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LETTER 1

3RD FLOOR
434 EAST 52ND STREET
NEW YORK, NEW YORK 10022

September 18, 2014

VIA EMAIL

Mr. Norm Fontaine, Chairman
Town of Amenia Planning Board
Town of Amenia Town Hall
4988 Rt. 22
Amenia, New York 12501

RE: SILO RIDGE RESORT COMMUNITY

Dear Chairman Fontaine and Members of the Planning Board:

On behalf of my Mother, Mrs. Arlouine Wu, and myself, I am respectfully submitting the following written comments in connection with (1) the Amended special permit/Master Development Plan for the Silo Ridge Resort Community ("Silo Ridge"), (2) Site plan approval for the first phase of the development of Silo Ridge ("Phase 1"), (3) Preliminary subdivision approval and the Amended Environmental Assessment Form, (4) Amended and Restated Findings Statement, and (5) special permits and waivers in connection therewith, including the waiver of Subsection G of the Town Code § 121-14.1 that requires a minimum 100' buffer zone between property in the Resort Development Overlay and residential property outside the RDO (the "Green Buffer").¹

As a preliminary matter, while I favor the cluster development components of Silo Ridge, I believe the Town of Amenia Planning Board ("Planning Board") should ensure there will be no harm to the Town or its residents with respect to two critical environmental matters: (1) Water, both consumption and runoff, and (2) Viewshed, both toward and from Delavergne Hill, as a result of the development of Silo Ridge. I also believe the Planning Board should ensure that there will be no harm to us who are uniquely positioned as adjacent property owners by requiring compliance with the 100' Green Buffer.

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

¹ As addressed at the public meeting held on September 4, 2014 (the "Meeting"), I am a record holder of property adjacent to Silo Ridge, but did not receive any written notice of the Meeting, as required. I indicated at the Meeting and want to reiterate here that I am not waiving, but reserving any rights I may have to object to the lack of such required notice by attending or providing comments at the Meeting or undertaking to provide the following written comments.

1. WATER IS THE MOST CRITICAL ENVIRONMENTAL FACTOR TO AMENIA

Consumption.

As the Planning Board undoubtedly knows, Amenia is unique in that it historically already suffers from an inadequate water supply in the Hamlet area. On information and belief, few commercial operations can exist along Mechanic Street, and homes within the Hamlet periodically are without adequate potable water for periods of time especially during dry spells in the summer months. Therefore, from any perspective, legal or otherwise, I believe this is the most critical consideration for the Planning Board for the survival of the Town.

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

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

I note the Applicant has provided for the first time a report entitled, "Groundwater Exploration and Pumping Test Program", dated August 2014 ("Groundwater Test"), that was conducted for Silo Ridge (Online Document "L"), and has provided an updated redlined copy of a report entitled, "Water Budget Report for the Combined Irrigation Pond", dated August 21, 2014 ("Water Budget Report") revised from June 6, 2008 (Online Document "M"). I do not believe these documents were originally available for public inspection online before the Meeting⁵. More importantly, even if these documents were available, I am, and I'm sure the Planning Board should be, astonished that such a critical document addressing the water resources would only be submitted for the Planning Board's initial review just days before the Meeting at which the Applicant is seeking final Planning Board approvals. There is a difference

² MDP at 29.

³ The MDP also indicates that "The total target yield of water to be developed is approximately 255,000 gpd (177 gpm)."³ This is an ambiguous sentence. If it refers to the amount of water available, this is an increase of 15,000 gpd or >6% increase from the Applicant's original projections. Fewer units do not result in increased capacity. Clearly, in the absence of any recent study as to the water capacity of the aquifer(s) in Amenia, attention should focus on the rationale for believing there has been an increase in the projected "yield".

⁴ Amended and Restated Findings Statement dated January 8, 2009 as amended March 20, 2014 at 29

⁵ My attempts to access them online resulted in 404 error messages (i.e., error code meaning webpage not found).

between "hard look" versus first time, last-minute glance, and I appeal to the Planning Board to look harder and longer at these reports.

Groundwater Test

Six wells were tested by pumping water for a 72-hour period from June 10th through June 12th, 2014.⁶ Of these, two had generators fail or malfunction multiple times and one had electrical wiring shortages. In a majority of the wells, the amount of water pumped had to be reduced and was stable for less than the full testing period. One well took more than 11.5 days to recover, and one well had a drop in water level of more than 400 feet. Other onsite monitoring wells were used to detect decreases in water levels and ranged from no discernible drawdown to decreased levels of 175 feet. Four off-site wells were monitored, two south of the Hamlet (the closest being the Sheriff's Substation), and two west of the Hamlet (just off of or going up Delavergne Hill). No wells were monitored within the central Hamlet area.

- **Well 1** did not have any reduction in flow, but the water level decreased 87.5 feet and "did not recover rapidly after shut down of the pumping test."⁷ In fact, after 11.5 days following the test Well 1 recovered to only 91% of its pre-test water level.
- **Well 2** was tested at 220 gpm initially, but had to be reduced to 150 gpm, because "based on the trend of water-level drawdown in the well it was determined that a rate reduction was necessary."⁸ The total water draw-down level **fell 211 feet** following the 3-day test.
- **Well 9**⁹ did not have any reduction in flow, but the water level decreased 102.86 feet, and did not recover fully until sometime the following week.
- **Well 11** was initially adjusted to pump 65 gpm. For inexplicable reasons, "A rate adjustment was completed at 23:45 on June 9 to maintain the 65 gpm pumping rate in the well."¹⁰ The total water level **fell 404.87 feet** following the 3-day test, but recovered "rapidly". The level also dropped 60.81 feet as a result of pumping **Well 31**.
- **Well 25** was tested at 39 gpm, but was reduced to 33 gpm after 2.5 hours of pumping, "based on the trend of water-level drawdown in the well it was determined that a rate reduction was necessary."¹¹ The total water draw-down level fell 23.39 feet after the test and recovered "rapidly".
- **Well 31** was initially tested at 200 gpm, but was reduced to 158 gpm the next day. The total water-level fell 83.1 feet and recovered "rapidly".

Four of the six wells were tested for water quality and separately disclosed (1) Giardia, (2) Coliform, (3) TDS concentrations, (4) 2-ethylhexyl-contaminant, and (5) total iron and manganese in excess of standards.

In summary, I submit that the Applicant is relying on a Groundwater Test that demonstrated sufficient water available on the Silo Ridge project site, but did not assess whether it would have a direct adverse environmental impact on the available water supply to the Hamlet.

⁶ Well 31 was tested separately the following week.

⁷ Groundwater Test at 11.

⁸ Id.

⁹ I didn't forget how to count. This is the numbering designation used in the Groundwater Test.

¹⁰ Groundwater Test at 13.

¹¹ Id.

Additionally, in the absence of updated information about stream flow and about the underlying aquifers in Amenia, the Applicant is necessarily still relying on an assessment of stream flow that was developed in the 1960's.¹² The Planning Board should very carefully assess whether it is appropriate to approve one of the largest development plans in Dutchess County that potentially affects every aspect of the Town on the basis of this Groundwater Test alone.

Runoff

Other residents of the Town may be more qualified to address this issue, and a number of residents addressed this matter at the Meeting. I have only two points I will summarize here.

1. ***Wastewater discharge.***

Until now, the expectation was that the Wastewater Treatment Plant would recycle treated wastewater either onto the Silo Ridge golf course or into the irrigation ponds that are now contemplated to be combined. However, according to the Water Budget Report at p.10:

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

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

2. ***Solid waste treatment***

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

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

2. THE VIEWSHED TOWARD AND FROM DELAVERGNE HILL DEFINES AMENIA

Obscured and Obstructed Views

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

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

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

Winery Restaurant, Parking Lot and Decorative Grapes

Inherent in this viewshed are the panoramic views not only toward the south, but also toward the southeast and east from Delavergne Hill. A principal for the Applicant has indicated publicly and privately that they do not intend to build a "Winery Restaurant" complete with its "decorative grapes".¹³ However, this massive structure with parking for 37 vehicles and proposed planting of dozens of trees remains under consideration by the Planning Board and is reflected in the MDP, amended Environmental Assessment Form, Amended and Restated Findings Statement and in all plans and tables submitted in connection with the Silo Ridge project. I respectfully submit that obscuring or obstructing the signature viewshed of Amenia with a 5,000 sq. ft. commercial structure with sufficient parking and movement for 37 vehicles and overwhelming planting of trees is entirely contrary to the legal obligation to protect one of the most important viewsheds in Dutchess County on Delavergne Hill and to retain the rural character of the Town. Again, regardless of the structures and parking lot(s), the proposed

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

planting of trees should be restricted to "decorative trees" that do not grow above the height of any structure and do not obscure or obstruct priceless public views.

Vineyard Cottages

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

This facet of the Modified MDP is as large, if not larger, than most developments proposed in the Town, and is completely contrary to the intent of the Town's local laws for the careful development within Town limits. At least one expert for the Applicant, if not the Applicant itself, has admitted that this aspect of the Silo Ridge project does not conform with the TND principles for the Resort Development Overlay.¹⁴ On information and belief, I believe the Planning Board has not considered this aspect of the Modified MDP. In fact, according to the EAF Addendum:

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

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

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

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

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

¹⁴ Memorandum of Amanda DeCesare on behalf of VHB Engineering, Surveying & Landscape Architecture, P.C. dated June 2, 2014 and revised August 26, 2014 at 6. (Online Document "T"). I respectfully submit that this document dated after the stated date when all documents were deemed "complete" renders suspect the process as to what documents have been timely submitted and could be timely reviewed.

¹⁵ This point applies with equal force to inclusion of the so-called "Winery Restaurant" discussed above.

¹⁶ Id.

aspects of the Modified Project, the amended MDP should be approved, if at all, **only after removing those components from the project.**

By approving those components as part of the amended special permit/Modified MDP approval process, the Planning Board is inviting the Applicant at a later time to argue that any reduction or elimination of the Winery Restaurant or Vineyard Cottages entitles it to a multimillion dollar reduction in the assessed values for the Silo Ridge project. Such a tax reduction will, without question, adversely affect the amount of tax revenues which the Town may at that point desperately anticipate.

3. GREEN BUFFER

Included in the matters to be approved is a waiver of subsection C of Town Code § 121-18 with respect to the minimum width of buffer from any existing residential use not within the RDO District. This concerns the 100' Green Buffer that is intended to protect adjacent landowners and is vital especially to my Mother, a full-time resident for more than 30 years.

