

APR 28 2016

RECEIVED



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

TOWN OF AMENIA PLANNING BOARD

Resolution # 4 for 2016

April 27, 2016

Resolution Approving Lot Line Adjustments and the Final Subdivision Plats for the Silo Ridge Field Club

WHEREAS, in October 2013, Silo Ridge Ventures, LLC (the "Applicant") submitted applications to the Planning Board to develop a mixed-use 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, 7066-00-628131; and

WHEREAS, a portion of the resort community would also be developed on a portion of an adjoining tax parcel 7066-00-870350 owned by the Harlem Valley Landfill Corp ("HVLC Property") and also located in the Town of Amenia; and

WHEREAS, the resort community includes, among other things, 52 attached condominiums, 159 single-family detached homes on separate lots, 13 townhomes on separate lots, 21 hotel-condominium lodging units, a winery-themed restaurant, an 18-hole golf course, a clubhouse/lodge (with restaurant, bar/lounge and golf pro shop), family activity barn and lake pavilion, fitness spa, yoga center, golf academy, sales center and general store, village green, an "Artisan's Park Overlook," water and waste-water plants, recreational and open space amenities and related improvements to be owned and maintained by one or more homeowner's associations and condominium associations (the "Modified Project"); and

WHEREAS, in connection with the Modified Project, the Applicant applied to the Planning Board for, among other things: (1) an amended Special Permit/Master Development Plan approval pursuant to Section 121-18(C)(3) of the Zoning Code ("Special Permit"); (2) Special Permit approvals for the golf maintenance facility, golf course improvements and waste water treatment plant to be located on a portion of the HVLC Property in the OC Zoning District pursuant to Section 121-10(B) of the Zoning Code; (3) a Site Plan approval for the first phase of the Modified Project including the golf maintenance facility, golf course improvements and waste-water treatment plant ("WWTP") to be located on a portion of the HVLC Property ("Phase

1 Site Plan”); (4) a Preliminary Subdivision approval and lot line adjustments to incorporate a portion of the HVLC Property pursuant to Chapter 105 (the “Subdivision Law”) of the Town Code; (5) Special Permit approval for storage at the golf maintenance facility of more than 500 pounds of fertilizers and pesticides/herbicides pursuant to Town Code 121-15(E)(1); and (6) certain waivers and supplementary approvals under the Town’s Zoning Code and Subdivision Law (collectively the “Applications”); and

WHEREAS, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the Applications (including all materials submitted by the Applicant in support of the Applications) over a period of two and half years; and

WHEREAS, on July 29, 2015, the Planning Board adopted an Amended and Restated Findings Statement (with mitigation measures) for the Modified Project under SEQRA (the “2015 Amended SEQRA Findings”); and

WHEREAS, on July 29, 2015, pursuant to Section 105-12 of the Subdivision Law, the Planning Board adopted Resolution 11 of 2015 approving a preliminary subdivision plat for the Modified Project entitled “Silo Ridge Field Club Preliminary Subdivision Plats” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C. dated January 8, 2015 (last revised June 15, 2015) (the “Preliminary Plat Approval”). The Board also approved the remaining Applications; and

WHEREAS, the procedural history of the Planning Board’s SEQRA review and subdivision review of the Modified Project is set forth in detail in the Preliminary Plat Approval and is not repeated here; and

WHEREAS, pursuant to the Subdivision Law and Section 276 of the New York State Town Law, the Planning Board imposed a number of conditions on the Preliminary Plat Approval that must be satisfied before final subdivision approval could be granted; and

WHEREAS, since July 29, 2015, the Applicant submitted to the Planning Board an application for final subdivision approval together with final subdivision plats for the Modified Project and worked with the Board and its consultants to revise such final plats and to take other actions to satisfy the conditions of the Preliminary Plat Approval; and

WHEREAS, pursuant to Section 105-13(G) of the Subdivision Law, the Planning Board may permit a subdivision plat to be divided into two or more sections or phases subject to any conditions it deems necessary to ensure the orderly development of the final subdivision plat; and

