

**TOWN OF AMENIA PLANNING BOARD  
AMENDED AND RESTATED FINDINGS STATEMENT**

**For the Silo Ridge Field Club  
State Environmental Quality Review Act (SEQRA)**

**6 NYCRR Part 617.11**

**Adopted \_\_\_\_\_, 2015**

This Amended and Restated Findings Statement (“Amended Findings Statement”) is (i) issued pursuant to Article 8 of the New York Environmental Conservation Law - the State Environmental Quality Review Act (SEQRA), and its implementing regulations at 6 N.Y.C.R.R. Part 617, and (ii) amends and restates the January 8, 2009 Findings Statement (the “Original Findings Statement”) adopted by the Town of Amenia Planning Board (the “Planning Board”), as Lead Agency, in connection with the Silo Ridge Resort Community, now known as Silo Ridge Field Club. The Planning Board makes the following findings:

**Name of Action:** Silo Ridge Field Club (the “Modified Project,” or “Silo Ridge,” or the “community”)

**Description of Action:** Silo Ridge Ventures, LLC, (the “Applicant”) has applied to the Town of Amenia Planning Board (the “Planning Board”) for, among other things:

- (i) Amended special use permit/master development plan approval pursuant to Section 121-18(C)(3) of the Town of Amenia Zoning Law (Chapter 121 of the Town of Amenia Town Code) (the “Zoning Law”), for the June 2015 Amended Master Development Plan (the “Amended MDP”) for the Modified Project;
- (ii) Special use permit approvals for the wastewater treatment plant (“WWTP”) Golf Maintenance Facility and golf course improvements to be located in the Office/Commercial/Industry Mixed-Use District (“OC District”) on a portion of the adjoining property owned by Harlem Valley Landfill Corp. (the “HVLC Property”) (identified as Parcel Number 7066-00-870350 on the Town of Amenia Tax Map)<sup>1</sup>, pursuant to Section 121-10(B)C) of the Zoning Law and Attachment 1 (Use Table) of the Zoning Law;
- (iii) Site plan approval for the first phase of the Modified Project including the WWTP, Golf Maintenance Facility and golf course improvements to be located on the HVLC Property (“Phase 1”);
- (iv) Preliminary and final subdivision approvals, and lot line adjustments to incorporate three sections totaling 6.4± acres of the adjoining HVLC Property, pursuant to Chapter 105 of the Town of Amenia Town Code (the “Subdivision Law”);

<sup>1</sup> As shown on Exhibit 1, the HVLC Property is comprised of 3 parcels: “Parcel 1,” immediately south of the main portion of the project site, on which the Modified Project improvements and access road will be located, “Parcel 2,” and “Parcel 3.”<sup>2</sup> The October 8, 2009 final master development plan was a further refinement of the Traditional Neighborhood Alternative described in Section I.D of the Original Findings.

- (v) Special use permit approval for storage at the Golf Maintenance Facility of more than 500 pounds of fertilizers and pesticides/herbicides pursuant to Zoning Law Section 121-15(E)(l); and
- (vi) Certain waivers and supplementary approvals under the Zoning Law and Subdivision Law (collectively the “Applications”).

The 685± acre Silo Ridge Field Club site (the “project site,” or “site”) consists of (i) the 670± acre site of the former Silo Ridge Country Club; (ii) three sections totaling 6.4± acres of the adjoining HVLC Property, which will be incorporated by lot line adjustments; and (iii) an 8.6± acre easement area on the adjoining HVLC Property. The project site is located west of NYS Route 22, and north and south of US Route 44, in the Town of Amenia, Dutchess County, New York, and is identified as Parcel Numbers 7066-00-732810, 7066-00-860725, 7066-00-742300, 7066-00-670717, 7067-00-709177, 7066-00-628131, and part of 7066-00-8870350, on the Town of Amenia Tax Map. The 670± acre main portion of the project site is currently developed with a 170± acre 18-hole championship golf course, maintenance building and clubhouse. The development area will consist of an approximately 299± acre portion of the project site.

The Modified Project addressed in the Amended MDP and this Amended Findings Statement consists of the following principal components: 224 residence units consisting of 52 condominiums, 13 fee simple town homes, and 159 fee simple single-family homes; 16 hotel-condominium lodging units; a Clubhouse/Lodge (the “Clubhouse”), with 5 additional hotel-condominium lodging units, a restaurant, bar/lounge, and golf pro shop; a Family Activity Barn and lake pavilion; fitness spa; yoga center; golf academy; Sales Center and General Store; a Village Green; a “winery-themed” restaurant (the “Winery Restaurant”); an “Artisan’s Park Overlook” located on DeLaVergne Hill; on-site water supply and water treatment; and a wastewater treatment plant. The existing golf course will be upgraded and improved. The existing clubhouse has recently been demolished and rebuilt in approximately the same location. The existing maintenance building will be demolished.

Construction is proposed to occur in three principal phases. The first phase (known as “Phase Zero”) will be constructed in Years 1 and 2, and will include modification of the existing golf course including the driving range, and installation of related infrastructure. The second phase (known as “Phase I”) will be constructed during Years 2 to 6, and will include construction of the WWTP and conveyance system, the water supply and distribution system, and treatment facility, the Clubhouse, the Village Green neighborhood condominiums and townhomes, the Golf Villa neighborhood, the South Lawn neighborhood single-family homes, the Estate Homes neighborhood single-family homes, the Sales Center and General Store, the Artisan’s Park Overlook, amenity buildings, and related infrastructure. The third phase (known as “Phase II”) is planned for Years 6 to 8, and will include construction of the Vineyard Cottages, a pool and cabana for residents of the Vineyard Cottages, Winery Restaurant, and related infrastructure. A detailed phasing plan is contained in sheet SP-5 of the plans accompanying the Amended MDP text (the “Amended MDP Plans”).

The project site has areas of steeply sloped terrain, portions of which are slated for development. Approximately 46.1 acres of ponds, streams, and wetlands (of which 41.4± acres are federally regulated wetlands or waters, 26± acres are State regulated wetlands, and 1± acre is isolated and not regulated under either State or federal jurisdiction) were delineated on the project site. The

New York State Department of Environmental Conservation (“NYSDEC”) and the US Army Corps of Engineers (“ACOE”) have verified the wetland delineation. The western portion of the project site also contains additional vernal pools and wetlands.

The site will have two access points from NYS Route 22 (the existing entrance to the former Silo Ridge Country Club, and the existing entrance road from NYS Route 22 located on the adjoining HVLC Property (Parcel Number 7066-00-870350) and two access points from US Route 44. The proposed development will be served by on-site wells for community water supply system and a wastewater treatment plant.

The Applicant’s predecessor in interest, Higher Ground Country Club, LLC (the “Original Sponsor”) received special use permit/master development plan approval and related waivers from the Planning Board on June 25, 2009 (the “Original Approval”).

All of the waivers sought by the Applicant are expressly authorized by relevant provisions of the Zoning Law and Subdivision Law, and therefore do not constitute “variances.” The waivers and supplementary approvals are described in more detail in the memorandum to the Planning Board from DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, last revised July 7, 2015.

The Applicant also seeks permission to satisfy its obligations under the Town’s Workforce Housing Law by payment of a fee in lieu of workforce housing. A summary of the approvals that the Applicant requires from other agencies is contained in Section (1)(E) of this Amended Findings Statement.

The Planning Board’s written Conservation Findings Statement under Section 121-20A(4) of the Zoning Law is attached as Exhibit 2 to this Amended Findings Statement.

**Location:** West side of NYS Route 22 and North and South of US Route 44, Town of Amenia, Dutchess County, New York.

**Lead Agency:** Town of Amenia Planning Board  
Amenia Town Hall  
4988 Route 22  
Amenia, New York 12501  
Contact Person: Norm Fontaine, Chairman  
Phone: 845.373.8860 x. 105

**Agency Jurisdiction:** The Town of Amenia Planning Board, as Lead Agency, has been authorized to issue amended special use permit/master development plan approval, site plan approval, and subdivision plat approval in accordance with the following State and local laws, among others: Sections 274-a, 274-b, and 276 of New York State Town Law; Sections 121-12.1, 121-14, 121-14.1, 121-18, 121-32, 121-33, 121-34, 121-35, 121-36, 121-40, 121-42, and Article IX of the Town of Amenia Zoning Law, contained in Chapter 121 of the Town of Amenia Town Code; and by the Town of Amenia Subdivision Law contained in Chapter 105 of the Town of Amenia Town Code.

**SEQR Classification:** Type I

**Date Final EIS Filed:** September 24, 2008

**Date Original Findings Adopted:** January 8, 2009

**Date Amended Findings Adopted:** July \_\_\_, 2015

## **I. INTRODUCTION**

### **A. THE MODIFIED PROJECT**

In accordance with the Original Approval, the Original Sponsor submitted to the Planning Board a revised, final Master Development Plan dated October 8, 2009.<sup>2</sup> The Applicant, as successor to the Original Sponsor, has proposed modifications to the previously approved development program and Master Development Plan (the “Original Project”). The Modified Project now proposed by the Applicant consists of the following principal components: 224 residences consisting of 52 condominiums, 13 fee simple town homes, and 159 fee simple single-family homes; 16 hotel-condominium lodging units; the Clubhouse, with an additional 5 hotel-condominium lodging units, a restaurant, bar/lounge, and golf pro shop; a Family Activity Barn and lake pavilion; fitness spa; golf academy; Sales Center and General Store; a Village Green; a Winery Restaurant; an Artisan’s Park Overlook located on DeLaVergne Hill; water supply and distribution system, and water treatment facility; and a sewer system and WWTP.

Pursuant to site plan waivers granted by the Planning Board for work within the SPO District, golf holes 10, 11, 16, 17 and 18 have been re-graded and partially renovated and are considered “existing conditions” for purposes of the Applications and this Amended Findings Statement.

### **B. PROCEDURAL HISTORY AND SEQRA REVIEW**

On September 1, 2005, the Planning Board was designated SEQRA lead agency for the site-specific environmental review of the master development plan for the Silo Ridge Resort Community. Based upon the criteria for determining significance contained in 6 NYCRR §617.7(c), the Planning Board determined that a Draft Environmental Impact Statement (“DEIS”) was required, and issued a Positive Declaration on September 15, 2005. The Planning Board caused the Positive Declaration to be circulated and filed as required by SEQRA; and caused notice of the Positive Declaration to be published as required by SEQRA.

A public scoping session was held on October 6, 2005, at which time the public was given the opportunity to comment on the proposed contents of the DEIS. Written scoping comments were also accepted from the public through October 17, 2005. A Final Scoping Document was

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<sup>2</sup> The October 8, 2009 final master development plan was a further refinement of the Traditional Neighborhood Alternative described in Section I.D of the Original Findings.

adopted by the Planning Board on November 17, 2005 (see Appendix 9.1 of the DEIS) that outlined the potential significant impacts to be analyzed in the DEIS. Upon adoption of the Final Scoping Document, the Original Sponsor embarked on the preparation of the DEIS and commissioned the following plans, reports, and studies, including, but not limited to: Engineering Plan Set, Preliminary Stormwater Pollution Prevention Plan, Cultural Resources Survey, Visual Analysis, Traffic Impact Study, Wetland Delineation Report, Habitat Assessment Report, Wastewater Report, Water Report, and a Fiscal Impact Analysis.

On September 7, 2006, the Original Sponsor submitted a proposed DEIS to the Planning Board, and requested a determination that the proposed DEIS was adequate for public review. On November 2, 2006, the Planning Board determined that the proposed DEIS was inadequate for public review, and directed the Original Sponsor to prepare and submit a revised proposed DEIS.

On December 18, 2006, the Original Sponsor submitted a revised proposed DEIS to the Planning Board, and requested a determination that the revised proposed DEIS was adequate for public review.

On February 22, 2007, the Original Sponsor advised the Planning Board that it would be submitting a substantially revised proposed DEIS to reflect changes that the Original Sponsor was making to the proposed development, and requested that the Planning Board defer its adequacy determination pending submission of the anticipated revised proposed DEIS.

By resolution dated June 7, 2007, the Planning Board amended Sections 3.3, "Vegetation," and 3.4, "Wildlife," of the Final Scoping Document, whereby the requirement for a "biodiversity assessment according to Hudsonia guidelines" was changed to a "biodiversity assessment according to the guidelines established by the Planning Board's consultant, Dr. Michael W. Klemens, PhD."

On June 21, 2007, Original Sponsor submitted a proposed revised DEIS to the Planning Board, and requested a determination that the revised proposed DEIS was adequate for public review. The Planning Board determined that the proposed DEIS was inadequate for public review, and directed the Original Sponsor to prepare and submit a revised proposed DEIS.

On September 19, 2007, the Original Sponsor submitted a proposed revised DEIS to the Planning Board, and requested a determination that the revised proposed DEIS was adequate for public review.

On October 4, 2007, the Planning Board concluded that the DEIS was sufficiently complete for purposes of commencing public review, and formally accepted the DEIS for that purpose. The Planning Board caused the DEIS to be circulated and filed as required by SEQRA; caused the DEIS to be posted to a website linked to the Town's official website; scheduled a public hearing on the DEIS for November 17, 2007, and directed that written comments would continue to be accepted for 20 days following the close of the public hearing; and caused a Notice of Completion and Notice of Public Hearing to be circulated and published as required by SEQRA.

The Planning Board opened the public hearing on November 17, 2007, and heard public comment on the DEIS, and elected to keep the public hearing open pending submission by the Original Sponsor of a preliminary master development plan for the purposes of SEQRA.

On February 7, 2007, the Planning Board accepted the preliminary master development plan for SEQRA purposes, and caused the preliminary master development plan to be circulated to all involved and interested agencies and to be made available to the public on or about February 13, 2008.

The public hearing was reconvened on March 5, 2008 for public comment on the DEIS and the preliminary master development plan. The Planning Board closed the public hearing that evening, but continued to accept written comments through March 25, 2008. Copies of the transcripts from the two public hearings and the written comments received on the DEIS are provided in the Final Environmental Impact Statement (“FEIS”) as Appendices A, B, and C, respectively.

On April 3, 2008, the Original Sponsor submitted a master development plan to the Planning Board in furtherance of its application for special use permit/master development plan approval, which is required under the regulations of the Resort Development Overlay District (“RDO District”). This master development plan included revisions that responded to comments and suggestions made by the public during the DEIS review period, as well as by the Planning Board and its consultants, and was a refinement of the Traditional Neighborhood Alternative evaluated in DEIS Section 5.2. The April 3, 2008 master development plan submission consisted of a letter in support of the application, a narrative describing the master development plan, a document entitled “Silo Ridge Resort Community Architectural and Landscape Character” prepared by Robert A. M. Stern Architects, LLP, and the full master development plan set consisting of 48 sheets.

On May 30, 2008, the Original Sponsor submitted a proposed FEIS for the Planning Board’s review and consideration. In response to comments received from the Planning Board and its consultants, the Original Sponsor submitted a revised proposed FEIS on July 22, 2008. In response to additional comments received from the Planning Board and its consultants, the Original Sponsor submitted a second revised proposed FEIS on August 25, 2008.

In response to additional comments received from the Planning Board and its consultants, the Original Sponsor made and filed additional responsive revisions to the August 25, 2008 version of the proposed FEIS. On September 16, 2008, the FEIS was accepted as complete by the Planning Board.

The Planning Board caused the FEIS to be circulated and filed as required by SEQRA; caused the FEIS to be posted to a website linked to the Town’s official website; and caused a Notice of Completion to be circulated and published as required by SEQRA. Based on the Planning Board’s determination that the minimum ten (10) day period for public consideration of the FEIS provided by Section 617.11 of the SEQRA regulations was not adequate, the Notice of Completion provided involved and interested agencies and members of the public with thirty (30) days to consider the FEIS and to submit written comments to the Planning Board. Written comments on the FEIS were accepted until October 24, 2008.

On January 9, 2009, the Planning Board adopted the Original Findings for the Silo Ridge Resort Community. The Planning Board granted special use permit/master development plan approval of the Original Project on June 25, 2009.

In June 2013, the Planning Board renewed the Original Approval until June 2015, pursuant to Section 121-62 of the Zoning Law.

The Applications were submitted by the Applicant to the Planning Board on October 7 and 17, 2013.

On November 8, 2013, and December 5, 2013, the Applicant received approvals from the Town Building Inspector/Code Enforcement Officer and Planning Board, respectively (including waiver of site plan approval for work in the Scenic Protection Overlay District of the Town) for improvements to holes 10, 11, 16, 17, 18, and the driving range, of the existing golf course.

On March 25, 2014, the Planning Board circulated a full Environmental Assessment Form to all involved agencies. On May 15, 2014, the Planning Board designated itself as Lead Agency under SEQRA for review of the Applications and the proposed Amended MDP for the Modified Project.

On May 15, 2014, the Planning Board granted a waiver of site plan approval for improvements in the Scenic Protection Overlay District ("SPO District") of the Town to golf course holes 1-9, 12, 13, 14, and 15.

On July 3, 2014 the Planning Board adopted a resolution requiring the Applicant to post financial security for reclamation of the approved golf course work in the amount of \$80,000 (cash), subject to certain conditions including the execution of a security agreement between the Town and the Applicant. The Town and the Applicant subsequently entered into a Security Agreement & License dated as of September 16, 2014.

On August 21, 2014, the Planning Board determined the Applications to be complete for purposes of public review.

On September 4, 2014, and September 18, 2014, the Planning Board held public hearings on the Applications.

On February 23, 2015, the Planning Board referred a full statement of the Applications to the Dutchess County Planning Department as required by NYS Town Law and Section 239-m of the NYS General Municipal Law. The Dutchess County Department of Planning issued a report dated March 23, 2015, which determines that the Applications are a matter of local concern, and provides comments supporting the Applications, as had been revised by the Applicant.

On April 8, 2015, the Planning Board determined the revised Applications to be complete for purposes of public review and scheduled a continuation of the public hearing for April 28, 2015. On April 9, 2015, the Applicant submitted a letter to the Planning Board requesting that the public hearing be rescheduled to May 5, 2015, to provide the Planning Board and the public additional time to review the revised Applications.

On May 5, 2015, the Planning Board held, and closed, public hearings on the revised Applications.

Pursuant to 6 N.Y.C.R.R. §617.11(a), on July \_\_, 2015, the Planning Board adopted this Amended Findings Statement for the Modified Project.

### C. SITE CHARACTERISTICS

The 685± acre project site is located west of NYS Route 22, and north and south of US Route 44, in the Town of Amenia in eastern Dutchess County, New York, approximately 25 miles east of Poughkeepsie, New York, and five miles west of Sharon, Connecticut. The site is approximately 0.5 mile southeast of the hamlet of Amenia and two miles north of the hamlet of Wassaic. It is accessible via US Route 44 from the west, via NYS Route 343 from the east, and via NYS Route 22 from the north and south. The Wassaic Metro-North train station, with Harlem-line service into New York City's Grand Central Station, is located approximately 0.5 -mile south of the site. The project site is designated as Rural Agricultural District, OC District and RDO District on the Town of Amenia Zoning Map.

The project site includes a 170± acre golf course (the course of the former Silo Ridge Country Club, which has been closed since 2009), 35± acres of natural streams and wetlands, 11± acres of constructed ponds, streams and wetlands, and 12± acres of roads, buildings, and other paved surfaces. The remaining 440± acres are primarily undeveloped land. The project site has varied topography, with elevations ranging from approximately 480 to 1,100 feet above mean sea level (msl). There are 395± acres of steep slopes on the site consisting of 208± acres in the 15% to 30% category and 187± acres in the 30% and greater category.

The characteristics of the land, moving from east to west, include large wetlands and water courses punctuated by steep, wooded, rocky hills. Continuing west, there is a relatively level but undulating plain interrupted by a few steep and wooded hills, and natural and manmade water bodies, crossed by water courses, mostly now piped, that emanate from the steep slopes further west. To the west of the golf course is the toe of a very steep continuous slope that rises approximately 420 feet in elevation. The land levels off at the ridgeline of this slope and begins to undulate to the west, where vernal pools are evident in the spring. Standing on the existing golf course and looking north, a tall grassland rises somewhat uniformly towards the hairpin turn on US Route 44. The land within the hairpin turn affords a scenic vantage point affording views of the valley and folding hills to the south; and across the hamlet of Amenia to the Berkshires in the east.

Vegetation on the project site consists largely of mowed grass associated with the golf course and forested land, particularly in the hillsides on the western portion of the site. Wetland vegetation is also found within and around the several onsite wetlands. The entire upland area of steep slopes and upper level land consists of approximately 230 acres of mature, second growth, un-fragmented forest.

On the extreme northeast portion of the site, just south of West Lake Amenia Road between NYS Route 22 and US Route 44, a cultural resource site containing historic/modern artifacts was identified during the Phase I cultural resources investigation for the Original Project.

Land uses in the vicinity of the project site are a mix of residential, agricultural, and commercial uses, public and community service uses, and undeveloped land. Land uses north of the site consist primarily of single-family residences and vacant land. The hamlet of Amenia lies

approximately 0.5 mile northeast of the project site. This small, relatively densely developed area is comprised of uses typical of a town or village center, encompassing a mix of residential, community and public service, and recreational lands.

A 100-foot wide easement granted to the New York State Electric & Gas Corporation traverses a small part of the project site and encompasses a total of approximately 4.75 acres. The easement crosses the northeastern-most corner of the site then crosses West Lake Amenia Road and US Route 44 and runs across the northern-most section of the parcels north of US Route 44. There is also a 66-foot wide abandoned roadway, identified on the site survey as “Former Turnpike Road,” that crosses a portion of the project site near the hairpin turn on US Route 44. The Applicant owns insured and unencumbered fee title to the land identified as “Former Turnpike Road.”

#### **D. Design Considerations**

The Modified Project is an evolution of the Original Project. The Modified Project is organized in the manner of a traditional village, with the Clubhouse/lodge and other resort functions, including a fitness center, set on the Village Green. The Amended MDP is slightly more compact than the previously approved Master Development Plan, which promotes walkability, and is sensitive to the visual character of the site. The neighborhoods and roads respond to the rolling topography and capture views across the golf course and down the valley. Pockets of density are proposed, which preserve open space. The architectural expression of the resort buildings recalls the Hudson Valley architecture of the early twentieth century using stone and timber in traditional forms, while the residential buildings reflect the character of Dutchess County’s towns and farmsteads.

The Modified Project program includes 21 hotel-condominium (lodging) units and a total of 224 residences, including detached single-family homes, attached townhomes, and condominiums, as described in Table 1 below, and shown on Amended MDP Plans SP2 “Overall Site Plan” and SP3 “Program Details”.

The Traditional Neighborhood Design (“TND”) approach set forth in Section 121-12.1 of the Zoning Law was utilized to plan the resort community and creates a pedestrian friendly environment by concentrating approximately 60% of the residential units and all lodging units within 0.25 mile radius of the Village Green core area, which facilitates and encourages comfortable pedestrian travel between the various resort community components and amenities. In addition to the residences and lodging units, the Village Green core area also includes the Clubhouse/lodge and pro-shop, fitness and spa, with below-grade parking. The Amended MDP also incorporates multi-family buildings and emphasizes the use of spaces such as greens and gardens to unify the development and foster interaction among people. These elements of the Modified Project design contribute to a sense of place and vitality, which are key elements of TND.

Additional residences are located a short walk southeast of the Village Green in the South Lawn neighborhood adjacent to the pond. These homes are located between the golf course to the west and the treed knolls and wetlands to the east. Detached Golf Villas are located west of the Clubhouse/lodge and 18th hole fairway, detached single family Estate Homes are located on a meandering “rural lane” along the western edge of the golf course, and detached Vineyard Cottages are located north of US Route 44 to the east of the Winery Restaurant and Artisan’s Park Overlook.

The Artisan’s Park Overlook will be a privately owned open space open to the public pursuant to a public access easement and will afford an opportunity for visitors to the region to enjoy the views from a safe location on DeLaVergne Hill. Silo Ridge will be marketed as a second-home club community of which the majority of residential unit owners are anticipated to be part-time residents, occupying their homes on weekends and for vacations.

The improved championship golf course is designed by Tom Fazio. As in the Original Project, the Applicant will seek Audubon International Silver Certification for the course, which will be an integral part of the community. A system of pedestrian walking paths and golf cart paths throughout the site will connect all major components of the development. The walking and golf cart paths will be separated from internal roads by planting strips and planting areas, and will follow the road alignment, except where deviation is appropriate to adjust to natural vegetation and topography. Street trees will be provided where appropriate to create shade and visual interest.

**E. Summary of Reduced Impacts of the Modified Project; Mitigation Measures**

Certain modifications to the development program which are proposed as part of the Modified Project effectively reduce potential impacts to the environment compared to the previously approved (October 8, 2009) Master Development Plan. The modifications are summarized in the table below.

<b>Table 1</b>		
<b>Modified Project</b>		
<b>Location</b>	<b>Issue / Resource</b>	<b>Modification</b>
Sitewide	Soils and Geology; Visual Resources	The overall density of development has been reduced by 114 residential units, and 279 hotel-condominium units; the number, size and height of the larger buildings in the Village Green area have been reduced and building height waivers are no longer required.
		Overall project grading and clearing disturbance has been reduced by approximately 7.4± acres. Disturbance to steep slopes 15% to 30% has been reduced by 11.5± acres (of which 7.2± acres is natural, forested steep slopes), and to steep slopes greater than 30%, has been reduced by 14.2± acres (of which 6.5± acres is natural, forested steep slopes).
Main Entrance	Access/Circulation; Visual Resources; Soils and Geology; Water Resources	The gate house at the main entrance will be more than 700 feet from the entrance to preserve the rural character of the main entrance.
		The main entrance will be enhanced by large specimen trees transplanted from within the site, which would otherwise be removed. This will be achieved by filling part of the NYSDOT right of

		<p>way for Route 22.</p> <p>“Pheasant Run” (road) was redesigned to further accommodate the existing topography and existing vegetation, thereby reducing grading and blasting impacts and associated tree removal.</p> <p>Golf hole #9 has been relocated between the Sales Center and the Village Green, further enhancing the natural backdrop of the area; no additional impervious surface is proposed.</p> <p>Seven (7) residential units were relocated from the South Lawn area to north of the Sales Center on “Eagles Pass” (road) and “Falcon Way” (road). This location is buffered by existing trees and topography.</p> <p>Grading within the floodplain has been reduced by 2.38 acres.</p>
Village Green Neighborhood	Soils and Geology; Water Resources; Vegetation; Visual Resources; Pedestrian Circulation; Parking; Open Space	<p>“Snowy Owl Court” (road) has been realigned to minimize disturbance to the tree line edge. Snowy Owl Court and “Peregrine Drive” (road) are designed using the Dutchess County Department of Planning and Development Hamlet Design Guidelines. The density of development in this area has been reduced by 79 residential units as well as a considerable decline in commercial uses. This density reduction allows for less impervious surface and grading and will allow for the preservation of trees that will provide visual buffers from off-site viewpoints. Roads have also been designed to use swales and grassed buffers instead of curbing.</p> <p>Underground parking has been reduced, thereby reducing grading impacts. Only the condominium units have underground parking. On-street convenience parking and covered “parking barns” are provided at the Village Green area, and valet services will be provided to manage parking. Shuttle service to/from the Wassauc Train station will be provided.</p> <p>The Village Green neighborhood is now a mix of higher density housing around the Village Green with single family residences radiating out in two clusters.</p>
Lodging units behind the	Soils and Geology; Open Space	Overall density of development has been reduced in this area. There are no proposed

Clubhouse/lodge		buildings on the north side of “Redtail Pass” (road) and the building footprint was shifted south reducing grading impacts. “Redtail Pass” has also been designed to follow the natural topography to further minimize grading impacts.
South Lawn Neighborhood	Soils and Geology; Water Resources; Vegetation; Visual Resources; Pedestrian Circulation; Parking; Open Space	The South Lawn neighborhood was reconfigured, reducing the density of development as well as building heights, thereby reducing potential visual impacts. Pervious parking located at the South Lawn can be utilized by valet staff for Clubhouse/lodge guests.
		No development is proposed south of the stream, maintaining the wetland buffer.
		The roads have been designed to more closely follow the existing topography while maintaining the wetland buffer.
		The south entrance was relocated to the existing entrance road from NYS Route 22 located on the HVLC Property, and will be used for emergency access, and access to the Golf Maintenance Facility and WWTP, and occasionally for resident egress. The access road, Golf Maintenance Facility and WWTP will be permitted by easement. The use of the existing south entrance reduces the grading and clearing adjacent to the NYSDEC Wetland AM-15 buffer and west of NYS Route 22.
Estate Homes Neighborhood	Soils and Geology; Water Resources; Open Space	“Redtail Pass” (road) has been redesigned to further accommodate the existing topography, rock outcrops and vegetation. The use of retaining walls mitigates grading impacts in certain areas, allowing for more existing tree areas to be retained, which will provide additional screening for the proposed improvements.
		The Estate Homes have been laid out in the field to best fit the existing topography and minimize natural, forested steep slope disturbance and clearing of existing vegetation. In accordance with the SPO District, all Estate Home Lots now have a delineated “allowable disturbance area” (“ADA”), and on certain lots, delineated “driveway envelopes” and “sewer envelopes,” which have been located on the

		<p>flattest areas of the existing slopes, thereby reducing the amount of grading and tree removal required for the construction of homes. Additional details are provided in the Design Standards for Estate Homes. Additionally the use of retaining walls mitigates grading impacts in certain areas, allowing for more existing tree areas to be retained, which will provide additional screening for the proposed improvements.</p> <p>While most other parts of the development decrease in unit count, the Estate Home area increases by 16 units. The redesign of this area, which uses more sensitive siting that takes advantage of the area's natural topography, along with Design Standards has allowed for a unit count increase in the Estate Home area.</p> <p>The relocation of the south entrance to the existing entrance road from NYS Route 22 on the HVLC Property provides a shorter, more direct emergency access road to the Estate Homes.</p> <p>The golf driving range has been relocated to the northwest corner of the site reducing the impact to steep slopes and existing vegetation along the existing western forested area of the site by bringing the Estate Homes further down the slope.</p>
Winery Restaurant; DeLaVergne Hill	Visual Resources	All existing trees along the US Route 44 hairpin turn will be cleared to open and maximize the views from DeLaVergne Hill and the Artisan's Park Overlook. Landscaping in this area will be limited to grasses and other low vegetation that will not block the public's view.
WWTP	Access/Circulation Soils and Geology; Visual Resources; Open Space	The WWTP has been relocated to the south to the Golf Maintenance Facility area on the HVLC Property in the OC District, thereby removing it from the SPO District "green buffer," reducing impacts to natural, forested steep slopes on the northern portion of the site, increasing the contiguous parcel of open space to be preserved through the conservation easement. The new location also provides safer vehicular access and moves it farther away from

		existing homes. Additional screening has been added within the SPO District “green buffer” along NYS Route 22. The screening includes a combination of berms and installation of native trees which minimizes potential visual impact from NYS Route 22.
Golf Maintenance Facility	Visual Resources	Additional screening has been added within the SPO District “green buffer” along NYS Route 22. The screening includes a combination of berms and installation of native trees which minimizes any potential visual impact from NYS Route 22.

The Modified Project also incorporates the following mitigation measures:

1. Habitat Management Plan

The Habitat Management Plan (“HMP”) for the entire site has been revised based on the Amended MDP. The HMP identifies species observed at the site and the capacity for habitats to meet each species’ requirements for breeding, foraging and refuge. The HMP identifies habitat types at the site and describes management activities to maintain or increase the level of ecological services provided by each habitat type. Sensitive habitats are delineated and a “Buffer Management Plan” is established to protect and enhance these habitats. The HMP includes management strategies for each buffer area subject to the Buffer Management Plan including planting, mowing, restriction of chemical applications, timeframes for implementation and a reporting requirement. The text of the HMP will be incorporated into the Natural Resource Management Plan (“NRMP”) for the site, prepared by Audubon International. Corresponding habitat and buffer management plans are Amended MDP Plans ENV-2 to ENV-6. The NRMP is discussed below.

It is also noted that the existing golf course will be improved to be an environmentally sensitive course, with increased buffers that will reduce the managed area of the golf course, including an increase in conservation buffers around natural wetlands from 83% to 99%. Significant portions of the existing golf course will be converted from mowed turf to more natural grassland areas, which increases the habitat quality of the golf course.

2. Natural Resource Management Plan

As with the Original Project, the Applicant has partnered with Audubon International (“AI”), an organization that focuses on sustainable golf course management, and AI prepared the NRMP for the site. The NRMP defines how the Modified Project will be constructed and managed so that natural resource protection and human use of the property will be integrated. The NRMP addresses wildlife conservation and habitat enhancement, water quality management and conservation, waste reduction and management, energy efficiency, and an Integrated Pest Management (“IPM”) plan. The management techniques within the IPM plan, combined with other Best Management Practices (“BMPs”) for resource protection, are an important part of the NRMP for the Modified Project. The IPM plan also includes monitoring for water quality parameters and

pesticides. In conjunction with the prevention and monitoring strategies outlined in the NRMP, these practices will help to minimize the Modified Project's potential impact to terrestrial and aquatic resources.

### 3. Low Impact Design

Several Low Impact Development ("LID") stormwater management practices will be implemented for the Modified Project. These measures will be designed and constructed with NYSDEC stormwater regulations used as a guide. The following are the specific LID practices:

- Using pervious materials on patios;
- Using pervious materials for the access road to the irrigation pump station and the emergency access road to the Sales Center (between parking area HOA 2 and the Sales Center parking area);
- Using pervious materials for a portion of the parking area near the Family Activity Barn and overflow parking at the Golf Maintenance Facility; and
- Using pervious materials at the Winery Restaurant parking, and draining that parking area through a buffer planting area.

### 4. Stormwater Pollution Prevention Plans

The Modified Project stormwater management plan, including erosion and sediment control, complies with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002; the New York State Stormwater Management Design Manual ("SMDM"), dated January 2015, and the New York Standards and Specifications for Erosion and Sediment Control, dated August 2005, as amended.

The Applicant has prepared two (2) separate Stormwater Pollution Prevention Plans (each a "SWPPP" and collectively, the "SWPPPs"): one for the "Silo Ridge Golf Course Golf Improvements," covering reconstruction of the entire golf course including the driving range, and the other for the entire Modified Project (including all golf course work) (the "Modified Project SWPPP"). Each SWPPP independently complies with the NYSDEC requirements and has been reviewed by the Town Engineer, other Town Consultants and the NYSDEC.

The SWPPPs also include a detailed erosion and sediment control ("E&SC") plan which also fulfill Town Code Chapter 32 "Erosion and Sediment Control." The E&SC plan identifies specific measures that will be implemented to protect adjacent aquatic resources. This includes a phasing plan for soil disturbance.

The Modified Project SWPPP: (i) is based on the potential development on the site of the maximum amount of impervious surface area that could be constructed under the Bulk Design Standards which are part of the Amended MDP (i.e., the impervious surface "worst case"); (ii) is designed to meet "East of Hudson Standards" to protect the NYS Threatened Hills Pond Weed by providing more stringent water quality management; and (iii) will, when implemented, ensure that potential downstream stormwater impacts of the Modified Project will be less than existing conditions for each storm frequency, up to and including the 100-year storm. Also in accordance

with the Subdivision Law, the stormwater conveyance system is designed to safely convey the 50-year storm.

Design calculations in the Modified Project SWPPP take credit for certain on-site green infrastructure practices approved by NYSDEC, such as conservation of natural areas and sheetflow to riparian buffer. The runoff reduction provided by these green infrastructure practices alone is more than the minimum runoff reduction volume (RRv) required for the Modified Project under the SMDM. Other green infrastructure practices are also being utilized in the Modified Project, including tree planting, vegetated swales, and porous pavement, but no credit is being taken for them in stormwater management design calculations.

Additionally, under the Design Standards for the Estate Homes (Appendix K of the Amended MDP), each home will be required to provide at least one of four green infrastructure practices, (in accordance with the SMDM Chapter 5, Table 5.7 or as amended, to the extent practical) which will further reduce runoff volume (and increase RRv).

The table below further illustrates reductions in impact, contrasting the master development plan addressed in the September, 2008 FEIS for the resort community, the previously approved Master Development Plan (October 8, 2009), and the proposed Amended MDP.

<b>Table 2</b>			
<b>Comparison: FEIS Master Development Plan, Previously Approved October 8, 2009 Master Development Plan, and Proposed Amended MDP*</b>			
<b>Feature</b>	<b>FEIS Master Development Plan</b>	<b>Previously Approved Master Development Plan</b>	<b>Proposed Amended MDP</b>
Total Site Acreage	670±	670±	684.9± <sup>1</sup>
Total # Homes	338	338	224
Single-family Detached	60	60	159
Townhomes/Condominiums	278	278	65
Total # Lodging (Hotel-Condominium) Units	300	300	21
Water Demand - Max. Daily (gallons per minute)	264	264	191 <sup>4</sup>
Wastewater Generation - Avg. Flow (gallon per day)	191,800	191,800	137,400 <sup>5</sup>
Length of Road (Linear Feet)	21,8000±	20,500±	25,000±
Open Space (acres/percent) (Conservation Easement area)	536 ac/80%	536 ac/80%	No less than 536 ac/80% <sup>2</sup>

Total Disturbed Area (acres/percent of site area)	246± ac/37%	282.9± ac/42%	275.5± ac/40.3% <sup>1</sup>
Disturbance to Land Not Previously Disturbed (acres)	-	113.5	100.4±
Steep Slope Disturbance (acres/percent of site area)	103± ac/15%	136± ac/20%	110.3± ac/16.1% <sup>1</sup>
TOTAL Disturbance to slopes 15% - 30% (acres)	83	101.5±	90.0±
Disturbance to naturally forested slopes 15% - 30% (acres)	-	57.8±	50.6±
Disturbance to previously altered (unforested) slopes 15% - 30% (acres)	-	43.7±	39.4±
TOTAL Disturbance to slopes > 30% (acres)	20	34.5± <sup>3</sup>	20.3±
Disturbance to naturally forested slopes > 30% (acres)	-	20.0±	13.5±
Disturbance to previously altered (unforested) slopes > 30% (acres)	-	14.5±	6.8±
Cut/Fill Totals (Cubic Yards)	950,000±	950,000±	950,000±
Impervious Area (acres/percent of site area)	37.5 ac/5.6%	33.9 ac/5.1%	42.1 ac/6.2% <sup>1</sup>
Disturbance to Natural Wetlands (acres)	0.05±	0.05±	0.00±
Reduction of Constructed Wetlands/Stormwater Management ("SWM") Practices (acres)	-	-	0.20±
Creation/Expansion of Constructed Wetlands/SWM Practices (acres)	-	-	3.42±
Water Quality Buffer Coverage - Natural Wetland Habitats	-	95%	99%
Water Quality Buffer Coverage - Constructed Wetland Habitats	-	68%	68%
Disturbance to floodplain (acres)	-	13.22 <sup>10</sup>	10.84 <sup>10</sup>
Total # of Height Waivers	16	16	0
Estimated Total Population (# people)	869	869	809 <sup>6</sup>
Estimated School Children (# students)	96	96	175 <sup>6,7</sup>
Traffic Generation (# trips):			
Weekday AM Peak Hour	442	442	110
Weekday PM Peak Hour	660	660	159
Sat Mid-Day Peak Hour	699	699	165
Sunday PM Peak Hour	637	637	161

Increase/Decrease Revenue to Town of Amenia	\$473,800 ± / \$517,450 ± <sup>8</sup>	\$473,800 ± / \$517,450 ± <sup>8</sup>	\$992,211 ± / \$1,022,748 ± <sup>8</sup>
Increase/Decrease Revenue to Webutuck Central School District	\$2,786,215 <sup>9</sup>	\$2,786,215 <sup>9</sup>	\$2,246,126 ± <sup>6,7,9</sup>
<sup>1</sup> Data is not provided for features for FEIS master development plan and approved Master Development Plan features not previously measured/calculated.			
<sup>1</sup> Includes the proposed 6.4± acre lot line adjustment areas and the 8.6 ± acre easement area on the HVLC Property. Calculations are based on the aggregate 684.9 acre site area.			
<sup>2</sup> Includes only the 669.9 acre main portion of the site in the RDO District (i.e., does not include the 6.4 ± acre lot line adjustment area or the 8.6 ± acre easement area on the HVLC Property).			
<sup>3</sup> Based on the approved October 8, 2009 Master Development Plan.			
<sup>4</sup> Refer to Appendix I of the Addendum to EAF for water calculations.			
<sup>5</sup> Refer to Appendix J of the Addendum to EAF for wastewater calculations.			
<sup>6</sup> The minimal decrease in total population and increase in school children, despite the decrease in residences, is due to the increase in the number of single family detached homes.			
<sup>7</sup> The Applicant is a venture between the owner of the project site, and Discovery Land Company of Scottsdale, Arizona. Less than 1% of residents of Discovery Land Company communities are full time residents. Modified Project school children are not expected to attend Webutuck Central School District - refer to Appendix K.2 of the Addendum to EAF for supporting documentation from Discovery Land Company.			
<sup>8</sup> Amount of municipal tax revenue varies based on methodology used to calculate assessed value of the hotel-condominium units. See Appendix H of the FEIS and Appendix K.1 of the Addendum to EAF for more information.			
<sup>9</sup> Amount of school tax revenue varies based on methodology used to calculate assessed value of the hotel-condominium lodging units and whether potential impacts to the amount of State Aid are included. See Appendix K.1 of the Addendum to EAF for more information.			
<sup>10</sup> Calculations include disturbance to floodplain outside the project site.			

