Amenia Town Clerk

MAY 11 2017

Received

TOWN OF AMENIA

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TOWN OF AMENIA PLANNING BOARD

Resolution # 8 for 2017

May 10, 2017

Resolution Approving Lot Line Adjustments and Authorizing Planning Board Chairman to Stamp and Endorse Phase 1B Final Subdivision Plats for the Silo Ridge Field Club

WHEREAS, in October 2013, Silo Ridge Ventures, LLC for itself and on behalf of Silo Ridge Ventures Property A, LLC ("SRVPA" and collectively with 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-a-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, 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) Phase 1B will include the creation of Lots LL-9 to LL-32 (except as provided

below) 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 includes 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 FM #9458A ("Final Plat Approval for Phase 1A"); and

WHEREAS, the final subdivision plats for Phases 1B through 1E were filed with the Town of Amenia Town Clerk; and

WHEREAS, the Applicant subsequently submitted the final subdivision plats for Phase 1E for stamping and endorsement by the Planning Board Chairman; and

WHEREAS, on October 26, 2016, the Planning Board adopted Resolution 10 of 2016, authorizing the Planning Board Chairman to stamp and endorse the final subdivision plats for Phase 1E, upon satisfaction of certain conditions (the "Phase 1E Plat Approval"); and

WHEREAS, on November 9, 2016, in accordance with the Phase 1E Plat Approval the Planning Board Chairman stamped and endorsed the final subdivision plats for Phase 1E, which were filed in the Office of the Dutchess County Clerk on November 10, 2016 as FM #9458B; and

WHEREAS, the Applicant subsequently submitted an application for lot line adjustments for Lots CM-8, CM-9 and SR-10 of Phase 1A (FM#9458A), and minor adjustment to the location of the Water Works Corporation Easement on FM#9458A, Sheet PL 7.01, which the Planning Board approved on January 11, 2017 by adopting Resolution 1 of 2017; and

WHEREAS, the amended plats for Phase 1A approved by Resolution 1 of 2017 were stamped and endorsed by the Planning Board Co-Chairs on February 6, 2017 and filed in the Office of the Dutchess County Clerk on February 7, 2017 as FM #9458C; and

WHEREAS, the Applicant subsequently submitted an application for lot line adjustments to Lots CM-9 through -26 as shown on FM#9458A and #9458C, eliminating CM-13, -17, - and -26, and adjusting the lines for the remaining lots, as well as modifying the location of certain easements on the remaining lots, which the Planning Board approved on March 22, 2017 by adopting Resolution 7 of 2017; and

WHEREAS, the amended plats for Phase 1A approved by Resolution 7 of 2017 were stamped and endorsed by the Planning Board Chairman on April 20, 2017 and filed in the Office of the Dutchess County Clerk on April 21, 2017 as FM #9458D; and

WHEREAS, the Applicant has asked the Planning Board Chairman to stamp and endorse the final subdivision plats for Phase 1B, the overall plans for which were previously shown on Sheets PL 9.00 and PL 9.01 of FM #9458A (the "Final Phase 1B Plats"); and

WHEREAS, as part of the request for stamping and endorsement of the Final Phase 1B Plats, the Applicant submitted applications for (1) lot line adjustments to LL-9, LL-10, LL-11, LL-12, LL-13, LL-15, LL-16, LL-17, LL-18, LL-19, LL-21, LL-22, LL-24, LL-25, LL-26, LL-27, LL-29, LL-30, LL-31 and LL-32, (2) the elimination of LL-14, LL-20, LL-23, and LL-28 of Filed Map #9458A and 9458C, and (3) the relocation of portions of certain easements, including a Water-Works Corporation Easement affecting Lots LL-15 and -16, Sewage Works Corporation Easement affecting Lots LL-24 and -25 and drainage easement affecting Lots LL-16 and -17; and

WHEREAS, the Planning Board has determined that the request for the Final Phase 1B Plats lot line adjustments do not involve the creation of new roads or require the extension of municipal utilities or facilities, and therefore constitute a minor subdivision under Appendix A (105 Attachment 1) of the Subdivision Law; and

WHEREAS, the Planning Board and its engineering and legal consultants have reviewed an Environmental Assessment Form submitted by the Applicant in compliance with SEQRA; and

WHEREAS, that the Planning Board has determined that the applications for the Final Phase 1B Plats including lot line adjustments are complete; and

WHEREAS, as required by Section 105-115 Appendix B1 of the Town's Subdivision Code, a public hearing was held on the Final Phase 1B Plats on May 10, 2017 and closed on that date; and

