



# TOWN OF AMENIA

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4988 Route 22, AMENIA, NY 12501  
(845) 373-8118, Ext. 124  
Fax (845) 373-9147

## **PLANNING BOARD MEETING WEDNESDAY, JUNE 12, 2019 7 P.M. 2nd FLOOR MEETING ROOM**

**REGULAR MEETING: 1. Amenia Drive – In / Airstream Camper  
Revisions & Resolution**

**2. Savarese Septic – Revisions**

**3. SILO RIDGE – E-49, E-50, & E-51 & Driveway  
Revisions**

**4. TROUTBECK WELLNESS CENTER – Revisions**

**OTHER MATTERS: Town Board Solar Law – Comments from Planning Board**

**Minutes: April 24, 2019 meeting**



# TOWN OF AMENIA

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

Amenia Town Clerk

JUN 13 2019

TOWN OF AMENIA PLANNING BOARD

Received

Resolution # 9 for 2019

## **Approving an Amended Site Plan for an Airstream Camper and Campsites at the Amenia Drive-In Theater**

**June 12, 2019**

**WHEREAS**, John Stefanopoulos (the “Applicant”) is the authorized representative for Four Brothers Pizza, Inc., the owner of 15.32± acres of land located at 4957 NYS Route 22 in Amenia, New York (the “Property”); and

**WHEREAS**, the Property is predominantly located in the Hamlet Mixed Use (HM) Zoning District and the Aquifer and Historic Preservation Overlay Districts; and

**WHEREAS**, on June 20, 2013, the Town of Amenia Planning Board (the “Planning Board”) granted a Special Permit and site plan approval for the development of a drive-in theatre on the Property; and

**WHEREAS**, on March 25, 2015, the Planning Board granted an amended Special Permit and site plan approval for the addition of numerous constructed improvements and to identify additional signs not depicted in the original site plan; and

**WHEREAS**, the Town of Amenia Zoning Board of Appeals also granted numerous area variance for signs at the drive-in theater; and

**WHEREAS**, on September 13, 2017, the Planning Board granted an amended site plan approval for replacement of the snack shack at the drive-in theater with a new building to provide more space for the food service and more efficient customer service; and

**WHEREAS**, the Applicant now seeks to amend its site plan to expand its recreational business to allow limited overnight accommodations at the drive-in theater including one airstream camper and three tent sites; and

**WHEREAS**, the documents submitted by the Applicant as part of its application consisted of, among other things, (1) a Land Use Application, (2) a Revised Site Plan prepared by Renna Engineering Design, PLLC, (3) photographs of the Airstream Camper, (4) Part 1 of a

Short Environmental Assessment Form, and (5) the requisite filing fee and escrow amount for the Application (the "Application"); and

**WHEREAS**, the Planning Board and its consultants reviewed and considered all of the above referenced documents submitted by the Applicant as part of its Application; and

**WHEREAS**, the Planning Board determined that, in accordance with Section 121-64 of the Town of Amenia Zoning Code (the "Zoning Code"), because the Application only involved a new accessory structure and use (without a change in principle use), only a site plan approval is required; and

**WHEREAS**, the Planning Board has determined that the Project qualifies as a minor project under Section 121-60(C)(1) of the Zoning Code because the Application does not exceed any of the thresholds set forth therein. Therefore, no public hearing was required and given the limited nature of the proposed improvements, the Board decided that a public hearing was not warranted; and

**WHEREAS**, the Planning Board deemed the Application for an amended site plan to be complete for purposes of referring the Amended Application to the Dutchess County Department of Planning and Development ("County Planning Department") as required by Section 239-m of the NYS General Municipal Law and thereafter caused the necessary referral to be made to the County Planning Department; and

**WHEREAS**, the County Planning Department reviewed the Project for countywide and inter-municipal impacts and issued a report dated May 31, 2019 stating that the Project was a matter of local concern; and

**WHEREAS**, the Planning Board has determined that the Project is a Type II Action under the State Environmental Quality Review Act ("SEQRA") because the action entails the construction of a non-residential facility involving less than 4,000 square feet of gross floor area (See 6 NYCRR 617.5(c)(9)) and therefore no environmental review is required; and

**WHEREAS**, the Planning Board has determined that the Project will comply with all zoning district and other specific requirements of the Zoning Code and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Code and the HM Zoning district; and

**WHEREAS**, the Planning Board has determined that the Project will comply with the applicable Site Plan criteria in Sections 121-65(D) and 121-67 of the Zoning Code and will not adversely affect neighboring properties; and

