

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
July 16, 2012

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:32 p.m., and a quorum was determined present for the conduct of business.

Members present — Acting Chair Sam Phelan, members Kris Munn, Brian Walker, Sam Harkins and alternate Betty Carr. Members Christine Kane, Charlie Laing and Pat Kelly were absent. Planner Michele Greig was also present.

BUSINESS SESSION

Sam Phelan said that the applicants for the 245 Woods Road, LLC project and the Teviot, LLC project had requested that those projects be deferred until the August 20 meeting.

Alexander Zane, 6 Friendship St., Tivoli, said that he and others had come to two meetings in order to comment on those projects only to find that they had been taken off the agenda. He asked whether he could comment without the applicants present. Sam Phelan said that the applicants must be present to reply to comments or to answer questions.

Mr. Zane went on to say that he was concerned about nearby nesting eagles and also that the NYS Dept. of Environmental Conservation had not been contacted about the Teviot tree removal. Michele Greig explained that the Teviot project was a Type 1 action under SEQR and that it would be circulated to the DEC among other agencies for review and comments when the Planning Board had enough information to begin the SEQR review for that project. Kris Munn explained that the Teviot project was a separate project from the 245 Woods Rd. project and that the nesting eagles were on the southern end of the Teviot property. Mr. Zane asked how many times the applicants could continue the public hearing. Michele Greig said it was up to the applicants to request a place on the agenda.

There was one announcement. Sam Phelan said that the Association of Towns was sponsoring Planning and Zoning Summer Schools to be held at various locations around the state, the closest being in Fishkill on July 31st.

The July 2, 2012 minutes had been circulated and reviewed. Kris Munn made a motion to approve those minutes. Sam Harkins seconded the motion, and all members present voted in favor.

PUBLIC HEARING

245 Woods Rd, LLC – 245 Woods Road – Special Permit

Sam Harkins made a motion to continue the 245 Woods Road, LLC public hearing until the August 20, 2012 meeting. Kris Munn seconded the motion, and all members present voted in favor.

REGULAR SESSION- OLD BUSINESS

Robertson Farm, LLC – 7782 Albany Post Rd. – Site Plan

Michael Robertson was present for continued discussion of an application for minor site plan approval to establish a Farm Market 2 on a ± 63 acre parcel in the AB (Agricultural Business) Zoning District.

Mr. Robertson said that his newly submitted plan incorporated all the requested changes and additions.

Michele Greig said that all that was needed now was a revision date on the plan. Mr. Robertson said that the plan was revised on July 4 and that he would add the date to the plan. Michele Greig said that the free-standing sign was grandfathered and so did not have to be shown on a scaled map.

Sam Phelan recalled the previous discussion about prohibiting parking in the front of the barn. Mr. Robertson said that the directional signs would take care of that issue.

The members generally agreed that because no new construction or structures were proposed, an engineered drawing was not necessary in this particular case and that they would waive this site plan requirement.

The Board reviewed a draft resolution approving the project and added a condition requiring the addition of a revised date to the plan. Sam Harkins then made a motion to adopt that resolution as revised. Brian Walker seconded the motion, and all members present voted in favor.

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

Michael Bodendorf, P.E. was present for continued discussion of an application for preliminary subdivision plat approval to create 11 lots on a ± 100.45-acre parcel in the AB (Agricultural Business) Zoning District.

Mr. Bodendorf said that few changes had been made to the subdivision plan, although quite a few tweaks had been made to the Stormwater Prevention Plan and other engineering aspects of the project. He said that he had enlarged the turnaround for emergency access vehicles but had not yet heard back from the Fire Chief.

The Board then reviewed the GreenPlan memo. Michele Greig said a minor revision had to be made to the EAF and that the project did not need a transportation corporation. She said that the NYS Office of Parks, Recreation and Historic Preservation had sent a “no impact” or sign-off letter, which had been the only outstanding item needed for the SEQR review. She said that the Town Board would consider the open development area once SEQR was closed.