As shown in Tables 1 and 2, the Modified Project will not create any new, potential significant adverse environmental impacts, or any potential significant adverse impacts not already addressed in the DEIS, FEIS and Original Findings for the resort community, and will actually reduce the overall environmental impacts compared to the previously approved Master Development Plan.

**F. DETAILED DEVELOPMENT DESCRIPTION**

The Applicant proposes to build 224 residences consisting of 52 condominiums, 13 fee simple townhomes, and 159 detached fee simple single-family homes; 16 hotel-condominium lodging units; the Clubhouse/lodge, with an additional 5 hotel-condominium lodging units, a restaurant, bar/lounge, and golf pro shop; a Family Activity Barn and lake pavilion; fitness spa; yoga center; golf academy; Sales Center and General Store; a Village Green; a Winery Restaurant; an Artisan’s Park Overlook located on DeLaVergne Hill; on-site water supply and water treatment; and a WWTP. The existing golf course will be upgraded and improved. A new Golf Maintenance Facility and the WWTP will be located on the adjoining HVLC Property pursuant to an easement in

favor of the Silo Ridge Field Club. The existing clubhouse has recently been demolished and will be rebuilt in approximately the same location. The Modified Project will have a total of approximately 1,000,000 square feet of building floor area.

The Modified Project concentrates approximately 60% of the proposed residential units and all lodging units (147 units total – 13 town homes, 52 condominiums, 61 single family homes, and 21 lodging units), within the Village Green core area, a 0.25 mile radius intended to create a pedestrian-friendly environment and facilitate and encourage comfortable pedestrian travel between the various resort components and amenities. In addition to the residential units and lodging units, this 0.25 mile area also includes the fitness spa, yoga center, dining facilities, General Store, below-ground parking, convenience on-street parking, the Clubhouse, and the Family Activity Barn. The Village Green area also incorporates multi-family buildings and emphasizes the use of greens and gardens to unify the development and foster interaction among people.

The Modified Project layout also includes a system of sidewalks, walking paths, and golf cart paths throughout the site to connect all major components of the development. The walking and golf cart paths will be separated from internal roads by planting strips and planting areas, and will follow the road alignment, except where deviation is appropriate to adjust to natural vegetation and topography. In certain areas, street trees will be provided to create shade and add visual interest to the landscape. The General Store and restaurants will provide for onsite entertainment and convenience.

#### 1. Residences

The residences of Silo Ridge Field Club are grouped into neighborhoods around views and open space that are designed considering the natural topography. The neighborhoods are organized around elements of Traditional Neighborhood Design (“TND”) principles and is a refinement of the Traditional Neighborhood Alternative studied in the DEIS and FEIS. Most of the development is compact and walkable, with about 60% of the residential units and all commercial uses concentrated in the immediate vicinity of the clubhouse/lodge and Village Green core area. Additional units are located outside Village Green core in the southeastern and southwestern portions of the site, with the Vineyard Cottages located north of US Route 44. The residential neighborhoods are described as follows:

- The Village Green neighborhood will be the organizational and functional center of the community, and will provide the primary address for most of the major resort community buildings. It features spaces for passive and active recreation, including tree-lined paths. The Village Green neighborhood will have the following features:
  - Twenty-four (24) detached single-family homes, ranging from three to five bedrooms, at an average size of approximately 3,870 square feet;
  - Fifty-two (52) attached condominiums ranging from two to four bedrooms, at an average size of approximately 2,700 square feet, some with dedicated parking below the structure, some with dedicated parking in an adjacent parking barn as well as on-street parking;
  - Thirteen (13) townhomes containing four bedrooms, at an average size of 3,550 square feet; and

- Twenty-one (21) hotel-condominium lodging units (5 in the Clubhouse/lodge and 16 in two eight unit buildings) ranging from one to four bedrooms, conveniently located to amenities.
- The South Lawn neighborhood will be a park-like setting with views to the golf course and to the mountainside beyond. It will be defined by primary access to the north and bound by the site's natural features to the east, south, and west including the site's largest pond to the west. The South Lawn neighborhood will have the following features:
  - Thirty-two (32) single-family homes ranging from three to five bedrooms, with an average size of 3,750 square feet.
  - The Family Activity Barn, the Lake Pavilion and tennis courts.
- The Golf Villa neighborhood is located adjacent to the clubhouse/lodge and faces out over the eighteenth fairway. These homes will feature views of the golf course. The Golf Villas will be tied together via landscaped streets, and are designed to step down with the grade. The Golf Villa neighborhood will have the following features:
  - Twenty-eight (28) single-family homes ranging from three to five bedrooms, with an average size of approximately 3,915 square feet.
- The Estate Homes neighborhood is located along the base and mid-slope of the mountainside with views east towards the golf course, and beyond. The Estate Homes neighborhood will have the following features:
  - Fifty-six (56) larger lots of varying sizes ranging from 0.33 acre to over 2 acres, with a forested backdrop and views to the east and north;
  - These homes will contain five to six-bedroom homes, at an average of approximately 5,600 square feet.
- The Vineyard Cottages neighborhood is located adjacent to the Winery Restaurant, along the hillside north of Route US 44, with views east and south. The residences are grouped within small enclaves allowing vineyards to extend into the neighborhood. The Vineyard Cottages neighborhood will have the following features:
  - Nineteen (19) single-family, three-bedroom homes, at an average of approximately 2,700 square feet.

## 2. Clubhouse/Lodge, Fitness Center and Spa, and Amenities

The existing golf clubhouse has recently been demolished and a new 34,000 square foot Clubhouse/lodge will be constructed in the same approximate location, just slightly south of the former building's footprint. The Clubhouse/lodge is one of the key components of the Village Green core area. Uses proposed for the new Clubhouse/lodge are generally the same as those previously in operation in the clubhouse and include a 1,000 square foot golf pro shop, 164 seat restaurant, 41 seat bar/lounge, locker rooms and restroom facilities. The 3,600 square foot spa and fitness facility is located adjacent to the Clubhouse/lodge on the west side of the Village Green. Access will also be provided to the spa and fitness facilities through the Clubhouse/lodge. The Clubhouse/lodge building is proposed to be one and a half stories from the front (north side) and two and a half stories from the golf course (south side), with the top floor contained entirely within

the roof. The main level of the Clubhouse/lodge will contain the lobby, lounge, offices, gallery, dining, kitchen and restrooms. The upper level will contain the lodging units. The lower level of the Clubhouse/lodge contains the pro shop, office, spa, locker rooms, mechanical room and terrace. This lower level opens up to the south side of the building with views of the golf course. The Clubhouse/lodge and its amenities will be restricted to members and guests.

Pursuant to Section 121-74 of the Zoning Law, hotel-condominium lodging units are limited to transient occupancy and part-time residences. "Transient occupancy" means that the unit cannot be occupied by any occupant for more than 48 days in any calendar year nor more than 15 contiguous days. "Part-time residences" means that the unit cannot be occupied by any occupant for more than 120 days in any calendar year nor more than 30 contiguous days. A separate amenities building (the "cabana") is proposed for the Vineyard Cottage residential units north of Route 44. This building will house restrooms and changing areas and will provide access to a pool.

3. Winery Restaurant

An 80 seat Winery Restaurant (approximately 5,000 square feet) will be developed approximately 530' north of the "hairpin turn" on US Route 44. The Winery Restaurant is also intended to serve as a tourist destination in Amenia and a publicly accessible place outside the roadway from which visitors can enjoy the views over the golf course and down through the valley.

4. Site Access and Circulation

The current entrance to the golf course will remain and will serve as the main entrance to the Modified Project. The existing entrance from Route NYS 22 on the adjoining HVLC Property will serve as an emergency access road for the site and entrance to the Golf Maintenance Facility and WWTP. This access road, the Golf Maintenance Facility, and the WWTP, will be permitted by easement in favor of the Silo Ridge Field Club. The northern portion of the project site, north of US Route 44, will have two entry points for access to the Winery Restaurant and to the Vineyard Cottage units. The first entrance heading east on US Route 44 will be at the top of DeLaVergne Hill and will provide access to the Winery Restaurant, the Vineyard Cottages amenities building, and the Vineyard Cottage units. The road continues eastward through the clusters of residential units and meets up again with US Route 44, providing an emergency access point to this interior roadway.

The Applicant will install gates at all entrances to the development. The purpose of the gates will be to limit access to residents and their guests. The gate for the entrance at the top of DeLaVergne Hill will be on the access road to the Vineyard Cottage units located to the east of the entrance to the Winery Restaurant parking lot, and will not prevent public access to the Winery Restaurant and Artisan's Park Overlook. Systems will be in place to allow for emergency access through the gates.

5. Parking

The Modified Project includes 722 parking spaces including below grade and surface parking areas. The Village Green core area will include approximately 78 spaces below grade. Residential garages throughout the Modified Project account for 318 spaces and surface parking (including lots

and on-street) total 326 spaces. The parking counts for the Modified Project are located on Amended MDP Plans P-1, P-2 and P-3.

The parking plan takes advantage of the mix of land uses in the project, which in turn presents opportunities for application of joint-use parking, captive parking, and other parking management techniques.

In addition to joint-use parking (where parking for different land uses varies with time), the project utilizes the concept of “captive parkers,” which accounts for persons who are parked once but engaged in multiple on-site land-use activities. For example, many residents whose homes are within a convenient walking distance of the Clubhouse/lodge and other Village Green amenities will find it more convenient to leave their cars in their garages and walk to the Village Green. Furthermore, certain residents will have the opportunity and might find it more convenient to use golf carts as a method of transportation. Residents visiting the Clubhouse/lodge and related amenities can drop off carts with the golf attendants at the golf cart storage area under the fitness center.

All detached single-family residential units have 2-car garages with driveway space for an additional two vehicles in front of the garage. The condominiums and townhomes will utilize a combination of underground parking, on-street convenience parking and covered “parking barn” spaces. The on-street convenience parking will be available for joint-use by other users.

The Master HOA will employ specific parking management techniques to optimize the use of available parking spaces. The valet parking services for the “hospitality” components of the resort community (golf course, the Clubhouse/Lodge, and associated amenities) will be provided among and between surface parking facilities. This will allow the valet staff to maximize the use of vehicle storage areas while minimizing the turnaround time for retrieval of stored cars.

In addition to valet parking for special events, to accommodate guests, and for regular dining activities, the Golf Maintenance Facility will be where many employees will park. There will be a shuttle service offered for employees working at the Village Green area. Employees working at the Sales Center/General Store and Winery Restaurant will utilize the parking area at those locations.

Shuttle service will also be provided between the resort community and the Wassaic Train Station as well as the hamlet of Amenia on an as-needed basis. This will also provide opportunities for guests and employees to travel to and from the resort community without needing to drive and park.

## 6. Water and Sewer Systems

The Modified Project includes an onsite community water supply system consisting of three new groundwater wells, a water treatment facility, a water storage tank and a distribution system. The water distribution system for the Modified Project will consist of approximately 31,000 linear feet of eight to ten-inch water mains with approximately 185 individual service connections. The estimated maximum daily water demand is 191 gallons per minute. The water system will be owned and operated by a duly formed water-works corporation.

The Modified Project includes an onsite wastewater collection and treatment system capable of treating 137,400 gallons per day of wastewater. The proposed sanitary system will consist of a gravity collection and conveyance system supplemented by low pressure sewers, plus pumps, forcemain, surface water discharge and the WWTP. The sewer system, including the WWTP, will be owned by a duly formed sewage-works corporation.

#### 7. Landscaping and Lighting

The Modified Project includes an extensive and detailed planting plan with native and naturalized species to provide screening, buffering, visual interest, habitat, carbon reduction, erosion control, spatial definition, and shade and cooling to mitigate effects of development on open space areas. The landscaping has been designed considering the area's visual resources. In many areas buildings are screened by landscaping, while other areas have been left purposely open to protect important existing views. Other landscaping is designed to transition the edges of the development into the natural landscape. The landscaping plan (Amended MDP Plan LA-1 and per Site Plan Drawings L.3.01 thru L.3.22) offers trees at varying intervals along roads and sidewalks for shade and cadence. New landscaping around structures will focus views and provide pedestrian scale, color and ornamental interest. Shade, flowering and evergreen tree plantings combined with shrub masses and herbaceous layer plantings will help to screen the development.

The design principles for lighting the Modified Project include down-directed landscape lighting, reducing the number of fixtures illuminated after business hours through controls, reducing use of pole-mounted lighting, and using top-down lighting for buildings, landscaping and signage. Floodlighting or façade washing will be avoided. Public entrances to buildings may have small amounts of low-output decorative lighting (750 lumens per fixture maximum). Additional building and all service entrance lighting will be fully shielded.

Landscape lighting will be limited to 20W maximum light sources (1200 lumens per fixture), will be directed downward (e.g. no up-lighting), and will be extinguished no later than 11 p.m. Monday through Thursday, and 1 a.m. Friday, Saturday and Sunday. The Modified Project will use warm-color sources (2700K – 3000K) that are close to incandescent in appearance and include ceramic metal halide lamps, pin-based compact fluorescent lamps, small numbers of halogen lamps and a few warm color LED products. Blue-white light from metal halide or mercury lamps or orange light from high pressure sodium lamps will not be used.

#### 8. Homeowners' Association/Condominium Structure of the Modified Project

The homeowners' association/condominium structure of the Modified Project is described in Section 5.0 of the Amended MDP text. Silo Ridge Home Owners Association (the "Master HOA"), will be a master home owners association responsible for managing and governing the community as a unified entity. The Master HOA, along with the owner of the golf course, Clubhouse/lodge, and related facilities (the "Club Owner"), will also be responsible for ensuring compliance with the conditions of this Amended and Restated Findings Statement. The Club Owner will be primarily responsible for enforcing the conservation easement.

The Master HOA documents will set forth general standards for the operation and maintenance of the community that must be complied with by all constituent individual

homeowners and condominium associations (each a “Component”). The individual Component associations will be governed by their own Board of Directors/Managers who will be responsible for governance of the buildings and amenities within each Component. There will be five (5) homeowners association Components (one for the Estate homes, Golf Villas, Village Green single-family homes, South Lawn homes, and one for the Vineyard Cottages), and up to eleven (11) condominium Components, and a board responsible for managing the golf club and course. Each of these individual Components will be subject to the provisions of the Master HOA. Additional information regarding the Master HOA and condominium structure is located in the Amended MDP text. No portion of Silo Ridge, except the on-site WWTP and the facilities of the sewage-works corporation, and the facilities of the water-works corporation, will be excluded or will be exempt from membership in the Master HOA.

The Master HOA will have responsibility for maintaining, operating and managing the common areas and facilities of Silo Ridge (the “Common Areas”). The Common Areas will include but will not be limited to, all roads, infrastructure, parking lots, landscaping, irrigation, and signage.

The Board of Directors of the Master HOA will be responsible for the governance of the Master HOA and will retain a property manager to maintain the Common Areas. The Master HOA will also be responsible for the ongoing care, maintenance, life-cycle and eventual replacement of the landscaping located on Common Areas. The Master HOA will also contract with a private hauler to remove all solid waste and recyclables from Silo Ridge in compliance with all applicable federal, state and local rules and regulations.

Each individual Component condominium association will be governed by its own Board of Managers and the single-family homes and lots will be governed by the Board of Directors of the Master HOA. The Boards of Managers will be responsible for the governance of the buildings and amenities within each condominium association. Each Component condominium association shall be responsible for the ongoing care, maintenance, life-cycle and eventual replacement of the landscaping located on that condominium association’s property.

9. Easements

A 100-foot wide easement granted to the New York State Electric & Gas Corporation traverses a small part of the northeastern-most corner of the site. This easement will not be affected by the Modified Project.

The existing entrance from NYS Route 22 located on the adjoining HVLC Property will be an emergency access for the Modified Project, and also an entrance to the Golf Maintenance Facility and WWTP, and potential exit for residents if excessive delays are experienced on exiting movements at the main entrance. The access road, the Golf Maintenance Facility, and the WWTP will be permitted by easement.

All required easements for public sewer and water systems, and other utilities, and for emergency access over internal roads (which shall be private and not dedicated to the Town), will be granted to the appropriate easement holders (i.e., the sewage-works corporation in the case of sewer facilities, and the Town, in the case of emergency vehicle road access). The Town will be granted an

easement to enter the site and access, and if necessary, maintain, repair, and restore all stormwater management facilities. A variety of other easements will be required for the Modified Project.

As required by Section 121-18.C(4) of the Zoning Law, no less than 536 acres, or 80% of the area of the main portion of the site in the RDO District, will be preserved by a conservation easement (the "Conservation Easement") held by a qualified conservation organization.

10. Generalized Development Phasing

Development of the Modified Project is expected to occur in two principal phases, taking approximately eight years. The golf course improvements for which the Planning Board granted waivers of site plan approval are currently being constructed. The currently anticipated phasing of the other components of the Modified Project is illustrated conceptually on Amended MDP Plan SP-5 "Overall Phasing Plan." It is noted that the sequencing of each of the residential components will depend on market demand. Subject to market demand, it is anticipated that the phasing will be as follows:

Phase I: Year 1 to Year 6

- Clear, grub and rough grade the Phase 1 area
- Construct/install infrastructure for Phase 1
- Construct the Artisan's Park Overlook
- Construct water system and WWTP
- Construct Sales Office and General Store
- Complete golf course improvements, and construct Golf Academy, comfort stations and Golf Maintenance Facility
- Construct Clubhouse/lodge
- Construct Village Green neighborhood, Golf Villas neighborhood, South Lawn neighborhood homes and Estate Homes

Phase II: Year 6 to Year 8

- Clear, grub and rough grade the second phase area
- Construct/install infrastructure for second phase
- Construct Winery Restaurant
- Construct Vineyard Cottages

Phase I has been further broken down into a number of subphases.

**F. REQUIRED PERMITS, APPROVALS AND REVIEW BY OTHER AGENCIES**

The following agencies, among others, are Involved Agencies under SEQRA, and have approval authority over various aspects of the Modified Project:

Town of Amenia Planning Board: Subdivision and Lot Line Adjustment Approvals, Site Plan Approval, and Amended Special Use Permit/Master Development Plan Approval.

Town of Amenia Town Board: Authorization of sewage-works and water-works transportation corporations.

Dutchess County Department of Health: (1) Wastewater collection and treatment; and (2) Water supply, treatment and connections.

Dutchess County Department of Planning and Development: Review and comment on the Applications pursuant to Section 239 of the New York State General Municipal Law.

New York State Department of Environmental Conservation: (1) SPDES General Permit for Stormwater Discharge from Construction Activity; (2) SPDES Wastewater Outfall Permit; (3) Joint Application Form for (a) Stream Disturbance Permit, (b) Freshwater Wetlands Determination of Non-Jurisdiction, (c) Section 401 Water Quality Certification, and (4) Water Withdrawal Permits.

New York State Department of Transportation: (1) Highway Work Permit Application for Utility Work, Perm 32; and (2) Highway Work Permit Application for Non-Utility Work, Perm 33.

New York State Health Department: Approval of plans for community water supply improvement and water quality and treatment.

New York Attorney General: Approval of Master HOA and Component association offering plans.

United States Army Corps of Engineers: Nationwide Wetland Permit, and Jurisdictional Determinations.

US Fish and Wildlife Service: ESA Consultation and coordination with the Army Corps of Engineers.

The list above contains the primary permits and approvals required for the Modified Project. It is not a comprehensive list. Other permits and approvals will also be needed for the Modified Project.

## II. IMPACTS, MITIGATION MEASURES AND SPECIFIC FINDINGS:

The DEIS, FEIS, Addendum to Environmental Assessment Form dated \_\_\_\_\_ 2015, (the “Addendum to EAF”) and a variety of other documents, reports and studies prepared and submitted in conjunction with the Applications, include an environmental evaluation of the following resource issues:

- A. Soils & Geology
- B. Water Resources
- C. Vegetation
- D. Wildlife
- E. Cultural Resources
- F. Visual Resources
- G. Transportation
- H. Land Use and Zoning
- I. Local & Regional Plan Consistency
- J. Police, Fire and Emergency Medical Services
- K. School District Services
- L. Recreation, Open Space Resources and Tourism
- M. Utilities - Water
- N. Utilities – Wastewater
- O. Utilities - Solid Waste
- P. Noise
- Q. Fiscal
- R. Demographics
- S. Community Character

### A. SOILS AND GEOLOGY

#### Existing Conditions:

The project site contains 18 separate soil groups. The following table provides a summary of the specific limitations for each soil unit within the site. The construction limitation designations of “slight”, “moderate” and “severe” refer to level of engineering which may be necessary to develop on a particular soil type. Soils with “slight” limitations are generally favorable for development and any limitations are easily overcome. Soils with “moderate” or “severe” limitations (15-30% slopes or greater) require special considerations. The first consideration is avoidance of steep slope in compliance with Town Zoning Law. Because full compliance was not attainable, the amount of steep slope to be impacted was minimized to the maximum extent practicable and the areas to be disturbed mitigated by special design and engineering to minimize the impacts during and after construction, particularly upon the streams and waterbodies on the site.

Map Symbol/Description	Construction Limitations		Permeability	Depth to Water Table (ft.)	Depth to Bedrock (in.)
	Dwellings without Basements	Local Roads and Streets			
CuC / Copake gravelly silt loam, rolling	Moderate (slope)	Moderate (slope; frost action)	Moderate-very rapid	> 6.0	> 60
CuD / Copake gravelly silt loam, hilly	Severe (slope)	Severe (slope)	Moderate-very rapid	> 6.0	> 60
CwB / Copake channery silt loam, 3 to 8 % slopes	Severe (flooding)	Moderate (flooding; frost action)	Moderate-very rapid	3.0 to 6.0	> 60
DwD / Dutchess-Cardigan complex, hilly, rocky	Severe (slope)	Severe (slope)	Moderate	> 6.0	20 to 40, > 60 & rock outcropping
Ff / Fluvaquents-Udifluents complex, frequently flooded	Severe (flooding; ponding)	Severe (flooding; ponding, frost action)	Slow-very rapid	+0.5 to 1.5 & 2.0 to 6.0	> 60
GfD / Galway-Farmington complex, hilly	Severe (slope; depth to rock)	Severe (slope; depth to rock)	Moderate	1.5 to 3.0 & >60	10-20, 20-40, & rock outcropping
HoE / Hollis-Chatfield-Rock outcrop complex, steep	Severe (slope; depth to rock)	Severe (slope; depth to rock)	Moderate-moderately rapid	> 6.0	10-20, 20-40, & rock outcropping
NwC / Nassau-Cardigan complex, rolling, very rocky	Severe (slope; depth to rock)	Severe to moderate (slope; depth to rock; frost action)	Moderate	> 6.0	10-20, 20-40, & rock outcropping
NwD / Nassau-Cardigan complex, hilly, very rocky	Severe (slope; depth to rock)	Severe (slope; depth to rock)	Moderate	> 6.0	10-20, 20-40, & rock outcropping
NxE / Nassau-Rock outcrop complex, steep	Severe (slope; depth to rock)	Severe (slope; depth to rock)	Moderate	> 6.0	10-20 & rock outcropping
NxF / Nassau-Rock outcrop complex, very steep	Severe (slope; depth to rock)	Severe (slope; depth to rock)	Moderate	> 6.0	10-20 & rock outcropping

Map Symbol/Description	Construction Limitations		Permeability	Depth to Water Table (ft.)	Depth to Bedrock (in.)
	Dwellings without Basements	Local Roads and Streets			
SkC / Stockbridge silt loam, 8 to 15 % slopes	Moderate (slope)	Moderate (slope; frost action)	Slow-moderate	> 6.0	> 60
SkD / Stockbridge silt loam, 15 to 25 % slopes	Severe (slope)	Severe (slope)	Slow-moderate	> 6.0	> 60
SkE / Stockbridge silt loam, 25 to 45 % slopes	Severe (slope)	Severe (slope)	Slow-moderate	> 6.0	> 60
SmD / Stockbridge-Farmington complex, hilly, rocky	Severe (slope; depth to rock)	Severe (slope; depth to rock)	Slow-moderate	> 6.0	10-20, > 60 & rock outcropping
Ud / Udorthents, smoothed	Slight	Moderate (frost action)	NA	> 3.0	> 60
Ue / Udorthents, wet substratum	Severe (wetness)	Moderate (slope; frost action)	NA	1.0-3.0	> 60
Wy / Wayland silt loam	Severe (ponding; flooding)	Severe (low strength; ponding; flooding)	Slow-moderate	+0.5-1.0	> 60

Source: United States Department of Agriculture (USDA) *Soil Survey of Dutchess County, New York, 1992.*  
NA = Not Applicable

Areas of rock outcrop are found on the project site along the hillsides and ridge. Slopes are varied over the project site. Approximately 28% of the site has slopes that range from 0% to 10%; 14% of the site has slopes ranging from 10% to 15%; and 58% has slopes greater than 15%. The majority of the steeply-sloped areas are located in the western portion of the site in association with the ridge and will be protected by a conservation easement.

**Impacts:**

The Modified Project will disturb approximately 275.5± acres of the site including approximately 151.3± acres of disturbance related to golf course improvements and modifications. The remaining 124.2± acres of disturbed area are related to construction of the resort community development. Overall grading is estimated at 950,000cubic yards of cut and fills to be balanced onsite; however there is the possibility of importing fill to the site for specific areas. The majority of the soil disturbance associated with construction of the Modified Project will consist of the following:

- Disturbance to soils and geology, primarily due to overall grading, the construction of roads and stormwater control structures, and the excavation of building foundations and parking areas;
- Removal and stockpiling of topsoil; and
- Grading associated with modifications to the existing golf course.

Soil disturbance per soil category is summarized in the table below. These areas of impact were identified based on the grading limits for the new development and the grading limits for the golf course. The non-golf development will impact approximately 124.2± acres, and the redevelopment of the golf course will impact 151.3± acres. In total, 275.5± acres will be impacted by both the non-golf and golf development. The table below reviews impacts to Farmland Soils and also to soils as they relate to hydric<sup>3</sup> classification.

	<b>Non-Golf Development (Acreage)</b>	<b>Golf Development (Acreage)</b>	<b>Cumulative (Acreage)</b>
<b>FARMLAND SOILS</b>			
Prime Farmland	2.4	8.8	11.2
Farmland of Statewide Importance	49.4	36.6	86.0
Not Prime Farmland	72.4	105.9	178.3
<b>TOTAL</b>	<b>124.2</b>	<b>151.3</b>	<b>275.5</b>
<b>HYDRIC CLASS</b>			
Hydric	1.4	0.5	1.9
Non-Hydric (upland)	116.3	146.6	262.9
Potential for Hydric Inclusions	6.4	4.0	10.4
Water	0.07	0.17	0.24
<b>TOTAL</b>	<b>124.2</b>	<b>151.3</b>	<b>275.5</b>

The extent of disturbance to steep slopes (15% or more) under the proposed Amended MDP is 110± acres, out of a total 275.5± acres disturbed.

There will be approximately 165.2± acres of disturbance on slopes up to 15%, with about 90.0± acres of disturbance on slopes from 15% to 30%, of which 50.6± acres of disturbance is to naturally forested slopes within the range and 39.4± acres of disturbance is to previously altered (unforested slopes). There are approximately 187± acres with slopes greater than 30%. There will be approximately 20.3± acres of disturbance to slopes greater than 30%, of which 13.5± acres of disturbance is to naturally forested slopes within the range and 6.8± acres of disturbance is to previously altered (unforested slopes). (See also Section II.H of this Amended Findings Statement for additional information on compliance with the Town's steep slopes regulations).

<sup>3</sup> The Hydric Soil Definition (Federal Register, July 13, 1994) is: "A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part." Soils with the potential for hydric inclusions are those soils that may have hydric soils within the mapping unit.

In the event that blasting is necessary, all blasting operations will adhere to New York State laws and regulations governing the use of explosives (see mitigation below).

**Mitigation:**

Impacts to soils and geology will be minimized through erosion and sediment control measures and the establishment of Best Management Practices (“BMPs”), as outlined in the most recent SMDM and New York Standards and Specifications for Erosion and Sediment Control (August 2005). Construction on steep slopes will be minimized where practical. Employing best design, engineering and construction practices can deal with potential hazards arising from slope construction. The New York State Building Code provides additional protection for slope construction.

Redundant soil and erosion control measures may be utilized upslope of sensitive areas around Amenia/Cascade Brook and NYSDEC Wetland AM-15.

Any blasting operations will adhere to New York State laws and regulations governing the use of explosives. Applicable blasting certifications will be obtained and blasting will comply with all safety requirements; any blasting within the Estate Homes area shall comply with the Design Standards for the Estate Homes, which in conjunction with blasting requires “a blasting plan that conforms with all local, state and federal laws detailing how blasting operations will be conducted and how workers and nearby property will be protected during blasting operations including the preparation of a pre-blast survey and post-blast survey of surrounding property within the required radius.”

Housing units located on steep slopes have been designed to accommodate underlining topography. To accommodate this topography, the buildings will be terraced with floor grades split from front to back or back to front. These buildings will take advantage of the topography by building multi-level structures with more than one level (e.g. walk-out basements, garages under buildings) rather than grading the entire site flat. This will minimize grading and soil impacts.

Erosion control measures are designed to minimize soil loss, i.e. sediment. Sediment control measures are intended to retain eroded soil and prevent it from reaching water bodies or adjoining properties. Temporary erosion and sediment control measures that will apply during construction generally include:

- Stabilized construction entrances;
- Dust control;
- Temporary soil stockpiles;
- Temporary seeding;
- Stone inlet protection barriers;
- Erosion control blankets;
- Stone check dams; and

- Temporary sediment basins.

Permanent erosion and sediment control measures to be implemented after completion of construction include the following:

- Establishment of permanent vegetation; and
- Rock outlet protection.

Other mitigation measures include:

- Roads have been redesigned to further accommodate the existing topography, rock outcrops and vegetation;
- Grading disturbance and clearing area has been reduced by approximately  $7.4 \pm$  acres compared to the previously approved Master Development Plan (October 8, 2009);
- Disturbance to steep slopes 15% to 30% has been reduced by  $11.5 \pm$  acres (of which  $7.2 \pm$  acres is natural forested steep slopes), and to steep slopes greater than 30% by  $14.2 \pm$  acres (of which  $7.2 \pm$  acres is natural forested steep slopes) compared to the previously approved Master Development Plan (October 8, 2009);
- Use of retaining walls to mitigate grading impacts in certain areas, allowing for more existing tree areas to be retained and providing additional screening for the proposed improvements;
- Use of the existing south entrance to eliminate the need for the previously approved secondary entrance and reduce the clearing and grading adjacent to the NYSDEC Wetland AM-15 buffer and west of NYS Route 22;
- The Estate Homes have been laid out in the field to best fit the existing topography by taking advantage of naturally flatter areas and minimize natural, forested steep slope disturbance and clearing of existing vegetation. In accordance with SPO District, all Estate Home Lots now have a delineated “allowable disturbance area,” with some having “driveway envelopes” and “sewer envelopes,” thereby reducing the amount of grading and tree removal required for construction of the homes. Additional details can be found in the Design Standards for Estate Homes. Additionally the use of retaining walls mitigates grading impacts in certain areas, allowing for more existing tree areas to be retained, which will provide additional screening for the proposed improvements;
- Grading within the floodplain has been reduced by 2.38 acres compared to the previously approved Master Development Plan (October 8, 2009);
- The golf driving range has been relocated to the northwest corner of the site reducing the impact to natural, forested steep slopes along the existing western forested area of the site by bringing the Estate Homes further down the slope;
- The WWTP has been relocated to the south of the Golf Maintenance Facility area on the HVLC Property thereby reducing impacts to natural, forested steep slopes on the northern portion of the site;

- No certificate of occupancy for any individual lot will be granted until all erosion control and drainage measures required for that lot have been completed to the Town's satisfaction;
- Impacts from grading activities will be temporarily and fully mitigated by use of low retaining walls, soil stabilization and re-vegetation with native species where appropriate;
- Housing units located on steep slopes are designed with terracing and lower level walk-outs, where applicable, in accordance with the Design Standards for Estate Homes. Wherever possible, the flattest portions of the lots are used for homes, driveways, and parking areas;
- Geo-technical evaluations were performed during summer of 2013 by TransTech Engineering Services, P.C. and a report was issued October 14, 2013. The report was submitted as part of the Modified Project SWPPP;
- Additional geotechnical evaluations of proposed disturbances on slopes steeper than 30% were included in a report prepared by QCQA Engineering Services, P.C., dated June 26, 2015.
- The Applicant will abide by recommendations included in geotechnical reports in order to minimize impacts from grading and cut and fill operations;
- Double silt fencing will be used in all areas of special concern, i.e., all wetlands and upslope of the Cascade Amenia Brook and all other streams, and areas of disturbance on slopes of 15% or more;
- Pursuant to NYSDEC SPDES General Permit GP-0-15-002 Part 1.B.1.b, "in areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased...";
- Construction traffic/ heavy equipment will be limited to specifically marked travel lanes only, to minimize compaction of soils on steep slopes greater than 15%;
- All compatible on-site utilities (electric, phone, cable) will be located in a common trench, subject to utility company approvals. For Estate Homes, to minimize clearing and disturbance to steep slopes, all utility lines shall be installed under driveways or immediately adjacent to driveways. Driveway and utilities shall be included in the ADA or a separate "driveway envelope" (if applicable) or a separate "sewer envelope" (if applicable). Refer to Design Standards for Estate Homes);
- In addition to the reclamation security posted for the golf course improvements, the Applicant will be required to furnish security, in an amount determined by the Planning Board, to guarantee reclamation of excavated/graded areas if the Modified Project is abandoned;
- After the south entrance access road to the Golf Maintenance Facility and WWTP has been laid out and before construction begins on the road, the engineer representing

HVLC shall certify to the Town that no improvements or NYSDEC requirements associated with the landfill will be impacted by the access road; and

- For all Estate Homes, the Applicant will comply with, and provide all mitigation measures required by, the Design Standards for Estate Homes.

## **B. WATER RESOURCES**

### **Existing Conditions:**

All wetlands and streams (perennial and intermittent) on the site have been evaluated according to their function within the watershed, regardless of jurisdictional status. Compliance with US ACOE and NYSDEC regulations with respect to certain of the wetlands and streams onsite does not substitute for evaluating impacts and mitigation for healthy watershed functions and all water resources within the watershed.

The site is comprised of approximately 670± acres with approximately 35± acres of natural wetlands and watercourses. Existing conditions are approximately 11 acres of constructed water bodies and stormwater management facilities. The proposed Amended MDP will not alter any of the natural wetlands and will create an additional 3.42 of constructed water bodies and stormwater management facilities. It is located within the drainage basin of Ten Mile River, which flows southeast into the Housatonic River in Connecticut. Most of the water and wetlands delineated within the project site have a hydrologic connection to the Amenia/Cascade Brook, a sub-tributary of the Ten Mile River. All points on the project site ultimately drain to the Amenia/Cascade Brook.

Pre-construction impervious surfaces on site total 12± acres. Runoff from the project site currently flows to one of three places. The northern end of the project site drains to the Amenia/Cascade Brook; the entrance roadway off NYS Route 22 and the immediate surrounding areas drain to existing ponds located at the site entrance; and the remainder of the project site (central portion, western-southwestern portion) drains to the large wetland “Wetland L/LL” located in the east-central portion of the project site.

#### **1. Streams**

Amenia/Cascade Brook, a perennial stream which enters the project site south of US Route 44, traverses along the eastern property boundary, and exits the site near the existing golf course entrance on NYS Route 22. Amenia/Cascade Brook is a NYSDEC Class “C (T)” stream. In addition to supporting fisheries and being suitable for non-contact activities, the “T” classification indicates that the quality of the water can also support trout populations and trout spawning. The Wood Turtle Clemmes (*Glyptemys*) *Ensculpta*, a NYS Special Concern Species, has been reported from this stream. The stream is 10± feet wide, with bank height of 3-6 feet. Portions of the riparian zone are currently in degraded condition, with evidence of bank erosion and insufficient bank vegetation for stabilization. Existing streamflows are as follows: 8 cfs median flow (3600 gpm in the text); 4 cfs thirty percent of the time (1500 gpm) and 0.65 cfs once every ten years (291 gpm).

Amenia/Cascade Brook is in the Town's Stream Corridor Overlay District ("SCO District"). Please also see Section II.H of this Amended Findings Statement regarding compliance with the SCO District regulations.

The second perennial stream onsite is "L", a Class "C" stream that flows through Wetland L/LL located in the east-central portion of the site and eventually flows into Amenia/Cascade Brook at a location off of the project site.

All of the intermittent streams onsite are also Class "C" waterbodies. Four of these streams are especially significant as headwaters.

## 2. Headwaters

Headwater streams including associated wetlands and springs/seeps and riparian uplands, supply food and nutrients to downstream areas, and support a high diversity of plants and animals. They offer refuge from temperature and flow extremes, provide spawning and rearing areas, and create migration corridors through the landscape. Degradation and loss of headwaters and their connectivity to downstream ecosystems threaten the biological integrity of downstream systems. On the project site, four headwater streams are associated with steep slopes, seeps, wetlands, and surrounding forested land. Intermittent streams are identified as follows:

Stream V: found in the north portion of the site. Surface runoff across much of the area encompassed by Block V on the site plan map currently drains to this stream. The stream is degraded in the area just north/northeast of US Route 44 in the vicinity of an unimproved access road; banks are severely eroded and there is evidence of periodic high water flows. South of US Route 44, the stream flows through the golf course, dropping through a steep, heavily eroded reach just before it enters the Amenia/Cascade Brook. The quality of Stream V improves to excellent several hundred feet upstream of the degraded area north of US Route 44, beyond the old retaining wall and well. Stream water here is clear and cold, flowing over rocky substrate with little evidence of siltation. Both banks are well vegetated and stable even where slopes are steep. Stream width is 3-8 feet.

