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August 29, 2013

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Town of Amenia Planning Board  
Town of Amenia  
4988 Route 22  
Amenia, New York 12501

RE: Conceptual Master Plan for Silo  
Ridge, dated August 2, 2013  
Town of Amenia, Dutchess County

Dear Members of the Planning Board:

This document contains comments on the Silo Ridge Conceptual Master Plan from Mary Ann Johnson and George Janes. We are jointly submitting in an effort to be more efficient and to eliminate duplicative comments. This document covers the topics of planning, zoning, land use, visual resources and SEQRA.

Our comments on the new Conceptual Master Plan are informed by the 2009 Master Development Plan (MDP) for the site, the Environmental Impact Statements, the Special Use Permit and their Findings Statements, and the larger record regarding these materials. Our comments are further informed by the Town's Comprehensive Plan (2007) and the Town's zoning.

## **Summary of Comments**

The new conceptual master plan expands the Silo Ridge development plan into a 188 acre parcel to the south and adds equestrian and other recreational uses, and a farm. The new plan eliminates most of the public commercial elements of the project and is now proposed as a private gated community with no public access to any recreational opportunities. The new plan also eliminates the waste water treatment plant (WWTP), which had previously been planned with extra capacity for the Hamlet of Amenia.

It appears that many of the changes found in the new plan may be contrary to guidance provided in the Town's Comprehensive Plan, the Town's zoning, and/or the conditions for the MDP Special Use Permit. For this and other reasons detailed herein, we recommend that supplemental Environmental Impact Statement for the entire project be prepared, and/or the Project Sponsor consider changes to the plan.

We recognize that the development on this site is critical to the Town's future and we encourage the Project Sponsor and the Town to work toward a plan that meets the vision for Resort Development found in the Town's Comprehensive Plan. Clear demonstration of consistency with the Comprehensive Plan and zoning, and

an EIS which discloses the project's impacts, will provide both the Project Sponsor and the Town a more predictable development path forward.

### **Proposal Summary**

The new proposal is to develop the original 670 acre Silo Ridge site, along with the 188 acre parcel to the south that is directly across from the Wassaic Metro North Station into a private, gated golf and equestrian community. On the 670 acre site there is substantial overlap in both area and design with the prior plan, though the Village Green area is proposed to be considerably less dense. The area north of Route 44, the site of the Winery themed restaurant and the Vineyard Cottages is identical to the prior plan. The 188 parcel addition is, in part, the site of a capped landfill. This addition is mostly idle land covered with grass and shrubs in the low lying areas, while mature forests cover the hillsides. It is mostly zoned OC, which is a non-residential district that only allows residential uses by special permit.

As with the prior plan, the new plan shows the densest portions of the development near the current clubhouse in what is called the Village Green neighborhood. This area is on the valley floor and is an appropriate area for the higher density development required by the Traditional Neighborhood Design (TND) principles required by the Resort Development Overlay. Clusters of homes radiate out from this neighborhood into the South Lawn neighborhood to the south and Golf Villas cluster to the west. A single road travels south near the base of the ridge off of which Estate Homes are found on relatively large lots. This road forks near the southern portion of the 670 acre site.

The eastern fork travels down to the new 188 acre parcel. This site has a new neighborhood: the Equestrian Home sites. This parcel is also planned for a farm and associated buildings, playfields sited on the capped landfill, tennis courts, the golf maintenance area, a substantial field house and associated parking, and a secondary entrance to the community. The western fork provides access to more home sites and then loops back to join the eastern fork near the southern boundary of the 670 acre site. The main entry to the site remains at the current entrance to the Silo Ridge golf course. All entrances to the property are gated, with the exception of the winery themed restaurant and the adjacent public overlook on the portion of the property north of Route 44.

The use of land in the new plan is generally less intense than what was previously proposed on the 670 acre site. Hotel rooms decrease from 300 to about two dozen, homes decrease from 338 to about 250. Similarly, the spa, conference center, clubhouse, shops and restaurants that were previously proposed are either eliminated or significantly downsized, with the exception of the winery themed restaurant, which is identical to the previous plan.

Waste water will be disposed of in a dispersed system and a WWTP is no longer proposed. The proposed ownership of many individual properties is fee simple, which will require subdivision.

**COMPARISON OF THE REVISED MDP TO THE SPECIAL USE PERMIT FINDINGS & CONDITIONS OF APPROVAL (dated June 25, 2009)**

Section III of the above referenced document describes the compliance with Special Use Permit criteria. We understand that the revised MDP is a work in progress, but we believe comparing the revised MDP to the Special Use Permit approval provides a useful framework for evaluating the changes in the plan.

