

Town of Red Hook Planning Board
Approved Meeting Minutes / Monday, October 4, 2021

Chairman Sam Phelan called the meeting to order at 7:30 pm. A quorum was determined present for the conduct of business. Members present: Brian Kelly, Lew Rose and Kristina Dousharm attended in person; Sam Phelan and Karen Smythe were present via Zoom. Engineering consultant Brandee Nelson and Planning consultant Michele Greig were also present via zoom. Also present in person were Planning Board Clerk Kathleen Flood and Planning Board Secretary Lori Ann Santamaria.

PUBLIC HEARINGS

Sabroso Mexican Restaurant Site Plan – 7909 Albany Post Road

Continued Public Hearing on application to construct a pavilion for outside dining at an existing restaurant in the R1.5 zoning district.

Applicant's representative Floyd Johnson was present via Zoom.

Mr. Johnson explained the adjustments to the parking and the addition of fencing on the site plan. The total amount of parking spaces is 39 and there are 81 seats in the restaurant with a proposed 36 seats to be on the patio. Michele Greig confirmed that if the restaurant has 81 seats, then the parking is adequate. Ms. Greig said that the number of seats to parking ratio can be made a condition of approval. Mr. Phelan asked for comments from the Board. Karen Smythe had a question about the parking on the right of the building as to whether that area was cleared out. Mr. Johnson said that area is clear right up to the fence.

Ms. Greig said that the parking space in front of the pavilion seems to be within the side yard setback and it is not permitted within 10 feet of the set back. Mr. Floyd said there is ample room to create the proper buffer.

Brandee Nelson asked if she could meet with Mr. Johnson the next day to go over some additional functioning parking details. Ms. Nelson was concerned with the ability to back out of the spaces on the Southeast corner of the property.

Mr. Floyd described the changes to the landscaping plan. Mr. Phelan asked if there were bumpers in front of the plantings to prevent cars from destroying them and the applicant said yes. Mr. Phelan asked if Board members had any comments and there were none.

Mr. Johnson described the lights on the posts as being directed onto the parking lot and not spilling into the highway. Mr. Phelan asked Ms. Nelson if the lighting in the plan was compliant with the zoning code. Ms. Nelson said that the light that is proposed for the sign would be consistent with the town's code however, the lights on the poles would be considered a flood style light and would not be approved by the town board in a new installation because it is not fully downward facing, fully cut off and it does not have shields on it. However, these conditions are different in an existing scenario such as this project. She said that the Board may require these strong illuminating lights to be fitted with a shield, replaced, or allow them to be left as they are. Ms. Grieg pointed out that the lighting is in fact required to be brought into conformance. Mr. Phelan suggested that the lighting on the building be brought into

compliance whereas the lamps on the poles, if not shining into the road, should be acceptable. Ms. Grieg gave the requirements for the fixtures be a maximum of 3000 kelvins and fully shielded.

Mr. Phelan asked for any public comments and there were none.

A motion to close the public hearing was made by Karen Smythe, seconded by Brian Kelly and all members were in favor.

Mr. Phelan asked if Ms. Grieg and Ms. Nelson were comfortable with a conditional approval to the site plan. Ms. Grieg replied she was in favor if the applicant meets with Ms. Nelson to address the concerns about parking. Ms. Grieg reviewed the conditional approval while highlighting the changes to be made such as parking and lighting. She also explained recommendations such as noise concerns.

Mr. Phelan explained conditions of obtaining the Certificate of Occupancy for the pavilion.

The Board reviewed a conditional approval resolution and made some revisions. A motion to accept the Conditional Approval as revised was made by Kristina Dousharm and seconded by Brian Kelly and all members were in favor.

Hannaford / Tesla charging station – 35 Hannaford Drive – Amended Site Plan

Public hearing on an application to construct 8 electric vehicle charging stations in the parking lot of the Hannaford grocery store on a 14.18-acre parcel in the Traditional Neighborhood Development-Commercial Center zoning district.

Present via Zoom were applicants Ed Noseworthy and Shiva Krishna and the applicant's representative Matt Tilden.

Mr. Phelan read the public hearing announcement that was published in the Poughkeepsie Journal. A motion to open the public hearing was made by Lew Rose, seconded by Kristina Dousharm and all members were in favor.

