

**Town of Red Hook Planning Board
Approved Minutes / Monday March 20, 2023**

Chairman Sam Phelan called the meeting to order at 7:35 pm. A quorum was determined present. Members present were Sam Phelan, Kristina Dousharm, Karen Smythe, Arthur Salman and Maxine Coleman. Lew Rose was absent. Also present were Planning Board Clerk Jordan Rosario, Planning Consultant Ted Fink and engineering consultant Brandee Nelson. Mr. Phelan noted that the order of business on the agenda was rearranged.

Kristina Dousharm moved to approve the Draft minutes for March 6. Karen Smythe seconded and all members voted in favor.

PUBLIC HEARINGS

Reclaimed Motel - 7958 Albany Post Rd - Site Plan Review

Public Hearing on an application to modify an existing structure to create 3 motel rooms and expand an existing non-conforming use of a motel on a 1.62-acre parcel in the RD3 Zoning District.

Kristina Dousharm moved to open the hearing. Maxine Coleman seconded and all members voted in favor. Ms. Dousharm recused herself. Applicants Kendra and Jared Vengrin gave an overview of the project and answered some questions about the motel clientele and parking. Letters in support of the project from neighbors Brian Kent and Marley Young were acknowledged.

Mr. Phelan asked if there were any additional questions or comments from the public. There were none. Karen Smythe moved to close the hearing. Ms. Coleman seconded and the motion passed unanimously.

The Board reviewed a draft approval resolution. Ms. Smythe moved to adopt it. Ms. Coleman seconded, and all members voted in favor.

Bard College: Montgomery Place Path & Pedestrian Bridge – Special Use Permit, Site Plan and Certificate of Appropriateness

Extended Public Hearing on an application to construct a pedestrian pathway connecting the Bard College Main Campus and the Montgomery Place Campus in the Historic Landmarks Overlay and Scenic Corridor Overlay Zoning Districts. The proposed path would begin at 1259 River Rd and continue to the Montgomery Place Visitor Center.

Applicant Amy Parrella and Bard representatives Vin Tiberia, Colleen Alexander and Liz Axelson were present. Ms. Parrella said the project has received approval from the State Office of Parks, Recreation and Historic Preservation (OPRHP) after moving some lighting poles.

Mr. Phelan asked if there were any questions or comments from the public or Board members. There were none. Ms. Dousharm moved to close the Public Hearing. Ms. Smythe seconded and all members voted in favor.

Ted Fink reviewed the narrative for the SEQR EAF part 3. Ms. Dousharm moved to adopt it. Ms. Smythe seconded and all members voted in favor.

The Board reviewed a SEQR Negative Declaration. Ms. Coleman moved to adopt it. Ms. Dousharm seconded and all members voted in favor.

The Board reviewed a draft approval resolution granting Site Plan, Special Use Permit and Certificate of Appropriateness approval of Phase I and 4 of the project. Phase 2 and 3 will be approved separately before they are begun. Ms. Smythe moved to adopt it. Arthur Salman seconded and all members voted in favor.

OTHER BUSINESS

Nevill-Manning Site Plan Amendment

Review of updated plant / landscaping plan from Kasselmann Solar.

Applicant Craig Nevill-Manning and applicant's representative Loreen Harvey were present. They described the proposed changes to the site plan. Landscaping was discussed.

The Board reviewed a draft approval resolution for Amended Site Plan. Mr. Salman moved to adopt it. Ms. Dousharm seconded and the motion passed unanimously.

Old Rhinebeck Aerodrome Hanger Site Plan Amendment

Presentation of application to amend the previously approved site plan to change the siding on the hangar at Old Rhinebeck Aerodrome.

The applicant's representative Andrew Howard was present. He described the minor changes proposed. Mr. Phelan moved to accept the substituted siding proposed. Ms. Dousharm seconded and all members voted in favor.

NEW BUSINESS

The Barn Taproom – 229 Pitcher Ln – Site Plan and Special Use Permit

Presentation of an application to open a brewery and taproom at Greig Farm.

