

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
July 6, 2020

Chairman Sam Phelan called the meeting to order at 7:30 pm. Mr. Phelan assured compliance with the NYS Open Meetings Law regarding the use of videoconferencing the meeting utilizing the Zoom internet platform.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Brian Kelly, Kristina Dousharm, Vanessa Kichline, Lewis Rose and Lisa Foscolo. Also present was planning consultant Michele Greig. Kallie Robertson was absent.

Lew Rose moved to accept the draft minutes for the June 1 meeting. Brian Kelly seconded and all members voted in favor.

CONTINUED PUBLIC HEARING

Bard College Blythewood vista Special Use Permit

Continued Public hearing on application for the removal of approximately 86 trees within a 30' x 60' swath to restore an historic scenic vista in the Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O), and Historic Landmarks Overlay (HL-O) Districts within 1000 feet of the Hudson River.

Sam Phelan opened the continued public hearing at 7:35. Applicant Amy Parella was present.

The Board reviewed a Bald Eagle survey submitted by Malcolm Grant of the Department of Environment Conservation (DEC) stating that there was no evidence of bald eagle nesting sites within 330 feet of the proposed cut.

The Board reviewed a Local Waterfront Revitalization Program (LWRP) Consistency Determination form submitted by the applicant. Amendments were made for accuracy, and Kristina Dousharm moved to that the amended response form was consistent with the LWRP. Lisa Foscolo seconded and all members, by roll call, voted in favor.

Brian Kelly moved to close the public hearing. Ms. Dousharm seconded and all members voted in favor.

Michele Grieg led a review of SEQR EAF parts 2 and 3 and a Negative Declaration. Ms. Dousharm moved to accept the Negative Declaration. Vanessa Kichline seconded and all members, by roll call, voted in favor.

The Board reviewed a draft approval resolution. Brian Kelly moved to adopt it. Lew Rose seconded and all members, by roll call, voted in favor. Ms. Parella asked if Board permission was required to maintain the site. Mr. Phelan said no. Ms. Parella said that she would submit a statement of best practices for the file.

OLD BUSINESS

Michael Ruella – 375 Route 199 – Minor Subdivision

Continued discussion of application to subdivide 5.4 acres from a 60.4-acre parcel in the Agricultural Business District.

Michael Ruella and Engineer Tim Lynch were present.

The Board reviewed an environmental resources map submitted by the applicant. Mr. Lynch and Mr. Ruella indicated property features and proposed building sites.

Mr. Ruella said he was currently interested in preparing a Farmland Protection Plan as opposed to a conservation easement for the larger parcel. Ms. Grieg suggested the possibility of selling the development rights to the town. Issues relative to the scenic corridor and Agricultural Business Districts, which the proposed subdivision lies within, and alternatives for the use of the property, were discussed. Mr. Phelan recommended that Board members view the site. No action was taken by the Board.

NEW BUSINESS

Winnakee, Green, Feldman and Snyder Lot Line Alterations

Presentation of application to convey a total of .342 acres of land from a 245.094-acre parcel to three adjacent residential parcels to address encroachments of the subject lots onto the Winnakee parcel. Project is located in the R1.5, RD3, Historic Landmarks Overlay and Scenic Corridor Overlay districts.

Applicant Warren Rosenthal was present. Sam Phelan recused himself and Brian Kelly took over the Chair.

Mr. Kelly asked Mr. Rosenthal to describe the project. Mr. Rosenthal said that two of the lot line adjustments are being withdrawn at the request of the town on Red Hook, due to discrepancies in the deed descriptions and the filed subdivision maps for property owners Green and Snyder.

Kristina Dousharm moved to designate the project as Type II under SEQR. Lewis Rose seconded and all members voted in favor (Lisa Foscolo left the meeting before the vote, and Sam Phelan abstained.) A public hearing was scheduled for August.

