



Town Of Amenia

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PLANNING BOARD SPECIAL MEETING THURSDAY, APRIL 30, 2009

PRESENT: Chairman Bill Flood
Tony Robustelli
James Walsh
George Fenn
Norm Fontaine
Peter Clair
Nina Peek

OTHER: Michael Hayes, Attorney
MaryAnn Johnson – Greenplan
Dr. Michael Klemens
Mike Soyka

Chairman Flood opened the meeting at 7:00 P.M. It was announced that the Public Hearing for Kean Stud/Depot Hill Farm will be held May 7th at 7:00 P.M. and May 16, 2009 at 9:00 A.M. both at the Amenia Elementary School and another June 4, 2009 held at the Amenia Town Hall at 7:00 P.M.

Chairman Flood then read a letter from the Dutchess County Department of Planning that was received 04/30/09. This letter addresses some issues that were raised in the first letter. A review that was done by Mike Soyka was sent to DCDP. On March 12, 2009 the Board asked for an independent study done by Mike Soyka regarding the Workforce Housing. Chairman Flood then read this memo.

Michael Hayes stated he had received a request for an overview of MDP approval process and the Special Use Permit process to better help both the Board and the public understand the process. A copy was passed to each member of the Board. Chairman Rudy Eschbach of the ZBA stated there was a preliminary draft Resolution from the ZBA which will be finalized and sent to the Planning Board hopefully within a week.

Mr. Hayes continued with some important issues that need to be resolved

- The phasing plan – specifically the changes in the phasing plan from the MDP version that was reviewed during the SEQRA process and the revised MDP. That plan is deferring the construction of part of the resort core area near the Village Green, particularly the mixed use retail buildings as well as townhouse units directly behind that area was supposed to be phase 1 and has now been moved to Phase 2.

- During SEQRA the single family homes were in phase 2 and the cottages on DeLavernge Hill for phase 3 now the revised MDP both are in phase 1. This must be addressed, possibly building in triggers.
- Securing a Memorandum of Understanding between the Town, the county, the Wastewater Authority, and the Wastewater Treatment Plant.
- Confirming the identity of qualified Conservation organization/organizations that would hold the Conservation Easement for the golf course and the other open space on the project.
- Assessing whether the proposed excess wastewater treatment plant capacity should be accepted by the Board as an acceptable substitute for workforce housing. Having the excess capacity for the Town to hook in to, if the Town has no likelihood of affording the delivery system, is providing that capacity actually been a substantial contribution toward affordable housing?

Chairman Flood then asked what the time limit, once the public hearing is closed. There is 62 days to either reject or approve the Special Use Permit application.

PUBLIC HEARING

SILO RIDGE RESORT COMMUNITY SPECIAL USE PERMIT

The Public Hearing notice was read.

Chairman Flood opened the Public Hearing at 7:40 P.M. and asked for public comments.

Public Comments - See attached.

Chairman Flood thanked the public for their comments. Much information has been addressed through this process especially with the consultants who have worked many hours on this project. Waste water and affordable housing is a major concern with the Board. The Board decided to close the Public Hearing tonight and the written comment period will continue for another 10 days.

MOTION TO CLOSE THE PUBLIC HEARING was made by Norm Fontaine, seconded by George Fenn

VOTE TAKEN/MOTION CARRIED 7/0

MOTION TO CONTINUE THE PUBLIC COMMENT PERIOD FOR AN ADDITIONAL 10 DAYS was made by Norm Fontaine, seconded by Tony Robustelli

VOTE TAKEN/MOTION CARRIED 7/0

OTHER BUSINESS

Mike Soyka spoke to the Board regarding workforce housing vs. expansion of the treatment plant. Michael Hayes continued that a call from Dutchess County Planning before the letter of April 30, 2009 was faxed, stated that if “the sewer infrastructure costs cannot be reduced enough to result in creation of the district, the “contribution” is worth nothing to the Town and therefore does not fulfill the applicant’s obligation under the law.” They went on to say that “the applicant

should either increase its contribution to the sewer system to a point that makes the approval of the district likely or build the workforce housing.” One of the recommendations they had was if the plant was defeated then the affordable housing would be built. Peter Clair asked at what point does this decision need to be made? Michael Hayes told the Board now is the time. Norm Fontaine asked what good is workforce housing if we don’t have the wastewater treatment? Michael Hayes stated that the town needs workforce housing but with no sewers there will be no expansion of housing. Perhaps there is a middle ground which use triggers, if the referendum fails then the trigger may say don’t build the excess capacity instead build workforce housing or make a contribution equal to the amount the applicant would have spent on the excess capacity to a trust fund. This down the road could be used to build workforce housing or to defray the cost of a sewer system that may be more cost effective.

Chairman Flood asked if it was possible to get into the stimulus package. Michael Hayes stated the first phase was gone. Wayne Euvard added the Town was working toward getting on the annual list. Mr. Hayes said there are several things that must be done by August 1, 2009. Janet Reagon felt that the deadline could be met as the map plan and report was done, they have the template for the Engineering Report, and the Town Board could become lead agency for SEQRA. Ms. Reagon asked can this be put before the people if the rate would not be over XX amount. Mr. Hayes stated and that it would only proceed if they received stimulus or grant funding. That was possible, not the recommended way. The resolution would say this will cost 10 or 10.5 million and it will be approved conditioned on the fact that grant or stimulus money is received and brings the bond down to what the Town has agreed. This resolution may not come to being if the grant or stimulus money is not received. Worst case scenario of 10 plus million must be put on the referendum even though it may only cost 8 or 9 million. The sewer is the main goal. Michael Hayes felt the triggers still needed to be addressed in the phasing plan. Dr. Klemens had raised concerns about the phasing plan regarding the infrastructure. We will need our consultants to help the Board figure out how the proposed changes to the phasing plan could implicate whether that system could still work or not. Jim Walsh asked if we would have to go through another EIS. Mr. Hayes felt we would not through the use of the triggers and the consultation with the consultants. Chairman Flood stated they had meetings with the developer regarding the phasing of the Village Green.