Applicant Megan Jordan was present. She gave an overview of the project proposed in the former AB Cider space.

The Board viewed the site plan that was approved for AB Cider. Mr. Phelan said he has noticed that parking is being allowed in areas not on the approved site plan. He suggested the applicants discuss this with the property owner.

The Board reviewed a SEQR Type II resolution. Ms. Dousharm moved to adopt it. Ms. Coleman seconded and all members voted in favor.

A public hearing was scheduled for April 3.

OLD BUSINESS

Bard College Ground Mounted Solar Array – Special Use Permit, Site Plan , Certificate of Appropriateness

Continued discussion on an application to construct a ground mounted solar array in a vacant field on the College campus.

Applicant's representatives Brendan Boland and John O'Conner were present. Brandee Nelson reviewed a draft decommissioning plan and accompanying agreement between the town and the applicant. She said the Town Board has requested that the Planning Board endorse the latter.

The Board reviewed a draft approval resolution for site plan and special use permit conditioned by the above mentioned decommission plan and agreement. Ms. Dousharm moved to adopt it. Mr. Salman seconded, and the motion passed unanimously.

The Board reviewed a draft Certificate of Appropriateness. Ms. Smythe moved to adopt it. Ms. Dousharm seconded and the motion passed unanimously.

Bard College New Residence Halls – Site Plan & Special Use Permit

Continued discussion on an application to construct 4 new residence halls and a student center on Bard College Campus located in the Institutional District.

Applicant Coleen Alexander and applicant's representatives Laurel Reiter and Mike Tucker were present. Ms. Reiter updated the Board on progress with OPRHP, and said that responses to Mr. Fink and Ms. Nelson's recent reviews are being prepared.

Ms. Nelson reviewed her comments. In particular, soils details, phasing and construction management practices are potential issues to be further discussed.

Mr. Fink said that although all agencies have not yet responded to the Planning Board's intent to be lead agency for SEQR, he drafted part II EAF for the Board to consider in the event that no agencies object to the Planning Board being lead agency. The draft was reviewed by the Board and Mr. Fink. The applicants will need to draft a part 3 and complete a draft Local Waterfront Revitalization Program document.

Discussion – proposed zoning changes

Mr. Phelan reviewed a draft he had prepared proposing zoning changes that would simplify the terms used for accessory apartments and farm markets. He asked Board members to look them over and prepare comments for a future meeting.

ADJOURNMENT

There being no further business before the Board Karen Smythe moved to adjourn. Arthur Salman seconded and all members voted in favor.

Respectfully submitted,

Kathleen Flood
Clerk for the Board

Resolution Granting Site Plan Approval for Reclaimed Motel

Name of Project: Reclaimed Motel Three-Room Addition to Motel Office/Lobby Building

Name of Applicant: Jared Vengrin

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan Review and Approval from Jared Vengrin to convert a portion of an existing building housing the Motel's offices and Motel lobby to accommodate three new Motel rooms, on a 1.62 acre parcel of land identified as Tax Parcel ID No.-134889-6373-01-118596-0000 located at 7958 Albany Post Road in the Rural Development 3 (RD3) Zoning District and the Scenic Corridor Overlay (SC-O) Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed site plans and supporting documents for proposed changes to the second building on the Motel parcel that currently houses the Motel offices, a Motel lobby, and the Motel manager's quarters; and

Whereas, the proposed changes to the second building include interior modifications of the Motel office and Motel lobby on the ground floor, modifications to the first floor to accommodate three new Motel rooms with an aggregate floor area of 966 square feet, with exterior modifications consisting of the addition of three new parking spaces along with landscaping and lighting changes to the second building; and

Whereas, the proposed use is a non-conforming lodging use in the RD3 Zoning District where any expansion of a non-conforming use is governed by Section 143-125.A(2) of the Zoning Law which permits a 50 percent expansion of the gross floor area of the use provided Site Plan approval is granted; and