Mr. Noseworthy gave an overview of the proposed project. Using photos and renderings, Mr. Noteworthy showed the location of the charging stations as well as the stations themselves. He outlined the changes to the plans as per the Boards recommendations at the last meeting, including removing the parking signs, the elimination of illuminating the Tesla logo on the charge posts and the addition of some screening of the transformer using arborvitae.

Sam Phelan asked for any public comments. Dennis Collett, a representative of the Town Energy Committee, responded to letters received by the Board. The Energy Committee is in support of projects aimed at reducing the use of fossil fuels. He urged the planning board to move forward with this project as soon as possible.

Another community member, Rich Guski, expressed support of charging stations but asked what the source of energy for the stations is. Mr. Noteworthy responded that the energy will be provided by Central Hudson but is not clear to its source, however, he knows it is not solar. Mr. Noseworthy will follow up with Central Hudson and provide that information as it becomes available.

Johanna Moore, a resident across the street from Hannaford, asked to know about the maintenance and the possible noise generated by the project. Mr. Noseworthy said there will be no noise beyond the

initial construction which will adhere to normal construction hours and should be completed within a few weeks. He explained that these sites are built with minimal maintenance in mind. As far as snow removal, he explained that the stations are all contained behind the curb lines so that the property owners can conduct snow removal as usual.

Scott Cruickshank asked if the Tesla charger is universal. Mr. Noseworthy said the chargers are proprietary to Tesla only.

Lew Rose commented that he had concerns about the proprietary nature of the Tesla chargers but did not feel as if it is a deal breaker for him. Brian Kelly also shared the concern of proprietary chargers and how that will look in the future as more companies want to install stations. Sam Phelan suggested that the Planning Board draft a letter to the Town Board saying that the Planning Board recommends an amendment to the zoning ordinance to deal with future charging station projects. All board members agreed that a letter would be helpful.

Mr. Phelan asked the applicant to expand on the process that led to the screening of Tesla equipment with arborvitae. Mr. Noseworthy explained that the arborvitae would grow to be the height of the transformer to provide maximum coverage while fitting into the natural landscape. Kristina Dousharm was concerned about the already existing landscaping and was assured that none of the existing landscaping would be affected. Lew Rose wanted to know if Tesla will maintain the landscaping especially because deer are attracted to and damage arborvitae. Karen Smythe added that there are types of arborvitae that are deer resistant. Michele Grieg suggested consulting with a local nursery to get ideas on the plants that will be the right height, deer resistant and urban tolerant.

The plans have been sent to the County but without a response yet, the Board can take no action at this time.

Michele Grieg commented on the ADA compliant space. It is not marked with a sign and to be ADA compliant it needs to be 8 feet wide rather than the 5 feet as shown. Mr. Noseworthy assures that Tesla will come into compliance and make these changes.

Mr. Phelan asked that the applicant submit the revised site plan to be considered for site plan approval at the next meeting, which is October 18th, 2021. The deadline for submissions is October 8th. The public hearing will remain open pending a final site plan.

NEW BUSINESS

Sieverding Lot Line Alteration – 251 Yantz Road

Presentation of application to transfer 5.80 acres from a 30.9-acre parcel to a 3.6-acre parcel in the Agricultural Business District.

Present at the meeting were Leo and Trilby Sieverding

Trilby Sieverding gave an overview of the proposal to obtain a lot line alteration to provide for the preservation of the farmstead they own. She gave a brief history of the property and an overview of the project.

Kristina Dousharm asked if about the conservation easement on the land. Mr. Sieverding explained the easement is on Lot 3 and 4. Mrs. Sieverding said they had been in contact with the Winnakee Land Trust,

who holds the conservation easement, and they have no issue with the project. The Board received a letter from Winnakee Land Trust earlier in the week confirming this.

Michele Grieg said it is a Type II action under SEQR. Ms. Grieg recommended the applicant submit a copy of the easement. Ms. Grieg also recommended some revisions to the plat that she outlined in her memo that should be discussed with the applicant's surveyor. Ms. Grieg also spoke about a discrepancy with note 9 on the plat that does not appear on the original plat. She suggests this be discussed with the Planning Board attorney so that appropriate changes can be made for consistency purposes. Sam Phelan will follow up with the Planning Board attorney.