Kotler – 987 River Road - Site Plan and Certificate of Appropriateness

Presentation of application to construct a 742 SF one story addition on a two-story house in the Limited Development and Historic Landmark Overlay Districts.

Applicant's representative Dawn Santiago of Kristina Dousharm Architecture was present. Kristina Dousharm recused herself. Ms. Santiago described the project.

Michele Greig said that Zoning Enforcement Administrator Bob Fennell had determined that a site plan is not necessary for this project. Mr. Phelan said that the project had been forwarded to the Design Review Committee for a Certificate of Appropriateness. A public hearing was scheduled for August 3.

OTHER BUSINESS

Extension Request – The Preserves at Lakeskill

There was no representative present for the project, so the vote was tabled until August 3. The Board reviewed Conditions of Approval for the project.

ADJOURNMENT

There being no further business before the Board, Brian Kelly made a motion to adjourn. Lew Rose seconded and all members voted in favor.

Respectfully submitted

A handwritten signature in cursive script that reads "Kathleen Flood".

Kathleen Flood
Clerk for the Board

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project: **BARO BLYTHEWOOD**
 Date: **7-6-2020**

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)

☒ NO

☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

☒ NO

☐ YES

(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.

☒ NO

☐ YES

(See Part 1. E.2)

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air

The proposed action may include a state regulated air emission source.
(See Part 1. D.2.f., D.2.h, D.2.g)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☐ NO

☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☒	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☒	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☒	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☒	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☒	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☒	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☒	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☒	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☒	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☒	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☒	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☒	☐

d. Other impacts: _____ _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____ _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO

☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☒ NO

☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
☒ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
☒ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Please see attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

"Landscape Plan: Blithewood Tree Inventory" and Tree Inventory Table prepared by Amy Parrella dated January 26, 2020; project description entitled "Blithewood Vista Restoration at Bard College: Demonstration Project for Best Management Practices" dated March 2020; maintenance plan entitled "Estuary Program Blithewood Vista Management Recommendations" dated January 1, 2020; correspondence from NYSDEC Technician Malcolm Grant

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Red Hook Planning Board _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Bard College Blithewood Vista Restoration

Name of Lead Agency: Town of Red Hook Planning Board

Name of Responsible Officer in Lead Agency: Sam Phelan

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: *Sam Phelan* (KF)

Date: 7-7-20

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Kathleen Flood, Planning Board Clerk

Address: 7340 South Broadway, Red Hook, NY 12571

Telephone Number: (845) 758-4613

E-mail: planning@redhook.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: July 6, 2020

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Bard College Blithewood Vista Restoration

SEQR Status: Type I ☒
Unlisted ☐

Conditioned Negative Declaration: ☐ YES
☒ NO

Description of Action: The proposed action is an application by Bard College to remove a total of 35 live non-invasive trees that are greater than 6" in diameter, 11 dead trees/shrubs, 15 invasive trees/shrubs, and additional vegetation that is less than 6" in diameter within a $\pm$ 30' by 360' area of land (0.28 acres) located within 1,000 feet of the Hudson River on a $\pm$ 302 acre parcel for the purpose of restoring an historic vista. All stumps will remain in place. The proposed project is located in the Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O), and Historic Landmarks Overlay (HL-O) Districts.

Location: Annandale Road, Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 CRR-NY 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated May 1, 2020, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 CRR-NY 617.7(c).