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

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

On information and belief, the Applicant has already encroached on the Green Buffer and has a shed beside the home formerly owned by the Millers. Moreover, on information and belief, the Applicant has continuously used the former Miller residence as a commercial office contrary to the RA zoning and 210 residential land use classification for the property. Accordingly, I submit that enforcement of the Green Buffer is essential to prevent further encroachments that already may adversely affect the economic value of our adjacent property on which my Mother depends.

FISCAL ANALYSIS

Much has been made about the enormous boost to tax revenues that will inure to the Town as a result of the construction of the Silo Ridge project. In support of this argument, the Applicant has submitted a document designated as Appendix K: Fiscal Resources K1 Updated

Fiscal Analysis and dated June 11, 2014 ("Fiscal Analysis"). As someone who has been a professional in corporate finance as a lawyer and for over 10 years much of which was as the manager of public finance for one of the largest banks in the world, please allow me to address just a few assumptions that underlie the Fiscal Analysis for your consideration.

1. **No Sensitivity Analysis of Reduced Sales**

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

In support of the claimed assumptions, the author relies on the history of a principal partner of the Silo Ridge project, Discovery Land Company LLC ("Discovery") which claims responsibility for more than a dozen projects for high-end second home buyers. However, many, if not most, of those projects have been in vacation locations such as at or near beaches, or near large lakes or at winter ski destinations where the principal **pre-existing** economic driver is tourism. One such project is The Hills at Southampton located in East Quogue, New York. For inexplicable reasons, a fiscal analysis of that project is included with the Fiscal Analysis, but there is no indication that The Hills is completed, or has sold all of its units or has been successful.

2. **No Capital Budget**

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

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

3. **No Contingency/Reserve Funds**

Stuff flows downhill, and there are no contingency funds if events occur at the Silo Ridge project that directly impact the Town. One easy example is if the WWTP suffers an outage, or

failure. Given its elevation above the center of Town, any event that stops the plant from operating properly may have a devastating impact on the living conditions within the Hamlet that will necessitate emergency action and extraordinary expense.

4. No Project Reserves

I am unaware of any information that the Planning Board may have reviewed to address how the Silo Ridge project will be financed. If the project is expected to cost nearly \$600 million, is that amount already funded? If not, how does the Applicant expect to pay for its project, and how realistic are its projections? What assurances are there that the project will be completed? For example, the prior applicant admitted at one point in the SEQRA process that it had operated a money-losing golf course, and had to cease its golf course operation. Is the Town depending upon solely the experience of Discovery to ensure continued operations. In at least one case, it has been reported that Discovery sold its interests in a project.¹⁷ Additionally, it has also been reported that Discovery has not had complete success in at least one project.¹⁸ How will reclamation expenses, if any, be paid for? Assuming municipal responsibility for essential services including water and wastewater management if the Silo Ridge project collapses, how will the Town afford these increased costs?

CONCLUSION

The prospects of a competent cluster development which comprises the core of the Silo Ridge project is an exciting dream for the Applicant, and, in many ways, may be for the Town. My concerns, identified at the Meeting, are that we are entirely dependent upon the members of an untested partnership to ensure that the Applicant's dream has a successful and happy ending, and does not amount, upon realization of a partially constructed project, to a colossal nightmare that destroys Amenia's unique character and visual charm and bankrupts its finances.

Removing those elements that obscure and obstruct the priceless views of Delavergne Hill will go a long way to allay our fears. Requiring compliance with the Green Buffer will shift more of the economic risk back to the Applicant and away from us and similarly situated adjacent landowners. Perhaps, most importantly, confirming through an independent stream and aquifer study that there is no potential for an adverse impact to the Town with respect to the scarce water supply or from the location of the wastewater treatment plant is a task that I implore each and every member of the Planning Board to undertake and to ensure.

With kind regards,
Bart Wu

¹⁷ A project named Cordevalle in Silicon Valley, CA which Discovery apparently sold in 2007 to a foreign investor.
¹⁸ E.g., One such project named Spanish Oaks in Austin, TX allegedly defaulted on its obligations and was foreclosed in 2010.

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LETTER 2

September 18, 2014, 7 PM

STATEMENT FOR SILO RIDGE PUBLIC HEARING

By Norman Benson

(Former Manager of Dutchess Soil and Water Conservation District)

(Planner/Director, Town of Pawling over 15 years, now retired.)

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

- 1) Both Amenia Boards should take better command of the development process in order to protect the Town and its taxpayers.
- 2) Winter is very near and vegetation does not grow in frozen ground. The entire steep slope area, which is stripped of vegetation, should be fully stabilized immediately by hydro-seeding or other method approved by the Town's engineer.
- 3) The Town engineering consultant, paid by the Town, should review and comment on all aspects of soil erosion, control plans, stormwater systems, steep slopes construction as well as all planned roads, driveways, and other infrastructure. There should also be attention to proper Project Phasing, SEQRA, Site Plan, and Overlay issues. After review and any changes made, these should be incorporated into the written Plans prior to approval by the Planning Board.
- 4) If the Town does not have a paid engineer, it is suggested Dutchess County Soil and Water, in Millbrook, do a full plan review and comment.
- 5) The Town's engineer should make regular site visits during construction in order to check that the approved plans are being followed, with a report back to the Planning and Town Boards on progress.
- 6) If the Town's engineering consultant cannot do the continuing inspections, it is suggested that the Dutchess County Soil and Water Conservation District in Millbrook be consulted to do this. They are expert and trained in steep slope, erosion and stormwater plan development and implementation while independent of both Town and developer.
- 7) This is no small subdivision. It is the largest development project ever considered by the Town of Amenia and it should be managed with great care in order to protect the integrity of the Town and its taxpayers, as well as its famous viewshed.
- 8) The entire Infrastructure Plan, Erosion Control Plan, and Stormwater Control Plan should be approved through the SEQRA Process with time lines for specific implementation prior to site disturbance, especially on the steep slopes.

9) There are thousands of square feet of impervious surfaces in this development, which generate huge volume amounts of stormwater runoff in a storm. This must be calculated, controlled and safely managed so that the water can be properly retained to maintain our watershed and its aquifer. The uniquely steep slopes only add to this storm water volume and intensity.

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

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

An excellent example of planned soil erosion and stormwater implementation is south of Route 22 at the Old Amenia Landfill Site. It is expensive and labor intensive and even with a plan and best efforts following most every storm, that site had to be re-stabilized or restored somewhere. I do not think you realize the seriousness of what the Town has allowed to happen. I sincerely hope and pray that the Town of Amenia is already in the process of taking steps to gain better control of this project development.

Moreover, I fear that what is taking place does not match the new Amenia Comprehensive Master Plan which so many people worked so hard to create and which has received a good deal of praise from both professional and regional planners.

NORMAN BENSON
(Certified Soil Erosion Control Specialist)

(Note: these comments were written based on personal observation of conditions at the Silo ridge construction site, as well as available newspaper coverage. I have not, at this point, reviewed the full plans and documents.)

LETTER 3

Thursday, September 18, 2014
630 Smithfield Valley Road
Amenia, NY 12501

Town of Amenia Planning Board
Amenia, NY 12501

To Whom it May Concern:

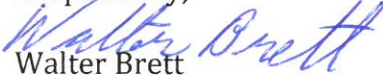
I have a number of concerns with the proposed changes to the Silo Ridge project that the Planning Board is now considering.

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

Housing Density on the Upper Slope – On the hillside a number of houses would be constructed on 114 acres with a slope greater than 15% and on 22 acres with a slope greater than 30%. The developer is asking for a waiver to build houses closer together and on a steeper slope than is permitted in the towns master plan. More houses on steeper slopes aggravate water run off problems always encountered with buildings on hillsides. In addition more, higher and closer building on Delavergne Hill has a much more suburban feel and is hardly in keeping with the rural feel that is Amenia.

Placement of the Waste Water Facility – The developer is proposing that the waste water treatment facility be sited part way up Delavergne Hill within the 100 foot wide green buffer zone. A buffer zone by definition should have no construction in it. The facility would be better sited, as it was in earlier plans, across route 22 in an area zoned for commercial use.

Respectfully,


Walter Brett

LETTER 4

Larissa DeLango

From: Town of Amenia <noreply@ameniany.gov>
Sent: Thursday, September 18, 2014 4:12 PM
To: Larissa DeLango
Subject: Town of Amenia: Silo Ridge plan

This is an enquiry email via <http://www.ameniany.gov/> from:
James and Elizabeth Park <sharehuntersall@mymailstation.com>

To the Planning Board:

We attended the Planning Board Meeting on September 4th, and found that we shared the viewpoints of many of those who spoke. Our concerns include, but are not limited to, the following:

- * We are skeptical of the viability of a luxury Golf resort in our town.
- * We feel that our town is not the place for a 'gated community' of luxury housing.
- * We are distressed by the heavy construction on the steep slopes of de la Vergne Hill, which has already changed the nature of that viewshed, and is in opposition to the precepts of our Master Plan.
- * We worry about the inevitable seepage of golf course pesticides, herbicides and fungicides into the Cascade/Amenia Brook, and hence into the waters of the Tenmile River and the Housatonic watershed.
- * The development of the 'Winery' and Restaurant, plus houses, above the horseshoe bend on Route 44 is not only unrealistic in terms of density and impermeable surfaces.... it will complete the destruction of the view from the top of the hill. The site is, in itself, another steep slope.

We have the following questions of the developer:

- * Silo Ridge states that job creation will help the community. How many of these jobs will be 'service' jobs, how many will be seasonal, will they offer a decent wage, and HOW will the workforce housing issue be settled. The Town gets less, and less.
- * There is a lot of construction on the site. How many local people have been hired to do this work?
- * What will the 'estate' lots cost? There was much talk of the wonderful 'family' ambiance, but this is setting up to be a very pricey and exclusive development.
- * Nina Peek was critical of the Planning Board at the September 4th public meeting. Will you address her concerns? How, and when?

It has been clear since that land, (in our memory a dairy farm) was sold, that development would occur upon it. This project is perhaps better than the last (which was ridiculous) but it still is the responsibility of the Planning Board to safeguard the integrity of the Master Plan, listen carefully to the consultants hired by the Town, and avoid the possibility that an enormous corporation will trash our biggest asset. Thanks for your time, which I understand has been extensive!