A public hearing is scheduled for October 18th,

Kristina Dousharm moved to declare a Type II action under SEQR, Karen Smythe seconded, and all members were in favor.

Old Rhinebeck Aerodrome Museum Site Plan – 16 Norton Road

Presentation of application to replace a 3200-square foot hangar with a new 3600-square foot hangar in the RD 3 Zoning District.

Present were representatives for the applicant, Scott Cruikshank and Mike DiGiacomo.

Mr. Cruickshank gave an overview of the proposed project.

Michele Grieg clarified that the property has a special permit provision for an airport facility therefore, it should exhibit a residential character. She suggested that a recommendation to the Town Board be made to reconsider that provision and it be corrected to the property being classified as a museum rather than an airport facility.

Ms. Greig inquired about the wetlands. She recommended that the applicants submit the master plan that shows the delineation of the wetlands, the location of the building, the grading in relation to the wetlands. She discussed lot coverage. She also recommended that the applicants obtain a letter from the code officer about the signage and stating that a Special Permit is not required.

A public hearing was scheduled for Monday, November 1, 2021.

Red Hook Traditions

Applicant's attorney Jennifer Van Tuyl, and applicant's representatives Richard Rand and Rod Morrison were present via zoom. The applicant is seeking the Planning Board to reapprove the sections 6, 7 and 8 which have not been completed within the 3-year limit which is fast approaching. They are not proposing any changes. and all the maps and subdivision plat that was reviewed and approved by the Planning Board will have no changes.

Sam Phelan will confer with the Planning attorney to determine if there are any SEQR issues.

Lew Rose commented that 3 out of the 5 Planning Board members were not on the Board at the time of the original approval. The applicant will provide a packet of the information regarding the project to those who are unfamiliar with the project.

Sam Phelan suggested the applicants be prepared to give a comprehensive presentation during the public hearing.

OTHER BUSINESS

LWRP – Red Hook Micro Hydropower Facility

Michele Greig explained the local law to permit micro hydro facilities on existing dams. The Planning Board is being asked to approve a draft Local Waterfront Revitalization Program (LWRPP) Consistency Determination. Lew Rose motioned to accept the draft LWRP Kristina Dousharm seconded, and all were in favor.

Sawkill- LWRP

A motion to accept the draft LWRP was made by Brian Kelly, seconded by Kristina Dousharm and all members were in favor.

LWRP - Local Law E 2021

Michele Greig explained the Town Board's opting in or out procedure regarding cannabis dispensaries. The planning board is required to make a recommendation on how this may impact the LWRP area.

Karen Smythe said that what is being stated about opting out and what is written in the law is inconsistent. Sam Phelan said because it is a non-action, he does not see how it could affect the LWRP. He said he would not want to see the town opt out for purposes of maintaining flexibility. He felt there is potential for the town to benefit from the revenue generated by a dispensary. Ms. Greig cited some examples of municipalities that have gone through this process already and the various considerations. Ms. Grieg said that the Town Board has decided on opting out but needs the Planning Board to determine if there are any potential impacts on the LWRP district.

Kristina Dousharm wanted to go through a few points on the draft LWRP provided by Ms. Greg. Ms. Dousharm said she disagrees that the local law will not have a significant impact the LWRP coastal areas. She said she views Local Law E is in opposition to the preservation of the LWRP area.

Brian Kelly asked if there was an opportunity cost in terms of the people coming here to patronize dispensaries making use of those recreational assets referenced in the LWRP. Also, he commented that the 3% revenue that would be shared between the municipalities could support some of the systems to preserve the assets in the district.

Ms. Grieg read the considerations stated in the LWRP. Mr. Phelan restated Ms. Dousharm and Mr. Kelly's point for clarification. Ms. Dousharm wanted to review 26A of the checklist that deals with our agricultural resources. Ms. Grieg said that because there are still so many unknowns, at this point some of the arguments are speculative and will be better served by a later discussion.