3. The proposed project is located within 1000' of the Hudson River, and federal jurisdictional wetlands and a NYS Department of Environmental Conservation (DEC) wetland (SG-3) is located on the property. No disturbance to the bed or banks of the Hudson River (up to 50' from the stream) will occur, and no disturbance to wetlands or to the regulated 100' adjacent area to the State wetland will occur. No trees will be removed from Management Zone 4 and no shrubs will be planted in this area or in Zone 3. All tree stumps will be left in place to prevent erosion and slumping of soils. In areas of steeper slopes, shrubs will be retained to the maximum extent possible, and logs will be stabilized and left in place perpendicular to the slope every 30' to minimize erosion and sedimentation. Based on the foregoing, the Planning Board has concluded that the proposed action will not result in a significant adverse environmental impact on surface waters.
4. The project site is located in an area that has been identified as having potential habitat for Indiana bat (*Myotis sodalis*), an endangered species, and Bald eagle (*Haliaeetus leucocephalus*), a threatened species. The property is located approximately 20 miles northeast of abandoned mines where Indiana bats hibernate, which is within the potential seasonal migration distance for this species. Indiana bat typically day roost in the summer in roost trees in riparian, bottomland, and upland forests. Roost trees are most often snags (i.e., dead trees) with variable amounts of exfoliating bark, live shag-bark trees, and other habitat such as split tree trunks, split branches, holes, cracks, crevices or hollow trunks or branches. To avoid impacts to Indiana bat, the removal and trimming or topping of trees shall be limited to the period from October 1 to March 31, as recommended by the NYSDEC and US Fish and Wildlife Service. On May 19, 2020, a Fish and Wildlife Technician from the NYSDEC conducted a field visit for nesting bald eagles within the area of the cut and within 330 feet of the boundary of the cut and determined that there are no signs of eagle nesting in this area, and therefore no impacts to Bald eagle will occur as a result of the proposed tree removal. The project site is adjacent to a designated Significant Coastal Fish and Wildlife Habitat, which is part of the NYS Coastal Management Program, and there are records of Submerged Aquatic Vegetation beds in this area of the Hudson River, which provide important habitat for a variety of aquatic species, including the endangered shortnose sturgeon. No disturbance to the bed or banks of the Hudson River will occur as part of the proposed action. Based on the foregoing, the Planning Board has concluded that the proposed action will not result in any significant adverse environmental impacts on plants and animals.
5. The property is located within the Hudson River National Historic Landmark District, which is listed on the State and National Registers of Historic Places, as well as New York State's Mid-Hudson Historic Shorelands Scenic District, and the Estates District Scenic Area of Statewide Significance (SASS). Blithewood is an historic river mansion set in a landscape designed in the American Romantic Landscape style by Andrew Jackson Downing, one of the foremost landscape architects of the 19th century. Over the years, this designed landscape has become overgrown and in need of restoration. As noted in the description of the Blithewood landscape in the Estates District SASS, the *"the grounds once afforded the mansion site more*

sweeping views of the Hudson River than are now available." The SASS goes on to state that the *"view compositions of the designed landscape are overgrown at Blithewood and the extensive views they once offered are now more limited or no longer visible."* The applicant submitted an aerial photograph of Blithewood from April 1947, which depicts the original vista that is now overgrown. The proposed tree removal will contribute to restoration of the original vista and the original designed landscape, as required by the community standards in the Town of Red Hook HL-O District, which states that within this Overlay District, *"formal and informal landscaping shall be restored whenever feasible."* Based on the foregoing, the Planning Board has concluded that the proposed action will not result in any significant adverse environmental impacts on historic resources.

6. The project site is located within an area that has been identified as sensitive for prehistoric activity by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). All tree stumps will remain in place. Ground disturbance will be limited to minor disturbance for the planting of a few understory native shrubs in Management Zone 2, and all native soil shall remain in place. Based on the foregoing, the Planning Board has concluded that the proposed action will not result in a significant adverse environmental impact on archaeological resources.
7. The property is located on a designated scenic corridor (Annandale Road). The project site is located approximately 0.5 miles from the scenic corridor, and intervening vegetation, topography, and structures screen views of the site from Annandale Road. The proposed action will restore an historic vista that is part of a designed landscape, a beneficial impact on aesthetic resources. Based on the foregoing, the Planning Board has concluded that the proposed action will not result in a significant adverse environmental impact to aesthetic resources.
8. There will be a temporary increase in ambient noise levels associated with tree removal activities, which will last approximately two weeks, and will occur periodically every two years for maintenance of the vista. To mitigate this impact, all tree removal activities shall be limited to the hours of 7:00 am to 10:00 pm in accordance with Chapter 92 of the Town Code. All noise associated with tree removal will cease once tree removal has been concluded, and the impact is therefore considered minor due to its temporary nature. Based on the foregoing, the Planning Board has concluded that the proposed action will not result in a significant adverse environmental impact from noise.
9. The project site is located within the Town's Local Waterfront Revitalization Area. In accordance with Section V.C.1 of the Town's Local Waterfront Revitalization Program (LWRP), the Planning Board has reviewed the LWRP policies and has determined that the proposed action is consistent with the coastal policies.
10. The Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

