

MEMORANDUM

VIA EMAIL

TO: Planning Board

FROM: David Everett, Esq.

RE: Amenia - Silo Ridge Resort Community: Comments on Revised Application Materials

DATE: October 11, 2014

As requested, I reviewed the revised application materials listed below that were submitted by Silo Ridge Ventures, LLC in connection with its pending applications for Amended Special Use Permit/Master Development Plan Approval, Site Plan Approval and Preliminary Subdivision Approval. Some documents required a more detailed review than others as the circumstances dictated.

Based on my review of these documents, I offer the following comments (in no particular order) for your consideration. I tried to group the comments into categories to facilitate your review. Also, I have numbered the comments individually to make it easier for the Applicant to respond to them in writing. I reserve the right to make additional comments in the future as may be necessary.

Documents Reviewed:

1. Silo Ridge Site Plan - Phase 1 and Subdivision Documents deemed complete 08/21/2014
2. Silo Ridge Amended Master Development Plan and Special Use Permit Documents deemed complete 08/21/2014
3. Silo Ridge Revised Environmental Assessment Form deemed complete 08/21/2014
4. Silo Ridge Resort Community Cover Letter August 21, 2014
5. Silo Ridge Resort Community Cover Letter August 6, 2014
6. Silo Ridge Resort Community Letter Amenia Fire Department
7. Site Plan Stormwater Pollution Prevention Plant (SWPPP)
8. Silo Ridge Response to Consultant Comments
9. New York State Department of Transportation Highway Work Permit Submission
10. NYSOPRHP Submission
11. NYSDEC Pre-Application Form
12. Silo Ridge Trans Tech Geotechnical Report
13. Silo Ridge Estate Homes Design Guidelines

14. Silo Ridge Resort Community Ground Water Exploration and Pumping Test Program
15. Silo Ridge Resort Community Water Budget Report for the Combined Irrigation Pond
16. Silo Ridge Revised Habitat Management Plan
17. Silo Ridge Project - Local and Regional Plan Consistency
18. Memorandum of Understanding with Dutchess Land Conservancy
19. DRAFT Amended and Restated Finding Statements (03212014)
20. Silo Ridge Invasive Species Plant List
21. Silo Ridge Resort Community Breeding Bird Survey - Parcel 1
22. Silo Ridge Project - TND Memo
23. Silo Ridge Resort Community Native and Non-Native List
24. Silo Ridge Agreement with Dutchess County Department of Public Works
25. Amenia Fish & Game Club Information
26. Harlem Valley Landfill Corp Agreement & Easement
27. Silo Condition Inspection Report
28. Silo Ridge Land Use And Application
29. Silo Ridge Special Use and Site Plan Application for Harlem Valley Landfill Corp
30. Silo Ridge Authorization of Agent Harlem Valley Landfill Corp
31. Silo Ridge and Harlem Valley Landfill Application Signature Page
32. Silo Ridge Resort Community Confirmatory Visual Analysis Phase I and II
33. Silo Ridge Resort Declaration of Condominium
34. Silo Ridge Declaration of Covenants, Restrictions, Easements, Charges & Liens
35. Silo Ridge Comments and Response to Visual Analysis

COMMENTS ON REVISED APPLICATION MATERIALS

Golf Maintenance Building

1. Environmental constraints (including wetlands) next to the golf maintenance facility and emergency access road should be shown on the amended MDP drawings.
2. The Applicant should provide an evaluation of the potential environmental impacts from the new golf holes located in the lot line adjustment area and from the golf maintenance facility including without limitation any nearby wetlands and wetlands located downstream from the facility. It appears that an archeological study and breeding bird study have been undertaken in these areas.
3. An SPO waiver will be required to install stormwater drainage pipes through the 100' green buffer along Route 22. The Applicant should consider alternatives that will not require this waiver or impacts to the green buffer.
4. While Drawing C.7.11 shows clearing in the SPO 100' green buffer for stormwater pipes, Drawing L3.25 indicates that "existing vegetation will remain in this area." These plans need to be harmonized. Impacts to the green buffer should be avoided, if possible. A "no cut zone" should be established to create a permanent vegetative buffer between this facility and Route 22.
5. The Applicant should provide a fully signed copy of the agreement between HVLC and Silo Ridge Property A, LLC dated June 30, 2014. Exhibits C and D to the agreement should also be provided.