Specifically, portions of the text in bullet #1 describe how specific areas of the project are consistent/inconsistent with Traditional Neighborhood Design principles (pg. 16). Regarding the Resort Core Area, the MDP Findings Statement found that this area was consistent with TND principles. However, the reduction/elimination of the commercial components, and spreading less development over a larger area makes this core area less TND than the prior plan. The document further describes single family homes as “within comfortable walking distance to the Resort Core Area.” The amount of developed area within ¼ mile of the Village Green area has declined from about 40% to about 35% and many single-family homes are not within a ¼ (comfortable walking distance) of the Resort Core Area. The discussion of TND also included the private streets, gates and a welcome house. While it was acknowledged that those aspects of the plan were not consistent with TND, it was specifically noted that the public could still access the site. For a more complete discussion on our concerns, please see the sections below on **Downsizing the Commercial and Hotel Components** and **Gates and Public Access**.

This section also notes the project will comply with the permanent preservation of the 80% of the total acreage. Now that the total project size has increased, the Project Sponsor will need to provide additional information regarding which 80% of the total acreage will be held in conservation easement.

Bullet #5 provides details about the WWTP and the extra capacity which was to be offered to the town to serve the Hamlet of Amenia. This aspect of the project has been rescinded. Please refer to the section below on **Elimination of the WWTP** for a more detailed discussion on this issue.

This bullet also discusses the “limited on-site recreational amenities which will be largely unavailable to the public.” The new proposal appears to restrict use of all recreational amenities to the resort residents only. Lastly, the fiscal analysis — which concluded that the additional costs to the town for municipal services would be offset by increased revenues at full project build-out—needs to be revisited, as the Project Sponsor has noted.

Bullet #6 discusses watercourses, natural resources and water quality of an aquifer. While we believe the Project Sponsor is likely to be able to consistent with the criteria, we do have some concerns about steep slope disturbance and await the necessary details on cut, fill and area of disturbance from the Project Sponsor. We will confer with Dr. Klemens regarding water resources and natural resources.

Bullet #8 addresses visual impact. Please see the section on **Visual Resources** below for a more detailed discussion on this issue.

Bullet #9 relates to concentrating uses in the hamlets, avoiding strip development and buffering non-residential uses that are incompatible. Much of the discussion pointed to the prior plan's provision for retail uses in the Resort Core Area along with the tourism and economic benefits associated with those aspects of the Plan. This approval specifically noted the "spillover economic benefits" of the retail and restaurant uses. If there are no significant retail or commercial uses in the Resort Core Area will the Town see the expected "spillover economic benefits?" We would like to understand how those spillover economic benefits can occur without the commercial uses previously planned.

Bullet #10 focuses on whether the project will adversely affect the availability of affordable housing. The proposed MDP removes the provision of a WWTP with extra capacity to serve the Hamlet of Amenia. We understand the Project Sponsor is working towards a solution that satisfies the requirements of the Town's Workforce Housing Law; however details are unclear at this time.

Bullet #12 provides a discussion on how the project will have no greater off-site impacts than would full development of the property with uses permitted by right considering relevant environmental, social and economic impacts. Much of this discussion relies heavily on information and conclusions that came out of the prior SEQRA review process. Please see the section below on **SEQRA: Expansion of the Development to the Southern Parcels** for a more detailed discussion regarding our recommendation on how to proceed with SEQRA.

Additionally, the revised MDP does not appear to comply with at least two conditions detailed in the Special Use Permit Findings Statement, including:

Condition No. 3 details when building permits could be issued for the Vineyard Cottages. These permits were only to be issued after building permits and construction has commenced on the following Village Green Buildings: the hotel, the spa and buildings CR-1, CR-2, CR-17, C-15 and C-16. This condition was added to ensure that the portion of the public benefit aspects—retail tax base, recreational opportunities and public access—were, in fact, developed. In the revised MDP the hotel is significantly scaled down, it does not appear there is a spa contemplated, and there is no mention of retail uses on the first floor of the residential buildings which had been proposed for CR-1, CR-2 and CR-17.

Condition No. 4 references a Memorandum of Understanding between the Town, the County, and the developer regarding the WWTP, including the excess capacity being constructed and reserved for the Hamlet of Amenia. The Project Sponsor is no longer proposing the WWTP, which is a significant change to the project.

