

Appendix C

Written Comments

Letter 1

200 Depot Hill Rd.
Amenia, N. Y. 12501
March 19, 2008

Town of Amenia Planning Board
Town Hall
36B Mechanic St
Amenia, N. Y. 12501

Re: Comments on Silo Ridge

Dear Chairman Fenn and members of the Planning Board,

A Silo Ridge may be a welcome addition to our town but in my opinion it will be too large, if built as proposed. If there were fewer houses, a smaller hotel, and more open space, other than the green of the golf course and the woods, it would be more appropriate for this area. I feel very strongly that the planned building on the loop of DeLaVergne Hill should be moved back much farther toward the Miller house, or eliminated altogether. If placed in the area where the wooden outline was constructed a few months ago, it would definitely interfere with the beauty of the scenery for drivers traveling both down and up the hill. Please don't let them compromise our view.

B

Sincerely,

Charlotte H. Murphy

RECEIVED
MAR 20 2008
cc: PB

Letter 2

To: Mr. George Fenn
Chairman
Amenia Planning Board

n/a Love of Amenia, its beautiful countryside, and respect and concern for the well-being of its citizens, require that I offer some cautions and suggestions regarding Silo Ridge's proposed development along Route 22.

In light of the current economic downturn, the failure of similar developments further south (with twice as many golfing days per year), and the failure of other proposed developments to obtain financing, careful consideration must be given to the following issues.

-
- A 1. The magnitude of this project destroys the beauty and tranquility which is intended to draw the prospective buyers, renters and golfers to Silo Ridge.
-
- B 2. While Amenia needs the jobs we hope this project might generate, we need to determine the cost and impact of the enlarged village infrastructure needed to support this greatly increased population. The number of future units at Silo Ridge, combined with the number of units proposed for Keane Stud, the Sym's project, and Westerly Ridge, will create an explosion of overgrowth. How will Amenia handle the mushrooming demands? Another vital question is, will
-
- C Amenia have enough water to supply all these additional households?
-
- D 3. If Amenia is going to enter into business with the proposed developers of Silo Ridge, we need specific and comprehensive financial and business information on this group: 1) their financing; 2) the number of development projects they have previously built, and their dates; and 3) the success rate of these projects.
-
- E 4. How does Amenia protect itself when Silo Ridge is unable to sell or rent enough of their properties to cover the increased tax load needed? What if the hotel is unable to cover its costs? Amenia could be left holding the financial bag. In addition, the countryside would be left scarred with empty or incomplete buildings. This has already happened to other developments in the past 12 months. That is why the bond is imperative in this case.
-
- F 5. Similarly, placing a building in the curve of Route 44 on Delavergne Hill destroys the beautiful view and puts another blot on our sought-after landscape. There must be another spot to place such a building which will neither disfigure our landscape nor create a serious traffic hazard.
-

Letter 2

- 2 -

The solution to the problem is twofold.

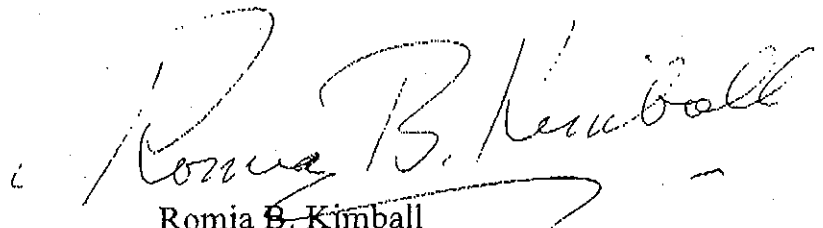
- G
1. A realistic and intelligent downsizing of this development to half to one-third of its proposed size. In the current recession this would facilitate fund-raising by Silo Ridge and also enable them to sell/rent a greater portion of their buildings. Both Silo Ridge and Amenia would therefore have a greater chance of success with the project, and the benefits to each would be realized sooner.
-
- H
2. Turn Silo Ridge into a "green" project. Green buildings and communities are all the rage now, both in the U.S. and Europe. Green projects such as the Naval Yards in Brooklyn, and hotels in San Francisco and down south, are either under construction or are already in existence. The New York Times and many other national and international publications have given excellent coverage to these projects. This is free advertising. A "green" Silo Ridge would serve as a magnet, drawing people from near and far to visit, to learn, to buy, to rent and to play golf. It would make a national name, both for Amenia and the developers.
-

n/a

With imagination and careful planning, we could create this wonderful addition to our community. It would be an example to the rest of the country. We could make it a learning center for the creation of "green" communities. We could offer weekends of lectures and tours of this trend-setting project. This would draw, entertain and delight new residents to our area. It is an exciting and achievable project.

A "green" Silo Ridge could make Amenia both profitable and proud.

Sincerely,



Romia B. Kimball
99 Bella Vista Road
Amenia, New York

3/24/08

Andrew Durbridge
37 Clark Hill
Wassaic, NY 12592

March 14, 2008

To: Town of Amenia Planning Board.
Ref: DEIS Silo Ridge application.

Dear members of the Planning Board,

Please consider the following comments in their entirety, as a matter of record pertaining to the current planning application by Silo Ridge. Firstly, let me say that I am not opposed to *appropriate* and *well planned* development at the Silo Ridge golf club. If done properly Amenia has a chance to grow and prosper, with the concomitant growth in job opportunities, and to have a fully supported Waste Water treatment facility. There are still however many questions to be explored and answered; what will be the effects of such a huge increase in traffic and the proposed mitigation, what is the planned bonding, density and viewshed mitigation, what are the actual local construction opportunities, as well as types of permanent jobs and salaries to be created? These are just some of the many issues that still require answers and assurances. I will address in more depth some of my concerns here.

While I understand that within the context of the DEIS, the applicant is not necessarily obliged to provide detailed market feasibility studies to support the viability of such a large scale project, I will suggest that, especially in this economic environment, the financial viability of the project is of prime importance to our town.

A. Given that the developers stated fiscal impact and tax revenue projections assumes a market value of the units to be significantly higher [up to 250%] greater than both the current home prices in the Town, and for the similar proposed developments in surrounding communities, surely the applicant needs to substantiate their assumptions? The SEQR process, and any subsequent approval for this development may be entirely in vain if the project is not built due to poor economic conditions. In fact the consequences of such failure might well be the wasted investment of tax payers money, time, and energy, on the part of the town, and the desecration of an historic and unique viewshed. What is the town left with if the project is only partially completed or if many of the houses remain unsold?

RECEIVED
3/17/08

A.
Cont.

The present Recession has resulted in a serious downturn in property values and a huge slump in the nation's housing sales, making this project's economic viability an important consideration for the Planning Board. In light of this, it is imperative that the Planning Board have at hand a recent, thorough, market viability study done by independent experts. Research completed in an earlier buoyant economy and paid for by the applicant may not, in my view, present an accurate and thorough picture. We all know that, even in areas with year round golfing, the countryside is littered with failed similar projects. Amenia taxpayers cannot afford a failed project of such magnitude.

At recent public hearings, speakers, experts in the field of finance and resort development, have warned that, because of current economic conditions, the probable success of this type of project has become far less favorable. In fact, at a previous public hearing, one expert, familiar with the funding of such projects, cautioned against such a project at this time.

B.

Another critical factor to be considered is that the local market for such a project includes the overlapping Carvel project just a few miles away, as well as similar projects at the former Harlem Valley Psychiatric Center, and in Hyde Park. The DEIS currently only pays lip service to the existence of the Carvel project. These projects are vitally important factors to be considered, and despite some reports, they will be marketed to a similar demographic market. These massive projects will constitute the majority of several thousand new residential units proposed within a 20 mile radius.

C.

Supporters of the project, seeing the "glass half full," say that even if the project fails the town would be left with a sewer. It is my understanding that the Silo Ridge project is building a WWTP for its own use, but that it will build increased capacity so that Amenia may connect to it. The Town will then have to assume the costs of connection, the costs of all infrastructure building, as well as the land costs. In addition, the construction and maintenance costs for at least one pump station (since the plant is so high and waste must be pumped up hill from the hamlet) will fall upon the citizens of the water district. Contrary to what some are saying, Silo Ridge is NOT about to "build Amenia a sewer". We must have at least a realistic estimate of the infrastructure cost to the Town, and the annual tax cost to the water district residents before we begin such a potentially expensive undertaking. It is only realistic to assume that if the project doesn't sell, the cost burden will become exponentially higher to the residents of the water district.

n/a

It is not sufficient to say that the supposed benefits resulting from the project will offset all or any community concerns, as has been said in the local press. The town should be assured that it will not be permitting a large scale project simply because there is a list of possible benefits to the town, which may or may not come to fruition. There is no guarantee that the benefits will eventually be provided by the developer. Answers to all questions are absolutely essential.

D.

In reading the recent independent [Hudson Group] analysis report, it is quite apparent that the applicant needs to improve the accuracy of the research and information used in making their assumptions and predictions for the project. The size and scale of this project if approved as currently proposed, would conservatively double the size of our community. Consequently, I believe that the current size and scale of the full proposed build out is too large. Some residents wish to believe that there will be a local tax windfall to follow, and might use this message to promote the approval. It is imperative that they look more closely. There are many communities who have grabbed at this same 'carrot' and failed. There is not a direct increase in local tax revenue without the required cost of an increased local budget to provide the services. Several speakers at the public hearings have pointed out that the taxes received from condominiums are also much less than those from single family houses.

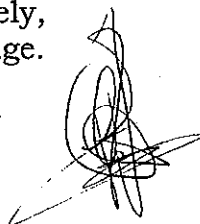
E.

Lastly, and no less importantly, any build out of this project located within the DeLaVergne 'horseshoe' area will be a visual blight, and a serious traffic and safety hazard, and should be drastically scaled back or removed from consideration.

E.
cont.
~~1/14~~

As planning board members representing town taxpayers, there is no such thing as too much scrutiny. There may be a temptation to support the applicant, when they complain about delays. There may be a tendency to yield to those who shout, "Just do it!" Please do not be pressured by either faction, our town has too much to lose if this project fails. There is no obligation to rush this. The questioners at the public hearings and the Planning Board members should be commended for their diligence and for their thoughtful questions and deliberations. Amenia has only one chance to get it right, please take the time necessary to do a thorough and careful analysis.

Yours sincerely,
Andy Durbridge.



Letter 4

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

Date: March 18, 2008

Re: Silo Ridge Development

I am a resident of the town of Amenia and respectfully take this opportunity to make some comments on the Silo Ridge Project currently before the Planning Board. My comments relate to the DEIS specifically sections 1-5, followed by some general comments.

n/a The Silo Ridge community as planned is very, very large and if completely occupied will dramatically increase the population, affect town service delivery systems, and change a recognized regional, historic view-shed. Yet, the developers claim, but which I find hard to fully believe, that it will have:

- minimal visual impact,
- no impact on roads and transportation,
- no impact on land use and zoning,
- no negative impact on community character,
- no impact on the town's water district, and
- it will be very environmentally friendly.

A. They do acknowledge, however, that there is likely to be an increase in the need for emergency services, and an increase in the school population by 128 students. They go on to say that both of these service providers will be the recipients of increases in revenue: the former by \$200,000 "to increase staff and new equipment", and the latter by \$2,140,000 (DEIS sec. 1.0-3.13-8). The town relies on volunteers for its fire and emergency departments. So how does that work? And while the school district does have the ability, at this time, to readily facilitate an increase in pupil population some parts of their annual budget, such as bus transportation, general supplies, and food service, as examples, most likely will be affected, upwards, in time.

C. Section 5 of the DEIS discusses the alternatives to the project. In my opinion, if approval is your decision, then the Traditional Neighborhood Development scenario would appear to be compatible with the town's Master Plan. However, considering the fact that the figures for revenue for the town from this project seem to be predicated on it being fully developed, it may be a scenario that never really plays out, especially as we compete with other similar developments being planned for Eastern Dutchess. Then what?

n/a The Town of Amenia can grow, there is no doubt. But is such a community within a community an integrating component of town life? Will it really be a "boon" to our economy? Will the jobs it offers really sustain an individual and/or a family? I wonder, and so should everyone.

Very truly yours,

Arlene Juliano
Arlene Juliano,
5103 Route 22,
Amenia, NY 12501

Rec'd 3/18/08
LAC

MEMORANDUM

TO: Town of Amenia Planning Board
FROM: G. A. Mudge
DATE: March 19, 2008
RE: Silo Ridge Resort Community

n/a Some have high hopes for Amenia based on the Proposal for the Silo Ridge Resort Community, but a sober assessment reveals the hard nut of the truth. The Proposal is not a winning lotto ticket. The Developer is not Santa Claus. Christmas will not come to Amenia 365 days a year if the Resort is built. Above and beyond these basics, there are very real reasons to reject the Proposal.

A 1. The Resort Will Cause a Tax Increase on Existing Property Owners. As documented by planning authority James Sheldon, "large housing developments and a growing population almost always lead to higher property taxes for all residents of a community and its surrounding school district" and "judging from development patterns in every other town in the Hudson valley, *the costs of providing education and other public services are likely to be much, much greater than the additional tax revenues received.*" (emphasis added)

A cont. The Draft Environmental Impact Statement ("DEIS") suggests otherwise, but the projections in the DEIS are based on unrealistically high prices for units in the Resort. The Report of the Hudson Group, consultants to the Planning Board, notes (a) the lack of a viable market study, (b) that the Silo Ridge prices are substantially above those proposed for comparable nearby developments and (c) that the Silo Ridge prices are substantially above recent actual sales in Amenia. Simply stated, the DEIS projections re fiscal impact are not reliable.

The hope that Silo Ridge would somehow be an exception to the general trend across the country and in the Hudson valley is wishful thinking.

The Planning Board should not approve the Resort, which will increase property taxes on existing landowners.

B 2. The Resort Will Violate the New Comprehensive Plan and Zoning Law. Much of the new Comprehensive Plan and new Zoning Law is designed to protect the open space, ridge lines, views and viewsheds within Amenia and the rural character of the Town. The proposed Resort is so large that it would ruin much of what the Comprehensive Plan and Zoning Law were designed to protect. The proposed townhouses high on the DeLaverne Hill are obvious examples.

RECEIVED
3/19/08

B.
cont. The Planning Board should not approve the Resort, which will violate the new Comprehensive Plan and new Zoning Law.

3. The Resort Is Not Realistic. The proposed Resort is simply not realistic. The downturn in the real estate market is real and possibly long-term, both across the country and in Amenia. We are in a recession. The project is unlikely to get the necessary financing. The units will not sell for the prices used in the projections of the Developer. The Report of the Hudson Group documents that the Silo Ridge units are substantially overpriced in a competitive market where supply exceeds demand.

C.
Failure to obtain financing and to proceed with construction will have a negative impact on Amenia. Approval of a "stalled project" will have a negative impact on other, more rational development which might otherwise proceed at a modest pace.

Starting the project and not finishing it would leave the Town with a terrible mess.

The risks of failure are very real, and the consequences of failure are very great.

The Planning Board should not approve the Resort, which is clearly not viable.

4. The Sewer Smells Fishy. The hope that the Town might use the Waste Water Treatment Plant of the Resort is just a hope, probably unrealistic. The feasibility and cost of the Town's using the WWTP of the Resort needs to be carefully studied. Is this realistic? What is the cost? Will it really work? How must this be structured and financed to protect the Town? These are complicated technical, legal, financial and political questions.

D.
The Developer is not Santa Claus, and Santa Claus does not give away sewer systems, even to Amenia.

The Planning Board should not approve the Resort on the false hope that the Resort will somehow solve the sewer problems facing Amenia.

5. The Developer?

E.
Who is the Developer?

What is its experience in creating golf resorts?

E.

We know that some operators are worthy and produce good work and some are less competent and produce disasters.

cont.

The totally unrealistic financial projections of the Developer in the DEIS put the competence and integrity of the Developer in serious question.

The Report of the Hudson Group clearly raises this issue.

n/a

6. I Have a Nightmare. We all have dreams for Amenia, but I have a nightmare –

- The Planning Board makes the mistake of approving the Resort.
-

- The units do not sell at the projected prices.

F.

- Many units are not sold.

- With an over supply of housing, real estate prices in Amenia continue to fall.
-

G.

- Property taxes on current landowners go up to provide services for the Resort whose property taxes do not cover the cost of services to the Resort, in part because of the clever “condo” structure of the Resort.
-

- The Resort becomes a primary home for many with children who attend the public schools, many more than projected by the DEIS.

H.

- New school construction is needed to accommodate new students from both the Resort and other development (there will be other development).

- State aid to the Webutuck School District is substantially reduced as a result of the Resort as projected by the Report of the Hudson Group.
-

I.

- Serious traffic congestion develops as a result of many more vehicles in the Resort than projected in the DEIS. While it is possible to take a train from NYC to Wassaic, it is not practical to get around Dutchess County without a car. One should assume that many units in the resort will have at least two cars.
-

J.

- New stores and restaurants appear within the village of the Resort, but not within the Town of Amenia; the village in the Resort is very active, but the Town of Amenia is not revitalized.

-
- K • The Resort destroys the views, ridge lines and rural character of a town we all love.
-
- L • The Resort becomes a "gated community," and those who live outside are outsiders (including a large number of service personnel for the Resort, and their children who will attend the public schools).
 - L • We end up with an elegant "resort community" and a subservient "town community" rather than an integrated community, which would emerge from multiple moderate development projects over time.
-
- M • It is either impractical or uneconomic to use the WWTP of the Resort to treat Town sewage,
-
- N • Other healthier development does not proceed, as it inevitably will in the absence of the Resort.
-

n/a While it might be possible to protect the Town against some elements of this nightmare through financial bonds provided by and at the expense of the Developer, it is not possible to protect the Town against all elements of the nightmare.

The Planning Board should not create this nightmare and should not approve the Resort.

I understand that you will give these comments to the Developer with the expectation that the final environmental impact statement address these concerns.

Thank you in advance for your diligence and hard work in considering these challenging issues.

G.A. Mudge

G. A. Mudge
123 Kennel Road
Wassaic, NY 12592
845.677.8342 (T)
845.677.4169 (F)
amudgemoby@aol.com

cc: James Sheldon

MEMORANDUM

TO: Town of Amenia Planning Board
FROM: G. A. Mudge
DATE: March 19, 2008
RE: Little Town Views – Statement of Principles

As we think about the proposed Silo Ridge Resort Community and other development in Amenia, the Statement of Principles on www.littletownviews.com provides a useful anchor. Attached is a copy.

The most important point:

A "... our central view, based on in-depth research and level-headed analysis, is that runaway growth of the sort proposed for many of our rural towns would lead to substantially higher property taxes, more crowded schools, less affordable housing, and little economic gain other than for the developers and builders whose high returns we, the taxpayers, would be forced to subsidize."

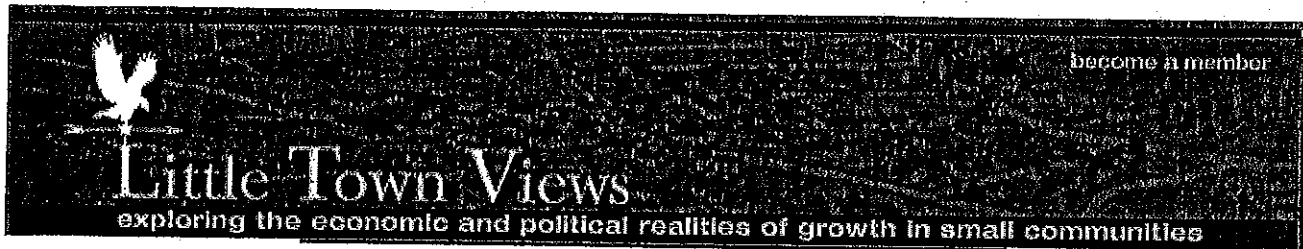
We have been fairly warned.

G. A. Mudge

G. A. Mudge
123 Kennel Road
Wassaic, NY 12592
845.677.8342 (T)
845.677.4169 (F)
amudgemoby@aol.com

cc: James Sheldon (without enclosure)

RECEIVED
3/19/08



Statement of Principles

features

[Home](#)
[Budget Scorecard](#)
[Events & Alerts](#)
[For The Record](#)
[Little Town News](#)
[Views From Gallatin](#)
[Words Worth Repeating:](#)

Search this blog:

Search

about little town views

[Statement of Principles](#)
[About James Sheldon](#)
[Public Speaking](#)
[Consulting](#)
[Member Survey](#)
[Contact James](#)



LittleTownViews.com is designed as a community catalyst and information resource dedicated to the proposition that we all have the right to live and raise our children in a small town setting.

The site is neither pro-growth nor anti-development in its vision, neither right nor left in its political leaning, neither for nor against "progress." Rather, our central view, based on in-depth research and level-headed analysis, is that runaway growth of the sort proposed for many of our rural towns would lead to substantially higher property taxes, more crowded schools, less affordable housing, and little economic gain other than for the developers and builders whose high returns we, the taxpayers, would be forced to subsidize.

The rural character and quality of life we enjoy today has great, lasting value. Indeed, it is the rural appeal of our towns that has allowed the region to post one of the strongest economic growth rates in the entire northeastern U.S. over the past five years. Only by means of effective, legally sanctioned planning tools can our government officials protect this small-town way of life to the benefit of all our neighbors whether rich or poor, native or newcomer.

Responsible government, thoughtful planning and active community involvement do not stand in the way of progress; they are essential ingredients in helping us all define what we view as progress itself.

[HOME](#) | [ABOUT THIS SITE](#) | [ABOUT JAMES](#) | [PUBLIC SPEAKING](#) | [CONSULTING](#) | [CONTACT JAMES](#)

COPYRIGHT© 2005-2006, Little Town Views, LLC. ALL RIGHTS RESERVED

MEMORANDUM

TO: Town of Amenia Planning Board
 FROM: G. A. Mudge
 DATE: March 19, 2008
 RE: Silo Ridge Resort Community – A Framework for Analysis

By separate memorandum dated March 19, 2008, I am urging you not to approve the Proposed Silo Ridge Resort Community for the reasons set forth in that memorandum.

By this memorandum, I am sharing with you the e-mail dated February 8, 2008 from James Sheldon, together with several printouts from www.littletownviews.com, the website which Mr. Sheldon runs.

Comment
A Mr. Sheldon is a well-respected planning authority. While the enclosures do not directly address the Silo Ridge Resort Community, they raise issues which must be addressed by the Town of Amenia Planning Board in assessing the proposal for the Silo Ridge Resort Community.

I hope the enclosures will be useful in your deliberations.

Thank you in advance for your diligence and hard work in considering these challenging issues.

G. A. Mudge

G. A. Mudge
 123 Kennel Road
 Wassaic, NY 12592
 845.677.8342 (T)
 845.677.4169 (F)
 amudgemoby@aol.com

cc: James Sheldon (without enclosures)

Enclosures:

Sheldon e-mail dated February 8, 2008
 Durst Watch (3): By the Numbers dated March 2, 2008
 Durst Watch (2): Meet the Family dated February 15, 2008
 Durst Watch (1): Laying the Groundwork dated February 8, 2008
 Once Upon a Time ... dated January 14, 2005
 Lessons from Our Neighbors dated May 24, 2005
 A Small Number That Will Make a Big Difference To Your Taxes dated March 9, 2006
 Battle of the Experts Begins in Durst Subdivision Review dated January 2, 2006

RECEIVED
 3/19/08

Subj: **New Website Feature: "Durst Watch"**
Date: 2/8/2008 5:26:41 PM Eastern Standard Time
From: members@littletownviews.com
To: members@littletownviews.com

Dear Members and Readers,

The largest residential subdivision in our region's history-- Douglas Durst's proposed 951-home development on the Columbia-Dutchess border-- is entering the final stages of public review and comment.

In order to highlight our concerns and galvanize civic scrutiny of the Durst plan, LittleTownViews.com will be posting several pieces in the coming months about the likely financial impacts of such rapid development and the prospects for stopping or substantially restricting the current proposal which, if approved, would propel our rural towns quickly towards the brink of suburbanization.

For starters, we will be re-posting several "Views From Gallatin" columns written over the last three years which remain pertinent to understanding the fiscal and social implications of the Durst plan. In addition we will be publishing new research findings of our own and studies from other analysts about the myths and realities of rapid growth in small towns.

Next, we will be posting the results of our detailed investigation into the Durst Organization and its development partner, Landmark Land, contrasting their rosy financial projections of an "environmentally sensitive resort community" with the hard realities of similar projects in once-rural towns and school districts.

Finally, we would like to post your own thoughtful and persuasive comments on the project, which we urge you to share in person at one of the public hearings scheduled over the coming weeks and submit in writing to the Pine Plains Town Planning Board, the lead agency charged with reviewing the subdivision. (Public hearings will take place on February 29 and March 12 at the Pine Plains High School at 7:00 pm and on March 6 at the Milan Town Hall at 5:00 pm.)

We begin our "Durst Watch" series this week at www.LittleTownViews.com with links to four columns we've published since 2005. The first lays out the basic principles for our analysis of the costs and complications of growth in small towns. The other three explore in more detail the primary cause of tax increases brought on by rapid development: the cost of educating the children from new homes who attend the local public schools.

Please let us know your thoughts on the Durst development and on what you would like to see from our efforts at Little Town Views.

Sincerely,

James Sheldon
jsheldon@LittleTownViews.com
518-789-3094



« Durst Watch (2): Meet the Family | Main

features

Home
 Budget Scorecard
 Events & Alerts
 For The Record
 Little Town News
 Views From Gallatin
 Words Worth Repeating:

Search this blog:

Search

about
little town views

Statement of Principles
 About James Sheldon
 Public Speaking
 Consulting
 Member Survey
 Contact James



other resources

Vote in Your Town
 Budget Scorecard Database
 News From the Region
 Members Mention
 Community Links
 Reference Desk

Go to the
 Resources Page >>

"Defending
 the
 right
 to live in a
 small town"

Durst Watch (3): By The Numbers

March 02, 2008

The following is a copy of a letter to the Pine Plains Town Planning Board, the lead agency charged with reviewing the potential impacts of Douglas Durst's proposed 1,000-home subdivision.

Ladies and Gentlemen of the Planning Board:

The Durst Organization has produced for you a labyrinth of numbers in its 1,500-page Environmental Impact Statement, all of which paint a glowing portrait of an environmentally sensitive, financially beneficial windfall for our rural communities.

I would like to focus your attention on ten simple, common-sense numbers which, when studied along with supporting data I will submit later, should help to convince you that the Carvel Development will not look anything like the upscale golfing resort proposed and that it could well become a financial disaster for the town, its property owners, its local businesses and the Pine Plains Central School District.

The first set of numbers concerns the claim made by Durst and his team that they have identified a market for 1,000 homes to be sold to affluent, avid golfers and resort lovers, mostly from the New York metropolitan area.

THIRTY-THREE PERCENT: The decline in the numbers of Americans who played golf at least twice a month from 2000 to 2005. In other words, overall demand for golfing and golf-oriented communities has plummeted by one-third.

THREE THOUSAND TWO HUNDRED: The number of new homes surrounding golf facilities, including the Durst application, that are currently proposed for construction within 40 miles of Pine Plains. In other words, even if there were growing demand for golf resorts, every home Durst puts on the market will likely be competing with two other very similar units only a short drive away.

SIXTY-TWO DEGREES FARENHEIT: The average high temperature, from November to March, for the six golf communities that Durst and his partner, Landmark Land, identify in their impact statement as "comparables" for Carvel. The average high temperature in winter at the other 11 resorts that Landmark is managing, but which were not included in the filings, is 68 degrees. The average high winter temperature for Pine Plains: 37 degrees. If there are truly comparable developments for what Durst is proposing, we have not seen them.

EIGHT-HUNDRED-THOUSAND DOLLARS: The median home price Durst is seeking for his 1,000 units and the basis of his calculations for property tax revenues contributed to the town and school district by the Carvel Development. The 2007 median home price in Dutchess County was \$330,000, 60% less.

ZERO: The number of development projects outside of New York City that the Durst Organization has completed. Zero is also the number of golf communities that Landmark Land has designed and built out to completion.

Faced with collapsing demand, exploding supply, no comparable projects and no proven track record, how can anyone expect that Durst will deliver an upscale golf community in a climate like ours with homes priced at two-to-three times the going rate?

If the development will not be what they claim, what might it actually look like instead? If the last 60 years of history in the Hudson Valley is any guide, these 1,000 lots, if approved, will attract middle-class families moving in from cities and suburban areas in order to find more affordable housing, quieter communities and better public schools for their children.

Unless the history of our region is about to change drastically, here then are two key numbers to highlight the impact our new neighbors could have.

ONE-POINT-THREE-FIVE: That is how many students enrolled in the nearby Arlington school district for every new house built there during the mid-1990s when the area experienced a housing boom, spurred by in-migration. It is a number that many other school administrators have described as conservative, and it is also supported by data from other fast-growing school districts in the mid-Hudson Valley. If the same enrollment ratio holds for Carvel, it will equate to 1,350 new students attending the Pine Plains public schools, or nearly double the 1,400 students enrolled in the district last year.

ONE-THOUSAND-NINE-HUNDRED DOLLARS: The

average increase in school taxes for each home in the district necessary to cover the annual deficit created by adding those 1,350 students.

I understand the community's concern that recent declines in school enrollment may continue. There is plenty of opportunity for growth that will boost enrollment. The question is how much you want, how quickly and at what cost. Doubling the student body with one subdivision over a five- or ten-year period hardly seems an attractive solution.

One last set of numbers, which shows who stands to win if this development is approved and who, along with the taxpayers, will likely be the big losers.

EIGHTY MILLION DOLLARS: The estimated profit that Douglas Durst stands to make if he were to sell the 1,000 approved lots at Carvel before putting a single shovel in the ground. You can't blame him if he concludes his resort plan is not viable and decides to sell out the unfinished building lots, but you needn't feel any sympathy for him either.

ONE-HUNDRED-AND-FIFTY-THOUSAND SQUARE FEET: A rough guess of how much retail space will be needed to meet the local shopping needs of the 2,500 or so new residents at Carvel. "Good for our local businesses," you might say. But, again if history is a decent guide, most of this new space will not be developed in the middle of town but in strip centers along Route 199. These retail centers typically attract national and regional chains like Hannaford's, CVS, Applebee's, and Ace Hardware with their strategy of under-pricing local merchants in order to drive them out of the market for good. Such a rapid increase in new homes located so far from the central hamlet will likely to put an end to Duell's Hardware, Pine Plains Pharmacy, Peck's Market and other business stalwarts of the town.

TWO HUNDRED: The total number new homes built in the ten towns of Northern Dutchess County in a strong year for housing. The Carvel proposal, in other words, will flood the market with a five-year supply of building lots that will dramatically reduce the selling prices of existing homes and raw land for miles around. If that's not a confiscation of private property rights from all of us who own property in the area, I don't know what is.

So, members of the Planning Board, these are ten numbers that suggest there could be severely negative financial impacts from the Carvel Development as currently proposed. I cannot ask you to accept my numbers as the only, or even the best, estimate of what the future will bring. But I urge you to accept them as a realistic and carefully researched financial scenario of what could indeed

Letter 7 - enclosure

happen here. And if you do accept the possibility of a financial outcome very different from what Durst predicts in his filings, then you must take steps to ensure that the town is not left holding the bag if his estimates prove to be wildly optimistic.

You can and should request that Mr. Durst put his money where his mouth is by posting a bond large enough to mitigate the financial impacts on the town and the school district should his resort community in fact turn out to be just another sprawling subdivision of new families whose demands for public services will far exceed their property tax payments.

You can and should insist that if he is going to take such huge profits out of your town, he does not do so at the expense of the town's property owners and businesses. Restrict the number of lots and houses he can sell in a given year. Make him pay for new fire trucks, highway equipment and school buildings should the need arise. Make him provide affordable housing for qualified town residents. Make him help revitalize local businesses in the hamlet. In short, make him mitigate the potentially dire impacts of his development so that whatever you approve on the Carvel property is consistent with the goals set out in your town's Comprehensive Plan.

No one can ask you to stop development in the town, only to anticipate and mitigate potential problems so that the worst case scenario does not become a reality.

Sincerely,

James Sheldon
Gallatin, NY

[read full story >>](#)

Posted by jsheldon@littletownviews.com | [Permalink >>](#) | [Comments \(1\)](#)

COMMENTS

Mr. Sheldon: I have been following your website for over a year now. Your insights and research about the untouted impacts of megadevelopment in a rural setting have great relevancy for a development in my neck of the woods, Tupper Lake in the Adirondacks. You can read about our fight Upstate (really Upstate) to conserve the Small Town charm of our dying timber town by visiting TupperLakeLandOwners.com. We could use a few more realistic thinkers like you up here.

Jack Delahanty
Tupper Lake, NY

Posted by: Jack Delahanty | [March 2, 2008 09:12 PM](#)

POST A COMMENT

(If you haven't left a comment here before, you may need to be approved by the site owner before your comment will appear. Until then, it won't appear on the entry. Thanks for waiting.)

Name:

Email Address:

URL:

☐ Remember personal info?

Comments: (you may use HTML tags for style)

[Preview](#)[Post](#)

[HOME](#) | [ABOUT THIS SITE](#) | [ABOUT JAMES](#) | [PUBLIC SPEAKING](#) | [CONSULTING](#) | [CONTACT JAMES](#)

COPYRIGHT© 2005, JAMES SHELDON. ALL RIGHTS RESERVED



features

- Home
- Budget Scorecard
- Events & Alerts
- For The Record
- Little Town News
- Views From Gallatin
- Words Worth Repeating:

Search this blog:

Search

about little town views

- Statement of Principles
- About James Sheldon
- Public Speaking
- Consulting
- Member Survey
- Contact James



« Durst Watch (1): Laying The Groundwork | Main | Durst Watch (3): By The Numbers »

Durst Watch (2): Meet the Family

February 15, 2008

In a recent blitzkrieg of mailings to our homes, the Durst Organization extols the glories of its past accomplishments, the smiling family at its helm and the "environmental" virtues of its proposed Carvel development. But the glossy brochures, which offer a slew of misleading environmental claims and wildly inaccurate financial projections, neglect to tell us anything about the key players overseeing the project, their motivations or their track record in guiding comparable developments.

One of the mass mailings invites us as "dear neighbors" to "meet the Durst family," and in this and future postings we hope to get to know the Dursts, not their soothing, sepia-toned portraits gracing the brochures, but their capabilities, their character and their business strategy.

Our first link, [Dear Mr. Durst](#), is a letter we wrote to the company's CEO in 2005 asking him to explain why "a man of your environmental vision, tremendous wealth and civic generosity" would stake his reputation on a development whose likely legacy will be to "turn our rural way of life into the next front line of suburban sprawl." The letter remains unanswered, as do the questions it raised, leaving us little choice but to assume that this man with a personal fortune estimated at over \$2 billion simply wants to pocket another \$100 million or more at our expense.

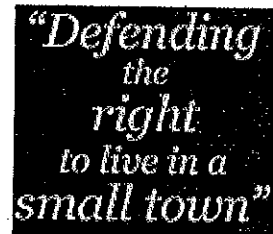
There is another member of the Durst "family," one who has been omitted from any mention in the brochures: Durst's primary planning, construction and marketing partner, the Landmark Land Company, which we profile in a [summary of our own research](#), based on publicly available sources. Landmark, the reincarnation of a bankrupt savings & loan, appears to have plenty of experience in real estate speculation but virtually none in developing from scratch a project of this scale in a snow-belt region.

Also included in the Landmark report is a brief outline of the U.S. golfing industry, which raises further questions about Mr. Durst's

other resources

- Vote in Your Town
- Budget Scorecard Database
- News From the Region
- Members Mention
- Community Links
- Reference Desk

Go to the
Resources Page >>



ability, or his intention, to market the Carvel development as an upscale, second-home golfing resort.

We end this installment of our "Durst Watch" with a letter from the Dutchess County Department of Planning and Development which takes the Durst team to task for the "disturbing incongruity" between the environmentally sensitive wonderland described in their public filings and the destructive, sprawling behemoth they are asking for approval to build. "Clearly," the county's letter states, "many portions of what is being proposed is not green development, but 'greenwash.'"

[read full story >>](#)

Posted by jsheldon@littletownviews.com | [Permalink >>](#) | [Comments \(1\)](#)

COMMENTS

Thank you James for publicly pursuing the facts on this development. I found the presentation on the 6th dismaying.

As a LEED-certified architect and weekend resident for almost 20 years, I find the Durst family's efforts to greenwash this project using their track record in Manhattan high-rise development offensive.

Furthermore, regarding Landmark Land Company I can add the following from personal experience:

I spent my childhood summers on my grandparent's farm in Upper Marlboro, Maryland. Then a sleepy rural landscape outside Washington DC, it has given way --in the space of one generation -- to one of our nation's densest, most faceless suburbs. Landmark Land Company, The Durst Organization's partner at the Carvel Property proudly advertises their role in that transformation as co-owners of Lake Presidential Golf Club in Upper Marlboro, where 1,680 houses and 720 multi-family units are being built, all couched in much the same language put forth to support the Carvel project.

Nobody -- not the Durst family, not Landmark Land Company and its shareholders, not the residents of this area and their children -- really needs 900+ undistinguished new houses around a 27-hole golf course in exchange for the area's character. We can all go to Upper Marlboro, Maryland for that.

Posted by: Edward Tuck | [February 15, 2008 04:59 PM](#)

POST A COMMENT

(If you haven't left a comment here before, you may need to be approved by the site owner before your comment will appear. Until then, it won't appear on the entry. Thanks for waiting.)

Name:

Email Address:

URL:

☐ Remember personal info?

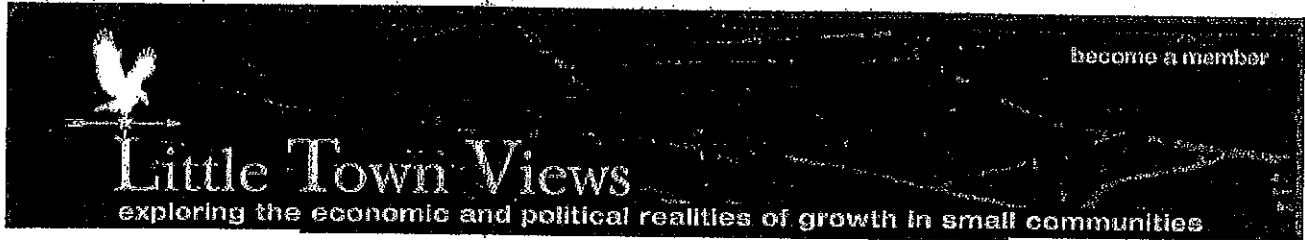
Comments: (you may use HTML tags for style)

Preview

Post

[HOME](#) | [ABOUT THIS SITE](#) | [ABOUT JAMES](#) | [PUBLIC SPEAKING](#) | [CONSULTING](#) | [CONTACT JAMES](#)

COPYRIGHT© 2005, JAMES SHELDON. ALL RIGHTS RESERVED



features

Home
Budget Scorecard
Events & Alerts
For The Record
Little Town News
Views From Gallatin
Words Worth Repeating:

Search this blog:

Search

about little town views

Statement of Principles
About James Sheldon
Public Speaking
Consulting
Member Survey
Contact James

DSM Forum

« County Budgets: Dual Perils Ahead | Main | Durst Watch (2): Meet the Family »

Durst Watch (1): Laying The Groundwork February 08, 2008

We begin our "Durst Watch" series with [links](#) to four columns we've published since 2005. The first lays out the basic principles for our analysis of the costs and complications of growth in small towns. The other three explore in more detail the primary cause of tax increases brought on by rapid development: the cost of educating children from the new homes who attend the local public schools.

Our first piece on the costs of growth, a 2005 column entitled [Once Upon A Time...](#), raises the central questions that residents of Pine Plains and neighboring towns must grapple with in order to make informed decisions on the Durst proposal. The next column, [Lessons From Our Neighbors](#), draws on our own extensive research into the nearby Dutchess County school district of Arlington, which provides a compelling precedent for estimating the size of the school tax burden the Durst developers will likely leave behind as their most lasting financial legacy. [A Small Number](#) refutes the assumptions in the Durst team's own analysis of the project's impact on school taxes. Finally, [Battle of the Experts](#) tries to cut through the contentious data dueling and underscore the irrefutable fact that "judging from development patterns in every other town in the Hudson valley, the costs of providing education and other public services are likely to be much, much greater than the additional tax revenues received."

[read full story >>](#)

Posted by jsheldon@littletownviews.com | [Permalink >>](#) | [Comments \(0\)](#)

POST A COMMENT

(If you haven't left a comment here before, you may need to be approved by the site owner before your comment will appear. Until then, it won't appear on the entry. Thanks for waiting.)

Name:

Email Address:

other resources

Vote in Your Town
Budget Scorecard Database
News From the Region
Members Mention
Community Links
Reference Desk

[Go to the Resources Page >>](#)

*"Defending
the
right
to live in a
small town"*

URL:

☐ Remember personal info?

Comments: (you may use HTML tags for style)

Preview

Post

[HOME](#) | [ABOUT THIS SITE](#) | [ABOUT JAMES](#) | [PUBLIC SPEAKING](#) | [CONSULTING](#) | [CONTACT JAMES](#)

COPYRIGHT© 2005, JAMES SHELDON. ALL RIGHTS RESERVED



features

Home
Budget Scorecard
Events & Alerts
For The Record
Little Town News
Views From Gallatin
Words Worth Repeating:

Search this blog:

Search

about little town views

Statement of Principles
About James Sheldon
Public Speaking
Consulting
Member Survey
Contact James



« It's Cheaper To Keep Her | Main | Affording Affordable Housing »

Once Upon A Time...

January 14, 2005

Once upon a time, in a quiet storybook town very much like our own, citizens awoke one morning to a shock: seemingly overnight, the town's population had doubled, everyone's property tax bills had tripled, school classrooms were jammed to capacity, and many long-time residents could not afford to buy or rent a home anywhere in town.

This storybook town is not in some far off sprawling suburb, but right down the road on the Dutchess-Columbia border. And its tale of reckoning is not set in the distant future, but, very possibly, within the next five or six years. The town is Pine Plains—not as it stands today, but as it could be if current proposals to more than double the number of homes in the town are approved without substantial municipal efforts to moderate such explosive growth.

As trends elsewhere in the region and the nation suggest, large housing developments and a growing population almost always lead to higher property taxes for all residents of a community and its surrounding school district, which in Pine Plain's case includes a large chunk of southern Columbia County. If the Pine Plains Planning Board does approve even a fraction of the 1,300 homes currently under review, it is not a question of whether town and school taxes will rise and but when and by how much.

"Everywhere we go, towns tell us, 'We need to bring in more residences to build up our tax base.' But that's not usually what happens," said Nan Stolzenburg whose firm, Community Planning and Environmental Associates, is a lead consultant to the Pine Plains Planning Board.

"It's too early to say," Ms. Stolzenburg added, what the impact will be on taxpayers from the four major proposals now facing the Planning Board: the 975-unit Carvel country club development, the 285-home Village Green subdivision on Route 83, the 49-apartment senior citizen complex on Route 199, and a 40-house project on Lake Road.

other resources

Vote in Your Town
Budget Scorecard Database
News From the Region
Members Mention
Community Links
Reference Desk

Go to the
Resources Page >>

*"Defending
the
right
to live in a
small town"*

Town and school officials have voiced concern over possible tax increases, but they have deferred taking any action until they receive later this year the so-called "fiscal impact" studies, prepared by the developers' consultants, which aim to analyze the financial effects of their projects on schools, roads, fire, police and other public services.

"We need to get a lot more information on what the economic impact will be and what we can do to mitigate it," said Town Supervisor Gregg Pulver, who noted that the Carvel development alone is ten times larger than the biggest subdivision the town has ever approved before.

"If the Planning Board is unhappy, they can say no," Mr. Pulver said. "But there's a lot of legwork to be done first."

The financial studies, along with "environmental impact statements," are also designed to spark public debate on which, if any, measures should be taken to scale back the proposed subdivisions or to require the developers themselves to cover some of the resulting public costs.

As these studies emerge in the months ahead, this column will try to analyze the sources of higher costs likely to face local taxpayers. We will also examine planning strategies used elsewhere to reduce the public cost of rapid development.

Some of the issues we hope to address include:

School Taxes: Accounting for two-thirds of a typical property tax bill, school costs are highly sensitive to new residential development. Based on trends in other Dutchess towns, an influx of 1,300 new homes in Pine Plains would almost double the current enrollment of the school district, requiring major investments in new school buildings, buses and staff. Though no official cost estimates yet exist, the resulting deficit could easily lead to a more than two-fold increase in school taxes for every house in the district.

The actual deficit may well be much less, but how much less is open to debate. If the Carvel developers, for instance, sell houses only to weekenders, and all at high prices, the school district could gain in net tax revenues, but it would also lose much of its state aid, which last year covered \$6 million of the total \$19 million school budget. And, as Supervisor Pulver pointed out, "Second homes one day become primary homes."

The Pine Plains School Board "has been talking and thinking about the issue," said Chairwoman Sara Doar, noting that the board has

discussed the need for a demographic study to better understand the budgetary effects of enrollment from new developments.

Public Safety: Doubling the town's population could more than double the cost of providing adequate road, fire, police and other services. A recent study for the Town of Rhinebeck concludes that converting the current all-volunteer fire department to a "partially paid" squad, manned mainly by volunteers with some professionals, would quadruple the current tax levy on all homes served.

Public Works: Maintaining roads, water and sewage systems comprise the largest part of a town's annual budget. The underlying issue seems to be that even if developers build the roads and systems, will the town be obliged to maintain them and at what cost?

Among possible responses to the concerns outlined above, future columns will address:

Impact Fees: In many states, municipalities have required developers to pay for the increased costs for public services.

Transfer Taxes: Some towns and counties charge a special tax on home sales, which is earmarked for preserving open space and funding other strategies that can reduce the fiscal impact of residential development.

Purchase of Development Rights: With funds supplied, in part, by town taxpayers, these "PDR" programs can save a lot of money. A recent bond issued by Red Hook to purchase potential housing sites could over time save \$5 for every \$1 invested.

Threshold Moratorium: A few counties in Maryland have laws that halt home building once demands on the current public infrastructure reach capacity. Before lifting the moratorium, the county and developers must agree on how to finance the additional services needed to meet future growth.

Affordable Housing: Sadly, most communities attracting rapid development find that home prices are pushed beyond the reach of many native residents. In addition to providing direct incentives to developers of lower-cost homes, some states and towns require developers to set aside a certain portion of their subdivision for "affordable" housing. Efforts now underway in the towns of Copake and North East to supply affordable housing will be the topic of next month's column.

[read full story >>](#)

Posted by jsheldon@littletownviews.com | [Permalink >>](#) | [Comments \(0\)](#)

POST A COMMENT

(If you haven't left a comment here before, you may need to be approved by the site owner before your comment will appear. Until then, it won't appear on the entry. Thanks for waiting.)

Name:

Email Address:

URL:

☐ Remember personal info?

Comments: (you may use HTML tags for style)

Preview

Post

[HOME](#) | [ABOUT THIS SITE](#) | [ABOUT JAMES](#) | [PUBLIC SPEAKING](#) | [CONSULTING](#) | [CONTACT JAMES](#)

COPYRIGHT © 2005, JAMES SHELDON. ALL RIGHTS RESERVED



features

- Home
- Budget Scorecard
- Events & Alerts
- For The Record
- Little Town News
- Views From Gallatin
- Words Worth Repeating:

Search this blog:

Search

about little town views

- Statement of Principles
- About James Sheldon
- Public Speaking
- Consulting
- Member Survey
- Contact James



« A Question of Appearances | Main | The Pace of Growth »

Lessons From Our Neighbors

May 24, 2005

At Arlington High School, the classrooms were cropping up everywhere. On the stage of the auditorium, in the art studio, in what once had been home to a thriving music program. After lunch, the cafeteria doubled as a gymnasium because the gym was divided up to house four classrooms. Class sizes, once 20 to 25 students, topped 30. There was gridlock in the hallways. Tempers flared. Teachers were unhappy. Administrators were over-stretched. Everyone was on edge.

It took three years before the Arlington Central School District in mid-Dutchess County managed to relieve the over-crowding by completing a major expansion of its high school, at a cost of \$38 million. Two years later, faced with similar disruptions at jam-packed middle and elementary schools, the district board asked voters to approve a \$44 million bond to build two new schools. The new buildings, which opened last fall, have solved the crowding in younger grades with room to spare. But back at the high school, classrooms are once again brimming to capacity, and the district is once again reviewing its options for expansion.

This portrait from Arlington is a familiar one to many school districts that have been forced to absorb rapidly rising enrollments caused by widespread housing development that swept through much of Dutchess County and the mid-Hudson Valley in the 1990s.

With the development wave quickly moving north, school boards in the smaller, rural districts serving Columbia and northern Dutchess towns are faced with similar and, probably, much more severe challenges. How well these elected boards manage to predict and regulate the impact of growth will determine whether their schools can maintain their current educational standards and at what cost to district taxpayers.

In the Pine Plains Central School District, which includes nine northern Dutchess and southern Columbia towns, developers are seeking approvals to build more than 1,300 new houses. Judging by comparable trends in Arlington and elsewhere, if 1,000 homes

other resources

- Vote in Your Town
- Budget Scorecard Database
- News From the Region
- Members Mention
- Community Links
- Reference Desk

Go to the
Resources Page >>

*"Defending
the
right
to live in a
small town"*

were built over a five-year period, they would add 1,350 new students to the district, nearly doubling the current enrollment of 1,400.

Beyond the stress and overcrowding in the classrooms, the financial cost of accommodating such a large influx of new students would, in five years time, increase the current annual school levy to existing tax payers by 75%, according to a preliminary analysis by this columnist.

Pine Plains school taxes for the coming year are budgeted at \$13 million. Research indicates that the addition of another 1,000 homes would, in five years time, create an additional deficit of \$11.5 million, or a gap of \$11,500 between the cost of educating kids from each new house and the tax revenues that each house contributes to the school district. The higher costs would be shared by all taxpayers in the district, including the new residents, but the vast majority—more than 80%, according to U.S. Census data-- would fall on today's property owners.