**WHEREAS**, the Planning Board's determinations outlined above are based on the Applicant's representations contained in all of the application materials submitted to the Planning Board and the Applicant's compliance with the Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with Section 121-67 of the Zoning Code, the Planning Board hereby approves the Amended Site Plan, Airstream Camper dated April 17, 2019 (last revised April 29, 2019) prepared by Renna Engineering Design, PLLC (“Amended Site Plan Approval”); and

**BE IT FURTHER RESOLVED**, that pursuant to the Zoning Code and Sections 274-a of the New York State Town Law, the Planning Board imposes the following conditions on the Amended Site Plan Approval granted by this resolution:

1. At all times, the Applicant shall comply with the Amended Site Plan Approval including, without limitation, all notes on the approved plans;
2. In accordance with Section 121-74 of the Zoning Code (definition of “camp”) no more than four campsites including the airstream camper shall be permitted at the Property;
3. The Applicant shall provide 24/7 access to the restrooms located to the east of the campsites for use by overnight guests, when present;
4. Outdoor cooking shall be prohibited at the campsites. Overnight guests shall be sufficiently notified of such restriction;
5. Overnight guests shall comply with the Town of Amenia noise laws. Quiet hours shall become effective upon the conclusion of the last feature film and shall remain in effect until 7am the following day;
6. Campfires shall be permitted within the designated fire pit only. Overnight guests will be required to extinguish their campfires upon the conclusion of the last feature film;
7. Prior to the execution of the Amended Site Plan Approval by the Planning Board Chairman, the Applicant shall pay the outstanding invoices of the Planning Board’s consultants incurred in connection with this Application;
8. All terms and conditions of the special permit, as amended, previously granted for the Amenia Drive-In shall remain in full-force and effect; and
9. Any change to the Amended Site Plan Approval (including adding new signs) may require an amended site plan approval from the Planning Board and/or sign variances from the ZBA; and

**BE IT FURTHER RESOLVED**, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the approved amended site plans upon the Applicant’s compliance with applicable conditions, and the submission requirements stated herein, if any; and

**BE IT FURTHER RESOLVED**, that in accordance with Section 121-68(E) of the Zoning Code: (1) this Amended Site Plan Approval shall expire if the Applicant fails to

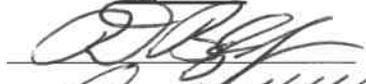
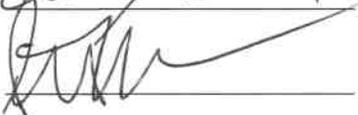
commence construction, to obtain the necessary building permits, or fails to comply with the conditions of this Amended Site Plan Approval within 18 months of its issuance. The Planning Board may grant a one-time six-month extension; (2) this Amended Site Plan Approval may be revoked by the Planning Board if the Applicant violates the Amended Site Plan Approval or its conditions or engages in any construction or alteration not authorized by the Amended Site Plan Approval; (3) any violation of the Amended Site Plan Approval or its conditions shall be deemed a violation of the Zoning Code and shall be subject to enforcement action; and

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

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

Motion By: Pete Clair  
 Second By: Tony Robustelli

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>
Robert Boyles, Chairperson	✓				
Anthony Robustelli	✓				
Peter Clair	✓				
Matthew Deister				✓	
Erich McEnroe	✓				
John Stefanopoulos				✓	
Walter Brett	✓				

Dated: June 12, 2019  
 Amenia, New York

  
 Judith Westfall, Planning Board Clerk



# TOWN OF AMENIA

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Amenia Town Clerk

JUN 13 2019

Received

## TOWN OF AMENIA PLANNING BOARD

Resolution # 10 for 2019

### Resolution Granting Amended Site Plan Approval for Lots E-49, E-50 and E-51 of the Phase 1 Site Plans of the Silo Ridge Resort Community

June 12, 2019

**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 "Original 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 Original 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 Original 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 the Final Subdivision Approval, the Project Site has been subdivided into multiple lots, including Lot E-49, Lot E-50, and Lot E-51 (each a "Lot," and collectively, the "Lots"); and

**WHEREAS**, pursuant to Section 121-68(D) of the Town of Amenia Zoning Code (the "Zoning Code"), on or around March 4, 2019, the Applicant submitted an application to the Planning Board seeking amended site plan approval to allow for a shared common driveway to serve Lot E-49, Lot E-50 and Lot E-51, which was not part of the original Phase 1 Site Plan approval; and