Whereas, the Planning Board has reviewed the proposed three new Motel rooms against the requirements of the SC-O District and has found that the proposed new rooms will be constructed within the existing roof line of the Motel office building, the area adjacent to the building will be landscaped as proposed by the applicant, and there will be no other site activities included within the Site Plan application that have the potential to impair the existing vegetation, landforms, stone walls or other similar features on the site and the proposed interior changes and the proposed landscaping are not expected to adversely impact views of the site, scenic vistas, nor the overall character of Albany Post Road; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board determined that the proposed project is a Type II Action that meets the threshold found in 6 NYCRR 617.5(c)(9) and, therefore, SEQR does not apply; and

Whereas, the Planning Board has found the proposal for three new Motel rooms within the existing roof line of the Motel office/Motel lobby building does not constitute an expansion of space utilization by the Motel, will not exceed the Zoning Law's restriction on 50 percent expansion of the use, and the application complies with all other applicable sections of the Zoning Law; and

Whereas, the parcel is located within 500 feet of a NYS certified agricultural district and therefore an Agricultural Data Statement was forwarded to the owners of farm operations within 500 feet of the site and then considered by the Planning Board; and

Whereas, the site is located on a State Highway and therefore requires referral to the Dutchess County Department of Planning and Development in accordance with Section 239 of General Municipal Law; and

Whereas, on February 15, 2023, the application was referred to Dutchess County Department of Planning and Development for review and on March 3, 2023, said Department determined that the application was a "Matter of Local Concern" with no further comments; and

Whereas, on March 6, 2023, the Planning Board opened a duly noticed public hearing on the Site Plan application, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on March 20, 2023; and

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

Now Therefore Be It Resolved, that the Planning Board hereby grants Site Plan approval to Jared Vengrin for proposed interior renovations of the Motel office/Motel lobby building for continued use as the Motel's lobby and offices and for expansion of the Motel's eight rooms to three new rooms for a total of 11 Motel rooms in accordance with the application materials and specifications heretofore enumerated and upon the following conditions:

- A. The following conditions shall be fulfilled prior to the applicant obtaining a Certificate of Occupancy for the proposed expansion of the Reclaimed Motel to eleven rooms:
 - (1) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
 - (2) The applicant shall pay any and all outstanding escrow balances for consultant review.
 - (3) All proposed improvements shall be completed in accordance with the Site Plan application materials submitted and the commitments made by the applicant and his or her representatives at the Planning Board meetings where the application was on the agenda.
 - (4) The applicant will sign and date the Site Plan application and SEQOR Environmental Assessment Form documents.
 - (5) The landscaping materials shown on the Site Plan will be installed as shown and such landscaping shall be maintained and replaced with like materials if they do not survive.

- (6) The applicant will comply at all times with the Town Outdoor Lighting Standards including turning all non-essential lighting after business hours, use of 50 watt or less fixture lamp types unless fully shielded light fixtures are installed, and shall otherwise comply with Section 143-27.1 of the Zoning Law.
- (7) The applicant shall comply with all requirements of the Zoning Law, with all conditions imposed by any outside agencies, and with the above conditions on Site Plan approval.

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, with a copy sent to the applicant.

On a motion by Karen Smythe, seconded by Maxine Coleman, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Yes</u>
Member Maxine Coleman	Voting <u>Yes</u>
Member Kristina Dousharm	Voting <u>Recused</u>
Member Arthur Salman	Voting <u>Yes</u>
Member Lewis Rose	Voting <u>Absent</u>
Member Karen Smythe	Voting <u>Yes</u>
& one vacant seat	

Resolution was declared adopted on March 20, 2023.

