Resource Management Plan, which includes an Integrated Pest Management Plan, was also prepared, which describes prevention and monitoring strategies to minimize the project's potential impact to terrestrial and aquatic resources.

Approximately 38 acres of previously undisturbed areas will be disturbed during grading and construction activities. Erosion and sediment control practices and compliance with permitted requirements for all onsite wetland disturbances will serve to reduce secondary impacts to vegetative communities. Mitigation measures identified in Section 3.3 of the DEIS will further reduce potential impacts. The proposed layout has been designed to minimize permanent disturbance to sensitive habitats and preserve natural open space and wildlife habitat. The layout of the development will leave approximately 80% of the site as open space, including approximately 230 acres along the hillsides and the entire length of the ridge, continuing to allow for wildlife movements.

7. Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.

The Project Site meets the physical requirements of the RDO, such as size and access from a County or State highway. The project has been designed to make use of existing topography as much as possible so that landforms and vegetation help to screen buildings from view. Development was arranged onsite to utilize existing tree masses for screening and softening and to limit clearing of woodland habitat. Trees will be provided at varying intervals along roads and sidewalks for shade and cadence. New landscaping around structures will focus views and provide pedestrian scale, color and ornamental interest. Stormwater management facilities have been sited in areas with preferable soils. The hillside and ridge in the western portion of the site are remaining largely undisturbed to protect wildlife and existing habitat.

8. Will be subject to such conditions on operation, design and layout of structures, and provision of buffer area as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town.

Conditions of the Special Use Permit will be determined at a later date, following the issuance of the Findings Statement under SEQRA.

9. Will be consistent with the goal of concentrating retail uses in hamlets, avoiding strip commercial development, and buffering non-residential uses that are incompatible with residential use.

The Project's retail uses and restaurants will provide for onsite entertainment and convenience. These uses are not intended to create a new "town center" that would compete with the hamlet of Amenia. In fact, there is intended to be a synergy between the proposed resort and the hamlet, where retail uses in the hamlet would experience positive effects due to the existence of the proposed resort use. The non-residential uses on the Project site are concentrated in the center of the site with surrounding residential uses to encourage pedestrian activity and create a vibrant core area.

10. Will not adversely affect the availability of affordable housing in the Town.

The Project is not reducing the amount of affordable housing within the Town of Amenia. The workforce housing section of the Zoning Law recognizes that as an alternative to the provision of workforce housing, a substantial contribution toward the cost of providing water and/or sewer infrastructure in the hamlets of Amenia and Wassaic could potentially satisfy the requirements of the workforce housing provision. The Applicant is offering to construct the project's wastewater treatment plant with the excess capacity needed to serve the Town in the future.

11. Will meet the applicable Site Plan requirements for approval.

The Project will meet all applicable site plan requirements.

12. If a property is in a "residential" district, will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social, and economic impacts.

As noted above, the Project Site is currently classified in the RA (Rural Agricultural) and RDO (Resort Development Overlay) Districts. With respect to the RA District, it should be noted that the primary use of "Agriculture" is classified in

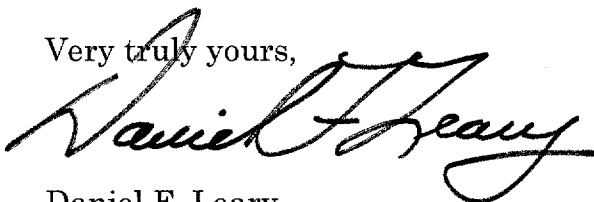
the Zoning Law as a "business" use. Moreover, allowable uses within the RDO are primarily tied to resort development, including the following: lodging facilities, hotel-condominium, conference facilities, restaurants, retail, recreational and service businesses associated with the resort use, among other things. Therefore, the Applicant questions the applicability of this particular provision to the proposed Silo Ridge Resort Development.

Nevertheless, the Zoning Law specifically states that the RDO provides use and design flexibility to encourage the development of resort communities and more intensive development than is allowed by underlying zoning. This flexibility is offered in exchange for protection of "open space resources, including scenic viewsheds, ridgelines, water resources, and ecosystems." The Project protects 80% of the site as open space, including the hillside and ridge in the western portion of the site. The Applicant has also partnered with Audubon International for management of the site's natural resources, including aquatic and terrestrial ecosystems, and has worked diligently with the Town's ecological expert to ensure sufficient study and protection of such ecosystems.

Furthermore, the Project will provide considerable tax revenues to the Town and Webutuck Central School District, and due to its nature as a resort community, it will generate little increase in demand for public services. As previously noted, the Project is intended to be built and marketed as a second home, resort style community. The Project also represents an opportunity for increased employment and tourism in Amenia and the region, which will result in significant direct and indirect benefits to the local economy.

Thank you for your consideration of the foregoing. We look forward to fully discussing this submission with you at the meeting scheduled on April 24, 2008.

Very truly yours,



Daniel F. Leary

Enclosures

cc: Michael G. Hayes, Esq., Town Attorney

Theodore J. Fink, AICP, Greenplan, Inc., Town Planner
Michael W. Soyka, P.E., Rohde, Soyka & Andrews, Town Engineer
Dr. Michael W. Klemens, Town Biodiversity Consultant
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Higher Ground Country Club, LLC
Millbrook Ventures, LLC