



To: Town of Amenia Planning Board Date: January 31, 2015

Memorandum

Project #: 29011

From: Amanda DeCesare, P.E. Re: MDP and Site Plan Phase 1 Comments
Silo Ridge Resort Community

Applicant's Responses to Public Comments

This document addresses all public comments received during the comment period on the Silo Ridge Resort Community project, which opened on September 4, 2014. Comments from the Planning Board's consultants and attorney were submitted in writing (and are separately addressed), and public comments were submitted in writing and also expressed orally at the Public Hearings held on September 4, 2014 and September 18, 2014. Copies of the Public Hearing transcripts are in Attachments A and B and written comments are in Attachment C.

Public hearing testimony and written comments are extensive. Silo Ridge Ventures, LLC (the "Applicant") has made a diligent, good faith effort to distinguish substantive comments from broad general statements and personal opinions about the desirability or potential impacts of the project, and to respond to all substantive comments directed to the principal applications currently before the Planning Board, for approval of (i) proposed modifications to the October 8, 2009 Master Development Plan, and the related special permit for the project granted by the Planning Board on June 25, 2009, (ii) the proposed site plan for the first phase of the project (including the golf maintenance facility, golf course improvements, and wastewater treatment plant on the adjoining property), and the related subdivision plan. As used in this document, the term "approved project" refers to the development program under the current approved October 8, 2009 Master Development Plan, and the terms "Project," or "Modified Project" refer generally to the development program under the proposed amended master development plan (the "Amended MDP"), and to the proposed first phase site plan of the Modified Project.

Public hearing comments are from stenographic transcripts of the hearings. Comments are generally organized according to the content of the question. Similar comments have been grouped to allow a single comprehensive response to multiple comments on the same issue. The response "Comment Noted" means that in the Applicant's judgment, the comment is either (i) not substantive, (ii) not directed to the applications currently pending before the Planning Board, or (iii) a broad general statement or personal opinion about the project not for which there is no specific, substantive response.



Memorandum

This document is submitted by the Applicant to assist the Planning Board in its review of the project and consideration of consultant and public comment. This document is not a draft or final environmental impact statement, and all responses are the Applicant's, and not the Planning Board's.

All commenter addresses are in New York unless otherwise indicated.

Unless otherwise indicated, all references to: (i) the "Amended MDP" are to the Amended Master Development Plan dated January 2015; (ii) the "Addendum to [the] EAF" are to the Addendum to Environmental Assessment Form dated January 2015; (iii) the Site Plan Drawings are to the plans and drawings last dated January 8, 2015; (iv) the Preliminary Subdivision Plat and to the Subdivision Drawings are to the drawings last dated January 8, 2015; and (v) to the "Amended MDP Drawings" is to the drawings accompanying the Amended MDP narrative, all last dated January 8, 2015.

A. **General Project**

Comment A.1 – Kevin McEneaney, Amenia – September 4, 2014 Public Hearing Testimony (PHT): I was here in the spring for the presentation and this presentation today in the same room is very much the same, but I did notice one major difference that -- that I thought I would like to call attention to, and that is it was said back in the spring that there would not be any building on the upper ridge and it was said quite emphatically. And at this presentation I did not hear that, and so my question to the Town Board is, has that changed, have you given permission to build on the ridge?

Response A.1: All proposed buildings are below the ridgeline. The elevation of the top of the highest building is 288 feet below the adjacent ridgeline.

Comment A.2.a. – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: The prospects of a competent cluster development which comprises the core of the Silo Ridge project is an exciting dream for the applicant, and, in many ways, may be for the Town. My concerns, identified at the Meeting, are that we are entirely dependent upon the members of an untested partnership to ensure that the applicant's dream has a successful and happy ending, and does not amount, upon realization of a partially constructed project, to a colossal nightmare that destroys Amenia's unique character and visual charm and bankrupts its finances.

Comment A.2.b. – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: The third point I'm addressing is air, not in the sense that you think of, but in the sense of financing. You've heard about what their financing is in the general sense and we are delighted to hear that Discovery Land has appeared, but what you don't know is whether there's sufficient financing to complete the project. This is like a dream, a dream where you get to close your eyes and imagine what it's



Memorandum

gonna look like and how nice it's gonna be. It's a closed dream so you can't actually enter it because it's only gonna be for the people who live there, but it's a dream and a dream -- imagine what that dream is like when -- if you put your hand across the bottom part of that great image all you see are -- is the sky or the top hills. The problem with -- and the benefit is you get nine million dollars. I'm asking that you consider that factor that what happens when you wake up from that dream.

I'd like to reserve the rest of my comments and offer them by way of written comments following this meeting. Thank you very much.

Response A.2.a-b: Comment noted. As stated in Responses m-11-29A and m-12-PHT of the September 16, 2008 FEIS, "There is no legal basis for a Planning Board (or Lead Agency) to require financial pre-qualification from an Applicant, either in SEQRA or otherwise. Generally, the Planning Board's land use authority is confined to regulating uses, not users. SEQRA does not modify or expand this authority."

In response to the comment about the development team's qualifications, the Applicant offers the following information:

Discovery Land Company, LLC

Discovery Land Company, LLC ("Discovery") is a privately-held, full service real estate development company based in Scottsdale, Arizona, specializing in luxury residential private club communities and resorts in the U.S. and other popular North American locations. Discovery's projects are all distinct from one another with their own themes and architectural styles inspired by the natural environment and traditions of the project's locale. The private clubs have world-class resort amenities, high levels of service, and club programs that work in sync to create an appealing lifestyle and a culture that is focused on family. The Company was founded 16 years ago by Michael S. Meldman with just one project. Since that time, Discovery has grown to be one of the premier development companies specializing in world-class residential club communities and resorts in the luxury niche market. Over its decade-plus track record, Discovery has developed strong brand recognition and market awareness through its geographically broad portfolio of 16 projects across the United States, Mexico and the Bahamas.

Discovery has expertise in all facets of its development business including acquisitions, land entitlement, master planning, amenity planning, design, and construction, club/ resort operations, project marketing, sales and re-sales, home design and building, and interior design/furnishing. Discovery's integrated development approach produces cost efficiencies, a shared vision across project disciplines, and an appealing culture and service environment at its private clubs and resorts. Furthermore, Discovery has a database of over 10,000 loyal customers and qualified prospective buyers consisting of current owners, prior owners and people that have toured the projects. In addition, Discovery's golf courses host approximately 30,000 guest rounds per year. Discovery's



Memorandum

projects are well-known for having world-class service and amenities. The intimacy of the small private club atmosphere allows Discovery to provide member/owner service that Discovery believes is more attentive and hands-on than some of the world's most luxurious resorts.

As a result, Discovery's projects have realized over \$6 billion in sales from inception to present. Sales activity continued during the most recent recession as shown by the \$3+ billion of transactions that closed at Discovery's projects from 2009 through winter-2013. The project sales have been particularly robust since 2011, totaling in excess of \$2 billion with an average unit price of \$3 million.

Comment A.3 – Norman Benson, Amenia – Written Comment (Letter # 2) dated September 18, 2014:

This is no small subdivision. It is the largest development project ever considered by the Town of Amenia and it should be managed with great care in order to protect the integrity of the Town and its taxpayers, as well as its famous viewshed.

Ownership of all Project infrastructure should remain with the developer under easement. The Town should not take over ownership or maintenance of this infrastructure, as it is on private land that is very expensive to repair and keep up. This should not become a burden on the Town and taxpayers for the benefit of a few.

Response A.3: All on-site infrastructure will either be privately owned (internal roads; storm water management/drainage facilities; domestic, firefighting, and irrigation water supply and distribution systems; and wastewater treatment plant and sewer conveyance system), or owned by the regulated public utility provider.

Comment A.4 – James and Elizabeth Park, Amenia – Written Comment (Letter # 4) dated September 18, 2014: What will the 'estate' lots cost? There was much talk of the wonderful 'family' ambiance, but this is setting up to be a very pricey and exclusive development.

Response A.4: It is currently anticipated that the Estate Home lots will start at \$1,500,000.

Comment A.5.a. – Linda M Kinney, Sharon, CT – Written Comment (Letter # 6) dated September 18, 2014: How many of Amenia's residents can afford a home in the proposed community?



Memorandum

Please give more consideration to the project so Amenia can continue to live up to its name.

Comment A.5.b. – Linda M Kinney, Sharon, CT – September 18, 2014 PHT: How many of Amenia's residents can afford a home in the proposed community? Please give more consideration to the project so Amenia can continue to live up to its name.

Response A.5.a-b: Comments noted. The target market is second home buyers predominantly from the New York metropolitan area. The Applicant has not surveyed Amenia residents to determine interest in purchasing a home.

Comment A.6 - Dave MacMillan, Northeast - September 4, 2014 PHT: I'm gonna make it short and sweet. I want to thank the Planning Board for having an open hearing so people can speak about this particular project. Mostly, I'm gratified to see all the residents of Amenia coming down to voice their concerns. So you guys all have to have -- you've got a big job on your hands. I like to see the new member Board, too. I've been a proponent. I've been in favor of this project since day one. Now, I think the one thing some of your residents may be misunderstood about is, and what I happen to like about what's going on from day one with Silo Ridge, the group, they're open, their office is open, if you have a question you can go and talk to them. You know, they will answer any question you have. And for me if they were gonna build this in my community, I would be behind them a hundred percent. Just go ask them the questions they'll answer the questions. As far as what Kevin just said and that gentleman sitting next to me, 175 jobs in our community, maybe I won't have to feed so many people. I hope you guys do the right thing. Thank you very much.

Response A.6: Comment noted.

Comment A.7 – Kirk Imperati, Undersheriff, Dutchess County – September 4, 2014 PHT: Good evening. I'm Kirk Imperati. I'm the Undersheriff for the Dutchess County Sheriff's Office. I was sent to speak on behalf of Sheriff Anderson and the Dutchess County Sheriff's Office about this project. We're in 100 percent in support of this project. One thing you can say about the Silo Ridge team is over the last 10 years of working with them and discussing the various impacts upon the community, as NASCAR Dave said earlier, they're open, they're honest and they're willing to work with you.

From a law enforcement perspective, we're comfortable with this project and the impacts it's gonna have on the community. I'm a 22 year veteran of Dutchess County Sheriff's Office. My first three years was spent out here patrolling in the Harlem Valley. The impact that this project is gonna have on law enforcement is



Memorandum

minimal and it's a positive impact, it's a positive impact for the community as well as for law enforcement. Sitting and talking with the sheriff over the last several years about this project -- the sheriff is a proud resident of Dutchess County as I am. He's a lifelong resident and proud of Harlem Valley. And looking at this -- as we look at it from various perspectives of Dutchess County residents and parents, and to echo some of the thoughts that were portrayed here tonight and said here tonight were about our kids. I'm fortunate to have two beautiful girls, 14 and 18. I want them to continue to live in Dutchess County, work in Dutchess County, and raise their families in Dutchess County. A project like this in Amenia, and Amenia can set the tone for Dutchess County, it will allow our kids to stay here, live here, work here and raise families here. And the Silo Ridge team is affording that opportunity for families in Dutchess County. As Dutchess County residents, the sheriff and I look at this project and we say, wow, Amenia has a great opportunity to make this project go forward, and then the snowball effect throughout Dutchess County to allow other big projects that are on the table to move forward. So, again, we support this project 100 percent. We appreciate the group of Silo Ridge and their openness and we appreciate the town and the Board and the work you're doing on this project. Thank you.

Response A.7: Comment noted.

Comment A.8 – Elaine LaBella, Director of Land Protection, Housatonic Valley Association – Written Comment (Letter # 11) dated September 4, 2014: HVA does not object to this development conceptually. It could benefit the Town and help to stimulate economic opportunity and growth. The applicant should also be commended for agreeing to permanently conserve several hundreds of acres of forestland.

Response A.8: Comment noted.

Comment A.9 – Laurie Nussdorfer, Amenia – Written Comment (Letter # 12) dated September 17, 2014: In closing, I leave the Planning Board with a broader question: What public benefit did you see in the sacrifice of this beautiful and meaningful landscape to an economically risky venture exclusively intended for residents of a gated community?



Memorandum

Response A.9: Please refer to the Local and Regional Plan Consistency Memo dated June 2014 (Appendix M of the Addendum to the EAF).

Comment A.10 – David Reagon, Chair, Amenia CAC – Written Comment (Letter # 13) dated September 18, 2014): We are not opposed to this project. We feel that if properly done, it could have a positive benefit for Amenia. We urge the Planning Board to take the proper steps to ensure that the environment is being protected and the zoning is being followed. We don't feel it is anyone's interest if the project is derailed.

Response A.10: Regarding environmental protections, please note that the Modified Project reflects a great deal of effort by the Applicant's team to prepare, and by the Town's consultants to review and critique, the development plans. The Planning Board's thorough and rigorous review process will ensure the mitigation of all potential environmental impacts to the maximum extent practicable. Please refer to the Addendum to the EAF and its related documents.

Regarding zoning compliance, please refer to Section 6.0 of the Amended MDP and Section V of the Addendum to the EAF.

Comment A.11 – Mark Doyle, Amenia – Written Comment (Letter # 14) dated September 16, 2014): It is in the interest of residents of Amenia to ensure that this process is carefully undertaken to the letter of the law to be sure, but it is surely of critical importance to the financiers and investors in Silo Ridge, who risk immense financial loss. This resort must be a good fit for the land and visitors and residents of the town alike, for a successful investment of this scale to endure. That "good fit" and endurance must include the defense of our Town Laws.

Response A.11: Comment noted. Please refer to the Local and Regional Plan Consistency Memo dated June 2014 (Appendix M of the Addendum to the EAF).

Regarding the Town's laws, the Applicant notes that: (i) all of the proposed uses are permitted under the Town of Amenia Zoning Law; (ii) no use or area variances are being sought; and (iii) although waivers of certain provisions of the Zoning Law and Town of Amenia Subdivision Code are requested, the Planning Board is expressly and specifically authorized under other applicable provisions of the Zoning Law and Subdivision Code to grant them in a proper case. For the Applicant's justifications for the requested waivers, please refer to memorandum regarding



Memorandum

Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-18.C(7) of the Town Zoning Code, dated February 5 2015, in Appendix O of the Addendum to the EAF.

Comment A.12 – Vincent Biase – September 18, 2014 PHT: Good evening, Chairman Fontaine, members of the Planning Board, who are also members of the public, although entrusted with their responsibilities. You have before you deliberations and decisions on what is the most extensive and complex project plan that Amenia has seen, if ever. It has the potential to change the character of our town and also can alienate some of us, rather than unite us as a community and community members. Because of its scope, it can go from wonderful to blunderful. And, therefore, assault some of the social and land use environmental issues forever. It is too easy to get caught up in the technicalities of development and lose sight of the fact that some developments are, first and foremost, not appropriate for all locations. Discovery Land Development is the well-funded, well-capitalized force behind the Silo Ridge venture. Having developed luxurious recreation and golf projects in desirable sites such as Baja Los Cabos, Mexico, the big island of Hawaii, Whitefish, Montana, but never a development just two hours from a site like New York City. Which implies the possibilities of primary and secondary complications regarding the metropolitan aspects that we know and its unique environmental aspects. They have never executed a development in the Northeast United States and with its unique – and unique features that it represents. In fact, their concurrent project, The Hills in Southampton, Long Island, in the Village of Quogue, is currently being hammered by the populous for significant environmental risks to the aquifer, to wetlands, beaches, wildlife, and zoning issues, in addition to changes in scope regarding their yet-to-build golf course and its land allocation and also contentious issues which have developed from the reallocation of land definition. I am not impugning Discovery Land Development. But I'm asking the Planning Board what legally binding constraints have you placed not on Silo Ridge Ventures, but on Discovery Land developers, to execute and complete this project, however ill-fitting it might be for Amenia? The last public hearing, we were presented with factoids, positive projections, and really some creative ambiguities which are, of course, part of the public record. Mr. Chairman and Planning Board members, please recognize that while Discovery Land Development can be held harmless without the board demanding a reality-based monetary performance surety bond for this project, its compliance and completeness, the Town of Amenia can ultimately be held hostage for the possible environmental degradations, noncompliance issues, and possible even abandonment of the project. And let it be known that the Town consists of those folks sitting before you tonight. Thank you.

Response A.12: Comment noted. On August 2014 the Town of Amenia and the Applicant executed a Security Agreement and License pursuant to which the Applicant deposited \$80,000 in an escrow account to secure the reclamation of the golf course renovation work if it is abandoned. Under Section 105-28 of the Town Code, and Section 121-68.B of the Town Zoning Code, the Applicant will be required to provide adequate security for the completion of infrastructure improvements.



Memorandum

Comment A.13 – Evog O’Connell, Amenia – September 18, 2014 PHT: They have worked with our Planning Board and 13 experienced expert consultants for the past 11 years. They have held many informational meetings to inform the public about the project and provided ample opportunity to address questions or concerns. I have attended many of these meetings. They are open and very informative. And if I can find my other page -- I have to read because I get too nervous. Some of the concerns, such as the water runoff, have been followed closely and are monitored by DEC. And as far as having enough water, this town supported at one time probably 30 dairy farms and Wassaic Hospital, with all the residents and all the employees. We have plenty of water. Water is not a problem. The best result of this project is that it remains 80 percent open space, which I think is wonderful. I mean, what else would you want there? You don't want to see some overdevelopment of that area. Silo Ridge has always shown an interest in our town and is a good neighbor. As a member of the Recreation Commission, I can tell you that they have been very generous of their time and support. They have donated supplies and their workforce to refurbish Beekman ballpark fields, cleaned and extended the parking lot, mowing of grass, painting the dugouts. They have donated many various kitchen items to our Town Hall. How many more hearings do we need? It seems to me that eleven years and 13 consultants is enough to complete this project. Thank you. I just have one little footnote.

Just one sentence.

Several years ago, my friends and I went to Warren, Connecticut, for a lunch. As we rode into town, there was a huge sign. It said, The Town of Warren, Connecticut, is for sale for \$5 million. Is this the line we're going to go down?

Response A.13: Comment noted.

Comment A.14 – Vickie Benjamin, Amenia – September 18, 2014 PHT: Good evening. Generations of my family have lived here for many years. And I have seen prosperity, and I look now, and it's sad to see many people struggling. The Silo Ridge project will create a tax base that we just don't have. And the property is privately owned, and I feel that if they are properly following the rules provided to them, then let this project move forward. Remember previously we saw a dump in our view from the hill. I believe that once this project is completed, it will be beautiful and something our community will be proud of. Thank you.

Response A.14: Comment noted.



Memorandum

Comment A.15 – Jeanne Rebillard on behalf of David Shewfelt, Millerton – September 18, 2014 PHT:

I am reading into the record for my father, David Shewfelt, P.O. Box 215, Millerton, New York, 12546. On Thursday, September 4th, 2014, as a resident of the Webatuck Central School District, and a long-term resident and business owner in the town of Northeast, I attended the public hearing at the Amenia Town Hall for the Silo Ridge project in Amenia. Many of those who got up and commented were addressing the scenic view from DeLaVergne Hill. I left the meeting impressed with the plan put forth by Silo Ridge and Discovery Land Company to put together a major program to retain most of the beauty while providing for a major increase in tax base for the community, Dutchess County, and Webatuck Central School District. Several years ago, I spent time reviewing the farm exemptions given to members of our local farming community. I have always admired the farm families, from the Benekes (phonetic) to the Pulvers (phonetic) to the Perogeas (phonetic) to the McEnroes and so on. The impression I got after reviewing the farm exemptions was that the hard-working dairy, fruit, vegetable, and livestock families had mostly disappeared. A different type of farm community has emerged. Owners who don't operate tractors, bailers, and manure spreaders are replaced by outside hired hands to do minimum \$830 a month production required to get to the total yearly exemption of 10,000, no matter how large the farm. This was not the intent of the farm exemption. And so this has placed a tremendous burden on the communities and the school districts. The 1971 exemption law was designed to aid farmers under financial pressure to survive in containing their overhead. At that time, the purchase of tractors and farm supplies were all done locally, dollars were spent in the community. These farmers, along with their dairy farms, have disappeared, only to be replaced by gentleman farmers who have their farm supplies trucked in from out of town, out of state, and, in some cases, out of the country, i.e., Canada. The 1971 production level of 10,000 per year is no longer reasonable and needs to be increased to take into account the changing economics of the past 40 years. In 1971, a Chevy, Ford, or Chrysler was 3,000, and gas and fuel oil less than a dollar a gallon. There are more agricultural exemptions in the region today than there were when there were working farms. Need I say more? What adds to this fact pattern is that small groups, and I mean often small, come out and declare that they are looking out for the best interest of the town. And so they oppose projects, or let's say they make it more difficult and costly for the projects to succeed. Look at Hannaford's in Millerton being stopped by one person. Dover Knolls has gone off the tax rolls. Who can blame them after 11 years? When things get really tough, the County implements an emergency tax. And who does that help? Where does it stop, and how are communities going to keep up? Getting rid of the unfunded mandates is not going to change the fact that many aren't paying their fair share. The reason Silo Ridge appeals to me at this point is that it combines the hard work, the jobs, and, yes, the minor negatives, a little more traffic and a little change in the view, but, overall, a very positive addition in so many ways. The people at the last meeting want to preserve the view and yet they're preserving their farmland at the expense of others. If this is going to continue, then we all have to be willing to share the burden. Silo Ridge is bringing not only to the community but to the Webatuck School District, to which I pay my school taxes a significant amount of money. In closing, if we are keeping the land open for beauty, there has to be a plan to pay for that. Without tax base, we aren't in a position to protect our waters or our views. They cannot be controlled nor can they be improved without tax base. Yes, water quality and views are important. But so is food on the table. We need to increase farm production in the tax base in order to fund those programs necessary to preserve what the people want.



Memorandum

Silo Ridge has done a great job to keep the love that we have for the views and our community intact. We need to support this project. Thank you.

Response A.15: Comment noted.

Comment A.16 – Elise Harney, Salisbury, CT – September 18, 2014 PHT: My other point is, I think you're very fortunate to have a local family involved with this. They live here, and it's their home, as well as everyone else's. They were fortunate to be able to partner with Discovery. They're a known entity. They have been successful. My daughter worked in Hawaii on the big island, was able to go to their resort and see it in operation. So, you know, again, working with a known entity. I think they will do a quality job. I think they will live up to the commitments they make. I think they will work with you as the Zoning Board to do whatever they have to do to make everything work.

Response A.16: Comment noted.

Comment A.17 – George Langa, Stanfordville – September 18, 2014 PHT: I've seen this project grow from its inception, and I'm excited to see a project of this magnitude develop in a county that has seen so many businesses leave the area over the years. So many of these businesses -- so many people sit on their hands complaining about what we should do to promote economic development. Here is an opportunity to do something about it. A very special opportunity because the originators of this project are local. They not only have financial interest in the project, but they have a sense of responsibility to the community to get it right. I would consider this a perfect partnership. I support this project in its entirety, and I feel everyone should embrace this opportunity and make every effort to try and work hand in hand to make this project work. Thank you.

Response A.17: Comment noted.

Comment A.18 – Laurence Levin, Amenia – September 18, 2014 PHT: I hope this project is successful. However, I don't know if -- I'm sure you've looked at their fiscal impact analysis. Perhaps Mrs. Harney can sell houses over three and a half million dollars and condos over a million and half dollars. I don't know of



Memorandum

anybody that has in the past couple of years here in Amenia. It's not the market. So let's say Discovery knows better than all of us, and they can do it. That would be great for everybody. If it doesn't pan out, and if it is, as Mr. DeLonga said, only ten houses, that would be great, as long as we're not left with a mess, as long as we're not left with environmental problems, with runoff problems, stormwater problems, a wastewater plant that hasn't been fully put into the -- properly put into the plan. So that's a whole other issue that needs to be looked at.

So I'm really just saying, as the woman said earlier, let's get it right. I hope that you will take each one of these requests very seriously. And if you're going to allow it at all, there has to be very, very good reasons and documented reasons to allow them. Thank you.

Response A.18: Comment noted. Regarding fiscal impacts, please refer to Appendix K of the Addendum to the EAF.

Regarding environmental protections, please note that the Modified Project reflects a great deal of effort by the Applicant's team to prepare, and by the Town's consultants to review and critique, the development plans. The Planning Board's thorough and rigorous review process will ensure the mitigation of all potential environmental impacts to the maximum extent practicable. Please refer to the Addendum to the EAF and its related documents.

Comment A.19 – Kenneth Hale, Amenia – September 18, 2014 PHT: I live on Route 22 in Amenia, New York. I'm obviously a newcomer here. I've only been here 30 years. But I do have a lot of concerns. But I represent -- I sit on a number of volunteer boards; the Webatuck Country Schoolhouse, Amenia Chamber of Commerce, the Amenia Lions Club. As we look around the community, we see things that Silo Ridge has really done in just the short time they have been back on this plan, helping out in this community. And we really need that.

Response A.19: Comment noted.

Comment A.20 – Amy Blomberg, Amenia – September 18, 2014 PHT: I signed in, but I wasn't planning on speaking. I didn't know I was assigned to speak. I will say, I'm enlightened by everything everybody has said today. I would have to agree that I'm thrilled this project is going to happen. I think it will be great for



Memorandum

the community. But one of the reasons we came and settled up here was because this area is so beautiful, and we would like it to remain beautiful.

Response A.20: Comment noted.

Comment A.21 – Amy Blomberg, Amenia – September 18, 2014 PHT: I actually didn't realize that I was signing in to speak. We've been residents here for a number of years now. And we always valued the viewshed everybody is talking about. I think that the question is, will there be scrutiny that is going to ensure that the plan is fulfilled the way it is envisioned? And I think that we need to have a certain amount of trust in the people we've put in place to make that scrutiny happen. And that the economic benefits are unquestionable, and I think the question is the balance between the benefits. And if there are deficits, they have been outlined here. But some people -- those deficits need to be minimized. It's the most exciting thing that came along for the time we've been here. If it turns out as planned and as visualized, then it will be a great thing, and I support.

Response A.21: Comment noted.

Comment A.22 – Cheryl Morse, Amenia – September 18, 2014 PHT: When first incarnation of the Silo Ridge project came, I acquired a copy of the documentary *Resorting to Magnus*. I acquired that copy for two reasons. Number one, this was the first time a project like this, of this scope, of this dimension, has come to this community. And I have to say, number one, I grew up in Darien, Connecticut. We have several of these closed communities in that town. They thrived. They weren't quite the same nature of what Silo Ridge is going to be, gated communities. They didn't have golf courses and amenities attached to them. But, none the less, they were gated. And people have a right to do that. I'm a big supporter of private property owner's rights. Anybody who knows me knows that. I'm also an environmentalist, and I've spent more than 40 years of my life doing landscape and environmental development. I spent three years, almost, working down in the Vis (phonetic) Estate in Pawling. So I'm really familiar with the scope of this kind of project. The reason I got the *Resorting to Magnus* documentary was because it examines the positive side of good development and negative sides of bad development as it affects communities like this. I offered it to Town officials. They really didn't want to look at it. Much to the credit of Silo Ridge, I provided them with a copy. They looked at it. And I think the current plan that they're submitting that they revised things to is much better than what they were originally going to do. It's being programmed to a different demographic, which I think is a little bit more in tune with what we do here rather than just seniors. However, I was very disappointed that the local officials weren't interested in looking at it. In fact, I even went as far as to go up to IES Arboretum and asked them if they would do a public showing so that citizens had an



Memorandum

opportunity to sit at a venue and look at it. My efforts were thwarted. I was labeled as someone who wanted to stop their project, which is not at all the case. But it has to be done right, as other people have said. If it's not done right, it's going to really negatively impact this community legally, aesthetically, in a lot of ways economically. Now, part of one of the problems I see here is the fact that our own master plan pushed for the closure of our largest employer. That was foolish. So let's not be foolish in seeing this project go through, and let's do things the right way, please. It's very important. Yes, we need the jobs. I think that Silo Ridge has spent a lot of time and a lot of money. But I don't think the process should be circumvented. If you're going to grant waivers, you better have a good reason because the litigation that could come from this could bankrupt this Town. So, please, do your jobs. I can't stress it enough. Thank you. I also will be offering more written comments relating to other issues. But doing it right is the most important thing.

Response A.22: Comment noted. Please refer to memorandum regarding Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-18.C(7) of the Town Zoning Code, dated February 5 2015, in Appendix O of the Addendum to the EAF.

Comment A.23 – Mark McEathran, Millbrook – September 18, 2014 PHT: My reason for coming tonight was mainly because of what I read in the Millbrook Independent. And a lot of things that were being said, I really wanted to find out for myself as to whether or not they were handling Silo Ridge the way they should be. I started working there for John Segalla when I was 14 years old. I worked there all throughout high school, went to college, worked there. Until I was 23 years old, I spent a good share of my life at Silo Ridge. I loved that place. There's no place on this planet like that. And it was so negative, everything that I read in the Independent. I had to find out for myself. So I contacted some people from Silo Ridge, and I was fortunate enough to be taken out on the golf course to see what they're doing out there. These guys are pros. They know what they're doing. A big concern that I had when I read the article was erosion control, which I'm sure everybody has those concerns. It's a big deal. They have retention ponds built, backup retention ponds built, double silt fence. I don't see how any water could possibly affect anything downstream. They're working on small footprints, finishing those footprints before they move on. These guys really know what they're doing.

Response A.23: Comment noted.

Comment A.24 – Michael McCormack, Clinton – September 18, 2014 PHT: I'm here in several ways. I've been a Planning Board chair in the Town of Clinton for about 26 years. I know what you're going through. We have had to make hard decisions in Clinton on some projects, but you have to make the right decisions. I have full faith in this board in terms of making the right decision. I have full faith in their



Memorandum

consultants to help them make the right decision. I heard that you had six planning consultants. That's not just belts and suspenders. That's six belts and six pair of suspenders. It's amazing. I've heard time and time again this evening to make the right decision. These people will make the right decision. I'm also on the EDC with Cathy. I'm a board member. I'm also the chair of the ECA. That's the community outreach arm of the EDC. I'm here to say this, we need to get behind projects like this all over our county. I've heard people here and other residents talk about jobs. Jobs are just scarce right now. We need jobs, we need tax base. This provides both, jobs and tax base. So when you look at this, this is just not Amenia proper, but it's a regional impact for this County and beyond. It's important that this project move ahead quickly and as soon as possible. As an architect -- actually, I had a very good friend. His name was John Segalla. I was the original architect for the clubhouse on this property. I remember running around in John's Lincoln, the white Lincoln, on the pathways and all around his property. And what he had for vision was amazing. It wasn't just the clubhouse, the cart barn, or even the golf course itself. He had vision beyond that. These developers will fulfill his visions. And I forget the wonderful lady from Harney's Teas. She was exactly right. This is John's dream coming true. And I was there with him. I know it for a fact. If you look at this project, you have to think about the impacts. We know that it already has in hand approval. The approvals are there. So, as I heard very eloquently, we know it's going to come. And I have full faith in this board to do the right decision here and more it forward quickly. But you have to remember one thing in life. And as an architect, with my own practice for 20-some-odd years, I've worked all over the place, I've worked in every town in this county, every city, I've worked regionally, and I'll say this for a fact, that you have windows of opportunity. When those windows shut, they shut for good. So when you have something in hand that's an opportunity, and a great opportunity, like this one is, for the Town of Amenia, for the County of Dutchess, for the region, you have to push it. If you don't push it, it goes away very quickly. You'll see that if this doesn't go the right way in terms of getting it done. Again, full faith in you guys. You'll do the right decision here. You have great consultants. This is going to be a great thing for Amenia and the region. Thank you very much.

Response A.24: Comment noted.

Comment A.25 – Don Rosendale, Amenia – September 18, 2014 PHT: I'm afraid that when I signed up, I didn't realize that I would be asked to speak or given the opportunity to speak because I don't like to because every time I open my mouth, the County tries to raise my taxes or somebody from Silo Ridge -- from Tamarack says I'm a psychopath. I was at the meeting earlier this evening concerning what really is a motel that Tamarack wants to build behind Silo Ridge and behind my house. From what I understand, it's actually being built by Silo Ridge and that the members of Silo Ridge will have access to it. So all this nonsense about it being a private thing in Tamarack is nonsense. I think if there's been a secret deal made, it should come out and not be passed off as a cabin development for private members of a club that's not a private club. Thank you.



Memorandum

Response A.25: Silo Ridge is not the sponsor of the project at Tamarack. To the Applicant's knowledge, the proposed structures are for Tamarack's members and guests.