Lew Rose commented that any delay means that there is unlikely to be any investment by those looking to establish dispensaries and will go to nearby towns who have not "opted out." He did not agree with Ms. Greig that the Local Law does not affect the LWRP, and added that his opinion was that the Town Board's decision to opt out is a de facto decision to have no dispensaries. Mr. Rose suggested that the Planning Board tell the Town Board that the Planning Board volunteers to develop the zoning requirements for dispensaries. He thinks the Planning Board is the appropriate agency within the town to decide where these dispensaries should be located. Mr. Phelan said there will be a public hearing with the Town Board on Oct. 12th and it would be a good opportunity for people to bring these concerns. Ms. Greig agreed with Mr. Phelan. Rose was not interested in individuals of the Planning Board going to the Town Board's public hearing but attend as a full Board. Mr. Phelan said that a special meeting would have to happen to draft a statement for the Planning Board to present at the public hearing for the Town Board. He suggested that a letter from the Planning Board to the Town Board would be the best course of action. Mr. Rose and Ms. Dousharm maintain that "opting in" is the best course to take. Ms. Greig attempted to explain the limitations that exist on the state level at this time that need to be considered. Mr. Rose said that he will not support this resolution. Ms. Dousharm said she thought opting out would be a huge mistake by the Town Board. Ms. Greig explained that the Planning Board is not being asked to evaluate the Town Board's decision. Mr. Phelan further clarified what was being asked of the Planning Board.

Lew Rose suggested drafting a letter with the Planning Board's response saying that the Planning Board should be the lead agency to develop the zoning regulations at the appropriate time. Mr. Phelan was amenable to that suggestion. Mr. Rose asked Ms. Greig if they would need to use the State form and Ms. Greig said yes., Mr. Rose was opposed to that. He wanted to add some language to the form, Ms. Greig said that would not be permitted. Mr. Kelly also expressed his dissatisfaction with the existing form. He said he felt as if the Planning Board is being asked to go through pro forma, rubber stamp exercises.

The meeting began to become contentious therefore Mr. Phelan suggested to adjourn. Karen Smythe commented that she felt the Board is talking about two different things and conflating them. Mr. Phelan talked about the purpose of the LWRP and then spoke of the economic reality of the implications of what this law is proposing. He said they are two different, distinct things and to conflate them is an indication that the Planning Board is not understanding the process. He said he was agreeable to issuing a statement to the Town Board about the Planning Board taking an active role in the zoning for dispensaries, but he is not willing to hold up the process the Planning Board is being asked to participate in. Brian Kelly volunteered to draft a statement to the Town Board and will be circulated to the other members to for review and will be discussed at the next meeting.

A motion to adjourn was made by Brian Kelly seconded by Kristina Dousharm and all members were in favor.

Respectfully Submitted,


Lori Ann Santamaria

Planning Board Secretary

Resolution Granting Site Plan Approval to Sabroso Mexican Restaurant Pavilion

Name of Project: Sabroso Mexican Restaurant Pavilion

Name of Applicant: Reinaldo Gobinez

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Reinaldo Gobinez to construct a $\pm$ 925 square foot pavilion adjacent to an existing restaurant on a $\pm$ 1.26 acre parcel (Tax Map Parcel No. 134889-6373-00-035480) located at 7909 Albany Post Road (US Route 9) in the R1.5 Zoning District and Scenic Corridor Overlay District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Site Plan prepared by Louis S. DuBois, PE and CADD-MANS Design Service (Sheet S1 dated February 10, 2021 and revised August 23, 2021, Sheet S2 dated February 10, 2021 and revised September 23, 2021, and Sheet A-3 dated February 10, 2021); and

Whereas, on April 14, 2021, the Code Enforcement Officer determined that the restaurant, an existing lawful non-conforming use, may be expanded by a maximum of 925 square feet; and

Whereas, on April 5, 2021, the Planning Board classified the proposed action as a Type II action pursuant to 6 NYCRR Part 617.5(c)(9); and

Whereas, the parcel is located within 500 feet of a New York State certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated April 22, 2021, which the Planning Board duly forwarded to all owners of farm operations within 500 feet of the subject parcel; and

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

Whereas, due to the location of the property within 500 feet of a State highway and within 500 feet of a farm operation in a New York State certified Agricultural District, 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 issued a review letter dated June 18, 2021 which recommended that the Planning Board rely upon its own study of the facts in the case with due consideration to the County's comments; and