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

Jordan Rosario
Jordan Rosario, Clerk to the Planning Board

March 21, 2023
Date

Resolution Granting Site Plan & Special Permit Approvals Bard College Montgomery Place Pedestrian Path

Name of Project: Bard College Campus Connections Path and Bridge Project

Name of Applicant: Bard College

Whereas, the Town of Red Hook Planning Board has received applications for Site Plan Review and Approval and a Special Use Permit from Bard College for an approximate 3,429 linear foot pedestrian trail and bridge over the Saw Kill to connect Bard College's main campus with its Montgomery Place Campus, located generally on Annandale and River roads in Annandale-on-Hudson west of State Route 9G in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed the proposed Site Plan drawing set prepared by CPL Architecture Engineering Planning dated 3/18/22 and as revised through 9/23/22 showing the locations and other details of the proposed path project, the Campus Connections Project Lighting Plans prepared by LaBella Associates dated as revised through 2/14/23, and various related materials and documents submitted by the applicant in support of the proposed project; and

Whereas, after reviewing the Part 1 Full Environmental Assessment Form prepared by Bard College and comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on April 18, 2022 classified the proposed project as an Unlisted Action, circulated for Lead Agency to other Involved Agencies and, there being no other agency contesting the Planning Board's intent to act as lead, declared itself Lead Agency under SEQR; and

Whereas, after reviewing the Part 2 and 3 Full Environmental Assessment Form documents including a number of attachments and verbal commitments made by Bard College and its representatives at Planning Board meetings, determined that issuance of a Negative Declaration under SEQR was appropriate and issued such Negative Declaration on March 6, 2023; and

Whereas, the Bard College campus is located within the Town of Red Hook's Waterfront Revitalization Area and is subject to the Town's Local Waterfront Revitalization Program (LWRP); and

Whereas, the Planning Board, acting as the Town of Red Hook Waterfront Advisory Committee, has reviewed and considered the Town's LWRP Consistency Form document prepared for the proposed project; and

Whereas, the LWRP Consistency Form describes each coastal policy and sets forth the applicability or non-applicability of the proposal with such policies and describes how the proposed Pedestrian Path and Bridge project demonstrates consistency with applicable policies; and

Whereas, the applications for the Bard College Campus Connections Path and Bridge Project's Site Plan and Special Use Permit approvals are subject to Section 239 of General Municipal Law and such applications were duly forwarded to the Dutchess County Department of Planning and Development for review with an official response dated November 4, 2022 that the proposed project is a "Local Concern with Comments" related to the proposed lighting levels, light spillage, and glare, all of which have been considered by the Planning Board; and

Whereas, the Planning Board has reviewed the application for the Campus Connections Path and Bridge Project Special Use Permit against the general standards for a special use permits found in § 143-51 of the Zoning Law and has found that the proposal complies with all of the general standards, including: the location and size of the use, and the nature and intensity of the operations involved, the size of the site in relation to the use and the location are in harmony with the orderly development of the applicable Zoning districts; the nature and height of the existing and proposed structures will be developed and located, and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof; proposed traffic accessways will be adequate, and safe and accessible off-street parking will continue to be provided; the general landscaping of the site will continue to be in character with the character generally prevailing in the neighborhood; all structures will be readily accessible for fire and police protection; the character and appearance of the proposed structures will be in general harmony with the character and appearance of the surrounding neighborhood and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights; and the uses of the College Campus can continue to be carried out in a manner compatible with the College's environmental setting and with due consideration to the protection of natural resources; and

Whereas, the Planning Board has reviewed the application for Special Permit against the specific standards for Development near bodies of water found in § 143-30 of the Zoning Law and has considered the potential impacts of the Pedestrian Path on water recharge areas, water table levels, water pollution, aquatic and plant life,

drainage patterns, stormwater runoff, flooding, runoff, erosion control and essential vegetative growth and has found the proposal complies with all of the specific standards; and