Michele Greig said that the Planning Board could approve a cul de sac for this project because the parcel was surrounded by residential properties and because there was no reasonable way to provide a through street. Sam Harkins made a motion to approve the

cul de sac planned for the project. Kris Munn seconded the motion, and all members present voted in favor.

Michele Greig also said that Lot 1 had slightly less than the recommended 200 ft. building setback buffer from adjacent agricultural lands. She said that all the other lots had setbacks of 200 ft. or more. She also noted that the boundary of the property abetted a stream and there was a hundred foot buffer on the other side of the stream. Therefore the total separation of any buildings on the two lots would be a minimum of 260'. Brian Walker made a motion to allow the 160 ft. buffer for Lot 1. Sam Harkins seconded the motion, and all members present voted in favor. Michele Greig said that these buffers should be included on the plat legend.

Mr. Bodendorf said that the Town Highway Department wished at some point to install a culvert on the other side of Feller Newmark Road and to direct stormwater under the road and into the infiltration system for the development. He said that the drainage swale had been sized to accommodate that extra water. The Board agreed that the Highway Department should submit a letter outlining the plan.

The Board noted that Winnakee Land Trust had agreed to hold the conservation easement.

Michele Greig said that the developer planned to install 23 red maple trees along the entry road, and she suggested that a mix of native trees be installed instead in case of disease. Mr. Bodendorf agreed, saying that he would probably recommend a mix of native maples and oaks. Michele Greig said to make sure that the species were appropriate for street trees. Mr. Bodendorf said that he would include a planting schedule.

Asked about a proposed retaining wall, Mr. Bodendorf said that he planned to use Redi-Rock, which, he said, looked like natural rock but could hold back large quantities of soil. He said the wall would be 3-4 ft. high. He said that he would forward photos of Redi-Rock for the members' review.

Mr. Bodendorf said that he would install a road sign with the name of the new private road but that the name had not been selected yet.

The Board then completed the EAF part 2 and discussed what potential impacts and their mitigations would be incorporated in the EAF part 3.

Michele Greig said that an archaeological study had been done of the area and of an old farmhouse. She said that over 70 test holes had been dug with no indication of significant findings.

Mr. Bodendorf said that no basements were planned and therefore no blasting was anticipated. He agreed, however, that if blasting were found to be necessary, a blasting protocol would be prepared.

Asked about the use of pesticides or herbicides, Mr. Bodendorf said that none would be applied or needed since there would be very little lawn area.

The Board generally found that the mitigation measures were sufficient and determined that none of the large impacts would be significant. The members agreed that they would likely issue a Negative SEQR Declaration at the next meeting. They then scheduled a public hearing for 7:35 p.m. on August 20, 2012.

Bard College Baseball Field– Woods Road – Site Plan and Special Permits

Pete Setaro, P.E. from Morris Associates, Jim Catella from the Clark Companies and Chuck Simmons and Chris Hall from Bard College were present for continued discussion of applications for Site Plan approval and Special Permits to construct a baseball field with associated lightning and to amend the Campus Master Plan Update, on a 301.7-acre parcel in the I (Institutional) Zoning District and the National Historic Landmarks District.

Mr. Setaro said that the applicants had addressed all the comments from GreenPlan and from the Town Engineer. He said that after some tweaking of the site plan to move activity away from possibly significant archaeological areas, the College had received a sign-off letter from the NYS Office of Parks, Recreation and Historic Preservation. He said that notes to the contractors about avoiding those areas had been added to the plan.

The Board then discussed waiving the required 42 parking spaces and allowing 39, since there was shared parking available at the nearby Stevenson gym and since many of the student onlookers would be arriving on foot or by bicycle. Mr. Simmons said that there were bike racks at the gym. Kris Munn made a motion to waive the required 42 spaces. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then reviewed the Local Waterfront Revitalization Program form submitted by the applicant.

