



TOWN OF AMENIA

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TOWN OF AMENIA PLANNING BOARD

Amenia Town Clerk

JAN 17 2017

Resolution # **1** for 2017

RECEIVED

January 11, 2017

Resolution Approving Amended Final Subdivision Plats – Phase 1A (FM#9458A) for the Silo Ridge Field Club (Amendment 1)

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, inconnection with the Modified Project, the Applicant applied to the Planning Board for a variety of approvals including, among others, a preliminary subdivision approval and lot line adjustments to incorporate a portion of the HVLC Property into the Modified Project pursuant to Chapter 105 (the “Subdivision Law”) of the Town Code (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 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 the State Environmental Quality Review Act (“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) and containing numerous conditions pursuant to the Subdivision Law and Section 276 of the New York State Town Law (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, on April 27, 2016, pursuant to Section 105-13 of the Subdivision Law, the Planning Board adopted Resolution 4 of 2016 approving the final subdivision plat 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 (last revised February 8, 2016) (the “Final Subdivision 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 were broken down into phases which include the following: (i) Phase 1A includes, among other things, the existing golf course including the driving range, and installation of related infrastructure, a waste-water treatment plant 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) Phase 1B will include the creation of Lots LL-9 to LL-32 and construction of their related infrastructure; (iii) Phase 1C will include the creation of Lots VG-18 to VG-24 and the construction of their related infrastructure; (iv) Phase 1D will include the creation of Lots VG-2 to VG-17 and the construction of their related infrastructure; and (v) Phase 1E will include the creation of Lots E-29 to E-47 and the construction of their related infrastructure; and

WHEREAS, the Final Subdivision Approval authorized the Planning Board Chairman to stamp and endorse the final subdivision plats for Phase 1A upon the satisfaction of conditions provided in the Final Subdivision Approval; and

WHEREAS, such conditions were satisfied and the final subdivision plats for Phase 1A were stamped and endorsed on May 5, 2016 and recorded in the Office of the Dutchess County Clerk on May 6, 2016 as Filed Map No. 9458A (“Final Plat Approval for Phase 1A”); and

WHEREAS, the Applicant subsequently asked the Planning Board Chairman to stamp and endorse the subdivision plats for Phase 1E and such plats were stamped and endorsed on November 9, 2016 and recorded in the Office of the Dutchess County Clerk on November 10, 2016 as Filed Map No. 9458B (“Final Plat Approval for Phase 1E”); and

WHEREAS, the Applicant submitted an application dated December 19, 2016 to the Planning Board seeking an approval amending the Phase 1A Plat - Filed Map No. 9458A (the “Amended Phase 1A Plats”) as follows:

- a. Making minor lot line adjustments to Lots CM-8, CM-9 and SR-10 of Filed Map 9458A, which have Grid numbers of 7066-02-675910, 7066-02-672902 and 7066-02-681920, respectively. The lot lines were adjusted to make it easier to develop driveways for Lots CM-8 and CM-9 due to topography.
- b. Making minor adjustments to the location of the Water Works Corporation Easement shown on Filed Map 9458A, Sheet PL 7.01, to include a water pump station in the easement area. The pump station was shown on the approved site plans for the Modified Project but inadvertently excluded from the easement area on Sheet PL 7.01.

WHEREAS, the Planning Board determines that the Amended Phase 1A Plats contain minor lot line and easement boundary adjustments that do not involve the creation of new lots, new roads, new improvements or the extension of new utilities or facilities and therefore constitutes a minor subdivision under Appendix A of the Subdivision Law; and

WHEREAS, the Planning Board and its engineering and legal consultants have reviewed the application for the Amended Phase 1A plats; and

WHEREAS, the Planning Board determines that the Amended Phase 1A Plats are in substantial agreement with the Final Subdivision Approval and the Final Plat Approval for Phase 1A including any requirements imposed by the Board; and

WHEREAS, the Planning Board determines that the Amended Phase 1A Plats contain minor lot line and easement boundary adjustments which do not create any new environmental impacts and are consistent with the 2015 Amended SEQRA Findings previously approved for the Modified Project; and

WHEREAS, the Planning Board determines that the application for the Amended Phase 1A Plats are complete; and

WHEREAS, the Planning Board had previously referred the subdivision plats for the Modified Project to the Dutchess County Planning Department (the “DCPD”) as required by

Section 239-n of the NYS General Municipal Law and the DCPD issued a report that determined the subdivision was a matter of local concern. The minor amendments included in the Amended Phase 1A Plats do not require referral to DCPD; and

WHEREAS, on January 11, 2017, the Planning Board held a public hearing on the Amended Phase 1A Plats as required by the Subdivision Law and closed the hearing on that date; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the Subdivision Law, the Planning Board hereby approves the Amended Phase 1A Plats for the Modified Project consisting of the following drawings and plats (subject to the conditions below):

<u>Number</u>	<u>Drawing Title</u>	<u>Last Revised Date</u>
PL0.00-1A	Amended Final Subdivision Plats (Cover Sheet)	12/16/2016
PL	Amended Final Subdivision Plat – Phase 1A (FM#9458A)	12/16/2016