Comment A.26 – Brad Rebillard, Amenia – September 18, 2014 PHT: I'm adding to my comments from the last meeting. There are 750 letters coming in for the rest of Rebillard. No. There has been a lot said this evening. I have a lot more to say, and I'm not going to say it. The reason is because this board has done their job. This board has created a venue, has brought in all these people, and we've all had our say. And kudos to this board. I can't thank you enough. That being said, I'm grateful that, over the last 11 years, you've examined this project as closely and intently as you have. And you've used all these consultants. One right here, which I know well (indicating). Any Town, any State would love to have a consultant like this guy right here. You guys have had the best. This has been looked at over and over and over again. And I thank you. There's one really important point I want to make here. And that is, and I didn't expect this, is that for myself, having graduated from Webutuck High School, I lived in Manhattan for a short time, and I went to college, I decided to raise my children here, and I've had a business in this area for 28 years. I worked with several towns. This is the envy of any town to have this project. I think we are -- again, we are lucky to have the opportunity to have this project. But the point I really want to make is this. Someone much more insightful than I, and a lot of people I know, once said, we inherit the world from our children. And we heard them speak tonight. And they were brave enough to come out and speak in favor of this project. Thank you.

Response A.26: Comment noted.

Comment A.27 – Amjad Nesheiwat – September 18, 2014 PHT: I was interested in actually buying one of these homes. Now, you scared me. The fact that the whole town can't afford a house there, does that mean I can't live there either? There's nothing wrong with buying something that someone else may not be able to afford. This is a free country. You work hard. You should be able to afford what you work hard for. It seems like it's a negative comment to say I can't buy a house like my neighbor. We're not living in a communist country. This is a free country. I went to high school in Dutchess County. I went to Dutchess Community College. I moved on. I went to NYU for my graduate/undergraduate work. I was raised by a single mom. Working hard earned me the opportunity to buy a house in such a project. I'm looking forward to it. So should I feel guilty because I can afford a house in that kind of project? I don't. I really don't. It's a wonderful opportunity you have in this country. You work hard, you can play hard. Do I play golf well? No, I suck at it. But I'm looking forward to learning. I go out on the course. Nobody else thinks I play well either. There were a lot of comments made by a lot of different people. It's nice to hear. The one that actually upset me the most is that the rest of Amenia residents can't afford homes there. That's really an unfair statement to me. It's really not a fitting statement to me. I've been in a lot of places in the world. Some people can afford a lot. Some people can't afford anything. The tax base needs to be supported, and



Memorandum

it cannot be supported just by a great view. I keep hearing about this view. Mike McCormack had made some comments, and I agree with him. I actually trust him. He's one of the people that actually recommended the project to me as buying a home there. I already live in Dutchess County. I've been living here for 42 years. I'm not planning to move out of Dutchess County. I want to relocate in Dutchess County. I thank you for listening to me. And, once again, I really don't want to feel guilty that I can afford a house there.

Response A.27: Comment noted.

Comment A.28 – Jack Gregory, Amenia – September 18, 2014 PHT: I've been in business for 3 years. I've watched so many businesses come and go. We're losing. We need this project to go through. What I went through trying to grow a business here and trying to get my zoning changed. So, please, let's get this through and get this passed and let's get this town a jump start between Wassaic and Amenia and make it grow better. You're starting to see it, starting to grow now. Let's do it. Thank you.

Response A.28: Comment noted.

B. Socio-Economic Benefits

Comment B.1.a. – Craig Callen, Amenia – September 4, 2014 PHT: I'd like to thank the Planning Board for the opportunity to seek questions, and I'd also just like to thank the folks from Discovery for a very exciting presentation. I'd like to thank the Irish contingent for trying to dramatically extend diversity in our community, and I'd like to also thank those people who I don't think are going to be able to afford it. There was a lot of mention about families. I'm very excited for families that are going to come and enjoy this wonderful creation of yours, but I didn't hear anything about the families of our community and the impact it's gonna have on ours. So I ask that you be committed to consider a few things, the first of which is of the 175 jobs that are claimed to be full-time, to find out if those are only after the project is completed. I'd like to also know if those jobs are going to provide a living wage or the minimum wage. I would like to know what kind of career opportunities there are for the local people because I'm concerned about the families that live here, not the families that can afford to come to your wonderful project.

Comment B.1.b. – Kevin Cassone, Amenia – September 4, 2014 PHT: Two, the reason for Silo Ridge-- I think people -- some people are worried about development. I think you need to understand, this town



Memorandum

has gone under -- undergone 20 years of de-development. We lost 4,200 jobs at Taconic DDSO, 3,500 of which were good blue collar jobs. The gentleman who said I hope these jobs pay a living wages salary, I couldn't agree with more. I would hope that such a rich development could afford to pay people a good salary, so that these 175 jobs are -- are good jobs that people can stay with for life and support a family on. But the de-development of this town for the last 20 years -- if -- we started at a hundred, we're down to, like, now. If we get Silo Ridge and five more projects, we're still maybe at 35 to 40 percent of where we used to be of what we need to support this town, good blue collar jobs so that people can earn a good wage, buy a house, volunteer for the fire company. Because all these new tax revenues from Silo Ridge -- if we lose the volunteer fire company, it's all gonna be a net loss because -- because we have to have -- if anybody read the article in the Times, the fire department in Poughkeepsie they went professional. If they find out -- besides risking their lives, because these guys save us -- we're talking about our -- our budget having to increase two or threefold in order to cover a professional fire company, and what's the basis of our volunteer fire company, people who live and work and get a good wage, good jobs in this town which is why I think the salaries of the jobs is very important, I would like to hear more about that, so that this town can prosper. This -- like I said, this and other projects, we're still down a huge percentage from where we were and I guess I'm probably pretty close to my limit, so thank you.

Comment B.1.c. – Brad Rebillard, Amenia – September 4, 2014 PHT: For the record, I hate public speaking. I'm actually third generation of this community. I actually used to swim at Cascade Brook. My mother told me not to because back then it was polluted. In 1972, as a matter of fact, the Village of Millerton decided they no longer could use the sewage disposal system they were using at Cascade Brook, so they cut off the main arm going to Cascade Brook. I'm in favor of the project. My children are in favor of the project. They're excited about the possibility of having jobs. They're both college graduates. They're both looking for jobs.

I believe this is not the first time this project has been talked about. I believe we've had consultants, consultants, consultants, and they've all done fantastic jobs. They're well-educated people. They know what they're talking about, but I feel at this point the devil is in the details. You can look at something so much that you can forget what the benefits of the project are. And I hope this does not happen because I see it as an opportunity for the growth of our community. Thank you.

Comment B.1.d. – James and Elizabeth Park, Amenia – Written Comment (Letter # 4) dated September 18, 2014: Silo Ridge states that job creation will help the community. How many of these jobs will be 'service' jobs, how many will be seasonal, will they offer a decent wage, and HOW will the workforce housing issue be settled. The Town gets less, and less.

There is a lot of construction on the site. How many local people have been hired to do this work?

Response B.1.a-d.: At full build out, there are expected to be 125 full time and 75 part-time seasonal jobs in the following service areas: golf services, spa/fitness services, member services,



Memorandum

finance and administration, and marketing and sales. The jobs will offer a competitive wage or salary based on the market conditions at the time each position is filled.

Currently, the vast majority of the on-site construction workers are local. Several Discovery Land Co. employees involved in the golf course construction and management travel between company communities and have moved here until the work on the course is complete. Several positive impacts the Silo Ridge Resort Community will have on local residents are direct and indirect employment opportunities, increased local and regional commerce, and a significant net tax revenue increases for the Town, County and Webutuck Central School District.

Please refer to the following:

- Appendix K of the Addendum to the EAF;
- Local and Regional Plan Consistency Memo dated June 2014 in Appendix M of the Addendum to the EAF

Regarding work force housing, please refer to Response G.2.a-d.

Comment B.2 – Elaine Labella, Director of Land Protection, Housatonic Valley Association – September 4, 2014 PHT: First of all we don't object to this development conceptually, it could benefit the town and stimulate economic opportunity and growth.

Response B.2: Comment noted.

Comment B.3 – William Gawel Jr., Kent, CT – Written Comment (Letter # 5) dated September 18, 2014: I am writing this email in favor of the Silo Ridge project. I am a full time resident of Kent, CT but still own real property at 360 Bog Hollow Rd. This project can bring a positive change to the greater Amenia area. Jobs, local small business stimulus, and most of all massive tax revenue just to name a few.

I have worked on and off at the project playing a small part as a sub-contractor. During those times I visit the local Chiropractor, shop at tractor supply, purchase my wine at Cascade on Rt 22 and buy gas locally on



Memorandum

my way home. My experience is just one of possibly hundreds due to the start of the project and hopefully it's eventual completion.

Please consider the positive impact Silo Ridge will certainly have on our area.

Response B.3: Comment noted.

Comment B.4 –Joanne Scasso, Amenia - September 18, 2014 PHT: When Silo Ridge was a business in Amenia before, I had a business in Amenia. So I'm also one of those people that would consider coming back to Amenia was there more revenue and something more to bring me back. I represent my husband, Siegel Roofing and Siding; Frank and Amy Duncan, Northwest Maintenance and Lawn Care; JJ Sterling Properties; Country Gardeners. Also, we are already doing things at Silo Ridge that are giving us revenue back in the community. And I think it's important because we all have taxes to pay, we all have employees to support. And I think it's a great thing. Thank you.

Response B.4: Comment noted.

Comment B.5 – Wayne Euvard, Amenia - September 18, 2014 PHT: I grew up on my parents' dairy farm in Amenia Union. I attended grades one through six in this very building. I've been an active Amenia Lion member for over 34 years. I served on the Town Recreation Committee, the Zoning Board of Appeals, the Town Board, ten years as councilman, and four years as supervisor. I love our town, and I know its history. At the September 4th public hearing, most folks spoke against the Silo Ridge Project, or they tried their best to extend the process with more studies and consultants. Unfortunately, as we just heard earlier, it's the same group who have used the same procedure against other projects in town. I remember when John Segalla first started, it was the same people, same objections. He finally won. We had a beautiful golf course, a beautiful country club we've enjoyed. Folks, look around our town. Many of our neighbors, the businesses, churches, and organizations are hurting. We need jobs and the added Town, County, and school taxes and also taxes to the fire company to help our wonderful community move forward. Off the fact sheet I just received this evening, tax revenues of over \$8.9 million annually. That's 5.6 million to Webatuck, 1.7 million to Dutchess County, 1.1 million to the Town of Amenia, and \$240,000 to the Amenia and Wassaic Fire Districts. These are revenues that we need. Yes, I am concerned about the scenic view and clean water. But I have faith in our Planning Board, the rules and regulations that are in place, and Silo Ridge and Discovery Land to work in an organized manner to resolve these issues. I have seen Silo Ridge give back to our community; the Lion Club banners welcoming people to Amenia and honoring our veterans. They've



Memorandum

donated to the Town Recreation, helped with construction jobs here in the Town Hall, and they're helping our library. So, please, folks, let's move forward with Silo Ridge. Thank you very much.

Response B.5: Comment noted.

Comment B.6 – Jeffrey Brothers, Amenia - September 18, 2014 PHT: I've been a life-long resident of Wassaic, and I've worked for Silo Ridge the last two and a half years. I believe this project will be good for the community. It will create jobs, create work for businesses. The businesses that are already in business will make money through sales. And I would like you to consider that. Thank you.

Response B.6: Comment noted.

Comment B.7 – Bonnie Strang, Amenia- September 18, 2014 PHT: I welcome this opportunity to be able to address you folks. It certainly feels different, as the year has gone by. I used to do the recording for the Planning and the Zoning. And I am well aware of the fact that this process is a long, arduous one. I have faith that you will give it its due diligence. With that, I was off script. So let me just read, in less than 100 words. My statement is two-fold. The purpose is to endorse Silo Ridge project. One, as the current president of the Amenia Lions Club, it was the consensus of our members to endorse this project. Historically, the Lions Club has held golf tournaments at this site, of which the money raised was turned back to our community, by providing scholarships to Webutuck students or funding projects within the community. The relationship between the Lions Club and Silo Ridge has been positive and supportive in promoting our community-related undertakings. Two, I have been raised in this community. My parents dwelled in this community. We did so by choice. When my husband was in the service, we traveled from here to Hawaii, to Japan, Vietnam. We came back here by choice. This is where we planted our roots. My one and only daughter is here. She is raising her three children, two twins that are seniors at Webutuck. We're very proud of our community. We have chosen to remain in this community. We want to be a part of this community and welcome the project. My personal opinion is, could I possibly benefit from a tax reduction as a senior citizen now? You bet I could. How about existing businesses that could reap rewards, along with job opportunities that may be afforded to our local citizens? In closing, Amenia, let's get it right. It's time. I thank you for this opportunity to have expressed endorsement to Silo Ridge. Amenia is known for being pleasing to the eye. In this current economic climate, we should welcome the notion of new neighbors in our area. Thank you.



Memorandum

Response B.7: Comment noted.

Comment B.8 – Robert Rinaldi, Millerton – September 18, 2014 PHT: My experience at Webatuck High School I feel was limited. The reason I feel this way is because now that I go to Dutchess Community College, I'm friends with a huge amount of people that have gone to Arlington, John Jay. And they have been given a lot of opportunities because of the tax revenue that they have received. They have received college credit courses in high school that I have not been able to receive. I feel it limited myself, and I believe that right now we're overlooking the younger generation and their opinion and how they will benefit from this. It's not fair to dwell over a scenic view when, honestly, we have to think about the future of everyone else. Thank you. Unfortunately, that was taken away from me. But maybe for our future generations, that will be available. Thank you.

Response B.8: Comment noted.

Comment B.9 – Evog O'Connell, Amenia – September 18, 2014 PHT: We must remember that at the bottom of DeLaVergne Hill sits a town with many needs. Since the closing of Taconic DDSO and Harlem Valley Psychiatric Center, many of our churches, schools, businesses, and fire companies have been negatively impacted. There have been discussions regarding consolidations and closing some of the churches and schools. Amenia's PreK and third grade are already being bussed to Millerton. The high school has cut some language programs and reduced teacher positions. The job market has been severely limited, causing many residents to move out of the area. Essentially, the younger population. In the future, we may have a need for a paid fire department if this exodus continues. The increase in our taxes would be unsustainable. We also have the largest senior population in Dutchess County, and many are already experiencing economic hardships. Silo Ridge is a project that offers much hope for the revitalization of our town.

Response B.9: Comment noted.

Comment B.10 – Julie Doran, Amenia – September 18, 2014 PHT: I am the office manager at Silo Ridge. I'm also a resident and homeowner here in Amenia. I wanted to let everyone know about the great opportunity that was provided to me by Silo Ridge. For the past 25 years, I've had to commute up to an hour to my jobs. I believe that this project should happen here in Amenia. I stand behind it 100 percent.



Memorandum

The local businesses are having positive impact from this project. I can tell you, from my own personal experiences that I use local vendors and local contractors, like H.G. Page and Lacurto Electric and Siegel Roofing. I use Back in The Kitchen and McEnroe Hard Roll and many, many more. I would like to see this project happen. Thank you very much.

Response B.10: Comment noted.

Comment B.11 – Jillian Doran, Amenia – September 18, 2014 PHT: I graduated from Webutuck High School last year, in June. And I'm currently attending Dutchess Community College. I am also the administrative assistant at Silo Ridge. And working with this team and learning everything that they know is a blessing to me. I am here today to speak about what an amazing opportunity Amenia has in front of them because of Silo Ridge. This project isn't just benefitting the Town of Amenia. It's benefitting each and every student at Webutuck High School. But, more importantly, it's giving an amazing opportunity to our upcoming generation. Finding a full-time position in this area is hard to come by. Most graduates from Webatuck go off to college and rarely come back to live here because, work-wise, there is not too much to offer. When I was in Webutuck -- when I was in high school, as well as many other students, I had trouble finding a job since not many companies wanted to hire high school students. I happened to fall into a job at Salsa Fresca in Millerton, which we all know unfortunately moved locations. Silo Ridge will be offering 3,100 construction jobs and then 125 full-time and 75 part-time positions. Just the full-time positions alone double the amount of graduating students we have in the upcoming class of 2015 at Webutuck High School, which gives us numerous local jobs for high schoolers, college students, and graduates. I was seven years old when this project started. That was 11 years ago. It is time we start thinking about our younger generation and see this project as bettering our future. If this project doesn't happen, and with the DDSO closing and Webutuck Central Schools on the district -- and Webutuck Central Schools on the brink of shutting down, what will be left for my generation? Thank you.

Response B.11: Comment noted.

Comment B.12 – Gennaro DiSimone, Amenia – September 18, 2014 PHT: I just purchased a house here. My biggest concern was this school district. When I was looking for houses, most of the properties I was looking at, all the school districts were relatively good. This was the lowest. And I don't have any children



Memorandum

yet, but me and my wife are working on it. We would definitely benefit from better schools and stuff and the revenue of Silo Ridge. So I'm hoping it goes through. Thank you.

Response B.12: Comment noted.

Comment B.13 – Mike DeLango, Amenia – September 18, 2014 PHT: As most of you know, I am the councilman for the Town of Amenia. But I'm here speaking as a resident and a business owner. I've owned DeLango Automotive for 21 years in the center of town. Our town is dying. We need help. We need business. Just jobs, these are Dutchess County numbers, 3,100 construction jobs. If each person spent \$15 a day in the Town of Amenia, that's \$46,000 a day. These are real numbers. So even if the numbers are off, and it's only half that, that's still \$23,000 a day. I know I could benefit from that. Yes, it's a gated community. And, yes, they're private homes. Will I ever be able to afford a home there? No, I won't. But my business is going to thrive. Other businesses will thrive. When you have a thriving economy, more businesses come. I've heard throughout discussions, people coming in, Well, Amenia doesn't have anything, Amenia doesn't have a car wash, Amenia doesn't have a laundromat. Believe me, if we build it, they will come. There are investors. There are smart people that want to invest money in smart projects. I hear a lot about the business plan. The business plan is not good for Silo Ridge. How are they going to sell these houses, 250 houses? Honestly, if they sell ten houses, it's better than what we have now. All this stuff, it just -- I get so -- I'm so passionate about it because this is my home. I want to raise my kids here. I want to keep my kids here. I love this town. This is a good project.

Response B.13: Comment noted.

Comment B.14 – Chris Mayville, Millerton – September 18, 2014 PHT: I'm here pretty much to echo the sentiments of these two young people here. A lot of children, once they graduate from high school, they don't really stick around in this area because there is not anything for them to do. As far as the view and all that stuff, I haven't paid much attention to this project until the applicant had approached the school board and come up with some ideas for coming up with a plan to help kids move from academics to real work situations and incorporate that while they're in high school. I just want to thank them for that. Hopefully, this is something that will work.



Memorandum

Response B.14: Comment noted.

Comment B.15 – Dan Johnson, Ellenville – September 18, 2014 PHT: And you may wonder why I'm here. Well, I'm here because I wear a couple hats. First off, family. But then, second off, I am a Town councilman in my hometown, so I understand some of what's been said. But I will be brief, I promise you. I have that experience. I understand what you're dealing with on these projects. But I'm very privileged to be an account executive at H.G. Page Lumber. And I spend half my time working out of this office and half out of Poughkeepsie. And I also deal in Ulster County. So I travel all over the place. And I've been doing this exact business since 1977. So I have experience as an owner of a wholesale miller company, as an owner of a lumberyard, as a salesman for Marvin Windows throughout the northeast, and many other things. I'm not going to -- it's not about my résumé. But I have experience dealing with people in this business.

And dealing with these people, they're straight shooters, they are right. They make promises, they don't just talk the talk. They walk the walk when it comes to business relationships and promises that they're going to keep. So I am very proud to be here and speak on behalf of them from that very narrow perspective and from the prospective of Page Lumber, which is a 90-year-old, family-owned business in Dutchess County that had the foresight to buy four Dill's yards when they closed, including the one in Amenia. And that wasn't an easy decision at the time they did it. But they invested the money, and they hired people, and they keep many people working. I think this town is going to benefit economically from Silo Ridge, and I think they're great people, and I thank you very much for your time.

Response B.15: Comment noted.

Comment B.16 – Andrew Rebillard, Amenia – September 18, 2014 PHT: I graduated from Webutuck High School and Dutchess Community College, and I'm pursuing my bachelor's degree in business. My family has been here for generations, mainly as business owners. From Shewfelt's Department Store in Millerton in the 1940's, to Dutchess Auto Company, Orchard Law in Wassaic, real estate, a veterinary practice, public relations company, I've seen them do it all here. I don't believe that this will offer me the same opportunity to own a business as the taxes go up, rent goes up, houses go up, cars and food, et cetera, go up, and the student loans. So many of my friends, who are also college graduates, can't come back to this area and find descent paying jobs. We need the jobs. We should be able to come back and live in the area that we were raised in and that we love. I support the project, as do many of my friends. Thank you for all of the hard work that you have done on the board. I hope you will look to the needs of all the residents and not to just a few and approve this project.



Memorandum

Response B.16: Comment noted.

Comment B.17 – Adam Rebillard, Amenia – September 18, 2014 PHT: I am the youngest Rebillard in the entire area. I'm 21. I graduated from Webutuck in 2011. I recently graduated from Dutchess back in the spring. I had worked pretty much every odd job in this area that I possibly can. I worked for Rod Pon (phonetic) for years, cleaning bathrooms, doing all that fun stuff. I worked in the art gallery. I worked in CVS in Millerton. I recently got my real estate license where I sell with my dad out of Dutchess Country Realty in Millerton. And I just recently, this week, started at Solitary Bend. What I am saying with that is that a lot of kids my age aren't that lucky. They don't find new jobs. They don't find any of it. It makes it very hard to be 21 and trying to find your way in the world where everything is expensive, and you can't make the money to survive in it. And I think Silo Ridge is great because it will give opportunity to many people my age, from cart boys to high up to whatever they need. Someone out there to rake the sand pits, be your caddy. Whatever it is. I think it's a great thing.

Response B.17: Comment noted.

Comment B.18 – Chris DeCarlo, Amenia – September 18, 2014 PHT: I've been an employee with Silo Ridge for 11 years now, I'm going on my 12th year. A lot of my sentiments are the same that a lot of people expressed. I have two kids that go to school in Webatuck. And I want to see the schools progress; I want to see the Town progress. I coach locally the Little League team, the basketball team. Discovery Land is extremely charitable in the communities they're in, and we can do nothing but benefit from them. The town needs the jobs, the town needs the money. Everybody needs it. The view has been called into question. I love the view, as well as anybody else. I've lived in Amenia for the past 12 years. But the town needs something. The view is beautiful. But the view doesn't put food on my kids' plates. We just really need this project, and we need all the benefits that go along with it. Thank you.

Response B.18: Comment noted.

Comment B.19 – Ashley Hulst, Amenia – September 18, 2014 PHT: I have been a resident of Amenia for my whole entire life. In March of this year, I started at Silo Ridge. I graduated from Webutuck in 2004, and I went on to get my bachelor's degree at Berkeley College. I came back to Amenia, New York, after college, and I was one of the few that returned to the area because of the lack of opportunities in our town. It is



Memorandum

time for change in Amenia. It will provide opportunities for our community. I support this project 100 percent. And it's amazing to be part of such an amazing project. It is also amazing to work with such a talented team. Thank you.

Response B.19: Comment noted.

Comment B.20 – Elise Harney, Salisbury, CT – September 18, 2014 PHT: I wanted to come tonight. My husband, John, and I came to the area in the 1960s. We were 23 years at the White Hart Inn in Salisbury. I know the benefits of the hospitality industry by way particularly of providing jobs. I can't tell you the number of young people who worked for us, whatever hours they could fit in, the mothers who were able to work for us at whatever hours they can fit in. The hospitality industry is such that it can be flexible. After, we left, retired from the White Hart, to Harney & Sons Tea, made the move to Millerton, New York, and were a little apprehensive about coming across the border. But it has been a wonderful move for the tea company. We employ 125 people now at Harney & Sons Tea. The other aspect of the tea company is that we have been able to establish one percent for the planet, which sounds very vast, but out of that we do support a lot of our local organizations. And I know that's the intention of Silo Ridge, as well. They have a philanthropic foundation, and it is their intention also to involve their people in fundraising for needs for the community. We knew John Segalla well and knew the dream that John had for this property. I think that dream is going to be realized.

Response B.20: Comment noted.

Comment B.21 – Don Cummings, Amenia – September 18, 2014 PHT: I too was born in this town. I played on this stage back in 1960. I never left. We're hurting today, people. I understand you have to have progress, and this is it. This is the only thing we have. We had Wassaic Developmental Center, used to employ 4,000 people. Today, it's under 40. We had Segalla's, we had Max & Mills (phonetic), we had all this stuff. We have no jobs. You hear these young kids today. They want to stay here. They can't. You drive down the road, any road you want to go on, and you can't keep track of how many houses are for sale or in foreclosure because people can't afford the taxes here. This project that they're going to do is going to help us. I've been a volunteer fireman for 40 years. We used to be able to buy a truck for 25,000. Today, it's half a million. They have all these mandates, every ten years, tires have to be replaced, Scott Packs have to be replaced, fire gear. People, it's very expensive to run a volunteer fire company. Amenia, Wassaic, it doesn't matter which one. We need this tax base. There's checks and balances. Granted, I hear all about this view. You know what? Your eyes are supposed to be on the road. They're going to put a pull-off so



Memorandum

you can stop and see the view and take pictures and get back in your car. In closing, I think you're doing the right thing. There are checks and balances. Do your job. Let's get this thing going.

Response B.21: Comment noted.

Comment B.22 – Mark McEathran, Millbrook – September 18, 2014 PHT: Not counting the benefits to the tax roll, which is incredible. I'm sure everybody realizes how big of an impact that will make on the school district, the amount of jobs it will create. It looked like there was a bunch of ants running around. There were so many men and women out there working, trying to get this job done. It was incredible. I don't see -- I believe the number was 127 people were on that site that day working. How many other places in Dutchess County have 127 people working on the same site? I can't think of any. I just wanted to show my support. And, like I said, these guys really know what they're doing. They are going to do it right. They want to do it right. You guys are here to make sure they do it right. As long as everybody does their job, I don't see what the problem is. I'm all for it, and I'm sure they're going to do fantastic. Thank you very much.

Response B.22: Comment noted.

Comment B.23 – Catherine Maloney, Dutchess County Economic Development Corporation – September 18, 2014 PHT: I am here to let you know that the organization is very supportive of this significant project in your town. With the development of this facility, with recreational, sporting, and outdoor activities, it will help to promote tourism, as well, to encourage Main Street development in the Town of Amenia. With a planned \$700 million investment, it will result in increased property taxes for the Town and for the school district, as well as increased spending locally and regionally. Our analysis of the anticipated full-time equivalent jobs would have a direct impact of \$1.7 million annually, including the more than 3,000 construction jobs, we estimate an aggregate State labor income of over \$151 million. We think this is a worthwhile project, and we hope you will support it. Thank you.

Response B.23: Comment noted.



Memorandum

Comment B.24 – Joyce Rebillard, Amenia – September 18, 2014 PHT: I have attended the meetings on Silo Ridge since 2004. I've been to plenty of their informational meetings that they have offered to the public over the years. Those meetings were an opportunity to learn about the project and ask questions. I'm not sure why a small number of people at the last meeting made it seem so difficult to get information. Silo Ridge finishes most every public meeting telling people their doors are open, to call or stop by if they have questions about the project. I want this project. I have seen Amenia when it had a bustling Main Street, plenty of jobs, and a real community spirit. Since the loss of Harlem Valley Psych Center and the downsizing of Taconic DDSO, where I worked for more than 30 years, finding a job has been an ongoing problem for many. I want to see my grandchildren, a couple were up before, able to buy in this community and work here. I want to see my children able to retire here, as I have. The increase in the taxes has not made it easy for me, so I can only wonder what it would be like for all of them. I think Silo Ridge and the Planning Boards over the past ten years, yes, I said ten years, have taken a good hard look at the impact of this project. I want Silo Ridge. We need the tax base, and we need the jobs. Please don't let the special interests of the few outweigh the needs of the many. Thank you.

Response B.24: Comment noted.

Comment B.25 – Gary Swart, Dover Plains – September 18, 2014 PHT: I'm just here to say, I have my own business. I worked in this area. I live in Dover Plains. We did the same thing, construction and whatnot. But it was a little bit too late for this. We had to close early. I went to work for a guy that's working here, America Tree. It seems to be working out, keeps me busy every day. We do the right job. We keep everything going. Hopefully, the project will keep going. We can keep moving forward. And I like to keep paying my bills and feeding my family. So I support Silo Ridge. Hopefully, we can move forward. A little bit earlier, it would have been better. But better late than never, I guess. Thank you.

Response B.25: Comment noted.

Comment B.26 – Stephen Perotti, Amenia – September 18, 2014 PHT: But we also need jobs. Our young people need a place to come back to. That's important to the people in this community. That's important to everyone. And what I think is kind of frightening is this whole mentality from the wealthy elites to use Article 78s as a billy club to stifle growth in this community. I think that's offensive to me. And that is exactly what happened to Jack, a local businessman who has lived here his entire life. That kind of stuff needs to stop. In order to do that, we need laws that are fair and balanced for everyone, not just for people that have second homes here. I'm a full-time resident here. A lot of people are here. A lot of people count on -- they're living paycheck to paycheck. They don't have the luxury to be able to appeal Article 78



Memorandum

after Article 78 on a whim in the hopes of something positive happening here. So, I implore you, you guys do your due diligence. At the same time, I implore people in this community that have the means to allow the residents to be able to have jobs and be able to have this community grow. That's an important thing for everyone here. It's going to benefit everyone. That's all I have to say.

Response B.26: Comment noted.

Comment B.27 – Linda and Jack Gregory, Amenia – Written Comment (Letter # 17) dated September 18, 2014: We are writing to you to convey the importance of the Silo Ridge Project to the Town of Amenia and the surrounding communities. This project has been in front of you for nearly 11 years, and we commend you on your diligence and professionalism during this entire process. As a small business that has been in this town for nearly 30 years, we have seen many business come and go along with two state facilities (Harlem Valley Psychiatric Center and Taconic DDSO) which have had a huge impact on our economy. Our towns cannot afford to have less business, we need smart growth. The estimated tax revenue to the Town of Amenia is 1.1 Million, to our school district is 5.9 Million and 240K to the Amenia and Wassaic Fire Companies and 1.7 million to Dutchess County. (confirm) This project will allow the Town of Amenia to be able to afford the many necessities we should have.

Response B.27: Comment noted. Regarding the correct estimated tax revenues please refer to Appendix K of the Addendum to the EAF.

C. Construction and Operation-Phasing

Comment C.1 – Craig Callen, Amenia – September 4, 2014 PHT: The other concern I have, apart from the environmental impacts that are being raised, is during construction phase of the 3,100 or 3,200 employees that are gonna descend on our community, the impact on our community, on our families' lives during that construction process, we have traffic, noise, light and other pollutants. So I ask the committee to think about these things in addition to the actual geographic and conservation related topics because I do think it's important that the community derive as much as we can given this opportunity. We will not have a chance to do this twice. Thank you.



Memorandum

Response C.1: Comment noted. It has been estimated that the Modified Project will generate approximately 3,100 construction jobs during the entirety of construction, not in a single year. Please refer to Appendix K of the Addendum to the EAF.

Also, please refer to the Addendum to the EAF for a complete discussion regarding potential noise, traffic, visual and other impacts.

Comment C.2 – Norman Benson, Amenia – Written Comment (Letter # 2) dated September 18, 2014: There appears to be no contingency built-in to this application for monitoring of the project, nor is there any independent professional monitoring being conducted in the current 'golf course renovations'. Whereas some might suggest that the local building inspector might fill this role. This would be ill advised as a route for this project. The project size, technicalities, and time commitments alone would make this an impossible task. With respects to Mr. Fenton, he is also not qualified. In addition, projects of this dimension and characteristics typically require a certified engineer proficient in contract supervision. I suggest this is the only means by which the town can proceed and be assured of project quality and satisfactory outcomes. As an example; a comparatively small project currently ongoing at Cumberland Farms in Amenia, has continuous professional monitoring and a reporting program.

Response C.2: Bi-weekly site inspections of erosion and sediment control measures are already being performed by a third-party licensed engineer and then submitted to the New York State Department of Environmental Conservation ("NYSDEC") in compliance with the requirements of the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharge from Construction Activity. The Town Building Department receives copies of these weekly inspection reports. As mentioned by Mr. Rennia (please see Comment D.14), the Applicant had completed "over 85 stormwater inspections on the site now" up to the date of the public hearing. These inspections have and will continue throughout the duration of the construction activities.

