



To: Town of Amenia Planning Board

Date: May 30, 2015

Memorandum

Project #: 29011.00

From: Amanda DeCesare, P.E.

Re: Silo Ridge Field Club – Response to Comments

The following are responses to the comment memorandum from Whiteman Osterman & Hanna LLP dated April 22, 2015 regarding the Silo Ridge Resort Community: Revised Application Materials.

COMMENTS ON REVISED APPLICATION MATERIALS

Amended MDP Booklet

1. Page 17: Identify on the plans the structure located in the forest between the golf academy and Snowy Owl Court.

The area shown in the forest between the golf academy and Snowy Owl Court is a sitting area. The plans have been revised.

2. Page 39: The Amended MDP for the Vineyard Cottages lacks much of the information (ie, color palettes, building elevations, etc.) that was provided for the rest of the project site. The applicant should provide this information in a Second Amended MDP for the cottages when a site plan application is submitted for that phase of development. This could be a condition of any approval related to the pending applications.

The Applicant agrees. This can be a condition of the pending application.

3. Page 60: The applicant is aware that the golf academy, comfort stations, water storage tank, pump stations and water treatment plant should not be located on separate lots. Access to these improvements can be provided by an easement. The plans should be revised accordingly.

Comment noted. The plans will be updated to show "building envelopes" within the conservation easement area for the following: comfort stations, water storage tank, pump stations and water treatment plant. However, the golf academy will remain as a separate lot. .

4. Page 61: The NRMP requires annual monitoring. The applicant should provide copies of the monitoring reports to the Town promptly after their completion. This could be a condition of any approval.

The applicant agrees and will provide copies to the Town as they become available This will be a condition of approvals.



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5. Page 63: The Amended MDP states that the applicant will develop a Spill Prevention and Response Plan ("SPRP") detailing the steps to be taken following a spill. The SPRP should be submitted to the Planning Board for review and approval. This could be a condition of any approval.

A Spill Preventing and Response Plan was provided as Section 6.9 – "Spill Prevention and Response" of the Natural Resource Management Plan ("NRMP").

6. Pages 90 and 96: The references to "Appendix O" should be revised to read "Appendix O in the Addendum to the Environmental Assessment Form."

The applicant will revise the references.

7. Page 91: The reference to Appendices M and N should be revised to read "Appendices M and N, respectively, in the Addendum to the Environmental Assessment Form."

The applicant will revise the references.

8. Page 93: The Amended MDP states that "a waiver for the access road to the Winery Restaurant, Vineyard Cottages and Artisan's Park Overlook was previously granted by the Planning Board and is therefore not being request at this time." The applicant should provide a copy of the approval where these waivers were expressly granted. If not, these waivers should be sought and justification provided.

The following text has been added: "The June 25, 2009 Special Use Permit and Master Development Plan approval granted by the Planning Board is for the Master Development Plan last dated revised in October, 2009. That approved Master Development Plan shows the Winery Restaurant and associated access driveway. The Special Use Permit and Master Development Plan approval therefore necessarily includes the grant by the Planning Board of waivers necessary to accommodate the development of the approved plan."

9. Page 95: The Amended MDP states "the deed shall contain a covenant requiring the lot owner to implement the approved [stormwater] O&M Plan." The proposed deed covenant must be submitted to the Planning Board for review and approval. The Town should have the right to enforce the covenant along with the HOA.

A draft of a proposed deed containing the covenant mentioned above will be submitted.

10. Page 96: The reference to "Section (2)" does not appear to be accurate and should be corrected.

The Applicant will revise the reference.



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11. Page 131: The phrase "[Drawings To Be Determined]" should be filled in.

The phrase has been updated to "Site Plan drawings C-4.06, C-4.08, C-4.09, & C-4.11"

12. Appendix K: These estate home standards implement the ADA envelops, sewer envelops and driveway envelops. A plan showing these envelops should be included in this Appendix.

Site Plan drawings C-4.06, C-4.08, C-4.09 and C-4.11 have been incorporated as part of Appendix K.