Mr. Hayes said maybe this is the time for the applicant to firm up who will hold the conservation easement; one for the golf course and one for open space. It was not necessary to have the document but just who will hold the easement. Some of the key conditions of the Findings Statement to make sure they are not only conditions of SEQRA but also separately conditions of the Special Use Permit.

Dr. Klemens asked regarding phasing what was happening with the south lawn neighborhood, it was originally going to be built in the first phase and now it is the last phase. This will be used as a construction staging area. He advised that the Board should know more details as that sits near the adjacent wetland. This raises questions that need to be addressed. Mike Soyka stated it would have to be addressed in their construction plans or erosion plan and also in the revised storm water pollution prevention plan. Michael Hayes spoke to their attorney regarding the MOU and will have another conversation next week. Dr. Klemens deferred to the Board as to whether or not they were comfortable leaving this unanswered until Site Plan. Chairman Flood stated this is all needed to be done before Site Plan approval. The Board and the consultants will make this more concrete before Site Plan. Chairman Flood asked if all could meet on a weekly basis to further the project.

Nina Peek asked what is the status of the Conservation Easement. Pedro Torres, Millbrook Venture stated they have met with 4 organizations already and are meeting with two more, and then they will present the list to the Board. Chairman Flood stated they have met with Becky Thornton of the DLC and did a drive thru and they are also making a proposal. Audubon International and Oblong are also working with the applicant. Dr. Klemens felt splitting into 2 easements the open space and the golf course would be best. Dr. Klemens asked where will the boundaries be around AM10. Chairman Flood stated they were not there yet. Phase I will be the water, sewer and electric. All the consultants are ready to go. Sewer is the most important at this point.

MOTION TO ADJOURN THE MEETING was made by Norm Fontaine seconded by James Walsh

MOTION CARRIED 7/0

Respectfully submitted,

Susan M. Metcalfe
Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a meeting held on April 30, 2009 and are not to be construed as the final official minutes until so approved.

Approved

Approved with: deletions, corrections, and additions

name and address please.

MR. NELLIGAN: Patrick Nelligan, 35 Lavelle Road, Amenia. Born in Wassaic.

First thing I would like to ask, though, in addition to extending the public hearing schedule phases, that you allow -- unlike the notice reads, that at the end of the public hearing there can be no more submitted information the way it reads, that you

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allow at least another week to ten days for additional written responses. Would that be possible?

CHAIRMAN FLOOD: On this project?

MR. NELLIGAN: Yes.

CHAIRMAN FLOOD: Can we do that? I think we can.

MR. HAYES: It is up to you.

MR. NELLIGAN: You have 62 days to respond.

CHAIRMAN FLOOD: I'm sure we can, Pat. We are normally open to public comment.

MR. NELLIGAN: Okay. As long as it's not personal.

Second, I believe it's a procedural mistake to include the alternative to the Workforce Housing as part of the special permit process. I don't think it's required under the special permit process, and it is a separate issue that does not require a special use permit. It is obviously

an issue of great interest to the county and to a great number of people who live in the hamlet. And I think that that determination should be separated out. I don't know the legal implications of that, since the Applicant included it in their application. But I believe procedurally it is not required under special use to address that issue then. And if you separate it out you might actually make things easier for yourself under the special use permit issue.

Third. The Applicant originally agreed to leave 80 percent open space to get its density bonuses. It's a great idea. I think that that was written well into the law. However, coming back afterward, after they agreed to a certain footprint so that 80 percent of the area remains open space, and then coming back and asking for additional height in

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Well, why not make it ten stories? I mean what the heck, let's have 700 units instead of 350. It is a way -- they came back after the fact.

Originally, all we talked about when we were going through CPIC was that the hotel be higher. We all were talking about that. We needed more height in the hotel. That's my next issue by the way. They didn't talk about the fact that how many other buildings are requested to exceed the height? At least ten -- fifteen other buildings now want to exceed the 35-foot height restriction. That's after they agreed to the 80 percent open space thing.

Do you get where I'm going with this? You can't have one -- they can't say okay, we'll keep 80 percent open space, but then we need to build up more after the fact.

The hotel -- it's not a hotel. It was supposed to be a hotel.

numerous buildings -- not just the hotel, but in numerous other buildings -- is a serpentine effort to circumvent that open space issue. If you give them the 80 percent open space, the bonuses, then they come back and say, well, we'll fill out the third dimension, we have given them two-dimension rules. But we will fill up the third dimension, the height dimension, with a number of townhouses, other commercial areas, the hotel. Instead of three stories, we'll go to five stories, that way we can maximize our profit and ruin the ruralness of the project.

I think that the one negates the other. That if you allow the height special use deviance from the 35 feet, three stories essentially, that you're actually telling them that the 80 percent open space thing didn't really mean anything. Because instead of growing out, they can grow up.

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Nobody ever believed they needed a 300-room hotel for even the biggest conferences they might have. So we knew something was coming somewhere. It's now a condominium hotel. And because of the way they got the definitions written into the zoning law, that those units are considered lodging facility, not dwelling units. Not only do they not have to add them to their housing, alternative housing requirement, but they can then say oh, well, we need it to be five stories tall now because we need to sell a whole lot more of these things to make a lot of money. But we really don't need a lot of hotel space, so we are going to sell them as condominiums. The one negates the other. If they don't need a 300-room hotel for tourists and they are going to turn it into condos, they don't need it five feet -- or five stories tall. Again, all of the height things are a way of

getting around everything else.

The phasing. Last comment and I'll be out of here. The whole idea was the Traditional Neighborhood Development plan. Everything was based on the Traditional Neighborhood Development plan. The whole core around that, the golf course, the complex, everybody was excited about that. That's what they came to us with; that's what the EIS was approved on, and I believe it is a significant change that requires a Supplemental Environmental Impact Statement. And if it doesn't get one, if you change the phasing and you don't do a Supplemental Environmental Impact Statement because you changed the phasing, that's a real problem for you. I hope somebody else picks up on it. Thank you.

