



TOWN OF AMENIA

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TOWN OF AMENIA PLANNING BOARD

Resolution # 4 for 2022

RESOLUTION GRANTING SPECIAL PERMIT AND SITE PLAN APPROVAL FOR SILAND RECREATION FACILITY

March 23, 2022

WHEREAS, the Town of Amenia Planning Board (“Planning Board”) has received an application from Siland Commercial Property LLC (“Applicant”) for Special Permit and Site Plan Review approval of a recreation business which includes, among other things, a field and pool house, ice-house, warming hut, and tennis, pickle ball, and paddle tennis courts, sledding area, ballfield, playground and multi-purpose fields, supported by associated parking and utilities. (the “Project”). The Project also includes a proposed 8’ tall fence on an adjoining property along the Project’s northern property boundary; and

WHEREAS, the Project will be constructed on a 53± acre parcel owned by the Applicant consisting of Parcel # 32000-7066-00-910219 situated at 4391 NYS Route 22 in the Town of Amenia, Dutchess County, New York (the “Site”); and

WHEREAS, the Site is located in the Office/Commercial/Industry and Rural Agricultural zoning districts under the Town of Amenia’s Zoning Law (the “Zoning Law”), where the Project is a permissible use on the Site subject to the issuance of a Special Permit and Site Plan approval by the Planning Board pursuant to Article IX of the Zoning Law; and

WHEREAS, the Applicant has submitted information to the Planning Board in support of the proposed Project including, among other things: (1) a land use application; (2) site development and construction plans; (3) a stormwater pollution prevention plan; (4) a SEQRA Full Environmental Assessment Form (“FEAF”), Part 1; (5) an Operation Plan; and (6) related documents (collectively, the “Application”); and

WHEREAS, in November 2021, the Planning Board referred the Application to the Dutchess County Planning Department (“DCPD”) for a recommendation as required by NYS General Municipal Law § 239-m and the DCPD has responded that the Project is a matter of local concern and provided comments which the Planning Board has considered; and

WHEREAS, in January 2022, the Planning Board referred the Application to the Town of Amenia Zoning Board of Appeals (“ZBA”) pursuant to Zoning Law § 121-62(E)(4) for comments which the ZBA has provided and the Planning Board has considered; and

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WHEREAS, the Project's road will run between NYS Route 22 and roads in the Silo Ridge resort project. The road has been designed to be consistent with the rural land standards applied by the Planning Board to the roads in Silo Ridge resort subdivision pursuant to the Town's subdivision regulations in Chapter 105 of the Town of Amenia Code; and

WHEREAS, easements for certain elements of the Project will be required for various purposes from Harlem Valley Landfill Corp (Parcel #7066-00-870350), as well as an access agreement with Whalen Leasing Co. (Parcel #7066-00-969308) and several third-party agreements; and

WHEREAS, Silo Ridge Homeowners Association, Inc. (as successor in interest to Silo Ridge Ventures Property A LLC) and Harlem Valley, LLC (as successor in interest to Harlem Valley Landfill Corp) have agreed to grant the Applicant use of such existing rights and easements for the benefit of the Project as the Planning Board reasonably requires as a condition of its approvals of the Project; and

WHEREAS, the Applicant proposes to install ten spruce trees on the Site and a fence on the adjoining property owned by Whalen Leasing Co. (Parcel #7066-00-969308) (the "Whalen's Land") to provide screening and buffering between the Project and Whalen's existing commercial and residential uses. On behalf of Whalen, the Applicant will apply to the ZBA for an 8' fence, which requires a setback variance based on the Zoning Law. In the event the requested variance is not granted by the ZBA, the Applicant will construct a fence on Whalen's Land that is as tall as possible within the requirements of the Zoning Law and plant twenty spruce trees on the Site to screen/buffer the Project from Whalen's Land; and

WHEREAS, the Project will not be open to the general public but the Applicant has proposed, on a limited basis, to make the uses of some Project amenities available to civic groups based on the Operations Plan developed for the Project; and

WHEREAS, the Planning Board has reviewed and considered all of the information in the Application submitted in support of the Project; and

WHEREAS, the State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, "SEQRA") require the Planning Board to evaluate the potential environmental impacts of the Project prior to taking any action on the Application; and

WHEREAS, the Planning Board determined that the Project is a Type 1 action pursuant to SEQRA and stated its intention to serve as the lead agency for purposes of conducting and coordinating the environmental review of the Project on behalf of all involved agencies; and

WHEREAS, on November 2, 2021, as required by 6 NYCRR § 617.6 of the SEQRA regulations, the Planning Board conducted a coordinated review by distributing the following documents to all potentially involved and interested agencies: (1) Notice to Designate the Planning Board as the SEQRA Lead Agency for the Project; (2) Lead Agency Consent Form; (3) Application documentation; (4) SEQRA Full Environmental Assessment Form ("FEAF"), Part 1; and (5) Site Plans; and

