TOWN OF AMENIA

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Amenia Town Clerk

MAR 28 2019

Received

TOWN OF AMENIA PLANNING BOARD

Resolution # 7 for 2019

March 27, 2019

Resolution Authorizing Planning Board Chairman to Stamp and Endorse Phase 1C and Phase 1D 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 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 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, subsequent amendments to the Final Plat Approval for Phase 1A have been approved over the course of the Modified Project's development and amended plats have been recorded in the Office of the Dutchess County Clerk; and

WHEREAS, on October 26, 2016, the Planning Board adopted Resolution #10 for 2016 authorizing the Planning Board Chairman to stamp and endorse the Phase 1E Final Subdivision Plats; and

WHEREAS, on May 10, 2017, the Planning Board adopted Resolution #8 for 2017 authorizing the Planning Board Chairman to stamp and endorse the Phase 1B Final Subdivision Plats; and

WHEREAS, the Applicant has asked the Planning Board Chairman to stamp and endorse the final subdivision plats for Phases 1C and 1D; and

WHEREAS, the Planning Board and its engineering and legal consultants have reviewed the following drawings and plats related to the Phase 1C and Phase 1D plats:

Number	Drawing Title	Last revised date
COV-1C	Cover – Phase 1C, endorsed by Dutchess County Department of Health	2/8/2016
PL10.00	Overall Subdivision Plat - Phase 1C	1/13/2016
PL10.01	Subdivision Plat –Phase 1C, Lots HOA-4; Lots VG-18 to VG-24	1/13/2016
COV-1D	Cover – Phase 1D, endorsed by Dutchess County Department of Health	2/8/2016
PL11.00	Overall Subdivision Plat - Phase 1D	1/13/2016
PL11.01	Subdivision Plat –Phase 1D, Lots HOA-5; Lots VG-2 to VG-17	1/13/2016

WHEREAS, under the Subdivision Law, the Applicant is required to satisfy certain conditions before the Planning Board Chairman is authorized to stamp and endorse the final subdivision plats for Phase 1C and Phase 1D. These conditions have been satisfied as follows:

1. The final plat sheets and mylars for Phase 1C and Phase 1D shall be submitted in a form that is acceptable to the Town Engineer. This has been satisfied.

2. The final plat sheets and mylars for Phase 1C and Phase 1D shall be endorsed by the Dutchess County Department of Health ("DCDOH"). This has been satisfied by the DCDOH's endorsement dated February 29, 2016 with a revised DCDOH note added on April 28, 2016 (extending endorsement until April 30, 2019).

3. Certification from the Town Engineer that the performance bond posted by the Applicant is sufficient in amount to assure completion of all required improvements in Phase 1C and Phase 1D. This has been satisfied by a letter and certification from the Town Engineer to the Town Board dated March 13, 2019.

4. The Town Engineer shall submit the Certification required by Appendix C, Section IV(4)(c)(1) of the Subdivision Law, certifying compliance with respect to the portions of Phase 1A completed to date which support the development of Phase 1C and Phase 1D. This has been satisfied by a letter and certification from the Town Engineer to the Town Board dated March 13, 2019.

5. The Applicant is required to bond the NYSDOT work directly with the NYSDOT. The Applicant will provide a copy of such bond to the Planning Board before filing the final Phase 1C and Phase 1D plats. This has been satisfied.

6. The Applicant shall submit a copy of the last deed of record for the property included in Phase 1C and Phase 1D together with a letter from a title company certifying that the Applicant is the record owner of such property. This has been satisfied by a letter from National Land Tenure Company, LLC dated March 13, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has determined that the final subdivision plats for Phase 1C and Phase 1D submitted by the Applicant are in substantial agreement with the Final Subdivision Approval including any requirements imposed by the Board, and therefore no public hearing was required; and

BE IT FURTHER RESOLVED, that the Planning Board has determined that the Final Phase 1C and 1D plats are consistent with the 2015 Amended SEQRA Findings, previously approved; and

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 for Phase 1C and Phase 1D. Execution of the plat constitutes final plat approval for Phase 1C and Phase 1D:

1. Pursuant to Section 105-28 of the Subdivision Law, the Applicant shall submit to the Planning Board an executed original performance bond in a final form acceptable to the Planning Board Attorney in the amount of $641,597 to guarantee the completion of

infrastructure improvements for Phase 1C and Phase 1D of the Modified Project. The bond must be acceptable to the Town Attorney and the Town Board.

2. The Applicant shall submit to the Planning Board the following fully executed agreements including all exhibits, in a final form acceptable to the Planning Board and its Attorney:

    a. Amended and Restated License Agreement, made between SRVPA, HVLC and the Town of Amenia, providing access for performance of bonded improvements of all phases of the Final Subdivision Approval.

    b. Subordination Agreement between CPIF Lending, LLC and SVRP to subordinate the existing mortgage and other superior documents to the Amended and Restated License Agreement.

3. 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 1C and Phase 1D to ensure that all Town requirements and specifications are met during construction subject to the payment of all necessary fees and charges. The Applicant shall post $5,000 into escrow with the Town to cover any charges related to Town Engineer required inspections for Phase 1C and Phase 1D.

4. 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 final plat approvals.

5. The Applicant shall provide any other documents required by the Planning Board to ensure for the orderly development of Phase 1C and Phase 1D.

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 1C and Phase 1D; and

BE IT FURTHER RESOLVED, that pursuant to the Subdivision Law, within five (5) business days from this resolution, copies of the final Phase 1C and Phase 1D 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 approve 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 1C and Phase 1D shall expire within 180 days after this resolution unless all the conditions precedent to the execution of the Phase 1C and Phase 1D plats have been certified as being complete. The Planning Board may extend the time in which the approved 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 final Phase 1C and Phase 1D plats shall automatically terminate and be revoked without need for affirmative Planning Board action if all requirements for execution of such plats has 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 plats for Phases 1C and 1D with the Dutchess County Clerk's Office within 62 days after the signing of the Phase 1C and Phase 1D plats by the Planning Board Chairman and pay all applicable recording fees for said final plats. The Applicant shall promptly provide proof of recording to the Planning Board; and

BE IT FURTHER RESOLVED, that in the event the final plats for Phases 1C and 1D are not recorded in the Dutchess County Clerk's Office within 62 days after its execution, the final Phase 1C and Phase 1D 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 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 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

Second By: Pete

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

	Yes	No	Abstain	Absent	Signature
Robert Boyles, Chairman	✓				
Peter Clair	✓				
John Stefanopoulos				✓	
Matthew Deister				✓	
Anthony Robustelli	✓				
Erich McEnroe				✓	
Walter Brett	✓				

Dated: March 27, 2019
Amenia, New York

Robert Boyles, Chairman