LETTER 5

Building Department

From: Will Gawel <wgaweljr@yahoo.com>
Sent: Thursday, September 18, 2014 2:06 PM
To: Building Department
Subject: Fwd: Silo Ridge project

Limited Construction Services

William Gawel Jr.
208 Kent-Cornwall Rd.
Kent, CT 06757
860-671-0377

Begin forwarded message:

From: Will Gawel <wgaweljr@yahoo.com>
Date: September 18, 2014 at 2:04:31 PM EDT
To: "smetcalfe@ameniany.gov" <smetcalfe@ameniany.gov>
Subject: Silo Ridge project

To whom it may concern,

I am writing this email in favor of the Silo Ridge project. I am a full time resident of Kent , CT but still own real property at 360 Bog Hollow Rd. This project can bring a positive change to the greater Amenia area. Jobs, local small business stimulus, and most of all massive tax revenue just to name a few.

I have worked on and off at the project playing a small part as a sub-contractor. During those times I visit the local Chiropractor, shop at tractor supply, purchase my wine at Cascade on Rt 22 and buy gas locally on my way home. My experience is just one of possibly hundreds due to the start of the project and hopefully it's eventual completion.

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

William Gawel Jr.
208 Kent-Cornwall Rd.
Kent, CT 06757
860-671-0377

LETTER 6

Box 1275
Sharon, CT 06069-1275
18 September 2014

Amenia Town Board
Amenia Town Hall
Amenia, NY 12501

Ladies and Gentlemen:

It is hard to believe that Amenia's Town Board would allow the destruction of one of the most scenic parts of Dutchess County! Silo Ridge Country Club is ruining an area that Mr. Segalla preserved through careful development.

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

Is having a larger tax base worth losing the rural character of the town? How many of Amenia's residents can afford a home in the proposed community?

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

Sincerely yours.

A handwritten signature in black ink that reads "Linda M. Kinney". The signature is written in a cursive style with a large, looped "L" and "K".

Linda M. Kinney

LETTER 7

Subj: **Comment for the meeting.**
Date: 9/18/2014 5:06:12 P.M. Eastern Daylight Time
From: MaxinePaetro@aol.com
To: ldelango@AmeniaNY.gov

To the Planning Board,

Well meaning people can disagree, and I'm sure I'm not alone in saying that it would be very unfortunate for the town to split over this issue.

That said, the Silo Ridge development is critical because if not done with sufficient care, it will change the look of Amenia forever, while leaving lasting effects on the hillsides and waterways as well.

I am not trying to stop the project, but I do want the previous agreements regarding the view shed -- which belongs to all of the people of this town -- honored. I also maintain that all environmental laws, as per the previous agreement, be adhered to. I feel that if both of these issues are handled as originally agreed and as per the law, the town and Silo Ridge can pull together as one.

Maxine Paetro
Flint Hill Road,
Amenia

LETTER 8



TOWN OF AMENIA

4988 ROUTE 22, AMENIA, NY 12501
(845) 373-8860 Fax (845) 373-9147

To: Town of Amenia Planning Board
From: Arlene Iuliano, Town Historian
Date: September 18, 2014

Re: Silo Ridge Amended Development Plan, 2014

Enclosed you will find some copied information that I submitted to the Planning Board in 2008. My original presentation was extensive and I hope still a part of that file.

I have also enclosed a copy of material I wrote this year for the Conservation Advisory Committee of which I am a member: "Viewing Amenia".

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

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

Yours in History, Arlene Iuliano

Cc file

Arlene Iuliano
Town Historian

George Fenn, Chairman, & Members
Town of Amenia Planning Board
36B Mechanic Street
Amenia, New York 12501

August 7, 2008

Re: Silo Ridge Development

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

The land and the Family Delavergne.

The actual land in question may date back to the French and Indian War, also known as the Seven Years War (1756-1763), which resulted in France ceding all of its land east of the Mississippi River to England. When in power the French had awarded land grants to their Army officers and other emigrants, although many returned to France despite official efforts to discourage them, according to Taylor in his book American Colonies. However when the Huguenots, a religious group whose faith had been outlawed in France in the late 1600's, came to British America, they stayed. In the 1700's they were among the diverse group of early settlers in Amenia.

In 1697 Amenia land was a part of the Great Nine Partners Patent whose boundary lines were determined "by geographical nearness and personal interest" according to MacCracken author of Old Dutchess Forever. The early settlers, he said, often gave personal names to an area, its hills and its roads, in the spirit of neighborliness, citing the names Amenia and Delavergne, as examples. A Patent was a method of describing large tracts of land at that time in Dutchess County before the formation of townships.

According to an article in the June 13, 1974 edition of the Harlem Valley Times, land was awarded to the Vergne family around 1765 and **"included the famed DeLaVergne Hill with its beautiful view of the Harlem Valley"**. It also said that the family operated an Inn at the bottom of its hill. This Inn was last known as the DeLaVergne Farms Hotel in the 1970's before it burned down, the subject of the article. Ghee and Spence, authors of Harlem Valley Pathways, say that the name Delavergne was given to the hill by the Huguenots adding that the landscape's **"natural beauty has always been one of the attractions of Amenia"**.

Newton Reed in his book Early History of Amenia wrote that a Lewis Delavergne came to Amenia from the DC town of Washington and purchased one thousand acres of land. His ancestors were "of a superior family in France". His brother was Dr. Benjamin Delavergne who "took a prominent part in the beginning of the Revolutionary War and was a Major in the Fourth regiment of the Dutchess County Militia". The names Joseph and Lewis Delavergne were among the Amenia signers of a 1775 Pledge opposing the oppressive acts of the British government. The end of the Revolutionary War saw changes to land use due to the awarding of land grants and the splitting up of estates into small farms. MacCracken claims that such actions were attractive to "Dutchess folks" and that half of Amenia was split-off as an outcome of the Federal Constitution of 1788. Amenia's boundary with the newly named town of Washington became a few miles to the west of Delavergne Hill as a result that year, and has not changed.

And then there is the 2007 Comprehensive Master Plan Update date mentioned above. That update included a section titled: Community Character, Open Space, and Historic Resources, which was almost identical to the 1991 section titled Scenic Roads. The following is a quote about the view from DeLaVergne Hill:

“One of Amenia’s greatest views is from De La Vergne Hill. As US-44 curves around the hillside, a vast panorama of the Harlem Valley is visible. From this high point, hills, farms, fields and forests can be seen stretching east to Connecticut and south to the hamlet of Wassaic. The view is especially spectacular with seasonal foliage and atmospheric conditions. A local church along this hillside holds Easter sunrise services to take advantage of the early morning scene. Visitors are often struck by the beauty of the foothills and valley as they enter the “Gateway to the Berkshires”

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

Note: The name Harlem Valley dates to the time of the expansion of the NYC Railroad into eastern Dutchess towns from the Harlem section of New York City in the mid 1800’s. The spelling of DeLaVergne has varied over the years, but has retained its pronunciation. I have listed my literary sources below, and attached pictures from them and other sources. Good viewing!

Very truly yours,

Arlene Iuliano
5103 Route 22
Amenia, NY 12501

SOURCES;

Allison J. & S. Steinberg, Unit Outlines in American History, 1944, CEBCo., NY.
Benham, S.H. Jr., Rural Life in the Hudson Valley 1880-1920, 2005, Hudson House.
Ghee, Joyce C. & Joan Spence, Harlem Valley Pathways, 1998, Arcadia Pub. GB.
MacCracken, Henry Noble, Old Dutchess Forever, 1956, Hastings House, NY.
Reed, Newton, Early History of Amenia, Fourth Edition, 1985, Harlem Valley Times Pub.
Taylor, Allan, American Colonies, 2001, Penguin Books, USA.
Wallbank, Walter T. & Alastair M. Taylor, Civilization-Past and Present, 1942, S.Foresman & Co., USA.

OK
All

Lana Anguin-Cohen
Town of Amenia Planning Board
PO Box 126
Amenia, NY 12501

October 24, 2008


Re: Silo Ridge Development -FEIS

I would like to submit a copy of my comments made on August 7, 2008 to the Amenia Planning Board as I did not find them in the current FEIS at the Amenia Library. I have included the illustrative material I used, too. If I missed this material in the FEIS, I apologize.

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

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

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


Arlene Iuliano
5103 Route 22
Amenia, NY 12501
845-373-9088

ai

All notes
for
10/24/08

SAVE
The View

IN AMENIA FIRE



THE HARLEM VALLEY TIMES, JUNE 20, 1974

The Amenia Theatre burned down on June 15, 1974.

Continued on page 16



Silo Ridge Field Club is being developed by Discovery Land Company and local partner, Stoneleaf Partners, whose core philosophy is to enhance the natural character and cultural heritage of Silo Ridge in order to create a unique sense of place that captures the innate spirit of the land. Within this environment, Discovery Land Company will offer exceptional lifestyle and recreational experiences to create memories that will last throughout their Members' lives. These cherished moments generate traditions that will be passed from generation to generation, making Silo Ridge a truly one-of-a-kind heirloom community.



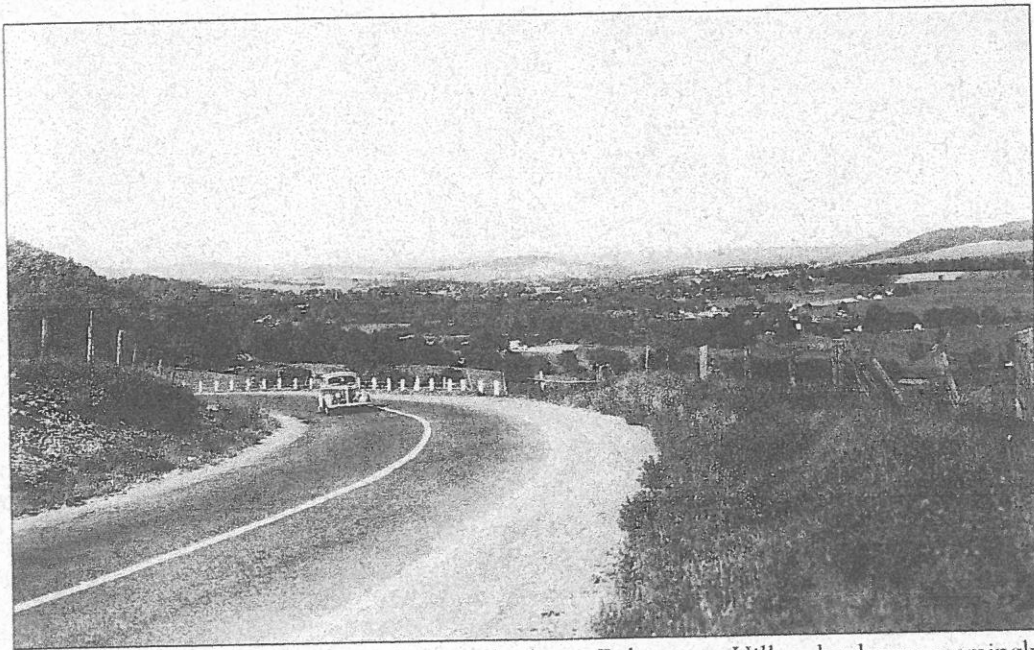
For inquiries: info@siloridge.com
or (866) 937-8756