D. Water Resources

Comment D.1.a. – Elaine Labella, Director of Land Protection, Housatonic Valley Association – September 4, 2014 PHT: HVA is dedicated to preserving and protecting the natural character and environmental health of the Housatonic River and its watershed including the 10 mile river here in eastern New York. I have submitted written comments. I'm gonna do my best to summarize in the time allotted. However, we find the proposed massive development and site plans failed to adequately document the



Memorandum

potential water quality impact of the proposed project. The Town of Amenia has enacted good, common sense regulations that safeguard streams and rivers, protect the groundwater upon which most residents depend for their home use, and encourage development in locations that will enhance, not degrade the beauty and natural health of the community. We believe that the Planning Board should require the applicant to redesign specific portions of the plan that are inconsistent with local ordinances. First, we are troubled by the number of waivers from local and state regulations the applicant has been granted or is requesting. The engineer earlier -- mentioned earlier the -- a waiver from the construction activity permit from the State DEC of the -- the Town Conservation Advisory council did observe an issue with the sedimentation during a thunderstorm earlier this summer when the sedimentation and erosion controls failed and sediment-laden runoff entered into Amenia Cascade Brook. Perhaps if less acreage was disturbed the erosion controls would have been more closely monitored and maintained and the sediment release could have been prevented. Other waivers being sought include development on steep slopes, roads, driveways and cul-de-sacs that exceed maximum grade. The Board's own consultants identified these problems in their analyses in the project. Development in the absence of sufficient stormwater controls, especially on steep slopes, could increase the transport of pollutants. We ask that the applicant provide a complete stormwater management plan as the applicant's engineer earlier indicated, the estate homes are not designed in the plan. The new homeowner will have a lot of latitude about what stormwater controls may be implemented. For a Planning Board to be able to assess the complete stormwater impact of this proposal, they do need to see all of the areas developed. Furthermore, the applicant wants to have the new homes exempt from a minor site plan review and have the building inspector sign off, but that doesn't provide you the opportunity to -- assessment of the new homes in context of the entire development proposal. We ask that the applicant hire an independent inspector -- I'm wrapping up -- to report to you on the progress of the development. It's in your written comments.

We ask that the Planning Board ask the applicant to create buffers along the golf holes, along watercourses. It's been done on the Jack Nicklaus, the Concession Golf Club in Bradenton, Florida and it looks very nice.

Comment D.1.b. – Elaine LaBella, Director of Land Protection, Housatonic Valley Association – Written Comment (Letter # 11) dated September 4, 2014: However, we find that the proposed master development and site plans fail to adequately document the potential water quality impacts of the proposed project. Obviously, a major project such as this will have impacts which cannot be avoided, minimized or entirely mitigated. The Town of Amenia has enacted good, common-sense regulations that safeguard streams and rivers, protect the groundwater upon which most residents depend for their home use and encourage development in locations that will enhance not degrade the beauty and natural health of the community.

The Silo Ridge project may be one of the largest land development proposals the Town of Amenia has faced. The land involved encompasses important wetlands, watercourses and forestlands in Dutchess County. Careful and serious consideration must be given to preserve the natural resource values of the land that provides important functions. Once lost, these resource values and functions cannot be recovered.

HVA believes the Planning Board should require the applicant to redesign specific portions of the plan that are inconsistent with local ordinances enacted to protect the community's water resources.



Memorandum

Specific Concerns

1. We urge the Planning Board to require design changes that would eliminate the siting of houses, driveways and roads on slopes greater than are permitted under Town regulations.

We are troubled by the number of waivers from local and state regulations that the applicant has been granted or is requesting.

One issue is the waiver from the New York Department of Environmental Conservation (DEC) Construction Activity Permit (GP-0-10-001), Part II. C. 2. 3, disturbing more than five acres of soil at any one time without prior written authorization. The applicant has disturbed the majority of the property where the golf course is sited, requiring the maintenance of extensive erosion control measures. Unfortunately, according to the report submitted to the Town Board by the Conservation Advisory Council, a portion of the erosion control structures failed during a thunderstorm earlier this summer and sediment-laden runoff entered Amenia/Cascade Brook just downstream from the Silo Ridge project. If less acreage was disturbed, perhaps the erosion controls would have been more closely monitored and maintained and the sediment release could have been prevented.

Other waivers are being sought to exempt the project from numerous local ordinances that regulate development on steep slopes. In a memo submitted to the Planning Board on August 6, 2014, the applicant asked for waivers that would permit residential units on slopes steeper than 30 percent, driveways and cul-de-sacs that exceed the maximum grade, road sections that would exceed 12 percent slope and road sections within 150 feet of an intersection exceeding maximum grade.

The Board's own consultants identified these problems in their analyses of this project. Development in the absence of sufficient storm water controls, especially when undertaken on steep slopes, is known to increase transport of pollutants into wetlands, ground water and surface waters. Studies have shown that development in general can and may lead to increased levels of total suspended solids, phosphates, chemical oxygen demand, heavy metals, salt and other pollutants that often cause harmful effects. The presence of steep slopes multiplies the risks.

2. The Planning Board should require the applicant to provide a complete stormwater management plan.

The site plans do not include any designs for the single family Estate Houses on the steep slopes adjacent to the western portion of the golf course. The applicant has indicated, in responses to the Board's consultants, that the Estate Homes will be custom designed and that each property owner will have guidelines and latitude to plan for stormwater management on a case-by-case basis. This means that the Planning Board cannot determine what the cumulative stormwater impact will be because there is no comprehensive stormwater plan for the entire development. Furthermore, the applicant proposes that whenever an Estate House is designed, the application be exempt from a Planning Board minor site plan review, only that the Building Inspector sign off on the project. This is of particular concern; only a Planning Board review of each new house, with input from its consultants, will ensure that new stormwater impacts can be evaluated in the context of the entire development.



Memorandum

3. The Planning Board should require the applicant to hire an independent inspector to make sure buffers are respected, stormwater management functions properly and other environmental requirements in the zoning are enforced.
4. We ask the Planning Board to require the applicant to create and maintain 50ft. to 100ft. natural buffers on all golf holes, practice ranges or other parts of the golf course.

The current golf course design sites golf holes along several water bodies and watercourses. We are aware that traditional golf course designs incorporate water bodies and watercourses as features within golf holes. In nearly all cases all the natural vegetation is replaced by managed turf which has minimal ability to trap and absorb any pollutants in stormwater before it reaches a water body.

However, buffers are not incompatible with championship golf course designs. In Bradenton, Florida The Concession Golf Club, a finalist for the 2017 Solheim Cup, is a Jack Nicklaus Golf Course which incorporates buffers around water bodies, as shown in in the following photograph:

There is every opportunity for the applicant to redesign the master development and site plans to incorporate natural buffers for all wetlands and water bodies. We ask the Planning Board to consider all relevant facts and evidence in making its decision on this application to minimize the environmental impact of the proposed project, including the effects on the wetlands and watercourses' capacities to facilitate drainage, prevent flooding, supply and protect surface and ground waters and support fish and wildlife.

5. The Planning Board should ask its consultants to review the stormwater management plan and consider their comments before closing this public hearing.

Stormwater management for this project will be incredibly difficult, particularly if development is permitted on steep slopes. The stormwater management plan was submitted to the Planning Board on August 20, 2014 but there has not been a Planning Board meeting before tonight's public hearing for the engineering consultant to share her comments. The State Environmental Quality Review (SEQR) Handbook requires each involved agency to consider the reasonable alternatives and choose one which minimizes or avoids adverse environmental impacts to the maximum extent practicable. It is critically important that the Board and the public have the opportunity to hear from the engineer and understand how the applicant will ensure that adjacent waters will be protected.

Comment D.1.c. – Jeff Barnett-Winsby, Co-Executive Director of the Wassaic Project – Written Comment (Letter # 15) dated September 2014: I am grateful for the opportunities to applaud the much needed economic development in our great community and to raise our concerns regarding the potential increase in run off from the Silo Ridge development. As hard hit victims of two major flooding events over the last four years in the hamlet of Wassaic we are only too familiar with the impact that our upstream neighbors can have on our town and community. I urge Silo Ridge to partner with HVA to effectively satisfy HVA's very reasonable and accurate assessment of how increased roof sq footage and paved surfaces can negatively impact those downstream. I ask members of the town board to seriously consider the consequences that flood events can have on our town especially upon those not covered by insurance or those living close to or below the poverty line.



Memorandum

Comment D.1.d. – James and Elizabeth Park, Amenia – Written Comment (Letter # 4) dated September 18, 2014: We worry about the inevitable seepage of golf course pesticides, herbicides and fungicides into the Cascade/ Amenia Brook, and hence into the waters of the Tenmile River and the Housatonic watershed.

Comment D.1.e. – Benjamin Schwartz, Amenia – September 4, 2014 PHT: Hi. I'm a resident of 405 Sharon Station Road and I'm a founder of Wassaic Community Farm. We've been farming in the hamlet of Wassaic for the last seven years. And I'm just here to advocate for the Wassaic Creek which we use to irrigate our fields and I'm highly concerned about the runoff into the creek and the viability of the farm, you know, if the creek becomes contaminated and now having to think about doing -- doing a water testing. And so I hope that communities downstream like the hamlet of Wassaic are considered in this plan. That's my comment.

Comment D.1.f. – Mark Doyle, Amenia – September 4, 2014 PHT: As regards to the stormwater, I think that you are all -- and particularly actually this point I'd like to say, one group that has not been commended this evening is our town consultants who have obviously spent many, many hours working on this with you guys and with the applicant, and should be greatly commended for all their hard work. But the stormwater plan, I think that one of the key things to focus on is clearly the reduction of runoff as well as the cause of the runoff. There's been great emphasis on this plan on the water quality and runoff, not so much in actually making the reduction of and the slowing water runoff. So when it comes to saying that the individual homeowners are going to have a fair amount of latitude in the design of their homes, know that we have to at the initial stage during the creation of the subdivisions and roads, and all the land design phase, make sure that water, in fact, is made to infiltrate the ground so that you don't have... But, lastly, the -- you know, I want to make sure that promises are kept, particularly environmental promises so, you know, we -- we're looking at again the stormwater runoff, let's make sure that that great plan really does come to fruition. Does Audubon International really do stormwater planning? They are typically, you know, golf course designers and they are --

Comment D.1.g. – Sharon Kroeger, Amenia – September 4, 2014 PHT: Okay. My three points: In 2010 the State made the stormwater requirements -- the new ones that came up with a manual which is very -- it's burdensome and difficult, but it's very important. And if there ever was a situation in which -- for which it was designed is DeLaVergne Hill, and so I hope every Board Member has a chance to look at that manual and see what the unique opportunities are for retention of water, because your goal needs to be that the water gets held and that it percolates down into the water table and that's -- that should be one of your goals. That's one of the reasons that the town has you here.

My second point is that in looking at the very beautiful pictures you showed us, and they are commendable, I felt that there was inadequate recognition of the ecological surroundings of that piece of land. You could see the paradise, but you couldn't see quite what it was nestled up to, and that brook that you mentioned goes into something called the Amenia Stream which runs quietly down the whole valley and its part of a wetland system. It's part of a river system and it's part of an aquifer system and all of the wells for the folks who live half a mile downstream in Wassaic have to drink that water that's being -- whatever is being added to that stream is part of the complexity of what they're gonna be dealing with their wells. Now, I didn't see



Memorandum

anything -- I admit I haven't read every single word that's been put out, but I haven't seen anything in writing that deals with this, so I hope you're all sensitive to that question.

Comment D.1.h. - Norman Benson, Amenia – Written Comment (Letter # 2) dated September 18, 2014: There are thousands of square feet of impervious surfaces in this development, which generate huge volume amounts of storm water runoff in a storm. This must be calculated, controlled and safely managed so that the water can be properly retained to maintain our watershed and its aquifer. The uniquely steep slopes only add to this storm water volume and intensity.

Comment D.1.i. - Michael Levin, Amenia – Written Comment (Letter # 19): I may not be an expert in the many complex issues on the table, but others more knowledgeable than I have spoken out with similar warnings. So please note my concern over the following special issues:

Need for an overall storm water plan and future monitoring audit (see HVA letter),

Water use plan; with protection of streams, wetlands and aquifer.

Response D.1.a-i.: The Applicant's engineer, VHB, provided a detailed SWPPP presentation to the public and the Planning Board during the November 6th, 2014 Planning Board meeting, which was followed by a lengthy Q&A session.

Stormwater Management Plan (SMP)

The project's stormwater management plan (SMP), including erosion and sediment control, shall be implemented by the Owner/Operator as required under New York's State Pollutant Discharge Elimination System (SPDES) Permit for Construction Activities, GP-0-15-002, as amended; the New York State Stormwater Management Design Manual (SMDM), August 2010, as amended, and the New York Standards and Specifications for Erosion and Sediment Control, August 2005, as amended.

The Applicant has prepared two (2) separate Stormwater Pollution Prevention Plan ("SWPPP") reports; one for "*Silo Ridge Golf Course Golf Improvements*", dated April 2014 and the other for "*Silo Ridge Resort Community*", dated January 2015. The Applicant proposed to reconstruct the existing eighteen (18) hole golf course, including the driving range, in advance of the MDP. The "*Silo Ridge Golf Course Golf Improvements Plans*" and SWPPP were submitted to the Town of Amenia and the NYSDEC; construction is covered under SPDES Permit identification number NYR 10X867. The "*Silo Ridge Resort Community*" SWPPP has been prepared for the entire MDP (golf plus full build development); it considers a total disturbance of 275.5± acres proposed within the 684.9 ± acre site, which has a contributing drainage area of 790± acres. Both reports were certified by VHB, a NYS professional engineer, and reviewed in detail by the Town's engineer.

Please refer to Responses D.13.a-b. and G.5.a-b.



Memorandum

Erosion and Sediment Control

Regarding failure of erosion and sediment control measures, as per Part IV.C.5 of GP-0-15-002:

"Within one business day of the completion of an inspection, the qualified inspector shall notify the owner or operator and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame."

Any "issue with the sedimentation during a thunderstorm" was corrected immediately after (i) the storm event, or (ii) the issue was identified by either the inspector or the contractor".

The NYSDEC has visited the project site as part of their review of the golf course improvements construction and the DEC Conservation Officer has found that everything was in compliance with the permit. Please refer to Response C.2.

5-Acre Waiver

For the Applicant's justifications for the requested waivers that it is asking the Town to consider, please refer to memorandum regarding Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-18.C(7) of the Town Zoning Code, dated February 5 2015, in Appendix O of the Addendum to the EAF. Please note that authorization to disturb greater than five (5) acres of soil at any one time was granted by the NYSDEC, the agency responsible for issuing SPDES General Permits; the purview of granting this authorization is the DEC's alone.

Steep Slopes

Regarding Steep slopes, please refer to Response G.6.a-e.

Water Recharge

The natural recharge rate for the Modified Project was calculated in accordance with Section 121-15.F of the Zoning Code. The total calculated recharge of 496,070 gpd is approximately 120,000 gpd more than the consumptive demand.

Also, please refer to Response D.10 regarding environmental impact on the available water supply to the Hamlet.

Water Quality Monitoring

Additionally, Water Assessment Associates (WAA) is conducting water monitoring 8 times a year at 5 locations approved by Audubon International. WAA is also conducting bio-monitoring of the Amenia Cascade Brook as required by the 2009 Findings Statement.



Memorandum

Water Quality Buffers

In certain locations, 100 foot wide conservation buffers will be implemented, and water quality buffers of 30+ feet wide (of terrestrial vegetation) around critical habitat and riparian buffers, respectively, will be implemented.

It is noted that the current golf course design has increased water quality buffers of existing "Natural Sensitive Habitats" from 83% to 99% and water quality buffers of existing and future "Constructed Habitats" from 27% to 68%. Similar improvements have been noted in the Habitat Management Plan ("HMP") when comparing the current approved project vs. the Modified Project. Please refer to the revised HMP in Appendix Q.1 and Appendix D.5 of the Addendum to the EAF.

The HMP addresses both habitat/species viability issues (including habitat enhancements) and buffer management issues (buffer creation and maintenance). These objectives are intertwined but not indistinguishable. Good buffers provide protections against, and mitigation of, the potentially damaging effects of sedimentation, thermal inputs, and nutrient and contaminant loadings associated with storm water flow, irrigation runoff, and general habitat disturbances (Fischer and Fischenich 2000). Habitats benefit from energy inputs, in the form of labile carbon in leaf litter, to support more productive aquatic food webs (Kominoski et al. 2007). Cooler waters also contain greater concentrations of oxygen for aquatic organisms. Good buffers also provide, in many instances, good terrestrial and aquatic edge habitat. However, good buffers require a certain degree of attenuation capability to be truly effective for the purposes expected of them. To that end, minimum requirements of width and vegetation type are identified for the two classes of buffers identified in the Buffer Management Plan that accompanies the HMP.

Good habitat will provide ecological services to wildlife. Habitat-related ecological services are geared toward providing essential nesting, foraging and shelter areas for particular species of animals or assemblages of interrelated species. Good habitat may function as an effective buffer if there is sufficient area and attenuation capability. In certain instances, narrow strips of vegetation (e.g., hedgerows) provide valuable habitat for certain species of wildlife, in the absence of any water quality buffering capabilities. Contrary to performance criteria for buffers, minimal enhancements of existing habitat can result in a measurable increase in ecological services to a few dependent or transient individuals or an isolated subpopulation of animals.

The HMP and its accompanying Buffer Management Plan have been designed to provide sustainable habitat services to resident wildlife species on the site. Maintenance schedules for mowing will be effective at maintaining grassland functionality. Forest management directives will be effective at preserving the integrity of sensitive riparian, wetland and vernal pool habitats contained within. The establishment of transitional grasslands with tree and shrub plantings in areas adjacent to tall grass will allow for the perpetual maintenance of a heterogeneous, irregular and soft edge between grasslands and forests thereby minimizing the damaging actions of nest predators and maximizing the benefits that a productive edge habitat can provide for both woodland and grassland species (Gillihan 2000). On the golf course, modified turf maintenance

activities described in the IPM will protect the sustained productivity of riparian and aquatic edge buffers and habitat enhancement areas.

As for the Concession Golf Club in Bradenton, Florida, the Applicant is not familiar with the actual buffer management plan on that course, but as seen in the following images taken from their website, it is apparent that buffers are not implemented along ALL waterbodies and watercourses.



Comment D.2 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: As a preliminary matter, while I favor the cluster development components of Silo Ridge, I believe the Town of Amenia Planning Board ("Planning Board") should ensure there will be no harm to the Town or its residents with respect to two critical environmental matters: (I) Water, both consumption and runoff.

I am confident the Planning Board knows it should take a "hard look" at the documents submitted by Silo Ridge Ventures, LLC (the "Applicant") supporting the Silo Ridge project. However, I respectfully submit the Planning Board has a fiduciary obligation to take a harder look at any alteration of these two environmental factors, because any materially adverse impact on these two environmental components, in my view, will irreparably harm the essential character, if not existence, of the Town that cannot be recovered from the proposed increase in tax receipts. To clarify my comment at the Meeting, and to reiterate my appeal to the Planning Board, there is no mitigation possible if the Town's wells run dry or the County-wide famous views from DeLaVergne Hill are lost.

Groundwater Test

Six wells were tested by pumping water for a 72-hour period from June 10th through June 12th 2014.

Of these, two had generators fail or malfunction multiple times and one had electrical wiring shortages. In a majority of the wells, the amount of water pumped had to be reduced and was stable for less than the full testing period. One well took more than 11.5 days to recover, and one well had a drop in water level of



Memorandum

more than 400 feet. Other onsite monitoring wells were used to detect decreases in water levels and ranged from no discernible drawdown to decreased levels of 175 feet. Four off-site wells were monitored, two south of the Hamlet (the closest being the Sheriff's Substation), and two west of the Hamlet (just off of or going up DeLaVergne Hill). No wells were monitored within the central Hamlet area.

Response D.2: The 72-hour pumping tests were conducted to determine the yield of the proposed water-supply wells (both potable and irrigation) and to assess potential water-level interference with nearby wells in the same aquifer and nearby surface-water features. Wells 1, 2, 9, 11 and 25 were tested simultaneously between June 9 through June 12, 2014 and an individual test was conducted on Well 31 from June 16 through June 19, 2014.

Electrical service to the test well locations was not available at the time the test was conducted. Therefore, portable generators were used to power the submersible pumps during the test. Early in the test period issues were encountered with some of the generators, causing brief shut downs of the pumps in some of the wells. These issues were resolved and no pump shut downs occurred during the final 24 hours of the test, or during the stabilization period. In addition, the duration of the test was extended to compensate for the periods of shut down so that 72 hours of simultaneous pumping was conducted. The generator issues during the early part of the test period did not affect the water-level data collected or the data interpretation.

Water level drawdown in a bedrock well when it is pumped is a function of the depth of the water-bearing fractures which intersect the borehole, the depth setting of the pump in the well, the duration of pumping test, and the yield of the well. Bedrock wells with water-bearing fractures located deeper in the rock and/or with the pump set deeper in the well will have more drawdown compared to bedrock wells with shallower water-bearing fractures and/or the pump set at a more shallow depth. Different bedrock wells will have differing drawdown levels based on their unique conditions.

In most instances, the exact stabilized pumping rate that a well will achieve during the 72-hour pumping test is not known prior to completing the test, unless the well has been tested previously. Therefore, rate adjustments are necessary based on the water-level observations and an assessment of water-level drawdown in the well as the test progresses. In addition, adjustments are also sometime completed to accommodate the mechanics of the submersible pumps which are used to test the wells. The yield of a well pump is a function of pump size (horsepower), depth setting, column and discharge pipe diameter and length, and water level in the well. The capacity of well pump is not a static value, but falls along a "pump curve" and the capacity of the pump will vary as a result of changing water level and pressure head over the pump. Therefore, as the water level changes during a test, rate adjustments may need to be completed to compensate for the changing conditions.



Memorandum

NYSDOH Sanitary Code Part 5 Appendix 5-D and the NYSDEC March 2013 publication "Pumping Test Procedures for Water Withdrawal Application" describe stabilization as a water level that fluctuates less than plus or minus 0.5 foot per 100 feet of water in the well (static water level to bottom of well) over a six hour period of pumping at a constant flow rate. This criteria is applied to the water-level drawdown data at the end of the test period, it is not applicable to the whole of the test period (all 72 hours).

Water level measurements were collected from 21 onsite monitoring wells and 4 offsite wells to assess water-level drawdown interference effects from pumping in the onsite supply wells. The distance of the monitoring wells range from 40 feet to more than 2,500 feet from the onsite supply wells. The variable distance of the monitoring wells from the onsite supply wells was used to complete a distance drawdown assessment. Figures showing the extent of the water-level drawdown impact as a result of pumping are included in LBG's report. The water-level data collected during the pumping test showed that the water-level drawdown in other bedrock wells caused by pumping the onsite wells was limited to the Silo Ridge property and that the drawdown effect decreased with increasing distance from the pumping wells. The most drawdown (175 feet) measured in any of the monitoring wells occurred in Well 27 which is the well located closest (approximately 40 feet away) to supply Well 2.

Wells in the Hamlet are farther than 2,500 feet from the Silo Ridge supply wells, and therefore outside of the range of potential water-level drawdown effects from the Silo Ridge supply wells based on the 72-hour pumping test results.

Comment D.3 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: Well 1 did not have any reduction in flow, but the water level decreased 87.5 feet and "did not recover rapidly after shut down of the pumping test."⁷ In fact, after 11.5 days following the test Well 1 recovered to only 91% of its pre-test water level.

Response D.3: The water-level drawdown measured in Well 1 during the pumping test was not unusual for the well depth (211 feet) and pump setting (140 feet). The slow recovery after the well pump was shut down was observed, and the data provided in the LBG report.

Well 1 is not proposed for use as a year-round potable water-supply well. Well 1 will be used as an irrigation well source to supplement the onsite irrigation ponds and will be used intermittently during the golf season.



Memorandum

No water-level drawdown in any well located outside of the boundaries of the Silo Ridge property was measured as a result of pumping in Well 1 during the pumping test and, similarly, the relatively slow recovery in the well did not affect any other wells outside of the Silo Ridge property.

Comment D.4 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: *Well 2* was tested at 220 gpm initially, but had to be reduced to 150 gpm, because "based on the trend of water-level drawdown in the well it was determined that a rate reduction was necessary."⁸ The total water draw-down level fell 211 feet following the 3-day test.

Response D.4: The water-level drawdown measured in Well 2 during the pumping test was not unusually for the well depth (345 feet) and pump setting (270 feet).

LBG completed a rate adjustment on the second day of the test based on a projection of the water-level drawdown at the higher pumping rate using the water-level data collected from Well 2 during the early part of the pumping test period. When it was determined that Well 2 could not sustain the higher pumping, the rate was reduced from 170 gpm to 150 gpm. After the pumping rate in Well 2 was reduced to 150 gpm, the drawdown in the well stabilized and no further rate adjustments were necessary.

Comment D.5 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: *Well 9* did not have any reduction in flow, but the water level decreased 102.86 feet, and did not recover fully until sometime the following week.

Response D.5: The water-level drawdown in Well 9 during the pumping test was not unusual for the well depth (405 feet) and pump setting (235 feet).

The water-level recovery in Well 9 reached more than 90% of the pre-test static water level within the 24 hour period after shut down of the well pump. This is not unusual for a bedrock well and does not indicate any problem with the well or recovery rate.

Comment D.6 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: *Well 11* was initially adjusted to pump 65 gpm. For inexplicable reasons, "A rate adjustment was completed at 23:45 on June 9 to maintain the 65 gpm pumping rate in the well."¹⁰ The total



Memorandum

water level **fell 404.87** feet following the 3-day test, but recovered "rapidly". The level also dropped 60.81 feet as a result of pumping **Well 31**.

Response D.6: Well 11 was one of the onsite wells which had been previously yield tested by The Chazen Companies in 2006 and in 2007. The results of both previous tests on Well 11 demonstrated that the well could sustain a yield of 65 gpm.

As discussed in Response D.2, the yield produced by a submersible well pump is a function of the pump size and the pressure head over the pump. As the water level in Well 11 declined during the test, an adjustment of the valve on the discharge hose was needed to maintain an appropriate pressure head on the pump so that it would continue to pump at a rate of 65 gpm.

The water-level drawdown in Well 11 during the pumping test was not unusual for the well depth (605 feet) and pump setting (570 feet).

The water-level recovery in Well 11 reached more than 99% of the pre-test static water level within the 24 hour period after shut down of the well pump.

Water-level measurements were also collected from Well 11 during the pumping test conducted on Well 31. Well 11 is the closest well to Well 31 on the Silo Ridge property. Water-level drawdown of 60.8 feet was measured in Well 11 during the test on Well 31. Drawdown between two wells located approximately 70 feet apart is not unusual for bedrock wells and does not indicate a problem with either well.

Comment D.7 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: Well 25 was tested at 39 gpm, but was reduced to 33 gpm after 2.5 hours of pumping, "based on the trend of water-level drawdown in the well it was determined that a rate reduction was necessary."¹¹ The total water draw-down level fell 23.39 feet after the test and recovered "rapidly".

Response D.7: The water-level drawdown in Well 25 during the pumping test was not unusually for the well depth (500 feet) and pump setting (60 feet).

LBG completed a rate adjustment 2.5 hours into the test period based a projection of the water-level drawdown at the higher pumping rate. At the higher pumping rate of 39 gpm, the water level in Well 25 would have had drawdown too close to the top of the submersible pump set in the well. Therefore, the pumping rate was reduced from 39 gpm to 33 gpm. After the pumping rate in Well



Memorandum

25 was reduced to 33 gpm, the drawdown trend in the well showed that the water level would remain above the pump and no further adjustments were necessary.

The water-level recovery in Well 25 reached more than 98% of the pre-test static water level within the 24 hour period after shut down of the well pump.

Comment D.8 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: Well 31 was initially tested at 200 gpm, but was reduced to 158 gpm the next day. The total water-level fell 83.1 feet and recovered "rapidly".

Response D.8: The water-level drawdown in Well 31 during the pumping test was not unusual for the well depth (500 feet) and pump setting (200 feet).

The pumping rate was reduced within the first few minutes after the start of the well pump on the first day of the test. The capacity of the 6-inch submersible pump installed in Well 31 was greater than the target pumping rate for the well. Therefore, an adjustment of the valve on the discharge hose was needed to reduce the pump capacity to the desired yield.

The water-level recovery in Well 25 reached more than 97% of the pre-test static water level within the 24-hour period after shut down of the well pump.

Comment D.9 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: Four of the six wells were tested for water quality and separately disclosed (1) Giardia, (2) Coliform, (3) TDS concentrations, (4) 2-ethylhexyl-containment, and (5) total iron and manganese in excess of standards.

Response D.9: Water samples were collected from Wells 2, 11, 25 and 31 during the 72-hour pumping test program because, at that time, those four wells were being considered for use as potable water-supply wells. The NYSDOH requires that all potable water-supply wells for public water-supply systems be tested for parameters listed in the NYSDOH Sanitary Code Part 5, subpart 5-1.

Based on the stabilized well yields demonstrated during the pumping test and the project's water demand estimate, Wells 2, 11, and 31 have more enough yield to meet the peak potable water demand. Therefore, Well 25 is no longer proposed for use as a potable water-supply well.



Memorandum

Treatment will be incorporated into the potable water-supply system to address those constituents which exceed drinking water standard criteria. The treatment methods and system design must be reviewed and approved by the Dutchess County Health Department prior to placing the wells into service as potable water-supply sources.

Comment D.10 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: In summary, I submit that the applicant is relying on a Groundwater Test that demonstrated sufficient water available on the Silo Ridge project site, but did not assess whether it would have a direct adverse environmental impact on the available water supply to the Hamlet.

Response D.10: Water level measurements were collected from 21 onsite monitoring wells and 4 offsite wells to assess water-level drawdown interference effects from pumping in the onsite supply wells. The distance of the monitoring wells range from 40 feet to more than 2,500 feet from the onsite supply wells. The variable distance of the monitoring wells from the onsite supply wells was used to complete a distance drawdown assessment. Figures showing the extent of the water-level drawdown impact as a result of pumping are included in LBG's report. The water-level data collected during the pumping test showed that the water-level drawdown in other bedrock wells caused by pumping the onsite supply wells was limited to the Silo Ridge property and that the drawdown effect decreased with increasing distance from the supply wells.

Wells in the Hamlet are farther than 2,500 feet from the Silo Ridge supply wells, outside of the range of potential water-level drawdown effects from the Silo Ridge supply wells based on the 72-hour pumping test results.

Comment D.11 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: Additionally, in the absence of updated information about stream flow and about the underlying aquifers in Amenia, the applicant is necessarily still relying on an assessment of stream flow that was developed in the 1960's.¹² The Planning Board should very carefully assess whether it is appropriate to approve one of the largest development plans in Dutchess County that potentially affects every aspect of the Town on the basis of this Groundwater Test alone.

Response D.11: Updated stream flow information has been reviewed and compared to the stream flow values reported in the Ayer & Pauszek (1968) "Streams in Dutchess County" report for the United States Geological Survey. Flow measurements are no longer collected from the Amenia Cascade Brook gaging station by the USGS. The closest station with a continuous record that covers



Memorandum

both the time period (1931-1960) from the 1968 report and current day flows is the Ten Mile Gage #1A-2000. Amenia Cascade Brook is a tributary of the Ten Mile River (i.e. the Amenia Cascade Brook flow contributes to the flow measured downstream in Ten Mile River). The Ten Mile River gaging station was selected for comparison because both gaging stations are in the same basin and are located in similar hydrogeological and climate settings.

	Ten Mile River					Amenia Cascade Brook				
	Percent Flow Duration					Percent Flow Duration				
	10	30	50	70	90	10	30	50	70	90
Period 1931-1960^{1/}	680	340	195	94	34.5	--	15	8	3.4	1.5
Period 1961-2014	687	343	189	91	38	--	14.1 ^{2/}	7.8 ^{2/}	3.7 ^{2/}	1.6 ^{2/}

Note: Flow values are reported in cubic feet per second.

^{1/} Values reported in the Ayer & Pauszek (1968) "Streams in Dutchess County" report for the United States Geological Survey, 1968.

^{2/} Updated flow duration calculated using Ten Mile River gage data.

Flow duration values were calculated using published data from 1961 through September 2014 for the Ten Mile River gage and compared to the values from the 1968 report which used flow data from 1931-1960. The ratio between the Ten Mile River stream flows and Amenia Cascade Brook were used to calculate updated flow durations for Amenia Cascade Brook. The updated flow duration values show little to no significant change from the reported data from the 1968 report. This confirms that conclusions regarding drawdown based on the 1968 report are valid.