Considering the foregoing, it is apparent that the proposed MDP would, at a minimum, require an amendment to the Special Use Permit, and—pending any future revisions along with the outcome of the SEQRA process—a new Special Use Permit approval may be required.

### **Elimination of the WWTP**

The record on the importance of sewers for Amenia is clear. It is worthwhile to quote a longer portion of the Town’s Comprehensive Plan:

The single most important thing that has *not* happened in the last 15 years is the same one that has been talked about for at least 30 years: the need for a sewer system in the Hamlet of Amenia. This has been a keystone of planning for the Town and remains so. Yet, despite several efforts over many years to create a sewer system for the town center, it has yet to happen. Without a sewer system, most of the planning goals in this Plan and in all prior plans will be frustrated. This is because the key to a successful, prosperous, and beautiful Amenia is a sewer system in the center of the hamlet to support a vibrant and economically robust town center surrounded by countryside that remains scenic, historic, and appealing to visitors.

....

**The proposed large-scale developments close to the Hamlet offer the best opportunity the Town may have to solve this problem for the foreseeable future. In order for these developments to provide maximum benefit to the Town** (Silo Ridge alone will likely have a population larger than the current population of the Hamlet itself), **they should also contribute significantly to providing public sewer service to the Hamlet.** There are many ways this can be accomplished, including but not limited to the construction of a sewage treatment plant by a developer or developers with extra capacity to serve the hamlet, extension of the collection system into the hamlet, providing funds to assist in hooking up hamlet units to the new system, and providing land for needed sewage treatment facilities. The developers of these projects can also work with each other and the Town to share the cost of providing sewage disposal facilities. If the Town and the developers work together on the sewage issue, they can finally solve the perennial problem of providing sewers in the Hamlet of Amenia<sup>1</sup> (Emphasis added.)

Development in the RDO was seen as the “best opportunity” to “solve this problem” since the Town’s zoning has a workforce housing requirement that can be met by making “a substantial contribution toward the cost of providing water and/or sewer infrastructure to the hamlet of Amenia or Wassaic.”<sup>2</sup>

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<sup>1</sup> Page 15 of the Comprehensive Plan.

<sup>2</sup> §121-42(P)(d) of the Town’s zoning.

While it has become clear that the previous plan to provide capacity for the Hamlet of Amenia was flawed,<sup>3</sup> at the time of its approval it was seen as a solution to “the single most important thing that has *not* happened” in the Town. The Project Sponsor has said that they may make a contribution to a sewer system for the hamlet of Amenia or they may provide off-site workforce housing to meet that requirement of the zoning.

Considering the prominence and importance to the waste water problem in the Hamlet of Amenia, the removal of the WWTP with no definitive plan to provide a similar solution is a considerable hole in the conceptual Master Plan. The Comprehensive Plan states, “Proposed large-scale developments close to the hamlet [of Amenia] provide a one-time opportunity for a public-private partnership that would solve [the sewer] problem. This opportunity should not be missed.”<sup>4</sup> Considering the above, the proposed change in waste water treatment is a significant change in the plan and its potential impacts would need to be studied in a supplemental EIS.

### **Downsizing the Commercial and Hotel Components**

The Comprehensive Plan called for a Resort Development Overlay that would achieve multiple goals. It called for the creation of:

A resort development overlay zone to give added flexibility for businesses that contribute to the second-home and tourist economy, while protecting significant scenic, agricultural, and environmental resources and provide specific public benefits including sewers for the hamlet and public access to open land and recreational resources.<sup>5</sup>

The significant downsizing of the commercial and hotel component cannot be considered to be an improvement if measured by Town’s Comprehensive Plan. To wit:

The addition of guest rooms in Amenia will encourage more tourists to visit, shop, and eat in Amenia. This will further enhance the Town’s reputation as a location for vacationing and for country homes that are easily accessible to New York City. It will provide needed local employment opportunities and a boost to the community’s tax base.

With the right mix of uses and with sewers in the Hamlet of Amenia, it will also add economic synergy between the existing population and businesses in the Hamlet of Amenia and the new residents and businesses that will locate on the golf course property. This synergy will be good for business in Amenia.<sup>6</sup>

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<sup>3</sup> It is our understanding the cost of building the sewer lines in the hamlet and then moving the waste water to the proposed treatment plant was prohibitively expensive, as detailed in Dutchess County Planning and Development’s letter from April 28, 2009.