IMAGES
of America

HARLEM VALLEY PATHWAYS

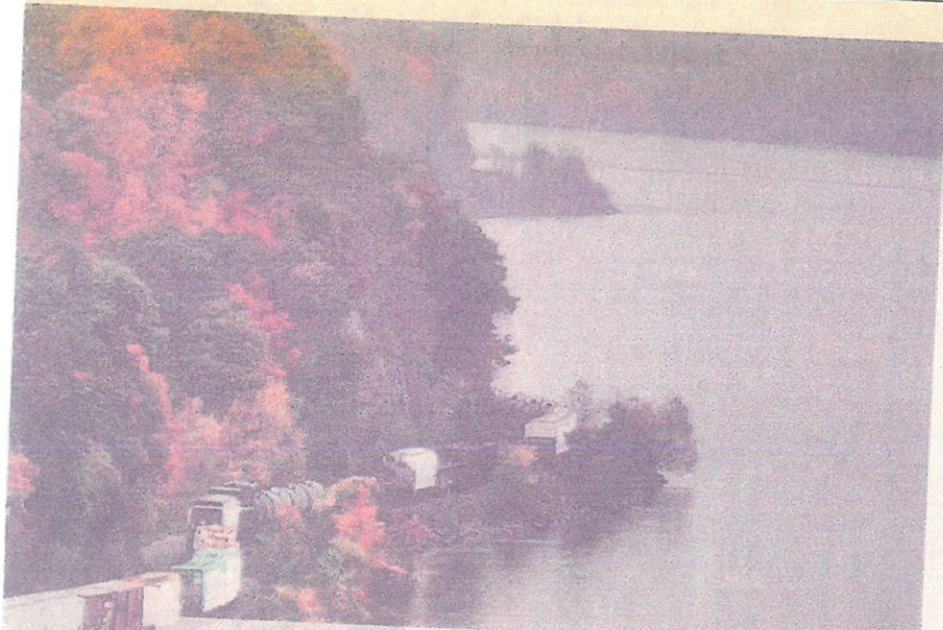
THROUGH PAWLING, DOVER,
AMENIA, NORTH EAST,
AND PINE PLAINS

Joyce C. Ghee and Joan Spence



DELAVERGNE HILL. This 1930s photograph shows Delavergne Hill, a landscape seemingly unchanged since the early Huguenot settlers gave their name to the hill. Its natural beauty has always been one of the attractions of Amenia. In the bowl-shaped valley, there is a golf course, restaurant, and banquet facilities, and a conference center is planned for the future. It will also be the site of the summer program series of the Hudson Valley Philharmonic. (AML.)

Ghee and Spence p 63



Top 10 foliage spots

Top Ten Fall Foliage Spots from Dutchess County Tourism:

1. DeLaVergne Hill, Route 44 East, in Amenia.
2. Vanderbilt Mansion National Historic Site, Route 9, in Hyde Park.
3. Staatsburgh State Historic Site off Route 9 in Staatsburgh.
4. The Taconic State Parkway, in southern Dutchess.
5. Route 9D between Hughsonville and Putnam County.
6. River Road from Rhinebeck north to Red Hook.
7. Millbrook Vineyards and Winery, Millbrook.
8. DEC Hudson River Research Reserve in Tivoli, 1,700 acre reserve.
9. Ferncliff Forest's 79-foot fire tower, River Road, Rhinebeck.
10. Smithfield Valley Hamlet, Amenia.

Foliage outlook

The Weather Channel fall foliage outlook enables users to access everything they need to know about fall foliage — from regional foliage maps to beautiful fall color images. The fall foliage outlook features include:

- Peak viewing times across the country for fall foliage.
- Extensive information on scenic drives across the nation.
- Facts on why the leaves change colors.

Foliage outlook is accessible at www.weather.com/fallfoliage.

of Lloyd. Karl Rabe photo

GE CAMPUSES OFFER GREAT VIEWS



ground but your head in the sky? Then head to Mount Beacon.

Rising from the nearby Hudson River to a height of 1,540 feet, Mount Beacon, originally a signal tower in Colonial times, offers impressive views, with autumn amplifying the colors.

"It was significant in Revolutionary War history and that's how it got its name. Colonial militia would light signal fires or beacons, along the river to alert Washington's headquarters that the British were coming up the river," said Sandy Piccone of the Mount Beacon Incline Railway Restoration Society

845-463-4000

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VIEWING AMENIA

The Pequot Indians who hunted here before any settlers arrived called it "*Weebutook*", or "Beautiful Hunting Ground". They were of the Scatacook Tribe and it was Eunice Mauwee, grand-daughter of Chief Gideon Mauwee, who interpreted the meaning, says Newton Reed in his *Early History of Amenia* .

In 1762 the name Amenia was suggested by Dr. Thomas Young, who came into the area in and about 1750 as a practicing physician, a poet, a scholar and a radical thinker, and derived it from the Latin word *Amoena-Pleasant*-as to place. At that time it was the Precinct of Amenia under Colonial Rule (In 1788, after the Revolutionary War, it became the Town of Amenia). The name was accepted by the people who had turned to Young "as a doctor/wordsmith", wrote David Parker in a Nov, 2009 AHS Newsletter article. No other place in the whole country was given this name at that time, "Though so suitable", noted Reed. Time eventually changed that when the 10/2/1969 HVT published a picture of Amenia SD that was "founded by settlers from Amenia NY." In the 21st century Amenia NY is still seen as most beautiful to view. On 10/3/2010 the Poughkeepsie Journal included DeLaVergne Hill, Route 44, Amenia on a list of the "Top 10 foliage spots" in Dutchess County.

Early records of the town's "history" were sparse due to the absence of municipal unity Reed says; and, those first kept were by religious institutions . His book was not written to describe the physical features, "which are unchanged", he wrote . But as history began to be written in book format, scenic view features were often included. James H Smith says in his 1882: *History of Dutchess County 1683-1882*: "The county occupies one of the most picturesque portions of the Hudson Valley;" adding that: "Generally the slopes are gentle but, steeper upon the west than the **opposite side**" whose hills can be cultivated to their summits. Henry Noble MacCracken in his *Old Dutchess Forever*, 1956, writing about Dutchess County Neighborhoods, notes that the Harlem Valley Railroad gave its corporate name "to the whole beautiful valley". That was in the 1850's. And when Lady Bird Johnson, a known advocate for beautiful highways, and wife of President Lyndon Johnson, visited the area in the 1960's she was known to have remarked about the beauty of the view of Amenia (my two daughters readily confirmed that to me, from their school-day recollections).

Other sources have also documented the view and scenic beauty of the town and area.

- Vail's 1870 Dutchess County Directory writes in an Historical Sketch introductory, that eastern parts of the county are noted for the purity of their lake waters "and the beauty of the scenery immediately about them".
- Benson J. Lossing in his "The Hudson-From the Wilderness to the Sea" originally published in 1866 wrote: "around, within an area of 20-30 miles-(from the Hudson and Poughkeepsie)-spreads out a farming country, like a charming picture, beautiful in every feature.

• SOURCES-VIEWING AMENIA

Books

- Ghee, Joyce and Joan Spence. *Harlem Valley Pathways Through Pawling, Dover, Amenia, North East and Pine Plains*. SC, Charleston. Acadia, 1998. p63.
- Lossing, Benson J. *The Hudson from the Wilderness to the Sea*. NY, Jones (?) 1866 p189.
- MacCracken, Henry Noble. *Old Dutchess Forever*. NY:New York 1956 p89.
- Reed, Newton. *Early History of Amenia*. NY. Harlem Valley Times, 4th ed. 1985, p4, 10, 29-30, 45.
- Smith, James H. *History of Dutchess County, New York*. Syracuse, NY D. Mason & Co. 1882, p62, 75.

Documents

- Amenia Master Plan, Town of Amenia, New York*. Buckhurst, Fish, Hutton, Katz Inc. New York, NY. Dec. 1991, p49, 52
- Comprehensive Plan Update, Town of Amenia, New York*. Greenway Conservancy, Greenway Council, Dutchess County Planning and Development, 2007, p 52.

Newspapers, Periodicals

- Parker, David. *Who Named Amenia?* Amenia Historical Society Newsletter. Nov. 2009 Vol 4, No. 4, p 3.
- It Was Amenia S.D.* The Harlem Valley Times. Thursday, October 2, 1969, p4.
- Fire Destroys*—The Harlem Valley Times. Thursday June 13, 1974, p24
- Top Ten Foliage Spots*. Poughkeepsie Journal. Sunday October 3, 2010, p21.

Brochures, Directory

- Lake Amenia, New York's Vacationland. Beekman & Beekman, Inc. circ 1920's, Amenia Historical Society reprint.
- Welcome to Amenia, Gateway to the Berkshires, Harlem Valley Times Printer, 1985.
- Welcome to Amenia New York. Located at the Crossroads of Eastern Dutchess County. Fountain Press, Amenia, 1st 2001, 4th 2013.
- Vail's Directory for 1870-71. Poughkeepsie. JPA Vail 1869 (Source: Google).

Arlene Iuliano, town Historian
April 13, 2014

LETTER 9

Page 1/
Andrew Durbridge
37 Clark Hill
Wassaic, NY 12592

PUBLIC COMMENT

September 14th 2014.

To: Town of Amenia Planning Board.

Ref: Silo Ridge Resort Application for Site Plan Review and Subdivision Approval.

Dear Members of the Planning Board,

Please consider the following comments in their entirety, as a matter of record pertaining to the current Site Plan Application by Silo Ridge.

Firstly, let me say that I am not opposed to *appropriate* and *well planned* development at the Silo Ridge resort.

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

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

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

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

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

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

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

Not a fast one, because the applicant wants to meet sales targets!

Page 2/

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

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

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

But my focus here is to highlight a couple of other specifics:

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

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

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

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

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

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

It is now clear for all to see the grand extent of work currently underway, and the beginnings of the loss of our valuable scenic views.

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

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

Page 3/

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

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

I suggest that the current example of what can happen makes it absolutely clear that more of the same is going to potentially and irrevocably destroy the DeLaVergne Hill character and quality, thus destroying our environment, cultural values and identity. This must not happen.