CHAIRMAN FLOOD: Thank you, Pat. Good night, Pat.
Next, Darlene.

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one hundred foot by one hundred foot beds were designed by Morris Associates to process 160,000 gallons per day of the Town's effluent. Operation and maintenance was minimal. One person, a few hours a month to monitor the water quality.

We fast forward to 2009, today. Silo Ridge is offering the Town extra capacity at its own conventional wastewater treatment plant for the Town's 181,000 gallons per day sewerage. It is located approximately 200 vertical feet from the lowest point around Lavelle Road which accepts effluent by gravity flow from the other areas of the hamlet. And it gets pumped uphill to a second pumping station, and then through the forest main to the wastewater treatment plant on the north side of Route 44. Each of these pumping stations requires backup pumps as well as generators in the case of power

MS. DARLENE REIMER: Darlene Reimer, Chairman of the of the Wastewater Committee. My address is 604 Smithfield Valley Road, Amenia.

In December 2003 some of you may or may not recall Silo Ridge offered to donate 12 acres -- some of you on the Wastewater Committee will remember this -- along the fairway to the second hole, to the Town of Amenia for a constructed wetlands wastewater facility located on the west side of Lake Amenia Road and south of Route 44. Plus donate \$2 million towards the development of a badly needed wastewater collection system solely dedicated to the Town of Amenia.

Now, note back in 2003 there was no mention of affordable housing by the Applicant, as the Comprehensive Plan was still in its infancy and still in development. The projected constructed wetland was exclusively for the use of the Town, and the 16

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failures or pump malfunctions.

The cost of the collection system or conveyance system alone is \$10.5 as stated by Morris Associates, according to its recent Draft Map Plan Report, which was submitted to the Wastewater Committee April 13th, 2009. This equates to \$1,239 annually to each homeowner or \$100 a month. The operation and maintenance is included at \$336 per year, per homeowner, which will increase over the years with rising costs of fuel, electricity, manpower. And it will be operating 24 hours a day, seven days a week.

Existing homes in the proposed district having parcels larger than the allowed parcel in that district will be changed to a higher rate because of the potential for more buildings on their property. Some of these homes are owned by older residents who have been living on fixed income for well over 20 years.

The extra \$100 a month or more is just not affordable for the folks to remain in their homes.

Now wastewater has the added burden of taking affordable housing into consideration. And as I said before, affordable housing should not be on the wastewater plate. Simply because Silo Ridge chooses to satisfy the affordable housing component of building 36 units or ten percent of their unit buildout as required in the Comprehensive Plan adopted in July -- on July 19th, 2007. And we did not receive Mr. Soyka's calculations of that, so I have no comment on those figures.

The Wastewater Committee also has another burden. The time frame with which to comply with the deadline issued by Environmental Facilities Corporation, or EFC, to be considered for the Clean Water State Revolving Fund is August 1st of this

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suggested that if the wastewater offer is not accepted, they will take wastewater capacity off the table and will instead do employee housing for the workers within the community. And at 34 or 36 units, how does this scenario benefit people who live here?

I think there's a simple solution to this dilemma. The Comprehensive Plan allows for the Planning Board to ask the Applicant to contribute to a dedicated Workforce Housing trust fund, set up by the Town board, that will actually benefit the working people who reside in this town: the firemen, highway personnel, waiters, shopkeepers, elderly and young people just starting out in life. I think the Applicant and the Planning Board, Town Board should agree on a dollar amount figure equal to wastewater treatment plant excess capacity to be placed in a housing trust fund in advance of issuing the

year, 2009. EFC is one of the agencies who will distribute the Obama stimulus package fund funding. Time is of the essence. The Wastewater Committee is discussing the possibility of submitting the cost figure of \$10.5 million to the public for referendum based upon garnering 50 percent funding from various agencies to get the cost down to \$5 million or so and putting a cap of \$720 per household per year or \$60 a month, including O&M, operating and maintenance.

This is a very risky approach. If we submit this proposal to a referendum, and it gets defeated, we can never get to the Silo Ridge wastewater treatment plant and never take advantage of the extra capacity, which they claim has the value to the Town of \$3.8 million.

So where does affordable housing fit in? The Applicant has

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special use permit. As insurance, if you will, should the proposed wastewater district be defeated in referendum and not receive grants or funding to be affordable to the people who live here, who already live here.

A letter dated April 28th, 2009, which I received from Roger Akeley, Commissioner of Dutchess County Planning and Development and Heather LaVarnway, Planner at that agency, cites the same argument. And I think the Board needs to keep in mind the people who live here and ensure that we can get an affordable wastewater system as well as housing for its residents. Thank you.

MS. JANET REAGON: My name is Janet Reagon. I live at 23 Benson Road, Wassaic, New York. I am a member of the Town Wastewater Committee, but I am speaking as a private citizen tonight.

The Wastewater Committee has

been working very hard to find a way to create an affordable sewer collection system that can advance the goal of the Comprehensive Plan to allow hamlet development while preserving open space.

Silo Ridge proposed that they would build their wastewater treatment plant with enough capacity to accommodate wastewater flow from the hamlet. They asserted that this would offset the zoning provision that requires construction of Workforce Housing, or a monetary donation to the Town in lieu of building Workforce Housing, or a significant contribution to the Town's infrastructure that advances the goal of providing Workforce Housing. The Planning Board has the authority to determine if a proposed contribution meets that goal.

It is my opinion that simply allowing the Town to use the wastewater treatment plant does not go

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effect of driving some long-time residents who have fixed or low incomes out of their homes.

4. One proposal for meeting the gap between what the residents of the hamlet can afford and the cost of the collection system is to seek New York State Environmental Facilities Corporation and U.S. Department of Agriculture Rural Development Funds for the project. However, the Town of Amenia is not yet on the EFC annual list, so while EFC has federal stimulus money to administer, Amenia is not currently eligible for any. It is possible to try to get on the list, but at a minimum the following steps must be either completed or well underway by August 1st, 2009 for Amenia to move to the annual list and thus be eligible for funds in the second year of the stimulus plan.