<sup>4</sup> Page 25 of the Comprehensive Plan.

<sup>5</sup> Page 34 of the Comprehensive Plan.

<sup>6</sup> Page 10 of the Comprehensive Plan.

The vision for development on the site detailed in the Comprehensive Plan is one that is much broader than the private, gated community seen in the recent concept plan. The Town envisioned the resort on this site as a place that would generate commercial economic activity, where people of the Town could work, shop and recreate; a place that provided complementary services and opportunities for all current residents of Amenia. Instead, the Conceptual Plan shows a private development designed for people outside Amenia, closed to Town residents, and without the sewers the Town so desperately needs. We have serious concerns that as proposed the change of use and access can be considered consistent with the Comprehensive Plan. The Project Sponsor should either demonstrate how the development can be considered consistent with the Comprehensive Plan, or revise the Conceptual Master Plan to better consider the vision outlined in the Comprehensive Plan. If the Project Sponsor does not revise the plan we believe the proposed change of use would potentially have significant adverse environmental impacts and would require a supplemental EIS.

### **Gates and Public Access**

The Town's zoning law requires that any development that occurs in the Resort Development Overlay, which is drawn around the original Silo Ridge site and other parcels to the east, must be designed using Traditional Neighborhood Design (TND) principles. A component of TND principles is public access. The Town recognizes this principle of TND in its zoning which states, "All streets shall be offered for dedication to the Town and no street shall be gated."

This plan, like the prior plan, is not offering its streets to the Town and is erecting gates to keep their roads private. The prior plan offered public access to the Village Green portion of the development through the gates, while the new plan is to remove all public access to the site. The Special Use Permit Findings Statement explicitly recognizes that TND in the Town's zoning did not allow gates and that the plan was not in full compliance with TND principles, but it also acknowledged that the while people would be required to sign in, the main gate would be open to the public. The matter was referred the Town's Zoning Board of Appeals, which discussed the gates at their April 19, 2009 meeting. The minutes show that members of the ZBA voiced great concern expressed over the gates, which were described to them as, "being open most of the time [with] people there to check you in."<sup>7</sup> While the ZBA submitted a letter of support for the project to the Planning Board, they maintained their reservation over the gates. Considering the ZBA provided their letter of support with the understanding that the main gate was open to the public, the proposed change in access through the gates may be considered to be significant.

While this was a referral to the ZBA as an interested agency, not for a variance, the ZBA's opinion is important because this is a zoning issue. We believe the

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<sup>7</sup> From the minutes of the April 19th meeting, quoting Planning Board Chair, Bill Flood who was in attendance.

record shows that the fact that the main gate was open to the public was material in the Town's decision on this finding. It is clear that issue of the waiver for the gates needs to be reevaluated given the elimination all public access. Alternatively, the issue of gates could be referred to the ZBA for a variance which would allow for the gating of the streets. Either way, if the Project Sponsor does not alter the plan and allow public access to at least some of the development, we believe this change of access would potentially have significant adverse environmental impacts and would require a supplemental EIS.

**SEQRA: Expansion of Development to the Southern Site**

The project now includes an additional 188 acres that has not been studied under SEQRA. The Project Sponsor provided a memorandum from their consultants, VHB dated 8/6/2013, which outlines their proposed environmental evaluation for the new area and provides information on which studies from the prior SEQRA will be updated.

We have reviewed 6 NYCRR § 617.9(a)(7) which describes Supplemental EISs. Considering these SEQR procedural requirements, we believe there is clear guidance from the regulations that support a supplemental EIS process as the best way to proceed. This recommendation is informed by the following:

- The revised MDP has significantly changed from the approved MDP which was the subject of the prior SEQRA. While there will likely be a reduction in some impacts, there are project changes that may result in one or more significant adverse impacts which need to be studied. These areas include wastewater treatment, zoning compliance and comprehensive plan consistency, visual impacts, fiscal analysis and steep slopes.
- The acquisition of the parcels to the south is new information on this project and the proposal shows there may be one or more significant adverse environmental impact related, but not limited to, steep slopes, zoning compliance, water resources, vegetation, wildlife, visual resources, and the capped landfill, its maintenance and any special land use restrictions that accompany the use. Further, there may be new alternatives to considered given the new acreage being considered.
- The public hearings on SEQR and the Special Use Permit described a materially different project in terms of public access and benefit, and economic impacts. Procedurally, public comments should reflect the project proposed.

