

AMENDED SPECIAL PERMIT/ MASTER DEVELOPMENT PLAN APPROVAL
FINDINGS STATEMENT

This Findings Statement is issued pursuant to Sections 121-18 and 121-63.B of the Town of Amenia Zoning Code:

(1) Will comply with all land use district, overlay district and other specific requirements of this and other chapter and regulations, and will be consistent with the purposes of this chapter and of the land use district in which it is located.

Approximately 670 acres of the Modified Project site (the "Site") is located in the RDO District, and the remainder (approximately 15 acres) is located in the OC District. Portions of the Site are in the SPO District, SCO District and Aquifer Overlay District. Compliance with the regulations of each district is discussed in the 2015 Amended SEQRA Findings which are incorporated into these findings by reference. The uses and density of the Modified Project are permitted in the RDO District. No use or area variances are required. Certain expressly authorized waivers of the Zoning Code and Town Subdivision Law are required. These waivers and the justification for such waivers have been approved by the Planning Board as part of the Preliminary Subdivision Plat approval and Phase 1 Site Plan Approval.

(2) Will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances.

It is projected that the difference in noise levels between present and anticipated future conditions will not exceed 3 dB, which is not generally perceptible. During construction, dust control measures will be implemented to minimize the potential for off-site dust impacts. No outdoor construction activities will occur on Sundays.

The wastewater treatment plant ("WWTP") will be designed to meet all applicable County and State regulations, and will not generate any excessive odors. The Harlem Valley transfer station and the Dutchess County Resource Recovery Plant have adequate capacity to handle the increase in solid waste from the Modified Project. No off-site glare impacts are anticipated.

The proposed uses are permitted in the RDO District, and are therefore considered desired uses in the Town. The proposed uses will not cause any public or private nuisance.

(3) Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.

Extensive and detailed traffic analyses were performed for the previously approved master development plan, which demonstrated that the project would not cause significant traffic congestion, impair pedestrian safety, or overload existing roads. Through additional, detailed analyses, it has now been determined that the Modified Project will generate 75 percent less traffic than was previously projected and that peak-hour traffic activity on Route 22 has increased by only 3 percent in the most recent years for which data is available. To provide an

updated evaluation of potential traffic impacts on the local transportation system from the Modified Project, new Automatic Traffic Recorder (ATR) counts were conducted and weekday PM peak-hour projected traffic volumes at the intersections previously identified as being potentially impacted were updated and reviewed. An evaluation of highway capacity as measured in Level of Service (LOS) and traffic delays was conducted and the updated evaluation concludes that all intersections analyzed will maintain an acceptable LOS except for the main Site access road on NYS Route 22. The primary findings of the updated analyses are:

- 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 June, 2009 SEQRA Findings for the Original Project (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 Harlem Valley Landfill Corp. 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 Modified Project also incorporates a number of non-motorized transportation features and no impact to pedestrian safety is anticipated.

(4) Will be accessible to fire, police, and other emergency vehicles.

The Modified Project will be accessible to police, fire, and other emergency vehicles. The design of the Modified Project was developed with cooperation and input from emergency services personnel to make certain that the needs of these providers would be met. The Modified Project includes an emergency access road from the southern NYS Route 22 entrance that connects the east and west sides of the development. This road provides an alternate means of access that does not require traveling through the core of the resort community, which could better enable emergency services personnel to assist in an emergency on the west side of the Site. The Amenia Fire Company has accepted the design of all roads, driveways, hammerheads, and other proposed site features within their jurisdiction. The Applicant has also met with the Wassaic Fire Company and revised the site plans according to comments received to date.

(5) Will not overload any public water, drainage, or sewer system, or any other municipal facility.

Water

No impacts to public water supplies are anticipated. The Modified Project's estimated average daily water demand is approximately 137,400 gallons per day, with a maximum daily flow demand of approximately 191 gallons per minute. Testing demonstrates that water supply of approximately 215 gallons per minute can be provided with the largest producing well out of service. The installation and operation of the water supply system will be regulated by the NYSDOH as a public water supply (owned and operated by a water-works corporation).

Stormwater (Drainage)

Stormwater generated from the Modified Project will be managed in compliance with applicable NYSDEC requirements and State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity GP-0-15-002. Stormwater runoff from the Site will be collected and conveyed via a combination of closed (piped) and open (swale) systems. Stormwater quantity controls and quality treatment systems will be installed in compliance with NYSDEC requirements, and sized to accommodate 50- and 100-year storm events. Moreover, even though the Site is not actually located in the New York City watershed, the Modified Project will meet stringent East of Hudson Standards, as set forth in Chapter 10 of the New York State Stormwater Management Design Manual (January 2015). Compliance with East of Hudson Standards will protect the Hill's Pondweed in Wetland AM-15.

