



December 12, 2014

Ref: 29011.00

Becky Thornton, President  
Dutchess Land Conservancy  
P.O. Box 138  
Millbrook, NY 12545

**Re: Dutchess Land Conservancy Memorandum Dated December 4, 2014**

Silo Ridge Field Club  
Amenia, NY

Dear Ms. Thornton:

Thank you for your presentation and December 4, 2014 memorandum to the Town Planning Board. Silo Ridge Ventures, LLC ("SRV", or the "Applicant") appreciates the time and effort Dutchess Land Conservancy ("DLC") has devoted to this project over the years since it was first proposed, and the spirit of good faith and collaboration in which DLC's December 4, 2014 comments are made. SRV acknowledges that DLC "is the most experienced and best qualified easement holder in the region," and looks forward to a final decision by DLC accepting the proposed conservation easement, which we believe will advance the conservation values of both the Town and DLC, and will also significantly advance regional conservation objectives.

On behalf of our client, SRV, VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) offers the following responses to your comments, which are based the most recent revised project plans<sup>1</sup>. The

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<sup>1</sup> Unless otherwise indicated, all references to: (i) the "Amended MDP" are to the Amended Master Development Plan dated January 2015; (ii) the "Addendum to EAF" are to the Addendum to Environmental Assessment Form dated January 2015; (iii) the Site Plan



responses are presented below in the same order as DLC's comments. We also note that separate memoranda addressing each of the Town consultant's comment have been submitted to the Planning Board, and should be consulted for more detail.

### **Recommendation I – Town Consultants' Recommendations**

#### ***Viewshed***

1. \* Remove screening along lower parts of Route 44. (Janes)
  - \* Remove hedge/fence screening on hairpin - and put screening near improvements. (Janes)
  - \* Revise visual screening concept at hairpin - don't block viewshed. (Klemens)
  - \* Remove the screening at the hairpin turn and install screening downhill near the improvements (DC Planning).

**Response DLC-1:** At the Planning Board's request, the Applicant has eliminated the hedge and fence along the hairpin turn on Route 44. Furthermore, the Planning Board has advised the Applicant that existing trees along the lower section of Route 44 do not need to be removed. However, as additional mitigation for potential visual impacts, the Applicant has committed to keep working with the Planning Board and NYSDOT to remove existing trees at the hairpin curve, to maximize views from DeLaVergne Hill and the Artisan's Park Overlook. All trees and shrubs have been removed from the proposed planting plan for the Artisan's Park Overlook. The landscaping will include a stone paver pedestrian path to the viewing area, stone boulder seating, and short and tall grasses and wildflowers.



The landscape plans have been revised to show native shrub groupings downslope on the golf side providing additional screening to the Village Green neighborhood homes – please see Site Plan Drawing L3.02.

### ***Calculation of Open Space/Management of Open Space***

2. \* Calculation of the 80 percent open space should be revised to exclude land that does not meet regulatory requirements (water tanks, golf academy, impervious surfaces (golf cart parking, stairways and paths), and random disconnected areas). (Janes)

\* Golf academy, underground tanks, and other non-agricultural buildings cannot count toward the Open Space. (Johnson)

**Response DLC-2:** There is no rational basis for distinguishing ancillary golf cart staging areas from cart paths for purposes of Section 121-18C(4) of the Town Zoning Law. The golf academy buildings and all other buildings larger than 200 square feet have been removed from the open space calculations, including the water storage tank, golf academy, comfort stations, and pump stations. Please note that the water storage tank and all related infrastructure has been relocated south of Route 44 and west of the driving range. All road hammerheads have been removed from the open space calculation, even though they are pervious and grassed. The revised plan provides 538± acres of open space as defined in the Town Zoning Law, equal to 80.36% of the site area, thus exceeding the Town requirement.

3. Critical to coordinate with DLC regarding delineation of the Open Space. (Johnson)

**Response DLC-3:** SRV provided the revised open space plan to DLC on 12/04/14 and will coordinate with DLC regarding the final delineation of the open space. As discussed in the past, small timber posts will be installed at the corner of any lot backing up to open space other than the golf course – please refer to Site Plan Drawing C14.01.



We respectfully note that determinations regarding what constitutes open space within the meaning of RDO District regulations and the conservation values and configuration of the land to be conserved, are solely within the jurisdiction of the Planning Board.

4. Coordination between DLC and Audubon regarding OS markers. (Klemens)

**Response DLC-4:** SRV has worked together with DLC and the markers have been agreed upon by both parties – please refer to Site Plan Drawing C14.01. Additionally, SRV and Audubon International have agreed on the conservation buffer markers.

As stated in Audubon’s letter: “conservation buffer markers will be used to indicate the areas that are to be protected and to denote the boundaries of the no-spray zones for pesticides and fertilizers. This seems to be an appropriate and acceptable method for denoting the management and protection areas and we agree with the use of them as illustrated in C14.01”

5. Identify Areas of Grading within Proposed OS. (Mangarillo)

**Response DLC-5:** The open space plan – Amended MDP Drawing SP-4 – has been revised to show areas that will be disturbed or graded, but will be returned to vegetation as “non-golf open space.” It should be noted that under the Town Zoning Law, areas that are graded, stabilized and then left to naturalize can be open space, provided the naturalized land has conservation value. These small graded areas will become naturalized land having the same character as other conserved open space on the site. In the future, these areas will not be distinguishable from other open space. Nevertheless, in order to maximize the conservation value of the these areas, a palette of native trees and ground plane plantings that are consistent with the adjacent existing vegetation will be used, where applicable, helping to blend these areas into the existing landscape fabric.

***Estate Lots and Steep Slopes***



6. Minimize construction on steep slopes. Suggests limiting steep slope construction to areas of 20 percent slope. (DC Planning)

**Response DLC-6:** Under the current approved October 2009 master development plan (the "Approved MDP"), the Applicant is permitted to disturb approximately 34.5 acres of slopes 30% and greater. In Section III.1 of the June 25, 2009 Special Use Permit and Master Development Plan Approval Findings Statement (the "Special Permit"), the Planning Board determined "that the Applicant has adequately demonstrated that this disturbance<sup>2</sup> is permissible pursuant to sections 121-36(B)(6) and (7) of the Zoning Law." Approval of the disturbance is conditional upon "the Applicant's continued efforts to seek ways to reduce the amount of this disturbance during site plan review through the development of detailed engineering plans implementing the specific mitigation measures identified in the January 2009 SEQRA Findings Statement" for the project.