Brian Walker asked what the artificial turf was made of and whether the Town should be concerned about its component parts as it degraded over time. Mr. Catella said that the NYS Health Department had found no adverse impacts, and he said that he would submit a data sheet about the composition of the turf material and a copy of the relevant Health Department study. He said that there was no indication that this was anything other than an inert material. Mr. Setaro said that he would submit the requested material. The Board generally agreed that a condition of site plan approval should be the submission of these documents.

The Board generally determined that the project was consistent with the Local Waterfront Revitalization Program.

The Board then completed the long EAF part 2, finding that there would be no large adverse impacts that would not be satisfactorily mitigated. The members also approved a draft EAF part 3 that explained the mitigation measures.

Kris Munn then made a motion that the Board issue a Negative SEQR Declaration for the project. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution granting a special permit to the Amendment to the Master Plan update. Michele Greig noted that the Board needed a new 30" x 40"

Master Plan map. Kris Munn made a motion to adopt that resolution. Sam Harkins seconded the motion, and all members present voted in favor.

Next the Board reviewed a draft resolution granting a special permit to the recreational lighting for the field. Sam Harkins made a motion to adopt that resolution. Brian Walker seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution granting site plan approval to the baseball field. The members added a condition that the NYS Health Department study on the artificial turf be submitted. Michele Greig pointed out that some conditions must be met before the site plan could be stamped and signed, while other conditions must be met before the Building Inspector could issue a Certificate of Compliance. Brian Walker made a motion to adopt that resolution. Kris Munn seconded the motion, and all members present voted in favor.

REGULAR SESSION- NEW BUSINESS

Bard College--Alumni/ae Center – 4604 Rte 9G – Amended Site Plan

Pete Setaro, P.E., and Chuck Simmons were present with an application for Amended Site Plan approval to install signage and to revise the parking and landscaping plans for a College alumni/ae center with accessory eating facility on a 2.47-acre parcel in the RD3 Zoning District and in the National Historic Landmarks District.

Mr. Setaro said that Mr. Simmons had gone to the Zoning Board of Appeals and had received area variances for a total of 27 sq. ft. of wall signage. He said that the College had also received variances to allow two (2) freestanding identity signs with a one (1) ft. setback from the property line.

Mr. Simmons said that the ZBA had considered the existing freestanding sign, which pointed to the Bard Campus across the street, to be a directional sign, not an identity sign for either of the two project facilities. As such, he said, the ZBA had not added the square footage of this sign to the total square footage allowed for all freestanding signs.

Mr. Setaro and Mr. Simmons reviewed some changes in the landscape plan saying that a proposed blue spruce tree had been replaced by some lower shrubs. Mr. Setaro said that the plan to reuse the existing septic system had not worked out, so waste water would be pumped across the street into the campus sewage system. Mr. Setaro said that this change created more opportunities for landscaping at the southern end of the parking lot. Sam Phelan said that the applicants should submit an updated landscape plan with a new list of the plantings.

Mr. Setaro said that the number of parking spaces remained unchanged but that the striping plan had changed. He said that about 15 linear ft. of green space along the road had been lost to accommodate the new striping. Sam Phelan asked the applicants to show the new striping on the updated plan.

Coming back to the signage, Mr. Simmons said he had received a variance for 2 free standing signs, each with two posts and each to be no more than 12 sq. ft. He reminded the Board that the variance had included a one (1) ft. setback from the property line. The Board reviewed an email from ZBA Chair Nick Annas outlining the variances granted by the ZBA.

Mr. Simmons went on to say that the existing “directional” sign was 3 ft. x 8 ft., or 24 sq. ft.

Finally, he said that the ZBA had granted a variance for two (2) signs totaling 27 sq. ft. of “wall coverage”. Kris Munn asked how the proposed signs had been sized. Mr. Simmons said that originally the architect had measured around each letter of the sign but that the signs had been resized to match the ZBA’s method of measuring, which was the smallest rectangle that would encompass the total proposed lettering.