Additional information can be found in Response 3.13-22-41W of the September 16, 2008 Final Environmental Impact Statement ("FEIS") prepared by the Chazen Companies for the approved project which arrives to the same conclusion. It should also be noted that the plan for water withdrawal is subject to review and approval by both NYSDEC and the Dutchess County Department of Health ("DCDOH").

Comment D.12 Norman Benson, Amenia – Written Comment (Letter # 2) dated September 18, 2014:

An excellent example of planned soil erosion and storm water implementation is south of Route 22 at the Old Amenia Landfill Site. It is expensive and labor intensive and even with a plan and best efforts following most every storm, that site had to be re-stabilized or restored somewhere. I do not think you realize the



Memorandum

seriousness of what the Town has allowed to happen. I sincerely hope and pray that the Town of Amenia is already in the process of taking steps to gain better control of this project development.

Response D.12: Comment noted

Comment D.13.a. – David Reagon, Chair, Amenia CAC – Written Comment (Letter # 13) dated September 18, 2014: We have reviewed the storm water protection plan and the SWPPP and we feel that it is based on an inadequate assumption of a 100 year storm. The Planning Board is being misled on the definition of a 100-year storm. A 100-year storm is a storm that statistically has a 1% chance of happening. It can happen two days in a row. In Amenia, the 100-year storm is defined as a storm that will produce 8 inches of rain in 24 hours. The storm water protection plan is based on that. There is no provision in the plan for two storms in a short period of time and there is no consideration that most hydrologists believe that due to climate change, so called 100 years storms are occurring much more frequently and should be redefined as 50 year storms. On August 13, 2014 Amenia got around 1.6 inches of rain in an hour. The Silo Ridge golf course construction storm water protection system partially failed in at least three locations leading to a discharge of sediment into Amenia Stream and into the small wetland/pond at the entrance to the project. Silo has rejected most of the green infrastructure proposals that would help remedy storm water runoff. They should reconsider this and they should change the SWPPP to reflect that the climate is changing and it is universally agreed that more violent storms will be a feature of climate change in this region of the United States.

We think that the Planning Board took a huge risk by granting waivers that have allowed so much excavation to occur on the present golf course construction. One significant storm could overwhelm the stormwater protections that are in place. It's still hurricane season and convective storms are still a strong possibility.

Comment D.13.b. David Reagon, Wassaic – Written Comment (Letter #23) dated October 25, 2014: Silo Ridge has presented a storm water pollution prevention plan (SWPPP) that, even though it is several hundred pages long, may not reflect the reality of a rapidly changing climate. Nor does it consider the impact of two or more large rainstorms over a short period of time. The following diagram from the 2014 National Climate Assessment shows how climate change is affecting the US. Please observe that the NE US has already experienced a 71% increase in very heavy rainfall events.

Also please note that the SWPPP is based on the concept of a "100 Year Storm" without defining that term. The term means that there is a 1% chance of having such a storm at any given time. It's entirely possible to have two such storms on successive days. In fact, the odds of having a 100-year storm over a 30 year time period are about 1 in 4, or about 25%.

The SWPPP defines a 100-year storm as an event that produces around eight inches of rain in a 24-hour period. The diagram below represents a summation of the regional variables that define a 100 years storm



Memorandum

for our area. This is largely based on past events and does not represent future trends due to climate change.

The red lines show that a storm of 3 hrs that produced 4 inches of rainfall would be considered an event with a recurrence interval of 100 years, or a "100 year storm". This chart is for the Amenia area which is near the boundary of two sub regions.

Note that the chart does not take into account multiple rainfall events over several days nor does it take into account the many factors and variables that affect runoff. It is simply a method of defining a 100-year storm event based on data gathered from weather records from many locations in a regional area over many years. It does not predict the effects of climate change. Recent evidence suggests that storms that used to have a recurrence interval of 100 years may be expected at much shorter intervals.

Notable rainfall events in the Amenia area are often associated with hurricanes and coastal storms. The USGS gauging station on the Temile River in Wingdale has been keeping daily records of river flow for 80 years. These records can be useful in documenting major storms of the past. The Carey Institute in Millbrook also has archived daily rainfall amounts go back about 20 years. NOAA records along with the NHC are useful as well.

The great 1938 hurricane devastated the NE US and probably meets the modern definition of a 100 year event. The dam on Lake Amenia washed out during this hurricane. Local flooding was widespread.

The double event of Hurricane Connie and Diane would qualify as a singular event equal to a 100-year storm. The dam on Lake Amenia washed out again and has never been rebuilt. Widespread local flooding occurred. Streamflow on the Tenmile set a record that has not been surpassed. Local flooding was widespread.

On April 15, 2007, 5 inches of rain was recorded at the Carey Institute in Millbrook. A culvert north of Wassaic was clogged by debris ultimately resulting in a very damaging flash flood downstream.

On March 7, 2011, 2-3 inches of rain fell on frozen ground in a short time. The same culvert north of Wassaic failed and a flash flood hit Wassaic again. The culvert has since been rebuilt to modern specs.

August 13, 2014. 1.5 inches of rain recorded at Millbrook in about an hour. Flood protection on the golf course construction, in spite of being inspected biweekly, failed in at least three places resulting in silt pouring into the pond along Rt. 22 at the Silo entrance. The Amenia Stream was also affected.

Other notable flooding events in Amenia occurred in 1936 and 1984.

An examination of daily data during the years 2008-2014 from the Carey Institute of Ecosystem Studies in Millbrook, NY shows that most rainfall events above 2 inches in a 24 hr period occur in the summer months. There seems to be a trend over the past ten years of more frequent storms above 2 inches with 12 storms from 2004 to present and only 9 from 1988 to 2003.



Memorandum

The SWPPP does not account for the effects of climate change as it is based on long-term historical data. It does not appear to account for the effects of multiple day storms and the accumulation of runoff into the detention basins. Can the plan handle a one two punch like Hurricane Connie and Diane delivered in 1955? How will it perform when heavy rains occur over frozen ground as in 2011?

The amount of runoff in a storm depends on many variables including soil infiltration capabilities, rate of rainfall, slope of the land, vegetative cover, impermeable surfaces, and many others. Silo Ridge proposes to build on steep slopes, cut a lot of mature forest, and has already altered native soil properties during golf course construction. Does the SWPPP take these existing and proposed changes into account?

The Planning Board has a serious responsibility to the residents of Amenia and Wassaic to do everything possible to keep runoff from the Silo Ridge project from damaging the downstream communities as well as the infrastructure and housing which will be built on the site. It must take into account the effects of changing climate. A wrong decision will adversely affect future generations. Can the applicant demonstrate that they can do this? Does the SWPPP adequately protect the environment and can it accommodate the changes that virtually every climate scientist is forecasting?

Eliminating the estate homes that are planned for the steep slopes along with the steep roads and driveways associated with those homes would help mitigate the potential for high intensity runoff. Another thing that could be implemented would be all of the green infrastructure ideas that are discussed in the SWPPP but have not been designed into the project.

Response D.13.a-b.: The 100-year storm event is analyzed in accordance with the design guidelines from the NYSDEC Stormwater Management Design Manual ("SMDM"). The SMDM was prepared under a joint effort between the NYSDEC, the Soil and Water Conservation Committee, and the Central New York Regional Planning and Development Board. The definition of the 100-year storm and method of analysis in the SWPPP comply with the SMDM.

The SWPPP: (i) is based on the potential development on the site of the maximum amount of impervious surface area that could be constructed under the approved MDP Bulk Design Standards (i.e., the impervious surface "worst case"); (ii) is designed to meet "East of Hudson Standards," which is not legally required because the project is not located within the NYC East of Hudson watershed, and provides **more than double the required water quality volume** under the SPDES General Permit; and (iii) will, when implemented, decrease potential downstream stormwater impacts compared to existing conditions for each storm frequency, up to and including the 100-year storm. Design calculations in SWPPP take credit for certain on-site green infrastructure practices approved by NYSDEC, such as conservation of natural areas and sheetflow to riparian buffer. The runoff reduction provided by these green infrastructure practices alone is more than the minimum runoff reduction volume (RRv) required under the SMDM. Other green infrastructure practices are also being utilized in the Modified Project, including tree planting, vegetated swales, and porous pavement, but no credit is being taken for them in the SWPPP design calculations. In summary,



Memorandum

even without credit for some of the green infrastructure practices on the site, the runoff reduction requirements are satisfied.

Additionally, under the Design Standards for the Estate Homes (Appendix K of the Amended MDP), each home will be required to provide at least one of four green infrastructure practices, (in accordance with the New York State Stormwater Management Design Manual (SMDM), January 2015, Chapter 5, Table 5.7 or as amended to the extent practical) which will further reduce runoff volume (and increase RRv).

As a conclusion, at full-build condition, the project significantly improves the existing downstream conditions by exceeding the required water quality and quantity per NYSDEC SMDM.

The SWPPP is discussed in further detail in the Applicants' memorandum dated February 2015 – please refer to Appendix D.3 of the Addendum to the EAF.

Comment D.14 – Rich Rennia, Dover Plains– September 18, 2014 PHT: I'm the principal engineer with Rennia Engineering. I live in Dover Plains. I want to talk to you tonight about stormwater. Stormwater permit compliance, especially. Right now, everybody knows that the applicant is out there working on the golf course. We have the unique position that we are out there twice a week. We are the stormwater inspectors. And they're fully in compliance. It's been almost a year now since they started the construction. Either myself or one of my stormwater inspectors are out there twice a week. So we've completed over 85 stormwater inspections on the site now. I deal with a lot of different projects, a lot of different owners and operators, from Westchester County north up through Columbia County, all the way over to Greene County, Town of Hunter. Some of these owners and operators impress me, some do not impress me. I'm very open and honest about that. This particular owner and operator has impressed me in the last year. Everything that we've asked for, they've come through and done. If we tell them to reseed an area, they reseed it. If we tell them to stabilize it, they stabilize it. If we tell them that they need additional silt fence, they take care of it. We're there twice a week. So when we tell them something on a Tuesday, we come back on a Friday, it's always taken care of. So I wanted to speak to that and let the board know that. I think it's important for the board to understand a track record that they're setting. One example I do want to give to you is during August, during one of the severe thunderstorms where we had a lot of rain, the New York State DEC received a complaint. They thought that there might be something washing out of the Silo Ridge site. So an environmental conservation officer did go to the site. They investigated the site. Everything was in order. All of the paperwork, all of our inspections are kept on site. So they're open. Everything is open book. The conservation officer came out actually impressed. There were no tickets issued. Had there been any kind of violations, they would have gotten a ticket on the spot. So that tells me, and I want you to know, that they are complying fully and they're doing their job. Thank you.



Memorandum

Response D.14: Comment noted.

Comment D.15 – Andy Durbridge, Amenia – September 18, 2014 PHT: Something Rich Renna touched on there was the current supervision and inspection that goes on the current golf course renovation work. I could not find any reference to the level of supervision that's going to be required for the rest of the project that's being applied for. So I really emphasize the request to -- for one thing in particular, we need professional scrutiny if the project goes ahead and how it's monitored. I will add more later. But I thank you for your time tonight.

Response D.15: As discussed in Response 3.1-6-33J of the FEIS dated September 16, 2008, Coverage under NYSDEC SPDES General Permit for Stormwater Discharge from Construction Activity, GP-0-15-002 is required. During construction, this permit requires the "Owner" to have a qualified inspector conduct inspections of the project site at regular intervals. These inspections ensure that all erosion and sediment control practices identified in the SWPPP are maintained in effective operating condition at all times. The specific protocol for the documentation of these site inspections is in the permit. Additionally, no certificates of occupancy will be granted until all required erosion control and drainage measures have been completed to the Town's satisfaction.

Please refer to Response C.2.

Comment D.16 – Antonia Shoumatoff, Amenia – September 18, 2014 PHT: One of my concerns, having looked at the stormwater pollution prevention plan, is it does not include the new houses that you are being asked to approve. So we don't have the stormwater yet for those new houses because they haven't yet been designed and they don't have any surveys or stormwater plan. So we don't have a complete stormwater plan yet. And, in my opinion, the SWIP is incomplete until we have those other plans. The other concern that I have, and that was written in a letter by HVA, but it bears reiterating, is that this is a perfect spot to implement what's called low impact development, green infrastructure. I've produced a number of seminars for Town -- for Dover Plains, for Millerton, we haven't had one here yet in Amenia, to instruct about green infrastructure practices, which are now actually required by the new 2010 stormwater plan. So the notice of intent in the SWIP only says they were going to implement three out of 30 practices for green infrastructure. I think that you, as the Planning Board, can actually ask, require, that more of those practices be implemented. There are going to be four stormwater basins. That's a good thing. But it's only for 100-year floods. If we have, as we've had with intense climate change oriented storms, two eight-inch rainstorms, one after the other, those are going to fill up pretty quickly, and the runoff is going to come off those ditches on those 14 percent steep slopes, right down into the valley, into the cascade stream, causing possible sediment, causing possible pollution of ground water, and so on and so forth. So that's the federal law, which is the Clean Water Act. It's the State law that we have protected streams. I ask you to please



Memorandum

realize and empower you that you can ask this Applicant to implement these green infrastructure practices. They are very important for the Village of Wassaic. We've had two flooding events in 2007, 2009, and Hurricane Irene, when we were actually under water. So I think it's a really important thing, and I think you guys can ask for it, and I want to encourage you to do that. Thank you.

Response D.16: The Applicant's engineer, VHB, provided a detailed SWPPP presentation to the public and the Planning Board during the November 6th, 2014 Planning Board meeting, which was followed by a lengthy Q&A session.

As stated during the presentation, the SWPPP takes into consideration the entire development program, including the maximum impervious surface area permitted for the all the units including the Estate Home Lots. The SWPPP takes into consideration all green infrastructure practices, although credit in design calculations is taken only for certain of them.

Additionally, under the Design Standards for the Estate Homes (Appendix K of the Amended MDP), each home will be required to provide at least one of four green infrastructure practices, (in accordance with the New York State Stormwater Management Design Manual (SMDM), January 2015, Chapter 5, Table 5.7 or as amended to the extent practical) which will further reduce runoff volume (and increase RRv).

Please refer to Responses D.1.a-i. and D.13.a-b.

E. Natural Resources

Comment E.1 – Elaine Labella, Director of Land Protection, Housatonic Valley Association – September 4, 2014 PHT: Also, the applicant should be commended for agreeing to permanently conserve several hundred acres of forest land.

Response E.1: Comment noted.

Comment E.2.a. – Sharon Kroeger, Amenia – September 4, 2014 PHT: My third point is, and this is a memory thing, about a decade ago, maybe a little more, we had another golf course designed on the other side of Rattlesnake Mountain and it was really quite unique and excellent, but it never came to fruition, but



Memorandum

the Planning Board of that year did a number of things, one of which was it asked the -- the -- the folks who -- who were planning the golf course to give them a list of all the chemicals that were going to be used in the golf course because part of what you're concerned with, as a Board, is not just the rain water runoff and the road runoff, you're concerned with all the chemicals that are coming down the mountain for whatever reason. Now, the list that they obtained in that era -- Well, I just want to say they took off a couple of chemicals because there was a professor from -- from Cornell that went over that with the Board and they chose which chemicals should come off, because this is what's gonna go into the watershed and our wells and the aquifer. Thank you.

Comment E.2.b. – Kevin Cassone, Amenia – September 4, 2014 PHT: Hello, Board. Thank you for the opportunity to speak. I'll be submitting written comments. I agree with what Andy talked about, the long period to submit them, it's complex and -- and I can't begin to get into things in three minutes and it's -- a little bit of leeway because I can't work from notes in my condition. I live in Amenia, Route 22. About the Board giving waivers for environmental reasons, New York State -- New York State DEC, they're second to none in their zealotry to safeguard the environment. And whether you waive something or not, they can stick their nose right back in all on their own. When you give somebody a waiver, they look over that and decide whether they're going to challenge that or not. So I think some of the environmental concerns, I think, have already been met. Some of the arguments might be specious. Let me just state that you can't even buy certain chemicals to -- to put on lawns anymore. You have fertilizers that -- the three chemicals, the second is what -- phosphates, they don't even use -- New York State doesn't even allow that anymore. Our ground is saturated with it. Anyway, that's the environmental issue. I don't think we have to worry about New York State DEC letting us down. They have the strongest regulations and I think only California has -- has regulations that exceed ours. And they're not gonna give up their responsibilities just because you guys, a little town board, gave them a waiver for them, that's not gonna happen. If they want to get involved, they will. And if they see a threat, they'll get involved. They have done this in the past. Like I said, this and other projects, we're still down a huge percentage from where we were and I guess I'm probably pretty close to my limit, so thank you.

Comment E.2.c. – Sharon Kroeger, Amenia – Written Comment (Letter # 25) dated December 18, 2014 : The precedent in Amenia in dealing with Audubon and chemical standards was set prior to 1990 during a review of the golf course which was to have been built along the Webutuck on the East side of Rattlesnake Mountain. At that time, the Planning Board, then chaired by George Fenn, requested that the Audubon organization submit a complete list of all the possible chemicals that might be used to maintain that golf course. And then the Board did routine consultation with Cornell Co-op Extension, which has continuous access to professors who are experts, so that certain toxic chemicals were able to be removed from the Amenia accepted list prior, to Planning Board permission being given to proceed with the golf course.

2) Now, 25 years later, your concerns when speaking with the Audubon professionals, should be different in at least three aspects: One is that you are dealing with a very steep mountainside where residue flows into both DEC protected waterways and an aquifer that provides drinking water wells to at least 75 homes in Wassaucum Hamlet. Second, is that New York State has since passed a new law that deals with very careful treatment of waste water. Third, there have been changes and developments in the field of chemical



Memorandum

pesticides, and the Federal Government is in the process of being lobbied by Dow Chemical to expand those allowed to include the use of toxins related to "Agent Orange". This controversy has not yet been resolved. It is particularly important that you question the Audubon experts so as to obtain their current list of chemical compounds which they now accept, so as to be able to decide which of these you are going to allow to be used on De Laverne Hill.

Response E.2.a-c.: Comment noted. The New York State Department of Environmental Conservation (NYSDEC) is the agency in New York State designated to regulate pesticides. The Division of Materials Management regulates pesticide applications in New York State and is responsible for compliance assistance, public outreach activities and enforcement of State pesticide laws, Article 33 and parts of Article 15 of the Environmental Conservation Law, and regulations, Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York Parts 320-329. The Modified Project will be subject to these regulations which require that all pesticide applications need to be performed by a NYSDEC certified applicator. Additionally, please refer to the Natural Resource Management Plan ("NRMP") – Appendix P of the Addendum to the EAF. As stated in the FEIS dated September 16, 2008, the NRMP has been developed by Audubon International, and includes an Integrated Pest Management Plan (IPM), that identifies measures and procedures to minimize pesticide and herbicide inputs on the site.

Comment E.3.a. – Norman Benson, Amenia – Written Comment (Letter # 2) dated September 18, 2014: Winter is very near and vegetation does not grow in frozen ground. The entire steep slope area, which is stripped of vegetation, should be fully stabilized immediately by hydro-seeding or other method approved by the Town's engineer.

Comment E.3.b. – Norman Benson, Amenia – September 18, 2014 PHT: Second point is, winter is very near, and vegetation doesn't grow in frozen ground. The entire steep slope area, which is stripped of vegetation, should be fully stabilized immediately by hydroseeding or other method approved by the Town's engineer.

Response E.3.a-b.: The Applicant has provided a Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment controls, including specific stabilization practices that the Applicant is required to implement. These include but are not limited to:

- Dormant seeding for winter – mixture of winter rye;



Memorandum

- Hydroseeding;
- Hydromulching; and
- Erosion control blankets, hay bales & silt fences, etc.

The Applicant is required to maintain erosion control measures during the winter months even if work is not being performed in accordance with Part IV.C.2.c. of the SPDES General Permit GP-0-15-002:

"c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every thirty (30) calendar days. The owner or operator shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a regulated, traditional land use control MS4, the regulated, traditional land use control MS4 (provided the regulated, traditional land use control MS4 is not the owner or operator of the construction activity) in writing prior to reducing the frequency of inspections."

F. Visual Resources

Comment F.1.a. – Arlene Yuliano, Amenia – September 4, 2014 PHT: Anyway, you guys have heard me say this before but, first of all, I want to thank you and the Silo Ridge people for all the work you've done. You really have to deal with an awful lot of stuff out there, especially the laws and everybody else's laws, so I thank you guys. And I know you have told me -- I'm sure you can guess why I'm here -- going to say something about which is a few points at the DeLaVergne Hill point up -- the land up there. And while I appreciate you're assuring me that it's going to be okay, I don't -- I don't know, guys, in the sense of trying to assure that we're going to have the view that we've had for a good many years, a good, good many years where you could see to Connecticut, you could see to Massachusetts. You knew you were in the tri-state area, that's where we're coming down the hills to go, so to speak, on the way to Amenia. Especially in this last decade there's been a lot of growth. I look out my own backyard and I can't believe what I got going on. And I know that tree management is a major issue in the U.S.A. today and, rightfully so, environmental issues. On the other hand, it's overgrown, guys, and I think that up in that area, it never was like that until maybe a decade ago. You could -- you can't really see a full panorama of the viewpoint from DeLaVergne Hill which is an icon view in the County of Dutchess and has its role in the State of New York. I hope that - - just the pictures you had on the screen tonight, the one we came in first, showed a lot of growth on the left hand side. I know you're supposed to be putting something there in that elbow area, right, so people



Memorandum

can look versus a viewpoint pull-off, which I'm sad to see go, if that's indeed going, because that was where you could see, but that's gonna be tough because in order to really see and maintain the viewpoint that Amenia is named for, that's literally, you're going to have to cut down some trees or manage tree growth. And I'm sure there's people in this town who would like some of that wood if you can -- if it can happen. No, really, it could be done. I know it's a particular issue, so to speak, but on the other hand, Amenia is that viewpoint and I hope that it can be done to a greater degree of visibility than looks like that's on the plans that are available right now. Okay.

Comment F.1.b. – Walter Brett, Amenia – September 4, 2014 PHT: And also the number of houses that are going up on -- high up on the slope, it looks like there's an awful lot of houses up there and they could be seen. They could certainly be seen from the Rail Trail or from Route 22. And other people have commented about DeLaVergne Hill, being able to see a beautiful valley, I hope that that's maintained as well. That's the comments that I have for the moment. Thanks very much.

Comment F.1.c. – Norman Benson, Amenia – Written Comment (Letter # 2) dated September 18, 2014: As a resident of the Town of Amenia for over 85 years, still living in a home built on the old farmstead in 1954, I think it has become appalling to view the activity of the silo Ridge development from the overlook at the top of De Lavergne Hill, the most scenic road view of any entry into the Harlem Valley. Here is an authentic original rural Amenia view, overlooking the Culver farm, the Old Murphy Farm and the wooded ridge above Wassaic, extending off into the Berkshires. Apparently this is being replaced by uncontrolled suburban sprawl, without careful enough attention from the Amenia Town Board and the Amenia Planning Board.

Comment F.1.d. – Walter Brett, Amenia – Written Comment (Letter # 3) dated September 18, 2014): The View from Route 44: This project is in the process of erasing forever the most beautiful view in our town. Already a berm of earth has been built up near W. Lake Amenia Road obstructing the view of DeLaVergne Hill. The berm has also been planted with large trees further obstructing our view. Vegetation along the ox-bow near the top of the hill now obstructs the view. The pull-off near the top of the hill has also been blocked off. So, when coming down DeLaVergne Hill, the view that we have had for centuries is now gone. The view down the valley is being obstructed not protected. I wonder if the view is being removed on purpose so that the destruction of the hill won't be seen.

Comment F.1.e. – James and Elizabeth Park, Amenia – Written Comment (Letter # 4) dated September 18, 2014: We are distressed by the heavy construction on the steep slopes of DeLaVergne Hill, which has already changed the nature of that viewshed, and is in opposition to the precepts of our Master Plan.

The development of the 'Winery' and Restaurant, plus houses, above the horseshoe bend on Route 44 is not only unrealistic in terms of density and impermeable surfaces it will complete the destruction of the view from the top of the hill. The site is, in itself, another steep slope.

Comment F.1.f. – Linda M Kinney, Sharon, CT – Written Comment (Letter # 6) dated September 18, 2014: It is hard to believe that Amenia's Town Board would allow the destruction of one of the most scenic



Memorandum

parts of Dutchess County! Silo Ridge Country Club is ruining an area that Mr. Segalla preserved through careful development.

Tears fill my eyes when I drive up DeLaVergne Hill and find that I can no longer enjoy the iconic view. Large berms and pine trees block much of the vista I've loved all my life. It is heartbreaking to think that future generations will not be able to enjoy it, too.

Comment F.1.g. – Maxine Paetro, Amenia – Written Comment (Letter # 7) dated September 18, 2014:

I am not trying to stop the project, but I do want the previous agreements regarding the view shed –which belongs to all of the people of this town --honored.

Comment F.1.h. – Arlene Yuliano, Amenia – Written Comment (Letter 8) dated September 18, 2014:

Enclosed you will find some copied information that I submitted to the Planning Board in 2008. My original presentation was extensive and I hope still a part of that file. I have also enclosed a copy of material I wrote this year for the Conservation Advisory Committee of which I am a member: "Viewing Amenia".

And, a 2009 pamphlet whose theme includes DeLaVergne Hill, it's viewpoint and mile markers as well as it's Foliage Spot significance per DC Tourism, and a current Millerton News special in June, 2014.

The DeLaVergne Hill view has and continues to be highly significant to the Town of Amenia. And the mile markers that can be traced from Route 343 through Pleasant Valley are indeed "on the mile". Your preservation of the viewpoint on the curve would be most appreciated, including the stone that was there and is pictured in the pamphlet with two original markers.

August 7, 2008 Letter

I am a resident of the town of Amenia and currently President of the Amenia Historical Society. I respectfully take this opportunity to make some additional comments on the Silo Ridge Development Project currently before the Planning Board. I submitted a letter in March 2008 on the DEIS sections 1-5 that included my doubts about the developers claim that it would have a "minimal visual impact". At this time I would like to note some history of the ownership of the DeLaVergne Hill land area, the long-time use of the name, and the significance of the view-shed bearing this name to us local folks, and other folks, for over 300 years.

The Silo Ridge Developers have claimed that their community will have minimal visual impact. The townspeople have tended "as a whole" to say otherwise, especially when it comes to the DeLaVergne Hill view shed. Please try to retain the view in the vicinity of the roadway as unobstructed as possible. To us it is a historic treasure that has been described as Beautiful since the time of the Indians and first settlers until today.

October 24, 2008 Letter

By this letter I am making some additional comments and including some additional illustrative material following my review of the current materials that relate to the deadline response date of October 24, 2008~ and the visual impact of the project on the DeLaVergne Hill view-shed.



Memorandum

- I do not find an appreciation of this view-shed by the developer, as to its history and significance to the people of the town and the region.
- I am of the opinion that the Silo Ridge owners have not maintained appropriate management of the tree growth on both sides of the hairpin turn area of DeLaVergne Hill/Route 44. Tree Growth over the years has basically been controlled, most likely by the farming of the area: i.e. mowing of the hay, cutting of the corn. This tree growth as seen today on that stretch of roadway tends to block some of the view-shed as one rounds the turn. Some of the pictures I have included show this change from "the past".
- The pull-off area on the descending portion of the hill as you round the tum heading into the Amenia hamlet area is a mile marker site when the road was a stage route to Poughkeepsie. It is one of many such sites as the route proceeds east to Amenia from the Town of Washington and is a mile from the one before it on the same side of the road near the Route 44/83 intersection. A stone marks the pull-off site while a marker stands at the other. I have included pictures of both.

I also stand by my comments made regarding the project in a letter I submitted on March 18, 2008 which is included in the FEIS. While there has been some mitigation of some issues, I suggest that the DeLaVergne Hill view-shed area continues to be an issue of concern as does the presence of a winery. That area, in my opinion, should remain as open space out of respect for its historical significance.

Comment F.1.i. – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: Viewshed, both toward and from DeLaVergne Hill, as a result of the development of Silo Ridge.

I am confident the Planning Board knows it should take a "hard look" at the documents submitted by Silo Ridge Ventures, LLC (the "Applicant") supporting the Silo Ridge project. However, I respectfully submit the Planning Board has a fiduciary obligation to take a harder look at any alteration of these two environmental factors, because any materially adverse impact on these two environmental components, in my view, will irreparably harm the essential character, if not existence, of the Town that cannot be recovered from the proposed increase in tax receipts. To clarify my comment at the Meeting, and to reiterate my appeal to the Planning Board, there is no mitigation possible if the Town's wells run dry or the County-wide famous views from DeLaVergne Hill are lost.

During my several decades in Amenia, the largely unobstructed panoramic views at the top of DeLaVergne Hill and along the road have received universal praise, as well as recognition in the Town Code and Comprehensive Plans with a designated Overlay. References throughout the Silo Ridge project identify these views and "viewshed" as a defining characteristic of the Town. All marketing materials and presentations I have seen, including the one provided at the Meeting, appear to begin with a photograph of an unobstructed view from DeLaVergne Hill. There may be more than one definition of "viewshed". For purposes here, I define it as the unobstructed panoramic view from the ground immediately in front to the sky above. In my opinion, a view that allows a person to see only the top of distant hills and the sky, or conversely just allows a person to see the immediate ground but nothing in the distance, does not comply with the terms and spirit of the viewshed to be preserved.



Memorandum

To my knowledge, no study has been conducted by, or on behalf of, the Planning Board to ascertain what impact the actual foliage development of the Silo Ridge project will have on these views and viewshed. However, what was repeatedly expressed at the Meeting, and what is undoubtedly apparent to anyone recently traveling along DeLaVergne Hill, is that the applicant has transplanted numerous large trees, has moved tons of soil to create a berm alongside the road and has proposed the addition of foliage that at some points largely obscure, and at other critical points along the hairpin curve, completely obstruct the viewshed to all travelers other than possibly commercial drivers riding in tall trucks.

I respectfully submit that the protected viewshed from DeLaVergne Hill should not be obscured nor obstructed in any material respect. Additionally, the Planning Board should condition any approvals or waivers on continuing compliance with such an unqualified obligation.

Comment F.1.j. – Bernice Lawrence, Amenia – September 18, 2014 PHT: My comments are personal and come from my heart. The land Silo Ridge is on used to belong to my grandfather. It was his dairy farm, James and Bernice Murphy. And I spent a lot of time on that farm, walking through the fields, going down to Scabbner Hole, picking berries, picking nuts. I learned to drive cars there with my cousins. We had a great time. But most of my memories are from at my grandparents' house on top of the hill, looking out the picture window, looking at the beautiful view and watching all the seasons change. And now, when I drive by, it just brings tears to my eyes to see what's going on. I'm just hoping that -- it's one of the most beautiful views in Dutchess County, to me. So it's just a personal thing. And I'm just saddened by it right now. That's all I have to say. Thank you for your time.

Comment F.1.k. – Linda Kinney, Sharon, CT – September 18, 2014 PHT: It's hard to believe that Amenia's Planning Board would allow the destruction of one of the most scenic parts of Dutchess County. Silo Ridge Country Club is ruining an area that Mr. Segalla preserved through careful development. Tears from my eyes when I drive up DeLaVergne Hill and find that I can no longer enjoy the iconic view. Large berms and pine trees block much of the vista I've loved all my life. It's heartbreaking to think that future generations will not be able to see it, too. Is having a larger tax base worth losing the rural character of the town? How many of Amenia's residents can afford a home in the proposed community? Please give more consideration to the project so Amenia can continue to live up to its name. Thank you.

Comment F.1.l. – Norman Benson, Amenia – September 18, 2014 PHT: As a resident, I think it has been appalling to view the activity of the Silo Ridge development from the overlook at the top of DeLaVergne Hill, the most scenic road view of any entry into the Hudson Valley and the wooded ridge above Wassaic - - I'm sorry -- extending off into the Berkshires. Apparently, this is being replaced by an uncontrolled suburban sprawl without careful enough attention from the Town of Amenia Town Board and from the Amenia Planning Board. He says that, first of all, both Amenia boards should take better command of the development process in order to protect the Town and its taxpayers.

Comment F.1.m. – David Reagon, Chair, Amenia CAC – Written Comment (Letter # 13) dated September 18, 2014): The applicant has not demonstrated to our satisfaction that they have mitigated the visual impact of the project on the DeLaVergne Hill viewshed. Their visual impact study demonstrates that



Memorandum

certain elements of the project will materially change the viewshed and does not indicate, in our opinion, a sufficient mitigation. Of particular concern are the houses that are planned for the steep slopes.