Section 121(B)(6) of the Zoning Law provides that slopes of 30% or greater may be disturbed "where an applicant can demonstrate that there is no feasible alternative and that the impacts of any land disturbance will be fully mitigated by the best available engineering, erosion control, and visual impact mitigation practices." Section 121(B)(7) of the Zoning Law provides that provides that slopes of 30% or greater may be disturbed "where an applicant can demonstrate that the impacts of disturbing slopes do not negatively impact visual resources, that the areas impacted are part of a broader plan for a site that weighs and balances the full range of environmental issues, and that such disturbance is fully mitigated by engineering and soil erosion control practices." In previously permitting disturbance to slopes 30% and greater pursuant to Sections 121-36(B)(6) and (7) of the Zoning Law, the Planning Board effectively found:

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<sup>2</sup> The Special Permit grants permission to disturb "approximately 20 acres" of slopes 30% and greater. As contemplated by Condition No. 2 of the Special Permit, the master development plan layout was refined subsequent to the adoption of the Special Permit to "incorporate all of the revisions which occurred during the Special Use Permit process," culminating in the adoption by the Planning Board of a final plan in October, 2009. Under the approved October 2009 master development plan, approximately 34.5 acres of slopes greater than 30% are permitted to be disturbed.



- (i) that disturbance to these slopes could not be avoided given the development constraints presented by the existing golf course and its environmental features including watercourses and wetlands in the east of the site, and by the naturally forested slopes in the west of the site;
- (ii) that potential impacts to the disturbed slopes are capable of being adequately mitigated through the implementation of appropriate "engineering, erosion control, and visual impact mitigation practices";
- (iii) that the Applicant had adequately demonstrated that the disturbance would "not negatively affect visual resources";
- (iv) that as a result of the extensive and rigorous environmental impact review process, the potential impacts of the disturbance, as well as all other potential impacts of development, were appropriately weighed and balanced against relevant factors, including "social, economic and other essential considerations" (see 6 N.Y.C.R.R. §.617.11(e)); and
- (v) that all potential impacts of disturbance would, in fact, be "fully mitigated" by the engineering and soil control measures required to be implemented by the Applicant pursuant the Special Permit (and the master development plan approved thereby) and the January 2009 SEQRA Findings Statement for the project.

The circumstances presented today are essentially the same. In fact, in the most significant respect – total amount of site-wide disturbance to slopes 30% and greater – the proposed Amended MDP and first phase site plan have much less impact than the current approved plan: only 20.3± acres of slopes 30% and greater are now proposed to be disturbed, compared with 34.5± acres under the Approved MDP, approximately 40% less than currently approved. Given this, and the "engineering, erosion control, and visual impact



mitigation practices” to be implemented as part of the project<sup>3</sup>, the project presents no materially different, or greater, potential impacts to slopes 30% and greater on the site as a whole – including the Estate Home lots - than currently approved.

As shown in the table below, the current project is also generally more protective than the Approved MDP of other natural resources than steep slopes, and of visual resources.

<b>Approved MDP Compared to Proposed Amended MDP</b>		
<b>Feature</b>	<b>Approved MDP</b>	<b>Proposed Amended MDP</b>
Total Site Acreage	670±	683.7±
Total # Residential Units	338	245
Total # Lodging Units	300	21
<b>TOTAL Disturbed Area (acres/percent)</b>	<b>282.9± ac/42%</b>	<b>275.5± ac/40.3%</b>
Disturbance to land not previously disturbed	113.5±	100.4±
Steep slope disturbance (acres/percent)	136± ac/20%	110.3± ac/16.1%
<b>TOTAL Disturbance to Slopes 15% - 30% (acres)</b>	<b>101.5±</b>	<b>90.0±</b>
Disturbance to naturally forested slopes 15% - 30% (acres)	57.8±	50.6±
Disturbance to previously altered (unforested) slopes 15% - 30% (acres)	43.7±	39.4±
<b>TOTAL Disturbance to Slopes &gt; 30% (acres)</b>	<b>34.5±</b>	<b>20.3±</b>
Disturbance to naturally forested slopes > 30% (acres)	20.0±	13.5±
Disturbance to previously altered (unforested)slopes > 30% (acres)	14.5±	6.8±
<b>Water Quality Buffers</b>		
Water quality buffer coverage - natural wetland habitats	95%	99%
Water quality buffer coverage - constructed wetland habitats	68%	68%
<b>Visual Impacts</b>		
Total # of residential units in the SPO	177±	98±
Total # of height waivers	16	0
Total # of residential units visible from Viewpoints 1 & 2	69%	22%

<sup>3</sup> Among other things, the project Storm Water Pollution Prevention Plan (“SWPPP”) requires implementation of water quality volume (WQv) measures that meet the East of Hudson standards. The SWPPP accounts for the maximum permitted impervious surface area (“Maximum Lot Coverage”), and maximum permitted disturbance area, for each Estate Home lot based on the proposed “Silo Ridge Resort Community MDP Bulk Design Standards.”



Notwithstanding the fact the proposed project would have less impact on natural and visual resources than the Approved MDP, the Applicant is committed to mitigating any potential environmental impacts to the maximum extent practicable, and is therefore committed to extremely stringent mitigation measures. With respect to the Estate Home lots, those measures would be required to be implemented not only by the amended special permit/master development plan approval, the site plan approval for Phase 1 of the project, and an amended SEQRA findings statement the Applicant anticipates the Planning Board would adopt in conjunction in with those approvals (collectively hereinafter referred to as the "Community Approvals"), but also by the Design Standards for the Estate Homes to be adopted by the Planning Board. As proposed by the Applicant, the Design Standards for the Estate Homes would require the Applicant (and successor owners of the Estate Home lots) to implement the following mitigation measures, among others:

- **Stormwater Management Plan**

Provide a proposed stormwater management plan (SMP) including erosion and sediment control in accordance with the approved Stormwater Pollution Prevention Plan for the Silo Ridge Resort Community (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), January 2015, as amended, and the New York Standards and Specifications for Erosion and Sediment Control, as amended. The SMP shall detail how stormwater will be managed on each lot during and after construction of each Estate home. The SMP shall include the following:

- (1) Impervious area for each lot will be limited to the square footage permitted under the approved MDP Bulk Design Standards.
- (2) Stormwater management design is to be prepared by a professional engineer, licensed in the State of New York.





(3) Individual lot SMPs must include a long-term operation and maintenance plan (O&M Plan) for the implementation by the property owner of the Green Infrastructure practice(s) on the lot. The deed shall contain a covenant requiring the lot owner to implement the approved O&M Plan.

(4) All erosion and sediment control measures shall be installed prior to beginning any land disturbance on the lot. Such measures shall not be removed until the disturbed land areas not improved with the home, driveway, and any accessory structures are permanently restored in accordance with the Community Approvals and applicable law.

(5) No Certificate of Occupancy will be granted until all erosion and sediment control and stormwater management measures have been satisfactorily completed to the Town Engineer's reasonable satisfaction.

(6) In addition, the application shall include at least one (1) Green Infrastructure practice as described below to provide stormwater water quality treatment for each individual home. Each practice shall be designed using the New York State Stormwater Management Design Manual (SMDM), January 2015, Chapter 5, Table 5.7 or as amended to the extent practical. The Green Infrastructure practices are as follows:

(a) Green Roof – Provide a minimum water quality volume (WQv) treatment equivalent to 2.58% of the impervious area on the lot.