Whereas, the Planning Board has reviewed the application for Special Permit against the specific standards for Educational institutions found in § 143-82 of the Zoning Law and has found the proposal complies with all of the specific standards, including: a) the minimum lot area threshold of 25 acres is exceeded; b) the access to the site is directly from a county highway; and c) the proposed Pedestrian Path and Bridge is not applicable to the required minimum setback of 100 feet from any property line and 200 feet from any neighboring residence because it is not considered a building or structure, parking lot, or outdoor activity area but will serve as a sidewalk and path that will be used by Bard students and staff, by pedestrians and bicyclists from the surrounding Red Hook community as well as Empire State Trail users and will provide both pedestrians and bicyclists with a safe means of travel along Annandale and River roads and to such areas; and

Whereas, the Planning Board has found the proposed Pedestrian Path and Bridge project Special Use Permit application complies with all applicable sections of the Zoning Law; and

Whereas, the Planning Board has found the Site Plan application complies with all applicable sections of the Zoning Law; and

Whereas, on February 21, 2023, the Planning Board opened duly noticed Public Hearings on both the Site Plan and Special Permit applications, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearings on March 6, 2023; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants Site Plan and Special Permit approvals to Bard College for its Pedestrian Path and Bridge project in accordance with the application materials and specifications heretofore enumerated and upon the following conditions:

- A. The Planning Board authorizes the Chairman or his authorized designee to sign the Site Plan after compliance with the following conditions:

- (1) Bard College has proposed a Construction Phasing Plan dated November 21, 2022 and as referenced herein, which divides the overall project into four phases with an indeterminate start and finish for phases two and three, due to the College's budget requirements. Phase four cannot be implemented until phases two and three are completed and so phase four's timing is dependent upon the successful completion of phases two and three. Phase one involves path construction from the Montgomery Place main gate west to the Montgomery Place Visitor Center and lighting construction from the Montgomery Place Main gate west to Montgomery Place Visitor Center and trenching for all electrical and communication conduits, including those from Butler Building, and the lighting fixtures for paths and roads. Phase one issuance of building permits may proceed once all conditions of approval have been complied with as specified herein. Prior to the issuance of building permits for phases two and three, the applicant shall return to the Planning Board for review of the site plan. Phase four consists of removal of above ground utilities and installation of the underground services completed in phases two and three. No changes are permitted to the Phase four site plans without further Planning Board review and approval prior to issuance of building permits for Phase four.
- (2) The SEQR review process conducted for the proposed action identified sensitive archaeological resources in the areas of the proposed path and an Archaeological Site Avoidance and Preservation Plan was prepared for the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). If changes to the Site Plan are required by OPRHP as a result of the agency's disapproval of the Archaeological Site Avoidance and Preservation Plan, the applicant will return to the Planning Board for an Amended Site Plan approval following approval of a revised Archaeological Site Avoidance and Preservation Plan by OPRHP.
- (3) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.

- (5) The applicant shall pay any and all outstanding escrow balances for consultant review.
- (6) The applicant shall submit Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for endorsement by the Planning Board Chairman or his designee. One (1) set will be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Department. The applicant must return to the Planning Board for approval of Phases two and three or for any desired changes to the Site Plans or for changes required from other agencies from the endorsed plans.

A. The following Special Use Permit conditions shall be fulfilled:

- (1) All proposed improvements shall have been completed in accordance with the approved Site Plan and as amended to comply with the above conditions imposed.
- (2) The applicant will obtain a Certificate of Appropriateness in accordance with Section 143-45 of the Zoning Law and will comply with all conditions of the Certificate imposed thereon.
- (3) The owner of record shall continue to comply with all requirements of the Town of Red Hook Zoning Law and with all conditions imposed for the Pedestrian Path and Bridge Project.

B. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application; and

C. Payment of any and all outstanding escrow balances for consultant review.

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 Karen Smythe seconded by Arthur Salman and vote of

Roll Call Vote:

Chairman Sam Phelan	Voting <u>Yes</u>
Member Maxine Coleman	Voting <u>Yes</u>
Member Kristina Dousharm	Voting <u>Yes</u>
Member Arthur Salman	Voting <u>Yes</u>
Member Lewis Rose	Voting <u>Absent</u>
Member Karen Smythe	Voting <u>Yes</u>
& one vacant seat	

This Resolution was declared adopted on March 20, 2023. Resolution

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

<u><i>Jordan Rosario</i></u>	<u>March 22, 2023</u>
Jordan Rosario, Clerk to the Planning Board	Date

**Resolution Granting Amended Site Plan and Special Permit Approvals
Kasselman/Nevill-Manning Medium Solar Energy System**

Name of Project: Kasselman/Nevill-Manning Solar System Site Plan/Special Permit

Name of Applicant: Loreen Harvey: Kasselman Solar, LLC

Whereas, the Town of Red Hook Planning Board approved applications for Site Plan and Special Permit approvals from Loreen Harvey: Kasselman Solar, LLC to install a 149.8 kW ground mounted solar array consisting of five photovoltaic panels, buried electrical cables, and related equipment, fencing, and landscaping on a ± 19.226 acre parcel of land owned by Craig Nevill-Manning identified as Tax Parcel ID No. 6175-00-255660-0000 and located at 245 Woods Road in the Town of Red Hook, Dutchess County, New York on November 7, 2022; and

Whereas, the applications were approved subject to providing additional landscape screening to the north of the proposed solar arrays; and

Whereas, on March 8, 2023, the Town of Red Hook Planning Board received a “Proposed Solar Array Landscape Plan prepared by Sabin Landscape Architects dated February 9, 2023; and

Whereas, the Town of Red Hook Design Review Committee’s had also recommended that there be additional screening of the proposed medium solar energy system so that it will not be visible from sensitive nearby sites including Clermont State Historic Site; and

Whereas, the Planning Board has reviewed the proposed new Solar Array Landscape Plan and has found that the additional landscaping complies with such requests for additional screening.

Now Therefore Be It Resolved, that the Planning Board hereby affirms the additional landscaping for the Medium-sized Solar array as shown on the Solar Array Landscape Plan prepared by Sabin Landscape Architects and dated February 9, 2023; and

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 Building Department, and a copy sent to the applicant.

On a motion by Arthur Salman seconded by Kristina Dousharm and a roll call vote,
which resulted as follows:

Chairman Sam Phelan	Voting _____
Member Maxine Coleman	Voting _____
Member Kristina Dousharm	Voting _____
Member Arthur Salman	Voting _____
Member Lewis Rose	Voting _____
Member Karen Smythe	Voting _____

& two vacant seats

Resolution was declared adopted on _____ 2023.

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

Jordan Rosario, Clerk to the Planning Board

Date

617.6
State Environmental Quality Review (SEQR)
Resolution
Type II Action

Name of Action: Jordan Homestead Farm Taproom at Greig Farmers Market

Whereas, the Town of Red Hook Planning Board is in receipt of an application for Site Plan approval by Jordan Homestead Farm Brewery LLC for use of an existing space within the Greig (Hudson Valley) Farmers Market on a ± 108 acre parcel of land located at 229 Pitcher Lane, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated March 20, 2023 was submitted, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(4) and (18) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is within a New York State Agricultural District or on property with boundaries within 500 feet of a farm within an Agricultural District and, therefore, the requirements of 6 NYCRR 617.6(a) (5) apply meaning that an Agricultural Data Statement must be filed with the owner(s) of farm operations identified in the Statement and the Planning Board must evaluate and consider the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district, and

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the New York State Liquor Authority.

Now Therefore Be It Resolved, that the Planning Board hereby declares that no further review under SEQR is required.