Amended MDP Drawings

13. SP9: Change the reference to page 111 to page 131. Also, change the reference "Appendix K: Estate Home Design Guidelines" to "Appendix K: Design Standards For Estate Homes."

The references have been updated accordingly.

14. RI-1: Note 1 states "any changes to proposed road grades for phase 1 shall be reviewed and approved by the Amenia Fire Department." This note does not give the Fire Department the unilateral right to change road grades in the project without Planning Board approval.

This note will be deleted as it is not applicable any more. The applicant understands that changes to the approved plans will be subject to the Change Request Protocol.

15. If there are any inconsistencies between the Amended MDP Booklet, the Amended MDP Drawings and the site plan and subdivisions plans, the site plan and subdivision plans should control. This could be a condition of any approval.

The Applicant agrees. This can be a condition of the pending application.

Preliminary Subdivision Plat

16. Cover Sheet: Add a second Owner's Certification for HVLC.

A second Owner's certification for HVLC has been added.

17. PL0.01: Note 1 should expressly reference the approved Amended MDP and site plans by date. Also, certain blanks in the notes must be filled-in for the final subdivision approval. The Town Engineer will have additional comments on the plat notes.

Comment noted. The final subdivision plat set will be updated accordingly.



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18. PL2.01: Provide the missing metes and bounds descriptions for some lot lines. Each sheet should have a complete set of metes and bounds descriptions for all lots shown on that sheet. This will obviate the need to search through numerous other sheets to determine if the missing metes and bounds exist. Also, the applicant is already aware that the lot lines for SR-19 and WW-4 should be removed. The lot line adjustments should be identified on this plan.

The Applicant has revised the drawing to show a complete set of metes and bounds descriptions for all lots shown on the respective sheet. Lot lines for SR-19 and WW-4 have been removed and the lot line adjustments have been identified.

19. PL2.02: Provide the missing metes and bounds descriptions for some lot lines. Also, the applicant is already aware that the lot lines for SR-18 should be removed.

The Applicant has revised the drawing to show a complete set of metes and bounds descriptions for all lots shown on the respective sheet.. Lot lines for SR-18 have been removed.

20. PL2.03: Provide the missing metes and bounds descriptions for some lot lines. Also, the applicant is already aware that the lot lines for WW-3 and WW-2 should be removed.

The Applicant has revised the drawing to show a complete set of metes and bounds descriptions for all lots shown on the respective sheet.. Lot lines for WW-3 and WW-2 have been removed.

21. PL2.04: Provide the missing metes and bounds descriptions for some lot lines. Also, the applicant is already aware that the lot lines for SR-12 should be removed.

The Applicant has revised the drawing to show a complete set of metes and bounds descriptions for all lots shown on the respective sheet.. Lot lines for SR-12 have been removed.

22. PL2.05: Provide the missing metes and bounds descriptions for some lot lines. The applicant is already aware that the lot lines for W-2 should be removed. Should Lots PO1 & PO-2 be combined? Note 1 includes only PO-2. It should also include Lot PO-1. Note 1 should be copied to PL0.01. The applicant's existing office should be shown on this plat so it is clear that the proposed lot line runs along the wall of that building.

The following revisions have been made to Drawing No. PL2.05:

- a. The Applicant has revised the drawing to show a complete set of metes and bounds descriptions for all lots shown on the respective sheet.*
- b. Lot lines for W-2 have been removed.*
- c. Note 1 has been revised to state "Parcel PO-1 will be owned by the Master HOA, subject to a public access easement." This same note has been copied to Drawing No. PL0.01.*
- d. The existing office building has been included on this plat.*



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23. PL2.06: Provide the missing metes and bounds descriptions for some lot lines. It appears that the parking barn located on Lot SR-13 will be owned by the Silo Ridge Field Club but the parking barn on Lot C-3 will be owned by the condominium association. Is it acceptable to the applicant to have the parking barns owned and maintained by different entities? The gardens in the road in front of the Club will be owned and presumably maintained by the HOA. Is this acceptable to the applicant?

