



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 (Housatonic Valley Association)

At the request of the Town of Amenia Planning Board, the Applicant was asked to provide responses to public comments received from the Housatonic Valley Association (“HVA”) on May 5th, 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 HVA’s comments:

1. We reviewed the application and have several overall concerns, particularly about the management of stormwater and the siting of residential units on steep slopes. HVA believes the Planning Board should require the applicant to redesign specific portions of the plan that are inconsistent with local ordinances enacted to protect the community’s water resources.

Comment noted.

Specific Concerns

2. The applicant must be required to comply with the Town Code and redesign the project rather than request waivers from local and state regulations.

In the time period between the previous public hearing in September, 2014 and today the applicant has made few changes in the project design to conform to requirements in the Town Code. Instead, the applicant is seeking multiple waivers to exempt the project from many ordinances, including the minimum required buildable area and maximum slope of buildable area; numerous requirements for the construction of roads; intersections, driveway minimum sight distance, grade, and maximum slope; provision of parks, playgrounds or other public recreation open spaces, paved common driveways and driveway aprons, and road trees and treatment of buffer areas; and other landscaping; and cul-de-sac design.

Of particular concern is the request for waivers that would permit residential units on slopes steeper than 30 percent. Studies have shown that development in general can and may lead to increased levels of total suspended solids, phosphates, chemical oxygen demand, heavy metals, salt and other pollutants that often cause harmful effects. The presence of steep slopes multiplies the risks.

The Town of Amenia has enacted good, common-sense road and building ordinances that protect the property interests of landowners, achieve the community’s goals as expressed in the Town’s Comprehensive Plan and provide an approval process that is predictable, efficient and fair. If this applicant is granted these waivers a precedent will be set that will encourage future applicants to avoid complying with the Town Code with similar requests.

Regarding the Town’s laws, the Applicant notes that: (i) all of the proposed uses are permitted under the Town of Amenia Zoning Law; (ii) no use or area variances are being sought; and (iii) although waivers of certain provisions



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of the Zoning Law and Town of Amenia Subdivision Code are requested, the Planning Board is expressly and specifically authorized under other applicable provisions of the Zoning Law and Subdivision Code to grant them in a proper case. For the Applicant's justifications for the requested waivers, please refer to memorandum regarding Supplementary Planning Board Approvals, Waivers, and Determination pursuant to §121-18.C(7) of the Town Zoning Law, revision dated May 21, 2015, in Appendix O of the Addendum to the EAF.

Under Town Zoning Law §121-36.B, the Applicant does not require a waiver to disturb slopes greater than 30%.

With regard to plan changes over time, the Applicant has been studying, and evolving, the project for over 11 years now. The current proposed project reflects a great deal of effort by the Applicant's team to prepare, and by the Town's consultants, the Town Planning Board, and the public to review and critique, the development plans. This comprehensive review included three public hearings, and the preparation by the applicant, and review by the Planning Board and its consultants, of over 1,000 comments. As a result, compared to the current approved project, the proposed project reduces grading disturbance impacts and potential impacts to steep slopes, natural habitats, visual corridors and view sheds, and water demand and waste water generation, and increases buffers to natural and constructed habitats, and the fiscal benefits to the Town, County, Webutuck School District, and Amenia Fire Company, and preserves open space resources, including view sheds, ridgelines, water resources and ecosystems.

3. The Planning Board must require the applicant to remove the estate houses and vineyard cottages that would be sited on slopes greater than what is permitted under Town Code §105- 21.A(I).

The Board's own consultants identified these problems in their analyses of this project. Development in the absence of sufficient stormwater controls, *especially when undertaken on steep slopes*, is known to increase transport of pollutants into wetlands, ground water and surface waters. Nearly all stormwater management systems cannot function when roads, driveways and lawns are frozen or snow-covered.

During winter any houses or other structures constructed on steep slopes may send polluted runoff downgrade to the waterbodies and streams both on and off the property.

The Applicant has prepared and provided a detailed Stormwater Pollution Prevention Plan ("SWPPP") which shall be implemented by the Owner/Operator as required under New York State Pollutant Discharge Elimination System (SPDES) Permit for Construction Activities, GP-0-15-002, as amended; the New York State Stormwater Management Design Manual (SMDM), August 2010, as amended and the New York Standards and Specifications for Erosion and Sediment Control, August 2005, as amended.