Sam Phelan remarked that the applicants would have a total of 48 sq. ft. of free standing signage where normally one (1) free standing sign of 12 sq. ft. was allowed in the RD3 District.

Michele Greig said that the problem was that the proposed “wall” signs were actually roof signs, which were prohibited by the zoning regulations. She said that one sign was proposed to be affixed to the metal roof seams over the eating facility and the other was proposed for the gable end of the alumni center.

Mr. Simmons said that because cars would drive past the property so fast and because the curvature of Route 9G would not allow passers-by to see very much, the roof signs were needed. Sam Phelan said that the free-standing signs would be very visible to motorists and would identify the sites.

Sam Phelan said that he understood the necessity of identifying the different parts of the building, but, he said, a window or monument sign would accomplish that goal.

Brian Walker said that he had driven by the site with its temporary free-standing signs and believed that the signs were very effective, especially with the red umbrellas in the outdoor terrace of the restaurant. He said that both worked to establish the identity of the restaurant. He said he believed that a sign could be integrated into what is already there without putting a sign on the roof. Kris Munn agreed, saying that Stewarts Shops had originally proposed a roof sign, which the Planning Board did not allow.

The Board suggested the possibility of putting a wall sign for the restaurant on the large panel separating the outdoor eating area from the parking lot. Sam Phelan suggested a monument from the ground simply to direct people to the alumni/ae center.

Mr. Simmons said that a true wall sign for the restaurant would cover up the decorative wall mosaic.

Kris Munn said that a monument sign in the ground might add to the total free standing signage.

The Board members generally agreed that they did not want to start approving roof signs. Sam Phelan said that a roof sign would not keep people intending to go to the restaurant from entering the alumni/ae center. He said a sign on the door would be most effective. Mr. Simmons said that the overhang over the door was quite deep and that a door sign would be buried.

Sam Harkins wondered whether the gable sign could be considered a wall sign. Michele Greig read from the zoning regulations, saying that signs could only be placed on walls, not on roofs, and that one definition of a wall was as part of an enclosure. Some members said they could see the alumni/ae center sign as a wall sign since it was so low on the gable and since it did not break the roof line.

Addressing the other free standing signs, Sam Phelan suggested hanging the two identity signs together. Chuck Simmons said that would be too much information at once for people coming around the 9G curve at higher rates of speed.

Kris Munn said that the existing free standing sign was really an off-premise identity sign, not a true directional sign. He said he felt that it should be counted in the square footage. Mr. Simmons said that New York State had been trying to reduce speed there for years as well as trying to solve the problem of people driving past the college entrance without seeing it.

Mr. Simmons said that the sign directing people across the street to the campus could not be combined with the sign directing people to the alumni/ae center.

The Board asked the applicants to look at whether the restaurant sign protruded into the handicapped loading space. Mr. Simmons said that the whole property needed to be resurveyed.

The Board generally agreed to wait for the June ZBA minutes to be made available in order to understand what the ZBA had been considering when it granted the sign variances. Sam Phelan asked Mr. Simmons to come back with more signage ideas.

OTHER BUSINESS

245 Woods Rd., LLC and Teviot, LLC.

Sam Phelan reported that he had spoken to the principles of the two properties and asked that at least one of them attend the meeting the next time the projects were on an agenda.

ADJOURNMENT

Since there was no other business to come before the Board, Kris Munn made a motion to adjourn. Sam Harkins seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker

Attachments

Resolution granting minor site plan approval to the Robertson Farm
Negative SEQR Declaration for the Bard College Baseball Field
Resolution granting Special Permit to the Bard College Amended Master Plan Update
Resolution granting Special Permit to the Bard College Baseball Field Recreational Lighting
Resolution granting Site Plan Approval to the Bard College Baseball Field

Resolution Granting Site Plan Approval to Robertson Farm Market

Name of Project: Robertson Farm Market

Name of Applicant: Robertson Farms LLC

Date: July 16, 2012

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Robertson Farms LLC to convert a portion of an existing barn into a \pm 990 square foot “Farm Market 2” with associated site improvements on a \pm 63 acre parcel (Tax Map Parcel No. 134889-6273-00-901207) located at 7782 Albany Post Road (US Route 9) in the AB Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a Site Plan dated June 21, 2012 and revised July 4, 2012; 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, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on June 4, 2012 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply; and