On a motion by Kristina Dousharm, seconded by Maxine Coleman, and a vote of

5 for, and 0 against, and 1 absent, this resolution was adopted on
March 20, 2023

_____.

Resolution Granting Site Plan and Special Permit Approvals Bard College Ground Mounted Large Solar Energy System

Name of Project: Bard College Ground Mounted Solar System Site Plan/Special Permit

Name of Applicant: Allegheny Projects LLC

Whereas, the Town of Red Hook Planning Board has received applications for Site Plan and Special Permit approvals from Allegheny Projects LLC to install a 750 kW solar array (Large Solar Energy System) mounted in a field in close proximity to an existing ground-mounted solar array and located approximately 500 feet Northwest of Bard College's existing maintenance yard and soccer field on the campus of Bard College, Town of Red Hook, Dutchess County, New York, identified as Tax Parcel ID No. 134889-6173-00-400720-0000 and located at 30 Campus Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, the portion of the property on which the ground arrays are proposed is located in the Institutional (I) and Historic Landmarks Overlay (HL-O) Districts; and

Whereas, the applicant has submitted a Site Plan entitled "Bard College Ground-Mount Array 32 Woods Ave Red Hook NY 12571" prepared by Solar Generation dated June 14, 2022 and as revised through February 13, 2023; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on December 5, 2022 classified the proposed project as an Unlisted action pursuant to SEQR and conducted a coordinated review with NYSERDA, the only other Involved Agency; and

Whereas, there being no competition for Lead Agency, the Planning Board became the Lead Agency for the review of the proposed project; and

Whereas, the property is within 500 feet of a State or County Road or other threshold and was therefore referred to the Dutchess County Department of Planning and Development on November 15, 2022 for review under General Municipal Law § 239-m; and

Whereas, in a Dutchess County Department of Planning and Development "239 Planning/Zoning Referral" Response document dated November 18, 2022, the Department determined that the application was a "Matter of Local Concern" and had no further comments; and

Whereas, the project site is located in the New York State Coastal Area, for which the Town of Red Hook has developed a Local Waterfront Revitalization Program (LWRP),

and the LWRP requires that the SEQR lead agency determine whether the action is consistent to the maximum extent practicable with the LWRP policies; and

Whereas, a Coastal Consistency Assessment Form was completed and accepted by the Planning Board, acting as the Waterfront Advisory Committee, which form determined that the action is consistent to the maximum extent practicable with the LWRP; and

Whereas, the property is located within 500 feet of land within an Agricultural District and therefore an Agricultural Data Statement was forwarded to and filed with the owner(s) of farm operations identified in the Statement and the Planning Board has evaluated and considered the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district; and

Whereas, the property is located within the HL-O Zoning District and the ground-mounted solar energy system in the HL-O District requires a Certificate of Appropriateness for construction of a new structure in such District; and

Whereas, the Town Design Review Committee reviewed the Site Plan dated _____ of the proposed project and provided comments and recommendations in correspondence dated _____; and

Whereas, the Design Review Committee's recommendation is to _____; and

Whereas, the Planning Board determined that there will be land disturbance associated with the applications that includes 1,130 feet of trenching for electric conduit primarily along an existing pathway, installation of a 1,510 foot fence enclosure, and installation of the solar arrays within an archaeologically sensitive area requiring mitigation for potential adverse environmental impacts; and

Whereas, the Planning Board has found the Site Plan proposal complies with all applicable sections of the Zoning Law; and

Whereas, the Planning Board has reviewed the application for Special Permit against the general standards for a special use permit found in § 143-51 of the Zoning Law and has found that the proposal complies with all of the general standards, including: the location and size of the use, and the nature and intensity of the operations involved are in harmony with the orderly development of the Institutional (I) and Historic Landmarks Overlay (HL-O) districts; the size of the site in relation to the use, the location, nature and height of the proposed solar arrays, and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof; proposed traffic accessways will be adequate, and safe and accessible off-street parking will continue to be provided; the general landscaping of the site is in character generally prevailing in the neighborhood; all solar arrays will be readily accessible for fire and police protection; the character and appearance of the proposed

solar arrays will be in general harmony with the character and appearance of the surrounding neighborhood and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights; and the use will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources; and