Whereas, the Planning Board fully considered each of the County's comments, and the applicant revised the Site Plan to include additional landscaping in the front of the building, with street trees along Route 9 and Boxwoods in front of the existing building, and to replace two existing building-mounted outdoor lighting fixtures with fully-shielded fixtures with a maximum color temperature of 3000K to reduce lighting levels onsite and bring the site into greater conformance with the Town's outdoor lighting regulations; and

Whereas, the applicant stated that the restaurant/bar has 81 seats, for which the Planning Board determined the Zoning Law requires 27 off-street parking spaces, and the proposed pavilion requires 12 off-street parking spaces for a total of 39 parking spaces, and the applicant proposes a total of 39 off-street parking spaces consistent with the requirements of the Zoning Law; and

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

Whereas, on May 17, 2021, the Planning Board opened a duly-noticed public hearing on the Site Plan application, which Public Hearing was continued on June 7, 2021, June 21, 2021, July 19, 2021, August 16, 2021, September 20, 2021, and October 4, 2021, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on October 4, 2021; 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 has determined that no new residential building lots or principal 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 Site Plan approval to Reinaldo Gobinez to construct a pavilion in accordance with the plans and specifications heretofore enumerated 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 Site Plan shall be revised as follows:
 - (a) To revise the Zoning Legend on Sheet A-S1 consistent with comment # 2 of the Greenplan memorandum dated October 4, 2021.
 - (b) To include new revision dates on each of the three Sheets.
 - (c) To revise the plans to address comments regarding off-street parking to the satisfaction of the Town Engineer, and to ensure that no parking is located in any required setback.
 - (d) To submit manufacturers cut sheets for the two proposed outdoor lighting fixtures on the north side of the building, depicting fully-shielded fixtures with a maximum color temperature of 3000K to the satisfaction of the Town Engineer.
 - (e) To delete the Front Porch Roofing Detail, the ADA Front View Detail, and the ADA Sec. Detail on Sheet A-3.
 - (f) To include a note on Sheet A-S1 that states, "Operation of the restaurant, including the pavilion, shall comply with the Town of Red Hook Noise Control Law in Chapter 92 of the Town Code."
 - (2) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.

- (3) The applicant shall pay any and all outstanding escrow balances for consultant review.
- (4) 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 conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):

- (1) All proposed improvements shall have been completed in accordance with the approved Site Plan. In the event that a CO is requested prior to completion of all proposed landscaping, a cash bond in an amount recommended by the Town Engineer will be posted to ensure completion of these features in accordance with the approved Site Plan.

C. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:

- (1) The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits and approvals.
- (2) The restaurant/bar shall have a maximum of 81 seats to ensure that the use meets the off-street parking requirement of the Zoning Law.

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 Brian Kelly, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting: Aye
Deputy Chairman Brian Kelly	Voting: Aye
Member Kristina Dousharm	Voting: Aye
Member Lew Rose	Voting: Aye
Member Karen Smythe	Voting: Aye
and two vacant seats	

Resolution was declared adopted on October 4, 2021.

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

Kathleen Flood
Kathleen Flood, Clerk to the Planning Board

10-8-21
Date

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

Name of Action: Sieverding Lot Line Alteration

Whereas, the Town of Red Hook Planning Board is in receipt of a Subdivision application by Trilby Sieverding to convey ± 5.8 acres of land from the ± 30.9 -acre Sieverding parcel to the ± 3.6 -acre Sieverding parcel located on Yantz Road in the Agricultural Business (AB) District in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated September 24, 2021 was submitted at the time of application; 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 threshold found in 6 NYCRR 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 Karen Smythe, and a vote of 5 for, 0 against, 0 absent, and 2 vacant seats, this resolution was adopted on October 4, 2021.

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:

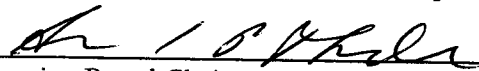
- a. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of the LWRP policy standards and conditions;
- b. The action would be undertaken in a manner which will minimize all adverse effects on the LWRP policy 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.