Whereas, on June 4, 2012 the Planning Board determined that a public hearing on the Site Plan application is not required since the application requires only minor site plan review pursuant to the Zoning Law § 143-39.1C; 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 June 26, 2012 that the project was a matter of local concern; and

Whereas, an Agricultural Data Statement was forwarded to all owners of farm operations within 500’ of the subject parcel and the Planning Board considered the Agricultural Data Statement and any comments thereon in its review of the application; 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 grants Site Plan approval to Robertson Farms LLC to convert a portion of an existing barn into a 990 square foot “Farm Market 2” with associated site

improvements in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairwoman:
 - A. 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.
 - B. Addition of revised date to plan.
 - C. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for Planning Board Chairwoman endorsement. One (1) set shall 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 Inspector. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

2. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):
 - A. All proposed improvements shall have been completed 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.

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 Brian Walker, and a vote of 4 for, 0 against, and

3 absent, this resolution was adopted on July 16, 2012.

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

Paula Schoonmaker, Deputy Clerk to the Board

Date

617.7

State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: July 16, 2012

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

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

Name of Action: Bard College New Baseball Field

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The proposed action is an application by Bard College for Site Plan and Special Use Permit Approvals from the Town of Red Hook Planning Board and related approvals from other involved agencies for the construction of a new baseball field with artificial turf and associated amenities, including recreational lighting, new gravel parking, and utilities. The project will be constructed on an approximately 6.4 acre site within the 550 acre Bard College "Educational Campus" in the Town's Institutional (I) Zoning District.

Location: Woods Avenue (Bard Campus), Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated April 16, 2012, the Planning Board has concluded that environmental

effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. The project site is located in the Hudson River National Historic Landmark District, which is on the State and National Registers of Historic Places, and within an area that has been identified as sensitive for archaeological resources. A Phase 1 and 2 Archaeological Survey was prepared by Dr. Christopher Lindner on behalf of the applicant. The Survey identified three archaeological sites in proximity to the proposed project. Each of these sites is eligible for nomination to the State and National Registers of Historic Places and all have been added to the statewide inventory of archaeological sites.

One of these sites (Bard 30) is located beyond the perimeter of the Area of Potential Effects and will not be impacted by the proposed action. The project plans have been modified to avoid impacts to the majority of the second site (Bard 31). A portion of the second site will be covered by a gravel parking area; however direct impacts to the deposits will be avoided by placing sufficient fill over the current surface to insure that original soils are protected from all proposed construction impacts.

The greatest concerns have been directed at the third site (Bard 29). The Area of Potential Effects perimeter has been redrawn so that most of the site will be fully avoided. As part of the mitigation plan for areas that can not be avoided, Bard College has agreed to fund a minimum of one radiocarbon assay of the Bard 29 site's prehistoric components and analysis of soil samples already collected. The other part of the mitigation at the Bard 29 site will consist of data recovery in the form of two additional one square meter excavation units that are to be excavated in order to increase the sample size of artifacts. Stratigraphic profiles and photographs will record the layering, and sediment samples will be taken if features are revealed. The results of the excavation and biological analysis will be included in a supplemental report that will contain a discussion of the contribution the three sites make to the archaeology of the Tivoli Bays area along the Hudson River and to its larger region. The texts of the two reports will be posted on the College website, along with photographs of the artifacts. For all three sites, protective measures shall be taken to insure that no impacts to the sites will occur during construction.

The proposed plan to avoid most of the archaeological deposits and steps to mitigate the minor impacts that can not be avoided have been reviewed by the NYS Office of Parks, Recreation and Historic Preservation, which on June 29, 2012 issued a determination that construction of the proposed baseball field will have No Adverse Impact on historic or cultural resources on condition that the plan is fully implemented. Based on the foregoing, the proposed action will not have a significant adverse environmental impact on historic and cultural resources.