Stream R/S: found in the vicinity of the Miller house (5021 US Route 44), this stream and its associated wetland is in overall very good condition except for a small area where it is crossed by the existing driveway. Its upper reaches do not appear to be susceptible to significant degradation from US Route 44 runoff. The headwaters here exhibit high hydrologic quality. The only apparent degraded area is in the immediate vicinity of the existing driveway. Just south of this heavily eroded driveway crossing, a previously filled portion of wetland has been planted in turf grass. South of this degraded area, several spring/seeps become rivulets with a steady flow of very cold clear water. Slopes on both sides, while sometimes very steep, are generally well vegetated and stable. Little evidence of siltation further documents the high quality of this watercourse/wetland, all the way to US Route 44, where the stream passes under the road and onto the golf course.

Stream J: flows from Wetland J to Pond J-1 along the forested edge west of the existing golf course. It includes high quality habitat for a variety of species including the regionally rare dusky salamander.

Stream N/P: flows from forested slopes of the western portion of the property to the large Wetland L/LL. A portion of this stream is culverted belowground.

### 3. Non-headwater intermittent streams

Stream V (Streams E-1/2 on site map) as it flows south of US Route 44 and onto the golf course. A portion of the stream currently is piped below ground. It emerges to flow into Amenia/Cascade Brook; this last reach is severely eroded and transports a very large “flashy” flow during high precipitation events. Width is 1-3 feet.

Stream L: flows from Pond K to Wetland L/LL.

Stream G-2: flows from vicinity of Wetland G-1 on the golf course, to Wetland C-1. The stream is two to four feet wide, with banks from six inches to two feet.

Stream QQ: flows roughly parallel to Stream L but is smaller, about one foot in width, with six-inch banks.

### 4. Wetlands

There are 35 acres of wetlands on the project site. The majority of these are natural wetlands and no disturbance is proposed for any of the natural wetlands. Wetland C-1 is an approximately 1.12 acre emergent swamp in the northeastern portion of the site. It is connected by a culvert to a pond to the north. Water moves south through the wetland and discharges into Amenia/Cascade Brook. Dominant plant species include reed canary grass (*Phalaris arundinacea*), cattail, purple loosestrife, and sedges (*Carex* spp.).

Wetland C-2, approximately 0.38 acres, is located in the northeastern portion of the site and is associated with Amenia/Cascade Brook. Wetland C/CC is a red maple swamp dominated by red maple, multiflora rose, jewelweed (*Impatiens capensis*), tussock sedge (*Carex stricta*), sensitive fern (*Onoclea sensibilis*), and common reed.

Wetland C-3, approximately 0.12 acres in size, is similar in character to Wetlands C-1 and C-2.

Wetland G-1 is red maple swamp community associated with Stream G located within the northeastern portion of the property. The wetland is approximately 0.33 acres in size. Dominant vegetation within this wetland includes red maple, ironwood (*Carpinus caroliniana*), spicebush (*Lindera benzoin*), skunk cabbage, sensitive fern, and marsh marigold (*Caltha palustris*).

Wetland I is an isolated wetland located in the north central portion of the property and is approximately 0.06 acres in size; dominant plants include common reed, purple loosestrife, cattail, soft rush (*Juncus effusus*), and arrowleaf tear-thumb (*Polygonum sagittatum*).

Wetland J connected to Pond J-1 (2.46 acres) is a series of small red maple forested wetlands associated with Stream J located in the west-central portion of the property. Dominant vegetation within these wetlands includes red maple, multiflora rose, spicebush, skunk cabbage, and jewelweed.

Wetland L is a complex wetland system that contains shallow emergent and scrub-shrub communities, areas of common reed, purple loosestrife, and open water, as well as fringing areas of red maple-dominated forested wetland. This wetland is NYSDEC Wetland AM-15 and is associated with NYSDEC Wetland AM-16 and Amenia/Cascade Brook. The on-site section of this wetland is approximately 26.03 acres and is located in the east-central portion of the site adjacent to NYS Route 22. Dominant vegetation includes red maple, tartarian honeysuckle, silky dogwood, common reed, sensitive fern, and skunk cabbage. The eastern half (partially off-site and not part of the property) of Wetland L comprises the former Town of Amenia Landfill, a NYSDEC remediation site. A review of available data indicates water and sediment contamination with PCBs and metals. This area is undergoing remediation by the Town pursuant to a remediation plan approved by the NYSDEC.

Wetlands N and O are two wetlands that were originally created on the golf course as water hazards, but through time have become shallow emergent wetland communities. They are approximately 0.15 acres (Wetland N) and 0.03 acres (Wetland O) and are located in the south-central portion of the property. Dominant vegetation within these wetlands includes cattail, purple loosestrife, and duckweed (*Lemna* spp.).

Wetland S is a small red maple forested wetland community associated with Stream S. The wetland is located in the northwest corner of the property and is approximately 0.34 acres in size. Dominant vegetation within the wetland includes red maple, multiflora rose, skunk cabbage, and sensitive fern. In the area north of US Route 44, a portion of wetland S has been filled at some time in the past, and replanted in grass.

Wetland U is a vernal pool consisting of a highbush blueberry bog thicket community approximately 2.78 acres in size located in the west-central portion of the property approximately three-quarters up the ridge. Wetland U, located up on the ridge in the western portion of the project site, has been identified as a vernal pool. Dominant vegetation includes mountain laurel, highbush blueberry, fringed sedge (*Carex crinita*), cinnamon fern, and sphagnum moss.

Wetland W is a vernal pool consisting of red maple forested wetland that is approximately 1.30 acres in size located near the west-central boundary line on top of the ridge. Dominant vegetation includes red maple, green ash (*Fraxinus pennsylvanica*), highbush blueberry, silky dogwood, royal fern (*Osmunda regalis*), and tussock sedge (*Carex stricta*).

Wetland X is a vernal pool consisting of a red maple forested wetland that is approximately 0.25 acres in size located just south of Wetland W.

## 5. Floodplains

An 11.6 acre area in the northeast portion of the project site along NYS Route 22, south of US Route 44 and adjacent to Amenia/Cascade Brook, is located the 100-year floodplain. All other areas of the project site are outside of the 100-year floodplain. The floodplain is designated per FEMA Flood Insurance Rate Map Community Number 361332, Map Number 36027C0329E, Effective Date May 2, 2012. The 100-year floodplain includes areas of Special Flood Hazard Areas and Floodway Areas.

## 6. Ponds

The seven (7) ponds or open water areas total approximately 10.3± acres and are scattered throughout the site. These are all constructed wetlands. Two of the ponds are located on either side of the entrance driveway off of NYS Route 22 and two are located in the northern portion of the site. The two largest ponds are located within the golf course and are used as water features and for irrigation storage. The last pond is associated with Wetland J, just west of the largest onsite pond.

## 7. Groundwater

The entire project site is included within the Town of Amenia Aquifer Overlay District, which contains different zones and levels of protection. A majority of the developed portion of the site lies within the Primary Valley Bottom Aquifer District. The balance of the site is within the Upland Aquifer District. Precipitation is the source of groundwater recharge in bedrock and sediment aquifer formations on the site. Recharge infiltrates first through soil horizons and passes into or through surficial glacial deposits to enter the bedrock fractures. Some groundwater discharges from these glacial till and bedrock aquifers to onsite streams, hillside seeps/springs, and wetlands.

## 8. Wells

There are two existing onsite groundwater wells supplying water to the existing golf course facility. The primary well is located near the clubhouse and is used to supply water to the clubhouse. This well is able to supply approximately 80 gpm. An additional well is located adjacent to the maintenance building. This well only supplies water to the maintenance building and has a much smaller supply capacity of approximately 3 gpm. Both of the onsite wells are sufficient for existing water demand. Three (3) new wells will be placed in service, as the existing wells do not meet requirements for separation from structures under current regulation.

In 2014, during a simultaneous 72-hour pump test of five (5) new groundwater wells and one existing well used to supply the clubhouse, the six (6) tested wells were able to produce 578 gallons per minute (gpm). The best well (Well 31) provided 158 gpm of the total yield, making 420 gpm available with the best well off line. In addition, there was no drawdown extending beyond the protect site's perimeter in any direction during the test.

Water quality from the groundwater wells was tested for conformance with the NYS Department of Health ("NYSDOH") drinking water standards. The Microscopic Particulate Analysis ("MPA") sample from Well 2 was reported to below risk with no indicator organisms detected in the sample. The physical parameter data collected from Well 2 and the nearby surface water also showed no indication of potential ground water under direct influence ("GWUDI"). However, since giardia was detected in the EPA Method 1623 analysis this will likely result in a positive GWUDI designation and treatment will be required.

The water quality in Well 2 met all NYSDOH drinking water standards with the exception of the total iron and the combined total iron and total manganese concentrations.

The water quality in Well 11 met all NYSDOH drinking water standards with the exception of the presence of total coliform. The MPA sample from Well 11 was reported to be low risk for GWUDI.

The water quality in Well 31 met all NYSDOH drinking water standards with the exception of combined total iron and total manganese concentrations. The MPA sample from Well 31 was reported to be low risk with no indicator organisms detected in the sample and no indication of potential GWUDI.

9. Aquifer recharge

Aquifer recharge rates are measured in inches per year (annual) or gallons per acre (average daily recharge). Recharge rates vary among soil hydrologic groups, and drop by about 30% during normal drought years. In many areas of NY State, evaporation and plant transpiration take up about half of annual precipitation. The other half becomes overland runoff or groundwater recharge.

The aquifer underlying the project site is currently used to support irrigation withdrawals for the golf course from existing irrigation ponds. Although not currently metered, water usage for irrigation is estimated at 350,000 gallons per day during peak summer periods, which is used to irrigate 135± acres. During dry periods this is estimated to require as much as 200 gallons per minute or more of irrigation water, currently drawn from the existing groundwater ponds.

**Impacts:**

Impacts to water resources are characterized as often involve both direct and/or indirect impacts. Direct impacts include filling, dredging, or draining a wetland; building in a floodplain; changing the hydrologic characteristics of a watershed; or channelizing a stream. Indirect impacts include the degradation of water quality; changes in stream flow or wetland hydroperiod; changes in wetland ponding depth; flow constrictions; an increase in runoff volume and/or a reduction in aquifer recharge due to increased impervious surface area; sediment deposition; nutrient enrichment of and pollutant accumulation in wetlands; discharge of pollutants to streams or a reduction in stream flow (with a concomitant increase in pollutant concentrations) due to increased groundwater withdrawal. The following discussion encompasses both direct and indirect impacts to water resources. Generally, these impacts affect water quality, water supply, wetland and stream functioning, and drainage patterns.

- Impervious surfaces including roads, parking areas, buildings, and cart paths would increase from the existing 14± acres to 42± acres. Development of the Modified Project will create additional impervious areas, which will alter the hydrologic characteristics of the watershed and could have direct and indirect impacts on water resources. Impervious areas cause rainfall to rapidly convert into stormwater runoff, reducing potential for aquifer recharge and also result in the introduction of a variety of contaminants including nutrients and bacteria into surface water resources. Calculations provided in the Addendum to EAF indicate that the percent impervious cover within the contributing drainage area for the large NYSDEC Wetland L/LL is anticipated to be 6.2%, which would fall below the 10% threshold of concern for impervious surface cover.

- Construction-phase pollutant sources anticipated at the site include sediment, disturbed existing golf course soils, vehicle fuels and lubricants, chemicals associated with building construction, and building materials. Without adequate control there is the potential for each type of pollutant to be transported into receiving waters, affecting water quality. Pollutants and sediment carried by stormwater degrade the water quality of receiving waters. For example, fertilizers from new lawn areas and material from roadways can affect light turbidity levels, dissolved oxygen, and nutrient concentrations in the receiving waters, which over time may decrease water quality.
- The current driveway access to the Miller house (5021 US Route 44) crosses Wetland/Stream R/S; severe erosion is evident along portions of the driveway. An adjacent hillside that slopes down to the same wetland/stream shows signs of erosion. Stream V (channel and banks) just north of US Route 44 and also just above its confluence with Amenia/Cascade Brook exhibits severe erosion.
- For basic water quality and habitat protection, a minimum vegetated 30 foot buffer is recommended. The Modified Project is a redevelopment of an existing golf course, and the 30-foot buffer may not be achievable in all areas of the course. There are areas where the vegetated buffer around wetlands, ponds and streams are less than thirty feet which constitutes a potential impact.
- The Amenia/Cascade Brook will have less than 100 feet of vegetated riparian buffer in portions of its run through the project site.
- Approximately six acres (270,000± sf) of grading and disturbance is proposed within 150 feet of the Amenia/Cascade Brook.
- In the Vineyard Cottage and Winery Restaurant areas, where there are steep slopes and headwater streams, development (parking for the Winery Restaurant, access road to the Vineyard Cottages and two residential units), is proposed within 100 feet of the Streams R/S and V.
- The Modified Project has the potential to create changes in groundwater quality due to the addition of impervious surfaces, manicured lawns, and water and wastewater systems. Stormwater contaminants in surface waters may infiltrate into groundwater depending on site specific soil conditions. A reduction in groundwater recharge is expected during times of drought. Average aquifer recharge on the site is estimated at approximately 345 gpm following the methodology included in Chapter 121-15 of the Town of Amenia Town Code. Aquifer recharge may drop during drought years by up to 30%, to approximately 241 gpm.

Based on these findings, the tested wells for the potable water supply appear capable of supporting continuous yields of up to 215 gpm with the best well off line and for the irrigation water system the wells can yield up to 205 gpm. The potable system will be utilized to meet the project average water demand of about 95.4 gpm and the irrigation wells will be used intermittently, as needed, to supplement the onsite irrigation

pond. The onsite recharge can support the Modified Project's potable water demand and irrigation well use during normal years and up to 241 gpm can be supported during drought years.

- Although it is not expected that the proposed project would terminate flow in the Amenia/Cascade Brook, periodic reduction in stream flow may affect water temperature and stream biota, and serve to further concentrate the pollutant load entering the stream. Decreases in base flow to Amenia/Cascade Brook may be expected during times of drought, as documented in the DEIS, even though increases in total runoff to the stream may be apparent during times of normal precipitation and storm events.
- The potential exists for the dewatering of Streams V and R/S due to increased impervious surfaces in the Vineyard Cottage area, and stormwater collection/relocation of runoff to downstream areas.
- Stream E-1: filling the entire stream area of  $0.05 \pm$  acres for golf holes 2 and 3.
- Stream E-2: filling  $0.01 \pm$  acres for golf holes 4 and 6.
- Stream G-2: filling entire stream area of  $0.01 \pm$  acres for golf hole 5.
- Wetland I: filling entire wetland area of  $0.06 \pm$  acre for golf hole 1.
- Stream N/P: filling the entire stream area of  $0.01 \pm$  acres for stormwater management.
- Wetland O: filling entire wetland area of  $0.03 \pm$  acre for golf hole 10.
- Stream OO: filling the entire stream area of  $0.01 \pm$  acres for building fill and grading.
- Stream QQ: filling the entire stream area of  $0.02 \pm$  acres for building fill and grading.
- Stream R: filling  $0.01 \pm$  acres for golf hole 1.
- Disturbance to Wetland S utility trench installation, and for grading for the improvement of the existing driveway.
- Timber crossings will be constructed for the ten (10) stream/wetland crossings located in the golf course and a typical timber bridge will be constructed for the vehicular bridge over Wetland J.
- Grading within 50 feet of Amenia/Cascade Brook for golf course redevelopment.
- Grading within the recommended buffer zone between 100 feet and 750 feet from the existing vernal pool on the main portion of the site as well as the vernal pool on Parcel 1.
- Floodplain disturbance along Amenia/Cascade Brook includes portions of golf holes 7 and 8, and enlargement of Ponds 'A' and 'B' (also known as Stormwater Management ("SWM") Practice #6) on either side of the main entrance. This is a total of 9.83 acres of floodplain disturbance within the property boundaries. An additional floodplain disturbance of 1.01 acres is proposed for landscaping improvements within NYS Route 22 right-of-way on either side of main entrance. The total amount of flood plain disturbance for the Modified Project is 10.84 acres per Appendix D of the Addendum to the EAF.

**Mitigation:**

Impervious cover/pollutant loading - impacts will in part be mitigated by the following:

- A Stormwater Pollution Prevention Plan (“Modified Project SWPPP”) has been prepared for the Amended MDP. Design is provided for stormwater collection and conveyance systems, and water quality and quantity control facilities. The stormwater analysis, as presented, follows the requirements of the SMDM, the New York Standards and Specifications for Erosion and Sediment Control (August 2005), and US Department of Agriculture Technical Release No. 55 (TR-55).
- The Modified Project SWPPP allows for the maintenance of existing drainage patterns while continuing the conveyance of upland watershed areas. The overall watershed and drainage patterns have remained relatively unchanged between pre- and post-development conditions. The proposed stormwater management system has been designed to attenuate runoff generated during the 1-, 2-, 10-, 25-, 50- and 100-year storm events such that the peak rates realized at the designated design points will not exceed the rates that existed prior to development of the Modified Project. It should be noted that all the design points evaluated as part of the SWPPP are tributary to the Amenia/Cascade Brook, a NYSDEC Class “C (Ts)” stream.
- The proposed water quality volume controls have been sized based on the Enhanced Phosphorus Removal Standards (Chapter 10) of the SMDM. Each of the stormwater management basins has been sized accordingly to provide as a minimum, the required water quality volume (WQ<sub>v</sub>) for its contributing drainage area.
- According to the NYSDEC, extended detention ponds generally remove 60 to 80% of total phosphorus, 40 to 60% of total nitrogen, 80 to 100% of total suspended solids, 40 to 60% of biological oxygen demand, and 40 to 60% of chemical oxygen demand. Stormwater filters were assumed to have the same removal efficiencies as extended detention ponds. Therefore, as stormwater is collected and concentrated within stormwater management facilities, an increase in the concentration of some pollutants will occur. The table below documents the post-development annual stormwater pollutant exports based on the implementation of the “best management practices” identified in the Modified Project SWPPP. “Low”, “Middle”, and “High” removal values estimate a range of pollutant load export. Some pollutants (e.g. road salt) in stormwater runoff cannot be removed by stormwater management facilities.

**Summary of Pre- & Post-Development Annual Stormwater Pollutant Load Exports**

Constituent	Concentration (lbs/year)				
	Existing Site	Developed Pollutant Export w/out Stormwater Treatment	Developed Pollutant Export with Stormwater Treatment		
			Low	Middle	High
<b>Total Phosphorus</b>	132.1	211.2	113.8	97.6	81.3
<b>Total Nitrogen</b>	1,016.2	1,624.9	1,125.2	1,000.3	875.3

<b>Total Suspended Solids (TSS)</b>	27,691.3	44,279.4	17,044.5	13,640.1	10,235.7
<b>Biological Oxygen Demand (BOD)</b>	5,843.1	9,343.4	6,469.9	5,751.6	5,033.2
<b>Chemical Oxygen Demand (COD)</b>	22,712.0	36,317.2	25,148.4	22,356.2	19,564.0

- As shown in the table, there will be a total Phosphorus reduction of 18.3 to 50.8 lbs/year, a total Nitrogen reduction of 140.9 lbs/year to a gain of 109.0 lbs/year and a total Suspended Solids reduction of 10,646.8 lbs/year to 17,455.6 lbs/year.
- Biological Oxygen Demand (“BOD”) indicates the amount of putrescible organic matter present in water. Therefore, a low BOD is an indicator of good quality water, while a high BOD indicates polluted water. Typically, most pristine rivers have a BOD of less than one milligram per liter (1 mg/l); moderately polluted waters have a BOD of 2-8 mg/l; and untreated sewage is about 200mg/l. The national median concentration of BOD in stormwater is recognized as being 11.5 mg/l. The stormwater management practices for the Modified Project will be constructed in accordance with the SMDM, and will remove 40% to 60% of the BOD in the stormwater runoff. This will result in a net gain of 626.8 pounds to a reduction of 809.9 pounds of BOD annually, and the BOD of the treated stormwater will range from 3.4 mg/l to 8.3 mg/l.
- Chemical Oxygen Demand (“COD”) is a measure of the oxygen demand required to oxidize all compounds, both organic and inorganic, in water. The national median concentration of COD in stormwater is recognized as being 44.7 mg/l. The stormwater management practices for the Modified Project will remove 40% to 60% of the COD in the stormwater runoff. This will result in a net gain of 2,436.4 to a reduction of 3,148.0 pounds of COD annually, and the COD of the treated stormwater will range from 13.4 mg/l to 32.4 mg/l.
- Erosion control measures will be installed before construction of the Modified Project begins. Stabilized construction entrances, silt fences, sediment traps and water quality basins will be constructed to prevent soil erosion, sedimentation in surface water bodies, and tracking of soil onto adjacent roads. All erosion and sediment control structures will be designed in accordance with the SMDM.
- Construction-phase pollutant sources anticipated at the site include sediment, vehicle fuels and lubricants, chemicals associated with building construction, and building materials. These pollutants can be transported by stormwater without adequate preventative measures. Stormwater pollutant controls utilized during construction will include, but are not limited to, the following:
  - Stabilization of construction entrances to reduce the tracking of sediment onto public roadways and permanent traffic corridors to avoid “routes of convenience” that are potentially more detrimental.

- Employment of dust control measures including the use of water trucks to reduce dust generated on site.
- Temporary stockpiling of materials, such as topsoil, in areas away from storm drainage, water bodies and/or courses, and encircled by silt fence barriers to prevent sedimentation.
- Placement of silt fencing, a geotextile filter fabric, along the perimeter of areas to be disturbed to reduce sediment loss.
- Temporary seeding and mulching on all disturbed areas, including topsoil stockpiles, where there will not be any further disturbance for longer than 14 days to minimize erosion and sediment loss.
- In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased.
- Placement of excavated drop inlet protection, filter fabric drop inlet protection, curb drop inlet protection, or stone and block inlet protection to keep sediment from entering the catch basins and storm sewer system.
- Installation of erosion control blankets, or other approved erosion control practice, on all slopes exceeding 4:1 to provide temporary erosion protection, rapid vegetative establishment, and long-term erosion resistance to shear stresses associated with high runoff flow velocities associated with steep slopes.
- Installation of stone check dams within drainage ditches to reduce the velocity of stormwater runoff, to promote settling of sediment, and to reduce sediment transport offsite.
- Construction of temporary sediment basins to intercept sediment laden runoff and reduce the amount of sediment leaving the disturbed areas and to protect drainage ways, properties, and rights-of-way.
- Soil disturbances will be limited to 5 acres or less at any one time, except in conjunction with Phase Zero, for which a waiver was granted by NYSDEC. If more than 5 acres in any subsequent phase will be disturbed at any one time, permission from the NYSDEC will be required.
- Construction housekeeping practices will be implemented to help maintain stormwater quality. These measures include:
  - Stockpile the topsoil removed from the site. The topsoil should be protected, stabilized and sited in a location away from the storm drains and waterbodies, and saved on-site for reuse if not contaminated.
  - Areas designated for equipment cleaning, maintenance, and repair will be protected by a temporary perimeter berm.
  - Detergents will not be used for large scale washing (i.e. vehicles, buildings, pavement surfaces, etc.)

- A Spill Prevention and Response Plan has been developed for the site and is included in the NRMP detailing the steps that need to be followed in the event of an accidental spill.

Construction materials shall be stored in a dedicated staging area designed to minimize the impacts of the construction materials on stormwater quality.

- Dumpsters and other garbage receptacles will be provided to control construction debris and litter from being blown by wind or washed into waterways.
- Inspections must be performed every 7 calendar days. For construction where soil disturbance activities are greater than five (5) acres of soil at any one time, the inspection must be performed at least two (2) times every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
- Inspection and maintenance shall comply with Part IV of the SPDES Permit requirements.
- Compliance with NYSDEC Phase II Stormwater Management regulations.
- Using pervious materials for the “HOA 2” parking lot, all hammerheads, and the overflow parking lot located on the HVLC Property.
- Using pervious materials at the Winery Restaurant parking and draining through a buffer planting area.
- Implementation of the NRMP which includes stormwater controls, Integrated Pest Management, and specific monitoring requirements for surface water and groundwater. The NRMP will include a management plan for alternative road de-icing compounds where practicable.
- The HMP will be implemented as a mitigation measure. The HMP describes a system of vegetated buffers throughout the project site, ranging from very narrow aquatic habitat buffers to larger buffers of 100 feet or more to effectively protect certain water resources, habitats and water quality.
- Biomonitoring will be used to inform mitigation for impacts to stream flow, in-stream biota and water quality. The following protocol shall be followed:

Each bioassessment sample will result in a completed field data summary and report explaining the data. At minimum, the filed data summary report shall include of the information contained in the form of Sample Report Field Data Summary attached to this Amended Findings Statement as Attachment B shall be provided.

Samples will be collected at three of the four locations in Amenia/Cascade Brook described in the FEIS: one location upstream of the site; one below the salt yard; and one downstream of where the stream exits the site. Sampling at the fourth location described in the FEIS is not needed.

Reference sampling (three samples of macroinvertebrates from each of the three instream locations to allow for verification of results) shall be completed at each of the above described locations as soon as possible so that results can be used to inform the development of the Modified Project SWPPP, and at each of the above locations during the State approved biomonitoring sampling season, between July 1 and September 30.

Screening sampling shall be completed within two weeks of the date of the season (July 1-September 30) annually during construction and a minimum of two years post-construction. Sampling will include three macroinvertebrate samples at each of the three instream locations described above. This is the only time of year when the screening sampling will be necessary, aside from the initial reference sampling described above.

Water chemistry sampling alone shall be completed at each of the three sample locations within two weeks of the date of the reference sample described above and during spring runoff. Water chemistry sampling shall be completed annually during construction and a minimum of two years post construction.

- For all Estate Homes, the Applicant will comply with, and provide all mitigation measures required by, the Design Standards for Estate Homes.

Erosion control:

- Impacts to soils and geology will be minimized through erosion and sediment control measures and the establishment of BMPs, as outlined in the SMDM and New York Standards and Specifications for Erosion and Sediment Control (August 2005). Please see discussion of Mitigation for Water Resources, above, for specific erosion and sediment control measures.
- Restoration and erosion control planting for Stream E2 as described on Site Plan Drawing L3.14.
- Vineyard Cottages Area. The improvements to the existing driveway, which will become an access road, will be designed to address the current bank erosion, and protect the adjacent wetland/ stream system, especially during storm events. The design will be reviewed by the Town's environmental consultant during site plan review.
- Revegetate the adjacent hillside south of the Miller house (5021 US Route 44) which slopes down to Stream R/S with plants that will stabilize the slope and prevent erosion.
- Stream V (channel and banks) just north of US Route 44 exhibits severe erosion. Bank stabilization and revegetation, along with removal of the existing brush and other debris from the banks of the stream will be performed in this area.

Floodplain:

- Floodplain restoration planting as described on Site Plan Drawings L3.01 and L3.03.
- Floodplain restoration will provide improved habitat.
- Grading within the 100 year floodplain has been reduced by 2.38 acres compared to the previously approved Master development Plan. The grading within the floodplain results in additional floodplain storage capacity. Additionally, golf hole 9 has been relocated, resulting in an increase in buffer area on the Amenia/Cascade Brook of 3,721 linear feet.

- A Floodplain Development Permit will be required in accordance with Town Code Chapter 67.
- Town Code Chapter 67-13.F requires a “technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.”

Encroachment in buffer zones, or insufficient buffers:

- The HMP describes a system of vegetated buffers throughout the project site, ranging from very narrow aquatic habitat buffers to larger buffers of 100 feet or more to effectively protect certain water resources, habitats and water quality.
- Riparian and bank stabilization improvements to Amenia/Cascade Brook are made part of the Modified Project, along with significant floodplain re-vegetation in this stream corridor. The NYSDEC will review mitigation activities in close proximity to the stream.
- Most of the existing golf course does not provide buffers along wetlands or streams, both constructed and natural (total of 27% of constructed aquatic edges currently contain greater than 30 feet buffers, and 83% of natural aquatic edges currently contain greater than 30 feet of buffers). As mitigation, the HMP includes improvements to at least some vegetated buffers around most water resources, and the riparian enhancements listed above (the constructed habitat buffers increase from 27% to 68% and the natural habitat buffers increase from 83% to 99% of aquatic edges containing greater than 30 feet buffers).
- Require a 150 foot vegetated buffer along headwater Streams R/S and V unless the Applicant can demonstrate during site plan review that a buffer of less than 150 feet is needed. For areas where a 150 foot buffer cannot be provided, a minimum 100 foot buffer shall be provided unless the Applicant can demonstrate during site plan review that a buffer of less than 100 feet in “limited areas” is needed. Nevertheless, grading activities within the stream banks shall be prohibited regardless of the buffer provided. The 100/150 foot buffer does not apply to the improvement of the existing Miller house driveway, which will become an access road into the Winery Restaurant and Vineyard Cottages area. Permeable surfaces will be used as practicable in this buffer area. It is noted that several components of the Modified Project are inside the 150 foot buffer.

Changes in drainage patterns:

- Compliance with NYSDEC Phase II Stormwater Management regulations.

Groundwater quality and recharge/water supply to streams/wetlands:

- The WWTP will be designed to meet NYSDEC intermittent stream standards and NYSDOH supplemental bathing beach standards,<sup>4</sup> which adds additional constituents to be reviewed and monitored by the NYSDEC and the WWTP operator. Treated wastewater will be directed to the Amenia/Cascade Brook.
- An updated water budget report has been provided. The comparison shows that there is adequate water available from the inflows and storage in the irrigation pond to supply the Modified Project irrigation water demand under the highest water usage scenarios, including the dry normal precipitation conditions at full project build-out. This data also includes that under other varying conditions (wet years and during the phased construction) when irrigation water use is less and/or inflows to the irrigation pond increase, that the on-site irrigation water resources will continue to be sufficient for the Modified Project.
- The NRMP includes stormwater controls, an IPM plan, and specific monitoring requirements for surface water and ground water.

Wetland and stream disturbance:

- Runoff will be captured and released at discharge rates that are less than pre-development conditions.
- The Modified Project will comply with applicable wetland permit regulations of the NYSDEC and the ACOE.
- A joint permit application will be prepared to both the ACOE (for Section 404 permits) and the NYSDEC (for Article 24 Freshwater Wetland Permits, and Section 401 Water Quality Certification). Both the ACOE and the NYSDEC will review the permit application to ensure that the Modified Project complies with their respective permitting requirements, including the need to avoid and minimize impact to wetlands to the maximum extent practical, and, for the ACOE, to compensate for unavoidable wetland impacts.
- Additional stormwater quality control measures will be implemented to reduce potential indirect impacts, including erosion and sediment control measures such as the establishment of permanent vegetation for all areas at final grade. These areas will be seeded and mulched within 14 days after completion of the major construction activity. With the construction and maintenance of the proposed stormwater management facilities, no adverse impacts to adjacent or downstream properties are expected.
- Increase in Conservation Buffers around natural wetlands from 83% to 99%.
- Day-lighting and restoration of Stream N/P through golf course. This day-lighting plan includes vegetated buffers along the new stream channel.

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<sup>4</sup> See NYSDOH Regulations, Section 6-2.19, "Bathing Beach Design Standards," Item 4.11-1, "Bacteriological Quality," for the purposes of the WWTP design, and Section 6-2.15, "Water Quality Monitoring," Item (c), "Bacteriological Quality," for the purposes of WWTP operation.

- In lieu of box culverts, timber crossings will be constructed for the ten (10) timber bridge crossings located in the golf course and a typical timber bridge will be constructed over Stream J. These timber bridges include abutments and approaches constructed outside of the annual high water mark and elevated above the functional stream bed (including stream banks) to maintain an environment conducive to unrestricted animal movements along aquatic corridors.
- NYSDEC review and approval of grading plans for all golf course grading within 50 feet of Amenia/Cascade Brook.
- The project site currently does not have formal NYSDEC Phase II Stormwater Management facilities, but it is likely that some of the existing on-site ponds are functioning to provide stormwater quality and quantity control. The ponds have limited fringe vegetation and are maintained through mowing and fertilization to the water's edge. As part of the Modified Project, seven (7) of the existing constructed ponds will be enlarged in order to develop enhanced edges and provide additional stormwater management.
- The Applicant does not propose any impacts to the 34.95 acres of existing, natural waterbodies on site. The following activities will result in  $0.20\pm$  acres less disturbance of constructed wetlands, and creation of  $3.42\pm$  acres of constructed wetlands as part of stormwater management practices.
- Ponds A and B will be connected, expanding the total combined wetland by  $0.37\pm$  acres.
- Pond D: the wetland will be expanded by  $0.24\pm$  acres to a total of  $0.67\pm$  acres, for golf hole 8.
- Pond H: a stone wall is proposed along the western edge to allow grading for golf hole 2, without permanent loss of acreage.
- Pond J-1: reconfiguring the pond to  $1.00\pm$  acres for golf hole 18 and stormwater management, resulting in a net increase of  $0.60\pm$  acres.
- Wetland N: reconfiguring the wetland to  $0.88\pm$  acres for stormwater management, resulting in a net increase of  $0.73\pm$  acres.
- Ponds K and Z will be connected, expanding the total combined wetland by  $0.65\pm$  acres.

Impervious cover/pollutant loading/drainage patterns:

The Modified Project's potential pollutant loading impact on downstream properties will be partially mitigated by compliance with NYSDEC Phase II Stormwater Management regulations. The post-treatment pollutant load is an impact on receiving waters and will require additional mitigation including:

- To provide stormwater water quality treatment for each individual home, Estate Home lots shall include at least one green infrastructure practice described in the Design Standards for Estate Homes. Each practice shall be designed using SMDM Chapter 5, Table 5.7, to the extent practicable.

- Stormwater management practices have been prepared in accordance with the New York Standards and Specifications for Erosion and Sediment Control (August 2005). The Modified Project SWPPP: (i) is based on the potential development on the site of the maximum amount of impervious surface area that could be constructed under the MDP Bulk Design Standards in the Amended MDP (i.e., the impervious surface “worst case”); (ii) is designed to meet “East of Hudson Standards,” which is not legally required because the Modified Project is not located within the East of Hudson watershed, and provides more stringent water quality management than required under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002; and (iii) will, when implemented, ensure that potential downstream stormwater impacts of the Modified Project will be less than existing conditions for each storm frequency, up to and including the 100-year storm.
- The SWPPP ensures the long-term viability of the stormwater treatment facilities through a structured maintenance program. Post-construction reporting similar to the current NYSDEC standards for Municipal Separate Storm Sewer Systems (MS-4) communities. The MS4 designation is based upon population density of a community, which Town of Amenia does not meet at this time. MS4 reporting standards include forwarding copies of all inspections and maintenance reports required by the SWPPP during the post-construction phase to the Town Engineer for review and concurrence. Locating stormwater ponds at least 100 feet from the Amenia/Cascade Brook and Wetland L/LL (AM-15).
- If practicable, stormwater from the Vineyard Cottages area will not be diverted to the south of US Route 44. Stormwater will be retained on the north side of US Route 44 to hydrate Streams R/S and V. Level spreaders will be used to re-infiltrate the water at various locations along the streams.
- The Town and its representatives shall be granted an easement to access and, if necessary, maintain, repair and restore all stormwater management facilities. This easement shall be acceptable to the Planning Board and recorded with the Final Subdivision Plat filed with Dutchess County. The easement shall also grant the Town the right to recover the costs of inspection, maintenance, management and repair as a lien against the Master HOA property or Club property, as the case may be, and the right to add any unpaid amounts to the tax bill for such property for the following year. The easement shall also require the Town to provide the grantor or its designee with notice of the Town’s intent to exercise its right of access, and the opportunity to be present during the Town’s exercise of this right of access to the facilities. However, nothing in this notice provision shall be construed as limiting or restricting the Town’s right of free access to the facilities. Specifically, this notice provision will not render the Town’s right of free access subject to the grantor’s availability to be present during the noticed entry on the site for the purposes identified in the easement, nor to the grantor’s consent upon receipt of such notice.
- Limit the use of road salt for deicing, where practicable. Alternatives to be considered include calcium magnesium acetate, potassium acetate, and low-phosphorus liquid deicers. Snow should not be deposited in stormwater ponds, wetlands, or other ponds

onsite, as it carries a pollutant load that will accumulate and affect water quality over time.

- The use of the existing south entrance eliminates the need for the new approved secondary entrance and reduces clearing and grading adjacent to the NYSDEC Wetland AM-15 and west of NYS Route 22.

Changes in water supply to streams/wetlands:

- Mitigate dewatering of Streams V and R/S by requiring a 150 foot vegetated buffer unless the Applicant can demonstrate during site plan review that a buffer of less than 150 feet is needed. For areas where a 150 foot buffer cannot be provided, a minimum 100 foot buffer shall be provided unless the Applicant can demonstrate during site plan review that a buffer of less than 100 feet in “limited areas” is needed. Nevertheless, grading activities within the stream banks shall be prohibited regardless of the buffer provided. The 100/150 foot buffer does not apply to the improvement of the existing Miller house driveway, which will become an access road into the Winery Restaurant and Vineyard Cottages area. Permeable surfaces will be used as practicable in this buffer area. It is noted that several components of the Modified Project are inside the 150 foot buffer. The Modified Project SWPPP provides a summary of pre- and post-development discharge rates in cubic feet per second (cfs), and demonstrates that the overall peak rate of runoff from the developed site will be less than or equal to that of existing conditions. As a result, the Modified Project will not adversely affect adjacent or downstream properties or receiving watercourses in terms of increased flows.

Wetlands:

- Wetland P: Impacts are minimized by maintaining separate storm water paths for stormwater from undisturbed areas as compared to stormwater from developed areas. The water budget demonstrates that the Modified Project will have no significant hydrological impact to NYSDEC Wetland AM-15.
- Wetland S: The Modified Project will cause temporary impacts to Wetland S for utility trench installation, and there may be additional impacts to Wetland S associated with the grading for the improvement of the existing driveway. Restoration of this wetland will include removing the fill from the existing wetland just south of the existing driveway and restoring it to natural function, subject to utility company approval related to active utility poles located in this area.
- Wetland U, X & W (vernal pools) – Establish and maintain a naturally vegetated area of 750 feet surrounding the pools, with disturbance in no more than 25% of the zone between 100 feet and 750 feet from the vernal pool as per Calhoun and Klemens (2002).
- The proposed development on Parcel 1<sup>5</sup> is considered to have *de minimus* impact to the overall vernal pool resources on the site (Pool 1’). Compared to the high quality of the

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<sup>5</sup> “Parcel 1” is the HVLC Property. “Parcel 2” and “Parcel 3” are not part of the project site. However, the vernal pool resources on Parcel 2 mitigate the loss of the vernal pools resources on Parcel 1 as indicated in this Amended Findings Statement and the Conservation Findings Statement attached as Exhibit 2.

ridge top pools on the main portion of the site and the vernal pool on Parcel 2 ("Pool 2"), Pool 1 is considered to be a minor satellite population of wood frogs originating (most likely) by emigration from Pool 2.

- A significant vernal pool occurs on Parcel 2 and future development of Parcel 2 should be mindful of the need to protect the forested areas within the 750-foot vernal pool life zone and will be managed as per Calhoun and Klemens (2002).
- As a whole, the Modified Project has fully protected the important vernal pools in terms of biological productivity and landscape integrity providing the Pool 2 on Parcel 2 is protected per Calhoun and Klemens (2002).