The following revisions have been made to Drawing No. PL2.06:

- a. *The Applicant has revised the drawing to show a complete set of metes and bounds descriptions for all lots shown on the respective sheet.*
 - b. *The parking barn located on Lot SR-13 will be owned and maintained by the townhouses sub-association and will provide parking spaces to the thirteen (13) townhouses.*
 - c. *The parking barn on lot C-3 provides parking spaces for unit owners of Condominium #3, therefore it will be owned and maintained by that condominium association.*
 - d. *The Applicant confirms that the gardens in the road in front of the Club will be owned and maintained by the HOA.*
24. PL2.07: Provide the missing metes and bounds descriptions for some lot lines. The applicant is already aware that the lot lines for WW-1 should be removed. It appears that the gate house will be owned and presumably maintained by the HOA. Is this acceptable to the applicant?

The following revisions have been made to Drawing No. PL2.07:

- a. *The Applicant has revised the drawing to show a complete set of metes and bounds descriptions for all lots shown on the respective sheet.*
 - b. *Lot lines for WW-1 have been removed.*
 - c. *The Applicant confirms that the gatehouse will be owned and maintained by the HOA.*
25. PL2.08: Provide the missing metes and bounds descriptions for some lot lines. The applicant is already aware that the lot lines for SR-17 should be removed. Lot LL-10 has road frontage on Wood Duck Road. Should the driveway be located directly off the road to eliminate a common-driveway easement and maintenance agreement with Lot LL-9? It appears that the HOA will own the gardens in the middle of Wood Duck Circle in front of the Family Activity Barn. Is this acceptable to the applicant?

The following revisions have been made to Drawing No. PL2.08:

- a. *The Applicant has revised the drawing to show a complete set of metes and bounds descriptions for all lots shown on the respective sheet.*
- b. *Lot lines for SR-17 have been removed.*
- c. *The applicant studied the possibility of providing Lot LL-10 access via Wood Duck Road, but due to the proposed lot topography it was agreed that the best access will be through the common driveway with Lot LL-9. A reciprocal access easement and maintenance agreement for use of the common driveway will be recorded in the Dutchess County clerk's office.*



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d. *The Applicant confirms that the HOA will own and maintain the gardens in the middle of Wood Duck Circle in front of the Family Activity Barn.*

26. PL3.02: Provide the missing metes and bounds descriptions for some open space lot lines. Note 1 includes only Lot PO-2. It should also include Lot PO-1.

The following revisions have been made to Drawing No. PL3.02:

- a. *The Applicant has revised the drawing to show a complete set of metes and bounds descriptions for all lots shown on the respective sheet.*
- b. *Note 1 has been revised to state "Parcel PO-1 will be owned by the Master HOA, subject to a public access easement." This same note has been copied to Drawing No. PL0.01.*
- c. *The existing office building has been included on this plat.*

27. PL4.01, PL4.02 & PL4.03: Notes 1 and 2 contain different language than similar notes on PL0.01. The language should be the same across all sheets.

The Applicant agrees. Notes 1 and 2 on PL4.01, PL4.02 and PL4.03 have been replaced with Notes 42, 45 and 56 from Drawing No. PL-0.01.

28. PL7.01: What is the water easement for across Lots E-24 and E-25?

The easement across Lots E-24 and E-25 is for the water service connection for the Golf Comfort Station (formerly identified as SR-19) located by Hole #13 tees.

29. PL7.02: What is the water easement for across Lots E-12 and E-13? Are waterline easements required for comfort stations on the golf course?

The water easement across Lots E-12 and E-13 is for the water service connection of the Golf Comfort Station (formerly identified as SR-18) located by Hole #12 tees. As was discussed with the Town Engineer, easements are not required for service lines, therefore an easement is not required on the golf course.

30. PL7.03: The plat does not show a water line easement from the water tank to the winery Restaurant. However, Drawing U-1 shows this water line but the site plans do not. Which plan is correct?