4. The proposed action will include lighting of the baseball field. For a previous application for a soccer field, which also included lighting and is located immediately adjacent to the proposed baseball field, the applicant conducted a balloon test and viewshed analysis of the proposed lighting from sensitive receptive points in the environs from where the lighting poles would potentially be visible. The analysis indicated that the proposed lighting poles would be only minimally visible from these areas since the soccer field is at a lower elevation than surrounding lands and is surrounded by existing vegetation, including mature trees. Some of the light poles for the proposed baseball field will be 10' taller (i.e., 80' in height) than the light poles on the soccer field; however, the grade of the proposed baseball field is approximately 10' lower than the elevation of the existing soccer field. Given the difference in field elevation, the light poles for the proposed baseball field will be generally at the same height as the light poles on the existing soccer field. The applicant submitted a Visual Analysis which analyzed the proposed baseball field lights from four viewsheds. The Analysis concluded that the proposed ballfield lighting will not be visible outside the Bard campus due to existing topography and surrounding vegetation, consisting of mature trees, which will minimize views of the lighting poles from these locations.

The lighting of the baseball field will be accomplished utilizing the most environmentally sensitive light design available on the market today by Musco Sports Lighting. The proposed lighting will use "Green Generation" environmental light control to control light spill, glare and sky glow, which will prevent light spillage on adjacent properties and adverse impacts on the night sky. Proposed lighting levels are consistent with recommendations of the Illuminating Engineering Society of North America.

Based on the foregoing, the proposed action will not result in significant adverse environmental impacts to aesthetic resources.

5. The project site includes a wetland which the applicant proposes to fill. The wetland was delineated by the applicant's biologist Ecological Solutions and field verified by Aspen Environmental. The wetland is situated within a minor depression with slight yet apparent upland boundaries to the east, south and west. To the north and down gradient of the wetland area lies a ravine. A careful evaluation of the vegetation and soils in this area failed to support extending this wetland to the intermittent water course. Accordingly, Aspen Environmental concludes that the wetland is isolated and therefore non jurisdictional with respect to federal regulations. It is similarly not regulation by New York State. Based on the foregoing, the proposed filling of the wetland will not have a significant adverse environmental impact on water resources.
6. Aspen Environmental reviewed the applicant's Indianat Bat/Bog Turtle Habitat Suitability Assessment, and inspected the site, and concludes that the project site is highly unlikely to support the threatened Bog turtle, and similarly

concludes that clearing the ball field area will not have a measurable impact on foraging by the Indiana bat. Based on the foregoing, the proposed action will not have a significant adverse environmental impact on threatened or endangered species. The project site is located within the Town's Local Waterfront Revitalization Area. In accordance with Section V.C.1 of the Town's Local Waterfront Revitalization Program (LWRP), the Planning Board has reviewed the LWRP policies and has determined that the proposed action is consistent with the coastal policies. **For Further Information:**

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

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Bard College (applicant)

Sue T. Crane, Town Supervisor

Town of Red Hook Town Board

NYS Department of Environmental Conservation

NYS Office of Parks, Recreation, and Historic Preservation

Hudson River Heritage

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

Resolution Granting Special Permit for Amendment to Bard College Campus Master Plan Update

Name of Project: Amendment to Bard College Campus Master Plan Update

Name of Applicant: Bard College

Date: July 16, 2012

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from Bard College to amend the Bard College Campus Master Plan Update to include a proposed new baseball field pursuant to § 143-81 of the Town Code on a ± 302 acre parcel (Tax Map Parcel No. 134889-6173-00-400720-0000) in the Institutional (I) Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a Site Plan prepared by Morris Associates, PLLC (Sheets 1, 5, 6 and 7 dated March 7, 2012 and revised April 27, 2012, May 4, 2012 and May 23, 2012; Sheets 2, 3 and 4 dated March 7, 2012 and revised April 27, 2012, May 4, 2012 May 23, 2012, and June 26, 2012), and Clark Companies (Sheets F-1 to F-8 dated March 8, 2012, with a revision date of April 26, 2012 for Sheets F1 to F3 and F7); and