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

2. New Waiver Applications:

The new waivers requested are all related in some manner to DeLaVergne Hill. The applicant wants additional waivers, and is asking to be exempted from the rules so they can build more homes on slopes steeper than advisable or allowed, and on non-conforming lot sizes, in the DeLaVergne Hill view-shed.

They want exemptions to ignore some zoning requirements for the layout of roads.

They want exemption to the size of the "green buffer" on DeLaVergne Hill in order to build within it, which was set up intentionally to prevent specific activity in the "green buffer". A "green buffer" is supposed to stay green!

They also seek special permits or permissions to allow a maintenance facility and other structures in the same general area.

The applicant also wishes to locate their wastewater treatment plant close to DeLaVergne Hill, along with the maintenance facility. This, along with the future additional building planned for the horseshoe area of the hill, all suggests they wish to use DeLaVergne Hill as their 'service entrance' with total insensitive disregard for the community.

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

Page 4/

3. Construction Monitoring and Quality Assurance:

There appears to be no contingency built-in to this application for monitoring of the project, nor is there any independent professional monitoring being conducted in the current 'golf course renovations'.

Whereas some might suggest that the local building inspector might fill this role. This would be ill advised as a route for this project. The project size, technicalities, and time commitments alone would make this an impossible task.

With respects to Mr. Fenton, he is also not qualified.

In addition, projects of this dimension and characteristics typically require a certified engineer proficient in contract supervision. I suggest this is the only means by which the town can proceed and be assured of project quality and satisfactory outcomes.

As an example; a comparatively small project currently ongoing at Cumberland Farms in Amenia, has continuous professional monitoring and a reporting program.

Conclusion:

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

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

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

Does this project affect the environment?.....

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

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

Yours sincerely,
Andy Durbridge.

LETTER 10

9/22

38 Railroad Avenue

Amenia, NY 12501

September 18, 2014

Chairman J. Fontaine
Amenia Planning Board
4988 Route 22
Amenia, NY 12501

Re: Public Hearing September 18, 2014, 7PM

Amenia Town Hall; Silo Ridge Project

This is a copy of the Statement I read at the September 18 public hearing. Please include it in the minutes of that meeting.

Mr. Chairman and Members of the Amenia Planning Board: you are all members of the public while also entrusted with protecting the public good. You have taken an oath to represent and protect the interests of the people of the town of Amenia within the guidelines of the comprehensive plan. You are deliberating on what is the most extensive and complex plan that has been ever submitted to our Planning Board. It has the potential to change the entire character of the town and can effectively isolate rather than unite our community. Because of the scope and nature of this project, it can devolve from wonderful to blunderful and also assault our social and land use environments forever.

It is too easy to get caught up in the technicalities of development issues and lose sight of the fact that some developments are just not appropriate for all locations. Discovery Land Development is the well funded, well capitalized force behind the Silo Ridge Venture. They have developed luxurious recreation and golf resorts in such desirable locals as Baja Los Cabos, Mexico; the big Island of Hawaii, and Whiteface, Montana but have never executed a development in the highly populated North East US. Such a sighting implies the possibility that proposed luxury second homes could morph into primary residences because of the accessibility to NYC. This would imply a range of issues not even considered in the plan before you but is a real possibility.

Discovery Land Development's only concurrent project in the North East is "The Hills" in Southhampton, Long Island, in the village of Quogue. This project is meeting with significant local civic criticism for its environmental threats to the local aquifer, wet lands, wild life, beaches and zoning. In addition, changes in scope, regarding their golf course land allocation is also a contentious issue which they face.

I am asking the planning board to identify what legally binding accountability have you placed on Discovery Land Development to ensure the proper execution and completion of this project.

Mr. Chairman and Planning Board Members, please recognize that while Discovery Land Development can be held harmless without requiring a realistic monetary performance based surety bond for each aspect of this project, the town of Amenia can be held hostage for any environmental degradation and even possible abandonment of the Project.

Thank you.

D. Vincent Biase

LETTER 11



Housatonic Valley Association

150 Kent Road
P O. Box 28
Cornwall Bridge, CT 06754
860-672-6678

www.hvatoday.org

1383 Pleasant Street
P O. Box 251
South Lee, MA 01260
413-394-9796

19 Furnace Bank Road
P O. Box 315
Wassaic, NY 12592
845-789-1381

September 4, 2014

Mr. Norman Fontaine, Chairman
Amenia Planning Board
Town of Amenia, New York
4988 Route 22, P.O. Box 126
Amenia, New York 12501

RE: Silo Ridge Resort Community

Dear Mr. Fontaine and Planning Board Members:

The Housatonic Valley Association (HVA), founded in 1941, is one of the oldest non-profit watershed conservation organizations in the nation, and is dedicated to preserving and protecting the natural character and environmental health of the Housatonic River and its 1,948 mile watershed, includes nearly 2,000 square miles within western Massachusetts, western Connecticut and eastern New York. We care for, and about the Housatonic River and have studied and continue to monitor the water quality of the Ten Mile River and its tributaries.

We reviewed the application and have several overall concerns, particularly about the management of stormwater and the siting of residential units on steep slopes.

Background

HVA does not object to this development conceptually. It could benefit the Town and help to stimulate economic opportunity and growth. The applicant should also be commended for agreeing to permanently conserve several hundreds of acres of forestland. However, we find that the proposed master development and site plans fail to adequately document the potential water quality impacts of the proposed project. Obviously, a major project such as this will have impacts which cannot be avoided, minimized or entirely mitigated. The Town of Amenia has enacted good, common-sense regulations that safeguard streams and rivers, protect the groundwater upon which most residents depend for their home use and encourage development in locations that will enhance, not degrade the beauty and natural health of the community.

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

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

Specific Concerns

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

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

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

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

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

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

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

3. The Planning Board should require the applicant to hire an independent inspector to make sure buffers are respected, stormwater management functions properly and other environmental requirements in the zoning are enforced.

4. We ask the Planning Board to require the applicant to create and maintain a minimum 50 ft. to 100 ft. natural buffers on all golf holes, practice ranges or other parts of the golf course.

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

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



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

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

Stormwater management for this project will be incredibly difficult, particularly if development is permitted on steep slopes. The stormwater management plan was submitted to the Planning Board on August 20, 2014 but there has not been a Planning Board meeting before tonight's public hearing for the

engineering consultant to share her comments. The State Environmental Quality Review (SEQR) Handbook requires each involved agency to consider the reasonable alternatives and choose one which *minimizes or avoids* adverse environmental impacts to the maximum extent practicable. It is critically important that the Board and the public have the opportunity to hear from the engineer and understand how the applicant will ensure that adjacent waters will be protected.

Conclusion

This is a complex and complicated project and HVA would like to express our appreciation and gratitude to the Planning Board for its interest in hearing from all parties and the public to ensure that all relevant and important information is provided for your final review. We ask that this hearing be held open to ensure that citizens are informed about the project and can share comments. HVA appreciates the opportunity to comment on the proposed Silo Ridge Golf Club development.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elaine E. LaBella".

Elaine E. LaBella
Director of Land Protection

LETTER 12

36 Leedsville Road
Amenia, NY 12501
17 September 2014

To: Town of Amenia Planning Board
From: Laurie Nussdorfer
Re: Silo Ridge Public Hearing

I have been unable to attend the public hearings on the Silo Ridge development currently underway on Delavergne Hill and am writing to express my concerns about the environmental and visual impact of the project and the oversight process.

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

Thus far the approval process for the Silo Ridge development suggests cursory review by the Planning Board. The absence of detailed records of meetings with the applicant, the reliance on the applicant's own representations for public information, the lack of clarity about the plans, and the lack of transparency in the process are sources of concern. If the Planning Board has not met, or is not meeting, legal requirements for public oversight, the citizens are not served and the town is vulnerable to bad decisions and potential litigation.

In closing, I leave the Planning Board with a broader question: What public benefit did you see in the sacrifice of this beautiful and meaningful landscape to an economically risky venture exclusively intended for residents of a gated community?

LETTER 13

David Reagon
Chair, Amenia CAC
23 Benson Rd.
Wassaic, NY 12592

September 18, 2014

Chairman Fontaine and members of the Amenia Planning Board,

Over the past several meetings, the CAC has discussed Silo Ridge's Amended Master Development Plan and Special Use Permits and we have the following comments.

The CAC was an "interested party" in this process, yet we did not receive any of the relevant materials except some minor materials. This made our review much more difficult.

We strongly feel that all of the relief that Silo is asking from the Town Zoning in the form of waivers be examined closely by the Planning Board. Waivers should only be granted in extreme cases, not simply because the applicant finds that the zoning is inconvenient or an impediment to the applicant's proposal. We are completely opposed to the granting of waivers that would allow building on steep slopes as defined in the zoning and especially in the Scenic Protection Overlay District of the proposed project.

The applicant has not demonstrated to our satisfaction that they have mitigated the visual impact of the project on the DeLaVergne Hill viewshed. Their visual impact study demonstrates that certain elements of the project will materially change the viewshed and does not indicate, in our opinion, a sufficient mitigation. Of particular concern are the houses that are planned for the steep slopes.

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

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

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

We are not opposed to this project. We feel that if properly done, it could have a positive benefit for Amenia. We urge the Planning Board to take the proper steps to ensure that the environment is being protected and the zoning is being followed. We don't feel it is anyone's interest if the project is derailed.

Sincerely,

David Reagon, CAC Chair

LETTER 14

September 16, 2014

Town of Amenia Planning Board
Amenia, NY 12501

Dear Chairman Fontaine and members of the Planning Board,

Comments on the Silo Ridge Amended Master Development Plan and Special Use Permits

My focus is on the purely objective goal of ensuring that the permitting process uphold the essence of the Town's 2007 Comprehensive Plan and the integrity and spirit of the Zoning Law, so that these public tools may continue to be used for the orderly and intelligent use of land in Amenia. A massive public investment was made in these documents and they have already proven their worth as evidenced by the steady increase in large lot land values, despite the recession.

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

RDO Section 121-18 A. "In exchange for granting permission for use flexibility and more intensive development than is allowed by the underlying zoning, the Town seeks to achieve significant protection of open space resources, especially scenic viewsheds, ridgelines, water resources, and ecosystems"

SPO Section 121-14.1 A. "...to regulate land uses within designated scenic corridors and ridgeline areas to protect the Town's scenic beauty and rural character. This section is intended to apply to those sections of ridgeline areas and road and trail corridors that are visible to the public and that substantially retain their scenic character."

