



To: Town of Amenia Planning Board

Date: May 14, 2015

Memorandum

Project #: 29011.00

From: Amanda DeCesare, P.E.

Re: Comments related to Silo Ridge's February 19, 2015 Submission - Responses

The Applicant offers the following responses to the comment memorandum from George M. Janes & Associates dated April 20, 2015 regarding the Silo Ridge February 17, 2015 Submission Review.

1. Summary

As has been earlier communicated to Chairman Fontaine, I believe that the portions of the February 19 application I reviewed are complete for the purposes of public review.

There have been many changes, both large and small, made to the project that reduce the project's impact on the area's visual resources. These changes are responsive to comments that have been made by both the public and the Planning Board. The project will still impact the visual resources of the area, but those impacts have been disclosed and the Planning Board is able to make an informed decision on the project.

This letter also details some relatively minor issues with the application, as well considerations for the Planning Board when it develops a Findings Statement.

Comment noted.

2. Previously identified issues that have been addressed

The October 10 comment letter was split into two parts: Serious issues which needed to be addressed before the project could be found complete, and substantive comments that focused on changes that could improve the project. All serious issues identified in that October 10 comment letter have been addressed in the new application. The following details major topics of discussion and how these topics have been addressed.

Comment noted.

3. Water tank

The water tank for the project, which was previously planned to be located inside Route 44's hairpin turn, has been relocated to the western side of Route 44. The tank will be largely buried with only its western side--the side away from public viewpoints--being exposed. For the purposes of visual resources, the relocation of the out of the hairpin turn is a significant improvement to the project.

Inconsistent plans for the water tank have been corrected.

Comment noted.



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4. Open space

The project has been revised so that open space areas are now correctly defined and the project meets the 80% minimum open space required by the RDO. The open space calculations were independently verified and are confirmed to meet the 80% minimum.

Comment noted.

5. Retaining walls and site design

There have been several changes to the site plan, especially in the Estate Home area to the south and west of the site. These changes include moving building sites that require large disturbance and/or very tall retaining walls to sites that require less disturbance and shorter retaining walls, including the former lot E-48, which was featured in previous comments.

While the estate home area still has extensive use of retaining walls, there are no longer extremely tall (20+ feet) walls on any house site. With limited exceptions, the maximum size of retaining walls is eight feet, though in some places retaining walls are stacked with more than one eight foot wall separated by small horizontal distances when taller retaining walls are needed. Retaining walls reduce the need to grade, and therefore clear, which helps to preserve some existing trees on the site. This benefits the Town's visual resources by allowing more screening trees to remain. Finally, the design guidelines now encourage homes designed to fit the topography. These types of house designs should help to lessen site disturbance and lower retaining wall height while not increasing grading.

Comment noted.

6. Tree survey and demolition plans

a. The applicant appears to have surveyed forested areas that will be disturbed; some of these areas had been missed in the previous tree survey. There is a change in presentation of this information, however; the prior plan showed all the trees that were surveyed in plan and marked trees to be removed, the current plan just shows the trees that are to be removed in the newly surveyed area around the Estate Homes. I believe the application shows the minimum information required.

Comment noted.

b. There does appear to be an error in C3.21, which is the summary table of the trees to be removed. This table appears to be prematurely ended and only includes some of the trees that will be removed on sheet C3.11, the Estate Home area. The table is sorted alphabetically by sheet number and for sheet C3.11 it only shows trees through the letter "B." Oaks, Sumacs, Maples, etc. any tree after the letter "B" that will be removed from sheet C3.11 does not appear on the table. This omission could mean that the tree removal summary tables on C3.21 may also be missing trees. Trees that will be removed are shown individually on the plan, and this information includes species and their size, and so the application does disclose the location and intent to remove, but simply does not summarize this



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information correctly for this one sheet. The applicant should correct this table and confirm that the summary tables found on the same sheet is correct.

Sheet C3.21 has been revised to include the missing trees.

- c. The plans show a reasonable worst case assumption that all trees within the Allowable Disturbance Area (ADA) will be removed. The ADAs and the Estate Home Design Standards have been developed through extensive discussion between the Town and the applicant to deal with the uncertainty of individual design choices, while still meeting the standards of design and tree preservation of the Town's Scenic Protection Overlay (SPO.)

Comment noted.

