



To: Town of Amenia Planning Board

Date: May 29, 2015

Memorandum

Project #: 29011.00

From: Amanda DeCesare, P.E.

Re: Silo Ridge Field Club – Response to Public Comments (Sharon Kroeger)

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At the request of the Town of Amenia Planning Board, the Applicant was asked to provide responses to public comments received from Mrs. Sharon Kroeger on May 5<sup>th</sup>, 2015. The Applicant has made a diligent, good faith effort to distinguish substantive comments from broad general statements and personal opinions about the desirability or potential impacts of the project, and to respond to all substantive comments directed to the principal applications currently before the Planning Board. The Applicant offers the following responses to the comment memorandum titled "Statement by Sharon Kroeger Town of Amenia Public Hearing on Silo Ridge Application" dated May 5<sup>th</sup>, 2015.

1. First: I wish to place in the record the May 2 Planning Editorial from the Millbrook Independent Newspaper. This editorial makes the point that it is essential for planning boards to address "regional context" as well as purely local concerns, especially where a viewshed such as Amenia's has been highlighted within the Dutchess County Comprehensive Plan. It seems that counsel to the Amenia Planning Board has been giving contrary advice.

*Attachment 1:*

The Regional Context

While parochial thinking may be encouraged by those town officials who appoint citizens to their planning boards, and by those who sit on such boards, the planning and legal literature strongly suggests that all decisions should explicitly address the regional context. We say this after hearing that counsel to the Amenia Planning Board was quoted as saying the opposite - that the board did not have to concern itself with comments coming from those who may not be full time residents of Amenia. Failure to consider the regional context may be one of those issues that could upset a decision whose consequences in fact affect the wider community. For instance, courts have struck down zoning ordinances that failed to consider regional housing needs. Regional planning is not restricted to housing. County planning has, in its written comments, made the view from and of DeLaVergne Hill a regional issue, as this column has noted. The view from and of DeLaVergne Hill is of importance to the travelling public, to residents or neighboring communities and to the world at large. It is of historic and artistic importance. Failure to appreciate the regional importance of this view could be an expensive oversight.

We will here go on record in saying that a restaurant and its parking area on the land to the north of Route 44 overlooking the golf course will be a trespass on the viewshed. The building, its equipment, and the cars of its customers and employees would be seen from near and far. It is not in keeping with the rural aspect of the town and its agricultural heritage, despite its being named "a vineyard." The failure of the planning board to take a hard look at this part of the plan at this time is worrisome, as the board will be adopting the master development plan that includes buildings on the north side of Route 44. If the master plan is approved as submitted, such approval would create the presumption that the buildings on the north side of Route 44 had been considered and found to be in keeping with the town's zoning. Since little attention has been given to that parcel. It should not be included in the master plan. It can be considered separately at a later date and can therefore be separated now from the master plan without affecting the phase now being considered in depth. That north section has little or nothing in common with the "Resort Community" on the south side of Route 44.



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*Comment noted. The project has been considered in the context of both local and regional land use plans. Appendix M of the Addendum to EAF: Local and Regional Plan Consistency, discusses consistency with the Town of Amenia Comprehensive Plan and the Dutchess County Master Plan. Furthermore, all application materials have been reviewed by the Dutchess County Department of Planning and Development ("DCDPD"). On October 17<sup>th</sup>, 2014 DCDPD provided comments regarding the view from DeLaVergne Hill and its importance to both the Town and the County. In its February 17<sup>th</sup>, 2015 submission, the Applicant provided responses to all of DCDPD's comments including those regarding the view from DeLaVergne Hill. On March 23, 2015, DCPCD responded as follows: "We are pleased to see the removal of the fence and hedge along Route 44 at the hairpin turn and note the plan now included increased landscaping between the Estate Homes and the Golf Academy, as well as to the north of the Village Green single family homes. These modifications will help integrate the development within the landscape and soften the view from DeLaVergne Hill. We are also pleased that the applicant has revised the plans of the Estate Lots, "to show clearing only within the designated ADA (Allowable Disturbance Area) for each Estate Home lot... and that shade trees are being incorporated into each home site, as well as lower shrubs and plantings." For more information please refer to correspondence from DCDPD.*

*Lastly, the proposed Winery Restaurant building and the Vineyard Cottages are permitted under the current approved MDP and have not materially changed. All potential impacts of both of these project components have been assessed in the prior environmental impact statement. Both components will also require site plan approval should the Applicant decide to develop them in the future.*

*The Applicant has addressed, and the Planning Board has considered, all comments, including comments from non-residents.*

2. Second: I want to return to the point I made at an earlier hearing, requesting that the Planning Board review the scope of possible chemicals that they will authorize on the Silo Ridge Golf Course and on the maintenance of the residence grounds. Thus far the public is unaware of any discussions of this topic by this body, in response to the question. My concern is that deadly chemicals, such as glyphosate, which was used in Monsanto's Agent Orange, should not be authorized for use on the steep sloped of DeLaVergne Hill.

Less than half a mile down the Watershed, in Wassaic Hamlet, there are many homes with fairly shallow drinking water wells. The water there is pristine and part of the Planning Board's responsibility is to keep it that way. The issue of glyphosate in groundwater should be part of your review of this situation, because of the unique geographic features: proximity, steep slopes, and funnel factor. I shall attach a summary study dealing with contamination of glyphosate in real groundwater samples.

It should be noted that, in previous golf course SEQRA review for Amenia (Troutbeck, 1989), the Amenia Planning Board reviewed the Audubon list of chemicals, and removed one which was found unacceptable in that particular situation.

Attachment 2 (please refer to comment memo)

**Determination of glyphosate in groundwater samples using an ultrasensitive immunoassay and confirmation by on-line solid-phase extraction followed by liquid chromatography coupled to tandem mass spectrometry.**



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*Comment noted. The Applicant will like to note that this comment was already responded to in the Applicant's February 17<sup>th</sup>, 2015 Response to Public Comments (Comment E.2.c – Sharon Kroeger). The Applicant would like to further reiterate that the New York State Department of Environmental Conservation (NYSDEC) is the agency in New York State designated to regulate pesticides. The Division of Materials Management regulates pesticide applications in New York State and is responsible for compliance assistance, public outreach activities and enforcement of State pesticide laws, Article 33 and parts of Article 15 of the Environmental Conservation Law, and regulations, Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York Parts 320-329. Application of pesticides, including glyphosate, must comply with these regulation, including the requirement that all pesticide applications must be performed by a NYSDEC certified applicator.*

*Additionally, please refer to the Natural Resource Management Plan ("NRMP") – Appendix P of the Addendum to the EAF. The NRMP has been developed by Audubon International in collaboration with the Town's consultants, and includes an Integrated Pest Management Plan (IPM) for the community (Section 5.0) and the golf course (Section 6.0), that identifies measures and procedures to minimize pesticide and herbicide inputs on the site and also includes a list of allowed pesticides, herbicides, and fungicides. Furthermore, in accordance with the NRMP, the Applicant is implementing an Environmental Monitoring Plan (Section 8.0) that will be monitoring surface water and ground water. The monitoring plan, based on sound, scientific principles will (i) provide data that will establish environmental conditions, thus providing a basis for measuring compliance with environmental regulations, and (ii) ensure that Integrated Pest Management is functioning properly. The plan includes a total of five (5) surface water and three (3) ground water locations that will be sampled throughout the year.*