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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF RED HOOK
LOCAL LAW NO. E OF 2019
A LOCAL LAW TO AMEND THE ZONING LAW
ADDRESSING NATURAL RESOURCE PROTECTION

BE IT ENACTED by the Town Board of the Town of Red Hook as follows:

Section 1. Legislative intent.

This local law amends Chapter 143 of the Town Code to address protection of natural resources in the Town including ground and surface waters, forests, and minerals including soil. The amendments have been designed to protect the health, safety, and welfare of the community, to make provision for, so far as conditions may permit, the sustainable use of such resources for the foreseeable future, and to be consistent with the following Town of Red Hook Comprehensive Plan policies:

OCTOBER 1990 COMPREHENSIVE PLAN DOCUMENT

- Policy 1. “The maintenance and protection of the rural character and scenic resources of the community”
- Policy 3. “The conservation of the community’s natural environment, including the protection of its unique natural features and the wise use of its resources”
- Policy 3a. “Protecting surface and groundwater resources, particularly existing and potential public water supplies”
- Policy 3b. “Restricting land use and development activities within sensitive aquifer recharge areas that could pollute the groundwater resource”
- Policy 3g. “Reviewing, monitoring and otherwise regulating both existing land uses and proposed development activities with the potential to pollute the community’s air, soil or water, or to cause other environmental nuisances, such as excessive noise, light or odor”
- Policy 3i. “Conserving prime (USDA Soil Conservation Service Class 1 through 4) and other important agricultural soils.”

- Policy 3j. “Identifying, designating and protecting other critical environmental resource areas”
- Policy 5c. “Requiring non-agricultural activities proposed in areas designated for continued agricultural uses to be clustered on marginal agricultural soils, with prime agricultural, and other higher productivity, soils reserved for continuing agricultural use”
- Policy 6. “The creation of other economic development opportunities consistent with the character of the community”
- Policy 6f. “Encouraging the development of light industry and small scale office/research facilities in appropriately serviced locations, and where consistent with the Town's stated land use and development objectives regarding the scale, intensity and character of such commercial facilities”
- Policy 7. “The provision of adequate long-term supplies of clean water and the environmentally-sound disposal of sanitary wastes”
- Policy 7f. “Ensuring the protection of all surface and groundwater resources
- Policy 8. The provision of community services and facilities commensurate with the needs and desires of the Town’s residents”
- Policy 8f. “Maintaining an on-going community planning and land use program based upon the principle of accommodating growth only when consistent with the rural, small-town character of the Town of Red Hook, neighboring land use, and the ability of the community to provide essential services without undue burden upon existing residents and property owners”
- Policy 10. “The achievement of the Town’s land use and development goals through the cooperative efforts of public and private sector interests”

2012 RED HOOK ENERGY & CLIMATE ACTION PLAN
 2009 Town Board 80 BY 20 RESOLUTION¹

1. “Reduce consumption of carbon-intensive consumer goods and services” [see CAP]
2. “Adapt [sic] policies and practices which will insure the health and longevity of our ground and surface water bodies” [see CAP]
3. “Red Hook’s local policy makers [should] consult the “Final Report of the National Drinking Water Advisory Council” in order to prepare for inevitable environmental changes. Even if the effects of climate change are still years away, building awareness and understanding of the importance of acting appropriately in response, making the necessary policy changes, and building new/reinforcing existing infrastructure will be critical.” [see CAP]
4. “Legislation would direct the Department of Environmental Conservation to ensure that total greenhouse gas emissions would be reduced to levels of the year 1990; with a further

¹ Resolution No. 22 of 2009 unanimously adopted by the Red Hook Town Board on May 27, 2009.

requirement of a 20 percent reduction by 2020 and five year additional reductions totaling 80 percent by 2050;” [see Resolution No. 22]

GREENWAY CONNECTIONS: GREENWAY COMPACT PROGRAM AND GUIDES FOR DUTCHESS COUNTY COMMUNITIES

“Priority Growth Areas:

Focus development in community-identified growth areas, both infill redevelopment sites and land in and immediately around existing or proposed centers, rather than encouraging most new construction on outlying greenfields or farmland.

Town, village, and city plans should identify land in or near centers that can be targeted for development, consistent with design guidelines, as well as sensitive land and historic properties that need to be protected.

Ideal high priority development districts include vacant or underutilized land within walking distance of traditional centers, logically extending the existing compact neighborhood patterns.

Communities can shift development from outlying farm properties or important scenic land to priority growth areas through a coordinated rezoning process, a transfer of development rights program, or other incentives.

Define smart growth within a traditional and ecological pattern of Centers and Greenspaces, where new development should either:

- strengthen an existing city, village, hamlet, or town center;
- transform a suburban strip or subdivision(s) into a center in the form of a walkable, mixed-use neighborhood; or
- fit gently into the rural countryside as a background element, preserving continuous natural and agricultural greenspaces.”

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 3. Amendments to Article I, Section 143-4 of the Zoning Law Entitled “Word usage; definitions”

Section 143-4.B. of the Code is hereby amended by adding a new definition for “clear cut” as follows:

CLEAR CUT – A silvicultural practice in which most or all trees are harvested from a site. Clear cuts are generally used for regenerating specific species of trees, but may also be used to improve wildlife habitat, salvage storm- or insect-damaged stands or convert poor-quality forest stands to stands with higher-quality stock.

Section 143-4.B. of the Code is hereby amended by adding a new definition for “commercial logging” as follows:

COMMERCIAL LOGGING – The removal or cutting of logs from harvestable timber for commercial purposes, either by selective, strip, or clear-cutting operations.

- (1) SMALL-SCALE COMMERCIAL LOGGING – Applies to the removal or cutting of logs from harvestable timber for commercial purposes, either by selective, strip, or clear-cutting operations resulting in the physical alteration of less than five (5) acres of land.
- (2) LARGE-SCALE COMMERCIAL LOGGING – Applies to the removal or cutting of logs from harvestable timber for commercial purposes, either by selective, strip, or clear-cutting operations resulting in the physical alteration of five (5) or more acres of land.