WHEREAS, as required by Section 105-28 of the Subdivision Law, the Applicant has previously provided performance bonds for Phases 1A and 1E; and

WHEREAS, in connection with the Final Phase 1B Plats, the Applicant has submitted to the Planning Board a draft performance bond in the amount of $767,951 to guarantee the completion of infrastructure improvements for Phase 1B of the Modified Project, which has been reviewed by the Planning Board Attorney and Planning Board; and

WHEREAS, the form of this performance bond was previously approved by the Town Board on May 4, 2017; and

WHEREAS, in connection with the prior approvals for the Modified Project, the Applicant and HVLC granted certain licenses to the Town in connection with the performance

bonds for Phases 1A and 1E by entering into a License Agreement, dated as of May 5, 2016, and recorded in the Dutchess County Clerk's Office on May 20, 2016 as Document No. 02-2016-3166, as amended by an Amended and Restated License Agreement, dated as of November 9, 2016, and recorded in the Dutchess County Clerk's Office on November 22, 2016, as Document No. 02-2016-8158 (the "Amended and Restated License Agreement"), with respect to the Bonds; and

WHEREAS, in connection with the Final Phase 1B Plats, the Applicant must amend the Amended and Restated License Agreement to grant licenses to the Town in connection with the performance bond for Phase 1B, and has submitted a First Amendment to Amended and Restated License Agreement, made between SRVPA, HVLC and Town of Amenia, providing access for performance of bonded improvements required in Phase 1B, which was previously approved by the Town Board on May 3, 2017, which has been reviewed by the Planning Board Attorney and Planning Board; and

WHEREAS, in connection with prior approvals for the Modified Project, the Applicant made a certain Declaration of Access and Storm Water Easements and Covenants, dated as of May 5, 2016, and recorded in the Dutchess County Clerk's Office on May 20, 2016, as Document No. 02-2016-3163, as amended by Amendment to Declaration of Access and Storm Water Easements and Covenants, dated as of November 11, 2016, and recorded in the Dutchess County Clerk's Office on November 22, 2016, as Document No. 02-2016-8162, Second Amendment to Declaration of Access and Storm Water Easements and Covenants, dated as of January 31, 2017, and recorded in the Dutchess County Clerk's Office on March 17, 2017, as Document No. 02-2017-1881, and Third Amendment to Declaration of Access and Storm Water Easements and Covenants, dated as of April 18, 2017; and

WHEREAS, the Applicant must make certain amendments to the Declaration of Access and Stormwater Easements to conform the descriptions of the parcels to the Final Phase 1B Plats, and has submitted a Fourth Amendment to Declaration of Access and Stormwater Easements and Covenants, which has been reviewed by the Planning Board Attorney and Planning Board; and

WHEREAS, in connection with the prior approvals for the Modified Project, the Applicant made a certain Declaration of Covenants, Restrictions, Easements, Charges and Liens, dated as of May 5, 2016, and recorded in the Dutchess County Clerk's Office on May 20, 2016, as Document No. 02-2016-3164, as amended by Amendment to Declaration of Covenants, Restrictions, Easements, Charges and Liens, dated as of January 31, 2017, and recorded in the Dutchess County Clerk's Office on March 17, 2017, as Document No. 02-2017-1880 and Second Amendment to Declaration of Covenants, Restrictions, Easements, Charges and Liens, dated as of April 18, 2017; and

WHEREAS, the Applicant must make certain amendments to the HOA Declaration to conform the descriptions of the parcels to the Final Phase 1B Plats, and has submitted a Third Amendment to Declaration of Covenants, Restrictions, Easements, Charges and Liens, which has been reviewed by the Planning Board Attorney and Planning Board; and

WHEREAS, Condition No. 9 of the Final Subdivision Approval states "[p]rior to recording in the Dutchess County Clerk's Office any subdivision phase containing a common driveway serving multiple lots, the [Declarant] shall submit to the Planning Board a common driveway easement and reciprocal access easement for approval by the [Town of Amenia Planning] Board;" and

WHEREAS, the Final Phase 1B Plats include Lots LL-9 and LL-9, which share a common driveway on Lot LL-9, which is shown on the plats; and

WHEREAS, the Applicant has submitted a draft Declaration of Common Driveway Reciprocal Easements and Covenants (Lots LL-9 and LL-10), which has been reviewed by the Town Engineer, Planning Board Attorney and Planning Board; and

WHEREAS, in connection with the prior approvals for the Modified Project, the Applicant, CPIF Lending, LLC, HVLC and the Town of Amenia entered into a Subordination Agreement dated as of November 10, 2016 and recorded in the Dutchess County Clerk's Office on November 22, 2016 as Document No. 01-2016-7566, subordinating the mortgages held by CPIF Lending (the "Lender") to certain Superior Agreements, modification or amendment of which was subject to the Lender's prior written consent; and