A supplemental EIS is further discussed in the following Visual Resources section.

### **The Scope for a Supplemental EIS**

A determination that a supplemental EIS needs to be performed would trigger the scoping process, which would result in a Scoping Document that would describe the work necessary to analyze potential impacts. While this scope could build off of the prior scope, we believe it will require significant additional information including, but not limited to, the following topics.

The capped landfill and the uses that occur around and on top of it is entirely new. It is currently venting. What is that gas it is venting, what are its impacts on the uses of the proposed property, and could it be better handled to minimize impacts? For instance, if children are running on the playfields on top of the capped landfill, will there be any adverse impacts from breathing those vented gases? Would those impacts be mitigated by capturing and/or burning the landfill gas? Are there any additional impacts on air quality?

There are now houses proposed quite close to both the on-site landfill and adjacent to the lot line of the neighboring Amenia Town landfill, which is a State Superfund Site. What potentially adverse impacts will these existing conditions have on the proposed residential uses? Are there any special measures or construction limits that need to be taken to ensure that both surface, subsurface and drinking water remains clean? The Scope for studying the potential impacts of the landfills will likely be entirely new.

Further, for Visual Resources while Scope could build off of the work already performed and would likely include at least some of the viewpoints already analyzed in the original EIS, there will need to be some changes. First, the methods described in the Special Use Permit Findings Statement should be incorporated into the Scope for an SEIS. Second, the new plan introduces uses that may have bright and conspicuously visible nighttime lighting. The playfields, field house, tennis courts, rope course, and associated parking are all placed at relatively visible locations, which are largely covered by the Town's Scenic Protection Overlay (SPO). The Scope for an SEIS may very well include information, possibly including nighttime photosimulations, to demonstrate the impact of the project on the nighttime experience in the Town.

While the project is downsized in intensity, which should reduce traffic impacts, there is a new entrance; the southern entrance is close to the Wassaic train station entrance. Is there any impact on the traffic entering and leaving the station, especially considering that exiting cars can cue across the railroad tracks. So while this section can likely build off the previous scope, new information on the project design will change the impacts and those changes need to be evaluated.

### **Site Planning & Rezoning**

The 188 acre parcel added to the south is directly across from the Wassaic Train Station. Much of this area near Route 22 is relatively low-lying, largely outside

the SPO, and might be considered appropriate for higher density development. The Town's zoning recognizes the development potential of this area and has zoned the lower-lying portions adjacent to Route 22 as OC, which allows for office and other non-residential uses, and housing only by special permit. The area zoned OC on the 188 acre parcel constitutes a sizable minority of all land zoned as OC in the entire Town. The Conceptual Plan currently shows the area across from the train station as a lightly used part of the equestrian area and planned organic farm.

The Project Sponsor may wish to consider revising the Conceptual Plan by moving some of the proposed low density development that lies within the SPO and concentrating it in a cluster across from the train station, which would capitalize on the easy access the proximity provides. Such development would likely be more in character with existing development in the Town, which is defined by relatively high density hamlets dotting a working landscape.

In the absence of a redesign, the Project Sponsor will have to account for the loss of this non-residential land and its economic development potential when a full economic analysis is performed.

Regardless of the form development takes on this southern parcel, the Project Sponsor plans to seek a rezoning, which would extend the RDO south to the new parcel. The rezoning of land affecting 25 or more acres is typically a Type 1 action under SEQR. Type 1 actions are more likely to require the preparation of an EIS, and for this particular project the evaluation of the impacts would occur through a supplemental EIS.

## **VISUAL RESOURCES**

### **Changes in the plan**

The new plan covers a larger area but uses that land less intensely, with fewer units and less commercial development, which will require fewer parking spaces. The new plan calls for about 250 units on 143 net acres (858 gross acres), or about 1.75 units per net acre. The prior plan had called for 338 units on 107 net acres (670 gross acres), or about 3.15 units per net acre. The prior development also had much more substantial retail and commercial component. The following compares the new and the prior development showing the area approximated as developed land in each.



The image on the left shows the new concept plan with an approximation of developed land developed by GMJ&A using the Project Sponsor's plan. A ¼ mile radius circle is inscribed around the Village Green area. The image on the right shows the prior plan using the same conventions.

The prior plan has also called for several waivers from the 35 foot height limit. The current plan also requires height waivers, but for a much smaller area, just around the Village Green.