Section 143-4.B. of the Code is hereby amended by replacing the definition of “Forestry” with a new definition entitled “Forest use” as follows:

FOREST USE – A wooded area, whether managed or unmanaged, that may include conservation of wildlife habitat, provision of outdoor recreation, production of timber and forest crops, protection of water quality, regulation of water flows, conservation of soil, carbon sequestration and/or protection of aesthetic qualities.

Section 143-4.B. of the Code is hereby amended by adding a new definition of “Groundwater” as follows:

GROUNDWATER – The supply of freshwater under the earth’s surface in an aquifer or soil that forms a natural reservoir including groundwater runoff that is discharged into a stream channel as a spring, a seep, or seepage water.

Section 143-4.B. of the Code is hereby amended by adding a new definition of “Hard Rock Quarrying” as follows:

HARD ROCK QUARRYING – The removal of overlaying topsoil and “overburden” (weak or weathered rock) to expose the fresh bedrock underneath, also known as “stripping.” The fresh bedrock would then be quarried in a “step” pattern called “benching,” and further processed for commercial, industrial or construction use. Bedrock shall not include shale, which is a softer rock and does not require blasting and/or crushing.

Section 143-4.B. of the Code is hereby amended by adding a new definition of “Mineral” as follows:

MINERAL – Mineral means any naturally formed, usually inorganic, solid material located on or below the surface of the earth. Peat and topsoil shall be considered minerals.

Section 143-4.B. of the Code is hereby amended by adding a new definition of “Physical alteration” as follows:

PHYSICAL ALTERATION – Physical alteration includes, but is not limited to, the following activities: vegetation removal, demolition, stockpiling materials, grading and other forms of earthwork including land alteration as defined herein, dumping, filling or depositing, discharges to air or water, excavation or trenching, application of pesticides, herbicides, or other chemicals, application of sewage sludge, dredging, flooding, draining or dewatering, paving, construction of buildings, structures or facilities, and extraction, injection or recharge of resources below ground.

Section 143-4.B. of the Code is hereby amended by replacing the definition of “Soil Mining” with a new definition as follows:

SOIL MINING – See Extractive Operations.

Section 143-4.B. of the Code is hereby amended by adding a new definition of “Sustainable forestry management” as follows:

SUSTAINABLE FORESTRY MANAGEMENT – Management in which the volume of wood removed is equal to growth within the total forest, where the long-term health of forest ecosystems is maintained over time.

Section 143-4.B. of the Code is hereby amended by deleting the definition for “Timber Harvesting”

Section 143-5.A. of the Code is hereby amended by deleting the first paragraph and replacing it with the following new paragraph:

For the purposes of this chapter, the Town of Red Hook hereby establishes and divides the unincorporated area of the Town into the following 13 zoning districts:

Section 143-5.A. of the Code is hereby amended by deleting the line entitled “Light Industrial LI”

Section 143-5.B. of the Code is hereby amended by deleting the first paragraph and replacing it with the following new first paragraph:

Four additional overlay districts are also hereby created to provide special controls which supplement the regulations applicable to the underlying zoning district classification:

Section 143-5.B. of the Code is hereby amended by deleting the line entitled “Light Industrial Overlay District LI-O”

Section 143-6.A(11) of the Code is hereby amended by deleting the entire subparagraph (11) and renumbering paragraphs 143-6.A(12) through (14) to 143-6.A(11) through (13) accordingly.

Section 143-6.B. of the Code is hereby amended by deleting the first paragraph and replacing it with the following new first paragraph:

The four overlay districts are further described as follows:

Section 143-6.B(5) of the Code is hereby amended by deleting the entire subparagraph (5).

Section 143-7 of the Code is hereby amended by replacing the entire paragraph with the following new paragraph:

The location and boundaries of the 13 zoning districts, three subdistricts, and four overlay districts set forth in § 143-5 above are shown on the Zoning District Map, Town of Red Hook. Said map, together with all explanatory matter thereon and all amendments thereto, is hereby adopted and declared to be an appurtenant part of this chapter. Said map shall be kept up-to-date and shall be on file in the Town Clerk's office for use by and benefit of the public. Certified copies of said map shall also be on file in the offices of the Planning Board and the Town Zoning Enforcement Officer

Section 4. Amendments to Article III of the Zoning Law Entitled “Use Regulations”

Section 143-11 of the Code is hereby amended by adding the following new row entitled “Large-scale Commercial logging” under the subheading “Agricultural, Conservation and Open Space Uses” as follows:

	WC	LD	RD5	RD3	R1.5	R1	H	I	HB	B1	B2	Special Permit Reference
Large-scale Commercial logging	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	§ 143-73
Small-scale Commercial logging	P	P	P	P	P	P	P	P	P	P	P	§ 143-73

Section 143-11 of the Code is hereby amended by modifying the row entitled “Collecting the waters of a natural, free-flowing spring and operating an

associated bottling works” under the subheading “Commercial and Light Industrial Uses.” as follows:

	WC	LD	RD5	RD3	R1.5	R1	H	I	HB	B1	B2	Special Permit Reference
Collecting the waters of a natural, free-flowing spring and operating an associated bottling works	X	X	X	X	X	X	X	X	X	X	X	

Section 143-11 of the Code entitled “District Schedule of Use Regulations” is hereby amended by deleting the entire column “LI” under the subheading “Zoning District.”

Section 143-11 of the Code is hereby amended by deleting the row entitled “Other forestry management uses” under the subheading “Agricultural, Conservation and Open Space Uses.”

Section 143-11 of the Code is hereby amended by deleting the row entitled “Timber Harvesting” under the subheading “Agricultural, Conservation and Open Space Uses.”

Section 5. Amendments to Article V: Supplementary Regulations

Section 143-27.D(5) of the Zoning Law is hereby amended by modifying the paragraph as follows:

(5) Nonresidential uses in the Business 1 (B1), Business 2 (B2), and Hamlet Business (HB) Districts.

Section 143-27.D(5)(a) and (b) of the Zoning Law is hereby amended by replacing paragraphs “(a)” and “(b)” with new subparagraphs as follows:

- (a) For nonresidential uses in the Business 1 (B1), Business 2 (B2), and Hamlet Business (HB) Districts, a freestanding identity sign not to exceed 24 square feet in surface area and/or one identity wall sign mounted to the surface of the building not to exceed one square foot per three linear feet of building frontage and/or two permanent accessory wall signs advertising products and/or services provided on the premises, each not to exceed four square feet in surface area, shall be permitted. The maximum total signage per single-business premises shall be 60 square feet. In the HB District, freestanding signs shall not

be permitted where the principal building is set back less than 20 feet from the front property line.