Contact Person: Kathleen Flood, Planning Board Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Bard College (applicant)

Robert McKeon, Town Supervisor

Town of Red Hook Town Board

NYS Department of Environmental Conservation

NYS Office of Parks, Recreation, and Historic Preservation

Hudson River Heritage

Any person who has requested a copy

NYS DEC Environmental Notice Bulletin: enb@gw.dec.state.ny.us

Bard College Blithewood Vista Restoration, Part 3 EAF

1. The proposed project is located within 1000' of the Hudson River, and federal jurisdictional wetlands and a NYS Department of Environmental Conservation (DEC) wetland (SG-3) is located on the property. No disturbance to the bed or banks of the Hudson River (up to 50' from the stream) will occur, and no disturbance to wetlands or to the regulated 100' adjacent area to the State wetland will occur. No trees will be removed from Management Zone 4 and no shrubs will be planted in this area or in Zone 3. All tree stumps will be left in place to prevent erosion and slumping of soils. In areas of steeper slopes, shrubs will be retained to the maximum extent possible, and logs will be stabilized and left in place perpendicular to the slope every 30' to minimize erosion and sedimentation.
2. The project site is located in an area that has been identified as having potential habitat for Indiana bat (*Myotis sodalis*), an endangered species, and Bald eagle (*Haliaeetus leucocephalus*), a threatened species. The property is located approximately 20 miles northeast of abandoned mines where Indiana bats hibernate, which is within the potential seasonal migration distance for this species. Indiana bat typically day roost in the summer in roost trees in riparian, bottomland, and upland forests. Roost trees are most often snags (i.e., dead trees) with variable amounts of exfoliating bark, live shag-bark trees, and other habitat such as split tree trunks, split branches, holes, cracks, crevices or hollow trunks or branches. To avoid impacts to Indiana bat, the removal and trimming or topping of trees shall be limited to the period from October 1 to March 31, as recommended by the NYSDEC and US Fish and Wildlife Service. On May 19, 2020, a Fish and Wildlife Technician from the NYSDEC conducted a field visit for nesting bald eagles within the area of the cut and within 330 feet of the boundary of the cut and determined that there are no signs of eagle nesting in this area, and therefore no impacts to Bald eagle will occur as a result of the proposed tree removal. The project site is adjacent to a designated Significant Coastal Fish and Wildlife Habitat, which is part of the NYS Coastal Management Program, and there are records of Submerged Aquatic Vegetation beds in this area of the Hudson River, which provide important habitat for a variety of aquatic species, including the endangered shortnose sturgeon. No disturbance to the bed or banks of the Hudson River will occur as part of the proposed action.
3. The property is located within the Hudson River National Historic Landmark District, which is listed on the State and National Registers of Historic Places, as well as New York State's Mid-Hudson Historic Shorelands Scenic District, and the Estates District Scenic Area of Statewide Significance (SASS). Blithewood is an historic river mansion set in a landscape designed in the American Romantic Landscape style by Andrew Jackson Downing, one of the foremost landscape architects of the 19th century. Over the years, this designed landscape has become overgrown and in need of restoration. As noted in the description of the Blithewood landscape in the Estates District SASS, the *"the grounds once afforded the mansion site more sweeping views of the Hudson River than are now available."* The SASS goes on to state that the *"view compositions of the designed landscape are overgrown at Blithewood and the extensive views they once offered are now more limited or no longer visible."* The applicant submitted an aerial photograph of Blithewood from April 1947, which depicts the original vista that is now overgrown. The proposed tree removal will contribute to restoration of the original vista and the original designed

