

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
March 4, 2013

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:33 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Sam Harkins, Michelle Turck, Brian Walker, Sam Phelan, and Betty Carr. Charlie Laing was absent. Also present was planner Michele Greig.

BUSINESS SESSION

Christine Kane confirmed the agenda as published. The February 4, 2013 draft minutes had been circulated among the members and reviewed. Michelle Turck asked that it be noted in the minutes that she recused herself from the discussion of the Hudson Valley Farmers Market. Betty Carr made a motion to adopt the minutes as revised. Michelle Turck seconded the motion, and all members present voted in favor.

There were three announcements. Christine Kane said that anyone attending a luncheon to be held March 26, 2013 at the Dutchess Land Conservancy would earn an hour of training credit. She also announced that Keane & Beane was holding a seminar on the new SEQRA regulations on March 20 at the law firm's office in Fishkill. Finally, she said that the Dutchess County Planning Federation was holding "Earn and Learn" training sessions in Millbrook on March 26 (date corrected at March 18 2013 mtg).

Lastly, the Board reviewed a SEQR circulation letter sent by the Red Hook Town Board which asked that the Planning Board, as an involved agency, consent to the Town Board's serving as lead agency for the SEQR review for the new Town recreation park. The Planning Board members generally agreed to respond with its consent.

PUBLIC HEARING

Bard College Western Solar Array – College Campus – Site Plan

Christopher Alsante from Solartech Renewables and Bard Sustainability Manager Laurie Husted were present for the public hearing on an application for Site Plan approval to install 1200 solar panels near the existing soccer field, on a 301.7-acre parcel in the Institutional (I) Zoning District.

Christine Kane read the public hearing notice. Mr. Alsante explained the plan to install three (3) groupings of solar panels to provide the college with power. Answering questions from the Board members, he said that the panels would be about 7 ½ ft. above grade at the highest end sloping down to about 2 ft. at the lowest; that the panels would be shielded from the river, Annandale Road and most of the rest of the campus by tall trees; that the total number of panels had been reduced from 1500 to 1200; that fencing around the panel groups was included in the design; and that the amount of land to be disturbed would be just under one (1)

acre. He said that the power produced by the panels would be hooked into the College's main grid. Asked about maintenance, Mr. Alsante said that the panels and the surrounding land would be checked every 6 months. He said that Solartech Renewables, LLC would own the panels for 7 ½ years during which time it would sell the power to the College. At that point, the College could opt to take over the panels.

Michele Greig said that the Town Engineer had had no comments except to advise the Board to make sure an erosion control plan was in place.

Since there were no comments from the public, Sam Harkins made a motion to close the public hearing. Betty Carr seconded the motion, and all members present voted in favor.

The Board then reviewed a draft Local Waterfront Revitalization Program form and made some revisions. Sam Phelan made a motion to adopt the revised document. Sam Harkins seconded the motion, and all members present voted in favor.

The Board completed both the long EAF part 2 and the EAF part 3, after which Sam Phelan made a motion to issue a Negative SEQR Declaration. Betty Carr seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution approving the project. After the Board had added a condition requiring an erosion control plan, Sam Harkins made a motion to adopt the revised resolution. Brian Walker seconded the motion, and all members present voted in favor.

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

Michael Bodendorf, P.E. and traffic engineer Phil Greeley were present for a continuation of the public hearing on an application for preliminary subdivision plat approval to create 11 lots on a total ± 100.45-acres in the AB (Agricultural Business) and RD3 Zoning Districts.

Mr. Bodendorf said that he had surveyed the road right-of-way lines as well as the trees that would have to be removed in order to implement the applicants' road mitigation plan. He said that generally the right-of-way was 25 ft. from the center line. He said that at one point on the road, the applicants would either have to gain permission from affected landowners to extend the mitigation outside the right-of-way, or they would have to build a retaining wall approximately 100 ft. in length and 6 ft. at the highest point.

Mr. Bodendorf went on to say that the applicants had eliminated the bus travel lane going east because they had checked with the school and the school bus only traveled west on that road.

He said that only the targeted trees measuring 8" in caliper or above had been noted on the plan. He said that by species, those were 8 oaks, 1 maple, 1 ash and 1 pine. He said that numerous smaller trees would also have to be removed. Asked about a revegetation plan, Mr. Bodendorf said that a steep slope seed mix would be laid down to hold the soil. He said that it was not advisable to plant shrubs and trees in a road right-of-way.

Warren Wyrick, 355 Feller Newmark Rd., said that his property adjoined the project parcels and that he was worried about stormwater runoff.