WHEREAS, the final subdivision plats submitted by the Applicant are broken down into phases which include the following: (i) the first phase (known as “Phase 1A”) will include, among other things, the existing golf course including the driving range, and installation of related infrastructure, the WWTP and conveyance system, the water supply and distribution system and treatment facility, the Clubhouse, the Village Green neighborhood condominiums and townhomes, the Golf Villa neighborhood, the South Lawn neighborhood single-family

homes, certain Estate Homes, the Sales Center and General Store, the Artisan’s Park Overlook, amenity buildings, and related infrastructure; (ii) the second phase (known as “Phase 1B”) will include the creation of Lots LL-9 to LL-32 and construction of their related infrastructure; (iii) the third phase (known as “Phase 1C”) will include the creation Lots VG-18 to VG-24 and the construction of their related infrastructure; (iv) the fourth phase (known as “Phase 1D”) will include the creation of Lots VG-2 to VG-17 and the construction of their related infrastructure; and (v) the fifth phase (known as “Phase 1E”) will include the creation Lots E-29 to E-47 and the construction of their related infrastructure; and

WHEREAS, as required by Section 105-13 of the Subdivision Law, the proposed road and driveway cuts for the Modified Project have been approval by the Town Superintendent of Highways and the Town Engineer; and

WHEREAS, on April 27, 2016 the Town’s Planner, Mary Ann Johnson, AICP, submitted to the Planning Board a detailed memorandum (with supporting exhibits and documentation) demonstrating that the Applicant had satisfied the conditions of the Preliminary Plat Approval authorizing the approval of the final subdivision plat by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has determined that the final subdivision plats submitted by the Applicant are in substantial agreement with the Preliminary Plat Approval including any plat modifications or requirements imposed by the Board in the Preliminary Plat Approval. As a result, no public hearing is necessary on the final subdivision plats; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-13 and Appendices B and C of the Subdivision Law, the Planning Board hereby approves the lot line adjustments and Final Subdivision Plats for the Modified Project entitled “Silo Ridge Field Club Final Subdivision Plats” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C. dated November 25, 2015 (latest issue dated February 8, 2016) consisting of the following drawings and plats:

<u>Number</u>	<u>Drawing Title</u>	<u>Issue Date</u>
COV-1A	Cover – Phase 1A	2/8/2016
PL0.01-PL0.02	Subdivision Plat Notes	2/8/2016
PL1.01- PL1.02	Existing Conditions Plat	2/8/2016
PL2.00	Overall Subdivision Plat	1/13/2016
PL3.01	HVLC Subdivision Plat	2/8/2016
PL4.00-PL4.09	Subdivision Plat Phase 1A	2/8/2016
PL5.00-PL5.04	Conservation Easement Subdivision Plat	2/8/2016
PL6.01- PL6.03	Stormwater Drainage Easement Plats	2/8/2016
PL7.01-PL7.03	Water-Works Corporation Easements	2/8/2016
PL8.01-PL8.03	Sewage-Works Corporation Easements	2/8/2016
COV-1B	Cover – Phase 1B	1/13/2016
PL9.00-PL9.01	Subdivision Plat Phase 1B	1/13/2016
COV-1C	Cover – Phase 1C	1/13/2016

PL10.00-PL10.01	Subdivision Plat Phase 1C	1/13/2016
COV-1D	Cover – Phase 1D	1/13/2016
PL11.00-PL11.01	Subdivision Plat Phase 1D	1/13/2016
COV-1E	Cover – Phase 1E	1/13/2016
PL12.00-PL12.01	Subdivision Plat Phase 1E	1/13/2016

BE IT FURTHER RESOLVED, that upon the satisfaction of the following conditions, the Planning Board Chairman is hereby authorized to stamp and endorse the final subdivision plats related to Phase 1A:

1. Pursuant to Section 105-28 of the Subdivision Law, the Applicant shall submit to the Planning Board the following executed original performance guaranties:
 - a. Performance bond in the amount of \$7,783,737 to guarantee the completion of infrastructure improvements for Phase 1A of the Modified Project.
 - b. Performance bond in the amount of \$4,607,538 to guarantee the completion of the wastewater treatment plant and sewage works system for the Modified Project.