BE IT FURTHER RESOLVED, that upon the satisfaction of the following conditions, the Planning Board Co-Chairs are hereby authorized to stamp and endorse the Amended Phase 1A Plats. Execution of the plat by both Co-Chairs constitutes amended final plat approval for Phase 1A:

1. The final plat sheets and mylars for the Amended Phase 1A Plats shall be submitted in a form that is acceptable to the Town Engineer.
2. The final plat sheets and mylars for the Amended Phase 1A Plats shall be endorsed by the Dutchess County Department of Health (“DCDOH”).
3. The Applicant shall submit a letter from a title company certifying that the Applicant is the record owner of lots CM-8, CM-9 and SR-10 – the lots affected by the Amended Phase 1A Plats.
4. The Applicant shall submit to the Planning Board the following fully executed easements and agreements including all exhibits (collectively “the Easements and Agreements”), in a final form acceptable to the Planning Board and its Attorney:
 - a. Second Amendment to Declaration of Access and Stormwater Easements and Covenants by Silo Ridge Ventures Property A, LLC (amending Declaration made May 5, 2016, recorded in the Dutchess County Clerk’s Office on May 20, 2016 as Document No. 02-2016-3163 and amended on November 11, 2016 and recorded in the Dutchess County Clerk’s Office on November 22, 2016 as

EDocument No. 02-2016-8162 to include new legal descriptions of Lots CM-8, CM-9 and SR-10); and

- b. Amendment to Declaration of Covenants, Restrictions, Easements, Charges and Liens made by Silo Ridge Ventures Property A, LLC (amending Declaration made May 5, 2016 and recorded in Dutchess County Clerk's Office on May 20, 2016 as Document No. 02-2016-3164 to include new legal descriptions of Lots CM-8, CM-9, ad SR-10); and
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 provide any other documents required by the Planning Board to ensure for the orderly development of Phase 1A.

BE IT FURTHER RESOLVED, that the Applicant shall not be permitted to begin construction of any buildings or improvements in any phases other than Phases 1A and 1E 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 and form 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 Co-Chairs 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 all the terms and conditions set forth in the Final Subdivision Approval and all other applicable approvals issued by the Planning Board for the Modified Project shall remain in full force and effect for Phase 1A and all other phases; and

BE IT FURTHER RESOLVED, that pursuant the Subdivision Law, within five (5) business days from this resolution, copies of the Amended Phase 1A Plats shall be so certified by the Planning Board Chairpersons as being conditionally approved, a copy filed with the Town Clerk and a copy mailed to the Applicant which shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat; and

BE IT FURTHER RESOLVED, that pursuant to the Subdivision Law, this conditional approval for the Amended Phase 1A Plats shall expire within 180 days after this resolution unless all the conditions precedent to the execution of the Amended Phase 1A Plats have been certified as being complete. The Planning Board may extend the time in which the approved Amended Phase 1A Plats 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 Amended Phase 1A Plats shall automatically terminate and be revoked without need for affirmative Planning Board action if all requirements for execution of the Amended Phase 1A Plats 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 the Subdivision Law and Town Law Section 276 and 279, the Applicant shall record the Amended Phase 1A Plats with the Dutchess

County Clerk's Office within 62 days after the signing of the Amended Phase 1A Plats by the Planning Board Co-Chairs and shall simultaneously record all Easements and Agreements (as identified above) and pay all applicable recording fees for said Amended Phase 1A Plats, 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 Amended Phase 1A Plats are not recorded in the Dutchess County Clerk's Office within 62 days after their execution, the Amended Phase 1A Plats 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 Co-Chairs. 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 Subdivision Approval of the subsequent phases (Phases 1B, 1C and 1D) shall continue in effect for a period of three years from the initial recording date of the final plat for Phase 1A with the Dutchess County Clerk's Office (on May 6, 2016); and

BE IT FURTHER RESOLVED, that if any condition or part of this resolution is annulled by a court of competent jurisdiction, the remainder of this 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

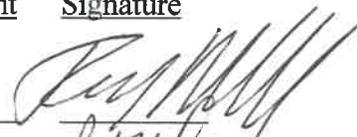
BE IT FURTHER RESOLVED, that within five (5) days of the date of this resolution, a copy of this resolution shall be filed in the office of the Town of Amenia Town Clerk, and a copy of this resolution shall be mailed to the Applicant within the same five (5) day period; and

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

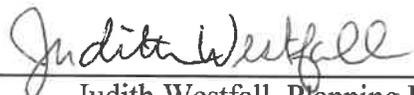
Motion By: Dave Rosenberg

Second By: Peter Clair

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>
Tony Robustelli, Co-Chair	<u>X</u>	_____	_____	_____	
Peter Clair, Co-Chair	<u>X</u>	_____	_____	_____	
John Stefanopoulos	<u>X</u>	_____	_____	_____	
Matthew Deister	<u>X</u>	_____	_____	_____	
Erich McEnroe	<u>X</u>	_____	_____	_____	
David Rosenberg	<u>X</u>	_____	_____	_____	
Larissa DeLango	_____	_____	<u>X</u>	_____	_____

Dated: January 11, 2017
 Amenia, New York


 Judith Westfall, Planning Board Clerk