Brian Denu, 243 Feller Newmark Rd., asked what the retaining wall would be made of. Mr. Bodendorf said probably Ready Rock or similar material would be used. He said that the wall would be 7-8 ft. off the road.

The applicants' traffic engineer Phil Greeley said that the newly submitted documents included data requested by traffic engineer Bill Fitzpatrick at the December 17, 2012 meeting. He said that an 11-lot subdivision statistically resulted in 50 trips into the development and 50 trips out per day, 15-20 of those during peak hours. He said that the applicants were now using the standard AASHTO (American Association of State Highway and Traffic Officials) sight distance requirements, not the AASHTO reduced sight distances for low volume roads as they had in earlier meetings.

He said that the primary concern was the stopping sight distance, which he said was, according to AASHTO, 200' for 30 mph and 250' for 35 mph. He said that the intersection sight distance, the distance needed for traveling cars to maintain a minimum forward speed toward an intersection when another car was entering that intersection, was also important. He said that with the road mitigation, the intersection sight distance of 336 ft. would meet the 30 mph requirement and would approach meeting the 35 mph requirement.

Sam Phelan asked how many feet would be needed for stopping sight distance if a driver were travelling at 45 mph. Mr. Greeley said about 360 ft. would be needed.

Mr. Greeley said that the applicants also were recommending signage advising drivers of the development access and pedestrian activities and encouraging slower speeds. He said that all these improvements would make the road better regardless of whether the development was there or not.

Christine Kane asked whether the various sightline and stopping distances the applicants were using now were based on what the Town required, not the reduced distances for low volume roads. Mr. Greeley said yes, the distances used now were the standard AASHTO guidelines, which were used by the Town, the County and NYS DOT.

Christine Kane said that the posted speed limit on Feller-Newmark Rd. was 35 mph and confirmed that the stopping sight distance at that speed would be 250 ft. The applicants said that they would, with road mitigation, provide 287 ft. of stopping sight distance and an intersection sight distance of 336 ft.

The Planning Board's traffic consultant Bill Fitzpatrick said that the applicants' resubmission had addressed the issues he had raised earlier as well as his requests for additional information. He said that the documents showed that the minimum sight distances could be reached. However, he said, the applicants had stated that they would make a 2 ft. cut in the road to achieve the needed sight distances even though the data and road profiles showed that at least a 3 ft. cut would be necessary. He said he was also concerned that the applicants could not cut that much from the road and still, for the most part, stay within the right-of-way and achieve the desired drainage.

Mr. Bodendorf said that the cut could actually be closer to 3 ft. Addressing the drainage, he said that the applicants had designed a French drain system with a 12" perforated pipe to augment a 1' ft. swale.

Mr. Fitzpatrick noted that a 100 ft. long, 6 ft. high retaining wall was a danger in itself. Mr. Bodendorf said that the wall would be parallel to the road, not an obstruction, so that if a car should hit it, the car would not stop abruptly. Mr. Fitzpatrick said that it was never advisable to add more impediments along the edge of a roadway.

Christine Kane noted that, according to the applicants' figures, the development would add approximately 106 vehicle trips to the current number of trips (abt. 200) on the road, an increase of a little over 50%.

Mr. Fitzpatrick noted that an 11-lot subdivision does not generate a lot of trips; however, Feller-Newmark Rd. had so little volume now that the additional trips would make an impact. Still, he said, if the sight line distances were achieved and reduced speed advisories posted and heeded, the road would be safe for that additional load.

Christine Kane also noted that on page 4 of the applicants' newest report, there was a statement that, based on an 85th percentile speed of 35 mph, which was the currently posted speed on Feller-Newmark Rd., the AASHTO stopping sight distance of 250 ft. would be accommodated. She said that the report said further that the intersection sightline stopping distance looking to the left was 336 ft., while the AASHTO recommended distance for 35 mph was 390 ft.

Christine said that the report implied that along with re-grading of the road, the applicants would also ask the Town Board to lower the speed limit to 30 mph. Mr. Bodendorf said that the applicants would recommend posting "speed advisory" curve warning signs, not changing the posted speed limit.

Sam Phelan asked whether the "85th percentile speed of 35 mph" meant that 15 percent of drivers were travelling faster than 35 mph. Mr. Greeley said yes.

Asked to provide an example, Mr. Greeley said that if a driver was coming down the hill from the east travelling west at 35 mph and another driver pulled out of the development and stalled, the first driver would have the 250 ft. of sight distance to come to a stop, even on wet pavement. However, he said, if that second driver pulled out of the intersection and turned right (to the west), the first driver might have to slow down to 20 mph or less in order to remain at a safe distance behind the second driver.

