

**APPROVED
TOWN OF RED HOOK PLANNING BOARD
MEETING MINUTES
December 15, 2014**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:30pm and confirmed the agenda.

A quorum was determined present for the conduct of business. Members present: Chairperson Christine Kane, Brian Walker, Charlie Laing, Sam Harkins, Sam Phelan and Sarah Gilbert. Also present was planning consultant Michele Greig, Phillip Butler of Keane and Beane filling in for Joel Sachs, and town engineering consultant Brandee Nelson.

CONTINUED PUBLIC HEARING

Willms Revocable Trust and R&R Development of Red Hook, Inc.

Lot Line Adjustment, Site Plan

Continued public hearing on proposed Lot Line Alteration to convey 0.10 acres from a parcel owned by Willms Revocable Trust to a parcel owned by R&R Development of Red Hook, Inc. located on Metzger Road, and site plan application to construct a single family dwelling in the TND/ Commercial Center district.

Christine Kane announced that the public hearing would be adjourned to January 5 because the applicants need to provide more information. Michele Greig noted that a public hearing on a subdivision can only be continued for 120 days.

CONTINUED PUBLIC HEARING

Patrick Murphy Accessory Apartment – 163 Hapeman Hill Road

Continued public hearing on special permit for an accessory apartment on a 3.15 acre parcel located in the RD3 zoning district.

Ms. Kane said the Murphy's have a public hearing for their variance request with the Zoning Board of Appeals Jan. 14 so the public hearing will be adjourned until the Board's Feb. 2 meeting.

OLD BUSINESS

Hoffman Residential Development – 19, 25 and 45 Old Farm Rd. – Major Subdivision - Preliminary Plat and Site Plan

Continued discussion of revised Sketch Plat/Plan for preliminary subdivision plat and site plan approval to create 102 residential units on approximately 52 acres of land of which approximately 50 will be developed as a Traditional Residential Neighborhood in the TND (Traditional Neighborhood District - Residential) zoning district.

Richard Rang was present to represent the applicants. He brought additional copies of the traffic study dated June 2014.

Christine Kane said that the Town Board agreed to the Planning Board's request to be lead agency in the most recent SEQR Lead Agency circulation. Mr. Rang asked if the Board was now officially the lead agency. Ms. Kane replied yes. Mr. Rang asked if the Board had received any correspondence from the Fire Department. Ms. Kane said she had not seen any.

The Board and applicants reviewed a memo from Ms. Greig dated 12-15-14. Ms. Greig explained that she had reviewed the demographic analysis for the estimated number of school age children that will be generated by the project. Said the applicants should include a time frame with the phasing plan when they submit it as this was discussed by the School Superintendent. She also requested that the dates be correctly updated on documents submitted by the applicants for review.

Ms. Greig said that she and Brandee Nelson agreed that it is important that the "worst case" scenario used for bedroom counts be consistent between the various studies such as the traffic study, the water and sewer needs analysis, and the demographic analysis of the project. Mr. Rang said that the applicant's recommendation to the Health Department is to base flow rates on the standard population figures for owner occupied housing which does use bedroom counts. He added that the applicant's traffic consultant has said that it would not affect the traffic study. He said he felt it was consistent.

Brandee Nelson said they were still waiting to hear if the Health Department is going to accept the applicant's analysis for water use. She cautioned the board to ascertain a flow confirmation and a commitment for a water supplier before proceeding with a SEQR determination. Mr. Rang replied that the Dutchess County Water and Wastewater Authority has expressed a desire to own and operate the system, and the Village of Red Hook has expressed the desire to provide water, however he is still waiting for pump test results for the new Village well. His said concern at this point was that the Village will not have the capacity to meet the Health Department's requirements.

Ms. Greig suggested that the Board review a draft Part 2 SEQR at the next meeting to make sure there are no other issues for review. The Board agreed.

The Board reviewed the density calculations and the streetscape renderings submitted and found them satisfactory.

Discussion moved to the proposed cottage sizes. Ms. Greig said in the analysis submitted by the applicant, areas identified as "winter storage" were not included in the calculation of the cottage's gross square footage. She said that unless the "winter storage" areas have a clear headroom of less than seven feet, it must be included in the calculation of gross square footage per the Zoning Law.