Drawing U-1 of the MDP show a conceptual plan for the water line to the Winery Restaurant. When the Applicant applies for Phase II site plan approval, which includes the Winery Restaurant, the subdivision plat will have to be amended to include the water line easement. Additionally, in connection with the Highway Work Permit, all utilities crossing Route 44 will require use and occupancy permits, which will be secured with the NYSDOT.



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Site Plans

31. C2.08: Remove the future sewer envelope from this existing conditions plan.

Comment noted. The future sewer envelopes have been removed from the C2 sheet set.

32. C2.09: Remove the future sewer envelope from this existing conditions plan.

Comment noted. The future sewer envelopes have been removed from the C2 sheet set.

33. C2.11: Remove the future sewer envelope from this existing conditions plan.

Comment noted. The future sewer envelopes have been removed from the C2 sheet set.

34. C2.21: Remove the future sewer envelop from this existing conditions plan.

Comment noted. The future sewer envelopes have been removed from the C2 sheet set.

35. C3.02: It is my understanding that the Planning Board would like all of the vegetation removed around DeLaVergne Hill, not just the larger trees, to open up views from this important vantage point. The Field Club will need to make sure that all vegetation in this area is trimmed on a regular basis to prevent future impairment of views. This could be included as a condition of any approval.

The Applicant agrees. This can be a condition of the pending application.

36. C3.00: Remove the future sewer envelop from this existing conditions plan.

The sewer envelopes have been removed from the existing conditions plan (C2 sheet set). They have been left as is in the demolition plans (C3 sheet set) as per the Town engineer's original request.

37. C3.07: A NYSDEC wetland permit may be required to abandon well #12 in the wetland buffer.

Comment noted. This well has already been decommissioned under Well Permit attached hereto, issued by Dutchess County Department of Health.

38. C4.02: This plan shows the proposed lot line running along the north wall of the applicant's current office on Route 44. On the proposed plat, the building is located directly on the lot line with no setbacks. This is not an acceptable situation. The Board should consider imposing a condition on any approval requiring the applicant to demolish the building before transferring either lot. A deed restriction should also be imposed. Any alternative proposals from the applicant to correct this situation should also be considered. Conservation



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easement markers should be installed to protect Lots SR-14 and SR-15 when this area is developed with homes in the future.

Comment Noted. The subdivision plat has been modified.

39. C4.03: A note reads "Gate (See Detail on xx.xx)." This reference should be added.

The note has been updated to reference Sheet L4.03

40. C4.04: Remove the corner of building C-3.3 from the set back. Also, shift the golf cart path out of the HOA property across from the gate house.

The property line has been revised to remove the corner of building C-3.3 from the set back. Also, the golf cart path has been shifted out of the HOA property.

41. C4.05: Add the following note to the walking path running through SR-6 and beyond:
"Path shall avoid all existing trees 8" dbh or greater." Move the proposed trail out of Lot LL-17. An easement will be required for the trail to cross the driveway of Lot LL-9.
Add conservation easement markers for Lot LL-9 and along the east side of Wood Turtle Lane (across the street from Lots LL-11 to LL LL-17) to prevent lot owners from dumping yard waste into the conservation easement land and nearby wetland buffer. Add conservation easement markers around Lot SR-6.

The following revisions have been made to Drawing No. C4.05:

- a. A note stating "Path shall avoid all existing trees 8" DBH or greater" has been added to the walking path.*
- b. The property line has been revised to remove the proposed trail from Lot LL-17.*
- c. An easement will be provided to cross the driveway of Lot LL-9.*
- d. Conservation easement markers have been added for Lot LL-9.*
- e. Conservation easement markers have been added along the east side of Wood Turtle Lane.*
- f. Conservation easement markers have been added to Lot SR-6.*

42. C4.06: Add missing conservation easement markers for Lots CM-1 to CM-7, Lot CM-17 and around the end of Club Meadow Drive. Provide deed restrictions (or other legal restrictions) on Lots CM-17, E-56, CM-25 to CM-28, HOA-1, W-1 and SR-2 establishing sanitary control for well #2.

Conservation easement markers have been added to Lots CM-1 to CM-7, Lot CM-17 and around the Club Meadow Drive. Restrictions establishing sanitary control for well #2 will be provided once they are finalized with DCDOH.