(b) Stormwater Planters – Provide a minimum water quality (WQv) treatment equivalent to 2.58% of the impervious area on the lot.

(c) Rain Tanks/Cisterns – Provide a minimum water quality (WQv) treatment equivalent to 2.58% of the impervious area on the lot.

(d) Porous Pavement – Provide a minimum of 5.16% of the area that would otherwise be impervious as porous pavement.



- **Allowable Disturbance Area (“ADA”) (also known as the “Building Envelope”)**

- An application for a building permit shall include a site plan showing the ADA, the “Transitional Area” (the area of the lot outside the ADA) and, if applicable, “driveway envelope,” and “sewer envelope” approved and shown on the Site Plan Drawings, approved as part of the Community Approvals. All buildings and parking areas shall be located within the ADA. Driveway and utility layout shall be within the ADA, “driveway envelope” and/or “sewer envelope” as applicable. Notwithstanding the foregoing:

- 1) no mechanized clearing and/or grading outside the approved ADA and “driveway envelope” and “sewer envelope” is permitted except in accordance with the Community Approvals; and
- 2) existing trees in the Transitional Area on the lot that are 8 inches DHB or less are permitted to be removed.

- Cutting and removal of trees outside the approved ADA shall comply with Section (2), above. All cutting and removal must be conducted in the winter months (November 1 to March 1) only to afford protections to wildlife species and their possible habitat (including endangered Indiana Bats and Northern Long-Eared Bats) unless otherwise specified by USFWS (US Fish & Wildlife Service), and except in bona-fide emergencies, and as necessary to remove damaged or dead trees that threaten the health, safety and welfare of the lot owner and/or the public.

- **Landscaping Requirements**

- Both native and non-native plants shall be permitted. However, all homeowners are restricted from using plants or groups of plants considered to be invasive or potentially invasive.



- One (1) shade tree shall be planted per 1,000 square feet of the home floor area proposed to be developed on the lot, except that for every two (1) existing shade trees 8 inches DBH or greater within the ADA preserved by the lot owner, one (1) less new shade tree shall be required. Not less than one (1) of the required new shade trees shall be planted in the front yard, and not less than one (1) in the rear yard, except where the existing condition on the lot outside the ADA precludes viable shade tree plantings.
  - Minimum of 30% of the disturbed land areas not improved with the home, driveway, and any accessory structures shall be planted with shrubs and herbaceous plant materials.
  - Native evergreen trees in the side yard shall be planted in natural, informal layouts and shall not block golf views from adjacent lots.
  - No Certificate of Occupancy shall be granted until all landscape requirements have been completed to the Town Engineer's reasonable satisfaction.
7. Impact from estate lots includes loss of bat habitat, and loss of mature second growth forest, as well as collateral visual and storm water effects. (Klemens)

**Response DLC-7:** The Applicant recognizes that the project site currently provides potential roosting and foraging habitat for both northern long-eared bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*). Accordingly, the Applicant has proposed the following significant avoidance, minimization and mitigation measures with respect to these two species:

- (i) In order to avoid potential direct impacts to northern long-eared bat, Indiana bat and most other breeding wildlife, cutting and removal of trees would be restricted to the autumn and winter months (October to March), unless otherwise specified by USFWS. The Applicant recognizes that the installation of bat roosting boxes



does not substitute for tree preservation. Accordingly, a total of 298.1 acres, or 85 percent of existing forested habitat that is potential summer roosting and foraging habitat for the two aforementioned bat species would be preserved as open space. As detailed on Amended MDP Drawing SP-4, the preservation of forested land would occur within seven large habitat blocks, including a 216.42± acre block encompassing the majority of the wooded ridge complex that occupies the western portion of the project site. Based upon field observations by VHB, the ridge complex supports Beech-Maple Mesic Forest, Appalachian Oak-Hickory Forest and Successional Southern Hardwoods communities, as defined in "Ecological Communities of New York State".<sup>4</sup> These three communities include numerous trees with exfoliating bark (e.g., hickory [*Carya* spp.], sugar maple (*Acer saccharum*), white oak [*Quercus alba*], black locust [*Robinia pseudoacacia*], etc.) that are known to be utilized as roosting habitat by northern long-eared bat and Indiana bat.

- (ii) Additional protection of bat foraging habitat would occur through the preservation of the 47.64± acre, predominantly forested wetland habitat and surrounding forested buffer area located at the eastern portion of the project site (NYSDEC Wetland AM-15). The wooded buffer includes a stand of old growth shagbark hickory (*Carya ovata*) trees that represent prime potential roosting habitat for the two aforementioned bat species.
- (iii) Implementation of the project would result in an increase in wetland habitat area (from 24 to 31.4 acres) and aquatic habitat area (from 16 to 20.9 acres), thereby creating additional potential bat foraging habitat.

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<sup>4</sup> Edinger, G.J., et al. (editors). 2002. *Ecological Communities of New York State*. Second Edition (Draft). New York Natural Heritage Program, NYSDEC.



Please refer to response DLC-6 regarding overall reduction of potential impacts. Finally, please refer to the letter regarding Silo Ridge Response to Visual Analysis Comments, dated December 8, 2014, in Appendix \_\_ of the Addendum to EAF.

8. All trees that are slated to be removed are not accounted for on the Demolition Plan, which currently calls for removing 1551 trees. (Klemens)

**Response DLC-8:** An additional tree survey was recently completed and the base map has been revised to include all proposed clearing areas. Accordingly, based upon consultations with the Town consultants Dr. Klemens, Mary Ann Johnson and Julie Mangarillo, the tree removal plan now includes all trees proposed for removal within the ADA of each Estate Home lot, as well as trees impacted by grading. The Demolition Plan and the Tree Removal Table have been revised accordingly.

9. Proposed Plan as shown will remove all trees in steep, forested areas (which appears to be required due to grading needs). This amount of clearing is in violation of town requirements which are to minimize tree removal, and also in contradiction of the draft findings statement. (Janes)

**Response DLC-9:** Comment noted. Please refer to response DLC-6 which shows the decrease in total site disturbance, including disturbance to steep slopes, when comparing the current approved October 2009 MDP to the proposed project. The reduction of grading impacts to steep slopes by more than 25 acres, including reduction of disturbances to naturally forested slopes by approximately 13.7+/- acres, contributes to a "more sensitive design" than the approved October 2009 MDP, and shows that the Applicant and has continued to "refine the design so as to further minimize impacts to steep slopes" and tree clearing.

10. Need to show 30,000 s.f. clearing area on each lot in the SPO. (Janes)



**Response DLC-10:** All plans have been revised to show the 30,000 square foot ADA on each of the Estate Home lots – please refer to Site Plan Drawings C3.08, C3.09, C3.11, C4.08, C4.09, C4.11, C6.08, C6.09 and C6.11.