6. The Applicant should provide sketch DE-54.
7. Numerous drawings show grading near the Golf Maintenance Facility and emergency access road extending beyond the easement area. The Applicant should obtain a letter from HVLC indicating their permission to conduct grading in this area.
8. The fuel storage tanks should be noted as ASTs.
9. Will the easement provided by HVLC for the emergency access road be an exclusive easement dedicated to use by the Applicant only? Do any other entities have easement rights over the emergency access road? If yes, for what purpose?
10. The golf maintenance building and portions of the golf holes are located in the OC district. For the OC district, Section 121-10(H)(1) of the Zoning Code requires that “impervious surfaces are limited to 40% of the total project area, requiring 60% to be maintained as open or undeveloped green space. This green space shall be arranged in a manner that adequately buffers buildings and parking areas from public roads and neighboring properties” The golf maintenance yard and emergency access road contain a lot of impervious surfaces. The Applicant should add a chart to the plans demonstrating that these improvements meet the 60% green space requirement in the OC?
11. Section 121-10(H)(1) states that in the OC “buildings shall be placed in front of their parking lots to screen the parking from the road. This requirement shall not apply if the entire site is screened from the road by natural vegetation and/or natural topography.” The Applicant should demonstrate that the entire facility is screened from Route 22 by landscaping or topography so this requirement would not apply. If the facility is not screened, the Applicant should add landscaping to screen it.
12. The Applicant should provide details for the gate on the emergency access road?
13. Dr. Klemens should review the updated NRMP when it gets submitted to the Planning Board.

Cultural Resource Area

14. The Applicant should provide any comments from OPRHP on the Avoidance Monitoring and Unanticipated Discovery Plan prepared by VHB (August 2014) and the Phase 1A/1B Archeological Survey Silo Ridge Project, Parcels 1, 2 and 3 and Phase II Archeological Evaluation West Lake Amenia Road Historic Site prepared Historical Perspective, Inc. (July 2014).
15. The archeology study recommends Phase 1B archeological testing in area to the west of the Cultural Resource Avoidance Area. Drawing L3.01 shows a number of new trees being planted in this area. Work should not occur in this area until potential impacts on cultural resources have been fully investigated and approved by SHPO.

16. The Applicant should explain whether the Cultural Resource Avoidance Area will be covered by the conservation easement?
17. Has the Cultural Resource Avoidance Plan been incorporated into the HOA documents?
18. What field markers will be used to demarcate the 25' buffer around the Cultural Resource Avoidance Area? These markers should be added to the plans.
19. Drawing C12.01 should add "25' buffer".

Overlook/Artisan's Park

20. The Applicant has agreed to dedicate the park to the Town. To facilitate this dedication, the park should be located on a separate lot. The preliminary subdivision plat should be revised to show this lot.
21. A note should be added to the preliminary subdivision plat offering to dedicate the park to the Town.
22. The new water tank located on the north side of Rt 44 should be setback a sufficient distance from the lot line for park.
23. The Applicant should provide more details about the park's improvements and overlook area - types of benches, walkway material, etc. This should be coordinated with the Town's Director of Recreation.
24. The HOA documents should contain a requirement that the Master HOA will be responsible for maintaining park at their expense.
25. Is lighting proposed for the park? If so, please provide lighting details. Will the park be closed at night?
26. Is a gate proposed for the park's access drive? If so, please provide details of the gate?

WWTP

27. Drawing C3.09 shows grading from the WWTP extending onto the NYSEG ROW. The Applicant should obtain a letter from NYSEG indicating their permission to conduct this grading in the ROW.
28. The WWTP is located in the SPO close to the edge of Rt 44. The Applicant should consider providing a dense landscaping screen in front of the WWTP and on its west side to screen it from Rt 44.
29. Can landscaping be added in the NYSEG ROW to screen the west side of the WWTP from Rt 44? If not, can the building be shifted to the east to provide room for landscaping on the west side of the WWTP or could a retaining wall be used to screen this side of the building?