43. C4.06, C4.08, C4.09, C4.11: Add a note indicating that all estate homes are governed by the Estate Home Standards set forth in the Appendix K of the Amended MDP booklet.



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The plans have been revised to include the following note "All estate homes are governed by the Estate Home Standards set forth in Appendix K of the Amended MDP booklet."

44. C4.07: Add conservation easement markers for Lots LL-18 to LL-22 to ensure that lot owners do not encroach into the NYSDEC wetland buffer and conservation easement land.

Conservation easement markers have been added to Lots LL-18 to LL-22.

45. C4.08: Provide deed restrictions (or other legal restrictions) on Lots E-8 to E-10 and SR1 establishing sanitary control for well #11 and well #31.

Restrictions establishing sanitary control for well #11 and well #31 will be provided once they are finalized with DCDOH.

46. C4.09: Remove conservation easement markers for Lots E-17 and E-18 facing the golf course. Add conservation easement markers along the west side of Red Tail Pass between Lots E-47 and E-48. Markers should be used along the road to ensure that road maintenance and repair crews do not inadvertently stray into the conservation land and that residents do not dump yard waste in these areas.

Conservation easement markers for Lots E-17 and E-18 facing the golf course have been removed and conservation easement markers along the west side of Red Tail Pass have been added between Lots E-47 and E-48.

47. C4.10: The HVLC and HOA documents must permit the HOA to maintain the road through the easement area.

Comment noted. The HVLC and HOA documents have been revised to allow the HOA to maintain the road through the easement area.

48. C4.11: Add missing conservation easement markers around SR-4 and along the west side of Ridgeline Road across the street from Lots E-40 and E-41.

The conservation easement markers have been added around Lot SR-4 and along the west side of Ridgeline Road.

49. C4.12: "Pool decking" is called for around the putting green by the Golf Academy. Is this correct? Also, the concrete sidewalks in the Village Green will be owned (and presumably maintained) by different legal entities. Will this create confusion as to which entities are responsible for which sidewalks? Is this acceptable to the applicant?

The reference to "pool decking" has been removed. The HOA will be responsible for maintaining all sidewalks.



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50. The terms "well house" and "water treatment building" seem to refer to the same building and are used interchangeably. It is confusing. To avoid confusion, add a note to the plans explaining that the terms refer to the same building and are used interchangeably or make all the terms the same.

The reference to well house has been updated to Water Treatment Building. All plans have been updated accordingly.

51. C13.04: This plan shows that Artisan's Park will be completed in Phase 16 of development. In the past, the Planning Board has required this work to be completed in Phase 1. Can that still be accomplished?

The plans have been revised to show the Artisan's Park as Phase 1.

52. L1.12: This plans refers to a "trolley path circulation route." Explain the operational details of the trolley.

The term trolley has been removed from the drawing.

53. L1.14: The applicant is aware that the landscaping inadvertently shown on neighboring property should be removed.

As per Change #4 dated March 5, 2015 the landscaping has been removed.

54. L3.01: This plan contains a note stating "no landscaping will be planted in the NYSEG easement until authorization is received." If the applicant desires to landscape this area after receiving such authorization from NYSEG, it must provide such authorization to the Town and submit a landscaping plan for this area for approval by the Planning Board. This could be a condition of any approval.

The note has been removed. No landscaping is proposed in the NYSEG easement.

WWTP

55. The applicant has moved the WWTP to property located next to the golf maintenance building in the OC zoning district on an easement provided by HVLC. The WWTP is not located on the project site or on property owned by the applicant. As previously noted, the golf maintenance facility is part of the golf course which is a permitted "recreational business" use in the OC district under the Town's Zoning Code. The WWTP also appears to be a permitted use in the OC district as a "public utility facility" with a special use permit. However, the applicant should obtain an interpretation from the building inspector that a WWTP owned and operated by a Sewage Works Corporation qualifies as a "public utility facility" under the Town's Zoning Code. As required by the Use Table, locating the WWTP in the OC will require a referral to the ZBA for a recommendation under the Zoning Code. The applicant's special use permit application for the OC district will have to be amended to include the WWTP at its proposed location. HVLC Agreement.