Whereas, the Planning Board has reviewed the Special Permit application against the requirements of Article VI of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, on April 20, 2012, 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 SEQRA; and

Whereas, on July 16, 2012, 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 25, 2012 that the project was a matter of local concern; 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 May 7, 2012, 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, the Planning Board had deliberated on the application and all the matters before it.

NOW THEREFORE BE IT RESOLVED, that the Planning Board grants Special Permit approval to the Bard College Campus Master Plan Update in accordance with the plans and specifications heretofore submitted upon the following conditions:

- D. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant shall be considered conditions of this Special Permit Approval.
- E. Submission to the Town of Red Hook Planning Board of a large (approximately 40" by 30") copy of the Bard College Campus Master Plan Update (drawn to scale) dated November 2004 and revised April 2012.
- F. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

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 Kris Munn, seconded by Sam Harkins, and a vote of 4 for, 0 against, and 3 absent, this resolution was adopted on July 16, 2012.

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

Paula Schoonmaker, Deputy Clerk to the Board

Date

Resolution Granting Special Permit for Recreational Lighting of Bard College New Baseball Field

Name of Project: Bard College Recreational Lighting for New Baseball Field

Name of Applicant: Bard College

Date: July 16, 2012

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from Bard College to install recreational lighting for its proposed new baseball field pursuant to § 143-27.1 of the Town Code on a ± 302 acre parcel (Tax Map Parcel No. 134889-6173-00-400720-0000) in the Institutional (I) Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a Site Plan prepared by Morris Associates, PLLC (Sheets 1, 5, 6 and 7 dated March 7, 2012 and revised April 27, 2012, May 4, 2012 and May 23, 2012; Sheets 2, 3 and 4 dated March 7, 2012 and revised April 27, 2012, May 4, 2012 May 23, 2012, and June 26, 2012), and Clark Companies (Sheets F-1 to F-8 dated March 8, 2012, with a revision date of April 26, 2012 for Sheets F1 to F3 and F7); and

Whereas, the Planning Board has reviewed the Special Permit application against the requirements of § 143-27.1 and Article VI of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, on April 20, 2012, 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 SEQRA; and

Whereas, on July 16, 2012, 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 March 26, 2012 that the project was a matter of local concern; 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 May 7, 2012, 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, the proposed action is not included in the Bard College Master Plan Update dated February 2005, and therefore the applicant submitted an Amendment to the Campus Master Plan dated April 16, 2012, for which the Planning Board on July 16, 2012 granted an amended Special Permit; 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 grants Special Permit approval to Bard College to install recreational lighting for its proposed new baseball field pursuant to § 143-27.1 of the Town Code in accordance with the plans and specifications heretofore submitted upon the following conditions:

- G. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant shall be considered conditions of this Special Permit Approval.
- H. The recreational lighting shall at all times be consistent with the requirements of § 143-27.1F(10) of the Town Code including without limitation the requirements that surrounding vegetation shall be maintained to screen views of the lighting poles from adjacent properties; fixtures shall be fully shielded to prevent light spillage on adjacent properties and to prevent sky glow; proposed lighting levels shall not exceed the approved levels, consistent with the recommendations of the Illuminating Engineering Society of North America.
- I. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

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 Brian Walker, and a vote of 4 for, 3 against, and 0 absent, this resolution was adopted on July 16, 2012.