11. \* Excessive Retaining Walls don't comply with Town regulations. Stepped walls and other design alternatives may be incorporated. (Mangarillo)

\* Retaining walls in excess of 20 feet (Site E-48 requires 40 foot wall). (Janes)

**Response DLC-11:** The design for the Estate Home area has been revised to provide that no single retaining wall exceeds eight (8) feet in height. All grading has been revised on Site Plan Drawings C6.01 to C6.14. It is noted that the Village Green lodge buildings have retaining walls approximately 11'-0" high as part of the transition to the formal green behind them; these walls are to provide access to the underground parking garages for the condominium buildings at the Village Green.

Cross-section views through Estate Home lots with multiple retaining walls have been added – please refer to Site Plan Drawings C6.40-C6.42.

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. The alignment and grading of Redtail Pass, Ridgeline Road and Oak Tree Lane, 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, which provides additional screening for the proposed improvements. Where appropriate, multiple walls are proposed.

12. Effect of retaining walls not incorporated into visual analysis. (Janes)

**Response DLC-12:** The Confirmatory Visual Analysis dated August 2014 prepared by SRV depicts a highly unlikely "worst case scenario" and includes all previously proposed



retaining walls within Phase 1 (Including retaining walls associated with Estate Homes formerly in Phase 2).

13. Construction of retaining walls within the setbacks. (Everett)

**Response DLC-13:** Under the proposed Amended MDP Bulk Design Standards, retaining walls are allowed within the front yard setback but not within side and rear yard setbacks. The Estate Home lots have been revised to remove any retaining walls previously proposed within side yard setbacks.

14. Some estate lots should be removed. (Klemens)

**Response DLC-14:** The Applicant has eliminated one Estate Home lot along the west side of the golf hole 17 green.

Please refer to Table 1 below, which is a summary of the number of units and resultant disturbances. 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. The overall reduction to environmental impacts is evident in the decrease in total number of units, total site disturbance, and other impacts when comparing the current approved October 2009 master development plan to the Modified Project as follows:



<b>TABLE 1</b>			
<b>Approved MDP Compared to Proposed Amended MDP</b>			
<b>Description</b>	<b>Approved MDP</b>	<b>Proposed Amended MDP</b>	<b>Modification</b>
<b>Number of Units</b>			
Total Units	638	245	Decrease of 393 Units
<b>Site Disturbance</b>			
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

15. Grades of Roads. (Mangarillo)

**Response DLC-15:** Road grades have been revised as necessary to comply with New York State Fire Code and the requirements of the Amenia and Wassaic Fire Companies.

16. Three possible alternative plans for the estate lot area: (Janes)

- a) Alternative 1, adding 9.9 acres - keeps 26 houses but relocates them.
- b) Alternative 2, adding 14.6 acres - keeps 26 house, but moves location of six houses to lower areas and has all road access from the lower road.
- c) Alternative 3, adding 19.4 acres of open space to the project, reduces the number of houses in the estate area to 17, the same number as approved in the 2009 Master Development Plan, and keeps them clustered near the lower road. (Janes)

**Response DLC-16:** The south end of the Estate Home neighborhood has been redesigned relocating the ADAs within the shallowest portion of the lots, thereby reducing steep slopes disturbances. The proposed project currently meets the Town requirement that 80% of the total land area of the site be preserved by a conservation easement as open space.





Furthermore, the Applicant has studied the alternative concepts prepared by GMJ and believes that these alternatives are not realistic given the particulars of the site, and would result in a comparable or greater amount of tree removal, land disturbance and visual change. GJM proposes double-loading homes and driveways on both sides of Redtail Pass in the Estate Homes area (approximate stationing 63+00 to 74+00 on the site plans). The land west of this segment of Redtail Pass is an uphill slope. GJM's approach of providing numerous driveways across this slope would require substantial earthwork and tree removal as well as retaining walls across the length of this slope. The Applicant's revised approach has Redtail Pass and Oak Tree Lane as generally single loaded roads, with homes on the downhill side, which allows the retention of trees on the uphill side.

The Amended MDP has less total disturbance, disturbance to natural forest areas, and disturbance to steep slopes, than the current Approved MDP – please see responses DLC-6 and DLC-14.

### ***Golf Course/Habitat Management/Stormwater Management***

17. Plan is improved from a habitat standpoint, but still has unnecessary impact on steep slopes (cutting, grading). (Klemens)

**Response DLC-17:** Please see response DLC-6.

18. \* Impact from estate lots includes loss of bat habitat, and loss of mature second growth forest, as well as collateral visual and storm water effects. (Klemens)

\* Northern Long-Eared, and Indiana Bats both are suited for the property. Conservation strategy is to avoid destruction of forest habitat, to minimize such destruction, and as last priority to mitigate. (Klemens)

**Response DLC-18:** Please refer to Response DLC – 7.

19. Location of Pesticide and Fertilizer Storage and Mixing Areas. (Mangarillo)



**Response DLC-19:** The pesticide and fertilizer storage and mixing areas are located at the golf maintenance facility on the Harlem Valley Landfill Corp. property. The mixing areas have been designed in accordance with Section 9.0 of the NRMP, which is now referenced on Site Plan Drawing C4.14. Additionally Site Plan Drawing C4.15 has been added and includes the relevant text from Section 9.0 of the NRMP, thus making the NRMP part of the plan set. The NRMP recommendations will also be included on the plans submitted for a building permit.

20. Audubon International Statement of Compliance with their criteria. (Mangarillo)

**Response DLC-20:** Audubon International has provided a letter confirming the most recent plans comply with their criteria. Please refer to Volume I, Appendix P1 Silo Ridge Resort Community – Audubon Letter dated December 19th, 2014.

21. Update the NRMP, which has not been updated to reflect the new plan. (Klemens)

**Response DLC-21:** The NRMP has been revised to reflect the revised plans.

22. Is the SWPPP adequate - in regard to the following: changes over time to the amount of impervious surface in the developed area? Proposed sheet flow across the golf course and Open Space, especially in light of the area of land with excessively steep slopes. (Mangarillo)

**Response DLC-22:** The project SWPPP has, in turn, been designed in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002, as amended; the New York State Stormwater Management Design Manual, January 2015, as amended; and the New York Standards and Specifications for Erosion and Sediment Control, as amended; and complies with East of Hudson Standards for WQv and RRv for the maximum impervious surface area permitted on the site under the proposed Amended MDP, and maximum permitted disturbance area for the project as a whole. Additionally, Estate Home lots shall include at least one (1) Green Infrastructure practice as described in the Estate Home Design Standards to provide stormwater water quality



treatment for each individual home. Each practice shall be designed using the New York State Stormwater Management Design Manual, August 2010, Chapter 5, Table 5.7 or as amended, to the extent practicable.