- d. As a response to comments, the demolition plans now show clearing along Route 44's hairpin turn at the top of DeLaVergne Hill to open up the views from this area. The demolition plans appear to show larger trees that will be removed, not trees too small to be surveyed. These smaller trees should be removed along with the larger trees as they may also have an impact on visual resources. The Planning Board should ask the applicant to clarify that all trees in this area will be removed, not just those large enough to be surveyed. This could be accomplished by identifying an area on sheet C3.02 along the hairpin turn where all woody vegetation will be removed, rather than showing individual trees. To be clear, I believe that it is the intent of the applicant to clear this area as directed by the Planning Board, but this intention is not clearly shown in the plans.

Sheet C3.02 has been revised to identify the areas along the hairpin turn where vegetation (including large and small trees) shall be removed.

7. Wastewater Treatment Facility

The revised plans show that the Wastewater Treatment Plant (WWTP) has been moved from Route 44 near the Hamlet of Amenia to the golf maintenance area off of Route 22. This new site is further away from the nearest residence and from the Hamlet of Amenia, and is clustered with more appropriate uses in an area that does not require the significant disturbance the previous site required.

The previous location had the facility sited in the Road Visual Protection Corridor of the SPO and this new location, while outside of the Road Visual Protection Corridor, is within the Trail Visual Protection Corridor of the SPO. Nevertheless, the WWTP will likely have little visual impact on the portions of the rail trail nearest to it. The rail trail in this location is on the eastern side of Route 22 at a lower elevation than the road. This means that Route 22 acts as a visual barrier to western views from the rail trail at this location. There may be views to the facility from the rail trail from further distances, but those distances and its setback from Route 22 will mitigate the scale and impact of the facility. Further, the planting proposed in the green buffer is much thicker and should be a more effective visual screen than the screening proposed at the location on Route 44.

It is noted that the applicant's response to this comment states that treatment unit of the WWTP must be 150 feet from adjacent property lines. While I defer any further comment to the Town's engineer, drawing C4.14 shows that the facility is within 150 feet of Route 44 property line, the portion of which is reproduced below:

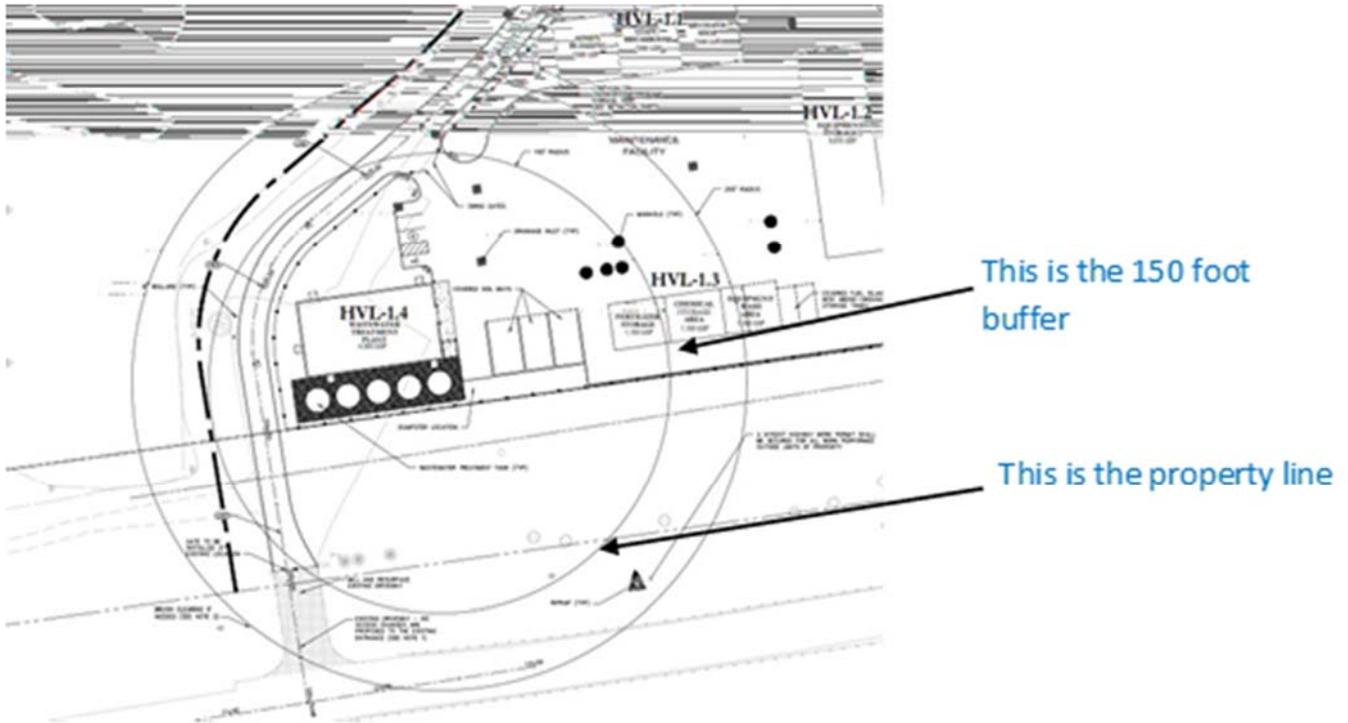


Figure 1: Detail from C4.14 showing the WWTP.

Comment noted.

8. Standards for development in the SPO

The applicant is no longer asking for any waivers to SPO standards and has detailed how the project complies with the Town's zoning in the Master Development Plan (MDP) and the Environmental Assessment Form (EAF.) I will defer to the Town's planning consultant and legal counsel for most zoning compliance issues, but I note that a statistic quoted in the MDP's zoning compliance section is not correct when it discusses compliance with the Town's SPO.

The MDP states that 78% of the buildings proposed will not be visible from public places. There are several problems with this statistic. First, the applicant provides no evidence as to how this number was calculated. Second, it is contrary their own evidence. Third, it is not clear that this statistic has any meaning in the context of SPO standards.

The visual simulations for the project have not been revised. The reasons are detailed in Volume 5, Appendix A, but relate to the fact that the project is similar to the one studied in 2014, and all of the changes proposed will result in a project that has the same or lesser impacts. The following image is a detail from the 2014 plan. This was the plan from which the visual simulations were made and buildings have been color coded according to the viewpoint where visibility is shown in the visual simulations. If the building is colored below, it is visible in at least one visual simulation:

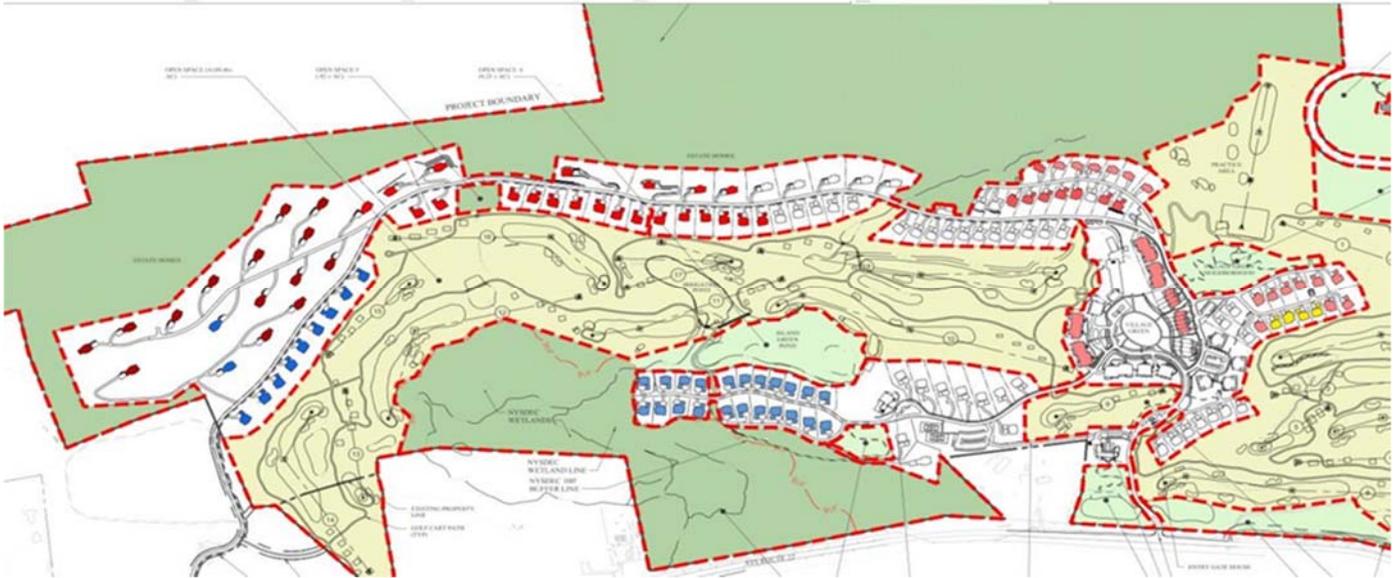


Figure 2: 2014 plan showing which buildings are visible in the visual simulations.