The final form of these performance guarantees shall be in a form acceptable to the Planning Board Attorney.

2. The Applicant shall submit to the Planning Board the following executed easements and agreements and post all related financial security with the Town Clerk of the Town of Amenia (collectively “the Easements and Agreements”):
 - a. Public Access Easement and Agreement, made between Silo Ridge Ventures Property A, LLC (“SRVP”) and Town of Amenia.
 - b. Conservation Easement and Declaration of Covenants and Restrictions: Natural Conservation Area, made between SRVP, North American Land Trust, and Town of Amenia.
 - c. Conservation Easement and Declaration of Covenants and Restrictions: Maintained Conservation Area and Restored Conservation Area, made between SRVP, North American Land Trust, and Town of Amenia.
 - d. Emergency Access Easement, made between SRVP, Harlem Valley Landfill Corp., and Town of Amenia.
 - e. Stormwater Management System Maintenance and Easement Agreement, made between SRVP, HVLC and Town of Amenia.

- f. Water Works Easement Agreement, made between SRVP, Harlem Valley Landfill Corp., and Silo Ridge Water Works Corporation.
 - g. Sewage Works Easement Agreement, made between SRVP, Harlem Valley Landfill Corp., and Silo Ridge Sewage Works Corporation.
 - h. Declaration of Access and Storm Water Easements and Covenants, made by SRVP.
 - i. Easement Agreement, made between SRVP, Harlem Valley Landfill Corp., and Silo Ridge Field Club, LLC.
 - j. Amended and Restated Security Agreement, Landscape Survivability Guaranty and Licenses, between SRVP, HVLC and Town of Amenia.
 - k. License Agreement, made between SRVP, HVLC and Town of Amenia (providing access for performance of bonded improvements).
 - l. Subordination Agreement between SRVP and CPIF Lending, LLC.
 - m. Subordination Agreement, if necessary, between HVLC and any lender or other organization holding a security interest in the HVLC Property.
 - n. Declaration of Covenants Restrictions, Easements Charges and Liens made by the SRVP.
3. The final form of all Easements and Agreements noted above shall be acceptable to the Planning Board Attorney.
 4. The Applicant shall also submit to the Planning Board the following executed easements and agreements:
 - a. Escrow Agreement, made between Silo Ridge Sewage Works Corporation (“SWC”), Town of Amenia, and Denise Fitzpatrick relating to the stock of the SWC; and
 - b. Escrow Agreement made between SRVP and David Everett relating to the Conservation Easement and Declaration of Covenants and Restrictions: Maintained Conservation Area and Restored Conservation Area, made between SRVP, North American Land Trust, and Town of Amenia.
 5. The Applicant shall pay any outstanding invoices of the Planning Board’s consultants incurred in connection with reviewing and processing the applications related to the Modified Project.
 6. The Applicant shall arrange for the continuing services of the Third Party Inspector who shall comply with the Third Party Inspector protocol approved by the Planning Board for the construction and installation of all required improvements. The Town Code Enforcement Officer and the Town Engineer

shall retain the authority to inspect all required improvements to ensure that all Town requirements and specifications are met during construction subject to the payment of all necessary fees and charges. The escrow in place for this service shall be increased by an additional amount of \$5000.00 to cover any charges related to Town Engineer required inspections.

7. The Applicant shall submit a copy of the last deed of record for the properties included in this final subdivision approval together with a letter from a title company verifying that the Applicant and HVLC are the owners of such properties.
8. The appropriate plat sheet and mylar shall be revised to reflect the most current date of the final easements or agreements associated with this subdivision.
9. The Town Engineer shall submit the Certification required by Appendix C, Section IV(4)(c) of the Subdivision Law.