Comment F.1.n. - Michael Levin, Amenia – Written Comment (Letter # 19): I may not be an expert in the many complex issues on the table, but others more knowledgeable than I have spoken out with similar warnings. So please note my concern over the following special issues:

- Scenic view-shed maintenance from DeLaVergne Hill (note, mitigation not possible).
- Negative impact of the increasing number of homes proposed on decreasingly appropriate steep slopes.

Comment F.1.o. – Janet Reagon, Wassaic – Written Comment (Letter # 21): I have deep concerns about the Silo Ridge Resort Community Project (SRRCP), and the way that it has been fast-tracked by the Planning Board. Already, major alterations to the topography of DeLaVergne Hill have been made, precursors to the fundamental changes the project will cause for the Town of Amenia. The view from DeLaVergne Hill has been beloved by generations of Ameniens, is the reason some residents have chosen this as their home, and is an Iconic landmark for people from all over the County. While it is true that this is private property, disturbing the view is the tragedy of the commons, because everyone has been able to share in its beauty, and everyone will suffer its loss.

Response F.1.a-o.: Comment Noted. Please refer to the following documents:

- FEIS Responses to Comments Section 3.6 (Visual Resources);
- Silo Ridge Confirmatory Visual Analysis dated July 2014;
- Memorandum regarding Silo Ridge Response to Visual Analysis Comments, dated December 8, 2014; and
- Responses to G.6.a-e., GMJ-8, GMJ-9, and GMJ-13.a.

Comment F.2 – Laurance Levin, Amenia – September 4, 2014 PHT: But I think it's inappropriate both from an environmental standpoint, even if the erosion can be controlled to a certain measure, there are many problems with these estate houses. They -- they're also impacted the -- have a visual impact, so the forested steep slopes and the houses upon them, I think, should be reduced. There should be further visual impact mitigation. This is a rural area and I think we should -- I hope that you, as a Planning Board, as well as the Silo Ridge people and Discovery people, should keep in mind our master plan which was, I think, very



Memorandum

well put together and it took many years to -- to come together and has been very well thought out. There are reasons for some of the steep slopes requirements. There are reasons for the buffer zone requirements. We are all very concerned about the environmental impact as well as by the visual impact. So I do hope that when you consider some of these applications and waivers that you will take into consideration the comments of the specialists here and some of the residents of Amenia.

Response F.2: Comment noted. Compared to the current approved project, the Modified Project reduces grading disturbance impacts, potential impacts to steep slopes, natural habitats, visual corridors and view sheds, and water demand and waste water generation, and increases buffers to natural and constructed habitats, the fiscal benefits to the Town, County, Webutuck School District, and Amenia Fire Company, and preserves open space resources, including view sheds, ridgelines, water resources and ecosystems. Please refer to the Addendum to the EAF and its related documents.

Additionally please refer to the following documents:

- Local and Regional Plan Consistency Memo dated June 2014 (Appendix M of the Addendum to the EAF);
- Silo Ridge Confirmatory Visual Analysis dated July 2014;
- Memorandum regarding Silo Ridge Response to Visual Analysis Comments, dated December 8, 2014; and
- Responses to G.6.a-e., JSM-1.2, GMJ-8, GMJ-9, GMJ-13.a., and GMJ-13.e.

Comment F.3 – Nina Peek, Amenia – September 4, 2014 PHT: So -- so the two primary responsibilities, a lot of which seems to have been sort of minimized or pushed to the side and -- and I find that that is extremity troublesome. And I'll just close with one final thought. There is no visual impact analysis of the wastewater treatment plant, the structured parking that's proposed to be on this site, the maintenance facility, and no one else whatsoever is going to know what it looks like at night. So I would be very concerned that you can make an informed decision about the visual impact of this project without having ever asked the question.



Memorandum

Response F.3: Comment noted. Please refer to the following:

- Memorandum regarding Silo Ridge Response to Visual Analysis Comments, dated December 8, 2014; and
- Responses to GMJ-6.a. – GMJ-6.c., GMJ-8, GMJ-9, GMJ-13.a., and GMJ-13.e.

With regard to potential night time visual impacts please refer to Response F.5.a-b and GMJ-12.f. The Applicant is not proposing any structured parking.

Comment F.4.a. – Bart Wu, on behalf of Arlouine Wu, Amenia – September 4, 2014 PHT: The second issue is light. When I speak of light, not in the context of the light that has been spoken of, the light lamps themselves, but again in the context of view. The view that has been outlined universally is -- and the view that was shown on the screen as the primary view is that from the hill, from where there's proposed to be vineyard cottages. By the way, there's no such thing as a cottage in the assessor's manual, so this was not house that's either consistent or a structure that's consistent either with assessments or with Dutchess County, and certainly not with Amenia. What I'm talking about is there are assumptions that you were gonna -- that damage is gonna be done is going to be mitigated by certain factors. What those factors turn out to be is a berm, relocation of trees or new trees, the erection -- forgive the term -- of a 5,000 square foot building called a winery and the construction of parking places for 37 cars. Now, close your eyes for a moment if you want and imagine what that really takes, basically that's from the door of Freshtown down to Santo's over to the northern door of Tractor Supply, three columns -- approximately three columns of - - three rows of cars is the amount of space. Imagine transplanting that on the curb, on DeLaVergne Hill, along with a 5,000 square foot structure and telling me or anybody else in this room that there's adequate -- you know, continuation of the most valuable view, if not in Amenia, certainly in the county. In effect, there could be mitigation in a variety of ways. There is no such thing as mitigation for a lost view.

Comment F.4.b. – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: Inherent in this viewshed are the panoramic views not only toward the south, but also toward the southeast and east from DeLaVergne Hill. A principal for the applicant has indicated publicly and privately that they do not intend to build a "Winery Restaurant" complete with its "decorative grapes".¹³ However, this massive structure with parking for 37 vehicles and proposed planting of dozens of trees remains under consideration by the Planning Board and is reflected in the MDP, amended Environmental Assessment Form, Amended and Restated Findings Statement and in all plans and tables submitted in connection with the Silo Ridge project. I respectfully submit that obscuring or obstructing the signature viewshed of Amenia with a 5,000 sq. ft. commercial structure with sufficient parking and movement for 37 vehicles and overwhelming planting of trees is entirely contrary to the legal obligation to protect one of



Memorandum

the most important viewsheds in Dutchess County on DeLaVergne Hill and to retain the *rural character* of the Town. Again, regardless of the structures and parking lot(s), the proposed planting of trees should be restricted to "decorative trees" that do not grow above the height of any structure and do not obscure or obstruct priceless public views.

¹³Addendum to the Environmental Assessment Form, dated March 19, 2014, as amended August 20, 2014 ("EAF Addendum") at 7.

Allowing the proposed construction of 19 so-called "Vineyard Cottages" overlooking Amenia and highly visible wherever looking up at DeLaVergne Hill from the east or south is also contradictory to the lawful obligation to preserve this critical viewshed and the rural character of the Town.

Comment F.4.c. – Laurence Levin, Amenia – September 18, 2014 PHT: A lot of people here have poopooed the scenic view. I think it actually is a very important part of what Amenia is. It can very well be kept. We don't need berms; we don't need tall trees. We don't necessarily need a parking lot for 37 cars either in our viewshed. So all these aspects should be looked at very carefully, should be looked at in consultation with the expert consultants that work for the Town.

Response F.4.a-c.: Comments noted. See Response G.7. The proposed Winery Restaurant building and the Vineyard Cottages are permitted under the current approved MDP and have not changed.

Comment F.5.a. – Mark Doyle, Resident, Amenia – September 4, 2014 PHT: I also -- as far as those and actually particularly the houses in the vineyard am concerned about the impact of the light at night. So, yes, we're going to have the dark lights, a lot of outdoor lights, but that's not the only lighting. There's window lights coming out of the houses unless of course the blinds are required to be closed, but they won't be. So, you know, what that -- that lighting mountain is. If you look at the visuals, the -- those houses in the estate area are actually more than halfway up the mountain. They're really pretty high up relative to the peak of the mountain, so I'd like to know what that nighttime light impact would be like.

Comment F.5.b. – Steven Benardete, Amenia – Written Comment (Letter # 18) dated September 18, 2014: Street Lighting. A complete plan has not been presented to the Planning Board which governs street lighting for the Project. Minimizing light pollution is an important part of preserving the rural character of our community and protecting the environmental habit of our ecosystem.

Response F.5.a-b: Comment noted. A night time visual analysis is not a required component of the Confirmatory Visual Analysis. George Janes, the Town's visual impacts consultant, has confirmed that "night lighting is usually not considered a visual resource issue. Night skies and their protection



Memorandum

are more of an issue of community character, and compliance with the lighting performance standards in the Town's zoning." - - please refer to Response GMJ-12.f.

Nevertheless, the Applicant is committed to minimizing night time visual impacts and light pollution. The intent for the site lighting at Silo Ridge is to complement the design of the master plan. The design is informed by the development patterns of the Hudson Valley, in which town and country are realized as hamlets within rural landscapes. A characteristic of the Hudson Valley hamlets and farms is limited site lighting which helps to preserve the dark night sky.

Site lighting at Silo Ridge will be limited to create a similar experience. Paths and parking areas will be lit by bollards, path lights, and landscape lighting and will primarily be located along the club amenities. Bollards, path lights, landscape lighting and wall-mounted fixtures will be traditional in character. Path lighting will provide residents with easy navigation of the property to enjoy an evening walk or a small gathering at the Village Green. No street lights are proposed and streets will remain unlit, in keeping with their more rural character.

Silo Ridge is committing to various nighttime lighting limits that will minimize light pollution (i.e. skyglow, light trespass, and glare) and preserve the dark night sky.

Please refer to the following documents for all lighting standards and plans:

- Section 2.5 and Appendix E of the Amended MDP for a complete description of the lighting standards; and
- Site Plan Drawings SL 1.00 – 1.08 for a complete photometric study.

With regard to community character please refer the section 3.19 of the September 16, 2008 FEIS and Section K of these responses.

Comment F.6.a. – Andy Durbridge, Amenia – September 4, 2014 PHT: But the last comment I'll leave my session here with is, I know that the current work on the golf course in many senses is not part of the plan that we're indicator and my concerns are with the current work on the golf course a number of people driving down DeLaVergne Hill have questioned the loss of view albeit from moving traffic and how does that configure within the Scenic Protection Overlay District. So if you read the statement about Scenic Protection Overlay District, just the opening phrase, it doesn't say that it only covers a view from a particular destination or any particular destination, it talks about the general concept of Overlay District. If some of the grades set right now are to remain, that's lost view, that's lost value, and we're seeing erosion already.



Memorandum

Now, if that's an indicator of the -- you know, of adding more on top of current grades, we're gonna be losing even more view. So I want to just put that on the radar for now and if you could give that some consideration sometime. Thanks very much.

Comment F.6.b. – Andy Durbridge, Amenia – Written Comment (Letter 9) dated September 14, 2014):

The current work being conducted and described as 'Golf Course Renovations': It is now clear for all to see the grand extent of work currently underway, and the beginnings of the loss of our valuable scenic views.

The current work is not "renovations" and is more closely likened to moving mountains! And the degradation of DeLaVergne Hill.

Response F.6.a-b: Comment noted. Please refer to Response G.4 with regard to the golf course renovation work and approvals. Additionally, please refer to the Confirmatory Visual Analysis dated August 2014 and the Applicant's Memorandum regarding Silo Ridge Response to Visual Analysis Comments, dated December 8, 2014.

Comment F.7 – Robert Rinaldi, Millerton – September 18, 2014 PHT: I live in Millerton, New York. I've lived here my whole life. I've gone to Webutuck High School. I just graduated this year, 2014. And in regards to the Silo Ridge project, I was actually asked by a friend to come look at what they were doing and get a personal opinion on how I felt about it. Hopefully, to speak here. I, for one, love the project, 100 percent. And I don't mean to offend anyone when I say that this whole scenic argument does not make sense to me because it's -- I'm not going to say it's a bad view. It's a wonderful view. It's amazing. But you really can only see it for about, what, four or five seconds, if you're not focused on driving on that road. When I was asked to go to the project, they actually told me they had plans to make a scenic overview, which includes a restaurant that is open to the public, which I think is beautiful, amazing for us. That's just on the view. I didn't mean to offend anybody. But that's just my personal opinion. And, like I said, I did go to Webutuck High School.

Response F.7: Comment noted.

Comment F.8 – Evog O'Connell, Amenia – September 18, 2014 PHT: I'd just like to share some thoughts about the impact of Silo Ridge on the town of Amenia. We all know and love that magnificent view from DeLaVergne Hill. But I feel that the view is not that obscured. When driving down the hill, you look toward



Memorandum

Dover and over the culvert and Keane Stud Farm, and that is absolutely breathtaking. And it's not impacted by Silo Ridge. These are the views that we need to protect.

Response F.8: Comment noted.

Comment F.9 – Mike DeLango, Amenia – September 18, 2014 PHT: The viewshed -- the view is beautiful for 15 seconds. And I agree with you. This parking area, it's not a thing that's been talked about a lot. Imagine, on that hairpin turn, to have ten pull-off parking spots where you can actually stop and look at that view. That's amazing. And that land is going to be donated to the Town of Amenia. So there's so much positive that's going on. And I do understand about the environmental impacts. I do understand about everybody's concern. But I feel that we're working together to solve these issues and to solve these concerns. Again, I think we are giving it a shot. We are looking at everything. Again -- Thank you, again. Thank you.

Response F.9: Comment noted.

Comment F.10 – Eliot Soroka, Amenia – September 18, 2014 PHT: Let's talk about the project for a while. This thing has been evolving for 11 years. And, congratulations, you finally put a shovel in the ground. Best of luck to you. It started very diagrammatically. It evolved to, like, in 2009, tremendous projects. For some reason, it got downsized. I took some time this week to look at the drawings. And it's a lovely project. People talk about the viewsheds. When the viewsheds are going to be maybe even better coming down the hill, if Phase 3 goes into effect, and they build the winery, it will help the view. And looking up the mountain, it's doesn't cap the mountain, but it's going to be a very dynamic view. It's a really positive thing for the community. You guys have to bring it to an end and just have a really good attorney to make sure you cross all your t's and dot your i's so you're ready for it.

Response F.10: Comment noted.

Comment F.11– Adam Rebillard, Amenia – September 18, 2014 PHT: Another thing, on the view, I'm leaving here, and I'm literally going up DeLaVergne Hill. Granted, it's dark out. I'm not going to see it anyway. But I can tell you, when I go up that hill, I see one thing, yellow signs on the side that say, Turn



Memorandum

that way. When I come down that hill, I see those same yellow signs, overgrown brush, a decrepit tractor, a bunch of trees -- I think the tractor is gone now. And an old silo that I can tell you right now, the pine trees in front of it are way better than that silo. I think the pine trees are amazing. I know a lot of people don't like them. I think those pine trees are great. I think this is great. I think this whole thing is great. And I just want to say, Robert Rinaldi over here, he said it -- I'm just repeating what he said. I think it's great. That's all.

Response F.11: Comment noted.

Comment F.12 – Elise Harney, Salisbury, CT – September 18, 2014 PHT: My last point would be just for the overlook. I mean, I've enjoyed that view as much as anyone else over the course of the years. But I do think it will be very nice, and it will be safe to have a parking area that will be designated and attractive for people to sit and enjoy the view. It will be given to the Town. But Discovery will be maintaining it. And I understand it is one of their first projects that they will have to do, that they will have to complete. So, as much as I can see it, I think this could be a dream come true for the town.

Response F.12: Comment noted.

Comment F.13 – Kenneth Hale, Amenia – September 18, 2014 PHT: In terms of the viewshed, I remember when Silo Ridge started digging it the first time, John Segalla. We all said, Wow, it's going to be horrible. They did a marvelous job. A very marvelous job. I got to believe Silo Ridge is going to do it again this time. So we do support you. As Mr. Soroka said, dot your i's, cross your t's. Let's get it right, and let's get it going.

Response F.13: Comment noted.

Comment F.14 – Linda and Jack Gregory, Amenia – Written Comment (Letter # 17) dated September 18, 2014: We personally appreciate that you have agreed to the public overlook on the hairpin turn on DeLaVergne Hill, we understand that this will have 10 parking spaces to enjoy this beautiful view and that Silo Ridge will maintain this.



Memorandum

In closing, let's leave the decisions regarding this project in your hands, the Planning Board, as well as the many consultants and lawyers who you have relied upon for their expertise & knowledge and to the DEC who is monitoring this project now and for many years to come.

Response F.14: Comment noted.

G. Land Use and Zoning

Comment G.1.a. – Mark Doyle, Amenia – September 4, 2014 PHT: So, lastly, I forgot to mention the subdivision. I want to make sure that the process remains open, whether it's through this public comment process, which I'd like it to stay open for both verbal and written comments, because I haven't written myself, but for another two weeks. The subdivision plans to me do not look complete. I don't see -- I don't see the detail that would ordinarily be on subdivision plans, so we're not really ready to close off on those.

Comment G.1.b. – Nina Peek, Amenia – September 4, 2014 PHT: It includes a subdivision plan that's posted on the website that is substantially incomplete that you have deemed complete. And something particularly troublesome in the -- in the subdivision plat is a note that's very small, but pretty much indicates that no metes and bounds have been done, no survey has been done. Any utilities, subsurface obstructions or even surface structures that are encountered during construction are the responsibility of the contractor. The applicant has waived any responsibility of the location for those. What happens when the contractor runs into those, and I don't think there's anybody in this room that would hire a contractor and have them start doing work on their property without knowing where your gas mains are or your water lines are. It's just irresponsible. So if you wouldn't do it on your own property, we would hope that since we're entrusting you with our very valuable piece of land in our town that you would assume the same sort of responsibility.

Response G.1.a-b: Aerial mapping has been performed for the entire site, a boundary survey has been completed, and all subsurface conditions have been located in the field. The existing conditions plans (Site Plan Drawings C2.00-C2.12) show:

- Existing property boundary lines based on a completed survey;
- All existing structures and drainage systems – please note there are no existing gas mains on the property;



Memorandum

- All existing utilities on site; and
- The golf course renovation work performed to date on golf holes 10, 11, 16, 17, 18 and the driving range is shown as an existing condition due to the recent aerial mapping and additional field survey performed.

Regarding the subdivision plat, the plans submitted to date were intended only for preliminary review. Please refer to Response JSM-1.9 and the revised subdivision plans, which meet all requirements of the Town Code for preliminary plats.

Comment G.2.a. – Darlene Riemer, Amenia – September 4, 2014 PHT: I was the Chairman of the Wastewater Committee for 15 years and now on the committee. Early on when Silo Ridge came to us, we talked about partnership with the wastewater treatment plant and it was bantered around that it was gonna be on DeLaVergne Hill on the north side of 44 and it was gonna be worth about two million dollars for us to hook up to that, but the cost of us getting there was enormous, it was over 12 million. So in the interim, as things have developed we, in 2008, worked up a memorandum of understanding to do the payment in lieu of workforce housing. And workforce housing is housing for people who will live here and work here and young families starting out and elderly retiring here. Back in 2008, that memorandum of understanding was over \$600,000. We're in the year 2014, and the payment in lieu of workforce housing has diminished 100,000, and I don't understand how that happened. I think it needs to be revisited. I think a partnership of -- of some sort could be developed, and we look forward to having a lively downtown, a lively community to balance out the project at Silo Ridge. So I hope that gets revisited and a partnership could potentially be worked out. Thank you.

Comment G.2.b. – Pat Nelligan, Amenia – September 4, 2014 PHT: The thing that really bothers me is that here are these venture capitalists that are gonna make a ton of money on this project. They bought it for peanuts, I'm sure, in a bad time, and there's a lot of money floating out there right now. They probably didn't have to use much of their own. They're giving the town, which the Town Board approved last week naively, less than the cost of one of their least expensive units of 222 for workforce housing, less than one of their cheapest units, under \$500,000 to fulfill their workforce housing requirement that was one of the biggest things in our zoning law for developments like this. The town is getting squat out of there.

Comment G.2.c. – Janet Reagon, Wassaic – September 18, 2014 PHT: For many years now, we have listened to the promises made by the applicant, but have seen little follow-through. The original plan called for the construction of a wastewater treatment plant that would be built with extra capacity to accommodate sewage from the Hamlet of Amenia. The applicant claimed that the value of this offset, that is, payment to the Town in lieu of the Affordable Housing requirement, was \$2.3 million. The Town's Wastewater Project stalled for nearly two years as we kept being assured that the applicant was going to



Memorandum

sign a Memorandum of Understanding with Dutchess County Water and Wastewater Authority and the Town very soon.

I have one more sentence. Finally, the Town's patience wore thin and the Wastewater Committee looked for other alternatives. In order to continue the current project, the Town needs \$1.4 million to qualify for a no-interest loan of \$3 million from New York State EFC.

The current plan is a four-installment, \$536,000 payment to accommodate the Affordable Housing requirement, which is what County Planning's recommendation is. But I believe that the Planning Board is requiring too little of the applicant. I have sat in meetings –

I believe that you need to ask more from the applicant.

Comment G.2.d. – Janet Reagon, Wassaic – Written Comment (Letter #21), dated September 18, 2014: For many years now, we have listened to the promises made by the applicant, but have seen little follow through. The original plan called for the construction of a WWTP that would be built with extra capacity to accommodate sewage from the Hamlet of Amenia. The applicant claimed that the value of this offset (payment to the Town in lieu of the Affordable Housing requirement) was \$2.3 million. The Town's Wastewater Project stalled for nearly two years as we kept being assured that the applicant was going to sign a Memorandum of Understanding with DCWWA and the Town very soon. Finally, the Town's patience wore thin and the WW Committee looked for other alternatives. In order to continue the current project, the Town needs \$1.4 million to qualify for a no-interest loan of \$3 million from NYS EFC.

Now the Applicant has decided to follow County Planning's recommended formula for calculating the fee for the Affordable Housing requirement, and has agreed to pay the town a total of \$536,000 in four Installments. The full amount is only available after 100 per cent of the Market Rate Units have received Certificates of Occupancy, which could be many years away.

I believe the Planning Board is requiring too little of the Applicant. I have sat in meetings at which we were assured that the Applicant has the best interest of Amenia at heart and wants to see the Hamlet of Amenia grow and prosper. Since the 1960's, residents have recognized the need for wastewater or sewage treatment systems for the town. This chance to actually find the means to create a sewer district for the hamlet will be lost. The original offset of \$2.3 million was based on a total project valuation of \$434,734, 124 million. The projected value of the Modified Project is now \$494,802,700. \$536,000 is not enough to require from the Applicant.

Comment G.2.e. – Patrick J. Nelligan, Amenia - Written Comment (Letter # 20) dated September 18, 2014: The Town Board is in violation of the Town of Amenia Zoning Ordinance in that it has prematurely passed a resolution accepting the Applicant's "Payment in lieu of Workforce Housing Requirements" prior to the both the Zoning Board review & County Planning Board recommendations that might significantly



Memorandum

change the Parameters of the Final Development Plan, and thus the formula for said calculations and approvals.

Response G.2.a-e: The \$2.3 million contribution was based, in part, on the "built out" market value of the current approved project, which is approximately twice the value of the Modified Project. Section 121-42P(1) of the Town Zoning Law provides that in any new development of ten or more dwelling units, at least ten percent (10%) of the units must be "workforce housing" that complies with the requirements of Section 121-42. Under Section 121-42P(2) of the Town Zoning Law, an applicant may, at its option and in lieu of building on-site or off-site workforce housing, pay a fee-in-lieu into a dedicated Town workforce housing trust fund.

In order to comply with this section of the Zoning Law, the Applicant explored three separate opportunities: (i) building on-site workforce housing, (ii) building off-site workforce housing, and (iii) a fee-in-lieu of workforce housing. These alternatives were explored in discussions with the Planning Board, the Zoning Board of Appeals, Town of Amenia Workforce Housing Committee ("WFHC"), and the Town Board.

After due consideration, the Applicant elected to pay the fee-in-lieu to satisfy its workforce housing obligation. The Modified Project includes a total of two hundred twenty four (224) dwelling units, twelve (12) of which will be two-bedroom units, and two hundred twelve (212) of which will have three or more bedrooms. Therefore, under Section 121-42P(1) of the Town Zoning Law, the Developer would pay a fee-in-lieu for twenty-two (22) affordable units.

On August 28, 2014, the Town adopted Local Law No. 2 of 2014, establishing the fee in lieu of workforce housing. Consistent with the June 2, 2014, recommendations of Ann E. Saylor, the Dutchess County Community Development Administrator, the fee in lieu is \$11,000 for each required two-bedroom workforce housing unit, and \$25,000 for each required workforce unit having three or more bedrooms.

Therefore, under Section 121-42P(1) of the Town Zoning Law, the Developer would pay a fee-in-lieu of \$536,000.00, calculated as follows:



Memorandum

	Units with 2 Bedrooms	Units with 3+ Bedrooms	
Rate per Workforce Housing Unit	\$ 11,000.00	\$ 25,000.00	
Number of Market Rate Units	12	212	
Number of Workforce Housing Units Required	1	21	
Fee-in-Lieu	\$ 11,000.00	\$ 525,000.00	\$ 536,000.00

Section 121-42K of the Town Zoning Law specifically provides that in a phased development such as the Silo Ridge Field Club, the Town must establish a schedule “to ensure that any required...fees in lieu of building [workforce housing] units are paid on a pro rata basis as the development is built out.” In accordance with that law, and the schedule set forth in Section 121-42C(4) of the Town Zoning Law, the Applicant proposes to pay the fee-in-lieu in pro-rata installments as the project is constructed, as follows:



Memorandum

	For Units with 2 Bedrooms	For Units with 3+ Bedrooms	Total Fee-in-Lieu Installment Payable	Cumulative Fee-in-Lieu Payable
Portion of Fee-in-Lieu payable on the date twenty-five percent (25%) of the Market Rate Units have received Certificates of Occupancy	10% \$1,100	10% \$52,500	10% \$53,600	
Portion of Fee-in-Lieu payable on the date fifty percent (50%) of the Market Rate Units of the Market Rate Units have received Certificates of Occupancy	40% \$4,400	40% \$210,000	40% \$214,400	50% \$268,000
Portion of Fee-in-Lieu payable on the date seventy-five percent (75%) of the Market Rate Units of the Market Rate Units have received Certificates of Occupancy	25% \$2,750	25% \$131,250	25% \$134,000	75% \$402,000
Portion of Fee-in-Lieu payable on the date one hundred percent (100%) of the Market Rate Units of the Market Rate Units have received Certificates of Occupancy	25% \$2,750	25% \$131,250	25% \$134,000	100% \$536,000

Because the fee in lieu satisfies the Applicant's legal obligations with respect to workforce housing, the wastewater treatment plant for the Modified Project will not have extra capacity to serve other areas of the Town.

Finally, it should be noted that the Applicant has over many years worked cooperatively with the Town to try and find a solution to Hamlet wastewater issues. After many years of exploration, the Town decided that under any scenario for construction of a facility serving the Hamlet, the ultimate costs to benefit users would be unacceptable. The Town therefore advised the Applicant to pursue other means of satisfying its workforce housing requirement.



Memorandum

Comment G.3.a. – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: I also believe the Planning Board should ensure that there will be no harm to us who are uniquely positioned as adjacent property owners by requiring compliance with the 100' Green Buffer.

Included in the matters to be approved is a waiver of subsection C of Town Code § 12118 with respect to the minimum width of buffer from any existing residential use not within the RDO District. This concerns the 100' Green Buffer that is intended to protect adjacent landowners and is vital especially to my Mother, a full-time resident for more than 30 years.

The issue concerns the construction of a major road between Rt. 44 and the Winery Restaurant to the Vineyard Cottages, and the construction of a number of multiple story residences immediately next to our property. This Green Buffer requirement has always been intended to protect adjacent homeowners from significant economic loss in the market value of their property value by requiring neighbors to check their development plans for the community good.

The property in question is a 5.5 acre lot that has been approved for development by the Town and Planning Boards when my Mother first purchased the property over 30 years ago. As I have admitted before, this property constitutes her principal asset to protect her against the vagaries of an increasingly challenging economy, and to provide her financial reinforcement should she need to sell it. Given her advanced age, her dependency on a fixed income and our contributions to the community, as well as the fact that there are other means of access available to reach the Vineyard Cottages from Route 44 and other sites for the applicant to construct units, I appeal to the Planning Board on her behalf to require the applicant to modify its plans to comply with the Green Buffer requirements to ensure that there will be less of an economic loss to her from constructing homes and a road so close to our property line.

On information and belief, the applicant has already encroached on the Green Buffer and has a shed beside the home formerly owned by the Millers. Moreover, on information and belief, the applicant has continuously used the former Miller residence as a commercial office contrary to the RA zoning and 2 I 0 residential land use classification for the property. Accordingly, I submit that enforcement of the Green Buffer is essential to prevent further encroachments that already may adversely affect the economic value of our adjacent property on which my Mother depends.

Comment G.3.b. – Andy Durbridge, Amenia – Written Comment (Letter # 9) dated September 14, 2014: New Waiver Applications: The new waivers requested are all related in some manner to DeLaVergne Hill. The applicant wants additional waivers, and is asking to be exempted from the rules so they can build more homes on slopes steeper than advisable or allowed, and on non-conforming lot sizes, in the DeLaVergne Hill view-shed. They want exemptions to ignore some zoning requirements for the layout of roads. They want exemption to the size of the "green buffer" on DeLaVergne Hill in order to build within it, which was set up intentionally to prevent specific activity in the "green buffer". A "green buffer" is supposed to stay green! They also seek special permits or permissions to allow a maintenance facility and other structures in the same general area.



Memorandum

Response G.3.a-b: The Winery Restaurant and Vineyard Cottages are the same as currently permitted under the approved MDP. The Applicant currently has approval to disturb land within the 100' "green buffer" (required by Section 121-14.1.G(1) of the Town Zoning Code) and 100' RDO District buffer for the access to the Winery Restaurant, Artisan's Park Overlook and Vineyard Cottages. Based on the most recent discussions with the Town, the property will not be dedicated, and will be owned by the Applicant, or its successors or assigns, and maintained by the master HOA, subject to a public access easement. The layout of the Overlook will be the same as shown in the approved October 8, 2009 master development plan.

The wastewater treatment plant ("WWTP") has been relocated to the south to the Golf Maintenance Facility on the Harlem Valley Landfill Corp. property. It should be noted that the Golf Maintenance Facility is located within the OC District. All plans have been revised to provide a vegetated "green buffer" along Route 22 between the Maintenance Facility and Route 22 to shield the Facility, WWTP and the parking areas. Additionally, the grading and drainage plans have been revised to show a single discharge point for the stormwater system as per Town recommendation. Please refer to Site Plan Drawings C6.14 and L3.14. Waiver of Section 121-14.1.G(1) of the Zoning Code is requested for the storm water drainage pipes as well as the work to the portions of the existing main and southern access roads in the buffer; please refer to memorandum regarding Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-18.C(7) of the Town Zoning Code, dated February 5, 2015 in Appendix O of the Addendum to the EAF..

It is noted that the property located at 5021 Route 44 is within the RDO District and retail, recreational, and service businesses associated with the Silo Ridge Resort Community are permitted uses. Regarding the shed, this was installed prior to the enactment of the buffer requirement. Furthermore, the shed is a temporary structure which will ultimately be removed upon the build out of the second phase of the Modified Project.

In the Applicant's opinion, property values will increase as a result of the development of the Modified Project.

Comment G.4 – Andy Durbridge, Amenia – Written Comment (Letter # 9) dated September 14, 2014:

I also ask everyone to consider carefully all requests that are presented as 'discretionary', which might be misinterpreted as 'free choices' to be made by the Planning Board. These are not open choices, and while a discretionary option is there, it must not be read as an invitation to waive existing zoning, without well founded expert reasoning. Waiving existing zoning needs absolute justification! It also, by law, requires complete documented reasoning to support any decision.

When the town consultants advise you that a Planning Board determination is discretionary, it should not be interpreted as an option to express personal views. The discretionary decisions before the Board must be thoroughly investigated, and the advice of consultants relied on.



Memorandum

The current work being conducted and described as 'Golf Course Renovations':

Was permitted by the Planning Board. I found very little to review on this topic within the meeting minutes, but can see that the Board awarded Silo Ridge permissions to implement the plan before all details were in place, particularly reclamation bonds. So the work was underway before this important element was in place, or possibly other things were considered?