Taxpayers will also suffer from the rising cost of educating the current student body, a bill which experts expect will continue to increase at 8% annually. Faced with the dual burden of cost inflation and 1,350 new students, the average homeowner today would see his school taxes more than double in five years, the preliminary research indicates.

Asked to comment on these estimates, Superintendent of Schools Linda Kaumeyer replied, "The Pine Plains Central School District cannot endorse any (research) model that is not commissioned by the Pine Plains Board of Education."

Ms. Kaumeyer added that the board is looking to launch demographic studies and other research that will help the district estimate the potential costs and disruptions posed by the new subdivisions.

Could the burden of 1,000 new homes prove less damaging to the schools and the taxpayers who support them? Possibly. The developers who aim to build 975 homes on the 2,000-acre Carvel estate in Pine Plains claim that the houses will be sold to upscale weekenders whose children will not be attending local schools. But several experienced realtors are skeptical, suggesting there is little demand for the Carvel plan from weekenders. Instead, they see plenty of appetite for mid-priced, full-time homes from suburban New York families looking for cheaper housing, quieter surroundings and solid public schools-- the same package that has drawn thousands of similar families to Arlington and other nearby districts over the past 15 years.

What else can local school boards do to prepare for the possibility, if not the probability, that the housing market may deliver a huge and expensive crop of new students in the coming years?

"One of the things we can do is become an informed partner in the subdivision review process," said Susan von Reusner, a member of the Red Hook School Board, which has taken an active and formal role in advising town planning boards in the district how to quantify and cope with the costs of rapid growth.

Among other steps, Red Hook officials have explored zoning policies that would delay excessive development until the school district and the town can provide the facilities and public services needed to absorb the increased population. Similar approaches to "phasing in" development, which have worked successfully in Maryland, Massachusetts and other states, will be the topic of a future column.

[read full story >>](#)

Posted by jsheldon@littletownviews.com | [Permalink >>](#) | [Comments \(0\)](#)

POST A COMMENT

(If you haven't left a comment here before, you may need to be approved by the site owner before your comment will appear. Until then, it won't appear on the entry. Thanks for waiting.)

Name:

Email Address:

URL:

☐ Remember personal info?

Comments: (you may use HTML tags for style)

[Preview](#) [Post](#)

[HOME](#) | [ABOUT THIS SITE](#) | [ABOUT JAMES](#) | [PUBLIC SPEAKING](#) | [CONSULTING](#) | [CONTACT JAMES](#)

COPYRIGHT© 2005, JAMES SHELDON. ALL RIGHTS RESERVED



features

Home
Budget Scorecard
Events & Alerts
For The Record
Little Town News
Views From Gallatin
Words Worth Repeating:

Search this blog:

Search

about little town views

Statement of Principles
About James Sheldon
Public Speaking
Consulting
Member Survey
Contact James

RSVP

« Words Worth Repeating: | Main | The Case for Development »

A Small Number That Will Make A Big Difference To Your Taxes

March 09, 2006

As applications to build thousands of new homes crowd the desks of planning boards in our rural towns, planners and citizens alike are beginning the tricky task of estimating how much these subdivisions are likely to raise our property taxes to pay for the new schools, roads and other public services their future residents would require.

Much of the debate over forecasting the impact of development on our taxes can be boiled down to a single number: how many children from each of the new proposed homes will enroll in our public schools. With school taxes accounting for more than two-thirds of most property tax bills, and with ample evidence that each new home contributes far less in tax revenues than it absorbs in costly public services, the number of additional school students per newly built home-- the "enrollment ratio"-- is one of the keys to predicting the financial impact of development.

How the enrollment ratio is calculated, and on what key assumptions it is based, should be the focus of great attention by our town planning officials as they review the onslaught of new subdivisions now before them.

For example, there are currently three different "fiscal impact" studies making their way to the Pine Plains Town Planning Board, where developers have proposed doubling the town's current housing stock of some 1,200 homes. These studies typically base their enrollment forecasts on the flawed assumption that the families moving into new subdivisions in a predominantly rural setting will mirror the population profile of the people now living in crowded suburbs to the south.

The most defective approach to forecasting enrollment ratios can be found in what the Durst Organization has introduced to support its proposal for 951 new building lots on the former Carvel estate that straddles the towns of Pine Plains and Milan in northern Dutchess County. In their preliminary Environmental Impact

other resources

Vote In Your Town
Budget Scorecard Database
News From the Region
Members Mention
Community Links
Reference Desk

Go to the
Resources Page >>

*"Defending
the
right
to live in a
small town"*

Statement (EIS), Durst's consultants claim that the demographic composition of the Carvel development, if it is inhabited by full-time residents, will mirror the combined population traits of three suburban counties: Dutchess, Putnam and Westchester.

Drawing on 2000 U.S. Census data for the three counties, Durst estimates that 22% of the homes will be owned by people older than 65, that only 34% of the Carvel homeowners will have school-aged children, and that the additional enrollment in the Pine Plains school district, which now educates 1,400 students, would be 399 new kids, or roughly 0.4 students for each of the 951 new houses.

Under Durst's spurious logic of mirroring multi-county averages, we would also expect 12% of Carvel's future residents to be African-American, another 20% to speak a foreign language at home, 4% to have mental disabilities and about 7% to be illegal immigrants, according to U.S. Census data on the three counties in question. (Durst's representatives have refused to comment on the details of their study until an official period of public comment begins later this year.)

A second study, commissioned by the Pine Plains Central School District, uses the same three-county starting point as Durst, but it assumes that almost all of the 951 houses will attract families with school-aged children. The Carvel development, according to this report, would send 634 new students to the school district, an enrollment ratio of about 0.7.

A third analysis is also underway, sponsored by Pine Plains United, a citizens' group concerned about the financial and environmental damage to the region from large-scale development. It is not clear whether this study, due for release in the spring, will use a similar multi-county averaging to estimate enrollment or whether it will adopt a method that many seasoned planners claim may be more reliable.

This method acknowledges that people who move to new homes in rural school districts tend, on average, to have very different demographic traits from the city and suburban neighbors they chose to leave behind. By tracking historic enrollment ratios from school districts that have experienced rapid residential development, this approach may provide a more revealing estimate of the trends that schools in our region can expect in the coming years.

Research conducted by this columnist on the Arlington School District, just 20 miles south of Pine Plains, indicates that during a housing boom that swept through the district in the mid-1990s the enrollment ratio was 1.3 students for each new house built, a much higher figure than multi-county averaging methods

suggest. (For details, see the "Views From Gallatin" column entitled Lessons From Our Neighbors.)

Relatively small variations in the enrollment ratio can have a huge influence on our future property taxes. An analysis of various school districts in our region suggests that if the Arlington trends repeat themselves in Pine Plains, annual school taxes for existing property owners will rise by more than \$10 million once the Carvel build out is complete. If the enrollment ratio at Carvel is only 0.7, the additional costs which current taxpayers will have to bear would be about \$3 million each year.

"We should not be focused only on the number itself, which is hard to predict," said Pine Plains School Board member Henry Boehringer. "We should be focused on how best to protect the school district from being overwhelmed by an influx of new students by making sure we have the staff and the facilities to meet their needs before our towns create too many building lots."

With so many variables involved in predicting demographic trends and their effects on our taxes, town officials would be wise to take Mr. Boehringer's comments to heart and consider various ways to slow down the pace of growth so they can monitor its fiscal impact before issuing blanket approvals that cannot be reversed. (One promising approach to phasing in growth is detailed in the "Views From Gallatin" column entitled The Pace of Growth.)

[read full story >>](#)

Posted by jsheldon@littletownviews.com | [Permalink >>](#) | [Comments \(2\)](#)

COMMENTS

Fascinating analysis; wish you could look at the Hudson City School District. The public schools here have lost 15% of their enrollment while property taxes have skyrocketed. Connection there?

--peter m.

Posted by: Peter Meyer | [March 9, 2006 10:31 AM](#)

My experience with this issue as a professional planner for 25 years is that these studies are all guesswork, using either unreliable "rear-view mirror" trend analysis or comparisons with other places which make untestable assumptions that may or may not be valid. There is no way to reliably predict the # of students per new household, and even if the initial predictions turn out, by luck, to be valid, there's no way to predict what will happen when homes are resold to new owners. The only correlation I've observed is that those school districts that have reputations as being very good, such as Arlington, tend to be magnets for families with school-age children, while inferior school districts

are less likely to attract more students. But even that pattern breaks down in places where the family housing pressures are very strong and families are just looking for an affordable place to live. The type of home and layout also may have an effect, as homes in tightly clustered traditional neighborhood developments (TNDs) with small lots and multi-family units tend to attract more empty-nesters and young people without children, whereas houses on large lots with big yards tend to attract more families with children. Finally, I've seen excellent school districts that have declining enrollments because the community is aging, prices are increasing, and the housing stock has become unaffordable to most families with children.

Posted by: Joel Russell | [March 12, 2006 06:09 PM](#)

POST A COMMENT

(If you haven't left a comment here before, you may need to be approved by the site owner before your comment will appear. Until then, it won't appear on the entry. Thanks for waiting.)

Name:

Email Address:

URL:

☐ Remember personal info?

Comments: (you may use HTML tags for style)

[Preview](#)

[Post](#)

[HOME](#) | [ABOUT THIS SITE](#) | [ABOUT JAMES](#) | [PUBLIC SPEAKING](#) | [CONSULTING](#) | [CONTACT JAMES](#)

COPYRIGHT© 2005, JAMES SHELDON. ALL RIGHTS RESERVED



features

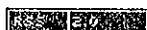
- Home
- Budget Scorecard
- Events & Alerts
- For The Record
- Little Town News
- Views From Gallatin
- Words Worth Repeating:

Search this blog:

Search

about little town views

- Statement of Principles
- About James Sheldon
- Public Speaking
- Consulting
- Member Survey
- Contact James



« Smoke And Mirrors
In Reporting Local Budgets | Main | Local Columnist Launches
Land Use Website »

Battle of the Experts Begins In Durst Subdivision Review

January 02, 2006

A debate is brewing which, though very technical in nature, seeks to answer a question that will largely determine the future of Pine Plains and many neighboring towns: how will the 951-home Carvel subdivision now under review affect property taxes and the financial well-being of the town and surrounding school district?

Well-trained and expensive consulting teams-- one hired by the town and one by the developer-- are already dueling about how best to study the question in an exercise that is nothing short of forecasting the future profile and behavior of the thousands of new residents who would inhabit the homes on the former Carvel estate and more than double the population of the town.

In a recent memo to the Pine Plains Town Planning Board, the town's consultants write that "we cannot accept any of the findings" of the developer's "terribly flawed" preliminary study, which claims that the subdivision, proposed by Manhattan billionaire and real estate scion Douglas Durst, will actually reduce town and school taxes by some \$4 million per year.

As the Durst group addresses what the town's experts call "critical errors" in their analysis, we will revisit key aspects of the debate, such as the number of students the development is likely to add to the public school system and how current assessment practices limit the amount of school taxes the new homeowners would likely pay.

We will also refine our own initial analysis, which indicates that adding 951 new homes will increase school taxes alone to existing taxpayers by more than \$10 million per year. (See the "Views From Gallatin" column from May, 2005 entitled "Lessons From Our Neighbors.")

In the meantime, it is important not to lose sight of the paramount issue at hand. The planning board is not being asked to approve a

other resources

- Vote in Your Town
- Budget Scorecard Database
- News From the Region
- Members Mention
- Community Links
- Reference Desk

Go to the
Resources Page >>

*"Defending
the
right
to live in a
small town"*

high-end golf resort that, as the Dursts envision it, will attract buyers willing to pay an average of \$640,000 per home with little interest in sending their children to the public schools. Rather, the board is being asked to approve the creation of 951 building lots, which, once created, can be sold to anyone at any price the market allows regardless of the additional demands the buyers make on public education and other services.

The planning board's consultants may not be able to predict with precision what kind of buyers will emerge for the homes, how many school-aged children they will have, or how much it will cost to staff the fire, police and highway departments needed to serve them. But they do need to acknowledge that, judging from development patterns in every other town in the Hudson valley, the costs of providing those services are likely to be much, much greater than the additional tax revenues received.

The board members themselves need to understand that if their consultants underestimate the net new costs by too wide a margin, their approval of the Durst plan will deprive the town and the school district of the sound financial footing they enjoy now and that they have every right to deserve in the future.

[read full story >>](#)

Posted by jsheldon@littletownviews.com | [Permalink >>](#) | [Comments \(0\)](#)

POST A COMMENT

(If you haven't left a comment here before, you may need to be approved by the site owner before your comment will appear. Until then, it won't appear on the entry. Thanks for waiting.)

Name:

Email Address:

URL:

☐ Remember personal info?

Comments: (you may use HTML tags for style)

[Preview](#) [Post](#)

Letter 7 -enclosure

[HOME](#) | [ABOUT THIS SITE](#) | [ABOUT JAMES](#) | [PUBLIC SPEAKING](#) | [CONSULTING](#) | [CONTACT JAMES](#)

COPYRIGHT© 2005, JAMES SHELDON. ALL RIGHTS RESERVED

Lana Anguin

From: AMY [peacesearcher@optonline.net]
Sent: Monday, March 10, 2008 11:08 AM
To: Lana Anguin
Subject: AMY THOMPSON

Hello,
I could not find any e-mail addresses on the Planning board site to send anything in reference to the Silo Ridge meeting. Please forward. THANKS!

A I have been in Amenia for over 20 years. I listen to the words that the town will have to pay for the Sewage System if we do not allow Silo Ridge to do this project. Well, I do not believe this. I do believe that it is the Town's responsibility to uncover every avenue to help the town in any way they can with every issue. I do believe that it will NOT cost the town millions if the town was to BUY a piece of property and apply for the GRANTS that are out there for the Sewage System! Please request and obtain the facts before approving anything as massive as this project. We have a Grant Writer!!!
The Facts are that this town will not benefit in the long run with this project! Thank You. AMY THOMPSON

RECEIVED
3/10/08 CKD

3/10/2008

Letter 9

Town of Amenia Planning Board
Amenia Town Hall
Mechanic Street
Amenia, NY 12501

n/a Dear Town of Amenia Planning Board:

A. I have tried to keep current with the application of the Silo Ridge County Club concerning their expansion project. It appears to me, from what I've read, that we as a town should do everything we can to encourage and promote this application. What Silo offers us with this proposed expansion, (besides a free sewer plant) is a chance for the town to prosper and grow correctly in the right direction, with the right type of high-end development, a development that requires little service for it's high tax revenue.

B. I've lived in Amenia since 1969, raised 7 children and have been in business here, since 1983. Only 2 of my children were able to stay in Amenia, although they do commute out of town to work. Besides the tax benefits, it would be nice to see another large employer base in town.

The Planning Board has a difficult job, but I'm confident it will see the overwhelming benefits greatly outweigh the few critical unsubstantiated comments.

n/a I encourage the Town of Amenia Planning Board, and Town board to work aggressively with Silo Ridge to promote this project, and make it a reality that will benefit all of Amenia.

Sincerely,
Joseph Ducillo Jr.



RECEIVED
03/08/03

cc: Pl. Brd
T. Brd.

George Fenn
Chair
Town of Amenia Planning Board
Amenia, NY 12501

Dear Mr. Fenn,

I write this letter in support of the proposed Silo Ridge Resort Community. This is an ambitious project, and one of historical impact. As such, a proposal to create a hotel and series of homes in one of the most scenic parts of eastern New York State is a serious matter that deserves close scrutiny.

n/a
In addition to the easy positives such as economic growth, improvements to the tax base, and improvements to Town infrastructure, there are some concerns, such as the impact on flora and fauna, as well as the viewshed. Additionally, there are concerns that such development could have unintended effects on the community from population shifts.

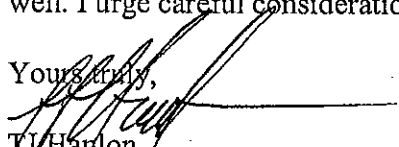
Development will come to Amenia; She cannot remain the bucolic farmland that was her earlier history. The question before us is, how can the growth be managed in such a way as to protect the character of our Town and our historic way of life? How can we look at this opportunity as way to improve the economic climate of the area, and at the same time protect the vital resources that that drew the Resort Community to here in the first place?

A.
The Silo Ridge Resort Community looks forward with a close watch on the impact it will have. I am confident that the SEQRA was written with care, and with an eye to the necessary details at issue here. The viewshed has been looked after, with little or no impact from DeLaverge Hill or State Route 22. Great care has been taken to ensure the safety and health of groundwater, as well as the impact on flood control. The plan takes into account the impact on wetlands, and takes measures to protect amphibians. Sufficient groundwater resources exist so that other homes should not be left high or dry.

B.
The economic benefits will be diverse. Not only will the Resort itself be a steady source of income to the workers that operate it, and to the Town, but the increased burden on services such as the schools and highways should be well offset by the increased income. Local businesses that struggle will see a much needed influx of cash.

n/a
All together, this is a great opportunity that should benefit not just us, but our children as well. I urge careful consideration and support for this project.

Yours truly,


TJ Harlan
52 Folan Rd
P.O. Box 98
Amenia, NY 12501
(845) 373-7020

received
3/6/08 CR

cc: Pl. Brd

Letter 11

10/11/08 10:00 AM

received

1/28/08 LAC

EMILY RUTGERS FULLER
255 PERRY'S CORNERS RD.
AMENIA, NEW YORK 12501

January 25, 2008

Town of Amenia Planning Board
P.O. Box 126
Amenia, New York 12501

Re: Silo Ridge Development

Ladies & Gentlemen:

n/a
As a property owner and landscape artist at the above address, this letter is to raise my deep concern about the upcoming planned development of the Silo Ridge property.

The lead architect, Robert A M Stern is well known and designs work that is aesthetically pleasing. However, it is my opinion that this development will bring much higher taxes, more traffic congestion, and air pollution to Amenia.

A.
What I object to is the number of condo units, and hotel rooms in this project. The number is just too many for the area. **The project should be a third of the size it is currently planned for now to make it a positive addition to the town.**

B.
The historic view south from the top of de la Vergne Hill on Rt. 44 is of great significance as a view shed. The fact that this view would be blocked with the placement of the winery is not in the best interests of the Town. The winery should be tucked into the property the developers are purchasing to the north where it can't be seen from the road.

n/a
It is my hope that the Planning Board will make the developers scale down the project by a third and carefully work to assure the Town's best interest so that our citizens will be left holding the financial tag in taxes, crowding, pollution, and services for these developers who are motivated solely by profit.

Sincerely yours,

Emily R. Fuller

Emily R. Fuller

ORIGINAL

cc: PB 1/28/08

Letter 12

P O Box 188
Amenia, NY 12501

November 26, 2007

George Fenn, Chairman
Planning Board
Town of Amenia
Town hall
Mechanic Street
Amenia, NY 12501

for distribution to Planning Board members

CC: Janet Reagon, Supervisor
Amenia Town Board

for distribution to Town Board members

Dear Mr. Fenn and members of the Planning Board:

This letter is a written public comment on the Silo Ridge DEIS.

The DEIS is a formidable document. Its level of detail is beyond all but experts in the field, and the amount of time needed to read it critically -- not to skim it, but to read it with pencil in hand, marking notes and questions in the margins -- is certainly beyond me, and I expect beyond most of the other citizens of our town as well.

n/a
I read that the development company hopes to build 300-some residential units for sale. A rough calculation suggests that they expect a payout, or gross sale income, of something like \$ 150 million.

Even though the name "Millbrook" may be on the document, let me suggest that no one embarking on a project of this size does so with local financing. The money comes from folks who will never set foot in Amenia, and may not even know where Amenia is. It is not disrespectful of them to say that they are not interested in the future of our town. They are interested in the future of their invested money, which as businessmen and managers of their shareholders' interests they should be.

You Planning Board members are dedicated volunteers, and I thank you for your service. But you must know that a project of this size may singlehandedly determine the future of our town, even if it succeeds: 300-plus new families, 400 or so new shoppers, maybe 400 new cars, who can guess how many new school children: who can accurately predict who will choose to live in an attractive, *relatively* affordable community two hours by reliable commuter train

CC: PB 1/28/08 @

pg.1

RECEIVED
TOWN OF AMENIA

Letter 12

from Grand Central? Silo Ridge hired consultants can spin the rosiest scenario, but we have to live with (and pay for) what goes down.

n/a And if it fails as an investment -- the real estate market is not anywhere so bullish as it was when this project was proposed and financed -- it could ruin our town's prospects, and property values, for a decade or more. And further, you must know that none of you has the expertise and the time (several of you have either one or the other) to look at this proposal as closely as you need to, considering that the future of our town depends on it.

I am writing to say that the stakes in letting this project misfire are terrifyingly high. Let me propose two simple, relatively cheap safeguards to help protect us from the greatest risks we face:

A. 1) Insist that an outside consultant review the DEIS proposal to give a "reality check" on the assumptions it is based on and verify the projections. Some of the assumptions in the DEIS -- how many units can be sold at the projected price, for example -- depend on trends in the real estate market. Someone (or some firm) knowledgeable about the real estate business as well as planning, engineering, and environmental considerations should be engaged to tell us how much of a risk the developer is taking.

I suppose that such a study might cost no more than \$10,000. The developer could easily bear this cost. Those on our Town Boards who love to calculate percentages will note that this cost is less than SEVEN HUNDRETHS of 1 per cent of the anticipated gross income. Way less than ATM fees. For a family that makes 40,000 a year, about the cost of a video rental.

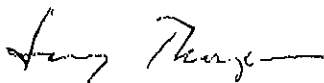
The developer and Planning Board could agree on the consultant. Our town could extend public comment period until this report is available, a couple of months probably.

B. 2) Insist that the project be built in several progressive stages. That way, if the whole thing fails to fly we will be left with only a small amount of wreckage, and not a Titanic-scale disaster.

The USA is full of golf courses which have been bull-dozed to make room for new housing. We don't need to be bullied by a bottom-feeder who may buy a bankrupt development at a bargain price and then try to set his own terms.

Please consider these two suggestions, which will cost little but may save us much grief in the future.

Respectfully,



Jerry Thompson

pg. 2

February 27, 2008

To: Amenia Planning Board/ Chairman George Fenn

Re: Silo Ridge Project

To Whom It May Concern:

I am writing concerning the Silo Ridge development. I am for the project and feel that it's benefits would be favorable and positive for the community.

The town needs to grow and the Silo Ridge Project could be just what is needed to fuel its economy and allow its local businesses to prosper.

Our families have lived and been taxpayers in Amenia for over fifty years. We feel the Silo Ridge Project will ease the tax burden and enhance productivity for the future generations of this town to enjoy.

Sincerely,

Jeffrey Kain

Adam Kain

Joseph L. Kain

Gerard Kain

Brandon K.

Ann Kain

Forrest McBrearty

Margaret Zataris

Nicholas Laritree, Erin Lawless

RECEIVED
FEB 28 2008

Letter 14

November 30, 2007

Planning Board
Amenia NY

Dear Board Members,

My comments below are in reference to the Nov. 17, 2007 meeting held at Silo Ridge concerning the planned development of the land in and around the present golf course.

- n/a
- (1) Those who spoke at the meeting had grave concerns about the many aspects of this project. The questions and concerns of Mr. T. Flexner and that of Mr. Benardete sums up the question concerning the viability of the project and how the Town of Amenia residents could see a negative impact if this project is approved.
- (2) My business experience is to always ask the question "What If"
The following is what I believe Millbrook Ventures may have said as quoted in some of the local newspapers.

A. (a) That the town taxes would go down.
WHAT IF the taxes go up. Where is the supporting data that the taxes will go down.

B. (b) That there would be 220 full time equivalent jobs. Did they mean 440 part time jobs?
WHAT IF they are mostly all low paying part time jobs.

C. (c) That the town would realize a \$ 2,000,000 benefit if they connect to Silos wastewater treatment facility.
WHAT IF the data used to come up with that benefit was incorrect and that the actual cost was substantially less. What if the figure was inflated in order to influence the residents of Amenia concerning their opinion of the project. What if we don't get detail specifications and cost to build lift stations and all the connections required.

D. (d) That 1200 construction workers would be needed for 4 years.
WHAT IF the workers are transported from other states, as happens in many of these large projects, to work here at Silo. How will the Town be affected by short term residents.

E. (3) My own concerns of WHAT IF are as follows:
WHAT IF the golf course, after numerous home sales have taken place, is reduced to 9 holes eliminating the other 9 holes in order to build more homes. Myrtle Beach S.C. recently experienced this when 12 courses were closed in order to build more homes.

CC:PB 1/28/08 @

RECEIVED
1/29/08cc: Pl. Brd
T Brd.

pg. 1

Letter 14

f. WHAT IF our fire and rescue and ambulance services has to be expanded.
Will we need a police force.

G. WHAT IF the Silo residents demand from our town official more , bigger and better
services then our small town neighbors could afford thru tax increases.
Silo residents will have a large block of voters.

H. WHAT IF potential business locations in town are turned into apartments to house
construction workers that will be building Silo for the next 5-10 years.
The same applies to the possible 440 part time on going Silo workers.

I. WHAT IF workers migrating to this area become a burden on the
school system and health services.

Had this project been proposed in a viable location such as 30 miles South, East or West of
Amenia it most likely would be successful.

Amenia is not the place for this project.

I ask that the board give Silo what ever they are legally allowed and nothing more. I also ask the
board to reject Silos offer to connect to their waste water treatment facility.

The greed of Silo executives to attempt to build on DeLavergne Hill at the location of the famous
view area is a bad sign.

Sincerely



William J. Burke

5 Mygatt Road
Amenia, N.Y.

Letter 15

176 Leedsville Rd.
Amenia, NY 12501
January 29, 2008

Amenia Planning Board
PO Box 126
36B Mechanic St.
Amenia, NY 12501

Planning Board Members:

My comments about the Silo Ridge proposal and the DEIS are as follows:

n/a
Having been a member of the CPIC plan committee, I know the large amount of time we spent in proposing the Resort Development Overlay District (RDO) and the planning tools that are a part of that overlay. We specifically had Silo Ridge in mind when the overlay district was being planned. It was with that plan we gave tools to deal with visual, scenic, utilities, roads, open space, water, septic, traffic, emergency services, school impact, and other concerns. If properly planned, and I think the planning committee is doing a good job in that effort, I believe the proposed development will be an asset to the town in many ways.

My concern is if objection to this proposal delay or stop this plan from taking place the following could be the result:

-
- A. • Instead of grouping the number of planned houses on that property, in time, the same number of homes will be spread over the town leading to approximately 250-300 individual wells, driveways, and septic systems.
-
- B. • Families in the spread out homes will require transportation over town, county and state roads into the village for services and normal shopping needs. Some of this requirement could be met with scheduled public transportation from the Silo Ridge site to town and or the train station. This service would not be feasible in a spread out format.
-
- C. • Some of the tools that are given in the RDO as part of a clustering plan are not available in normal ZBA guidelines for individual plots such as clustering, posturing of homes on a site plan, demanding that homes be visually situated to avoid scenic view objections and other considerations.
-
- D. • The sewage treatment plant alone in the Silo Ridge proposal has so many benefits to the town which would not be captured in a spread out format.
-
- E. • The economic impact of the clustered housing at Silo Ridge as well as the hotel will support many jobs as well as establishing Amenia as a travel/resort destination similar to those in Vermont, New Hampshire, and Maine. This is the first positive economic impact to the town since the decline of dairy farming which was the main economic source for many years.
-

Letter 15

f.

I urge you to continue your efforts to achieve the best plans for the proposed Silo Ridge development. Absent any major negative environmental or economic impact, I support the plans at Silo Ridge as a viable positive impact for our town.

Sincerely,


Rudolph Eschbach

received
1/29/08 14

pg. 2

THE MILLERTON NEWS

EDITORIAL PAGE B1

THURSDAY, OCTOBER 11, 2007

Amenia view is remarkable — let's save it

A

When you think of America, what do you think of as its most unique situation, its greatest asset? I think the five-mile view down the Harlem Valley from DeLaVergne Hill is so outstanding.

Now there are plans to sacrifice that area, which up until now has remained so little changed. Silo

Ridge plans to put a 400-unit residential development there. Assuming that each unit has an average of three bedrooms, with an average of three people per unit who have a total average of two cars, that would amount to an additional 1,200 people and 800 cars to the hamlet. That excludes the people who would

stay at the proposed 120-room hotel (which could potentially expand to 300 rooms, according to Silo Ridge developers).

This has the potential to greatly impact the population of all of America, including Smithfield, Wassaucott and South America. There are other large tracts of land that could be used for a large development if America wants to expand that way.

B.

A.
cont.

If you agree that America should not surrender its best asset — the rare landscape view that still exists — all for a development that promises much financial adjusting by the community, then write or talk to the Planning Board or other officials. Tell them not to approve such a development.

Amenia

Arlouine Wu

Arlouine Wu

RECEIVED
R1014164

by hand
delivery


Letter 17



Amenia Town Board,

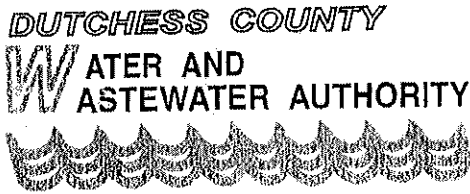
This letter is pertaining to the Silo Ridge public hearing. We at
Amenia Fish and Game, are working with Silo Ridge to find a new
location for us. As of yet, we have not and may not find a suitable
location. We would like the town board to please bear in mind that if you
grant Silo Ridge permits to move forward, that we have been told that it
is illegal to grant them a permit that makes us nonconforming. So we
feel any permits issued should be kept in mind that we may always be
there. We would appreciate it that anything you do would not affect us at
Amenia Fish and Game. Thank you very much.

Sincerely


Gerard Quirk

CC: T. Board
G. Fenn
L. Anguin.

11/15/07
CR



Letter 18

INVOLVED VS. INTERESTED?

27 High St. 2nd Floor
Poughkeepsie
New York 12601
(845)486-3601
Fax (845)486-3610
dcwwa@co.dutchess.ny.us
www.dutchessny.gov

November 16, 2007

Mr. George Fenn, Chairman
Town of Amenia Planning Board
PO Box 126
Amenia, NY 12501

Authority Board Members

Thomas LeGrand
Chairperson

Daniel J. McCabe
Vice-Chairperson

Samuel Bartholomew
Secretary

Vincent DiMaso
Treasurer

Ex officio Members

David Foord, Executive Director
Environmental Management Council

Ed Hoxsie, District Manager
Soil and Water Conservation District

Roger P. Akeley, Commissioner
D. C. Dept. of Planning & Development

Staff

Scott G. Chase
Executive Director

Bridget Barclay
Deputy Director

Re: DEIS for proposed Silo Ridge Resort Community project

Dear Mr. Fenn:

I am writing to you today to provide comments on the October 2007 Draft Environmental Impact Statement (DEIS) prepared for the proposed Silo Ridge Resort Community to be located in the Town of Amenia adjacent to NYS Route 22 and US Route 44.

In that the Dutchess County Water and Wastewater Authority ("Authority") is under contract with the Town of Amenia ("Town") to help fund the cost of a Map, Plan and Report for the possible creation of a sewer district in the Hamlet of Amenia, we feel it appropriate to comment on the aforementioned DEIS, but to limit our comments to those sections pertaining to the proposed Silo Ridge Wastewater Treatment Plant ("WWTP") and its potential role in the operations of the future Amenia Hamlet sewer district.

DEIS Section 3.14 Utilities – Wastewater

In late 2006, the Silo Ridge developer (a.k.a. Higher Ground/Millbrook Ventures) presented a concept to the Town's Wastewater Committee whereby the developer would construct a wastewater treatment facility that would include expansion capacity for the future Amenia Hamlet Sewer District. The developer later enhanced that proposal in their May 29, 2007 letter to Town of Amenia Supervisor Janet Reagon by indicating that the Silo Ridge "wastewater treatment facility could be initially constructed so as to include the expansion capacity, thereby alleviating the need for the Hamlet to recoup the wastewater treatment facility expansion costs, currently estimated to be in the range of \$2 million, through the sewer assessments to be paid by the residents of the Hamlet. The only cost that the residents would have to bear, under this scenario, would be the costs of the conveyancing system itself.... We believe that this proposal offers the best opportunity to the residents of the Hamlet and at the same time allows us to realize significant cost savings during the initial construction of the facility by adding the expanded capacity to the facility right from the outset (as opposed to constructing the expansion in a later date.)"

According to Town Supervisor Reagon, the Silo Ridge developer has not rescinded their May 29, 2007 offer to build a new Silo Ridge WWTP that would include treatment capacity adequate for the projected needs of the future Hamlet sewer district. However, the aforementioned DEIS makes no reference to this additional treatment capacity being included in the WWTP's initial construction, design or projected wastewater flows. Rather, the DEIS states under section 3.14.2 (Potential Impacts) that "a new on-site wastewater collection and treatment system will be designed and constructed to accommodate flow from the proposed development." According to Table 3.14-1 that follows this statement in the DEIS, the project's total average daily flow at full build-out will be about 219,020 gallons per a day (gpd).

(continued)

RECEIVED
11/21/07

CC: Pl. Bld.
T. Bld. CR.

pg. 1

A.
cont.

Mr. George Fenn, Chairman
Town of Amenia Planning Board
Silo Ridge Resort Community DEIS
November 16, 2007
Page two

However, this calculation does not factor in the significant daily flow that is anticipated from the future Amenia Hamlet Sewer District. If the Silo Ridge WWTP is being designed and built from the outset with sufficient treatment capacity for the future Amenia Hamlet Sewer District already included, then this additional flow should be so noted in the Projected Wastewater Flows illustrated by Table 3.14-1 and elsewhere in the DEIS as part of the total design flow for the proposed Silo Ridge WWTP.

In addition, the requested discharge limit for the NYS DEC SPDES permit for this proposed Silo Ridge WWTP should not only be based upon the project's total average daily flow at full build-out (219,000 gpd), but should also factor in the average daily flow anticipated for the future Amenia Hamlet Sewer District. (We defer to the Town's engineer to furnish any specific flow data that may be projected for the Hamlet.)

A.
cont. Finally, on page 3.14-5 of this section on wastewater treatment, the DEIS states, "Discussions with the Town indicate that all foreseeable expansions would approximately double the capacity of the WWTP to nearly 400,000 gpd over several years. The Town would be responsible for this future expansion. The flow rate of 219,000 gpd identified above represents what is required to service only the Silo Ridge development." Again, what has been stated in the DEIS is at variance with the developer's May 2007 proposal to the Town which had included constructing treatment capacity in the proposed Silo Ridge WWTP to handle the anticipated flows from the future Amenia Hamlet Sewer District with such treatment capacity being provided at no cost to the Town or its residents.

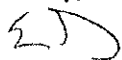
The Silo Ridge developer should clarify whether their May 29, 2007 offer to the Town to build a new Silo Ridge WWTP that would include, at no cost to the Town or its residents, treatment capacity adequate for the projected needs of the future Hamlet sewer district, remains valid or not. If the offer is no longer valid, it would be appropriate for the Silo Ridge developer to communicate that immediately to the Town and to the Authority so that public funds are not further expended on preparing a map, plan and report for a future Hamlet sewer district that may not then have a viable means of wastewater treatment.

Otherwise, it would be in the public interest for this DEIS to clearly state that the proposed Silo Ridge WWTP would be built from the onset with sufficient treatment capacity to handle the intended flow from the future Amenia Hamlet Sewer District and that as a result, said flow from the future Hamlet Sewer District's collection system would then likely be conveyed to the new Silo Ridge WWTP via a direct pipe connection.

B. **SEQR Wastewater Concept (DEIS Appendix 9.8)** – On page 14 (section 4.2.1) of this Appendix to the DEIS, it states that, "The Town of Amenia is considering construction of a community WWTP along Route 22, just east of the Silo Ridge property. However, this concept is not fully developed, has not yet received public approval or funding, and may progress on an unpredictable schedule." This statement in the DEIS is inaccurate and misleading as it presents a concept for the potential siting of a WWTP that the Town's Wastewater Committee has not seriously considered since 2005, following the defeat of a public referendum on the Town's proposed purchase of land for this and other municipal purposes. The proposed construction of a community WWTP along Route 22, just east of the Silo Ridge property, by either the Town or the Authority, is not currently a practical alternative for off-site treatment of wastewater from the Silo Ridge project, nor is it a realistic option for the immediate future.

Thank you for the opportunity to comment on this matter.

Sincerely,



Edward J. Mills III
Project Facilitator

Dutchess

Dutchess County Public Works

William R. Steinhilber
County Executive

Highway Systems Management Divisions

Charles E. Traver
Acting Commissioner
Director of
Construction and
Maintenance

Gregory V. Bentley, P.E.
Director of Engineering

626 Dutchess Turnpike
Poughkeepsie
New York
12603

C.M. Div. (845) 486-2900
Fax (845) 486-2920
Eng. Div. (845) 486-2925
Fax (845) 486-2940



October 29, 2007

George Fenn, Chairman
Town of Amenia Planning Board
36 Mechanic Street
Amenia, NY 12501

RE: SILO RIDGE RESORT COMMUNITY NYS ROUTE 44 AND NYS ROUTE 22 TOWN OF AMENIA, DUTCHESS COUNTY

Dear Mr. Fenn:

This office has reviewed the material for the proposed Silo Ridge Resort Community transmitted by The Chazon Companies via cover letter dated October 11, 2007. This office has a concern about the findings of the Traffic Impact Study conducted for the project. In the analysis of the Route 22/Lake Amenia Road/Dunn Road intersection, it appears that the proposed action will result in a decrease in Level of Service (LOS) for Dunn Road westbound traffic under all peak times studied. It is apparent that the westbound traffic on Dunn Road at this intersection is originating from northbound County Route 81 (Old Route 22) a few hundred feet to the east. Vehicles must negotiate a left turn from CR 81 onto Dunn Road at a severely skewed intersection with poor geometric alignment.

As this intersection will be subject to additional traffic as a result of the proposed action, the CR 81/Dunn Road intersection should be evaluated for safety and capacity. Safety enhancements of the CR 81/Dunn Road intersection should be proposed and implemented as necessary by the applicant to prevent a decrease in the safety or LOS of this intersection. This office will review proposed safety improvements as necessary.

Please call this office at (845) 486-2925 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Balkind".

Robert Balkind, P.E.
Assistant Director of Engineering

Is

Letter 19

TB 5-

CAC 1

ZA 1

M. HAYES, ESQ.

File

LA 10/31
2007

RECEIVED
10/31/07 CR

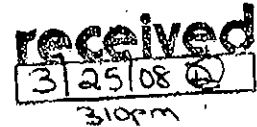
Letter 20



Housatonic Valley Association
Protecting Your Backyard
www.hvatoday.org

In Connecticut and New York
180 Kent Road
P.O. Box 28
Cornwall Bridge, CT 06754
860-672-6678

In Massachusetts
1838 Pleasant Street
P.O. Box 251
South Lee, MA 01260
413-394-9796



March 25, 2008

Mr. George Fenn, Chairman
Town of Amenia Planning Board
P.O. Box 126 / 36B Mechanic Street
Amenia, NY 12501

RE: Draft Environmental Impact Statement, Silo Ridge Resort Community

Dear Mr. Fenn:

HVA BACKGROUND

n/a
The Housatonic Valley Association (HVA), founded in 1941 is the oldest non-profit watershed conservation organization 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, which includes the Ten Mile River watershed in New York. Our work in surface and groundwater protection issues is extensive.

HVA reviewed the Draft Environmental Impact Statement (DEIS) prepared for this project and offers the following comments and recommendations for your consideration.

ENVIRONMENTAL CONSEQUENCES

HVA believes that the (DEIS) fails to adequately document the potential environmental and community impacts of the proposed project. Obviously, a major project such as this will have impacts which cannot be avoided, minimized or entirely mitigated. HVA believes the DEIS could be improved in terms of characterizing, quantifying or substantiating potential impacts.

Air Quality

A. In the Description of the Proposed Action, Page 2-19, the applicant states that 483,000 cubic yards of cut and 596,000 cubic yards of fill will be required to construct the project. There will also be a need for 156,000 cubic yards of cut and 43,000 cubic yards of fill to construct the golf course. Although the applicant states that all materials will be utilized on the site, the project calls for massive amounts of earth to be moved around the site. The capacity of commonly used dump trucks is generally 14 cubic yards. So, for example, to move 483,000 cubic yards of excavated material around the site 34,500 truck-trips will be needed. The emissions from the earth-moving machinery may have a significant impact on the air quality in the Route 22 valley. There is no discussion of air quality impacts during construction

A. Cont. and/or operational phases from excavation or truck traffic activities. What will be impacts from such motor vehicle operations on levels of carbon monoxide, nitrogen oxides, volatile organic compounds, ozone, particulates and sulphur oxides? In what air quality control region is the project located, and is this area currently attaining air quality standards?

Groundwater Resources

B. There are documented groundwater resources beneath the property, however, little mention is made of how construction and operational activities may affect nearby residents and businesses which rely on these resources for their drinking water needs.

Stormwater Runoff

C. HVA is concerned that the proposed storm-water management system may not be adequately designed to protect the un-named tributary of Wassiac Creek which parallels Route 22 directly adjacent to the proposed project. The drawings submitted for review are incomplete and do not provide the information needed to review and assess the stormwater management controls for the project. The only stormwater information on the drawings is proposed detention ponds. The features not present include, but are not limited to catch basins, piping, vortexnic or other devices to capture sediment, measures to capture and manage flow from the steep slopes the new roads for houses would require, level spreaders, and designs for the drainage ponds. The depth of the existing water table and depth to ledge are critical factors in a pond design. The applicant has provided text to describe control measures and the calculations for each but none of those structures are located on any of the plans, making a thorough assessment impossible.

D. Additionally, the construction phasing drawings do not adequately show sedimentation and erosion control plans. They should include, at a minimum, planned start and completion dates for each phase of the project, including time in days, design criteria, a planned maintenance program, and identification of other possible local, state and federal permits required. There are no locations for sediment stockpiles, silt fences, hay bales, protected locations for vehicle and material storage, refueling locations or temporary sedimentation basins. This information is critically important in order to review this project. We also believe that a watershed analysis should have been conducted to determine the area of contribution for stormwater runoff before the stormwater management plan was designed.

Wastewater Treatment

E. According to the information shared with the Town and the public, the applicant proposed that a wastewater treatment plant would be constructed which had the capacity to accept the sewage from the Amenia sewer service district. The Town Wastewater Committee has invested considerable time and funds to complete an engineering study which would allow the town to pump sewage to the project's wastewater treatment plant. The application only proposes a plant with the capacity to handle sewage from the development. The applicant should coordinate planning with the Town of Amenia to ensure that, going forward, the Town is able to plan for its needs.

F. HVA applauds the applicant for designing a wastewater system that would utilize treated effluent for on-site irrigation. However, we are not certain that the pond designated to accept the outflow is of sufficient size to handle the effluent from a full build-out. We ask that the applicant provide detailed information about how the wastewater treatment system would work.

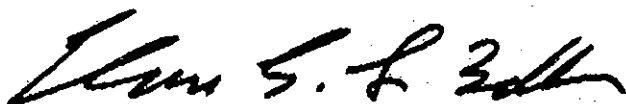
CONCLUSION

Letter 20

6 HVA believes that all of the potential impacts have yet to be identified or quantified. Additionally, there is little, if any, meaningful discussion of indirect and cumulative impacts. HVA believes the letter and spirit of the State Environmental Quality Review Act (SEQRA) regulations can only be met if the (DEIS) contains a clear explanation of the reasons why the preferred action will not have a significant impact, and which factors were weighed most heavily in the determination. It is not clear in this document what the reasons are that warrant such a finding.

HVA appreciates the opportunity to comment on this project.

Sincerely,



Elaine E. LaBella
Director of Land Protection

New York State Department of Environmental Conservation**Division of Environmental Permits, Region 3**

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3000 • FAX: (845) 255-3042

Website: www.dec.ny.govAlexander B. Grannis
Commissioner

January 14, 2008

The Chazen Companies
Attn: Eva Billeci
21 Fox Street
Poughkeepsie, NY 12601

RE: Silo Ridge Resort Community
Town of Amenia, Dutchess Co.
NYS DEC Permit Application No. 3-1320-00069/00006
Notice of Incomplete Application

Dear Ms. Billeci:

On September 27, 2007, a meeting was conducted at NYS Department of Environmental Conservation (DEC) Region 3 headquarters to discuss the above referenced project. As a result of this meeting, DEC issued a correspondence on October 10, 2007 (copy enclosed) indicating the various issues of the DEC as well as the additional information that will be required to determine if the proposed project will meet permit issuance standards. On October 12, 2007, DEC received the Draft Environmental Impact Statement (DEIS) which was accepted for public review by the Town of Amenia October 4, 2007. Based upon review of the DEIS, it appears that these issues were not addressed. The Final EIS (FEIS) would be the appropriate document to address these issues. By copy we are advising the Town Planning Board of our position that the FEIS should address these items.

As previously stated, DEC staff will also require a site visit to review the proposed outfall location and potential alternative locations as well as inspect the regulated wetland and stream. The application will remain incomplete until the requested items have been addressed. Please also be aware that to date, the DEC has not received the "Silo Ridge Aquifer Pumping Test Report" which is required as part of the Water Supply Application and review. Please also be aware that the project sponsor will also be required to submit a Water Supply Application (Supplement WS-1) and a Water Conservation Program Form (WCPF). Both documents are enclosed and can be downloaded from our website at www.dec.ny.gov. If you have any comments or questions, please contact me at (845) 256-3050.

Sincerely,

John W. Petronella

Division of Environmental Permits
Region 3

cc: H. Gierloff, DEC
T. Rudolf, P.E., DEC
P. Ferracane, DEC
Dutchess County Dept. of Health, w/encl
T. of Amenia Planning Board, w/encl
P. Romano, P.E., Chazen
B. Beal, Chazen
M. Dignacco, Millbrook Ventures
T. Wright, Delaware Engineering

Amenia Planning Board
Town Hall
March 25, 2008

Dear Chairman Fenn and Members:

n/a Thank you for all of the countless hours you have spent in meetings and reviewing the Silo Ridge DEIS document on you own personal time. This continues to be a monumental effort, and you all have devoted much to see it to its completion.

A. Please review carefully the project's plans for DeLavernne Hill. We can all speak and write of the unique view shed it provides. We see how nature formed the valley in which we live. We see artists and photographers attempting to preserve the view. There are other places for a winery, townhouses, parking lots, but there is no other view quite like that. Sacred? Maybe. Let's ask Silo Ridge to consider other alternatives.

b. It is wonderful that Silo Ridge will build a wastewater treatment facility large enough to someday accommodate the town's needs. We need to know the eventual cost to the wastewater district. Where will the district's pumping station be built? What are the added costs to the town residents for pumping waste uphill to the treatment plant? Nothing will be "free". I am in the wastewater district and desperately want to see a wastewater treatment facility built. There are many, many questions to be answered. The current Wastewater Committee has been working for years. I hope their knowledge can be of use.

n/a I know there is much pressure to quickly approve this project. Silo Ridge is eager to move forward, and I think the residents of the Town are, too. A project of this scale needs a long, hard look at the DEIS. Please take the time to do a thorough and careful study of everything presented to you.

Thank you again for all of your hard work.

Sincerely,
Sue Gregory
10 Depot Hill Rd
Amenia

Letter 23

March 7, 2008

To: Amenia Planning Board

RE: Silo Ridge Country Club

I am a resident of Wassaic, New York, which is the hamlet of Amenia. I attended the meeting held at the golf course this past Wednesday, March 5, 2008. I, along with my husband Alex Reda, am very much in favor of the expansion of the club. We see it as a positive step forward in building Amenia as long as this project will preserve the natural beauty of the valley. This project will further expand the town in the business, community, and recreational sector of development which we inevitably need. This is a win win situation. If we do not allow this project to happen, Amenia will never be able to move forward and be a pleasurable and profitable town to live in.

Sincerely,



Donna Reda

cc: Pl. brd.

RECEIVED
3/10/08 CKD

Letter 24

3 March 2008

Town of Amenia Planning Board

We are writing this letter to voice our support for the development proposed by Silo Ridge. We are very excited at the prospect of Silo Ridge bringing jobs, industry, beauty, and needed accommodations into Amenia.

We have listened for months as Silo Ridge has navigated their way through the necessary steps in order to fulfill their goal of establishing a truly amazing and wonderful resort! They have been asked to adjust, move, re-draw, re-submit, conduct additional studies, fly balloons, and erect frames. They have consistently responded affirmatively to all requests and immediately complied.

Some citizens have expressed concern that this development will result in negative impacts upon the downtown. Please! There is no possible way this can make downtown worse! It can only improve the entire Town with this economic boom, enable us to finally develop a long-awaited sewer system, and bring in more tourists and visitors which will, in turn, encourage more small businesses to set up shop in our downtown.

We support Silo Ridge completely! Thank you Silo Ridge and Good Luck!!!

Aaron R Howard Sr.
Lea Howard

Aaron & Lea Howard

cc: T. Board
Pl. brd
3/4/08 CR

RECEIVED
3/4/08 CR

Letter 25

Mark Doyle

320 South Amenia Road
Wassaic, NY 12592
Tel: (845) 489 1061
Fax: (845) 789 1051
E-mail: markdoylefarming@yahoo.com

March 24, 2008

George Fenn, Chairman and members of the Board
Town of Amenia Planning Board
Amenia Town Hall
Mechanic Street
Amenia, NY 12501

received
3 25 08 LA.

Dear George and members of the Planning Board,

Comment on Silo Ridge's DEIS

Meeting the requirements of the RDO

A. 1. I would like to see an economic justification for the number of residential units proposed. The intent of the RDO district is to enhance the opportunities for tourism and recreation oriented businesses. The DEIS needs to explain how this large number of residential units enhance the business prospects of the resort. It is a resort development overlay, not a housing development overlay.... a business endeavor, not a real estate transaction.