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

Paula Schoonmaker, Deputy Clerk to the Board

Date

Resolution Granting Site Plan Approval to Bard College New Baseball Field

Name of Project: Bard College New Baseball Field

Name of Applicant: Bard College

Date: July 16, 2012

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Bard College to construct a new baseball field with artificial turf, lighting, and associated amenities on a \pm 302 acre parcel (Tax Map Parcel No. 134889-6173-00-400720-0000) 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 Morris Associates, PLLC (Sheets 1, 5, 6 and 7 dated March 7, 2012 and revised April 27, 2012, May 4, 2012 and May 23, 2012; Sheets 2, 3 and 4 dated March 7, 2012 and revised April 27, 2012, May 4, 2012 May 23, 2012, and June 26, 2012), and Clark Companies (Sheets F-1 to F-8 dated March 8, 2012, with a revision date of April 26, 2012 for Sheets F1 to F3 and F7); 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, except for the requirement to provide forty-two (42) parking spaces; and

Whereas, the Planning Board has waived the requirement to provide forty-two (42) parking spaces and reduced the number of parking spaces to thirty-nine (39) in accordance with § 143-26B(1)(c) of the Zoning Law which allows for a reduction in the required number of parking spaces when a combination of uses on a single parcel have staggered hours of use, which the Board determined to be the case, in addition to the fact that many Bard students will be able to walk or bicycle to the facility while students from other campuses may be bussed to the site; and

Whereas, on April 20, 2012, 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 July 16, 2012, 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 March 26, 2012 that the project was a matter of local concern; 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 May 7, 2012, 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, the proposed action is not included in the Bard College Master Plan Update dated February 2005, and therefore the applicant submitted an Amendment to the Campus Master Plan Update dated April 16, 2012, for which the Planning Board on July 16, 2012 granted an amended Special Permit; and

Whereas, the proposed action includes recreational facilities lighting for which the Planning Board on July 16, 2012 granted a Special Permit pursuant to § 143-27.1 of the Town Code; 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 grants Site Plan approval to Bard College to construct a new baseball field with artificial turf, lighting, and associated amenities in accordance with the plans and specifications heretofore submitted upon the following conditions:

2. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairwoman:
 - J. Revise the Clark Companies Plans for consistency with the revisions made to Sheets 2, 3, and 4 of the Site Plan dated June 26, 2012 and as listed in email correspondence from the applicant's engineer Thomas Harvey, IE dated June 28, 2012.
 - K. Revise the Clark Companies Plans to reflect the changes made to Sheet 3 of the Site Plan for the elevations for the culvert outlets, as outlined in comment #4 of the Crawford & Associates memo dated May 30, 2012.
 - L. Revise the note on Sheet 2 of the Site Plan to state that thirty-nine (39) parking spaces are proposed (rather than 37).
 - M. Confirm that the NYS OPRHP no impact letter has been incorporated into the SWPPP as required in Part 1.D.8.
 - N. Provide confirmation from Christopher Lindner, PhD that the archaeological data recovery of two additional one square meter excavation units (as outlined in the James Brudvig June 28, 2012 letter to NYS OPRHP) has been completed.

- O. The applicant will provide the Planning Board with NYS Department of Health's study of the environmental impacts of the proposed artificial turf.
- P. 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.
- Q. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for Planning Board Chairwoman endorsement. One (1) set shall 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 Inspector. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

- 4. The following conditions shall be fulfilled prior to the issuance of a Certificate of Compliance:
 - B. The applicant shall create a long-term campus-wide stormwater maintenance and operation policy plan prior to filing the Notice of Termination of construction with the NYS DEC.
 - C. The applicant shall file the aforementioned stormwater maintenance and operation policy plan with the Town of Red Hook.
 - D. The applicant shall submit confirmation from Christopher Lindner, PhD that all items in the proposed Mitigation Agreement and Data Recovery Plan outlined in James Brudvig's letter to OPRHP dated June 28, 2012 have been completed.
 - E. 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.
- 5. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:
 - B. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant shall be considered conditions of this Site Plan Approval.
 - C. 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 Brian Walker, seconded by Kris Munn, and a vote of 4 for, 0 against, and 3 absent, this resolution was adopted on July 16, 2012.

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

Paula Schoonmaker, Deputy Clerk to the Board

Date