A) The Town board must approve the proposed map plan and

far enough toward making the sewer district operation affordable. Specifically, I have the following concerns:

1. The location of the proposed treatment plant necessitates either a larger pumping station or more pumping stations, adding significantly to the cost of the project.
2. If the benefit unit cost, that is the yearly cost per single residential household cannot be brought down to the 700 to 800 dollar range suggested by the Office of the State Comptroller, it is highly doubtful that the voters would approve such a district. How could Silo Ridge then meet the Workforce Housing component provision in the Zoning Law?
3. If the yearly cost cannot be brought down, and if the sewer system were actually implemented, it would then have the

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report for the Amenia hamlet sewer district.

B) SEQR on the collection system must be undertaken.

C) Notification to and approval of various state agencies, including perhaps Department of Transportation, DEC, Office of Parks, Recreation and Historic Preservation, etcetera.

D) Completion of an engineering plan, which is a separate thing from the map plan and report, to go with the application and of course;

E) Completion of the application.

We have been meeting with Fred Testa of EFC, and he has provided us with a great deal of information about how to proceed with this application. But time is of the essence. And the completion and acceptance of the map plan and report is dependent upon successfully

negotiating the memorandum of understanding among the developer, Dutchess County Water and Wastewater Authority and the Town of Amenia. So far as I know, that has not been completed, and I have not seen any move on the Town Board's part to implement SEQR or follow any of the other steps.

Absent a large infusion of money from state and federal sources, there seems little hope under the current proposal that the sewer system can be built.

I believe that the Planning Board has been relatively indulgent toward the developer during the approval process, and you left some of the hard issues for the site plan approval process.

I hope that you will uphold the new zoning law with respect to the prohibition against gated enclaves within the Town and the requirements

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At the last Planning Board meeting it was suggested and discussed that during site plan approval there would be triggers placed that would pertain to the actual building of structures on the project. For example, let's say that for every retail commercial building on the village green -- and I believe that's about five -- Silo Ridge would have the right to build twelve houses. Since there are 60 detached single-family houses, this would mean that Silo Ridge would build one retail building and then get to build say 12 single-family houses, if I understand this correctly. And then another retail and another twelve single families, until all five retail buildings are built, and then the final single-family houses would be completed.

If I remember correctly, many of whom are complaining of this

for Workforce Housing. Amenia has always been a community in which everyone, regardless of economic resources, could feel comfortable. And I hope that you will see that it remains so. Thank you.

CHAIRMAN FLOOD: Next.

MS. JEAN REBILLARD: Jean Rebillard, 464 Old Route 22.

I'm going to address the phasing. As you might have heard, there's been some misinterpretation and rumor spread for what the phasing changes for Silo Ridge really are. I was at the last Planning Board meeting when the Planning Board, town consultants and Silo Ridge, Michael Hayes, attorney, discussed the phasing changes. It seemed to be a very congenial and informative hearing, and all agreed that placing triggers in the site plan would at that time seem to be enough to mitigate any issues that should arise from the changes

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new phasing complained during the DEIS public hearing that if all the commercial retail were built at once, then would be empty buildings, and that would ruin the landscaping as it happened in Vegas, Colorado, Florida and elsewhere. For one thing, there is no speck building as I understand it in the project.

Another thing this new Phasing Plan brings to the table is it pushes the highest taxable units to the project. The single-family homes are going to be assessed higher than the condos, which is a good thing for the Town right now and for this economy. We have the new Town Hall, we have the impending new firehouse and so on. We need the tax collars and so does our school district.

As some of you know, there have been some emails flying around calling this new Phasing Plan a de facto outline of the legal cornerstone

of the project and calling for an amended DEIS. I think this is just another tactic to stall the project, and it couldn't be further away from the truth.

As a matter of fact, the core record is as follows: Section 2.3.1 of the DEIS talks about, quote, "basic framework for construction phasing being provided," and then goes on to say, quote, "due to the many variables that can affect construction, including weather, the proposed phasing is generalized and is subject to change as the project moves forward, depending on many factors, including market demand." Which you all discussed at that last meeting.

Finally, the Findings Statement speaks of proposed and planned phasing. As discussed, the proposed action was properly evaluated as one project under SEQR, and the developer is seeking special permit,

master development approval for one project. And I heard at the last meeting that they are seeking site plan approval for one project as well. So it wasn't being sought in phases. Therefore, they get approval on the first phase, make all the changes and never do the subsequent phases. You're getting to plan out the entire project with the triggers.

I believe that Silo Ridge's approach to a market-driven Phasing Plan reduces risk to the residents. The main purpose of Phase 1 is to give residents the public space that they are going to enjoy. In the end, these triggers during site plan, I believe, give the Planning Board more leeway, versus less, to deal with current economic conditions and the impact these conditions could have on the project. The triggers can be modified during site plan.

It seems like the Planning

Board, Mr. Hayes, and the Silo Ridge consultants had it right the first time at the last meeting. Shouldn't we put our support behind them, behind the taxpayers, behind the people who need jobs in Amenia and behind our school district. Thank you.

CHAIRMAN FLOOD: Thank you, Jean.

Bart, I see you roaming around back there.

MR. BART WU: I'm actually looking for the water fountain.

Good evening, Mr. Chairman, members of the Planning Board. My name is Bart Wu. I'm here on behalf of my mother and adjacent landowner of the property.

At the outset I would like to just recognize that this is a project that's had a, shall we say, an odyssey. This is obviously a multiyear project, and for the amount that you're being paid you should be

applauded for the efforts that you've done in monitoring and listening to the public and all parties concerned in connection with this. I must, however, ask your indulgence for a few more minutes as I try to address as well this project.