Notwithstanding, the Applicant is committed to mitigating any potential environmental impacts to the maximum extent practical and the Planning Board and its consultants have asked the Applicant to meet more stringent requirements than required by law. Therefore, although the project is not located within the NYC East of Hudson watershed, the Applicant has designed the SWPPP to meet "East of Hudson Standards," and to provide more than double the required water quality volume under the SPDES General Permit. When implemented, the SWPPP will decrease potential downstream stormwater impacts compared to existing conditions for each storm frequency, up to and including the 100-year storm.



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Additionally, under the Design Standards for the Estate Homes (Appendix K of the Amended MDP), in conjunction with an application for a building permit, each estate home will be required to provide a proposed stormwater management plan including erosion and sediment control in accordance with the approved "master" SWPPP for the project, and all state and local laws. Furthermore, each estate home will require at least one (1) of four green infrastructure practices, (in accordance with the New York State Stormwater Management Design Manual (SMDM), January 2015, Chapter 5, Table 5.7 or as amended), to the extent practical, which will further reduce runoff volume (and increase RRv) and provide stormwater quality treatment for each individual home.

The result of all of these stringent requirements is that at full-build, the project will significantly improve the existing downstream conditions by exceeding all water quality and quantity management requirements.

Lastly, a waiver is not requested for the vineyard cottages at this time, because the vineyard cottages are not part of Phase 1 of the project.

4. The Planning Board must require the applicant to hire an independent inspector to make post construction inspections to ensure that buffers are respected, stormwater management functions properly and other environmental requirements in the zoning are enforced.

This is a complex and complicated project with many structures, buffers and waterbodies designed to prevent adverse environmental impacts to the maximum extent practicable. Monitoring this development and its environmental compliance will be a difficult challenge for Town staff with many tasks and responsibilities. An independent inspector would monitor the property on a timetable worked out by the Town and applicant and ensure that any problems that might arise will be discovered and remedied in a timely manner.

Post-construction, through the conservation easement, the conservation easement holder will monitor the open space and conservation easement area. Furthermore, Audubon International will monitor the implementation of the "best management practices" (including but not limited to maintenance of buffers, and pesticide application) required by the Natural Resource Management Plan (NRMP) for both the community and the golf course. Additionally, the Town will hold a blanket easement giving it the ability to step in and address any storm water management issues that either the Club or the HOA fail to properly address.

5. We expect the Planning Board and the applicant to follow the Dutchess Land Conservancy's recommendations to improve the project from a conservation standpoint and help protect the character of the Town of Amenia.

We commend the Town and the applicant for their shared commitment to conserving a significant portion of the property in its natural state. This is an opportunity for both parties to protect the natural and scenic character of the community. In order to ensure that the protections remain in place in perpetuity, granting a conservation easement to the local, accredited land trust is of paramount importance. The Dutchess Land Conservancy (DLC) has the capacity and local presence needed to observe and monitor the property and can respond quickly to any situation that might degrade the conservation values of the property.

The DLC has submitted comments from the perspective of a potential easement holder and with extensive and specialized expertise in conservation and open space. As a land trust accredited by the Land Trust Accreditation



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Commission of the Land Trust Alliance, the DLC has met the highest national standards of excellence and will uphold the public trust and ensure that conservation efforts are permanent.

We urge the Planning Board and applicant to implement the DLC's recommendations that will protect 80 percent of the property by a conservation easement of contiguous land that will be preserved for environmental protection and scenic enjoyment, such as woodlands, wetlands and viewsheds. The 80 percent of the property to be protected should not include structures or other improvements that do not meet the DLC's conservation criteria.

Comment noted. The Applicant is currently working with the DLC.

Conclusion

We ask the Planning Board to carefully consider all relevant facts and evidence in making its decision on this application and minimize the environmental impact of the proposed project, including the effects on the wetlands' and watercourses' capacities to facilitate drainage, prevent flooding, supply and protect surface and ground waters and support fish and wildlife.

Comment noted.