### **The New SPO**

Certain scenic areas in Amenia are protected in a Scenic Protection Overlay District, or SPO. There are three components to the SPO, the Trail Visual Protection Corridor, the Road Visual Protection Corridor and the Scenic Visual Protection Zone.

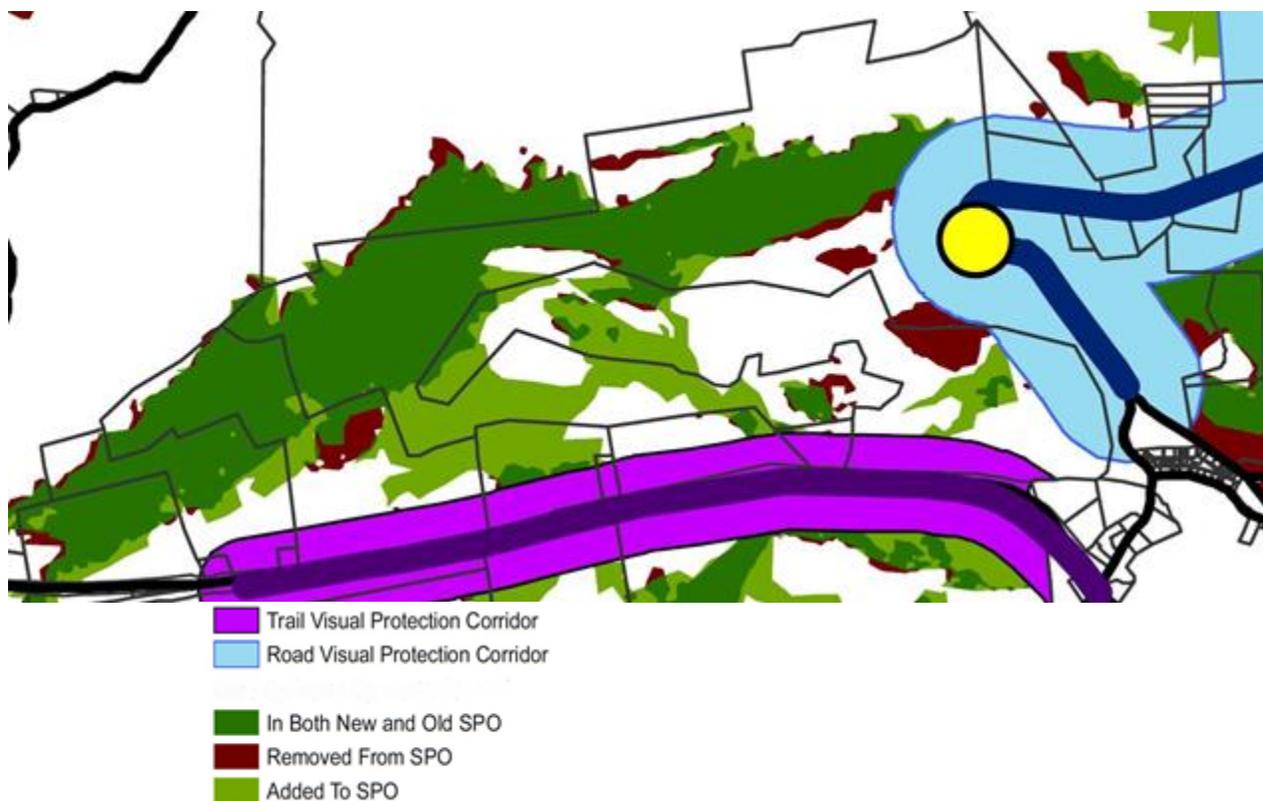
The RDO district requires that a minimum of 80% of the land must be preserved as open space in a conservation easement. The Town's zoning requires that, "Priority in open space protection shall be given to land within the SPO and SCO districts, especially the view to and from Delavergne Hill, ridgelines, historic resources, unique ecosystems, prime agricultural land, and water resources."<sup>8</sup> Subsequent to the approval of the prior MDP the Town updated its SPO district.

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<sup>8</sup> §121-18(C)(4) of the Town's zoning.