This Master Development Plan requires waivers to enable the construction of "estate houses" high on the slopes of a pristine mountain-side that is an iconic component of the character of Amenia. The simple statement that their approval is key to the feasibility of the project is entirely inadequate. Making the case for this waiver should be a high hurdle for the applicant.

I suggest the following categories that need to be satisfied in order to justify waivers:

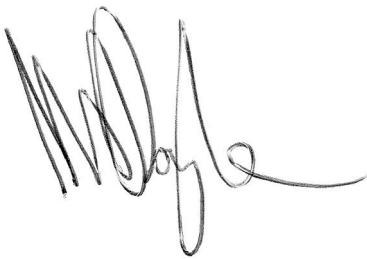
- If, as presentations and documents suggest, this is a case of financial feasibility, a full disclosure and explanation of the financial parameters must be presented.
- A watertight case should be made that there are no other feasible sites...technically or financially feasible.
- That the impact (for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

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

Well everything in Amenia is not for sale. Years of public input on two Comprehensive Plans attest to the fact that residents of Amenia value the natural resources as a fundamental component of that which makes Amenia a special place to live.

It is in the interest of residents of Amenia to ensure that this process is carefully undertaken to the letter of the law to be sure, but it is surely of critical importance to the financiers and investors in Silo Ridge, who risk immense financial loss. This resort must be a good fit for the land and visitors and residents of the town alike, for a successful investment of this scale to endure. That "good fit" and endurance must include the defense of our Town Laws.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Doyle', with a long horizontal flourish extending to the right.

Mark Doyle

LETTER 15



THE WASSAIC PROJECT

37 FURNACE BANK ROAD
PO BOX 220
WASSAIC, NY 12592
HELLO@WASSAICPROJECT.ORG
+1 (347) 815-0783

To the members of the Amenia Town Planning Board and the
Representatives from Silo Ridge,

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

Sincerely,

Jeff Barnett-Winsby

Co-Executive Director of the Wassaic Project
Manager of the Lantern Inn &
Wassaic Fire District Commissioner

LETTER 16

Juan Torres

From: Julie Doran <jdoran@siloridge.com>
Sent: Wednesday, October 22, 2014 11:18 AM
To: Juan Torres; Mike Dignacco; Pedro D Torres
Subject: FW: Silo Ridge Development

New public comment from Larissa below. Juan-I moved it to the server.

From: Larissa DeLango [mailto:LDeLango@ameniany.gov]
Sent: Wednesday, October 22, 2014 10:30 AM
To: normfontaine@gmail.com; Peter Clair; 'Tony Robustelli'; Nathan Roy; Bill Kroeger; jbstefanopoulos@gmail.com; erich@mcentroefarm.com
Cc: Julie Doran; deverett@woh.com
Subject: FW: Silo Ridge Development

Please read the below public comment.

Julie,
Can you please send this to whomever is addressing the public comments.

Thanks,

Larissa DeLango
Planning Board
Town of Amenia
(845)373-8860 ext 122

From: Risksorter@aol.com [mailto:Risksorter@aol.com]
Sent: Monday, October 20, 2014 12:16 PM
To: Larissa DeLango
Subject: Silo Ridge Development

To: Mr. Norman Fontaine and the Town of Amenia Planning Board

My name is John Duffy. I reside, with my wife, Maxine Paetro, at 23 Flint Hill Road in Amenia, as well as in New York.

I spent 30 years in the surety industry as an executive, credit officer and underwriting manager. My experience included performance and payment bonds; forfeiture guarantees; and structured finance guarantees.

After leaving the surety industry, I worked for 6 years as a consultant to a surety in runoff, assisting with the liquidation of their homebuilding and reclamation portfolios.

My concern with this project stems from Discovery Land's (DL) reported involvement in the Spanish Oaks residential/golf course project near Austin Texas.

In an article, dated, September, 7, 2010, statesman.com reported that the project, scheduled for completion in 2012, had been reclaimed, i.e. foreclosed on by its lender, Comercia Bank, late in 2010.

The article also reported that

- DL was the managing partner on this project.
- DL and its partners invested \$20 million in the project in 2005
- DL and its partners attributed the project's failure to the problems that befell the real estate market in 2008.
- The project ran counter to DL's "core principle" of using minimal debt to finance a project. When real estate sales plummeted, the loan could not be repaid.
- DL admitted that the project had been undercapitalized.

I've been advised that the Planning Board cannot require DL to furnish financial information on themselves or any partner or lender. But, given what occurred at Spanish Oaks, general prudence requires that the Planning Board obtain the strongest possible security at Silo Ridge.

And this security should be in the form of a surety bond or a bank letter of credit.

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

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

- Is the Planning Board even aware of the Spanish Oaks foreclosure?
- What bonding/security, if any, does Silo Ridge currently carry? What is the amount and what does it cover?
- What level of bonding/security can the Planning Board, by law, require?
- If there currently exists bonding/security, is it in the form of a performance bond; dual-obligee (lender included) completion bond; or reclamation bond? Or has a bank letter of credit (L/C) been taken? For instance, were the project to be abandoned, is there a bond or L/C to cover the reclamation of any disturbed land?
- If there is currently no bonding/security requirement, why not?
- And, if not, does the Planning Board know if DL even has a surety or potential L/C provider? When you don't know a company's finances firsthand, anything is possible. And this includes companies with the smoothest pitchmen and glossiest brochures.

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

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

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

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

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

And that's one risk you don't want to bear.

Sincerely,

John A. Duffy

LETTER 17

September 18, 2014

Mr. Norman Fontaine
Chairman, Planning Board
Amenia NY 12501

Dear Chairman Norman Fontaine & the Planning Board,

We are writing to you to convey the importance of the Silo Ridge Project to the Town of Amenia and the surrounding communities. This project has been in front of you for nearly 11 years, and we commend you on your diligence and professionalism during this entire process.

As a small business that has been in this town for nearly 30 years, we have seen many business come and go along with two state facilities (Harlem Valley Psychiatric Center and Taconic DDSO) which have had a huge impact on our economy. Our towns cannot afford to have *less* business, we need smart growth.

The estimated tax revenue to the Town of Amenia is 1.1 Million, to our school district is 5.9 Million and 240K to the Amenia and Wassaic Fire Companies and 1.7 million to Dutchess County. This project will allow the Town of Amenia to be able to afford the many necessities we should have.

We personally appreciate that you have agreed to the public overlook on the hairpin turn on Delavergne Hill, we understand that this will have 10 parking spaces to enjoy this beautiful view and that Silo Ridge will maintain this.

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

Regards, Linda & Jack Gregory, Amenia NY

Regards,
Linda & Jack Gregory
Amenia NY

LETTER 18

252 Smithfield Valley Road
Amenia, NY 12501

September 18, 2014

Chairman Norm Fontaine
Members of the Planning Board
Town of Amenia
Amenia, NY 12501

Re: Silo Ridge Resort Community

Dear Chairman Fontaine and Members of the Planning Board:

I am disturbed by numerous parts of the current application for approval of the Silo Ridge Resort Community Site Plan. There are countless SEQRA and town code procedural anomalies; and violations of the Scenic Protection Overlay District and the Resort Development Overlay District provisions of the Town of Amenia zoning code. If the Planning Board ignores proper procedure and accommodates the applicant's many requests for waivers and special permits, you will be inviting an Article 78 challenge. The current golf course renovations, with waiver, while the Resort Community application is still under review, has caused a new level of distrust and opposition in the community further increasing the possibility of a legal challenge to the Planning Board's actions.

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

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

"In exchange for granting permission for use flexibility and more intensive development than is allowed by the underlying zoning, the Town seeks to achieve significant protection of open space resources, especially scenic view sheds, ridgelines, water resources and ecosystems."

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

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

Both the RDO and the SPO, under which this project is being considered, have as their purpose the protection of scenic view sheds and ridgelines. Both sections of the code offer standards for an objective determination of whether the proposed project will result in a significant impact to the view shed. Although it may be a subjective determination whether the impact is adverse, the Planning Board is being asked to overlook common sense and community standards in the protection of our most valuable scenic view shed, DeLavergne Hill, and in the protection of our ridge lines. Approval of the full application, including waivers and special permits, would violate the principals of our zoning laws and establish a precedent for non-compliance. The role of the Planning Board is to enforce SEQRA regulations and required zoning laws; not to reinterpret our zoning code to serve the needs of applicants.

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

1. The Estate Homes. These homes are not in the original DUES and have not gone through the SEQRA process. The impact of these newly placed buildings has not been fully investigated. A complete storm water management plan which includes these homes has not been provided. Section 121.14.F(4) of the code states that "Site plan approval may only be granted if ...the proposed activity ...will be at least 40 feet below the crest line of any ridge and will not disturb the continuity of the treeline when viewed from a publicly accessible place." Many of these homes are not in compliance with this section and the Applicant has not sought a waiver. Section 121-36 B states that "No disturbance, including cutting of vegetation or construction of driveways, shall be permitted on any slope of 30% or greater...". The Applicant has requested a waiver; however, they have not adequately demonstrated that the adverse effects of such a waiver can be mitigated.
2. Artisans' Overlook, Vineyard Cottages and Parking in the hairpin turn overlooking DeLavergne Hill. Sec. 121-18.C(4) states that "Priority in open space protection shall be given to land within the SPO ...especially the view to and from DeLavergne Hill." The "view to and from DeLavergne Hill" includes the hairpin turn. The Artisans' Overlook, Vineyard Cottages and paved parking area have not place in a plan subject to the provisions of the RDO and the SPO districts.
3. Street Lighting. A complete plan has not been presented to the Planning Board which governs street lighting for the project. Minimizing light pollution is an important part of preserving the rural character of our community and protecting the environmental habit of our ecosystem.

The Planning Board is being asked to facilitate the wishes of Millbrook Ventures, LLC, to push the boundaries of the project beyond what is reasonable under the zoning code and acceptable to many residents of Amenia. Every procedural anomaly; every special permit and waiver granted; and ever provision of the plan which does not comply with the zoning code and for which a waiver is not sought; is subject to an Article 78 challenge which will only further delay the project and cost the taxpayers of the our Town unnecessary legal expenses.

I urge the Planning Board, to uphold its responsibility to enforce all SEQRA regulations and all required zoning laws; and to exercise diligence and restraint in granting waivers and special permits which undermine the purpose of our zoning laws.