Bard College Blithewood Vista Restoration, Part 3 EAF

landscape, as required by the community standards in the Town of Red Hook HL-O District, which states that within this Overlay District, *"formal and informal landscaping shall be restored whenever feasible."*

4. The project site is located within an area that has been identified as sensitive for prehistoric activity by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). All tree stumps will remain in place. Ground disturbance will be limited to minor disturbance for the planting of a few understory native shrubs in Management Zone 2, and all native soil shall remain in place.
5. The property is located on a designated scenic corridor (Annandale Road). The project site is located approximately 0.5 miles from the scenic corridor, and intervening vegetation, topography, and structures screen views of the site from Annandale Road. The proposed action will restore an historic vista that is part of a designed landscape, a beneficial impact on aesthetic resources.
6. There will be a temporary increase in ambient noise levels associated with tree removal activities, which will last approximately two weeks, and will occur periodically every two years for maintenance of the vista. To mitigate this impact, all tree removal activities shall be limited to the hours of 7:00 am to 10:00 pm in accordance with Chapter 92 of the Town Code. All noise associated with tree removal will cease once tree removal has been concluded, and the impact is therefore considered minor due to its temporary nature.

LOCAL WATERFRONT REVITALIZATION PROGRAM CONSISTENCY DETERMINATION
Town of Red Hook, New York

On May 2, 1995, the Town of Red Hook adopted a Local Waterfront Revitalization Program (LWRP), which was approved by the New York State Department of State on September 20, 1995. The LWRP requires that the lead agency under the State Environmental Quality Review Act (SEQR) must make a determination that an action under its jurisdiction which is located within the Coastal Boundary is consistent to the maximum extent practicable with the LWRP prior to approving, funding or undertaking the action.

This form is designed to assist the Planning Board in making a consistency determination. The form lists the 44 policies of the LWRP. Applicants are requested to make a preliminary assessment of the project's consistency by completing the attached Table, which the Planning Board will review in making its determination. For each policy, applicants are requested to indicate that the project is either "consistent" or "not consistent" with the policy, or that the policy is "not applicable," by checking the appropriate column. For an explanation of the policies, please review the LWRP, which is on file in the Planning Board office in the Red Hook Town Hall.

Section V.C of the LWRP states that if the agency determines that the proposed action would cause a substantial hindrance to the achievement of the LWRP policies, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

- a. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of the LWRP policy standards and conditions;
- b. The action would be undertaken in a manner which will minimize all adverse effects on the LWRP policy standards and conditions to the maximum extent practicable; and
- c. The action will result in an over-riding Town, regional or state-wide public benefit.

Applicants whose proposals are not consistent with the LWRP policies must provide evidence that the above standards will be met before the Planning Board can issue a consistency determination.

Name of Action: Bard College Blithewood Vista Restoration

Consistency Determination

The Town of Red Hook Planning Board has reviewed the proposed action against the policies of the Town's Local Waterfront Revitalization Program and has determined that the proposed action is consistent with the policies of the LWRP.