As was mentioned before, the phasing has had a somewhat long and fairly consistent process. In the original Draft Environmental Impact Statement it indicated that it was going to be in three phases, and it also reflected on the figure 5.8 that it was largely not going to be overlapping. While there is some overlap, by and large they were treated as independent phases to be handled on a consecutive not a concurrent basis.

The MDP that followed the DEIS also showed that it was going to be -- this was from April 2008, also showed that it was still going to be

in several phases. And excuse me for pulling out my glasses, but it's in very small type. What is shown, however -- and this is the Exhibit SP4 of the MDP from April 2008 -- it showed the three phases that it still showed consistently that there was going to be a Phase 1 that included various items, with an end Phase 1 and a beginning phase 2, followed by the construction of the various homes, followed by the end of phase 2 and the beginning of phase 3.

The Final EIS showed much the same. Notwithstanding the comment that was made a moment ago, that there was the exact order and time frame of each of the residential components would depend on market demand, the fact of the matter is it was still contemplated then that in years one through year three, phase 1 would include the golf course, sales office, water, wastewater treatment plant,

1 time after the conclusion in October
2 of the public comment, ample time for
3 the sponsor to have modified their
4 original submission to reflect what
5 evidently now is a need for
6 flexibility in light of economic
7 changes.

8 There is the appearance in 2
9 point type of the project phasing,
10 which for the first time shows that
11 the townhomes, characterized
12 incorrectly as cottages, on north of
13 DeLavernge Hill are contemplated to be
14 in phase 1. And that it is supposed
15 to go on largely a concurrent rather
16 than consecutive basis with the
17 development of many of the houses and
18 the hotel and the infrastructure.

19 As the Comprehensive Plan
20 and as this project has been
21 contemplated, it really suggests that
22 the townhomes north of 44 were
23 basically going to be the reward for
24 successful completion of the core TND.

infrastructure, restaurant, hotel, spa, etcetera. And that phase 3 would include principally block V or 5, that would be the Town homes on north of DeLavernge Hill.

The Findings Statement was consistent with that and indicated that there was going to be the contemplation of phasing and the reaffirmation that the goal of the TND was to create a pedestrian oriented environment which residents and those who work in the area can walk comfortably between different land uses that minimizes the use of automobiles.

In short, everything up to this point contemplated three distinct phases that were going to be done on a concurrent -- on a consecutive, not concurrent basis. Obviously, the MDP now, which was done in March, merely months after the Findings Statement was issued and really only a short

1 What the sponsor is proposing now is
2 to get their dessert first. Life
3 being uncertain, that's a nice idea
4 but that's inconsistent with both the
5 Comprehensive Plan and the project as
6 it has been displayed before the Board
7 and to the public to date.

8 The second aspect of this
9 that I would like to address is
10 aspects of the special permit process.
11 In their Findings Statement and in the
12 documents it clearly reflects that
13 they were going to need a special
14 permit in connection not only with
15 height issues but also in connection
16 with the hundred foot buffer zones.
17 Subsequent to your Findings Statement,
18 subsequent to the Final Environmental
19 Impact Statement, they have modified
20 significantly the area between what's
21 characterized as a winery, otherwise
22 known as a bar, and the townhomes,
23 otherwise known as cottages, by adding
24 an access road, apparently gated at

some point, that will connect within the 100-foot buffer zone between the adjacent property owner and connect from the Route 44 down to the homes. This part of it I would like to address for a moment insofar as the special permit component.

Under 121-63 of the Amenia Zoning Law, as was mentioned in the recitation at the beginning of this meeting, there is a requirement in granting or denying special permits that the Board must find that, among other things, such use does not interfere with or diminish the value of adjoining property. Let me divide this into two brief parts.

One is it's now proposed that there is going to be a 24-space parking lot near the Miller's house. And I would ask you whether a 24-space parking lot adjacent your property would constitute a diminution in the value of your property? If the answer

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special use permit in connection with that, or in the alternative asking that they revise their plans either to place the road back in its original design.

If in your infinite wisdom you elect that you must approve it on all bases, I would ask on behalf of my mother, whose property does overlook that area, which is now going to be covered by roads, restaurants, nineteen homes, etcetera, that insofar as the plantings are concerned, that as a restriction that this Board impose that trees will not be planted that have the ability to grow in excess of 20 feet tall; that dumpsters are not going to be placed contiguous to her property line or within the 150 feet of that line; that apparently they are going to have their own police force on this property, and you have already indicated that they have the ability to forcibly remove

is yes, as I would suggest without inquiry, then the same answer would apply here; that it would in fact constitute a diminution in the economic value of the adjoining or adjacent property, and therefore, would be a basis for its denial.

The second part of that was in connection with the road I just alluded to, which is a revision from the original concept. As it was originally designed this road was supposed to go around the winery/bar/restaurant and then access down to the houses. Now it is proposed that it is going to go where the existing driveway is for the Miller property and continue behind there, right next to my mother's property, clearly within the 100-foot buffer zone and questionably of economic value. Accordingly, for those reasons, I would ask that you consider denying the application for a

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trespassers. I would like to add to that that there won't be hunting behind the house within the 500-foot zone, which is restricted by the ECL. But I'm asking that that be equally applied to the property as a whole. That the construction debris, other than for temporary periods, not exceeding three days, not be placed within that 100-foot property line. That the lighting that's contemplated for this property not being on polls that are going to be more than ten feet tall and the lights for signage or otherwise is not going to be aimed towards her property so that she or any part of that property is going to be faced with basically a blanket of light.

Excuse me for asking for Christmas in April, but there are three others. One is that there won't be any construction of any facilities, storage tanks, equipment below her

property to the creek bed. That there won't be any construction work on weekends or holidays, even though that was contemplated by their Final Environmental Impact Statement. That there will be no security cameras, if any, that are going to be aimed so it covers her property. And that if there's going to be blasting that's necessary for the 30-degree slopes that they are also asking as part of the special use permit, that she be given at least a day's notice so when she finds out at her age, which I won't tell you, she won't be jumping up and down to the beat of the blast. Thank you very much.

CHAIRMAN FLOOD: Thanks, Bart.