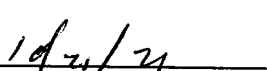
Applicants whose proposals are not consistent with the LWRP policies must provide evidence that the above standards will be met before the Planning Board can issue a consistency determination.

Name of Action: Sawkill Trail Project

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.


Planning Board Chairperson


Date

Town of Red Hook LWRP Consistency Form				
		Consistent		
Policy	N/A	Yes	No	Comments
A. Development Policies				
1. Not applicable to Red Hook.	✓			
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.		✓		Proposed project will provide a trail for recreational and educational activities.
2. Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.	✓			
3. Not applicable to Red Hook.	✓			
4. Not applicable to Red Hook.	✓			
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.	✓			No development other than a trail is proposed as part of the action.
6. Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.	✓			
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.	✓			Proposed trail will be located east of Route 9G, which is not adjacent to or within the vicinity of the Hudson River where significant fish and wildlife habitats are located.

Town of Red Hook LWRP Consistency Form				
Policy	N/A	Consistent		Comments
		Yes	No	
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.	✓			The portion of the trail that will be located in an area identified as having rare plants or animals consists of lands immediately adjacent to Route 9G and a parking lot, both of which have been previously disturbed. Proposed project will not impact any streams or wetlands within the Local Waterfront Revitalization area.
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.	✓			No hazardous wastes or other pollutants will result from the project.
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.	✓			
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.	✓			
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.	✓			No buildings or other structures are proposed within the Local Waterfront Revitalization area.

Consistency				
Policy	N/A	Consistent		Comments
		Yes	No	
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.	✓			
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.	✓			
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.	✓			
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.	✓			
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.	✓			
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.	✓			

Local Waterfront Revitalization Consistency Form				
		Consistent		
Policy	N/A	Yes	No	Comments
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.	✓			A major action is not proposed.
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 resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks	✓			Proposed project is not located adjacent to the Hudson River or other water resources within the Local Waterfront Revitalization area.
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.	✓			See above.
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.	✓			See above.
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.	✓			See above.

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.	✓			See above.
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.	✓			See above.
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.		✓		No buildings or other structures are proposed within the Local Waterfront Revitalization area.
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.		✓		See above.
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 an identified resource.		✓		No buildings or other structures are proposed within the Local Waterfront Revitalization area. Only underbrush will be removed; no trees will be removed.
24A. Prevent impairment of the Estates District Scenic Area of Statewide Significance.		✓		See above.
24B. Prevent impairment of the Ulster North Scenic Area of Statewide Significance.		✓		See above.
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.		✓		See above.

25A. Prevent impairment of scenic resources incorporated within the Mid-Hudson Historic Shorelands Scenic District.		✓		See above.
25B. Protect and enhance the scenic qualities of roads in the Town designated as scenic roads.		✓		See above.
I. Agricultural Lands Policy				
26. Not applicable to Red Hook.	✓			
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.	✓			No lands within a NYS certified agricultural district in the Local Waterfront Revitalization area will be impacted.
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.	✓			
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.	✓			
29. Not applicable to Red Hook.	✓			
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.	✓			
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.	✓			
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.	✓			
33. Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.	✓			
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.	✓			

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.	✓			
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.	✓			
37. Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.	✓			
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.	✓			
38A. Work to re-establish and maintain the Saw Kill Water Quality Surveillance Program.	✓			
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.	✓			
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.	✓			
41. Land use or development in the Coastal Area will not cause national or State air quality standards to be violated.	✓			
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.	✓			
43. Land or development in the Coastal Area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.	✓			
44. Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.		✓		No tidal or freshwater wetlands in the Local Waterfront Revitalization area will be impacted by the project.

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:

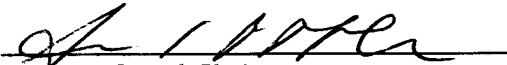
- a. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of the LWRP policy standards and conditions;
- b. The action would be undertaken in a manner which will minimize all adverse effects on the LWRP policy 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: Adoption of Local Law D (Proposed) of 2021 to Amend the Code of the Town of Red Hook for Micro Hydropower Facilities

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.