Sincerely,



Steven Benardete

LETTER 19

To The Amenia Planning Board
Re: Silo Ridge - Public Hearing, Sept. 11-18, 20014

In the Comprehensive Plan for Amenia, the Town advanced a "Resort Development Overlay" district at the Silo Ridge site. A development at this site will hopefully be a plus for the Town, but it need not be, nor should it be, at the expense of the protections offered in the Comprehensive Plan or the existing zoning laws. The Planning Board is accountable to respect and follow the Plan and the law, as well as to comply with SEQRA requirements.

Recently a new plan for this development was submitted, including requests for substantial waivers and special permits. It is imperative that the Board take a substantive, well-documented, and "hard look" at each. To date, however, one feels a lack of proper procedure as required under SEQRA; an apparent disregard of the input and recommendations of the Town's own expert consultants; and ready accommodations for the developer - even while the Site Plan is still under review. Such behaviors are causing the community a level of distrust of your actions, and could well lead to an "Article 78" challenge.

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

I may not be an expert in the many complex issues on the table, but others more knowledgeable than I have spoken out with similar warnings. So please note my concern over the following special issues:

- Need for an overall storm water plan and future monitoring audit (see HVA letter),
- Water use plan; with protection of streams, wetlands and aquifer,
- Scenic view-shed maintenance from DeLaVergne Hill (note, mitigation not possible),
- Negative impact of the increasing number of homes proposed on decreasingly appropriate steep slopes,
- Impact of a "gated" resort, closed to the community,
- Unsubstantiated assumptions in the Fiscal Impact analysis.

You are aware SEQRA requires that adverse environmental impacts be (1) avoided, (2) minimized, or (3) mitigated ---mitigation being a last resort. Furthermore Amenia zoning laws require that any waiver or special permit be granted only for substantiated reasons. Given the importance of this approval process, any decisions should be backed up by expert counsel, not just by Board notions. It is your responsibility to assure the current application complies with town, state and federal laws.

It is our responsibility as residents of this town to make sure that you do so.

Sincerely yours,
Michael Levin
189 Amenia Union Road
Amenia, NY 12501

LETTER 20

FROM: PATRICK J. NELLIGAN, 35 LaVALLE RD., AMENIA
TO: TOWN of AMENIA PLANNING BOARD
RE: NEW SILO RIDGE DEVELOPMENT PLAN, PUBLIC HEARING COMMENTS
DATE: SEPT. 18. 2014

The following are the outstanding/future legal/procedural issues relative to Master Development Plan, requests for Waivers/Special use permits for the newly presented Development Application by the Applicant, SILO RIDGE DEVELOPMENT VENTURES LLC.;

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

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

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

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

2. The Town Board is in violation of the Town of Amenia Zoning Ordinance in that it has prematurely passed a resolution accepting the Applicant's "Payment in lieu of Workforce Housing Requirements" prior to the both the Zoning Board review & County Planning Board recommendations that might significantly change the Parameters of the Final Development Plan, and thus the formula for said calculations and approvals.

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

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

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

Respectfully,

Patrick J. Nelligan

LETTER 21

September 18, 2014

To the Amenia Planning Board:

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

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

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

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

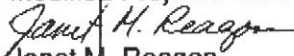
As chair of the Amenia Wastewater Committee, I urge the Planning Board not to grant the waiver the SRRCP requests to create a private sewage works transportation corporation to own and operate the Wastewater Treatment Plant (which is prohibited by the the Town's subdivision regulations) until there is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

For many years now, we have listened to the promises made by the applicant, but have seen little follow through. The original plan called for the construction of a WWTP that would be built with extra capacity to accommodate sewage from the Hamlet of Amenia. The applicant claimed that the value of this offset (payment to the Town in lieu of the Affordable Housing requirement) was \$2.3 million. The Town's Wastewater Project stalled for nearly two years as we kept being assured that the Applicant was going to sign a Memorandum of Understanding with DCWWA and the Town very soon. Finally the Town's patience wore thin, and the WW Committee looked

for other alternatives. In order to continue the current project, the Town needs \$1.4 million to qualify for a no-interest loan of \$3 million from NYS EFC.

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

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


Janet M. Reagon
Wassaic

LETTER 22

Page 1/

Andrew Durbridge
37 Clark Hill
Wassaic, NY 12592

PUBLIC COMMENT

October 22nd 2014.

To: Town of Amenia Planning Board.

Ref: Silo Ridge Resort Application for Site Plan Review and Subdivision Approval.

Dear Members of the Amenia Planning Board,

Please consider my additional comments here in their entirety, as a matter of record pertaining to the current Site Plan Application by Silo Ridge, and submitted while the Application Public Comment period remains open.

On October 16th 2014, at the regular meeting of the Planning Board, held in the Town Board meeting room and televised, the agenda included one topic only, that being the Silo Ridge Application.

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

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

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

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

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

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

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

Page 2/

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

Please see the complete advisory opinion:

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

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

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

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

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

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

Sincerely,
Andy Durbridge.

LETTER 23

Dear Mr. Fontaine and Planning Board Members,

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

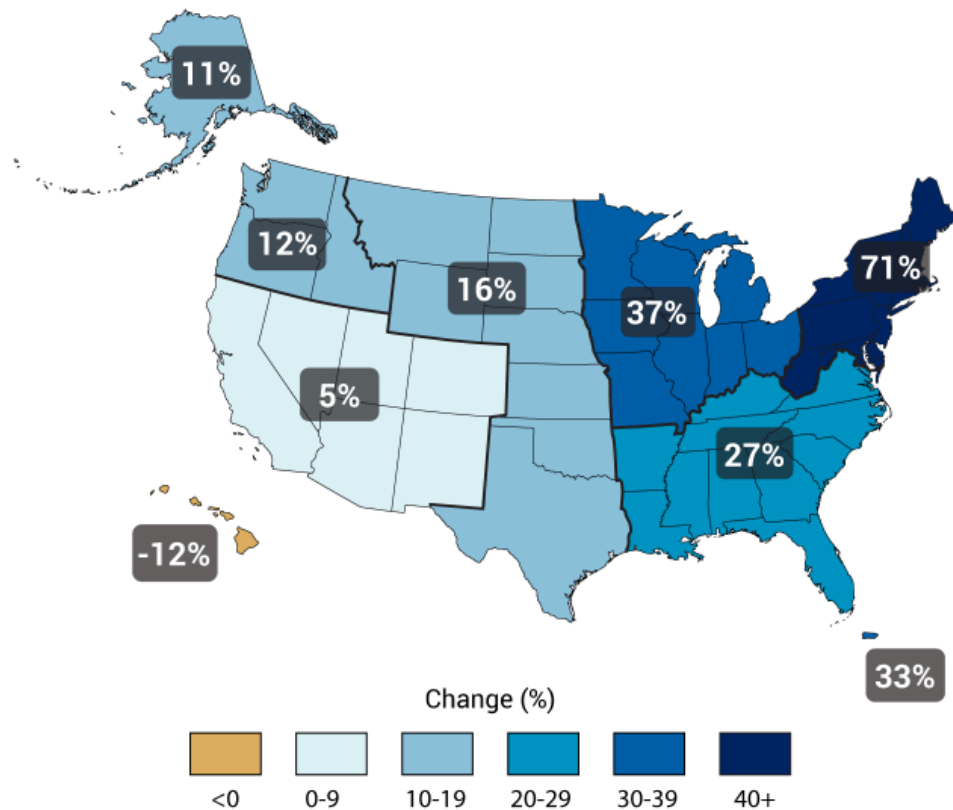
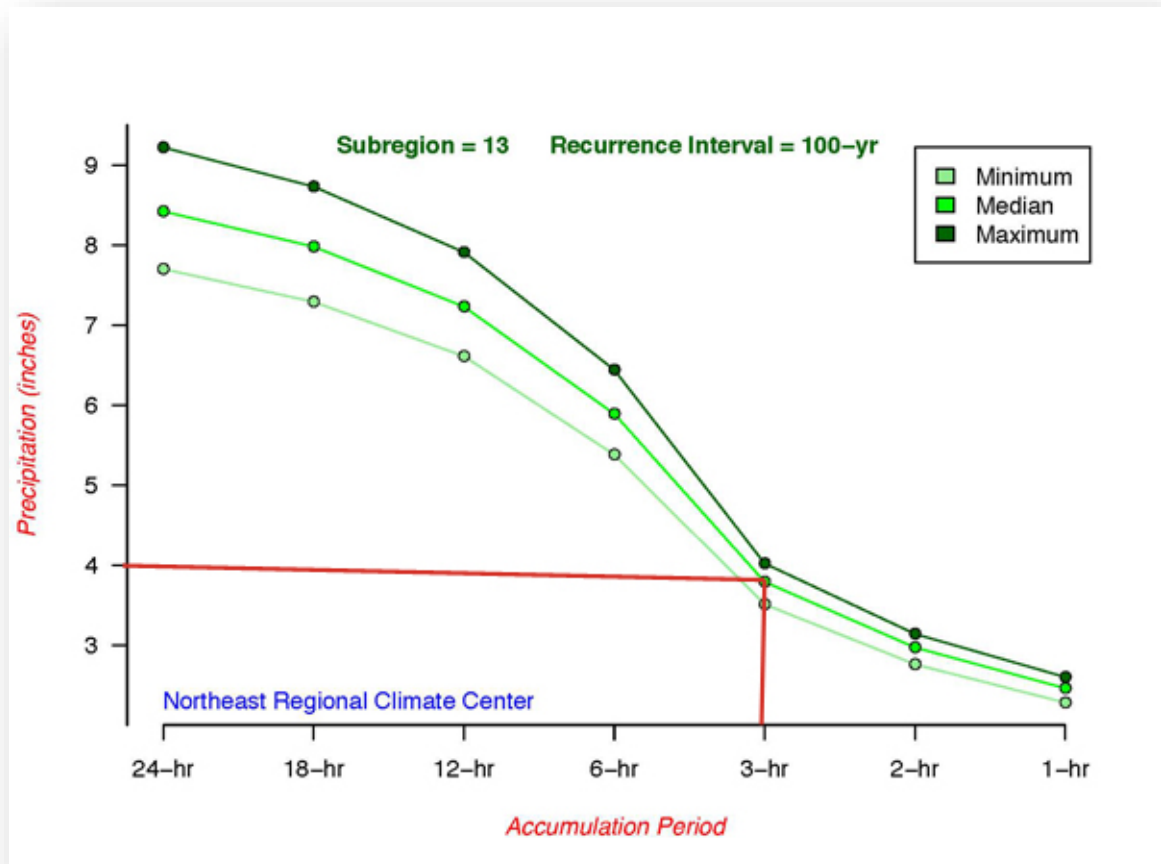


Figure 2.18: The map shows percent increases in the amount of precipitation falling in very heavy events (defined as the heaviest 1% of all daily events) from 1958 to 2012 for each region of the continental United States. These trends are larger than natural variations for the Northeast, Midwest, Puerto Rico, Southeast, Great Plains, and Alaska. The trends are not larger than natural variations for the Southwest, Hawaii, and the Northwest. The changes shown in this figure are calculated from the beginning and end points of the trends for 1958 to 2012. (Figure source: updated from Karl et al. 2009²¹).