WHEREAS, no involved or interested agencies objected to the Planning Board serving as the SEQRA lead agency for the Project; and

WHEREAS, the Planning Board established itself as the lead agency for conducting and coordinating the environmental review of the Project under SEQRA; and

WHEREAS, on March 23, 2022, the Planning Board completed a comprehensive, coordinated review of the Project's potential environmental impacts under SEQRA and adopted a Negative Declaration concluding that the Project will not have any significant adverse impacts on the environment; and

WHEREAS, the Planning Board held a public hearing on the Application as required by the Zoning Law and the NYS Town Law. The Planning Board considered all public comments at the hearing and closed the public hearing; and

WHEREAS, pursuant to the Zoning Law, the Planning Board has reviewed the Project for compliance with the standards for Special Permit and Site Plan Review provided by Zoning Law §§ 120-63 and 120-65(D) and makes and adopts the specific findings for special permits set forth in the attached "Special Permit Findings," concluding that the Project complies with those standards.

NOW, THEREFORE, BE IT RESOLVED, that based on the Application made pursuant to Article IX of the Zoning Law and NYS Town Law §§ 274-a and 274-b, the Planning Board hereby grants Special Permit and Site Plan approval for the Project and approves the following site plans/reports/documents for the Project (the "Approved Site Plans"):

1. Proposed Recreation Facility-Siland Commercial Property LLC prepared by VHB Engineering, surveying, Landscape Architecture & Geology, P. C. dated October 2021; and
2. Cover Sheet-Site Plans-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
3. Cover Sheet-Site Plans-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
4. Drawing Sheet C1.00-Overall Site Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021, last revised January 5, 2022; and
5. Drawing Sheet C1.01-Legend & General Notes-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
6. Drawing Sheet C2.00-Overall Existing Conditions Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and

7. Drawing Sheet C2.01-Existing Conditions Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
8. Drawing Sheet C2.02-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
9. Drawing Sheet C2.03-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
10. Drawing Sheet C2.04-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
11. Drawing Sheet C3.00-Overall Layout & Materials Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
12. Drawing Sheet C3.01-Layout & Materials Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
13. Drawing Sheet C3.02-Layout & Materials Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
14. Drawing Sheet C3.03-Layout & Materials Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
15. Drawing Sheet C3.04-Layout & Materials Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
16. Drawing Sheet C4.00-Overall Grading & Drainage Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
17. Drawing Sheet C4.01-Grading & Drainage Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
18. Drawing Sheet C4.02-Grading & Drainage Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
19. Drawing Sheet C4.03-Grading & Drainage Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
20. Drawing Sheet C4.04-Grading & Drainage Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
21. Drawing Sheet C5.00-Overall Utility Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and

22. Drawing Sheet C5.01-Utility Plan-Siland Recreation Facility-prepared by VHB Engineering Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
23. Drawing Sheet C5.02-Utility Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
24. Drawing Sheet C5.03-Utility Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
25. Drawing Sheet C6.00-Overall Erosion Control Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and.
26. Drawing Sheet C6.01-Erosion Control Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
27. Drawing Sheet C6.02-Erosion Control Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
28. Drawing Sheet C6.03-Erosion Control Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
29. Drawing Sheet C6.04-Erosion Control Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
30. Drawing Sheet C7.01-Road Profile-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021.
31. Drawing Sheet C7.02-Road Profile-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
32. Drawing Sheet C7.03-Road Profile-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
33. Drawing Sheet C7.04-Road Profile-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
34. Drawing Sheet C08.01-Site Details 1-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
35. Drawing Sheet C08.02- Site Details 2-Siland Recreation Facility-prepared by VECB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
36. Drawing Sheet C08.03-Site Details 3-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and

37. Drawing Sheet C9.01-Photometric Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated March 8, 2022; and
38. Drawing Sheet LI.01-Planting Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
39. Drawing Sheet LI.02-Planting Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated March 8, 2022; and
40. Drawing Sheet L2.00-Planting Notes and Details-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated October 14, 2021; and
41. Drawing Sheet AC501-Ice Pavilion Elevations-Silo Ridge-prepared by LE Architecture, dated June 4, 2021, scale 3/32" =1'0"; and
42. Drawing Sheet AC502-Ice Pavilion Elevations-Silo Ridge-prepared by LE Architecture, dated June 4, 2021, scale 3/32" =1'0"; and
43. Drawing Sheet AF501-Field House Elevations-Silo Ridge-prepared by LE Architecture, dated June 4, 2021, scale 3/32" =1 '0"; and
44. Drawing Sheet AF502-Field House Elevations-Silo Ridge-prepared by LE Architecture, dated June 4, 2021, scale 3/32" =1 '0"; and
45. Drawing Sheet AH501-Warming Hut Elevations-Silo Ridge-prepared by LE Architecture, dated June 4, 2021, scale 1/4" =1'0"; and
46. Drawing Sheet Ea-1.0-Proposed Easement Plan-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated March 8, 2022; and
47. Proposed Improvements for Adjacent Property-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated January 19, 2022; and
48. Drawing Sheet XS-1 Plan View for Cross Sections-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated February 16, 2022; and
49. Drawing Sheet XS-2 Site View for Cross Sections-Siland Recreation Facility-prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, dated February 16, 2022; and
50. Stormwater Pollution Prevention Plan ("SWPPP") prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, PC, last revised October 2021; and
51. The Backyard at Siland, Preliminary Operation Plan dated March 8, 2022 and