B. 2. The design team should be applauded for reducing the impacts on open space and the area covered by impervious surfaces. The 15% impervious surface limitation would allow approximately 100 acres of built surfaces, a very large area indeed. So a reduction to 6% is a great improvement in the TNA plan. Meeting the 80% open space requirement is also critical in light of the process that occurred with CPIC in which Silo Ridge appealed for the inclusion of not only the golf course, but also the blacktop golf cart paths in the open space calculation.

C. 3. It is essential that the FEIS be written so that it is absolutely clear that the Planning Board decision applies only to the TNA. For this reason I would also request tables that compare unit numbers, occupancy, usage and land coverage of the various alternatives, making clear that the TNA is the preferred option.

Visual Analysis

D. 1. As to the visual analysis: they have done an inadequate job with a few small-scale photos depicting buildings that may or may not relate to the preferred plan. Silo Ridge MUST provide a digital and interactive simulation of the actual project.

E. 2. I would like to see a visual simulation prepared that is functionally equivalent to the creation of 3D structures in exact geographical locations by software such as Google's "Sketch-up Pro" (see: <http://www.sketchup.com/index.php?title=2>) as a "plug-in" to

Letter 25

E.
cont.

something similar to "Google Earth". This combination will allow the public to place "themselves" anywhere in Amenia, in a digital simulation.

F.

3. It is an absolute requirement that specific renderings (as opposed to exact architectural elevations) of the large buildings and large clusters of buildings are presented. Just saying that they'll have architectural features to break up the bulk of the buildings is not nearly sufficient. It is understood that this stage of the process is designed to establish the environmental impact of the concept plan and that specifics will be designed later.

Nevertheless, the visual impact of the proposal looms as such a large issue that it is incumbent on the developers to provide a good deal more renderings of specific buildings that indicate an architectural style, window patterns, roof-lines, balconies or other softening features etc. This is the requirement of the scoping document. The Planning Board is not able to determine whether the development will "be in harmony with surrounding land uses".

Height Variance

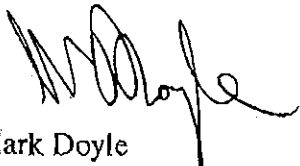
- G. The Zoning Code allows a variance for the 35 foot height limitation if no significant views are adversely impacted. The DEIS presently does not enable the Planning Board to determine this adequately and therefore places both the applicant and the Planning Board at risk of legal challenge. Moreover, the applicant does not show any alternatives by which to balance this request, nor an explanation of the necessity of this height in the first place.
-

Public Access

- H. The applicant has indicated that access to the golf course will be very much restricted. The DEIS does not describe the impact of eliminating this recreational amenity for Amenia residents. The area calculations in the Recreation section include the golf course as if it is to remain open to the public. Beyond the raw numbers, this amenity is very important to many residents and the DEIS does not describe the impact of their having to travel further a-field, not to mention the loss of community spirit should the course be closed to the annual golf days held by local cultural and educational institutions.
-

n/a Thank you for this opportunity to comment on this development, which holds great promise for the area and yet presents an enormous risk to the quality of life and value of property in town. My objective in commenting is to urge efforts toward the best plan for the benefit of region and away from real-estate speculation.

Sincerely,



Mark Doyle

Letter 26

March 24, 2008

COMMENT

TO: GEORGE FENN, CHAIR, AMENIA PLANNING BOARD
FROM: SHARON KROEGER
RE: DEIS, SILO RIDGE RESORT COMMUNITY
(Prepared for Higher Ground County Club, LLC)

RECEIVED
3/25/08n/a
addressed
in
PHT
Comments

HAIRPIN TURN: It is my assumption that earlier comment about the importance of the "Hairpin Turn" on DeLaVerne Hill made by me at the March 5 hearing have been captured verbatim in earlier record, and hence will not be mentioned in detail here. The importance of this viewshed is universally understood, and my contribution was only to clarify the unique aspects of the Harlem Valley View as it changes when one is driving round the turn, proceeding eastward on Route 44, starting at the top of the hill (hairpin) looking first southward at the Wassaic Gap and changing until one is finally looking northward at the Taconics in the distance. No construction of any kind should be allowed to clutter this important changing view, already famous in guidebooks for travellers.

A. SOLE SOURCE AQUIFER ISSUE (DRINKING WATER QUALITY): In Volume 9.5.1, the applicant is making a very spurious argument and misusing reference sources when it states that "the project site is not over a 'principle, primary or sole source aquifer' and cites the 1982 Atlas of Eleven Selected Aquifers in New York. This book was written in order to clarify the importance of the largest and most important of the "sole source" aquifers in the state, primarily because the Health Department was then concerned about the location and protection of urban water supplies. The particular eleven aquifers chosen, were selected as the focus of study based on certain criteria. (U.S. Geological Survey.) It was not a systematic review of all sole source aquifers and therefore many important but smaller ones were left out of the study entirely. This does not mean they are unimportant or non-strategic to the communities in which they are located. The Harlem Valley Aquifer, on which Amenia's water supply depends is indeed "sole source" for Amenia and Wassaic.

This aquifer supplies very high quality drinking water to Wassaic Hamlet, without significant nitrites or nitrates, and flows southward through the Harlem Valley. An important illustration of its importance is the fact that a mere mile downstream from the Silo Ridge Site, exists an historic hamlet of about 75 homes, most of which use point wells to reach down into the upper aquifer. This supply of drinking water to the Wassaic Hamlet is exceptionally good and is geologically funneled through the "gap" below the Amenia Stream running through the middle of the Valley from North to South. (All pollution prevention measures should be designed with these specifics in mind, not in the abstract.) The DEIS literally ignores the existence of the nearby hamlet.

B. SURFACE WATER QUANTITY: When thinking about quantity, it is important to note that the Wassaic Historic Hamlet is different from the other settlements and villages up

- 2 -

B.
Cont.

and down the Harlem Valley, in that it was canalized during the 18th and 19th Centuries so as to make sure that the water from the Wassaic Creek and the Amenia Stream would be manageable in all seasons, and that their confluence in the man-made location would allow early citizens to build a railroad, a main street, and turbines (water power) for the Borden Plant. This early engineering worked well across the years, and continues to work well even in heavy spring rains. (Except for the unique situation in 1955 when the Amenia Dam broke.) There are two problems now developing, however: 1) The original canals do a good job but need some form of public maintenance over time. (see canal wall breakdowns from above the firehouse to just past the Lantern Inn, where the water spreads unnecessarily.) and 2) Inappropriate storm water runoff has begun both at development sites such as the one on Route 343 and at the asphalt railroad station parking lot since that has been built. Hopefully the Army Corps of Engineers will deal with the canal walls. But the Amenia Planning Board must address the problem of inappropriate addition to river flow from asphalt parking lots and the like.

Specifically, Volume 9.17 supplies all kinds of parking methodologies and quantitative ideas about how many parking spaces may be needed, but there is not one word that I could find about the type of construction that would be involved. It is important that the Planning Board educate all future developers whose construction could create storm water runoff, about the new ways of using surfaces which facilitate percolation and avoid runoff which could raise the volume of what must be carried by the Amenia Stream. Note that Volume 9.5.) does not mention permeable surfaces either.

C.

D.

CULTURAL RESOURCES: This section 9.2 is curiously defining "cultural resources" only to mean a limited piece of regional history, with no comprehensive treatment of history, nor with any mention or appreciation of nearby amenities, nor of the specifics of the site itself. (Why not mention Amenia's fabled views, 6 historic hamlets, a synagogue and chapel on the State Registers of Historic Places, an authentic Historical Agricultural Crossroads Hamlet etc.) If the concern is to avoid criticism for effectively trying to build a new "traditional hamlet" with culture and commerce to compete with the existing ones, that criticism is difficult to avoid without specific measures designed to support the existing resources.

E.

WATER TREATMENT FACILITY: It is possible that the water treatment facility could be such a support, however, it is not easy to find reference in the documents to clarify this and its potential beneficial impact on the Amenia Hamlet. Looking at Volume 9.5.1 at page 10 we see a statement of components of construction where the water supply, treatment and storage as well as the wastewater treatment plant would be part of Phase 2. This order of priorities is not satisfactory for Amenia. There must be bonding and the wastewater system must be the priority, along with the protection of Wassaic Hamlet from any early or late stage construction runoff to the Amenia Stream.

Letter 26

- 3 -

x. ECOLOGICAL STUDIES: On page 12 of this section in Volume 9.7, I was unhappy to see that there was no clear acknowledgement of the viability of Amenia Stream. DEC has it labelled Class 3 (T) and it is clearly known by all as a brown trout spawning stream, well endowed with wildlife, and visited often by the Great Blue Heron.

u. AGRICULTURE: The section labled "agricultural data" is almost fraudulent. The applicant is saying that there is no farming taking place in any adjacent area, and that there are two properties which could be "potential farms". What an insult to the farmer (Walter Culver) who still sometimes farms with a team of horses when he does not use his tractor, and whose industrious cultivation of the land in traditional patterns on the eastern hillside of the valley helps to provide the spectacular view one sees while driving down Route 44. The other "non-existent" farm is that of Mr. Rosendale on Route 44, who owns livestock. In truth, both these two properties are agricultural, and it is all the others which may be labelled as "potential farms" should their owners later decide so.

WELLS: It appears from reviewing Volume 9.9 that there is lead in most of the wells tested, and that the applicant is going to cure this situation by using "conventional treatment methods such as particulate filtration, ion exchange, activated carbon method or reverse osmosis". How complicated is this and how costly? Is this really possible?

H. When discussing drinking water for a resort community like this, it would be important to review relevant related documents in order to achieve due diligence. This should include the hazard assessment information in the adjacent Amenia Town Landfill. See the Pre-Design Investigation Work Plan. (NYSDEC site 3-14-006, Printed Aug. 22, 2007 and revised November 30, 2007) At page 7 in section 5.3 it says that "exploratory test pits will be excavated along the west slope of the landfill to determine the western limit of the waste, its depth and the stability of the slope," This is the same western slope that is adjacent to the southeastern section of the Silo Ridge property, where there appears from the map to be a group of homes planned. There is a long list of contaminants, so this location should be reviewed further for the placement of houses.

x. CONDOMINIUM FORM OF OWNERSHIP: Condos or "Condominium Hotels" do not pay the same kind of taxes that regular home owners do. This discrepancy is particularly damaging to rural communities, where the other tax payers pick up some of the burden for every structure labeled with way. Several years ago Amenia passed a local law that no existing buildings can become "condos" and benefit by such treatment. This should be the case for any structures, new or old, in the Town of Amenia. It is not fair for the Planning Board to allow a developer to come in and build homes or hotels for which existing homeowners must pay.

Letter 27

March 25, 2008

Wayne Euvard, Supervisor
Town of Amenia Town Board
36 Mechanic Street
Amenia, New York 12501

RECEIVED
3/25/08
10:30 AM

Re: Silo Ridge Resort Community DEIS, SQ07-507
Parcels: 7066-00-732810, -860725, -742300, -670717, -628131,
And 7067-00-709177

Dear Supervisor Euvard and Members of the Amenia Town Board:

Our Department is in receipt of the DEIS regarding the proposed development of the Silo Ridge Resort Community on a 670+/- acre site located primarily west of NYS Route 22 and south of NYS Route 44, with a residential parcel located north of NYS Route 44 at DeLavernge Hill. The site includes the existing Silo Ridge County Club.

After examining the materials submitted in the DEIS, our comments are as follows:

Dutchess County
Department of
Planning and
Development

William R. Seelhaas
County Executive

Roger P. Akley
Commissioner

Kevy Solomon
Assistant Commissioner

27 High Street
Poughkeepsie
New York
12601
(845) 436-3600
Fax (845) 436-3610



n/a In 2007 the Town of Amenia adopted a *Comprehensive Plan Update and Revised Zoning Law* following an extended public review process. A conceptual plan for Silo Ridge was identified in the Comprehensive Plan as one of two proposals close to the hamlet center that "are at a scale that is unprecedented for Amenia and could dramatically change the Town's character" (p.10).

The Revised Zoning Law includes a Resort Development District Overlay (RDO) that encompasses the Silo Ridge site, with provisions specifically tailored to reflect the Town's expectations for future development at this important location. Primary among these provisions is the Town's preference that any development in the RDO conforms to the following standard:

"Where possible, configuration of development as a traditional neighborhood development (TND) is recommended as the best way to achieve a compact pedestrian-oriented layout that preserves open space and reduces driving" (p.10).

The Draft Environmental Impact Statement (DEIS) for the Silo Ridge Resort Community identifies the developers' preferred alternative as a Traditional Neighborhood Development consistent with the Town's vision for the site. The proposed resort would include up to 369 town homes, flats, and single family homes, a resort hotel, restaurant and banquet

Letter 27

space, and a spa and fitness center, primarily concentrated around an existing golf course and a new, mixed use village center. An additional town home complex would be located above Route 44 on Delavergne Hill, as would a public viewing area and proposed winery.

The goal of this environmental review process is to insure that any development that occurs on the site be designed in such a way that potential impacts are effectively eliminated or minimized, not to prevent any development at all from taking place.

Visual Impacts on View Sheds

A: The Delavergne Hill/Route 44 view, designated by the Town as a Visual Protection Corridor, is such an iconic resource that any proposal that would alter it would inevitably provoke strong responses. The Applicant acknowledges that portions of the project will be visible: "...even with vegetative screening and sensitive site design, development on certain areas of the site will be visible from key viewpoints" which include ... "the area within the hairpin turn on Route 44 and the broad open area of the site immediately south of the Route 44 hairpin turn." The DEIS also acknowledges that development in the Village Center and Town Home areas "may change the visual character of the site and affect views from the Route 44 hairpin turn and Depot Hill Road." (Section 3.6, Visual Resources.)

An earlier proposal for Silo Ridge was considerably more intrusive with homes distributed in a far more diffused arrangement across the site and up the hillside immediately below the De Lavergne hairpin turn. The current proposal has concentrated the distribution of buildings primarily in the lower-lying areas surrounding the existing golf course complex, making them less visible. Despite these improvements, however, the Board could ask the Applicant to consider whether the proposed height of the five story hotel could be reduced.

The Board should ensure that building plantings and screening along roadways are sufficient to minimize any visual impacts. The Board can also require that roofing materials be muted and varied in natural colors (grays, greens, browns), mixed in pattern with variations to make rooflines less monolithic and blend into the surrounding landscape.

Route 44: Proposed Public Overlook and Winery

B: The Applicant has proposed establishing a commercial Winery in the area immediately north of and within the hairpin turn on Route 44 at Delavergne

Letter 27

B.
Cont.

Hill. We fully support the creation of a public overlook that will finally provide an enhanced area where the general public can safely stop to appreciate the spectacular valley views. However, a clearer distinction should be made between the public viewing and parking area and the commercial use and parking area. The close proximity shown in the proposed plan could make general public feel uncomfortable when stopping at the observation platform if they seem to be intruding on commercial property. Moving the building farther back on the parcel could provide separation from the public area, maximize the views, and minimize the view of the hotel and town houses from Route 44.

C.

We can support locating a commercial use at this location, as it would provide increased security and maintenance of the public observation area. We suggest, however, that the Applicant consider alternative commercial uses, perhaps an establishment less oriented toward alcohol and more oriented toward family use, such as a restaurant or other tourist-based business.

Open Space—Permanent Easements

D.

According to the DEIS, "There are no formal proposals at this time for creating conservation easements or for the formal dedication of onsite open space." A distinction should be made between the areas that will be used intensely by residents and visitors and those outlying areas of forested hillside and open fields that will be less intensely trafficked and would continue to persist in their more "natural" state. Despite the Applicant's stated commitment to "protecting the site's natural resources and recreational opportunities," permanent conservation easements would ensure the continued stewardship of the designated open space, particularly the outlying acreage, and allow public access to the trails in the area.

Wastewater Treatment Facilities

n/a

E.

The Comprehensive Plan Update cites the importance of providing infrastructure that will allow the Town to implement its goals, stating that "The success of this Plan therefore turns more on installing sewers in the hamlet than on any other single action" (p. 9). The Silo Ridge proposal includes a "Wastewater Master Plan" that promises "future expansion potential to take additional wastewater from the Town." This facility is key to balancing the inevitable impacts of proposed development with the potential for enhancements that can benefit the hamlet of Amenia and the entire community.

Letter 27

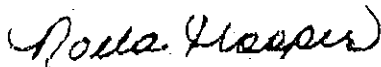
Connections to Metro-North Extension

f. The Comprehensive Plan Update cites the potential economic and recreational benefits of an appropriately designed resort community based on traditional neighborhood development guidelines. The Plan also acknowledges the importance of the Metro-North Railroad extension to the stations at Wassaic and Ten Mile River and the potential for transit-oriented development at both locations. The Route 22 location of the proposed Silo Ridge Resort Community will encourage traffic-reducing, energy-saving connections among the railroad stations, the resort, and a revitalized Hamlet.

We look forward to the continued review of this project.

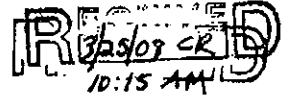
Roger P. Akeley, Commissioner
Dutchess County Department of Planning & Development

By



Noela Hooper
Senior Planner

To the Planning Board,
and all others Concerned.



I am a resident of Amenia and a homeowner. I am opposed to this project. I am for progress but at what cost to our community - LEAST of all financially.

I work at Green Farm Correctional in Stormville. A huge project got pushed through on Phillips Rd. It had a terrible impact on the environment and traffic. It destroyed the area and only half of these homes sold.

And I haven't seen any growth to Stormville except a new Pizza Place.

Another example is Fishkill. With the building going on there was to be no impact on taxes, traffic or the environment. Taxes have gone up, traffic is way out of control and now there is flooding all the time in certain areas when it rains, where it never did. And now the water for the most part is undrinkable.

I don't want this for Amenia. True we need a sewer system, but to say they're "graciously" giving us one with a project this size is being naive. It would be demanded.

I look at the growth of surrounding towns like Millerton with its face lift. Beautiful growth is slow but sure.

I want Amenia to progress, but remain the charming place people call home.

Sincerely
Steve Kassman.

Mar-25-08 03:27pm From-

T-615 P.002/003 F-807

Letter 29

John R. Klopp
Smithfield Farms
20 Smithfield Valley Road
Amenia, NY 12501

March 25, 2008

Planning Board
Town of Amenia
PO Box 136
36B Mechanic Street
Amenia, NY 12501

Re: Silo Ridge

Dear Board Members:

This letter is submitted in connection with the Draft Environmental Impact Study (the "DEIS") presented by Higher Ground Country Club, LLC (the "Sponsor") for the proposed Silo Ridge Resort Community (the "Project"). I wish to express my serious concerns about the proposed Project, as described in the DEIS, and its potentially damaging impacts on our community.

In addition to being a proud resident of Amenia, I have spent my entire 30-year professional career in the real estate finance business. I am currently the CEO of Capital Trust, Inc., a NYSE-listed commercial mortgage Real Estate Investment Trust that I co-founded eleven years ago. Capital Trust provides financing for large office, retail, hotel and residential projects throughout the US, and has closed over \$10 billion of principal investments since 1997. Previously, I was a founder and Managing Partner of Victor Capital Group, one of the most active "workout" firms in the business. At Victor Capital, I personally handled the restructuring and resolution of billions of dollars of troubled real estate on behalf of borrowers and lenders. As a result, I have a unique perspective on both the financing of major real estate projects and the disastrous results when those projects fail.

Based on my review of the DEIS and my experience, I am convinced that the Silo Ridge project will ultimately fail and, in the process, create major problems for the Town of Amenia. Simply put, the project is not financeable and the therefore will never be built as proposed.

Requiring some \$1.3 billion of total capital, this immense project would have been exceedingly difficult to finance in the best of times; in today's environment, it will be virtually impossible. Through industry sources, I have seen the Sponsor's offering memo seeking to raise \$250 million of third party equity to commence the Project (and hear that there have been no takers). There is no mention in the DEIS of access to capital for the Project. **How and when does the Sponsor propose to secure financing?** If the Planning Board approves Silo Ridge as proposed, I believe it is entirely possible that the Project will never get started. The result for Amenia, however, will be endless re-negotiations, years of delay and a likely outcome in which

pg. 1

Rec'd
3/25/08

Mar-25-08 09:27pm From-

T-615 P.003/002 F-807

Letter 29

March 25, 2008
Planning Board
Page 2

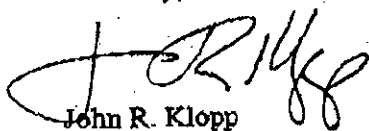
the Town ends up with much less than it bargained for. In the meantime, the stalled project will cast a pall over the Town, discouraging other, more viable, developments.

Unfortunately, I believe that the more likely scenario is one in which the Project gets started but subsequently fails because of undercapitalization. In this case, the potential downside to Amenia is even greater: unpaid real estate taxes, an unfinished waste water system, increased road maintenance and security costs, protracted litigation, etc. The only way to mitigate this worst-case risk would be to require that the Sponsor submit up front proof of fully committed financing adequate to complete the entire project. **Can the Sponsor offer evidence of having secured sufficient financing to complete the Project?** I do not believe that the Sponsor could meet that test.

Given the downside, I simply do not see how the Silo Ridge project offers adequate upside to Amenia to justify this risk. The Sponsor's offering memo emphasizes that all project amenities will be for the exclusive use of the private members -- should all of Amenia's current residents and taxpayers take the risk on their behalf?

Thank you for your consideration.

Sincerely,


John R. Klopp

Letter 30

Tracy Salladay
31 Depot Hill Road
Amenia, NY 12501

March 25, 2008

Amenia Planning Board
C/o Lana Anguin-Cohen

RECEIVED
3/25/08

Re: Silo Ridge Proposed development.

I think the relationship of this development to the town needs to be looked at and made as broad as possible so that once it is built it is not a closed community isolated within the town, and open only to resort residents and those who come to spend on shopping, eating, or the spa.

A.

As a property owner in Amenia, I am concerned that the conversion of the public golf course to a private one, and planned construction of residences and facilities, and greater traffic volume, will subtract from what I now have as a resident of Amenia. The asset of a nice public golf course and easily accessible restaurant will be gone as will the natural beauty of that hillside as it is today.

n/a

The current proposal gives in trade use of a wastewater treatment facility, which will be occupying a piece of land that is now natural and undisturbed. I would like to see the design and concept of Silo Ridge project be more integrated with the town of Amenia.

B.

Could the hiking trails of open space #1 be seen as not only a resort feature but something to share with town residents? The current plans don't show how to get to these trails. Perhaps a parking area for the trails could be created off the Delavergne hill, and require a resident sticker, that could be obtained by residents either within the resort or within town limits?

C.

And could town residents have access to tennis courts and the skating pond (or maybe a bigger more featured skating area)? And could the lookout, instead of being the top of a water containment utility, be a design to function also as an amphitheater? (The location of this feature I would like to see moved from the horseshoe) Ideas like these need to be apparent in the plans and the design, rather than just be words.

n/a

D.

In the months of participating in the review of the Silo Ridge development, I have come to see the waste water facility as less important to the long term health of the town than it seemed at first. Even if Amenia does not immediately tie into that system, over time, in a natural progression of growth, the increased town income from the taxes on the new development will make it possible for the town to build its own waste treatment facility. I think it is more important to establish a 'local user friendly' design of the Silo Ridge development, and ensure that it is designed to benefit the residents of Amenia as an amenity, not just a revenue source, especially since it occupies such a pivotal location that cannot be duplicated. The integration with the town will benefit the development as well, making it authentic in its context, rather than artificial. Many other issues are of concern, but have been, or have started to be, addressed by others, so I will limit this letter to this topic.

Thank you for your careful consideration of the project.

Sincerely,

Tracy Salladay



**ROHDE, SOYKA
& ANDREWS**
Consulting Engineers, P.C.

40 Garden Street
Poughkeepsie, NY 12601
Phone: (845) 452-7515 Fax: (845) 452-8335
E-Mail Address: msoyka@rsaengrs.com

Wilfred A. Rohde, P.E. • Michael W. Soyka, P.E. • John V. Andrews, Jr., P.E.

Memorandum

To:	Planning Board Town of Amenia	Attn:	George Fenn Chairman
From:	Michael W. Soyka, P.E.	Subject:	DEIS Comments
Date:	March 27, 2008	Project:	Silo Ridge

The following comments are offered for consideration by the Planning Board:


- n/a 1. Provide a written response to RSA Master Plan Development comments of January 31 2008 and February 7, 2008.
- A. 2. Demonstrate that large moving vans, fire apparatus and emergency vehicles are able to maneuver through the various rectangular courtyards and "cul-de-sacs" shown on the site plan.
- B. 3. Garages or adequate detached parking facilities are not shown for all residences. One small example is the two single family residences in area "L" (they are the first one upon entering and the last one upon entering). There are no parking facilities shown for either one of these units on Master Development Plan Sheet No. SP6a.
- C. 4. Page 3.13-5, Groundwater Supply, last sentence: "During drought years, drawdowns could be expected to occur if average withdrawal rates were to exceed 230gpm." Would drawdown impacts extend off site? If so, would any adjacent wells be affected?
- D. 5. Page 3.13-7: The second paragraph on this page states that the combined capacity of the wells with the largest out of service of 283 gpm is less than the anticipated maximum day demand. The FEIS should clearly state how this deficiency will be corrected and the impact of the corrective action.
- E. 6. Page 3.13-10: The text indicates a "public water supply" where other sections of DEIS call for a "privately owned water supply system". Explain what a public water supply system is in the context of NYSDOH regulations, even though the system is privately owned by a transportation corporation.
- F. 7. Page 3.13-13, Fire Flow and Fire Suppression System: The description of the hydrant locations should be expanded to include all locations stated in Appendix 9.9, Water Report, i.e., at all road intersections, dead end lines and high points, and will be spaced at 300 foot intervals.
- G. 8. The areas that will be provided with fire flows should be identified.
- H. 9. The areas that will not be provided with fire flows should be identified. The FEIS should explain why these areas, of what is a high-end project, couldn't be supplied with adequate fire protection, while other areas of the project will be provided with adequate fire protection.

Memorandum
 Review Comments
 DEIS Comments
 March 27, 2008
 Page 2 of 3

- I 10. Page 3.13-14, last paragraph: Other automated measures to ensure available water supply should be summarized here. The reader should only be directed to Appendix 9.9 to become aware of the details of the automated measures.
- J 11. Page 3.13-16, Monitoring and Maintenance: The requirements of NYSDOH part 5-1 concerning system monitoring should be summarized here with the reference to Appendix 9.9 given for additional details only.
- no response needed
 K 12. Page 3.14-4, Wastewater Treatment, third line: The reference to drawing SP5 should read SP4.
- K 13. Page 3.14-4, Wastewater Treatment: The second paragraph refers to a Phase I cultural resources survey as being currently underway. Report the results of that survey.
- L 14. What is the location of the WWTP? The proposed action shows it on the south side of Route 44 while the TND shows it on the north side of Route 44. That location was chosen due to the archaeological sensitivity of the site on the south side of Route 44. Will the north side of Route 44 be the location of the WWTP for the proposed action as well?
- M 15. Provide an elevation view of the WWTP. Indicate its height.
 Transportation:
- N 16. Page 3.7-3, 2007 Existing Traffic Volumes: Identify the traffic count information that was obtained from the New York State Department of Transportation, the Dutchess County Department of Public Works and the Town of Amenia, as referenced in the first paragraph.
- O 17. Page 3.7-3: Explain how the existing and proposed land uses specific to the project site influenced the times that were selected to perform traffic counts.
- P 18. Page 3.7-15: Table 3.7-3 does not contain trip generation data for the weekday PM peak hour.
- Q 19. Page 3.7-15: Table 3.7-3 does not include traffic generated by the golf clubhouse.
- R 20. Refer to the various Traffic Volume Figures: A Figure for the site generated traffic volumes should be created for the Friday PM peak hour for the 2007 Existing Traffic Volume and the 2012 Build Traffic Volume.
- S 21. The phasing schedule shown in the Master Development Plan shows full build out occurring 5-1/2 years after the project start. The soonest start date would appear to be 2009, therefore the "Build" traffic analysis should be 2015. The traffic study should be revised to reflect this.
- T 22. New turning movement traffic counts should be taken to show current conditions.
- U 23. The Amenia Hills and Depot Hill projects should be included in the traffic analysis as requested by NYSDOT.
- V 24. Confirm that the 2 percent background growth rate is acceptable to Dutchess County Department of Public Works and New York State Department of Transportation.
- W 25. Show the rates used to arrive at the values in the Trip Generation Tables.

Memorandum
 Review Comments
 DEIS Comments
 March 27, 2008
 Page 3 of 3

- X 26. Coordinate shuttle service with the Metro North Railroad.
- Y 27. Provide a mitigation plan for construction traffic including details on truck routes, truck types, numbers, etc.
- Z 28. The residents as well as visitors to the site will use the on-site amenities. Demonstrate that the visitor traffic is included in the trip generation numbers.
- AA 29. Consult with DCDPW and NYSDOT to identify traffic mitigation measures including, but not limited to additional turn lanes on Route 22.
- BB 30. Further detail is required for both the proposed project and the TND alternative where parking is concerned. Provide a table with proposed parking ratios by land use. Show the location of these parking spaces on a site plan. This is an upscale community. It is unlikely that residents will want parking in open lots, rather than protected spaces.
- CC 31. How many parking spaces will be provided for a three bedroom home? A four bedroom home? A five bedroom home? Will these be in a garage? Where is the garage located?
- DD 32. The parking arrangements for the hotel are unclear. How many spaces will be provided for keys, employees, spa, and other uses? A plan of the underground parking, by level, should be provided.
- EE 33. Will the underground parking be built in phases, or not? If in phases, how many?
- FF 34. The intent is to make this a "walking community" to the greatest extent possible. The sidewalks should be clearly shown on a plan.
- GG 35. Identify the number of on-street parking spaces and the justification for the number selected.
- HH 36. Identify visitor parking locations, number and justification for the number chosen.
- II 37. Identify the parking area for the publicly accessible trails.
- JT 38. If there is shuttle bus service to the Wassaic train station, then Metro North should be included as an Interested Agency.
- KK 39. Would the shuttle service be owned and operated by the hotel or by the Master HOA?
- LL 40. Stormwater Management: Provide site plans that identify the stormwater management practices shown in the "Drainage Diagrams for Existing Conditions" and the "Drainage Diagrams for Proposed Conditions" for both the proposed project and the TND.


 Michael W. Soyka, P.E.

cc: Planning Board via email
 Ted Fink, AICP via email
 Mary Ann Johnson via email
 Michael Hayes, Esq. via email

Melissa Mascali, AICP via email
 Daniel Leary, Esq. via email
 03-352-12

Letter 32

From: Melissa Mascali
Sent: Thursday, March 27, 2008 12:52 PM
To: Michelle Jones
Subject: FW: Silo Ridge DEIS/Written Comments - Public Hearing

From: Morse, Cheryl (DOS) [mailto:Cheryl.Morse@dos.state.ny.us]
Sent: Tuesday, March 25, 2008 5:52 PM
To: Lana Anguin
Cc: ninapeek@optonline.net; fenbois@comcast.net; Arlenei@optonline.net; dreagon@optonline.net; ECWA25@yahoo.com
Subject: Silo Ridge DEIS/Written Comments - Public Hearing

March 24, 2008

TO: Planning Board, Town of Amenia
FROM: Cheryl Koch Morse

Re: Silo Ride DEIS/Public Hearing and Written Comments

It is clearly apparent to me from the public comments at the most recent public hearing, that many of the residents who came to speak have not really read the DEIS document. Many extol the virtues of the project and "the waste treatment plant that Silo Ridge is going to give the town".

Their misconception is that Silo Ridge is GIVING the town a waste treatment plant, when clearly that is not the case. Out of courtesy, if they get approval, they are considering increasing capacity for the Hamlet (Village) of Amenia to tie into the system, but that is not the same thing as being GIVEN a waste treatment plant. The town will still have the associated costs of creating a constructed infrastructure to tie into the waste treatment facility, which will cost millions of dollars. The approval of this project cannot be predicated on a waste treatment facility that the town might or might not have access to tie into. It may never be built, and the town gains nothing. It is an attractive carrot they are dangling, but there is no guarantee for the town. Imagine the anger of the residents if approval is given, the treatment facility never built, and we end up with a blighted landscape. It is happening to similar projects around the country, and it could happen here. Amenia cannot afford to make a mistake on this issue. It will have long term ramifications that could have a serious negative impact on our beautiful, quaint rural community.

The "loop" on Delavergne Hill should be kept undeveloped, and NEVER have anything built upon it. It is the gateway to Amenia, the prime view into our community as travelers come off the mountain. It should remain open and pristine. A winery could be constructed on the adjacent Miller house site, with the same spectacular view, without marring the first impression one gets as they come down off the mountain.

There are three other developments of similar construction in the application process within less than 20 miles of Amenia. These other developments will presumably be competing for the same prospective second home, empty nest market as that of Silo Ridge. Given that fact, the region will see a saturation of housing being constructed at a time when the economic state of the housing industry is in crisis and new home sales have come to a standstill. It is difficult to imagine that this project will be constructed in these economic times.

Golf Courses & Water Quality

While golf courses provide many important benefits, the potential also exists for degradation of ground and surface waters. Fortunately, a number of recent advances make it possible to design and operate a golf course with little aquatic resource impact. However, because these advances are not universally incorporated into the design of every new course, one should not assume that proposed fairways, greens, and tees will be benign. Particular care is needed when new golf courses are proposed near uniquely sensitive aquatic resources such as sole-source aquifers, shallow wells, headwater streams, threatened-endangered species habitat, wetlands, lakes, and other vulnerable waters.

The advances in design can also be used to reduce the impact of existing golf courses. For example, by replanting fairways and greens with hardier grass species application rates of fertilizers, pesticides, and irrigation water can be cut by a one-half to two-thirds yet still provide a quality playing surface. There are even organic (pesticide-free) golf courses.

In recent years there has been a trend towards converting golf courses to other land uses, such as housing, offices, or other commercial projects. If a course is more than two- or three-decades old then there is a possibility residues of highly-toxic and very persistent pesticides remain. The residues may be sufficiently high to be of concern if the soils are eroded into nearby waterways during the construction phase or if children play on greens converted to residential lawns. Fortunately, soil testing can determine if there is cause for concern on a particular course and, if so, then techniques are available for resolving the concern. (From www.ceds.org website)

My real concern is the impact that reconstructing the golf course will have on the aquatic environment and the residents who live in reasonably close proximity to the site. The attached documents are critical in consideration of the Silo Ridge project, as the residue of agricultural chemicals persistent in the soils can be very harmful to the environment, wildlife, domestic animals, and humans that will inhabit the site or those who reside in close proximity. The document should be carefully read. It is clearly written in lay terms that most will understand. It is backed up with real scientific data, but also indicates mitigation strategies to minimize the negative impacts. PLEASE consider the information carefully. When golf courses accounted for more than 50% of the watershed land use, then a moderate to severe level of stream quality degradation was found. Such a waterway would be unfit for most human uses. The following factors are identified as potential causes of the degradation revealed by the studies:

- stream channelization,
- destruction of wetlands,
- lack of a wooded buffer along waterways,
- elevated water temperature due to;
 - lack of shading vegetation,
 - reduction of groundwater inflow,
 - release of heated water from the surface of ponds,
 - entry of heated stormwater runoff from impervious surfaces,
- reduction of base (dry-weather) stream flow due to ground or surface water withdrawals for irrigation,
- release of toxic substances and oxygen deficient water from ponds,
- intermittent pollution incidents such as spills of pesticides, fertilizers, or fuel,
- loss of pesticides or fertilizers by way of ground or surface water runoff,
- entry of stormwater pollutants washed from parking lots and the other impervious surfaces associated with a golf course,
- accelerated channel erosion due to increased stormwater runoff velocity or prolonging the amount of time channels are exposed to erosive velocities,
- elimination of the scouring benefits of flooding by storing runoff in ponds,
- poor erosion and sediment control during the construction phase, and
- inadequate treatment of sewage and other wastewater generated on the golf course.

Monitoring should begin one-year prior to the construction of a golf course and continue throughout the construction phase and the first five years the course is used. Ground and surface water should be analyzed quarterly for ammonia, nitrate, phosphorus, and pesticides. Biological sampling should be performed quarterly, then, beginning in the third year, once annually, in August. Fish tissues should be examined once a year for any pesticides used on the course which have the potential to bio-accumulate. A groundwater monitoring program should also be established to detect effects upon existing wells or wetlands. Base-flow and water temperature should be monitored in any streams or rivers in the vicinity of the course. Monitoring should not be considered a substitute for measures that design impacts out of a golf course.

Please note: CEDS (the providers of the studies) has found that a disturbing number of commitments made during the permitting process to monitor golf courses are ignored once the course is completed.

Since the golf course existed prior to 1990, then soils on the greens, tees, and fairways should be analyzed for organochlorine and metallic pesticide residues. If residues are present, then mitigation measures should be taken to

minimize movement to ground or surface waters, such as increasing the organic matter content of soil.

(In making packets, please insert the accompanying .PDF documents here.)

✓ The construction along the ridgeline and the impact that it will have with regard to run-off and erosion during times of heavy rains, and the engineering of retaining walls to hold back and keep those areas stabilized is another concern, and will require appropriate engineering and construction to prevent failure of retaining walls. Turf grass is not an adequate type of plant material coverage to prevent serious erosion problems during periods of heavy rain, and silt fencing is inadequate at best during those event periods.

✓ All wetland buffers should be repaired/mitigated to within 100 – 150 feet, with native shrubs and trees heavily planted, to prevent run-off and erosion from impacting the streams and wetlands adjacent, contiguous, and bound by the site. Too much chemical leachate has been entering the stream during rain episodes and have been damaging the watercourses as long as the golf course has been in operation. Of all agricultural uses, golf courses utilize far more agricultural chemicals than any other agricultural use.

✓ I do have other issues with the project, but a number of them are being addressed by the others, so it is my intention to focus on the issue I have outlined here.

Respectfully submitted by:

Cheryl Koch Morse
P.O. Box 645
Amenia, NY 12501

Cheryl.Morse@dos.state.ny.us

Comments on the Silo Ridge DEIS submitted by David Reagon to the Amenia Planning Board on March 25, 2008.

received
3/25/08 AA

Lana Anguin-Cohen
Assistant Supervisor
Town of Amenia
36B Mechanic St.
Amenia, NY 12501

March 20, 2008

Dear Lana,

Mark Doyle and I think, based on the following information, that the Silo Ridge public hearing should be extended by the Planning Board until such time as the applicant furnishes the appropriate material, as outlined below.

Visual Impact

Amenia Zoning Law, Adopted July 19, 2007

121-18 C 3b. Resort Development Overlay District (RDO)

- c. Where buildings will be visible from public roads, bicycle trails, or other publicly accessible areas, the Planning Board shall require the submission of proposed elevations of buildings and proposed architectural standards and covenants. These architectural standards and covenants may substitute for any of the design standards which would otherwise be required by §14.1H or any other section of this Chapter.

Silo Ridge's Scoping

Document (3.6) required it to provide "landscape (and?) architectural drawings, such as plans, sections, elevations, or other graphic representations of existing and proposed conditions." These have not been provided to date by Silo Ridge. It would appear improper, therefore, to terminate the public comment period until these essential documents are forthcoming. The Planning Board cannot determine whether the proposed development "will be in harmony with surrounding land uses" (zoning law Sect. 121-18(C)3(d)) without these drawings.

Sincerely,

David Reagon
23 Benson Rd.
Wassaic, NY 12592

Appendix 9.9

DEIS Section 3.2 Water Resources

Page 3.2-16

Average aquifer recharge on the site is estimated at approximately 330 gpm. Aquifer recharge may drop during drought years by up to 30%, to approximately 230 gpm. Therefore, based on these findings, the tested wells appear capable of supporting continuous yields of up to 283 gpm with the best well off line. All of this yield can be supported by onsite recharge during normal years and up to 230 gpm can be supported during drought years.

A

Comment: During drought years, where will the water come from? Will the aquifer be able to support this level of withdrawal?

Complete results of water quality testing are provided in Appendix 9.12, "Aquifer Pumping Test Report." A summary of standard treatment methods for these Silo Ridge Resort Community 3.2 Water Resources Page 3.2-17

*The Chazen Companies
October 2007*

contaminants is provided in Section 3.2.2 below; for more detailed information on treatment methods, please see Appendix 9.9, "DEIS Water Supply Report."

B **Comment: The treatment methods for these contaminants is not in Section 3.2.2.**

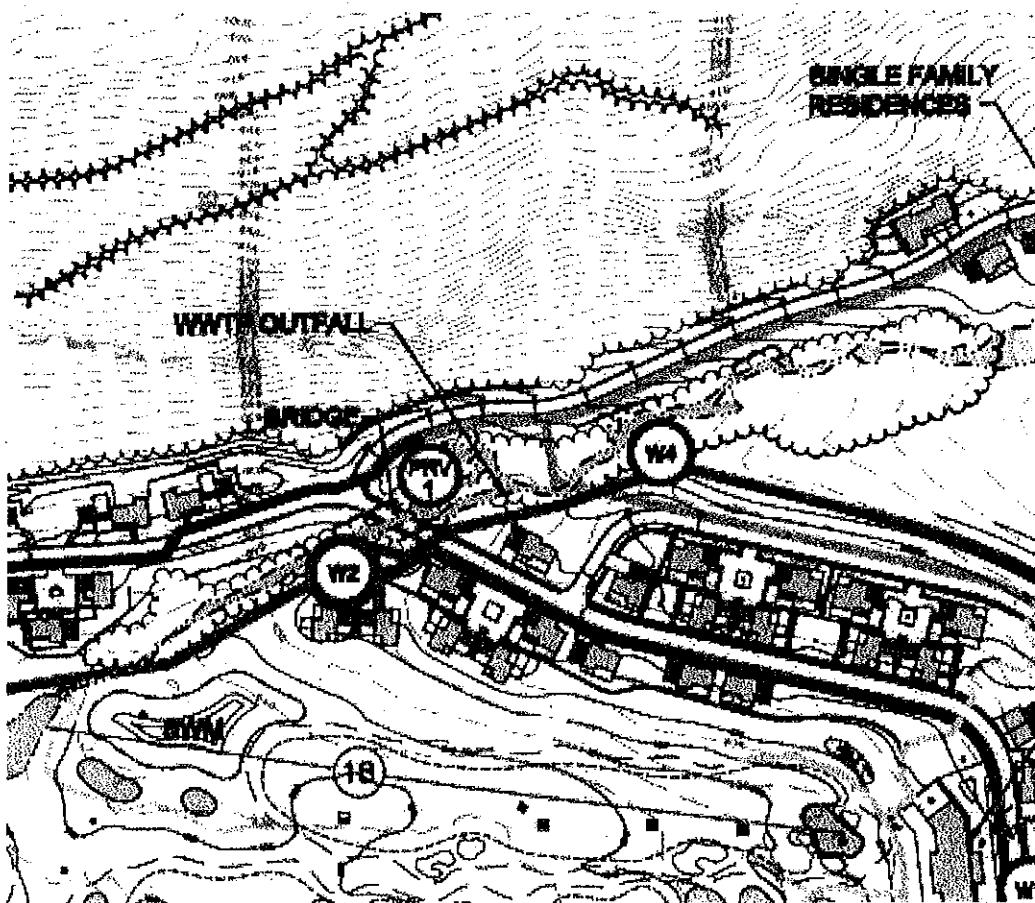
Page 3.2-17

The proposed wastewater treatment plant building is located more than 50 feet from Amenia/Cascade Brook; however, there

C *may be some grading within 30 feet of the stream for this facility.*

Comment: There should be no grading next to this stream. The Stream Protection Corridor in the zoning should be observed.

D **Comment: The overall map of the water supply does not show the buffer zones around each well. In some cases, W2 for example, it shows the well virtually on a proposed dwelling. Also, the waste water outfall is very close to supply well W2. The potential for contamination should be discussed.**



Map shows wastewater outfall and its proximity to wells and residences.

Page 3.2-34

Lead Reduction

Lead will be removed from the source water in PW-1, PW-2, PW-4 and PW-5 using

conventional treatment methods including particulate filtration, ion exchange, activated carbon filtration, reverse osmosis, or distillation.

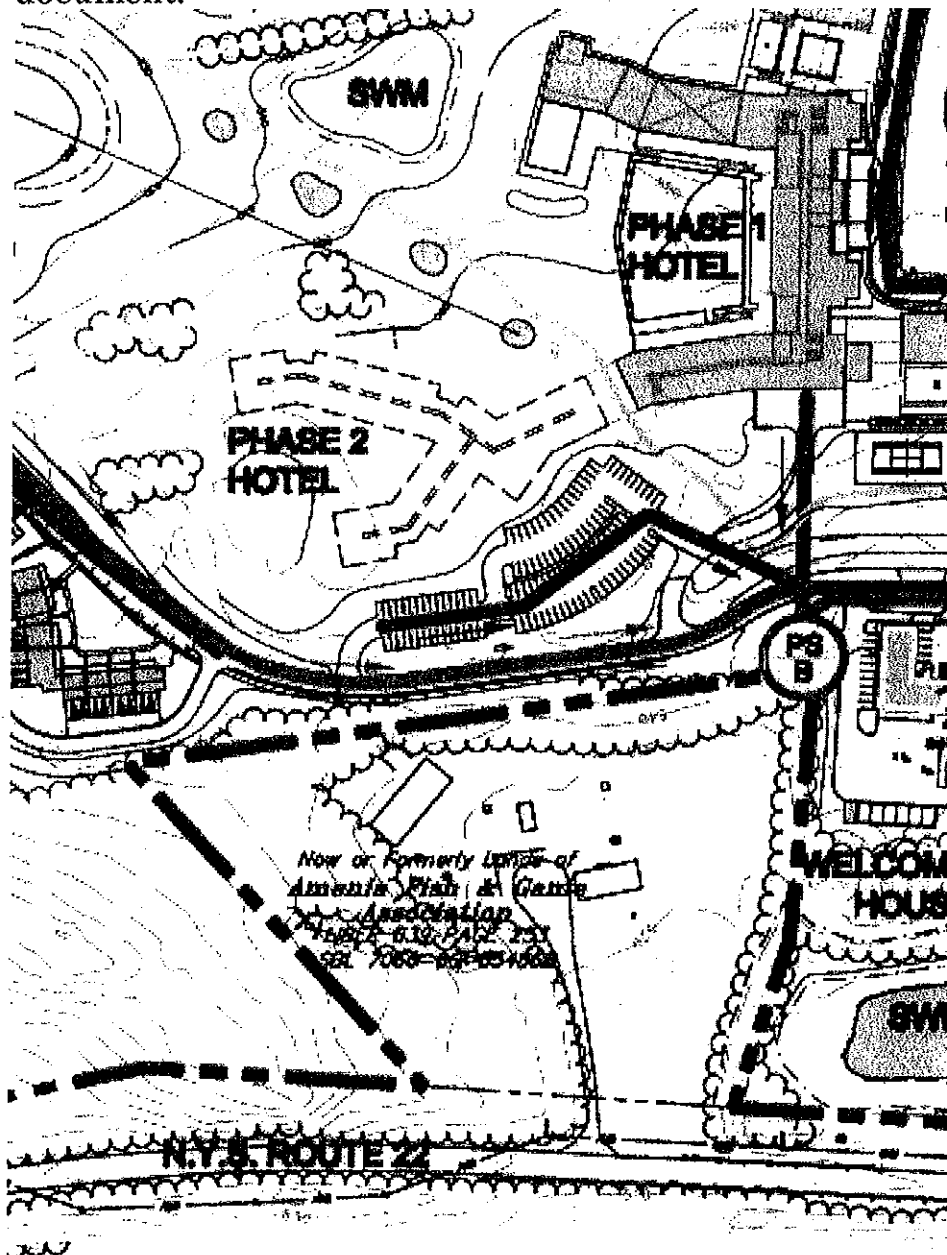
E
Comment: These wells have high lead levels. This is a serious problem that the DEIS glosses over. The treatment method should be specifically discussed. Is distillation a serious proposal? Where is the lead coming from? Naturally occurring lead in groundwater is very rare. Will Silo Ridge comply with US EPA Lead and Copper Rule, 56FR 26460 26564, June 7, 1991?

F
Comment: The required draw down tests during the 72 hour pumping tests were not actually completed. The DEIS should include the draw down effects on surrounding wells and it does not.

Section 5

TNA Map showing core area.

Comment: The Amenia Fish and Game Club is shown within the boundaries of the core area. This an active club whose members shoot guns at this location. SR's buildings will be within a three hundred feet of the shooting. This should be noted somewhere in this document.



Winery

One significant difference between the Traditional Neighborhood Alternative and the Proposed Action is the development of a winery within the hairpin turn on Route 44. It replaces several townhome units that were originally proposed in this

location to reduce the visual impact of the development on the hill. The winery is also intended to serve as an additional tourist destination in Amenia and a place from which visitors can enjoy the views over the golf course and down through the valley.

Comment: The location of the winery is vague. Pictures depicting the visual impact of this sensitive spot should be generated.

Page 5-31

Impact Summary

Compared to the Proposed Action, the Traditional Neighborhood Alternative site

layout has been modified to reduce environmental impacts and improve pedestrian

connections and circulation, and the visual impact is lessened due to the enhanced

clustering of units and variety of building masses, heights, rooflines, and architectural features. This Alternative preserves more open space (a total of 80% or

approximately 536 acres) than the Proposed Action, including the 230-acre wooded

hillside and ridge in the western portion of the site, and there is less impervious coverage (approximately 6% or 39 acres, compared to approximately 17% or 115

acres). Figure 5-9 shows a conceptual open space plan for the Alternative.

Comment: Under the RDO, 80% of the land is required to be kept open. The 230 acre wooded hillside should be placed in a conservation easement to keep it as open space. It's possible that, in the future, the zoning could be changed. That 230 acre area should receive additional protection. The 6% impervious area could be reduced by using semi-permeable paving materials.

Comment: The DEIS does not address who will supervise the construction site for compliance with erosion control measures. An

J
cont. independent agency should make sure that erosion control measures are enforced during construction as a massive amount of earth and rock are to be disturbed during construction. The volume approaches the yearly excavation efforts of a large gravel mine.