## C. VEGETATION

### Existing Conditions:

Based on the results of field investigations, there are ten vegetative communities on the 685±-acre site. These include:

- Successional southern hardwood forest/oak hickory forest - This community is established in the northern and central portions of the site and occupies approximately 15% of the overall site area. Several large trees (primarily oaks) with a diameter at breast height (DBH) as great as 50 inches were observed in the south-central portion of the site, north of Wetland L/LL. A cluster of shagbark hickories (*Carya ovata*), a common roost tree for various bat species, were noted on the eastern edge of the golf course above the southwest bank sloping to Wetland L/LL.
- Beech-maple mesic forest - This community is a hardwood forest with sugar maple and beech codominant, which occurs on the western hillside of project site, occupies approximately 30% of the total area of the site. This forest community dominates the western portion of the property along the east facing slopes, with a small patch located to the north of the existing clubhouse.
- Chestnut oak forest - This community is a hardwood forest that is located on the top of the ridge in the western portion of the project site. It occupies approximately 10% of the site.
- Shallow emergent marsh - This community is located in several small areas within the golf course in the south-central portion of the property and within parts of Wetland L/LL on the eastern portion of the site. This community type occupies less than 5% of the project site.
- Red maple swamp - This community is located in several areas within the property including along Amenia/Cascade Brook, and in the northern and central portions of the property associated with several intermittent streams. It occupies less than 5% of the site.
- Shrub swamp - It is located along the western edge of Wetland L on the eastern portion of the site and occupies less than 5% of the site.

- Highbush blueberry bog thicket - The community is located near the top of the ridge in the west-central portion of the property. It occupies less than 5% of the project site.
- Common reed/purple loosestrife marsh - This community occupies much of Wetland L/LL as well as a wetland swale located in the northeastern portion of the property. It occupies less than 5% of the project site.
- Successional old field - It is located in the north and northwestern sections of the property and in the very southern portion of the site. This community occupies approximately 10% of the project site.
- Mowed lawn - The mowed community is the golf course lawn located in the central and northeastern portions of the property, which occupies approximately 40% of the project site.

A botanical survey focused on 38± acres at the base of the western hillside in areas proposed for development identified 127 plants. Most of the plants identified were species commonly found within the northeastern US. No endangered, threatened or rare species were identified during this survey. Two species identified in the Southern Successional Hardwood Forest, bloodroot (*Sanguinaria canadensis*) and red trillium (*Trillium erectum*), are listed on the NYSDEC Protected Plant List as species of exploitably vulnerable native plants. This means that these species are frequently collected from the wild by persons seeking nursery stock for wild flower gardens.

The east-facing slope of the ridge is forested and contains a number of calcareous rock outcrops. Calcareous species have been identified growing on the toe of the forested slope. One of the plants observed in this area of Southern Successional Hardwood Forest include walking fern (*Asplenium rhizophyllum*). Walking fern is sparse within this region of New York State and is listed, like most of the ferns of New York, as exploitably vulnerable.

Correspondence from the NYSDEC dated May 9, 2005 indicated that Hill's pondweed (*Potamogeton hillii*), a State-listed threatened species, is documented within NYSDEC Wetland AM-15), a portion of which is located within the project site and it is assumed that conditions within the wetland have not changed and that the plant still exists in this area. NYSDEC also reports the known presence of small populations of the plant located in the pools surrounding roadside culverts on either side of a roadway bordering the project site. Onsite field work did not coincide with the timing of Hill's pondweed flowering and fruit-bearing periods, however based on the NYSDEC letter it is assumed that this station for Hill's pondweed is still extant. Hill's pondweed is found in the clear, cold water of small, slow flowing streams, beaver ponds, marshes, road culverts and man-made ponds. Activities such as drainage, pollution, water diversions and increased water temperature are the main factors affecting Hill's pondweed (Haynes 1974). Hill's pondweed may rely on maintenance of high water quality, cool water temperatures and a natural habitat, although it has been known to persist in the vicinity of developments (Crispin and Penskar, 1990).

Potential habitat for Hill's pondweed exists within the Shallow Emergent Marsh community of the wetland on Parcel 1 of the HVLC Property. However Hill's pondweed was not observed within this feature during habitat assessments/species inventories conducted during July, August, October and November of 2013, and April and May of 2014. As this wetland represents the only potential habitat for Hill's pondweed at Parcel 1, it is not expected that this species occurs on Parcel 1.

A forested area near the southeastern end of Wetland L/LL containing significant grove of mature shag bark hickories exhibits physical features (e.g., exfoliating bark and/or broken limbs) that could provide the federally endangered Indiana bat and the federally threatened northern long-eared bat with summer roosting habitat.

There are three vernal pools (Wetlands U, X, and W) on top of the ridge in the western portion of the project site. Two vernal pools occur at the southern end of the site on Parcels 1 and Parcel 2.

**Impacts:**

Impacts to vegetation include the clearing and/or disturbance of approximately 275.5± acres of the project site, including approximately 151.3± acres associated with the proposed golf course improvements (all but 0.25 acres of which has been previously graded and disturbed). In total, approximately 38 acres of previously undisturbed land will be affected for construction of the Modified Project, including 22 acres at the base of the forested hillside in the western portion of the project site. Most of the disturbance will be associated with the construction of roads, stormwater control structures, grading, and the excavation of foundations.

Development is not proposed on the forested ridge though there are some impacts associated with forest clearing for proposed single family home sites on the steep slopes below the ridge. While calcareous species have been identified growing on the toe of the forested slope, the limited nature of the intensive botanical survey (38 acres) focused on the portion of the slope slated for development make it impossible to assess whether these calcareous species will be impacted. It is reasonable to assume however that these species are more widespread on the site than the Applicant's data indicate.

Impacts to vernal pools are confined to the location of Red Tail Pass where the road passes through the vernal pool envelope.

Although the Modified Project will result in disturbance and loss of vegetation, the large contiguous open space areas preserved on the western ridgeline of the site will preserve vegetative communities residing in those areas.

**Mitigation:**

- The preservation of 80% of the site as open space. Specifically, preservation of 298.1± acres, or 85%, of the existing forested habitat, by a conservation easement to be held by a qualified conservation organization, including the 217± acre forested block encompassing the majority of the ridge complex that occupies the western portion of the site. This habitat block supports extensive Beech-Maple Mesic Forest and Appalachian Oak-Hickory Forest communities.
- Reduction in clearing of forested areas by 13.1± acres compared to the previously approved October 8, 2009 Master Development Plan (includes the relocation of the WWTP to the south of the Golf Maintenance Facility area on the HVLC Property).

- The Modified Project will also utilize clearing and grading limits to ensure the vegetation is only removed in areas where it is necessary. Specifically, the Design Standards for the Estate Homes addresses clearing of existing vegetation, as well as required landscaping in order to minimize impact on naturally forested areas.
- Native plant species will be used in the planting palettes (referred to as cells and plant mixes in Site Plans L3.21 and L3.22) for vegetative buffers, habitat restoration areas, and out-of-play areas within the golf course in accordance with the HMP. Planting and early maintenance schedules will be followed so as to minimize the colonization of disturbed areas by invasive species. All mitigation plantings in buffer areas and stormwater retention structures will be overseen by the Town's environmental consultant.
- Vegetation removal will be partially mitigated with landscaping including around the proposed Clubhouse, homes, roadways, parking areas and site amenities. Native plant species will be used as much as possible in accordance with the NRMP.
- The implementation of the comprehensive HMP for the site.
- The implementation of the NRMP, which provides for the management of golf course.
- All tree cutting and removal must be conducted only in the winter months (November 1 to March 1) to afford protections to wildlife species and their possible habitat (including endangered Indiana bats and northern long-eared bats) unless otherwise specified by US Fish & Wildlife Service ("USFWS"), and except in bona-fide emergencies, and as necessary to remove damaged or dead trees that threaten the health, safety and welfare of a lot owner and/or the public.
- The implementation of erosion and sediment controls until disturbed areas have been developed or soils have been stabilized through vegetative plantings.
- The preservation of the cluster of shagbark hickories located along the edge of the golf course above the southwest bank of Wetland L/L.
- Where slopes are cut to 4:1 or greater, erosion sediment control blankets or other approved erosion control practices will be used to stabilize the slope and the areas will be further seeded and planted with vegetation to match the existing conditions.
- Compliance with East of Hudson Standards water quality to protect the Hill's pondweed, which requires high water quality.
- Use of native plantings –
  - Native plants preferably of local stock (southern New England origin) will be used for all natural plantings associated with the HMP.
  - In yards, both native and non-native plants shall be permitted. However, homeowners shall be prohibited from using plants or groups of plants considered to be invasive or potentially invasive. A list of invasive plants has been finalized.
- For all Estate Homes, the Applicant will comply with, and provide all mitigation measures required by, the Design Standards for Estate Homes.

- Use of native plants around sensitive habitats and buffer areas as shown in the NRMP and planting plans.
- For vegetative screening related to visual resources see Section II.F. of this Amended Findings Statement.
- Wetlands U, X & W (vernal pools) – Establish and maintain a naturally vegetated area of 750 feet surrounding the pools, with disturbance in no more than 25% of the zone between 100 feet and 750 feet from the vernal pool as per Calhoun and Klemens (2002).
- A significant vernal pool occurs on Parcel 2 and future development of Parcel 2 should be mindful of the need to protect the forested areas within the 750-foot vernal pool life zone as per Calhoun and Klemens (2002).
- The proposed development on Parcel 1 is considered to have *de minimus* impact to the overall vernal pool resources on the site (“Pool 1”). Compared to the high quality of the ridge top pools on the main portion of the site and the vernal pool on Parcel 2 (“Pool 2”), Pool 1 is considered to be a minor satellite population of wood frogs originating (most likely) by emigration from Pool 2.
- Therefore, on a landscape scale, the Modified Project has fully protected the important vernal pools in terms of biological productivity and landscape integrity as per Calhoun and Klemens (2002).
- To verify that the golf course and community lawns are managed as described in the NRMP, the Town must receive an annual report on use of pesticides and fertilizers, irrigation, water quality monitoring, and other management methods agreed to in the NRMP.
- The Town retains the right to approve any recommended changes to the NRMP.
- The Applicant will obtain and maintain Audubon International Signature Program (or equivalent) status for the golf course. Evidence of accreditation will be submitted annually.
- The use of the existing south entrance eliminates the need for the new approved secondary entrance and reduces vegetational clearing adjacent to the NYSDEC Wetland AM-15 and west of NYS Route 22.

#### **D. WILDLIFE**

##### **Existing Conditions:**

The site contains a rich diversity of habitats and a corresponding diversity of wildlife. Given the rural nature of the overall landscape, the site is part of a larger habitat block that extends north and south along the ridge and downstream to the wetlands that lie between NYS Route 22 and the Hamlet of Wassaic. Wildlife moves throughout this landscape, including the adjacent 2,400-acre Tamarack Preserve.

Correspondence from the USFWS dated May 17, 2005 indicates that the Indiana bat (*Myotis sodalis*), a federally endangered species, has a reported roosting location approximately 15 miles from the project site and a hibernaculum approximately 30 miles from the project site. The USFWS also indicated that the bog turtle (*Clemmys mublenbergii*), a federally threatened species, is known to occur within five miles of the project site. In their response letter dated May 9, 2005, the NYSDEC indicated that there are records of known occurrences of the bog turtle, a State endangered species, within one mile of the project site and the timber rattle snake (*Crotalus borridus*), a State threatened species, within 1.5 miles of the project site.

Pursuant to correspondence from the ACOE, dated September 8, 2014 and the USFWS, dated December 23, 2014, species assessments were prepared for the bog turtle and Indiana bat, as well as the federally and New York State threatened northern long-eared bat (*Myotis septentrionalis*) and the federal candidate species New England cottontail (*Sylvilagus transitionalis*).

The wooded portions of the project site represent potential summer habitat for Indiana bat and northern long-eared bat, and ten individuals of the latter species were captured during mist net surveys conducted in 2007. An acoustical bat survey was conducted at the project site in May 2015, pursuant to USFWS protocols. The survey results were negative for both northern long-eared and Indiana bat.

A bog turtle survey was conducted by a surveyor recognized by the NYSDEC. Both Phase I and II surveys for the federally-threatened and State-endangered bog turtle were conducted in accordance with the USFWS Recovery Plan. The study area consisted of approximately 15 acres of the north/northwestern portions of Wetland L/LL (NYSDEC Wetland AM-15). A variety of widespread amphibians and reptile were documented in the study area. The results of the Phase I Survey indicate that an approximately 3-acre crescent-shaped area of suitable bog turtle habitat is located along the northern and western edges of Wetland L/LL. This area consists of areas of mucky soils, spring-fed rivulets, and open emergent/scrub shrub vegetation. Several calcareous wetlands species such as shrubby cinquefoil (*Potentilla fruticosa*) and stonewort (*Chara spp.*) were observed within this area; however, there were no other strong calciphites present.

A Phase II survey was subsequently performed. The vegetation outside of the 3-acre crescent-shaped area consists mostly of common reed and purple loosestrife. In addition, the water levels outside of the designated survey area increase significantly. Therefore, these areas were not considered to be suitable bog turtle habitat and they were not searched as part of the Phase II survey. No bog turtles were observed within the designated survey area during the Phase II survey. There are no records of bog turtles on the site or in the immediate surrounding area. The dominance of invasive species and highly degraded conditions in the surrounding area makes it highly unlikely that bog turtles are present at the site.

A Phase I survey of Parcel 1 was conducted by a surveyor recognized NYSDEC; the Phase I Ecological Assessment is January 15, 2015. It was concluded that the large wetland south of the easement area does not constitute potential bog turtle habitat.

In New York and within southeastern New York State in particular, New England cottontail is known to occur within large habitat matrices of early successional habitats, including shrubby areas, thickets, wetlands and disturbed areas, including edge habitats of agricultural fields and road

corridors. As such, the project site currently supports potential habitat for this species, including transitional habitat areas located between the golf fairways and forested areas, as well as wetland habitats.

The existing ecological conditions on Parcel 1 of the HVLC Property were assessed based upon a review of USFWS, NYSDEC, NYNHP, and Dutchess County records and publications, as well as multiple habitat assessments and flora/fauna surveys conducted during July, August, October and November of 2013, and April and May of 2014. These include a May 2014 breeding bird survey, and an amphibian survey of the Parcel 1 wetland habitat conducted during April and May of 2014. Additionally, an on-site wetland habit was delineated in November 2013. Parcel 1 is currently undeveloped with any structures and supports several habitat types. The western and southern portions of Parcel 1 are comprised of forested habitats growing over the steeply-sloped ridge complex that forms the western boundary of the Harlem Valley. The central portion of the site is occupied by an inactive, capped landfill (the former Harlem Valley Landfill). A wetland habitat occurs on the flat terrain located between the landfill and NYS Route 22 to the east. A small portion of this wetland has vernal pool function. The northern portion of Parcel 1 is comprised primarily of early- and mid-successional habitats growing over gently-to-moderately-sloped terrain. Several successional woodland patches are also located in this area. An unpaved roadway bisects the site and encircles the landfill perimeter and the wetland area. An additional network of unpaved roads traverses the aforementioned ridge complex. Based upon review of the USGS 7.5-minute series topographic map for the Amenia, New York Quadrangle, Parcel 1 has a topographic elevation ranging from 500±- to 1,110±-feet amsl.

As identified during the habitat assessments, Parcel 1 supports five terrestrial ecological communities and two wetland communities, as identified in the NYNHP publication Ecological Communities of New York State (March 2014) (ECNYS). The forested ridge complex at the western and southern portions of Parcel 1 is comprised of steeply-sloped terrain and ridgetop habitats that support the ECNYS Beech-Maple Mesic Forest and Appalachian Oak-Hickory Forest communities. The southern and eastern portions of the site, including the capped landfill, support the Successional Old Field, Successional Shrubland and Successional Southern Hardwoods communities. The wetland habitat located to the east of the landfill is comprised of the ECNYS Shallow Emergent Marsh and Reedgrass/Purple Loosestrife Marsh communities. The seven aforementioned communities are considered by the NYNHP to be either demonstrably secure or apparently secure, both globally and in New York State. The trees, shrubs vines and herbaceous plants identified during flora surveys include many common, characteristic species of the seven ecological communities identified above. Native plant species predominate within the two forested habitats of the ridge complex, while the successional and wetland habitats support a flora comprised of both native and non-native plants, some of which are considered invasive.

#### *Amphibian and reptiles*

Detailed amphibian and reptile surveys of the main portion of the site conducted in 2007 augmented incidental data previously collected as part of the wetland delineation and site planning process in 2005 and 2006. As described above, Phase I and Phase II bog turtle surveys conducted at the project site identified a limited area of potentially suitable habitat. However, no bog turtles were identified and it is highly unlikely that this species is present on the site.

Searches along the top of the ridge on the western side of the site concluded that the ridge line contains very little basking habitat for rattlesnakes, and that rattlesnakes most likely do not exist on the ridge.

Spotted turtles (*Clemmys guttata*), another NYSDEC species of special concern, could occupy wetlands found on top of the ridge, particularly within Wetland U, which is a blueberry bog thicket and a vernal pool.

The following regionally rare and/or State listed species were documented to have occurred or were presently occurring on the main portion of the site: Northern Dusky Salamander (*Desmognathus fuscus*) in the headwaters of stream J, Wood Turtle (*Clemmys insculpta*) in Amenia/Cascade Brook and Black Racer egg shells (*Coluber constrictor*) were found along an old earthen berm near the southwestern edge of Wetland L/LL.

Observed and expected herpetofauna on Parcel 1 includes 18± amphibians and reptiles. Six amphibian species were identified as breeding within the Parcel 1 wetland habitat during the 2013-2014 amphibian surveys: American toad, green frog, spring peeper, gray treefrog red-spotted newt and wood frog. No vernal pool amphibian breeding habitats were identified within the Parcel 1 ridge complex during the 2013-2014 habitat assessments. Based upon the results of a Phase 1 bog turtle habitat assessment conducted in 2013 by the Town Environmental consultant, the Parcel 1 wetland is not a bog turtle habitat, due to unsuitable bottom substrate and hydrology. As this habitat represents the only potential bog turtle habitat at Parcel 1, this species is not expected to occur on Parcel 1.

There is limited potential habitat for the New York State threatened timber rattlesnake including the upper slopes and ridgetop area of Parcel 1.

#### Mammals

A total of 20 species of mammals were either observed or recognized by their sign (e.g. scat, carcass, tracks) on or within the immediate vicinity of the site. Some of these species include white tailed deer (*Odocoileus virginiana*), black bear (*Ursus americanus*), and cottontail rabbits (*Sylvilagus sp*). No endangered, threatened, or special concern mammalian species were observed within the project site. Investigation of potential critical habitat for endangered species revealed that there is a cluster of shagbark hickories in the southeastern portion of the site near Wetland L/LL, which could provide suitable summer roosting habitat for the Indiana bat and northern long-eared bat. Forested areas on top of the ridge may also support suitable Indiana bat and northern long-eared bat habitat. Mines or caves that could serve as hibernacula were not located within the project site.

A variety of mammals are expected to utilize Parcel 1, including eight species that were directly or indirectly observed during 2013 and 2014. Portions of Parcel 1 supports potential habitat for the Indiana bat, the northern long-eared bat, and the New England cottontail. The forested portions of Parcel 1 represent potential habitat for the two aforementioned bat species, while potential habitat for New England cottontail includes the Successional Old Field, Successional Shrubland and wetland edge habitat identified at Parcel 1.

## Birds

A breeding bird inventory was conducted on the main portion of the project site over a period of four days in June 2007. The purpose of the inventory was to detect and identify breeding or potentially breeding bird species on the existing golf course and areas of the site that are proposed to be impacted by construction and to determine if any endangered, threatened, and/or special concern species or National Audubon Society Watchlist 2002 species were using the site. This inventory augmented the incidental bird observations previously documented between April 2005 and May 2007.

Suitable habitat for the state listed Peregrine Falcon (*Falco peregrinus*) was found on-site.

During the survey, 79 species of birds were detected and identified at the site (29 during initial site visits). These species were detected within several different habitats, including mowed lawns, open water, wetlands, secondary forest, shrublands, riparian corridors, old fields, and transition zones between these habitats. Most of the species are common; however, six species listed on the Audubon Watch List 2002 (National Audubon Society 2007) were recorded at the site. These Watch List species include:

- American Woodcock (*Scolopax minor*)
- Blue-winged Warbler (*Vermivora pinus*)
- Prairie Warbler (*Dendroica discolor*)
- Willow Flycatcher (*Empidonax traillii*)
- Wood Thrush (*Hylocichla mustelina*)
- Worm-eating Warbler (*Helmitheros vermivorus*)

Cooper's Hawk (*Accipiter cooperii*) and Red-shouldered Hawk (*Buteo lineatus*) were observed onsite during the preliminary ecological assessments conducted in 2005/2006. These are listed as special concern species in New York. As these species were not detected during this breeding bird survey, they were most likely transient or foraging.

The additional following species of conservation concern were documented in the 2007 breeding bird survey of the main portion of the site:

- Wood Thrush (*Hylocichla mustelina*)
- Virginia Rail (*Rallus limicola*)
- American Woodcock (*Scolopax minor*)
- Purple finch (*Carpodacus purpureus*)
- Chimney swift (*Chaetura pelagica*)
- Eastern wood-pee-wee (*Contopus virens*)
- Baltimore oriole (*Icterus galbula*)

- Yellow-bellied sapsucker (*Sphyrapicus varius*)
- Scarlet tanager (*Piranga olivacea*)
- Brown thrasher (*Toxostoma rufum*)

The avian species identified during the Parcel 1 breeding bird survey are characteristic of old field, shrubland, marsh and shrub-swamp wetlands. None of the birds observed on Parcel 1 during the breeding bird survey, whether breeding, foraging, or transient, are classified as State endangered, -threatened or -special concern species. Further, none of the observed species are considered to be obligate grassland birds. Other avian species observed at or over Parcel 1 include birds of forest and forest edge habitats, including many of the species recorded in New York State Breeding Bird Atlas survey of the general surrounding area of the site between 2000 and 2005.

**Impacts:**

The Modified Project will result in permanent changes to onsite habitats that will affect certain elements of the wildlife community. While some changes to the project site, may be temporary in nature, disturbance associated with the construction of roads, driveways, utilities, residences, Clubhouse facilities and golf course improvements, among other things, will result in permanent habitat loss and alteration. This will result in the death or emigration of individual animals. While certain species may be mobile and adaptable enough to re-colonize the site certain species may disappear from portions of the site.

The developed areas of the project site will favor subsidized species, i.e. those species sufficiently adaptable to inhabit human dominated landscapes. These species are generally not considered to be of conservation concern and in fact may have detrimental effects on more sensitive species by predation or displacement.

Impacts to wildlife species on the property are expected to include a reduction of the existing open agricultural fields, open grassland, shrub-scrub communities, forested slopes and alteration of existing wildlife corridors.

Turtle/snake nesting areas to the north of Wetland L/LL will be affected by development. Proposed disturbances including earth moving and construction will impact terrestrial reptile and amphibian species. However, based upon the survey findings, the species that would be lost are widespread and common species in the Harlem Valley.

Limited habitat loss and alteration would occur within disturbed areas and successional communities at the northern portion of Parcel 1. These communities, which are common at the adjoining Silo Ridge property and in the general surrounding area of Parcel 1, are considered by the NYNHP to be either demonstrably secure or apparently secure, both globally and in New York State. No loss or direct impacts are proposed for the Parcel 1 wetland habitat. The trees, shrubs vines and herbaceous plants identified on Parcel 1 include many common, characteristic species of the seven ecological communities identified above.

The habitat loss described above is expected to have a minimal impact on local plant and animal populations. Following implementation of the Modified Project, it is anticipated that the developed area would be inhabited/utilized by those wildlife species adapted to human activities.

The avian species identified during the Parcel 1 breeding bird survey are characteristic of old fields, shrublands and forest edge communities, rather than obligate grassland birds. As such, no significant adverse impacts to grassland birds are anticipated at Parcel 1.

Clearing, filling or other direct impacts would not occur within the Parcel 1 wetland. Development in the vicinity of the Parcel 1 wetland would occur primarily within disturbed and successional communities that are not optimal habitat for the six herpetofauna species that have been documented as breeding within the Parcel 1 wetland, including wood frog. As such, no significant adverse impacts are anticipated for the breeding populations of these species.

With respect to rare/protected species, as no significant clearing of forested habitat is proposed for Parcel 1, no impacts to potential habitat for Indiana bat and northern long-eared bat are anticipated. Similarly, potential habitat for timber rattlesnake is restricted primarily to include the upper slopes, ridgetop area and forested portions of Parcel 1. Combined with the lack of documented records for this species on-site, the avoidance of proposed clearing or impacts to these areas is not expected to result in significant adverse impacts to timber rattlesnake.

Though not documented on-site, potential habitat for New England cottontail includes the Successional Old Field, Successional Shrubland and wetland edge communities identified at Parcel 1. These communities would not be significantly affected by the development on Parcel 1. Based upon this, no significant adverse impacts to potential New England cottontail or habitat for this species at Parcel 1 are anticipated.

Based upon the results of a Phase 1 bog turtle habitat assessment conducted in 2013, the Parcel 1 wetland does not represent a bog turtle habitat, due to unsuitable substrate and hydrology. As this wetland represents the only potential bog turtle habitat at Parcel 1, this species is not expected to occur at the site. Therefore, no impacts to bog turtle are anticipated.

No grassland bird species are breeding on Parcel 1, and the development on Parcel 1 will not adversely impact the assemblage of birds occurring there.

**Mitigation:**

- A 217± acre forested block encompassing the majority of the ridge complex that occupies the western portion of the site will be preserved as contiguous open space, which will provide for wildlife habitat and movement. The undeveloped portion of the site will continue to provide habitat for those wildlife species that currently utilize the site.
- Vegetation removal in the development area will be partially mitigated by replacement plantings using native species where possible.
- The Modified Project will implement the HMP and the NRMP.

- Buildings and development have been eliminated within 100 feet of Wetland J to protect the habitat of the dusky salamander.
- Limited development including road, bridge and utility crossings will occur within 50 feet of the remainder of Wetland J.
- Buildings and development have been eliminated in the headwater areas of Stream N/P to reduce impacts in this location.
- The Modified Project will restore severely eroded stream channels and culverted drainages in three locations, and includes stream bed restoration, stream bank restoration and daylighting currently culverted drainages, except that the stream in old golf fairway 2 will remain piped to prevent pollutants from directly transported into Amenia/ Cascade Brook
- Habitats will be enhanced with six different planting palettes for different locations throughout the site. Several native species are being used in aquatic and upland habitat enhancement. Additional species are to be used to establish vegetative cover in stormwater management basin wet pools and attenuation basins.
- The Modified Project implements Conservation Buffers 100 feet wide, and water quality buffers a minimum of 30 feet wide (of terrestrial vegetation), around critical habitat and riparian buffers, respectively. Water quality buffers around natural wetlands have been increased from 83% to 99%.
- The main entrance road crossing utilizes an oversized bottomless arched culvert, which has been sized to provide sufficient space for unrestricted movement along aquatic corridors by the largest native mammals resident at the site or its immediate environs.
- Timber crossings will be constructed for the ten (10) timber bridge crossings located in the golf course and a typical timber bridge will be constructed over Stream J. These timber bridges include abutments and approaches constructed outside of the annual high water mark and elevated above the functional stream bed (including stream banks) to maintain an environment conducive to unrestricted animal movements along aquatic corridors. These are equivalent to or superior to box culverts in facilitating wildlife movement.
- Terrestrial habitat enhancements will provide plant communities with additional refuge, forage and, in some cases, breeding habitat for resident birds, mammals and herpetofauna.
- The main entrance ponds (Ponds A and B) are being opened to connect to one another for stormwater management but also provide some additional habitat connectivity.
- The network of connected habitats stretching from the lowlands into the uplands and ridge provide opportunities for plants and animals to move between uplands and lowlands such connected habitats are increasingly important as part of a resiliency for biodiversity in a climate change scenario.
- Aquatic habitat enhancements are proposed to provide additional functional value for aquatic and semi-aquatic wildlife species.

- Sensitive and productive habitats will be protected during construction and operation activities at the site.
- The HMP includes two significant aquatic habitat restoration projects. The first project is a streambed restoration/streambed stabilization and erosion control project on a tributary to Amenia/Cascade Brook. The second project includes a 1.5 acre floodplain restoration in the Amenia/Cascade Brook floodplain. It is noted however that, that the previously proposed golf fairway directly adjacent to the Amenia/Cascade Brook has been eliminated. Improving the width and function of floodplain habitats is an essential component of climate change resiliency planning.
- Preserve the gravelly/sandy bank along the southwest edge of Wetland L/LL, as this area serves as a nesting area for turtle and snake species.
- The Modified Project will preserve at least 536 acres of the site as open space, including the preservation of a contiguous 217 acre natural area adjacent to and ecologically connected with the 800 acre Tamarack Preserve.
- The layout provides for a variety of interconnected habitats throughout the site that will facilitate wildlife movement.
- Establish and maintain a naturally vegetated area of 750 feet surrounding vernal pools (U, X, and W,) with disturbance in no more than 25% of the zone between 100 feet and 750 feet from the vernal pool as per Calhoun and Klemens (2002).
- The Modified Project will implement the NRMP, which includes minimizing the removal of native vegetation; saving native plants that must be removed for later replanting; and re-vegetating with native plantings throughout the site where possible.
- Mitigating measures to help reduce excess nutrients and pollutants into surface water bodies include BMPs, an IPM plan, and erosion control measures as well as two SWPPPs.
- The Modified Project will utilize onsite stormwater management practices in compliance with NYSDEC Phase II Stormwater Management regulations.
- The restoration of the Amenia/Cascade Brook floodplain will benefit wood turtles as well as a host of other riparian species. This restoration will also enhance floodplain function which will increase resiliency to the more frequent flood events associated with climate change.
- The area designated adjacent to Wetland AM-15 as enhanced turtle and snake nesting area has minimal value as mitigation but will be preserved in a natural state.
- A 150 foot vegetated buffer along headwater Streams R/S and V will be required unless the Applicant can demonstrate during site plan review that a buffer of less than 150 feet is needed. For areas where a 150 foot buffer cannot be provided, a minimum 100 foot buffer shall be provided unless the Applicant can demonstrate during site plan review that a buffer of less than 100 feet in "limited areas" is needed. Nevertheless, grading activities within the stream banks shall be prohibited regardless of the buffer provided. The 100/150 foot buffer does not apply to the improvement of the existing Miller house driveway, which will become an access road into the Winery Restaurant and Vineyard

Cottages area. Permeable surfaces will be used as practicable in this buffer area. It is noted that several components of the Modified Project are inside the 150 foot buffer.

- The Applicant has provided a conceptual site plan for the Vineyard Cottages area which shows a 150± foot buffer along Streams R/S and V, which will be required unless the Applicant can demonstrate during site plan review that a buffer of less than 150 feet is needed, as set forth above. The enlarged buffer width is a function of a steep ravine-like topography surrounding the stream. Design details for this area will be examined during site plan review. For aquatic species, the maintenance of a 150 foot buffer for water volume/quality purposes in these areas of steep slopes will help to ensure species viability and water purity.
- All tree cutting and removal must be conducted only in the winter months (November 1 to March 1) to afford protections to wildlife species and their possible habitat (including endangered Indiana bats and northern long-eared bats) unless otherwise specified by US Fish & Wildlife Service, and except in bona-fide emergencies, and as necessary to remove damaged or dead trees that threaten the health, safety and welfare of a lot owner and/or the public.

## **E. CULTURAL RESOURCES**

### **Existing Conditions:**

Cultural Resources Phase I and II investigations have been conducted on the main project site and the HVLC Property. The work has been reviewed by the New York State Office of Parks, Recreation, and Historic Preservation (“NYSHPO”), which has concluded that no further cultural resources investigations are required as long as required mitigation is implemented.

In 2006 and 2007, Louis Berger Group, Inc. (“LBG”), of Albany, New York, conducted Phase I and II investigations on the main portion of the site. Two historic archaeological sites were identified and were assigned NYSHPO Unique Site Numbers (“USN”) A02701.000081 and A02701.000082 (identified in this Amended Findings Statement as Site-81 and Site-82, respectively). Site-81 was named the “Silo Ridge Charcoal Hearths” by LBG. LBG named Site-82 the “West Lake Amenia Road Historic Site.” In 2007, LBG conducted supplemental Phase I investigations and began a Phase II investigation of Site-82. The Phase II fieldwork was not completed because the project sponsor at the time was developing new designs that might allow Site-82 to be avoided.

By letter dated June 18, 2008, NYSHPO determined that that no further work was needed on the charcoal hearths identified along a ridge in the western portion of the site, which were used by local iron ore processing companies including the Peekskill Iron Company. The site also contains possible iron ore pits, at least one of which, the so-called “Island Green Pond” (Pond Z), is now a wetland pond within the landscaped golf course. While Island Green Pond and other ponds on the site may have once functioned as ore pits, documentation indicates that the Island Green Pond had been re-contoured and dredged during the construction of the original DeLaVergne Country Club in the late 1980s. Nevertheless, in July, 2013, NYSHPO suggested that further research into ore production and processing in the Wassaic Valley area should be performed. In 2014, Historical Perspectives, Inc. (“HPP”) determined that there was no basis for a related historical district based

on the elements on the site identified to date. Based on the conclusions reached by HPI and information provided by others, no further avoidance of the Island Green Pond or other ponds in the area of potential excavation is warranted. By letter dated September 18, 2014, NYSHPO accepted this conclusion and therefore no further consideration of an archaeological district or its possible contributing features is required.

In 2013, HPI conducted Phase IA/IB investigations of the HVLC Property and re-opened the Phase II investigations at Site-82 because re-design in the general site vicinity could not be completed until the site boundaries were determined.

The Phase IA investigation concluded the project site should not be sensitive for historical period archaeological resources other than those related to the charcoal industry. HPI then recommended a Phase IB field testing for precontact period archaeological resources within undisturbed portions of the Parcel 1 and 2 "area of potential effect" (APE) and for resources related to the charcoal hearths outside of the footprint of the hearths themselves.

The Phase IB investigation identified several features on Parcel 1 included a rock outcrop with stones piled on it (Feature 1) and four charcoal hearths (Features 2, 5, 6, and 6a). Additional testing around these features failed to identify any artifacts or cultural material. No artifact deposits were found on the lowland portions of Parcels 1 and 2, as such, no further testing was recommended for Parcels 1 and 2 but the NYS Inventory form completed in 2007 was updated with the additional charcoal hearths.

The collection of features on this site, the charcoal hearths, roads and the landscaped ponds that are remnants of open pit mines, do not retain the integrity and lacks research potential. Therefore the features do not solidify the project site eligible for nomination as an archaeological district.

The additional investigations into Site-82 were subsequently halted by the Applicant because it was determined that Site-82 could be avoided by re-design, the use of a construction buffer, and monitoring (see Mitigation below). Following the cessation of fieldwork in 2014, HPI reported the results of investigation to date, and the 2014 Avoidance Monitoring and Unanticipated Discovery Plan ("UDP") prepared by VHB was developed. NYSHPO accepted the conclusions of the UDP and the Applicant's avoidance plan by letter dated September 18, 2014. No further archaeological investigations of Site-82 are required.

Between the end of HPI's 2013 Phase I fieldwork and now, the Applicant modified the project design. Five small areas, designated in the UDP, as Areas A through E, were determined not to have been previously surveyed or assessed by either LBG or HPI during their respective Phase IB surveys. Areas A through E are located in the main portion of the site. The existing conditions of the five areas were reviewed and no further cultural resources investigations were recommended because area slopes were greater than 15%, and/or due to prior disturbance.

**Impacts:**

All direct impact areas that will be affected by the Modified Project have been subjected to cultural resources survey or assessment. The NYSHPO has reviewed various reports prepared which document the results of these and supplemental efforts. NYSHPO has concluded that further cultural resources investigations are not required as long as the mitigation measures described in the UDP are adhered to during the site preparation and construction phases.

**Mitigation:**

Site-82 is characterized as an historic artifact scatter dating to the late-18th and 19th centuries. Because the boundary of Site-82 was never fully defined, the Applicant has prepared and will implement the UDP. The UDP includes the establishment of two buffers including an area to the west of the Site-82 area which, based on documentation, may also contain remnants of Site-82. "Buffer Line A" will be 25-feet in all directions from the last 'positive' shovel test. No construction activities are allowed inside Buffer Line A. "Buffer Line B" will be set 100 feet out from Buffer Line A. Construction is allowed within this area only if an archaeological monitor is present as outlined in the UDP. On the west side of Site-82 an area which was not subjected to Phase IB testing has been defined. This area is known to have contained historic activity based on HPI's (2014) documentary research. If disturbance is proposed in this area, then Phase IB shovel testing will have to be completed and the results reported to the NYSHPO before the work can proceed.

**F. VISUAL RESOURCES**

**Existing Conditions:**

The project site is characterized by steeply sloping, wooded hillsides to the north, south, and west which surround an open valley floor with rolling hills. There are significant elevation differences on the site; the northern hillside rises 300± feet above the valley and the western hillsides rise more than 700 feet above the valley floor. The northern rise is known as DeLaVergne Hill, which US Route 44 winds down dividing the most northern part of the site from the larger main portion.

The central portion of the site consists of the closed golf course, which is currently being renovated. The land here at the bottom of the valley is generally the lowest and flattest portions of the site. The golf course includes several existing buildings, although the former clubhouse has been recently demolished.

Adjacent land uses include wooded areas of Tamarack Preserve to the west; open fields and wooded areas to the south; agricultural fields, horse paddocks, and sand and gravel pits to the east. Single-family homes dot the landscape, which increase in density as they reach the Hamlet of Amenia to the northeast.

The wooded hills to the east and west define the backdrop of views to and from project site. Views from US Route 44 as it winds down DeLaVergne Hill are expansive due to its elevation over the valley and the relative lack of trees and other obstructions. The fields that characterize views from DeLaVergne Hill are defined by hedgerows which break up larger fields and help to create a

landscape that is varied in color, which enhances visual interest. Views to and from DeLaVergne Hill are a notable resource of local concern and regionally important, and have been so identified in the Town's Comprehensive Plan and Zoning Law, particularly in the RDO District regulations. The view from DeLaVergne Hill is expansive, but it is the view of a landscape that has been developed. Portions of the Modified Project are located in the Town's SPO District.

**Impacts:**

The Modified Project introduces a composition of low architectural elements onto various areas of the project site. High density mixed-use development is proposed for the lowest areas of the site on the valley floor, near the former clubhouse. Lower density single-family homes are proposed for hillsides to the west of the valley. The Winery Restaurant is proposed at the top of DeLaVergne Hill with medium density residential on the down-slope from DeLaVergne Hill, north of US Route 44.

The houses proposed for the western hillsides (known as the Estate Homes) introduce an adverse visual impact. Visual simulations from viewpoints to the east show these houses as a ring of development cut into the hillsides over the higher density development on the valley floor. The previously approved Master Development Plan (October 8, 2009) also showed that the Estate Homes introduced an adverse visual impact.

The core of the development is proposed around a new Village Green, and includes the highest density development. Generally, this portion of the Modified Project has the least visual impact on the visual resources analyzed. The lack of impact, despite larger buildings and higher density, is largely due to this area's location on the valley floor and sensitive siting. The resultant views to the core will be partial, transitory, or screened altogether. Further, the design of this area also follows TND principles, which are similar to the higher density development patterns that exist in the region's existing hamlets, especially the hamlet of Amenia just to the northeast of the site.

**Mitigation:**

Mitigation measures have been incorporated into the Modified Project. These mitigation measures generally fall into the following categories: relocation of residential units, downsizing, camouflage, screening, design and engineering requirements, limitations on disturbance and clearing, lighting, and plan modifications. The impacts of the Modified Project on the area's visual resources are offset by the creation of a new scenic overlook, Artisan's Park Overlook, which will be open to the public pursuant to a public access easement.

**Relocation & Downsizing –**

A. South Lawn neighborhood: previously approved October 8, 2009 Master Development Plan

The previously approved October 8, 2009 Master Development Plan for the "South Lawn" neighborhood includes 97 condominium residences. Sixty of these units are located on slopes of 15% or greater, with 17 of those located on slopes of 30% or more. This area currently includes the secondary access road to Route 22. However, the secondary road would require a significant amount of grading and disturbance within existing forested habitat, in close proximity to NYSDEC Wetland AM -15 and on steep slopes in excess of 30%. The buildings in this area require two height waivers.