She went on to say that she discussed the Zoning Law with the town attorney and members of the Task Force, who pointed out that the Planning Board is not authorized to change the size of a cottage. The board may authorize a reduced percentage of cottages if they feel there is a good mix of housing types, but they could not change the size. She said the best approach would be for the applicant to ask the Town Board to make a zoning amendment that would allow for cottages to be larger. Ms. Kane said that the Planning Board could continue to review the project while the Town considers the zoning amendment request.

Mr. Rang agreed to resubmit the cottage size analysis using gross square footage as defined in the Zoning Law, and to make a request to the Town for a zoning amendment.

Preserve at Lakes Kill – Feller Newmark Road – Major Subdivision – Preliminary Plat Approval

Continued discussion on application for Preliminary Subdivision Plat Approval to create 11 residential lots, one lot for the community septic system, and one open space parcel on approximately 100.45 acres in the AB (Agricultural Business) and RD3 (Rural Development 3) zoning districts.

Sam Harkins made a motion that the Board go into executive session to discuss correspondence from their attorney. Brian Walker seconded and all members voted in favor.

When the Board returned, Charlie Laing made a motion that the Board re-enter regular session. Brian Walker seconded and all members voted in favor.

Mike Bodendorf and John Wagner were present to represent the applicants.

Ms. Kane acknowledged that the Board had received the project summary requested and asked the applicants if there was anything they would like to discuss relative to the summary. Mr. Wagner noted that he had sent a supplementary memo regarding the possible removal of an Ash tree during construction of the retaining wall.

Ms. Kane said that the Board had also received a traffic study that was commissioned by the Red Hook Community Preservation Alliance and had sent it to the town's traffic consultant, for review. The Board has received and reviewed that response. She said the applicants also responded to the study.

Ms. Kane said that the board had been notified that a well permit issued to neighboring property owners William and Jamie O'Farrell had been suspended by the Dutchess County Health Department. The O'Farrell's are pursuing whether or not it may be reinstated, but the subject is now out of the Board's purview.

Ms. Kane said that the Board was at the point where a decision on Preliminary Subdivision Approval must be made. She said she felt that the board has been very diligent in reviewing the project.

The Board reviewed a draft resolution, which Ms. Kane read aloud first.

Ms. Kane asked the board if they want to approve the applicant's request for wooden guardrails on the project's private access road. Brandee Nelson said the town engineers have determined that since it is a private road, they have no objection. The Board generally agreed that the wooden guard rails could be allowed.

The Board discussed whether to require the applicant to submit protective covenants for the wetlands, and agreed that this would be covered by the Conservation Easement to be placed on the conservation areas.

Ms. Kane said that in their summary document the applicants had raised the question about mitigation of contaminated soils in the area if any are found. Mr. Laing asked if there was any particular reason to believe there are contaminated soils in the project area. Mr. Wagner said there was no record of orchard activity on the site, which could potentially contaminate soil, and other than that there was no real reason to believe there might be contaminated soils. The Board generally agreed that if any

contaminated soil is found, it should be removed according to DEC and Dutchess County Department of Health regulations.

Ms. Kane asked if there was any further comment. Sam Phelan asked Brandee Nelson to clarify the condition of the site distance at the entrance to the subdivision. Ms. Nelson replied that under the current conditions, the site distance for stopping and decision-making is not met in either direction. She said with the proposed roadway re-grading and a speed limit of 35 mph, the sight distance for stopping and decision making to the right will be met, and the site distance to the left will be met for stopping distance but will be short for decision making by approximately 29 feet. However Ms. Nelson concluded that with the proposed roadway improvements and a reduced speed limit of 25 mph the site distance requirements would be met. The Board suggested that the resolution should be amended to require the applicant to obtain a reduced speed limit of 25 mph.

Ms. Kane asked if there was any further comment. There was none. Ms. Kane asked for a motion to adopt the resolution as amended. Charlie Laing made a motion to adopt the approval resolution as amended. Sam Phelan seconded. A roll call vote was conducted: Ayes: Chairperson Kane, Charlie Laing, Sam Harkins, Sam Phelan and Brian Walker. Nay: Sarah Gilbert. Absent: Kallie Robertson. Sam Harkins added that the public should understand that if the board did not approve or deny with four votes the project would be passed by default with no conditions, which he felt would be an undesirable result. The motion was carried on a vote of 5-1.