Sam Phelan asked Mr. Fitzpatrick whether this lack of sight distance and proposed road mitigation was an infrequent situation. Mr. Fitzpatrick said no, but he noted that these vertical and horizontal curves were more severe than most.

Asked where on Feller-Newmark Rd. the heaviest volume occurred, Mr. Greeley said that it shifted hour by hour.

After some discussion about whether the cut shown on the road profile was actually 3 ft., Betty Carr noted that at one point the cut appeared to be 3.9 ft., and Mr. Fitzpatrick said that the drawings and data consistently indicated a cut of at least 3 ft.

Christine Kane told the audience, the Board and the applicants that this hearing was informational in scope and would be closed once the Board believed it had collected a sufficient amount of information. She said that the public hearing on the preliminary plat would come later.

Brian Denu asked what impact there would be on Kristen Lane. Mr. Bodendorf said that a driver pulling out of Kristen Lane would have better sight distance after the re-grading.

Ann Wyrick, 355 Feller Newmark Rd., noted that there had been another accident in January resulting in a car skidding into her yard. Mr. Greeley said that only the accidents reported to the police had been included in the applicants' accident report.

Robert McKeon, 163 Feller Newmark Rd., asked how review of the application could proceed without permission from the landowners who would be impacted by the re-grading plan. He said that the Board would require permission from affected landowners for discussion of any other proposed plan. Christine Kane said that extending the work onto private property was only one (1) option. She said the other was construction of the retaining wall, which would not require permission from landowners.

Mr. McKeon said first that the road after mitigation would not actually meet the sight line requirements. He said that notes on the plan stated that the sight line would meet or exceed 390 ft. but that it would not. He said that the applicants were not proposing to meet the Town of Red Hook specifications for sight line distances. Secondly, he asked who would maintain all of this work and who would be liable for it. Third, he said that the right-of-way boundaries had not been verified and that there were inconsistencies. He said that the project and mitigation plan should be reviewed by the Town Engineer and the Town Highway Department.

Mr. McKeon went on to say that the Town's design standards talked about what kind of subdivision could have access to a private street and that they did not include a project such as this one. He also said that the Town's Highway specifications did not provide for private roads and that the development was not consistent with Town Highway specs. He said that the specs state that within two (2) years, a street must be offered for dedication to the Town.

He said that the Town regulations required a 200 ft. agricultural buffer and allowed a reduced buffer only for smaller lots and only when the larger required buffer was not feasible. He said that in the definition of "lot frontage", there was no accommodation for a "private road", only for a "user road".

Mr. McKeon went on to say that the project had changed substantially since the application was first submitted and that the application did not contain all the information that was required under the Town's subdivision regulations. He said that applicants were just now obtaining information about the right-of-way, for instance.

Referencing the Zoning regulations for the new Agricultural Business District, he said that those regulations stated that the provisions for the ABD must rule in case of any conflict. In addition, he said, the siting standards stated that any development must be located without impeding agricultural uses and that this development, with its private road and 50' outlet, would obviously impede existing agricultural uses.

He went on to cite the "conditions for waiver of road frontage requirements", which would be possible for an open space density subdivision with a maximum of 8 lots.

Finally, he addressed the stormwater drainage and said that after reviewing the plans, his engineer believed that the Wyricks' house would be flooded because of all the water that would be directed toward their property. He asked again who would be responsible for the maintenance of the catch basins and other drainage.

Dan Dansic, 34 Kristen Lane, asked Mr. Fitzpatrick to comment on his earlier concern about school buses stopping on Feller-Newmark Rd near the development access. Mr. Fitzpatrick

said that the applicants had checked with the Red Hook schools and that they would not allow buses to enter a private road. He suggested that the road become a public road to allow the school buses to turn into the road. He added that the proposed work would improve sight line distance at the access location on Feller Newmark.

Mr. Fitzpatrick also said that the 85th percentile at the proposed intersection did not reach 35 mph so the sight line distance did not have to reach the full required distance for that speed.

Mr. McKeon disagreed, saying that the Town Highway specifications state when the 85th percentile formula can be used. He said that the applicants' own traffic study showed speeds of 32-38 mph for the 85th percentile.

Brian Denu said that the improvements would make it easier for drivers to go faster. Mr. Bodendorf said that the work would make the slope more gradual. Mr. Denu said that drivers would then go at least 35 mph. In addition, he said, the school bus would stop on a slope.

Mr. McKeon said that there were no proposed changes to the horizontal curves which were really the cause of the safety issues. He added that the applicants had emphasized the safety aspects of having a low volume of traffic on the road yet at the same time were proposing an increase in that volume of over 50%.