Also, the Planning Board was requested to waive the zoning requirement that Silo Ridge should follow existing ordinances within the SPOD regarding these so-called 'golf course renovations'.

There seems to be little recorded discussion regarding whether Silo Ridge might meet the requirements/criteria of such a requested waiver, but they were granted it anyway. Who determined this and why?

So, if there was Jack of review in deciding on the granting of this waiver, there may also have been a lack of oversight to waiving other requirements, such as site plan review for the 'golf course renovations'?

Why was no site plan review and SEQRA review required for the current ongoing 'golf course renovations'?

This is important as a contributing factor now, because we now have a clearly illustrated example of what happens when you waive the developer's obligation to follow the rules of zoning, without adequate reasons. A mess!

What methodology and reasoning said that complete ignorance of existing zoning was to be the model for the Planning Board decision making?

Because we now have a whole new bunch of waivers up for consideration, [in the current application] from the same developer, who is asking for more exemptions in the same general location, on the same site, this example is all the more relevant.

I suggest that the current example of what can happen makes it absolutely clear that more of the same is going to potentially and irrevocably destroy the DeLaVergne Hill character and quality, thus destroying our environment, cultural values and identity.

This must not happen.

The existing zoning was carefully reviewed by many experts, and put into law for all to follow in 2008, and it was not intended for the discretionary waiver to become the tool of choice in avoiding the rules of planning.

Response G.4: In December, 2013, the Applicant received approvals for the renovations to golf course holes 10, 11, 16, 17, 18, and the driving range ("Early Golf Renovations"). Subsequently, in



Memorandum

May 2014, approvals were obtained for renovation work to holes 1-9, 12, 13, 14 and 15 and to conduct related site work in accordance with the current approved MDP including certain work being performed within the SPO District. All golf course plan sets, including erosion control plans among others, were submitted for review by the Planning Board, Building Inspector, Town consultants, NYSDEC and the US Army Corp of Engineers ("ACOE"). The following is a chronology of the approvals for the golf course renovation work:

EARLY GOLF RENOVATIONS

On September 9th 2013 the Applicant received acknowledgment form NYSDEC of coverage of the Early Golf Renovations under NYSDECSPDES General Permit for Storm Water Discharges from Construction Activities General Permit No. GP-0-10-001 (the "NYSDEC Acknowledgment").

The Early Golf Renovation Plans covered under the SPDES General Permit were subsequently submitted to the Town Building Inspector.

On October 18th 2013, the Applicant received approval from NYSDEC to disturb more than 5 acres at a time in conjunction with the Early Golf Renovations.

By letter dated November 8, 2013, the Town Building Inspector determined that all of the proposed work could proceed as proposed "except for a small portion of the renovation work – which is greater than 5,000 sf – that will occur in within the SPO and will be visible from Route 44..." and that is therefore subject to site plan approval pursuant to Section 121-14.1(d)(2) of the Zoning Law." As further stated in the same letter: "Under Section 121-14.1 (L) of the Zoning Law, the Planning Board may waive site plan approval for work in the SPO District "upon a written finding that such waiver will not impair the scenic preservation purposes of the SPO District." and "The proposed work will not impair the scenic character of the SPO and will be aesthetically compatible with the existing golf course and surrounding area. Moreover, there will be no clear cutting of trees within the SPO and the work will be at least 40 feet below the crest line and will not disturb the tree lines. The work will be temporary in nature and the disturbed areas will be fully restored to green and open space. As a result, the work will not adversely affect the Town's scenic beauty and rural character as protected under the SPO."

By letter dated November 14th, 2013, to the Planning Board, the Applicant's attorney stated that "For the reasons identified by Mr. Fenton, and because (i) the work is entirely within the boundaries of the existing golf course, and (ii) the affected areas are proposed to remain golf course under the revised Master Development Plan recently submitted for Planning Board review and approval, we believe that a waiver of site plan approval is warranted and appropriate, and respectfully request that it be granted at the Board's scheduled meeting on December 5, 2013".

On December 5, 2013 the Planning Board adopted a resolution confirming that the Early Golf Renovations would not impact the scenic character of the SPO District, and approved the site plan waiver. Certain Golf Course Renovation Work Related to the Silo Ridge Resort Community".



Memorandum

BALANCE OF GOLF COURSE RENOVATIONS

On February 13 2014, the Applicant sent a letter to the Planning Board requester a waiver of site plan approval for the renovation of holes 1-9, 12, 13, 14 and 15 and related site work in accordance with the current approved MDP ("Balance of Golf Course Renovations"). In general, the proposed work consisted of the following: restoration of ground cover including tee boxes, fairway and greens, landscaping enhancements; construction of water quality swales and installation of underground drainage pipes; minor land clearing and stomp removal; and excavation and grading work entailing a number of cuts and fills.

The following documentation was submitted to the Planning Board in support of the request for a waiver:

Plans entitled "Silo Ridge Golf Course Improvements" dated April 11th 2014 and prepared VHB Engineering, Surveying and Landscape Architecture PC. These plans consisted of the following drawings: SPO-G0, SPO-G1, SPO-G2, SPO-G2, SPO-G3, SPO-G4, SPO-G5, SPO-G6, SPO-G7, SPO-G8, SPO-G9, and SPO-G10;

The NYSDEC Acknowledgement; and

Storm Water Pollution Prevention Plan - Golf Improvements, dated April 20th 2014.

On May 15th 2014, the Planning Board adopted a resolution granting a waiver of site plan approval for the Balance of Golf Course Renovations, as described in the plans above.

On July 3rd 2014 the Planning Board adopted a resolution requiring the Applicant to deposit \$80,000 in escrow to secure reclamation of areas disturbed in connection with the golf course work. The Related Security Agreement and License was executed by the Town and the Applicant in August, 2014, and the funds were deposited on September 4, 2014.

Comment G.5.a. – Norman Benson, Amenia – Written Comment (Letter # 2) dated September 18, 2014: The Town engineering consultant, paid by the Town, should review and comment on all aspects of soil erosion, control plans, stormwater systems, steep slopes construction as well as all planned roads, driveways, and other infrastructure. There should also be attention to proper Project Phasing, SEQRA, Site Plan, and Overlay issues. After review and any changes made, these should be incorporated in the written Plans prior to approval by the Planning Board.

If the Town does not have a paid engineer, it is suggested Dutchess County Soil and Water, in Millbrook, do a full plan review and comment.

The Town's engineer should make regular site visits during construction in order to check that the approved plans are being followed, with a report back to the Planning and Town Boards on progress.



Memorandum

If the Town's engineering consultant cannot do the continuing inspections, it is suggested that the Dutchess County Soil and Water Conservation District in Millbrook be consulted to do this. They are expert and trained in steep slope, erosion and stormwater plan development and implementation while independent of both Town and developer.

All the work should be fully bonded so that, in the case of a site failure on the part of the developer who later refuses to restore a failed condition, that bond can be forfeit and the town can hire an independent contractor to stabilize and restore the site.

Comment G.5.b. – Norman Benson, Amenia - September 18, 2014 PHT: The Town engineering consultant should review and comment on all aspects of soil erosion control plans, stormwater systems, steep slope construction, as well as all planned roads, driveways, and infrastructure.

His fourth one was, if the Town does not have a paid engineer, as we do, they suggest Dutchess County Soil and Water do a full plan, review, and comment. The Town engineer should make regular site visits during the construction. We're hearing from Rich Renna that they're out there checking it regularly.

Response G.5.a-b: The Planning Board has an independent engineering firm, Rohde, Soyka & Andrews Consulting Engineers, P.C., which reviews all plans and documentation pertaining to any engineering work; the firm is hired by the Town and paid by the applicant. One of the most critical documents reviewed by the Town engineer is the SWPPP.

The project's stormwater management plan (SMP), including erosion and sediment control, must be in accordance with the approved *Stormwater Pollution Prevention Plan for the Silo Ridge Resort Community* (the Project SWPPP); the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002, as amended; the New York State Stormwater Management Design Manual (SMDM), August 2010, as amended, and the New York Standards and Specifications for Erosion and Sediment Control, August 2005, as amended.

Construction sites must also comply with the SMDM to address post-construction stormwater discharges. Furthermore, during construction a NYSDEC certified inspector visits the site twice per week to inspect all aspects of the SWPPP. The inspector issues a stormwater inspection report after each visit which is maintained on site with a copy provided to the Town.

As stated above in Response G.4, the Applicant deposited \$80,000 to secure reclamation of the areas disturbed as part of the golf course work. Under Section 105-28 of the Town Code, and Section 121-68.B of the Town Zoning Law, the Applicant will be required to provide adequate security for the completion of certain required infrastructure improvements.



Memorandum

Comment G.6.a. – Walter Brett, Amenia – Written Comment (Letter # 3) dated September 18, 2014): Housing Density on the Upper Slope – On the hillside a number of houses would be constructed on 114 acres with a slope greater than 15% and on 22 acres with a slope greater than 30%. The developer is asking for a waiver to build houses closer together and on a steeper slope than is permitted in the town's master plan. More houses on steeper slopes aggravate water run off problems always encountered with buildings on hillsides. In addition more, higher and closer building on DeLaVergne Hill has a much more suburban feel and is hardly in keeping with the rural feel that is Amenia.

Comment G.6.b. – Laurie Nussdorfer, Amenia – Written Comment (Letter # 12) dated September 17, 2014): DeLaVergne Hill is the most significant identifying physical feature of the Town of Amenia. The Planning Board needs to defend the town's most iconic landscape more vigorously and scrutinize the applicant's requests for exemptions or mitigations to existing town, state, and federal laws more carefully. This hillside is what gave Amenia its name, "beautiful place," and it is our most important community symbol. Each "slight" modification to the laws governing construction on steep slopes or storm water runoff undermines the protections to the environment and scenery that we citizens have put in place. At a minimum the Planning Board should require that the applicant be responsible for compliance to existing laws and not leave it up to individual homeowners.

Comment G.6.c. – David Reagon, Chair, Amenia CAC – Written Comment (Letter # 13) dated September 18, 2014): We strongly feel that all of the relief that Silo is asking from the Town Zoning in the form of waivers be examined closely by the Planning Board. Waivers should only be granted in extreme cases, not simply because the applicant finds that the zoning is inconvenient or an impediment to the applicant's proposal. We are completely opposed to the granting of waivers that would allow building on steep slopes as defined in the zoning and especially in the Scenic Protection Overlay District of the proposed project.

Comment G.6.d. – Laurance Levin, Amenia – September 4, 2014 PHT: There are some issues though in some of the applications that they had requested. Some of the waivers are – I find disturbing. I'm not a specialist, so I do hope that you take into consideration what the people at the HVA have said and what your own consultants flagged about some of these waivers, particularly about the -- the buffer zones, the road grades. The first thing I'm concerned also about is the addition since March of these nine or 10 houses on steep forested slopes. I think we all very much want this project to succeed and -- but I don't think that 10 houses are gonna make or break this project, I certainly hope not for your case because, if not, then you're going in for hurt.

This is a rural area and I think we should -- I hope that you, as a Planning Board, as well as the Silo Ridge people and Discovery people, should keep in mind our master plan which was, I think, very well put together and it took many years to -- to come together and has been very well thought out.

Comment G.6.e. – Elaine LaBella, Director of Land Protection, Housatonic Valley Association – Written Comment (Letter # 11) dated September 4, 2014: HVA believes the Planning Board should require the applicant to redesign specific portions of the plan that are inconsistent with local ordinances enacted to protect the community's water resources.



Memorandum

Specific Concerns

6. We urge the Planning Board to require design changes that would eliminate the siting of houses, driveways and roads on slopes greater than are permitted under Town regulations.

We are troubled by the number of waivers from local and state regulations that the applicant has been granted or is requesting.

Other waivers are being sought to exempt the project from numerous local ordinances that regulate development on steep slopes. In a memo submitted to the Planning Board on August 6, 2014, the applicant asked for waivers that would permit residential units on slopes steeper than 30 percent, driveways and cul-de-sacs that exceed the maximum grade, road sections that would exceed 12 percent slope and road sections within 150 feet of an intersection exceeding maximum grade.

The Board's own consultants identified these problems in their analyses of this project. Development in the absence of sufficient storm water controls, especially when undertaken on steep slopes, is known to increase transport of pollutants into wetlands, ground water and surface waters. Studies have shown that development in general can and may lead to increased levels of total suspended solids, phosphates, chemical oxygen demand, heavy metals, salt and other pollutants that often cause harmful effects. The presence of steep slopes multiplies the risks.

Response G.6.a-e.: Please refer to Table 1 below, which is a summary of the number of units and resultant disturbances from Table 3: Approved Master Development Plan Compared to Proposed MDP in the Addendum to the EAF. The areas impacted are part of a broader plan for the Modified Project that appropriately weighs and balances environmental issues and has greatly reduced the potential environmental impacts compared to the current approved October 2009 master development plan.

The total number of proposed dwelling units (including lodging units) has been reduced from the approved 638 to 245. The estate homes have been laid out in the field to best fit the existing topography and minimize natural, forested steep slope disturbance and clearing of existing vegetation.

Specifically:

Revisions to Redtail Pass, Ridgeline Road and Oak Tree Lane

The alignment and grading of these roads have been modified to better fit the land and reduce grading and blasting impacts and associated tree removal. Further, the use of retaining walls mitigates grading impacts in certain areas, allowing for more existing tree areas to be retained,



Memorandum

which will provide additional screening for the proposed improvements. Height of individual walls does not exceed eight feet. Where appropriate, multiple walls are proposed.

Creation of Allowable Disturbance Area (ADA) (also known as the "Building Envelope")

All Estate Lots now have an ADA, which have been located on the shallowest existing slopes. All buildings and parking areas shall be located within the ADA thereby reducing the amount of grading and tree removal required for a home. Other than the Project's mass grading and grading associated with the driveway; no mechanized clearing of existing trees greater than 8 inches DBH or grading is permitted outside the approved ADA and driveway envelope. Additionally, driveway envelopes (outside the ADA) have been delineated and are addressed in the Silo Ridge Design Standards for Estate Homes.

Please refer to the following:

- Addendum to the EAF, revised January 2015;
- Appendix K: Design Standards for Estate Homes of the Addendum to EAF; and
- Please refer to the letter to the Planning Board from Peter J. Wise, dated January 14, 2015, which addresses the Applicant's permission to disturb steep slopes and its continued efforts to seek ways to reduce disturbance.

It is inaccurate to say that any one modification to the plan has resulted in an increased impact over the 2009 approval when considering the project as a whole. The overall reduction to environmental impacts is evident in the decrease in total site disturbance when comparing the current approved October 2009 master development plan, to the Amended MDP as follows:

TABLE 1			
Approved MDP Compared to Proposed Amended MDP			
Description	Approved MDP	Proposed Amended MDP	Modification
Number of Units			
Total Units	638	245	Decrease of 393 Units
Site Disturbance			
Total Disturbed Area (acres/percent)	282.9± ac/42%	275.5± ac/40.3%	Decrease of 7.4 acres
Total Disturbance to slopes 15% - 30% (acres)	101.5±	90.0±	Decrease of 11.5 acres
- Disturbance to naturally forested slopes 15% - 30% (acres)	57.8±	50.6±	Decrease of 7.2 acres
Total Disturbance to slopes > 30% (acres)	34.5±	20.3±	Decrease of 14.2 acres
- Disturbance to naturally forested slopes > 30% (acres)	20.0±	13.5±	Decrease of 6.5 acres

Regarding the requested waivers, please refer to memorandum regarding Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-18.C(7) of the Town Zoning Code, dated February 5 2015, in Appendix O of the Addendum to the EAF.



Memorandum

Comment G.7 – Laurance Levin, Amenia – September 4, 2014 PHT: There are reasons for some of the steep slopes requirements. There are reasons for the buffer zone requirements. We are all very concerned about the environmental impact as well as by the visual impact. So I do hope that when you consider some of these applications and waivers that you will take into consideration the comments of the specialists here and some of the residents of Amenia.

Response G.7: Comment noted.

Regarding visual impacts please refer to the following documents:

- FEIS Responses to Comments Section 3.6 (Visual Resources);
- Silo Ridge Confirmatory Visual Analysis dated July 2014;
- Memorandum regarding Silo Ridge Response to Visual Analysis Comments, dated December 8, 2014; and
- Responses to G.6.a-e., GMJ-8, GMJ-9, and GMJ-13.a.

Regarding the requested waivers, please refer to memorandum regarding Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-18.C(7) of the Town Zoning Code, dated February 5 2015, in Appendix O of the Addendum to the EAF.

Comment G.8 – Mark Doyle, Amenia – Written Comment (Letter # 14) dated September 16, 2014):

The two most important sections of the Zoning Law, as regards this application, are the Resort Development Overlay District and the Scenic Protection Overlay District. Passages from the "Purpose" paragraphs in each are instructive.

RDO Section 121-18 A. "In 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"

SPO Section 121-14.1 A. " ...to regulate land uses within designated scenic corridors and ridgeline areas to protect the Town's scenic beauty and rural character. This section is intended to apply to those sections of



Memorandum

ridgeline areas and road and trail corridors that are visible to the public and that substantially retain their scenic character.”

This Master Development Plan requires waivers to enable the construction of “estate houses” high on the slopes of a pristine mountain-side that is an iconic component of the character of Amenia. The simple statement that their approval is key to the feasibility of the project is entirely inadequate. Making the case for this waiver should be a high hurdle for the applicant. I suggest the following categories that need to be satisfied in order to justify waivers:

- If, as presentations and documents suggest, this is a case of financial feasibility, a full disclosure and explanation of the financial parameters must be presented.
- A watertight case should be made that there are no other feasible sites...technically or financially feasible.
- That the impact (for which a waiver is required) is limited to the absolute minimum...that there are as few structures, as low on the mountainside, as small and unobtrusively constructed and sited as possible.

If this application process does not adhere to a strict interpretation of the land use laws of the town, a highly visible precedent will have been established and the very reason for the existence of such a prestigious private resort will gradually cease to exist. The mountainsides and ridges will be developed. Quite likely Rattlesnake Mountain will be the first...all because proponents of this Silo Ridge will have been successful in making the case that this project will bring money into town. In other words...everything is for sale in Amenia.

Response G.8: Comment noted.

Regarding compliance with Section 121-14.1 and 121-18 of the Town Zoning Law generally, please refer to Section V of the Addendum to the EAF.

Regarding maintaining the character of Amenia, please refer to the Local and Regional Plan Consistency Memo dated June 2014 (Appendix M of the Addendum to the EAF).

It should be noted that no waiver is required for any Estate Home lot. The requested waivers, and the Applicant’s justifications for the requests, are discussed in the Applicant’s memorandum regarding Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-18.C(7) of the Town Zoning Code, dated February 5 2015, in Appendix O of the Addendum to the EAF.

Comment G.9.a. – Janet Reagon, Wassaic – September 18, 2014 PHT: This modified plan is a very different one from the original. Although the applicant claims that it complies with the RDO requirements,



Memorandum

that is the rural Development Overlay Requirements in the Zoning Law, it is hard to see how a private, gated community complies with any reasonable definition of "resort." Why does Amenia need a gated community anyway? People of all income levels have mingled amicably in Amenia for hundreds of years. People like Lewis Mumford and Thurgood Marshall have found it to be a place of refuge from prying eyes, where they have been treated respectfully and accorded the privacy they needed. Franklin Roosevelt was a friend of Bert Miller, whose home now serves as Silo's offices, and he used to come and paint the view from DeLaVergne Hill.

In Section H, the applicant admits that the modified plan does not comply with Traditional Neighborhood Development principles, but asserts that the Planning Board has determined during the Special Use Permit Process that, quote, "taken as a whole, the Modified Project is consistent with the goals of the RDO District," unquote. Traditional Neighborhood Development principles urge the development of walkable communities, where residents are connected to businesses, recreation facilities, and other amenities. This gated community will be, quite literally, cut off from the rest of Amenia, with access to its facilities by invitation only. I urge the Planning Board to revisit this issue.

As chair of the Amenia Wastewater Committee, I also urge the Planning Board not to grant the waiver the Silo Ridge Resort Community Project requests to create a private sewage works transportation corporation to own and operate the Wastewater Treatment Plant which is prohibited by the Town's subdivision regulations until there is an actual signed agreement document turning this corporation over to the Dutchess County Water and Wastewater Authority and giving the authority final approval and oversight over its design and construction. Private systems in other parts of the county have failed, causing many, many headaches for their towns.

Comment G.9.b. – Janet Reagon, Wassaic –Written Comment (Letter #21) dated September 18, 2014:

My comments are based upon the information in the Draft Amended and Restated Findings document made available on line. This red-lined document allows the reader to see the original plan versus the modified plan.

In Section H, the Applicant admits that the modified plan does not comply with Traditional Neighborhood Development principles, but asserts that the Planning Board has determined during the Special Use Permit Process that "taken as a whole, the Modified Project is consistent with the goals of the RDO District." TND principles urge the development of walkable communities, where residents are connected to businesses, recreation facilities and other amenities. This gated community will be quite literally cut off from the rest of Amenia, with access to its facilities by Invitation only. I urge the Planning Board to revisit this issue.

As chair of the Amenia Wastewater Committee, I urge the Planning Board not to grant the waiver the SRRCP requests create a private sewage works transportation corporation to own and op rate the Wastewater Treatment Plant (which is prohibited by the Town's subdivision regulations) until there is a signed document turning this corporation over to the Dutchess County Water and Wastewater Authority and giving the



Memorandum

Authority final approval and oversight over its design and construction. Private systems in other parts of the county have failed, causing many headaches for their towns.

Response G.9.a-b.: Comment noted.

Please refer to the following:

- Response to MAJ-21;
- Addendum to the EAF, revised January 2015;
- Local and Regional Plan Consistency Memo dated June 2014 (Appendix M of the Addendum to the EAF); and
- Memorandum regarding TND dated August 26, 2014.

The sewage works corporation will be formed and will operate in compliance with all applicable law. A waiver is not required for the creation of the sewage works corporation, and there is no legal requirement for the corporation to be "turned over" to Dutchess County Water and Wastewater Authority, or for approval by the Authority.

Comment G.10 – Steven Benardete, Amenia – September 18, 2014 PHT: Before I read my prepared remarks, I'd just like to say that I think we're well beyond whether we're for or against the project. I'm neither for it nor against it. What I'm for is compliance with the Zoning code of the Town of Amenia. I am disturbed by numerous parts of the current application for approval of the Silo Ridge Resort Community Site Plan. There are countless SEQRA and Town code procedural anomalies and violations of the Scenic Protection Overlay district and the Resort Development Overlay district provisions of the Town of Amenia Zoning Code. If the Planning Board ignores proper procedure and accommodates the applicant's many requests for waivers and special permits, you will be inviting an Article 78 challenge. The current golf course renovation with waiver, while the resort community application is still under review, has caused a new level of distrust and opposition in the community, further increasing the possibility of a legal challenge to the Planning Board's actions. It is questionable whether the current application even meets the three stated purposes of the Resort Development Overlay district; to promote tourism, recreation, and open space protection. The project is a private residential development which is closed to tourism. The project provides recreation for its residents but offers nothing for the community-at-large. Through numerous waivers and special permit applications, Millbrook Ventures, LLC, is attempting to circumvent the standards of open space and environmental protection required under the Scenic Protection Overlay and Resort Development Overlay districts. The basic premise of the RDO, Section 121-18 is, "In exchange for granting permission for



Memorandum

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, ridge lines, water resources, and ecosystems." The purpose of the SPO, Section 121-14.1, is, "To protect the Town's scenic beauty and rural character." Both the RDO and the SPO, under which this project is being considered, have as their purpose the protection of scenic viewsheds and ridgelines. Both sections of the code offer standards for objective determination of whether the proposed project would result in a significant impact to the viewshed. Although it may be a subjective determination whether the impact is adverse, the Planning Board is being asked to overlook common sense and community standards in the protection of our most valuable scenic viewshed, DeLaVergne Hill, and the protection of our ridgelines. Approval of the full application, including waivers and special permits, would violate the principles of our zoning laws and establish a precedent for noncompliance. The role of the Planning Board is to enforce SEQRA regulations and require zoning laws, not to reinterpret our zoning laws to serve the needs of the applicant. Silo Ridge Ventures and application for the Silo Ridge Resort Community is asking for the Planning Board to overlook or formally waive many of the protections which are at the core of the SPO and RDO. The procedural anomalies and lack of compliance with the RDO and SPO are numerous and have been articulated by others in letters to the Planning Board and comments at the public hearings. Three of the most egregious violations of procedure and compliance are the Estate Homes. These homes are not in the original DEIS and have not gone through SEQRA process. The impact of these newly placed buildings have not been fully investigated.

Okay. I'll just read -- I will put this into the record in written form. I will just read my last paragraph. The Planning Board is being asked to facilitate the wishes of Millbrook Ventures to push the boundaries of the project beyond what is reasonable under the zoning code and acceptable to many residents of Amenia. Every procedure anomaly, every special permit and waiver granted, and every provision of the plan which does not comply with the zoning code and which a waiver is not sought is subject to an Article 78 challenge which will only further delay the project and cost the taxpayers of our town unnecessary legal expenses. I urge the Planning Board to uphold its responsibility to enforce all SEQRA regulations and all required zoning laws and to exercise diligence and restraint in granting waivers and special permits which undermine the purpose of our zoning laws. Thank you.

Response G.10: Comment noted. Regarding the golf course renovation approvals, please see Response G.4.

The character of the resort community takes into consideration the rural character of the community, using the vision, goals, factors, and standards set forth in the Town's 2007 Comprehensive Plan Update and Section 121-18 of the Zoning Law.

The 2007 Comprehensive Plan Update states on page 5 that the goal of the Town is "to grow into a diverse, vital and business friendly community of agriculture, small businesses and homes all located in an appealing setting with great natural beauty; and amenities that attract residents, travelers, shoppers, diners and vacationers". On page 10 of The 2007 Comprehensive Plan Update under the section titled "Large Scale Resort and Second-Home Development Proposals" it states



Memorandum

the following: "The addition of guest rooms in Amenia will encourage more tourists to visit, shop, and eat in Amenia. This will further enhance the Town's reputation as a location for country homes that are easily accessible to New York City. It will provide needed local employment opportunities and a boost to the community's tax base." The 2007 Comprehensive Plan Update acknowledges the possibility of resort development and recommends an overlay district as the appropriate land use mechanism for such development.

The RDO District implements this recommendation. The proposed Amended MDP and associated mitigation measures complies with all applicable requirements under Section 121-18 of the Zoning Law.

Additionally, please refer to the following:

- Response G.8;
- Table 3 and Section V of the Addendum to the EAF;
- Appendix K of the Addendum to the EAF;
- Local and Regional Plan Consistency Memo dated June 2014 (Appendix M of the Addendum to the EAF);
- Memorandum regarding TND dated August 26, 2014; and
- Amended MDP Section 6.0 (Zoning Compliance).

Please note that over the last 18 months, the Applicant and its consultants together with the Planning Board and its consultants have worked collaboratively to refine the proposed Amended MDP and first phase site plan so that potential impacts are reduced compared to the current approved MDP. As currently proposed, the Amended MDP has less grading disturbance and impacts to steep slopes, natural habitats, visual corridors and view sheds, and less water demand and waste water generation than the approved MDP, while increasing buffers to natural and water habitats, fiscal benefits to the Town, School District, County and Amenia Fire Company, and preserving open space resources, including view sheds, ridgelines, water resources and ecosystems.

The Modified Project complies with the Town Zoning Law and Subdivision Regulations, except to the extent of the waivers requested by the Applicant, which the Planning Board is expressly authorized to grant under the Zoning Law and Subdivision Regulations. The requested waivers, and the Applicant's justifications for the requests, are discussed in the Applicant's memorandum regarding Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-



Memorandum

18.C(7) of the Town Zoning Code, dated February 5 2015, in Appendix O of the Addendum to the EAF.

It should be noted that most waivers sought by the Applicant are directly correlated to the reduction of impacts (i.e. waivers sought for driveways will significantly minimize grading disturbance to natural habitats). No use or area variances are requested.

Comment G.11.a. – Laurence Levin, Amenia – September 18, 2014 PHT: I'd like to -- I can't say -- it's very nice to endorse this project. However, the proof is going to be in the details. And, as one woman said a bit earlier, let's get it right. I think that's what some of us are asking you to do. It's very nice to be able to say to put all our trust in you. We would love to do that. But Silo Ridge is asking for specific waivers, specific amendments, some special permits that are contrary to what our zoning laws and the comprehensive plan -- they go against provisions in both the zoning laws and in the comprehensive plans. But just because you turn down these waivers doesn't mean that the project is going away. They're not going away. They're here. They've obviously put a big investment into the project. Just because you say you can't put in a road that's at a certain angle because the runoff is too much and is going to cause runoffs down to the stream and then cause flooding in Wassaic, because there is currently no stormwater runoff plan, requiring that plan from them does not mean that they're going to go away. So what we are asking you is to take not only -- to take a hard look at what is required by SEQRA, to take a hard look at all of these, to take a hard look at the requests to waive the Scenic Protection Overlay district.

Comment G.11.b. – Andy Durbridge, Amenia – September 18, 2014 PHT: And the thing that you guys must understand is that that's an example going on now that sets the tone for passage of further requests. I bring that up because I think you need to think very carefully about waivers, the list of waivers that will be applied for, in light of the one that was already given. And I think when those waivers do affect something we call the green belt, the intention was to keep it green. If that's in the zoning, we need to think very carefully about waiving anybody's right to change those things. I think we can get there. I think we can get a good project. I think you can bring it home. But I think some of the details, the devil is in the details, is what a lot of people say.

Comment G.11.c. - Michael Levin, Amenia – Written Comment (Letter # 19): In the Comprehensive Plan for Amenia, the Town advanced a "Resort Development Overlay" district at the Silo Ridge site. A development at this site will hopefully be a plus for the Town, but it need not be, nor should it be, at the expense of the protections offered in the Comprehensive Plan or the existing zoning laws. The Planning Board is accountable to respect and follow the Plan and the law, as well as to comply with SEQRA requirements.

Recently a new plan for this development was submitted, including requests for substantial waivers and special permits. It is imperative that the Board take a substantive, well-documented, and "hard look" at each. To date, however, one feels a lack of proper procedure as required under SEQRA; an apparent disregard of the input and recommendations of the Town's own expert consultants; and ready accommodations for the



Memorandum

developer - even while the Site Plan is still under review. Such behaviors are causing the community a level of distrust of your actions, and could well lead to an "Article 78" challenge.

As a businessman, I appreciate the potential for development of this site into a resort area, and the possible benefits for the Town. Yet given the large proposed investment, we believe the developer must accommodate the many real concerns expressed at the Public Hearings, and we exhort you to take these alarms seriously. I urge the Board to pay particular attention to the importance of the provisions of the Scenic Protection Overlay District and the Resort Development Overlay District.

Response G.11.a-c: Comments noted. Please refer to the Local and Regional Plan Consistency Memo dated June 2014 (Appendix M of the Addendum to the EAF).

Please refer to Response G.10.

The Modified Project complies with the Town Zoning Law and Subdivision Regulations, except to the extent of the waivers requested by the Applicant, which the Planning Board is expressly authorized to grant under the Zoning Law and Subdivision Regulations. The requested waivers, and the Applicant's justifications for the requests, are discussed in the Applicant's memorandum regarding Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-18.C(7) of the Town Zoning Code, dated February 5 2015, in Appendix O of the Addendum to the EAF.

It should be noted that most waivers sought by the Applicant are directly correlated to the reduction of impacts (i.e. waivers sought for driveways will significantly minimize grading disturbance to natural habitats). No use or area variances are requested.

Comment G.12 – Stephen Perotti, Amenia – September 18, 2014 PHT: I heard everybody's comments on here, the pros and cons for Silo Ridge. As you know, when I ran for Town Council, I was supportive of Silo Ridge, and I still am. The wonderful thing about zoning codes and comprehensive plans is they're living documents. One of my biggest criticisms is the 2007 comprehensive plan and zoning law. Overlay upon overlay upon overlay. You know what that does? It restricts people's private property rights. Now, I firmly believe it's important for Silo Ridge to cross the t's and dot the i's. But at the same token, too, as a Town Board member, I think the Town Board needs to take a good hard look at the living document that makes no -- hardly any consideration for any light industrial growth. Very, very small. Very, very small. And I think what you guys are doing is a step in the right direction. Silo Ridge is going to do something great for this community and for the region, as other town residents -- residents from other towns have stated. But we do need to do it right. But at the same time, too, I think the Town Board needs to take another look at the zoning code and make adjustments to that living document to incorporate changes that we need to grow



Memorandum

effectively and smartly. And in order to do that, we need to be proactive. We need to protect our -- granted, we need to protect our rural character. That's all nice and good.