Wastewater (Sewer)

There will be no adverse impacts to municipal sewer systems. The Modified Project is estimated to generate an average daily flow of approximately 137,400 gallons per day of wastewater. A new on-site WWTP will be constructed on the Harlem Valley Landfill Corp. parcel to manage

wastewater. The wastewater system will be constructed to treat effluent in compliance with NYSDEC SPDES requirements.

Other Municipal Facilities

While the Modified Project will create modest increases in demand for municipal services, the impacts will be off-set by additional tax revenues.

(6) Will not materially degrade any watercourse or other natural resource or ecosystem, or endanger the water quality of an aquifer.

The Modified Project will disturb 0.20± acres of constructed wetlands, but no natural wetlands; overall the Project will create 3.42± acres of constructed wetlands. The Applicant has prepared two (2) separate Stormwater Pollution Prevention Plans (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 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. The ES&C plan identifies specific measures that will be implemented to protect adjacent aquatic resources. 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 proposed to be approved as part of the Amended MDP (i.e., the impervious surface “worst case”); (ii) is designed to meet “East of Hudson Standards,” which is not legally required, 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.

A Natural Resource Management Plan, which includes an Integrated Pest Management Plan, was prepared by Audubon International, and describes prevention and monitoring strategies to minimize the Modified Project’s potential impact to terrestrial and aquatic resources. A Habitat Management Plan (which includes a Buffer Management Plan) has also been prepared.

Approximately 100 acres of previously undisturbed areas will be disturbed during grading and construction activities. Erosion and sediment control practices and compliance with permitted requirements for all on-site wetland disturbances will serve to reduce secondary impacts to vegetative communities. The layout of the Project has been designed to minimize permanent disturbance to sensitive habitats, restore degraded habitats and preserve natural open space and wildlife habitat, and will leave no less than 80% of the Modified Project Site as open space, including approximately 217 acres along the hillsides and the entire length of the ridge, continuing to allow for wildlife movements.

(7) Will be suitable for the property on which it is proposed, considering the property’s size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.

The Site meets the physical requirements of the RDO District, such as size and access from a County or State highway. The Modified Project has been designed to make use of existing topography as much as possible so that landforms and vegetation help to screen buildings from view. The design utilizes existing tree masses for screening and softening and to limit clearing of woodland habitat. Trees will be provided at varying intervals along roads and sidewalks for shade and cadence. New landscaping around structures will focus views and provide pedestrian scale, color and ornamental interest. Stormwater management facilities have been sited in areas with preferable soils. The hillside and ridge in the western portion of the Site will remain largely undisturbed to protect wildlife and existing habitat.

(8) Will be subject to such conditions on operation, design and layout of structures, and provision of buffer area as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town.

The Amended MDP sets forth design standards for all buildings on the Modified Project Site. Buffers for all wetlands and the archeological sensitive area located on the northern portion of the Site are indicated on the plans. Moreover, approvals of the Modified Project are conditioned on appropriate design and operational conditions.

(9) Will be consistent with the goal of concentrating retail uses in hamlets, avoiding strip commercial development, and buffering non-residential uses that are incompatible with residential use.

The Modified Project's non-residential component will provide on-site recreation, dining and convenience retail shopping. These uses are not intended to create a new "town center" that would compete with the Hamlet of Amenia. Instead, there will be a synergy between Silo Ridge and the hamlet, resulting from patronage of hamlet businesses by Silo Ridge residents. The non-residential uses are concentrated in the center of the Modified Project Site with surrounding residential uses to encourage pedestrian activity and create a vibrant "Village Green" core area. However, certain non-residential uses are located outside this core area, including the Winery Restaurant.

(10) Will not adversely affect the availability of affordable housing in the Town.

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 Code (Local Law No. 2 of 2014).

(11) Will meet the applicable Site Plan requirements for approval.

The Modified Project will meet all site plan requirements applicable to resort community development in the RDO District.

(12) If a property is in a “residential” district, will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social, and economic impacts.

As noted above, the majority of the Modified Project Site is in the RDO District, with the underlying zoning district classification RA (Rural Agricultural) District. All proposed uses are permitted in the RDO District. The Zoning Code specifically states that the RDO District provides use and design flexibility to encourage the development of resort communities and more intensive development than is allowed by underlying zoning. This flexibility is offered in exchange for protection of “open space resources, including scenic viewsheds, ridgelines, water resources, and ecosystems.” The Modified Project protects no less than 807% of the Modified Project Site as open space, including the hillside and ridge in the western portion of the Site. The Applicant has also partnered with Audubon International for management of the site’s natural resources, including aquatic and terrestrial ecosystems.

The Modified Project will provide very considerable tax revenues to the Town of Amenia and Webutuck Central School District, and due to its nature as a resort community, will generate little increase in demand for public services. The Modified Project is intended to be built and marketed primarily as a second home, resort style community. The Modified Project also represents an opportunity for increased employment and tourism in Amenia and the region, which will result in significant direct and indirect benefits to the local economy.

For additional findings related to the criteria discussed above, please see the 2015 Amended SEQRA Findings which are incorporated by reference into these findings.