



January 30, 2015

Ref: 29011.00

Eoin Wrafter, AICP
Acting Commissioner
County of Dutchess Department of Planning and Development
27 High Street
Poughkeepsie, NY 12601

Re: Response to October 17, 2014 Letter to Amenia Planning Board
Silo Ridge Resort Community
Amenia, NY

Dear Mr. Wrafter:

On behalf of our client, Silo Ridge Ventures, LLC. (the "Applicant"), VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) offers the following responses to your GML § 239-l/m review memorandum dated October 17, 2014 regarding Referral 14-340, Silo Ridge Resort Community Special Use Permit and Phase 1 Site Plan. Your comments have been numbered and directly below each comment is the response¹.

¹ 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 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.



1. Amenia is home to one of the most iconic views in the region: the Harlem Valley as seen from DeLaVergne Hill. It is critical that any development on the Silo Ridge parcels retains the rural nature and long expanse that makes the view from DeLaVergne Hill so notable.

Response DCP-1: Comment noted. The development plan for the Silo Ridge Field Club puts the natural beauty of the region into the forefront, and provides for significant protection of open space and natural resources. The project has been designed as a series of buildings grouped in neighborhoods around views and open space, which tuck into the natural topography. The design approach is in the manner of historic towns, farmsteads and villages in the surrounding Dutchess County countryside, where small pockets of development preserve open space. The landscape plan builds on a vision to create a community that integrates seamlessly with its natural surroundings. The harmony of building, site, and landscape design will contribute to the sense that the community has grown organically over time.

Section 121-18(C)(4) of the Town of Amenia Zoning Law (the "Zoning Law") states that priority in open space protection in the Resort Development Overlay District ("RDO") developments shall be given to land within the Stream Corridor Overlay District ("SCO") and Scenic Protection Overlay District ("SPO"), especially the view to and from DeLaVergne Hill. In order to maintain the rural nature and long expansive views of the site, 80% of the site - 538± acres, including a 217± acre hillside on the west side of the golf course - will be preserved as open space. The project site currently contains 350± acres of existing forested habitat. After build-out, 298± acres, or 85% of the existing forested habitat will remain.

The project also includes extensive landscaping with primarily native species. Plantings will provide screening, buffering, visual interest, wildlife habitat, carbon reduction, erosion control, spatial definition, shade and cooling. The landscaping is designed with consideration of sensitive viewsheds from Route 44 and Route 22, which includes the view from DeLaVergne Hill, and will transition the edges of the development into the overall natural landscape.



The new championship golf course will be developed in the same general location as the existing course. The clubhouse and lodge buildings, and residential and amenity components of the project, are located along the edges of the golf course between the wetland complex and the steep slope complex, and behind and around the intervening wooded hills that separate the golf course's front 9 from the back 9. The intent of this approach is to protect by avoidance the major contiguous portions of the wetland/water course and steep slopes/un-fragmented forest complexes. The archaeological site to the north will be also avoided.

The architectural plan reflects this conceptual arrangement in the following ways:

- a. Taller buildings are located where there is the greatest visual buffer. Roads and development are aligned along edge conditions between wooded areas and open land to allow backdrop and shadowing for structures;
- b. Site-specific building types are developed that respond to topographic conditions;
- c. Articulated building masses, facades, roof lines and fenestration are contextual and in scale; and
- d. The color and material palettes are selected to integrate and harmonize with the natural conditions of the site.

For more information on the project's design intent, please refer to the Amended MDP.



2. *Protect View from DeLaVergne Hill*

We have reviewed the "Confirmatory Visual Analysis Phase I and II" and are concerned about the proposed mitigation - the *fence* and 4' hedge - shown at the edge of the Route 44 hairpin turn. It appears this measure will block the full view of the valley from the road, rather than simply screen the Silo Ridge development. A more acceptable solution would be to screen the proposed buildings farther down the hill and around the actual structures. The Master Development Plan shows more landscaping around the homes than the actual site plan, which instead shows new trees primarily located along the road rights-of-way. The Planning Board, town consultants, and applicant should work together to augment the planting plan to better reflect the amount and placement of landscaping shown in the Master Development Plan, and to ensure that this will provide additional and appropriate screening of the development through an amended visual analysis.

Response DCP-2: At the Planning Board's request the applicant has eliminated the proposed 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 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.

Additionally, the following revisions to the plans have been made to further mitigate any potential future visual impact:

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

- 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”).
- Landscaping standards for the Estate Homes have been revised to include:
 - 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 allowable disturbance area (“ADA”) preserved by the lot owner, one (1) less new shade tree shall be required; and
 - 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.
- In total, over 2,700 trees and over 28,000 plants and shrubs are proposed to 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.

For more information, please refer to the following:

- Site Plan Drawings L3.01 to L3.34;
- “Appendix K: Design Standards for Estate Homes” of the Amended MDP; and
- “Appendix Q.3: Silo Ridge Native and Non-Native Plant List” of Volume I:
Addendum to the EAF

3. In addition to increasing the number of new trees around the homes, we recommend some larger specimen trees, possibly from elsewhere on the properties, be relocated to these screening areas. This will create a more immediate screening effect and will provide baseline vegetation for new 3"-4" caliper specimens to fill in. Without a basic fabric of more mature trees, it will likely take 10-20 years for the new plantings to reach maturity and provide screening.