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The Applicant has obtained an interpretation from the Town Building Inspector stating that a WWTP owned and operated by a Sewage Works Corporation qualifies as a "public utility facility." The Applicant also met with the ZBA which voted in favor of providing a positive recommendation to the Planning Board. Lastly, as per letter dated February 19th, 2015 from Delbello Donnellan Weingarten Wise & Wiederkerh, LLP on behalf of the Applicant, the special use permit application was amended to include the WWTP.

56. Provide copies of Exhibits A, B, C and D to the Agreement between HVLC and Silo dated 1/27/15.

As per previous discussions and the Agreement between HVLC and Silo dated 1/27/15, copies of the final Exhibits will be provided to the Town within sixty (60) days of issuance of the Approvals.

HOA Documents

57. After the final details of the project are known, the HOA documents including, without limitation, the Master HOA By Laws and Declaration of Covenant, the Condo By Laws and Declaration of Condominium, the single family, estate home and townhome deeds, deed to Silo HOA and condominium deed should be reviewed and approved by the Planning Board as part of any approval for the project.

Comment noted.

58. The HOA Declaration did not seem to provide that the maintenance of Artisan's Park will be an obligation of the HOA. Such express statement should be added to the HOA Declaration.

The HOA will be updated to include the ownership and maintenance of the Artisan's Park Overlook.

59. The HOA Declaration references the By-laws as Exhibit D on page 33; however, the Bylaws themselves are identified as Exhibit B of the HOA Declaration. Please revise accordingly.

The HOA Declaration has been revised accordingly.

Conservation Easement

60. The Town Subdivision Code requires the conservation easement to be reviewed and approved by the Planning Board and its attorney before preliminary subdivision approval is granted. The applicant and the Dutchess Land Conservancy (DLC) are continuing to negotiate the terms of the easement. The applicant has submitted the most recent draft of the easement for the Board's review. The Board will need to work out the final details of the easement with DLC and the applicant before preliminary subdivision approval is granted.

Comment noted.



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Easements

61. The revised project plans require numerous easements to facilitate the project. The applicant should send a list of these easements to the Board. The easement documents should be reviewed and approved by the Planning Board. This should be a condition of any approval. Below is a preliminary list of such easements which the applicant should confirm:

Comment noted. The subdivision plats and descriptions will be updated to identify all required easements.

- (A) *Conservation Easement with Dutchess Land Conservancy.*
- (B) *Easement from HVLC allowing access over its land and construction of project improvements, and temporary easement for grading outside of the "easement area".*
- (C) *Public access easement for Artisan's Park providing details of the park improvements, hours of operation, maintenance responsibilities, etc.*
- (D) *Common driveway easements, reciprocal access easements and maintenance agreements for Lots LL-9 and LL-10; LL-21 and LL-22.*
- (E) *10' wide easement on each lot along roads for roadway construction and slope stabilization, including construction, maintenance of retaining walls (along Ridgeline Road, Oak Tree Lane and Red Tail Pass).*
- (F) *Emergency access easement to all emergency service providers and the Town over all roads, paths, walks and property on the site including HVLC easement area.*
- (G) *Easement for the Water Works Corporation for construction, maintenance and repair of their facilities on the project site.*
- (H) *Easement for Sewage Works Corporation for construction, maintenance and repair of their facilities on the project site.*
- (I) *Blanket easement allowing the Town to enter the site to maintain, repair and replace any storm water management improvements and facilities (including all water bodies) on the site.*
- (J) *Easement for the Silo Ridge Field Club over HOA land to access club facilities (this easement will be in the Declaration to the Master HOA).*
- (K) *Easement for HOA over Field Club lands for access and use of club amenities.*
- (L) *Drainage easement for HOA over Field Club lands.*



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- (M) *Easement over Lot E-15 to allow access, maintenance, repair and replacement of well #9.*
- (N) *Trail easements to cross private lots including Lot LL-9.*
- (O) *Easement to allow access to the applicant's temporary office.*
- (P) *Maintenance Easement agreement to allow the HOA to enter other properties to maintain the sidewalks*

62. The easements should be recorded before the final plans are executed by the Planning Board Chairman. This should be a condition of any approval.