### ***Lighting***

23. \* Due to uplighting and other factors, lighting plan is inconsistent with the Findings Statement. (Janes)

\* Up lighting is not appropriate. (Klemens)

\* Uplighting does not comply with town regs. (Johnson)

**Response DLC-23:** All uplighting (previously only located at trees as part of landscape lighting) has been removed and the lighting plan now complies with the requirements of the 2009 Findings Statement.

24. Lighting plans are not provided for the Estate Lots nor for the Golf Villas. (Johnson)

**Response DLC-24:** Photometrics for the Golf Villas, Village Green neighborhood and South Lawn homes are shown on the Site Plan Drawings SL1.01 to SL1.08. It should be noted that lighting for all Estate Homes and the Golf Villas will be required to comply with the lighting standards set forth in Section 2.5 and Appendix E of the Amended MDP. The Estate Home Design Standards require the submission of an exterior lighting and photometric plan to ensure that each home complies with the lighting standards set forth in section 2.5 of the Amended MDP.

### ***Treatment of Area Inside Hairpin Curve***

25. Question of Town Park in overlook area - whether this should count as Open Space? (Johnson)



**Response DLC-25:** The Artisan's Park Overlook is open space under RDO District regulations, as confirmed by the Planning Board and its counsel.

26. Will the proposed park/overlook include lighting? (Everett)

**Response DLC-26:** No lighting is proposed at the Artisan's Park Public Overlook.

### ***Additional Questions***

27. Compliance with Scenic Protection, Aquifer, Stream, and Resort District Overlay regulations: sections of the application should be re-organized to aid evaluating whether the project complies with the regulations of these districts. (Johnson)

**Response DLC-27:** Section V of the Addendum to the EAF has been revised to provide additional detail on compliance with the requirements of all zoning districts. It should be noted that no use or area variances are required for the proposed project. Requested waivers are discussed in the 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.

### **Recommendation II – Scenic Views**

#### ***DLC Recommendations:***

28. Within the viewshed from the hairpin turn at Delavergne Hill (to be defined on a map as "Viewshed Protection Area"), no berms, vegetation or fencing should be permitted that will impair the scenic view from and across the hairpin turn. Grapevines should be permitted on the inside of the hairpin turn as long as they don't impair the long distance views across the open field. (See Map 2)

**Response DLC-28:** At the Planning Board's request, the Applicant has eliminated the hedge and fence along the hairpin turn on Route 44.



29. The new berms constructed along Route 44 are a concern because they impact the scenic view over the golf course, are located in the Scenic Overlay District, and were not anticipated by DLC when initially considering holding a conservation easement. Rather than suggesting removal of these berms, DLC proposes that additional Open Space be added by reducing the Vineyard Cottages to compensate for the loss in views.

**Response DLC-29:** Please refer to response DLC-1. Additionally, the area in which the berms are located was approved in 2009 as a transitional forest and green buffer. The berms are not proposed to be removed, and given that more than 80% of the site will be preserved as open space, the currently approved Vineyard Cottages are not proposed to be reduced.

30. Other scenic viewpoints along Route 44 (specifically between the berms and the hairpin turn and to be defined on a map) shall also be defined as part of the "Viewshed Protection Area" with restrictions on berms and other vegetation. (See Map 2)

**Response DLC-30:** Please refer to response DLC-1.

31. Trees should be planted closer to the buildings to soften their effects. DLC shall require review and approval of any vegetation to be planted within the Viewshed Protection Area.

**Response DLC-31:** SRV will adhere to the approved planting palettes in the Habitat Management Plan, which has been extensively reviewed by the Town consultants, and is the guidance for planting in sensitive areas on the site. To avoid conflict with Town approved regulatory documents, approval by DLC is not proposed. Nevertheless, the Applicant has agreed to coordinate the landscaping efforts with Dr. Klemens moving forward.

Additionally, the following revisions have been made to the landscape plan:



- (i) The landscape plans have been revised to show native shrub groupings downslope on the golf side providing additional screening to the Village Green neighborhood homes – please see Site Plan Drawing L3.02.
  - (ii) As requested by the Planning Board, additional landscaping screening has been added within the SPO District “green buffer” along Route 22 – please refer to Site Plan Drawing L3.24. The screening includes a combination of berms and new native trees. This screening minimizes any potential visual impact from Route 22.
  - (iii) Each single family lot has minimum landscaping requirements. These requirements are set forth in Site Plan Drawings L3.31 through L3.34, (“Typical Single Family Residential Lots”).
  - (iv) Landscaping standards for the Estate Homes have been revised to include:
    - a. One (1) shaded tree shall be planted per 1,000 square feet of the home floor area proposed to be developed on the lot, except that for every one (1) existing shade tree 8 inches DBH or greater within the ADA preserved by the lot owner, one (1) less new shade tree shall be required; and
    - b. Minimum of 30% of the disturbed land areas not improved with the home, driveway, and any accessory structures shall be planted with shrubs and herbaceous plant materials.
  - (v) In total, over 2,700 trees and over 28,000 plants and shrubs are proposed be planted throughout the site – please refer to Site Plan Drawings L3.21 and L3.22. These numbers do not include the minimum landscape requirements for each of the 159 single family homes.
32. Certain areas containing existing trees within the Open Space should be maintained or re-planted if removed (e.g. to the right of the entrance road) to shield or soften the view of buildings from public vantage points.



**Response DCL-32:** Comment noted. SRV proposes to transplant maple trees along the front entry on both sides and a stream restoration project will be implemented in the area to the right of the north entry pond – please refer to Site Plan Drawings L3.03 and L3.13

33. The golf academy building, impervious golf cart parking area and water tank should be relocated out of the DeLaVergne Hill viewshed. (See DLC Map 3)

**Response DLC-33:** The golf academy building has been shifted slightly west and the design has been revised. The location proposed on DLC Map 3 is an area of steep slopes above 30%, which would increase impacts to steep slopes. The water storage tank and all related infrastructure has been relocated south of Route 44 and west of the driving range. The water tank will be partially buried with the exposed side facing the woods towards the west, which will therefore not be visible from any vantage point or public road.

34. The Artisan's overlook, which provides a tourism component to the project, should not have any lighting, should be rural in nature using natural materials such as stone walls, and have a gravel parking area. If the Winery were removed from the plan the overlook could be located further back into the corner of the field for less visual impact.

**Response DLC-34:** The Artisan's Park Public Overlook will be rural in nature. The Overlook will be gated with a wood farm-style gate, and the access driveway and parking area will be gravel, with one paved handicapped parking spot. There will not be any lighting. The landscaping will include stone paver pedestrian path to the viewing area, stone boulder seating, and short and tall grasses and wild flowers. The layout of the Overlook will be the same as shown in the approved October 2009 master development plan. The parking area will therefore be located outside the SPO district. Please refer to the Site Plan Drawing L1.14, L1.15 and L3.14 for more details.