- (b) When two or more wholly independent businesses or activities are located on a single premises in a B1, B2, or HB District but do not constitute a shopping center, office complex or light industrial park, as such terms are defined within § 143-4 of this chapter, one complex sign not to exceed 16 square feet shall also be allowed, except that if the number of independent businesses or activities exceeds four, the maximum square footage of the complex sign shall be increased to 24 square feet. A single identity wall sign not exceeding six square feet may additionally be provided for each business or activity, with such signs, however, being considered a portion of the maximum total signage of 60 square feet per premises, as cited above and exclusive of the complex sign.

Section 143 of the Zoning Law is hereby amended by adding a new Section 143-27.2 of the Zoning Law entitled “Tree and Topsoil Removal” as follows:

§ 143-27.2. Tree and Topsoil Removal.

- A. It is the established policy of the Town of Red Hook that the natural topography of the land is a public asset which should be safeguarded. Natural features such as topography, topsoil, and other natural materials that constitute the land, the shape or contour of the land, the plant life and wildlife that is fostered on the land and the water, are of prime concern to the welfare of the Town’s residents and businesses. No changes shall be permitted in such topography or vegetation except those which are absolutely necessary, in order to permit the appropriate use of land, and then only after meeting the conditions of this subsection upon issuance of Site Plan approval by the Planning Board. Tree and topsoil removal operations are exclusive of the process of removing vegetation, grading a lot preparatory to the construction of a building for which a building permit has been issued, or installing roadways and/or other improvements described on a subdivision plat or site plan approved by the Planning Board.
- B. Site Plan approval under this section is not required for the following:
 - (1) Tree and topsoil removal or other physical alteration involving less than one (1) acre of land, provided that no soils classified by the US Department of Agriculture as [Prime Farmland soils](#) are removed from the site.
 - (2) Agriculture, commercial nursery, small solar energy system, geothermal heating and cooling system, composting facility accessory to a farm, or a farm industry.
 - (3) For the excavation of topsoil and other natural materials from within the limits of the right-of-way or slope rights of any Town, county or state highway, or for the sole purpose of building roads and the slopes incidental thereto, which lie within the area of a

Subdivision approved by the Planning Board of the Town of Red Hook or on file in the County Clerk's Office.

- (4) Landscaping. For landscaping purposes in which topsoil is removed from one part of the property and deposited on another part of the same property, provided that a cover of at least four inches of topsoil shall remain after such removal and said restored surface shall be planted or seeded and mulched repeatedly as necessary until the area is stabilized.
- C. The Site Plan shall include pertinent information regarding site boundaries, existing man-made and natural features, including streams, wetlands, wooded areas, all trees over six inches (6") in diameter at breast height within the area of tree and topsoil removal, and both existing and proposed topography, vegetation and proposed revegetation within and adjacent to the area affected by the intended excavation, soil removal, grading activity or tree clearing activity. The specific location of the intended activity within the parcel, the extent and depth of either cut and fill proposed, the specific trees to be removed, and proposed site grading and associated rehabilitation including replanting of trees, whether through the installation of ground cover, shrubs and trees, creation of water bodies, or other means, shall be fully described on the Site Plan drawings.
- D. A time schedule for completion of the activity shall be submitted for approval, with a requirement that all aspects of the intended tree clearing, removal, fill or grading activity, including associated rehabilitation, be completed within a period of not more than six (6) calendar months from the start of work or within such lesser period between the deferred time work begins and the conclusion of the tree and topsoil removal activity.
- E. To the extent deemed necessary by the Planning Board, the installation and related maintenance of appropriate soil erosion and sediment control measures, until approved site rehabilitation has occurred and become established, shall be required. The applicant shall demonstrate compliance with the Town of Red Hook stormwater management requirements or the New York State Stormwater Management Guidance Manual (as may be amended from time to time), whichever is more stringent.
- F. Except to the extent deemed necessary by the Planning Board and consented to in writing by the adjacent property owner or owners, no excavation, fill, or grading activity that will result in creation of an exposed slope greater than one (1) foot vertical to ten (10) feet horizontal within fifty (50) feet of a property line or within one hundred (100) feet of a neighboring residence shall be authorized. The above notwithstanding, in no event may any exposed slope so located exceed one (1) foot vertical to five (5) feet horizontal.
- G. At the discretion of the Planning Board a performance guarantee, such as an irrevocable letter of credit, certified check, performance bond, escrow deposit or other acceptable assurance equal to the cost of the proposed work and to assure rehabilitation, may be required and, if so, shall be provided. Upon recommendation of the Planning Board and Town Engineer, the guarantee shall be in an amount and form satisfactory to the Town Board and the Town

Attorney and shall be accompanied by written assurance that the tree and topsoil removal shall be completed in accordance with the approved Site Plan.

H. Any approval for tree and topsoil removal issued under this Zoning Law shall terminate one (1) year from the date of Site Plan approval.

Section 143-29B of the Zoning Law is hereby amended by replacing the entire paragraph with a new Section 143-29B as follows:

B. No such material may, however, be sold for export from the site except in compliance with § 143-104 of the Zoning Law.

Section 143-39.1.C(3)(k) of the Zoning Law is hereby amended by replacing the entire paragraph with a new Section 143-39.1.C(3)(k) as follows:

(k) Reserved.

Section 143-47.D.(2)(a) of the Zoning Law is hereby amended by deleting the entire paragraph described as follows:

GROUNDWATER – Water in the subsurface zone beneath the water table in which all pore spaces are completely saturated.

Section 143-49 of the Zoning Law is hereby amended by deleting the entire Section and replacing it with “Reserved.”