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

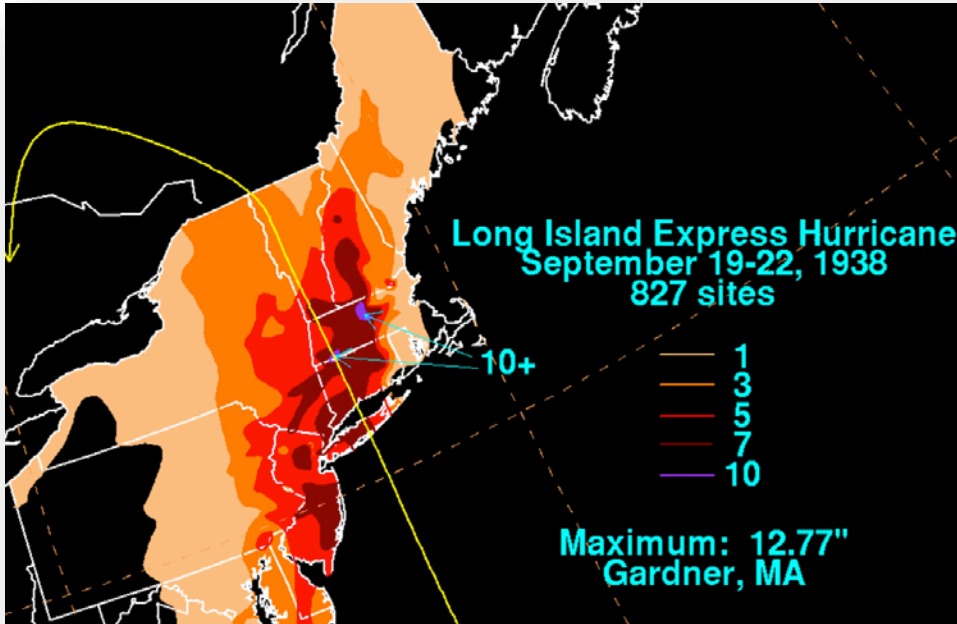
The SWPPP defines a 100-year storm as an event that produces around eight inches of rain in a 24-hour period. The diagram below represents a summation of the regional variables that define a 100 years storm for our area. This is largely based on past events and does not represent future trends due to climate change.



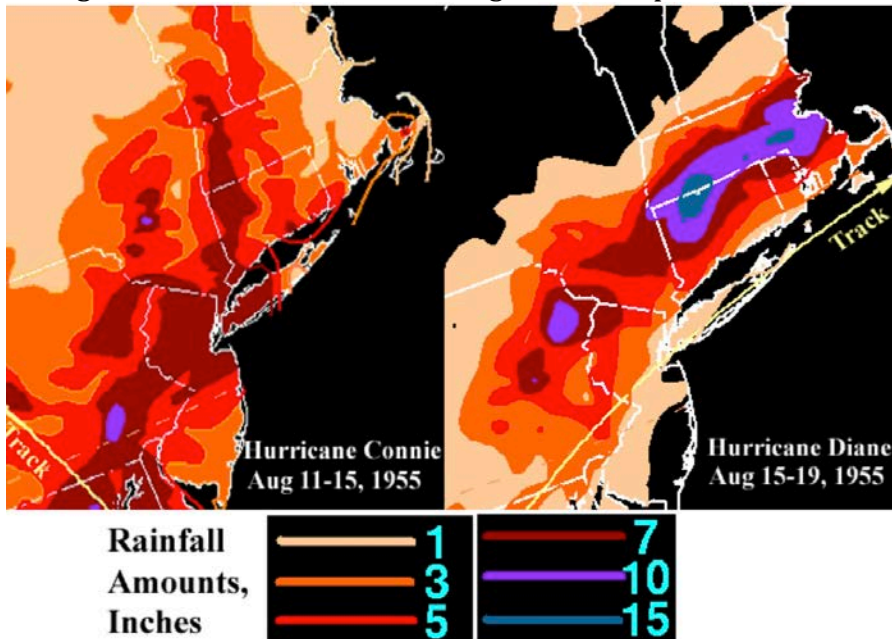
The red lines show that a storm of 3 hrs that produced 4 inches of rainfall would be considered an event with a recurrence interval of 100 years, or a “100 year storm”. This chart is for the Amenia area which is near the boundary of two sub regions.

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

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



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



The double event of Hurricane Connie and Diane would qualify as a singular event equal to a 100 year storm. The dam on Lake Amenia washed out again

and has never been rebuilt. Widespread local flooding occurred. Streamflow on the Tenmile set a record that has not been surpassed. Local flooding was widespread.



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



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



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

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

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

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

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

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

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

David Reagon, CAC Chair
23 Benson Road
Wassaic, NY 12592

LETTER 24

John Duffy Public Comment – November 14, 2014

From: Larissa DeLango [mailto:LDeLango@ameniany.gov]
Sent: Monday, November 17, 2014 11:39 AM
To: Julie Doran
Subject: FW: Silo Ridge Project

Hi Julie,
Here is another public comment from Mr. Duffy, this is his second one.

Larissa

From: Risksorter@aol.com [mailto:Risksorter@aol.com]
Sent: Friday, November 14, 2014 2:42 PM
To: Larissa DeLango
Subject: Silo Ridge Project

To: Norman Fontaine and The Town of Amenia Planning Board.

I am submitting these comments, in addition to my earlier ones (sent on 10-20-14 and appended below), in which I questioned whether or not the Planning Board has satisfactorily addressed the issue of completion bond/security for the Silo Ridge project.

In my first email, I addressed the issue on a project-wide basis, with particular attention to a news report stating that Discovery Land (DL) was foreclosed on by its lender, Comercia Bank, in connection with the Spanish Oaks project in Texas in 2010.

In other words, DL reportedly defaulted on a project loan.

I also mentioned, in that email, that, during my years as a surety credit officer, I would not have done business with any developer that had been foreclosed on by a bank.

The proper bonding of a project the magnitude of Silo Ridge is a necessity, whether or not you are dealing with a principal that has failed in a prior obligation or not. Not only do risk management principles require it but basic prudence as well.

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

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

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

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

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

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

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

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

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

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

So, how does this apply to Silo Ridge?

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

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

- If it's less than 100% bonding, on what basis is the bondable percentage being calculated?
- Is a bond for both land reclamation and water and sewer systems being required, or will they be bonded separately?
- To date, has it been the Planning Board's intention to obtain, from DL, a bond for the water and sewer system component of the project? Because, if not, I could not more strongly recommend it

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

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

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

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

The Planning Board needs to address this issue and share its findings with the public.

To do otherwise, is to assume needless -- and potentially catastrophic -- risk.

Sincerely,

John A. Duffy
23 Flint Hill Road
Amenia, New York 12501

Below is the text of my previous email, sent on 10-20-14.

To: Mr. Norman Fontaine and the Town of Amenia Planning Board
My name is John Duffy. I reside, with my wife, Maxine Paetro, at 23 Flint Hill Road in Amenia, as well as in New York.

I spent 30 years in the surety industry as an executive, credit officer and underwriting manager. My experience included performance and payment bonds; forfeiture guarantees; and structured finance guarantees.

After leaving the surety industry, I worked for 6 years as a consultant to a surety in runoff, assisting with the liquidation of their homebuilding and reclamation portfolios.

My concern with this project stems from Discovery Land's (DL) reported involvement in the Spanish Oaks residential/golf course project near Austin Texas.

In an article, dated, September, 7, 2010, statesman.com reported that the project, scheduled for completion in 2012, had been reclaimed, i.e. foreclosed on by its lender, Comercia Bank, late in 2010.

The article also reported that

- DL was the managing partner on this project.
- DL and its partners invested \$20 million in the project in 2005
- DL and its partners attributed the project's failure to the problems that befell the real estate market in 2008.
- The project ran counter to DL's "core principle" of using minimal debt to finance a project. When real estate sales plummeted, the loan could not be repaid.
- DL admitted that the project had been undercapitalized.

I've been advised that the Planning Board cannot require DL to furnish financial information on themselves or any partner or lender. But, given what occurred at Spanish Oaks, general prudence requires that the Planning Board obtain the strongest possible security at Silo Ridge.

And this security should be in the form of a surety bond or a bank letter of credit.

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

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

- Is the Planning Board even aware of the Spanish Oaks foreclosure?
- What bonding/security, if any, does Silo Ridge currently carry? What is the amount and what does it cover?
- What level of bonding/security can the Planning Board, by law, require?
- If there currently exists bonding/security, is it in the form of a performance bond; dual-obligee (lender included) completion bond; or reclamation bond? Or has a bank letter of credit (L/C) been taken? For instance, were the project to be abandoned, is there a bond or L/C to cover the reclamation of any disturbed land?
- If there is currently no bonding/security requirement, why not?

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

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

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

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

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

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

And that's one risk you don't want to bear.

Sincerely,

John A. Duffy

LETTER 25

December 18, 2014

MEMO

TO Amenia Planning Board Members

FROM: Sharon Kroeger, Wassaic Historical Agricultural Crossroads

RE: Chemicals which will be allowed on the Silo Ridge Golf Course

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

2) Now, 25 years later, your concerns when speaking with the Audubon professionals, should be different in at least three aspects: One is that you are dealing with a very steep mountainside where residue flows into both DEC protected waterways and an aquifer that provides drinking water wells to at least 75 homes in Wassaic Hamlet. Second, is that New York State has since passed a new law that deals with very careful treatment of waste water. Third, there have been changes and developments in the field of chemical pesticides, and the Federal Government is in the process of being lobbied by Dow Chemical to expand those allowed to include the use of toxins related to "Agent Orange". This controversy has not yet been resolved. It is particularly important that you question the Audubon experts so as to obtain their current list of chemical compounds which they now accept, so as to be able to decide which of these you are going to allow to be used on De Laverne Hill.

cc. Mark Doyle, Previous Chair, Comprehensive Plan Committee
George Fenn, Esq., Former Chair, Amenia Planning Board
David Reagon, Chair, Conservation Advisory Council