30. A fence is proposed around the WWTP in the SPO. Under Section 121-14.1 of the Zoning Code, fences are not permitted in the SPO. A waiver will be required for the fence. Details of the fence should be provided to the Planning Board for approval.
31. The exterior siding and roofing materials for the WWTP should be noted on the site plans. Color building elevations should be provided especially since this building will be located in the SPO.
32. Section 121-18(C)(3)(c) of the Zoning Code states that where buildings are visible from public roads, the Planning Board shall require the submission of architectural standards and covenants. The WWTP will be visible from Rt 44. The Applicant must submit deed covenants restricting the building elevations for the WWTP to those depicted on the approved site plans. Any modifications to the approved elevation must also be approved by the Planning Board.
33. The Water and Wastewater Collection Utility Plan Drawing Set must be incorporated into the overall site plans and must be consistent with the overall site plan. Right now there are major inconsistencies between these plan sets.
34. Drawing P1.02 shows a driveway gate for the WWTP. The details of this gate should be provided?
35. The lighting plan shows 8 bollards lights lining the edge of the parking lot along Rt 44. This site is in the SPO. Are these necessary? Will these lights conflict with landscaping? Is there a single light at the entrance?
36. The square footage of the WWTP and the water treatment plant should be added to the Silo Ridge Amenity Building Summary on Drawing SP-3?
37. On Drawing U-1, why is the sanitary force main and potable water line being trenched through forested area in Phase 2. They should be run down the driveway to avoid clearing in forested areas and steep slopes.
38. Section 121-40(L) of the Zoning Code states "no use shall produce glare so as to cause illumination beyond the boundaries of the property on which it is located in excess of 0.5 foot candles." Drawing SL1.05 shows foot candles exceeding 0.5 at the boundaries of the WWTP. This should be corrected to adhere to the law.

Estate Homes

39. The Planning Board's engineer will be preparing detailed design guidelines for the estate homes and golf villas. These guidelines will be revised with input from the Applicant.
40. The Applicant should incorporate the building color palettes used in the Confirmatory Visual Analysis For Phase I and II for the Silo Ridge Resort Community (July 20, 2014)

into the Building Design Guidelines for the Estate Homes on Drawing SP-9 in the Amended MDP.

41. The Design Guidelines on Drawing SP-9 should incorporate the Silo Ridge Design Guidelines for Estate Homes (dated August 21, 2014). The design guideline should be located in one place on the Amended MDP and should not be located in multiple documents and in multiple places.
42. Some lots show driveways and retaining walls located within the lot setbacks. These improvements should be moved out of the set-backs?

Preliminary Subdivision Plat

43. The plat should contain an existing conditions drawing showing all the existing lots lines on the site so the Planning Board can understand how they will be changing.
44. Please provide a drawing showing just the proposed lots lines without all the easement lines. The easements can be located on a separate drawing.
45. The location of the open space should be identified on the plat. The boundaries of the conservation easement should also be shown on the plat.
46. The home numbers on the Amended MDP and the lot numbers on the preliminary plat are different. This presents some confusion when referring to specific homes/lots. Can the numbers be consistent?
47. The plat appears to show the general location of easements but none of the easements are identified - which is confusing. The type of easement - drainage, stormwater, utility and other easements - should be identified separately, preferably by different colors or on different drawings.
48. The ownership of each easement should be noted on an easement drawing.
49. On Drawing PL 1.05, lot lines are drawn through the middle of the water tank. This is not preferred. The tank should be located wholly on one lot, not split into two lots.
50. The plat does not show the existing house being used as the Applicant's office on Route 44 (on lot 134). How are the lot lines being handled with respect to this house? The proposed lot lines appear to run through the house. This situation needs to be addressed.
51. A hammerhead turnaround should be provided at the end of Road D. If not, an easement will be required allowing vehicles to turn around in the driveway of SL-27.
52. Please provide an ownership map showing which lots will be owned by the HOA as common area and which lots will be owned by individual homeowners and other entities, etc.

53. Please identify which lots will be common areas. Please identify the purpose of each lot.
54. Is the golf course lot numbered?
55. The water treatment plant lot should have a lot number.
56. Note 1 on the plat should read "Refer to Silo Ridge Resort Community Amended Master Development Plan and Phase 1 site plans for more details."
57. Note 2 on the plat states "Standard easement width is 10' where a single utility is proposed; other widths vary as shown." Section 105-20(G) of the Subdivision Law requires 30' wide stormwater easements over watercourses, drainage ways, channels and streams. The note should be revised accordingly and the 30' easement should be shown on the plat. Also, Section 105-25(C) of the Subdivision Law states that when utilities cannot be included in road ROWs, an unobstructed 20' wide easement must be provided across property outside roadways. The note should be revised accordingly and these 20' wide easements should be shown on the plat.
58. A note must be placed on the plat indicating that all common or shared driveways will be maintained by individual owners pursuant to a driveway maintenance agreement and reciprocal access easement approved by the Planning Board.
59. Lot designation "300" should be removed from Drawing C4.01. This is the easement area.
60. A note must be placed on the plat indicating that the plat is subject to a Declaration of Covenants, Restrictions Easements Charges and Liens by the Silo Ridge Master Homeowners' Association and a Condominium Declaration
61. The following note shall be added to the plat: "roads in the subdivision are private and do not qualify for nor are they intended for dedication to the Town of Amenia and there is no obligation on the part of the Town of Amenia to accept such road in any event and under any circumstances."
62. The scope of the performance guarantee for the project must be addressed with the Planning Board as part of preliminary subdivision review.
63. Section 105-20(B) of the Subdivision Law provides for the preservation of existing features. The Applicant shall, at a minimum, identify significant large individual trees on the project site and take mitigation measures to preserve these trees and avoid cutting them. This is further required by the submission requirements for preliminary plats Part 1(h) of Appendix C.
64. The following flag lots are currently proposed: Lots 1, 7, 9, 10, 17, 18 and 98. Flag lots should be eliminated to avoid the need for additional waivers (see below) and to avoid compliance with additional standards set forth in Section 105-21(F) of the Subdivision