Next. Hi, Mark.

MR. MARK DOYLE: Good evening. Mark Doyle, 320 South Amenia Road, Wassaic.

I'm going to ask your

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the offer to build the sewer capacity that would be envisaged to help the Town. This was after the negative vote on the Allen Sand and Gravel property, which would have been an alternative location at a lower elevation to the Town.

Consequently, the Resort Development Overlay was conceived as part of the zoning law and written in such a way as to prescribe the standards that would both mold the project design and provide a balance between private landowner opportunity and the protection of community interests. So the key to doing this was really to describe in enough detail that the Applicant would not produce a plan that then required major review; that it was a good guideline for their planning and design process. So major factors in the zoning law were of course the ridgeline, the scenic corridor and the

indulgence too in a little history. Because Silo Ridge came into -- was a concept in town at the same time as the CPIC committee was working. And CPIC was in favor of this concept for three main reasons. Probably the biggest reason was economic development. The focus on tourism was the type of economic development, as opposed to let's say strip malls, that we thought would be appropriate in Amenia and made good use of the natural resources in town. Also importantly, that there was an opportunity to permanently protect a significant amount of the natural resources on that property, a critical property in the Town, the steep slopes, the ridgeline, the famous views, and open space mostly in the form of the golf course. As opposed to some future possibility of having a standard housing development sprawling all over it. And then thirdly, was

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viewshed protection, with a focus on the views to and from DeLavernge Hill, the protection of 80 percent of the land, of the acreage of all the parcels in permanent easement form, and the compact development. And for the purposes of the compact development, the standards of a Traditional Neighborhood Design were utilized.

This was after the fact that Silo Ridge, the Applicant, had produced a diagram that basically encircled the lower part of the property, encircled the golf course. And so between CPIC and the planning consultants, GreenPlan, there was an effort to introduce this idea of a Traditional Neighborhood Design for essentially a more sustainable development that used less of the natural resources, that created more of a human environment. So overall the idea was then to inform the design

process so that the Applicant would be less likely to spend great sums on a project that would then need considerable redesign, which would then require more great sums to be spent and so on and so on, with the obvious reticence on the Applicant's behalf to go on and spend more money. So that's the reason for having clear language in the zoning.

Now, there was one other factor, and that was normally open space would constitute natural open space or farmed land, so it would be farmed land, forestry or natural space. Allowance was made especially for this. And we have to bear in mind -- and I haven't really made a point of this, that this is zoning for the whole town, not just for Silo Ridge; it is zoning that applies to anybody who would fit the criteria of the Resort Development Overlay. So in this case, it is an advantage to Silo

Ridge, because not everybody is going to come to the Planning Board with a Resort Development Overlay scheme that includes a golf course. So in this case they had the advantage of including that land in the 80 percent set-aside for open space.

Now, through the process of the DEIS and SEQR -- and I have made comments on this before, we are looking at a design which includes houses in the scenic protection area. I'm speaking of the vineyard cottages. We are looking at a large number of height waivers. We are looking at a sprawling housing development along the base of the mountain. And the real possibility that the village green, the walkable community-oriented area, will never be built as per this request to change the phasing.

Now, I have also heard the Planning Board's design or plans for triggers and am quite intrigued by the

1 spread of my e-mail. It is an
2 interesting factor in the Town of
3 Amenia. But I nevertheless feel that
4 the logic of -- Jeannie Rebillard
5 repeated my words --

6 CHAIRMAN FLOOD: I have no
7 idea.

8 MR. DOYLE: Never mind. But
9 here is the problem. Mathematically,
10 the logic of the triggers works well
11 and would seem to guaranty it. But I
12 think in practice you're going to have
13 -- if this all comes to be, a brand
14 new large and very expensive hotel,
15 and it is going to be very, very
16 difficult -- and I think you guys have
17 pointed it out -- for the owners,
18 operators, whoever they might be, to
19 go back in construction in close
20 proximity to that area. It is just a
21 matter of fact.

22 Now, even worse would be to
23 expand that construction process
24 through a series of triggers. I mean

1 at least they are going to want to --
2 at best scenario, they are going to
3 want to do it all at the same time,
4 because then when it is finished
5 people can come and enjoy the process.
6 Clearly there's a market risk to that.
7 But in a secondary consideration to
8 the market, at least this should be
9 done at one time, I mean at one -- at
10 a different time. If you get the
11 hotel built first, then there could
12 possibly be another time for building
13 this core. But it has to be
14 predicated on, as you say, on a
15 trigger that you do not go any
16 further. But to do this in a series
17 of small triggers I think just defies
18 the logic of the practical running of
19 this hotel.

20 So to review, I think that
21 we have -- I'm speaking in support of
22 the Planning Board to give you the
23 public -- my input in terms of the
24 public support for requiring the most

amount of performance from the Applicant, and therefore asking that you put these triggers in place or a trigger in place, so that we absolutely get our core area, and if we don't, that there isn't a sprawling housing development. Thank you very much.

CHAIRMAN FLOOD: Next. Brad.

MR. BRAD REBILLARD: Brad Rebillard from 464 Old Route 22, in Amenia.

I wrote something which I thought was quite well, but I just can't seem to read it tonight. There's a lot of comments I've been listening to and thinking about what if, what could be, what may be, what would not be.

What if Silo Ridge just pulled their application and said that's it, we are out of here. I see the mayor of Millerton back here, and

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that I wrote down, that I was going to read the whole thing. I mean I really support you guys and the work you do. You have done a wonderful job. I feel confident that you're protecting our interests in the Town of Amenia. All of us. I really believe that. I know you've had a lot of special interest groups come at you, or a special interest group come at you and give you a hard time or suggest what you should or should not do. But I think ultimately you have been looking out for us. That's how I really feel about it.

But still the idea of them just pulling their application, saying that's it, we are out of here. What would we lose? What would become of that site? What could become of that site in our own zoning laws that exists? Would it be like a house being built on Smithfield Road right now? How could you as a Planning

I'm sure he would love to have this project in his town. He's smiling. But that's the thought that was going through my mind.