OTHER BUSINESS

Bard Olin Hall Parking Lot – request for amended site plan approval

Laurie Husted was present to represent the amendment because the sidewalk along the parking lot had been moved 5 feet. Ms. Husted said the change was made because of landscaping maintenance concerns and to maintain appropriate angles for the adjacent bio-swale. Ms. Grieg asked about car bumpers encroaching on the sidewalk. Ms. Husted replied there will be a curb installed, except in the handicapped spaces. She acknowledged that the bumpers of parked cars may hang over the sidewalk, but said that the sidewalk was widened from 5 to 6 feet to compensate.

The Board reviewed a resolution to allow the changes to the site plan. Sam Harkins made a motion to adopt the resolution granting amended site plan approval. Sarah Gilbert seconded and all members voted in favor.

Catlin minor subdivision - Extension request

The applicant's engineer submitted a letter requesting a 90 day extension in order to meet the final approval conditions. Mr. Laing made a motion to grant the extension. Mr. Harkins seconded and all members voted in favor.

Sarah Gilbert asked the board if they would be interested in using Dropbox for sharing documents. The Board generally agreed that they would be willing to try transitioning as a way to save paper and eventually move toward digital submissions.

ADJOURNMENT

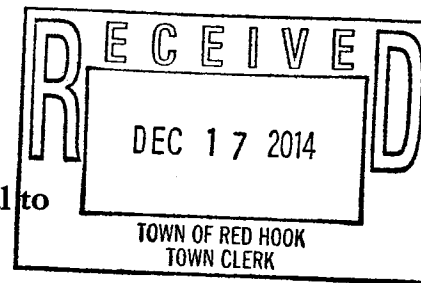
There being no further business to come before the board, Sam Harkins made a motion to adjourn.
Sarah Gilbert seconded and all members voted in favor.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "K. Flood", written over a circular stamp or mark.

Kathleen Flood
Secretary to the Board

**Resolution Granting Preliminary Subdivision Approval to
Preserve at Lakes Kill Subdivision**



Name of Project: Preserve at Lakes Kill Subdivision

Name of Applicants: Landmark Properties of Suffolk, Ltd. and PB Developers, Inc.

Whereas, the applicants, Landmark Properties of Suffolk, Ltd and PB Developers, Inc., have submitted an application for Preliminary Subdivision Plat approval dated July 5, 2012 to the Town of Red Hook Planning Board for eleven (11) residential lots, one (1) lot for a community septic system and one (1) open space parcel, on $\pm$ 100.45 acres of land, (Tax Parcel Nos. 134889-6372-00-718975-0000, 134889-6372-00-754955-0000, and 134889-6373-00-790095-0000) located partially within the Town's Rural Development 3 (RD3) District and partially within the Agricultural Business (AB) District; and

Whereas, the subject parcels are located on Feller Newmark Road, Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted a Preliminary Subdivision Plat prepared by Hudson Land Design, entitled "The Preserve at Lakes Kill," consisting of Sheets 1 to 9 dated 2/11/2011 and last revised 11/7/2014; Sheet 10 dated 3/14/2013 and last revised 11/7/2014; and Sheet 11 dated 9/15/2014 and last revised 11/7/2014; and submitted, on September 5, 2014 a retaining wall detail, retaining wall guide rail detail, tree removal plan and an earth berm barrier terminal section; and

Whereas, on November 18, 2010, the Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of an Unlisted action pursuant to SEQRA; and

Whereas, on August 20, 2012, November 19, 2012, December 17, 2012, March 4, 2013, and March 18, 2013, the Planning Board held informational meetings on the project application during which time all interested persons were given the opportunity to speak; and

Whereas, on December 2, 2013, the Planning Board, in consideration of the Full EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the Planning Board consulted with the Town Highway Superintendent regarding sight distance and roadway improvements to Feller Newmark Road and consulted with the Red Hook Fire Department regarding the proposed private cul-de-sac road; and

Whereas, the Town Engineer has determined that the proposed emergency vehicle turnaround south of Lot 3 meets the requirements of the New York State Fire Code; and

Whereas, Winnakee Land Trust, in correspondence dated June 6, 2012, verified that they have agreed to accept the conservation easement for the $\pm$ 89.02 acre open space parcel, and the Planning Board has confirmed that Winnakee Land Trust is a qualified easement holder; and