Planning Board Chairperson

10/21/21
Date

Consistency				
		Consistent		
Policy	N/A	Yes	No	Comments
A. Development Policies				
1. Not applicable to Red Hook.	✓			
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.	✓			
2. Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.		✓		Proposed action will permit the siting of micro hydropower facilities, a water dependent use, in the WC District to further the goals of the Town's Climate Action Plan.
3. Not applicable to Red Hook.	✓			
4. Not applicable to Red Hook.	✓			
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.	✓			No development is proposed as part of this action.
6. Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.	✓			
B. Fish and Wildlife Policies				

Town of Red Hook LWRP Consistency Form				
Policy	N/A	Consistent		Comments
		Yes	No	
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.		✓		Proposed action will require that micro hydropower facilities provide for the safe, timely, and effective upstream and downstream passage of migratory fish in order to allow for the continuation of healthy and sustainable fish and other wildlife resources in areas affected by the facility.
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.		✓		Proposed action will only permit micro hydropower facilities to operate as run-of-river; no change in impoundment size or of the river flow post-bypass will be permitted, with the exception of changes resulting from the use of flashboards as expressly permitted by the NYSDEC. No pollutant discharge will result from micro hydropower facilities.
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.	✓			No hazardous wastes or other pollutants will result from micro hydropower facilities.
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.	✓			

Long-Range Vision: Review/Update/Confirm/Deletion/Status				
		Consistent		
Policy	N/A	Yes	No	Comments
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.	✓			
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.	✓			No development is proposed as part of this action. The proposed action will only permit micro hydropower facilities to operate as run-of-river; no change in impoundment size or of the river flow post-bypass will be permitted, with the exception of changes resulting from the use of flashboards as expressly permitted by the NYSDEC, and therefore such facilities will not result in flooding and erosion.
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.	✓			
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.	✓			

Town of Red Hook LWRP Consistency Form				
Policy	N/A	Consistent		Comments
		Yes	No	
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.	✓			
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.	✓			
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.	✓			
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.	✓			
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.	✓			A major action is not proposed by this action.
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 resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks	✓			Proposed action will only permit micro hydropower facilities to operate as run-of-river, in which power is generated by the elevation drop in free-flowing water without mechanical manipulation to increase the height of the dam or the reservoir size, except the use of flashboards as expressly permitted by the NYSDEC. Such facilities will not interfere with public water-related recreation use of 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.	✓			See above.
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.	✓			See above.
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.	✓			See above.
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.	✓			

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.	✓			
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.		✓		Proposed action will require micro hydropower facilities located in the HL-O District (which is coincident with the Hudson River National Historic Landmark District) to demonstrate compliance with §§ 143-45 and 143-46 of the Zoning Law for historic structures and districts. Proposed action will require that that any equipment shelters and unenclosed equipment, machinery, and utility infrastructure associated with a micro hydropower facility be provided with a fence, screen, and/or landscaping sufficient to screen such equipment from view year-round from existing residences, adjoining properties, and public rights-of-way. No development is proposed as part of this action and therefore no impacts to archaeological resources will occur.
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.		✓		See above.
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 an identified resource.		✓		See above.
24A. Prevent impairment of the Estates District Scenic Area of Statewide Significance.		✓		See above.
24B. Prevent impairment of the Ulster North Scenic Area of Statewide Significance.		✓		See above.
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.		✓		See above.
25A. Prevent impairment of scenic resources incorporated within the Mid-Hudson Historic Shorelands Scenic District.		✓		See above.
25B. Protect and enhance the scenic qualities of roads in the Town designated as scenic roads.		✓		See above.
I. Agricultural Lands Policy				
26. Not applicable to Red Hook.	✓			
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.	✓			No development is proposed as part of this action. Micro hydropower facilities permitted by the action in the Coastal Area would be subject to site specific review of impacts to agricultural lands and resources.
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.	✓			
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.	✓			

29. Not applicable to Red Hook.	✓			
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.	✓			
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.	✓			
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.	✓			
33. Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.	✓			
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.	✓			
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.	✓			
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.	✓			
37. Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.	✓			
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.	✓			
38A. Work to re-establish and maintain the Saw Kill Water Quality Surveillance Program.	✓			

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.	✓			
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.	✓			
41. Land use or development in the Coastal Area will not cause national or State air quality standards to be violated.	✓			
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.	✓			
43. Land or development in the Coastal Area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.	✓			
44. Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	✓			