Law. Short extensions of the road in front of lots 7, 9, 10 and 17 and 18 would eliminate these flag lots. Lot 98 is proposed for phase 2; the removal of individual lot lines for Lot 98 would also eliminate this flag lot.

65. In the event proposed flag lots remain on the plat, a note shall be added to the plat in accordance with Section 105-21(F)(11) of the Subdivision Law stating that "No further flag lots (other than approved lot line changes which do not create the potential for new building lots) shall be permitted."
66. Pursuant to Section 105-27(B) of the Subdivision Law, "... All road maintenance obligation agreements and declarations of covenants and restrictions shall also grant the Town of Amenia the authority to charge the common lot owners or the HOA for the reasonable costs actually incurred in enforcing the terms of those documents, including any repair, maintenance, or construction costs and attorneys' fees, which charge shall become a lien on the property of the common lot owners or the HOA, and enforceable in the same manner as a property tax lien. ..." Section 8 of the HOA Declaration sets forth a list of Town of Amenia Requirements. The following should be added to that list:
 - The Association will be responsible for the ongoing maintenance, repair and construction costs of all private roads within the Silo Ridge Community.
 - In the event the Association fails to carry out its responsibilities pursuant to this Section 8, the Town may after giving reasonable advance notice to the Association, perform work and/or services and impose a lien on the Properties for the cost of such work and/or services.

SPO

67. In Phase 1, please quantify how many total buildings will be built and how many of those will be located in the SPO. Please provide the same information for phases 2 and 3.
68. The project site will contain approximately 541 acres of total open space on the site. How many acres of this open space will be located in the SPO?
69. The Planning Board has discussed the possibility that removing existing trees along Route 44 at the hairpin turn would open up vistas of the valley from Delavergne Hill. This work could be considered mitigation for the construction of certain buildings which would also be visible from Delavergne Hill. The Applicant should add the removal of this vegetation to the site plans. Under the Zoning Code, a site plan approval is required to clear cut more than 5000 sf of vegetation in the SPO.

RDO

70. Section 121-18(C)(6) of the Zoning Code states that a 100' open space buffer shall be provided from existing residential uses that are not within the RDO. The homes

located on West Amenia Road are not located in the RDO district and are directly across the street from the project site. A 100' open space buffer must be provided on the project site. The applicant is seeking a waiver from this requirement. However, it appears that this buffer already exists on the site. Is this waiver necessary? It appears that the buffer could simply be shown on the plans without requesting this waiver?

71. Section 121-18(c)(3)(b) of the Zoning Code states "the Master Development Plan shall contain a management plan for the future management of proposed development as a unified entity." Has a management plan been provided? Is this the MDP narrative?
72. Section 121-18(C)(3)(c) of the Zoning Code states that where buildings are visible from public roads, the Planning Board shall require the submission of architectural standards and covenants. Some buildings will be visible from Rts 22 and 44. The Applicant must submit deed covenants restricting these building elevations to those approved in the plans. Any modifications to the approved building elevations must be approved by the Planning Board.