Section 6. Amendments to Article VI: Special Permit Uses

Section 143-72 of the Zoning Law entitled “Outdoor recreation facilities” is hereby amended by replacing the first paragraph with the following new first paragraph to read as follows:

Outdoor recreation facilities, as defined in § 143-4 of this chapter, shall be allowed by special permit in the WC, LD, RD5, RD3, R1.5, R1, and I Districts, provided that:

Section 143-73 of the Zoning Law entitled “Timber Harvesting” is hereby amended by replacing the entire Section with a new Section entitled “Commercial Logging” to read as follows:

§ 143-73. Commercial Logging.

The purpose of this section is to ensure that Commercial Logging operations are consistent with the policies of the Town of Red Hook Comprehensive Plan and the recommendations of Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities ("Greenway Guides"), pursuant to § 143-144.1 of the Town of Red Hook Code.

This section is intended to promote the public health, safety, and welfare of the people of the Town by regulating forest use in such a way as to allow for sustainable forestry management that protects and preserves the environment, roads, property, and quality of life in the Town from the potential adverse effects of Commercial Logging.

A. Exempt Activities. Commercial Logging shall not include:

- (1) Commercial Logging operations are exclusive of the process of removing vegetation for installing improvements described on a subdivision plat or site plan approved by the Planning Board or site clearing preparatory to construction of a structure for which a building permit is required and which building permit has been issued by the Code Enforcement Officer.
- (2) Harvesting of up to one (1) cord of firewood per acre per year or up to 2,000 board feet of lumber per acre per year for non-commercial use by the property owner.
- (3) Trees removed in conjunction with a Timber Operation as defined herein.
- (4) Cutting of firewood used in the manufacture of maple syrup and other maple products.
- (5) Clearing of land for rights-of-ways by public utilities or their agents or trees removed for public road construction, maintenance, and realignment.
- (6) Clearing of land by or pursuant to government authority under the laws of the United States, the State of New York, the County of Dutchess, the Town of Red Hook, Village of Red Hook, or Village of Tivoli.
- (7) The removal of trees that are located in a cemetery, on a Christmas tree farm or other tree plantation, and removal of hazardous or fallen trees, or for clearing dead or diseased trees.

B. Commercial Logging Permit Required.

- (1) No person, firm, corporation, or other entity (hereinafter referred to as "person") shall engage in Commercial Logging in the Town without a Commercial Logging Permit issued by the Town of Red Hook in accordance with the Zoning Law. Large-scale Commercial Logging Permits are issued by the Town Planning Board in accordance with Article VI, Special Permit Uses. Small-scale Commercial Logging Permits are issued by the Town

Code Enforcement Officer in accordance with Article IX, Administration and Enforcement.

- (2) All Commercial Logging Permit applications shall be submitted to the Code Enforcement Officer along with the required fees as set forth in § 143-50. The application shall identify the parcel by tax index number and shall describe the location of the proposed Commercial Logging operation, the acreage impacted by the Commercial Logging operation, an estimate of the expected number of trees or board feet of lumber to be harvested, the name and address of the person or entity who will be completing the harvest and if not available the name and address of the person responsible for compliance with the approved Commercial Logging Permit, and an estimate of the duration of the proposed harvest. The application shall be signed by the owner of the property where the proposed Commercial Logging will occur and such owner shall also certify their responsibility for compliance with the terms of the Commercial Logging Permit.

C. Commercial Logging Permit Process.

- (1) Small-Scale Commercial Logging of less than five (5) acres of land. Except for lands lying within the Waterfront Conservation Zoning District, Commercial Logging Permit applications involving less than five (5) acres of land (regardless of parcel size) shall be submitted to the Town Code Enforcement Officer, who shall review and approve such application if it conforms to the standards provided herein. Small-Scale Commercial Logging of less than five (5) acres of land within the Waterfront Conservation Zoning District shall be submitted to the Code Enforcement Officer, who shall refer the application to the Planning Board for review and approval as a Large-scale Commercial Logging Special Use Permit, if it conforms to the standards provided herein, as well as the other requirements of the Zoning Law. The Code Enforcement Officer shall have the authority to direct any application for Small-scale Commercial Logging of less than five (5) acres to the Planning Board for review and approval as a Large-Scale Commercial Logging application if the Code Enforcement Officer determines, in his or her sole discretion, that such Planning Board review is necessary and appropriate given the nature, scope, and potential impacts of the Small-scale Commercial Logging Permit application.
- (2) Large-scale Commercial Logging of Five (5) Acres or More. Large-scale Commercial Logging Permit applications involving five (5) acres or more of land (regardless of parcel size) shall be submitted to the Code Enforcement Officer, who shall refer the application to the Planning Board for review and approval as a Large-scale Commercial Logging Special Use Permit if it conforms to the standards provided herein, as well as the other requirements of the Zoning Law. If the Planning Board approves such an application, it

shall direct the Code Enforcement Officer to issue a Large-scale Commercial Logging Permit in accordance with such approval.

- (3) Large-scale Commercial Logging Permit Submission Requirements.
 - (a) The Large-scale Commercial Logging Permit application shall include all required materials identified herein. This shall include a plan that has been designed to prevent impacts to watercourses, wetlands, floodplains and includes a soil erosion and sediment control plan.
 - (b) In addition to the General Standards enumerated in Article VI, Section 143-51 of the Zoning Law, the proposed Large-scale Commercial Logging operation and activities shall not endanger the health, safety, welfare, or property of the Town, the public, the property owner, or an adjacent property owner.
 - (c) The proposed Large-scale Commercial Logging is consistent with good silvicultural, horticultural or vegetation management and will not have an adverse visual or ecological impact, as determined through the SEQR environmental impact assessment review of the application.
 - (d) The proposed Large-scale Commercial Logging operation and activities, including the proposed site remediation after the conclusion of the harvest, is consistent with the Timber Harvesting Guidelines for New York and the New York State Forestry Best Management Practices Field Guide, as amended, to the extent that said guidelines do not contradict the provisions of the Zoning Law, in which case the provisions of the Zoning Law shall control. There may be situations where strict adherence to certain provisions of the Timber Harvesting Guidelines for New York and Best Management Practices are impossible or impractical to attain, based upon the unique characteristics of the property proposed for logging. Alternate measures exist that can be substituted for such guidelines in appropriate circumstances. In such cases, with the assistance of a New York State Department of Environmental Conservation Cooperating Forestry Program Professional Forester, the Planning Board or Code Enforcement Officer may grant a waiver from the strict application of the guidelines where reasonable and necessary.
 - (e) Lands which are enrolled under Section 480-a of the NY State Real Property Tax Law, at the time of adoption of Local Law No. E of 2019, are exempted from the provisions in this Section provided that a copy of a valid certificate of approval of enrollment in the 480-a program is filed with the Town of Red Hook Building Department. All new 480-a long term management plans and five-year updates to existing 480-a long-term management plans are subject to issuance of a Large-scale Commercial Logging Permit

by the Planning Board. In these cases, the Planning Board may generally determine the extent of review under Section 143-73 and may waive any requirement that the Board determines is not necessary for the intended project.