35. DLC retain the right (but not the obligation) to mow the "viewshed protection areas" (in the case that they are not maintained in the future) to ensure the view remains open.

**Response DLC-35:** SRV agrees that DLC can have the right but not the obligation to mow the area at the hairpin curve.

### **Recommendation III – Open Space**

36. a) 80 percent of the land be clearly identified and protected by a conservation easement. The Open Space, with the exception of the Golf Course, should be contiguous land that is preserved for scenic and environmental purposes and should protect resources such as natural woodlands, wetlands and viewsheds.

- i. The 80 percent Open Space should exclude land that does not meet regulatory requirements (e.g. the water tank, pump station, non-recreational paths and staircases, golf academy building, impervious golf cart parking area around the golf academy and the road hammerheads cannot be counted as open space), and that it meets DLC's conservation criteria. Per the RDO district, the Open Space shall not include structures other than non-agricultural buildings not to exceed 200 s.f. and 20 feet in height or impervious surfaces other than trails or golf paths.

**Response DLC-36:** Please see responses DLC-2 and DLC-3.

37. A conservation easement is forever, so the easement should only include the Golf Course and Natural Woodland/Wetlands Open Space and areas along Route 44 that provide a scenic viewshed and/or buffer where no changes to the existing landscape will occur. Eliminate all areas not considered quality open space.

- Eliminate random disconnected areas and small odds and ends of open space that don't make sense if the development were not to occur. Small grassed areas or areas of lawn included as part of the easement Open Space may require alterations as the development evolves and should therefore be removed as part of the easement protected Open Space. (See Maps 4 and 5)





**Response DLC-37:** With respect to the areas identified on Map 4 as “Random Disconnected Areas”:

- (i) The fairly large wooded area in the south Estate Home area protects a large swath of mature trees, provides connectivity from the open space to the southeast to open space to the west and screens the homes to the south and west from key viewpoints. What is not clear from the plan is that the adjacent lots have ADAs that also connect to this open space. The design intent is to maintain thick swaths of trees which will further minimize future visual impacts. Please refer to Appendix K: Estate Homes Design Standards of the Amended MDP and Appendix A: Letter from VHB Regarding Visual Analysis Comments, dated December 8th, 2014.
- (ii) The wooded area to the west of golf hole 16 is a 200’ buffer (100’ each side) for Stream M. SRV is restoring this stream on the golf course to allow natural connectivity from the large wetland to the east with the forest to the west.
- (iii) The area in the South Lawn although narrow is a grass strip that allows connectivity from the large wetland to the east with the large pond to the west.
- (iv) The wooded area to the south of the entry is a treed knoll that provides visual and sound buffering from Route 22. The Town’s consultants require it to be shown as grass on the plan because of the walking path within the area, notwithstanding the fact that there are trails in other large forested areas. In any case, it is a valuable conservation area. In order to maximize the conservation value of these areas, a palette of native trees and ground plane plantings that are consistent with the adjacent existing vegetation will be used where disturbances occur, helping to blend these areas into the existing landscape fabric.
- (v) The area to the west of the clubhouse is the beginning of the golf course stream that flows along golf hole 18. It is part of the golf course.



(vi) The area to the north of the entry is part of the golf course connecting golf hole 8 to golf hole 9.

38. • Eliminate all areas that will be re-graded in order to accommodate the development (e.g. for lots or along roadways) except within the Golf Course Open Space (where grading and reconstruction should be finished by the time the easement is placed.) (See Map 6)

**Response DLC-38:** Please see response DLC-5.

39. • Eliminate or substantially expand the open space areas to both the north and south of the vineyard cottages, especially along the higher elevations. It is not meaningful otherwise (the upper areas currently includes a small strip of about 1.2 acres) and ensure Vineyard Cottages are not within 40 feet of the top of the ridge (as required by the Scenic Protection Overlay district). (See Map 7)

40. **Response DLC-39:** Per the 2009 Findings Statement, the highest point of the highest building on the site (Winery Restaurant) is 288' below the adjacent ridge. The Vineyard Cottages are at a lower elevation than the Winery Restaurant and therefore significantly more than 40' below the top of the ridge. Expand the Natural Woodland/Wetlands Open Space areas to accommodate the reduction in open space noted above in order to satisfy the 80% open space requirement. This could include lowering the elevations of some of the higher Estate Lots, moving them off steep slopes and increasing the upland wooded forest area, and/or by reducing or eliminating the Vineyard Cottages and including this area in the easement protected Open Space. (See Map 8)

**Response DLC-40:** The revised open space plan satisfies the 80% open space requirement and reflects a significant, good faith effort to respond to consultant and public comments by making revisions that reduce environmental impacts compared to the current Approved MDP. The revisions include but are not limited to:

(i) Relocated the wastewater treatment plant to the Harlem Valley Landfill Corp. property to reduce grading, steep slopes impacts, and visual impacts.

(ii) Added landscaping to the buffer area at the south entry.



- (iii) Relocated the water storage tank to reduced grading and visual impacts.
- (iv) Engineered the southern Estates Home area to further reduce steep slopes disturbances to the maximum extent practicable, and re-aligned roads and introduced retaining walls at key areas to maximize the preservation of existing trees. This results in net reductions in grading, tree clearing, visual impacts and steep slopes disturbance.
- (v) Re-designed a portion of the clubhouse area to reduce grading impacts to the adjacent road.
- (vi) Re-designed the golf academy and shifted location slightly west, reducing visual impact.
- (vii) Revised the landscape plan to move trees closer to buildings down slope of the hairpin curve, and also remove the landscaping and equestrian fence proposed for the hairpin curve.
- (viii) Re-engineered the south entry road to reduce road slope.
- (ix) Increased the landscaping requirements for the Estate Homes
- (x) Designed the overall SWPPP in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-001, as amended; the New York State Stormwater Management Design Manual, August 2010, as amended; and the New York Standards and Specifications for Erosion and Sediment Control, as amended; and to comply East of Hudson Standards for WQv and RRv for the maximum impervious surface area permitted on the site under the proposed Amended MDP, and maximum permitted disturbance area for the project as a whole.



(xi) Additionally, Estate Home lots shall include at least one (1) green infrastructure practice as described in the Estate Home Design Guidelines to provide stormwater water quality treatment for each individual home. Each practice shall be designed using the New York State Stormwater Management Design Manual, August 2010, Chapter 5, Table 5.7 or as amended, to the extent practicable.

41. Since a majority of the Open Space area is natural (with the exception of the Golf Course) there shall be no disturbance or encroachment by construction vehicles, impacts to vegetation and tree root systems, loss of trees, impacts to wetlands and viewshed. Limited tree clearing may be permitted under the Town approved Habitat Management Plan, as required by a forest management plan approved by DLC/Town, and/or to clear for limited trails and small recreational structures as permitted by Town Code, or for safety purposes.