Mr. Denu asked about the proposed retaining wall and its effect on sight distance. Mr. Bodendorf said that the wall would allow all the work to stay within the right-of-way. Mr. Greeley said that the wall would not affect the improved sight distance.

Mr. McKeon said that the applicants had stated that the school buses traveled only from east to west; however, he said, a special needs bus currently traveled from west to east every day. Also, he said, the school bus' travel direction today was not indicative of its direction in the future. Mr. Bodendorf said that he had been told by the school that all the buses travelled in a westerly direction.

Given an opportunity to make additional comments, Mr. Bodendorf said that the applicants had always shown the right-of-way on the north side of the road and that they had not been required to show it on the south side until it was clear that mitigation was needed on that side.

Michele Greig then reviewed her memo. She said that work would be done on 180 ft. of the road and that the road would not be widened. She said she had asked the applicants to provide visual simulations of what the road would look like if it were changed. She cited the Comprehensive Plan that stated that any changes should be made so that there was no fundamental change in the appearance and character of the road and should reflect a sensitivity to the historic and scenic resources of the community.

She said that clearly there would be a change in the appearance of the roadway and what the Board members must decide was whether the change would be a "fundamental" change. She said that this issue was part of SEQR.

She asked for information on the species, age and condition of the trees that would be removed. She said that planting some shrubs and trees back into areas that would not impede sight distance might partially restore a more natural appearance.

She went on to say that the proposed drainage should be reviewed by the Town Engineer. She said that some of the engineering questions would not be addressed until after the preliminary plat was approved.

She said that she had spoken with the Planning Board attorney and that it was not clear that the road mitigation would need approval from the Town Board. She said that the Town Board, as an involved agency, could comment on such things as community character but that approval of the road work might rest with the Town Highway Superintendent. She said that comments from the Town Board on the impact of the re-grading should be considered before the Board made a SEQR determination. She said that the Highway Superintendent did not normally make discretionary comments but rather followed the requirements of the Town highway specifications. She said that the Planning Board attorney was researching the approval questions further.

She said that the Planning Board must approve the project first, before the applicants could seek the other approvals.

Mr. Bodendorf said that he had begun getting permission from the landowners neighboring the project and the proposed roadwork.

The Board then continued the public hearing to March 18, 2013.

(At this point, Michele Greig left the meeting)

REGULAR SESSION – NEW BUSINESS

Terry & Doug Schaff – 71 Starbarrack Rd. – Lot Line Alteration

Terry Schaff was present with an application for Lot Line Alteration approval to convey \pm 1.0 acres from an 11.075-acre parcel to the adjoining 7.535-acre parcel, both under the same ownership, in the RD 3 Zoning District.

Ms. Schaff said that she and her ex-husband had been trying to sell the two adjoining parcels for several years but that no one wanted a lot with barns in disrepair. She said that if a small amount of land containing a large Dutch barn could be conveyed from the parcel with the principal residence to the adjoining vacant parcel, both lots would be saleable since a potential buyer wanted to restore the old barn and make it into a principal residence. She explained a previous lot line alteration that resulted in the current lot acreages. She said that she without this action and the sale of the property, the barn would have to be dismantled and removed.

The Board reviewed the soils and found no significant ag soils. Christine Kane said that the applicant must now submit a standard plat map containing the frontages of the proposed new lots. She said that this map must be reviewed by the Board before a public hearing could be scheduled.

The Board determined the project to be an Unlisted Action under SEQR. Sam Harkins made a motion to establish the Board as Lead Agency for the SEQR review. Michelle Turck seconded the motion, and all members present voted in favor.

Emily Hartzog – 72 Station Hill Rd., Barrytown – Certificate of Appropriateness

Tim Liefer was present with an application for a Certificate of Appropriateness to enclose the front porch of an existing house on a 0.58-acre parcel in the H (Hamlet) Zoning District.

Mr. Liefer said that Ms. Hartzog wished to box in the front porch so that screened panels could be put up in the summer and storm resistant panels could be installed during the winter. He distributed photos of the current porch.

Betty Carr made a motion to determine the project to be a Type 2 Action under SEQR, needing no further environmental review. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then referred the project to the Hamlet/ Design Review Committee for comments and set a public hearing for March 18, 2013.

OTHER BUSINESS

Welcome Michelle Turck to the Board

Christine Kane announced that the Town Board had appointed Michelle Turck to be a full member of the Planning Board. The members welcomed her.

ADJOURNMENT

Since there was no further business to come before the Board, Betty Carr made a motion to adjourn. Michelle Turck seconded the motion, and all members present voted in favor.