Page 5-57

The proposed stormwater management system has been designed to attenuate stormwater runoff generated during the 2-, 10-, 25-, 50- and 100-year storm events such that the peak rates realized at the designated design points will not exceed the rates that existed prior to development of the project. Therefore, the proposed project will not pose a significant adverse impact to the adjacent or downstream properties or receiving water courses. Table 5-5 provides a summary of pre- and post-development discharge rates in cubic feet per second (cfs), taken from Section 7.5 of the associated Master SWPPP in Appendix 9.5.2.

K
Comment: The DEIS does not consider the effects of major floods that take place during construction phases. Given the length of the construction period, major floods could take place during this time and mitigation measures should be proposed by the DEIS. Newly created steep slopes will increase runoff velocity and erosion. These newly created steep slopes should be discussed in the DEIS.

Page 5-64

Trees will be provided at varying intervals along roads and sidewalks for shade and cadence. New landscaping around structures will focus views and provide pedestrian scale, color and ornamental interest. Shade, flowering and evergreen tree plantings combined with shrub masses and herbaceous layer plantings will help to screen the development. All mitigation measures identified in Section 3.3 for the Proposed Action would apply to this Alternative and no additional mitigation is required.

L
Comment: Every effort should be made to insure that no invasive plants be introduced to the site and that native species should be planted in all cases. A qualified expert should be hired to supervise the applicant in this effort.

The steep hillsides surrounding the valley will not be

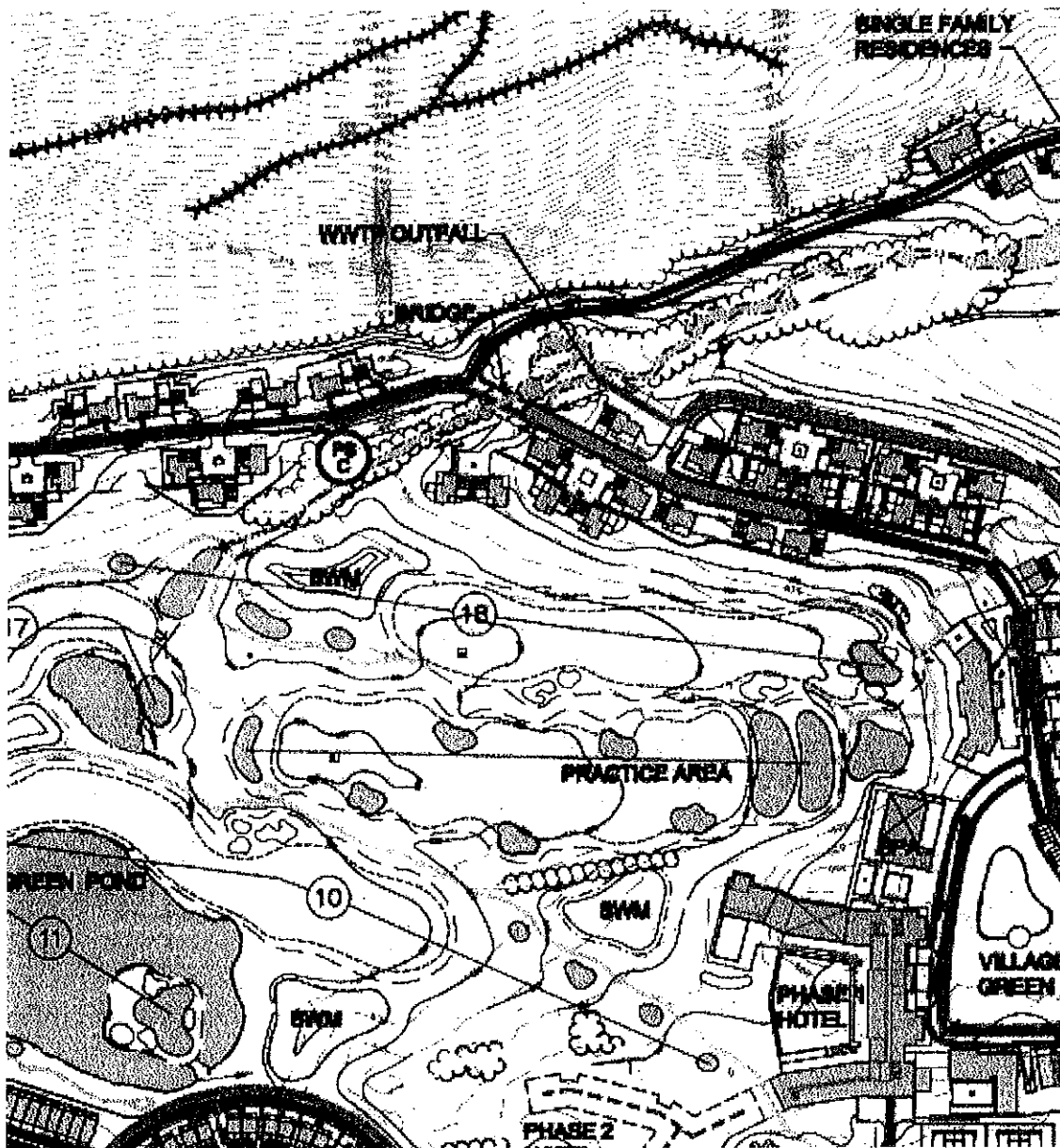
developed beyond the base of the hillside and less disturbance to steep slopes and to previously undisturbed habitat will occur under this Alternative. Permanent impacts to wetlands will be minimized to the extent possible.

M Comment: The existing boundary, or interface, between the forested upland and the open areas at the base of the hillsides may be a rich environment where various types of wildlife that frequent both the forest and the fields congregate. The density of development along this slope should be lessened in order to preserve this habitat. The effect on wildlife of putting in a new access road from Route 22 near the large DEC wetland has not been assessed. Roads open up pathways for nuisance birds and mammals into the forest and the road itself becomes a deathtrap for animals crossing it, particularly amphibians who may be migrating to the wetland from the woodland during breeding season. The DEIS should assess these effects and look for mitigations.

Page 5-142 Wastewater.

N Comment: The wastewater plan pumps treated effluent uphill to a point on an intermittent stream where it is released and flows past nearby houses and at least one well as a surface stream ultimately becoming part of the irrigation system's water supply. The DEIS should address the capability of the intermittent stream's capacity of carry the peak estimated quantity of effluent during periods of heavy rainfall without overflowing its banks. During irrigation months, the wastewater will, in theory, be used for irrigation. The DEIS should assess what happens to this effluent during time periods when it is not being used for irrigation.

If approval for the above plan is not approved by NYSDEC, then effluent will be diverted to Cascade Brook/Amenia Stream. The effect of this effluent on this trout stream should be addressed in the DEIS.

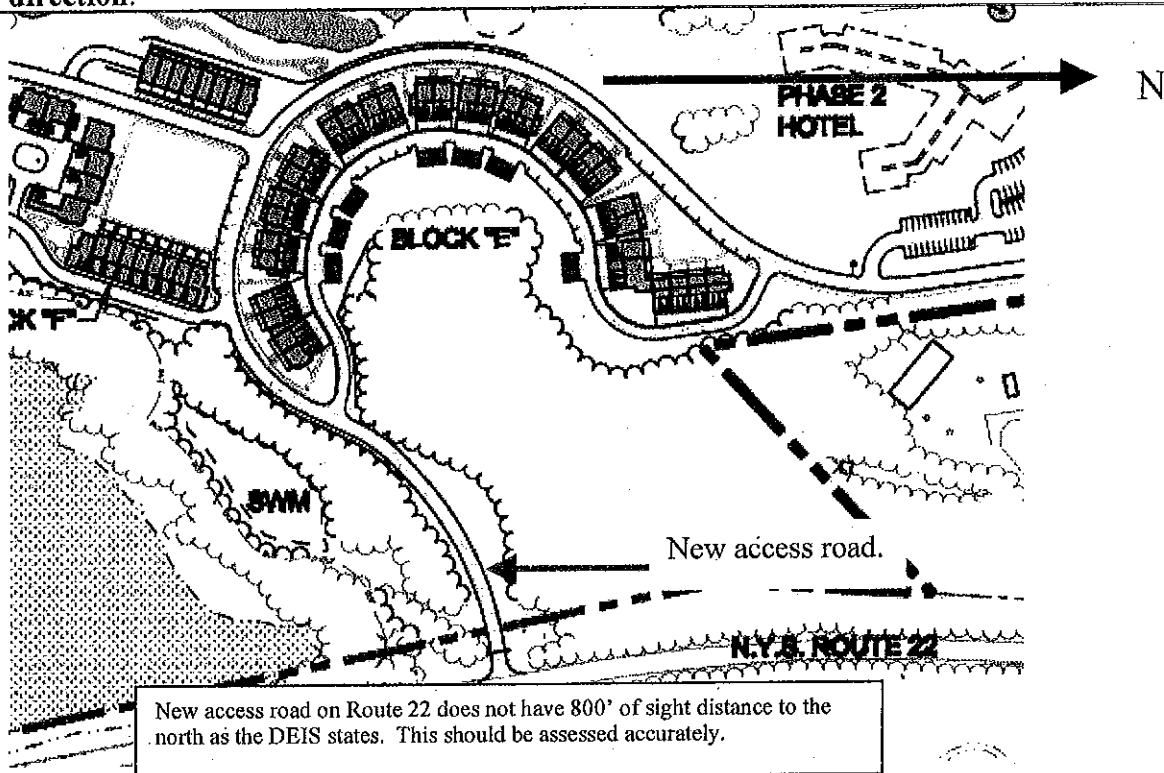


Wastewater outfall shown on Wastewater Plan from DEIS.

Comments not in DEIS: The proximity of two waste sites, the Harlem Valley Landfill and the Old Amenia Landfill and the effect that these two sites may have on the project are not mentioned.

Traffic Impacts

P The new access road off Route 22 should be re-assessed for adequate site distance to the north. It appears that the DEIS has over-estimated the site distance in that direction.



Impacts on the Webutuck School system.

Q While the DEIS addresses the tax impacts and benefits of the project on the Webutuck School system in terms of the tax impact of adding around 110 new students to the system versus the new tax income generated by the project, it does not calculate the impact that increasing the wealth of the District will have on NY State aid to the District. The wealth of the District will be increased significantly by Silo Ridge and this effect should be assessed by the DEIS. It may turn out that the increase in tax revenue may be canceled out by decrease in State aid.

Although the District may have the physical space to accommodate the influx of students predicted by the plan, the DEIS should assess the impact on taxes that an increase in staff will entail. More students will equal more staff and this is not assessed.

Workforce Housing

The "gift" of a sewer system in lieu of payments for workforce housing may be a good deal for the Town, but the applicant is obliged by the Zoning Ordinance to

P. Mandatory Workforce Housing

1. In any development of 10 or more dwelling units, at least 10% of the units shall be classified as workforce housing under this Section 121-42. In computing this number, fractional units of .5 or more shall be rounded up. The workforce housing units shall be added to the allowable unit count allowed pursuant to this Chapter. For example, if an applicant is permitted to build 25 dwelling units under this Chapter, the applicant shall be required to build at least 3 workforce housing units in addition, bringing the total unit count to 28.

2. The applicant may, instead of building the workforce units on-site, substitute one or more of the following alternative measures, if such measures are consistent with the Town of Amenia Comprehensive Plan and the purposes of this Section 121-42:

- a. Pay a fee in lieu of constructing the workforce housing units as provided in subsection N above.
- b. Construct the required housing units in another location.
- c. Place a restrictive covenant that satisfies the requirements of subsection G(2)(d) above on one or more existing dwelling units located on the same property or on adjoining property.
- d. Make a substantial contribution toward the cost of providing water and/or sewer infrastructure to the hamlet of Amenia or Wassauc. In order to allow this contribution to substitute for satisfying the workforce housing requirement, the Planning Board must find that (i) the contribution substantially advances the Town's goal of providing such infrastructure and (ii) that the provision of such water and sewer infrastructure will result in an increase in the availability of housing for persons who are the intended beneficiaries of the workforce housing program as described in this Section 121-42.

provide workforce housing, payment in lieu of, or "a substantial contribution toward the cost of providing water/and or sewer infrastructure to the hamlet of Amenia or Wassauc." Judging by the public comments at the March 5, 2008 public hearing, people seemed to think that Silo Ridge is gifting the Town a sewer system out sheer generosity. In reality, the Zoning requires them to do that or something similar.

Discussion of steep slopes re Silo Ridge DEIS

Steep Slopes—From Town of Amenia Zoning, June 19, 2007

§121-36 STEEP SLOPE REGULATIONS

The Town finds that the alteration of steep slope areas poses potential risks of erosion, sedimentation, landslides, and the degradation of scenic views. Accordingly, the following requirements are hereby imposed in areas with slopes exceeding 15%. Where a soil erosion and stormwater control plan is required by §121-32, such plan shall provide the information needed to comply with this §121-36.

A. For any subdivision, Special Permit, Site Plan, building permit, zoning permit, or variance that involves the

disturbance of slopes greater than 15%, conditions shall be attached to ensure that:

1. Adequate erosion control and drainage measures will be in place so that erosion and sedimentation does not occur during or after construction.
2. Cutting of trees, shrubs, and other natural vegetation will be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental

Conservation.

3. Safety hazards will not be created due to excessive road or driveway grades or due to potential subsidence, road washouts, landslides, flooding, or avalanches.

4. Proper engineering review of plans and construction activities will be conducted by the Town to ensure compliance with this section, paid for by escrow deposits paid by the applicant.

5. No Certificate of Occupancy will be granted until all erosion control and drainage measures required pursuant to this section have been satisfactorily completed.

B. No disturbance, including cutting of vegetation or construction of driveways, shall be permitted on any slope of 30% or greater, except in any of the following circumstances:

1. As may be needed for stream bank stabilization, foot trails and utility lines.

2. In conjunction with timber harvesting operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.

3. In conjunction with activities of a farm operation protected by an exemption under § 121-37E below.

4. In conjunction with the establishment or maintenance of golf course fairways.

5. In conjunction with rock removal operations allowed pursuant to §121-34I.

6. Where an applicant can demonstrate that there is no feasible alternative and that the impacts of any land disturbance will be fully mitigated by the best available engineering, erosion control, and visual impact mitigation practices.

7. Where an applicant can demonstrate that the impacts of disturbing slopes do not negatively impact visual resources, that the areas impacted are part of a broader plan for a site that weighs and balances the full range of environmental issues, and that such disturbance is fully mitigated by engineering and soil erosion control practices.

C. Slope determinations shall be made based upon the topographic information required for a particular approval, along with such other topographic information as the reviewing board or official shall reasonably require or the applicant shall offer. In cases of uncertainty or dispute, a qualified professional retained by the Town, at the applicant's expense, shall determine the location of regulated slopes.

Amenia Zoning Law, Adopted July 19, 2007

59

D. For purposes of determining the location of steep slope areas, only contiguous slopes containing at least 5,000 square feet of steep slopes, as defined above, shall be considered. Within the HM and HR Districts, contiguous slopes containing at least 1,500 square feet shall be considered.

The Town of Amenia Zoning, July, 2007, contains clear and concise rules for building on steep slopes. Steep slopes are meant to be protected because of several reasons including aesthetic and practical. Silo Ridge

S
cont.

proposes to build on over 100 acres of steep slopes. The DEIS does not discuss, except in vague terms, how they will proceed with this building or why it is necessary. According to 121-36, many criteria must be met by anyone considering to build on steep slopes. The DEIS has not met many of these criteria. Compare the Zoning Law above with their DEIS below and this becomes apparent.

Soils and Geology

Section 3.1 of the DEIS describes existing soil and geology conditions on the project site.

The Alternative is expected to have similar impacts with respect to soils and geology as the Proposed Action, although disturbance to steep slopes and overall site disturbance are less. Grading and construction activities onsite are expected to disturb approximately 248 acres of soil compared to 274 acres in the Proposed Action. Approximately 126 acres of the total disturbance would be due to modification of the golf course while the remaining 122 acres of disturbance would be related to construction of the resort development.

Of the 126 acres of golf course disturbance, all but 2.75 acres have been previously disturbed by past construction activities. All but 35 acres of the resort-related disturbance are areas that have been disturbed in the past. Approximately 22 of

*The Chazen Companies
October 2007*

*to Ridge Resort Community
Alternatives*

Page 5-36

these previously undisturbed acres are located at the base of the hillside in the western portion of the site.

Figure 5-9a illustrates the amount of slope disturbance that will occur on 0-10% slopes, 10-15% slopes, and >15% slopes. Table 5-3 summarizes the disturbances.

**Table 5-3 Traditional Neighborhood
Alternative Estimated Slope Disturbance**

Slope Category	Acres Disturbed	Percent of Disturbed Area
0-10%	98±	40%
10-15%	42±	17%
> 15%	108±	43%
TOTAL	248±	100%

these previously undisturbed acres are located at the base of the hillside in the western portion of the site.

Figure 5-9a illustrates the amount of slope disturbance that will occur on 0-10% slopes, 10-15% slopes, and >15% slopes. Table 5-3 summarizes the disturbances.

**Table 5-3 Traditional Neighborhood
Alternative Estimated Slope Disturbance**

Slope Category	Acres Disturbed	Percent of Disturbed Area
0-10%	98±	40%
10-15%	42±	17%
> 15%	108±	43%
TOTAL	248±	100%

It is estimated that approximately 950,000 cubic yards of cut and fill will be required for the Traditional Neighborhood Alternative. The cut and fill will be balanced onsite, so offsite transport of soil will not be necessary. Erosion control measures will be in place during grading activities and grading will occur in accordance with NYSDEC requirements.

As described in Section 3.1, rock excavation will be minimized as much as possible by developing engineering alternatives to avoid rock wherever possible. For areas of the site needing rock excavation, many areas will be excavated through mechanical means other than blasting. Nevertheless, where blasting may be required, all blasting operations will adhere to New York State ordinances governing the use of explosives. Proper program guidelines will be established between the State, Town, and Blasting Contractor prior to the undertaking of any blasting activity. The project will obtain applicable blasting certifications and comply with all blasting safety requirements. Appendix 9.13 contains the SEQ Rock Excavation Concept for the development and Appendices 9.14.1 and 9.14.2 contain preliminary geotechnical investigations. The same erosion and sediment control measures and general procedures for rock excavation would apply to this Alternative. See Section 3.1 for details.

T The DEIS estimates that nearly one million cubic yards of material will be moved around on site during construction. Steep slopes will be disturbed, altered, and even increased. The applicant should state clearly how erosion control will be implemented during construction and, just as importantly, who will monitor the implementation. If the project changes owners, or fails, how will the site be reclaimed? The DEIS needs to answer these questions. One million cubic yards of earth and rock amount to 50,000 large dump truck loads, which is no small earth moving project.

U The DEIS should also discuss what will be done to mitigate the visual impact of this construction, particularly the steep slopes that will be impacted.

Careful inspection of the Grading Plan shows that much of the steep slope impact will be along the western edge of the site where the valley bottom meets the steep slopes of the forested land. The map shown below was excerpted from the Grading Plan and it shows a typical home site in that area. The contours of the land are sharply altered so that the houses can be placed on a flat building envelope. Directly to the west of the building site, the map shows that a new steep slope has been created. If the map can be taken at face value, it shows that a new slope with a gradient greater than 100% will be created. This is a great increase over the 15-30% grade that the original contours show exist in the area.

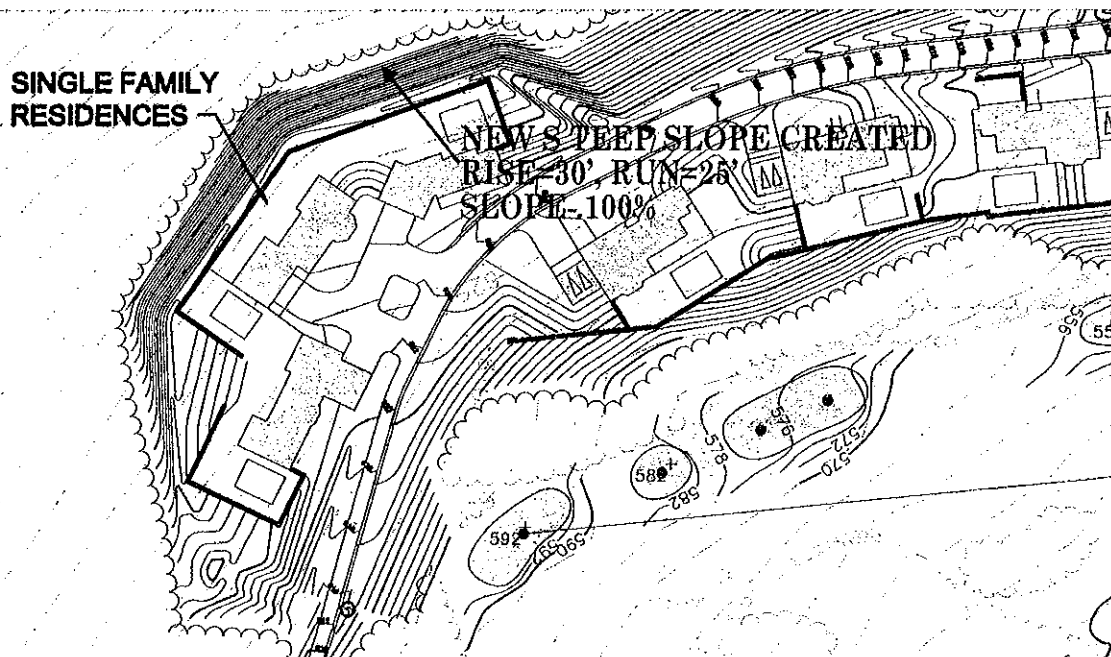


Fig. 1 This is a portion of the Grading Plan showing home sites in the south-central part of the project. The heavy dark straight lines are retaining walls. Note the steep slopes that are proposed to be created.

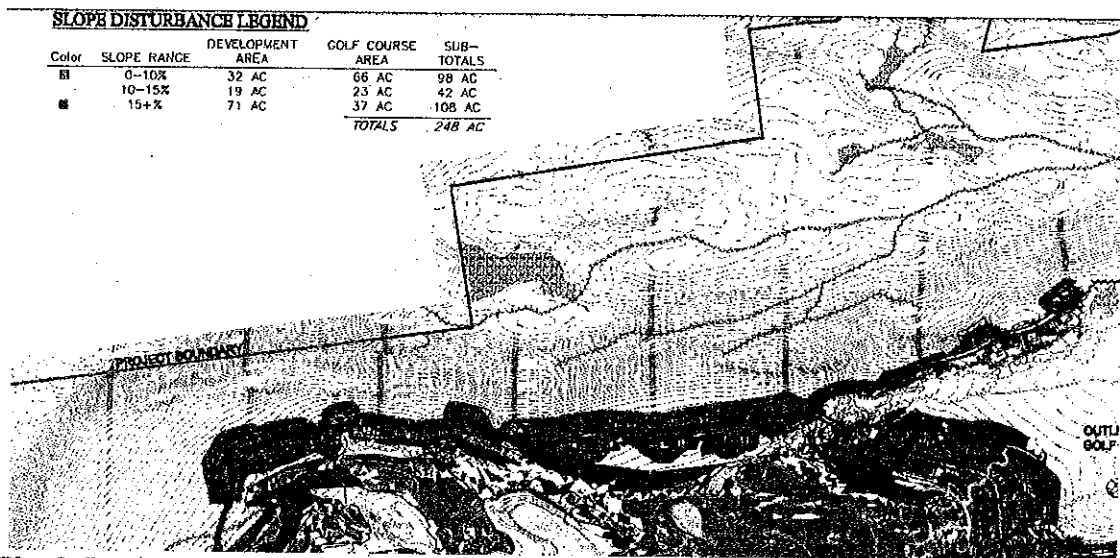


Fig. 2 Portion of Steep Slopes Disturbance map from DEIS. Note the disturbance along the base of the western ridge. Many of these steep slopes will be steepened.

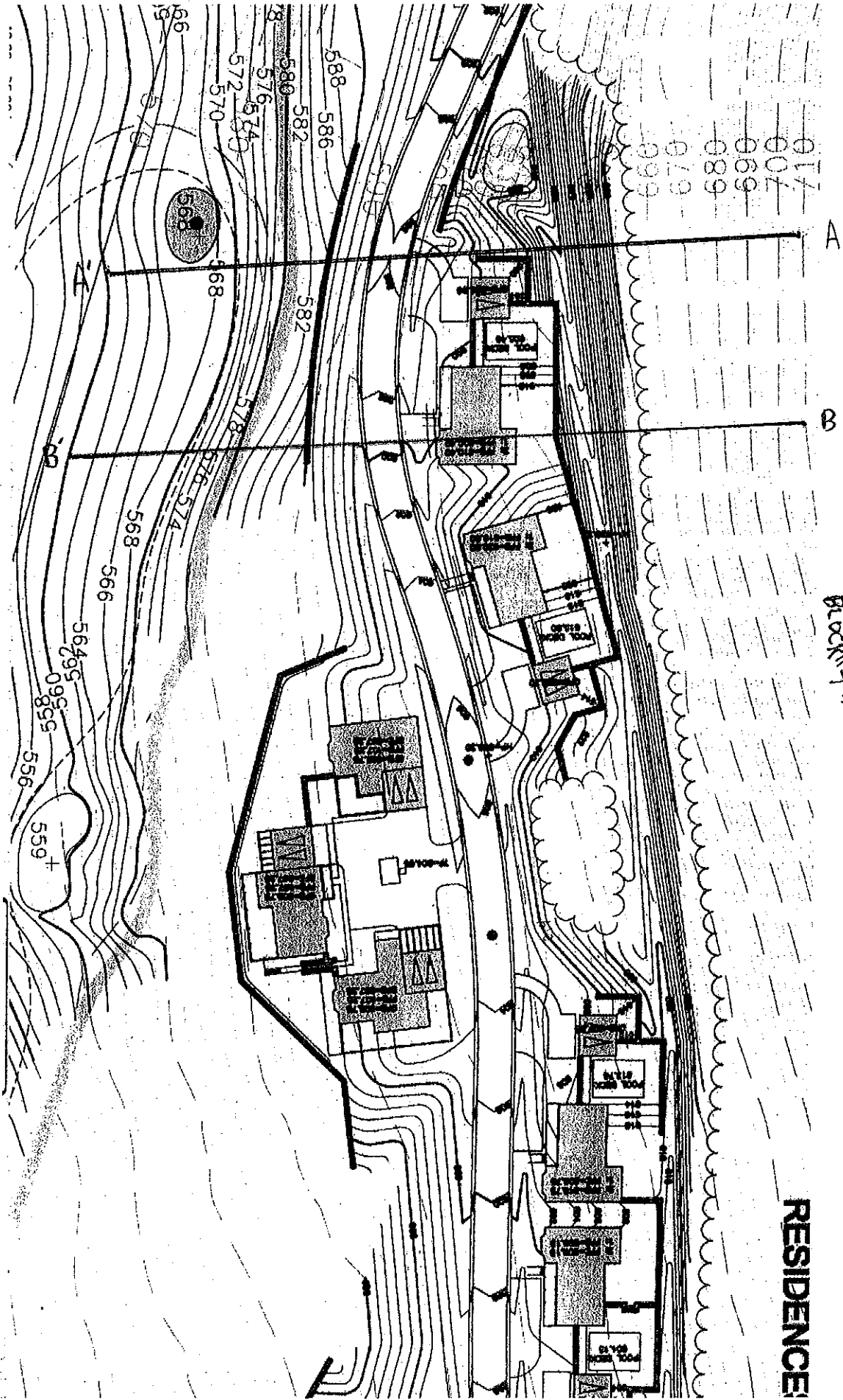
W The DEIS should discuss in detail how these steep slopes will be stabilized. There should be a detailed geotechnical discussion of the rock and soil types and how well they will maintain this new slope. There should also be a detailed discussion of how the soil and rock above these newly created slopes will be stabilized along with a discussion of how runoff from these steep slopes will be controlled. There should be a discussion of the visual impact of these steep slopes that will possibly expose raw rock faces. There should be a discussion of what kind of vegetation is proposed to increase the stability of these slopes.

Silo Ridge proposes to build a lot of expensive real estate on steep slopes and they need to discuss how they are going to do it. It is an integral part of their plan and the issue needs to be more completely discussed in the DEIS.

X The steep western slope of the project is slated to have housing and roadways cut into it. These slopes have become stable over a several thousand year period. When the toes of the slopes (the bottom edges) are cut away for housing plots and roads, they will be steeper and may become unstable. Soil and rock may begin to move down the newly steepened slopes onto the roads and houses below. This will be aided by frost action and the movement of both surface and groundwater as gravity restabilizes the newly created steep slopes. The orientation of natural joints and cracks in the bedrock will be an important factor in this stabilizing process.

SINCE FAMILY RESIDENCES
BLOCK 14

18.B



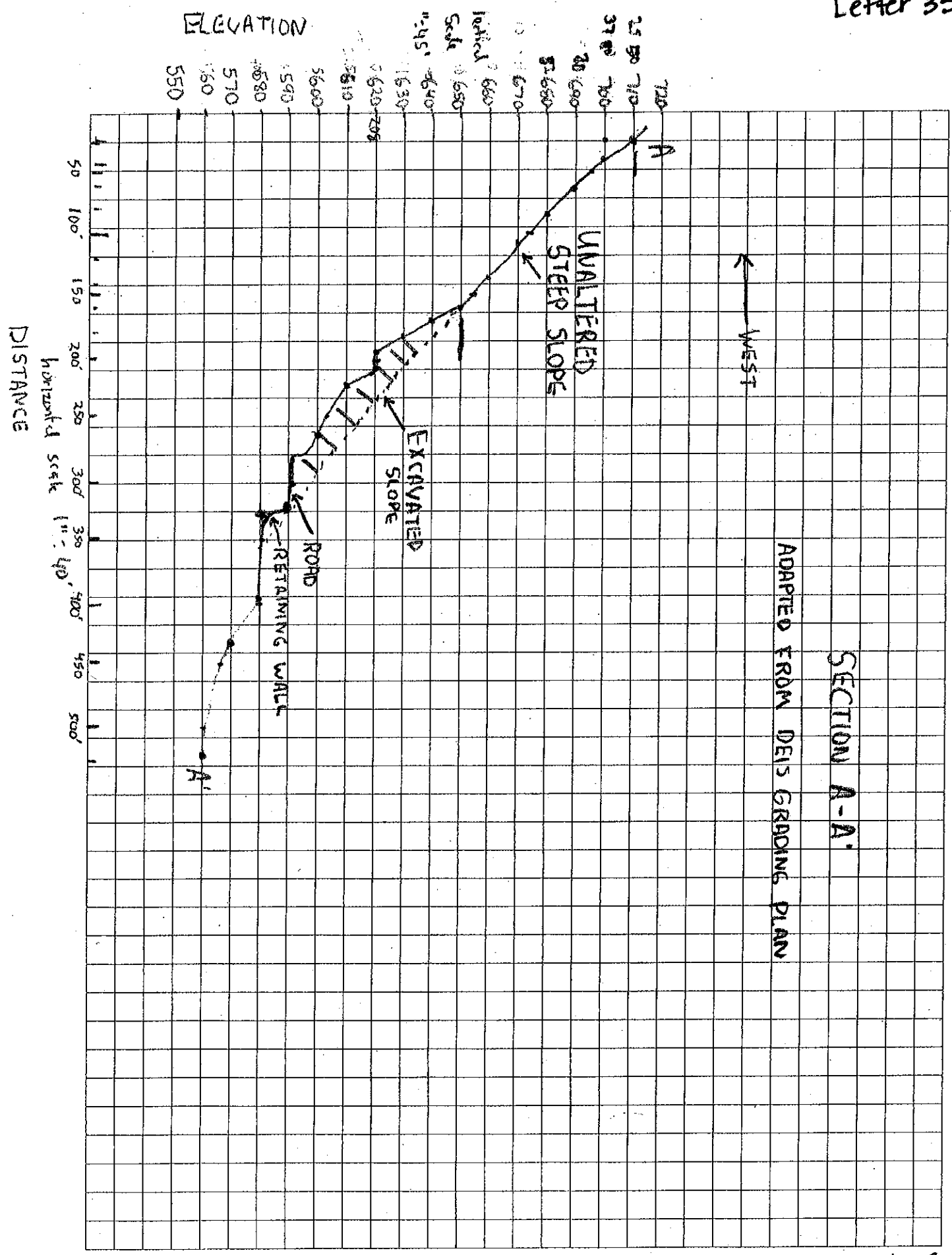
DEIS GRADING PLAN

SECTIONS A-A', B-B'

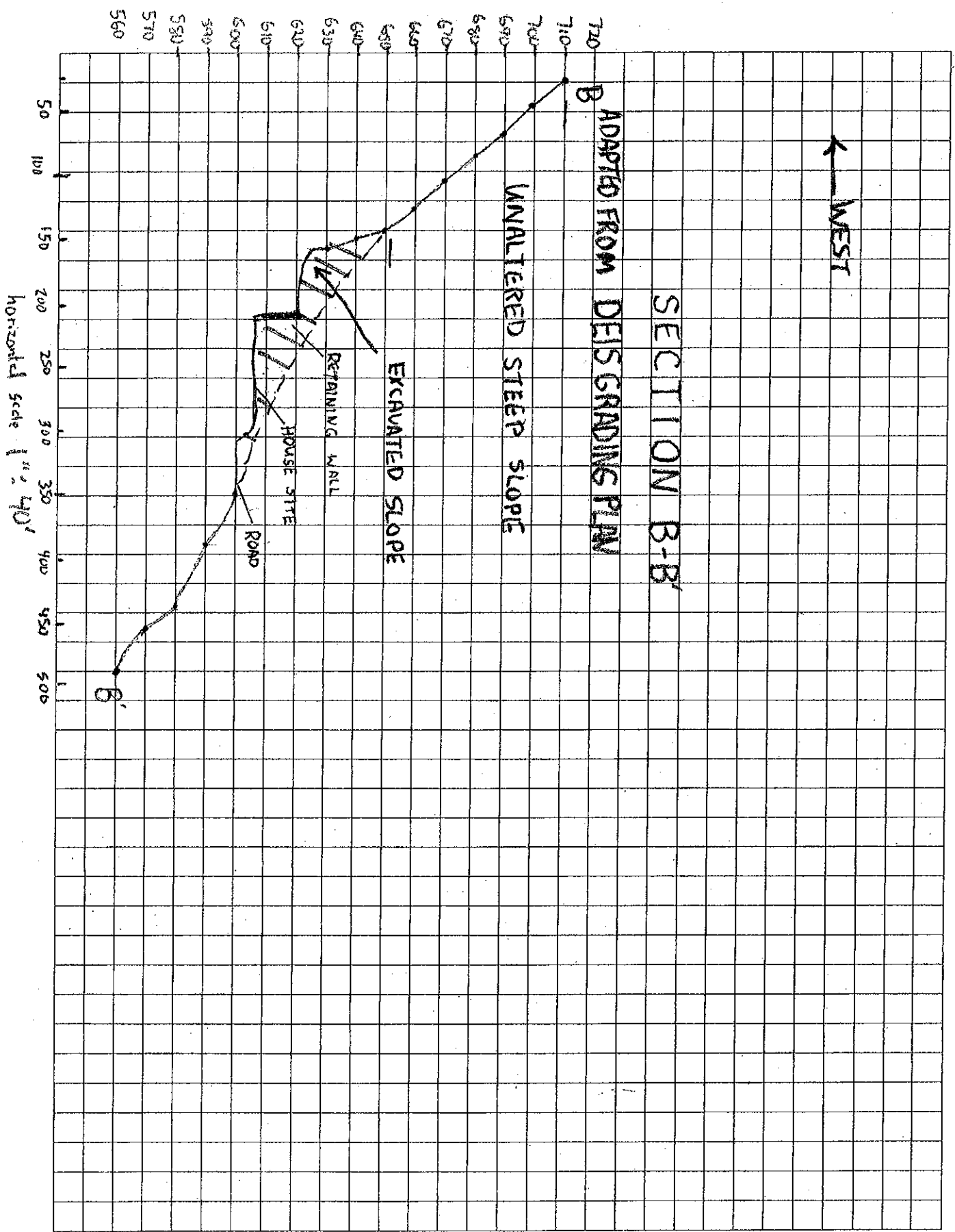
SCALE 1"=40'

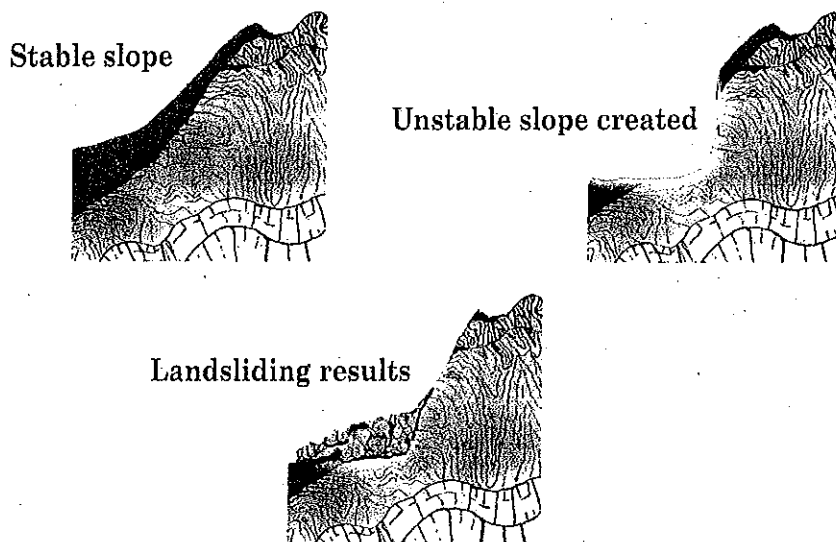
RESIDENCE

A-A



vertical
scale
1" = 45'





Landslide caused by excavating a stable slope.

previous

The ~~next~~ three pages depict cross-sections drawn from two places on the Grading Map. They show the profile of the steep slopes and the degree to which these steep slopes will be made steeper.

Impact on Wetlands

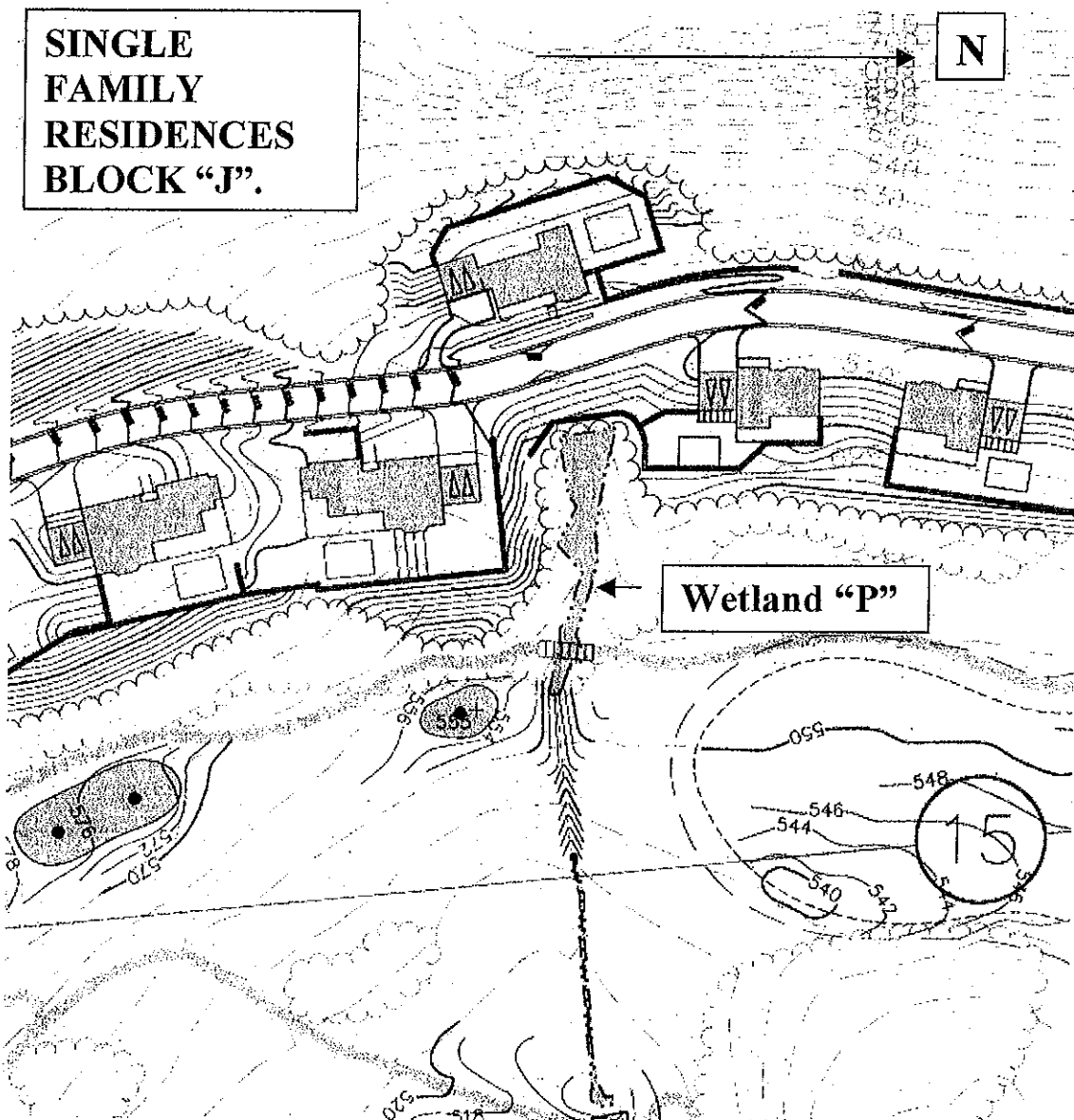
Wetland "P" is identified on DEIS wetland map, but there is no discussion of it. It is not an isolated wetland because it has a connection to wetland "L". Wetland P appears to be a spring that supplies a small stream identified as stream "M". Wetland P needs to be discussed in the DEIS because it is nearly surrounded by Block J single family residences that are perched on the steep slopes within a few feet of the wetland. A road is proposed on western side several feet above wetland P. These residences and the road should be evaluated as possible threats to this spring fed wetland. When the wetland was visited by members of the Planning Board in February of 2007, there was water flowing from the spring and Dr. Klemmens commented to the effect that it would be a salamander habitat.



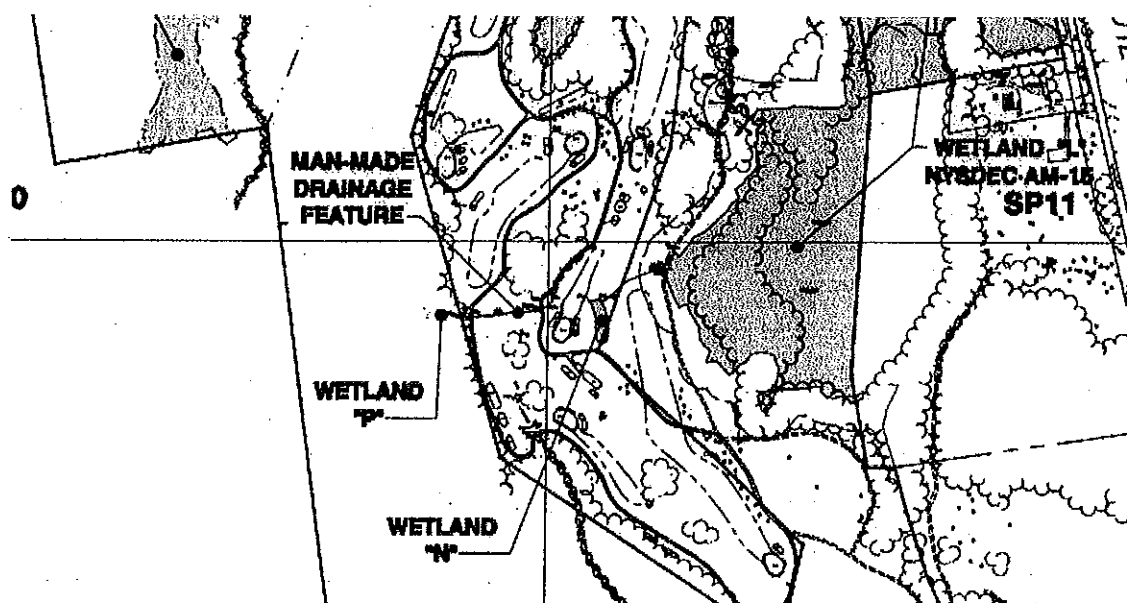
A portion of Wetland P.

4
cont.
The Grading Plan indicates that a great deal of construction will go on around wetland P including major alterations of the already steep slopes surrounding the wetland. This should be discussed in the DEIS even though the wetland is a small one.

The maps on the following pages show the location of wetland P.



FROM GRADING PLAN, DEIS SCALE 1"=40' (APPROX.)



FROM SILO RIDGE DEIS

Visual Assessment Comments

Town of Amenia Zoning Ordinance July, 2007

§121-14.1 SCENIC PROTECTION OVERLAY DISTRICT (SPO).

A. Findings and Purpose. Special protection of scenic road corridors, the Harlem Valley Rail Trail, and highly visible ridgeline areas is necessary to preserve the attractive rural and historic quality of the Town. The purpose of this Section is 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 rail trail corridors that are visible to the public and that substantially retain their scenic character.

B. Boundaries. The SPO District includes all land shown on the Resource Protection Overlay Districts Zoning Map as part of the SPO District, including mapped ridgeline areas visible from multiple viewpoints and land lying within 800 feet of the right-of-way of NY State Routes 44, 22, and 343 and within 500 feet of any other designated roads or the Harlem Valley Rail Trail. As used herein, the term "scenic road" shall be defined to include only specifically designated segments of road or rail trail corridors.

C. Regulatory Effect on Land Uses. Within the SPO District, all of the underlying land use district regulations remain in effect, except as they are specifically modified by this Section.

D. Site Plan Approval Requirement. Within the SPO District, Site Plan approval shall be required for the following uses and activities (including residential uses that are otherwise allowed without site plan review by the Use Table in § 121-10):

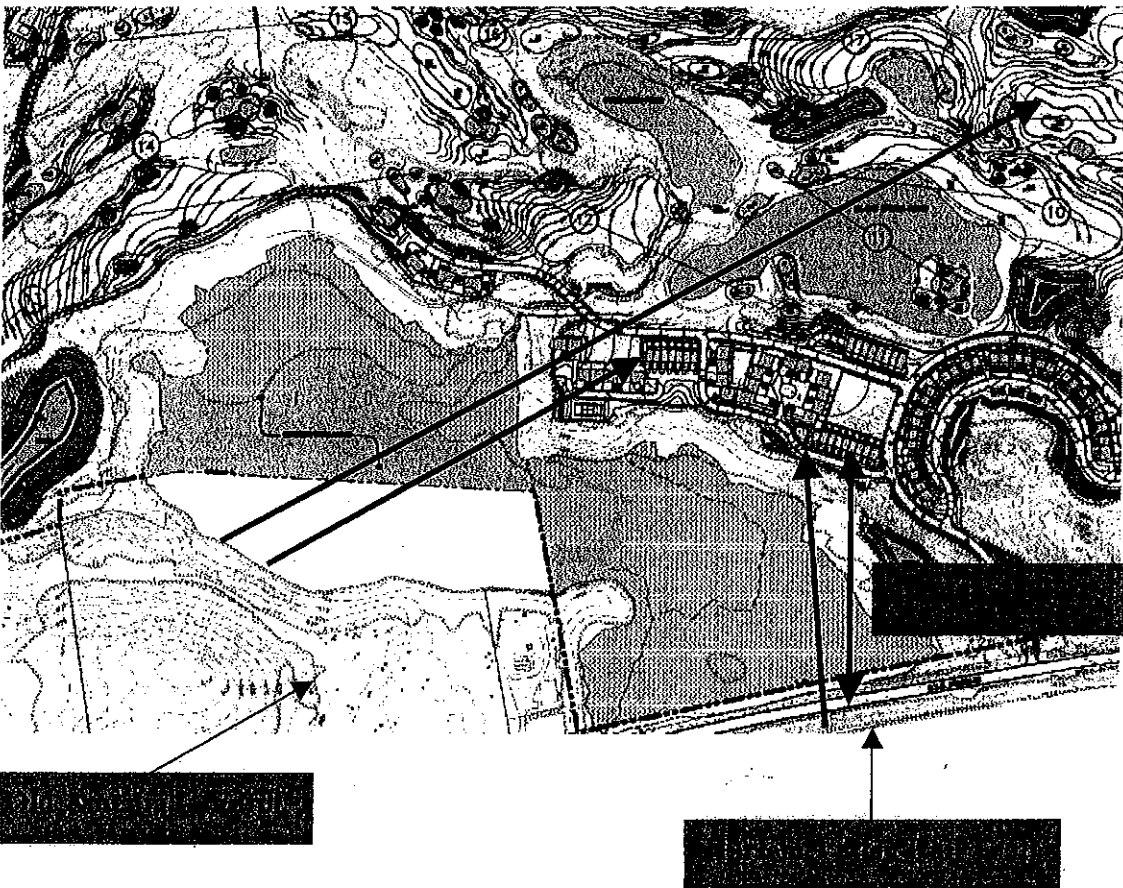
- (1) Construction of any structure or any addition to a structure where the size of the new structure or addition will be greater than 500 square feet in footprint area, including residential structures.
- (2) Within any one-year period, in any location that is visible from a publicly accessible place (as defined in §121-74) when there are no leaves on the trees:

Z The Silo Ridge DEIS visual analysis is wanting in many respects. It should be revised so the true visual impact of the project can be analyzed. This would include creating a virtual tour of the project and, at the least, enlarging all the photographs in the visual assessment so that they can be viewed on a large screen. The small format photos in the DEIS just do not supply the detail needed to see the impact. A realistic depiction of the buildings should be provided instead of the dismal looking ones in the existing photos. Since visual impact is the most important perceived impact by the public, it would be in the best interests of the applicant to provide a realistic analysis.