Comment noted. This can be a condition of the pending application.

Amenia Fish & Game Club

63. As you know, the fish and game club has entered into an agreement with the applicant requiring the applicant to construct a new underground shooting range on the club's property to replace its existing aboveground range. The existing range is in close proximity to the applicant's proposed sales center, tennis courts, family activity barn, golf course and homes in the south lawn neighborhood. Construction of the underground range will: (A) mitigate any public safety concerns by preventing stray bullets from crossing into these areas; (B) improve the applicant's ability to market its homes by reducing shooting noise nearby; and (3) create an indoor and year-round shooting experience for club members. The construction of the underground range is a "win-win" situation for both the applicant and the fish and game club. Before execution of the applicant's site plans by the Planning Board Chairman, the Planning Board should require the approval of the fish and game club's pending applications for a special use permit and site plan for the underground shooting range and other site improvements. In addition, a Certificate of Occupancy ("CO") for the adjacent sales center or any buildings in the south lawn neighborhood should not be issued until a CO has been issued for the new indoor range.

The Applicant does not agree that the execution of the site plans by the Planning Board Chairman should be dependent on the approval of the fish and game club application. However, the applicant does agree that the Site Plan could contain a condition not allowing the issuance of a Certificate of Occupancy for the adjacent sales center or any building within 500' of the Gun Club until such time that a Certificate of Occupancy has been issued for the new indoor range.

64. The Agreement between the applicant and the gun club indicates that the above-ground 50-yd range will continue to be used for shooting rim-fired cartridges only from 3 pm to 7 pm on Tuesdays, Wednesdays and Thursdays. This seems contrary to the purpose of constructing the indoor range. The applicant must demonstrate that the continued use of this range in close proximity to occupied buildings and project areas noted above will not present any public safety concerns during the weekly range operations.



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Additional mitigation measures may be necessary to prevent stray bullets from the range from crossing into the new project areas.

The Applicant is currently negotiating a revision to the agreement that presently allows the shooting of rim-fired cartridges above-ground.

65. At a recent Planning Board meeting, certain officials of the fish and game club asserted that the agreement between the applicant and the club may not be valid and may not have been approved in accordance with the club's procedures. The applicant should provide proof to the Planning Board that the agreement is valid and binding and was properly approved by the club in accordance with its by-laws and other governing documents.

The applicant will provide proof that the agreement is valid and binding and has been approved by the club in accordance with its by-laws and governing documents.

Landscaping For Visual Mitigation

66. The applicant has revised its plans to add landscaping in several areas of the site to provide visual screening and to reduce visual impacts of the project. These include landscaping in front of the waste water treatment plant and golf maintenance building and north of Snowy Owl Court and Peregrine Drive. The landscaping in these areas should be maintained in perpetuity as a visual screen by the applicant and/or the HOA to ensure continuity of this visual mitigation. This could be a condition of any approval.

The Applicant agrees. This can be a condition of the pending application.

Miscellaneous

67. Estate home design standards should be included as part of the HOA declaration of covenants and restrictions.

The Estate Homes Design Standards are referenced in the HOA. The HOA documents require compliance with all the approval documents including the Master Development Plan (which includes the Design Standards), Site Plan, Subdivision, NRMP, amongst others. Furthermore, the HOA includes a more detailed set of internal design standards created by the Applicant.

68. Sketch DE-54 was not attached to VHB's 1/28/15 response memo. Please provide the sketch.

The sketch has been provided.

69. Since the inception of the project, the Planning Board (and its consultants) have provided continuous comments and feedback to the applicant related to the preparation of the subdivision plat. The plat has grown organically over time during this process starting with the preparation and approval of the conservation analysis in 2009



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and its refinement as part of the revised project. Due to this continuing consultation process, it was unnecessary for the Board to follow the formal consultation process for sketch plats as outlined in the Town's Subdivision. As a result, the Board should waive the need to follow the sketch plat process.