BE IT FURTHER RESOLVED, the Applicant shall not be permitted to begin construction of any buildings in any other phases (other than Phase 1A) until: (1) the required improvements have been installed and approved in such phase or a performance guaranty covering the cost of such improvements has been posted with the Town in an amount, a form and a surety acceptable to the Planning Board and the Town Board as required by the Subdivision Law; and (2) the plat for such phase has been signed by the Chairman of the Planning Board; and (3) the plat for such phase has been recorded in the Dutchess County Clerk's Office; and

BE IT FURTHER RESOLVED, that pursuant to the Subdivision Law and Section 276 of the New York State Town Law, the Planning Board imposes the following ongoing requirements on the final subdivision approval granted by this resolution:

1. The Applicant shall implement all conditions and mitigation measures contained in the 2015 Amended SEQRA Findings for the Modified Project. These conditions and mitigation measures are incorporated by reference into this approval.
2. The Applicant shall comply at all times with: (1) the Special Permits (dated July 29, 2015) for the Modified Project; and (2) Phase 1 Site Plan approval (dated July 29, 2015) for the Modified Project.
3. The Applicant may develop any subsequent phases approved on the final subdivision plat in any order or sequence as it desires subject to the terms and conditions of this approval.
4. Pursuant to Section 119 of the NYS Transportation Corporations Law, the Applicant shall submit the final financial guarantee from the Silo Ridge Sewage Works Corporation to guarantee that the corporation will continue to maintain and

operate the sewer system for a period of at least five years. The guarantee shall be in an amount of the estimated cost of the operation and maintenance of the sewage works, less the estimated revenues which are received from properties served and to be utilized to defray such operation and maintenance costs as reported by the Town Engineer. The bond must be acceptable to the Planning Board, Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety and the bond must be approved by the Town Board and posted before the Certificate of Occupancy is issued for the WWTP.

5. ~~Prior to the issuance of a Certificate of Occupancy or Certificate of Completion for any of the comfort stations on the golf course, the Applicant shall record the Conservation Easement and Declaration of Covenants and Restrictions: Maintained Conservation Area and Restored Conservation Area, made between SRVP, North American Land Trust, and Town of Amenia in the Dutchess County Clerk's Office~~
6. The Applicant shall coordinate the construction of any dry-fire hydrants for the Modified Project with the Amenia Fire District to ensure the proper functioning of the hydrants.
7. The Applicant shall submit will serve letters from each utility providing services to the Modified Project prior to the issuance of the first Certificate of Occupancy for the Modified Project or the first request for a bond reduction whichever event may occur first.
8. Prior to the installation of electric utilities by New York State Electric and Gas ("NYSEG") for the Modified Project, the Applicant shall provide the Planning Board with the performance bond submitted to NYSEG as required by Tariff "PSC No. 119 Electricity".
9. Prior to recording in the Dutchess County Clerk's Office any subdivision phase containing a common driveway serving multiple lots, the Applicant shall submit to the Planning Board a common driveway easement and reciprocal access easement for approval by the Board.
10. Pursuant to Section 105-24(E)(1) of the Subdivision Law, at least five days prior to the commencement of the required improvements or utilities, the Applicant shall notify the Town Engineer in writing of the time when the Applicant proposes to commence construction of such improvements so that the Town may cause such inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities as required by the Planning Board.
11. In order to facilitate inspection of required improvements during construction, and in accordance with Section 105-24(E)(2) of the Subdivision Law, the Applicant shall notify the Town Engineer at least three working days before reaching each of the following stages of construction:

- a. Rough grading complete;
 - b. Drainage and other underground facilities installed, but prior to backfilling;
 - c. After gravel base is spread and compacted;
 - d. When each pavement course is being applied; and
 - e. After completion of all improvements.
12. Pursuant to Section 105-24(E)(3) of the Subdivision Law, the Applicant shall not proceed to work on any stage subsequent to the first stage until the work of the previous stage has been inspected and approved by the Town Engineer or a representative who may be duly authorized by the Town Board. In the case of any other improvements, the Town Engineer shall inspect the work at such progressive stages as specified. The Town Engineer shall certify in writing to the Planning Board that the work was inspected and was found to be in accordance with the approved plans and specifications.
 13. Pursuant to Section 105-24(F) of the Subdivision Law, if the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance guaranty, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Applicant, he/she shall so report to the Town Board, the Building Inspector and the Planning Board. The Town Board shall then notify the Applicant and, if necessary, the bonding company and take all necessary steps to preserve the Town's rights under the performance guaranty. No plat shall be approved by the Planning Board, nor shall any Building Permit or Certificate of Occupancy be issued by the Building Inspector, as long as the Applicant is in performance default on any previously approved plat within the Town of Amenia.
 14. The Planning Board reserves the right to impose additional conditions including, among other things, conditions that must be satisfied before recording the Phase 1B through Phase 1E final plats.
 15. The Applicant shall pay any outstanding invoices of the Planning Board's consultants incurred in connection with reviewing and processing the applications related to the Modified Project.

