



TOWN OF AMENIA

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Amenia Town Clerk

JUN 13 2019

TOWN OF AMENIA PLANNING BOARD

Received

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>	<u> </u>	<u> </u>	<u> </u>	
Peter Clair	<u> / </u>	<u> </u>	<u> </u>	<u> </u>	

John Stefanopoulos

✓

Anthony Robustelli

✓

[Handwritten signature]

Matt Deister

✓

Erich McEnroe

✓

[Handwritten signature]

Walter Brett

✓

[Handwritten signature: Walter Brett]

Dated: June 12, 2019
Amenia, New York

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Robert Boyles Jr., Chairman
Town of Amenia Planning Board