Comment noted. The Applicant agrees.

70. Response DE-67 provides that Phase I of the revised project will include a total of 226 residential units; however, page 5 of the Amended MDP provides for a total of 224 residential units. Please confirm which is accurate and modify the project documents accordingly.

Response DE-67 provides the total number of residential units in Phase I, including all the lodging units (205 residential units and 21 lodging units). In contrast, Page 5 of the Amended MDP provides the total residential units in both phases, without lodging units (205 residential units from Phase I plus the 19 vineyard cottages from Phase II).

71. Response DE-72 states "the Applicant concurs that a change to [an approved] building elevation that is inconsistent with the standards set forth in the Amended MDP is subject to Planning Board review and approval." This could be a condition of any approval.

The Applicant agrees. This can be a condition of the pending application.

72. The project plans have been revised to show 1,990 gallon underground propane tanks. All tanks must be registered with the NYSDEC in accordance with 6 NYCRR Part 612.

Part 612 does not apply to propane tanks.

73. In Response DE-42, the applicant states that the Amended MDP Bulk Design Standards allow for driveways in the front setback and that three Estate Home lots allowing driveways in the side yard setback are identified in the footnote of the Bulk Design Standards table. A review of the Amended MDP Bulk Design Standards demonstrates the standards do not expressly provide for this.

The MDP Bulk Design Standards have been revised to allow driveways in the front and side yard setbacks.

Field Change Protocol

74. The Planning Board and the applicant have worked to develop a Field Change Protocol that identifies minor field changes during construction that do not require any review or approval by the Planning Board or the Planning Board Engineer. The protocol also identifies more significant field changes that may require an amended approval from the Board. This protocol should be finalized as part of any approvals for the project.

Comment noted.



Memorandum

Amended SEQRA Findings

75. The SEQRA regulations (6 NYCRR Part 617) allow the Planning Board to prepare Amended SEQRA findings regarding the potential environmental impacts of the applicant's revised project. These amended findings will also outline a variety of mitigation measures that the revised project will utilize to reduce or avoid potential environmental impacts. The amended findings must be completed promptly after the public hearing is closed and before the Planning Board can issue any approvals for the project. Implementation of the mitigation measures set forth in the findings should be required as a condition of any approval for the project.

Comment noted.

Bonding

76. As part of approving a preliminary subdivision plat, the Town's Subdivision regulations require the Planning Board to approve an estimated amount of all bonds and other performance guarantees needed for the project. To this end, the applicant has submitted a proposal to post certain performance bonds. After hearing public comments on this proposal, the Planning (with input from its consultants), will need to finalize the financial guarantees needed for the project.

Comment noted.

Waivers

77. As part of approving a preliminary subdivision plat, the Town's Subdivision regulations require the Planning Board to approve waivers from certain subdivision requirements that may be authorized without jeopardy to the public health, safety and general welfare. To this end, the applicant has submitted a proposed list of waivers for the project. After hearing public comments on this list, the Planning Board (with input from its consultant) will need to finalize the list of waivers before approving the preliminary plat.

Comment noted.

Approval Conditions

78. State and local laws allow the Planning Board to impose conditions on any approval that may be directly related and incidental to the site plan or special use permit. Some potential conditions were noted and were noted in the comments from other Town Consultants. Conditions are a critical component of any approval and outline how the approval will be implemented. For example, it is typical for Planning Boards to impose conditions that must be satisfied before building permits can be issued for the project. The Planning Board (with input from its consultants) will have to develop a list of appropriate conditions to include as part of any approvals for the project.



Memorandum

Comment noted.

Final Project Process

79. The Board is nearing the end of its review process for this project. After the public hearing is closed, New York State law and the Town Code require the Board to make written decisions on the pending applications within certain time frames and to undertake certain procedural steps to finalize its decisions. Before the public hearing, I will prepare a "road map" for you that will outline the next steps that will need to be taken to finalize this project.

Comment Noted