B. South Lawn neighborhood: Amended MDP

The Amended MDP shows generally the same area of the South Lawn being developed, but includes significantly fewer units: the Amended MDP shows a total of 32 single family houses in the South Lawn neighborhood, a reduction of 65 residential units. The Amended MDP also shows that the non-residential Activity Barn and the Lake Pavilion have been added to this area, but none of the buildings in the Amended MDP require the height waivers that were a part of the approved plan. Importantly, the secondary access road to Route 22 has been moved which eliminates a significant amount of grading and disturbance on steep slopes and forested areas, as well as eliminating some disturbance near NYSDEC Wetland AM -15. Secondary access to Route 22 is now gained to the south of the site in an area that currently provides access to Route 22, thereby resulting in less site disturbance.

The significant reduction of residential units in the South Lawn neighborhood has ecological and visual benefits. Additionally, the reduction in density and the use of single-family homes instead of attached condominium units is more in character with existing development in the Town and will make the project less urban in character.

C. Village Green neighborhood: previously approved October 8, 2009 Master Development Plan

The previously approved Master Development Plan shows the resort's core and the surrounding Village Green neighborhood as a high-density, mixed use area around a village green. Sensitive to the bottom of the valley floor, the program for the Village Green area, nevertheless, introduced urban densities to the Town. The most substantial building in this area is the 300 room hotel and conference center.<sup>6</sup> At well over 500,000 SF and 70 feet in height, this building would be, by far, the largest commercial building in Town. The Clubhouse and other resort buildings are located near the village core, which is then surrounded by 162 units of high density housing in the form of attached townhomes, duplexes and flats.

Fourteen of the 16 required height waivers are sought for buildings in the resort core and Village Green neighborhood, including the hotel which is twice the maximum building height.

D. Village Green and Golf Villa neighborhoods: Amended MDP

The Amended MDP shows a significant downsizing of the project in the Village Green neighborhood. First, the hotel/convention center has been eliminated. Two much smaller buildings with a total of 16 condominium lodging units have replaced it directly across from the Clubhouse/lodge. Additionally, the Clubhouse/lodge is now planned with an additional five lodging units, for a total of 21, as compared with the 300 lodging units previously approved. The number of residential units in the Village Green neighborhood has been cut nearly in half going from 162 units to 89 units. Further, the type of housing has changed: instead of entirely high

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<sup>6</sup> The hotel and conference center is so large that a portion of it spills into the Amended MDP's South Lawn neighborhood both geographically and in the program for the previously approved MDP. It is functionally part of the Village Green neighborhood, and so it is discussed entirely within the Village Green neighborhood to avoid double-counting.

density housing, 24 of the units planned for the area are single-family homes in two clusters radiating out from the higher density center. A total of 65 units in attached townhomes and condominium units in small multi-family buildings cluster around the Village Green and the Clubhouse/lodge. The convention center has been eliminated entirely along with the banquet hall. Much smaller amenity buildings (yoga, golf academy, and fitness center) can now be found in the area. With the downsizing of the Village Green area, the massive underground parking garage is no longer necessary and small, shared “parking barns,” and on-site parking fulfill most of the Modified Project’s parking needs. Importantly, none of the buildings require height waivers, whereas the approved Master Development Plan required 14 height waivers in this area alone. Taken together, the Amended MDP reveals changes to the project that create a smaller, and much less urban community that is more in keeping with the character of the Town’s several hamlets.

While the Village Green neighborhood is sited in a low area that is not often visible, it is visible from viewpoint 2, the view from DeLaVergne Hill looking south down the Harlem Valley. This is an important view that is cherished locally.<sup>7</sup> The previously approved Master Development Plan introduced densities in this area that are much higher than Town’s other hamlets and would have permanently changed the quality of the view from this location by introducing discordant urban densities out of character with development within the Town. A view of another, new hamlet from DeLaVergne Hill, at a similar density to the Town’s other hamlets is much more in keeping with the character of development within the community, and as such is not considered by the Planning Board to be a discordant feature of the view. The Amended MDP shows a Village Green neighborhood at this more appropriate density.

The Amended MDP removes a total of 138 residential units from the South Lawn neighborhood (a 65 unit reduction) and the Village Green neighborhood (a 73 unit reduction). Most of these units are lost to the downsizing of the project, which along with the dramatic reduction in commercial uses, helps to create a project with densities that are more in keeping with the character of development in the Town.

Some of the units, however, have been relocated. Nine units have been relocated to the Golf Villas neighborhood, eight units have been relocated to Section 1 of the Estate Homes neighborhood, and seven units have been relocated to Section 2 of the Estate Homes neighborhood, for a total of net increase of 25 units in these areas. All of these additional units in these areas are single-family houses.

The Golf Villa neighborhood is entirely outside the Town’s SPO District and is the least visible neighborhood from the viewpoints studied, which makes it an excellent area to receive relocated units. Further, this neighborhood is also within walking distance of the Village Green neighborhood, which is in keeping with Traditional Neighborhood Design principles. Clearly, the relocation of units to the Golf Villa area is beneficial to the Modified Project’s impact on visual resources. The relocation of units to the Estate Home area requires detailed discussion in Section E below.

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<sup>7</sup> This view appears on the cover of the 2007 update to Town’s Comprehensive Plan and was selected as the iconic image of the Town.

E. Estate Homes neighborhood: previously approved October 8, 2009 Master Development Plan

The previously approved October 8, 2009 Master Development Plan includes a total of 41 single family Estate Homes lots in two areas. These homes ring the valley and are located on the side of the western ridge. Section 1 is the portion on the western part of the site, immediately to the south of the Golf Villa neighborhood. Section 2 is on the southern part of the site, and contains portions of the project that are most visible from surrounding viewpoints. Houses in both sections are generally much higher than the valley floor, but are much lower than the top of the ridgeline. But since they are sited on the side of a ridge, all of these lots are on slopes greater than 15%, and 16 of these are on slopes of greater than 30%. The vast majority (35 out of 41) are in the Town's SPO District. The Estate Homes are prominently visible from several viewpoints due to their high elevation and the large amount of grading and clearing necessary to make a buildable development site. The approved Master Development Plan introduced adverse visual impacts with the Estate Homes.

F. Estate Homes neighborhood: Amended MDP

The Amended MDP includes a total of 56 single family Estate Home lots in two sections, which is an increase of 15 lots compared to the previously approved Master Development Plan. But the design of the Estate Home neighborhood has been changed so that the number of lots planned for slopes of 30% or greater has declined by three, even though there are 15 additional units planned for the area. The number of homes planned to be located in the Town's SPO District increases, however, going from 35 to 46. This increase is largely due to a large portion of the Estate Home area being located within the Town's SPO District. The Town's SPO District was redefined between the previously approved Master Development Plan and the Amended MDP, but there was little change in the Estate Home area.

The previously approved Master Development Plan develops the hillside with 41 houses. The Amended MDP adds an additional 15 for a total of 56 in generally the same area. This 37% increase in units does not mean a 37% increase visual impacts. Instead, these additional houses will marginally increase the Estate Homes' impacts on visual resources. The previously approved Master Development Plan already adds a large number of houses and access roads to the hillside, creating adverse visual impact. The addition of 15 more houses in the same area, off of many of the same access roads, will add a small increment to the visual impacts the previously approved Master Development Plan creates in the Estate Home area.

Additionally, visual impacts created by the Estate Homes are mitigated by more sensitive siting on the hillside. This more sensitive siting required two small lot line adjustments to allow for lots that would cause the least disturbance and best fit the land. The resulting development in the Estate Home area will require less site disturbance on slopes of 30% or more, even though there are 15 additional houses in the area. The visual impacts of the Estate Homes are further mitigated by the Design Standards for Estate Homes, which limit the amount of site disturbance and clearing in the area. The Design Standards for Estate Homes are discussed in detail in Section H under "Other Plan Modifications" below.

G. Summary

The Planning Board recognizes that the relocation of 15 houses to the Estate Homes neighborhood will marginally increase the visual impact of development in this area. But this relocation of units, together with the downsizing planned for the South Lawn and Village Green neighborhoods ultimately makes for a development that is less urban and more in character with the Town's development patterns.

The treasured views to and from DeLaVergne Hill are of a landscape that has been shaped by people for 200 years. This development has created visual patterns on the land: hamlets surrounded by open pastures and farms, punctuated with homesteads and substantial agricultural buildings, all topped by forested ridgelines. By reducing density, eliminating all tall buildings, and removing structure types that would be completely new to the Town, the Amended MDP creates a project that is more consistent with these existing patterns and more in harmony with the Town's visual character.

The following table compares the how the Amended MDP compares with the previously approved Master Development Plan on a variety of measures that impact visual resources, particularly development on steep slopes. It shows that development measured both in number of units and disturbance declines on most measures. An increase in units is seen in the Estate Homes area, but this increase is more than offset by a decline in the South Lawn area.

<b>SUMMARY TABLE</b>		
<b>Approved Master Development Plan Compared to Amended MDP</b>		
<b>Feature</b>	<b>Approved Master Development Plan</b>	<b>Amended MDP</b>
<b>OVERALL SITE DISTURBED AREAS</b>		
<b>TOTAL Disturbed Area (acres/percent)</b>	<b>282.9± ac/42%</b>	<b>275.5± ac/40%</b>
Disturbance to land not previously disturbed	113.5	100.4
Steep Slope Disturbance (acres/percent)	136± ac/20%	110.3± ac/16.1%
<b>TOTAL Disturbance to slopes 15% - 30% (acres)</b>	<b>101.5±</b>	<b>90.0±</b>
Disturbance to naturally forested slopes 15% - 30% (acres)	57.8±	50.6±
Disturbance to previously altered (unforested) slopes 15% - 30% (acres)	43.7±	39.4±
<b>TOTAL Disturbance to slopes &gt; 30% (acres)</b>	<b>34.5±</b>	<b>20.3±</b>
Disturbance to naturally forested slopes > 30% (acres)	20.0±	13.5±
Disturbance to previously altered (unforested) slopes > 30% (acres)	14.5±	6.8±
<b>SOUTH LAWN AREAS</b>		
<b>TOTAL RESIDENTIAL UNITS ±</b>	<b>97</b>	<b>32</b>
<b>Total Units within slopes 15%-30%</b>	<b>43 ±</b>	<b>15 ±</b>
<b>Total Units within slopes &gt;30%</b>	<b>17 ±</b>	<b>2 ±</b>
<b>Buildings requiring height waivers</b>	<b>2</b>	<b>0</b>
<b>ESTATE HOMES SECTION 1</b>		
<b>TOTAL UNITS</b>	<b>19</b>	<b>26</b>
<b>Total Units within slopes 15%-30%</b>	<b>12 ±</b>	<b>23 ±</b>
<b>Total Units within slopes &gt;30%</b>	<b>7 ±</b>	<b>3 ±</b>
<b>ESTATE HOMES SECTION 2</b>		
<b>TOTAL UNITS</b>	<b>22</b>	<b>30</b>
<b>Total Units within slopes 15%-30%</b>	<b>13 ±</b>	<b>20 ±</b>
<b>Total Units within slopes &gt;30%</b>	<b>9 ±</b>	<b>10 ±</b>
<b>SOUTH LAWN AND ESTATE HOMES SUMMARY BY UNIT</b>		
<b>TOTAL UNITS</b>	<b>138</b>	<b>88</b>
<b>Total Units within slopes 15%-30%</b>	<b>68 ±</b>	<b>58 ±</b>

Total Units within slopes >30%	33 ±	14 ±
Buildings requiring height waivers	2	0

In addition to these downsizing and relocation mitigation actions, the Planning Board, working with the Applicant, has taken a number of steps to further mitigate the Modified Project's impact on the areas visual resources by requiring several plan modifications and related actions, which are detailed below.

**Other plan modifications and actions -**

The Applicant submitted a Confirmatory Visual Analysis ("CVA") dated July 20, 2014. The CVA is based on eight viewpoints selected for assessment in accordance with the November 17, 2005 SEQRA Scoping Document, the Original Findings Statement, and the instructions of the Planning Board. The CVA discloses the Modified Project's potential visual impacts, based on reasonable worst case assumptions.

At the Planning Board's request, the Applicant also developed large-scale panoramic images of Viewpoints 1 and 7 from the CVA to illustrate the Modified Project's potential visual impacts and presented to them to the Planning Board for its consideration. These panoramas were designed to better communicate the wide panoramic views seen from these viewpoints by stitching together the individual images in the CVA to create a single image encompassing a very wide view. While the information in the panoramas is the same as in the CVA, the Planning Board found these images helpful in assessing potential visual impacts.

On October 21, 2014, members of the Planning Board visited the Silo Ridge property. At the Board's request, the Applicant toured the following areas:

- Former proposed location of the WWTP;
- DeLaVergne Hill;
- DeLaVergne Hill overlook;
- Proposed landscape screening areas along US Route 44;
- Proposed location of the most southern of the Estate Homes, including the highest homes;
- Proposed location for the Golf Maintenance Facility and the relocated WWTP;
- Completed golf holes (holes 18, 16, 11 & 10);
- Current golf holes under construction (driving range, holes 1, 2, 3 & 9); and
- Erosion control measures currently in place for the Amenia/Cascade Brook.

In addition to the changes described above, the Applicant has made several significant changes to the Modified Project based on public and Planning Board comments since the CVA was prepared. All of these changes will either lessen overall visual impacts, or will have no additional visual impact compared to the impacts disclosed in the 2014 CVA. Therefore, a revised CVA was not required by the Planning Board. A summary of the plan changes that are anticipated to impact visual resources are discussed below:

A. Relocation of water tank from the “hairpin turn”

As requested by the Planning Board, the water tank formerly proposed to be located inside the US Route 44 hairpin turn has been relocated to the northwest portion of the golf driving range. The tank will be buried with only one side exposed to the west. This new location removes the tank from the viewshed of the Artisan’s Park overlook.

B. Relocation of the WWTP

As requested by the Planning Board, the WWTP has been relocated from the formerly approved location on US Route 44 to the Golf Maintenance Facility area on the HVLC Property. This results in the following:

- Increases the distance between the WWTP and the nearest residence;
- Reduces disturbance to “Forest Habitat” by approximately 1 acre;
- Reduces steep slope disturbance;
- Increases open space within the RDO District;
- Decreases disturbance on the portion of the site located across US Route 44 including land within the SPO District; and
- Removes the WWTP from US Route 44 Visual Protection Corridor

C. Elimination of hedge and removal of existing vegetation along the “hairpin turn”

At the Planning Board’s request the proposed hedge and fence along the hairpin turn on US Route 44 have been eliminated. The CVA includes photosimulations showing the Modified Project with and without this screening hedge and fence. The Planning Board decided that leaving views from DeLaVergne Hill open and unobstructed was preferable to the proposed hedge, which would have screened views to the development, but also to the Harlem Valley below. Additionally, the Planning Board requested that existing vegetation along the hairpin turn be cleared to open and maximize the views from DeLaVergne Hill and the Artisan’s Park Overlook. The Applicant will work with the Planning Board and New York State Department of Transportation (“NYSDOT”) to remove this existing vegetation at the hairpin curve.

D. Additional screening at the Golf Maintenance Facility and WWTP

As requested by the Planning Board, additional screening has been added within the SPO District buffer along NYS Route 22 (see Site Plan Drawing L3.14). The screening includes a combination of berms and the planting of native trees. This screening will lessen the visibility of the facilities from NYS Route 22. The new location for the WWTP is in the Trail Protection Visual Protection Corridor of the SPO District. However, there is little visibility from the Rail Trail closest to the facility since that portion of the Rail Trail closest to the facility is roughly 15' below grade on the eastern side of NYS Route 22, which prevents clear views to the site.

E. Additional landscape changes

The landscape plans have been revised to:

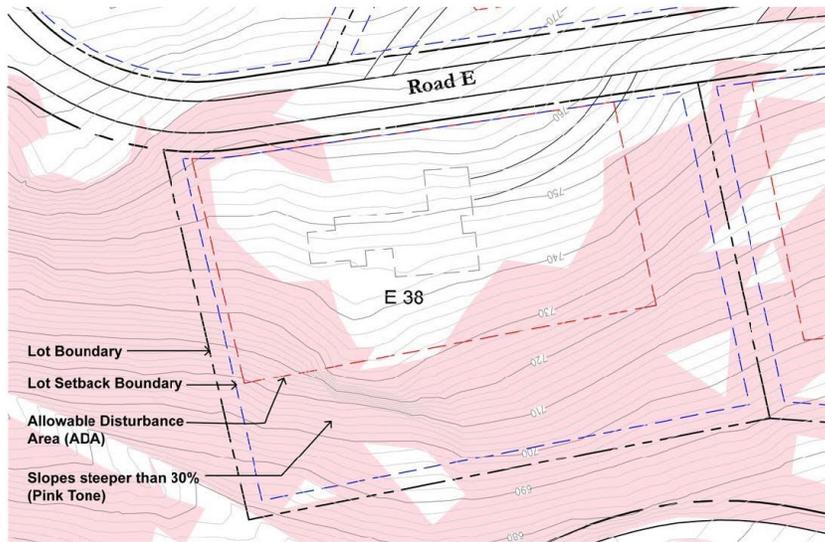
- Move further downslope and eliminate certain previously proposed trees on the hill east of the hairpin turn;
- Remove all non-native trees from the SPO District green buffer; and
- Add landscaping to the northern edge of the Golf Villas, and the Village Green neighborhood, to screen development from views from DeLaVergne Hill.

F. Changes to the Estate Homes neighborhood

In response to comments, the design of the roads and lots in the Estate Homes neighborhood has been refined to reduce grading impacts and tree removal, and better situate proposed improvements in the natural setting. Cumulatively, these refinements reduce potential visual impacts. Specifically:

- Changes to Redtail Pass (Road E), Ridgeline Road (Road K) and Oak Tree Lane (Road Q): The alignments of these roads have been modified to fit the land and reduce grading impacts and associated tree removal. Further, retaining walls are now proposed in certain areas to reduce grading impacts. This allows for more existing trees to be retained, which provides additional screening for the proposed improvements.
- Delineation of the Allowable Disturbance Area (“ADA”): The plans have been revised to show the ADA for all Estate Home lots 30,000 square feet and greater. The ADA, and in certain cases, delineated “driveway envelopes” and “sewer envelopes,” are the areas within which all improvements (with limited exceptions) must be located. The ADAs have been located on the shallowest existing slopes, thereby reducing the amount of grading and tree removal required for the construction of homes.

A representative Estate Home lot with an ADA located primarily in the area on the lot with less than 30% slopes, is shown below:



These changes reduce the amount of grading and tree removal in the Estate Homes area, helping to mitigate the Modified Project’s adverse visual impacts.

G. Artisan’s Park Public Overlook

The Artisan’s Park Overlook public viewing area is proposed to be located inside the hairpin turn on DeLaVergne Hill with access off of US Route 44. It is a condition of the Original Approval but the plan for the area has been modified so that the water tank is no longer in immediate proximity. The Applicant, and its successors and assigns, will maintain the public overlook and will enter into a public easement access with the Town providing for access to the overlook pursuant to a public access easement. Currently, there is no public place outside the roadway where the public can enjoy this view. Artisan’s Park Public Overlook helps to off-set the Modified Project’s impact on visual resources by providing the public a place to experience the view outside the roadways.

H. Design Standards for Estate Homes

The Design Standards for the Estate Homes address potential visual impacts by:

- Defining color palettes and materials for the homes to blend within the natural landscape;
- Including minimum landscaping standards, including planting one shade tree per 1,000 square feet of the home floor area proposed to be developed on the lot (except that for every one existing shade tree 8 inches DBH or greater within the ADA preserved by the lot owner, one less new shade tree shall be required);

- Including specific architectural standards including standards for house designs to best accommodate the existing topography;
- As shown on the Amended MDP plans, the estate homes will take advantage of the topography by building multi-level structures with more than one level (e.g. walk-out basements and garages under buildings) rather than grading the entire site flat. This reduces grading impacts and allows for more trees to be retained which reduces visual impacts and provides additional screening for project improvements; and
- Limiting building height to 35' feet.

Estate Home plans will be reviewed for compliance by the Town Building Inspector prior to the issuance of a building permit. Any material deviation from the Design Standards for Estate Homes will require minor site plan approval from the Planning Board.

#### I. Vineyard Cottages

The plan for the Vineyard Cottages has been modified to better mitigate water, stormwater and open space impacts, by:

- relocating the amenity building and related parking from the upper portion of the Vineyard Cottage development area to the lower portion;
- reconfiguring the layout so that no buildings are located within the RDO District 100 foot buffer from adjacent residential uses;
- maintaining the buffer required in the SPO District, except for the access driveway to the Winery Restaurant and Artisan's Park Overlook;
- maintaining a 150' buffer around headwater Streams R/S and V unless the Applicant can demonstrate during site plan review that a buffer of less than 150 feet is needed. For areas where a 150 foot buffer cannot be provided, a minimum 100 foot buffer shall be provided unless the Applicant can demonstrate during site plan review that a buffer of less than 100 feet in "limited areas" is needed. Nevertheless, grading activities within the stream banks shall be prohibited regardless of the buffer provided. The 100/150 foot buffer does not apply to the improvement of the existing Miller house driveway, which will become an access road into the Winery Restaurant and Vineyard Cottages area. Permeable surfaces will be used as practicable in this buffer area. It is noted that several components of the Modified Project are inside the 150 foot buffer;
- developing a landscaping plan reflective of the area's natural landscape; and
- requiring certain areas to be subject to the Conservation Easement.

## Lighting -

A detailed lighting plan informed by the rural development patterns and landscapes of the Hudson Valley has been prepared. The lighting plan specifies lighting location, intensity and trespass, and has the following nighttime lighting limits to minimize light pollution (skyglow, light trespass, and glare):

- No more than 2% of the light (measured in lumens) emitted from the street lighting, area lighting (parking lots, storage areas, utilitarian building-mounted lighting, etc.) and path lighting will be indirectly reflected upward. All of these fixtures will have “cutoff” optical systems that direct light downward.
- There will be no internally illuminated signs.
- No more than 300 lumens shall be emitted from any fixture between 80 degrees and 90 degrees (0 degrees is straight downward from the fixture; 180 degrees is straight overhead).
- Street, path, and area lighting poles, if used, will not exceed 15’ in height.
- The Winery Restaurant parking area and the Golf Maintenance Facility parking area lights are expected to be pedestrian level lamp posts or bollard style lights due to the sensitive nature of the location of this facility. Full height street lights will not be used in the Winery Restaurant parking area or the Golf Maintenance Facility parking area.
- Where bright arc tubes from metal halide lamps (bulbs) or LED products would be glaring for pedestrians beneath the fixtures, prismatic lenses or diffusers will be used to reduce the direct glare of the light source.
- No lighting will be used on the practice range for extending the hours of operation. Nighttime lighting used will be for staff use only for security, and will cease within one hour of dusk.
- No street or area lighting fixtures will be tilted upward to project light farther, since this can turn a good quality fixture into one that produces glare or skyglow.
- No street lights will be used in the Vineyard Cottages and Estate Home neighborhoods. Portions of Village Green, Golf Villa, and South Lawn neighborhoods are expected to utilize pedestrian level lampposts as opposed to full height street lights.
- Light spillage into natural areas (forests and wetlands) will be minimized and/or avoided by ecologically-friendly lighting design and lighting regimes.
- The outdoor lighting system will use 90% or less of the power allowed by the ASHRAE/IESNA 90.1 2010 energy standard.

- Parking lots pose greater potential for pedestrian/vehicle conflict and vehicle/vehicle conflict, so these are traditionally lighted more uniformly, although the number of fixtures illuminated after business hours will be reduced. Heavily used pathways may have bollard lighting or landscape lighting in order to improve safety for pedestrians, but this lighting also will be reduced or eliminated at night through controls.
- Pedestrian pathway lighting will be used at steps, ramps, turns, important meeting points, or points of safety concern only. Lighting will not be continuous.
- No lighting fixtures used for street lighting, area lighting, or path lighting will use a higher wattage lamp or lighting system than 150W.
- Wall sconces, post-top lighting, pedestal lighting, or hanging lanterns used outdoors for decorative purposes will be limited to 750 lumens per luminaire unless they emit their light downward only. (400 lumens is the approximate light output of a 40W incandescent A19 bulb.)
- Any façade lighting will direct 90% or more of its lumens toward the façade, allowing no more than 10% of the lumens to escape to the sky. No façade lighting will be directed upward toward the sky. Façade lighting will be minimal, using no more than the power allowed by the ASHRAE/IESNA 90.1 2010 Energy Standard.
- Façade lighting will be shut off within no later than 11 p.m. Monday through Thursday, and 1 a.m. Friday, Saturday and Sunday.
- Landscape lighting, if used, will use lamps emitting less than 1000 lumens (equivalent to a 20watts HID lamp.)
- All landscape lighting will be switched off no later than 11 p.m. Monday through Thursday, and 1 a.m. Friday, Saturday and Sunday. No uplighting will be permitted.
- In order to preserve the quiet and darkness of night, decorative or unneeded lighting will be extinguished no later than 11 p.m. Monday through Thursday, and 1 a.m. Friday, Saturday and Sunday.
- When sufficient daylight is available, outdoor lighting shall be controlled by a device that automatically turns off.

**Requirement for additional confirmatory visual analysis for Winery Restaurant & Vineyard Cottages (Phase II)**

An additional/supplementary confirmatory visual analysis must be prepared by the Applicant in conjunction with an application for site plan approval of any component of Phase II of the Modified Project. If the confirmatory visual analysis does not produce the level of screening depicted in the FEIS photosimulations and described in the text, then the Applicant must present a landscaping plan capable of achieving the results shown in the FEIS, or the Planning Board may

require an supplemental environmental impact statement (“SEIS”) in accordance with 6 N.Y.C.R.R. Section 617.9 (a)(7). Furthermore, if material deviations are made to the following elements of the Phase III plan, an SEIS may be required in accordance with 6 N.Y.C.R.R. Section 617.9 (a)(7):

- Changes in building height (e.g. using taller buildings or moving any buildings to another location);
- Building materials or colors varying from those described;
- Expanding or moving the footprint of the development area;
- Any reduction in the amount of open space and/or public accessibility to open space and on-site visual resources;
- A modification to use, if such use either changes the form of the development (e.g. adds a larger, more visible building), or involves highly visible uses or lighting conditions; or
- Material deviations from the assumptions used in the photosimulations, regarding landscaping and screening, grading and lighting.
- The materiality of any changes shall be based upon change in impacts on visual resources and not on absolute measures. For instance, during Phase II site plan review buildings may shift due to engineering considerations, but the repositioning of one or more buildings may not have a material impact on visual resources. Instead, the materiality of any change will be judged solely by the Planning Board using the confirmatory visual analysis as evidence of the impacts of those changes on visual resources.

Views analyzed by the confirmatory visual analysis will include the viewpoints analyzed in the FEIS that have any visibility to Phase II of the Modified Project being reviewed. Additional viewpoints may be added at the discretion of the Planning Board or the Applicant that demonstrate the effectiveness of the visual mitigation program.

The confirmatory visual analysis will be produced as verifiable digital photomontages, which are also more commonly known as photosimulations. Verifiable digital photomontage is a technique that merges an existing conditions photograph with an elevated, 3D computer model of a proposed action. It is “verifiable” since the computer model of the action can be measured and its placement in the terrain checked for accuracy. Because the process is largely mechanical, two technicians working independently using the same input data should produce photosimulations that appear materially identical. The only material differences would be in the treatment of existing vegetation, which requires an element of artistry even in a verifiable digital photomontage.

### References

An important part of making a photosimulation verifiable is the use of references that exist in both the existing conditions photograph and in the 3D model. References ensure that the computer camera used with the 3D computer model matches the camera used to take the photograph, adjusting to proper location, pitch, roll, and yaw.

Because of the rural nature of the area of the proposed action it is likely that at least some of the viewpoints will have to be taken with references that are introduced into the photograph (and the underlying computer model) to ensure that the simulation produced is verifiable. The actual references to be used are left to the discretion of the professional who produces the simulations and will most likely vary according to the viewpoint analyzed, but the Applicant should ensure that at least three hard references are used in each simulation if high accuracy GPS systems are used (e.g. accuracy within 1 foot or less), or at least five references if using more widely available consumer grade GPS technology, and camera match software like 3d Max.

#### Representation of the action

The photosimulations should represent the action using photorealistic textures that accurately portray the actual facades and building colors proposed. These facades should include at minimum elements like windows, doors and porches. Actual proposed trim colors should be used. Where individual owners are able to select actual building / trim colors from a palate of colors, the representation of the colors should represent a reasonable worst-case selection of those colors. The terrain should reflect proposed grading and the ground should reflect actual proposed recovery of the ground after grading. Streets, sidewalks, paved patios and other hard surfaces that interrupt the ground texture should be represented in the photosimulations. Landscaping needs to be shown as it is planned. When mowed sod lawns are planned, they should be shown in the visual simulations as such. Wherever trees and bushes are planned, they should be shown as they are proposed.

All elements that are a part of the action, need to be a part of the 3D model that represents the action. No elements of the action can be added after the simulation is produced using image processing software like Photoshop. For example, the screening tree band that screens the Winery Restaurant in Viewpoint 1 from the FEIS, but which is not shown in Viewpoint 4 even though it should be clearly visible, is the result of this unacceptable method of adding elements of the action in image processing software.

Trees that are shown in the landscaping plan need to be simulated individually, either as 3D trees or cruciform bill-boarded trees with alpha channel transparency. In either case all vegetative screening to be added must be a part of the 3D model of the action. Representative tree bands which may indicate intent are not an acceptable form of simulation as they will not confirm the actual effectiveness of the mitigation measures. Simulated trees should represent the actual species proposed at a conservative size after no more than five years of growth after planting.

#### Lighting

Natural light used in the photosimulation should be set to the time of day and year of when the photographs were taken so that shading and shadow are represented accurately. If materials used in the action are specular (e.g. they reflect light) they should be represented as such. If the proposal is to be artificially lit at night in a manner that is materially different that that proposed in the FEIS, the Planning Board may consider requiring nighttime simulations.

## Photographs

Ideal conditions for the existing condition photographs are leaf-off, no snow conditions when atmospheric conditions are clear and bright. If additional viewpoints or photographs taken at other times of year add to the understanding of impacts on visual resources, they may be added at the Planning Board or Applicant's option. The Applicant is advised to use either 35mm film or a full-frame digital camera to take the photographs used for existing conditions. If a digital camera is used, out-of-camera JPEGs, or RAW images set to match the out-of-camera JPEG should be used. High Dynamic Range Imaging (HDRI) may be used to compensate for high shade or bright sunlight, but the reason HDRI is used should be apparent. Photographs should be taken in landscape orientation and most, if not all, should use a normal lens (see below).

## Lenses

Most photographs used for photosimulation should be taken using a normal, or 50mm lens though there may be viewpoints where a wide angle or telephoto lens is preferable to a normal lens. Wide-angle lenses (less than 50mm) are often preferable when evaluating viewpoints that are close to the action, as they afford a wider field of view without having to resort to panoramic lenses or panoramic stitching. Telephoto photographs (greater than 50mm) can be used to simulate the acuity of the human eye and its ability to focus on objects in the distance. This discussion should be seen as providing guidelines for the lenses to be used in confirmatory visual simulations with the final judgment to be made when evaluating the viewpoints to be analyzed.

## Presentation of results

The existing conditions photographs and the photosimulations should be printed using the highest appropriate resolution. They should be accompanied by a key map showing the viewpoints locations and a discussion of how the photosimulations have been performed. The action's impact on visual resources should be analyzed using generally accepted criteria used to evaluate impacts on visual resources (e.g. displacement, form, line, color, texture, scale, spatial dominance.) Two sets of photosimulations should be performed for each viewpoint. The first would be the project without the screening vegetation. The second would be the project with the screening vegetation, so that the effectiveness of the screening vegetation as a mitigation measure can be evaluated.

## Availability to audit

Because the confirmatory visual simulations are performed as verifiable digital photomontages, they are auditable and can, at the Planning Board's discretion, be independently audited to ensure that the proper methods have been used, and that they accurately reflect the details of the site plan. Reasonable access to the data used to produce the visual simulations, and to the personnel who produced the visual simulations, must be granted to third parties identified by the Planning Board, should the Planning Board believe that an audit is required.

## Further Screening Requirements

The Applicant must also submit a landscape plan that demonstrates that the vegetative screening proposed will remain effective over time (e.g., that the canopy for the species selected will

not rise to a level where the initial screening benefits are lost, and that the distance between planting and mix of species planted are compatible with the long-term health of the proposed plantings). The Applicant must also demonstrate that the screening vegetation does not materially alter the area's expansive views any more than what is required to screen the development.

## **G. TRANSPORTATION**

### **Existing Conditions:**

A description of the area roadways is as follows:

NYS Route 22 – NYS Route 22 is owned and maintained by NYSDOT. This roadway traverses the Town in a north/south direction, and serves as a major regional corridor along New York's eastern border with Connecticut, Massachusetts, and Vermont. In the immediate vicinity of the project site, NYS Route 22 is a two-lane road that is 24± feet in width with 3 foot shoulders on each side. The portion of NYS Route 22 adjacent to the project site is in good condition and has a posted 55 mph speed limit. The posted speed limit decreases to 35 mph as NYS Route 22 enters the Hamlet of Amenia to the north of the project site.

US Route 44 – US Route 44 is maintained by NYSDOT. This roadway traverses the Town of Amenia in a southwest/northeast direction, and serves as a major east/west corridor through Dutchess County. US Route 44 is a two-lane road that is 24± feet in width with 1 to 3 foot shoulders in the vicinity of the project site, except for a 1,965-foot segment which bisects the site, where 33± feet of pavement is provided to accommodate a westbound climbing lane. The portion of US Route 44 adjacent to the project site is in good condition and has a posted 55 mph speed limit. The posted speed limit decreases to 35 mph as US Route 44 approaches the Hamlet of Amenia to the north of the project site.

NYS Route 343 – NYS Route 343 is owned and maintained by NYSDOT. This roadway traverses easterly from US Route 44 into Connecticut. It is a two-lane highway that is 20 to 24 feet in width and has shoulders that vary in width from 2 to 8 feet. The portion of NYS Route 343 in proximity to the project site is in good condition and has a posted 35 mph speed limit.

DC Route 81 – DC Route 81 (Amenia – Wassaic Road) is owned and maintained by Dutchess County. In the vicinity of the project site, the roadway has two lanes that are 20 to 24 feet in width with 2 to 4 foot shoulders. The road is in good condition and has a posted speed limit of 35 mph.

Lake Amenia Road – Lake Amenia Road is a Town owned and maintained roadway, which connects NYS Route 22 with US Route 44 in the vicinity of the site. The two-way undivided roadway, which has approximately 21± feet of pavement width, splits as it approaches US Route 44 into two separate roadways with the westerly section known as West Lake Amenia Road and the easterly section known as Lake Amenia Road, both forming intersections with US Route 44. The speed limit is posted as 30 mph. There are no lane markings, but the pavement is in fair condition.

Dunn Road – Dunn Road is a Town owned and maintained roadway, which connects NYS Route 22 (opposite Lake Amenia Road) with CR 81 in the vicinity of the site. At its intersection with

NYS Route 22, the Harlem Valley Rail Trail crosses with appropriate signing and pavement markings (crosswalk). There is a single lane in each direction on Dunn Road. The speed limit is not posted (55 mph statutory). There are no markings, but the pavement is in fair condition.

In order to establish the existing traffic volumes for the roadways and the critical intersections identified, all available traffic count information was obtained from the NYSDOT, Dutchess County Department of Public Works, and the Town. The DEIS includes detailed turning movement traffic counts at the critical intersections noted below:

- US Route 44 at NYS Route 22;
- Lake Amenia Road/Dunn Road (DC Route 81) and NYS Route 22;
- Existing site access at NYS Route 22;
- West Lake Amenia Road and US Route 44; and
- Lake Amenia Road and US Route 44.

To supplement the counts performed at the intersections listed above, Automatic Traffic Recorder counts were conducted on NYS Route 22 adjacent to the main site driveway for a one-week period from June 15 to June 22, 2013.

**Pedestrian/Biking Infrastructure** – The roadway infrastructure surrounding the site does not provide dedicated paths for biking and walking. However, the Harlem Valley Rail Trail travels adjacent to eastern sections of the site, on the opposite side of Route 22, and offers opportunities for walking, rollerblading, and biking. The Harlem Valley Rail Trail runs in a northeasterly direction and from the Wassaic train station through the Hamlet of Amenia, and into Columbia County to the north. There is a traffic signal at the Wassaic Train Station that can be utilized by pedestrians to cross Route 22 to access the Harlem Valley Rail Trail. There is also sufficient road width along NYS Route 22 and US Route 44 to support recreational biking or walking. The system of sidewalks in the area begins in the Hamlet of Amenia to the north of the project site.

**Truck Routes / Construction Routes** – The majority of construction vehicles in the vicinity of the project site travel along US Route 44 or NYS Route 22.

**Impacts:**

A technical memorandum (revision date of January 23, 2015) was prepared to compare the Original Project and the Modified Project with regards to the trip generation, Level of Service results and required mitigation. As indicated in the technical memorandum and summarized below, the Modified Project will generate substantially less traffic than the Original Project, resulting in better intersection operating conditions and requiring less mitigation (a traffic signal and a southbound right-turn lane will no longer be warranted at the site's main driveway on NYS Route 22).

The Original Project consisted of the following land uses:

- Residential (338 dwelling units)
  - Single-family homes – (41 units)
  - Condominium/Townhouse units (297 units)
- Commercial
  - Lodging (300 hotel/condominium units capable of being divided into 367 hotel rental rooms) including hotel amenities (banquet space, restaurant, bar/lounge and café)
  - Restaurant
  - Conference space
  - Spa and Wellness Center
  - Retail shops
- Amenities
  - Existing 18-hole golf course to be renovated and clubhouse to be demolished and rebuilt.

Access to the Original Project was from two driveways on US Route 44 and three driveways on NYS Route 22.

The Modified Project has the following land use components:

- Residential (224 dwelling units)
  - Single-family homes (159 units)
  - Condominium/Townhouse units (65 units)
- Commercial
  - Winery Restaurant (80 seats)
  - Lodging (21 hotel/condominium units)
- Amenities
  - Existing 18-hole golf course to be renovated and clubhouse to be demolished and rebuilt.
  - Family Activity Barn
  - Fitness Center
  - Sales Center

The Modified Project differs from the Original Project in that it will be a private, gated community, will have fewer residential units and almost no commercial space (just the Winery Restaurant, which will be accessed via its own driveway, and 21 lodging units, which will be available by reservation only and will require pre-announced access). The Modified Project will also contain recreational facilities for the residents of the community. The golf course clubhouse will be rebuilt and expanded to meet the residents' needs but the golf course will no longer be open to the public, except for use by occupants of the 21 lodging units, and for approximately three charity events each year. Access to the Modified Project will differ from the Original Project in that the existing southern driveway on the HVLC Property will function as a secondary access. This driveway will provide access to the WWTP and the Golf Maintenance Facility. This driveway will be gated and

will provide for an emergency access to the site as well as access to the overflow parking area for valets. Although not expected, residents may also be permitted to exit from this driveway to reduce traffic exiting at the main driveway, if needed in the future.