Whereas, a draft Memorandum of Understanding dated June 2, 2011 has been accepted by the applicants and the Dutchess County Water and Wastewater Authority (DCWWA) specifying that the DCWWA will own, operate and maintain the proposed community subsurface disposal system (SDS); and

Whereas, the parcels are located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement, dated July 5, 2012, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

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

Whereas, on December 16, 2013, the Planning Board opened a duly noticed public hearing on the Preliminary Plat, which Public Hearing was continued on January 6, 2014 and April 7, 2014, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on April 7, 2014 and accepted written comments on the application until April 21, 2014; and

Whereas, the applicant agreed to extend the time frames for the Planning Board to make a decision on the preliminary plat subsequent to the close of the Public Hearing; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants preliminary approval to the subdivision plat for the Preserve at Lakes Kill in accordance with the plans and specifications heretofore submitted upon the following conditions:

- I. Conditions to be met prior to submission of the Final Plat:
 - A. Satisfactorily address all comments set forth in the November 17, 2014 review memorandum from Crawford & Associates Engineering, P.C.
 - B. Submission of a Stormwater Pollution Prevention Plan (SWPPP) acceptable to the Town Engineer and Town Attorney. The SWPPP shall clearly identify which entity (HOA or Town of Red Hook) is responsible for which stormwater management features.
 - C. Add a note to Sheet 5 of the plat that the driveways for Lots 5, 6, and 7 are on the cul-de-sac turnaround.
 - D. Revise the plat to show the location of the removable bollards at the trailhead, and provide a detail of the bollards.

- E. Provide a detail illustrating the sign (including text) to be installed on the split rail fence delineating the boundary of the 100-foot adjacent area for the NYSDEC wetlands, and revise the plat to indicate at what interval such signs shall be installed on the fence.
 - F. Delete "Redi-Rock Gravity Wall" detail from Sheet 7.
 - G. Add the agricultural notice from § 72.2B of the Town Code to the plat.
- II. General conditions that may be carried over to final plat approval. The Planning Board reserves the right to add additional conditions to the final plat approval:
- A. Approval from the Dutchess County Department of Health for methods of water supply and wastewater disposal.
 - B. Approval from the Dutchess County Water and Wastewater Authority (DCWWA) for the ownership and operation of the community septic system, including the posting of all bonds and security required by the DCWWA.
 - C. An acknowledgement letter of coverage from the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and a SPDES General Permit for waste water discharge from the community septic system (GP-0-05-001).
 - D. Submission of a Homeowners Association (HOA) agreement, including covenants and bylaws of the Homeowners Association, in final form acceptable to the Town Planning Board Attorney. Amongst other provisions, the HOA agreement shall:
 - (a) Prohibit individual property owners from disturbing the NYSDEC wetland and the 100' adjacent area, and from removing the split rail fence and signage that will be installed to delineate the 100' adjacent area. The HOA will maintain the fencing and signage.
 - (b) State that the intent of the ± 89.02 acre open space parcel is to preserve natural resources, allow passive recreation and future agricultural use of the parcel. If, in the future, farming occurs in the area proposed for conservation, such activity shall be separated from the NYSDEC and non-NYSDEC wetlands on site by a 100-foot vegetated buffer.
 - (c) Include the agricultural notice from § 72.2B of the Town Code in the HOA agreement.
 - (d) Include a requirement that the HOA shall distribute information to property owners within the HOA notifying them that the adjacent farms move livestock across the road.
 - (e) Require homeowners to use best practices for pesticide and herbicide applications.
 - (f) Identify the HOA as the ultimate owner of both the private access road and the areas of the subject property that are proposed for conservation.
 - (g) State that the HOA is responsible for the long-term maintenance of the private access road, maintenance and operation of the on-site stormwater facilities, and maintenance of the landscaping along the access road throughout the duration of the residential uses in the subdivision.
 - (h) Include the long-term operation and maintenance policy for the on-site stormwater management facilities that the SWPPP has identified the HOA is responsible for.
 - (i) Prohibit homeowners from obstructing the private access roadway and, to the extent there is such an obstruction, grant the HOA or any individual homeowner

the right to remove such obstruction.