Response G.12: Comment noted.

Comment G.13 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: This facet of the Modified MDP is as large, if not larger, than most developments proposed in the Town, and is completely contrary to the intent of the Town's local laws for the careful development within Town limits. At least one expert for the applicant, if not the applicant itself, has admitted that this aspect of the Silo Ridge project does not conform with the TND principles for the Resort Development Overlay.¹⁴ On information and belief, I believe the Planning Board has not considered this aspect of the Modified MDP. In fact, according to the EAF Addendum:

"The proposed MDP represents a more compact development that emphasizes walkability, and is sensitive to the visual character of the site." EAF Addendum at 1.

Clearly, the Vineyard Cottages component of the Silo Ridge project is contradictory to this representation by the applicant.

As this aspect of the Silo Ridge project has not been considered by the Planning Board, but forms an integral part of the application for an Amended special use permit/master development plan approval pursuant to Town Code § 121-18C(3), I submit that this component should be removed from the Modified Project and revised MDP, and should not be approved at this time as part of its application.¹⁵ Equally clear is that approval by the Planning Board of aspects of the Modified Project, as reflected in the revised MDP and accompanying documents, without any consideration by the Planning Board, would be without any justification and, in my view, likely considered arbitrary and capricious.¹⁶

The fact that the Winery Restaurant and Vineyard Cottages were originally accepted and approved more than six years ago, or that those components are part of a later Phase III of the Modified Project should be irrelevant.

Although there may be certain individuals who have remained with one party that is the same, the applicant is otherwise a different entity than the applicant that obtained approval in 2008. As the applicant essentially admitted at the Meeting and elsewhere, the Modified Project significantly differs from the original Approved MDP. Accordingly, as mentioned above, in the absence of any substantive consideration by the Planning Board of these two highly significant aspects of the Modified Project, the amended MDP should be approved, if at all, only after removing those components from the project.

By approving those components as part of the amended special permit/Modified MDP approval process, the Planning Board is inviting the applicant at a later time to argue that any reduction or elimination of the Winery Restaurant or Vineyard Cottages entitles it to a multimillion dollar reduction in the assessed values



Memorandum

for the Silo Ridge project. Such a tax reduction will, without question, adversely affect the amount of tax revenues which the Town may at that point desperately anticipate.

Response G.13: The proposed Winery Restaurant building and the Vineyard Cottages are permitted under the current approved MDP and have not changed.

Please refer to the following:

- Response to MAJ-21;
- Addendum to the EAF, revised January 2015;
- Local and Regional Plan Consistency Memo dated June 2014 (Appendix M of the Addendum to the EAF); and
- Memorandum regarding TND dated August 26, 2014.

Comment G.14.a – Steven Benardete, Amenia – Written Comment (Letter # 18) dated September 18, 2014: It is questionable whether the current application even meets the three stated purposes of the Resort Development Overlay District;" to promote tourism, recreation and open space protection ". The project is a private residential development which is closed to tourism. The project provides recreation for its residents but offers nothing for the community-at-large. Through numerous waivers and special permit applications, Millbrook Ventures, LLC, is attempting to circumvent the standards of open space and environmental protection required under the Scenic Protection Overlay (SFO) and Resort Development Overlay (RDO) Districts.

The basic premise of the RDO, Section 121-18, is:

"In 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 view sheds, ridgelines, water resources and ecosystems ."

The purpose of the SPO, Section 121-14.1, is:

"[To] protect the Town's scenic beauty and rural character."

Both the RDO and the SPO, under which this project is being considered, have as their purpose the protection of scenic view sheds and ridgelines. Both sections of the code offer standards for an objective



Memorandum

determination of whether the proposed project will result in a significant impact to the view shed. Although it may be a subjective determination whether the impact is adverse, the Planning Board is being asked to overlook common sense and community standards in the protection of our most valuable scenic view shed, DeLaVergne Hill, and in the protection of our ridge lines. Approval of the full application, including waivers and special permits, would violate the principals of our zoning laws and establish a precedent for non-compliance. The role of the Planning Board is to enforce SEQRA regulations and required zoning laws; not to reinterpret our zoning code to serve the needs of applicants.

Silo Ridge Ventures, LLC, in its application for the Silo Ridge Resort Community, is asking for the Planning Board to overlook or formally waive many of the protections which are at the core of the SPO and the RDO. The procedural anomalies and lack of compliance with the RDO and the SPO are numerous and have been articulated by others in letters to the Planning Board and comments at the Public Hearing. Three of the most egregious violations of procedure and compliance are:

The Estate Homes. These homes are not in the original DEIS and have not gone through the SEQRA process. The impact of these newly placed buildings has not been fully investigated. A complete storm water management plan which includes these homes has not been provided. Section 121.14.F(4) of the code states that "Site plan approval may only be granted if ...the proposed activity ...will be at least 40 feet below the crest line of any ridge and will not disturb the continuity of the treeline when viewed from a publicly accessible place." Many of these homes are not in compliance with this section and the Applicant has not sought a waiver.

Section 121-3 B states that "No disturbance, including cutting of vegetation or construction of driveways, shall be permitted on any slope of 30% or greater ...". The Applicant has requested a waiver; however, they have not adequately demonstrated that the adverse effects of such a waiver can be mitigated.

Artisans' Overlook, Vineyard Cottages and Parking in the hairpin turn overlooking DeLaVergne Hill. Sec. 121-18.C(4) states that "Priority in open space protection shall be given to land within the SPO...especially the view to and from DeLaVergne Hill." The "view to and from DeLaVergne Hill" includes the hairpin turn. The Artisans' Overlook, Vineyard Cottages and paved parking area have not place in a plan subject to the provisions of the RDO and the SPO districts.

Comment G.14.b – Janet Reagon, Wassaic – Written Comment (Letter # 21) dated September 18, 2014: My comments are based upon the information in the Draft Amended and Restated Findings document made available on line. This red-lined document allows the reader to see the original plan versus the modified plan.

This modified plan is a very different one from the original. Although the applicant claims that It complies with the RDO requirements in the Zoning Law, it is hard to see how a private, gated community complies with any reasonable definition of "resort". Why does Amenia need a gated community anyway? People of all income levels have mingled amicably in Amenia for hundreds of years. People like Lewis Mumford and Thurgood Marshall have found it to be a place of refuge from prying eyes, where they have been treated



Memorandum

respectfully and accorded the privacy they needed. Franklin Roosevelt was a friend of Bert Miller, whose home now serves as Silo's offices, and he used to come to paint the view from DeLaVergne Hill.

In Section H, the Applicant admits that the modified plan does not comply with Traditional Neighborhood Development principles, but asserts that the Planning Board has determined during the Special Use Permit Process that "taken as a whole, the Modified Project is consistent with the goals of the RDO District." TND principles urge the development of walkable communities, where residents are connected to businesses, recreation facilities and other amenities. This gated community will be quite literally cut off from the rest of Amenia, with access to its facilities by invitation only. I urge the Planning Board to revisit this issue.

Response G.14.a-b.: Please refer to Response G.10.

The differences between the proposed layout of the Estate Home lots and the layout addressed in the Planning Board's January, 2009 SEQRA Findings Statement are currently being reviewed by the Planning Board – consideration of public comments and the Applicant's responses in this document, and its separate responses to the comments of the Board's consultants, is an essential component of the SEQRA review of the Modified Project being conducted by the Board. Please refer to the Addendum to the EAF, revised January 2015.

The commenter is incorrect. The Applicant is not requesting waivers of Section 121-14.1.F(4) of the Town Zoning Law, regarding location of homes relative to the crest line of ridges, or of Section 121-36.B of the Zoning Law, regarding slopes 30% and greater. The requested waivers, and the Applicant's justifications for the requests, are discussed in the Applicant's memorandum regarding Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-18.C(7) of the Town Zoning Code, dated February 5 2015, in Appendix O of the Addendum to the EAF.

It should be noted that most waivers sought by the Applicant are directly correlated to the reduction of impacts (i.e. waivers sought for driveways will significantly minimize grading disturbance to natural habitats). No use or area variances are requested.

In the Applicant's opinion, the Modified Project better addresses the views from DeLaVergne Hill than the current approved project by (1) Eliminating the proposed hedge and equestrian fence along the hairpin turn on Route 44; and (2) Significantly reducing the number of residential/lodging units visible from that location from 438 to 55. Please refer to Responses GMJ-8 and GMJ-9 and Memorandum regarding Silo Ridge Response to Visual Analysis Comments, dated December 8, 2014.

The relationship between the Vineyard Cottages and the public Artisan's Park Overlook and the objectives of the RDO District and SPO District was previously addressed in conjunction with the current approval of both project components.



Memorandum

The draft Amended Findings Statement referred to in Comment G.14.b was a "red-lined" version of the January 8, 2009 Findings Statement, provided by the Applicant to the Planning Board in October 2013 to assist the Board and its consultants in its comprehensive review of the Modified Project. The document has not yet been revised, and does NOT reflect the current proposed plan. The applicant acknowledges that the Findings Statement is a work in progress and will need to be further revised once the plan has been finalized and potential impacts and required mitigation measures are determined by the Planning Board.

H. Utilities-Water

Comment H.1 – Bart Wu, on behalf of Arlouine Wu, Amenia – September 4, 2014 PHT: I'm here to talk about three issues: One is water, one is lights, and the other is air. I'm gonna speak to you, if I may, not just as members of the Planning Board, but as custodians, effectively the last line of defense in maintaining the health and welfare of this community. In connection with water, you've heard probably more than enough, but it still is relevant as to runoff. What I'd like to address for a few seconds is the amount of water used. This project, although it has been convincingly demonstrated it's gonna have fewer houses and fewer structures, the amount of water to be used is going to increase, it has gone from 120,000 to 128,000. The total amount per day is contemplated to be 225,000 gallons. The problem is the assumptions. The assumptions for this water was based on a 1950 study of the amount of water available, 1950s, when that was a farm and only had a couple of hundred cows there. Today obviously it is much different. I ask you to revisit the water issue in particular and determine not just whether the runoff is adequately addressed, but whether the water itself -- there's sufficient water because if there isn't, it has an irreparable damage to the rest of the town, particularly the part downtown.

Response H.1: A 72-hour pumping test program was conducted on the proposed supply wells on the site to demonstrate that sufficient yield was available to meet the Modified Project's water demand. The results of the pumping test demonstrated that the combined yield of proposed potable supply Wells 2 and 11 was 215 gpm or 309,600 gpd and the back-up potable supply Well 31 (the best well) was 158 gpm or 227,520 gpd. These wells yields are more than sufficient to meet the average and peak water demand requirements of the Modified Project.

Proposed irrigation Wells 1, 9 and 25 were also tested along with the proposed potable supply wells during the 72-hour pumping test program. The wells were tested concurrently to demonstrate that both the potable and irrigation supply wells could be operated concurrently without adverse effects on well yield. The results of the pumping test demonstrated a combined yield from the proposed irrigation Wells 1, 9, and 25 of 295,200 gpd. These proposed irrigation



Memorandum

wells will be used in conjunction with the onsite irrigation pond to supply the irrigation water demand of the golf course and landscaped areas within the resort community.

Comment H.2 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: As the Planning Board undoubtedly knows, Amenia is unique in that it historically already suffers from an inadequate water supply in the Hamlet area. On information and belief, few commercial operations can exist along Mechanic Street, and homes within the Hamlet periodically are without adequate potable water for periods of time especially during dry spells in the summer months. Therefore, from any perspective, legal or otherwise, I believe this is the most critical consideration for the Planning Board for the survival of the Town.

The applicant has revised its Master Development Plan ("MDP"), and now contemplates using approximately 128,000 gallons per day ("gpd") of water.² This is an increase from its original proposal of 120,000 gpd of nearly 7%, notwithstanding that the applicant proposes to reduce the number of residences or units in Silo Ridge. In most areas of commerce and governmental regulation, including law, accounting, securities, banking and finance, a change of 5% or more requires special consideration and explanation. Given the critical aspect of this factor to the health and welfare of Amenia, the impact of this factor and common sense demands that the Planning Board be completely satisfied that the proposed Silo Ridge project does not adversely affect the Town.³

More importantly, the Amended and Restated Findings Statement discloses that under existing conditions, the aquifer under Silo Ridge is used to support the irrigation ponds and the daily water usage is estimated at 300,000 gpd during peak summer months.⁴ This is an amount far exceeding the proposed 128,000 gpd estimated to be needed in the revised MDP for all of Silo Ridge following completion of the project. These vast inconsistencies in water usage clearly require further investigation to protect this critical interest of the Town.

I note the applicant has provided for the first time a report entitled, "Groundwater Exploration and Pumping Test Program", dated August 20 14 ("Groundwater Test"), that was conducted for Silo Ridge (Online Document "L"), and has provided an updated redlined copy of a report entitled, "Water Budget Report for the Combined Irrigation Pond", dated August 21, 2014 ("Water Budget Report") revised from June 6, 2008 (Online Document "M"). I do not believe these documents were originally available for public inspection online before the Meeting⁵. More importantly, even if these documents were available, I am, and I'm sure the Planning Board should be, astonished that such a critical document addressing the water resources would only be submitted for the Planning Board's initial review just days before the Meeting at which the applicant is seeking final Planning Board approvals. There is a difference result in increased capacity. Clearly, in the absence of any recent study as to the water capacity of the aquifer(s) in Amenia, attention should focus on the rationale for believing there has been an increase in the projected "yield".



Memorandum

Response H.2: Please refer to Response D.2. The wells were tested to confirm that they could produce sufficient water to meet the water demand and well monitoring was completed during the test to assess potential aquifer impacts.

I. Utilities Wastewater/WWTP

Comment I.1.a. – Liz Faulkner, Amenia – September 4, 2014 PHT: That you be very diligent every step of the way and make sure that they adhere to everything they are saying. Right now I feel there's a difference between perception and reality, and I think if any of us do our research we can find that out. This is a contemporary proposal for a kind of economy that supports a sort of level of leisure which our town, we're about agriculture and small families and small jobs. Why don't we have a sewage treatment facility that will allow our town to develop small businesses? Why is the sewage treatment facility being put up on a hill so that when we do get those heavy rains, now that we are more frequently getting, it's gonna overflow down the hill.

Why is this happening, that is my question that -- and my concern, that we are very diligent as we go forward. Thank you very much.

Comment I.1.b. – Andy Durbridge, Amenia – Written Comment (Letter # 9) dated September 14, 2014: The applicant also wishes to locate their wastewater treatment plant close to DeLaVergne Hill, along with the maintenance facility. This, along with the future additional building planned for the horseshoe area of the hill, all suggests they wish to use DeLaVergne Hill as their 'service entrance' with total insensitive disregard for the community.

Additionally much design and engineering detail is absent from this application, particularly with regard to buildings, and passing this application as-is would be presumptuous if not illegal.

Comment I.1.c. – Walter Brett, Amenia – September 4, 2014 PHT: You have a treatment plant which is in the green buffer and I don't understand why it's there. I mean, I'm not technical that way, but can't it be put down on Route 22 maybe in a -- or a zone for commercial? That's one comment.

Comment I.1.d. – Walter Brett, Amenia – Written Comment (Letter # 3) dated September 18, 2014): Placement of the Waste Water Facility- The developer is proposing that the waste water treatment facility be sited part way up DeLaVergne Hill within the 100 foot wide green buffer zone. A buffer zone by definition should have no construction in it. The facility would be better sited, as it was in earlier plans, across route 22 in an area zoned for commercial use.



Memorandum

I.1.a-d. Response: The wastewater treatment plant ("WWTP") has been relocated to the south to the Golf Maintenance Facility on the Harlem Valley Landfill Corp. property. All engineering and architectural plans have been revised accordingly.

Comment I.2 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: Until now, the expectation was that the Wastewater Treatment Plant would recycle treated wastewater either onto the Silo Ridge golf course or into the irrigation ponds that are now contemplated to be combined. However, according to the Water Budget Report at p. 10:

"The discharge of treated wastewater effluent to the onsite irrigation pond and overflow into the NYSDEC regulated wetland AM-15 is no longer proposed. The onsite treated wastewater will likely be discharged into a tributary of the Ten Mile River which flows along Route 22 to the east of the project site." (Emphasis added.)

The reference is to the Amenia/Cascade Brook that the NYS DEC characterizes as a Class C (Ts), meaning the quality of water supports trout populations and spawning. Given that the modified size of the tank for treating wastewater is 400,000 gal., and the average projected outflow is estimated to be 115,000 gpd, I submit this discharge will likely have a dramatic negative impact on this tributary to the Ten Mile River which provides tremendous fishing opportunities and recreation to the general public. In my view, providing fishing opportunities in the Ten Mile River and its tributaries offer an untapped source for inviting additional tourism and commercial revenues to the Town if properly promoted. Discharging vast amounts of wastewater to pollute the tributaries and Ten Mile River will likely destroy the quality of water and the resultant fishing opportunities for everyone.

I cannot find the method how the Silo Ridge project will handle the solid waste from 224 units and attendant commercial establishments that comprise the project. To me, this is an essential factor that may very significantly and adversely affect the Town. For these reasons I urge the Planning Board to engage a careful review of this environmental factor before providing any approvals to the modified plans.

12 As reflected in the original DEIS at 3.13-8. The study was by Ayer & Pauszek, entitled, "Streams in Dutchess County" 1968. Notwithstanding my comment at the Meeting that the information derived from a 1950's study, the length of time since the report was prepared is at least 46 years ago or nearly half a century, when the water demands of the Town were substantially less with fewer homes, and when the Silo Ridge property was a farm with approximately 200 cows using less than an estimated 5,000 gpd. (According to an immediate family member of the former owners who grew up on the farm.)

Response I.2: The wastewater treatment plant ("WWTP") has been relocated to the south to the Golf Maintenance Facility on the Harlem Valley Landfill Corp. property. The WWTP will be designed to meet NYSDEC intermittent stream standards, which are the highest standards available in these



Memorandum

regulations, and supplemental bathing beach standards, which adds additional constituents to be reviewed and monitored by the NYSDEC and the WWTP operator.

The WWTP effluent will be piped from the south location to the north just beyond the main entrance and discharge into a tributary stream to the Cascade Amenia Brook as reviewed and directed by the NYSDEC during previous and recent communications.

The NYSDEC regulates all discharges (including those to streams) from the WWTP and the stormwater management system through implementation of the State Pollution Discharge Elimination System (SPDES) permit process. The NYSDEC is and will continue to be closely involved in the permitting of the WWTP and the stormwater management system in order to closely review any impacts, whether direct, secondary or cumulative, on the quality of waterbodies on and downstream of the site.

J. Fiscal Resources

Comment J.1 – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014:

FISCAL ANALYSIS

Much has been made about the enormous boost to tax revenues that will inure to the Town as a result of the construction of the Silo Ridge project. In support of this argument, the applicant has submitted a document designated as Appendix K: Fiscal Resources K1 Updated Fiscal Analysis and dated June II, 2014 ("Fiscal Analysis"). As someone who has been a professional in corporate finance as a lawyer and for over 10 years much of which was as the manager of public finance for one of the largest banks in the world, please allow me to address just a few assumptions that underlie the Fiscal Analysis for your consideration.

1. No Sensitivity Analysis of Reduced Sales

Throughout the Fiscal Analysis, there is an explanation of various scenarios at different sales prices. However, the Fiscal Analysis is completely devoid of any sensitivity analysis of various scenarios if fewer than all of the units are sold. Most, if not all, of the projected tax revenues are based on the assumption that all of the units have been sold.

In support of the claimed assumptions, the author relies on the history of a principal partner of the Silo Ridge project, Discovery Land Company LLC ("Discovery") which claims responsibility for more than a dozen projects for high-end second home buyers. However, many, if not most, of those projects have been in vacation locations such as at or near beaches, or near large lakes or at winter ski destinations where the



Memorandum

principal pre-existing economic driver is tourism. One such project is The Hills at Southampton located in East Quogue, New York. For inexplicable reasons, a fiscal analysis of that project is included with the Fiscal Analysis, but there is no indication that The Hills is completed, or has sold all of its units or has been successful.

2. No Capital Budget

The Fiscal Analysis provides various hypotheticals attempting to address increased expenditures if some or all of the future owners of units reside full time in Amenia, and have school-aged children who attend the local schools. The projections appear to assume that no capital expenditures will be necessary because the current school system is operating under capacity. However, additional students may require significant capital expenditures, especially with respect to science labs, audio visual language facilities, athletic facilities and transportation vehicles. Each component may also need additional personnel with the associated personal service and nonpersonal service (i.e. benefits) costs.

Please refer to Appendix K of the Addendum to the EAF. As demonstrated in this document, less than 1% of Discovery's owners have become full time resident and furthermore they have never had one (1) children join the public school system in any of their project. Seriously, you think someone buying a \$1.5m + home and having access to all the top boarding schools in the nation within 20 minutes is going to send their kid to Webutuck.

Similarly, each department of the Town has been approached, but there is no evidence that any capital budget has been established for equipment. If there is more congestion, more complaints and more activities within the Town, as anticipated, consideration will have to be given to creating local law enforcement facilities, hiring personnel and expending for attendant infrastructure, facilities, vehicle and equipment costs. More personnel may become necessary to handle municipal tax bill issues, and local government-citizenry interaction. Capital expenditures may become necessary for increased sanitation, highway and fire equipment and associated FTE personnel. Any of these costs alone, or when aggregated, will likely far exceed the anticipated \$989,655 to \$1,020,192 in additional annual tax revenues projected to be received by the Town, and again assume sales of all units in the Silo Ridge project.

3. No Contingency/Reserve Funds

Stuff flows downhill, and there are no contingency funds if events occur at the Silo Ridge project that directly impact the Town. One easy example is if the WWTP suffers an outage, or failure. Given its elevation above the center of Town, any event that stops the plant from operating properly may have a devastating impact on the living conditions within the Hamlet that will necessitate emergency action and extraordinary expense.

4. No Project Reserves

I am unaware of any information that the Planning Board may have reviewed to address how the Silo Ridge project will be financed. If the project is expected to cost nearly \$600 million, is that amount already funded? If not, how does the applicant expect to pay for its project, and how realistic are its projections? What assurances are there that the project will be completed? For example, the prior Applicant admitted at one



Memorandum

point in the SEQRA process that it had operated a money-losing golf course, and had to cease its golf course operation. Is the Town depending upon solely the experience of Discovery to ensure continued operations? In at least one case, it has been reported that Discovery sold its interests in a project.¹⁷ Additionally, it has also been reported that Discovery has not had complete success in at least one project.¹⁸ How will reclamation expenses, if any, be paid for? Assuming municipal responsibility for essential services including water and wastewater management if the Silo Ridge project collapses, how will the Town afford these increased costs?

Response J.1: Please refer to the Appendix K of the Addendum to the EAF and Responses A.2.a-b. and A.12.

To address the points above:

1. No Sensitivity Analysis of Reduced Sales – The fiscal study does have a sensitivity analysis covering scenarios in which the units sell for substantially less than what is actually anticipated. This provides an indication of impacts with much lower total market value and, thus, tax ratables similar to what would happen if fewer units were sold.

While this site is not located near a beach or ski location, it is in the Hudson Valley which has a growing tourism and second home base. Moreover, the world class golf course and other facilities being provided as part of the development will, in themselves, be a draw. Finally, the location has the advantage of being conveniently located close to the New York Metropolitan Area with its unequalled concentration of high income households. And, Silo Ridge will have excellent accessibility by both automobile and train.

2. No Capital Budget – Given the trends in the local school district, which has experienced declining enrollments in recent years and the reality that the proposed development would be likely to add few, if any, children to the district, there is no reason to assume that capital expenditures would be necessitated by Silo Ridge. While other certain public services (e.g., fire, police, town clerk, highway department) might experience some level of increased demands due to the increase in population and activity, discussions with local providers indicated that capital expenditures are not expected to be required to service the development.

3. No Contingency/Reserve Funds – The wastewater treatment plant (“WWTP”) has been relocated to the south to the Golf Maintenance Facility on the Harlem Valley Landfill Corp. property. The comment regarding impact on the living conditions within the Hamlet is noted.

Regarding the reliability of the WWTP “system”, please note the following:



Memorandum

- The WWTP is designed according to NYSDEC standards and features redundancy throughout;
- There is a backup generator to ensure continuous power;
- The system is designed with 4 reactors and will function at full load capacity on 3 as a standard mode and will function on 2 reactors should it be necessary;
- All influent and effluent pumps are duplexed and redundant;
- There is redundant influent screening;
- The clarifiers are duplexed and either one can handle the full design capacity;
- The final filters are duplexed for redundancy; and
- The SCADA system is ethernet connected and all operational alarms can be broadcast by telephone, text and email.

It is the opinion of the applicant and its consultants that the WWTP will continue to function as proposed and there is no concern of the potential for any such "devastating impact on the living conditions within the Hamlet" nor will there be the need to "necessitate emergency action and extraordinary expense" by the Town of Amenia.

4. No Project Reserves – NY Transportation Corporations Law Section 119 requires the sewage-works corporation to provide a bond or other security to the Town guaranteeing the operation and maintenance of the system for at least five years. The security must be in the amount of the estimated cost of the operation and maintenance over that period, less the estimated revenues to be received during that period from the properties served. In addition, the stock of the corporation must be placed in escrow, with title to pass to the Town in the event of abandonment or discontinuance.

Comment J.2.a – John A. Duffy, Amenia – Written Comment (Letter #16) dated October 20, 2014: I've been advised that the Planning Board cannot require DL to furnish financial information on themselves or any partner or lender. But, given what occurred at Spanish Oaks, general prudence requires that the Planning Board obtain the strongest possible security at Silo Ridge. And this security should be in the form of a surety bond or a bank letter of credit.

But I can tell you that, as a surety underwriter, I would not have even considered the application for a surety bond from a developer that had been foreclosed on. No consideration whatsoever.



Memorandum

My question is, if the foreclosure and supporting information, as reported by statesman.com is correct, what is the Planning Board's view?

Is the Planning Board even aware of the Spanish Oaks foreclosure?

What bonding/security, if any, does Silo Ridge currently carry? What is the amount and what does it cover?

What level of bonding/security can the Planning Board, by law, require?

If there currently exists bonding/security, is it in the form of a performance bond; dual-obligee (lender included) completion bond; or reclamation bond? Or has a bank letter of credit (L/C) been taken? For instance, were the project to be abandoned, is there a bond or L/C to cover the reclamation of any disturbed land?

If there is currently no bonding/security requirement, why not?

And, if not, does the Planning Board know if DL even has a surety or potential L/C provider? When you don't know a company's finances firsthand, anything is possible. And this includes companies with the smoothest pitchmen and glossiest brochures.

My point is that, if the Planning Board, itself, is prevented by law, from financially assessing DL, a surety or L/C provider can and MUST do its due diligence before providing security for a project the scope of Silo Ridge.

No one wishes to see a failed project. For my part, for the project to make sense at all, it must also be in compliance – not only as a finished product, but also in terms of risk mitigation during the construction phase. Because, without the latter, we could wind up with a) an uncompleted project and b) unfunded costs. Not to mention an environmental eyesore/catastrophe.

I urge the Planning Board to view the bonding/security aspect as crucial and, given DL's failure to perform at Spanish Oaks, require – assuming they can provide it – the strongest third-party support the law will allow. If DL cannot provide such security, I would view that as a serious problem.

In addition, it only makes sense that the bonding/security strategy – whether it is based on separate bonds for separate construction phases (usually, the preferred alternative) or a single master bond – should be laid out early enough in the planning phase, so that it can be aired during the public hearing phase and not determined post site-plan approval. Performance security is essential, not an add-on.

Anything short of this approach would not only be imprudent from a risk mitigation standpoint but an abdication of responsibility on the part of the Planning Board. Should the markets again implode as they did in 2008 – and, right now, they are looking volatile – Silo Ridge could face an extremely uncertain future.

Comment J.2.b – John A. Duffy, Amenia – Written Comment (Letter # 24) dated November 14, 2014: The proper bonding of a project the magnitude of Silo Ridge is a necessity, whether or not you are



Memorandum

dealing with a principal that has failed in a prior obligation or not. Not only do risk management principles require it but basic prudence as well.

To be clear, there are numerous risks inherent in any large project. It is the obligation of both the Planning Board and the Town Board to be aware of them and to assure residents that they have fully scrutinized the developer's application with an eye to mitigating risk.

I draw your attention to the article "Establishing Private Water and Sewer Systems." which appeared in the August/September edition of the Dutchess County Federation newsletter, Plan On It. New Tab.

The article states that, if a developer fails either to a) complete the construction of a water and sewer system or b) operate it once it's built, "the responsibility to construct and/or operate passes to the municipality."

The municipality -- at its own expense -- must then hire a contractor to complete the contract and has the option of requiring a bond from that contractor to cover the remaining construction and the maintenance and operation of a water supply system and waste water/sewer system for the first five years.

One bond can be taken to cover everything OR the obligations can be separated, with a performance and payment bond covering the construction; and a maintenance bond, the five-year maintenance/operation period.

There is no reason for a municipality, when faced with such a problem, to not require that the completing contractor be bonded. As the developer has already defaulted, why risk a second default? And potentially burden the taxpayers.

However, while insisting that a completing contractor be bonded should be the minimum requirement on a project that could cost a municipality millions, there is a vastly more protective option.

A completing contractor -- even when bonded -- may not adequately shield a municipality, if the developer, itself, was not bonded. Because, if the developer defaults, there will be costs associated with the uncompleted water and sewer system, regardless of whether or not the project is eventually completed.

And, in the absence of a bonded developer, those costs will almost certainly fall to the municipality. That's because a bond from a completing contractor will cover only those costs yet to be incurred and not those that have been incurred already by the defaulted developer.

Therefore, the best way to proceed is for the municipality to take an up-front bond from the developer, whereupon it becomes the responsibility of the developer's surety -- the company that wrote that bond -- to complete the project -- BUT AT NO COST TO THE MUNICIPALITY.

So, how does this apply to Silo Ridge?

In light of the water and sewer issues referenced in the Dutchess County newsletter, I have additional questions for the Planning Board:



Memorandum

How many bonds, if any, are being required and in what amounts?

If it's less than 100% bonding, on what basis is the bondable percentage being calculated?

Is a bond for both land reclamation and water and sewer systems being required, or will they be bonded separately?

To date, has it been the Planning Board's intention to obtain, from DL, a bond for the water and sewer system component of the project? Because, if not, I could not more strongly recommend it

I specifically recommend that a) the reclamation and b) the water and sewer systems be bonded separately, with the reclamation bond set at a value -- as determined by an engineer's estimate -- equal to the cost of restoring the land. For the water and sewer obligation, I would set the value at 100% of the contract price.

There should be three bonds covering the water & sewer aspect: a) a performance bond to guarantee the timely completion of the project as per the specs; b) a labor & material payment bond to guarantee the payment of subs and suppliers; and c) a 5-year maintenance bond to guarantee the satisfactory cost of operating the system.

It should be clear to all that the water and sewer aspect adds another key risk element to the project and, by extension, to the Town of Amenia. It is another reason why proper bonding/security is critical and deserves the utmost attention of the Planning Board.

In the interest of transparency and prudence -- given the incalculable cost of a defaulted project -- DL should put up any and all bonds to which the Town of Amenia is entitled under law. There are contingent liabilities here involving serious financial risks, and they should not be borne by the taxpayers.

Response J.2.a-b: Please refer to Responses A.12, G.4 and G.6.a-b

Allegations that financial problems with Discovery Land and a failure to secure bonding led to the halt of the Spanish Oaks development in Austin, Texas are false and misleading. It is also misleading to compare Spanish Oaks to this project.

Like many other developments, Spanish Oaks experienced financial hardships during the economic collapse. Discovery was a minority partner and fully funded all of its equity commitments to the project. Unfortunately, as a minority partner, Discovery did not control the project restructuring process.

Discovery has been, and continues to be, a financially strong company with over \$1B total sales in 2014 alone. Additionally, Discovery has generated total sales in excess of \$3B over the past 5 years.



Memorandum

The claim that Spanish Oaks was never bonded is also false. Spanish Oaks was a fully bonded project. The suggestion that Spanish Oaks was a failure also runs counter to the facts. Discovery led the efforts to develop or redevelop the infrastructure improvements, improvements to the golf course, clubhouse facilities and various amenities. Today, Spanish Oaks is ranked third among all golf courses in Texas, according to Golf Digest.

Discovery has successfully developed over 16 luxury golf course communities. The Town of Amenia can expect a similar success at Silo Ridge. Discovery land has a strong national track record and is committed to building a world-class project in Amenia that will create thousands of local jobs, millions of dollars in annual tax revenue for the Town and school district, and protect our vital environmental assets.