It is expected that the residential component of the Modified Project will be primarily second-home ownership. As such, and based on published data, it is expected that the residential homes will only generate half as much traffic as homes that are considered as primary residences. It is also anticipated that a significant portion of the peak hour trips to the golf course will be by community residents and lodging occupants, and the updated trip generations for the Modified Project take into account this expected synergy between these components as well as the fact that the development is proposed as a private, gated facility with the residential component primarily for second-home ownership. It is anticipated that 43 percent of the trips for the golf course would be by residents (internal trips) and would not involve travel on the external roadways. The remainder of the trips would consist of golf course staff and guests or residents coming from outside of the community.

The anticipated trip generation of the Modified Project is as follows:

- During the weekday AM peak hour, 110 trips will be generated on the area's roadways.
- During the weekday PM peak hour, 159 trips will be generated on the area's roadways.
- During the Saturday Mid-day peak hour, 165 trips will be generated on the area's roadways.
- During the Sunday PM peak hour, 161 trips will be generated on the area's roadways.

The trip generations for the Modified Project are 75 to 76 percent lower than the trip generations for the Original Project.

An impact analysis was performed for the Modified Project to identify whether the reduction in trips would require the same level of mitigation that is required for the Original Project. The impact analysis was conducted to identify mitigation required for full build-out of the Modified Project. The results of the analysis are as follows:

US Route 44 at NYS Route 22 (hamlet of Amenia) – At the signalized intersection of NYS Route 22 and US Route 44, the mitigation listed in the Original Findings includes monitoring of the intersection with NYSDOT oversight after project completion and, if required, signal timing changes were to be implemented based upon NYSDOT input.

A review of the No Build and Build capacity analyses of this intersection contained in the DEIS indicated that during the Saturday peak hour, the busiest hour in terms of delay, the intersection operated at acceptable level of service (LOS) C with a delay of 23.8 seconds for the No Build condition. Under the Build condition, delays are projected to increase to 25.8 seconds, 6.5 seconds less than those attributable to the Original Project. As in the Original Findings, it is recommended that the intersection be monitored by NYSDOT after project completion and, if required, signal timing changes were to be implemented based upon NYSDOT input.

NYS Route 22 at Lake Amenia Drive and Dunn Road (DC Route 81) – At the unsignalized intersection of NYS Route 22 with Lake Amenia Road/Dunn Road, the mitigation listed in the Original Findings includes a reassessment of the intersection upon project completion, in conjunction with input from NYSDOT.

A review of the No Build and Build capacity analyses of this intersection contained in the DEIS indicates that during the PM peak hour, the busiest hour in terms of delay, the westbound Dunn Road approach operated at LOS D with a delay of 32.2 seconds for the No Build condition. Under the Build condition, delays are projected to increase to 33.7 seconds, 4.7 seconds less than those attributable to the Original Project. The Applicant will reassess the intersection upon project completion, in conjunction with input from NYSDOT.

NYS Route 22 at Main Site Driveway – At this existing site access, the mitigation in the Original Findings includes signalization of the intersection and construction of a northbound left turn lane and a southbound right turn lane on NYS Route 22 to facilitate access into the site. A traffic signal warrant analysis conducted for the Modified Project indicates that the minimum volume thresholds for a traffic signal will not be met, therefore, a traffic signal is not warranted for the Modified Project. Turn lane warrant analyses indicated that a northbound left-turn lane will be warranted; however, a southbound right-turn lane does not meet the minimum requirements.

Detailed unsignalized intersection capacity analyses of the Build condition for the Modified Project indicate that the eastbound left turn exiting the driveway will operate at LOS E with delays of 47.1 seconds. The volume to capacity ratio (v/c) for the left turn movement will be 0.40, indicating that there will be sufficient capacity to handle demand. Compared to the analyses for the Original Project, the left turn delays for the Modified Project are projected to be lower by an order of magnitude. The eastbound right turn and northbound left turn movements will operate at acceptable LOS B or better during the full Build condition. The Applicant will reassess the intersection upon project completion, in conjunction with input from NYSDOT.

US Route 44 at Lake Amenia Drive/West Lake Amenia Drive – At these two unsignalized intersections with US Route 44, no mitigation was required in the Original Findings. A review of the Build analyses in the DEIS indicates that these intersections will maintain a LOS A during the peak hours for Lake Amenia Road and LOS B for West Lake Amenia Road. These two intersections carry very low volumes, which will not change significantly with the reduced trip generations of the Modified Project.

US Route 44 at Vineyard Cottages – At the proposed unsignalized intersection of US Route 44 and the Site Access, the mitigation listed in the Original Findings includes the construction of an eastbound left turn lane on US Route 44 and a requirement that the driveway be situated at a location that would provide the greatest sight lines. Under the Modified Project, it is now proposed to make this driveway an emergency-only access, therefore no left-turn lane is required.

US Route 44 at Winery Restaurant – At the proposed unsignalized intersection of US Route 44 and the access driveway to the Winery Restaurant parcel, no mitigation was required in the Original Findings. A review of the Build capacity analyses of this intersection in the DEIS indicate that during the PM peak hour, the busiest hour in terms of delay, the westbound driveway approach operated at acceptable LOS C with a delay of 16.0 seconds. The Modified Project will generate

approximately the same number of trips through this intersection during the PM peak hour as the Original Project and it can be expected that the Build delay will remain approximately 16.0 seconds. No mitigation is required or proposed. The Applicant will reassess the intersection upon project completion, in conjunction with input from NYSDOT.

NYS Route 22 at Southern Site Driveway - At the unsignalized intersection of NYS Route 22 and the secondary site driveway, no mitigation was required in the Original Findings. In the Modified Project, the southern access road is on the HVLC property. The southern access road will be for access to the Golf Maintenance Facility and the WWTP, and secondary emergency access to the site. No improvements are required or proposed as generally less than 10 trips per hour will exit the site at this location. After the completion of Phase I of the Modified Project, a peak hour survey will be conducted at the main site driveway to confirm that the average delay exiting the site does not fall below the projected Level of Service E. If the survey indicates that excessive delays are experienced on the exiting movements, the Applicant will consider permitting residents to exit at the secondary (southern) access road. The Applicant will reassess the intersection upon project completion, in conjunction with input from NYSDOT.

The Metropolitan Transportation Authority was identified as an interested agency during the SEQRA process. As part of the Original Project, representatives of Metro-North Railroad were interviewed by the Applicant. A Metro-North representative indicated that Metro-North monitors ridership on a near daily basis, and that Metro-North had the capacity to add cars to existing trains, or to add additional trains, in response to any ridership increases that might be caused by the Modified Project. A Metro-North representative also indicated that Metro-North plans to expand the existing parking lot at the Wassaic train station by as many as 400 parking spaces, although the size and timing of that expansion has not been determined.

**Mitigation:**

The required mitigation is as follows: US Route 44 at NYS Route 22 (Hamlet of Amenia) – The US Route 44 and NYS Route 22 intersection should be monitored with NYSDOT oversight after project completion and signal timing changes implemented, if required, based upon the NYSDOT input.

NYS Route 22 at Lake Amenia Drive and Dunn Road (DC Route 81) – The Applicant will reassess this location upon project completion in conjunction with input from NYSDOT.

NYS Route 22 at Existing Main Site Access – The traffic analyses for the Modified Project conclude that signalization is not warranted. The analyses also indicate that a southbound right turn lane is not warranted. However, the analyses indicate that a northbound left turn lane is warranted. It is therefore required that a 75-foot left turn lane, with appropriate tapers, be constructed at this location, subject to a NYSDOT highway work permit. After the completion of Phases I and II of the Modified Project, a peak hour survey will be conducted to confirm that the average delay exiting the site does not fall below the projected Level of Service E. If the survey indicates that excessive delays are experienced on the exiting movements, the Applicant will consider permitting residents to exit at the secondary (southern) access road. The Applicant will reassess this location upon project completion in conjunction with input from NYSDOT.

US Route 44 at Vineyard Cottages – The Vineyard Cottages emergency access driveway will be used for emergency access only and shall be placed at the point of greatest sight lines.

Route 44 at Winery Restaurant – The Applicant will reassess this location upon project completion in conjunction with input from NYSDOT.

Route 22 at Existing Southern Site Access on HVLC Property – The Applicant will reassess this location upon project completion in conjunction with input from NYSDOT.

Shuttle service shall be provided between the project site, the hamlet of Amenia and the Wassaic Metro-North train station.

**Parking:**

The Modified Project includes 722 parking spaces including below grade and surface parking areas. The Village Green core area will include approximately 78 spaces below grade. Residential garages throughout the Modified Project account for 318 spaces and surface parking (including lots and on-street) total 326 spaces. The parking counts for the Modified Project are located on Amended MDP Plans P-1, P-2 and P-3.

The parking plan takes advantage of the mix of land uses in the project, which in turn presents opportunities for application of joint-use parking, captive parking, and other parking management techniques.

In addition to joint-use parking (where parking for different land uses varies with time), the Modified Project utilizes the concept of “captive parkers,” which accounts for persons who are parked once but engaged in multiple on-site land-use activities. For example, many residents whose homes are within a convenient walking distance of the Clubhouse/lodge and other Village Green amenities will find it more convenient to leave their cars in their garages and walk to the Village Green. Furthermore, certain residents will have the opportunity and might find it more convenient to use golf carts as a method of transportation. Residents visiting the Clubhouse/lodge and related amenities can drop off carts with the golf attendants at the golf cart storage area under the fitness center.

All detached single-family residential units have 2-car garages with driveway space for an additional two vehicles in front of the garage. The condominiums and townhomes will utilize a combination of underground parking, on-street convenience parking and covered “parking barn” spaces. The on-street convenience parking will be available for joint-use by other users.

The Master HOA will employ specific parking management techniques to optimize the use of available parking spaces. The valet parking services for the “hospitality” components of the resort community (golf course, the Clubhouse/Lodge, and associated amenities) will be provided among and between surface parking facilities. This will allow the valet staff to maximize the use of vehicle storage areas while minimizing the turnaround time for retrieval of stored cars.

In addition to valet parking for special events, to accommodate guests, and for regular dining activities, the Golf Maintenance Facility will be where many employees will park. There will be a

shuttle service offered for employees working at the Village Green area. Employees working at the Sales Center/General Store and Winery Restaurant will utilize the parking area at those locations.

Shuttle service will also be provided between the resort community and the Wassaic Metro-North train station as well as the hamlet of Amenia to accommodate residents who may wish to avail themselves of Hamlet amenities or the train on an as needed basis. This will also provide opportunities for guests and employees to travel to and from the resort community without needing to drive and park.

## **H. LAND USE AND ZONING**

### **Existing Conditions:**

The Town adopted the current Zoning Law on July 19, 2007. Under the prior zoning law, the site was predominantly located in the RA (Rural Agricultural) zoning district, while a much smaller portion of the site was located in the M (Industrial) zoning district.

Under the current Zoning Law, the main portion of the site is located in the RA (Rural Agricultural) District, and was also mapped as Resort Development Overlay District (“RDO District”) in recognition of the Original Project, which was already pending before the Planning Board, and which could not have been approved under the prior zoning law absent a zoning amendment.

Approximately 670 acres of the site is located in the RDO District, and the remainder (approximately 15 acres) is located in the OC Office/Commercial/Industry Mixed-Use District (“OC District”). Portions of the site are also in the Scenic Protection Overlay District (“SPO District”), Stream Corridor Overlay District (“SCO District”), and Aquifer Overlay District (“AQO District”). The compliance of the Modified Project with applicable requirements and standards of each district, and with other applicable requirements of the Zoning Law, is discussed below.

### **1. OC District**

*(a) Section 121-10.H of the Zoning Law: Special site design and operational considerations in the OC District.*

*(1) The purpose of the OC District is to allow larger-scale nonresidential uses that contribute to the Town's tax base and provide jobs for local residents, while protecting the Town's treasured scenic and rural qualities using open space buffers. Impervious surfaces are limited to 40% of total project area, requiring 60% to be maintained as open or undeveloped "green space." This green space shall be arranged in a manner that adequately buffers buildings and parking areas from public roads and neighboring properties, while protecting wetlands, watercourses, and scenic views.*

- There are  $3.4 \pm$  acres of impervious surface proposed on the portion of the site in the OC District, making 23.6% of that area impervious surface, and 76.4% open space.

*(2) Buildings shall be placed in front of their parking lots to screen the parking from the road. This requirement shall not apply if the entire site is screened from the road by natural vegetation and/or natural topography. The Planning Board may modify or waive this requirement where unusual lot configurations such as corner*

lots or through lots make compliance with this requirement impractical or impossible or where the predominant character of surrounding development is such that compliance with this requirement would serve no useful purpose, provided that the applicant minimizes the visual impacts of such parking areas.

- A combination of berms and new native trees has been added to the “green buffer” between the WWTP and Golf Maintenance Facility and NYS Route 22 to shield the structures and the parking areas, thereby minimizing any potential visual impact from NYS Route 22. The Applicant believes that given the location, existing and proposed vegetative screening, and the character of the surrounding development, placing the Golf Maintenance Facility and WWTP buildings in front of parking will not yield any public benefit, and has therefore requested this waiver.

## 2. **Stream Corridor Overlay District (SCO District)**

*(a) Section 121-14.D of the Zoning Law: Setbacks. Within the SCO District, no principal structure shall be located within 100 feet of a watercourse, and no accessory structure 200 square feet or larger shall be located within 50 feet of a watercourse. These setbacks shall not apply to docks, piers, bridges, and other structures which by their nature must be located on, adjacent to, or over the watercourse. For purposes of determining setbacks, measurements shall be horizontal distances measured from the top of the bank or mean high-water line, as appropriate. For lots in existence as of July 19, 2007, and for any project for which an environmental impact statement has been prepared, the Planning Board may modify these setback requirements, provided that the Planning Board finds that the proposed construction will comply with Subsection E(3) below.*

- No principal structure is proposed to be located within 100 feet of a watercourse.
- No accessory structure 200 square feet or larger is proposed within 50 feet of a watercourse.

*(b) Section 121-14.E of the Zoning Law: Site plan approval requirement.*

*(1) Within the SCO District, site plan approval shall be required for the following:*

*(b) Within any one-year period:*

*[3] Grading or other alteration of more than 10,000 square feet of the natural landscape.*

- The Modified Project will involve approximately 7.34± acres (319,740 sf) of grading within the SCO District along Amenia/Cascade Brook.
- The Applicant has applied for site plan approval for the proposed grading in the SCO District.

*(3) Within the SCO District, the Planning Board may grant site plan approval only if it finds that, with appropriate conditions attached, the proposed activity:*

*(a) Will not result in degradation of scenic character and will be aesthetically compatible with its surroundings.*

- The Modified Project will not impair scenic character and will be aesthetically compatible with its surroundings. The Applicant has provided a Confirmatory Visual Analysis in connection with the application for site plan approval of Phase I of the Modified Project, and will provide the same analysis for Phase II. Based on the

Confirmatory Visual Analysis, appropriate measures to mitigate potential visual impacts have been incorporated by the Applicant as components of the Modified Project.

*(b) Will not result in erosion or stream pollution from surface or subsurface runoff. In making such determination, the Planning Board shall consider slopes, drainage patterns, water entry points, soil erosivity, depth to bedrock and high-water table, and other relevant factors.*

- The Modified Project SWPPP requires the implementation of stormwater management and erosion and sediment control practices to assure that the Modified Project does not result in erosion or stream pollution from surface or subsurface runoff. Other measures to mitigate potential erosion and sediment control impacts and protect water quality have been incorporated by the Applicant as components of the Modified Project.

*(4) If a special permit, site plan, variance, or subdivision approval is required in connection with a project subject to this § 121-14, the requirements of this section shall be considered in such proceeding, and no separate site plan approval shall be required.*

- The Applicant has applied for amended special permit/master development plan approval, site plan approval of Phase I of the Modified Project, and related subdivision approval, as well as all other approvals and waivers required under applicable provisions of the Amenia Town Code.

*(b) Section 121-14.F of the Zoning Law: Erosion and stormwater control plan requirement. For any special permit, site plan, or subdivision application in which the area to be disturbed lies partially within the SCO District, an erosion and sediment control plan shall be required pursuant to § 121-32 if the total disturbed area (including portions outside the SCO District) exceeds 10,000 square feet.*

- The SWPPP requires the implementation of stormwater management and erosion and control practices to assure that the Modified Project does not result in erosion or stream pollution from surface or subsurface runoff. Other measures to mitigate potential erosion and sediment control impacts and protect water quality have been incorporated by the Applicant as components of the Modified Project.

### **3. Scenic Protection Overlay District (SPO District)**

*(a) Section 121-14.1.D of the Zoning Law: Site plan approval requirement.*

- The Applicant has applied for amended special permit/master development plan approval, site plan approval of Phase I, and related subdivision approval, as well as all other approvals required under applicable provisions of the Amenia Town Code.

*(b) Section 121-14.1.F: General Standards. Within the SPO District, site plan approval may only be granted if, with appropriate conditions attached, the proposed activity:*

(1) *The [Modified Project] will not significantly impair scenic character and will be aesthetically compatible with its surroundings.*

- Panoramic images of both Viewpoints 1 and 7 were presented to the Planning Board for review. These images are intended to assess overall visual impact on the views rather than focusing on a specific point as currently depicted in the Confirmatory Visual Analysis.
- The existing conditions image from Viewpoint 1 shows the pastoral, panoramic and unobstructed view of neighborhoods to the south of the Hamlet of Amenia, agricultural fields across the valley, wooded hills, ridges, and knolls, and the valley winding through the distant hills to the south.
- From the developed simulation of Viewpoint 1 the views will remain rural in nature. From the vantage point on DeLaVergne Hill a viewer will continue to have unobstructed views of neighborhoods to the south of the Hamlet of Amenia, agricultural fields across the valley, wooded hills, ridges, and knolls, and the valley winding through the distant hills to the south. Similar to the existing buildings seen from DeLaVergne Hill when looking east, a viewer will be able to see clusters of houses down the valley to the east (in the South Lawn area) with a small grouping of homes traversing the base of the slope (Estate Homes area).
- The Modified Project will remove vegetation along Route 44 at DeLaVergne Hill to open up views to the valley.
- The Planning Board has found that the lower density of the Amended MDP is more in keeping with Town's scenic character historic development patterns and is more aesthetically compatible with its surroundings, than the Approved master development plan's high density plan that introduced urban scale buildings and densities.

(2) *Will minimize the removal of native vegetation, except where such removal may be necessary to open up or prevent the blockage of scenic views and panoramas from publicly accessible places.*

- The Modified Project preserves by Conservation Easement no less than 536 acres of open space, of which 298± acres are forested habitat. The Amended MDP reduces disturbances to natural forested areas by more than 13± acres as compared to the previously approved October 8, 2009 Master Development Plan.
- The Design Standards for the Estate Homes impose additional requirements for preservation of existing forested areas.
- The Modified Project will remove vegetation along Route 44 at DeLaVergne Hill to open up views to the valley.

(3) *Will locate and cluster buildings and other structures in a manner that minimizes their visibility from public places.*

- The site design utilizes clustering by creating groupings of buildings around courtyards or greens, and by creating a "village core" in the center of the development where more dense land uses are concentrated. Many single-family houses are grouped into small neighborhood clusters on relatively small lots.

*(4) Will be at least 40 feet below the crest line of any ridge and will not disturb the continuity of the treeline when viewed from a publicly accessible place. The only portions of a structure that may project higher than 40 feet below the crest line (the natural ground elevation of the land) shall be a chimney, satellite dish, antenna, or cupola, which shall not be higher than 30 feet below the crest line.*

- No buildings are proposed to be built on or above the crest line of any ridge, and no building will disturb the continuity of the tree line when viewed from a publicly accessible place. The elevation of the highest building is 288 feet below the crest line of the adjacent ridge.
- Buildings will be at least 40 feet below the crest line of any ridge and will not disturb the continuity of the treeline when viewed from a publicly accessible place. The tallest part of any roof on the Modified Project is the tower roof on the Winery Restaurant building which is an elevation of 851.6'. The elevation of the top of the ridgeline north of the building is 1140', to the east is 1100' and to the west is 960'. The highest point of any Modified Project building is well over 100'± lower than any crest line of any ridge in the vicinity.

*(5) Will not result in clearing a building site area, including accessory structures and parking areas (excluding the area required for driveway and utility access), greater than 30,000 square feet in area for a single-family residence. This building site area shall be designated on the approved plan by a "building envelope", and all buildings and parking areas shall be located within the building envelope,...*

- All Estate Home lots in the SPO District that are greater than 30,000 square feet in area have a delineated ADA no greater than 30,000 sf, and certain lots have a delineated "driveway envelope" and/or "sewer envelope." All buildings, driveways, parking areas, and sewer lines shall be located within the ADA, or driveway and sewer envelopes. Driveway and utility layouts minimize disturbance outside of the ADA and driveway and sewer envelopes to the maximum extent practicable. Other than grading in accordance with the Phase I site plan approval, no mechanized clearing of existing trees greater than 8 inches DBH or grading is permitted outside the approved ADA, driveway envelope and sewer envelope.

*(c) Section 121-14.1.G: Landscape*

*(1) A continuous green buffer, at least 100 feet deep along Routes 44, 22, and 343 and 50 feet deep along the other scenic roads or trails, shall be maintained. This buffer shall consist of native trees and shrubs, as well as fields, meadows, and lawn areas. Bike paths and/or sidewalks may be constructed within this landscaped buffer. This buffer requirement shall not apply in the immediate area around existing residences located within the buffer area.*

- A "green buffer" at least 100 feet deep is maintained along Routes 44 and 22. The Applicant has requested waivers to permit work in the "green buffer":
  - At the existing main access driveway at NYS Route 22; and
  - At the existing driveway/access road at NYS Route 22 that will serve the Golf Maintenance Facility and WWTP; and
  - At the access drive to the Artisan's Park Overlook and for related improvements.

*(2) Shade trees at intervals averaging every 50 feet, or other plantings consistent with the aesthetic character of the landscape, shall be provided within 25 feet of the right-of-way. Such trees or other plantings shall not be required where they would block scenic views. An applicant for site plan or special permit approval shall not be required to plant more than one shade tree per 1,000 square feet of floor area proposed to be developed on the parcel.*

- Shade trees and other plantings consistent with the aesthetic character of the landscape are provided within 25' of all internal rights of way. The Planning Board has advised the Applicant that existing trees along the lower section of US Route 44 do not need to be removed. However, as additional mitigation for potential visual impacts, the Applicant has committed to working with the Planning Board and NYSDOT to remove existing trees at the hairpin curve, to maximize views from DeLaVergne Hill and the Artisan's Park Overlook.

*(3) To the maximum extent practical, existing trees, lawns, and shrubs shall be preserved, unless they are proposed to be replaced by native trees or other native vegetation deemed appropriate by the Planning Board.*

*(4) Trees shall be planted as deemed necessary by the Planning Board to reduce visibility of new structures from public roads or trails.*

- The Modified Project preserves no less than 536± acres of open space of which 298± acres are forested habitat. Disturbances to natural forested areas are reduced by more than 13± acres as compared to the previously approved October 8, 2009 Master Development Plan.
- The Design Standards for Estate Homes impose additional requirements for preservation of existing forested areas.
- The landscaping plans require all plantings within open space areas to be native.
- The Design Standards for Estate Homes impose the following landscaping requirements for those lots:
  - Both native and non-native plants shall be permitted. However, all homeowners are restricted from using plants or groups of plants considered to be invasive or potentially invasive.
  - One shade tree shall be planted per 1,000 square feet of the home floor area proposed to be developed on the lot, except that for every one existing shade trees 8 inches DBH or greater within the ADA preserved by the lot owner, one (1) less new shade tree shall be required. Not less than one of the required new shade trees shall be planted in the front yard, and not less than one in the rear yard, except where the existing condition on the lot outside the ADA precludes viable shade tree plantings.
  - Minimum of 30% of the disturbed land areas not improved with the home, driveway, and any accessory structures shall be planted with shrubs and herbaceous plant materials.
  - Native evergreen trees in the side yard shall be planted in natural, informal layouts and shall not block golf views from adjacent lots.

*(2) Clear-cutting of trees shall be prohibited in any location where such clear-cutting would alter the crest line of a ridge when that crest line is viewed from any publicly accessible place.*

- No tree cutting is being proposed on or above the crest line of any ridge.

*(d) Section 121-14.1.H of the Zoning Law: Architecture*

*(1) Existing structures with historic or architectural significance shall be retained to the extent practical. Alterations to such structures shall be compatible with the architecture of the existing structure. New structures shall be compatible with the historic structures in their vicinity.*

- No existing structure with historic or architectural significance is proposed to be demolished.

*(2) Buildings visible from public roads or trails, including canopies for accessory facilities, shall have peaked roofs with a slope of at least 8:12, except that hip roofs with a slope of at least 4:12 and flat roofs that are hidden by a raised cornice shall also be permitted.*

*(3) Windows shall be vertically proportioned and balanced on facades, with width to height ratios ranging from 1:2 to 3:5. Horizontal windows may be used just below roof eaves ("eyebrow" windows) and as first-floor display windows.*

- Pursuant to Section 121.18.C(3)(c) of the Zoning Law, "architectural standards and covenants may substitute for any of the design standards which would otherwise be required by § 121-14.1H or any other section of this chapter. Proposed signs and sign standards may substitute for the signage requirements in § 121-39". The Amended MDP, Phase I site plan, and Design Standards for Estate Homes will together comprise the architectural standards for the Modified Project, and are enforceable by the Town. The Design Standards for Estate Homes contain the following standards regarding roofs and windows, among other architectural standards:
  - Primary roofs shall be peaked roofs with a slope of at least 8:12, hipped roofs with a slope of at least 4:12, or flat roofs that are hidden by a raised cornice. Secondary roofs (secondary massings, garages, etc.), porches, and dormers shall have a slope of at least 3:12.
  - Acceptable dormer forms are gable, hip or shed. Dormers shall have a minimum slope of 3:12.
  - Windows shall be vertically proportioned and balanced on facades, with width to height ratios ranging from 1:2 to 3:5. Horizontal windows may be used just below roof eaves ("eyebrow" windows).

*(e) Section 121-14.1.I of the Zoning Law: Fences. Chain link fences and stockade or other fence designs that block visual access to land in a scenic road corridor shall be prohibited, unless such fences are necessary to screen a preexisting use that does not conform to the requirements of this section.*

- No fence which blocks visual access to any land in a scenic road corridor is proposed. The 4-rail equestrian style fence proposed around the Golf Maintenance Facility and WWTP will not block visual access to land in a scenic road corridor.

*(f) Section 121.14.1.J of the Zoning Law: Rural siting principles. New development in the SPO District shall comply with the rural siting principles in § 121-31. Section 121-31 states: The following guidelines shall apply to the extent practical to the siting of nonresidential uses that are subject to site plan or special permit approval and to the*

siting of residences in new subdivisions or other developments. They are recommended but not required for the siting of individual residences on existing lots.

A. Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)

- Where practicable, the proposed roads are located on existing service roads, logging roads and old trails within the property. The previously approved Master Development Plan has the secondary access road to Route 22 cut through steep slopes and forested areas from the South Lawn neighborhood. The Amended MDP provides secondary access from an existing access area on the HVLC Property.
- Disturbances to natural forested areas are reduced by more than 13± acres as compared to the previously approved October 8, 2009 Master Development Plan.

B. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.

- Existing stonewalls and hedgerows are being preserved where practicable.

C. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas. Septic systems and leach fields may be located in fields, however.

- To the extent practicable, all buildings have been placed along the borders of the golf course and adjacent to and within wooded areas.
- No septic systems are proposed.

D. Use existing vegetation and topography to buffer and screen new buildings if possible, unless they are designed and located close to the road in the manner historically found in the Town. Group buildings in clusters or tuck them behind treelines or knolls rather than spreading them out across the landscape in a "sprawl" pattern.

- Under the Amended MDP, the majority of the residences (60%) are located in the core area within ¼ mile (often used as approximation of a 5-minute walk) of the Village Green. The Village Green contains the largest proposed buildings on the property and is strategically placed between existing vegetated knolls to minimize visibility from public places.

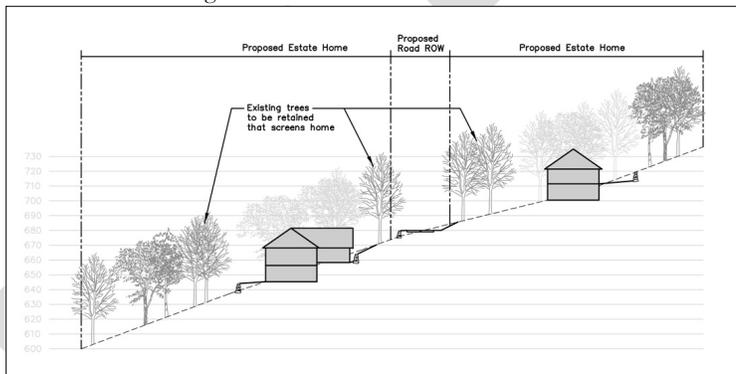
E. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.

- As much as possible considering the areas that are developed, roads have been designed to best fit the existing site grades, minimize impacts to steep slopes, and be consistent with the Hamlet Design Guidelines and Greenway Connections. In compliance with the Hamlet Design Guidelines, the plan utilizes small spur roads to reduce the overall length of roads and impervious surface coverage, which minimizes clearing of vegetation.

- Further, the use of retaining walls mitigates grading impacts in certain areas, allowing for more existing tree areas to be retained, which will provide additional screening for the proposed improvements.

*E. Site buildings so that they do not protrude above treetops and crest lines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.*

- Because of development in the forested areas of the site, the Modified Project will result in the removal of many large, mature trees. Nevertheless, the new design of the Estate Home neighborhood considers potential visual impacts and uses existing topography and trees to remain to screen development. The design intent is to maintain horizontal swaths of existing trees that will screen houses located upslope of and generally behind those existing trees. As shown by the visual simulations for the Modified Project, existing trees remaining from a cut mature forest are usually not effective screens due to the lack of lower branches, but they should still soften the visual impact of these houses by offering a visually porous screen. The design intent for these hillside screens is illustrated in the following section:

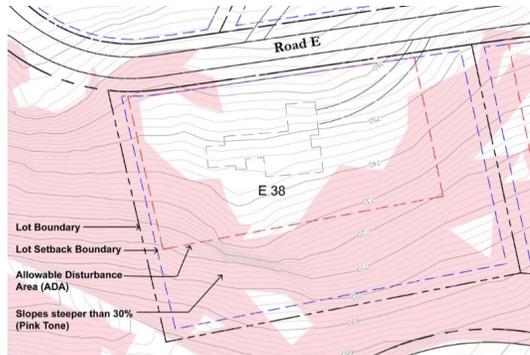


*G. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multilevel structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.*

- The current design of the roads and lots in the Estate Homes area reduces land disturbance impacts and fits the proposed improvements with the land as much as practicable. Specifically:
  - The proposed alignment and grading of Redtail Pass, Ridgeline Road and Oak Tree Lane reduces grading impacts and associated tree removal. Further, the use of retaining walls mitigates grading impacts in certain areas, allowing for more existing

forested areas to be retained, which will provide additional screening for the proposed improvements.

- ADAs have been located on the flattest locations of the lots, thereby reducing the amount of grading and tree removal required for a home. Additionally, driveway envelopes and sewer envelopes (outside the ADA) have been delineated and are addressed in the Design Standards for Estate Homes. A representative Estate Home lot and ADA is shown below.



- As stated in the Amended MDP, the Estate Homes will take advantage of the topography by building multi-level structures with more than one level (e.g., walk-out basements and garages under buildings) rather than grading the entire lot flat. This reduces grading impacts and allows for more trees to be retained which reduces visual impacts and provides additional screening for project improvements.

*(g) Section 121-14.1.K of the Zoning Law: Balloon testing and photographic simulations. In connection with its review of a site plan review application within the SPO District, the Planning Board may require the applicant to conduct a balloon test where the location is near a ridgeline in order to determine whether or not a proposed structure or activity will project above the crest line when viewed from a publicly accessible place or otherwise adversely affect scenic quality. The Planning Board may also require an applicant to prepare photographic simulations for the same purpose.*

- Photographic simulations were a part of the FEIS and were also a part of the Confirmatory Visual Analysis. Photosimulations are also a requirement for Phase II of the Modified Project.

*(h) Section 121-14.1.L of the Zoning Law: Waivers. The Planning Board may waive one or more of the specific requirements of this Section 121-14 upon a written finding that such waiver will not impair the scenic preservation purposes of the SPO District. Any development which is the subject of a detailed visual assessment as part of an environmental impact statement shall be eligible for such waivers if supported by SEQOR findings.*

- Waivers are requested for work in the “green buffer” at the existing main entrance on NYS Route 22, and along NYS Route 22 generally at the location of the existing access road that will serve the WWTP/Golf Maintenance Facility. Waivers are also requested for work in the

“green buffer” along Route 44 for the access drive and other improvements related to the Artisan’s Park Overlook.

4. **Aquifer Overlay District (AQO District)**

(a) *Section 121-15.E of the Zoning Law: Use and permit requirements in the Aquifer Overlay District.*

4. *Special conditions for proposed uses within the Priority Valley Bottom Aquifer (PVBA) and Upland Wellhead Protection (UWP) areas requiring a special permit:*

(a) *Storage of chloride salts is prohibited except in structures designed to minimize contact with precipitation and constructed on low-permeability pads designed to control seepage and runoff.*

- The Modified Project is within the Upland Aquifer and the Priority Valley Bottom Aquifer (“PVBA”). The Applicant has requested a special use permit for storage of fertilizers, pesticides and herbicides in excess of 500 pounds at the golf maintenance building located in the PVBA. The substances will be stored in accordance with the NRMP Section 9.0 “Best Management Practices for the Maintenance Facility” - Subsection 9.1.1 “Pesticide Storage and Mixing.” All other chemical storage will be in a separate secure storage building to eliminate contact with precipitation.

(b) *Section 121-15.F and G of the Zoning Law:*

*E. Determination of a parcel’s natural recharge. The natural recharge rate for a parcel shall be determined by identifying the soil types on the property, classifying them by hydrologic soil groups (A through D, A/D and C/D), and applying a recharge rate of 20.2 inches/year for A and A/D soils, 14.7 inches/year for B soils, 7.6 inches/year for C and C/D soils, and 4.2 inches/year for D soils, and multiplying the recharge rate(s) by the number of acres in the parcel for each soil group.*

*G. Consumption of water. Water consumption is the net loss of liquid phase water through site activities, plus the water needed to dilute wastewater and other discharges to a concentration equal to 50% of the New York State Title 6, Part 703, groundwater standard.*

- Based on Figure 2 “Hydrologic Soils Group, Silo Ridge” from the May 2007 report of The Chazen Companies titled “Silo Ridge Resort Community, Aquifer Development and Pumping Test Report”, there are 25.7 acres of A/D soil, 187.7 acres of B soil, 441.9 acres of C and C/D soil and 7.2 acres of D soil underlying the site. The table below shows the calculated recharge for each of the soil types:

Soil Type	Recharge (inches per year)	Recharge (gallons per day per acre)	Acreage (acres)	Recharge (gallons per day)
A and A/D	20.2	1,503	25.7	38,627
B	14.7	1,094	187.7	205,344
C and C/D	7.6	565.4	441.9	249,850
D	4.2	312.4	7.2	2,249

Total Recharge	496,070
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Under Section 121-15.G of the Zoning Law, water consumption is the net loss of liquid phase water through site activities, plus the water needed to dilute wastewater and other discharges to a concentration equal to 50% of the New York Title 6, Part 703, groundwater standard. The following table shows the calculation of water consumption:

Use	Gallons per Day	Multiplied by Dilution Factor	Project Specific Value	Consumption per Day
Irrigated Land (nonagricultural)	Irrigated acres x 4,000 <sup>1</sup> (or adjusted for vegetation with other water requirements)	X1	350,000 gpd – calculated peak demand for project specific vegetation requirements	350,000 gpd
Uses with surface water discharge	Site activity use x 0.2	X1	Site activity use is 137,400 gpd X 0.2	27,470 gpd
Residential uses with subsurface water discharge <sup>2</sup>	70 per capita	X6	NA	NA
Nonresidential uses with subsurface water discharge <sup>2</sup>	Daily use	X6	NA	NA

<sup>1</sup> Applicable for vegetation requiring one-inch-per-week irrigation. May be adjusted for vegetation with other water requirements.

<sup>2</sup> Calculate use per NYSDEC intermediate wastewater disposal guide. Discharge must not exceed NYSDEC Title 6, Part 703, effluent.

NA = not applicable for the Modified Project

Based on the above calculations, the Modified Project total calculated recharge of 496,070 gpd is approximately 118,600 gpd more than the consumptive demand of 377,470 gpd.

*(c) Section 121-15.I of the Zoning Law: Reporting of discharges. Any person or organization responsible for any discharge of a hazardous substance, solid waste, hazardous waste, petroleum product, or radioactive material shall notify the Town Clerk of such discharge within 24 hours of the time of discovery of the discharge. This notification does not alter other applicable reporting requirements under existing law and applies to all uses, whether conforming or nonconforming in any respect.*

- The Applicant will comply. This requirement may be added as a condition of any approvals issued by the Planning Board for the Modified Project.

5. **Resort Development Overlay District (RDO District)**

(a) *Section 121-18.C of the Zoning Law: Regulatory effect of district on land uses.*

(1) *Allowable uses. Within the RDO District, the following uses are allowed:*

- (a) *All uses allowed in the RA District, as shown on the Use Table in § 121-10B.[1](*
- (b) *Lodging facilities, hotel-condominiums, meeting rooms, and conference facilities.*
- (c) *Restaurants.*
- (d) *Retail, recreational, and service businesses associated with the resort use.*
- (e) *Riding academy and other equestrian uses.*
- (f) *Such other uses as may be approved by the Planning Board in issuing a special permit for a development plan consistent with the purposes of the overlay district.*

- All Modified Project uses are permitted in the RDO District.

(2) *Conservation analysis requirement. For any application for subdivision or any development that involves uses other than those allowed in the RA District, the applicant shall prepare a conservation analysis of the land as described in § 121-20A. This shall be submitted to the Planning Board, which shall make conservation findings prior to the preparation of any master development plan for the site pursuant to Subsection C(3) below. For projects for which a draft environmental impact statement has been submitted prior to the adoption of this section, the environmental analysis included in the environmental impact statement may substitute for the conservation analysis.*

- A DEIS was submitted prior to the adoption of this section and additional environmental studies were completed and submitted with the current Applications. Therefore, the environmental analysis included in the EIS and the additional information provided substitutes for the conservation analysis. This conservation analysis was supplemented by a variety of environmental studies submitted by the Applicant as part of the Modified Project. Based on this analysis, the Planning Board has issued a Conservation Findings Statement which is attached hereto as Exhibit 2.

(3) *Special permit for master development plan.*

- The Applicant has applied for amended special permit/master development plan approval.

(4) *Minimum open space and protection of viewsheds and other resources. A minimum of 80% of the total land area of the parcel shall be preserved by a conservation easement as open space, as provided in § 121-20K, based upon the conservation analysis.*

- The Modified Project complies with the open space requirement. The Open Space Plan, Sheet SP-4 of the Amended MDP Plans, shows that no less than 536 acres, or 80% of

the total in the RDO District, is being preserved. The open space land will be preserved by a Conservation Easement. The grantee of the conservation easement shall be a municipal or not-for-profit organization that is acceptable to the Planning Board and that is qualified to hold conservation easements under applicable law. The Conservation Easement shall be in a form acceptable to, and approved by, the Planning Board. The Conservation Easement shall be expressly referenced in all deeds for the lots and condominium units. The Conservation Easement will also be expressly referenced in all condominium and homeowners association offering plans, and condominium and homeowners' association governing documents will require enforcement of the Conservation Easement.