- (f) A statement that the applicant agrees to indemnify the Town of Red Hook and to reimburse the Town of Red Hook for any damage caused to Town roads, bridges, or culverts, as determined by the Town of Red Hook Highway Superintendent, and to pay any and all fees associated with such damage. Upon a written recommendation from the Town Highway Superintendent that there exists the potential for damage to a Town road, the Planning Board may include a condition which prevents damage to Town roads from truck traffic associated with the Commercial Logging activities. Restrictions may include but are not limited to restricting truck traffic routes and/or posting of a performance bond for damage to Town roads.
- (g) The period of time during which the timber harvest will take place setting forth the date of commencement, the date of termination, the days of the week and hours of the day when timber harvest activities will take place.
- (h) Vehicle access route to and from the site of the Large-scale Commercial Logging operation where the access route involves Town roads.

(4) Small-scale Commercial Logging Permit Submission Requirements.

- (a) The applicant shall submit a site map which shall show:
 - 1. Boundaries of the parcel or parcels where the Small-scale Commercial Logging is proposed;
 - 2. Roadways, streams, waterbodies, wetlands, and topographic contour interval lines within the area affected by the Small-scale Commercial Logging;
 - 3. Proposed harvest area, proposed haul road(s), landing area(s), and ingress/egress at public roads.
- (b) The applicant shall submit a site reclamation plan for the portion of the parcel or parcels affected by the Small-scale Commercial Logging operation. This plan shall show proposed site cleanup and remediation to be undertaken upon conclusion of the Small-scale Commercial Logging operation. The site reclamation plan shall address post Small-scale Commercial Logging cleanup measures as outlined in the New York State Forestry Best Management Practices Field Guide, as amended.

D. Standards for all Commercial Logging Operations. All Commercial Logging activities and operations shall adhere to the following standards:

- (1) The Commercial Logging shall be in accordance with the New York State Forestry Best Management Practices For Water Quality (BMP), as amended, to the extent that said BMP does not contradict the provisions of the Zoning Law, in which case the provisions of the Zoning Law shall control.
- (2) The loading and skidding of timber shall not be conducted on Town roads nor shall landings be located on Town roads.
- (3) Wood chips, crushed stone, or other approved materials will be used, where access roads meet public roads in order to prevent debris from tracking onto the public road.
- (4) All Commercial Logging operations and activities, including related stormwater runoff, shall be contained within the subject parcel or parcels and shall not impact adjacent parcels or public roads.
- (5) Haul roads used during the Commercial Logging operation shall avoid, to the extent practicable, slopes of ten percent (10%) grade or more and five percent (5%) grade or more on highly erodible soils.
- (6) Haul roads shall not be located within two hundred (200) feet of any perennial stream or wetland to the extent practicable. Said zone shall be measured from the mean high water line of the stream or the boundary of the wetland. All perennial stream crossings shall be constructed and maintained in accordance with the New York State BMP, as amended and any necessary permits for stream crossings of protected streams or protected wetlands shall be secured prior to approval of a Commercial Logging Permit.
- (7) No skidding or other Commercial Logging activities shall occur within two hundred (200) feet of the mean high water line of a perennial stream or wetland.

E. Review by the Town Highways Superintendent and Conservation Advisory Council.

- (1) The Planning Board shall refer all applications for Large-scale Commercial Logging Permits as follows:
 - (a) Town Highway Superintendent. The Town Highway Superintendent shall be responsible for review of Large-scale Commercial Logging Permit applications as follows:

- [1] Conduct a site inspection to determine if the proposed Commercial Logging and related activities could impact traffic safety and/or the condition of Town roads in accordance with Section 302 of the Miscellaneous Provisions of the New York State Highway Law. The Highway Superintendent shall report back to the Planning Board, within 30 days of having received the referral, and shall include any suggestions for specific changes to proposed plans or Permit conditions. If no recommendation is submitted to the Planning Board by the date of the public hearing to consider the Large-scale Commercial Logging Permit application, then it shall be considered that the Highway Superintendent recommends approval of the application.
 - [2] The Highway Superintendent shall estimate the funds needed, if any, for repair of Town roads as a result of the proposed Large-scale Commercial Logging activities. If the Highway Superintendent determines that the Large-scale Commercial Logging activities could damage Town roadways, he or she shall prepare a cost estimate of the potential monetary impact to Town roadways. Upon notification from the Superintendent of Highways, the applicant shall deposit an amount equal to such cost estimate in an escrow account held by the Town for highway repairs caused by the Large-scale Commercial Logging activities. Upon the completion of site reclamation, the Highway Superintendent shall perform an inspection. After completion of this inspection, any remaining funds not necessary for repair work will be returned to the applicant.
 - [3] The Highway Superintendent may require the applicant to create a temporary driveway entrance, in accordance with § 143-73.D(3) of the Zoning Law, to the Large-scale Commercial Logging site to prevent damage to the edge of the existing roadway. Said temporary driveway shall only be used during the Large-scale Commercial Logging operation. The temporary driveway shall be removed within thirty (30) days of the conclusion of the Large-scale Commercial Logging and the site of the temporary driveway shall be restored to its previous condition.
- (b) Town Conservation Advisory Council. The Conservation Advisory Council shall be responsible for review of the Large-scale Commercial Logging application as follows:
- [1] The Planning Board shall refer the Large-scale Commercial Logging Permit application to the Town Conservation Advisory Council (CAC) for an advisory opinion, which shall make its recommendations, if any, in writing to the Planning Board within 30 days of receipt by the CAC. Failure of the CAC to render an advisory opinion within 30 days after its receipt of the application shall be construed as no comment on an application.