AA The visual impact on the Harlem Valley Rail Trail and the park that will be built on the Old Amenia Landfill is not assessed in the DEIS and must be. The following pictures and maps refer to those areas.

BB The Old Amenia Landfill is a Superfund site that is presently being remediated. Part of the remediation calls for the entire 28 acre site to be turned into a Town of Amenia park. The Silo Ridge DEIS does not take the visual impact of its project on the park.

CC The Harlem Valley Railtrail passes within 400 feet of Silo Ridge buildings. The visual impact of these buildings on the trail must be assessed as they fall within the guidelines of the Scenic Protection Overlay in the Amenia Zoning Ordinance.



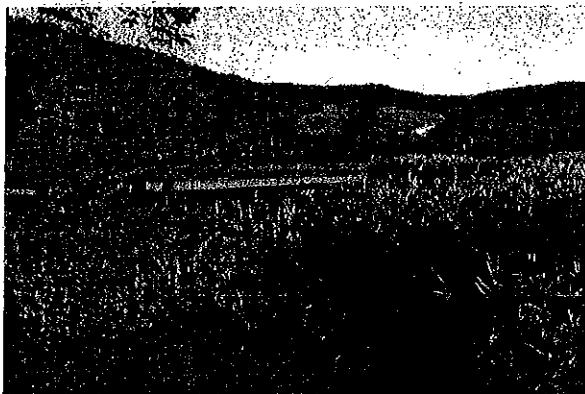
This map shows the relationship between the Old Amenia Landfill and the Harlem Valley Rail Trail to the Silo Ridge project. The map is from the DEIS and depicts the southeast corner of the project. The black arrows show the viewsheds depicted on the next page.



View of Silo Ridge looking west from NYS 22 and Harlem Valley Rail Trail.



View of Silo Ridge from Old Amenia Landfill.



View of Silo Ridge from Old Amenia Landfill.

received
3/25/08 LA

Michael W. Klemens, LLC
POB 432, Falls Village, CT 06031
March 18, 2008

Mr. George Fenn, Chairman and
Members of the Amenia Planning Board
Mechanic Street, POB 126
Amenia, New York, 12501

In Re: Silo Ridge Resort Community DEIS

Dear Mr. Fenn and Members of the Planning Board:

The following are my comments concerning the sections of the DEIS that I have reviewed on your behalf.

A

Page 1-17: Water Resources: The proposed action will disturb wetlands yet no mitigation appears to be offered for the wetland loss. The mitigation of 50 and 100 year storm event is inadequate in the current climate change scenario.

B

Page 1-18: Water Resources: Consideration should be given to an organic golf course and LID storm water management.

C

Page 1-19: Wildlife: No detail is provided for buffers. Many of the proposed buffers are lawn/turf which has minimal value for wildlife habitat or for storm water treatment.

D

Figure 3.1-1: Soils Map: The map and accompanying tables provide information as to the suitability of the soils/slopes to support development. Most of the proposed development site north of Rte. 44 where the winery and town homes are proposed is severely constrained by the Applicant's own data. The Applicant should explain why they are contradicting their own data in placing the town home development in this area. The only area that appears suited for development lies in the curve where Stockbridge silt and loam is found on 8-15% slopes. However, development in this area is challenging from a visual perspective.

E

Page 3.2-23: In table 3.2-5 wetland I is proposed to be filled. There is no information in any detail on the function and values that will be lost by this fill, nor discussion of proposed mitigation to offset this wetland loss. The Applicant has a wide range of opportunities on the site to create additional wetland or to improve and enhance existing wetlands.

F

Page 3.2-24: Vernal pools. While I agree that the Applicant has avoided impacts to Wetland U by the design of the project, I disagree with two unnecessary statements that are included in the text. The steep drop of 350 feet is likely not an impediment to

F
cont. amphibian movements as these lightweight sticky creatures are often able to scale vertical or near vertical surfaces. The discussion that vernal pools are not protected by either State or Federal law is a red herring. The rich biota of vernal pools are a consideration of the Board's SEQRA review, therefore they have full standing to be considered in this Board's review of the proposed project.

G **Page 3.2-25: Stream and Wetland: Proposed Mitigation:** There is no discussion or plan to re-vegetate the stream and pond edges with a natural shrubby and herbaceous plant community as recommended by the Applicant's and Town's consultants. It is not enough to create planting shelves within ponds or commit to not spraying pesticides and herbicides on the turf within 25 feet of wetlands. I recommend that a minimum of a 25 foot naturally vegetated buffer planted in native shrubs be installed along the edges of all streams and wetlands. In the case of stream, a 25 foot buffer on each bank would result in a 50 foot wide naturally vegetated stream corridor that would provide areas for wildlife movement as well as wildlife habitat, and keep human activities and pollutants out of the wetlands and watercourses. This shrubby buffer would add visual interest, provide wildlife habitat, and clearly indicate where the course ends and the natural habitat and ecosystem begins.

H **Page 3.4-9: Table 3.4-3:** The dusky salamander (*Desmognathus fuscus*) is a regionally rare species in Dutchess County. Once widespread, populations of this species have plummeted throughout the mid-lower Hudson Valley because of the deterioration of stream quality, particularly increases in flashiness, scouring, and thermal alterations associated with development activities. The documentation of this species in the headwaters of area of Stream J is particularly significant on this site. It points to the spring-fed nature of the headwaters area, which is another critical component of dusky salamander habitat. A special conservation zone should be established in that area, and more work is needed to determine the extent of the population within this spring fed seepage area. I would also recommend that the pod of development that is proposed around this wetland area be eliminated or relocated elsewhere.

I **Page 3.4-18:** The claim made the project will preserve approximately 500 acres of the site is misleading. While 230 acres of the site (the hillside and ridge) are to be preserved in a natural and ecologically resonant state, the other so-called preserved areas are the golf course and areas between development nodes and the wetlands. A clear distinction must be made between areas that are to be preserved in a natural state, and those areas that will remain open (free of impervious surface and building) but will have little ecological value (in fact they may serve as the source points of ecological damage through run-off and pollutants). Juggling the numbers in this manner to so gild the lily does not serve any purpose, either for the Applicant or the Town. It leaves both parties open to criticism and I strongly suggest, as I have in the past, that differentiation be made between these types of open space.

J **Page 5-1:** Under the no build alternative—I question whether it is appropriate under SEQRA to state that the golf course is operating at a loss and will likely close. Two questions come to mind. We have had numerous discussions in public hearings and

J
Cont.

meetings to the extent that we can ask or should questions of the Applicant as part of the SEQRA process as to the financial viability of the project. The fact that the course is loosing money is not a SEQRA concern. I would strike the sentence that begins "In addition...and ends with "would close". The previous sentence is quite appropriate and more than adequately encapsulates the concept that other development will likely come over time to the site should the Applicant not be able to pursue some form of re-development of the site.

K

Page 5-5: Table 5:1: Again, the merging of natural ecologically resonant protected areas with the manicured golf course and the lawns and other managed amenities of the site creates a confusing metric of open space. As repeatedly requested, the Applicant needs to create two metrics of open space to account for the very different values and functions of truly natural conserved areas versus managed areas of lawn and turf grass.

L

Figure 5-2: Traditional Neighborhood Alternative (which is now the Applicant's preferred alternative). I recommend the elimination/relocation of Single Family Residence Block L based on impact to the very high quality wetlands just down slope of the proposed development. I recommend elimination of the vineyard town homes on the north side of Rte. 44 based on the unsuitability of the soils to support development. On the south side of the proposed development I would request that the emergency access road be constructed of pervious surface, either pavers or gravel and that detail be provided to ensure that it will not become a *defacto* through road. An emergency access is reserved for that, and all other homeowner and maintenance traffic should respect that designation. There was also discussion in public meetings about constructing a trail way through the southern end of the property to allow public access from the town-owned wetland park to the ridge and Tamarack Preserve. This is an important public amenity which could easily be integrated into the site plan. If the Applicant is concerned about security and safety issues, the access way could be fenced much in the manner that the Rail Trail is fenced just north of the Rte. 343 crossing. Finally, I remain concerned about the number and spacing of the development on the slopes on the west side of the property. Compacting this development to the north could eliminate Block K and part (if not all of) Block J, which would allow more of the ridge toe habitat to remain intact, would lessen impacts of clearing and earth removal, and create a more compact and pleasing development, while allowing more ecological connection across the south end of the golf course to adjacent natural areas and wetlands.

M

Figure 5-9: The conceptual open space plan needs to be redrawn to indicate my previous comments.

N

Figure 5-12 and pages 5-48 and 5-49: The examples of enhancement proposed are not ecologically desirable. The marine wall creates a hard edge to the wetland and turf extends right to the wall. The stream restoration depicted in the drawing is actually armoring the stream wall with rip rap. Both these proposals are a way to control water flow and to maximize the use of the land adjacent to these systems for recreational purposes. I recommend natural edges to ponds and wetlands, planted with shrub community, as a far more effective way to stabilize and restore wetlands. This was a

N
cont.

concept recommended by Chazen to the Applicant in earlier versions of this document that were reviewed. While I support the concept of planting shelves in ponds, they should also include a vegetated upland buffer strip surround these replanted wetlands.

O

Figure 5-19-Reduced Scale Alternative: The reduced scale accomplishes several important ecological goals. Wetland J is protected by the elimination of the houses just upslope, and a lot of the disturbance to the toe of the west facing slope is eliminated, reducing clearing and earth movement and leaving a broad ecological connection across the southern end of the site. The vineyard town homes are still part of this alternative, situated on soils that are by the Applicant's own data unsuitable for development. Public access across the south end of the site is not provided, and the wetland edges remain inadequately restored.

The following comments are my review of Appendix 9.7 Ecological Reports

P

Page 1: The statement that approximately 394 acres of the 668 acres will remain undeveloped. This is another confusing open space metric that does not agree to the open space calculations presented under 3.4-18. And again, the metric does not distinguish the ecologically valuable open space.

Q

Page 4: The packaging of the various studies together is not very useful—for example Table 2.1.1 Work Field Days reflects the first phases of the Applicant's work prior to my involvement with the project. Subsequently a considerable amount of additional work was required. I was quite critical of the amount of field time that the Applicant had expended as reflected in the table—especially as it was quite evident that most of the wildlife observations were incidental to the wetlands delineations. Having this table as in the introduction to Appendix 9.7 does not serve the Applicant well. Certainly this chapter should lead off with a summary of the totality of the effort expended, and then append the earlier studies.

R

Page 27: Table 4.3.3: At least two species recorded by the Applicant are not included in this table, i.e., dusky and two-lined salamanders. Again, this introductory portion is quite illogical in its construction, and it should completely summarize all species and all efforts.

S

Page 14 of the Supplemental Report –Table 3.3.1 omits the two-lined salamander,

T

Page 15: I believe it should read "Snake and turtle egg shells".

U

Appendix B (Of Appendix 9.7): The Applicant should specifically address for each of the following species the anticipated impacts, and the proposed mitigation measures, for these species of conservation concern (recorded by the Applicant's breeding bird survey):

Cooper's Hawk (*Accipiter striatus*)
Red-shouldered Hawk (*Buteo lineatus*)
Prairie Warbler (*Dendroica discolor*)

U
Cont.

Willow Flycatcher (*Empidonax traillii*)
Worm-eating Warbler (*Helmitheros vermivorus*)
Wood Thrush (*Hylocichla mustelina*)
Virginia Rail (*Rallus limicola*)
American Woodcock (*Scolopax minor*)
Blue-winged Warbler (*Vermivora pinus*)

V

Page 13: Note that Dr. Smith recommends an un-mowed buffer around wetlands. To that I would add that the buffer be a mixture of shrubs and herbaceous plants.

W

In conclusion, I would recommend that the Appendix 9.7 be redesigned to consolidate the information into a user-friendly format. As it exists, it is several reports bound together with a summary that doesn't accurately summarize effort or all the species found. The resumes of key staff are appended to each report; certainly they could be pulled into a single section, and the duplicates and triplicates of the same resume, e.g., Tompkins, be removed.

X

Appendix 9.11

I have very few comments on this Appendix as it actually is a turf management plan-the "Natural Resources Management Plan" is a misnomer and the title should reflect exactly what it is.

Y

I strongly recommend that the Applicant consider an organic golf course. I also strongly recommend that the Board retain a specialist in the area to review the Applicant's findings and conclusions, including the IPM, and its effects on aquatic systems and wildlife. I would recommend that the Board retain Dr. Stuart Z. Cohen of Environmental Turf Services to review the FEIS submission of this chapter. Dr. Cohen is a recognized expert in the field not only of evaluating IPM's, but also assessing impacts of these IPM's to aquatic systems and wildlife.

Z

Finally, in case there is any confusion on the part of the Board, the preparers of the plan, Audubon Environmental are not part of or endorsed by the conservation group that is widely known and respected as the National Audubon Society.

Sewer Plant and Cascade/Amenia Brook

AA

I would ask the Applicant to address the following questions: What are the possible impacts to this aquatic system during periods of drought, when the primary contribution to the water flow will be treated effluent? Does the brook have sufficient capacity to accommodate effluent discharges during periods of high water without appreciably increasing flood risk?

BB

Carbon Foot Print and Green Development

BB
cont.

The applicant should be asked to consider methods to reduce the carbon foot print of the development, reduce impervious surfaces, and re-infiltrate roof run off via rain gardens and other LID practices. Infiltration could also occur in the center islands of parking lots and other areas. The storm water management plan overall is quite conventional, and there exist a range of LID (low impact development) techniques that could be employed to make the development eco-friendly. Downward directed lighting would help keep the overall natural ambience of the site. Lights should not be directed into wetlands and woodlands.

Movement of Possible Contaminated Soils

CC

It would be helpful to address the issue of the contamination levels that may exist in the present golf course, and what adverse impacts grading the existing course area may have on the release of chemicals stored in the ground into the watershed. This has been a concern on at least one golf course redevelopment that I was involved with.

I look forward to meeting with the Board to discuss in greater detail my findings and recommendations.

Sincerely,

Michael W. Klemens, PhD

March 5, 2008

To: Amenia Planing Board

n/a The majority of residents of Amenia are not opposed to Silo Ridge project only its magnitude and the protection of the view shed.

A The residents are entitled to full view of this project in a presentation of vector view or CAD commonly know as 3D from route 44 both North and South so they may view it in depth.

B Most of the taxpayers in Amenia are aware of my passion for Amenia Recreation and work force housing for permanent residents as compensation for services to the community. This has not been addressed to anyone's satisfaction.

C Last but not least a project of this size must have a sufficient bond that will insure the completion of all infrastructure and can not be released until total completion.

Tom Werner

Tom Werner
Amenia New York

RECEIVED
MAR 15 2008

I am very much in favor of the Silo Ridge Resort plans. Our town has been espousing being "business friendly" for quite some time now. Amenia has shown nothing but contempt for businesses. We have a jewel in our midst that is Silo Ridge. We will have job development through construction. Once construction is completed, jobs of varying skill levels will provide residents with opportunities and our local economy will be provided a necessary boost. Homeowners are currently overburdened with property and school taxes. This resort will provide a bonanza to lift some of the burden from those who need help the most. With five years invested in our comprehensive plan, it is all for naught if there is nothing to bring people into the downtown area. What's to fix up and why? With a wastewater plant to hook into and tourists to wander through the main streets we will again see a need for people to service these customers and increased tax revenues to help out. This resort is a no-brainer. Some in this town were ready to eliminate the Taconic DDSO to do what this does without hurting anyone at all. Amenia can simply keep coming up with excuses to stop everything or get with some smart growth. We need to take some chances. Silo Ridge has been a good neighbor and friend. We need to take care of our own for once.

Tim Osborne
18 Poplar Hill Road
Wassaic, New York 12592

RECEIVED
3/15/08

n/a
My name is Alan Gamble. I have lived in Amenia for over 30-years and raised two great kids here. My wife grew up in Amenia and spent most of her working career as a 1st Grade Teacher at the Amenia Elementary School. As an engineer, I believe that I understand the technical aspects and interdependencies of construction and support systems. As President of the Amenia Free Library Association and as Treasurer and Past President of the Amenia Lions Club, I have had the privilege to meet with hundreds of our citizens and to work, and bring together resources, toward making Amenia the best place to live and raise a family that I can.

Tonight I am speaking for myself, and I am speaking in support of the planned Silo Ridge Project.

Let me share my vision...

- A.
 - I see the blending of the art of world class architecture with the beauty of this great valley. Not concrete, steel, and glass monoliths. Not cookie cutter housing development. Not massive excavations to flatten the contours of a lush hillside in order to make construction easier and cheaper. But a thoughtful and artistic use of materials, colors, and design elements that will enhance our town.
 - I see a winery, a hotel, and housing units whose style and colors blend into the landscape. Through the efforts of engineers and architects to work with the landscape and its contours I am convinced that they will make for a development that, as the welcoming sign for Amenia says, is "pleasing to the eye".
- B.
 - I see the expansion of a public library becoming feasible by the creation of a municipal sewer system. Hundreds of new patrons to serve and to be potential donors and volunteers. New ideas, new cultures, and excitement in the growth of a Main Street area that will surely be come a vibrant part of daily life.
- C.
 - I see a massive increase in the tax base – both from the Silo Ridge development and the accompanying revitalization of Main Street. And jobs – more of our children, the people in whom we have invested our school taxes, able to make the choice to stay here, where they have grown up and flourished. And more jobs – people from outside our town spending their dollars with our merchants.
 - I see demographics of the development leading only to moderate growth of our school district and of town services. The enhanced tax base will reduce the burden on the existing taxpayers when it is time to fund a new Fire House, Town Hall, and expansion of Recreational Facilities. ~~Perhaps a new Post Office will be needed.~~
- D
 - And for some of us who are approaching Retirement and have dreamed of a life free of the chores of maintaining a home and property as we get older, I see the possibility of staying in this beautiful area, living in the midst of a golf community, and keeping our friends and community ties that are so dear to us.

So that is a snapshot of my vision. Of course the path to the future will have a few potholes – I am not so naïve as to think otherwise. But should we be afraid of the challenges that face us? I think not. Silo Ridge has presented this town with an amazing opportunity. They have been a tremendous asset to Amenia for many years. They have not simply uttered hollow words, but have taken solid actions to generously support and enhance our town. I support the Silo Ridge project and eagerly await the fulfillment of my visions.

RECEIVED
35 DEC 01

Letter 38

March 24, 2008

WEeping SPRUCE PRESERVE
35 Lavelle Rd.,
Amenia, New York 12501
P.O. Box 401, Wassaic, New York 12592
Tel. 845-373-0373
Email: odducks@verizon.net

Planning Board
TOWN of AMENIA
P.O. Box 126
Amenia, New York 12501

FINAL PUBLIC COMMENTS, DEIS:
HIGHER GROUND COUNTRY CLUB, LLC
At Silo Ridge Country Club

George Fenn, Chairman:

In elaboration upon verbal comments at the initial public review hearing on the final version of the Draft Environmental Impact Statement (DEIS) for this project, I present the following:

A. SCOPE OF THE PROJECT PARAMETERS

A. As stated at that hearing, I believe the Planning Board has failed to properly update the Final Scoping Document of *November 17, 2005* to adequately represent the changed/expanded parameters set forth for evaluation in the DEIS. The only amendment to that document I can find is the June 7, 2007 change in the wording relative to the Hudsonia Guidelines on biodiversity.

Thus, the DEIS was prepared in response to, and based upon the concerns enumerated in, that initial Scoping Document. However, since the time of the Public Scoping sessions and adoption of that Final Scoping Document, two very substantial changes have occurred that render the Scoping Document incomplete, if not obsolete:

a. The Zoning Ordinance in place at the time has since been rescinded, and has been replaced by a completely New Zoning Ordinance.

b. As a direct result, the Project has substantially changed both in *breadth and basic design*.

NEW ZONING ORDINANCE:

B. In elaboration, while the Developers and Planning Board were anticipating the adoption of a New Zoning Ordinance that would create the Resort Development Overlay Zone (RDO) specifically for this project, the Application before the Planning Board at the time of the adoption

1.

RECEIVED
12:02 PM

Letter 38

of the Final Scoping Document was based upon only two stated Zoning concerns:

1. *the need for a Zoning Amendment to allow Hotels in the RA & M Zones; and*
2. *a Special Use Permit to allow Townhouses in the RA Zone.*

Specific awareness relative to impacts due to zoning changes are raised only in bullet point 12 of the 15 enumerated concerns listed in the Final Scoping Document as: "The potential impacts of the proposed zoning amendment with respect to the Property and other parcels in the RA & M use districts." (No reference is made to the potential impacts of introducing Townhouse style dwellings by Special Use Permit.)

Clearly, since the adoption of the Final Scoping Document, any number of additional potentially significant impacts have been introduced as a direct result of the adoption of:

- B
cont.
1. The "Traditional Neighborhood Development" Alternative (essentially allowing for the creation of a self-contained, *gated "village" community*) by the developer;
 2. The greatly expanded list of additional allowed commercial uses in the RDO in an underlying RA zone as a matter of right;
 3. The addition of not only Townhouses in an RA zone, but also *Condominiums* in what was originally to be (just) a hotel; and
 4. Significantly increased population density allowances as the result of the change in density calculations from "buildable lots" to "impervious surfaces", as well as the density bonuses introduced for meeting so-called "open space" parameters.

Thus, it is unarguable that the project before the Planning Board in November of 2005 was significantly less "complex" in both its vision and its potential impacts on the community. While it is true that the stated number of dwelling units and hotel units have remained the same, the resultant look and feel, or *suburban character*, of the development proposal is quite different.

We now have a second separate Restaurant and Bar located on the North side of Rt. 44. Many have argued that the evolution of the project on that side of the Highway from strictly Residential to another Commercially centered area should require a separate Planning Review. I would vehemently agree. It was not an anticipated result at the time of the initial scoping, nor when the proposed Zoning Ordinance was being finalized.

Letter 38

B.
Cont.

Furthermore, the so-called "hotel" has now morphed into a "Condo Hotel" – their own designation – clearly indicating the emphasis shift. At the time of scoping for SEQRA, only the Townhouse issue was brought to the fore in terms of its appropriateness as a residential model in a Rural Agricultural Zone.

And, finally, while the scoping document clearly addresses the potential impacts that might be created as a result of the Sewage Treatment Plant that will be required for the project, it did not, and still does not, anticipate the doubling of the capacity/impacts from the proposed inclusion of the Hamlet of Amenia proposed by the developer in May of 2007...not coincidentally offered just as the finishing touches were being put on the draft zoning law, specifically with regard to the definition of **hotel condominiums** and their designation as "lodging facilities" instead of "dwelling units". How propitious for them that those changes were thus adopted!

C.

My often perversely natural cynicism aside, should such an offer have been genuine, and the hamlet of Amenia actually can afford to, or agrees to, get on board for this, when will this doubling of volume of treated human waste (solids and released water), and the geometric increase in negative impacts as a result, be examined? After the project receives it's approval, or should it be included now, as part of this SEQRA review? You already know my opinion. Since the developers clearly used that proposal as a quid pro quo offer to achieve their desired goals relative to the *morphing of the hotel into a time-share condominium complex*, I believe it is incumbent upon the Planning Board to require a detailed Impact Analysis of the Sewage and Treated waste-water be conducted at the **total maximum projected capacity** of both the development and the hamlet, and that DEC/DOH/DOT (it crosses a major highway) approvals be based upon that potentiality *prior to even preliminary approval of the project*.

HOW BROAD A SEQRA ANALYSIS IS REQUIRED?

D.

Leaving the Sewage issue and any other specifics (Water, Traffic, character, views, etc.) aside for the moment, How broad a SEQRA review must the Planning Board conduct, under the ECL? Is it limited to the Project site, the adjacent properties, and the immediate vicinity, or must they conduct a more Town-wide, Generic Review? Well, let's see what the Town Board has done and said in its adoption of the New Zoning Ordinance relative to SEQRA for guidance.

Letter 38

It is agreed that, prior to adoption of the New Zoning Law, *neither Hotels, Townhouses nor Condominium units of any kind were allowed in our Rural Agricultural Zones*. Furthermore, the number of strictly Commercial Uses not related to Farming that were allowed was nil. And, even with the clustering concept imbued in the old law, the total population density for any development (sub-division) was essentially fixed at the "buildable lot" size limit.

It is acknowledged, however, that the old Zoning Law had previously been amended to allow this one specific golf course to be in the RA zone, along with the necessary club house/pro-shop.

D.
cont. So what did the New Zoning Law change and how large (significant) are the potential impacts of those changes as it relates to this proposed development? But, wait a minute, Nelligan, you say! The Planning Board is not responsible for looking at the global or generic impacts of the Zoning Law Changes. That was done by the Town Board prior to enactment.

Sorry, not so – as the documentation before the 9th Judicial shows. The Town Board, as lead agency for the Comprehensive Plan Update and new Zoning Ordinance, did make a Negative Declaration relative to potentially adverse effects of their implementation of the two new documents. However, a reading of their finding of facts makes it clear that they were *only able to do so by declaring that any potentially significant adverse impacts that might result from the creation of the new RDO or MCO Zones for specific projects either currently under consideration (Silo Ridge and Depot Hill Farm) or that might result long-term would be fully reviewed by the PLANNING BOARD at the Master Plan Development stage.*

Well, isn't that what we've been doing, you ask? No, and therein lies the Rub! Essentially, there is no Generic Environmental Impact Statement (GEIS) that acts as an umbrella for the specific developments that directly result from the adoption of New Zones/Uses in those Zones. Thus, the Planning Board, as the Approving Agency for each new concurrent or resultant development, must conduct their review substantially differently than if there were a GEIS for the Township. Even though your Environmental Review was initiated prior to the enactment of the New Zoning Ordinance, you must look at ALL of the potentially significant adverse impacts of those ongoing SEQRA reviews, including what I call global impacts:

E. I. What are the potential impacts on overall community character – the essential feel of what we are as a community -- of introducing what are unquestionably *suburban and urban*

Letter 38

E cont.

housing paradigms into our most Rural Zones? And what of property tax implications for the

F. average property owners in our township now with the introduction of Townhouse and Condominium unit – essentially providing a tax-dodge for the wealthy.

G. II. What place does a 5+ story hotel have in the center of a nearly undeveloped, regionally recognized, downright gorgeous, even inspirational, Rural Pastoral Panoramic viewscape as you circumnavigate DeLaVerne Hill? Why go up instead of out (i.e., 2-story motor lodge) in a Rural community???? = \$\$\$\$\$\$. (& "impervious surfaces")

H. III. What are the long-range impacts presented by the adoption of new "incentive" zoning density calculations based on "impervious surfaces" instead of traditional Euclidian models? (Partially addresses the question above). Essentially, how the heck do we end up with nearly 700 residential "units" with as yet unanticipated Commercial "amenities" on 220 acres in a predominantly RA zone with an underlying (now) Lot size density of 10 acre parcels? And, generically, what is the impact of that precedent on the rest of our Rural, Agricultural Zones?

I. IV. In terms of Traffic, there will necessarily be 4 or 5 traffic signals (instead of the current 2) in a three mile stretch of Rt. 22 (train station to Cascade Rd..) as a result of this project (Main entrance/possibly Lake Amenia Rd.) and the certain need for one as a result of the Fire Company's relocation to the Cascade Road area. And, now that there is the inclusion of Commercial Uses on the North side of Rt. 44, including a Drinking establishment, are not the impacts on that Route in terms of Safety (already a concern) increased significantly?

J. V. I have already mentioned the Sewage/Wastewater Treatment and discharge volume issue above, but what of the mid-summer, limited stream flow combined with the increased "tourist season" outputs down through the lower, non-adjacent wetlands and stream ecology?

K. VI. For two of the last three summers, the Amenia Water District (#1) has experienced drought emergencies, accompanied this year with the total failure of one well, and another nearly having to be taken off-line. Will the water requirement analysis for this high-density project and it's new Water District take into account not only the possible drain on the aquifer relative to the very nearby Amenia Water District, but also the potential impacts for the hamlet of Wassaic residents who rely totally on aquifer/well water? Will the recharge analysis take the whole valley bottom aquifer into account, or just on or in the vicinity of the site?

Letter 38

L VII. Ironically, with Climate Change, along with increased summer drought conditions, the last two and a half years have presented unprecedented Spring and Fall flooding stresses not seen since the 1950's. With the over-development of the upper slopes of the golf course area, as well as the steep slopes on the north side of Rt. 44, will not the down-valley flooding impact potentials increase significantly? Watershed? But, then again, Wassaic is quite far away, so the fact that it is a flood water drainage bottle-neck is not an important consideration...not Silo Ridge's problem!

M VIII. From water to fire...How can either of our overly stressed volunteer fire districts be expected to provide fire/rescue coverage for what is essentially a *totally new village, with potential populations exceeding the total of our two existing hamlets? And in 3, 4, & 5+ story structures?* While it may be possible with Keane Stud (with the right additional assessment structure), with only an additional 150 or so low rise structures, this new "community" at Silo Ridge requires its own fire district, *on location*...paid for and maintained by them, not us!

N They'll have their own lighting, water & sewer districts...so let's make it complete. They should even have their own Post Office & **zip code**, since they will be a gated community!

O IX. And what of our two main hamlets. Both Silo Ridge and Keane Stud, and any future RDO (& the MCO), can now have essentially unlimited Commercial Uses connected with them never before allowed/envisioned in our Rural Zones. What happens to our already less than thriving Commercial Zones as a result? I don't know, but it must be part of the Long-range Impact analyses for these newly created, self-contained "villages" in such close proximity.

n/a **CAN WE EVEN SPELL MITIGATION?**

SEQRA requires that, once identified as potentially significant, adverse environmental (not just ecological) impacts must be mitigated to the greatest extent possible, and if not, why not!

P 1. A 5+ story, 390 key hotel (which will essentially be turned into a *predominantly condominium apartment complex*) in a Rural Agricultural Zone is an *obscenity*. 3 stories max. = Mitigation.

Q 2. Row upon row, section upon section of Multi-story Townhouses (over 350) have no business being so **condensed** on our most revered Rural Hillside. Density incentives which include already developed space (170 acre golf course) as part of new open space credits are *outrageous*.

Removing the golf course and un-buildable ridge-line areas from open space credits = Mitigation.

Letter 38

R. 3. The entire issue of a 390 key Condominium Hotel being allowed in an RA zone is not only unprecedented in Rural Communities such as ours, but was clearly not studied in detail as to the possible adverse effects such a precedent might cause. The very fact that the Developer shoehorned the concept into the New Zoning Law (with some illusive promise of assistance to the hamlet of Amenia with its Sewage needs) illustrates that the hotel is much too large to accommodate any anticipated transient influx. We have essentially not only now introduced Townhouses and Condominiums into a Rural Agricultural Zone, but Time-shares as well. Great for the Developer, bad for the Township. Personally, I believe I will die of ripe old age (assuming this Developer doesn't have me whacked!) Without the hamlet of Amenia ever having a Sewage system...in spite of this "generous" offer. Limiting the size of the Hotel to no more than what can be reasonably anticipated in the near future for tourist and guest transient needs -- with unbiased empirical survey data--(say 125-150 units total), with very stringent restrictions on the number of keys that can be converted to Condominiums = Mitigation.

S. 4. What started out as a modest strictly Residential plan for the north side of Rt. 44 has turned into another almost separate community development, with unanticipated Commercial Uses and housing numbers on the steep slopes far exceeding what is ecologically (drainage/runoff/open wooded space) imprudent. Only by treating that area (as it is indeed segregated from the main golf course resort development by a major highway) as a separate entity, with its own requirements for meeting open space percentages to receive density bonuses = Mitigation.

SUMMARY

T. 1. The Planning Board is inherently required, based upon the determination of the Town Board at the time of enactment of the Comprehensive Plan Update & New Zoning Law to conduct not just site specific Master Plan SEQRA reviews for these newly created self-contained Zones, but to include the Generic, Zonal, & Town-wide impacts, both ecological & human environmental, associated with their introduction and approval. Silo Ridge is the first such Development integrating the new Planning and Zoning Paradigms of the "New Urbanism", "Traditional Neighborhood Development", "Smart Growth Concepts" and "Incentive Zoning" as a replacement for the prior Euclidean Model for population density calculations.

Letter 38

T
Cont.

Now is the time to develop SEQRA Review guidelines that encompass the wide array of short and long term Generic effects related to them, not just the site-specific and adjacent property impacts. Had the Town Board conducted a Full Environmental Review and completed a Generic EIS, such would not be necessary. However, it did not, and placed the burden for same directly upon the Planning Board. Ignore that responsibility at your peril, and to the detriment of the entire community.

U.

2. The vast majority of comments from the public come down to several general statements. The project is too large; the hotel is too big/too tall; the development on the north side of Rt. 44 is problematic; the combined sewage capacity with the hamlet is probably untenable in terms of surface water impacts; the downstream surface water, wetlands and aquifer impacts are of great concern; public service needs, especially fire suppression, may be overwhelming; traffic congestion without some new engineering for the main traffic light and probably some new control at the lake amenia rd./powderhouse rd. juncture is a very serious concern; and property taxes, already burdensome, may become unpredictably higher.

That is certainly not an all inclusive listing, but it goes to the heart of what needs to be done here by the Planning Board. Significant MITIGATION in all of these areas is necessary before this project is approved.

n/a

3. And, finally, in terms of the approval process, let's take a look at how the Syms subdivision was handled. They obtained "preliminary" approval nearly 3 years ago (hard to believe, huh) contingent upon having a public water system approved by the Town Board, instead of individual wells. You have wasted their time and that of the Town board by such a procedure.

n/a

I strongly urge the Planning Board to adopt procedures whereby the Developer must first obtain all necessary approvals from other regulating agencies (Town Board, DEC, DOT, DOH, etc.) prior to any approval of the Master Plan Development. I understand this suggestion is not relevant to the SEQRA Review, but ending with it saves another letter!

Respectfully,


Patrick J. Nelligan

Letter 39

for review
3/27/08
ES

252 Smithfield Valley Road
Amenia, NY 12501

March 24, 2008

Town of Amenia Planning Board
c/o George Fenn, Chairman
Town of Amenia
36B Mechanic Street
Amenia, NY 12501

DELIVERED VIA FACSIMILE

Dear Members of the Town of Amenia Planning Board:

This letter is submitted in connection with the Draft Environmental Impact Study (the "DEIS") and Master Development Plan ("MDP") presented by Higher Ground Country Club, LLC (the "Applicant") in connection with the proposed Silo Ridge Resort Community (the "Project").

At the two Public Hearing I made oral comments which (i) challenged the financial viability of the Project, (ii) questioned the benefits and costs of the Project to the residents of the Town of Amenia, (iii) encouraged the Town to protect its interests through the creative use of performance bonds and (iv) examined the qualification of the Project under the spirit of the Minimum Open Space requirements of the Resort Development Overlay ("RDO") District.

A. I would like to add an additional comment on the qualification of the Project under the provisions of the RDO District. Section 121-18(A) of the Amenia Zoning Law, Adopted July 19, 2007 (the "Zoning Law") states "The [RDO] district provides a procedure for master plan development ... to promote tourism, recreation and open space protection". The Project, as described in the DEIS, does not meet the requirements of this provision of the Zoning Law.


Section 3.12.3 of the DEIS states "there will be no impacts to recreational ... resources in the Town".

B. A presentation to potential investors by Millbrook Global Capital, (an affiliate of the Applicant), has been viewed by several individuals personally known to me. That presentation states that all amenities of the Project are designed for exclusive use by residents and their guests. Golf memberships will be offered only to residents of the Project. There will be no outside membership in any amenities of the Project. Nowhere in the DEIS is there any statement by the Applicant that contradicts this representation. What representation will the Applicant or its affiliates make to prospective purchasers regarding the amenities? If the existing facilities at Silo Ridge, including the golf course and restaurant are closed to the public, this will have an impact on the recreational resources in the Town and also negatively affect tourism. What facilities will be available to the public, if any, and on what terms and conditions?

C. The same investor presentation describes the hotel as a "condo hotel" with fractional ownership units. The DEIS does not disclose how many rooms will be available for hotel use and by whom. The proposed hotel structure may be nothing more than condominium apartments with a few rooms available for guests of Project residents. Under what terms and conditions will "condo hotel" units be sold? How many rooms will be available for hotel use and by whom?

A. Conf. The Applicant has not made the necessary commitments in the DEIS to support the assertion that "there will be no impact to recreational ... resources in the Town". In fact, documents produced by an affiliate of the Applicant suggest just the opposite. If the Silo Ridge golf course is closed to the public and the hotel structure is nothing more than condominium apartments with a few rooms available for guests of Project residents, the Project should not qualify as a Resort Development Overlay District under Section 121-18 (A) of the Zoning Code. What commitments will the Applicant make in the Final Environmental Impact Statement to support their claim that "there will be no impact to recreational ... resources in the Town"?

I urge the Town of Amenia Planning Board to take careful consideration of all my comments, made at both Public Hearing and in this letter, when working with the Applicant on their Final Environmental Impact Statement.

Sincerely yours,

Steven Benardete

RECEIVED
3/27/08

Letter 40

March 25, 2008

Town of Amenia Planning Board
c/o Mr. George Fenn, Chairman
Town of Amenia
81 Mechanic Street
Amenia, New York 12501

Re: Proposed Silo Ridge Resort Community

To the Board:

My wife, Maxine Paetro, lives at 23 Flint Hill Road and is a full-time resident of Amenia. I, myself, split my time between Amenia and Manhattan, where I work and where my son, Brundan, attends school.

n/a
Over the last 30 years, I have worked as a surety underwriter with contractors and developers. Much of my work has been overseas, but I have also worked on projects in upstate New York. I am currently employed as a consultant for an insurer running off its surety portfolio - much of it, housing and real estate risks.

I recently learned of the proposed Silo Ridge Resort Community project and believe that it should be allowed to go forward if there is any doubt regarding the ability of the developer to complete it.

A.
As everyone realizes, we are currently in the midst of the most serious housing downturn since, perhaps, the Great Depression. At the same time, there is a liquidity crisis in the banking system that threatens its solvency. The dollar is weak, gas prices are high, inflation is spreading and we are probably in recession.

With the future so uncertain, this is not the best time for the Town of Amenia to undertake such a project. At the very least, it should establish financial benchmarks for both the developer and the actual builder and, if possible, create a financial guarantee structure as a condition precedent for allowing the project to proceed.

The following are measures I strongly urge the Board to consider:

- B.
1. The project should not be approved unless both the owner-developer and the actual builder have been financially pre-qualified. This is something that can be done by a financial analyst who knows real estate and construction accounting.
 2. Except in the unlikely event that the owner-developer uses its own capital to fund the project - thereby, assuming the construction risk, itself - the builder should be bonded to the owner-developer and to the Town of Amenia as well, if the town can insert itself into the construction contract.
 3. In the event that number 2 cannot be negotiated, the same effect can be achieved by the construction lender requiring a completion bond (as opposed to a contract
- C.
- D.

Letter 40

D.
cont. performance bond). Such a bond would run in favor of the bank and the owner-developer as co-obligees and, in addition to guarantying the work, would also guaranty the repayment of the construction loan from the proceeds of the construction contract. While the lender would almost certainly require such a bond, the Town of Amenia should insist on it as a prerequisite to approving the project. If achievable, this would actually be preferable to number 2.

E. 4. In most counties in the US, including those in New York State, a housing developer must post bonds directly to the county. These obligations, commonly known as subdivision bonds, cover site improvements, such as grading, storm drains, utilities, curbs, gutters, streets and sidewalks. While the obligee on these bonds would be Dutchess County, the Town of Amenia should make sure that the necessary subdivision bonds would in fact be required.

It is my opinion, that if the Town of Amenia follows this step-by-step process, it will greatly reduce the chances of authorizing a project where a) the principals lack sufficient financial resources; b) the developer defaults on its loan; c) the contractor fails to complete the work; and d) the contractor is not required to make the site improvements.

n/a If it is determined that the Town of Amenia—either by legal or contractual constraint—cannot enforce these conditions, then it should not even consider this project. As a hugely transformative undertaking, this project will have a massively cascading effect on the town and its uniquely beautiful surroundings. If it is not done properly or left in a semi-complete state, the effect will be disastrous.

I strongly urge you to utilize the measures outlined above and would be happy to discuss their implementation with you at greater length.

Sincerely,

John A. Duffy
Principal
Manhattan Bridge, LLC
2 Tudor City Place, Suite 11N
New York, New York 10017
212-687-4226
johnaduffy@manhattanbridge.us

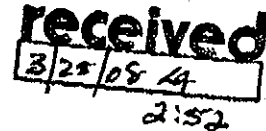
Letter 41

3rd Floor
434 East 52nd Street
New York, New York 10022

March 25, 2008

BY HAND

Mr. George Fenn, Chairman
Town of Amenia Planning Board
Town of Amenia
81 Mechanic Street
Amenia, New York 12501

**Re: DEIS For Silo Ridge Resort Community**

Dear Mr. Chairman:

n/a
This letter is respectfully submitted in connection with the Draft Environmental Impact Statement (the "DEIS") presented by Higher Ground Country Club, LLC (the "Sponsor") in connection with the proposed Silo Ridge Resort Community (the "Project"). On its face, the Project appears to having appealing aspects that, if completed according to the DEIS, and provided that all of the underlying assumptions are proven correct, might result in a potentially attractive community designed by a respected firm. However, as the undersigned has repeatedly indicated at the public forums of the Town of Amenia Planning Board (the "Board"), the Board should assess the Project based on a quantitative analysis of each of the critical components of the Project to determine if it is viable and appropriate for the Town. Toward that end, the undersigned respectfully submits the following questions, the answers to which may demonstrate that (I) many of the Project's assumptions and projected revenues are omitted or overstated, (II) the corresponding anticipated tax revenue assumptions are unrealistic and (III) the proposed Town, school and municipal expenditure calculations are grossly understated, if at all.

The undersigned has also reviewed the final report, dated February 14, 2008 of The Hudson Group, LLC, the independent engineering firm retained by the Board to evaluate the DEIS related to the Project (the "Report"). To the extent that the lines of inquiry addressed herein may echo comments set forth in the Report, I regret the redundancy, but would urge the Board to redouble its examination into the Project to ensure that all of the risk factors associated with the Project as outlined herein and in the Report are clearly recognized, addressed and accepted.

Letter 41

2

**I. MANY OF THE PROJECT'S ASSUMPTIONS AND
PROJECTED REVENUES ARE OMITTED OR
OVERSTATED.**

A. The viability of a successful venture is dependent upon many factors. However, one of the most important factors relates to the background, knowledge and experience of the management of the enterprise. If the Sponsor fails to secure adequate financing to build the Project, fails to ensure that the Project is constructed as designed, fails to attract sufficient purchasers or customers to pay the full purchase prices, fails to complete the Project according to the DEIS (or FEIS) or fails to manage or arrange for the water and wastewater treatment plants to be constructed, managed and operated properly, among other things, then the Town may be obligated to assume the obligations and costs associated with the Project, especially with respect to the water and wastewater treatment plants.

B. 1. What is the background of the Sponsor and who are its underlying principals, subsidiaries and affiliates?

C. 2. Has the Sponsor or its underlying principals ever successfully financed, constructed, operated, managed and maintained a project comparable to the Project? Would you please identify all such projects, whether attempted or completed, and provide copies of the offering or private placement memoranda related to each such project, if any?

D. 3. Why should approval be given to a Sponsor that admits that it, or its affiliate, currently operates a money-losing golf course operation, and has not demonstrated its or their track record, or capability, or expertise to finance, construct, operate, manage and maintain a hotel, conference center, housing development, water and wastewater treatment plant?

E. 4. Is the Sponsor or its principals, subsidiaries or affiliates attempting to sell or transfer the Project at this time, or does it or they intend to sell or transfer the Project, in whole or in part, before completion (other than through the sale of the separate housing and hotel units identified in the DEIS)?

F. 5. If the Sponsor does not, or its principals do not, intend to perform all of the underlying obligations identified above to complete or manage the project, would you please provide the identity of the delegates, and provide comparable information about their capability or experience in completing, operating, managing and maintaining comparable projects?

Letter 41

3

G. 6. Does the Sponsor have a commitment letter or other binding indication by any financial institution to provide bridge, construction, take-out or other financing for this Project? What are the terms of such financing? If not, why should the Board believe that such financing is available or that the Project will be completed as designed?

H. 7. If the Sponsor and its principals, subsidiaries or affiliates are unable to complete, or operate, or manage, or maintain the Project, what assurance will they provide that the Town will not have to operate, manage and maintain, or pay another person to operate, manage and maintain the water and wastewater treatment plants or other aspects of the Project?

I. B. There is no financial analysis with respect to the costs to construct, or connect to, or operate, or manage, or maintain the water and wastewater treatment plants. Other than the statement that the Sponsor will pay for the construction of the plants, the only other apparently cost-related statement concerns the wastewater treatment plant (separately, the "WWTP") whereby the Sponsor maintains in bald terms:

"The only cost that hamlet residents would have to bear would be the cost of the sewer conveyance system." DEIS at p. 5-151.

I respectfully submit that this is an entirely inadequate discussion of the risks to the Town associated with this aspect of the Project. As discussed above, the Town should understand all of the costs and risks associated with the construction, connection, operation, management and maintenance of the water and wastewater treatment plants, particularly in the event that the Sponsor is unable, or unwilling, or fails to perform any of those tasks, and the costs are unavoidably shifted to the Town.

J. 8. What are the projected costs to the Sponsor, to each unit, to each property in the hamlet and to the Town for the construction, connection, operation, management and maintenance of the water and wastewater treatment plants over the first five-year period, assuming that the Sponsor is able to fulfill its obligations?

K. 9. What are the costs to each of the above entities if the Sponsor is unable to fulfill its obligations after the first year of operation of either plant? After the second year? After the fifth year?

L. 10. What is the projected yearly amortization and depreciation for each plant, on a straight-line basis, and over what period?

M. 11. What is the projected three-year operating and capital budget for each plant?

Letter 41

N 12. With respect to the water plant, how high will the tank rise above ground, and how wide will it be if placed on the curve on De La Vergne Hill? Will it have fencing and lighting above the tank? Will it have parking around it? On what basis should the Town believe that looking at a partially sunken water tank will enhance the rural and scenic view looking either up at, or down from, De La Vergne Hill, widely recognized as one of the county's most spectacular vistas?

O 13. What insurance, bond, indemnity, contingency fund or reserve fund will the Sponsor provide and have available for the benefit of the Town if either the water plant or the WWTP are improperly constructed, or connected to, or operated, or managed, or maintained? What financial resources are available from the Sponsor and its principals if there is a leak or contamination? If there is a sale or transfer of the Sponsor or its principals, what assurance will there be of a continuation of such insurance, bond, indemnity, contingency fund or reserve fund?

P 14. Won't the Town ultimately be liable for the costs of both plants if the Sponsor, or its assignee, is unable, or unwilling or fails at any time to construct, operate, manage or maintain either plant?

Q 15. If the Town is heavily relying upon the Sponsor's undertaking to construct these plants, shouldn't the approval for the subsequent phases of the Project be contingent upon the successful completion of each plant within the projected budget, at the projected cost to each property owner and within the assumed time frame?

R 16. What if the Sponsor fails to get the necessary governmental approvals, and cannot build or operate either plant, should it be allowed to continue its plan with the entire Project without its obligation to construct each plant?

S 17. On information and belief, the WWTP will be uphill from a large portion of the hamlet. Who is responsible for the construction, connection to, operation, management and maintenance of the pumping and piping portion of the WWTP? What are the projected costs to construct, connect to, operate, manage and maintain this portion of the WWTP on a property owner basis and as a whole for the Town?

T C. The Sponsor maintains that there is enough water on the site to support its proposed projects based on contemporary measurement standards for the Traditional Neighborhood Alternative Development Program (but not for its originally Proposed Action). According to comments appearing at page 5-140 and reinforced in Table 5-14:

Letter 41

5

"The anticipated maximum daily flow is approximately 391,000 gpd (272 gpm), with a maximum hourly flow of 816 gpm."

T.
cont The Sponsor also maintains that the combined water production of the wells on site (with the largest well out of service) is 283 gpm. DEIS at pp. 3.13-7, 5-142. However, the 272 gpm figure mentioned above contemplates only 300 rooms in the hotel, and excludes the additional water necessary to support the 393 rooms available in the hotel. Although the Sponsor considers the additional 93 rooms for traffic congestion analysis, it specifically excludes it, ostensibly because: "(T)he [water demand and wastewater generation] analyses were calculated based on the number of bedrooms rather than the number of units." DEIS at p. 5-130. However, Tables 5-14 and 5-15 are labeled in terms of units. More importantly, water consumption and wastewater generation is dependent upon the number of occupants, and neither on the number of bedrooms, parties, "rooms" or units nor on any other semantics. Therefore, I respectfully submit that the additional 93 rooms should be included for purposes of determining the adequacy of the water supply (and wastewater generation).

U. 18. Assuming that the maximum number is 393 units, what is the resulting additional amount of projected water demand? Does the resulting number exceed the 283 gpm capability of the existing wells?¹

V. 19. What is the revised amount of water demand (after using wastewater) if portions of the golf course also use water (not wastewater) supplies?²

W. D. The significance of the increased demand for water arising from the Project is the fact that the Sponsor relies on a *40-year old assessment* of the watershed stream flow. See DEIS at p. 3.13-8. When the report was prepared in 1968, there were significantly fewer homes within the Town, and, upon inquiry, substantially lower water demands on the Murphy farm, which originally occupied the site of the current golf course.³

¹ Based on revised calculations, the increased units will result in a maximum daily flow (gpm) of more than 320 gpm inclusive of the 20% water saving credit, and the maximum hourly flow (gpm) will exceed 916 gpm.

² If only 80% of wastewater will be returned for golf course usage (See DEIS at p. 3.13-8), and the Sponsor estimates 600,000 gpd are used (See DEIS at pp. 3-13-1&3.13-7), wouldn't that amount to an additional 120,000 gpd? Coupled with the peaking factor of 2.0, wouldn't that amount to an additional 240,000 gpd or a combined total of more than 487 gpm? (See DEIS Table 5-14). The Sponsor claims that the maximum capacity of all of its wells in operation amounts to 388 gpm. See DEIS Table 3.13-2. Wouldn't the necessary conclusion be that there is not enough water generated from the proposed wells to meet the Project's needs?