- In the RDO District, priority for open space preservation must be given to land in the SPO District, and SCO District, especially the view to and from DeLaVergne Hill, ridgelines, historic resources, unique ecosystems, prime agricultural land, and water resources. Portions of the site are located in the SPO District, most notably the land on DeLaVergne Hill including the area inside the US Route 44 hairpin turn, and in the Stream Corridor Overlay District, most notably the Amenia/Cascade Brook. The site also contains other watercourses, vernal pools, State and federal wetlands, and steep slopes. The following will be preserved as open space:
  - The open fields south of DeLaVergne Hill;
  - The open field south of the Winery Restaurant;
  - The wooded area between the Winery Restaurant and the Vineyard Cottages;
  - The wooded area north of US Route 44;
  - The wooded slopes and ridges on the western portion of the site;
  - The wooded knolls north of the Village Green core;
  - The wetlands on the eastern portion of the site; and
  - The golf course.

*(5) Maximum impervious surface coverage and dimensional standards. Maximum impervious surface coverage, as defined in § 121-74, shall be 15% of the total site area, including preserved open space areas.*

- The Modified Project's impervious surface coverage is 42.1 acres, which is 6.2% of the total site area.

*(6) Open space buffer requirements. A master development plan in the RDO District shall provide open space buffers of at least 100 feet from any existing residential uses that are not within the RDO District.*

- A waiver for the access road to the Winery Restaurant, Vineyard Cottages, and Artisan's Park Overlook is currently requested. No buildings or structures lie within the RDO District 100' buffer from adjacent residential uses not in the RDO District.

*(7) Traditional neighborhood layout.*

- Like the Original Project, the Modified Project does not fully comply with TND principles with respect to the single-family homes, Vineyard Cottages, private streets and gated entrances. The single-family homes located along the western boundary of the golf course and the bottom of the wooded hillside are within comfortable walking distance of

the Village Green core area, but do not fully comply with TND principles. The Vineyard Cottages are physically separate and distinct from the Village Green area, and have a recreational area separate and distinct from the recreational facilities located in the Village Green area. Streets are not generally interconnected, although this directly results from preservation of existing environmental features in furtherance of other Town goals and objectives (and in compliance with other regulations), including wetlands, and steep slopes.

Like the Original Project, the Modified Project is intended to be, and will be marketed as, a second-home club community, in which the vast majority of residential unit owners are expected to be part-time residents who occupy their homes on weekends or for short vacation stays. A large-scale commercial component would not be consistent with the rural/recreational character of the resort community, and would neither be financially feasible, nor meet the Applicant's goals and objectives. A larger and broader retail commercial program would also compete with, and have potential adverse economic impacts on, the hamlet of Amenia. The proposed commercial component appropriately advances the desired character of the community by incorporating elements (a small General Store, golf pro shop, restaurant, etc.) to fulfill the convenience needs of the part-time residents as it relates to the recreational and second home focus of the Modified Project. The proposed reduction in on-site commercial space compared to the Original Project will limit potential competitive impacts to the hamlet of Amenia and encourage additional patronage of hamlet businesses, creating the type of synergy between the new residents and existing hamlet businesses described in the Town Comprehensive Plan. These more modest, targeted commercial uses will complement existing uses in the Town, which will in turn be supported by approximately \$1.5 million of community resident spending on meals and food, \$700,000 on transportation and gas, and \$1.1 million on retail goods, annually. This revenue is vital to the economic growth of the hamlet of Amenia and the region.

The Applicant has requested a waiver of Section 121-12.1.F of the Zoning Law.

*(8) Workforce housing.*

- Based on discussions with the Town Board and the Town of Amenia Workforce Housing Committee, the Applicant has elected to pay a fee in-lieu into a dedicated workforce housing trust fund. The fee-in-lieu offered by the Applicant complies with recently adopted Section 121-42(N)(1)(c) of the Zoning Law (Local Law No. 2 of 2014).

*(9) Development area treated as a unit. Regardless of the form of ownership of the property or of its division into separate parcels, the open space, buffer, and other dimensional requirements in this section shall apply to the entire area covered by a master plan of development and not to any individual parcels or lots which are portions thereof.*

- The Amended MDP is a comprehensive master plan for the development of the entire site.

(10) *Modification and waiver of certain requirements.*

*(d) The open space buffer requirements may be reduced in situations where the siting of access roads, streets, or utilities within the buffer area can be accomplished without impact on adjacent residential uses.*

- The Original Approval granted by the Planning Board is for the Master Development Plan last dated October 8, 2009. That previously approved Master Development Plan shows the Winery Restaurant and associated access driveway. A waiver for this access road is currently being requested. No buildings or structures lie within the RDO District 100' buffer from adjacent residential uses not in the RDO District.

6. **Wetlands Regulations**

(a) *Section 121-35 of the Zoning Law: Wetland and watercourse protection.*

*A. State and federal wetland permit coordination. All applicants for any Town permit or approval that might result in disturbance to a wetland or watercourse shall, as early as possible in the application process, apply to the New York State Department of Environmental Conservation (DEC) and/or the U.S. Army Corps of Engineers (ACOE), as appropriate, for any applicable permits. The applicant shall submit copies to the Town of any application to or correspondence with ACOE and DEC concerning required wetland permits for the project.*

- The Modified Project will disturb 0.20± acres of constructed wetlands, but no natural wetlands will be impacted. The constructed wetland to be disturbed is not a NYSDEC regulated wetland, and therefore no NYSDEC permit is required. There are no proposed disturbances to NYSDEC wetlands and/or watercourses.
- The Applicant has submitted an application to the ACOE for a nationwide permit under Section 404 of the Clean Water Act. On June 8, 2015, USFWS concurred with ACOE's determination that the Modified Project "may affect but not likely to adversely affect" the Indiana and northern long-eared bats with the inclusion of appropriate time of year clearing restrictions and other best habitat management practices included in the report titled "Silo Ridge Field Club, Federally-Listed Species Assessment and Mitigation Plan," dated April 29, 2015, prepared by VHB.

*B. Required watercourse and wetland mapping and delineation. Any site plan, plot plan, building permit or zoning permit application, variance application, subdivision plat, preliminary subdivision plat, or other plan submitted to a Town regulatory board or official shall show the location and stream classification of all watercourses, the location of any land or water identified as significant habitat in a Biodiversity Map adopted by the Town Board, and the location of any wetlands shown on the National Wetlands Inventory and DEC-regulated wetlands and wetland buffers on the parcel, as determined by a DEC field delineation, if available, or from current DEC wetland maps. If the proposal requires that a wetland delineation be performed for the ACOE, the applicant shall submit a copy of such delineation to the reviewing board or official. The applicant and reviewing board shall consult the report "Significant Habitats in the Town of Amenia, Dutchess County, New York" by Hudsonia Ltd. (2006) (hereinafter cited as the "Hudsonia Report") and use the recommended methodologies for study and protection of wetland habitats identified in that publication.*

- The Applicant has provided a map showing the location and stream classification of all watercourses, the location of any NYSDEC wetlands and regulated adjacent areas, and wetlands shown on the National Wetlands Inventory.

- The HMP addresses potential risks to habitat quality and describes the measures to be taken to mitigate these potential risks. The HMP also addresses specific efforts to provide quality habitat for populations and assemblages of animal species that utilize the site for critical habitat throughout all, or a portion of their life cycle.
- The Applicant partnered with Audubon International and developed the NRMP. The NRMP has been developed to detail how Modified Project management activities will protect natural resources.
- Compliance with East of Hudson Water Quality Standards will protect the Hill's pondweed in NYSDEC Wetland AM-15.

*C. Imposition of conditions to protect wetlands and watercourses. The reviewing board or official shall ensure that applicants comply with the requirements of DEC and ACOE and shall impose additional appropriate conditions as necessary to minimize damage to wetlands and watercourses based upon studies of wetlands as recommended in the Hudsonia Report. Such conditions may include modifications in the size and scope of a proposed project, as well as changes in the location of structures or other improvements on the parcel. The reviewing board or official shall not be limited by the regulations of the DEC and ACOE but may impose protections on wetlands and related upland habitat areas that are more stringent than required by these agencies, provided that such conditions are reasonable and are based upon the advice of a qualified expert. The Hudsonia Report shall be consulted in connection with this requirement.*

- The Applicant complies – see comments to subsections A and B above.

*D. For projects in the RDO for which a draft environmental impact statement has been submitted prior to the adoption of this section, the environmental analysis set forth therein for "water resources", "vegetation" and "wildlife" shall serve as a substitute for the provisions of this section applicable to the Town's review and regulation of wetlands and watercourses, provided that all field investigations, studies, data and other work supporting such environmental analysis have been performed to the satisfaction of the Town's retained biodiversity expert for environmental review of such a project.*

- Draft and final environmental impact statements were accepted by the Planning Board in 2007 and 2008. The Applicant and its consultants have provided all additional field investigations, studies, data and other work supporting such environmental analyses for the Modified Project, which have been performed to the satisfaction of the Planning Board and the Town's consultants.

## 7. **Steep Slope Regulations**

*(a) Section 121-36.A of the Zoning Law: For any subdivision, special permit, site plan, building permit, zoning permit, or variance that involves the disturbance of slopes greater than 15%, conditions shall be attached to ensure that:*

*(1) Adequate erosion control and drainage measures will be in place so that erosion and sedimentation does not occur during or after construction.*

- Engineering practices will be implemented to minimize adverse impacts resulting from grading and development on slopes of 15% or greater. The Modified Project SWPPP includes stormwater design and management practices in accordance with the NYSDEC

SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002, and the SMDM. The erosion and sediment control design has been completed in accordance with the New York Standards and Specifications for Erosion and Sediment Control (August 2005).

*(2) Cutting of trees, shrubs, and other natural vegetation will be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.*

- Removal of native vegetation will be minimized, except where such removal may be necessary to open up or prevent the blockage of scenic views and panoramas from publicly accessible places and in accordance with the approved site plans.
- The Amended MDP makes use of the varying topography of the site to reduce the amount of tree clearing that will be needed. Existing tree masses are used where feasible to act as screening features or to be incorporated into the overall design scheme of the Modified Project. The Modified Project will also utilize clearing and grading limits to ensure the vegetation is only removed in areas where it is necessary.
- The site currently contains 350 acres of existing forested habitat. Following implementation of the Modified Project, 298.1 acres, or 85 percent, of the existing forested habitat would remain. The 298.1 acres of forested habitat would be preserved in seven habitat blocks, including a single large  $217 \pm$  acre forested block encompassing the majority of the ridge complex that occupies the western portion of the site.
- Each lot has minimum landscaping requirements. Typical lot landscape plans are shown in Section 1.4 of the Amended MDP and are shown on Amended MDP Plans. In addition, the landscaping requirements for the 84 single family homes in the Village Green and South Lawn, and the Golf Villas neighborhoods, are set forth in Site Plan Drawings L3.31 to L3.34. Landscaping requirements for the 56 Estate Home lots are set forth in the Design Standards for the Estate Homes. Throughout the site, preference is given to native vegetation.

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

- To the extent practicable, the road design complies with the “rural lane” standards in Town Code Section 105-22.H., and driveway design complies with the standards in Town Code Section 105-22.L, in order to minimize disturbances to existing vegetation and steep slopes. Where deviations from roadway and driveway standards are proposed, the design grades are within acceptable industry standards and do not pose any safety hazards. The maximum proposed road grade is 13% and the maximum driveway grade is 15%. The Amenia Fire Company and Wassaic Fire Company, by letters dated January 12, 2015, and February 3, 2015, respectively, have accepted the design of all roads, driveways, hammerheads, and other proposed site features within their jurisdiction.
- Additionally, the SWPPP includes erosion and sediment control in accordance with the New York Standards and Specifications for Erosion and Sediment Control (August 2005).

(b) Section 121-36B of the Zoning Law: No disturbance, including cutting of vegetation or construction of driveways, shall be permitted on any slope of 30% or greater, except in any of the following circumstances:

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

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

- Under the previously approved October 8, 2009 Master Development Plan, the Applicant was permitted to disturb approximately 34.5 acres of slopes 30% and greater. In Section III.1 of the Original Approval, the Planning Board determined “that the Applicant has adequately demonstrated that this disturbance<sup>8</sup> is permissible pursuant to sections 121-36(B)(6) and (7) of the Zoning Law.” Approval of the disturbance is conditional upon “the Applicant’s continued efforts to seek ways to reduce the amount of this disturbance during site plan review through the development of detailed engineering plans implementing the specific mitigation measures identified in the [Original Findings Statement].”

Section 121(B)(6) of the Zoning Law provides that slopes of 30% or greater may be disturbed “where an applicant can demonstrate that there is no feasible alternative and that the impacts of any land disturbance will be fully mitigated by the best available engineering, erosion control, and visual impact mitigation practices.” Section 121(B)(7) of the Zoning Law provides that provides that slopes of 30% or greater may be disturbed “where an applicant can demonstrate that the impacts of disturbing slopes do not negatively impact visual resources, that the areas impacted are part of a broader plan for a site that weighs and balances the full range of environmental issues, and that such disturbance is fully mitigated by engineering and soil erosion control practices.” In previously permitting disturbance to slopes 30% and greater pursuant to Sections 121-36(B)(6) and (7) of the Zoning Law, the Planning Board found:

- that disturbance to these slopes could not be avoided given the development constraints presented by the existing golf course and its environmental features including watercourses and wetlands in the east of the site, and by the naturally forested slopes in the west of the site;
- that potential impacts to the disturbed slopes are capable of being adequately mitigated through the implementation of appropriate “engineering, erosion control, and visual impact mitigation practices”;

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<sup>8</sup> The Original Approval grants permission to disturb “approximately 20 acres” of slopes 30% and greater. As contemplated by Condition No. 2 of the Original Approval, the master development plan layout was refined subsequent to the adoption of the Original Approval to “incorporate all of the revisions which occurred during the Special Use Permit process,” culminating in the adoption by the Planning Board of a final plan in October, 2009. Under the approved previously October 8, 2009 master development plan, approximately 34.5 acres of slopes greater than 30% are permitted to be disturbed.

- that the Applicant has demonstrated that the disturbance would “not negatively affect visual resources”;
- that as a result of the extensive and rigorous environmental impact review process, the potential impacts of the disturbance, as well as all other potential impacts of development, were appropriately weighed and balanced against relevant factors, including “social, economic and other essential considerations” (see 6 N.Y.C.R.R. §.617.11(e)); and
- that all potential impacts of disturbance would, in fact, be “fully mitigated” by the engineering and soil control measures required to be implemented by the Applicant pursuant the Original Approval (and the master development plan approved thereby) and the Original Findings Statement.

The circumstances presented by the Modified Project are essentially the same. In fact, in the most significant respect – total amount of site-wide disturbance to slopes 30% and greater – the Amended MDP and Phase I site plan have much less impact than the previously approved October 8, 2009 Master Development Plan: only 20.3± acres of slopes 30% and greater are now proposed to be disturbed, compared with 34.5± acres under the previously approved October 8, 2009 Master Development Plan, approximately 40% less than currently approved. Given this, and the “engineering, erosion control, and visual impact mitigation practices” to be implemented as part of the Modified Project<sup>9</sup>, the Modified Project presents no greater potential impacts to slopes 30% and greater on the site as a whole – including the Estate Home lots - than previously approved.

The Modified Project is also generally more protective than the Original Project of other natural resources than steep slopes, and of visual resources. Notwithstanding the fact the Modified Project would have an overall lesser impact on natural and visual resources than the Original Project, this Amended Findings Statement imposes extremely stringent mitigation measures. With respect to the Estate Home lots, those measures will be required to be implemented not only by this Amended Findings Statement, the amended special permit/master development plan approval, the Phase I site plan approval, but also by the Design Standards for the Estate Homes which require the Applicant (and successor owners of the Estate Home lots) to implement the following mitigation measures, among others:

- Provide a proposed stormwater management plan (“SMP”) including erosion and sediment control in accordance with the approved Modified Project SWPPP, NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002, the SMDM, and New York Standards and Specifications for

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<sup>9</sup>Among other things, the Modified Project SWPPP requires implementation of water quality volume (WQv) measures that meet the East of Hudson standards. The Modified Project SWPPP accounts for the maximum permitted impervious surface area (“Maximum Lot Coverage”), and maximum permitted disturbance area, for each Estate Home lot based on the proposed “Silo Ridge Resort Community MDP Bulk Design Standards.”

Erosion and Sediment Control (August 2005). The SMP shall detail how stormwater will be managed on each lot during and after construction of each Estate Home. The SMP shall include the following:

- Impervious area for each lot will be limited to the square footage permitted under the approved MDP Bulk Design Standards.
- Stormwater management design is to be prepared by a professional engineer, licensed in the State of New York.
- Individual lot SMPs must include a long-term operation and maintenance plan (“O&M Plan”) for the implementation by the property owner of the Green Infrastructure practice(s) on the lot. The deed shall contain a covenant requiring the lot owner to implement the approved O&M Plan.
- All erosion and sediment control measures shall be installed prior to beginning any land disturbance on the lot. Such measures shall not be removed until the disturbed land areas not improved with the home, driveway, and any accessory structures are permanently restored in accordance with the Modified Project approvals and applicable law.
- No Certificate of Occupancy will be granted until all erosion and sediment control and stormwater management measures have been satisfactorily completed to the Town Engineer’s reasonable satisfaction.
- In addition, the application shall include at least one (1) Green Infrastructure practice as described below to provide stormwater water quality treatment for each individual home. Each practice shall be designed using the SMDM, Chapter 5, Table 5.7 or as Amended to the extent practical. The Green Infrastructure practices are as follows:
  - Green Roof – Provide a minimum water quality volume (WQv) treatment equivalent to 2.58% of the impervious area on the lot.
  - Stormwater Planters – Provide a minimum water quality (WQv) treatment equivalent to 2.58% of the impervious area on the lot.
  - Rain Tanks/Cisterns – Provide a minimum water quality (WQv) treatment equivalent to 2.58% of the impervious area on the lot.
  - Porous Pavement – Provide a minimum of 5.16% of the area that would otherwise be impervious as porous pavement.
- An application for a building permit shall include a site plan showing the allowable disturbance area “ADA,” the “Transitional Area” (the area of the lot outside the ADA) and, if applicable, “driveway envelope,” and “sewer envelope” approved and shown on the Site Plan Drawings. All buildings and parking areas shall be located within the ADA. Driveway and utility layout shall be within the ADA, “driveway envelope” and/or “sewer envelope” as applicable. While the ADA concept was developed to ensure compliance with SPO District regulations for those Estate Homes located in the overlay district, it is being applied to all Estate Homes. Notwithstanding the foregoing:
  - No mechanized clearing and/or grading outside the approved ADA and “driveway envelope” and “sewer envelope” is permitted except in accordance with the Modified Project approvals; and

- existing trees in the Transitional Area on the lot that are 8 inches DHB or less are permitted to be removed.
- All cutting and tree removal must be conducted in the winter months (November 1 to March 1) only to afford protections to wildlife species and their possible habitat (including endangered Indiana bats and northern long-eared bats) unless otherwise specified by US Fish & Wildlife Service, and except in bona-fide emergencies, and as necessary to remove damaged or dead trees that threaten the health, safety and welfare of the lot owner and/or the public.
- Both native and non-native plants shall be permitted. However, all homeowners are restricted from using plants or groups of plants considered to be invasive or potentially invasive.
- One shade tree shall be planted per 1,000 square feet of the home floor area proposed to be developed on the lot, except that for every one existing shade tree 8 inches DBH or greater within the ADA preserved by the lot owner, one less new shade tree shall be required. Not less than one of the required new shade trees shall be planted in the front yard, and not less than one in the rear yard, except where the existing condition on the lot outside the ADA precludes viable shade tree plantings.
- Minimum of 30% of the disturbed land areas not improved with the home, driveway, and any accessory structures shall be planted with shrubs and herbaceous plant materials.
- Native evergreen trees in the side yard shall be planted in natural, informal layouts and shall not block golf views from adjacent lots.
- No Certificate of Occupancy shall be granted until all landscape requirements have been completed to the Town Engineer's reasonable satisfaction.

**Mitigation:**

- Mitigation is provided through adherence to the Design Standards for Estate Homes.
- The Applicant will abide by the recommendations in the geotechnical report prepared by QCQA Engineering Services, P.C., dated June 26, 2015 regarding development on slopes steeper than 30%.

**I. LOCAL AND REGIONAL PLAN CONSISTENCY**

**Existing Conditions:**

The goals and objectives of the Town of Amenia Comprehensive Plan Update (2007), Directions: The Plan for Dutchess County (1987) and Greenway Connections (2000) were evaluated to determine the consistency of the Modified Project.

**Impacts:**

In general, both the Town and County plans call for economic development which support tourism and tourism related industries, significant protection of natural, cultural and scenic resources, improvements in infrastructure for water, sewer and transportation, preservation of agriculture, and providing housing options for all residents.

The Modified Project will provide a variety of jobs throughout the resort and is designed and will be marketed as a community of second homes for part-time residency. Residents and lodge guests are projected to spend approximately \$1.5 million on meals and food, \$700,000 on transportation and gas, and \$1.1 million on retail goods annually, much of which is expected to occur locally and within the region.

The project site is in the RDO District, which the Town Comprehensive Plan Update recommends to give added flexibility for businesses that contribute to the second-home and tourist economy while protecting significant scenic, agricultural and environmental resources and providing specific public benefits including public access to open land and recreation resources. In the RDO District, priority is given to protection of open space in the SPO District and the Stream Corridor Overlay District, especially the views to and from DeLaVergne Hill. The Modified Project will preserve 80% of the site as open space and the site plan also takes advantage of the site's topography and existing natural features to screen many buildings from view and reduce the project's visual impact. The Modified Project will implement erosion and sediment control measures and an approved SWPPP.

The Comprehensive Plan Update and the implementing regulations for the RDO District specifically identify the need to be sensitive of the scenic resources associated with the Town's most important viewshed, DeLaVergne Hill. The Comprehensive Plan Update recommends the use of TND as a way to achieve a compact pedestrian oriented layout that preserves open space and reduces driving. Due to the nature of the Modified Project as a primarily second-home, resort community, it does not fully comply with the principles of TND. However, for the reasons set forth in Appendices M & N to the Addendum to EAF, the Modified Project complies with TND principles to the extent reasonably practical and appropriate given the overriding objective of the RDO District to preserve natural resources, and the essential rural/recreational character of the resort community.

While the Modified Project incorporates some elements of TND in the Village Green core area, it also includes the Winery Restaurant and townhomes (the Vineyard Cottages) on the north side of US Route 44. In response to comments received during the public review of the DEIS, the Applicant shifted the location of the Winery Restaurant building 145 feet to the north, proposed landscaping to shield the building from view along US Route 44 and reduced the number of Vineyard Cottages to nineteen.

Greenway Connections provides a set of planning and design principles. The Modified Project complies with many of the design guidelines on topics such as lighting, parking, landscaping and street trees. Greenway Connections promotes the creation of walkable communities and this is achieved for most of the site through a series of connected pathways and sidewalks. However, there is no pedestrian connection between the portion of the site north of US Route 44 and the main portion of the site.

**Mitigation:**

Given other mitigation measures required by this Amended Findings Statement, no specific mitigation is required with respect to local and regional plan consistency.

**J. POLICE, FIRE AND EMERGENCY MEDICAL SERVICES**

**Existing Conditions:**

Police emergencies in the Town are handled by the Dutchess County Sheriff's Department and the New York State Police. For the Sheriff's Department, the response time to the project site will vary depending on whether the officer responding is traveling from the sub-station or some more distant location within patrol Zone 6. Overall, the average response time should be between five and 10 minutes.

The site is in the Amenia Fire District. The Amenia Fire Company provides fire, basic life support and ambulance service in the Fire District. In addition, the services of paramedics, such as Northern Dutchess Paramedics ("NDP"), are utilized to assist with calls for advanced life support. The Fire Company's average response time within the Town is five to seven minutes. In the event that the department receives an emergency call that requires a larger response, the Dover, Sharon and Wassaic fire departments will provide mutual aid. NDP provides service to Amenia from a station in Millerton. The services provided include basic life support, advance life support, inter-facility transportation, and ambulette transportation.

**Impacts:**

Demand for emergency services will likely increase due to the increased population. An increase in calls is anticipated by the Dutchess County Sheriff's Department. However, the Sheriff's Office does not foresee any negative impacts to their operations as a result of the proposed development. While the Sheriff's Office will respond to all 911 emergency calls, an agreement with the Town will be required to allow the Sheriff's Office to enforce local community laws, such as traffic, parking and pedestrian safety laws. The New York State Police did not express concern regarding the ability of the existing staff and equipment to address increased demand from the project. Northern Dutchess Paramedics does not foresee any issues providing service to the proposed development and will adjust their staffing according to the anticipated demands.

A revised fiscal impact analysis was conducted for the Modified Project. Based on this analysis, it is estimated that the Modified Project will generate approximately \$237,423 in revenues and \$153,040 in costs related to the Amenia Fire District, producing a projected \$84,383 surplus for the Fire District.

**Mitigation:**

Based on discussions with police, fire, and EMS services, the following safety designs and features were incorporated into the Modified Project and are acceptable to the services:

- Water for the fire suppression system will be provided by the onsite water supply system. The primary water source for firefighting purposes will be provided by fire hydrants located at each street intersection and at intermediate points along each roadway within the proposed development. Fire hydrants will generally be spaced as required by the NYS Fire Code.
- The proposed water distribution and storage facilities for the Modified Project will provide adequate fire flows.
- In accordance with the 2010 New York State Fire Code, all buildings requiring fire protection and suppression systems will include all related elements in conformance with Chapter 9 *Fire Protection Systems* and related provisions of the Fire Code. All Estate Homes will contain interior sprinkler systems for fire suppression.
- In order to facilitate movement of emergency vehicles, all “fire apparatus access roads” (as defined in the 2010 New York State Fire Code) within the site will be constructed according to design standards in the Town Code and will be able to accommodate two 8.5-foot wide fire trucks side-by-side. Cul-de-sacs will be designed as alternative hammerheads to allow for adequate fire truck circulation.
- The Modified Project will utilize a private security firm for on-site security on a daily basis. Security will be supplemented by additional special event management teams as needed, and/or by hiring local off-duty security personnel, including local Dutchess County Sheriff’s Department officers.
- Flow tests shall be performed on all hydrants at the completion of the construction of each phase. Tested hydrants will be color coded as to their flow capacity in accordance with the National Fire Protection Agency (“NFPA”) color coding requirements.

**K. SCHOOL DISTRICT SERVICES**

**Existing Conditions:**

The site is located in the Webutuck Central School District (“WCSD”), which is comprised of three elementary schools, one middle school, and one high school. With a current enrollment of 901 students and a full capacity of 1,771 students, the WCSD has an excess capacity for 870 students.

The WCSD currently operates and maintains 21 buses, with a total capacity of 1,387 students. There are currently 1,022 children that utilize the School District’s transportation resources, including public, private, special needs, and BOCES students, leaving an excess capacity for approximately 365 students. Existing WCSD bus routes service the residential areas adjacent to the project site, including those along US Route 44, NYS Route 22, and Lake Amenia Road.

**Impacts:**

To be conservative, the fiscal analysis for the Modified Project estimates that the residential component of the development would generate 175 school age children, and assumes that all would attend public school. The cost to the WCSD to educate these children is estimated to be \$3,647,875.

However, this scenario is not reasonably likely to occur, because the Modified Project is designed, and will be marketed, as a second home community for part-time residency.

**Mitigation:**

Based on these conservative assumptions, and accounting for potential impacts to State Aid, the Modified Project would still have a positive fiscal impact on the WCSD. The estimated net surplus to the WCSD is \$120,457. No additional mitigation is necessary.

**L. RECREATION, OPEN SPACE RESOURCES AND TOURISM**

**Existing Conditions:**

The Town operates two recreational facilities for public use: Beekman Park, and Borden Park. The Amenia Elementary School also provides recreational facilities to Town residents. In addition, there are also regionally and privately operated facilities in the Town, including two privately owned golf courses. The existing municipal/regional resources are summarized below.

**Existing and Planned Parks and Recreational Facilities**

<b>Facility</b>	<b>NRPA Type*</b>	<b>Description</b>	<b>Approximate Acreage</b>
Beekman Park	Local Park	A baseball field, two softball fields, a concession stand, and bleachers,	47.8
Borden Park	Local Park	A ballfield and playground.	2.0
Amenia Elementary School	Local Park	Two tennis courts and a basketball court.	0.5
Thomas Young Park	Local Park	Grass and wildflower fields and wooded knoll with walking paths overlooking DEC Wetland LL, located on NYS Route 22	29.8
<b>Subtotal of Local Parkland</b>			<b>80.1</b>
Wassaic State Multiple Use Area	Regional Park	Operated and maintained by the NYSDEC Bureau of Public Land, and provides camping facilities, cross-country skiing, fishing, hunting, and hiking, horseback riding, and nature trails that traverse a vast area of undeveloped forested land and open fields.	488
Harlem Valley Rail Trail	Regional Park	A 43-mile (completed and planned) trail that extends from Wassaic in Southern Dutchess County to Chatham in Columbia County, offering an opportunity to enjoy walking, jogging, rollerblading, and biking.	64.78

<b>Subtotal of Regional Parkland</b>	<b>552.78</b>
<b>TOTAL</b>	<b>632.88</b>
*National Recreation and Parks Association.	

The Town’s Recreation Master Plan, which was adopted in 2006, includes a list of recreational goals and objectives for Amenia, an inventory of existing recreation facilities and programs, and a plan for upgrades to recreation facilities. Proposed improvements to Beekman Park include new playground equipment, additional parking spaces, a sand play area, new basketball court, pavilion, and canopy at the concession counter. Proposed improvements to Borden Park include new playground equipment, a basketball court, picnic tables, and expanded parking and landscaping.

The Town’s existing tourist attractions include the public and private recreation facilities as discussed above. Fall foliage tours and wineries in the Town and the surrounding area also supplement the area’s tourism economy.

**Impacts:**

The Modified Project is estimated to generate a maximum of 809 new residents. The Town’s 2006 Recreation Master Plan concludes that “the Town of Amenia’s recreation and open spaces are few in quantity and lacking in variety”. Additionally, the Recreation Master Plan notes recreation is geared towards youth activity and lacks opportunity for middle age and senior groups; a target market for this project.

Silo Ridge residents and lodge guests are projected to spend approximately \$1.5 million on meals and food, \$700,000 on transportation and gas, and \$1.1 million on retail goods annually, much of which is expected to occur locally and within the region. Additionally, the General Store and the Winery Restaurant are open to the public, and has the potential to draw tourists to the Town.

The Modified Project provides for 80% open space (a no less than 536 acres) in compliance with the RDO District regulations. The protected open space includes the golf course (187± acres). The open space will be preserved by the Conservation Easement.

**Mitigation:**

There will be a public “Artisan’s Park Overlook” created on DeLaVergne Hill which provides expansive views of the Harlem Valley. This will provide residents of the Town and tourists with an enhanced ability to enjoy the Town’s most iconic viewshed.

The Modified Project will include a Winery Restaurant and General Store that will be open to the public. The restaurant will look to source fine food locally and promote tourism for the region. The general store will also provide limited convenience retail for Town residents and tourists alike. The commercial component of the Modified Project appropriately advances the desired character of the community by “incorporating elements (a small general store and winery themed restaurant) to fulfill the convenience needs of the part-time residents as it relates to the recreational and second home focus of the project.” The proposed reduction in on-site commercial space

compared to the Original Project will limit potential competitive impacts to the hamlet of Amenia and encourage additional patronage of hamlet businesses, creating the type of synergy between the new residents and existing hamlet businesses described in the Town Comprehensive Plan Update. These more modest, targeted commercial uses will complement existing uses in the Town.

It is not anticipated that residents of the Modified Project will overburden the Town's existing recreational facilities due to the on-site recreational facilities available to Silo Ridge residents only. Therefore, no further mitigation is required.

## **M. UTILITIES – WATER**

### **Existing Conditions:**

The clubhouse was formerly served by a water supply system consisting of two onsite groundwater supply wells, water treatment equipment and finished water storage. The main well is located approximately 50 feet north of the former clubhouse. The existing maintenance building near the main entrance off NYS Route 22 is served by a separate groundwater supply well. This well is located 46± feet from the northwest corner of the existing maintenance building.

The existing golf course irrigation system is a separate and independent system used to irrigate the tees, greens, and fairways. In total, approximately 135 acres are irrigated with an estimated 350,000 gallons per day (gpd) during the peak summer irrigation period. Irrigation water is drawn from a natural spring pond onsite and distributed via a network of underground piping to irrigation sprinklers. The irrigation pond is fed by a natural spring source, a small onsite stream and by stormwater runoff from the site.

### **Impacts:**

The projected average day water demand of the Modified Project is approximately 137,400 gallons per day (gpd) or 95.4 gallons per minute (gpm). The anticipated maximum daily flow is approximately 274,800 gpd (191 gpm).

To meet the water demand of the Modified Project, groundwater sources must be capable of providing 191 gpm with the largest producing well out of service, and the proposed water treatment facilities must be capable of treating this amount. The conveyance systems of the water treatment facilities will be designed to meet the anticipated maximum daily water demand. With the combined capacity of the site's present groundwater wells totaling 215 gpm with the largest well out of service, the anticipated groundwater yield will be sufficient to meet the anticipated maximum day demand for the Modified Project.

The onsite community water supply system will consist of three (3) new groundwater wells, a proposed water treatment facility, a water storage tank and a distribution system. The water distribution system will consist of approximately 31,000 linear feet of ten-inch water mains with approximately 185 individual service connections. The proposed water treatment process will consist of particulate filtration, micro-filtration, iron and manganese reduction, lead reduction and disinfection.

The Modified Project will require approximately 95.4 gpm of water to meet average demand. This water will be withdrawn from the site aquifer to support potable uses. However, to minimize withdrawal impacts generated by both uses (potable and irrigation), the Modified Project will return approximately 100% of irrigation withdrawals to the site aquifer through infiltration.

The overall site water budget will be altered with 95.4 gpm of water being removed from the aquifer for potable uses, then treated by the WWTP and discharged to the Amenia/Cascade Brook. The treated wastewater will not have an opportunity to infiltrate back into the aquifer within the boundaries of the Modified Project. Discharge of the treated wastewater to the Amenia/Cascade Brook is a requirement of NYSDEC to supplement flows within the brook. NYSDEC has determined that creating a surface discharge of treated wastewater to the Amenia/Cascade Brook will have a greater environmental benefit to the community than using the treated wastewater as irrigation water on-site.

According to Ayer & Pauszek *Streams in Dutchess County* (1968), the Amenia/Cascade Brook through Wassaic has a median flow of 3,600 gallons per minute, falling to 1,500 gpm less than 30% of the time, falling to 673 gpm less than 10% of the time, and falling to 291 gpm once every 10 years on average. The off-site, downstream impact of the estimated 18 gpm average water consumption of the Modified Project is less than 1% of median stream flow, 2% of 30% flows, 4.2% of 10% flows, and approximately 10% of flows experienced during the 10 year statistical drought. The Modified Project would therefore not terminate flow in this stream.

Existing Town water supply wells are sufficiently distant from the project site that the 1,500-foot recharge radii typically identified for deep bedrock wells do not overlap. The absence of offsite aquifer drawdown noted during the aquifer pumping tests on the project site indicates that these withdrawals will have no impact on the present productivity of the existing Town water wells.

To meet standards established in Title 10, Subpart 5-1 of the New York State Code, Rules and Regulations, which establishes drinking water maximum contaminant levels and treatment requirements, the water treatment facilities will likely include rapid rate pressure filtration, iron and manganese reduction, and disinfection. The treatment system will be maintained and monitored by a New York State licensed water operator with required reporting to Dutchess County Department of Health.

The water treatment plant will be supplied by three wells totaling 370 gallons per minute (gpm) of flow. The respective wells include well #2 at 150 gpm, well #11 at 65 gpm and well #31 at 155 gpm. Well controls will be housed within the water treatment plant building and will be controlled through variable-frequency drives (“VFDs”). The groundwater will be pumped to the 4,400 gallon raw water wet well inside the water treatment facility. Three raw water pumps will be available to supply the rapid rate filters capable of 150 gpm per filter train. The raw water pumps will be also controlled through VFDs housed within the water treatment building. A coagulation injection tap will be placed directly before a static mixer before the filter trains to ensure proper particulate removal will be achieved through the filters. Jar testing will be completed before startup to determine the coagulant chosen for treatment. The maximum 24-hour flow of 377,124 gallons will be met with two filter trains in service. A third filter train will be provided for redundancy. Each filter train will have two stages. The first stage filter will contain 3 feet of 1.2 millimeter (mm) silica sand. The second stage filter will contain a 2 foot base layer of 0.65 mm silica sand with a 1

foot layer of 1 mm activated carbon on top. Disinfection will be provided through an ultraviolet system followed by hypochlorite addition. The flow will then travel through a static mixer into the 4,160 gallon finished water wet well. Two treated water pumps will be provided to feed the 250,000 gallon water tank for the distribution system. As with all of the other pumps in the design, the treated water pumps will be controlled in the water plant through VFDs. A generator will be included within the treatment facility to ensure plant operation will be sustained during power outages.

Water treatment plant backwash processes will be supplied from the finished water wet well and treated water pumps. Any backwash wastewater will be sent directly to the sanitary sewer system through an 8" SDR-35 gravity sewer pipe.

The water treatment and control building will house the control and instrumentation panels for the well pumps, transfer pumps, disinfection equipment, other treatment as necessary, all the piping, gauges and valves, flow meters, sample taps and other equipment that may be required by the Dutchess County Department of Health. The water treatment and control facility will also meet latest New York State Building Code requirements.

Water from the groundwater production wells will be treated and transmitted into the distribution system where it will be stored in an atmospheric storage tank. Water from this tank will be delivered to the system through over 31,000 linear feet of ten-inch diameter water mains.

Ten State Standards<sup>10</sup> requires a distribution storage volume equal to one average day of use. Therefore, the atmospheric finished water storage tank will be designed to store a minimum usable volume equivalent to the average day water demand of approximately 137,400 gpd.

The optimal location for the finished water storage tank is an open area on the hillside south of the US Route 44 hairpin turn. The water storage tank structure will be partially buried and built into the hillside just above the driving range.

The project site contains numerous groundwater wells that were used in connection with the former golf course. All wells that will not be used as part of the Modified Project will be abandoned and closed in accordance with all applicable laws.

**Mitigation:**

The change to the site water budget by use of well water from the aquifer for potable water and then sending treated wastewater to the Amenia/Cascade Brook instead allowing it to infiltrate back into the aquifer on-site is a requirement of NYSDEC. The surface discharge of the treated wastewater to the Amenia/Cascade Brook will have greater environmental benefit than infiltrating it back into the aquifer with the Modified Project's boundaries.

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<sup>10</sup> Ten State Standards, Recommended Standards for Water Works, 2003 Edition, Great Lakes Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers.

## **N. UTILITIES – WASTEWATER**

### **Existing Conditions:**

The only existing sanitary system on the project site is a septic system with subsurface disposal via leach field. The system operates under New York State Pollution Discharge Elimination System (SPDES) permit number NY0234966, with a permitted flow rate of 12,600 gallons per day (gpd) and a permit expiration date of 2025.

### **Impacts:**

The projected wastewater flow for the Modified Project is an average volume of approximately 137,400 gallons per day (gpd). The proposed sanitary system will consist of a gravity collection and conveyance system supplemented by low pressure sewers with final discharge at the WWTP. Gravity sewers have been selected in areas of the site where practical. Low pressure sewers have been selected in areas where widely varying topography makes gravity sewers impractical. All low pressure sections of the system will ultimately empty into a gravity section or into a pump station. Each served building or house in the low pressure sewer areas of the collection network will be equipped with a grinder pump station that will convey wastewater to a low pressure collection trunk. There are six (6) pump stations that flow through a series of gravity and low pressure sewers ultimately going to the gravity system flowing directly to the WWTP located on the adjoining HVLC Property pursuant to an easement.