Respectfully submitted

Paula Schoonmaker

617.7

**State Environmental Quality Review (SEQR)
Negative Declaration**

Notice of Determination of Non-Significance

Date of Adoption: March 4, 2013

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 Western Solar

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The proposed action is an application by Solartech Renewables LLC for Site Plan Approval from the Town of Red Hook Planning Board to install a 300KW ground mount solar energy array on ± 0.85 acre project site within the ± 550 acre Bard College Educational Campus in the Town's Institutional (I) Zoning District.

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

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated December 28, 2012 and revised January 8, 2013, 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 property is located within the Hudson River National Historic Landmark District, which is listed on the State and National Registers of Historic Places. The project site is a limited area within the property, is surrounded by woodlands, and is not in the vicinity of any structures that are contributing features of the Historic District. Based on the foregoing, the proposed action will not result in any significant adverse environmental impacts on historic resources.
4. The project site is located within an area that has been identified as sensitive for prehistoric activity by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). The applicant's archaeologist, Christopher Lindner, PhD, prepared a Phase 1 Archaeological Report, which determined that the initial placement of one of the solar arrays (the "West Array") would encompass a hitherto unrecognized prehistoric site (Bard 33), while its electric line trench would cut through another site (Bard 34). Subsequent tests enabled the relocation of the West Array into a swale between the two archaeological sites and the Middle Array in an area of prior disturbance immediately west of the soccer field. The electrical line trench was shifted north of the archaeological sites to enter a pre-existing drainage pipe ditch. The East Array will be located in an area previously tested and found to be devoid of artifacts. The Phase 1 Archaeological Report was reviewed by the NYS OPRHP, which determined, in correspondence dated January 18, 2013, that the proposed action would have No Adverse Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places. Based on the foregoing, the proposed action will not result in any significant adverse environmental impacts on cultural resources.
5. To avoid impacts to archaeological sites, the proposed action will require the removal of four (4) mature trees, one of which has exfoliating bark that potentially provides habitat for Indiana bat. To mitigate any potential impacts to Indiana bats, trees shall be removed only during the period from October 1 to March 31. The NYS Natural Heritage Program indicates that there is the potential for the presence of Bog turtle on or in the vicinity of the property. For a prior application for the Bard College Athletic Field, which is located in the vicinity of the project site, the College submitted an Indiana Bat/ Bog Turtle Habitat Suitability Assessment. That study was reviewed on behalf of the Planning Board by Aspen Environmental, which also inspected the site, and concluded that the site is highly unlikely to support the threatened Bog turtle. Based on the foregoing, the proposed action will not result in any significant adverse impacts to threatened or endangered species.
6. The property is located on a designated scenic corridor. The project site is located deep within the property, and intervening vegetation and structures screen the project from views from the road. Based on the foregoing, the proposed action will not result in any significant adverse impacts to aesthetic resources.
7. 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)

Solartech Renewables, Inc. (applicant)

Bard College

Sue T. Crane, Town Supervisor

Town of Red Hook Town Board

New York State Energy Research and Development Authority

NYS Office of Parks, Recreation, and Historic Preservation

Hudson River Heritage

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

Resolution Granting Site Plan Approval to Bard College Western Solar

Name of Project: Bard College Western Solar

Name of Applicant: Solartech Renewables, LLC

Date: March 4, 2013

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Solartech Renewables, LLC to install a 300KW ground mount solar energy array on \pm 0.85 acre project site within the \pm 550 acre Bard College Educational Campus (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 applicant has submitted a Site Plan prepared by Solartech Renewables, LLC dated January 28, 2011; and

Whereas, the proposed action substantially conforms with 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 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 February 11, 2013 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 March 4, 2013, 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 March 4, 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 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, on March 4, 2013, 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 January 25, 2013, the applicant received approval from Central Hudson Gas & Electric Corp. to interconnect the proposed solar array with their electrical grid; 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 Solartech Renewables, LLC to install the solar array 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. 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 Building Permit:
 - A. The applicant shall stake the location of the solar arrays in the field and the applicant's archaeologist will verify the placement to ensure that the areas of disturbance are sufficiently distant from the approximate boundaries of the two archaeological sites (Bard 33 and Bard 34) so as not to impact these sites.
3. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:
 - A. Use of standard erosion control measures during construction.
 - B. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant and contained in the Full EAF and the negative declaration adopted by the Planning Board on March 4, 2013 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.

4. A Certificate of Compliance (CO) will not be issued until all proposed improvements have been completed in accordance with the approved Site Plan.

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 6 for, 0 against, and 1 absent, this resolution was adopted on March 4, 2013.

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

Paula Schoonmaker, Deputy Clerk to the Board

Date