By the way, I'm a member of the Wastewater Committee as well. I go to a lot of School Board meetings, I go to Town Board meetings, I go to Planning Board meetings, and I listen and I see who is there and who is not.

Our school district is in crisis right now financially. They are closing the Amenia building, proposed closing the Millerton building. Our taxes are certainly going up. Many concerns there.

The referendum for the wastewater I think is a scary thing, in and of itself. No matter what we do, people still have to vote on it, and they may decide they don't want it no matter how hard we work on that. That's a distinct possibility.

A couple of the comments

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Board -- I mean, what about the salamander, would that apply here? If someone just built a house with a lot of acreage, what would happen to that land? Would it go into a land conservation; would it go into agricultural easement? Would it come off the tax rolls? We have a lot of land off the tax rolls right now. Do we need more off the tax rolls?

Something I read a long time ago, the Silo Ridge project will infuse \$75 million of school tax dollars over the ten-year build, according to the Dutchess County Economic Development Corporation. That's a big number. And I don't know the rest of the numbers that it would give to the Town and the County in these economic times. I think we need to consider that.

I have to think that you were thinking about the towns, thinking about the schools, thinking

about everybody who lives here and pays taxes is thinking about, what this Applicant does offer. And I know it's not the answer to be that simple about it, but I think we need to consider that. Thank you.

CHAIRMAN FLOOD: Thank you, Brad.

Next. No one else? All right.

MS. ARLENE IULIANO: Arlene Iuliano, 5103 Route 22. I haven't heard anybody up here on Route 22, and only one on Route 44.

You've had some -- a lot of great presentations here. I have not come to all your meetings. I have written and submitted material for the DEIS. I think it was the DEIS or one of those. You've worked long and hard, it's true. My thoughts tonight are going to be brief.

I said in my written document to you that it is too big of

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furious. Those of us, the old timers so to speak, or the young timers that retired out and couldn't afford to stay here. It is not going to help them per se, you know, but what does this really do to the assessed valuation? I'm just responding to what somebody else mentioned.

I support Mr. Wu a hundred percent in what he said. I think he has some great concerns there, logically. I don't think that area -- and I think I said this in my written response -- that I do not think that that hairpin turn area, in this instance the property that the winery wants to be put on, should even be developed. It should be left open. It's a dangerous curve there. I don't know how DOT is even allowing an access road in there with like 24 parking? I don't know how many of you travel that road very frequently. There are probably some people here

an operation. It's all predicated, from what I can hear and what I've heard in the past, on all these millions of dollars that's all going to come into this town. The only way I understand it's going to come in here is if everything gets sold, bought and whatever. I mean, we love to talk in millions and billions of dollars these days, but it's only there on your hand, if it's there in your hand. If all this stuff gets sold like you all think, good. Maybe.

I was -- somebody said something about the assessed valuation. You have these very high-priced units that you may sell. What does that do to all of us? This town? Is it not just the people that think this is how assessed valuation is doing, your neighbor, your neighborhood or what if you. What is the neighborhood? It's true people are leaving this town fast and

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that do. But that is quite a spot to allow, in my opinion, my humble opinion, with all due respect, to have that kind of ingress and egress in that particular area. So I really think that area needs to be thought out.

Again, you've had some great speakers here tonight that's given you some great input. The only one I might differ with a little bit is Brad. But on the other hand, you've really have done a good job. But I hope you keep on doing a good job and just keep on in your head what this really all means to this town and how much we really can take on. Okay, thank you.

CHAIRMAN FLOOD: Thank you.

MS. EVELYN O'CONNELL: Evelyn O'Connell, Amenia, Depot Hill.

I don't know a lot about all the legal stuff here, but I know Silo Ridge has been working on this project

for six years. They have tried to work with you people, and I think you've had a really good working relationship. You're trying to work out all the problems. I don't see why this project doesn't go forward. I can't understand why all these problems are coming up now, at the very last minute. It's unbelievable.

This is an opportunity of a lifetime for Amenia. We have no more -- there's no industry here. The state school is downsizing. What's going to happen to our town? I don't understand why you people don't see what the opportunity is for this project.

Amenia is going to die. It's almost dead now. And they are working with you. They changed so many things; you know they have. They've tried and tried and tried. And I think the people in this town that are trying to fight them, I'm

1 by affected property owners. If that
2 were to happen, the Applicant will
3 have provided an oversized wastewater
4 treatment plant and the hamlet cannot
5 utilize -- which the hamlet cannot
6 utilize, and the Town would receive
7 neither its needed sewer
8 infrastructure nor its needed
9 Workforce Housing.

10 I just wonder, since this is
11 such an important issue, the
12 affordable housing -- it's so needed
13 in Amenia, that where would the Town
14 be legally if that were to happen,
15 that we wind up not being able to hook
16 up to that wastewater system and then
17 no affordable housing has been built
18 and the Town has lost out a hundred
19 percent. To me I think there would be
20 grounds here for a class action suit
21 by the people in the Town of Amenia
22 that they have lost everything. So I
23 just think that this is something that
24 the Planning Board needs to take into

sorry, but I think they have their own agenda. Thank you.

(Applause.)

CHAIRMAN FLOOD: Thank you.
Next, Betty.

MS. BETTY ROONEY: Betty
Rooney, 17 Lango Road, Amenia.

I was chairman of the
Affordable Housing Committee for five
years. And there is a question that I
would have for the attorney in regards
to the letter that the Dutchess County
Planning Board sent on April 28th.
They say in that letter that the draft
minutes from the April 13th, 2009
meeting of the Wastewater Committee
indicated that the cost per benefit
unit is expected to be \$1,239. It is
our experience from elsewhere in the
county that this figure is so high
that it would likely result in a
defeat of the sewer district formation

1 consideration, that there is a legal
2 liability here as well. Is that true?
3 MR. HAYES: I don't think
4 that it is. No, I think the legal
5 liability, so to speak, here is if
6 someone ultimately disagrees with the
7 way that the Planning Board decides to
8 resolve that issue, the Planning Board
9 decision itself might be subject to an
10 Article 78 review. But if the
11 Planning Board makes its best efforts
12 to make the right decision here, and
13 three, five, ten years down the line
14 somebody feels that it didn't work out
15 the way that everyone had hoped, I
16 don't think that there's any legal
17 liability to the Town.