- F. Site Reclamation. After completion of Commercial Logging activities, the affected site or sites shall be reclaimed in accordance with the New York State BMP, as amended. In cases where the BMP is not consistent with the provisions of the Zoning Law, the Town Zoning Law shall control including the site reclamation plan submitted at the time of the Commercial Logging Permit issuance. All reclamation measures are subject to inspection by the Town Code Enforcement Officer to ensure compliance with this section.
- G. Enforcement. This section shall be enforced in accordance with Article IX of the Zoning Law.
- H. Insurance. Before commencement of any work pursuant to a Commercial Logging Permit, the applicant shall provide to the Code Enforcement Officer proof of worker's compensation insurance or exemption from coverage as applicable and proof of liability insurance in the minimum amount of \$1,000,000 against any liability arising from the Commercial Logging activities. Homeowners undertaking the Commercial Logging activities themselves, without engaging a third party, may complete an Affidavit of Exemption attesting to the fact that their homeowner's insurance policy provides liability coverage against any liability arising from the Commercial Logging activities.
- I. Liability. Neither the issuance of a Commercial Logging Permit, nor compliance with the provisions of the Zoning Law or with any conditions imposed by the Commercial Logging Permit issued hereunder, relieve the applicant from full responsibility for any damage whatsoever to other persons or property as a result of the Commercial Logging activities undertaken, nor shall it impose any liability upon any officers, agents, or employees of the Town for damage to persons or property.
- J. Application Fee. The fee for a Commercial Logging Permit shall be as provided for in the Town of Red Hook Fee Schedule Resolution, as amended, and shall be set by Resolution of the Town Board.

Section 143-88 of the Zoning Law entitled "Conference Centers" is hereby amended by replacing the entire Section 143-88 with a new Section to read as follows:

Conference centers shall be allowed by special permit in the LD and I Districts, provided that:

- A. The establishment of the conference center facilitates the development of a parcel of not less than 50 acres in low-intensity, nonresidential use while preserving existing buildings through adaptive reuse and/or scenic and natural areas important to the community.
- B. The following design objectives are met:

- (1) The exterior of existing houses, barns and related structures shall be appropriately rehabilitated and restored whenever feasible. Consideration shall be given to quality of original architecture and subsequent modifications, current condition and relationship of the structures to the overall property or area when considering the feasibility of appropriate rehabilitation and/or restoration.
 - (2) Formal and informal landscaping, stone walls, entrance gates and similar features shall be preserved whenever feasible.
 - (3) New construction shall be sited so as to have a minimum impact on fields, meadows and woodlands. Major grading or changing of topography shall not be permitted.
 - (4) Unique natural areas and open spaces such as bays, streams, ponds, marshes, steeply sloped areas, woodlands, etc., shall be preserved.
- C. The maximum floor area of all conference center facilities shall not exceed 5% of the land included in the project proposal.
- D. Access to the facility shall be from a state or county highway or a through Town roadway other than a residential subdivision street.
- E. No building or parking area associated with the conference center shall be located closer than 150 feet to any property line, nor within 250 feet of any neighboring residence.
- F. Adequate water supply and sewage disposal facilities shall be provided in accordance with the requirements of the Town of Red Hook, the Dutchess County Department of Health and the New York State Departments of Health and Environmental Conservation.

Section 143-90 of the Zoning Law entitled "Farmers' markets" is hereby amended by replacing the entire Section 143-90 with a new Section to read as follows:

Farmers' markets, as defined in § 143-4 of this chapter, shall be allowed by special permit in the AB, HB, B1, and B2 Districts, provided that:

- A) If the farmers' market involves the construction or use of permanent structures or other improvements, including parking surfaces and signage, all applicable standards of this chapter relating to a business use in the HB, B1, or B2 District, as applicable, shall be met, including compliance with the site plan review and approval procedure set forth in Article VII herein.
- B) If the farmers' market involves the use of temporary structures, such as tents or similar shelters, such structures may be erected only during periods of farmers' market activity and may be in place not more than 24 hours prior to or following such sales activity. The display of signage shall be restricted by the same time requirements and limited to on-site locations.

- C) In either case, the farmers' market site shall be maintained in a neat and orderly manner, and no outdoor or other storage of goods, vehicles, temporary structures, signage or other features shall occur on the site except in a wholly enclosed building.

Section 143-94 of the Zoning Law entitled "Office parks" is hereby amended by replacing the entire Section 143-94 with a new Section to read as follows:

§ 143-94. Office parks.

Office parks, as defined in § 143-4 of this chapter, shall be allowed by special permit in the B1 and B2 Districts, provided that:

- A. The overall project site shall be a single parcel with a minimum of eight acres if located within either the B1 or B2 District.
- B. Any individual lot created within an approved office park development shall not be less than 1.5 acres within either the B1 or B2 Districts.
- C. An overall plan, including appropriate material and design guidelines, shall be presented for facility-wide building, landscaping and related improvements. The overall plan shall also describe proposed parcellation, if any, and by location and square footage the intended mix of permissible office, personal service and business service establishments. A program shall also be defined for the allocation of total permissible signage among the various office park tenants and/or occupancies. Said schedule shall, in combination with the standards set forth in § 143-27 of this chapter, serve as the basis for the Zoning Enforcement Officer's consideration of applications for the issuance of individual sign permits within the office park.
- D. Adequate water supply and sewage disposal facilities shall be provided in accordance with the requirements of the Town of Red Hook, the Dutchess County Department of Health and the New York State Departments of Health and Environmental Conservation.
- E. Not less than 40% of the total acreage within the office park shall be comprised of suitably landscaped and maintained open areas.
- F. Proper provision shall be made for the long-term ownership and maintenance of open space and associated landscaping, parking areas, accessways, water supply and sewage disposal facilities, signage, lighting and other features appurtenant to the office park development.
- G. A written statement shall be provided indicating intent as to final ownership, including plans for rental, cooperative, condominium, fee simple sale or some combination. This should include the proposed ownership and maintenance plan for the open space areas and other improvements, as cited above.