Response DCP-3: All plans have been revised to show clearing only within the designated ADA for each Estate Home lot, with the exception of certain driveways and sewer lines. Additionally, as stated in "Appendix K: Design Standards for Estate Homes" of the Amended MDP: 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.

Furthermore, the project has been designed to minimize visual impacts by using existing topography and minimizing disturbance to existing vegetation, including mature trees. For example:

The site for the Estate Home area along Ridgeline Road and Oak Tree Lane is currently vegetated with existing mature trees. These trees naturally vary in height but are generally in the range of 60 to 80 feet tall. In planning this area, the intent is to maintain horizontal swaths of existing trees in order to provide a veil for the homes that would be located upslope of the existing trees. The goal of this strategy is to maintain the appearance of continuous tree cover so that there is no significant adverse change from the existing condition (See diagram 1 below).

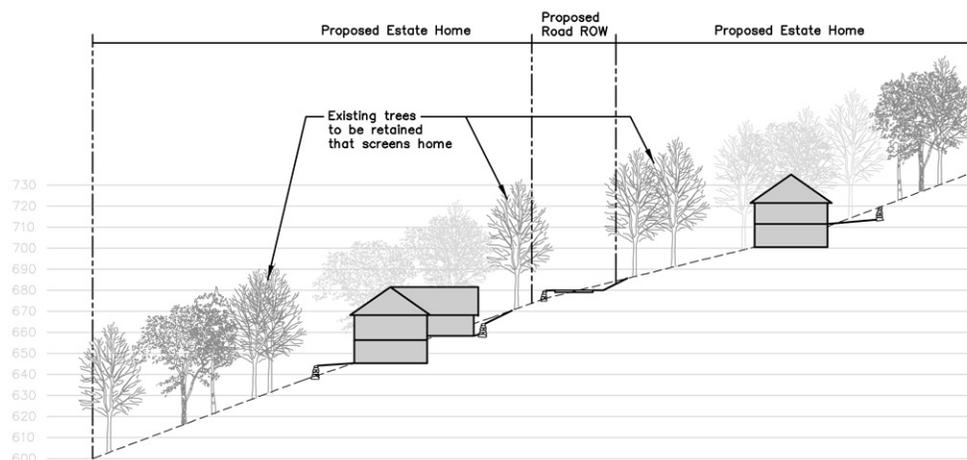




Diagram 1: Cross Section Example of Existing Trees at Estate Road

4. *Limit Disturbance of Steep Slopes*

The applicant has requested waivers from the Town to allow development on approximately 92 acres of land that is 15%-30% slopes, and approximately 22 acres of additional land that exceeds 30% slopes. In order to reduce the impacts to steep slopes and related concerns, such as stormwater runoff, we suggest minimizing to the greatest extent possible tile granting of waivers for building on slopes greater than 20%, which is the grade used to define steep slopes in Greenway Connections.

Response DCP-4: 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 disturbance² is permissible pursuant to sections 121-36(B)(6) and (7) of the Zoning Law." Approval of the disturbance is conditioned 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 121-36(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

² 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.



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:

- (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 project³, 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.

³ 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.”



Approved MDP Compared to Proposed Amended MDP		
Feature	Approved MDP	Proposed Amended MDP
Total Site Acreage	670±	683.7±
Total # Residential Units	338	245
Total # Lodging Units	300	21
TOTAL Disturbed Area (acres/percent)	282.9± ac/42%	275.5± ac/40.3%
Disturbance to land not previously disturbed	113.5±	100.4±
Steep slope disturbance (acres/percent)	136± ac/20%	110.3± ac/16.1%
TOTAL Disturbance to Slopes 15% - 30% (acres)	101.5±	90.0±
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±
TOTAL Disturbance to Slopes > 30% (acres)	34.5±	20.3±
Disturbance to naturally forested slopes > 30% (acres)	20.0±	13.5±
Disturbance to previously altered (unforested)slopes > 30% (acres)	14.5±	6.8±
Water Quality Buffers		
Water quality buffer coverage - natural wetland habitats	95%	99%
Water quality buffer coverage - constructed wetland habitats	68%	68%
Visual Impacts		
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%

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 (approving the Amended MDP), 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



Design Standards for the Estate Homes to be adopted by the Planning Board. 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.

5. Recommendation

We do not oppose the special use permit for the Master Development Plan. However, the sweeping view of the valley from DeLaVergne Hill needs to be preserved as part of this development. For the reasons stated above, we recommend the Board not grant site plan approval for Phase I until the following condition has been met:

1. The proposed fence and hedge around the Route 44 hairpin turn is removed, and the planting plan is updated to include alternative screening farther down the hill and around the buildings.

Response DCP-5: Please refer to Response DCP-2.

Sincerely,

Amanda DeCesare, PE
Senior Project Manager
adecesare@vhb.com

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