**Response DLC-41:** SRV does not foresee construction vehicles encroaching or disturbing natural open space areas outside the disturbance areas identified in the Community Approvals, and shall make every effort to prevent this. It is noted there is an existing trail through open space east of golf hole 11 that currently serves as an access road. After construction is complete this road is scheduled to be abandoned. There are also existing hiking trails that will need maintenance from time to time, possibly with small construction equipment.

42. In most Towns, phasing of development occurs in order to sequence the construction and full site plan approval is required upfront for all phases of a project. DLC has concerns that by not requiring full site plan approval (siting, lot lines, grading, drainage, landscaping, etc.) for Phase II (the southernmost Estate Lots) and Phase III (the Vineyard Cottages) that future development of these areas could impact the protected Open Space (e.g. roads to access the Vineyard Cottages might be required through the Open Space if not fully planned in advance, or grading may impact the Open Space, etc.). Because conservation easements are permanent restrictions on land, DLC recommends that it's in everyone's best interests for the Town to require full site plan approval for Phase II and



Phase III so that these details can be worked out in advance to ensure that future development of these areas will not impact or expect to encroach upon the permanently protected Open Space.

**Response DLC-42:** Please note that the previous Phase 2, which included the remainder of the South Lawn neighborhood and Estate Homes, is now included in Phase 1. The Vineyard Cottages will be constructed in Phase 2. A Confirmatory Visual Analysis will be submitted in connection with Phase 2 of the project at the time of application for site plan approval of that phase.

The plan for the Vineyard Cottages is the same as currently approved under the Approved MDP. To ensure that future conflicts do not arise, the Approved MDP has a visual analysis and shows the essential elements of that component of the project, including:

- (i) Grading and drainage plan;
- (ii) Schematic utility plan; and
- (iii) Schematic architectural elevations.

The Amended MDP incorporates these approved plans and drawings, which were previously determined to be sufficient for assessment of potential future impacts.

43. A survey map is prepared that clearly delineates the Open Space to be protected by conservation easement that conforms to objectives noted herein.

**Response DLC-43:** Open space plans showing the boundaries of the conservation easement area have been added to the subdivision plans – please refer to Subdivision Drawings PL3.01 to PL3.03.

44. Open Space markers must be permanent and placed at distances that make it easy to monitor the boundaries of the Open Space (50-100 feet) and must be placed before construction (aside from the golf course) begins.



**Response DLC-44:** The current plan proposes small signs on wooden posts at each corner of any lot backing up to open space other than the golf course. Since some of the lots are wider than 100' there will be certain instances where the markers are not 100' apart. Additionally, wetland areas such as Wetland AM-15 will be demarcated accordingly. Please refer to Site Plan Drawing C14.01.

**Recommendation IV – Golf Course Open Space/Water Quality and Quantity:**

45. DLC envisions holding a "Scenic and Open Space Easement" on the Golf Course. DLC doesn't have the staff capacity to oversee water issues and it would be an onerous commitment for DLC to monitor wells, water test compliance, and water quantity.

**Response DLC-45:** SRV is currently enrolled in the Audubon International Signature Program which provides stewardship for the golf course, golf course waters and associated activities of the golf course. The Natural Resource Management Plan for the site was prepared with Audubon International's participation, and discusses the oversight of the golf course and all its components. Water monitoring in accordance with the NRMP commenced in 2014. SRV acknowledges that DLC will hold a "Scenic and Open Space Easement" that does not involve oversight of golf course waters.

46. DLC recommends that the Town assure its residents that water quality and quantity issues have been resolved satisfactorily (see Recommendation VIII below.)

**Response DLC-46:** Comment noted.

**Recommendation V –Ownership**



47. Clarification in writing of the owner and management entity of all Open Space and all land that abuts the Open Space.

**Response DLC-47:** The owner(s) and manager(s) of the different open space components (i.e., golf course, and all other non-golf course open space) have been identified in the applicable Town approval documents. The owner of all open space subject to the conservation easement will be the owner of golf course and related facilities. Owners of Estate Home lots adjoining open space areas will, of course, change over time, and can't be identified today.

#### **Recommendation VI –DLC Bonding and Indemnity**

48. That a restoration bond or other performance guarantee be established, including indemnification of DLC if, the project fails. This should be limited to activities to be conducted on the land under conservation easement as part of the conservation easement. (The Town should insist on the usual performance guarantees for all site improvements not under easement.)

**Response DLC-48:** Comment noted. 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. DLC will not have any liability under the conservation easement for any project failure..

#### **Recommendation VII – Estates and Steep Slopes**

49. Reducing the impacts to steep slopes, forested areas and the viewshed by providing full detailed site plans and an improved design of this area ensuring the project is brought into compliance with the Consultants' recommendations. For example grading should not exceed 20% (as recommended by Dutchess County Planning) for the Estate Lots, which also reduces 1) the amount of steep slope alteration for the project, 2) the need for excessive grading and large retaining walls, 3) clear-cutting of large areas of forest, 4) visual impacts, and 5) the number of waivers requested.

**Response DLC-49:** Please see response DLC-6.



For the Applicant's justifications for 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.

50. Eliminating or moving the Estate Lots that are currently located at the highest elevations as shown in consultant George Janes' alternatives one through three, thereby increasing the area of wooded open space by 10 to 19 acres.

**Response DLC-50:** Please see responses DLC-6, DLC-7, DLC-14, and DLC-16.

51. Preserving as many existing trees as possible to reduce the amount of visual and environmental impact to the existing landscape, and replant trees to around all new homes to soften and screen the views of the Estate Homes from off site.

**Response DLC-51:** Please see responses DLC-1, DLC-6 and DLC-9.

**Recommendation VIII – Water Quality and Quantity/Stormwater/Erosion Control**

52. That the Town assure its residents that water quality and quantity issues have been resolved satisfactorily and will not impact the Town's drinking water or the underlying aquifer now or in the future. The Town should:

**Response DLC-52:** Comment noted.

53. Require that the use of well water for irrigation of the golf course be prohibited until a second hydrogeologist confirms that the significant draw required for this will not affect the aquifer, now or in the future;





**Response DLC-53:** Two independent hydrogeologists, Russell Urban Meade of TCC and Stacey Stiebler of Leggette Brashears & Graham, Inc., have already confirmed irrigation for the golf course will not adversely impact the aquifer. Both concluded that the project's total calculated recharge was greater than the consumptive daily demand, which included the calculated peak demand for project specific vegetation requirements. Please refer to Response JSM-2.59.a.1.

Additionally, both reports have been also reviewed by Rohde, Soyka and Andrews Engineering and will be reviewed and approved by NYSDEC and DCDOH.