³ On information and belief, after inquiry, the Murphy farm contained about 200 head of dairy cattle that were provided water from a single well located near the former barn next to the remaining silo. An immediate member of that family estimates that substantially less than 5,000 gpd of water were used at any time.

Letter 41

6

X. 20. In light of the water shortage emergencies that have been declared within the hamlet over the past several years, wouldn't it be appropriate for the Board to obtain an updated assessment of the watershed stream flow?

Y. 21. Assuming development within the hamlet, including the growth of light industry or commerce, what are the projected increased uses of the watershed stream flow over the next five to ten years? Will there be enough water to support both the hamlet and the Project based on the revised projections for both normal and drought years?

Z. 22. Wouldn't it be appropriate for an unrelated firm to make an independent, more comprehensive test of off-site water levels to ensure that during drought years, of which there appears to be an increasing number, there will be enough watershed stream flow to ensure that the current and projected inhabitants of the hamlet outside of the Project will have sufficient water supplies to sustain their respective properties?

AA. 23. What would be the economic impact on the Town if there were substantial depletion of the water supply to residences and businesses within the hamlet as a result of miscalculations of the water supply or an underestimation of the water usage of the Project?

BB. 24. Wouldn't it be more prudent for the Board to approve the hotel and WWTP to determine if there are adequate water supplies for both the Project's first phase and the hamlet and allow the Sponsor to renew its application for the housing blocks and subsequent phases as experience determines? Alternatively, wouldn't approving the Reduced Scale Alternative (as such terms are used in the DEIS) provide greater assurance of adequate water supplies for the hamlet and the rest of the Town?

CC. II. THE CORRESPONDING ANTICIPATED TAX REVENUE ASSUMPTIONS ARE UNREALISTIC.

The success of the Project and the corresponding anticipated tax revenues largely depend upon the successful sale of the units. However, there is very little, if any, quantitative or financial analysis about the marketability of the Project's units, the basis for establishing the market values of the units, the rationale for changing the market values between the Proposed Action and the Traditional Neighborhood Alternative Development Program (as such terms are used in the DEIS), or the strategy for effectively selling the units in a competitive or declining housing market.

Letter 41

7

CC.
cont.

25. What is the basis for establishing the market values of the units in the DEIS? Would the Sponsor please provide copies of all marketing materials used to sell the units?

DD.

26. Inasmuch as the market has substantially changed since the market values of the Town and the units were established, shouldn't the Sponsor provide revised estimates of the market values of the units in light of the increasingly competitive and declining real estate market?

EE.

27. Outside experts have indicated that the market values in the Project are substantially above the market for the sale of comparable units in nearby projects that offer similar amenities, but may have significantly more attractive vistas and are closer to more commercial towns than the Project. On what basis should the Board, or the Town, believe that the Sponsor can successfully sell the units in the Project at the currently projected market values that are apparently as much as 270% higher than the prices for units at the nearby project? (See e.g., Report at p. 2.)

FF.

28. Exhibit 1A attached hereto reflects the estimated household income that is necessary for a purchaser to buy a unit in the Project at the average of the market values for such unit. What is the Sponsor's explanation why it believes that it will be able to attract the approximately 1% of the population that has the income to afford, and is in the market to purchase, such units within the Town?

GG.

29. Exhibit 1B attached hereto reflects the estimated household income that is necessary for a purchaser to buy a unit in the Project at the lowest amount of the estimated market value for such unit. Even under this scenario only 1% of the population is able to afford to purchase such units within the Town. How will it be feasible to sell the units even at the lowest estimated market values?

HH.

30. Has the Sponsor prepared a market or feasibility study or completed a sensitivity analysis for the Project, and shouldn't it be provided for review? Isn't the market for the purchase of such units different from the market for the purchase of other properties in the Town?

II.

31. In particular, shouldn't the Sponsor prepare a sensitivity analysis to demonstrate the viability of the Project if sales are 10%, 25%, 50%, 75% or more below the lowest estimated market value as set forth in the DEIS?

JJ.

32. What would be the resulting amount of anticipated tax revenues to the County, Town, fire district and school district, assuming unit sales are projected at 10%, 25%, 50%, 75% or more below the lowest estimated market value as set forth in the DEIS?

KK 33. Inasmuch as the Sponsor proposes to benefit from the State's tax benefits for condominiums, and has estimated the assessed values of Flats, Hotel units and Townhouses at only 33.5% of the estimated market values, what would be the projected assessed values of such Flats, Hotel units and Townhouses assuming unit sales are projected at 10%, 25%, 50%, 75% or more below the lowest estimated market value as set forth in the DEIS?

III. THE PROPOSED TOWN, SCHOOL AND MUNICIPAL EXPENDITURE CALCULATIONS ARE GROSSLY UNDERSTATED, IF AT ALL.

LLA A. The use of the term "worst-case" is a misnomer inasmuch as it is based on assumptions that rely on state-wide multipliers, which are not specific to the eastern portion of Dutchess County or to the Town. Additionally, such multipliers may not be relevant where, as here, the types of housing in the Project differs from the type of housing throughout the Town, and the demographics and market of prospective purchasers may be different for the Project than the demographics and market of prospective purchasers of other properties located within the Town. Just as the number of rooms or units varies in its analysis, the Sponsor also juggles the maximum number of residents in its analyses. For example, under the Traditional Neighborhood Alternative, the Sponsor claims that the maximum number of residents it considers as its Maximum Estimated Population at Full Buildout (DEIS Table 5-19) to be 901. However, for purposes of Projected Wastewater Flows, the Peak Hour Head-Count is 959, excluding the hotel, and 1,559 inclusive of the hotel. (DEIS Table 5-15).⁴

A more analytically valuable "worst-case" scenario for the Town contemplates that each unit is occupied by full-time residents, and every bedroom is occupied; the first or master bedroom being occupied by a couple and each additional bedroom being occupied by at least one dependent, presumably child for purposes of this analysis. Based on these "worst-case" assumptions, there would be 459 occupants of Flats, 584 occupants of Townhouses, 124 occupants of 3-bedroom villas, 115 occupants of 4-bedroom villas, and 36 occupants of 5-bedroom villas, for a "worst-case" total of 1,318 additional occupants/residents of which there could be as many as 600 school-aged children.

LLb 34. Isn't it possible that each household could have a resident occupy each bedroom inasmuch as that is the purpose for which they were designed?

LLc 35. Isn't it possible that each unit's purchaser could be composed of a married couple/partner?

⁴ Additionally, the Sponsor admits that Traditional Neighborhood Alternative would impose in any event an increase of at least 1,385 vehicles into the Town. See DEIS Table 5-12.

LLd

36. Isn't it possible that each household could have school-aged children?

LLe

37. Isn't it possible that each household could have at least one school-aged child per bedroom that is in addition to the couple/partners occupying one bedroom?

LLf

38. Isn't it possible that each household could declare their respective units as their primary residency, and occupy their respective units as permanent residences?

LLg

39. How many bedrooms will each condominium unit in the hotel have available? Assuming a couple occupies the first bedroom and a school-aged child occupies each successive bedroom in a unit, how many possible full-time or permanent residents could the hotel legally have?

LLh

40. If the answers to any of the above questions 34 through 39 is "no" or "none", would the Sponsor please provide an explanation for its answers, and provide quantitative evidence to support its explanation? If its proposed association documents, offering materials or other documents specifically prohibit family households from purchasing units in the Project, would the Sponsor please provide copies of all such documents to the Board and in its response and highlight the pertinent passage prohibiting such occupancy?

MM

41. What social, economic or fiscal impact, as the case may be, would this increased population have on (a) vehicular traffic patterns and roads? (b) water consumption? (c) wastewater generation? (d) school district operations? (e) law enforcement and fire district expenditures? (f) municipal services? (g) local parking and facilities, such as public parks, libraries, rail trail, athletic fields and public transportation?

MM

Cont.

B. Other than general conclusions suggesting that there will be a surplus (See e.g., DEIS Table 5-17), there is no discussion or analysis of necessary or appropriate capital expenditures ("capex") or budgetary increases that the Town, school district, law enforcement, fire district or others may have to incur in order to accommodate the two-fold increase in the population of the hamlet (either on a worst-case or seasonal basis). As addressed above, this surplus depends on the successful sale of units at prices that may not be competitive in the current economic market, or in the current location or in comparison with other developments located in the region.

NN

42. What additional manpower does the Town need to provide municipal services to a residential population that increases from 25% of the Town to 100% of the hamlet? How much would it cost to increase the manpower at Town Hall by 25 to 100%? If the Town Hall cannot accommodate the increased personnel, how much would it cost for an enlarged or new Town Hall?

Letter 41

10

OO 43. How many additional traffic lights does the Town need, and where, to accommodate at least 1,385 additional cars traveling through the Town and hamlet? How much does it cost to purchase, install and maintain the additional traffic lights?

PP 44. What is the appropriate size library necessary to service the increased adult and student population? How much does it cost to enlarge the existing library? If space is not adequate in its current location, how much would it cost to build a new library?

QQ 45. How much additional parking is necessary in the Town to accommodate the additional vehicular traffic at municipal services (Town Hall, library, parks, rail trail, on-street or off-street around the post office)? How much does it cost to expand existing or to build new parking facilities?

RR 46. With respect to the increased number of children, how much does it cost to enlarge or build additional parks and playgrounds to service this segment of the population?

SS 47. With respect to schooling the additional children, what is the current student capacity of the Webutuck CSD? How much would it cost to enlarge or build facilities to accommodate an additional 91 to 600 students at the primary, intermediate and upper school locations? How many additional school buses are necessary, and how many additional school and transportation personnel are needed?

TT 48. Given the increased usage of the roads, how many additional highway service vehicles are necessary and at what cost?

UU 49. Regarding the fire district, assuming that the hotel is projected to be 5 stories tall, and that the Sponsor obtains waivers to build a number of the townhouses and facilities above the 35 foot height limit, what emergency equipment is necessary and how much does it cost to acquire the additional ladder and water trucks and other vehicles to ensure the safety of the occupants of the Project's buildings and facilities? Would the additional vehicles need to be garaged? How much does a new firehouse cost to provide the additional garage space for the vehicles?

VV 50. As previously stated, what is the capex cost to the Town to obtain and install the wastewater "conveyance" system?

WW 51. If a local law enforcement presence is necessary to manage increased traffic congestion and public safety, how much does it cost to build a police facility, provide necessary equipment and vehicles and personnel?

XX 52. Assuming that the sales prices of the units is substantially below the stated market values (or that less than all of the units are sold) how much of the capex costs will the Town have to incur that will not be covered by the additional tax revenues from the Project?

YY Many of the foregoing questions relate to capex and budgetary costs that are typically absorbed by special payments and fund reserves financed by the sponsors of such developments. In any event, there is no discussion presented in the DEIS related to any of the capex or budgetary issues, and, absent any commitment by the Sponsor, the Town can expect to incur these costs regardless whether there are sufficient increased tax revenues from the Project to pay these expenses. The issue may be best summarized in The Hudson Group's Report in which it concludes that the Project, *"could create the tipping point leading to significant additional expenditures."* Report at p. 11.

ZZ C. The loss to the Town arising from the placement of the so-called "winery" at the curve on De La Vergne Hill (or the placement of the 19 townhouses north of Route 44) cannot be quantified. With respect to the "winery" and water plant, I respectfully submit that there is inadequate disclosure as to the placement of all of the elements related to the winery, and that a better characterization may be to denominate the facility as a bar.

AAA 53. Where does the Sponsor plan to plant the grapes to process at the winery, and the processing equipment to press the grapes, bottle, label and store the wine?

BBB 54. Inasmuch as there are proposed to be 80 seats at this "winery", precisely where are the estimated 40 parking spaces to be located?

CCC 55. As a result of leveling the ground for parking, won't the famous views southward from Route 44 be completely obstructed by the ground buildup, parked vehicles, railings, shrubbery and lighting? As a result of the partially exposed water tank, won't the view also be partially blocked?

DDD 56. How will building what is effectively a bar, along with a partially exposed water tank, on the inner circle of De La Vergne Hill retain or enhance the rural setting of the Town, or enhance the views from that Hill, or the views looking across at that Hill from the east and south? How does it "preserve the ridgeline"?

EEE 57. If the winery or bar fails, how will the Sponsor ensure that the site won't become anything other than a dilapidated building or parking lot or wasteland? What contingencies exist, if any, to preserve the rural character of the location? Shouldn't the Sponsor be obligated to maintain the site, ensure that there

12

EEE
cont.

is no deferred maintenance, or remove the building and lot and return the site to its original condition? If not, why not given the particularly visible location of the site?

FFF

58. With respect to Block V1, V2 and V3, which contemplates 38 units in 19 townhouses, proposed to be located on the site currently a meadow north of Rt. 44, how will construction of the buildings, which style does not otherwise exist currently in the Town, retain or enhance the rural character of the Town? How will sticking suburban styled buildings enhance views of the Hill from the south or the east of the Town? Secondarily, how will the Sponsor ensure the safety of all vehicle operators and passengers who confront the increased traffic congestion of vehicles entering into the uphill traffic lane or across the uphill traffic lane into the downhill traffic lane during every season, and especially during the winter?

GGG

The undersigned respectfully submits that approving the Project with the winery and large number of townhouses north of Rt. 44, two of the most visible elements of the Project, without adequate information or assurances about the visual and safety aspects of the sites, may have a materially adverse environmental and visual impact on the Town, its appearance to visitors, its ability to attract tourism or commerce and its ability to retain any vestige of its rural character.

In summary, the undersigned respectfully urges the Board, prior to granting its approval, to compel the Sponsor, or its designees, (a) to address the concerns and questions raised in this letter, the Report and other submissions, (b) to demonstrate quantitatively and financially its ability to finance, design, construct, sell, operate, manage and maintain each facet of the Project, and (c) to substantially downsize the Project (at or below the Reduced Scale Alternative) if the Board truly intends to retain the rural character of the Town for future generations consistent with the Comprehensive Zoning Plan for the Town.

Should the Board need clarification with respect to any of the above comments or questions, please feel free to contact me during regular business hours at: (212) 688-2541.

Sincerely,



Bart Wu

EXHIBIT 1A

USE	EST. AVG. MARKET VALUE PER UNIT*	AVERAGE OF MARKET VALUE	20% DOWN PAYMENT	80% FINANCED	ANNUAL PAYMENTS (30YR. 6% FIXED RATE LOAN)**	EST. ANNUAL HOUSEHOLD INCOME OF PURCHASER***
Single Family/Villas	\$1.95M-\$2.9M	\$2,425,000	\$485,000	\$1,940,000	\$139,575	\$1,116,603
Flats	\$687,500-\$934,000	\$810,750	\$162,150	\$648,600	\$46,664	\$373,313
Townhouses	\$1.1M-\$1.25M	\$1,175,000	\$235,000	\$940,000	\$67,629	\$541,034

EXHIBIT 1B

USE	EST. AVG. MARKET VALUE PER UNIT*	AVERAGE OF MARKET VALUE	20% DOWN PAYMENT	80% FINANCED	ANNUAL PAYMENTS (30YR. 6% FIXED RATE LOAN)**	EST. ANNUAL HOUSEHOLD INCOME OF PURCHASER***
Single Family/Villas	\$1.95M	\$1,950,000	\$390,000	\$1,560,000	\$112,236	\$897,887
Flats	\$687,500	\$687,500	\$137,500	\$550,000	\$39,570	\$316,563
Townhouses	\$1.1M	\$1,100,000	\$220,000	\$880,000	\$63,312	\$506,500

*Information derives from DEIS Table 5-16 at p. 5-153. Ex. 1B assumes each unit sells for only the lowest assigned market value.

**Annual Payments calculated from the Mortgage Information Service (www.Mortgage-x.com/calculators) multiplied by 12 months.

***Assumes conservatively that the annual mortgage payment amounts to 12.5% of the purchaser's household debt inasmuch as lenders typically do not approve loans where the annual debt service, plus all other monthly debts, including debt service on other outstanding mortgages, exceeds 28% of household income. We have assumed that purchasers have another outstanding mortgage on property of comparable value inasmuch as the Sponsors contemplate that the Project will be marketed principally to purchasers in the second home market. Therefore, debt service on the purchase of a unit, plus debt service on an existing mortgage, plus other recurring household debt=25% annual income (rather than 28% for simplicity purposes).

Letter 41

DRAFT



April 28, 2008

ENVIRONMENTAL
SIMULATION
CENTER, LTD.

Ted Fink
Greenplan
302 Pells Rd.
Rhinebeck, NY 12572

RE: SEQRA
Review of Visual Resource Assessment,
Silo Ridge Resort Community
Town of Amenia
Dutchess County, New York

Dear Mr. Fink:

261 WEST 35TH STREET
NEW YORK, NY 10001

T 212.279.1851
F 212.279.5350
www.simcenter.org

n/a

MICHAEL KWARTLER, FAIA
President

GEORGE JAMES, AICP
Executive Director

On behalf of the Town of Amenia, you have asked the Environmental Simulation Center, Ltd. (ESC) to review the Draft Environmental Impact Statement (DGEIS) produced for Silo Ridge Resort Community, specifically focusing on the Visual Resource Assessment and the visual impacts of the action. The ESC is a not-for-profit organization that specializes in applying technology in the fields of planning, urban design and environmental reviews. Founded in 1991, the ESC developed or helped to develop digital visual simulation techniques that have become standard practice in New York's environmental review process.

This letter reports the results of my review and expresses my opinion as to the quality of materials presented in this chapter in respect to workmanship and scope, and whether these materials were produced using methods that properly follow industry Best Practices and guidance provided by New York State's Department of Environmental Conservation. This review focuses on technical issues, and substantive comments are minimal.

Summary

1 An EIS is a disclosure document that must clearly disclose the impacts of the action it describes. For the several reasons described herein, it is my opinion that materials published in the DEIS do not adequately disclose impacts of the proposed action on visual resources, and the Lead Agency should require additional information so that it may understand the project's impacts on the area's visual resources.

n/a The field methods for the photography show some familiarity with current professional standards, but the text includes basic errors and omissions in the procedures that govern visual resource assessment under New York State's environmental review. The photosimulations also show basic errors, which impair their ability to disclose the project's impact on visual resources.

DRAFT

2



ENVIRONMENTAL

SIMULATION

CENTER, LTD.

Procedural and Methodological Omissions

DEC Visual Policy Document

The Applicant and its consultant team should have reviewed two documents before producing the Visual Resources chapter. The first document is the Final Scoping Document for the project, which is where the Lead Agency provides instruction to the Applicant regarding the content of the DEIS. The second document is *Assessing and Mitigating Visual Impacts* (hereafter referred to as the Visual Policy Document), a policy document produced by New York State's Department of Environmental Conservation (DEC), which outlines some basic minimums for materials that should appear when assessing impacts on visual resources in New York State. In addition to the instruction found in these two documents, the EIS should also be consistent with the state of the practice and reflect industry Best Practices, especially as they regard visual simulation.

While the EIS includes most of the information required by the Scoping Document, the EIS omits basic procedures called for in the Visual Policy Document. To ensure that the action does not impact visual resources of statewide significance, the Visual Policy Document instructs applicants to perform the following omitted steps: First, the applicant needs to perform a visibility analysis (also known as viewshed mapping) that shows areas within a five mile radius of the proposed action that have theoretical visibility to the proposed action. An example viewshed map is included as Attachment A to this letter.

After this is done, the applicant must inventory and map visual resources of statewide significance on top of the viewshed map to show what visual resources of statewide significance have theoretical visibility to the proposed action. The resources that have theoretical visibility need to be field tested to see if they have actual visibility. As the Visual Policy Document states, these sites include:

- Properties on or eligible for the National or State Register of Historic Places;
- State parks;
- Urban cultural parks;
- State forest preserves, Catskill parks;
- National wildlife areas, State game refuges, State wildlife management areas;
- National natural landmarks;
- The National Park System, Recreation Areas, Seashores, and Forests;
- Rivers designated as National or State Wild, Scenic or Recreational;
- Sites, areas, lakes, or highways designated or eligible as "Scenic;"
- Scenic Areas of Statewide Significance (SASS);
- State or federally designated trails;
- State nature and historic preserve areas;



n/a

- Bond Act Properties purchased under “Scenic Beauty” or “Open Space” categories.

ENVIRONMENTAL

SIMULATION

CENTER, LTD.

b

The Lead Agency can always add to this list by identifying viewpoints of local concern—which the Town has done—but having a list of viewpoints of local concern does not obviate the applicant’s responsibility under the State’s Visual Policy Document. This is a basic omission which needs to be corrected to ensure all visual resources have been identified and evaluated.

Assessing impacts

The Scoping Document states: “A description of the changes in visual character of the site and surrounding areas will be provided.” The Applicant has selected photosimulation and text descriptions as the manner in which the “description of the changes” would be provided.

n/a

Photosimulations with text descriptions are becoming a more and more common method of demonstrating visual impacts. Photosimulations are desirable as they can communicate to lay-person and professional alike, and because they provide quantitative information regarding impacts on visual resources. For example, a photosimulation shows how much of an action is visible from a viewpoint. It may also show views that are blocked or ridgelines that are broken. By themselves, however, they do not evaluate the qualitative aspects of a project’s impact on a view. But with the exception of a few vague sentences, the text describing the project’s impact is quantitative, and simply describes what is seen in photosimulations.

1

More typically, EISs not only evaluate the quantitative aspects of visual impacts, but also the qualitative aspects. While there is flexibility in the manner in which this evaluation is done, at minimum the text of the DEIS should describe the visual character of the existing landscape and how the action will impact this visual character. Visual character of a landscape is most often evaluated by analyzing the project’s impact on the elements that compose it. These elements include form, line, color, texture, and scale/dominance, and/or other criteria as it suits the specifics of the location. Regardless of definition, the EIS needs some kind of detailed analysis of the qualitative impacts of the action.

Grading

8

An action of this type can be described by its components, which are:

- Buildings,
- ancillary components (roads, parking lots, retention ponds, retaining walls, golf courses, etc.), and
- grading and site disturbance required for the buildings and ancillary components.

DRAFT

4



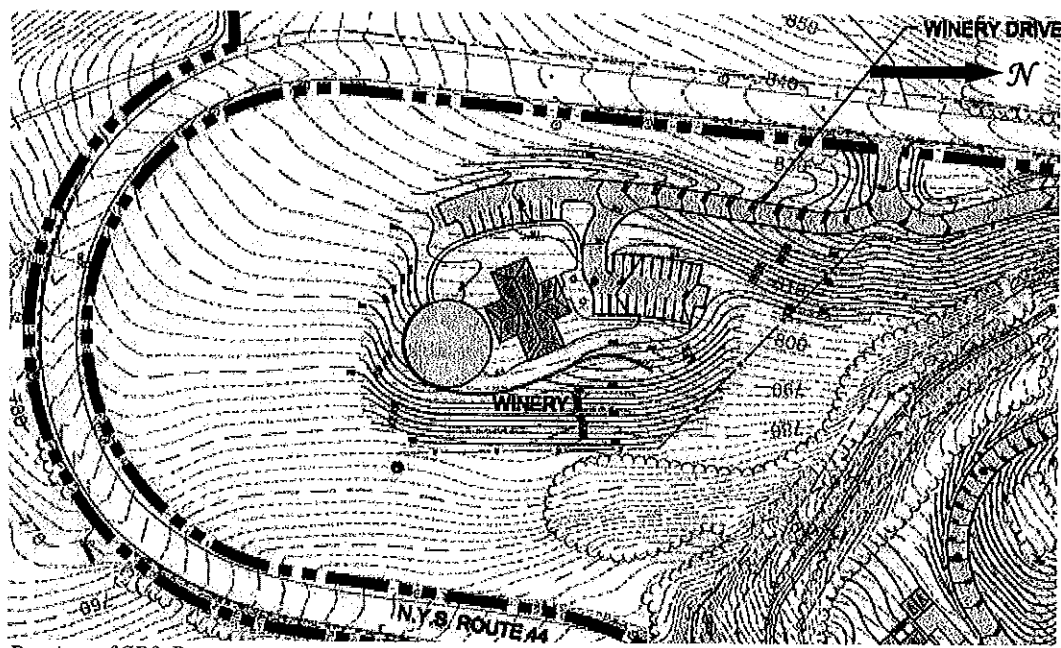
ENVIRONMENTAL

SIMULATION

CENTER, LTD.

While not entirely clear in the written documentation, it is apparent from the photosimulations that the visual analysis omits the third component of the action: the proposed grading. In projects that do not have extensive grading, this is not a serious omission. In this area, however, with the amount of disturbance that is proposed, the steep slopes involved, and the distinctive landscape character of the area, the simulations need to reflect changes in elevation due to grading, and they must show how the land is recovered from the grading.

The following image from DEIS item number SP3-B is a portion of the site grading plan for the area around the Hairpin Turn showing the grading that is proposed for the Winery building and ancillary structures.

80
Cont.

The darker contour lines show areas where the natural elevation of the site changes due to proposed site grading. The slightly thicker line right above the word "WINERY" is a retaining wall that is as tall as 10-feet in places. All this grading is necessary because the proposal shows that the Winery building will be constructed on a flat building site, which means that there will be a very steep slope along the east side of the building.

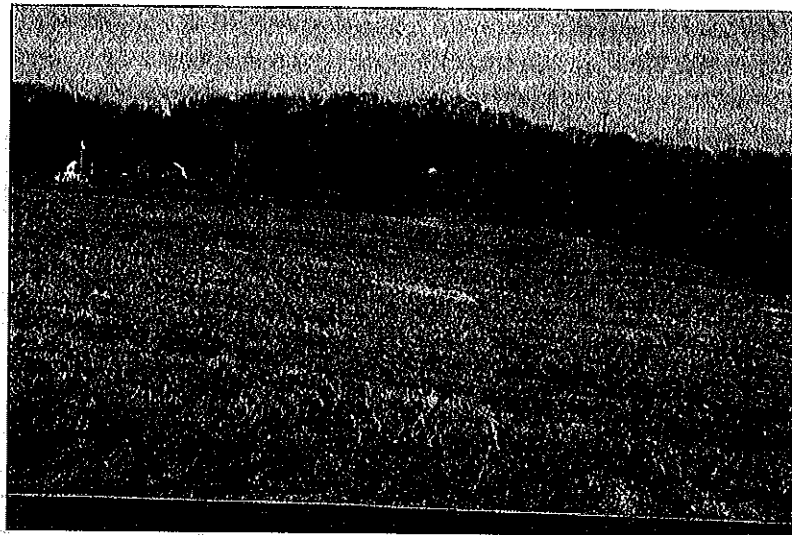
Now, examine the following existing conditions photograph and accompanying photosimulation for this same building, taken from the hairpin turn:

DRAFT

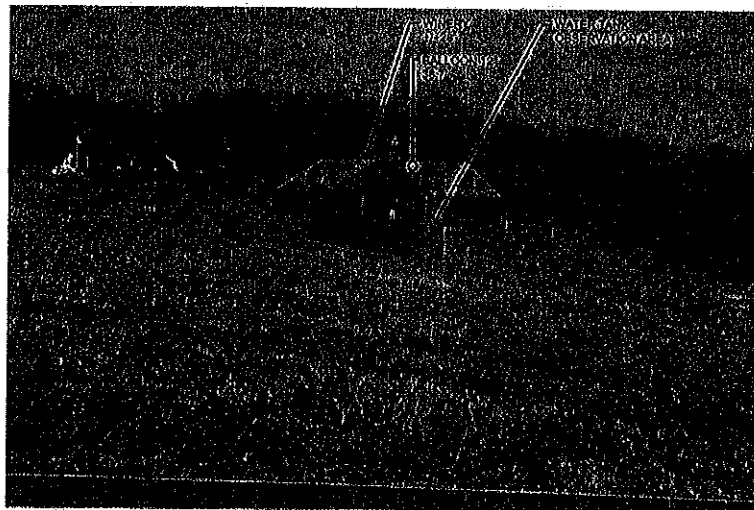
5



ENVIRONMENTAL
SIMULATION
CENTER, LTD.



Existing Conditions Photograph
Viewpoint 4: Located at Route 44 at DeLaverne Hill facing north (further eastern end of hairpin turn).



Traditional Neighborhood Alternative Simulation
Viewpoint 4: Located at Route 44 at DeLaverne Hill facing north (further eastern end of hairpin turn).

*For this exercise, building height is measured from ground line at building front to the mid point of the highest roof ridge.
Balloon height is measured from existing ground elevation.*

** Balloon location and elevation distorted by wind.*

The visual simulation of the building clearly does not show the grading proposed in the grading plan: no retaining wall can be seen, no artificially steep slope on the right side of the building, and the building looks like it is sunk into the side of the hill on the left when, in fact, its building site is proposed to be flat. Further, by not showing site grading, the simulations do not have to show how the site is recovered from the grading. Typically, lacking specific landscaping for this site, graded areas are recovered with sod, which helps to limit erosion on disturbed steep slopes. But in views such as this one, mowed sod--which remains green all year--would show contrast with the fallow field that dominates the viewpoint, and

8
Cont.

DRAFT

6



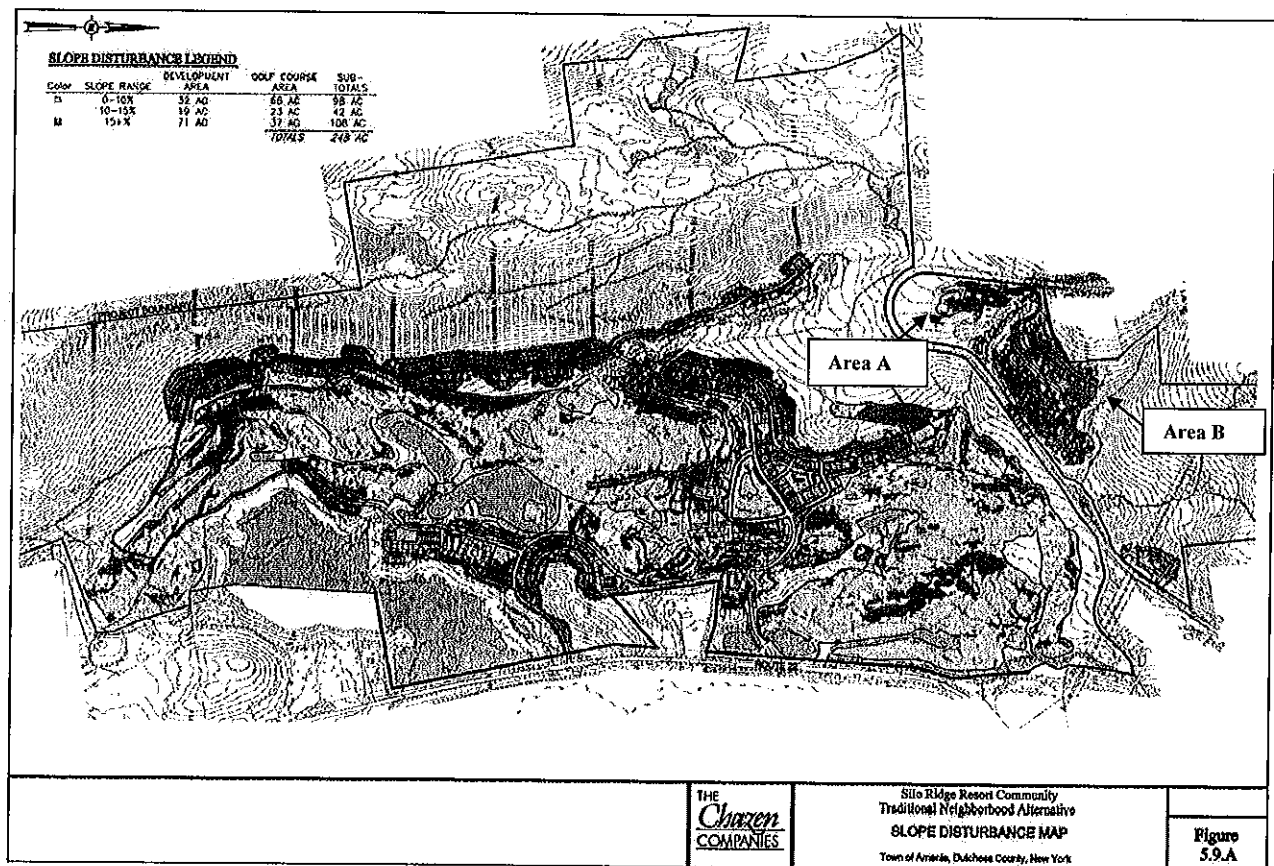
ENVIRONMENTAL

SIMULATION

CENTER, LTD.

contrast is key to developing photosimulations and assessing impacts (as discussed in detail later in this letter).

Even though the slopes shown in the photosimulation for Viewpoint 4 require significant grading for the proposed building, this is still one of the flatter areas to be developed (noted as "Area A" in the figure below). Much, if not most, of the remainder of the site used for buildings is at very steep grades of 10 and 15% or more. The DEIS clearly states that to create development sites on these steeply sloping areas they will need to be graded, which means that the existing trees will be removed and tall retaining walls are planned. Figure 3.1-3 shows the slope disturbance map, which demonstrates extensive disturbance required by the development.

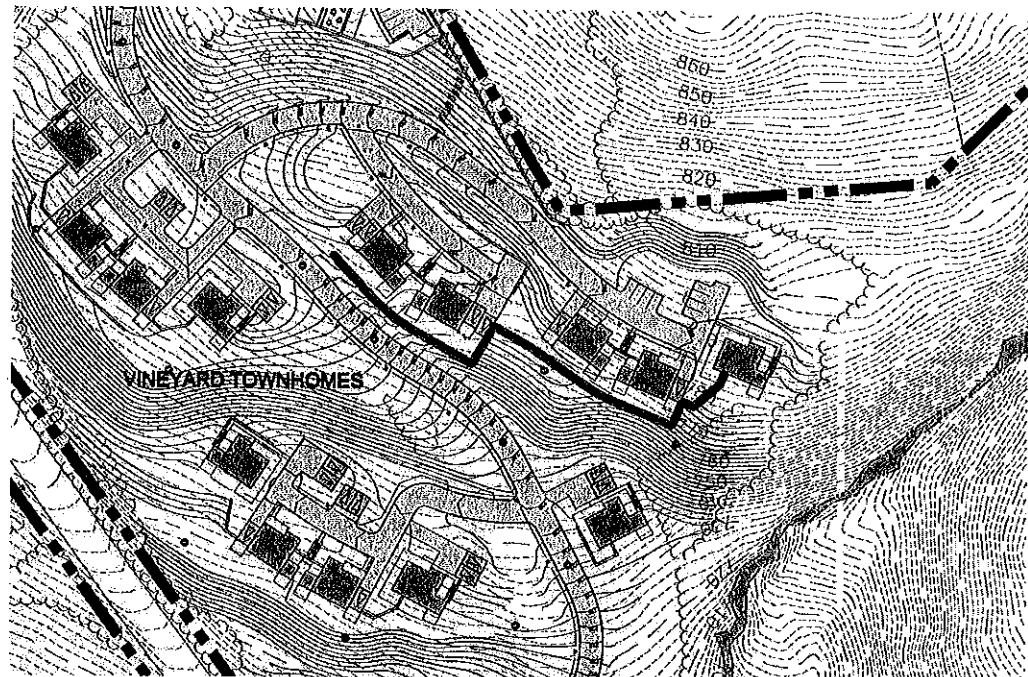


Reproduction of Figure 3.1-3

All colored areas are to be graded, a process which removes existing vegetation. Retaining walls that will be required for creating building sites will be very tall. By omitting them from the simulations the Applicant is ignoring a significant portion of the action. Consider the following portion of grading plan (SP3-B), taken from the area listed as "Area B" above:



ENVIRONMENTAL
SIMULATION
CENTER, LTD.



Portion of SP-3B with red highlighting of large retaining wall added

10
Cont

This plan says that the retaining wall highlighted is, in places, 20-feet tall. The down-slope at the bottom of the retaining wall is between 40 and 48%, and would probably require special treatment and/or materials for its stabilization (i.e. simple recovery through planting sod will be difficult). This level of change in the landscape simply cannot be ignored when assessing an action's impact on visual resources. To omit site disturbance from the visual simulations and show only part of the proposed action renders the photosimulations useless for completely assessing the action's impacts on visual resources, and is misleading as to the character of the development and its relationship to the land.

Methodological errors in the photosimulations

Changes in photosimulations not caused by proposed Action

The fact that the Applicant chose photosimulation as a method of describing the action is good, as there is no requirement for photosimulations in the Scoping Document and photosimulations are a desirable way of communicating the visual impact of an action. That being said, the photosimulations are not very good. For example, look at the photosimulation of Viewpoint 4 reproduced earlier in this document and compare it to the existing conditions photograph. You should notice that the two images are different sizes. You should also notice that the color in the simulated photo changes. Color contrast is lessened in the simulation and the entire image appears washed out when compared with the existing conditions photograph. Color contrast is an important part of changes to a landscape and is one of the typical criteria used to evaluate the qualitative impact on visual resources.

DRAFT

8



ENVIRONMENTAL

SIMULATION

CENTER, LTD.

11-
cont

The change in image quality and size between existing and proposed is not due to the reproduction of these images in this document. These images have been faithfully reproduced from the digital copy of the DEIS that can be found on-line. The size of the image should never change between existing conditions and photosimulation. The color of the image should not change unless the action is causing the change. The only change between the existing conditions photograph and the photosimulation should be due to the proposed action. This is a very basic error that should have never reached the published DEIS.

The process of publishing an EIS, even digitally, sometimes introduces errors in documents. But a careful look at the EIS will show that most of the simulations show these types of exogenous changes from the existing conditions photograph, which suggests that this error is a symptom of a problem with the simulation method and not due to publishing.

Visual representation of buildings

When discussing the use of simple massing models to represent buildings of the action, the DEIS states:

12.

In order to portray the highest level of potential visual impact, blank forms for the proposed structures were used with no architectural detail, fenestration, materials or true color representation, which would mute the impact. Additionally, proposed landscaping was intentionally left out of the photo simulations to ensure that the full visual impact height, mass and relative scale of the structures in their proposed locations could be assessed. (p. 3.6.26).

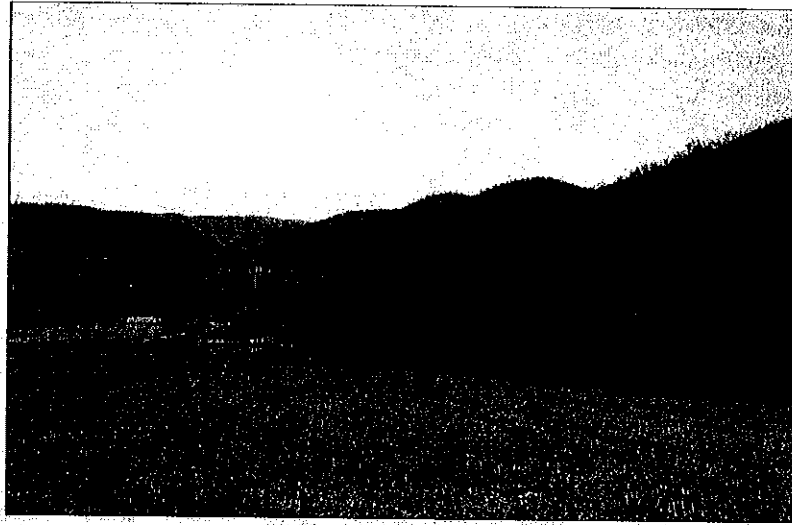
Despite the contention that the method selected would portray the highest level of potential visual impact, the representation of the buildings of the action actually does the opposite and minimizes the impact of the action. For example, examine Viewpoint 2 and its corresponding simulation:

DRAFT

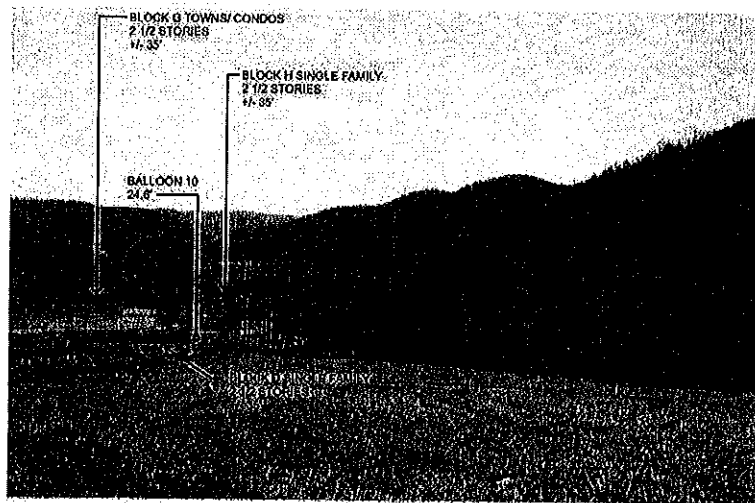
9



ENVIRONMENTAL
SIMULATION
CENTER, LTD.



Existing Conditions Photograph
Viewpoint 2 (Right): Located at Route 44 at DeLavergne Hill facing south (western end of hairpin turn).



Traditional Neighborhood Alternative Simulation
Viewpoint 2 (Right): Located at Route 44 at DeLavergne Hill facing south (western end of hairpin turn).

*For this exercise, building height is measured from ground line at building front to the mid point of the highest roof ridge.
Balloon height is measured from existing ground elevation.*

You will note that the buildings, especially those in the distance on the far side of the water body to the left of the photograph, blend into the photograph. One of the reasons for the blending is that the color chosen for the massing model provides very little contrast with the surrounding colors. If massing models are going to be used to represent the built environment, then the colors selected for the massing models need to show contrast with colors in the photograph. Most of the existing conditions photographs are dominated by browns and tans of fallow fields and leafless forests. The color selection of the massing models appears to have been designed to maximize this blending with the background, which is contrary to the reasonable worst-case scenario required by SEQR.

DRAFT

10



ENVIRONMENTAL

SIMULATION

CENTER, LTD.

The issues with the representation go beyond color. It appears that the massing models are entirely colored the same color and any contrast seen is due to shading. Edges are not defined and, consequently, the objects lose definition in the photosimulations and appear, at times, simply as a single mass without definition between buildings.

There is some debate amongst simulation professionals as to the appropriateness of the use of massing models to simulate impacts on visual resources. Some contend that they should only be used in limited circumstances, such as a generic environmental impact statement. My office is on record as promoting the use of massing models in broader applications such as a project like this one.

But the representation of the massing model must still be that of a reasonable worst-case scenario. The use of a massing model to represent a proposed action is not license to select colors that blend a proposed project into the background of the photograph. The colors selected must be bright and show contrast with the existing environment. For example, considering the following images:

13



Existing conditions photograph (Sailor's Cove development, Ulster County NY)



ENVIRONMENTAL
SIMULATION
CENTER, LTD.



Photosimulation with development proposal represented as articulated architectural massing

13
CONT.



Photosimulation of proposed conditions represented with simulated building façades¹

¹ The photograph and photosimulations were created by Creative Visuals and were a part of the Sailor's Cove DEIS in Kingston, NY.

DRAFT

12



ENVIRONMENTAL

SIMULATION

CENTER, LTD.

These are simulations created for another DEIS. The colors used for the architectural massing model are generally light and show contrast with the existing natural environment. The buildings are simulated with a light gray while the roofs are simulated a darker color to add definition among and between buildings. This simulation also shows disturbed areas recovered from grading, which adds additional contrast and understanding of the action. This example is intended to show how high contrast is possible when using massing models in a photosimulation and--by example--show how contrast is minimized in the photosimulations found in the Silo Ridge DEIS.

It has been brought to my attention that the Planning Board approved the colors used in the massing models during an August 30, 2007 meeting. These building colors do not represent a reasonable worst-case development scenario for impacts on visual resources as required by SEQ. Even with the color approved by the Planning Board (identified as "beige" in the minutes) the simulations still could have been performed to show more contrast. Providing edges to the massing model, selecting a lighter shade than the background, or coloring roofs differently than the walls all would provide more contrast and thereby increase visibility. To demonstrate the effect of color selection on visibility, my office altered the simulation for Viewpoint 2 (right) to reflect a reasonable worst-case development scenario while still keeping the buildings a shade of beige:



Simulation of Viewpoint 2 (right) altered using Photoshop to show an appropriate use of color

Review the existing conditions photograph and the DEIS's photosimulation for this viewpoint reproduced on page 9 of this document. You should see that the addition of color contrast shows more visibility of the action.



ENVIRONMENTAL

SIMULATION

CENTER, LTD.

Regarding visibility, the DEC Visual Policy document instructs:

Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision-making. Instead, a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource . . . (DEC Visual Policy, p. 9).

14 Nevertheless, visibility is the starting point for understanding impacts on visual resources and without accurate representation of the action's visibility it is difficult to understand impacts on the viewpoints analyzed. Additional discussion of visual simulation representation for SEQR can be found in *Visual Simulation under SEQR*, which can be found online here:

http://www.simcenter.org/Viz_sim_in_SEQR/Viz_sim_in_SEQR.pdf

Camera and lenses

15 The photosimulations use a zoom lens on a standard digital camera. Most professionals use a fixed lens, to ensure that the zoom does not drift, but more importantly, most professionals either continue to use film or use what is known as a full-frame digital camera, which reproduces an image in a manner much more similar to 35mm film than a standard digital camera. The technical reasons for not using a standard digital camera in an EIS are discussed in the *Visual Simulation under SEQR* document referenced in the above link, but one reason is that an image produced natively from a standard digital camera has a different size and aspect ratio than traditional film or full frame digital.

Further, there are also curious statements in the text. For example, the EIS states:

While a 35mm lens will provide the best approximation of the field of view perceived by the human eye, an 85mm lens setting will provide the best representation of the degree of detail perceivable by the human eye. As a result, a 50mm lens setting is the most reasonable composite of these two parameters . . .

This is certainly a novel justification of a 50mm lens, but is not typical. A 50mm, or the so-called "normal" lens, is used because the image it creates best reproduces the relative distance relationships of the human eye. At less than 50mm objects in the image seem further away than they would to the human eye. At more than 50mm, the objects seem closer than they would to the human eye. 50mm is a good lens to use for photography in an EIS², so the accuracy of this

² A 50mm lens is not a hard rule. There is some variation in what can be considered a normal lens. My office considers any lens between 50 and 55mm a normal lens. Other offices are more generous. Further, wide angle lenses are often better in urban environments (to show development on both sides of the street, for instance) or in viewpoints where an action is very close to the observer. Telephoto lenses can be used to simulate the acuity of the human eye, which has the ability to focus on objects in the distance. A 50mm lens is a starting point, but if other lenses increase the understanding of an action's impact on visual resources they should also be used.

DRAFT

14

15.
cmf

statement is not material to the content of the DEIS, but is symptomatic of the many problems with this poor document.

ENVIRONMENTAL

SIMULATION

CENTER, LTD.

110

Conclusions

The Applicant produced a Visual Resources chapter that does not adequately disclose the visual impacts of the action. The materials produced omit basic information and the photosimulations used to communicate the impact of the action are fundamentally flawed. The Lead Agency should require additional materials in the FEIS so it may better understand the impacts of the proposed action.

I appreciate the opportunity to comment on this important project. Should you have any questions or comments about this document, please contact me directly at 212-279-1851.

Sincerely,

George M. Janes, AICP
Environmental Simulation Center, Ltd.

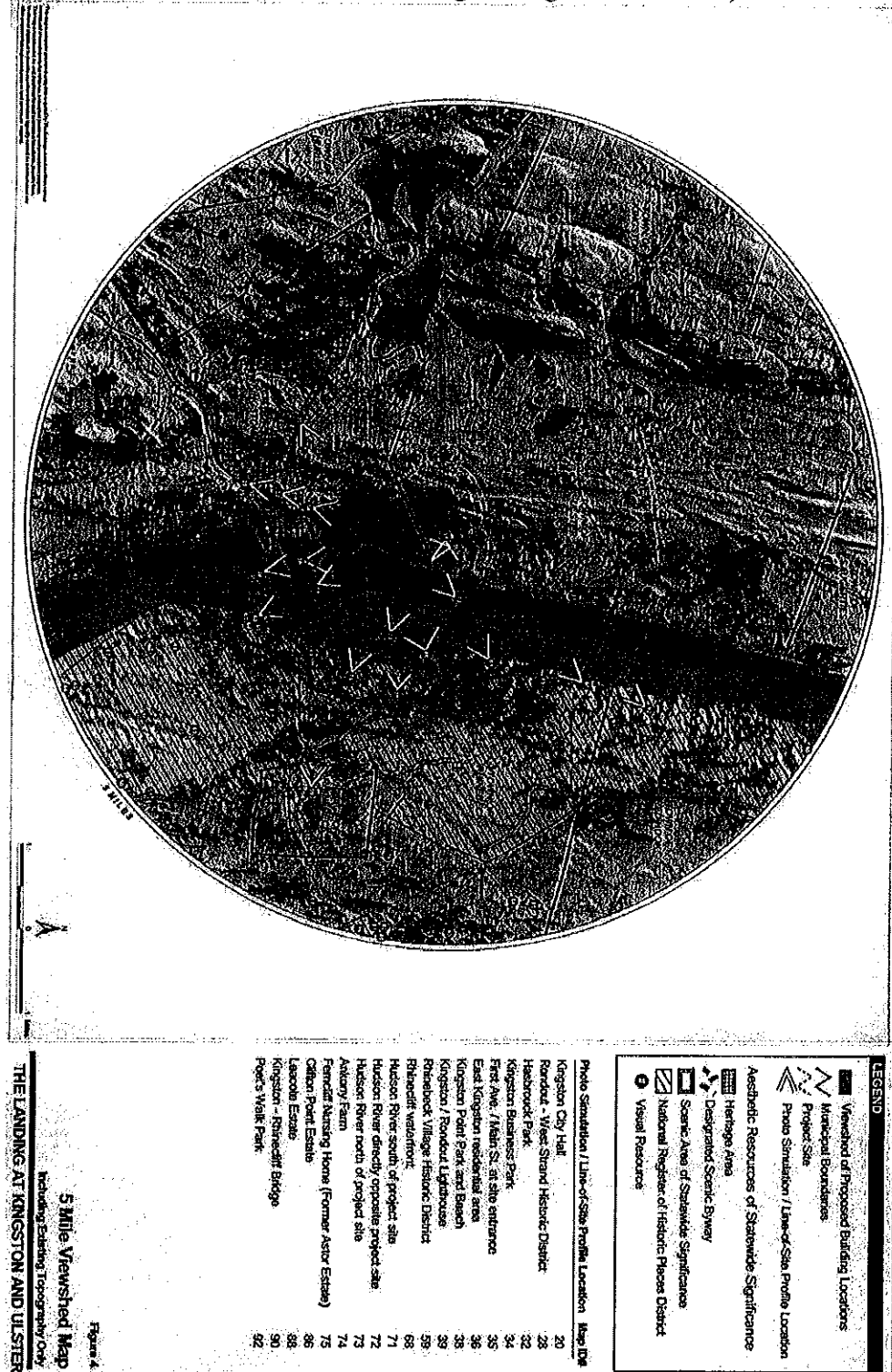
DRAFT

15



ENVIRONMENTAL
SIMULATION
CENTER, LTD.