18 MS. ROONEY: Even though the
19 Dutchess County Planning Board has
20 advised -- made these recommendations?

21 MR. HAYES: Right.

22 MS. ROONEY: Even though
23 they have, and if the Town goes
24 against that?

MR. HAYES: I still don't think it creates any legal liability in the sense that you're talking about.

MS. ROONEY: Okay, it does say that for the those reasons that are stated we recommend the Board not grant the requested special use permit until the following condition has been met: The Town conducts an independent review and analysis of the costs associated with the proposed sewer infrastructure substitution as well as the costs associated with the Applicant providing the required Workforce Housing in order to ensure that a substitution granted by the Town resulted in a realization of either a sewer system in the hamlet of Amenia or the expansion of the available Workforce Housing stock, either through direct provision or contribution to a town housing fund.

I think that should

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you.

CHAIRMAN FLOOD: Thank you, Betty. Next? Bill.

MR. BILL CARROLL: Good evening. Bill Carroll, 90 Lake Amenia Road, Amenia, New York.

I heard a lot about the wastewater by a lot of people. And I happen to be on the Wastewater Committee. It's just my opinion that I don't believe the wastewater is going to fly anyway in the Town of Amenia. The cost to an individual is about \$1293. And if you go into some of these businesses that we have in the Town, it's somewhere around, for one customer, \$40,000 a year. I don't think that customer is going to pay that.

My advice would be to the Town Planning Board and to possibly Silo Ridge would be to scrap the wastewater, go with affordable housing. And the fire company needs a

certainly be looked at very carefully.

And the other thing that I would like to say about the change in the plans for the building and put the cottages up on DeLavernge Hill. That it would seem to me that that's a risky move. There was just something in Hyde Park, it was in the Poughkeepsie paper not long ago, about Hyde Park had a big building thing on their books out there. That the builders themselves pulled off and said they didn't think they could sell them. So if those cottages are built up on the hill and the restaurant, and then nothing else happens ever, we are stuck with a beautiful view that's been ruined, and nothing else to go with it. So I would be against allowing that to happen.

I think that the original plans of the sequence and the building that was originally voted on and approved should be held to. Thank

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building to be built; perhaps Silo Ridge could give a substantial contribution to the fire company. That's just my opinion. But I know we've looked and wanted wastewater here for a long time, but with the numbers that we have it's not going to fly. Thank you.

CHAIRMAN FLOOD: Next. Laurence Levin.

MS. LAURENCE LEVIN: Hi, my name is Laurence Levin, 189 Amenia Union Road.

My special interests, as some people were talking about, special interests is that this project conforms to the letter and spirit of the Comprehensive Plan. And in my opinion some of the waivers that the developer is requesting does not meet that. I think that in fact they are circumventing the zoning law by requesting specifically the height waivers. So I would -- I think that

they should or I think there are 16 of them, and I think that they are unnecessary. That the developer has never proven that it is they are financially -- they are necessary for whatever financial reasons of theirs, but that does not mean that the Town should accept them, except perhaps maybe for the hotel, they need a tower to show that their hotel is there.

As for some of the other issues that have been discussed that Mr. Hayes has pointed out, I think the Phasing Plan, the change in Phasing Plan is very problematic. Not that -- I think of course the idea of a trigger is -- should work if it's properly thought out. However, having the vineyard cottages, the so-called vineyard cottages built in the first phase, where I think it was the most objectionable of all the buildings -- of all the aspects of the project, I think is very problematic.

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means of making this project -- this part of the project a reality for the Town. It means so much to this town to have this -- to be able to hook up to a wastewater treatment plant.

I think that's all I have to say. Thank you.

CHAIRMAN FLOOD: Thank you. Next?

AUDIENCE MEMBER: Excuse me, I think I'm going to speak.

CHAIRMAN FLOOD: Okay.

MS. SCOTT: I'm Layelle Scott. I live on Smithfield Road and I've not been here before, and I really am very pleased to see everybody here. And I think you're doing a good job, a tough job. I know that.

So I have heard all these comments. I think they are very well thought out, and I think a lot of people have put serious time into this. I think your attorney has done

There are many -- I think many people who objected to the building on that side of the road for many reasons, specifically for the viewshed. And for them to put it in the first phase I think is completely unacceptable. But I am sure that you will be able to work out some sort of arrangement, trigger arrangement for the individual houses to be built prior to or alongside the core.

And as for the wastewater treatment plant, obviously I'm sure you're taking very seriously the letter from the Dutchess County Planning Board. I think we all understand the seriousness of it. I have no comment obviously. Darlene and Janet and some of the other people on the Board have ideas of how this might be worked out; however, I would ask that the Silo Ridge -- I would hope that Silo Ridge would be able to come to the table again and offer some

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a very good job, and I think a lot of other people from this community have.

The one voice I haven't heard from is that of the limited liability corporation, and I know they have spoken here before -- they have to have had. However, new people come, like me, and they have no idea what their position is. I think they could be a presentation by you perhaps, or whoever, about what their position is.

I think what I keep hearing is people saying what happens if this limited liability corporation fails? They take their hits, but they are very limited. What happens to this town? I think that's a thing I haven't heard. Thank you.

CHAIRMAN FLOOD: Thank you. Next?

MR. WU: Just a point of order.

Mr. Chairman, I didn't hear

what your resolution was in connection with two points. 1) is whether you are closing the meeting tonight, and 2) is whether you will be accepting written comments and for what period of time. Are you in a position to be able to address those now?

CHAIRMAN FLOOD: Sure, we will be shortly.

MR. WU: Thank you.