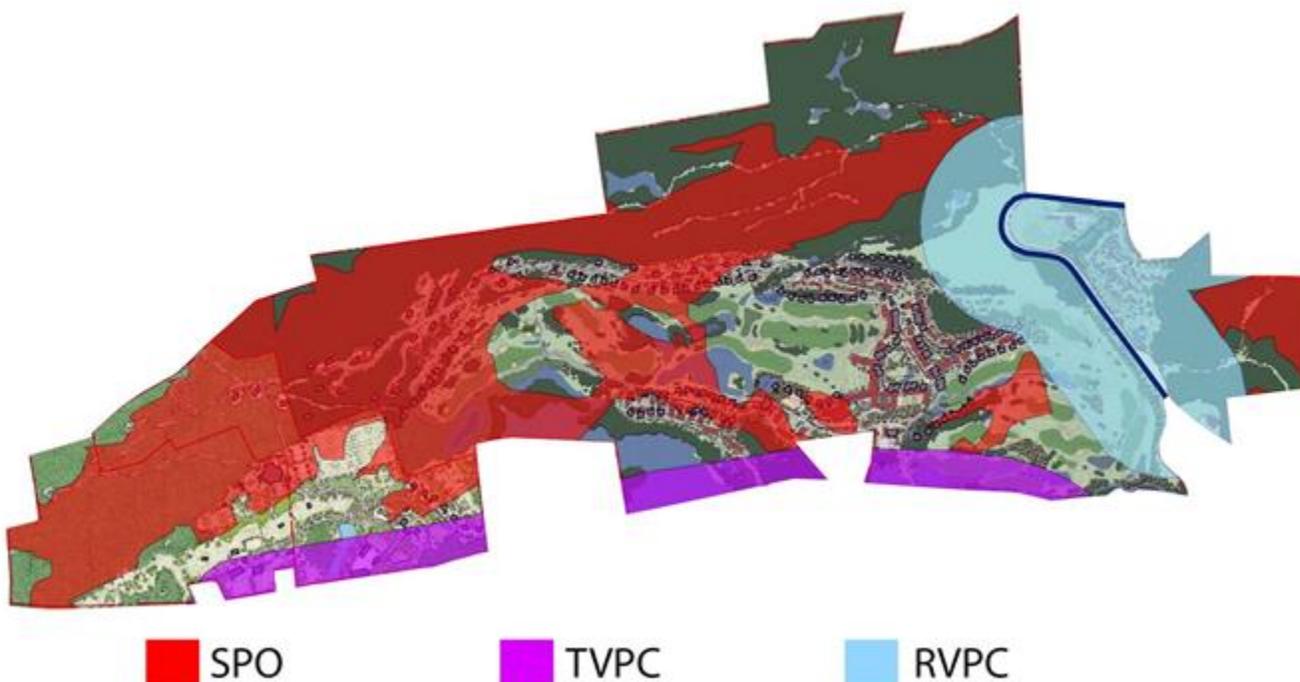
The Road and Trail Visual Protection Zones were unchanged. There were substantial changes to the Scenic Visual Protection Zone.

While some area within Silo Ridge was removed from the SPO, there was a net increase in the SPO on the Silo Ridge site. The following was cropped from a map made in 2011, which shows the Silo Ridge property and how the SPO changed in this area.



Scattered areas near Route 44 along with small areas along the ridge were removed, while a fairly large portion along the center of the property was added.

The following map shows the conceptual master plan with the prior MDP taken from the Project Sponsor's materials, on which we have added all areas that have scenic protection in the Town. South of Route 44, the current plan performs reasonably well, with the largest and densest part of the development in the low-lying bowl near the current clubhouse, which is outside the SPO.



Much of the hillside development is in the SPO, as it was in the prior plan. Much of development on the new parcel to the south is in the SPO, including the substantial field house.

We understand that the Project Sponsor redesigned the development without benefit of knowing the SPO had changed, and so they may wish to consider the current SPO when making modifications to the plan. Nevertheless, there are techniques which can address some SPO concerns without making changes to the plan. For instance, the houses proposed for the forested ridgelines may be screened by the existing mature forest if there is a commitment to limit tree removal to the minimum necessary. The SPO requires such minimal tree removal to ensure maximum screening, but additional measures that commit the Project Sponsor and homeowners to minimal tree removal for development within the SPO is important to show that the new plan respects and preserves the Town's scenic character.