Miscellaneous

73. In certain responses to my previous comments dated May 12, 2014, the Applicant requested that a number of conditions be imposed on the final project approvals requiring the submission of various legal documents (ie, easements, HOA documents, etc) for the review and approval by the Planning Board and its Attorney. I will prepare these conditions for the Board's consideration as part of its deliberations on these applications.
74. In a project of this magnitude, field changes from the approved plans will likely become necessary for a variety of reasons. It will be critical to create a protocol to identify those major changes that will require an amended approval from the Planning Board and those minor changes that will not. To address this issue, the Board should consider creating a "Field Change Approval Protocol" that can be followed by the Applicant and the Town. The input from the Town's Building Department will be important on this protocol. The Applicant should provide a draft protocol to the Board for consideration.
75. I will defer to the Town's Planning Consultant regarding whether the quantity and layout of parking is appropriate for this project.
76. Updated Sheet C12.04 shows more extensive improvements for the golf academy than previously shown. None of those improvements are identified or labeled on the plan. A more detailed site plan should be provided for the new improvements around the golf academy.

77. Will the septic tanks and leach fields for the existing Club House and Golf Maintenance Building be removed or abandoned in place? These items should be shown on the existing conditions plans.
78. Page 26 of the 2007 Phase 1 ESA for the site stated "in as much as hazardous materials are used on-site on a regular basis the potential exists that deleterious materials have been introduced into the [sub-surface sewage disposal system]. As such, testing of the septic tank, leach field and distribution boxes for contamination would be prudent." Has this testing been done?
79. The visual simulations should be updated to show all water tank related improvements proposed for the hairpin turn. The underground propane tank and generator will likely have vent stacks and fill ports that will be located above ground. These improvements should be included in the simulations to ensure accuracy.
80. Drawings GP-6A and GPA-6B show drainage pipe running from the NYSDOT ROW on the hairpin turn onto the Applicant's property. The Applicant should grant an easement allowing the Town or DOT the right to maintain these drainage structures in the event the Applicant does not. As required by Section 105-25 of the Town Code, these easements should be added to the subdivision plat.
81. The Applicant will be using an existing house on Route 44 as a temporary sales office and construction office for the project. I will defer to the Town's Code Enforcement Officer regarding whether this use and any related site improvements for this property may need to obtain site plan approval.
82. The numerous inconsistencies between the Site Plan drawings and the Water & Wastewater Collection Utility Plan drawings must be eliminated. For example, the Amended MDP Drawings and site plans do not show the underground water tank and related improvements at the hairpin turn. However, the water plans show these improvements.
83. The site plans for the water treatment building do not seem to allow enough space for delivery trucks (for propane, chemicals, waste removal, etc) to turn around in the parking lot or driveway. This issue should be evaluated.
84. Is the propane tank for the water treatment building underground? See Drawing C10.01.
85. Page 17 of the EAF Addendum states that a rock excavation concept plan has been prepared for the project. Has this plan been submitted to the Planning Board for review?
86. The Applicant shall provide an agreement demonstrating that the proposed underground shooting ranges and related improvements have been accepted by the Amenia Fish and Game Club. More detailed plans should be provided regarding these improvements.

87. A separate special use permit/site plan approval may be required for the Amenia Gun Club to install the underground shooting ranges, new buildings and related improvements on their property.
88. Does the traffic analysis evaluate the expanded use of the emergency access drive to include the traffic from the golf maintenance building?
89. Will a confirmatory visual simulation be necessary for Phase 3 work at the time the site plan applications will be submitted?
90. In a letter dated August 18, 2014, the Amenia Fire Company requested that sight lines for the project roadways be maintained free of brush and tree limbs that may impacts visual sight. The Applicant should provide proof that this issue has been addressed to the Fire Company's satisfaction.
91. In a letter dated August 18, 2014, the Amenia Fire Company recommended that signage be installed on the hammerheads to prevent any unnecessary parking and that this space be kept free in the event of an emergency. The Applicant should revise the site plans to include signage for these areas.
92. The square footage for the general store should be shown on Drawing SP-3: Silo Ridge Amenity Building Summary.
93. The project plans depict 1000 gallon underground propane tanks for each home. These tanks are prohibited. Under Section 121-15(D)(4) of the Zoning Code, underground fuel storage tanks less than 1100 gallons are prohibited in the Aquifer Overlay Zone on the project site. The Applicant has three options to address this issue: (1) increase the size of the tanks to be greater than 1100 gallons and revise the plans accordingly; (2) seek an interpretation from the Code Enforcement Officer that propane tanks less than 1100 gallons are permitted under the Code; or (3) use above ground storage tanks.
94. A determination from the Code Enforcement Officer will be required regarding whether the land used for the underground water tank (and related improvements) at the hairpin turn can still qualify as open space under the Town's Zoning Code.
95. How many golf carts can be parked under the Fitness Center?
96. Is the reference correct on page 5 of the MDP narrative (dated July 2014) to the project site containing 1300 acres?
97. The Applicant should provide a copy of all permit applications submitted to the NYSDEC and the Dutchess County Department of Health for the Project.
98. The color palettes contained in the Confirmatory Visual Simulation should be incorporated into the Amended MDP to make it clear that all buildings on the site will use only those palettes.