BE IT FURTHER RESOLVED, that pursuant to the Subdivision Law, within five (5) business days from this resolution, copies of the final plat shall be so certified by the Town of Amenia Code Enforcement Officer as being conditionally approved, a copy filed with the Planning Board and a certified copy mailed to the Applicant which shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approve plat; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-13(F(3) of the Subdivision Law, this conditional approval of the final plat shall expire within 180 days after this resolution

unless all the conditions precedent to the execution of the Phase 1A plat have been certified as being complete. The Planning Board may extend the time in which the approved Phase 1A plat must be submitted for signature by periods of 90 days each if the Planning Board determines, in its sole discretion, that such extension is warranted by the particular circumstances. Conditional approval of the final plat shall automatically terminate and be revoked without need for affirmative Planning Board action if all requirements for execution of the Phase 1A plat have not been certified as complete within 180 days of the original approval plus any subsequent extensions; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-13(F)(1) of the Subdivision Law and Town Law Section 276 and 279, the Applicant shall record the final plat for Phase 1A with the Dutchess County Clerk's Office within 62 days after the signing of the Phase 1A plat by the Planning Board Chairman and shall simultaneously record all Easements and Agreements (as identified above) and pay all applicable recording fees for said final plat, Easements and Agreements. The Applicant shall promptly provide proof of recording to the Planning Board as well as a copy of all recorded Easements and Agreements; and

BE IT FURTHER RESOLVED, that in the event the final plat for Phase 1A is not recorded in the Dutchess County Clerk's Office within 62 days after its execution, the final plat Phase 1A shall expire and any further action shall require the submission of a new application, payment of a new application fee and Planning Board review of all previous findings; and

BE IT FURTHER RESOLVED, in accordance with Subdivision Law Section 105-13(E), no changes, erasures, modifications or revisions shall be made on any final plat after approval has been given by the Planning Board and signed by the Planning Board Chairperson. In the event that any final plat, when recorded, contains any such changes, the plat shall be considered null and void, and the Planning Board shall institute proceedings to have said plat stricken from the records of the Dutchess County Clerk's Office and the Town Clerk's Office; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-13(G) of the Subdivision Law, the final plat approval of the subsequent phases (Phase 1B through 1E) shall continue in effect for a period of three years from the recording date of the final plat for Phase 1A with the Dutchess County Clerk's Office; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-13(G), the Applicant shall file all of the final subdivision plats approved by this resolution with the Town of Amenia Clerk's Office before recording the final plat for Phase 1A in the Dutchess County Clerk's Office; and

BE IT FURTHER RESOLVED, that if any condition or part of this approval resolution is annulled by a court of competent jurisdiction, the remainder of this approval resolution shall remain in full force and effect; and

BE IT FURTHER RESOLVED, that the Planning Board reserves the right to revoke this approval after a hearing if it determines that as a result of such annulment by a court of

competent jurisdiction, the Modified Project no longer complies with Town's Subdivision Law and/or Zoning Law; and

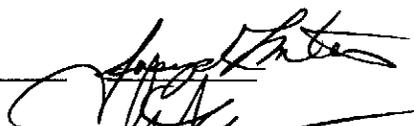
BE IT FURTHER RESOLVED, that within five (5) days of the date of this resolution, a copy of this resolution shall be filed in the office of the Town of Amenia Town Clerk, and a copy of this resolution shall be mailed to the Applicant within the same five (5) day period; and

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

Motion By: Peter Clair

Second By: Erich McEnroe

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Matthew Deister	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Anthony Robustelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Erich McEnroe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David Rosenberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Dated: April 27, 2016
 Amenia, New York