The WWTP will consist of advanced biological treatment, gravity settling of solids, advanced filtration to remove residual solids, and disinfection prior to a surface water discharge. The wastewater will be treated to NYSDEC intermittent stream standards, the highest level of treatment available, without treating to drinking water standards. This treated water from the onsite WWTP will be discharged through a force main, which is routed along the eastern edge of the back nine golf holes through the South Lawn neighborhood, past the Sales Center to a point of outfall at the Amenia/Cascade Brook just north of the entrance ponds. The discharge location was chosen in cooperation with NYSDEC.

The WWTP will be owned and operated by a duly formed sewage-works transportation corporation. The Town would consent to the formation of the sewage-works transportation corporation. The sewage-works transportation corporation would generate operating revenue by collecting sewer fees from the residents and owner(s) of the commercial components of the Modified Project, such as the golf course and Clubhouse.

### **Mitigation:**

The wastewater treatment technology for the Modified Project will be selected to meet all effluent quality requirements as required by NYSDEC and Dutchess County Department of Health. The anticipated effluent quality values can be readily achieved. When met, these stringent standards will help preserve the water quality of the downstream Amenia/Cascade Brook (Class Ct) and downstream water bodies.

**Preliminary Discharge Standards**

<b>Parameter</b>	<b>Raw Influent</b>	<b>NYSDEC SPDES Limit</b>	<b>NYSDOH Reuse Limit</b>	<b>Design Target</b>	<b>Standards Met by Recommendation</b>
Biochemical Oxygen Demand (BOD <sub>5</sub> ) – mg/L	220	5	N/A	5	Intermittent Stream Standards
Total Suspended Solids (TSS) – mg/L	220	10	N/A	10	Intermittent Stream Standards
Settleable Solids – ml/L	10	0.1	N/A	0.1	Intermittent Stream Standards
Dissolved Oxygen – mg/L	0	7.0	N/A	7.0	Intermittent Stream Standards or Class C <sub>t</sub> /C <sub>ts</sub> standards
pH	6-9	6.5-8.5	N/A	6.5-8.5	Intermittent Stream Standards
Ammonia (winter/summer) – mg/L	25	2.2/1.5	N/A	2.2/1.5	Intermittent Stream Standards
Phosphorus (total) – mg/L	8	0.5	N/A	0.5	Lake/Pond Discharge (limits range from 0.5-1.0 mg/L for flows >50,000 gpd)
Fecal Coliform count (30-day geometric mean)	10 <sup>8</sup>	N/A	200	200	DOH recommendation. DEC Class A discharge (200)
Fecal Coliform count (7-day geometric mean)	10 <sup>8</sup>	N/A	200	200	DOH recommendation. DEC Class A discharge (200)

There will be no direct discharge of treated wastewater effluent to groundwater, and it is anticipated that the wastewater system for the Modified Project will not have a significant adverse impact on groundwater. Existing wells (which will not be used for potable water) may be used to recharge the irrigation pond. It should be noted that the irrigation pond is already a spring-fed water body, and some groundwater is therefore used for irrigation in that manner. This usage has a negligible impact on groundwater, however, since unused spring water would continue to flow off-site to the Amenia/Cascade Brook. The sanitary sewer collection system will be leak-tight, and will not have a significant adverse impact on groundwater quality. No mitigation is necessary.

Implementation of the proposed wastewater strategy will not result in the discharge of any priority air pollutants, and will have no significant negative impact on air quality. The only potential source of air pollutants will be the WWTP emergency backup generator. However, this generator will operate infrequently and will not have a significant adverse impact on air quality. Odor issues will be mitigated by proper operation of aerated processes and by enclosing the treatment process inside a building or under covered tanks. The main treatment process tanks will be aerated and

mixed to maintain oxygen levels and prevent septic conditions that lead to the generation of most offensive odors. Odor control technology options include activated carbon or a scrubber. All other portions of the WWTP process are expected to yield negligible odors and will be subjected simply to standard ventilation and climate control in the building. All ventilation will conform to the Ten States Standards, NFPA, and any other applicable standards. All pump stations within the site-wide collection system will utilize standard odor control measures, including proper ventilation, and timed pump-down of large pump stations so their contents do not reside in them for extended periods during times of low sewer flow and turn septic.

The WWTP has been relocated to the south to the Golf Maintenance Facility area on the HVLC Property. A combination of berms and new native trees has been added within the SPO District “green buffer” between the WWTP and NYS Route 22 to shield the structures and the parking areas. The tanks will be placed outdoors, with low-profile engineered covers for odor control. A building next to the tanks will contain the tertiary treatment processes (filtration and UV disinfection) and support facilities (office, chemical room, blower room, solids dewatering room, storage, etc.). The WWTP will be steel-frame, with roof and siding materials selected by the project architect to blend with the surrounding buildings and landscape. The low pressure sewer pump stations will be entirely subsurface, with only an at-grade access hatch for each. The community pump stations will be either entirely below-grade with an access hatch, or will consist of a small above-grade structure containing pumps and controls. Each of the community pump stations also will be equipped with an enclosed emergency generator with appropriate muffling, and will have sufficient landscaping, fencing, or architectural features to allow them to have a negligible visual impact. Grease traps will be installed at the Clubhouse and Family Activity Barn.

The design of the relocated WWTP complies with NYSDEC’s Design Standards for Intermediate-Sized Wastewater Treatment Systems--Statewide and Lake George Design Standards (2014). The minimum aerial separation distance from a treatment facility with wastewater treatment processes enclosed in a building is 150-feet from the treatment unit to adjacent property lines. The WWTP is closer than 150 feet to the property line of the HVLC Property. However, the WWTP is located further from the closest neighboring property when NYS Route 22 property is included in the separation distance. The standards also include a required 200-foot radial distance to existing downwind dwellings (on or off the property). This recommended distance is intended primarily to minimize noise and odor impacts on surrounding properties. The new location has been preliminarily reviewed by the NYSDEC and determined to be acceptable.

## **O. UTILITIES – SOLID WASTE**

### **Existing Conditions:**

The Silo Ridge Country Club has been closed since 2009.

### **Impacts:**

The amount of solid waste that is expected to be generated by the Modified Project is shown in the following table:

**Estimated Solid Waste Generation**

<b>Number of Units</b>	<b>Estimated Maximum Number of Persons</b>	<b>Anticipated Daily Solid Waste Generation*</b>	<b>Anticipated Weekly Solid Waste Generation</b>
<b>Residential</b>	<b>809 residents</b>	<b>1,942 lbs/day</b>	<b>13,592 lbs/week</b>
<b>Commercial</b>	<b>200 employees</b>	<b>240 lbs/day</b>	<b>1,680 lbs/week</b>
<b>Total</b>		<b>2,182 lbs/day</b>	<b>15,272 lbs/week</b>
* Per NYSDEC estimate of 2.4 lbs of solid waste production per person per day for a residential use and 1.2 lbs of solid waste production per employee per day for a commercial use.			

Solid waste from the project site is hauled to the Harlem Valley transfer station in Wingdale, NY. The Harlem Valley transfer station currently accepts approximately 300 tons of solid waste per week. The transfer station has the capacity to accept a total of approximately 540 tons of solid waste per week, which is sufficient to accommodate the Modified Project.

Recyclable materials, including cardboard, glass and plastic bottles and containers, and metal cans, are hauled from the project site to the Dutchess County Resource Recovery Agency (“DCRRA”) in Poughkeepsie. In 2005, DCRRA accepted 6,500 tons of glass, metals and plastic recyclables, and over 15,000 tons of paper and cardboard recyclables. These recyclables were sold for reuse in the private market. DCRRA has adequate capacity to handle the additional recyclables that will be generated by the Modified Project.

**Mitigation:**

- Implement a solid waste management plan that addresses the accessibility of waste and refuse on the site from subsidized species.
- The Master HOA shall continue to contract with a private hauler to remove all solid waste and recyclables from the Modified Project, including the Estate Homes, in compliance with all applicable federal, state and local rules and regulations.
- Refuse at the Clubhouse and the Family Activity Barn will be located within each respective building. Refuse at the condominium buildings will be located in a trash room at the parking garage. All refuse will be stored in refuse containers until they are delivered to the central location. The Club will contract with each condominium and townhome and shall be responsible for picking up the refuse for each and bringing it to the central location at the Sales Office. Similarly, the Club will be responsible for bringing all Club amenity refuse to the central location. The Club will contract with a private carting company to remove the refuse on a regular basis. The central location is located in a trash enclosure adjacent to the Sales Office and will contain compactors provided by the private carting company. The location and size of the compactor has been reviewed by Welsh Sanitation to ensure proper sizing and accessibility.

**P. NOISE**

### **Existing Conditions:**

A noise evaluation was conducted. The noise evaluation analyzed existing noise sources in the area surrounding the project site, and examined the potential impacts these existing noise resources may have on the Modified Project.

Measurements were obtained from each of 10 locations to record existing noise levels generated near the project site and by existing activities within close proximity to the site. Noise levels were recorded at ten-minute intervals during both the AM and PM peak hours. During the morning readings, the overall sound levels (Leq) ranged from 41.8 dBA to 57.6 dBA. The PM readings measured overall noise levels (Leq) that ranged from 40.5 dBA to 56.2 dBA.

### **Impacts:**

Short-term noise impacts will occur from construction equipment and earth-moving activities during construction of the Modified Project. It is not possible to predict the exact magnitude of this impact on ambient noise levels in adjacent residential areas due to the variability in many of the factors needed to make such an assessment. These factors include the number and types of construction equipment, construction methods, and scheduling of construction work.

Typically, construction equipment generates noise levels (when measured at 50 feet from the source) that range from 70 to over 95 dBA. These levels can be compared to a shouting voice at six feet (70 dBA) or to a lawn mower at three feet (95 dBA). Since noise from stationary sources attenuates at a rate of 6 dB per doubling of distance, a 90-dB noise level at 50 feet from the source would be reduced to 84 dB at 100 feet, 78 dB at 200 feet, 72 dB at 400 feet, and 68 dB at 800 feet. Thus, the actual noise level at receptors within the surrounding developments will vary depending on the specific areas within the project site in which construction is taking place.

Based on guidelines accepted by US Environmental Protection Agency and the NYSDEC, which set a goal that exterior noise levels do not exceed 65 decibels in mixed land use areas, noise levels resulting from existing land uses and activities adjacent to the project site are not expected to adversely impact the resort community.

There will be no significant change in noise levels from traffic flow. Further, it is reasonable to assume that cars driven by new residents and patrons to the hotel, golf course, and spa will be similar in make and variety to those found presently on the road system, thus producing similar levels of sound. Also, the activities of new residents are expected to be comparable to existing activities in the area of the proposed project, with no notable differences in sound levels.

All excessively noisy equipment associated with the WWTP such as large pumps, blowers, compressors, and generators, will be housed inside buildings, vaults, or noise-reducing enclosures to mitigate impacts at neighboring residences and properties. The aeration blowers for the treatment tanks will be the loudest equipment, and will be located either in a dedicated sound-proofed room within the WWTP building, or within individual noise enclosures within the building. All pumps associated with the treatment process will be submersible pumps, and therefore will be submerged in water and relatively quiet when operating. Piping will be designed to minimize noise associated with high velocity pipe flow in the building. The emergency generator for the WWTP will operate only

sporadically and will not create a significant noise impact. The collection system pump stations will be subsurface and produce no discernible noise.

In analyzing cumulative noise levels of additional activities, it is expected that the difference between present and anticipated future sound levels will not exceed 3 dBA. According to the NYSDEC, increases ranging from 0 dB to 3 dBA are not generally perceptible.

**Mitigation:**

The Modified Project will leave 80% of the site as open space and wooded areas, which will help to attenuate noise from construction and shield adjacent areas from potential impacts.

Construction activities would typically occur during the primary daylight hours of 7:00 AM to 6:00 P.M. Section 121-40C of the Zoning Law exempts from noise level regulations construction- and maintenance-related noise occurring between 8:00 AM and sunset, Monday through Friday. On weekdays from 7:00 A.M. to 8:00 A.M., and after sunset, and from 7:00 A.M. to 6:00 P.M. on weekends, the Applicant and its contractors will comply with the Town's regulation, which prohibits a sound level at any property line in excess of 60 dBA.

All noisy equipment associated with the WWTP such as large pumps, blowers, compressors, and generators, will be housed inside buildings, vaults, or noise-reducing enclosures to mitigate impacts at neighboring residences and properties. The aeration blowers for the treatment tanks will be the loudest equipment, and will be located either in a dedicated sound-proofed room within the WWTP building, or within individual noise enclosures within the building. All pumps associated with the treatment process will be submersible pumps, and therefore will be submerged in water and relatively quiet when operating. Piping will be designed to minimize noise associated with high velocity pipe flow in the building. The emergency generator for the WWTP will operate only sporadically and will not create a significant noise impact. The collection system pump stations will be subsurface and produce no discernible noise.

The new land uses and activities will not adversely impact the future residents of the Modified Project.

**Q. FISCAL RESOURCES**

**Existing Conditions:**

In 2013, the site generated a total of approximately \$212,096 in annual tax revenue, which includes approximately \$73,219 to municipal entities and \$138,876 to the Webutuck Central School District.

The project site is privately owned and maintained and therefore has not required municipal services aside from occasional emergency police, fire, or medical services. The Applicant currently maintains all on-site roads, stormwater management facilities, and drainage facilities, and no residents or school children reside on the site. The project site is not currently served by public water or sewer.

**Impacts:**

The Modified Project was evaluated under a worst case scenario in which all homes are considered to be primary residences, although the design and marketing of the Modified Project is for a resort style community targeted to second home buyers. This conservative fiscal analysis examines two different scenarios: in the first scenario, it is assumed that all 21 lodging units will be assessed as for sale residential condominium units; in the second scenario, it is assumed that all 21 are assessed as transient occupancy “hotel” rental units.

Under the first scenario, the estimated total assessed value of the Modified Project at full build out would be \$494,800,000, resulting in projected annual revenues of \$1,158,304 to the Town, \$237,432 to the Amenia Fire District and \$1,711,759 to Dutchess County. For the second scenario, the estimated total assessed value of the Modified Project at full build out would be \$505,600,000, resulting in projected annual revenues of \$1,183,646 to the Town, \$242,627 to the Amenia Fire District and \$1,749,210 to Dutchess County.

To evaluate costs of services associated with the Modified Project, the Applicant applied the same methodology used in the DEIS fiscal analysis for the Original Project. Based on this methodology, it is estimated that the Modified Project at full build out would result in a \$200,529 annual increase in Town General Fund expenses, a \$49,955 increase to the Town Highway Fund expenses, and a \$153,040 increase to Amenia Fire District expenses, for a total estimated cost of services of \$403,524.

For fiscal impacts on the Webutuck Central School District, please refer to Section II.K of this Amended Findings Statement.

**Mitigation:**

The Modified Project generates a positive fiscal impact of at least \$980,000 annually to the Town and the Amenia Fire District under either scenario described above. During the DEIS public comment period, concern was expressed about variation in the potential market values of the various types of residences to be offered. To address this concern, the Applicant conducted the same sensitivity analysis for the Modified Project that was conducted for the Original Project, in which the residential market values and the associated assessed values are reduced by 25% and 50%. Both of these reduced value scenarios, at full build out, would still produce an annual net surplus to the Town’s revenues. Under a worst case 50% reduction in the market values of the residences, the Modified Project at full build out would generate an estimated annual surplus to the Town of \$368,776.

**R. DEMOGRAPHICS**

**Existing Conditions:**

According to the 2010 US Census, the population of the Town is 4,436. The median age is 44.0 years, which is about 4 years higher than the median age for Dutchess County. The average household size in 2010 was 2.37, which is a slight decline from 2000’s 2.46. The total number of households in 2010 is 1,741, a 7% increase from the 1,625 households in the Town in 2000.

In 2010 the Town of Amenia had 2,045 housing units, of which 304 were vacant, for a vacancy rate of 15%. Many of the units counted as vacant in the 2010 Census are units that are occupied seasonally. The 2000 Census showed only about 10% of the housing units being vacant, with fewer of those vacant units being used as seasonal units. These numbers suggest that the Town has been attracting more part-time and seasonal residents in recent years.

The median household income of full-time residents is estimated by the 2009-2013 American Community Survey to be \$56,222, which is substantially lower than the \$72,525 estimated for Dutchess County. But since 1999, the Town has seen a 43% increase in household income, while Dutchess County has seen a smaller increase of 37%. The Census does not generate income statistics on seasonal residents, but it is known that many seasonal residents in the Town are families with their primary residence in Manhattan, where 25% of the families have incomes of over \$200,000.

**Impacts:**

The Modified Project is designed and will be marketed as a second-home community for part-time and seasonal residents, but for the purposes of analysis it is assumed that the entire population will consist of permanent year-round residents. In this worst-case condition, where all units are occupied by full-time residents, the Modified Project will generate an estimated maximum of 809 residents and 224 households (at 100% occupancy), representing an increase of 18% and 13% respectively, over the 2010 Census.

The Applicant estimates that the median household income of these new residents will be in excess of \$400,000, which is significantly higher than the median income of the Town and County.

**Mitigation:**

The addition of higher income, part-time residents as a result of the Modified Project is continuing a pattern that has already been occurring in the Town at a larger-scale. This change is both consistent and enabled by the Town's Comprehensive Plan and no mitigation is required.

**S. COMMUNITY CHARACTER**

**Existing Conditions:**

The project site is located in a rural community with open farm fields and horse, sheep and bull farms. The natural environment of the Town is characterized by open fields with pockets of forested areas, often on hillsides. Topography is varied, with rolling hills and expansive valleys.

The hamlet of Amenia is the more densely settled area within the Town and is the downtown activity center of Amenia. There is a mix of businesses that front directly along the sidewalks and roadways. Most of the buildings are one to three stories in height and constructed of a combination of brick and wood in historic styles. There are a few businesses set back from the roadway by parking lot areas. There are also a number of residences located within the hamlet,

including two- to three-story Victorian-style and Colonial-style homes that are further setback from the roadway. The hamlet of Wassaic is also approximately two miles south of the project site.

Along NYS Route 22 north and south of the hamlet of Amenia, there are commercial enterprises located along the roadside commercial strip pattern. Very low density residential development is scattered across the landscape outside of the more densely developed hamlet area.

The Amenia Fish and Game Club (“AFGC”) facility is located on Route 22, adjoining the project site.

**Impacts:**

The Modified Project will introduce a land use pattern consisting of clubhouse/lodging uses, detached single-family homes, condominiums and townhomes, to the site. Residential development in the Town generally consists of single-family homes; townhomes are not a common residential form in Amenia. The single-family homes will be located along the toe of the slope along the western and southern edges of the golf course. The homes will be up to 2½ stories in height with square footage ranging from approximately 2,700 square feet to 5,600 square feet. The townhome units will be located at the Village Green in clusters. Units will range in size from 1,700 square feet to 2,700 square feet, and the buildings will be 2 to 3 stories high.

The Clubhouse/lodge building will be up to 2½ stories in height, but due to the placement within the topography of the site, only 1½ stories will be visible from the front entrance.

The architecture complements existing styles in the hamlet of Amenia and proposes colors which blend with the natural landscape setting. Section II.F of this Amended Findings Statement describes the visual impacts and mitigation of the Modified Project.

The Modified Project introduces controlled access points, (i.e. manned and unmanned gates,) which does not exist in other residential areas of the Town.

The Modified Project potential provides existing businesses in the hamlet of Amenia with a new potential market. The amount of retail space within the RDO District is limited to only 5% of total building footprint area. The limited retail uses of the Modified Project are those that directly support the resort community. It is anticipated that residents and visitors of the Modified Project will shop in the greater community for many goods and services. The Modified Project will preserve not less than 536 acres (80%) of the site as open space. This open space consists mainly of the steep forested hillside (217± acres) on the western side of the project site and 151± acres consisting of the redevelopment of the golf course. The Modified Project will impact 0.20± acres of wetlands and 20.3± acres of steep slopes greater than 30%.

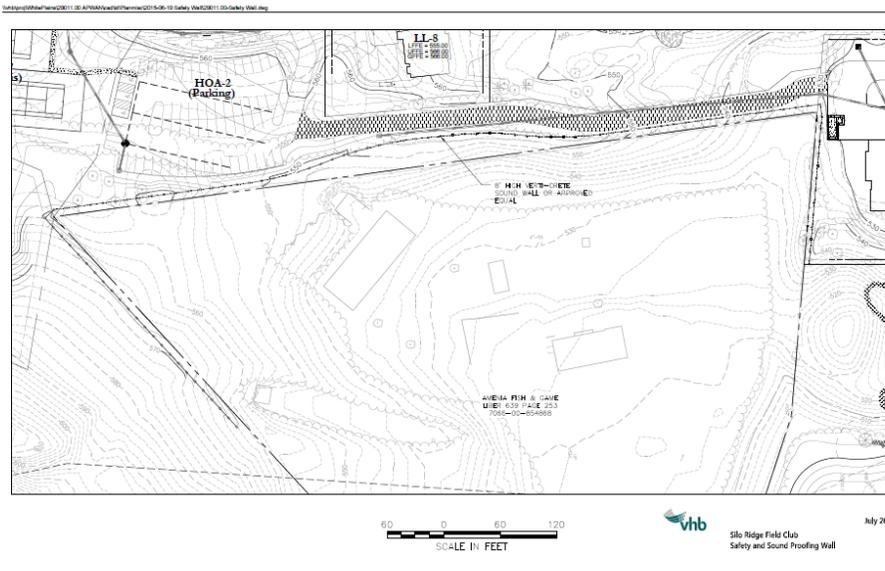
The AFGC facility includes outdoor shooting ranges: a 100 yard north-south range; a 50 yard east-west range; and a 25 yard northeast-southwest pistol range. All the ranges shoot toward existing berms ranging from 10’ to 15’ high. Current conditions present a potential safety issue for people living, working and visiting the project site.

**Mitigation:**

Buildings have been placed to utilize the existing topography of the hillsides surrounding the valley as well as the rolling hills within the valley to minimize the visibility and perceived scale of the buildings.

Architectural style, building facades, articulated building masses, facades, roof lines and fenestration are contextual and in scale; and the color and materials palette are detailed in the Amended MDP. The primary purpose of the gatehouse at the main entrance will be for personnel to greet owners and their guests, provide directions or instructions to guests, and identify persons entering the site and their intended destination(s). It will be necessary to be an owner or owner's guest, or a guest of the lodge, to enter the site.

Guns being fired at the AFGC pose a risk to people living, working and visiting the project site, and this risk needs to be mitigated. The Applicant considered increasing the height of the existing AFGC berms, but rejected that option due to potential tree clearing, grading, and stormwater drainage impacts. Instead, the Applicant has modified the Phase I site plan to incorporate the installation of an eight foot high, bullet-resistant, pre-cast concrete wall on the existing berms, thereby providing a barrier between the AFGC ranges and the project site ranging from 18' to 23' high. The wall will be located along the boundary between the AFGC property and the project site as shown below. The wall will be constructed unless the Applicant and AFGC enter into an agreement to construct a new underground range, and to limit outdoor shooting to .22 caliber rim fire ammunition and only within the existing the 50 yard range.



While an important public safety mitigation measure, the wall itself has the potential to introduce adverse environmental impacts. The most serious potential impact is for the wall to close off views and/or to become a discordant element in views from visual resources. About half the proposed wall is in the Town's SPO District. The SPO District prohibits fences that block visual access in "a scenic road corridor." The proposed wall is a type of fence, but it will not be in the scenic road corridor portion of the Town's SPO District, and so this prohibition does not apply. Nevertheless, the wall and its potential to impact the visual resources of the Town have been examined.

The property line between the AFGC and the project site is surrounded by mature vegetation. Some of this vegetation will be cleared on the project site, but the remaining vegetation will still block views to the wall from NYS Route 22 directly in front of the AFGC. For travelers headed north on either NYS Route 22 or the Harlem Valley Rail Trail, a change in elevation will screen the southern portion of the wall from view, though there may be a brief transitory view of the wall as the traveler passes. For travelers headed south on NYS Route 22, the northern portion of the wall may be visible, but this portion of the wall is outside the SPO District, and it will be at least partially screened by intervening vegetation. Because of the importance of vegetation to screen the wall from both on-site and off-site viewpoints, vegetation clearing will be kept to the minimum required to prepare the site and install the wall.

In addition, the Applicant will camouflage the wall using camouflaging colors consistent with the colors palette of the neighboring South Lawn neighborhood. Allowable colors are identified in the South Lawn Neighborhood Color & Material Palette of the Amended MDP; they are: Typical Browns, Typical Taupe, Typical Beige and Typical Grey/Weathered. Finally, portions of the back of the wall (e.g. the side facing the project site) may be visible in views from DeLaVergne Hill. The half-mile distance and intervening vegetation will be the primary mitigation of visual impacts of the wall on views from DeLaVergne Hill, but to further mitigate any potential impact, the Applicant will plant native shrubs and/or vines (e.g. Virginia creeper, (*Parthenocissus quinquefolia*)) directly adjacent to the back portions of the wall that are not already screened on both sides by mature forest (e.g. the southern portion of the wall.) These plantings will be designed to screen the open areas that the wall travels through and to soften the impact of the wall from both DeLaVergne Hill and on-site viewpoints.

### III. ALTERNATIVES

The Modified Project is a further modification to the "Traditional Neighborhood Alternative" (Alternative 2) studied in the EIS, which was selected by the Planning Board as the preferred alternative and addressed in the Original Findings, and for which the Planning Board granted special use permit/master development plan approval on June 25, 2009. Five alternatives to the Original Sponsor's initial proposal were studied in the EIS:

- Alternative 1 – No Build Alternative
- Alternative 2 – Traditional Neighborhood Alternative
- Alternative 3 – Reduced Scale Alternative
- Alternative 4 – Conforming Zoning Alternative
- Alternative 5 – Alternative Energy Option

**A. ALTERNATIVE 1 - NO BUILD ALTERNATIVE**

The No Build alternative is represented by the existing conditions on the project site. Under this alternative, the site would remain as a golf course for the time being, although there is no guarantee that the site would not otherwise be developed at some point in the future. The No Build Alternative would avoid those adverse impacts that could result from the Modified Project. However, it would forgo the economic benefits of the Modified Project as well as the Town's desire to develop a mixed use development in the RDO District as expressed in the Town Comprehensive Plan Update. Moreover, this alternative is not consistent with the objectives of the Applicant.

**B. ALTERNATIVE 2 – TRADITIONAL NEIGHBORHOOD ALTERNATIVE**

As the SEQRA process evolved, it became apparent that the Traditional Neighborhood Alternative would reduce potential environmental impacts. Thus, with the agreement of the Original Sponsor, the Traditional Neighborhood Alternative, with modifications, became the preferred alternative under SEQRA, and an extensive analysis of its potential impacts was evaluated in Section 5.0 of the DEIS and the subsequent FEIS. The Modified Project is a further modification of this preferred alternative.

**C. ALTERNATIVE 3 – REDUCED SCALE ALTERNATIVE**

The Reduced Scale Alternative includes 179 residential units and a 300-room hotel configured with a central village green and underground parking. The loop road and units around the southern portion of the golf course have been eliminated; however, amenities such as the golf course, restaurant, winery, clubhouse, spa and fitness center and small scale retail uses have been retained.

The Reduced Scale Alternative does not meet the objectives of the Applicant, because it would not include the desired mix of housing types to create the desired resort community, and would not be financially feasible given current marketplace conditions.

**D. ALTERNATIVE 4 – CONFORMING ZONING ALTERNATIVE**

This alternative consists of a conventional development of 41 detached single-family dwellings on minimum lots of five acres and 648 townhomes, consistent with the existing RA Zoning District. The existing 18-hole golf course would not be retained under this alternative.

This Alternative would generate a total of 1,984 residents and without a golf-oriented resort, it is more likely that residents would be year-round occupants of the site. Therefore, this Alternative would generate more traffic, solid waste, and wastewater due to the larger permanent population that would be expected. It would also generate demand for more water and create a greater demand for public services such as police, fire, and emergency medical services. Without retention of the golf course, this Alternative preserves significantly less open space than the Traditional Neighborhood Alternative. It should also be noted that the Conforming Zoning Alternative does not meet the Applicant's objectives.

## **E. ALTERNATIVE 5 – ALTERNATIVE ENERGY OPTION**

The potential and feasibility for the use of alternative energy resources including wind power, solar energy, groundwater heat pump sources, and methane from the Harlem Valley Landfill, was evaluated. The use of geothermal energy to supplement conventional heating methods for the Modified Project does not appear to be feasible on the project site, as it would be cost-prohibitive for a project of this size. Wind power is not practical on this site, as it requires large amounts of land for windmills. In addition, there would be significant visual impacts from the number of windmills that would be necessary to provide a source of energy for a project of this size. Use of methane from the Harlem Valley Landfill is not feasible as a source of energy for the Modified Project because the quantity available would be insufficient to meet the demands of the Modified Project. It is not currently possible to meet all of the Modified Project's energy demands through solar power. However, owners of Estate Homes will be permitted, and encouraged, to install solar power systems, subject to the community's design standards.

## **IV. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

A number of resources will be expended during the construction and operation of the Modified Project. These resources include fossil fuels, electricity, and construction materials, and are committed for the life of the Modified Project. Non-renewable fossil fuels will be irretrievably lost through the use of gasoline and diesel powered construction equipment during construction. The need for construction jobs will be an irretrievable commitment of labor resources.

The land use changes associated with the Modified Project can also be considered a resource loss. Areas of existing undeveloped land will be committed to the development of, among other resort community facilities, single-family homes, townhomes, a Clubhouse and associated amenities, roads, parking areas, and landscaped areas. Existing soils will be altered and replaced with paving, and some wildlife habitat will be lost. However, no less than 80% of the site will be permanently preserved as open space.

## **V. GROWTH INDUCEMENT**

The Modified Project is anticipated to attract residents with substantial household income. While there will be some limited retail on the project site, it is anticipated that residents will seek goods and services in the nearby community and region. In addition to generating more sales for local businesses and service providers, it is anticipated that the Modified Project would generate demand for limited amounts of new commercial space in response to the increased purchasing power in the community. The amount and location of such space would be controlled by the availability of developable land that is zoned for such uses.

Over the course of construction, which is anticipated to be as long as ten years, the Modified Project is expected to generate 121 full-time-equivalent, 79 part-time and approximately 1,800 construction jobs. These workers are expected to have a positive impact on existing local businesses by purchasing food, gasoline, and other goods and services while working at the project site.

A community water supply system, to be owned by a water works corporation, will be constructed to serve the Modified Project. The water infrastructure will serve the Modified Project only and will not extend off the project site. Therefore, it will not have growth-inducing impacts.

Wastewater generated by the development will be collected and conveyed to the WWTP to be located on the project site. The WWTP will serve the Modified Project only and will not extend off the project site. Therefore, it will not have growth-inducing impacts.

The Planning Board finds that no additional mitigation is required.

## **VI. EFFECTS ON USE AND CONSERVATION OF ENERGY RESOURCES**

The construction of the Modified Project will result in the consumption of energy resources in the form of diesel fuel, gasoline, and electricity. Operation of the resort facilities and residential units will require the consumption of energy for cooling, heating, cooking, lighting, operation of maintenance equipment, and operation of golf carts. Energy will also be consumed by vehicles used by residents to access the resort community.

The consumption of energy at the golf course is not expected to be significant. It is anticipated that the primary source of energy for the Modified Project will be electricity from NYSEG. Secondary energy will be propane in buried individual tanks for single-family units and/or townhomes and common buried tanks for condominium units. The design and plans for all energy conservation systems within the development will take into account the New York State Energy Code. The Applicant has registered for and is pursuing LEED Silver certification for the Clubhouse and is seeking Energy Star certification. All of the homes will be Energy Star compliant.

The Planning Board finds that anticipated consumption will have no adverse effect on energy supplies in the area, and therefore no additional mitigation is necessary.

## **VII. CERTIFICATION OF FINDINGS TO APPROVE**

Having considered (i) the DEIS and FEIS, (ii) the full Environmental Assessment Form with Addendum to EAF, (iii) the CVA, (iv) the other supplementary analyses submitted in conjunction with the Applications for approval of the Modified Project, (v) the extensive Planning Board, Town consultant, and public comments, and the Applicants' written responses thereto, and (vi) the testimony at the public hearings held by the Planning Board on the DEIS and most recently, on the Applications, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, the Planning Board certifies that:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. All mitigation measures identified herein are adopted as conditions of this Amended Findings Statement;

3. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the Modified Project minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
4. Consistent with social, economic and other essential considerations, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided to the maximum extent practicable by implementing the mitigation measures identified herein, all of which have been adopted as conditions of this Amended Findings Statement.

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For Town of Amenia Planning Board:

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Signature of Responsible Official

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Name of Responsible Official

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Planning Board Chairperson  
Title of Responsible Official

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Date

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

DRAFT

**Findings Statement Filed With:**

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

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

Town of Amenia Zoning Board of Appeals  
4988 Route 22  
Amenia, New York 12501

Town of Amenia Water District  
Washington Court  
Amenia, New York 12501

NY State Department of Environmental Conservation  
Division of Regulatory Services  
625 Broadway  
Albany, NY 12233

NY State Department of Environmental Conservation  
Region 3 Office  
21 South Putt Corners Rd.  
New Paltz, New York 12561

NY State Department of Health  
Bureau of Water Supply  
Flanigan Square, Room 400  
457 River Street  
Troy, New York 12180

NY State Department of Transportation  
Region 8 Office  
Flanigan Square, Room 400  
4 Burnett Blvd.  
Poughkeepsie, New York 12603

Dutchess County Department of Public Works  
38 Dutchess Turnpike  
Poughkeepsie, New York 12603

Dutchess County Department of Health  
387 Main Street  
Poughkeepsie, New York 12601

New York Secretary of State  
New York State Department of State  
41 State Street  
Albany, New York 12207

United States Army Corps of Engineers  
New York District – Regulatory Branch  
26 Federal Plaza, Room 1937  
New York, New York 10278-0090

United States Fish and Wildlife Service  
**3817 Luker Road**  
**Cortland, New York 13045**

**Interested Agencies:**

Town of Amenia Town Clerk  
4988 Route 22  
Amenia, New York 12501

Town of Amenia Conservation Advisory Commission  
4988 Route 22  
Amenia, New York 12501

Amenia Fire Company  
Mechanic Street, P.O. Box 166  
Amenia, New York 12501

Webutuck Central School District  
194 Haight Avenue  
Amenia, New York 12501

Dutchess County Planning Department  
27 High Street  
Poughkeepsie, New York 12601

NYS Office of Parks, Recreation and Historic Preservation  
Field Service Bureau  
Peebles Island, P.O. Box 189  
Waterford, New York 12188-0189

Metropolitan Transportation Authority

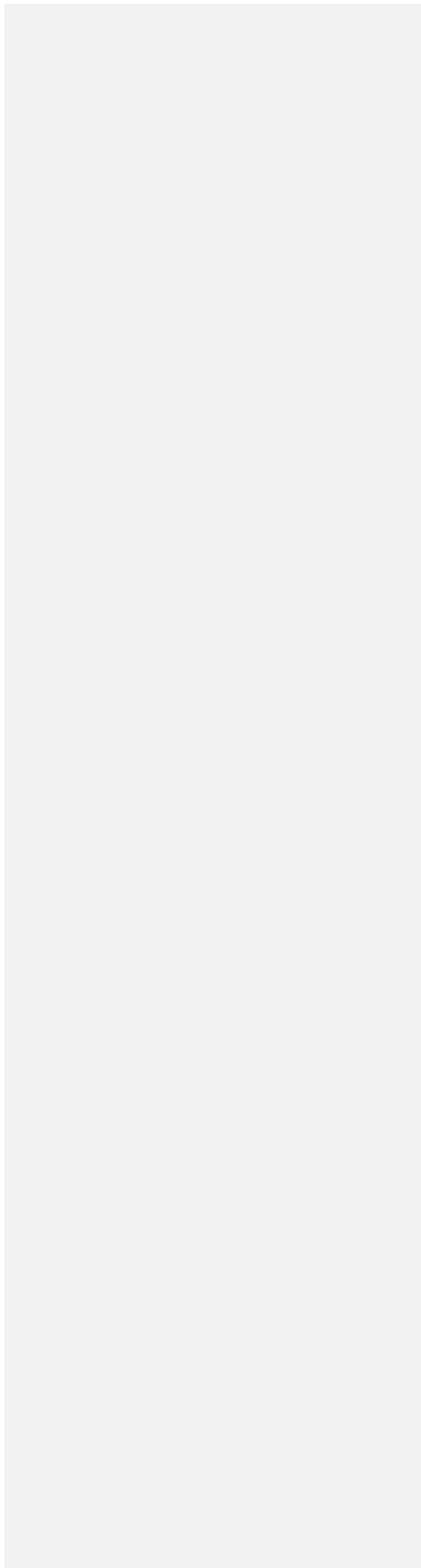
Metro North Customer Service  
420 Lexington Avenue, 9th Floor  
New York, New York 10017

Town of Amenia Building Inspector/Fire Inspector  
4988 Route 22  
Amenia, New York 12501

Hudson River Valley Greenway Communities Council  
Capitol Building  
Capitol Station, Room 254  
Albany, New York 12224

Dutchess County Water and Wastewater Authority  
27 High Street, 2<sup>nd</sup> Floor  
Poughkeepsie, New York 12601

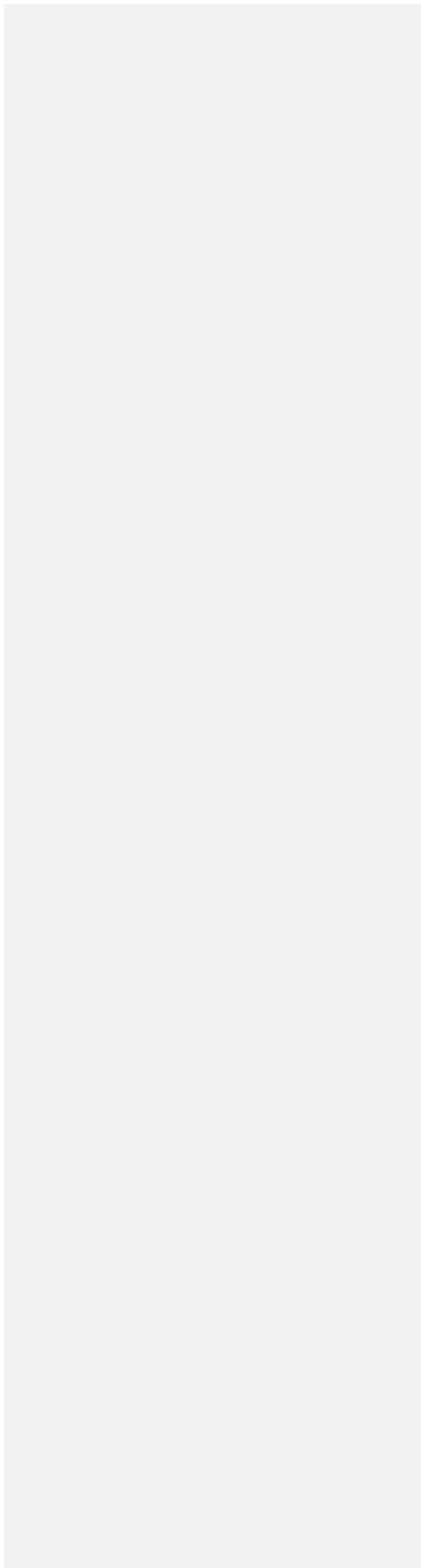
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**EXHIBIT 1**

**Map Showing "Parcel 1," "Parcel 2," and "Parcel 3."**

DRAFT



**EXHIBIT 2**  
**Planning Board Conservation Findings**

DRAFT