54. Require that recycled wastewater be used to irrigate the golf course rather than drawing upon limited aquifer resources as noted under item XI below; and

**Response DLC-54:** The natural recharge rate for the project was calculated in accordance with Section 121-15.F of the Town Zoning Law. The total calculated recharge of 496,070 gpd is approximately 120,000 gpd more than the consumptive demand. SRV will comply with NYSDEC requirements regarding wastewater effluent discharge location(s). Recycled wastewater is not proposed nor needed to be used for irrigation. Please refer to DLC-53.

55. Retain the ability to restrict water usage if a problem is encountered.

**Response DLC-55:** All studies performed to date show that there is more than adequate availability of water, even under drought conditions – no such restriction is necessary. Please refer to DLC-53 and DLC-54.

56. The Town require and receive periodic confirmation that the Golf Course meets Audubon International's certification program standards to ensure sound environmental planning, wildlife and habitat management, chemical use reduction and safety, water conservation, water quality management and outreach and education.



**Response DLC-56:** Comment noted. SRV will provide an annual Audubon International compliance report to the Town.

57. The Town ensure vegetative buffers on all streams and ponds within the wetlands and golf course area meet Town standards and approval, and are in place.

**Response DLC-57:** Comment noted.

58. The Town ensure storm water runoff and erosion control is sufficient to meet Town and DEC standards and is in place during all construction and that storm water runoff and erosion does not impact the open space or other areas of the Property.

**Response DLC-58:** Comment noted. The project SWPPP has, in turn, been designed in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002, as amended; the New York State Stormwater Management Design Manual, January 2015, as amended; and the New York Standards and Specifications for Erosion and Sediment Control, as amended; and complies with East of Hudson Standards for WQv and RRv for the maximum permitted impervious surface area permitted on the site under the proposed Amended MDP, and maximum permitted disturbance area, for the project as a whole. Additionally, Estate Home lots shall include at least one (1) Green Infrastructure practice as described in the Estate Home Design Standards to provide stormwater water quality treatment for each individual home. Each practice shall be designed using the New York State Stormwater Management Design Manual, January 2015, Chapter 5, Table 5.7 or as amended, to the extent practicable. SRV currently has two NYSDEC SWPPP inspections per week during construction of the golf course and these reports are provided to the NYSDEC and the Town building inspector.

### **Recommendation IX- Lighting**



59. \* Requiring lighting that is low intensity, fully shielded, using motion detectors and lighting curfews, and including limits on street and exterior lighting. No evening tennis or golf lighting or lights at the Artisan Overlook should be allowed. Down-lighting and cut-off fixtures are strongly recommended.

\* Eliminating up-lighting from the plan.

\* Not permitting street lights along rural roads within any of the single family residential areas or Vineyard Cottages.

\* Controlling glare by requiring "Dark Sky" standards as noted in the Findings Statement.

**Response DLC-59:** Please see response DLC-24. All uplighting has been eliminated from the proposed lighting plan. All lighting standards are included in Section 2.5 and Appendix E: Lighting of the Amended MDP, and promote limited lighting site lighting to preserve the dark night sky. No street lights are proposed anywhere on the site. The Applicant is committing to nighttime lighting limits that will minimize light pollution (skyglow, light trespass, and glare) and preserve the dark night sky.

Detailed lighting plans specifying lighting location, intensity and trespass have been included in the Site Plan Drawings – please refer to Site Plan Drawings SL6.01 to SL6.08.

### **Recommendation X – Design Guidelines**

60. As part of its approval, the Town ensures that Silo Ridge follows the Silo Ridge Design Standards for Estate Homes and Golf Villas, as prepared by the Town of Amenia Planning Board Consultants on behalf of the Planning Board (Draft 10/23/2014 ), or any updates thereto as long as the updates are substantially similar to and serve to enhance the 10/23/14 draft, and follows the Silo Ridge Design Guidelines for Estate Home Sites, dated August 21, 2014, ensuring compliance with whichever standard/ guideline is more restrictive.



**Response DLC-60:** Comment noted. The approved Design Standards for Estate Homes are included as "Appendix K: Design Standards for Estate Homes" of the Amended MDP.

61. That a reasonable size limitation be placed on all homes because homes that are excessively large can seriously impact the scenic view of the property from off site.

**Response DLC-61:** All Estate Homes will be required to comply with the MDP Bulk Design Standards set forth in the Amended MDP. These standards limit the amount of impervious surfaces allowed on each lot, and building height, and together with the limits on disturbances in the ADAs of Estate Home lots, will limit the size of the custom homes.

62. That DLC have the opportunity to review any changes to design and/or architectural standards/guidelines if they are altered from the current proposed standards/guidelines to ensure that the visual impact of new structures built on the landscape is minimized.

**Response DLC-62:** The architectural standards/guidelines are included in "Appendix K: Design Standards for Estate Homes" of the Amended MDP.

### **Recommendation XI- Wastewater Treatment Plant**

63. That the Town ensure that the relocated Wastewater Treatment Plant meets Town, NYSDEC, and Dutchess County Department of Health standards and that any concerns by Town consultants and Town residents are properly addressed.

**Response DLC-63:** Comment noted.

64. Using recycled wastewater to irrigate the golf course and reduce the draw impacts to the aquifer.

**Response DLC-64:** Please see response DLC-54.

### **Recommendation XII – Waivers and Consistency**



65. The Town and Silo Ridge should avoid waivers where project modifications can achieve zoning compliance, such as relocating the Estate Homes off of steep slopes.

**Response DLC-65:** Comment noted. The specific regulations that are expressly permitted under current Town law to be waived are presumably made capable of waiver by the Town because flexibility in the application of those particular regulations promotes better design. SRV is not asking for any special relief that isn't already permitted under Town law. 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. SRV believes that in every instance, the grant of the waiver will result in a better project for all stakeholders. Furthermore, the proposed disturbance of steep slopes does not require a waiver.

66. Silo Ridge ensures consistency among documents and plans.

**Response DLC-66:** Comment noted.

### **Recommendation XIII – Town Bonding**

67. Silo Ridge provides a Reclamation Bond (if the project fails they must restore the property) to the Town that is sufficient to fully restore the property (following DEC established or other regulatory standards).

**Response DLC-67:** 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. 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 including a reclamation bond.

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As noted above a significant, good faith effort was made to revise the Amended MDP and Phase 1 site plan to further reduce potential adverse environmental impacts.

We believe this is an important opportunity for Dutchess Land Conservancy to help the Town implement for the first time the open space requirement of the RDO district by assisting in the permanent conservation of land having undeniable conservation values. SRV will continue to work with the Town and DLC in good faith to finalize an easement that is acceptable to all parties.

Sincerely,

Amanda DeCesare, PE  
Senior Project Manager  
[adecesare@vhb.com](mailto:adecesare@vhb.com)

CC: Chairman Fontaine and Members of the Planning Board;  
David Everett, Esq.;  
Peter Wise, Esq.; and  
Pedro Torres