Appendix A: Example viewshed map with visual resources mapped
(Taken from the DGEIS for the Landing at Kingston and Ulster)



GREENPLAN

MEMORANDUM

To: George Fenn, Chairman
Town of Amenia Planning Board

From: J. Theodore Fink, AICP

Date: 4/6/08

Subject: Silo Ridge Resort Community Draft Environmental Impact Statement

Applicant: Higher Ground Country Club, LLC

GREENPLAN INC.
Environmental Planners
302 Pells Road
Rhinebeck, NY 12572-3354
845.876.5775
Fax 876.3188
www.greenplan.org

We have completed our technical review of the Draft Environmental Impact Statement (DEIS) including Volumes I-V (submitted electronically) for the above captioned application. The DEIS was accepted as complete on October 4, 2007 and has been subject to public and agency comment since that time. Additionally, our review includes the Preliminary Master Development Plan accepted as complete on February 7, 2008.

In addition to our comments presented below, we were assisted by The Hudson Group for the review of the Fiscal section of the DEIS. Their comments have been previously submitted. We were also assisted by Hickory Creek Consulting for the review of Water Resources and Stormwater Management as it relates to natural resource protection and their comments have been incorporated into this memorandum. Finally, we were assisted in this review by the Environmental Simulation Center for the section Visual impacts. Due to scheduling issues, these comments will be made available by April 5, 2008.

We want the Planning Board to understand how we conducted this technical review given that the main body of the DEIS does not evaluate the project for which the applicant is seeking approval. Therefore, we have examined the analysis in the main body of the DEIS against the evaluation of the preferred alternative. We are providing comments on areas which need to be addressed and anticipate future analysis will only consider the preferred alternative.

As the Planning Board is well aware, the project site lies within the Resort Development Overlay District (RDO). As the Planning Board continues its review of this project, we want to remind the Board of the stated purpose of the RDO (§ 121-18A.):

The purpose of the RDO District is to provide use and design flexibility to encourage resort development on appropriate large properties, where such development fits into the rural character of the Town and protects its scenic, historic and environmental resources. This district provides a procedure for master planned development of properties over 200 acres, following rezoning by the Town Board, to promote tourism, recreation, and open

space protection. ***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.*** [emphasis added]

We encourage the Planning Board members to keep this in mind as you read and understand the material presented in the DEIS and by your consultants. The last sentence of the purpose clearly indicates there must be public benefit associated with this project and that it must come in the form of significant environmental protections.

Our comments together with other Town consultants' comments, involved agency comments and comments from interested agencies and parties must be responded to in a Final Environmental Impact Statement (FEIS). We assume that the applicant will prepare draft responses to comment as well as preparing modifications to the DEIS, that are called for, in a proposed FEIS document for the Town to consider. Greater clarity is needed in the FEIS for the public to understand the project for which the applicant is seeking approval. From the public comments, it is clear the misunderstanding of the project proposed in the main body of the DEIS vs. the preferred alternative remains a problem. The public and all involved and interested agencies should be well aware of the applicant's intended plan for approval.

We offer the following comments for the Planning Board's consideration and for response by the applicant:

Summary of Most Important Issues:

1. The applicant has presented the Planning Board with another version of the preferred plan at the March 27th workshop meeting and our understanding is that a formal submission will be made shortly. We would ask, for purposes of clarity in identifying the proposed changes and in terms of conducting a review, that the applicant provide "blue-line" drawing which shows the new plan overlaid on the "preferred alternative" along with a narrative describing the changes.
2. The relationship of the conservation analysis, contained in the DEIS, to the preferred alternative needs to be clearly articulated in the document. Please see item 6 below for additional detail.
3. Stormwater impacts as it relates to water quality and habitat protection is inadequately addressed.
4. The visual impact of the preferred alternative from DeLavernne Hill is significant and needs to be closely examined. At a minimum we recommend relocation of the winery building from the hairpin turn and believe other changes to the plan are likely to be necessary so that the view is not irreparably harmed.
5. The fiscal impacts of the project need to be addressed more fully. We understand the Town's desire to participate in the creation of a sewer district for the hamlet area. It is imperative for the Town to fully understand the costs and benefits associated with this project and the creation of such a district. Additionally, the

costs associated with municipal services and the implications of a significant number of potential new residents should be fully understood.

Chapter 1.0 Executive Summary:

6. A critical issue related to the development of a proposal in the RDO District is the preparation of a conservation analysis which then drives the development of the preferred alternative and the Master Development Plan. It is understood that the DEIS represents the conservation analysis of the site. There should be a rationale and logic for the public to follow which describes how the plan came to be in its current form and how that reflects the design team's findings as they relate to the conservation analysis. Summarize the conservation analysis, clearly identify areas to be protected as a result of the analysis, clearly identify areas which will be affected by the project and relate the proposal to the applicant's conservation findings.
7. Is the applicant still considering the purchase of Amenia Fish & Game?
8. In Section 1.1, the applicant notes there are six parcels associated with this project however, there are only five listed on the *Final Scoping Document*. The applicant should explain this discrepancy and discuss the intended purpose for parcel # 7067-00-628131.
9. For the preferred alternative, the DEIS states the hotel will contain 300 rooms but 393 keys. This concept needs to be more fully explained. It should be clear how the "extra" 93 will be used in the day-to-day operations of the hotel. There should be a discussion of how this concept was accounted for in the relevant analyses including but not limited to parking, fiscal and demographics. The DEIS also notes 453 bedrooms. This should also be discussed in the FEIS.
10. The summary of potential impacts and mitigation measures presented in Table 1-4 needs to be provided for the preferred alternative. Additionally, this may need to be revised pending the technical comments received to reflect any additional analysis, identified impacts and proposed mitigation in the FEIS.
11. On page 1-27, the applicant has indicated the Traditional Neighborhood alternative will include a wastewater treatment plant with additional capacity to serve the Hamlet of Amenia in lieu of providing affordable housing per the requirements of town's Zoning Code. How much extra capacity is being provided? Will it be enough to cover the entire Hamlet? What is the estimated cost to the Town to connect some or the entire Hamlet to this plant? The public benefit needs to be clearly explained in the FEIS.
12. On Page 1-27, the applicant states "...this alternative substantially reduces the visual impact of the development", however there is no analysis provided in the DEIS which substantiates this statement. Given the visually sensitivity of this area including the noted importance of protecting the Town's most important viewshed (i.e. the views from the top of Delavergne Hill in relationship to large scale development) in the Town's Comprehensive Plan Update, the Planning Board should consider whether the applicant should prepare this analysis for your review. We believe it would be appropriate so that the alternatives can be compared to

each other in terms of visual impact. At the moment, the Planning Board can only compare the proposed action, which we know the applicant has no interest in building and the preferred alternative.

13. On page 1-28, the applicant states "Despite reductions in impacts to steep slopes and visual resources, the Reduced Scale Alternative does not incorporate as many elements of the traditional neighborhood concept and is not as focused on walkability or compact development...". The applicant needs to explain why the reduced scale cannot accommodate elements of traditional neighborhood design. We point out to the Planning Board that both the Traditional Neighborhood and the Reduced Scale propose the same number of hotel units. Further, the Traditional Neighborhood clusters 215 additional units within 1/4 mile of the "core" area, a key component of compact design. That configuration of 215 units represents 36 more units than proposed in the Reduced Scale (179 units).

Chapter 2.0 Description of the Action

14. Please note Table 2-1 and Figure 2-2 are inconsistent with respect to parcel number 860725 which appears on the map as agricultural lands and in the table as vacant/disturbed. This should be corrected.
15. On page 2-14, the DEIS describes connections to the existing trail system in the western portion of the site. These connections are not shown on the overall plan and it is not described or mapped for the preferred alternative. The trail connecting to the proposed park at the former Amenia Landfill needs to be explained and mapped. Additional information including where parking will be located, who will be responsible for maintenance, will the trails be handicapped accessible and the width should be described in the FEIS. The applicant needs to clarify whether this is applicable to the preferred alternative as well and if these trails are being offered as a public benefit.
16. The DEIS states that the western portion of the project site would remain wooded with trails available for public use. Page 2-14 describes the internal trail network, which links up to these trails. How will the project differentiate between public and private users/uses?
17. Page 2-15 describes a proposed shuttle connection between the resort and the Wassiac train station. This is not described for the preferred alternative. The applicant should explain if it this is applicable for the preferred alternative including the capacity of the shuttle, frequency of trips and whether it run weekday and weekend. The FEIS should include information on discussion with Metro North, if any, regarding the shuttle.
18. For the proposed action, the applicant was proposing to renovate the existing clubhouse. For the preferred alternative, the applicant is proposing to demolish the existing building. The applicant should explain why new vs. renovate and the impacts related to the demolition need to be detailed in the discussion of the preferred alternative.

19. Page 2-16 describes the condominium operation of the hotel. This is not described in the preferred alternative and the applicant should indicate if this is applicable as well to the preferred alternative.
20. The applicant should explain if the target market for the hotel units as described for the proposed action is the same for the preferred alternative.
21. Page 2-17 described the size of the single family homes as ranging from 3,000 to 4,300 square feet. For the preferred alternative, they are described as ranging from 3,000 to 6,000 square feet. Why are the homes in the preferred alternative proposed to be bigger than the proposed action? Is there a possibility that all the single family homes can be 6,000 square feet? If so, has the visual impact analysis assumed a worse case scenario of 6,000 square foot homes? If not, the visual analysis will need to be revisited.
22. Page 2-19 described the size of the townhomes as ranging from 2,000 to 2,800 square feet. The size of the townhomes is not described for the preferred alternative. This needs to be clarified.
23. The DEIS states that the project would be marketed to groups such as empty nesters. Will the units be designed for empty nesters to include items such as elevators in townhouses, one floor living, stacked closets, etc? How does the applicant intend to target this market? Where does this market exist? What other developments in this regional will be competing for this same market?
24. The description of the preferred alternative does not contain the same level of detail as the description for the proposed action. For example, there is no discussion of utilities, purpose/objectives of the project sponsor, public need and benefits or affordability included for the preferred alternative. This needs to be corrected for a full understanding of the preferred alternative.
25. We note there is a provision for mandatory workforce housing in the new adopted Town of Amenia Zoning Code which is applicable to this project. The applicant needs to do an analysis indicating how this project conforms to § 121-42 for the preferred action.
26. The applicant will need to revise the construction schedule to reflect realistic timeframes. For the preferred alternative, Figure 5-8 indicates approvals on 5/31/07.
27. There is no discussion of temporary erosion and sediment control measures, permanent erosion control measures, other pollutant controls, construction housekeeping, or operations described for the preferred alternative. This needs to be clarified.
28. The applicant should clarify what "regular daylight hours" means and provide more detail on "typical safety measures". The applicant should acknowledge awareness of the Town's noise regulations, specifically § 121-40.C.4.b., where it states construction noise and maintenance activities between 8:00am and sunset, Monday through Friday, is exempt from the regulations. If the applicant anticipates construction on the weekend, it should be more fully explained in the FEIS.

29. Details regarding construction traffic, routes, materials delivery and storage should be provided in the FEIS.
30. The location for disposal of construction debris should be identified.
31. We recommend a detailed construction management plan be included in the FEIS to be reviewed by the Town Engineer.

Chapter 3.0 Environmental Impacts

32. Table 3.1-2, which details soil disturbance per soil category, should be calculated and included in the section on the preferred alternative.
33. For the preferred alternative, slightly less than 1/2 of all the land (108 acres out of 248 acres) to be disturbed falls into a "steep slope" category (15%+). The applicant needs to explain how this is consistent or inconsistent with the purposes of the RDO in terms of environmental resources. While the applicant has correctly identified potential impacts such as mudslides, houses sliding downhill, rockfalls damaging homes and erosion concerns, they have not clearly detailed mitigation to address these potential impacts. There should be a full description of potential engineering solutions which minimize the potential impacts. It is not enough to say "employing best design, engineering and construction practices will deal with potential hazards. . ." Mitigation needs to be clearly articulated so the Lead Agency may evaluate if the mitigation is sufficient to minimize the impacts.
34. The applicant discusses rock excavation on page 5-36 for the preferred alternative and states "rock excavation will be minimized as much as possible by developing engineering alternatives to avoid rock where possible". What does this statement mean? The applicant should clearly define "engineering alternatives". Does this mean alternative design? Alternative locations? Alternative technologies? If so, how will the Planning Board evaluate these alternatives?
35. Page 3.2-10 indicates the Army Corps of Engineers (ACOE) will not issue a jurisdictional determination letter until the ACOE and the US EPA have resolved internal agency issues. We note the ACOE and US EPA in June of 2007 issued a joint guidance memorandum for their field offices. The applicant should revisit this issue and identify how the Planning Board will verify what requirements, if any, the ACOE will impose on this project.
36. For the preferred alternative, the applicant has provided a table of wetland impacts (Table 5-4). The applicant needs to explain if the acreage of disturbance includes grading and excavation outside the wetland boundaries. Also, the applicant should explain what is meant by a "temporary" impact as noted for wetlands J, V and L/QQ. The applicant should describe any permits needed from the ACOE or DEC for this project in the FEIS. The applicant also needs to explain how this is consistent or inconsistent with the purposes of the RDO as it relates to significant protection of water resources.
37. Figure 3.2-1 does not show 100 year floodplains. Furthermore, the DEIS states there will be some grading within the floodplain for redevelopment of the 4th fairway for the preferred alternative. The specific details of the grading needs to be

described and potential impacts identified for evaluation in the FEIS. Will the grading be reshaping the land? It also appears that enhancement to Pond A, Pond B and Pond D will also occur within the floodplain area. Potential impacts related to these activities will need to be identified. The applicant needs to explain how this is consistent or inconsistent with the purposes of the RDO as it relates to significant protection of water resources.

38. Before a final SWPPP is prepared for this project, additional EIS information is needed.
 - a. All impacts on water resources must first be fully described in the FEIS (including seasonal hydrological impacts on wetlands and streams, and stream biomonitoring data as discussed in Section 2.6 of the NYS Stormwater Management Design Manual).
 - b. Mitigation for those impacts can then be developed as part of the FEIS, and also be incorporated into the SWPPP as appropriate (for example, standard Low Impact Development practices, an organic management plan for the golf course, de-icing alternatives to road salt, and vegetated buffers).
 - c. The SWPPP can be designed to further reduce impacts (including placement of all detention basins a distance of at least 100 feet from wetlands and streams).
39. After the additional information has been provided and a site design has been finalized, the SWPPP can then be developed and evaluated for any potential remaining impacts on wetlands and streams, as part of the FEIS review.
40. After the project design has been finalized, the SWPPP should be prepared in full, including a map showing the locations of all stormwater management facilities, and details of outfalls and other conveyance to receiving waters, so that any potentially significant impacts from these facilities can be assessed and evaluated. For water quality protection purposes, none of these should be located within at least 100 feet of any wetland or stream (including intermittent streams). This distance should be increased if the land is on a slope. In addition, information about the outfall from each detention pond is needed to ensure that this outflow (with its residual pollutant load) is spread laterally across a vegetated surface to reduce its erosion potential and maximize infiltration into the soil before it reaches receiving waters.
41. Protection of water quality, particularly with respect to onsite wells, the large wetland AM-15, and Amenia/Cascade Brook has not been adequately provided and specific concerns are presented in items 42-52 below.
42. Page 3.2-31 states that the implementation of best management practices for stormwater "will serve to provide water quality protection to the stream and wetland areas." On page 3.2-32: "Design details for the stormwater system and quantification of sediment and nutrient removal will be determined during the site plan stage..." These statements do not address the potential impacts to wetlands and streams, water quality and supply, that are often associated with conventional

stormwater management systems. To be fully mitigated these impacts, they must be described in the FEIS.

43. Appendix 9.5 states that "The methodology used to develop this Master SWPPP shall be adhered to for the preparation of the project's final SWPPP. Stormwater quality and quantity controls designed for this Master SWPPP are preliminary in nature and are intended to demonstrate their location, approximate size, and design concept. Detailed analysis of these practices must be performed, and the design of each practice must be refined as part of the final SWPPP preparation." The SWPPP is being used as mitigation for onsite impacts to water quality and flow, and yet it has not been finalized. In addition, when a final SWPPP is prepared, in detail, it may be found to incur additional impacts on wetlands and streams and therefore must be included as part of the FEIS evaluation.
44. Appendix 9.5 states: "Several areas of proposed roadway are located such that the topography or adjacent constraints make it impractical to locate stormwater quality facilities. Waivers will be requested from NYSDEC for treatment of stormwater runoff from these areas as the site plan review and approval process progresses." The potential for water quality impacts from runoff from these roadways has not been addressed. Rather than a request for waivers, which would only perpetuate the potential impact problem, these roadways should be relocated so that runoff can be adequately treated. The applicant needs to explain how this is consistent or inconsistent with the purposes of the RDO as it relates to significant protection of water resources.
45. Stormwater detention ponds cannot remove all pollutants from stormwater runoff. The remaining pollutant load exits the pond into receiving waters where it has the potential for significant contamination impacts. As detention ponds fill with sediment, their ability to remove pollutants decreases. Therefore they do not provide adequate mitigation for the project's water quality impacts.
 - a. This is a SEQR issue that goes beyond mere compliance with the minimal requirements of a SWPPP. Compliance with stormwater management design requirements (and preparation of a SWPPP) does not ensure that water quality and habitats will be adequately protected in wetlands and streams. The pollutants that are not removed are still a water quality issue. Without additional mitigation measures, stormwater management facilities alone are not sufficient to ensure protection of wetland water quality and supply. While pollutant load information is provided in the DEIS (chapter 5), additional information is needed for an assessment of impacts including how much of the pollutant load will exit the stormwater detention basins annually? How can this be mitigated?
 - b. Stormwater runoff contaminants that are not removed by stormwater management facilities and methods, including road salt for deicing, need to be fully described and further mitigation implemented to ensure protection of wetland water quality. All seventeen potential contaminants listed in DEC's Stormwater Design Manual (page 2-3) should be specifically addressed- especially because of the close proximity of wetlands and streams.

- c. Road salt and other contaminants accumulate in piles of plowed snow. A plan for snow removal that keeps plowed snow out of wetlands and detention facilities needs to be developed.
 - d. Pesticides and herbicides used on landscaping and lawns will contribute to the contaminant load. How will this be mitigated?
 - e. Cumulative impacts of road salt on wetlands and aquatic systems are well documented. Road deicing alternatives should be required for use on this site, because of water flow patterns, steep slopes, and sensitive resources. Calcium magnesium acetate and potassium acetate are possible choices.
46. The golf course soils that will be disturbed during grading and construction are likely to contain a residual of stormwater contaminants including herbicides, pesticides, growth-regulating hormones (as described in the IPM), and fertilizers. The contaminants present in existing soils should be fully described along with potential impacts associated with their disturbance.
47. In light of the increase in development in close proximity to wetland AM-15, and the fact that much of the runoff from the site will eventually find its way to this wetland or Amenias/Cascades brook, the golf course should be managed so that it does not contribute further to these impacts. The IPM plan does not provide sufficient assurance of this outcome. Therefore an Organic Management Plan for the golf course should be developed for evaluation as part of the FEIS. This would provide effective mitigation for some of the water quality impacts on this site.
48. Mitigation for water quality impacts is left largely to the SWPPP. However, a SWPPP is not intended to substitute for mitigation onsite. Low Impact Development practices should be incorporated into the site design to provide effective mitigation. These specific practices are described in many resources including the EPA 2007 publication "Reducing Stormwater Costs through Low Impact Development Strategies and Practices" and should be presented in the FEIS.
49. We note the following concerns related to buffers.
- a. To further protect water quality onsite, all wetlands and streams should be provided with an intact vegetated buffer of specified width and vegetative characteristics. Research indicates that for **optimal water quality protection**, the buffer should be at least 100 feet in width. Results of research documenting the effectiveness of various sized buffers in removing contaminants (including sediments, nitrogen and phosphorus and other contaminants that are not removed by detention ponds) from runoff is provided by publications including "Planners Guide for Wetland Buffers for Planners" and "Conservation Thresholds for Land Use Planners" from the Environmental Law Institute. Buffers can become saturated with specific contaminants, and thus a larger size is necessary for continued efficiency over time. All water sources that contribute to the water supply of the large wetland, AM-15, should receive adequate water quality

protection buffers. If they are not provided with adequate buffers, the FEIS must state the reasons why this would be acceptable re: water quality.

- b. Several disturbances to buffers are described in the DEIS; however, all grading, construction or other disturbance of a 100 foot buffer around both the large wetland AM-15 or Amenia/Cascades Brook - which are both particularly significant resources - should be prohibited. For all other wetlands, streams, and waterbodies onsite, the FEIS should explain why less than 100 feet would be acceptable, in light of the above referenced research and any hydrologic connections with wetland AM-15 or Amenia Brook.
- 50. Drought and climate change conditions will decrease wetlands function and affect stream flows and runoff events. How will this project affect wetlands and streams in light of these parameters? What mitigation is proposed to offset these impacts? (Reference: Northeast Climate Impacts Assessment "Confronting Climate Change in the U.S. Northeast: Science, Impacts, and Solutions" and other information provided by the NYS Department of Environmental Conservation.)
 - 51. Proposed mitigation for all wetland and buffer disturbances, should be described in one location within the FEIS so it can easily be evaluated.
 - 52. There are several concerns related to impacts to wetland AM-15. These are described more specifically in items 53-56 below.
 - 53. All potential impacts to the wetland are not described adequately in the DEIS. Information including the following should be provided in the FEIS:
 - a. increased ponding (potentially leading to changes in wetland function and quality);
 - b. increased water level fluctuations (potentially rendering wetland conditions more favorable for invasive plant species, and affecting plant species composition);
 - c. changes in wetland water supply including during periods of drought, and in light of climate change impacts;
 - d. decreased groundwater discharge.
 - 54. Impacts to the contributing drainage area (CDA) to wetland AM-15 are not adequately addressed:
 - a. The road and its associated structures separate the wetland from water flowing from west to east through this portion of the watershed; the impacts of this on the wetland's hydrology are not described.
 - b. While the amount of impervious cover for the entire site is approximately 6%, it appears that a high proportion of that is located within the wetland's CDA. This includes all of the CDA, onsite and offsite. The area of existing impervious surface should be compared to post-construction impervious surface area within the CDA

to determine if additional reductions in impervious surface are required to mitigate potential cumulative impacts. Research information from the Center for Watershed Protection and the DEC document that thresholds of 3-5% impervious surface may affect wetland quality water quality; 10% indicates likelihood of real impacts on wetland quality, and at 20% or more wetland quality is sharply degraded. It is important to know where on this continuum the CDA for the wetland falls, so that additional mitigation can be provided as appropriate.

55. Any reduction in water quality for wetland AM-15 has the potential to affect the much larger complex that includes DEC wetland AM-16 and Cascade Brook. This connection is not discussed in the DEIS with regard to water quality and wetland water supply and must be addressed in the FEIS.
56. Appendix 9.5 states "Generally stormwater that drains to this large wetland goes through a series of ponds, culverts and/or streams located throughout the central portion of the site prior to reaching the wetland." Therefore the quality of water in all of these ponds, culverts, wetlands and streams requires protection and mitigation where necessary. The potential pollutant load conveyed into wetland AM-15 from these sources is not adequately described and needs to be addressed in the FEIS.
57. There are several concerns related to the impacts to Amenias/Cascades Brook which are described more fully in items 58-60 below.
58. Changes in the flow of the brook are significant for dilution of water contaminants from stormwater runoff and other sources, and for maintaining instream integrity of the brook. Trout habitat is affected by changes in water temperature as well; this is not described in the DEIS. Much of the stormwater runoff from this property will reach the Brook, whether from overland flow or via culvert or stormwater basin outfalls. What impact will this runoff have on stream flow? How will this change during periods of drought, and over time as the stream is affected by climate change?
59. For adequate stream protection, including bank stability, riparian habitat, water temperature, and water quality protection, a buffer of at least 100 feet should be provided along the brook. Vegetation within this buffer should include as much woody cover as possible, and no pesticides or herbicides should be used within the buffer zone. Small portions of the golf course that fall within this riparian buffer (as described on page 5-47) should be relocated outside the buffer.
60. The outflow from the wastewater treatment facility is likely to affect stream flow and possibly temperature. This is not adequately described in the DEIS and needs to be addressed in the FEIS.
61. Page 3.2-35 states that the aquatic instream habitat of Amenias/Cascade brook will not be negatively affected but the DEIS does not provide any information regarding macroinvertebrates or other existing habitat/biological conditions within the stream. Even very small decreases in stream flow during periods of drought can cause significant impacts to instream biota. This needs to be addressed.

62. Appendix 9.8 states, "The anticipated WWTP outfall location will be to an unclassified on-site intermittent stream that drains to on-site Class C irrigation ponds. These ponds then overflow off-site to Amenia Brook, a Class Ct Stream..." Potential impacts from this overflow on flow levels, water quality and temperature in Amenia Brook should be described.
63. What effect will the proposed crossings, filling and encroachments impacts have on the flow/hydrology and water quality of the entire system that appears to drain directly to wetland AM-15 (wetland J/JJ, ponds J1-2 and K, streams J, L, and QQ)?
64. The DEIS states that the preferred traditional neighborhood plan has only 6% impervious surface. We ask the applicant to confirm the impervious surface number because this is 76 acres less than the proposed action. While this is a great improvement over the proposed plan, the cumulative impact of impervious surfaces within the watershed is not discussed; this should be added in the FEIS. It is an important issue because as stated previously, there are thresholds for potential impacts from impervious cover. It is important to know where on this continuum the watershed for this project falls, so that additional mitigation can be provided as appropriate.
65. What effect will the wetland enhancement plan described in section 5 have on the hydrology of the wetlands and streams onsite?
66. Water supply for onsite wells, wetlands and streams, including analyses of drought conditions and anticipated effects of climate change is not adequately described in the DEIS. While the DEIS documents well supply, it does not provide sufficient information on the preferred alternative. Will existing well capacity serve this alternative? If not, where will additional wells be located, and what will be the cumulative effect of water use from all wells onsite on the wetlands and streams onsite and adjacent to the site?
67. Several of the wells that would be used for the project's water supply contain levels of certain contaminants that exceed standards. While the DEIS describes how this water would be treated it does not describe the probable causes of this contamination. This information should be included, so that any potential project impacts that might increase contamination can be mitigated.
68. According to the DEIS 43% or 108 acres of project site disturbance are located on slopes of 15% or greater. The entire length of the road that runs along the western side of the proposed project introduces an area of disturbance that interrupts the overland flow of water from the forested slopes of the western portion of the site to the wetlands and streams to the east; the northern portion of the road runs parallel to a small stream and wetlands. Impacts from this road are not adequately addressed in the DEIS. As currently depicted all runoff from the road, including road salt, will flow directly into the stream/wetland complex. In addition to these potential water quality impacts, how will this road affect water availability to down slope wetlands and streams on the site? Depending on the potential significance of these impacts, mitigation involving the removal of at least the northern portion of this road may be necessary.

69. DEIS state that groundwater onsite is entirely replenished by precipitation. If stormwater design collects this and carries it offsite, what impact will this have on groundwater replenishment? This potential impact needs to be addressed in the FEIS.
70. The DEIS does not describe the location of the staging area for construction materials and chemicals, and any potential impacts and mitigation.
71. Where will the "routes of convergence" (p.21, Appendix 9.5) be located? Will they traverse any wetlands or streams during construction?
72. What specific actions does 'site preparation' to minimize area and duration of soil disruption entail? (Ref. Appendix 9.5).
73. The DEIS contains inadequate information regarding the golf course soils and the effects of grading. Will they be compacted, be made to shed water rapidly, or will they be made more friable? What effect will this have on drainage patterns and water absorption?
74. Hudsonia produced a biodiversity map for the Town of Amenia; was this referenced or otherwise used for this DEIS?
75. It is our understanding Section 3.3 on Vegetation and 3.4 on Wildlife are being reviewed by Dr. Klemens, PhD. We have additional comments which resulted from the meeting of the Town's consultants on March 28, 2008. These were prepared by Karen Schneller MacDonald and are related to species of special concern. Attached to these comments is supplemental information regarding species of special concern and how they are regarded in New York State.
76. Nine bird species of conservation concern were noted by Dr. Michael Klemens in his memorandum of March 18, 2008 in which he stated "The Applicant should specifically address for each of the following species the anticipated impacts, and the proposed mitigation measures..." Two of these nine are NYS Special Concern species, and all of them are also listed as NYS Species of Greatest Conservation Need (SGCN), as noted in the attached discussion on species of special concern.. The need for this additional information is well documented in the NY State Comprehensive Wildlife Conservation Strategy for New York.
77. In addition, the following species, which are listed in the DEIS as well, are also SGCN species; anticipated impacts and proposed mitigation for all of these species should be included in the FEIS.
 - Scarlet Tanager
 - Brown Thrasher
 - Wood Turtle (also Special Concern NYS)
 - Spotted Turtle (also Special Concern NYS)
 - Eastern Box Turtle (also Special Concern NYS)
 - Northern Black Racer
78. The following birds, noted in the DEIS, are listed by Partners in Flight and/or the USFWS Birds of Conservation Concern. The FEIS needs to address these species and their habitat needs.

Purple Finch
Chimney Swift
Eastern Wood-peewee
Baltimore Oriole
Yellow-bellied Sapsucker

79. The proposed project is likely to produce significant impacts on habitat and sensitive species. The DEIS findings of no significant impact are based on undocumented assumptions. For example, Appendix 9.7.2 states that "The species found onsite are common species that can generally be found in a number of habitats including degraded habitat." On the contrary, a significant number of species onsite are not common species as noted comments 77 and 78, have specific habitat needs, and are sensitive to development. This needs to be addressed in the FEIS.
80. Even the threatened or endangered species mentioned in the DEIS do not receive adequate consideration. For example, wetland AM-15 and Amenia/Cascade Brook are part of a contiguous system connected to known bog turtle areas. The system may support other rare species such as Hill's pondweed. Water quality effects on any portion of this system may affect these species; this should be discussed.
81. Four conclusions (Appendix 9.7.2 p. 25-26) are offered to support the DEIS finding that no significant impacts to wildlife will be incurred by the proposed project. This finding is not supported by scientific evidence, and all four conclusions are unfounded assumptions that do not reflect ecological realities. The applicant should discuss species of greatest conservation need, discussion of all impacts to these species, and proposed mitigation.
82. While the DEIS mentions a turtle/snake nesting area, there is no discussion of its place in the context of habitat needs of the species that use it. To protect the nesting bank without also protecting necessary travel corridors, for example, constitutes inadequate mitigation.
83. The actual habitat value of lawn areas is almost zero. This should be noted in the FEIS.
84. The applicant should provide correspondence from the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) regarding their review of the Cultural Resource Assessment report completed for the site. We are unable to locate such correspondence in the DEIS or the Appendices. Additional information regarding Phase 1 and 2, information on the site of the proposed WWTP for the preferred alternative and coordination with OPRHP should be described in the FEIS.
85. In reviewing the visual assessment provided by the applicant, we have used the NYS DEC "Assessing and Mitigating Visual Impacts" technical memorandum as a guide. In this document, the DEC defines aesthetic impact as "occurring when there is a detrimental effect on the perceived beauty of a place or structure". For this project, the place of concern is the view of the Harlem Valley as experienced from DeLavernne Hill. The importance of this public view is well documented in

the Town's Comprehensive Plan and Zoning (please also see items 29, 44 and 52 in this Memorandum). This visual resource is also recognized by Dutchess County as one of the eighteen "scenic vantage points along US and State roadways in the county identified in the *Dutchess County Natural Resource Inventory*.

In its role as Lead Agency in the SEQR review of this application it is the Planning Board's responsibility to determine whether the project will cause a **diminishment of the public enjoyment and appreciation of the Harlem Valley view or if the project impairs the character or quality of the view**. From the information provided in the DEIS, it is our opinion that this project will create a significant aesthetic impact. As proposed, the project will alter both the near and distant views of the Harlem Valley from DeLavergne Hill by introducing buildings spread across the entire site. While the golf course may remain a central focal point, the buildings surrounding the course, particularly those proposed south and east of the hotel area, will serve to draw your eyes to the latest intrusion on the landscape and will "box in" your view thereby disrupting the sweeping views of the Valley.

It is important to recognize that it is not the entire development which creates the diminishment of the view. In the following items, we attempt to describe, by project phase, the areas of greatest concern along with some other technical issues which need to be addressed.

86. As acknowledged by the applicant, portions of the preferred alternative are visible from nearly all of the viewpoints selected. However, the DEIS does not describe how this impacts the area as a whole. We suggest the applicant prepare a site plan map showing which portions of the project area visible from the various viewpoints to provide an overall visual summary.
87. The most critical viewpoints of concern regarding the views of the Harlem Valley occur along Route 44 and are referenced in the DEIS as Viewpoints 1, 2 and 3. In Phase 1, a number of elements are introduced into the viewshed. These include portions of the hotel from Viewpoints 1 and 2, portions of the Block "D" townhomes from Viewpoint 2 and portions of the Block "B" townhomes/condos. The large scale of the project can be noted in the simulation of Viewpoint 1 (Left) where you can compare the size of the buildings to a height of the person who appears to be standing midway between the location of the photographer and Route 44 as you exit the hairpin turn.

The winery will be clearly visible to people traveling from the west into the hairpin turn and it will certainly draw the eye of the viewer away from the sweeping view of the Valley out towards Depot Hill to the winery complex presented in the immediate landscape. The Planning Board and the public have expressed some serious concerns about building located in the hairpin turn and relocation of the winery facility and all other buildings from this visually sensitive area should be seriously considered. This visually sensitive area was defined by the applicant in a map dated January 25, 2007 in a Figure titled CM-1 prepared by The Chazen Companies. This map was distributed during a site visit by the Town's consultants. During the review of the preliminary MDP, we had asked for this map to be

included. We note the area defined as "Visually sensitive area as seen from Route 44" places the winery building within the visually sensitive area. We note the Figure included in the submission of the MDP referenced as SP13 has shifted the "visually sensitive area" from its original position on the January 25, 2007 map. This shift, which moves the triangularly defined area beginning from the driveway on the west side of Route 44 opposite the entrance to the winery to approximately 150 feet to the south, removes the winery building from this "visually sensitive area". We assume this is a mistake which needs to be corrected on SP13 in the MDP.

Important to note is that the Clubhouse, Village Green and Spa areas are not seen from these viewpoints.

In Phase 2, buildings proposed along the south eastern portion of the site become prominent on the landscape from Viewpoints 1 and 2. These include significant portions of Block "E", "F" and "G". Block "H" single family homes are visible in the distant view. In this phase, the single family homes in Blocks "K", "J", "I" and "L" are not visible from these critical viewpoints.

88. One of our concerns with the layout of the project is the applicant's acknowledgement that (pg. 5-15) "the development is laid out to maximize views of the golf course from as many homes as possible" because it is a golf course community. While we understand the goals of the applicant, the Planning Board is charged with balancing the social, economic and environmental factors of this project as they relate the stated purpose of the RDO described at the beginning of this memorandum. The views of the Harlem Valley contribute significantly to all of the factors which are to be considered and we believe mitigation is necessary to reduce this impact.
89. The applicant has provided a few photo simulations of the preferred alternative which includes landscaping as a mitigation measure. There are three views shown and there is no rationale provided as to why these only three locations. For example, only viewpoint 3 (left) is shown with the landscaping however a review of the right view reveals a greater visual impact from that location. Further, any landscaping provided in the hairpin turn will also impact the view. This needs to be addressed in the FEIS.
90. The simulation of viewpoint 2 shows evergreens will be used to shield the buildings from the view. Viewpoint 2 is the view of the Harlem Valley from DeLavernne Hill and is a signature viewshed in Dutchess County. We do not believe blocking the entire view with evergreens is appropriate mitigation in this circumstance.

The applicant has also presented architectural concepts for the project. We certainly agree in principal to the design concepts but wish to point out the colors proposed in some of the renderings will not blend into the landscape. For example, image 5 in the section B of *Statement of Design Principles and Architectural Character* shows a conceptual rendering of the hotel with a white façade and a terra cotta colored roof. These colors are in stark contrast to the browns and greens of the

hills in which the building is set against. In section E, image 1 shows the golf villas. Again, some of the colors shown in the rendering are light and do not blend into the landscape.

91. The architectural examples offered in the *Statement of Design Principles and Architectural Character* do not provide any examples of architecture in Amenia. If the project is to respect existing community character, an examination of local architecture would seem much more appropriate as part of the analysis to reduce the visual impacts.
92. Other mitigation strategies to be considered per the DEC "Assessing and Mitigating Visual Impacts" document include relocation, camouflage/disguise, low profile, downsizing and non-specular materials. We believe the applicant should include an analysis of these additional strategies to further reduce the impact from DeLavernge Hill. For example, what would the visual impact be if the profile of the Block D single family homes were lowered? What would the impact of a four story hotel be or if the hotel were relocated to the flat area of the proposed Village Green? Further, it appears as if the Planning Board contemplated these considerations by including the "Reduced Scale Alternative" which was to "reduce development on steep slopes and **reduces or eliminates visual impacts** from DeLavernge Hill" [emphasis added]. We note for the Planning Board there is no analysis of visual impacts of this alternative included in the DEIS.
93. The discussion of how the preferred alternative reduces visual impact as compared to the proposed action is not relevant. You cannot compare the project desired by the applicant to a project not desired by the applicant or the Town. The relevant comparison is between the preferred alternative and the existing conditions.
94. Figure 5.5 shows the various viewpoints from which the proposed action and the preferred alternative have been evaluated. We believe the red "V" symbol next to the viewpoint number and location indicates the direction in which the photo was taken. The photos however for viewpoints 5 and 6 appear to be taken in a slightly different direction. For example, the direction the "V" for viewpoint 5 points leads one to believe the photos would be showing the preferred alternative in the direction of balloons 6, 7 and 8. The photos show the preferred alternative in the area of balloons 13 and 14. For viewpoint 6, it looks like the area near balloons 4, 5 and 6 were to be evaluated but the photo shows balloons 12 and 13. The Planning Board should consider whether the photos evaluated the appropriate area of concern for those particular viewpoints. The applicant should clarify the direction of the "V"s on the Figure 5.5.
95. In the Traditional Neighborhood Alternative Simulation for viewpoint 1 (left), there is an area between the label for balloon 8 and Block F Townhouses which contains some of the preferred alternative, but that area is not labeled. Also, the Block H Towns/Condos is not labeled on Site plan sheet SP2-B.
96. For viewpoint 7 (left), there are buildings seen in the background which are not labeled. These appear to be single family residences in blocks J and I. They are clearly visible and we question why they are not labeled on the photo or described in the text.

97. Was Phase 2 of the hotel for the preferred alternative evaluated in the visual assessment? We believe a portion of phase 2 hotel will likely been seen from viewpoint 7 and possible others.
98. We have seen the wood frame structure which represents the winery building along Route 44 at the top of the hill. Does the height of this structure represent the height of the building at its proposed finished grade?
99. What is the height of the retaining wall associated with the winery building?
100. One of the requirements of the RDO (§ 121-18.C.3.c) is that where buildings are visible from public roads, bicycle trails, or other publicly accessible areas, the Planning Board shall require the submission of proposed elevations of buildings and proposed architectural standards and covenants. The applicant has acknowledged the visibility of this project from the area's public roads, however, the architectural details and specifics which would allow the Planning Board to make an informed decision regarding mitigation of this impact are lacking. The Statement of Design Principals and Architectural Character included in Section 5.0 merely provide small conceptual renderings of certain areas within the project site. The rendering of the hotel clearly reveal its prominence on the landscape. Reconciling the visual impacts of this project, including the proposed architecture will be critical in this process. The applicant must address these issues more fully in the FEIS.
101. It is understood that the RDO provides flexibility in design and that there are no specific bulk and area requirements. However, by virtue of the proposed design, bulk and area guidelines have been created. So while there are no compliance issues, there should be an explanation and table (similar to what has been included in the Preliminary MDP) describing what is being proposed in terms of minimum setbacks, distance between structures, distance between structures and parking areas, landscape buffers building height, maximum footprints and maximum grades for driveways so that moving forward there is a basic understanding how this will be developed and that consistency between development phases will be maintained.
102. In the discussion of RDO compliance, the applicant must describe more fully the proposed open space system. § 121-18.C.4. indicates priority in open space shall be given to land within the Scenic Protection Overlay and the Stream Corridor Overlay districts, *especially the view to and from Delavergne Hill*, ridgelines, historic resources, unique ecosystems, prime agricultural land and water resources. [emphasis added] The visual analysis reveals the preferred alternative does impact the views from Delavergne Hill. The FEIS needs to explain how the priority open space and the visual impacts are related.

Further, this section indicates the open space *shall* be preserved by conservation easement. [emphasis added] The applicant needs to describe proposed compliance with § 121-20.K. regarding the conservation easement.
103. The applicant must describe compliance with § 121-18.C.6. regarding open space buffers between the proposed action and existing residential uses, if any.

104. The applicant appropriately indicates the project is subject to the provisions of § 121-42.P. which governs mandatory workforce housing. For the preferred alternative, the applicant is offering to construct a wastewater treatment plant with excess capacity to serve the Town in the future. There is no description of how much excess capacity will be available.

According to Zoning, the Planning Board must find the contribution substantially advances the Town's goal of providing such infrastructure and that the provision of such water and sewer infrastructure will result in an increase in the availability of housing for persons who are the intended beneficiaries of the workforce housing program. Evidence which supports either concept should be provided. The applicant asserts that the offer will help, but how? It is also stated the *only* cost to the Town residents will be the cost of sewer conveyance. [emphasis added] What does this mean? Does the cost include the piping? This can be significant and needs to be quantified. How much excess capacity will there be, how many homes/commercial uses can it serve and what is the most feasible area to service? Has the proposed excess capacity been analyzed in the DEIS? If not, it needs to be included in the FEIS. A rational conceptual plan needs to be identified along with how it will ultimately benefit the persons in need of workforce housing.

105. For the preferred alternative, there is no discussion of compliance with the RDO 5% cap on retail uses on the site. § 121-18.C.5. states no more than 5% of the total footprint area may be used for retail establishments that sells goods and supplies. This should be addressed.
106. It is assumed that after the approval of the MDP the applicant will seek individual site plan approval for each component/phase of development. If the Site Plan is materially different from the approved MDP including any changes to the type or density of a residential component or the type and size of a commercial component, amendments to the MDP would be required along with review and approval from the Planning Board. Please confirm that the applicant intends to proceed in this manner. It should be stated that all site/subdivision plans for any one or more phases of the Silo Ridge Resort would be required to be consistent with the approved Master Development Plan for the site. The site/subdivision development plans would be reviewed and approved by the Planning Board in accordance with procedures set forth in the zoning law.
107. The applicant should discuss the permitted accessory uses for each residential use type and whether accessory uses for the single family homes are proposed.
108. There is limited discussion of the proposed action's compliance with the Aquifer Overlay District. Specifically, the DEIS notes a special permit may be required for the storage of pesticides and herbicides. This needs to be more fully described for the preferred alternative. Given the golf course exists and is in operation, we believe estimates can be made regarding the amount of pesticides and herbicides which will be stored on-site. A special permit is required if the amount exceeds 500 pounds. If the amount of materials to be stored exceeds the 500 pound threshold, the project sponsor should address the items in § 121-15.E.3 and § 121-15.E.4.

There also should be a discussion of whether chloride salts will be stored on site for road and path maintenance.

109. There appears to be some disturbance related to reconfiguring the golf course (holes 3 & 4) in the area of the Amenia/Cascade Brook. The applicant should discuss compliance with § 121-14 and identify whether the project meets or exceeds any threshold (§ 121-14.E.1). If it is concluded the project exceeds any of the thresholds, then the Planning Board may only grant approval if it finds the proposed activity:

Will not result in degradation of scenic character and will be aesthetically compatible with its surroundings;

Will not result in erosion or stream pollution from surface or subsurface runoff.

For the Planning Board to reach a conclusion, additional information needs to be provided by the project sponsor.

110. Much of the comment regarding consistency with the Town of Amenia 2007 Comprehensive Plan relies upon the results of the fiscal analysis. We refer the Planning Board to comments prepared by the Hudson Group. It is likely that this section (and the discussion of fiscal impacts for the preferred alternative) will require revision as the issues related to fiscal and demographics are addressed.
111. We note the Town of Amenia 2007 Comprehensive Plan includes a discussion of "Large-scale resort and second home developments" (pg. 10). This section specifically mentions the Silo Ridge and Depot Hill projects. We include the following text from the Plan because it emphasizes the concern for protecting the viewshed from Delavergne Hill:

It is important to the other goals of Amenia's Comprehensive Plan that these developments be designed in a way that does not detract from the scenic character of the community. Protection of most of the landscape as open space, either as recreational land for golf, or forest lands, or for farming and equestrian activities, will help maintain the scenic character of what is widely regarded as the Town's most important viewshed, i.e., the views from the top of Delavergne Hill, down the Harlem Valley, and across the Valley to Depot Hill.

For the preferred alternative, we believe it is appropriate to discuss consistency with the Plan in terms of how the physical design relates to the stated goals of the Plan. We believe there will be a significant impact on the views from the top of Delavergne Hill. In one example, the DEIS mentions the winery at the top of Delavergne Hill as providing tourism benefits (in the *Local and Regional Plan Consistency* section, pg. 5-139, for the preferred alternative). In our opinion, this is a clear example of how this plan is not consistent with the goals of the Comprehensive Plan. The viewshed and the impact this project will have from the top of Delavergne Hill and across the Valley has not been fully evaluated and/or mitigated as noted in our comments above on the visual analysis.

112. The section *Police, Fire and Emergency Medical Services* (3.10) generally relies upon the demographic and fiscal data to support the applicant's position. We refer the Planning Board to comments prepared by the Hudson Group. We note the fiscal benefits described will be realized at full buildout of the project and should be stated as such.
113. The DEIS indicates four new sheriffs would be required. The applicant should substantiate that there is enough revenue to offset their costs initially not just at full buildout because the date of full buildout is uncertain at best.
114. It is our understanding that the Fire Department does not have equipment to service a five story building. The applicant should provide a discussion of fire suppression to the hotel building.
115. Some portion of the section on *School District Services* (3.11) relies upon the demographic and fiscal data to support the applicant's position. We refer the Planning Board to comments prepared by the Hudson Group. It is likely this section (and for the preferred alternative) will require some attention as the issues to related to fiscal and demographics are addressed.
116. In the section on *Recreation, Open Space and Tourism* (3.12) for the proposed action, the following statement appears on page 3.12-3:

There are no formal proposals at this time for creating conservation easements or for the formal dedication of onsite open space; however, the Applicant is committed to protecting the site's natural resources.

This statement needs to be clarified. A requirement of the RDO is to preserve 80% of the site as open space by **conservation easement**. [emphasis added] The applicant needs to explain how they intend to comply with the Zoning requirements of the RDO.

117. In the section on *Recreation, Open Space and Tourism* for the preferred alternative, we believe the applicant needs to clarify whether the public will have access to the recreation amenities onsite. For example, will the general public have access to the hiking paths? We are presuming the public will have the ability to play golf, but will they be able to use the spa, etc? What hours will the golf course be available and what will it cost? The applicant should provide a map of the publicly available recreation resources vs. those that are only private. If the recreation amenities are to be considered a public benefit as it relates to the RDO, then it needs to be very clear what the recreation opportunities are for the public and that the public can easily access these opportunities.
118. It is our understanding Sections 3.13 Utilities – Water and 3.14 Utilities-Wastewater will be reviewed by Mike Soyka, PE.
119. The analysis of solid waste for the preferred alternative needs to account for the waste generated by the five bedroom single family units and should provide a breakdown of waste generation by land use (commercial and residential) and size as indicated in the project description.

