



# TOWN OF AMENIA

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Amenia Town Clerk

MAR 14 2019

Received

## TOWN OF AMENIA PLANNING BOARD

Resolution # 4 of 2019

March 13, 2019

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

**WHEREAS**, in October 2013, Silo Ridge Ventures, LLC for itself and Silo Ridge Ventures Property A LLC (collectively, 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 7066-00-870350; 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”), and 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 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 Chair to stamp and endorse the final subdivision plats for Phase 1A upon the satisfaction of conditions provided in the Final Subdivision Approval, which 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 final subdivision plats for Phase 1E; and

**WHEREAS**, on October 26, 2016, the Planning Board by Resolution #10 of 2016 authorized the Planning Board Chairman to stamp and endorse the final subdivision plat, Phase 1E upon the satisfaction of conditions provided in the resolution; and

**WHEREAS**, such conditions were satisfied and the final subdivision plats for Phase 1E 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; and

**WHEREAS**, the Applicant submitted an application dated December 19, 2016 to the Planning Board for approval of amended final subdivision plats for Phase 1A (the “First Amended Final Phase 1A Plats”); and

**WHEREAS**, the First Amended Final Phase 1A Plats included lot line adjustments to Lots CM-8, CM-9 and SR-10 of Filed Map No. 9458A, which have the Grid numbers of 7066-02-675910, 7066-02-672902 and 7066-02-681920, respectively, and amendments to the location of the Water Works Easement on a portion of Lot HOA-1 of Filed Map No. 9458A, which has Grid number 7066-02-755904; and

**WHEREAS**, on January 11, 2017, by Resolution #1 of 2017, the Planning Board authorized the Planning Board Co-Chairs to stamp and sign the First Amended Final Phase 1A Plats upon the satisfaction of certain conditions; and

**WHEREAS**, these conditions were satisfied and the First Amended Final Phase 1A Plats were stamped and signed by the Planning Board Co-Chairs on February 6, 2017 and recorded in the Office of the Dutchess County Clerk on February 7, 2017 as Filed Map No. 9458C; and

**WHEREAS**, the Applicant submitted an application dated February 13, 2017 to the Planning Board for approval of additional amended final subdivision plats for Phase 1A (the “Second Amended Final Phase 1A Plats”); and

**WHEREAS**, the Second Amended Final Phase 1A Plats include lot line adjustments to Lots CM-9, CM-10, CM-11, CM-12, CM-15, CM-17, CM-19, CM-20, CM-21, CM-22, CM-23, CM-24, CM-25 of Filed Map No. 9458A and 9458C, which have the Grid numbers of 7066-02-672902, 7066-02-670893, 7066-02-670885, 7066-02-670876, 7066-02-673850, 7066-02-672-02-672833, 7066-02-693868, 7066-02-02-693859, 7066-02-693849, 7066-02-693840, 7066-02-693832, 7066-02-692823, and 7066-02-692814, respectively, and elimination of Lots CM-13, CM-16 and CM-26 of Filed Map No. 9458A and Filed Map No. 9458C, which have the Grid numbers of 7066-02-671867, 7066-02-673841, and 7066-02-690806, respectively; and

**WHEREAS**, on March 22, 2017, by Resolution # 7 of 2017, the Planning Board authorized the Planning Board Chairperson to stamp and sign the Second Amended Final Phase 1A Plats upon the satisfaction of certain conditions; and

**WHEREAS**, these conditions were satisfied and the Second Amended Final Phase 1A Plats were stamped and signed by the Planning Board Chairperson on April 20, 2017 and recorded in the Office of the Dutchess County Clerk on April 21, 2017 as Filed Map No. 9458D; and

**WHEREAS**, the Applicant subsequently 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**, on May 10, 2017, by Resolution #8 of 2017, the Planning Board authorized the Planning Board Chairperson to stamp and sign the Phase 1B Final Subdivision Plats upon the satisfaction of certain conditions; and

**WHEREAS**, these conditions were satisfied and the Second Amended Final Phase 1B Plats were stamped and signed by the Planning Board Chairperson on June 7, 2017 and recorded in the Office of the Dutchess County Clerk on June 8, 2017 as Filed Map No. 9458E; and

**WHEREAS**, the Applicant submitted an application dated October 18, 2017 to the Planning Board for approval of a lot line adjustment to CM-14 and CM-15 of Filed Map Nos. 9458A, 9458C and 9458D which have the Grid numbers of 7066-02-673858 and 7066-02-673850, respectively, thereby constituting a third amendment to the final subdivision plats for Phase 1A (the "Third Amended Final Phase 1A Plats"); and

**WHEREAS**, on February 14, 2018, by Resolution # 1 of 2018, the Planning Board authorized the Planning Board Chairperson to stamp and sign the Third Amended Final Phase 1A Plats upon the satisfaction of certain conditions; and

**WHEREAS**, these conditions were satisfied and the Third Amended Final Phase 1A Plats were stamped and signed by the Planning Board Chairperson on April 19, 2018 and recorded in the Office of the Dutchess County Clerk on April 21, 2018 as Filed Map No. 9458G; and

**WHEREAS**, the Applicant submitted an application dated April 19, 2018 to the Planning Board for approval of a minor subdivision to Lot E-8 of Filed Map No. 9458A, which has the Grid

number of 7066-02-684684, thereby constituting a fourth amendment to the final subdivision plats for Phase 1A (the "Fourth Amended Final Phase 1A Plats"); and