#### **Assessing Impacts on Visual Resources: A Supplemental EIS**

Because this area is of exceptional visual quality, and because there is development occurring in the SPO on the new 188 acre parcel, we recommend that impacts to the Town's visual resources be assessed and disclosed as a part of a supplemental EIS, which would include the previously assessed development on the 670 acre parcel. A supplemental EIS that evaluated impacts on visual resources would accomplish several things:

First, there is a concept of cumulative visual impacts, which recognizes that impacts on visual resources and development of land is not simply a linear one-to-one relationship with number of buildings in a view; rather, the relationship can

be non-linear as development passes thresholds. For instance, the visual landscape in this area can be characterized as a working landscape; agriculture fields, buildings and homesteads add to its scenic character. Consequently, homes and even substantial buildings like the field house are not necessarily discordant to Amenia's scenic landscape, even if they occur in the SPO, as these patterns already exist and often contribute to Amenia's scenic quality. But the density, visibility, design and siting of buildings matter when assessing impacts on the Town's visual resources. While the overall density of development is shrunk in both number of units and amount of commercial space, the overall footprint of that development has grown from about 107 acres to about 143 acres, or by about one third. When the impact of this increase in development footprint is evaluated, all of it needs to be evaluated, not just the additional land that is developed on the 188 acre parcel to the south; by itself development on this new parcel may not have significant impacts on visual resources, but when evaluated with the development on the 670 acre parcel, it may. Consequently, a supplement EIS for the entire project is warranted.

Second, the text of the SPO in the Town's zoning allows the Planning Board to grant waivers of the requirements of the SPO for, "any development which is the subject of a detailed visual assessment as a part of an Environmental Impact Statement . . . if supported by SEQR findings."<sup>9</sup> We believe that some waivers of development in the SPO may be warranted and desired by both the Project Sponsor and the Planning Board and an EIS would allow the granting of such waivers.

Third, depending on how mature the site plan is for the entire site, a Supplemental EIS could obviate the need to do the Confirmatory Visual Simulations that the Findings Statement now requires during site plan review. The requirement for Confirmatory Visual Simulations in the SEQR Findings Statement is not typical. Typically, all impacts are disclosed and mitigated to the extent practicable during environmental review, but for a variety of reasons the Town required these additional Confirmatory Visual Simulations so that it could be demonstrated that changes made during site plan did not change impacts disclosed in the EIS, and that if they did, a Supplemental EIS would be required. By requiring a Supplemental now, the requirement for Confirmatory Visual Simulations, and the uncertainty they brought to both the Town and the Project Sponsor, might allow this requirement to be removed from a new Findings Statement.

Finally, a Supplemental EIS is the most conservative way to move forward. Because of the project's size, prior history with the public, and the treasured scenic quality of the neighboring views, it is likely that this project will face considerable attention and possibly organized public opposition. But it is also of critical importance to the future of the Town, especially if it contributes to the waste water solution for the Hamlet of Amenia. Because it is so important to the

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<sup>9</sup> §121-14.1(L) of the Town's zoning

Town, the surest way forward is to require a supplemental EIS, which discloses all impacts, allows the public a chance to comment—especially on the changes from the prior plan to the current plan—and provides the Town the opportunity to develop a new Findings Statement consistent with the new plan.<sup>10</sup>

### **Other required information**

We understand that the siting of homes, especially on the hillside is still being developed along with other details. When further details have been worked out, it would be appropriate to review other elements that have not yet been prepared including: cut and fill, area of disturbance, stormwater management plan, water, wastewater treatment, project lighting and other information as required. More information on uses is also needed to better understand the overall project. For instance, a recent newspaper article stated that there will be an indoor pool, lacrosse and baseball facilities, bowling and a movie theater. Where are these uses going to be? Is there a potential for the public access, or will the Project Sponsor construct a movie theater, bowling alley and these other uses only for the 250 households that will eventually occupy the property? At a glance this seems unlikely, but the report was from a local newspaper,<sup>11</sup> not from the Project Sponsor. Additional clarification would be helpful.

Considering the new plan is conceptual, uncertainty is normal, as the new plan is still a work in progress, and no criticism is intended regarding the missing information. On the contrary, we appreciate the opportunity the Project Sponsor has offered to provide feedback early in the design process, but this also means that these comments are not complete or exhaustive, but simply represent a first take on the revised concept plan.

### **Close**

Thank you for the opportunity to contribute to this important project. Please contact us should you or the Project Sponsor have any questions.

Sincerely,



George M. Janes, AICP



Mary Ann Johnson, AICP

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<sup>10</sup>The history of the Bennett College redevelopment site in the Village of Millbrook is a great example of how by trying to avoid the time and expense of an environmental impact statement, the Village sabotaged a critically important development project. In that case, the NYSDEC intervened, rolling back the clock back by a number of years.

<sup>11</sup>The Millerton Independent Volume 5, Issue 26. Undated., Came to our attention on 8/ 22/2013.