**WHEREAS**, the documents submitted by the Applicant as part of its application consisted of, among other things, (1) a Land Use Application; (2) site plan amendment for Phase 1 Site Plans for Lots Lot E-49, E-50, and E-51 prepared by VHB Engineering, Surveying & Landscape Architecture, P.C. dated March 3, 2014 (last revised May 30, 2019); (3) a Short

Environmental Assessment Form; (4) the requisite filing fee and escrow amount for the application; and (5) a variety of additional documentation (the "Application"); and

**WHEREAS**, Condition 9 of the Final Subdivision Approval states "Prior 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 Applicant has also submitted a Common Driveway Reciprocal Easements and Covenants Agreement for Lots E-49, E-50 and E-51 for review and approval; and

**WHEREAS**, the Planning Board and its consultants have reviewed and considered all of the documents submitted by the Applicant as part of its Application; and

**WHEREAS**, in accordance with Section 121-68(D)(1) of the Zoning Code, the Planning Board hereby finds the amended site plan contains minor and de minimus changes that do not create a substantial change to the Phase I Site Plan. Therefore, no public hearing is required; and

**WHEREAS**, the Planning Board's determinations outlined above are based on the Applicant's representations contained in all of the Application materials submitted to the Planning Board and the Applicant's compliance with the Town of Amenia Code including the Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby approves the site plan amendment for Phase 1 Site Plans for Lots Lot E-49, E-50, and E-51 prepared by VHB Engineering, Surveying & Landscape Architecture, P.C. dated March 3, 2014 (last revised May 30, 2019)(the "Amended Phase 1 Site Plan Approval") subject to the following conditions:

1. Prior to the issuance of a building permit, the Applicant shall address the comments set forth in the Letter to the Planning Board from John Andrews dated May 16, 2019 (last updated June 12, 2019) to the engineer satisfaction, including without limitation:
  - a. The Application shall show on the detail plans for the retaining wall, the location of the discharge for the proposed drain at the back of the wall and how it should be handled/directed.
  - b. The Applicant shall retain a NYS licensed professional engineer to supervise the construction and installation of the retaining walls who will (i) ensure compliance with the design plan, and (ii) upon completion of the construction of the retaining walls, shall certify that all testing was performed and that the walls were constructed in full compliance with the approved plans. The construction certification shall be accompanied by a copy of all test results.
2. Prior to the issuance of a building permit, the form of the Common Driveway Reciprocal Easements and Covenants Agreement for Lots E-49, E-50 and E-51 shall

be acceptable to the Planning Board Attorney and recorded in the Dutchess County Clerk's Office;

3. Prior to the issuance of a building permit, the Applicant shall obtain written approval by the Amenia Fire Department of the physical driveway rough-in.
4. Prior to issuance of a Certificate of Occupancy, the Applicant shall obtain written approval by the Amenia Fire Department of the physical driveway after final landscaping/hardscape and guiderail installation.
5. The Applicant shall pay any outstanding invoices of the Planning Board's consultants incurred in connection with reviewing and processing this Application.

**BE IT FURTHER RESOLVED**, that the original Phase 1 Site Plan approval and conditions thereof remain in full force and effect; and

**BE IT FURTHER RESOLVED**, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the approved amended site plans upon the Applicant's compliance with applicable conditions, and the submission requirements stated herein, if any; and

**BE IT FURTHER RESOLVED**, that in accordance with Section 121-68(E) of the Zoning Code: (1) this Amended Phase 1 Site Plan Approval shall expire if the Applicant fails to commence construction, to obtain the necessary building permits, or fails to comply with the conditions of this Amended Phase 1 Site Plan Approval within 18 months of its issuance. The Planning Board may grant a one-time six-month extension; (2) this Amended Phase 1 Site Plan Approval may be revoked by the Planning Board if the Applicant violates the Amended Phase 1 Site Plan Approval or its conditions or engages in any construction or alteration not authorized by the Amended Phase 1 Site Plan Approval; (3) any violation of the Amended Phase 1 Site Plan Approval or its conditions shall be deemed a violation of the Zoning Code and shall be subject to enforcement action; and

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

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>
Robert Boyles Jr., Chairman	<u>✓</u>	_____	_____	_____	
Peter Clair	<u>✓</u>	_____	_____	_____	

John Stefanopoulos

\_\_\_\_\_

✓  


Anthony Robustelli

✓  
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Matt Deister

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✓  


Erich McEnroe

✓  
\_\_\_\_\_

Walter Brett

✓  
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Dated: June 12, 2019  
Amenia, New York

  
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Robert Boyles Jr., Chairman  
Town of Amenia Planning Board