The visual simulations show that about 35% of the buildings are not visible from the viewpoints analyzed, which is quite a difference from the 78% claimed in the MDP. There have been significant changes in the plan in the Estate Home area, but these changes are unlikely to make any of these buildings not visible from public areas due to their elevation high above the valley floor.

Further, the visual simulations only represent a handful of important viewpoints. The zoning compliance section of the MDP makes this visibility claim from any "public place." A viewshed map testing visibility from all public lands and roadways could only show more buildings with visibility.

For its decision-making the Planning Board should ignore the 78% statistic found in the MDP, and rely upon the visual simulations for understanding the project's impact on the Town's visual resources. That said, whether it be 35%, 78% or some other number, I do not believe that this statistic is material to showing compliance with the Town's SPO.

This visibility statistic is first quoted in response to the third SPO standard, which states that the project, "Will cluster buildings and other structures in a manner than minimizes their visibility from public places." Taken literally, no plan for this site that has been considered--not even one where only 22% of the buildings were visible--could meet this standard because there are areas on site that are completely beyond the view of public places, and--at least in theory--all units could be located in places with no visibility.

But this standard does not prohibit visibility from public places. Rather, it requires design that minimizes visibility, and that is an important difference. This SPO standard gives the Planning Board the ability to request that applicants make changes to plans that consider visibility from public places, but it also requires the judgement of the Planning Board on what "minimizes visibility" means in the context of an applicant's project and the scenic character where the project is located.

For example, as the visual analysis for the project shows, the view to and from DeLaVergne Hill is expansive and regionally important, but it is the view of a landscape that has been developed. The hamlet of Amenia, agricultural fields, agricultural buildings, the golf course (on a reclaimed soil mine), are all a part of a beautiful developed landscape that has been largely shaped by people. Houses are not necessarily visually discordant in this kind of viewshed.

But there also exists undeveloped views in the Town. For example, the following is taken near the state Multi-use area to the west of Route 22, south of the site:



Figure 3: View of an undeveloped landscape in Amenia.

In a view such as this one, a single building, indeed a single clearing, could be discordant, irreparably marring the quality of the view. Using standards of visual resource assessment, minimizing visibility from a developed view is necessarily different than minimizing visibility from an undeveloped view. As such, SPO standards are generally written so that they can work in a variety of circumstances, allowing the Planning Board to determine what "minimizes visibility" means for a specific project. Consequently, when assessing if the design of this project meets the "minimizes visibility" standard, the Planning Board should review the details of the project, and then rely upon its judgement. It should, however, ignore the 78% visibility statistic provided in the MDP.

Comment noted. The Applicant has removed the statistic from the MDP text.

9. Landscaping

- a. There are a number of landscaping changes proposed, most of which are beneficial to visual resources. The landscaping shown in L3.02 and L3.14, in the area at the entrance to the Overlook, needs to be changed, however. The plans for this area show a thick vegetative buffer along Route 44 as seen in green below:

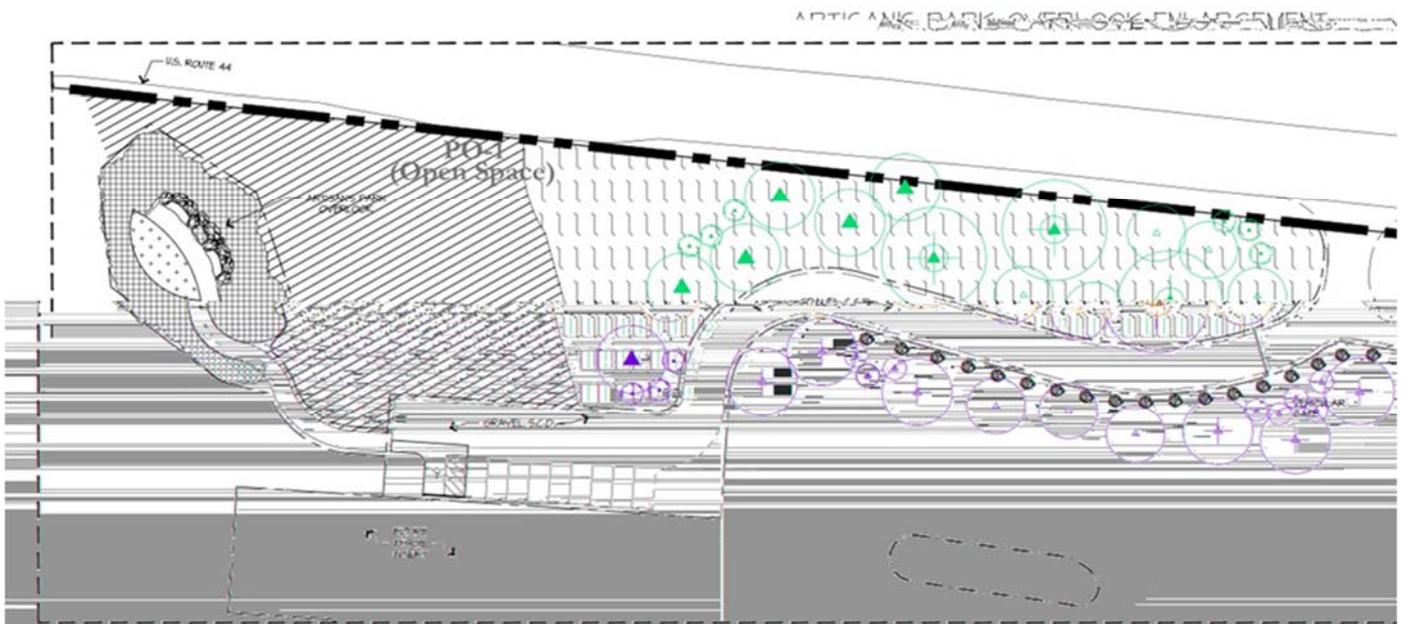


Figure 4: Detail from L3.14, showing unnecessary planting.

The FEIS showed a similar thick vegetative buffer here expressly to screen the planned winery-themed restaurant located behind this screen from Route 44. Because the restaurant is planned in the next phase of the project, this vegetation would serve no beneficial screening purpose during this phase, and may negatively impact the openness of the view at the top of the hill. Further, landscape screens are best evaluated during site plan review when there is a plan for the element it is designed to screen, and since the restaurant is in the next phase of the project, there is no plan. It is simply premature to install this landscaping during this phase, and the Planning Board should have the



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applicant remove the landscaping planned at the entrance to the Overlook. This could be a requirement of the Findings Statement.

Comment noted. As per the Planning Board's direction, the Applicant provided a revised plan removing any landscaping at the entrance to the Overlook and future Winery Restaurant. Additionally, the Applicant agrees that evaluation of the screening for this area during site plan review would be an appropriate condition of the Findings Statement.

- b. The balance of the landscape changes are responsive to comments, including the removal of the hedge and equestrian fence from the area around the hairpin turn, additional landscaping near the Village Green homes, and in the green buffer by the golf maintenance facility. The Planning Board determined that the planting proposed for the lower portions of Route 44 was appropriate, but instructed the applicant to change their design so as to remove the non-native species originally proposed.

Comment noted.

10. Lighting

Previous comments included details on lighting design. Lighting for the project is now reviewed by the Town's planner and engineer.

Comment noted.

11. Design to mitigate visual impacts

Previous comments included several pages on design suggestions for the Estate Home area that, if feasible, could help lessen the visual impacts of these homes. These suggestions included reducing the number of houses in this area, clustering the houses in a smaller area, redesigning the area to double load some roadways, and/or lot line adjustments to move houses from higher elevations to lower elevations.

The current plan for the Estate Home area show significant changes, though I believe these changes are most likely due to detailed engineering.

The number of houses planned for this area remains the same at 26. While the project overall has many fewer units than the 2009 MDP, the density of houses in this prominent location has increased by nine. If, in the Planning Board's judgement, these nine additional houses have unacceptable environmental impacts, it may require that the applicant remove or relocate these units to another less prominent location in its Findings Statement. But with the application complete, and the project's environmental impacts disclosed, this is a decision that relies upon the judgement of the Planning Board.

Comment noted.