- (j) State that the individual homeowners in the subdivision shall be required to pay fees for the operation and maintenance of the community SDS.
 - (k) Prohibit upward-directed landscape lighting on the site to prevent light spillage into wetlands and woodlands.
 - (l) Require removable bollards at the trail head to prevent ATVs from using the trail.
- E. Proof of formation of the Homeowners Association by filing of the requisite documents with the Office of the Attorney General.
 - F. Submission of the conservation easement to Winnakee Land Trust for the $\pm$ 89.02 acre open space parcel in final form acceptable to the Town Attorney, including the requirement that the Town of Red Hook be granted third-party enforcement rights.
 - G. Receipt of road opening permit from the Town Highway Department for the curb cut on Feller Newmark Road.
 - H. Approval of street name for the proposed private road from the Town Clerk and Dutchess County E-911.
 - I. Submission of a covenant, to the satisfaction of the Town Attorney, that prohibits any homeowner from obstructing the private access roadway on the subject property.
 - J. Submission of the Common Use and Maintenance Agreement for the shared driveways for Lots 1, 2, and 3 and for Lots 8 and 9 in a final form acceptable to the Town Attorney, and with the Office of the Attorney General, if applicable.
 - K. Submission of drainage easement, in final form acceptable to the Town Attorney, to be granted to the Town of Red Hook for maintenance of the drainage structures that collect drainage from Feller Newmark Road and are located on the applicant's property.
 - L. Submission of written assurance from each public utility company that such company will make the necessary service installations within a time period and according to specifications satisfactory to the Planning Board, which shall include the underground installation of all on-site and, to the extent practicable, off-site extensions.
 - M. The applicant shall be responsible for constructing all road and drainage improvements as shown on the plans.
 - N. The applicant shall establish and place with the Town a performance guarantee or other agreement(s) containing such terms and conditions that are satisfactory to the Town Attorney and Town Engineer for the purpose of guaranteeing or securing performance by the applicant with regards to the construction of all public improvements, including the road opening permit, re-grading Feller Newmark Road and related drainage features, and construction of the retaining wall and guard rail on Feller Newmark Road for a minimum period of one (1) year, renewable in one (1) year increments but not to exceed three (3) years. The amount of the guarantees shall be determined by the Town Engineer. In addition, the applicant shall establish and place in escrow \$3,900 for a period of one (1) year after construction of the retaining wall on Feller Newmark Road. Said amount shall be used to cover the costs of monitoring and removal of the 36" Oak tree located at the west end of the proposed wall should the Town's contracted arborist determine, within the one-year period, that construction of the wall has impacted the tree and requires its removal.

- O. In the event any property owner files a claim or commences a lawsuit or other proceeding alleging damage to or taking of any portion of their property as a result of any road improvements to be undertaken by applicant or its representatives on and adjacent to Feller Newmark Road, including the tree removal, construction of the retaining wall and drainage features, then in such event, the applicant shall defend, hold harmless and indemnify the Town from any such claim, lawsuit or other proceeding and shall pay all judgments, court costs and disbursements in connection therewith, including reasonable attorney's fees.
- P. The applicant shall post an inspection escrow with the Town in the amount to be determined by the Town Engineer for engineering inspections of improvements.
- Q. The action will create a need for recreational land and facilities due to the generation of approximately 34 new residents of the Town including 8 new school age children (based on multipliers provided by Rutgers University, Center for Urban Policy Research "Residential Demographic Multipliers," June 2006). School-age children place a particularly high demand on the Town's existing recreational facilities. When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Furthermore, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, the applicant shall make a recreational fee payment, in an amount established by the Town Board, for eleven (11) residential buildings lots to allow for expansion of the Town's recreational facilities.
- R. Pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicant shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicant shall incorporate the agricultural notice of the Town Code in any deeds wherein title to any property is to be initially conveyed to a grantee.
- S. The applicant shall pursue and obtain, at its sole cost and expense, all necessary approvals for a reduction in the posted speed limit to 25 mph for the curve of Feller Newmark Road extending from 300 feet west of the proposed project entrance to 500 feet east of the proposed project entrance.
- T. The applicant shall provide the Town with four (4) Livestock Crossing signs for the Town Highway Department to post on Feller-Newmark Road.
- U. In the event contaminated soils are identified within the areas disturbed by the project, the applicant shall dispose of or otherwise remediate such contaminated soils in accordance with NYSDEC and Dutchess County Department of Health regulations.
- V. The applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- W. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- X. The Final Plat must be submitted within six (6) months of the date of this resolution.

