

JUN 11 REC'D



TOWN OF AMENIA

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TOWN CLERK

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TOWN OF AMENIA PLANNING BOARD

Resolution # 5 for 2015

Resolution Approving a Third Party Inspector for the Reclamation of Golf Course Renovation Work Related to the Silo Ridge Resort Community

WHEREAS, in 2005, Higher Ground Country Club, LLC (“HGCC”) proposed the development of a resort community on 670+/- acres located west of NYS Route 22 and north and south of US Route 44 in the Town of Amenia identified as parcel numbers 7066-00-732810, 7066-00-860725, 7066-00-742300, 7066-00-670717, 7067-00-709177 and 7066-00-628131 on the Town of Amenia Tax Map (the “Project Site”). The Project Site is currently developed with a 170 acre 18-hole championship golf course and clubhouse; and

WHEREAS, the proposed development consisted of the following elements, among other things: condominiums, single-family homes, a resort hotel/lodge, a “winery-themed” restaurant, retail uses, water and waste water treatment facilities, a renovated golf course and a new clubhouse (the “Project”); and

WHEREAS, in January 2009, after completing a Final Environmental Impact Statement (FEIS”), the Planning Board issued a comprehensive Findings Statement for the Project under the State Environmental Quality Review Act (“SEQRA”) (the “2009 SEQRA Findings”); and

WHEREAS, in June 2009, the Planning Board issued a Special Use Permit (“SUP”) and Master Development Plan Approval (“MDPA”) and related Finding Statement for the Project; and

WHEREAS, in June 2013, the Planning Board renewed the SUP and MDPA for the Project until June 2015 pursuant to Section 121-62 of the Town of Amenia Zoning Code; and

WHEREAS, in November 2013 and February 2014, Silo Ridge Ventures, LLC (the “Applicant”), the successor to HGCC, sent letters to the Town of Amenia Planning Board explaining its plans to renovate the existing golf course and to conduct related site work thereon in accordance with the SUP and MDPA. The letters also requested waivers of site plan approval for the renovation work located in the Scenic Protection Overlay District (“SPO”). In general, the proposed work consisted of the following, among other things: restoration of ground cover including tee boxes, fairways and greens, landscaping enhancement; construction of water quality swales and installation of underground drainage pipes; minor land clearing and stump removal; and excavation and grading work entailing a number of cuts and fills; and

WHEREAS, a portion of the proposed renovation work will be located in the SPO under Section 121-14.1 of the Town’s Zoning Code. The purpose of the SPO is to regulate land uses within

designated scenic areas to protect the Town's scenic beauty and rural character. The SPO is intended to apply to those areas that are visible to the public and that substantially retain their scenic character and/or that lie within important scenic view sheds; and

WHEREAS, specifically, Section 121-14.1 of the Zoning Code provides that a site plan approval is required for any filling or excavation work in excess of 5,000 square feet ("sf") in the SPO within a one-year period in any location that is visible from a publicly accessible place when there are no leaves on the trees. The proposed golf course renovation work exceeds 5,000 sf; and

WHEREAS, in 2013 the NYSDEC issued written approval to the Applicant under General Stormwater Permit (SPDES GP-0-10-001) allowing the Applicant to exceed five-acres of soil disturbance for the golf course work. The NYSDEC authorized the Applicant to disturb up to 35 acres of soil at any one time in a limited area related to this; and

WHEREAS, Section 121-14.1 of the Zoning Code provides that the Planning Board may waive site plan approval for the work in the SPO upon a written finding that such waiver will not impair the scenic preservation purposes of the SPO; and

WHEREAS, in 2013 and 2014, the Planning Board approved site plan waivers for golf course renovation work in the SPO conditioned on, among other things, the Planning Board determining whether the Applicant should post a financial security to guarantee the reclamation of work areas to be excavated or graded if the work is abandoned; and

WHEREAS, Section 121-34 of the Zoning Code states that "the Planning Board may, in connection with a major project site plan ... require an applicant to furnish an irrevocable letter of credit, certified check or other form of security to guarantee reclamation of areas to excavated or graded if a project is abandoned. Such security shall be for an amount reasonably related to the potential cost of such reclamation and shall be in a form acceptable to the Town Attorney."; and

WHEREAS, the golf course renovation work entails substantial grading, excavating and earth moving work in the SPO and other areas on the golf course thereby requiring the Applicant to post financial security to guarantee reclamation of any disturbed areas if the work is abandoned; and

WHEREAS, on July 3, 2014, the Planning Board adopted a resolution requiring the Applicant to post a financial security in the amount of \$80,000 (cash), subject to certain conditions including the execution of an agreement between the Town and the Applicant governing the use of the Security. The Security Agreement was signed on August 25, 2014 and the security was posted by the applicant; and

WHEREAS, the Applicant desires to have a third-party inspector review and verify that the golf course work is performed in satisfaction with the Town Code, the approved golf course renovation plans as well as all applicable laws; and

WHEREAS, the Applicant has requested Fairway Testing Co., Inc. ("Fairway Inc.") to serve as the third-party inspector; and

WHEREAS, the Town Engineer has reviewed and verified Fairway Inc.'s qualifications and credentials.

NOW, THEREFORE, BE IT RESOLVED, the Town Planning Board hereby approves Fairway Inc. as the third-party inspector for the golf course renovation work, subject to the following conditions:

1. The Applicant and Fairway Inc. shall comply with the third-party inspector procedures to be prepared by Rohde, Soyka & Andrews and to be approved by the Planning Board.
2. The Town's Code Enforcement Officer and the Town Engineer still retain the authority to make inspections of the golf course renovation work, as needed, to ensure compliance with the Town Code, the approved golf course renovation plans and all applicable laws.
3. The Planning Board reserves the right to revoke this approval and require a new third-party inspector if Fairway Inc. is not satisfactory to the Town, for any reason.
4. As noted in the Board's prior resolutions, the Applicant is not authorized to conduct any work in the SPO located on land owned by Harlem Valley Landfill Corp. ("HVLC") until an Amended SEQRA Findings, an Amended SUP and an Amended MDPA have been approved by the Planning Board.
5. All applicable Planning Board approvals (and conditions) related to the golf course renovation work shall remain in full force an effect.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed in the Town of Amenia Clerk's Office within 5 days after its adoption.

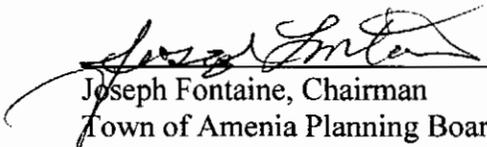
Motion By: Pete Clair

Second By: John Stefanopole

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Joseph Fontaine, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Peter Clair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
John Stefanopoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nathan Roy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Anthony Robustelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Erich McEnroe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Bill Kroeger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Dated: Amenia, New York
June 10, 2015


Joseph Fontaine, Chairman
Town of Amenia Planning Board