WHEREAS, certain of the Superior Agreements will be modified or amended in connection with the Final Phase 1B Plats and the Declaration of Common Driveway Easements and Covenants, made by SRVPA for Lots LL-9 and LL-10 will be added to the Superior Agreements, requiring the Lender's prior written consent; and

WHEREAS, the Applicant has submitted a Subordination Agreement providing the Lender's written consent to these amendments, modifications and additions, which has been review by the Planning Board Attorney and Planning Board; and

WHEREAS, in connection with the prior approvals for the Modified Project, the Applicant granted an easement to the Silo Ridge Water Works Corporation for the purposes of operating the water supply and distribution system to the Modified Project (the "Water Works Easement") made on May 5, 2016 and recorded in the Dutchess County Clerk's Office on May 20, 2016 as Document No. 02-2016-3161 and shown on Filed Map No. 9458A, Sheet PL 7.01; as amended by First Amendment to Water Works Easement Agreement, dated April 18, 2017; and

WHEREAS, in connection with the Final Phase 1B Plats, the Applicant must make certain modifications to the Water Works Easement to abandon a portion of the easement area and has submitted a draft Second Amendment to Water-Works Easement Agreement, made between SRVPA, HVLC and Silo Ridge Water Works Corporation, which has been reviewed by the Planning Board Attorney and Planning Board; and

WHEREAS, in connection with the prior approvals for the Modified Project, the Applicant and HVLC granted an easement to the Silo Ridge Sewage-Works Corporation, dated

as of May 5, 2016, and recorded in the Dutchess County Clerk's office on May 20, 2016, as Document No. as Document No. 02-2016-3162 (the "Sewage-Works Easement"); and

WHEREAS, in connection with the Final Phase 1B Plats, the Applicant must make certain modifications to the Sewage-Works Easement to abandon a portion of the easement area and has submitted a draft First Amendment to Sewage Works Easement Agreement, made between SRVPA, HVLC and Silo Ridge Sewage Works Corporation, which has been reviewed by the Planning Board Attorney and Planning Board; and

WHEREAS, the Planning Board and its engineering and legal consultants have reviewed all application materials, drawings and plats; and

WHEREAS, the Applicant is required to satisfy certain conditions before the Planning Board Chairman is authorized to stamp and endorse the Final Phase 1B Plats, a portion of which have been satisfied as follows:

1. The Applicant shall submit the last deed of record as well as a letter from a title company certifying that the Applicant is the record owner of such property. This has been satisfied by prior submission of the deed of record and the submission of a letter from National Land Tenure Company dated April 28, 2017.

2. The Planning Board must receive a certification from the Town Engineer that the performance bond posted by the Applicant is sufficient in amount to assure completion of all required improvements. This has been satisfied by a letter and certification from the Town Engineer to the Planning Board dated April 26, 2017.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has determined that the Final Phase 1B Plats submitted by the Applicant are in substantial agreement with the Final Subdivision Approval including any requirements imposed by the Board; and

BE IT FURTHER RESOLVED, that the Planning Board determines that the Final Phase 1B Plats are consistent with the 2015 Amended SEQRA Findings, previously approved; 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 Subdivision Plats – Phase 1B (FM#9458A)" prepared by VHB Engineering dated March 31, 2017 (latest issue dated April 27, 2017) consisting of the following drawings and plats (the "Final Phase 1B Plats"):

Number	Drawing Title	Last revised date
	Cover – Subdivision Plats - Phase 1B	4/27/2017
PL-1	Subdivision Plat – Phase 1B	3/31/2017
PL-2	Subdivision Plat – Phase 1B Water-Works Corporation Easements	3/31/2017
PL-3	Subdivision Plat – Phase 1B Sewage-Works Corporation Easements	3/31/2017

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 Phase 1B Plats. Execution of the plat constitutes final plat approval for Phase 1B:

1. The Applicant must address all remaining comments in the Memorandum from John V. Andrews, Jr., P.E. of Rohde, Soyka & Andrews, Consulting Engineers, P.C. dated May 9, 2017 to the satisfaction of the Town Engineer.

2. The final plat sheets and mylars for Phase 1B shall be submitted in a form that is acceptable to the Town Engineer.

3. Pursuant to Section 105-28 of the Subdivision Law, the Applicant will submit to the Planning Board an executed original performance bond in the amount of $767,951 to guarantee the completion of infrastructure improvements for Phase 1B of the Modified Project. The form of this bond was previously approved by the Town Board on May 4, 2017.