On a motion by Charlie Laing, seconded by Sam Phelan, and vote of

Roll Call Vote:

Chairwoman Christine Kane	Aye
Deputy Chairman Charlie Laing	Aye
Member Sarah Gilbert	Nay
Member Sam Harkins	Aye
Member Sam Phelan	Aye
Member Kallie Robertson	Absent
Member Brian Walker	Aye

Resolution declared: Adopted on December 15, 2014.

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

<u>Kathleen Flood</u>	<u>12-15-14</u>
Kathleen Flood, Clerk to the Board	Date

**Resolution Granting Site Plan Approval to
Bard College Regional Demonstration Project for Improving
Stormwater Management at Olin**

Name of Project: Bard College Regional Demonstration Project for Improving Stormwater Management at Olin

Name of Applicant: Bard College

Date: DECEMBER 15, 2014

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Bard College to replace an existing gravel parking lot with permeable asphalt, and to install bioswales, bioretention areas, a constructed wetland, sidewalks and associated landscaping on a $\pm$ 2.17 acre project site within a $\pm$ 115.3 acre parcel (Tax Map Parcel No. 6173-00-600630) in the Institutional (I) Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a Site Plan prepared by LRC Group and Restaino Design PC (13 Sheets) dated April 11, 2014; and

Whereas, the proposed action substantially conforms with the depiction within the Bard College Master Plan Update dated February 2005 for which an amended Special Use Permit was issued by the Planning Board in February 2005, and therefore a new application for a special use permit is not required and only site plan review and approval by the Planning Board in accordance with the requirements of Article VII of the Zoning Law is required, and;

Whereas, the Planning Board has reviewed the Site Plan application against the requirements of Article VII of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the Planning Board has reviewed the Town's Local Waterfront Revitalization Program (LWRP) plan in accordance with Section V.C.1 of the LWRP and has determined that the proposed action is consistent with the coastal policies; and

Whereas, on April 17, 2014, the Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of a Type 1 action pursuant to SEQR; and

Whereas, on April 21, 2014, the Planning Board, in consideration of the Full EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed project will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department determined in its review dated April 17, 2014 that the project was a matter of local concern; and

Whereas, on April 21, 2014, the Planning Board conducted a public hearing on the Site Plan application at which time all interested persons were given the opportunity to speak; and

Whereas, on April 21, 2014, the Planning Board granted Site Plan Approval to Bard College for the Regional Demonstration Project for Improving Stormwater Management at Olin Parking Lot on the Bard College Campus in the Town of Red Hook, Dutchess County, New York; and

Whereas, on December 15, 2014, the applicant requested that a proposed sidewalk be relocated and submitted an amended Site Plan with a final revision dated of September 30, 2014; and

Whereas, the amended Site Plan will not have a significant impact on the environment greater than that which was initially reviewed for the proposed action pursuant to SEQR, resulting in the issuance of a Negative Declaration on April 21, 2014 by the Town of Red Hook Planning Board as Lead Agency; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants amended Site Plan approval to Bard College for the Regional Demonstration Project for Improving Stormwater Management at Olin in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. The following conditions shall be fulfilled prior to signing of the Site Plan by the Planning Board Chairwoman:
 - a. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - b. Submission of 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.
2. The following conditions shall be fulfilled prior to the issuance of a Certificate of Compliance:
 - a. All proposed improvements shall have been completed in accordance with the approved Site Plan. In the event that a Certificate of Compliance is requested prior to completion of all proposed landscaping, a cash bond, undertaking, irrevocable letter of credit, or other security or performance guarantee satisfactory to the Town Attorney and Town Engineer, will be posted to ensure completion of the landscaping in accordance with the approved Site Plan.

3. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:
 - a. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant shall be considered conditions of this Site Plan Approval.
 - b. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

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

On a motion by **SAM HARKINS**, seconded by **SARAH GILBERT**, and a vote of **6** for, **0** against, and **1** absent, this resolution was adopted on **DECEMBER 15, 2014**.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

12-15-14
Date