Sam Phelan (27)
Planning Board Chairperson

7-7-20
Date

Local Waterfront Revitalization Consistency Form				
Policy	N/A	Consistent		Comments
		Yes	No	
A. Development Policies				
1. Not applicable to Red Hook.	X			
1A. Encourage growth of the tourism sector of the Town economy through: (1) preservation, enhancement and/or reuse appropriate areas and structures within the LWRP area/Historic Shorelands Scenic District, and (2) taking steps to inform the public of existing areas of historic, scenic, and recreational interest.		X		
2. Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.	X			
3. Not applicable to Red Hook.	X			
4. Not applicable to Red Hook.	X			
5. Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other Coastal Areas.	X			
6. Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.		X		
B. Fish and Wildlife Policies				
7. Significant coastal fish and wildlife habitats, as identified on the Coastal Area Map, shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.		X		
7A. Protect the areas identified as significant habitat areas by the Department of State as well as the creeks, kills, wetland and cove areas draining into and adjacent to the Hudson River from alteration and/or pollutant discharge by residential, commercial, agricultural or industrial uses in order to maintain their viability as habitat areas.		X		
8. Protect fish and wildlife resources in the Coastal Area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.		X		
9. Expand recreational use of fish and wildlife resources in Coastal Areas by increasing access to existing resources, supplementing existing stocks, and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.	X			
10. Further develop commercial finfish, shellfish, and crustacean resources in the Coastal Area by: (1) encouraging the construction of new, or improvement of existing, on-shore commercial fishing facilities; (2) increasing marketing of the State's seafood products; and (3) maintaining adequate stocks and expanding agricultural facilities. Such efforts shall be in a manner which ensures the protection of such renewable fish resources and considers other activities dependent on them.	X			

Local Waterfront Revitalization Consistency Form				
Policy	N/A	Consistent		Comments
		Yes	No	
C. Flooding and Erosion Hazards Policies				
11. Buildings and other structures will be sited in the Coastal Area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.	X			
12. Activities or development in the Coastal Area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.		X		
13. The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.	X			
14. Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.	X			
15. Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent of such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.	X			
16. Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.	X			
17. Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (1) the set back of buildings and structures; (2) the planting of vegetation and the installation of sand fencing and draining; (3) the reshaping of bluffs; and (4) the flood-proofing of buildings or their elevation above the base flood level.		X		Stumps and select logs to remain for erosion control; native shrubs to be planted.
D. General Policy				
18. To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the Coastal Area must give full consideration to those interests, and to the safeguards which the State and municipality have established to protect valuable coastal resource areas.		X		
E. Public Access Policies				
19. Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized in accordance with reasonably anticipated public recreation needs and the protection of historic and natural		X		

Local Waterfront Revitalization Consistency Form				
Policy	N/A	Consistent		Comments
		Yes	No	
resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks				
20. Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.	X			
20A. Reasonable vehicular access and pedestrian access shall be provided, whenever feasible, to the publicly owned foreshore and public ownership or easement over adjoining land will be pursued, where appropriate.		X		Property (campus) is privately owned, but open to the public.
F. Recreation Policies				
21. Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.		X		
21A. Undertake efforts to establish a Town dock and park area or areas in Barrytown to provide public access for water-related recreation activities including fishing and boating.	X			
22. Development, when located adjacent to the shore, will provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.	X			
G. Historic Resource Policy				
23. Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the nation.		X		Project restores an historic view.
23A. Conserve, protect, preserve and, if appropriate, promote the adaptive reuse of places, sites, structures, views and features in the Coastal Area of the Town of Red Hook of special historic, cultural or archaeological significance or which by reason of association with notable people or events, or of the antiquity or uniqueness of architectural and landscape design particular significance to the heritage of the Town.		X		Project restores an historic view from Blithewood.
H. Scenic Quality Policies				
24. Prevent impairment of scenic resources of statewide significance, as identified on the Coastal Area Map. Impairment shall include: (i) the irreversible modification of geologic forms, the destruction or removal of vegetation, the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of		X		