BE IT FURTHER RESOLVED, that the Planning Board Chairman is authorized to sign the Approved Site Plans upon receipt of the following items:

1. Confirmation that the comments from the Planning Board's Engineer have been satisfactorily addressed; and

2. Confirmation from the Planning Board's Engineer that the color of the proposed fence on the Whalen's Land will be consistent with Planning Board's approval/direction; and
3. Confirmation that the Planning Board's Engineer has reviewed and accepted the technical details of the Project's SWPPP and proof of coverage of the Project under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002); and
4. Proof of approval by the Town of Amenia Town Board to extend the service area of the Silo Ridge Sewer Works Corporation and the Silo Ridge Water Works Corporation to service the Project and Site or confirmation by the Town Board's attorney that no such approval is required; and
5. Proof of approval from the Dutchess County Department of Behavioral and Community Health ("DBCH") for the sewer and water supply systems servicing the Project and Site; and
6. A copy of a fully executed agreement between the Applicant and Whalen Leasing Co. pertaining to the construction of a fence Whalen's Land and landscaping on the Site to screen/buffer the Project from the Whalen's Land; and
7. Copies of fully executed third party agreements between the Applicant, Silo Ridge Homeowners Association, Inc. (as successor in interest to Silo Ridge Ventures Property A, LLC) and Harlem Valley, LLC (as successor in interest to Harlem Valley Landfill Corp.) consistent with the Approved Site Plans; and
8. A copy of the ZBA's approval of an area variance for the 8' high fence on the Whalen's Land. If the variance application is denied, the Applicant shall install a zoning compliant fence on the Whalen's Land and twenty spruce trees on the Site based on the Approved Site Plans. In the event that any other changes to the screening/buffering measures for the Whalen's Land are proposed, the Applicant shall seek amended site plan approval from the Planning Board; and
9. Drafts of all easements shown on the Approved Site Plans (including legal descriptions) must be acceptable to the Planning Board's Engineer and Attorney; and
10. Confirmation of payment to the Town of any and all outstanding escrow or other fees related to the Application; and

BE IT FURTHER RESOLVED, that no building permit shall be issued for the Project until the Planning Board has received the following:

1. Proof of recording of all required easements as shown on the Approved Site Plans for the Project with the Dutchess County Clerk; and
2. Payment of any and all outstanding escrow or other fees related to the Application; and

BE IT FURTHER RESOLVED, that no Certificate of Occupancy shall be issued for the Project until the Planning Board has received the following:

1. Confirmation from the Planning Board Engineer that the fencing located on the Whalen's Land and the trees on the Site to screen/buffer the Project from the Whalen's Land have been completed in accordance with the Approved Site Plans, as may be amended; and
2. Proof of a DBCH permit to operate the water and sewer supply systems to service the Project; and
3. Proof of the issuance of a Highway Work Permit by the New York State Department of Transportation (the "NYSDOT") to improve the Project's road access onto Route 22 and completion of the work to the satisfaction of NYSDOT; and
4. No certificate of occupancy shall be issued until all improvements shown on the site plan have been fully installed or completed. The applicant shall file with the Code Enforcement Officer a complete set of as built plans certified by a NYS licensed engineer that the improvements have been installed or otherwise completed in conformance with the approved plans with any deviations noted and explained. The as built plan and certification will serve as the basis for a determination by the Planning Board's Engineer that the Project has been constructed in accordance with the Approved Site Plans, as may be amended.

BE IT FURTHER RESOLVED, that parking on the Site for any community events shall be limited to no more than fifty (40) vehicles and fifty (50) participants. The Applicant shall strictly adhere to this requirement. Also, the Applicant shall include this requirement in all leases, agreements and/or rental documents used for such events; and

BE IT FURTHER RESOLVED, that as required by NYS Town Law §§ 274-a and 274-b, a copy of this resolution shall be filed in the Town of Amenia Clerk's office within 5 days after this resolution has been adopted and a copy of this resolution shall also be sent to the Applicant; and

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

Motion by:

Second by:

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

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Robert Boyles, Jr., Chair	<u>✓</u>	_____	_____	_____
John Stefanopoulos	_____	_____	_____	<u>✓</u>

Walter Brett

✓

Neal Kusnetz

✓

Matthew Deister

✓

Nina Peek

✓

Anthony Robustelli

✓

Dated: March 23, 2022

Amenia, New York



Judy Westfall, Planning Board Clerk