- H. A proposed development schedule shall be submitted indicating anticipated dates for the start and completion of construction and occupancy of the one or several phases of the office park project, most particularly including a schedule for the installation of project-wide infrastructure.
- I. A separate special use permit shall not be required for the establishment of individual uses within an office park once a special use permit has been issued by the Planning Board for the office park use in its entirety, provided that such uses are consistent with the office park master plan which accompanied the special permit application, including the further consideration of any modifications or conditions that may have been imposed by the Planning Board in its issuance of the special use permit. Prior to the initiation of any land alteration or building construction within the office park or any authorized parcel, lot, portion or phase thereof, site plan review and approval in accordance with Article VII of this chapter shall, however, be required on a project-specific basis, and if individual building sites are provided, subdivision plat approval shall be required pursuant to Chapter 120, Subdivision of Land.
- J. Except as otherwise provided herein, all other requirements for development within the applicable zoning district, as set forth in either the Article IV District Schedule of Area and Bulk Regulations or Article V, Supplementary Regulations, shall be strictly met.

Section 143-101 of the Zoning Law entitled “Bulk fuel storage and distribution” is hereby amended by deleting the entire Section 143-101 and replacing the Section title with “Reserved” as follows:

§ 143-101. Reserved.

Section 143-102 of the Zoning Law entitled “Collection of spring waters and operation of associated bottling works” is hereby amended by deleting the entire Section 143-102 and replacing the Section title with “Reserved” as follows:

§ 143-102. Reserved.

Section 143-104 of the Zoning Law entitled “Extractive operations, including soil mining” is hereby amended by replacing the entire Section with a new Section 143-104 to read as follows:

§ 143-104. Extractive operations, including soil mining.

- A. Extractive Operations. The Town of Red Hook regulates soil mining operations involving the removal of minerals in amounts of less than 100 tons or 75 cubic yards of minerals (whichever is less) over 12 successive months. Removal of minerals in amounts greater than 100 tons or 75 cubic yards over 12 successive months is prohibited in the Town of Red Hook.
 - (1) Applicability. Extractive operations may be permitted, subject to the approval of an application for a Special Use Permit and Site Plan review and approval from the Planning Board.
 - (2) Exempt Activities. The following activities are exempt from the need to obtain an Extractive Operation Special Use Permit and Site Plan review and approval:
 - (a) Agricultural activities, pursuant to generally acceptable agricultural practices as defined by the New York State Department of Agriculture and Markets for farms, and where soil or other minerals are to be used for grading, improving or draining, and where the soil or other mineral is to be replaced on the same site; or
 - (b) Excavation and extraction activities that affect less than twenty-five (25) tons or twenty (20) cubic yards of minerals (whichever is less) within any parcel during any twelve (12) consecutive month period; or
 - (c) Excavation for the sole purpose of building a pond or lake in which the material is retained on the same site; or
 - (d) Excavation for building construction, sewage disposal systems or other activities of limited duration, for example swimming pools or graves; or
 - (e) Customary gardening and landscaping activities on a parcel including maintenance of such gardening and landscaping; or
 - (f) Excavation for the purposes of underground utility installation; or
 - (g) Excavation for the purposes of building and maintaining roads.
 - (3) Additional Special Use Permit Application Materials. In addition to the materials required by Article VI of the Zoning Law, the following materials shall be submitted to and approved by the Planning Board as a condition to the issuance of a Special Use Permit for extractive operations:
 - (a) Erosion Control. A soil erosion and sediment control plan that prevents sedimentation of surface and ground waters and which is in compliance to the greatest extent practicable with the [“New York State Standards and Specifications for Erosion and Sediment Control.”](#)

- (b) Highway Superintendent. A written recommendation from the Highway Superintendent. The recommendation shall include any special conditions which prevent damage to town roadways from truck traffic associated with the excavation activities. Restrictions may include but are not limited to restricting truck traffic routes and/or posting of a performance bond for damage to Town roads. Failure of the Highway Superintendent to render a written recommendation within 30 days after receipt by the Highway Superintendent of the Special Use Permit application shall be construed as “no comment” on an application.
- (c) Town Conservation Advisory Council. The Conservation Advisory Council shall be responsible for review of the extractive operation application as follows:
- [1] The Planning Board shall refer the extractive operation permit application to the Town Conservation Advisory Council (CAC) for an advisory opinion, which shall make its recommendations, if any, in writing to the Planning Board within 30 days of receipt by the CAC. Failure of the CAC to render an advisory opinion within 30 days after its receipt of the application shall be construed as no comment on an application.
- (d) Wetlands, Water Bodies, and Floodplains. A wetland delineation, if a wetland is present on the parcel or property where the excavation activity is proposed. The boundaries of all watercourses and other water bodies shall be the mean high water mark. In determining the boundary of wetlands, water bodies or watercourses on adjoining properties that are not under the control of the applicant, where no professional field delineation exists, property maps in common use may be relied upon. Such maps include but are not limited to the New York State Department of Environmental Conservation’s Freshwater Wetland maps on file with the Town, the United States Fish and Wildlife Service’s National Wetlands Inventory, and the New York State Department of Environmental Conservation Resource Mapper. Floodplains shall be from the Federal Emergency Management Agency’s National Flood Insurance flood maps.
- (e) Remediation Plan. A Remediation Plan which describes proposals for the conduct of the applicant’s activities and which incorporates all special conditions approved in conjunction with the Special Use Permit to be issued by the Planning Board. The Remediation Plan shall address the restoration of each one acre excavation area. Such Remediation Plan shall include restoring the topsoil and vegetative cover and/or re-use of the area. The Remediation Plan shall be completed within six (6) calendar months after termination of the extractive operation or other soil mining activity and shall include, but not be limited to, restoration of the premises by grading, seeding, liming, fertilizing, and sodding so that the premises are left in a safe and attractive condition commensurate with the surrounding landscape. Insofar as it is practical, the Plan will provide for the return of the premises to

slopes of less than one (1) vertical foot per three (3) horizontal feet, to eliminate gullies and holes. The applicant shall furnish financial security to ensure performance of restoration in accordance with the approved Remediation Plan. The goal of the restoration shall be to ensure that the land impacted by the excavation activity is properly restored and available for productive use. Restoration shall be required prior to commencement of any additional extractive operation on the parcel under the existing Special Use Permit or any new extractive operation Special Use Permit.