Local Waterfront Revitalization Consistency Form				
Policy	N/A	Consistent		Comments
		Yes	No	
an identified resource.				
24A. Prevent impairment of the Estates District Scenic Area of Statewide Significance.		X		
24B. Prevent impairment of the Ulster North Scenic Area of Statewide Significance.		X		
25. Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the Coastal Area.		X		
25A. Prevent impairment of scenic resources incorporated within the Mid-Hudson Historic Shorelands Scenic District.		X		
25B. Protect and enhance the scenic qualities of roads in the Town designated as scenic roads.	X			
I. Agricultural Lands Policy				
26. Not applicable to Red Hook.	X			
26A. To conserve and protect agricultural lands in the Coastal Area of the Town of Red Hook, an action shall not result in a loss, nor impair the productivity of important agricultural lands, if that loss or impairment would adversely affect the viability of agriculture in an Agricultural District, or if there is no Agricultural District, in the area surrounding such lands.	X			
2 J. Energy and Ice Management Policies				
27. Decisions on the siting and construction of major energy facilities in the Coastal Area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.	X			
28. Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.	X			
29. Not applicable to Red Hook.	X			
K. Water and Air Resources Policies				
30. Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and national water quality standards.	X			
31. State Coastal Area policies and purposes of approved Local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.	X			
32. Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.	X			
33. Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.		X		
34. Discharge of waste materials into coastal waters from vessels will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.	X			

Local Waterfront Revitalization Consistency Form				
Policy	N/A	Consistent		Comments
		Yes	No	
35. Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.	X			
36. Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.	X			
37. Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.		X		
38. The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.		X		
38A. Work to re-establish and maintain the Saw Kill Water Quality Surveillance Program.	X			
39. The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within Coastal Areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.	X			
40. Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.	X			
41. Land use or development in the Coastal Area will not cause national or State air quality standards to be violated.		X		
42. Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.	X			
43. Land or development in the Coastal Area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.		X		
44. Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.		X		

Resolution Granting Special Permit Approval to Bard College Blithewood Vista Restoration

Name of Project: Bard College Blithewood Vista Restoration

Name of Applicant: Bard College

Whereas, the applicant, Bard College, has submitted an application for a Special Permit to the Town of Red Hook Planning Board to remove a total of 35 live non-invasive trees that are greater than 6" in diameter, 11 dead trees/shrubs, 15 invasive trees/shrubs, and additional vegetation that is less than 6" in diameter within a $\pm$ 30' by 360' area of land (0.28 acres) located within 1,000 feet of the Hudson River on a portion of a $\pm$ 302 acre parcel (Tax Map Parcel No. 134889-6173-00-400720) in the Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O), and Historic Landmarks Overlay (HL-O) Districts located at 75 Blithewood Avenue in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant submitted a "Landscape Plan: Blithewood Tree Inventory" and Tree Inventory Table prepared by Amy Parrella dated January 26, 2020, and a project description entitled "Blithewood Vista Restoration at Bard College: Demonstration Project for Best Management Practices" dated March 2020, including a maintenance plan entitled "Estuary Program Blithewood Vista Management Recommendations" dated January 1, 2020; and

Whereas, on May 4, 2020, the Planning Board declared its intent to be Lead Agency for the purpose of conducting a coordinated review of a Type I action pursuant to SEQR and Chapter 68 of the Town Code, and no other involved agency objected after notice thereof; and

Whereas, on July 6, 2020, the Planning Board reviewed the Town's Local Waterfront Revitalization Program (LWRP) in accordance with Section V.C.1 of the LWRP, and determined that the proposed action is consistent to the maximum extent practicable with the LWRP policies; and

Whereas, on July 6, 2020, the Planning Board, in consideration of the Full Environmental Assessment Form and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department determined in its review dated March 31, 2020 that the project was a matter of local concern; and

Whereas, the Planning Board reviewed the application for Special Permit against the general standards for a special use permit found in § 143-51 of the Town of Red Hook Zoning Law and the specific standards for development within 1,000 feet of the high water mark of the Hudson River in § 143-30 and for development within the Historic Landmarks Overlay District in § 143-46, and reached a finding that the proposed project will have no adverse impacts on water recharge areas, water table levels, water pollution, aquatic and plant life, drainage patterns,

stormwater runoff, flooding, erosion control, and essential vegetative growth since the proposed tree removal will leave stumps in place, the project will not result in any disturbance to the Hudson River or the NYS DEC wetland and its regulated 100' adjacent area, and the four management zones of the project area will be maintained in accordance with best management practices; the project will restore a formal landscape designed by Andrew Jackson Downing consistent with the community standards pertaining to landscaping in the HL-O District; and the project will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources, in accordance with the general standards for a special permit; and therefore on July 6, 2020 the Planning Board determined that the proposed project is consistent with the standards for a special use permit, subject to the imposition of certain conditions; and