4. The final plat sheets and mylars for Phase 1B shall be endorsed by the Dutchess County Department of Health ("DCDOH").

5. 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 Attorney:

    a. First Amendment to Amended and Restated License Agreement, made between SRVPA, HVLC and Town of Amenia (providing access for performance of bonded improvements required in Phase 1B) which was previously approved by the Town Board on May 4, 2017.

    b. Fourth Amendment to Declaration of Access and Stormwater Easements and Covenants, made by SRVPA.

    c. Third Amendment to Declaration of Covenants, Restrictions, Easements, Charges and Liens, made by SRVPA.

    d. Declaration of Common Driveway Easements and Covenants, made by SRVPA for Lots LL-9 and LL-10, the form of which is approved.

    e. Subordination Agreement between CPIF Lending, LLC and SRVPA granting Lender's approval to modified superior agreements and subordinating the existing mortgage to Declaration of Common Driveway Easements and Covenants for Lots LL-9 and LL-10.

f. Second Amendment to Water-Works Easement Agreement, made between SRVPA, HVLC and Silo Ridge Water Works Corporation.

g. First Amendment to Sewage-Works Easement Agreement, made between SRVPA, HVLC and Silo Ridge Sewage Works Corporation.

6. The Town Engineer shall submit the Certification required by Appendix C, Section IV(4)(c) of the Subdivision Law, certifying compliance with respect to the portions of Phases 1A and 1E completed to date.

7. 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 in Phase 1B and prior phases to ensure that all Town requirements and specifications are met during construction subject to the payment of all necessary fees and charges. The Applicant has previously posted $5000 into escrow with the Town to cover any charges related to Town Engineer required inspections for prior phases, and this amount shall be available to cover any charges related to Town Engineer required inspections for prior phases, Phase 1B, and/or any future phases of the Modified Project. This escrow amount shall be replenished, at the request of the Planning Board, with a deposit of $5000, whenever the balance in the account is insufficient to cover charges related to required inspections.

8. 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.

9. The Applicant shall provide any other documents required by the Planning Board to ensure for the orderly development of Phase 1B.

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 approvals granted by this resolution:

1. Prior to the issuance of the first building permit for construction in Phase 1B, the Applicant shall submit proof of recording of the following easements and agreements previously reviewed in connection with prior approvals for the Modified Project, and noted as made but not yet recorded:

    a. Third Amendment to Declaration of Access and Storm Water Easements and Covenants, dated April 18, 2017;

    b. Second Amendment to Declaration of Covenants, Restrictions, Easements, Charges and Liens, dated April 18, 2017; and

    c. First Amendment to Water Works Easement Agreement, dated April 18, 2017.

2. Prior to the issuance of the first Certificate of Occupancy for Phase 1B or the first request for a bond reduction for the Phase 1B performance bond, whichever may occur first, the Applicant shall submit will serve letters from each utility providing services to Phase 1B.

3. The Applicant shall not be permitted to begin construction of any buildings in any other phases (other than Phases 1A, 1B 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 Chairman of the Planning Board; and (3) the plat for such phase has been recorded in the Dutchess County Clerk's Office; and

4. 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 1B; and

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BE IT FURTHER RESOLVED, that pursuant to the Subdivision Law, within five (5) business days from this resolution, copies of the final Phase 1B 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 approved plat; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-13(F)(3) of the Subdivision Law, this final plat conditional approval for Phase 1B shall expire within 180 days after this resolution unless all the conditions precedent to the execution of the Phase 1B plat have been certified as being complete. The Planning Board may extend the time in which the approved Phase 1B 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 Phase 1B plat shall automatically terminate and be revoked without need for affirmative Planning Board action if all requirements for execution of the Phase 1B 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 1B with the Dutchess County Clerk's Office within 62 days after the signing of the Phase 1B 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 Phase 1B 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 1B is not recorded in the Dutchess County Clerk's Office within 62 days after its execution, the final

Phase 1B plat 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 Subdivision Approval of the subsequent phases (Phases 1C and 1D) 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 (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: Tony Robustelli

Second By: Erich McEnroe

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

	Yes	No	Abstain	Absent	Signature
Larissa DeLango, Chairman	✓				
Anthony Robustelli,	✓				

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Deputy Chairman					
John Stefanopoulos	✓				
Matthew Deister				✓	–
Peter Clair				✓	–
Erich McEnroe	✓				
David Rosenberg				✓	–

Dated: May 10, 2017
Amenia, New York

Judith Westfall
Judith Westfall, Planning Board Secretary