120. The location of the waste storage facilities for the commercial components should be described and indicated on the plans.
121. The location for snow storage should be described and identified on the plans.
122. Please see the report dated February 14, 2008 from the Hudson Group for Sections 3.17 – Fiscal Resources and 3.18 - Demographics. In addition to those comments, we have identified several other concerns which need to be addressed. These are noted in the following items.
123. The single family homes do not appear to be assessed as fee simple units. Please clarify.
124. There is some concern regarding the calculations of municipal expenditures. The methodology used to determine the total existing municipal expenditures attributable to non-residential uses (STEP ONE on page 3.17-8) reveals it currently costs the Town \$335,643 to service \$25 million of non-residential property presently in the Town. This is the proportional share and seems OK. However, the analysis presents that it will only cost an additional \$22,761 to service an additional \$170 million of new non-residential property value. STEP TWO is done incorrectly as follows: $\$335,643 \text{ (proportional cost)} / \$25,103,784 \text{ (total non res. prop in Amenia)} = \$0.013370215 \text{ spent per dollar of assessed value of non residential property OR } \$335,643 / \$25,104 = \$13.37 \text{ per } \$1,000 \text{ pf assessed value of non-residential property. So, if the project will generate an additional } \$170,239,875 \text{ (real property value of commercial portions of proposed Silo Ridge) } \times 0.01370215 \text{ (share factor)} = \$2,276,143. \text{ This would appear to more accurately reflect the actual costs to the Town. It will cost the Town } \$2,276,143 \text{ to service } \$170,239,875 \text{ of new non-residential property. The analysis in the DEIS multiplies this number } (\$2,276,143) \text{ by a refinement coefficient of } 0.01 \text{ - and therefore comes up with only } \$22,761. \text{ Please substantiate the use of this coefficient. How can it cost Amenia } \$335,000 \text{ to service } \$25,000,000 \text{ now, but it will only cost } \$22,000 \text{ to service another } \$170,000,000? \text{ The analysis above addressed the numbers presented in the Proposed Action, but the same issue remains for the Traditional Neighborhood Alternative.}$
125. On page 3.17-3, the DEIS states "Throughout New York State, this has the general effect of reducing the assessed value of condominium units by approximately 35 to 50%..." What is the source of the 35% to 50% for assessed value of condominiums?
126. The applicant should provide additional information regarding the market opportunity for a hotel in Amenia. The applicant should provide examples of other existing resorts/similar developments like this in the Northeast and proposed new ones that might compete nearby. The applicant should explain the demographics of those residing at hotels, distinguishing between long-term and short-term type markets.
127. Please prepare a sensitivity analysis for each residential component assuming 75 percent of stated market value and 50 percent of stated market value to determine the tax revenue benefit/cost to the Town of Amenia.

128. The applicant should provide substantiation for assumptions on percentages of year round residents versus second homeowners.
129. The discussion on demographics does not address the significant impact a 25% increase in the Town's population will have on the Town. In addition, there is no discussion of the cumulative impacts of the Syms, Depot Hill and this project.
130. In our opinion, the preferred alternative will dramatically impact the character of Amenia. As stated in this DEIS, the proposed project will increase the population, alter the visual character (as noted above in comments 32-44) and change the socio-economic conditions.

The Hudson Group has indentified serious concerns regarding the anticipated fiscal benefits of the proposed project. Until these have been addressed, the full implications of the change to the socio-economic conditions can not be evaluated. Closely related to the fiscal impact issues is the anticipated growth in population.

131. There appears to be a "gated" welcome house. If this is a gated access, then the applicant should explain how this welcome house will function. Will it be staffed? If so, will it be staffed 24 hours a day? Will homeowners have cards, etc? How will deliveries work? How will the public access the facilities? The secondary access appears to be gated as well.

To our knowledge, there are no other gated communities within the Town nor do we fully understand the purpose of the gates. However, if this is proposed as a gated community, we believe the Planning Board should consider several issues. Gated communities symbolize exclusiveness, segregation of socioeconomic classes, and isolation from the community at large. The fear of crime or the perception of crime is often a reason for a gate. However, research shows that if the community itself is safe (like Amenia), then the gated community tends to be safe. Studies have not found a conclusive connection that shows there is less crime just because of a gate. We encourage the Board to fully understand why the applicant has proposed a gate and whether or not the concept of a gated community fits with the rural character of Amenia.

132. The Community Character section on the preferred alternative offers little comparison between the proposed action and the existing conditions. There is no explanation of how the proposed architecture relates to the architecture of the hamlet area. Obviously, there are different architectural characteristics of the hamlet, but does the project intend to complement the historic architecture? If so, how? Are there architectural examples from the Town that the project has incorporated? Examples of the proposed architecture in the DEIS reference places outside of the area. This should be explained more fully. Additionally, there should be an indication of the number of townhomes currently existing in the Town. This should be compared to how many the project proposes and the impact of this should be explained. How many housing units are there in the hamlet area and how does that compare to this proposal? If the hotel units will be utilized more like condominium units (part-time residents) rather than transient hotel guests, how does that relate to the existing number of seasonal units?

133. The Reduced Scale alternative discussion provides a number of assertions regarding the potential benefits and detriments. These must be substantiated. For example, section 5.3 notes the Reduced Scale alternative does not diversify the housing stock as much as the proposed action or the preferred alternative. This seems self evident since there would be fewer units proposed, but it does not clarify what the differences are. This section states there would be a smaller WWTP, but the cost of building it would be higher. This should be quantitatively defined. The same is true of the HOA fees, although there is likely to be some tradeoffs in expenses related to the HOA such as fewer roadways to be maintained. Most importantly, the visual impact should be evaluated.
134. There is no discussion of Significant Adverse Unavoidable Impacts for the preferred alternative.
135. There is no quantitative discussion of Irreversible and Irretrievable Commitment of Resources for the preferred alternative. The amount of undeveloped land committed to the development should be described. The wildlife habitat which will be lost should indicate the type of habitat, amount lost and species affected. If local sources of gravel will be utilized, how much is needed and how much can be supplied locally? How does that affect local capacity?
136. Please see the report dated February 14, 2008 from the Hudson Group for Section 7.0 -Growth Inducing Aspects.
137. The FEIS should clarify that the 1,400 construction workers (indicated in Section 7.0 on Growth Inducements) would not be on the site at the same time. Typically manpower for a construction project fluctuates over the duration of the project in a bell-shaped curve (beginning and ending months have relatively low manpower, and middle of the schedule your manpower should peak). Is there a commitment by the applicant to utilize local labor and purchase materials locally?
138. There is no discussion of Effects on the Use of Conservation and Energy Resources for the preferred alternative. The applicant should indicate when they will commit or not commit to Energy Star practices and should more fully describe the low impact design elements incorporated into the preferred alternative proposal. Additional information about the shuttle bus from the Wassiac train station should be provided including a timeline for implementation. Is there a threshold for potential ridership which needs to be reached before the service will be put in place?

Preliminary Master Development Plan (MDP):

139. As noted in item 6 above, an explanation of the conservation analysis and how it relates to this plan should be provided in the MDP.
140. We recommend the Planning Board request first floor elevations be added to all buildings.
141. The access to the wastewater treatment plant is located within an NYSEG utility easement. The applicant should submit correspondence from NYSEG stating that they approve of this arrangement.

142. We recommend the Planning Board request an enlargement of the area for the welcome house and an elevation of the proposed gated entrance area. A description of how the welcome house will function should be discussed in the narrative. For example, will the Welcome House be manned for 24 hour on-site security? Will a gate be located at the Welcome House? We note there also appears to be a gate at the southern entrance located along Route 22. There does not appear to be a gate to the Vineyard Townhomes. Will one be considered there?
143. The MDP should include a figure which outlines the land and related buildings/structures which will be governed by each of the HOA entities.
144. The MDP refers to the "Project Sponsor". The FEIS should clarify who the "project sponsor" is (e.g., is it Millbrook Ventures, LLC or Higher Ground Country Club, LLC) and whether the project sponsor will retain a majority ownership of the development.
145. Is RAMSA preparing design guidelines for the entire site? If not, please indicate which components the firm will be responsible for and indicate who will be preparing the design guidelines for the remainder of the project. Please indicate when the design guidelines will be provided and which entity will be responsible for implementation of the guidelines for the entire project.
146. The applicant should enhance the tables detailing each component of the proposed development by phase which appear on sheets SP5a, SP6a, and SP7 to include minimum setbacks, distance between structures, distance between structures and parking areas, landscape buffers, open space if applicable, building height, maximum footprints and maximum grades for driveways. This is key component of the Master Development Plan.
147. Please quantify open space on the site not including the golf course.
148. On page 10 of the MDP, it is noted that the golf course is expected to operate primarily as a semi-private facility. The applicant should fully describe how the public will be able to access this site including use of the golf course and other facilities such as the restaurants, spa, pools, etc.
149. On page 10 of the MDP, there is phrase which states that the spa is not "currently envisioned as a day spa". Does that the applicant anticipate this as a future possibility? Does the spa contain rooms for overnight guests? If so, does it have food service capabilities? How has parking for this facility been accounted for? Is the spa available to the public?
150. The discussion of parking should be included in the FEIS including the table which explains the parking rationale. Further we note the language should be revised to reflect that a source was utilized to develop the parking space counts. It is confusing to read the text where it indicates there are no standards only to review the table and see that the applicant has utilized a generally accepted practice endorsed by the Urban Land Institute on Shared Parking.
151. Please explain who will be responsible for the common elements of the proposed project including the lighting, landscaping, Village Green and other publicly

accessible open space including trails, snow removal, parking areas, wastewater treatment plant, water system, stormwater management facilities and the ecological areas. Please distinguish between common elements from "private" elements.

THE SILO RIDGE RESORT PROJECT:

The Hudson Group, LLC Review of Selected DEIS Chapters
(Final Report 2-14-08)

Executive Summary

Market Viability of Project

1. The DEIS lacks the necessary qualitative discussion and has no quantitative analysis on the marketability of the Project's luxury residential dwelling units - the proposed numbers, types and selling prices-either for use as second or vacation homes, or as primary residences. This is a major deficiency, since the property tax revenue projections and DEIS frequently stated positive fiscal impact for the Town of Amenia and Webutuck School District is very sensitive to the selling prices/market value of the dwelling units.

2. The proposed selling/market values for apparently comparable residential housing units in the *Traditional Neighborhood Alternative* is significantly higher than in the original Proposed Action -from 28 percent to 71 percent. No explanation is provided on how the market value determinations were made under either scenario; or why there is such a significant increase in per unit market values between the Proposed Action and the *Traditional Neighborhood Alternative*

Market as Second/Vacation Dwellings

3. The DEIS does not demonstrate that the prices being proposed for the Project's dwelling units are competitive with other similar dwellings in other new and proposed upscale second type resort projects in the Hudson Valley, Western Connecticut and the Berkshires. We believe they are to expensive under current and near term market conditions

4. About 15 miles away, to the northwest, in the Town of Pine Plains a comparable luxury golf resort/intended second home project- The Carvel Development Project- is being proposed. Comparing the proposed selling prices for comparable types and sizes of residential units, we find that the Project's are being priced anywhere from 67% to 271% greater than Carvel's. Therefore, it appears that Silo Ridge's prices are too high.

Market as Primary Homes

5. To be successful as primary homes for permanent residents the Silo Ridge properties must appeal to and find housing buyers with very different profiles and financial resources than those currently buying homes in the Amenia area. The DEIS provides no such analysis for this type of market.

Demographic Analysis

6. The DEIS estimates of maximum population and public school children generated by the *Traditional Neighborhood Alternative*, the design preferred by the Applicant, are different from the results using the preferred methodology that we utilized. The differences are very small for the population, but could be significant for public school children. This significance is linked to the issue of the DEIS possible overestimation of the Project's property tax revenues for the school district.
7. The DEIS does not show key demographics associated with potential buyers of the residential units, besides estimating population and school age children. Absent is the average or median incomes and age groups for buyers of different dwelling unit and size types. Such information would refute the DEIS findings that Project residents and users will not likely significantly change the demographics of Amenia. We expect that the household incomes required to purchase Silo Ridge residential units need to be much/much higher than the median incomes of existing Town resident households.

Fiscal Impact Analysis

8. The fiscal impact analysis is premised on the estimated housing unit market values provided for the *Traditional Neighborhood Alternative*, which we believe may be too high. Any change in these projected housing unit values will lead to significant and substantial changes in the fiscal impact on the Town of Amenia and the Wabutuck School District.

Assessed Value and Revenue Estimates

9. Given the estimated housing unit values provided, both the assessed values and property tax revenues projected are accepted.

Amenia Expenditure Impact Estimates

10. We find issues with the methodology, the analysis and data. . The methodology used, the Per Capita Method and Proportional Valuation Method, while widely recognized, is premised on some key assumptions that are not likely valid for this Project. This methodology can be used with confidence only for developments that are proportionately smaller compared to a municipality's base.
11. The proper way to address the impact on the town of Amenia would have been an analysis of the impact on operating and capital costs of each and all governmental functions. A 22% increase in town population will not impact town functions and services uniformly. Some functions may have proportional per capita cost impacts in line with existing per capita expenditures, some much less, and others significantly more.

12. Several data problems exist with the methodology used, and include: the number of residential parcels in Amenia; the assessed value of the residential properties, and; the assessed value used in the calculations. Without corrections it is not possible to calculate an estimated cost impact for the Town.

Webutuck School District

13. The methodology in the DEIS of determining the added cost of Silo Ridge students by using solely the existing per capita tax property tax levy is not an acceptable methodology. To estimate the cost impact, existing school district expenditures data must be used and those school costs determined which will increase as a result of an increase in the student population of 11.6% resulting from the Silo Ridge Project..

14. In the DEIS no determination is made as to whether the existing physical facilities of the Webutuck School District are adequate to accommodate 103 new students.

15. The assumption is made in the DEIS that state aid, federal aid, and other revenues will increase in direct proportion to the cost increase. This is definitely unrealistic. State aid, in particular, will be dramatically adversely impacted by the Project, whether or not additional students come from Silo Ridge. Basic school aid formulas are based on property wealth and household income. The Project will dramatically increase both the property wealth and household income of the school district area. It is critical that the school aid under existing formulas be recalculated with data on the Silo Ridge added property value, the estimated household income, and the additional students. The result can then be compared with existing state aid to determine the potential influence and effect of the Project on school aid.

16. Without a determination of the impact of the Silo Ridge development on state aid for the Webutuck School District its fiscal impact cannot be determined.

Growth Inducing Aspects

17. The DEIS is lacking in sufficient background data and analysis on the potential growth inducing effects from the Project for the Town of Amenia. The estimated residents of the Project, be they full-time or part-time, will increase the Town's population by about 22 percent and they will have high incomes and spending potential. Given the Town's current small base of stores and commercial establishments, there could be a significant demand for increased commercial establishments and land uses.
-

The Hudson Group, LLC Review of Silo Ridge Resort Community Project – Town of Amenia, Dutchess County, New York (Final Report 2-14-08)

n/a The Hudson Group, LLC of Albany New York, was requested by GREENPLAN, consultant to the Planning Board of the Town of Amenia, Dutchess County, to undertake a technical evaluation of the fiscal and economic components of the DEIS submitted in October 2007 to the Board in support of the Silo Ridge Resort Community Project.

Our review and comments have focused on the prospective economic and fiscal impacts of the Project and its marketability and associated demographics as analyzed and described in the applicable chapters and elements of the DEIS. The following are our summary findings based upon review of the pertinent portions of the Executive Summary, Chapters 2, 3, 5, 7 and Appendix 9.10, of the SEQR Draft DEIS (October 2007).

Marketability and Fiscal Impacts

There is a lack of any extensive qualitative discussion and no quantitative analysis on the marketability of the Project's luxury residential dwelling units for the Proposed Action design or Traditional Neighborhood Alternative design. The proposed number of housing units, whether as primary residences or seasonal, second homes, and the very high selling prices indicated requires a thorough market analysis documenting both the demand for this type of resort housing and the market for the housing units sales prices being put forth. The market analysis for the Silo Ridge resorts is limited to such statements as:

18. "The project will be marketed to specific targeted demographics, including residents of the New York Metropolitan area who desire a country home for weekend getaways. Recent studies and reports done on the second-home market reveal that the typical second-home buyers are relatively affluent middle-aged couples with household incomes greater than \$75,000 and no children under 18 living at home..."

The lack of a viable market study is a major deficiency since the DEIS fiscal impact analysis property tax revenue projections are derived from the assessed valuation derived from the projected unit and aggregated market prices. The positive fiscal net surplus for the town and school district revenues against the costs of the project as shown on table 3.17.9 on page 3.17-10 and in table 5-18 on page 5-154 is therefore, unsupported.

19. Given the recent meltdown of the residential housing market nationwide, including effects on the second home resort market, and our specific findings on current market prices in the Town and school district area, we believe the selling prices being proposed could be significantly above the current and near term marketability of these types of properties, either for second/vacation homes or primary residences.

20. We note that proposed selling/market values for apparently comparable residential housing units in the Traditional Neighborhood Alternative is significantly higher than in the original Proposed Action—from 28 percent to 71 percent (see Chapter 5, page 152). No explanation is provided on how the market value determinations were made in either the Proposed Action or the Traditional

20.
cont.

Neighborhood Alternative; or why there is such a significant increase in per unit market values between the Proposed Action and the Traditional Neighborhood Alternative. In the case of the single family housing units, despite the 70% increase in market value, the average bedroom size is decreasing.

21.

The Applicant needs to demonstrate that the prices being proposed for their dwelling types, in the context of the project's services and amenities and location, is competitive with other similar new and proposed upscale type resort projects in the Hudson Valley, Western Connecticut, the Berkshires in western Massachusetts, and the Catskill Mountains area.

22.

Under 15 miles away to the northwest, as the crow flies, in the Town of Pine Plains, just east of the Taconic Parkway on Route 199, a larger comparable luxury golf resort/intended second home project (The Carvel Development project) is now also going through the SEQR process. The Hudson Group for this project is a subcontractor to the Pine Plains Planning Board to review the economic and fiscal impacts of the project. In comparing the proposed selling prices for what appears to be comparable types and sizes of residential dwelling units we find that the Silo Ridge Resort Project's are priced anywhere from 67 to 271 percent greater than those for Carvel. Given that these two projects are so close and competitively comparable, it appears that Silo Ridge's prices are substantial too high.

(Note: The information for the Carvel Project found in our comparative analysis in this submittal is from *Carvel Property Development, Chapter 14 -Community Services and Fiscal Impacts*, Revised August 2006. Specific page citations are shown in the main body of this submission. We should also note that upon our review of the first DEIS version of June 2005, we also noted the lack of a market research analysis by the Carvel Applicant. Subsequently, with the revised DEIS submission a market research report was submitted by the Applicant.)

Silo Ridge Housing Unit Pricing

By far the most significant component of the fiscal impact analysis is the proposed Silo Ridge housing unit pricing. The Traditional Neighborhood Alternative has the following average unit pricing:

23.

60 single family homes	\$ 2,597,500
153 flats	861,918
746 townhouses	1,001,450
300 hotel units	586,744

The 60 single-family housing units are comprised of 31 three bedroom units, 23 four bedroom units, and 6 five bedroom units. The average number of bedrooms for the 60 units is 3.58 bedrooms. The Proposed Action plan called for 41 four bedroom housing units, a slightly higher number of bedrooms on average than is now called for.

The average market values proposed for the housing units in the Traditional Neighborhood Alternative is significantly higher than in the Proposed Action (Chapter 5, page 152) as shown below:

23.
cont.

	<u>Proposed Action</u>	<u>Traditional Neighborhood</u>	<u>Difference</u>	<u>Percent Difference</u>
Single family home	\$ 1,520,280	\$ 2,597,500	\$ 1,077,220	70.86
Townhouses -- 3 bedroom	780,000	1,004,450	221,450	28.39
Hotel units	370,000	586,744	216,744	58.58

No explanation is provided on how the market value determinations were made in either the Proposed Action or the Traditional Neighborhood Alternative; or why there is such a significant increase in per unit market values between the Proposed Action and the Traditional Neighborhood Alternative. In the case of the single family housing units despite the 70% increase in market value the average bedroom size is decreasing. As will be shown later housing prices in the Amenia area are currently decreasing, not increasing.

It is absolutely critical that documentation and analysis be provided to support and justify the proposed average market values. A meaningful fiscal impact analysis is totally related to and dependent on the estimated market values per housing unit.

Comparative Housing Values in Other Proposed Nearby Developments

Within close proximity to Amenia major housing developments are proposed in both the Town of Pine Plains, with a small part in the Town of Milan, and for the Village of Millbrook. The proposed average housing unit prices for those developments are contrasted with that of the Silo Ridge development.

24.

	<u>Pine Plains</u>	<u>Silo Ridge</u>	<u>% Difference</u>
Single family homes	\$ 700,000-1,000,000	\$ 2,597,500	159.8-271.1
Attached residences	375,000- 600,000	1,001,450	66.9-167.1

	<u>Millbrook</u>	<u>Silo Ridge</u>	<u>% Difference</u>
Single family homes	\$ 799,000	\$ 2,597,500	325.1
Townhouses -- 3 bedrooms	599,000	1,001,450	67.2

SOURCES: Pine Plains -- Carvel Property Development; Pine Plains and Milan, Dutchess County, New York, *Chapter 14- Community Services and fiscal Impacts*, June 2005 / Revised August 2006 / draft #2, Table 14-64, page 14—129,
Millbrook --Fiscal Impact Analysis for the Proposed Redevelopment of the BENNETT COLLEGE, Millbrook, New York, November 2006 (Revised March 2007), Table 10, page 17.

Both of these proposed developments are significant, with the Pine Plains one contemplating 951 housing units and the Millbrook one 91 housing units. Both of these developments will presumably be competing for the same prospective second home, empty nest market as that of Silo Ridge.

24.
cont.

Again, documentation and justification through a valid market study is needed to substantiate the ability of the Silo Ridge project to market its housing units and at the market prices proposed.

Local Residential Housing Market Values

25.

The proposed housing unit market values in the Silo Ridge development bear no relationship to the market values of existing housing within the Amenia area. An analysis has been done of all residential sales from January 1, 2004 to August 31, 2007 in the town of Amenia, the Webutuck School District, and the Dover School District. The data for this analysis comes from the sales web site of the State Office of Real Property Services. This data contains no sales of condominiums in the Amenia area, which indicates that at the present time this is not a common form of residential ownership.

A profile of the number of residential sales is as follows:

Town of Amenia

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Single family residences	32	31	26	14
Two family residences	4	3	2	2
Three family residences	2	1	0	0
Rural residence with acreage	1	4	2	1
Season residences	0	0	1	0
Mobile homes	0	1	2	1
Multiple residences	<u>2</u>	<u>2</u>	<u>2</u>	<u>0</u>
	41	42	35	18

Webutuck School District

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Single family residences	63	52	48	29
Two family residences	5	3	3	4
Three family residences	2	1	0	0
Rural residence with acreage	4	8	4	1
Season residences	1	1	1	1
Mobile homes	0	1	2	3
Multiple residences	<u>4</u>	<u>3</u>	<u>1</u>	<u>2</u>
	79	69	59	40

Dover School District25.
Cont.

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Single family residences	120	97	76	28
Two family residences	5	7	3	3
Three family residences	1	0	0	0
Rural residence with acreage	5	1	4	2
Season residences	0	0	2	0
Mobile homes	8	8	1	1
Multiple residences	<u>4</u>	<u>2</u>	<u>5</u>	<u>2</u>
	143	115	91	36

What stands out in the sales occurring in the 2004-2006 time period and for the first eight months of 2007 is the steady decline in the number of residential sales. This trend is evident long before the advent of the housing crisis resulting from the sub-prime mortgage problem. It is not immediately clear why this reduction in housing sales volume is occurring, but it could be, in part, related to reduced demand.

While the sales of various categories of residential housing are shown, the focus of the rest of the analysis will be on the sales of single family homes with 10 acres or less. The sales ranges and median sales prices have been determined for each of the years in the time period examined.

Town of Amenia

26.

	<u># of Sales</u>	<u>Sales Price Range</u>	<u>Median</u>
2004	30	\$ 54,500 - 401,500	\$ 213,000
2005	30	60,000 - 997,000	250,000
2006	23	180,000 - 520,000	270,000
2007	13	129,000 - 510,000	235,000

Webutuck School District

	<u># of Sales</u>	<u>Sales Price Range</u>	<u>Median</u>
2004	60	\$ 54,500 - 420,000	\$ 220,500
2005	50	60,000 - 997,000	225,000
2006	44	66,000 - 865,000	288,360
2007	28	110,000 - 685,000	232,500

Dover School District

	<u># of Sales</u>	<u>Sales Price Range</u>	<u>Median</u>
2004	119	\$ 40,000 - 465,000	\$ 270,000
2005	50	40,000 - 575,000	296,310
2006	44	95,000 - 565,000	298,000
2007	28	54,000 - 465,000	285,000

26.
Cont.

The range in sales prices is quite wide, which is to be expected. The number of homes with sales prices over \$ 500,000 were relatively few. During the period analyzed, there were six such sales in the town of Amenia (6.3% of its total); nine sales in the Webutuck School District (4.9% of its total); and seven in the Dover School District (2.2% of its total).

27.

The most meaningful data are the median sales prices. In the period from 2004 to 2006 median sales prices rose significantly, but at varying rates in the town of Amenia and the Webutuck and Dover School Districts. However, in every instance the median sales price in 2007 is less than in 2006. This occurs at a time when the number of sales is declining. This indicates that there is not a strong housing market in the Amenia area at the current time.

28.

Also quite significant is the fact that the median selling prices were far below the proposed average selling price of either the townhouses or the single family homes in the Silo Ridge project. In fact, even the sales at the high end of the sales ranges did not approach the average proposed market prices of the Silo Ridge housing units. To be successful the Silo Ridge properties must appeal to and find housing buyers with very different profiles and financial resources than those currently buying homes in the Amenia area.

29.

The real estate market for residential housing in the Amenia area has been very much a local Dutchess County market. The former addresses of the purchasers of residential properties in the Amenia area have been examined and profiles developed. The buyers' addresses were broken down to within Dutchess County; outside Dutchess County, but within New York State; and out of state.

Town of Amenia

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Within Dutchess County	25	27	22	13
Out of County – Within New York State	5	2	1	0
Out of State	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>
	30	30	23	13

Webutuck School District

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Within Dutchess County	53	48	42	25
Out of County – Within New York State	5	0	2	1
Out of State	<u>2</u>	<u>2</u>	<u>0</u>	<u>2</u>
	60	50	44	28

Dover School District

29.
Cont.

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Within Dutchess County	113	88	70	23
Out of County -- Within New York State	5	7	6	3
Out of State	<u>1</u>	<u>1</u>	<u>0</u>	<u>1</u>
	119	96	76	27

Over 90 % of housing purchases in the Amenia area are from within Dutchess County: town of Amenia -- 90.6%; Webutuck School District -- 92.3%; and Dover School District -- 92.5%. Of the residential sales outside of Dutchess County, but within New York State, most of them are from Putnam County, Westchester County, and New York City. Only 1.7% of all single family home buyers came from out of state.

The Silo Ridge development to be successful will have to have a very different sales pattern than currently exists in the residential market in the Amenia area.

DEMOGRAPHICS-DEIS CHAPTERS 5.0 AND 3-18

We have reviewed the estimates of maximum population and public school children generated by the Traditional Neighborhood Alternative as calculated in Chapter 5.0 Alternatives, tables 5-19 and 5-20, on page 5-155. This is the physical facility design preferred by the Applicant.

30. We derive different population and public school children estimates than shown in the Tables 5-19 and 5-20:

	<u>DEIS Tables 5-19/5-20</u>	<u>THG Estimate*</u>
Total Population	901	913
Total Public School Children	91	103

*See Appendix A

The differences are small for total population, but could be more significant for public school children. The significance is tied to the determination of the added costs to the School District, the impact on State Aid, and the adequacy of the School District's physical facilities.

The differences in our estimates and those in the DEIS, above, reflect the DEIS use of New York statewide *Residential Demographic Multipliers for Occupants of New Housing* (see Table 5-19/5-20) and our use of unpublished 2000 Census based data for Dutchess and Putnam counties. Our data was obtained via a secondary source with the original primary source being the US Census Bureau's Public Use Microdata Survey (PUMS -see Appendix A).

31. Chapter 3-18 describes in some depth the demographics characteristics of households and residents of the Town of Amenia, using mainly 2000 and 1990 Census data. There is data in this Chapter (table 3.18.10, page 3-18-6.) on the income distribution for Town households from the 1990 and 2000 Census. The narrative describes the growth in median income of households

between these Census years and the growth in numbers of higher income households over the decade in the Town. However, the 2000 Census median household income of \$39,136, which is compared to the 1990 figure of \$31,136 and "represents a 26% increase from 1990" has NOT been adjusted for inflation effects and converted into constant dollar changes.

31.
cont.

We have done the conversion using two different price indexes. The most common index used is the overall consumer price index (CPI). Adjusting the Census 2000 figure (actually its 1999 income data and 1989 income data for the 1990 Census) with the US CPI change results in an adjusted 2000 median household figure of \$29,276 (in 1990 dollars – Source is the Online *Economic Report of the President 2007*, Statistical Table B-60). Most professional economists prefer using the overall Personal Consumption Expenditures (PCE) price deflator in the GNP data sets. Using this results in a slightly higher adjusted Town median household income of \$30,890 (in 1990 dollars – Source is the Online *Economic Report of the President 2007*, Statistical Table B-7). Both 2000 adjusted Town household median income figures show NO increases from 1990. In fact, both show decreases in real income growth! Therefore, the entire DEIS income related discussion on page 3-18-6 needs "data cleansing."

We do however believe (undocumented because of the absence of data) that it is likely that currently in 2007 the median town resident household income level is higher than the 2000 figure, in both real and none inflation adjusted levels. However, the 2000 median household income (unadjusted for inflation) and any current, updated estimates would be way beneath the income levels needed to buy any of the Silo Ridge residential units at their proposed selling prices. The generic statement on the bottom of page 3.18-7 regarding typical second home buyers as having "household incomes greater than \$75,000," is too opened ended and not applicable, given the prices being proposed for the Silo Ridge Resort housing units.

32.

The Applicant needs to provide estimates of the demographic market associated with potential buyers/residents of the housing units in the Project, and not just estimates of total population and school age children. Key information that should be supplied is average or median incomes and age group for head of households by dwelling unit types. We believe providing this information would refute the statement made in the DEIS Executive Summary, "Demographics," Table 1-4 page 1-23, (and elsewhere in the DEIS) that... **"The future residents users of the proposed project are not likely to significantly change the demographics of the Town."** Income levels required to purchase any of the residential unit types in the Silo Ridge Resort would have to be much higher than the median incomes of town households, currently and near term as estimated from the 2000 Census.

33.

For the proposed nearby Carvel Project in Pine Plains, that was discussed previously, the Applicant in their DEIS uses an average household income of **\$500,000** for the proposed secondary home purchasers and for the primary home scenario states that the minimum household incomes would range from **\$120,00 to \$320,000** depending upon the selling prices of different dwelling types. (Sources: *Chapter 14- Community Services and fiscal Impacts*, June 2005 / Revised August 2006 / draft #2, Table 14-62, page 14-128, and Table 14-64, page 14-129).

33.
cont.

We earlier noted that the proposed selling prices for the Silo Ridge Resort's units would be much higher than Carvel's. Therefore, the income levels shown for Carvel are very conservative relative to the household incomes needed to purchase Silo dwelling units.

NOTE: In the DEIS, Chapter 3 on page 3-18-1, the following is said, "The population of Amenia declined by 22% between 1990 and 2000; however, there has been a modest population increase in recent years, with continued growth predicted in the future..." With a little bit of online Census research it would have been discovered that this 1990-2000 decline was due to the closing of a State mental health facility in Wassaic, with a 1990 population listed in group quarters of 1,206. The population living in households in the Town in 1990 was 3,909 and in 2000 the comparable figure was 3,991.

FISCAL IMPACT ANALYSIS

Background for Fiscal Impact Analysis

34.

The fiscal impact analysis provided by the Applicant takes a conservative approach to revenue and expenditure projections and operates from a worst case scenario. This approach is appreciated and is both useful and desirable in attempting to determine probable fiscal impacts of a major development project on a community. The stated intent is to market the housing units as a second-home, resort style community. While this may be the goal, it is appropriate to do an analysis, as has been done, on the assumption that the housing units may, in fact, be primary housing units. Certainly, given the proximity to the New York City metropolitan area and the continued residential development of southern and central Dutchess County, this is a possibility.

35.

The biggest issue in conducting the fiscal review analysis is the estimated market value of the housing units. As discussed earlier, the housing unit prices seem extremely high given the absence of a market study and the existing housing market environment in the Amenia area. Nevertheless, for the purposes of this fiscal analysis we have accepted the estimated market values as provided in the Traditional Neighborhood Alternative.

36.

The Traditional Neighborhood Alternative is estimated to generate a maximum of 901 residents and 91 public school-aged children. As discussed earlier, we believe these estimates to be low and have estimated 913 residents and 121 school-aged children. Of the 121 school-aged children it is estimated that 15% would attend private or parochial schools, with 103 attending public schools. This is only a small increase in the number of residents, but an 11.6% increase in the number of public school pupils. In the fiscal analysis that follows we use the 913 residents and the 103 public school students.

37.

Assessed Value Estimates

The estimated market value data has been converted by the Applicant into assessed value data based on 2005-2006 information. The level of assessing (assessed value as a percent of market value) as determined by the state equalization rate for 2005 was 67. For 2006 the equalization

37.
cont.

rate declined to 57. However, since the analysis was on September 2005 and January 2006 tax levies the equalization rate of 67 is appropriate.

38.

Of greatest significance is the fact that the flats, townhouses, and hotel units will all be in the condominium form of ownership. New York State through its real property tax policy has a strong bias in favor of condominium ownership over fee simple ownership. This bias as carried out through Section 581 of the Real Property Tax Law has the effect of dramatically reducing condominium assessments and shifting property tax burden to other property.

39.

The total estimated market value is \$ 655,729,000, of which \$ 454,108,550 will be in the condominium form of ownership (69.3% of the total). The total estimated assessed value is \$ 287,212,000, of which \$ 135,085,000 constitutes the single family homes and commercial uses (47.0% of the total) and \$ 152,127,000 is in a condominium form of ownership (53.0%). To determine the assessed values of the single family homes and commercial portions of the project a factor of 67.0 has been applied and for the flats, townhouses, and hotel units a factor of 33.5.

40.

The assumption is made that properties in a condominium form of ownership will be assessed at 50% less than properties with a fee simple form of ownership. While this relationship and the valuation of condominium under Section 581 will have to be determined by the assessor, it is not unreasonable to project a 50% reduction in estimating condominium assessed values.

Revenue Estimates

41.

Table 5-17, Estimated Annual Tax Revenues Generated by Alternative, estimates that the increase in property tax revenues will be \$ 7,818,034. The tax rates are based on the September 2005 school levy and the January 2006 County and Town levies. This table properly recognizes that the Silo Ridge property is currently paying property taxes and makes a reduction from the projected property taxes to arrive at the estimated increase.

A tax rate of \$ 19.37 was used for the Webutuck School District. The tax rate for September 2006, a year later, was \$ 21.18.

Given the estimated market values of the proposed housing units under the Traditional Neighborhood Alternative, the revenues estimates have been correctly determined.

Per Capita Methodology

42.

To determine estimated expenditure impacts, the Per Capita Method and Proportional Valuation Method procedures are used in the Applicant's fiscal impact analysis. These methods have been developed by Robert W. Burchell and David Listoken in *The Fiscal Impact Handbook* (1983), and *The New Practitioner's Guide to Fiscal Impact Analysis*, (1985), which is cited in Chapter 3. While useful guides, the methods are premised on several assumptions that are not accurate for the Silo Ridge project. The methods assume that the composition of the Silo Ridge housing units will be similar to that of the current population and will have the same cost and service demands. This seems unlikely. Clearly, the probable population will not be similar to the existing population. Another premise is that the distribution among the various municipal services will

remain unchanged. This may or may not be true. In Chapter 3-10 and supporting materials there is a limited discussion of expected service requirements and demands of the new Silo Ridge population for certain public service functions (see below).

42.
cont.

The Burchell approach can only be used with confidence for small-scale development projects, where the population and income levels will be quite similar to those of the existing population. A preferred approach in Amenia would be a function-by-function analysis of the expected impact of the Silo Ridge project on the governmental costs of the town of Amenia. For some important functions – police, fire and emergency services there is a discussion of the service providers of these functions but no commentary on the fiscal implications other than to indicate that increased property taxes will be available if there are additional costs – see Chapter 3.10. No functional analysis was not done for other major municipal government functions such as highways and transportation, general government (town clerk's office, assessor, planning, code enforcement, building inspection, town court, etc.), public safety, culture-recreation, utilities, and other community services. In some functions the Silo Ridge project may have minimal impact, in others an impact consistent with the increased population, and in other functions the project could create a tipping point leading to significant additional expenditures.

43.

We have earlier raised a major question on the DEIS estimates for local property tax revenues to be generated by the Silo Ridge Resort's residential units, because of what we believe are very unrealistically high proposed selling prices. This critical revenue issue needs to be addressed in concert with additional Applicant evaluation of the potential impact on town government functions and services.

Town of Amenia Added Cost Estimates

Even were the Burchell methodology appropriate there are a number of issues surrounding the Determination of Fiscal Cost Impact Parameters as shown in Table 3.17-5, page 3.17-6.

44.

The Applicant's expenditure data comes from the 2006 town of Amenia proposed budget. Actual 2006 expenditure information is now available. The combined General Fund/Highway budget was \$ 2,019,277. Actual 2006 town (excluding special districts) expenditures were \$ 2,031,982. These numbers are very close and no issue is raised with the budgeted data used.

Total parcels are shown as 1,865 with 1,774 residential parcels. There is agreement on the total parcel count, however, it is unclear how the 1,774 residential parcel count was derived by the Applicant. A breakdown of the 1,865 parcels is as follows:

Agricultural properties	121
Residential properties	1,146
Vacant land	405
Commercial properties	94
Recreation & entertainment properties	4
Community service properties	41
Industrial properties	16
Public service properties	26

44. Cont. Residential properties are 61.4% of the total parcels. Even if residential and vacant are combined, they constitute 83.2% of total parcels. There is no combination that gets to 95% of the parcels being residential as portrayed in Table 3.17-5. The percentage of residential parcels is a very key factor in the Burchell methodology calculations.

45. The assessed value for the town of Amenia is shown by the Applicant as \$ 307,625,525. It is not clear what this number is or where it came from. The important assessed value number is that for the assessed value of taxable property (with wholly exempt properties and partial exemptions excluded). The assessed value of taxable property for the 2006 county and town tax levy was \$ 266,308,657. It is this assessed value that should be used in doing tax impact analysis.

46. As with the residential parcel count, it is not clear how the \$ 282,521,741 for residential assessed value was determined. It is extremely high, and incorrect, given the parcel count breakdown and the taxable assessed value for the town is \$ 266,308,657 for all properties.

Given the difficulties cited above it is not possible to verify or calculate an estimated municipal residential-associated expenditure. The problems with the residential expenditure estimate makes it impossible to take the analysis the next step and determine the added costs for the non-residential part of the Silo Ridge project as was done in Table 3.17-7 on page 3.17-8. The commercial analysis flows from the residential analysis and cannot be done independently.

47. If one simply uses the most simplistic approach of calculating the total Amenia 2006 budget on a per capita basis, which is not recommended, one gets a per capita expenditure of \$ 598. Multiplying this per capita budgeted expenditure number by the number of new Silo Ridge residents of 913 results in an added cost of \$ 545,974. This figure is very close to that projected from the Burchell methodology of \$ 536,062.

As we have noted, the proper way for the expected added costs for the town of Amenia resulting from the Silo Ridge is a town function by function analysis of both operating and capital needs and requirements. Given the fact that the Silo Ridge project is adding 21.7 -22.6 percent more population to the town (depending on whether the 2000 census or the 2005 population estimate is used), it is important that the full impact on the cost structure of the town be carefully analyzed and evaluated.

Webutuck School District Impact

48. The Silo Ridge development will have a very significant impact on the Webutuck School District. The enrollment for the 2005-2006 school year was 891 (data from the Office of the State Comptroller). Information on enrollment for the 2006-2007 school year is not yet available. The Silo Ridge development with primary residents according to our estimates would add 103 public school-aged pupils. This is a 11.6% increase. The first question that must be asked is whether the existing school facilities are capable of adding a 11.6% increase in students without physical expansion and capital improvements. The adequacy, or lack thereof, of the

48.

cont.

physical facilities of the Webutuck School District are not addressed. This is a glaring omission which needs correcting.

49.

The methodology used to estimate the additional costs to the Webutuck School District is not an acceptable one and it cannot produce a valid result. The assumption is made that as expenditures increase each revenue category (property taxes, state aid, federal aid, interest, and other revenues) will rise in the same proportion as currently exists. This simply will not and cannot happen. None of the non-property tax revenue sources can be expected to rise proportionately with the expenditure increases resulting from the addition of the Silo Ridge students. The property tax, of necessity, will have to bear a larger percentage of school costs. It is not acceptable to divide the property tax levy by the existing student enrollment and state that this will be the added cost of each of the Silo Ridge students.

50.

An item of major concern is school state aid. In 2005-2006 state aid was \$ 5,791,538, which was 34.5% of total revenues and \$ 6,500 per student. State aid will not increase proportionately to student enrollment. While state aid in the aggregate may increase (again it may not), state aid on a per student basis will decrease. The State aid formula to a very significant degree is tied to property wealth and household income. As property wealth per student and/or household income per student increases state aid is correspondingly reduced. Conversely, the poorer a district the greater its state aid per student.

The Silo Ridge development will add significantly to the property wealth of the Webutuck School District. For the 2005-2006 school year the full value of the Webutuck School District was \$ 743,439,886, which is \$ 834,388 per enrolled student. The Silo Ridge development is estimated to result in a net increase in full value to the Webutuck School District of \$ 647,094,000. The market value of the Silo Ridge development is thus 90.7% of the value of the entire Webutuck School District in 2005-2006.

The market value within the Silo Ridge development behind each student coming from Silo Ridge is \$ 6,282,466 (\$ 647,094,000/103). When the market value and new students from Silo Ridge are added into the Webutuck School District the full value behind each student becomes \$ 1,398,927, a 67.7% increase over the existing full value per student. This fact alone will have a very dramatic negative impact on the per capita school aid received by the Webutuck School District.

51.

Another component of the basic school aid formula is a factor for household income. While this factor may not be as influential in reducing per student state aid as property wealth, it nevertheless will have a significant impact. The median household income for the Webutuck School District according to the 2000 Census was \$ 42,300. Given the proposed Silo Ridge housing unit prices, the household incomes of the Silo Ridge property owners will be substantially greater than the incomes of the current households in the Webutuck School District.

The 2006-2007 school aid formulas were significantly changed. To know and have a true understanding of the impact of the Silo Ridge development on school aid, the 2006-2007 formulas should be rerun calculating what the state aid would have been had the \$ 647.1 million in new market value been included, the 103 students added, and the estimated household

51. incomes of the Silo Ridge property owners added to the household income base for the Webutuck School District.

cont. Without good state aid estimates it is impossible to determine the overall fiscal impact of the Silo Ridge Development on the Webutuck School District.

52. For 2005-2006 the expenditures per Webutuck School District student were \$ 20,496 (\$18,261,973/891). Because of certain fixed costs the expenditures per student for adding Silo Ridge students will be less (assuming no physical facility problems). Certain costs, such as debt service, will not be affected by additional students. Other costs, such as instruction, will be directly and proportionately affected. Costs, such as transportation, may have operational efficiencies which will slightly reduce the per pupil cost. Operation and maintenance of the physical facility, on the other hand, may have only modest additional costs as a result of the new students.

The 2005-2006 expenditures of \$ 18,261,973 in the Webutuck School District has been allocated between fixed and variable for estimating the costs of new students. It is estimated that about \$ 14.0 million (76.7%) are variable costs and \$ 4.3 million (23.3%) are fixed. The variable cost per student in 2005-2006 are \$ 15,728. This cost multiplied times the 103 Silo Ridge public school-aged students results in an additional cost of \$ 1,619,984. This is nearly a \$ 650,000 higher than the \$ 974,000 produced by only looking at the property taxes raised per student in estimating additional costs.

53. Before the true fiscal impact of the Silo Ridge development on the Webutuck School District can be determined, two key questions must be answered. First, are the housing unit prices used to determine the \$ 5,541,235 in new school property tax revenues defensible and supportable? If not, what market value can properly be ascribed to the Silo Ridge project? Second, what will be the effect of the Silo Ridge development on State school aid?

Executive Summary: Sec. 1.6 Socio-Economic Benefits/Sec 2.2, page 22

Construction Jobs

54. On page 1-30, second paragraph it says that..." Based upon an average of 9.2 labor hours per \$1,000 in construction cost and a total construction value of approximately \$300 million, the project will generate an estimated 1,400 construction jobs." The reference for the 9.2 hours at the bottom of the page is a 1994 ULI publication. Has this per thousand figure been adjusted for construction cost increases since 1994? The February 2007 Economic Report of the President online Statistical Tables shows that the price index for the residential investment component of gross domestic product increased by 59 percent from 1994 to the third quarter of 2006.

55. Additionally the total number of jobs should be converted to person years of construction jobs. Otherwise, there is no time dimension to this 1,400 job figure, which we know are not permanent jobs.

Regional and Local Job Multipliers

56. In the next paragraph on page 1-30, there is a discussion of local and regional, the latter meaning apparently Dutchess County, job multipliers from the direct construction and permanent jobs associated with the Project. Since the Project is very close to the southern part of Columbia County and close to western Massachusetts and Connecticut, there will be considerable *leakage* of jobs to these jurisdiction areas not sufficiently mentioned in the discussion.

Chapter 7.0: Growth Inducing Aspects and Part/Chapter 3-12: Tourism

57. We find this Chapter lacking in sufficient background data and quantitative analysis on the potential growth inducing aspects for the rural Town of Amenia. The total estimated residents of the Project, full-time or part-time, will increase the town's population by about 22 percent (based upon the Census Bureau estimate of town population in 2005). With the substantial household incomes required to purchase homes in the facility, there are significant growth inducing implications for commercial development (retail, restaurants and services and etc). Residents, be they primary or secondary, and also the many time share owners using the hotel, and other visitors to residents, will have substantial spending power and, notwithstanding the services provided on site, there could be a demand for increased commercial facilities and services nearby.

58. The Town and close by communities currently have a small, current base of such commercial facilities. For example, we found that in the Amenia, Wassaic (about 5 miles from project) and Sharon CT (also about 5 miles away) zip codes areas the following establishments were counted in 2005:

<u>ZIP CODE</u>	<u>Retail Trade*</u>	<u>Restaurants**</u>
Amenia, 12501	12	8
Wassaic, 12592	None listed	3
Sharon, CT. 06069	13	2

*NAIC code 44-45

** NAICS code 722, include full service and fast food type restaurants

Source: US Census Bureau, County Business Patterns, Zip Code data for 2005, Online:

www.census.gov/epcd/cbp

Other communities with some commercial centers are further away; within about 12 miles, but not in Amenia are Millerton, Millbrook and Dover Plains.

We do note that in Chapter 3-12 in the discussion under tourism, pages 3-12-6 and 3-12-7, there is a discussion of the tourism stimulation from hotel guests. Estimates are derived from a Marist College study of the spending of... "approximately \$2 million on meals and food, \$800,000 on transportation and gas, and \$1.5 million on retail goods annually, much of which is expected to occur locally and within the region" (page 3-12-7).

58.
cont.

The tourism discussion notes that "This is a significant positive impact for the Town and region" (also page 3-12-7). This could be, but Chapter 7.0 on Growth Inducing is mute on the implications of such spending. We recommend that the Applicant provide estimates of household consumer spending generated under both the primary full-time residents and second home scenario, to add to the hotel residents spending estimates. All these spending estimates would need to be analyzed in the context of the capability of nearby commercial facilities to service this demand. Any gap should be analyzed in the context of additional square footage of commercial space needed to service the excess demand.

59.

An issue of concern for possible second home residents is the amount of time they would spend in Silo Ridge. On the bottom of page 3-18-7 and continued on the top of page 3-18-8 the statement is made that second home buyers..." generally use their homes for a total of one month a year". While this figure is referenced in footnote 81, we note that a month equals 30 days, which is but 8 percent of 365 days and translates into only 15 weekends per year. Studies and articles we have reviewed on upscale resort-based second homes, especially those used by early retirees and semi retirees - and even working couples as a home/office - are frequented much more than 8 percent annually. Therefore, any development of local/regional spending levels and patterns of second home owners at Silo Ridge must be based upon agreed upon input assumptions and data.

Appendix A: The Hudson Group Estimates of Silo Ridge Resort Population & Public School Children (Final 2-14-08)

Total Population 913*
Total Public School Children 103*

*From page 7 of THG main report

The Hudson Group used unpublished 2000 Census based data for Dutchess and Putnam counties to estimate population and school children generated from the Silo Ridge Resort project, based upon the proposed unit type and number of bedrooms for the project as found in tables 5-19 and 5-20 on page 5-155. of the DEIS.

Our data was obtained using a secondary source and our own estimates derived from this source. This source is Saccardi & Schiff Inc., *Fiscal Impact for the Proposed Redevelopment of Bennett College, Millbrook, New York*, November 2006, Revised March 2007, Table 17, page 25. The original primary source used by Saccardi and Schiff in their report (as part of their client's proposed residential development project application submitted to the Village of Millbrook Planning Board) is the US Census Bureau's Public Use Microdata Survey (PUMS) for the 2000 Census containing housing unit types and bedroom number multipliers for population and school age children for Dutchess and Putnam counties.

We accepted the PUMS methodology and data as superior to the source and data used for this Project - Rutgers University Center for Urban Policy Research, *Residential Demographic Multipliers for Occupants of New Housing* (New York State), June 2006 (footnotes to table 5-19 and 5-20) - because the multipliers specifically cover Dutchess County, rather than statewide as does the Rutgers multipliers. Our calculations are shown in the table below.

Table A1: Population Generated by Silo Ridge Traditional Neighborhood Alternative

<u>Unit Type*</u>	<u>Units*</u>	<u>Pop. Mult**.</u>	<u>Population</u>	<u>School Child Mult**.</u>	<u>School Age Children</u>
Flats					
2 BR	153	1.98	303	0.07	11
Townhouses					
3 BR	146	2.78	406	0.37	54
Single family					
3 BR	31	2.89	90	0.66	54
4 BR	23	3.81	88	1.22	28
5 BR	6	4.35	26	1.44	8 (rounded down)
TOTALS	359		913		121***

• From table 5-19, page 5-155.

** Directly From Saccardi & Schiff Inc. Report or derived from their multiplier data by THG.

*** The number of school children estimated to be enrolled in the local school district was estimated to be 103, 85% of 121, based upon 2000 Census data for Dutchess County on public versus nonpublic school enrollment of school age children.