Whereas, the parcel is located within 500 feet of a certified New York State agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated January 26, 2020, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the Planning Board considered the Agricultural Data Statement in its review of the application; and

Whereas, on May 4, 2020, the Planning Board opened a duly-noticed public hearing on the Special Permit application, which Public Hearing was continued on July 6, 2020, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on July 6, 2020; and

Whereas, the Planning Board has reviewed and deliberated on the application and all the matters before it.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants a Special Permit to Bard College for the proposed tree removal in accordance with the tree inventory, project description, and maintenance plan heretofore enumerated upon the following conditions:

- A. This special permit authorizes the removal of 35 live non-invasive trees that are greater than 6" in diameter, 11 dead trees/shrubs, 15 invasive trees/shrubs, and additional vegetation that is less than 6" in diameter within a $\pm$ 30' by 360' area of land, as depicted on the "Landscape Plan: Blithewood Tree Inventory" and Tree Inventory Table prepared by Amy Parrella dated January 26, 2020.
- B. No additional tree removal within 1,000 feet of the Hudson River on the subject property is authorized by this permit, with the exception of the biennial removal of invasives and unwanted vegetation within Management Zones 2 and 3 of the project area as described in the "Estuary Program Blithewood Vista Management Recommendations" dated January 1, 2020.

- C. No trees shall be removed from Management Zone 4 (i.e. west/downslope of the hiking trail) as depicted on the "Estuary Program Blithewood Vista Management Recommendations" dated January 21, 2020.
- D. No ground disturbance of any kind, including but not limited to removal of stumps or planting of shrubs, shall be permitted within the Hudson River bed, federal jurisdictional wetlands, the NYSDEC wetland or the regulated 100' adjacent area.
- E. Tree removal and/or trimming or topping of trees shall only occur between October 1 through March 31, as recommended by the NYSDEC and U.S. Fish and Wildlife Service to minimize potential impacts to Indiana bat.
- F. All tree stumps and native soils shall remain in place.
- G. The four management zones of the project area shall be maintained as described in the "Estuary Program Blithewood Vista Management Recommendations" dated January 1, 2020.
- H. The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
- I. The applicant shall pay any and all outstanding escrow balances for consultant review
- J. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits and approvals.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicant.

On a motion by Brian Kelly, seconded by Lew Rose, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Aye
Deputy Chairman Brian Kelly	Aye
Member Kristina Dousharm	Aye
Member Lisa Foscolo	Aye
Member Vanessa Kichline	Aye
Member Kallie Robertson	Absent
Member Lew Rose	Aye

Resolution was declared adopted on July 6, 2020.

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

Kathleen Flood
Kathleen Flood, Clerk to the Board

7-7-20
Date

617.6
State Environmental Quality Review (SEQR)
Resolution
Classifying the Proposed Project as a Type II Action

Name of Action: Winnakee and Feldman Lot Line Alteration

Whereas, the Town of Red Hook is in receipt of a Subdivision application by Winnakee Land Trust, Inc. to convey a total of ± 0.074 acres of land from a ± 245.094 acre parcel located at Route 9G to an adjacent ± 1.36 acre parcel located at 53 Aspinwall Road in the in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated June 25, 2020 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 CRR-NY 617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the threshold found in 6 CRR-NY 617.5(c)(16) and, therefore, SEQR does not apply.

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as a Type II action and declares that no further review under SEQR is required.

On a motion by Kristina Dousharm, seconded by Lew Rose, and a vote of 4 for, 0 against, and 3 absent, this resolution was adopted on July 6, 2020.