(f) Prohibited Activities:

- [1] No blasting, crushing, screening, or mixing of stone and gravel with asphaltic oils or other binders shall occur as part of an extractive operation. Materials shall not be imported from other locations to the site for processing or resale.
- [2] Extractive operations involving hard rock and hard rock quarrying are prohibited.
- [3] Removal of prime farmland soils and soils of statewide significance to off-site locations shall be prohibited.

(g) Screening and Fencing

- [1] Visual screening including berms, plantings and/or fencing shall be provided within the buffer area when sufficient natural vegetation and/or topography is not present to provide a visual barrier to the extraction operation.
- [2] Protective fencing shall be required to prevent access and protect public health and safety.

(h) Buffers. In order to mitigate the visual impact and the impact to public health, safety, and the environment, the Planning Board may increase the required buffer areas where it finds that a particular buffer is inappropriate. When the Planning Board modifies a required buffer area it shall make a written finding explaining the necessity for such modification.

(i) No excavation activity shall occur within a minimum buffer of two hundred (200) feet, measured horizontally, of the boundary of any wetland, water body or watercourse whether or not such wetland, water body or watercourse is located on the parcel or property where the excavation activity is proposed to occur.

(j) No excavation activity shall occur within a minimum buffer of two hundred (200) feet measured horizontally between any portion of the excavation area and any

activities related to the excavation and all property boundaries and public roads or public rights-of-way.

- (k) No excavation activity shall occur within a minimum buffer area of four hundred (400) feet, measured horizontally, of any off-site residential and commercial buildings, schools, public parks and recreation areas, and within areas clearly visible from public roads when visual screening is not possible.
- (l) Site considerations shall include avoidance to the greatest extent practicable of operating areas within aquifer protection zones.
- (m) Stockpiling of materials shall be located at least one hundred (100) feet back from public roads and property lines and shall be suitably stabilized with erosion controls to prevent sedimentation of surface waters.
- (n) A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval. The Planning Board may include an expiration date or a required renewal interval for the Special Use Permit, based upon the time schedule in accordance with § 143-112.C(4) of the Zoning Law.
- (o) An operations plan shall carefully consider the number, size and type of trucks (including the number of axles) and other machinery to be used on the site including their respective noise levels, the routing of trucks from the mine site, and the hours of operation, all of which are subject to approval by the Planning Board.
- (p) A performance guarantee (performance bond or escrow deposit) to assure rehabilitation is provided, upon recommendation of the Planning Board and Town Engineer, in an amount and form satisfactory to the Town Board and the Town Attorney.

Section 143-105 of the Zoning Law entitled “Light industrial parks” is hereby amended by replacing the entire Section with a new Section 143-105 to read as follows:

§ 143-105. Light industrial parks.

Light industrial parks shall be allowed by special permit in the B2 District, provided that:

- A. The overall project site shall be a single parcel with a minimum of 10 acres.
- B. Any individual lot created within an approved light industrial park shall not be less than 1.5 acres.

- C. An overall plan, including appropriate material and design guidelines, shall be presented for facility-wide building, landscaping, signage and related improvements. The overall plan shall also describe proposed parcellation, if any, and by location and square footage the intended mix of light manufacturing uses, wholesale business and business service establishments within the light industrial park. A program shall also be defined for the allocation of total permissible signage among the various light industrial park tenants and/or occupancies. Said schedule shall, in combination with the standards set forth in § 143-27 of this chapter, serve as the basis for the Zoning Enforcement Officer's consideration of applications for the issuance of individual sign permits within the light industrial park.
- D. Adequate water supply and sewage disposal and other pollution control facilities shall be provided in accordance with the requirements of the Town of Red Hook, the Dutchess County Department of Health and the New York State Departments of Health and Environmental Conservation.
- E. Proper provision shall be made for the long-term ownership and maintenance of open space and associated landscaping, parking areas, accessways, water supply and sewage disposal facilities, signage, lighting and other features appurtenant to the office park development.
- F. A proposed development schedule shall be submitted indicating anticipated dates for the start and completion of construction and occupancy of the one or several phases of the light industrial park project, most particularly including the schedule for installation of project-wide infrastructure.
- G. A separate special use permit shall not be required for the establishment of individual uses within the light industrial park once a special use permit has been issued by the Planning Board for the light industrial park use in its entirety, provided that such uses are consistent with the light industrial park master plan which accompanied the special permit application, including the further consideration of any modification or conditions that may have been imposed by the Planning Board in its issuance of the special use permit. Prior to the initiation of any land alteration or building construction within the light industrial park or any authorized parcel, lot, portion or phase thereof, site plan review and approval in accordance with Article VII of this chapter shall, however, be required on a project-specific basis, and if individual building sites are provided, subdivision plat approval shall be required pursuant to Chapter 120, Subdivision of Land.
- H. Except as otherwise provided herein, all other requirements for development within the B2 District as applicable to the specific project, including but not limited to those minimum requirements set forth in either the Article IV District Schedule of Area and Bulk Regulations or Article V, Supplementary Regulations, shall be strictly met.

Section 143-146 of the Zoning Law entitled "Pending applications and permits" is hereby amended by adding a new Subsection 143-146C to read as follows:

C. **Grandfathering of Existing Light Industrial Uses in the RD3 Zoning District.** For the purposes of this section, uses in the RD3 Zoning District described as “Collecting the waters of a natural, free-flowing spring and operating an associated bottling works” that are in operation at the time of adoption of Local Law No. E of 2019 shall be deemed a permitted use indefinitely but only to the extent the collection of waters by such uses do not exceed 99,000 gallons per day and provided that in all other respects the property where the use is located is maintained in accordance with all applicable codes, ordinances, regulations and other requirements, but shall not be expanded, restored, moved, changed or reestablished except as specifically provided in this Article.” Such use shall not be reestablished if such use has been discontinued for any reason, whether through vacancy or cessation of use, irrespective of the intent of the owner of the premises or any other person, for a period of 18 calendar months or longer or has been changed to or replaced by a conforming use for any period of time.

Section 4. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.

June 11, 2019