

252 Smithfield Valley Road
Amenia, NY 12501

September 18, 2014

Chairman Norm Fontaine
Members of the Planning Board
Town of Amenia
Amenia, NY 12501

Re: Silo Ridge Resort Community

Dear Chairman Fontaine and Members of the Planning Board:

I am disturbed by numerous parts of the current application for approval of the Silo Ridge Resort Community Site Plan. There are countless SEQRA and town code procedural anomalies; and violations of the Scenic Protection Overlay District and the Resort Development Overlay District provisions of the Town of Amenia zoning code. If the Planning Board ignores proper procedure and accommodates the applicant's many requests for waivers and special permits, you will be inviting an Article 78 challenge. The current golf course renovations, with waiver, while the Resort Community application is still under review, has caused a new level of distrust and opposition in the community further increasing the possibility of a legal challenge to the Planning Board's actions.

It is questionable whether the current application even meets the three stated purposes of the Resort Development Overlay District; "to promote tourism, recreation and open space protection". The project is a private residential development which is closed to tourism. The project provides recreation for its residents but offers nothing for the community-at-large. Through numerous waivers and special permit applications, Millbrook Ventures, LLC, is attempting to circumvent the standards of open space and environmental protection required under the Scenic Protection Overlay (SFO) and Resort Development Overlay (RDO) Districts.

The basic premise of the RDO, Section 121-18, is:

"In exchange for granting permission for use flexibility and more intensive development than is allowed by the underlying zoning, the Town seeks to achieve significant protection of open space resources, especially scenic view sheds, ridgelines, water resources and ecosystems."

The purpose of the SPO, Section 121-14.1, is:

"[To] protect the Town's scenic beauty and rural character."

Both the RDO and the SPO, under which this project is being considered, have as their purpose the protection of scenic view sheds and ridgelines. Both sections of the code offer standards for an objective determination of whether the proposed project will result in a significant impact to the view shed. Although it may be a subjective determination whether the impact is adverse, the Planning Board is being asked to overlook common sense and community standards in the protection of our most valuable scenic view shed, DeLavernne Hill, and in the protection of our ridge lines. Approval of the full application, including waivers and special permits, would violate the principals of our zoning laws and establish a precedent for non-compliance. The role of the Planning Board is to enforce SEQRA regulations and required zoning laws; not to reinterpret our zoning code to serve the needs of applicants.

Silo Ridge Ventures, LLC, in its application for the Silo Ridge Resort Community, is asking for the Planning Board to overlook or formally waive many of the protections which are at the core of the SPO and the RDO. The procedural anomalies and lack of compliance with the RDO and the SPO are numerous and have been articulated by others in letters to the Planning Board and comments at the Public Hearing. Three of the most egregious violations of procedure and compliance are:

1. The Estate Homes. These homes are not in the original DDES and have not gone through the SEQRA process. The impact of these newly placed buildings has not been fully investigated. A complete storm water management plan which includes these homes has not been provided. Section 121.14.F(4) of the code states that "Site plan approval may only be granted if ...the proposed activity ...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." Many of these homes are not in compliance with this section and the Applicant has not sought a waiver. Section 121-36 B states that "No disturbance, including cutting of vegetation or construction of driveways, shall be permitted on any slope of 30% or greater...". The Applicant has requested a waiver; however, they have not adequately demonstrated that the adverse effects of such a waiver can be mitigated.
2. Artisans' Overlook, Vineyard Cottages and Parking in the hairpin turn overlooking DeLavernge Hill. Sec. 121-18.C(4) states that "Priority in open space protection shall be given to land within the SPO ...especially the view to and from DeLavernge Hill." The "view to and from DeLavernge Hill" includes the hairpin turn. The Artisans' Overlook, Vineyard Cottages and paved parking area have not place in a plan subject to the provisions of the RDO and the SPO districts.
3. Street Lighting. A complete plan has not been presented to the Planning Board which governs street lighting for the project. Minimizing light pollution is an important part of preserving the rural character of our community and protecting the environmental habit of our ecosystem.

The Planning Board is being asked to facilitate the wishes of Millbrook Ventures, LLC, to push the boundaries of the project beyond what is reasonable under the zoning code and acceptable to many residents of Amenia. Every procedural anomaly; every special permit and waiver granted; and ever provision of the plan which does not comply with the zoning code and for which a waiver is not sought; is subject to an Article 78 challenge which will only further delay the project and cost the taxpayers of the our Town unnecessary legal expenses.

I urge the Planning Board, to uphold its responsibility to enforce all SEQRA regulations and all required zoning laws; and to exercise diligence and restraint in granting waivers and special permits which undermine the purpose of our zoning laws.

Sincerely,



Steven Benardete

September 18, 2014

To the Amenia Planning Board:

I have deep concerns about the Silo Ridge Resort Community Project (SRRCP), and the way that it has been fast-tracked by the Planning Board. Already, major alterations to the topography of DeLavernge Hill have been made, precursors to the fundamental changes the project will cause for the Town of Amenia. The view from DeLavernge Hill has been beloved by generations of Ameniens, is the reason some residents have chosen this as their home, and is an iconic landmark for people from all over the County. While it is true that this is private property, disturbing the view is the tragedy of the commons, because everyone has been able to share in its beauty, and everyone will suffer its loss.

My comments are based upon the information in the Draft Amended and Restated Findings document made available on line. This red-lined document allows the reader to see the original plan versus the modified plan.