99. HOA documents must contain prohibitions about expanding beyond demarcated areas and these areas will not be used for disposal of yard waste.
100. Can the lot line for lot E-16 be shifted slightly to remove irrigation well #9 from this lot and eliminate the need for an access easement to reach the well?
101. The special use permit application submitted to store more than 500 pounds of fertilizer must contain the information required by Section 121-15(E)(3) of the Zoning Code. This information was not submitted and must be.
102. The Amenia Ambulance Company should review and comment on the plans.
103. Has a payment schedule been agreed to with the Town Board for paying the Workforce Housing In-Lieu Fee?

Waivers:

104. The Applicant should provide more detailed justification for each waiver being sought. Some of the waivers will actually reduce environmental impacts and provide a positive benefit for the project.
105. The Applicant should investigate whether any waivers will be required from New York State Code Review Board to deviate from certain roadway provisions of the State Fire Code. I will evaluate this issue further and report to the Board.
106. The following waivers should be expressly identified in the draft list of waivers:
- Permission to install stormwater drainage pipes and related clearing for the golf maintenance building in the SPO 100' green buffer along Route 22.
 - Permission to install a driveway and clear related vegetation for the access road to Overlook/Artisan's Park in the SPO 100' green buffer along Route 44.
 - Permission to install benches and other improvements for Overlook/Artisan's Park in the SPO 100' green buffer along Route 44.
 - Permission to conduct work on the existing site driveway within the SPO 100' green buffer along Route 22.
 - Permission to erect a fence at the hairpin turn and a fence in front of the WWTP in the SPO 100' buffer along Route 44.
107. The Applicant should identify which lots require waivers from the 15% slope requirement.
108. If flag lots remain on the plat, the Applicant should identify which specific waivers will be required including possibly:

- Section 105-21(F)(1) - The minimum area of a flag lot shall be twice the lot size otherwise required for a conventional subdivision in all zoning districts except the Rural Agricultural (RA) District, where the minimum lot area may remain as required. The area of the accessway may be included in the calculation of the required minimum lot area for the flag lot.
- Section 105-21(F)(2) - Each flag lot shall have a minimum frontage of 25 feet on an improved road to provide for an accessway as required by this chapter. No portion of a flag lot shall be less than 50 feet in lot width.
- Section 105-21(F)(10) - No subdivision plat that includes three or more flag lots shall be approved unless the Planning Board finds that allowing such flag lot(s) will result in no more lots than could have been permitted using a hypothetical layout that includes a Town road and does not include flag lots. In making such determination, the Planning Board shall find that hypothetical Town road layout is feasible considering driveway locations, road grades and other Town road design standards, and sanitary sewer facilities required for each lot. The Planning Board may ask the Town Highway Superintendent to review the hypothetical Town road layout for compliance with Town road design standards.

109. The Applicant should also seek a waiver for flag lot 98 or eliminate the lot for now and address it as part of Phase 2.

110. The Applicant should investigate whether the following potential subdivision waivers may be required:

- Section 105-21(A)(3) of the Subdivision Law: A depth of undisturbed usable soil with respect to seasonal or prolonged high-water table and bedrock of not less than four feet.
- Section 105-24(A) - PB may waive improvements which it considers are not requisite to the interest of public health, safety and general welfare. If no road lighting is proposed, waiver will be required (see subsection (4))
- Section 105-25(C), where utilities within road rights-of-way are impracticable, "perpetual unobstructed easements at least 20 feet in width for such utilities shall be provided across property outside the road lines and with satisfactory access to the road. Ownership of these easements shall be indicated on all reservations and on the final subdivision plat." Drainage easements shall be at least 30 feet in width.
- The Town Engineer shall determine the capacity of a well to provide adequate water supply for the development. Section 105-25(E)(6) provides that "in order to assure adequate water supply for safety, health and comfort of the residents, a seventy-two-hour test shall be taken, during which time an amount equal to at least 600 gallons per dwelling unit shall be obtained on a sustained basis without significant impact to existing surrounding wells."

I trust the above comments will be helpful to the Planning Board in its ongoing review of this complex project. If you have any questions on this memo or the comments above, please let me know.