Regarding bonding requirements, under Section 105-28 of the Town Code, and Section 121-68.B of the Town Zoning Code, the Applicant will be required to provide adequate security for the completion of certain required infrastructure improvements.

Comment J.3 – Michael Levin, Amenia – Written Comment (Letter # 19): I may not be an expert in the many complex issues on the table, but others more knowledgeable than I have spoken out with similar warnings. So please note my concern over the following special issues:

- Unsubstantiated assumptions in the Fiscal Impact analysis.

Response J.3: All of the assumptions utilized in the Fiscal Analysis are documented in Appendix K.1 of the Addendum to EAF and in materials previously submitted as part of the October 2007 DEIS and September 2008 FEIS. The assumptions utilize professionally accepted methodologies appropriate to evaluating the potential impacts of the proposed development.

K. Community Character

Comment K.1.a. – Liz Faulkner, Amenia – September 4, 2014 PHT: I've lived there for over 20 years. I guess my primary concern really is that the town adhere to its stated desire and promise to protect the rural quality, the rural character of our town, that's my understanding of what the town wants, I think that's what most -- what Amenia wants. And it seems like the density of this project, the amount of houses, the scale of the project is really gonna make it -- and the traffic, including the traffic, and noise and pollution is going to make it more of a suburban town. And I -- I just -- I'm sorry, but I have to address the way we were addressed, just now as a community by Silo Ridge. The last I knew, our historical heritage was agricultural, that this is a community of people who have worked on the land and the varying services and jobs come



Memorandum

from supporting a lifestyle on the land. I'm not sure that fitting in has to do with playing on a golf course. So I was just a little bit taken aback where we're being presented with an image of – of something for our town that doesn't seem to really fit with what this town is. So when this project was first proposed, I -- I -- I'm not against development, I'm not. I'm concerned that in this day and age where we are at a point where we're aware of the environmental pollution, we're aware of energy needs that it be done as sensitively as possible. And I hate to be a tattletale, but I have read that that project of Discovery in Baker's Bay was responsible for destroying or nearly destroying one of the biggest coral reefs in the Bahamas, and I don't know if now they have mediated that, but I'm asking you, with all my heart and soul, because as Arlene has stated and we all know, that hill and that view is our soul. It's the soul of our town. It's what everybody -- when they say Amenia, it's what they mean.

Comment K.1.b. – Maxine Paetro, Amenia – Written Comment (Letter # 7) dated September 18, 2014): That said, the Silo Ridge development is critical because if not done with sufficient care, it will change the look of Amenia forever, while leaving lasting effects on the hillsides and waterways as well.

Comment K.1.c. – James and Elizabeth Park, Amenia – Written Comment (Letter # 4) dated September 18, 2014: We are skeptical of the viability of a luxury Golf resort in our town.

We feel that our town is not the place for a 'gated community' of luxury housing.

Comment K.1.d. – Linda M Kinney, Resident, Sharon – Written Comment (Letter # 6) dated September 18, 2014: Is having a larger tax base worth losing the rural character of the town?

Comment K.1.e. – Linda M Kinney, Resident, Sharon – September 18, 2014 PHT: Is having a larger tax base worth losing the rural character of the town?

Comment K.1.f. – Michael Levin, Amenia – Written Comment (Letter # 19): I may not be an expert in the many complex issues on the table, but others more knowledgeable than I have spoken out with similar warnings. So please note my concern over the following special issues:

- Impact of a "gated" resort, closed to the community.

Response K.1.a-f.: Please refer to the following:

- Response G.10;
- Appendix K of the Addendum to the EAF;



Memorandum

- Local and Regional Plan Consistency Memo dated June 2014 (Appendix M of the Addendum to the EAF); and
- Memorandum regarding TND dated August 26, 2014.

L. SEQRA Process

Comment L.1.a. – Elaine Labella, Director of Land Protection, Housatonic Valley Association – September 4, 2014 PHT: We ask that the Planning Board consider extending the hearing so that you can hear from your own engineering consultant on the stormwater plan which, as you all know, is very complex and I think the public might like to hear what the engineer has to say at one of your regular meetings. Once again, this is a very complex project. Thank you for the opportunity to provide comments and we do hope that you keep the public hearing open. Thank you very much.

Comment L.1.b. – Elaine LaBella, Director of Land Protection, Housatonic Valley Association – Written Comment (Letter # 11) dated September 4, 2014: This is a complex and complicated project and HV A would like to express our appreciation and gratitude to the Planning Board for its interest in hearing from all parties and the public to ensure that all relevant and important information is provided for your final review. We ask that this hearing be held open to ensure that citizens are informed about the project and can share comments. HVA appreciates the opportunity to comment on the proposed Silo Ridge Golf Club development.

Comment L.1.c. – Walter Brett, Amenia – September 4, 2014 PHT: I also would like you to extend the period so that I may be able to write a few things to you. I really haven't had enough time to go over all the material, really wasn't enough time, so I'd ask that you do that, that you extend the time for us to write or to speak further, if we need to. I have a couple of comments, just a couple.

Comment L.1.d. – Mark Doyle, Amenia – September 4, 2014 PHT: So, lastly, I forgot to mention the subdivision. I want to make sure that the process remains open, whether it's through this public comment process, which I'd like it to stay open for both verbal and written comments, because I haven't written myself, but for another two weeks.

Comment L.1.e. – Sharon Kroeger, Amenia – September 4, 2014 PHT: I want to make three points, but before that I want to ask the Board to please extend the comment period. Most Boards do this when you have a complex situation of this kind and to just talk about two weeks only is not enough. One of the difficulties is the fact that most people's computers can't handle the complexity of the material that the public is supposed to be able to use and that the public isn't really getting enough time to do what it needs to do, so I would request that you all extend that period at least a month. And I want to just remind everybody who just saw what happened because some members of the press are here, you just saw the



Memorandum

chairman of the Master Plan Committee being told that he had to stop talking because he had spoken already three minutes, so that is really something. It's a matter of record in this situation and I -- I hope everybody takes note of that.

Comment L.1.f. – Pat Nelligan, Amenia – September 4, 2014 PHT: Now, I'm requesting at least two more hearings where you divide up the waivers on one hearing, preferably the second, and the special permits and subdivision on another hearing, then a two week period. It should be at least six weeks for everybody to know all of this going on, not cram it all down our throats, especially the procedures you've been following, which are illegal. So I'll take care of the action against the town. If anybody is interested in joining me in an action against the Board if they proceed in a rapid fashion, I'd appreciate the help. Thank you.

Comment L.1.g. – Andy Durbridge, Amenia – September 4, 2014 PHT: I'm gonna keep my comments very brief tonight and there's a couple of good reasons for that. One of the reasons I think I should mention is that I think not only is this project extremely important for anybody that has embarked on trying to analyze, look, review, do their own investigations, bear a picture of the project, I will suggest that that would be almost impossible for the regular person. It takes an awful amount of time, and I mention that because I've heard a lot of comments out and about, as we say that a lot of people have found it either difficult to find all the information they really want, not able to access it as easily as they would like, and some of it still remains hard to picture it for them. So I think on that basis alone and given that -- you know, part of the basis of SEQR, as I see it, is those two important words quality review and I think if we're gonna have a quality review of an extremely important potential project here, we need to make sure that everybody has an adequate review time. So I do think my first point is, I ask you if you could please extend the open – the time for public comment in whatever way possible, whether that be an additional session or whether it be a further comment period or written comments. I do suggest it would benefit greatly.

Secondly, the other general comment I have is -- is really as much as we are all involved, we live here, we're residents, and as much I thank you, our Planning Board members, for your endless hours I'm sure you put in on that project already and working on our behalf as volunteers, that's great, but the people that I want to thank especially here and put on a pedestal are the consultants. The consultants to the town are our safety net. They are the experts in their field. They are studied. They are practiced. They are licensed. They get re-licensed. They are -- we cannot diminish the importance of any information the consultants present to you and to the town. So I think any changes and dilutions to their comments or if we question their comments, which we should, we should still try and look at how important those comments are and who they're coming from and put an exceptionally high level of importance on those comments. Those are the general comments. I look forward to having more time to comment on details.

Comment L.1.h. – Pat Nelligan, Amenia – September 4, 2014 PHT: Lifelong resident, born in Wassaic, living in Amenia by a little pond, back behind the back of the church, and I care about the environment. I'm also an Irish citizen. Good to see you boys. Anyway, I'm in favor of a project. I wasn't in favor of the original, so we've come a long way. And as Mark pointed out, there's been some significant changes to make this project, I think, more acceptable. The problem is those significant changes and the new owner mean that the SEQR process needs to be done again, and you're avoiding that issue. If you proceed without doing



Memorandum

SEQR for all of the modifications, this is not the same project, you're gonna have some legal trouble. It won't just be from me, but you'll have others.

Comment L.1.i. – Nina Peek, Amenia – September 4, 2014 PHT: I would echo the sentiment that a lot of the people that have spoken here tonight and would respectfully request that you extend the comment period for this. And in addition to that there's a very peculiar restriction on the documents that are posted at Silo Ridge SEQR which prevents them from being printed. And as a result even if you have a really good computer at your office with a humming processor, it still takes a really long time to download or look at any of the documents. And it would make it much easier and much more available to the people that live here if those documents were available to be printed out. So I would respectfully request that you remove whatever security provision that has been provided. And I guess what I sort of want to talk about is the Planning Board has two primary responsibilities. The first responsibility is to ensure that applications that come before you comply with the law. All right. It's pretty basic, right. And it's not just the town law, but it's also state law and federal law, county regulations. The law that we have in this town was written by people that live in this town. It was reviewed by people that live in this town. It was adopted by people that live in this town. So for the Planning Board to consider waiving the requirements of that law you need to have a really, really good reason to do that and you need to document that reason. And -- and this project is requesting in excess of 10 waivers for all sorts of things. But in addition, you have made some decisions already that have been processed through the Town Board that also circumvent the law that includes the provision of for this hearing. It includes distribution. It includes the SEQR process, which has not at all been followed. There was no notice of this meeting in the ENB last week or this week.

The other thing that this Planning Board is supposed to do is conduct an open, transparent process. This hearing is great. There have been many, many administrative Planning Board meetings that have been held at Silo Ridge's office where Planning Board members have attended, the town's consultants, the Planning Board's consultants have attended, and decisions have been made and without the benefit of a full Board and without the benefit of any public input. You probably didn't even know they occurred. There were many, many meetings. And in the absence of that, how are you to be able to make an informed decision and how is the community able to know what's going on. I mean, it would be extremely helpful if you could release all the comment memos that have been provided by our counsel so that we can look at them.

Comment L.1.j. – Norman Benson, Amenia – Written Comment (Letter # 2) dated September 18, 2014: Firstly, let me say that I am not opposed to appropriate and well planned development at the Silo Ridge resort.

However, this plan review is obliged to receive all the scrutiny and attention required by SEQRA, and it must meet all the requirements of current zoning laws.

Anything less is unacceptable.

If this site plan is modified from the current iteration, Amenia has a chance to grow and prosper, but there are still many questions to be explored and answered by you the Amenia Planning Board, and critical



Memorandum

changes to be made. If this current version is approved as proposed, it will be less than this community deserves, and will destroy the landscape characteristics, and values and zoning regulations of the town.

The current application before you is large and complex, and has the potential to create a town-wide change. Its importance in the overall scale of events cannot be diminished, nor can the responsibility of Planning Board members be underestimated in evaluating ALL the factors involved within the application.

Not only is it a large important project, but the members reviewing it must be highly conversant with every legally required detail, and be sure to get it right!

There has been much hurry in this process at the behest of the applicant, but I respectfully suggest the Planning Board has had little time to review this thoroughly, nor the full information and advice. In fact much of this application content was only received hours before the public hearing on September 4th.

So because of the importance and the need for members to understand all aspects fully, please take time to do so, follow and understand all aspects, seek advice where necessary, and do not be pressured by any commercial needs of the applicant. This has to be a quality review for the town, and the people you represent. Not a fast one, because the applicant wants to meet sales targets!

There is much information within the technical aspect of this application which raises concern, and questions need to be asked as to whether all the criteria were met satisfactorily, and the full requirements of SEQRA were met. I do not believe they were, and the Planning Board needs to satisfy this point.

Conclusion:

The Town of Amenia Planning Board has the opportunity and obligation to give a full and fair review to this project, but is also representing the residents, and taxpayers, and must respect the zoning laws to protect our values and environment.

The current application does not respect these, so I strongly suggest that revisions be made, and a more thorough review be given to a complete application, only after it is actually complete, and after it is revised.

In consideration there are many details to scrutinize within this application, but one of the overarching questions within SEQRA is:

Does this project affect the environment?

Environment means the physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health.

Please understand there is no maximum limit to the amount of scrutiny you can offer here, and it needs far more than has currently been given.



Memorandum

Comment L.1.k. – Pat Nelligan, Amenia – September 18, 2014 PHT: I might have been one of the people at the last meeting that got some of you people to get here. I didn't speak very positively about this and made some threats to try to get people to at least pay attention. I'm not opposed to this project. I think this project is an improvement on the last proposal. After seeing and hearing average folk tonight, excluding one family that was a little overdone. I grew up here. I had every opportunity in the world. I could work anywhere, any time. Fox Factory, State School. Without that, I never would have made it to college, the Air Force, all of that. And these kids don't have that. And this project might help. Or at least I think it will. The problem is that, unlike what Tony has said, which I need to correct for the record, this is not an environmental review. And you haven't done the right one. And you're vulnerable. You heard from people tonight who aren't your average people who just want to have a job and take care of their family. You heard from a couple of people tonight who have money and don't want this to happen, and they're going to come after you about SEQRA. And they're going to come after you about violations of the zoning law. Other people have said you've done your job. I'm sorry. I think the developer is doing its job. I don't think you have. And without revisiting SEQRA -- I've sued the Town three times with Article 78s, and I'm just an average guy. You're going to have nothing but delays in the courts. And they're going to go to appeal on it because they have the money to do it. I couldn't go to appeal. But they're going to do it to you unless you do it right. And if you approve this thing without revisiting SEQRA, with an amended Environmental Impact Statement for changes made, you're going to lose. I'm sorry. So do it right.

Comment L.1.l. – Laurance Levin, Amenia – September 4, 2014 PHT: I just have a procedural issue. I thought we were supposed to have 14 days notice of this meeting which I think was not given publicly and there were supposed to be applications that were supposed to be reviewed since the March meetings were not available for 14 days prior to this meeting either. So I do hope that you will extend not only the written comment period, but also I suggest perhaps have another meeting on a Saturday when more of the residents of Amenia are able to attend even though there are a number of them tonight, I think that you're not seeing everybody who would like to speak here. I said the procedural -- I do hope that you will extend the period. I -- I agree with many of the speakers tonight that we're very pleased to see this -- the revised Silo Ridge plans, it had -- they fit much more into the site. I think much more account of the site and also of the character that many of the residents of Amenia are hoping they will be able to maintain.

Comment L.1.m. – Norman Benson, Amenia – Written Comment (Letter # 2) dated September 18, 2014: Both Amenia Boards should take better command of the development process in order to protect the Town and its taxpayers.

The entire Infrastructure Plan, Erosion Control Plan, and Stormwater Control Plan should be approved through the SEQRA Process with time lines for specific implementation prior to site disturbance, especially on the steep slopes.

Comment L.1.n. – Laurie Nussdorfer, Amenia – Written Comment (Letter # 12) dated September 17, 2014: Thus far the approval process for the Silo Ridge development suggests cursory review by the Planning Board. The absence of detailed records of meetings with the applicant, the reliance on the applicant's own representations for public information, the lack of clarity about the plans, and the lack of transparency in the process are sources of concern. If the Planning Board has not met, or is not meeting,



Memorandum

legal requirements for public oversight, the citizens are not served and the town is vulnerable to bad decisions and potential litigation.

Comment L.1.o. – Andy Durbridge, Amenia – September 18, 2014 PHT: Just pure coincidence, but I'm glad I'm following Rich Rennia because some of my comments will pertain to something that he just addressed. And given his reputation, I'm pleased to hear some of the information that he's given tonight, which is great. I've submitted written comments, and I want to thank everybody, first of all, for their passion and for the comments concerning everything that Silo Ridge has done to date and everything they plan to do. I think it has the potential to be an absolute diamond for Amenia. But, as many people have said, and it's been repeated already, it needs to be done right. That's all. Quite simple. We can have everything that everybody has asked for. We can have everything that we expect. And we can have high hopes for them bringing the project in successfully. But I think the important thing here is not necessarily what they've done, which is wonderful, great things. The important thing is that this is a planning review. So I think just to bring the focus back in a little bit, you guys up here have an enormous responsibility as a significant part of the oversight for the project. You're the key to the whole thing. You can listen to all sorts of pros and cons for the project. But that's not the point. It's not about whether you support the project or not. It's simply about making sure the project fits and complies with everything that it's supposed to comply with. I don't think even Silo Ridge's biggest supporters would deny anybody's expectation to get it done right. It's our environment. It's our community. It's all the things you've said and everything everybody else has said. It's just a case of you folks, the Planning Board, getting it right. Crossing the t's and dotting the i's, as two people have said. I just want to reinforce that. And just to mention a couple of specifics, I'm glad you extended the comment period because I think it will elicit more. And I think the more information for you guys, the better. It's an enormous project. There's a lot of content. You've got a lot to review. And only a couple of things I would ask for. One of the things that Rich Rennia touched on was the current project on the golf course renovations. It's questionable as to whether a waiver should ever have been given for that work to go ahead as it was, whether a more detailed review under SEQRA should have been done. I think that bears some scrutiny.

Comment L.1.p. – Antonia Shoumatoff, Amenia – September 18, 2014 PHT: I'm not speaking as a reporter. I'm speaking as a resident of Wassaic of 27 years and as the former CSE chair for seven years. I've also worked for Clearwater, and I've worked for HBA for ten years as the watershed manager for this area. I believe this is an environmental review. The SEQRA -- this is really what is supposed to be happening tonight, that we're reviewing the environmental impacts. And I believe that your responsibilities have to do with helping protect our natural resources for our citizens, clean water, clean air, so on and so forth.

Comment L.1.q. – Nina Peek, Amenia – September 18, 2014 PHT: I just wanted to -- I think there has been a lot of for and against, in favor of, good or bad, yes or no. And I think that there's a way for the Planning Board to come to a really good compromise and make this project satisfactory to everybody that's in the room. I think that extending the comment period and taking some really good time to consider the comments that have been offered by the people that live here, those that are for and those that are against, even though we're not really against, I think provides you with a real opportunity. I think some real focus should be made on the things that some people have expressed a lot of concern about. Those things are, specifically, the Estate Homes, not only the ones that are proposed in Phase 1 but also the ones proposed



Memorandum

in Phase 2. The protection of the viewshed. I think you have a real opportunity to amend this plan, which is really what your responsibility is as a Planning Board member. When somebody comes in with an application, your first line of review should be, well, this is the law, and not only our local law, but our State law and federal law, and how does this project or this proposal not comply with that law? Where that happens, your first review should say, what can we do to change this project so it fits with our law? I think that a pretty intensive review of the documents that are available on the website have shown that perhaps that hasn't happened in this kind of forum. It may have happened between the consultants and the applicant's consultants, but there seems to be sort of a real absence of real engaged discussion by the board on how you can make this a better project. So I don't think it's a matter of go away or stay or, I think it's great. It's going to generate jobs. I think it's great that there are so many people in this room that seem to be already employed by Silo Ridge or have been employed by Silo Ridge for a really long time. Who knew that there were so many people that had jobs there? And that's fantastic. And, presumably, it will continue, and those numbers will increase significantly over the next five, ten years. But I think in the short term, the Planning Board should pay some really due diligence to some of the impacts that have been pretty well documented and some of the positive changes you can make to this plan to make everybody happy with what is coming down the pike. So, thanks.

Comment L.1.r. – Patrick J. Nelligan, Amenia - Written Comment (Letter # 20) dated September 18, 2014: The following are the outstanding/future legal/procedural issues relative to Master Development Plan, requests for Waivers/Special use permits for the newly presented Development Application by the Applicant, SILO RIDGE DEVELOPMENT VENTURES LLC.;

Both the Applicant and Planning Board are in violation of the New York State Environmental Quality Act, both in Substance & Spirit of the Law, as well as the Town of Amenia Zoning Law:

Original Environmental Review & Subsequent EIS are no longer valid, and Application requires a new/revised SEQRA study and Amended EIS before the project can even begin to be considered for Waivers, Special Use Permits of Application Approval.

Not only has the Development Team/ Applicant changed since the original 2009 EIS, both the Scope and Parameters of the Development are SIGNIFICANTLY DIFFERENT from the Original Master Development Plan in that, as the most obvious Significant Changes to the Plan, there will be INCREASED DEGRADATION OF THE DeLaVergne HILL VIEWSCAPE, and INCREASED DEVELOPMENT ON THE OVER 30 DEGREE INCLINE AREAS OF THE PROPERTY.

Simply paying lip service by both boards that "there are no significant impacts due to the changes in the Development Owner, Scheme, or Plan Modifications is NOT PROPER PROCEDURE UNDER THE LAW.

The Zoning Board of appeals would be remiss in its responsibilities under NYSEQRA should it even consider commenting on the Special Use Permits required for the project unless it first insists that the Planning Board complete a NEW/ ENVIROMENTAL IMPACT REVIEW that is pertinent to the Project as it has now been modified/presented by the New Applicant



Memorandum

Should the County Planning Board in it's review of the New Application fail to also insist that the Town of Amenia Planning Board re-visit NYSEQRA, it will also have failed in it's legal responsibilities under County & State Statute.

Bottom line – Should this Application receive final approval without a Complete SEQRA REVIEW, it will be an illegal act.

Comment L.1.s. – Andrew Durbridge, Wassaic - Written Comment (Letter # 22) dated October 22, 2014: On October 16th 2014, at the regular meeting of the Planning Board, held in the Town Board meeting room and televised, the agenda included one topic only, that being the Silo Ridge Application.

In discussion, it was requested by Board member Tony Robustelli that a "site meeting" be held for the entire Planning Board, for purposes of informing the Planning Board, and assisting them in site visualization, orientation, and as might be determined useful for making future decisions.

The members of the Planning Board discussed the logistics of the site visit and the site plan components to be reviewed at length. Also present at this meeting, and witness to this discussion were: the Planning Board Attorney, David Everett, the Applicant, all of the Planning Board's consultants and members of the public.

The Planning Board Chairperson, Norm Fontaine scheduled the site visit for Tuesday October 21st, deciding to meet at Silo Ridge's office. The Planning Board also determined that the Applicant would lead the visit, and none of the PB consultants, nor the PB attorney would be required to attend.

Given that a quorum of the Planning Board would be present at the site visit, the Planning Board Chairperson asked David Everett whether the proposed site visit needed to comply with 'Open Meeting Law'. With some minor subsequent discussion, it was determined by the Chairperson that despite the fact that a quorum would be present, the meeting would not need to comply with "Open Meeting Law" as long as the Planning Board 'do not make any decisions regarding the project, discuss or conduct Planning Board business'.

This meeting did not attempt to comply with any requirements to provide adequate notice to the public, nor was there an attempt to recognize this gathering as any form of meeting open to the public, or with any record keeping implementation.

This appears to be in direct contradiction to the law on Open Meetings, and illegal.

I suggest it is also unreasonable to believe that this gathering of the Planning Board with the project applicant would not include probable discussion or exchanges regarding some aspects of the project, which should be interpreted as a general part of 'Planning Board business'. And therefore should have been a noticed Public Meeting, with records of content created, and a transparency of process.

Research indicates that the NY Dept. of State and Committee on Open Government gives clear guidance on this, and offers advisory case studies to support their advice.



Memorandum

Please see the complete advisory opinion:

<http://docs.dos.ny.gov/coog/otext/o3110.htm> which includes:

"...In this regard, it is noted at the outset that the Open Meetings Law pertains to meetings of public bodies, and that the courts have construed the term "meeting" [§102(1)] expansively. In a landmark decision rendered in 1978, the state's highest court, the Court of Appeals, held that any gathering of a quorum of a public body for the purpose of conducting public business constitutes a "meeting" subject to the Open Meetings Law, whether or not there is an intent to take action, and regardless of the manner in which a gathering may be characterized [see *Orange County Publications, Division of Ottoway Newspapers, Inc. v. Council of the City of Newburgh*, 60 AD 2d 409, aff'd 45 NY 2d 947 (1978)]. In my opinion, inherent in the definition of "meeting" is the notion of intent. If a majority of a public body gathers in order to conduct public business collectively, as a body, I believe that such a gathering would constitute a "meeting" subject to the Open Meetings Law. In the decision cited earlier, the Court affirmed a decision rendered by the Appellate Division that dealt specifically with so-called "work sessions" and similar gatherings during which there was merely an intent to discuss, but no intent to take formal action...."

Given the information presented above, the Amenia Planning Board has conducted a meeting that appears to be in contravention of laws and has failed to follow proper procedures.

The holding of such a meeting has invalidated and potentially corrupted the planning process, and has possibly left the procedures open to legal challenges as may be brought against the Town or Amenia Planning Board.

The fact that this meeting occurred, also calls into question whether this, as a single incident, or possibly with others, might also now require the process to be investigated by the NY Dept. of State for breach of law, or referred for further investigation by any resident or party with standing.

Others have suggested that the Amenia Planning Board has not followed correct procedures at various times during this particular application, and this new potential ignorance of legal procedure should be independently reviewed and a determination made as to whether the application process has been corrupted, and/or if this process should now be halted until further investigation is completed.

Response L.1.a-s.: Comments noted. The Applicant is firmly of the opinion that there have not been any violations of the Open Meetings Law, and that, to the contrary, the process to date has been exceedingly open and transparent. The meetings held between the Applicant's professionals and the Planning Board's consultants are intended to ensure that the Board's consultants are kept informed about engineering and other technical issues and details, and are typical in projects of similar scope and scale. The Board's consultants are scrupulous about not substituting their judgment for the Board's, and no determinations binding on the Planning Board are made at any of these meetings.



Memorandum

Regarding the hearing, it should be noted that: (1) it was noticed in accordance with applicable law; (2) it was held on two evenings to accommodate maximum public participation; and (3) it was adjourned without fixed return date until the Applicant has, to the Planning Board's satisfaction, addressed all public and consultant comments.

The applications submitted by the Applicant are subject to SEQRA, and neither the Applicant nor the Planning Board have ever said, or acted, to the contrary. The Planning Board, as lead agency, previously required the preparation of an Environmental Impact Statement ("EIS") for the project, and adopted a written findings statement in January, 2009. In connection with the current applications, the Planning Board has reestablished itself as lead agency. Because they previously required an EIS and adopted a findings statement in conjunction with the same project, they are now engaged in review of the applications to determine whether the specific modifications to the current approved project present any "specific significant adverse environmental impacts not addressed or inadequately addressed" in the prior EIS. In the Applicant's considered opinion there are none. If the Planning Board concurs – and they haven't yet made that determination – then the SEQRA process will be concluded by the adoption of an amended findings statement (see 6 NYCRR § 617.11(a): "If a project modification... requires a lead or involved agency to substantively modify its decision, findings may be amended and filed...."). If the Board concludes that the modifications present significant adverse impacts not already addressed in the EIS, then a supplemental EIS ("SEIS") would be required. But the fact that a SEIS is not required does not mean that the applications have not been properly, and thoroughly, reviewed under SEQRA."

Comment L.2. – Mark Doyle, Amenia – September 4, 2014 PHT: And what I'd like to say is I think this project is a very much better fit than the prior application and I'm really thrilled to see all the improvements and reduction -- reduction of impact and ultimately the great investment in our community. I have a number of comments. The high houses are -- as I call them, they're named the estate houses in your -- on your plan. I'm trying to go back through the documents which obviously you all know, you've been working them, such a myriad of documents, but it seems to me that there are 10 of them that are not included in the March SEQR process. And reading further, I see that the reason for their location there is that they are required in order to make the project feasible, economically feasible that is. And I just want to say that having -- being through the planning process with the zoning and comprehensive plan for many years, I think profitability wasn't necessarily at the forefront of our minds when it came to feasibility, it was more of a technical feasibility. So if, in fact, we're talking about feasibility being the key requirement for these high estate houses, then we probably need to explain in great depths what that requirement is, what the economic details are of that in order to make the public satisfied with the public inquiry.

Response L.2: Refer to Response G.6.a-d and G-8.



Memorandum

Due to this significant reduction in proposed units (638 to 245), each home is critical for the project's overall success.

Comment L.3.a. – Bart Wu, on behalf of Arlouine Wu, Amenia – September 4, 2014 PHT: Incidentally, I'm hearing here as a contiguous land owner, I did not receive notice. So I'm serving notice now that while I am here and making comments and using private time, I'm not waiving my right to object to the failure to receive that notice.

Comment L.3.b. – Bart Wu, on behalf of Arlouine Wu, Amenia – Written Comment (Letter # 1) dated September 18, 2014: As addressed at the public meeting held on September 4, 2014 (the "Meeting"), I am a record holder of property adjacent to Silo Ridge, but did not receive any written notice of the Meeting, as required. I indicated at the Meeting and want to reiterate here that I am not waiving, but reserving any rights I may have to object to the lack of such required notice by attending or providing comments at the Meeting or undertaking to provide the following written comments.

Response L.3.a-b.: Written notice was given in accordance with applicable law.

Comment L.4 - Ed Loedy, Amenia – September 4, 2014 PHT: I have watched this process and this potential project for over 10 years. I was actually surprised that Kirk Imperati said he knew that this was going on for 10 years because he's so young. Rightly, everybody is concerned about this because this is a beautiful view. It's a marvelous view, particularly if you come from Millbrook coming down onto the site, and everybody should rightly be concerned with that view. Recently we had a project in Millbrook at the old Bennett College where -- and a lot less area of a hundred houses were proposed and the Planning Board approved that project. If it wasn't for the fact that a very wealthy entity in Millbrook decided to derail that project and bought it and now is making it into a park. Now that's a home run for Millbrook and that's the kind of home run you hardly ever get. So you're stuck with making this decision. I have three reasons why I think this is important and I'm afraid of it, one is what I just mentioned. The possibility of something like what was proposed in Millbrook is actually a possibility here, too, if this is turned down.

Secondly, the expertise that's required to go through these regulations, it's unbelievable. I understand what everybody's frustrated with, water, jobs, viewsheds, traffic, nobody can really understand it. You have to have a team of experts on both sides. And you gentleman are basically set up as a court by SEQR and the process is adversarial just like in a court of law where both sides present their side, they really duke it out. In a situation like that just about everything comes out. If something hasn't come out by now, something big and bad, it probably doesn't exist. I think you need to leave this to the experts even though it might be frustrating to say, well, you know, I think there's gonna be some more water and so on.



Memorandum

And, third, this is America after all. These people have owned this property for over 10 years. They have diligently and prestigiously pursued their dream for all this time. They stuck with it all this time. They've changed a number of times. The economies have changed. They have spent a lot and a lot of money. They followed every regulation they felt had to be followed. I think they have a very, very nice project. It's possible somebody could design a nicer project, but in my opinion this is a wonderful project. I expect to come over that hill, yes, I'll see some buildings down there, but I'll still see this view beyond. So I respectfully submit that you approve this proposal. Thank you.

Response L.4: Comment noted.

Comment L.5 – David Reagon, Chair, Amenia CAC – Written Comment (Letter # 13) dated September 18, 2014): The CAC was an "interested party" in this process, yet we did not receive any of the relevant materials except some minor materials. This made our review much more difficult.

We are disturbed by the applicant's response to many of the questions posed by the Town's consultants which often consist of "comment noted", "we will seek a waiver", or "we don't agree" without any apparent follow-up. And we are really disturbed that many of the meetings that the applicant had with the consultants and some Planning Board members were closed meetings that were not posted and no minutes taken. It seems to us that there was no public conversation relative to the consultants' comments and that not all Planning Board members actually reviewed the comments.

Response L.5: Comment noted. The Applicant maintains that the review process has been open and transparent, and that it has at a very significant expense responded to all substantive comments raised by the Planning Board, its consultants, and the public.

Comment L.6 – Mike DeLango, Amenia – September 18, 2014 PHT: I feel that the board and the consultants have done their due diligence. We're beating a dead horse on a lot of this stuff. We have State regulations, we have federal regulations, we have Town regulations. All these regulations are coming into play. The consultants are working, making recommendations to the board. The boards are taking the recommendations into view. What else can we do?

Ref: 29011
January 28, 2015
Page 120PC



Memorandum

Response L.6: Comment noted.