This modified plan is a very different one from the original. Although the applicant claims that it complies with the RDO requirements in the Zoning Law, it is hard to see how a private, gated community complies with any reasonable definition of "resort." Why does Amenia need a gated community anyway? People of all income levels have mingled amicably in Amenia for hundreds of years. People like Lewis Mumford and Thurgood Marshall have found it to be a place of refuge from prying eyes, where they have been treated respectfully and accorded the privacy they needed. Franklin Roosevelt was a friend of Bert Miller, whose home now serves as Silo's offices, and he used to come to paint the view from DeLavernge Hill.

In Section H, the Applicant admits that the modified plan does not comply with Traditional Neighborhood Development principles, but asserts that the Planning Board has determined during the Special Use Permit Process that "taken as a whole, the Modified Project is consistent with the goals of the RDO District." TND principles urge the development of walkable communities, where residents are connected to businesses, recreation facilities and other amenities. This gated community will be quite literally cut off from the rest of Amenia, with access to its facilities by invitation only. I urge the Planning Board to revisit this issue.

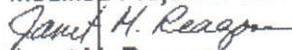
As chair of the Amenia Wastewater Committee, I urge the Planning Board not to grant the waiver the SRRCP requests to create a private sewage works transportation corporation to own and operate the Wastewater Treatment Plant (which is prohibited by the the Town's subdivision regulations) until there is a signed document turning this corporation over to the Dutchess County Water and Wastewater Authority and giving the Authority final approval and oversight over its design and construction. Private systems in other parts of the county have failed, causing many headaches for their towns.

For many years now, we have listened to the promises made by the applicant, but have seen little follow through. The original plan called for the construction of a WWTP that would be built with extra capacity to accommodate sewage from the Hamlet of Amenia. The applicant claimed that the value of this offset (payment to the Town in lieu of the Affordable Housing requirement) was \$2.3 million. The Town's Wastewater Project stalled for nearly two years as we kept being assured that the Applicant was going to sign a Memorandum of Understanding with DCWWA and the Town very soon. Finally the Town's patience wore thin, and the WW Committee looked

for other alternatives. In order to continue the current project, the Town needs \$1.4 million to qualify for a no-interest loan of \$3 million from NYS EFC.

Now the Applicant has decided to follow County Planning's recommended formula for calculating the fee for the Affordable Housing requirement, and has agreed to pay the town a total of \$536,000 in four installments. The full amount is only available after 100 per cent of the Market Rate Units have received Certificates of Occupancy, which could be many years away.

I believe the Planning Board is requiring too little of the Applicant. I have sat in meetings at which we were assured that the Applicant has the best interest of Amenia at heart and wants to see the Hamlet of Amenia grow and prosper. Since the 1960's, residents have recognized the need for wastewater or sewage treatment systems for the town. This chance to actually find the means to create a sewer district for the hamlet will be lost. The original offset of \$2.3 million was based on a total project valuation of \$434,734,124 million. The projected value of the Modified Project is now \$494,802,700. \$536,000 is not enough to require from the Applicant.


Janet M. Reagon
Wassail

FROM: PATRICK J. NELLIGAN, 35 LaVALLE RD., AMENIA
TO: TOWN of AMENIA PLANNING BOARD
RE: NEW SILO RIDGE DEVELOPMENT PLAN, PUBLIC HEARING COMMENTS
DATE: SEPT. 18. 2014

The following are the outstanding/future legal/procedural issues relative to Master Development Plan, requests for Waivers/Special use permits for the newly presented Development Application by the Applicant, SILO RIDGE DEVELOPMENT VENTURES LLC.;

1. Both the Applicant and Planning Board are in violation of the New York State Environmental Quality Review Act, both in Substance & Spirit of the Law, as well as the Town of Amenia Zoning Law:

A. Original Environmental Review & Subsequent EIS are no longer valid, and Application requires a new/revised SEQRA study and Amended EIS before the project can even begin to be considered for Waivers, Special Use Permits of Application Approval.

B. Not only has the Development Team/ Applicant changed since the original 2009 EIS, both the Scope and Parameters of the Development are SIGNIFICANTLY DIFFERENT from the Original Master Development Plan in that, as the most obvious Significant Changes to the Plan, there will be INCREASED DEGRADATION OF THE DeLaVERNE HILL VIEWSCAPE, and INCREASED DEVELOPMENT ON THE OVER 30 DEGREE INCLINE AREAS OF THE PROPERTY.

Simply paying lip service by both boards that "there are no significant impacts due to the changes in the Development Owner, Scheme, or Plan Modifications is NOT PROPER PROCEDURE UNDER THE LAW.

2. The Town Board is in violation of the Town of Amenia Zoning Ordinance in that it has prematurely passed a resolution accepting the Applicant's "Payment in lieu of Workforce Housing Requirements" prior to the both the Zoning Board review & County Planning Board recommendations that might significantly change the Parameters of the Final Development Plan, and thus the formula for said calculations and approvals.

3. The Zoning Board of Appeals would be remiss in its responsibilities under NYSEQRA should it even consider commenting on the Special Use Permits required for the project unless it first insists that the Planning Board complete a NEW/ ENVIRONMENTAL IMPACT REVIEW that is pertinent to the Project as it has now been modified/presented by the New Applicant.

4. Should the County Planning Board in it's review of the New Application fail to also insist that the Town of Amenia Planning Board re-visit NYSEQRA, it will also have failed in it's legal responsibilities under County & State Statute.

Bottom line - Should this Application receive final approval without a Complete SEQRA REVIEW, it will be an illegal act.

Respectfully,

Patrick J. Nelligan