Whereas, the Planning Board has reviewed the application for Special Permit against the specific standards for a large solar energy system found in § 143-37.C(3) of the Zoning Law and has found that the large solar energy system is proposed and will be operated solely as an accessory use to the principal institutional use of the parcel, lot coverage will not exceed 10 acres of land, the application is in compliance with the applicable setback requirements, the total height of the solar panels do not exceed 12 feet in height, and the solar energy system components have been designed with an anti-reflective coating; and

Whereas, on March 6, 2023, the Planning Board opened duly-noticed public hearings on the Site Plan and Special Permit applications, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearings on February 21, 2023; and

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

Now Therefore Be It Resolved, that the Planning Board hereby grants Site Plan and Special Use Permit approvals to Allegheny Projects LLC/Bard College for the proposed large size ground-mounted solar energy system in accordance with the plans and specifications heretofore enumerated and upon the following conditions:

- A. The Planning Board authorizes the Chairman or his authorized designee to sign the Site Plan after compliance with the following conditions:
 - (1) The applicant shall provide a copy of the interconnection agreement between the applicant and Central Hudson Gas and Electric Corp.
 - (2) The solar energy system will comply with the NYS Uniform Code, as amended, and any additional permitting, electrical, and safety regulations adopted by the State of New York or Town of Red Hook.
 - (3) All ground disturbance activities will be conducted in accordance with the recommendations of the New York State Office of Parks Recreation and Historic Preservation including the use of posts driven or augered into the ground for the proposed fence and solar arrays and subject to a review by the Planning Board Engineer.
 - (4) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
 - (5) The applicant shall pay any and all outstanding escrow balances for consultant review.

- (6) The applicant shall submit Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for endorsement by the Planning Board Chairman or his designee. One (1) set will be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Department. The applicant must return to the Planning Board for approval of any desired changes from the endorsed plans.

B. The following Special Use Permit conditions shall be fulfilled:

- (1) All proposed improvements shall have been completed in accordance with the approved Site Plan and as amended to comply with the conditions imposed.
- (2) The 750 kW solar array will be installed and operated as an accessory use in compliance with the Town of Red Hook Zoning Law.
- (3) The solar energy system will be properly maintained and kept free from hazards including, but not limited to, faulty wiring, loose fastenings, and creation of an unsafe condition or detriment to public health, safety or general welfare.
- (4) The applicant will provide a copy of the project summary, electrical schematic, and site plan to the Red Hook Fire Company's Fire Chief, will cooperate with local emergency services in developing an emergency response plan, the means of shutting down the solar energy system will be clearly marked in an appropriate manner to ensure safety, and the applicant will identify and provide to the Code Enforcement Officer a responsible person for public inquiries throughout the life of the installation.
- (5) No signage or graphic content shall be displayed on the solar energy system except the manufacturer's badge, safety information and equipment specification information. Such information will be depicted within an area of no more than 36 square inches in size. Twenty-four-hour emergency contact information will be clearly displayed.
- (6) The Decommissioning Plan will be finalized to the satisfaction of the Planning Board Engineer.
- (7) The Decommissioning Agreement between the Town of Red Hook and the applicant will be finalized to the satisfaction of the Town Attorney and approved by the Town Board.
- (8) The applicant will obtain a Certificate of Appropriateness in accordance with Section I43-45 of the Zoning Law and will comply with all conditions of the Certificate imposed thereon.
- (9) The owner of record shall continue to comply with all requirements of the Town of Red Hook Zoning Law and with all conditions imposed for the medium solar energy system.

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 Kristina Dousharm, seconded by Maxine Coleman, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Yes</u>
Member Maxine Coleman	Voting <u>Yes</u>
Member Kristina Dousharm	Voting <u>Yes</u>
Member Arthur Salman	Voting <u>Yes</u>
Member Lewis Rose	Voting <u>Absent</u>
Member Karen Smythe	Voting <u>Yes</u>

& one vacant seat

Resolution was declared adopted on March 20, 2023.

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

Jordan Rosario
Jordan Rosario, Clerk to the Planning Board

March 22, 2023
Date