**WHEREAS**, on May 9, 2018 by Resolution # 6 of 2018, the Planning Board authorized the Planning Board Chairperson to stamp and sign the Fourth Amended Final Phase 1A Plats upon the satisfaction of certain conditions; and

**WHEREAS**, the Fourth Amended Final Phase 1A Plats was never recorded in the Office of the Dutchess County Clerk and therefore has expired by operation of law in accordance with Section 105-13(E) of the Town Code; and

**WHEREAS**, on or around November 8, 2018, the Applicant submitted an application to the Planning Board for approval of a lot line adjustment to CM-27 and CM-28 of Filed Map No. 9458A which have the Grid numbers of 7066-02-690797 and 7066-02-688787, respectively, thereby constituting a fifth amendment to the final subdivision plats for Phase 1A (the "Fifth Amended Final Phase 1A Plats"); and

**WHEREAS**, the Planning Board has determined that the Fifth Amended Final Phase 1A Plats are a simple lot line adjustment that does 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**, County referral under General Municipal Law 239-m was not required because the application constitutes a minor subdivision application, which the Dutchess County Planning Department is not authorized to review; and

**WHEREAS**, the lot line adjustment application constitutes a Type II action under SEQRA and therefore no environmental review is required; and

**WHEREAS**, the Planning Board and its engineering and legal consultants have reviewed the Fifth Amended Final Phase 1A Plats; and

**WHEREAS**, the Planning Board determined that the application for the Fifth Amended Final Phase 1A Plats was complete and set a public hearing in accordance with Section 105-115 Appendix B1 of the Town's Subdivision Code; and

**WHEREAS**, a properly noticed public hearing was held on the Fifth Amended Final Phase 1A Plats on March 13, 2019 and closed on that date.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board determines that the Fifth Amended Final Phase 1A Plats are consistent with the 2015 Amended SEQRA Findings, previously approved and no further environmental review is warranted under SEQRA; and

**BE IT FURTHER RESOLVED**, that the Planning Board determines that the Fifth Amended Final Phase 1A Plats submitted by the Applicant are in substantial agreement with the Final Plat Approval for Phase 1A, the Final Subdivision Approval, and all other applicable

approvals issued by the Planning Board for the Modified Project, including any requirements imposed by the Board; and

**BE IT FURTHER RESOLVED**, that pursuant to the Subdivision Law, the Planning Board hereby approves the Fifth Amended Final 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>
Cover Sheet	Amended Final Subdivision Plats— Phase 1A (FM#9458A, FM#9458C & FM9458D)	1/9/2019
PL-1	Amended Final Subdivision Plat – Phase 1A (FM #9458A)	1/9/2019

**BE IT FURTHER RESOLVED**, that upon the satisfaction of the following conditions, the Planning Board Chair is hereby authorized to stamp and endorse the Fifth Amended Final Phase 1A Plats. Execution of the plat by the Planning Board Chair constitutes final amended plat approval for the Fifth Amended Final Phase 1A Plat and Phase 1A:

1. The final plat sheets and mylars for the Fifth Amended Final 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 Fifth Amended Final Phase 1A Plats shall be endorsed by the Dutchess County Department of Health (“DCDOH”).
3. The Applicant shall submit a letter from National Land Tenure Company for the lots to be affected by the Fifth Amended Final Phase 1A Plats, verifying that the Applicant and Ted Harbert Revocable Trust are the record owners of such lots respectively.
4. The Applicant shall satisfy all the comments set forth in the memorandum dated January 21, 2019 from the Town Engineer, Rohde, Soyka & Andrews to the engineer’s satisfaction.
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.

**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 to the Subdivision Law, within five (5) business days from this resolution, copies of the Fifth Amended Final Phase 1A Plats 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 conditional approval for the Fifth Amended Final Phase 1A Plats shall expire within 180 days after this resolution unless all the conditions precedent to the execution of the Fifth Amended Final Phase 1A Plats have been certified as being complete. The Planning Board may extend the time in which the approved Fifth Amended Final 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 Fifth Amended Final Phase 1A Plats shall automatically terminate and be revoked without need for affirmative Planning Board action if all requirements for execution of the Fifth Amended Final 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 Section 105-13(F)(1) of the Subdivision Law and Town Law Section 276 and 279, the Applicant shall record the Fifth Amended Final Phase 1A Plats with the Dutchess County Clerk's Office within 62 days after the signing of the Fifth Amended Final Phase 1A Plats by the Planning Board Chairman and pay all applicable recording fees for said Fifth Amended Final Phase 1A Plats. The Applicant shall promptly provide proof of recording to the Planning Board; and

**BE IT FURTHER RESOLVED**, that in the event the Fifth Amended Final Phase 1A Plats are not recorded in the Dutchess County Clerk's Office within 62 days after their execution, the Fifth Amended Final 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 Chair. 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 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

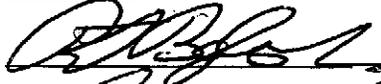
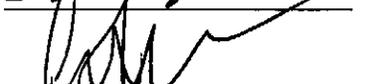
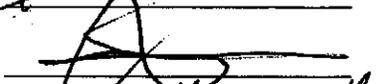
**BE IT FURTHER RESOLVED**, that within five (5) days of the date of this resolution, a copy of this resolution shall be filed in the office of the Town of Amenia Town Clerk, and a copy of this resolution shall be mailed to the Applicant within the same five (5) day period; and

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

Motion By: Pete Clair

Second By: John Stefanopoulos

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: March 13, 2019  
Amenia, New York

  
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Judith Westfall, Planning Board Clerk