

RED HOOK TOWN BOARD MEETING

October 12, 2021

A meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened by Zoom Videoconference due to COVID-19 pandemic stay in place rules at the Town Hall, 7340 South Broadway, Red Hook at 7:30 p.m.

Present: Supervisor Robert McKeon
Councilmember William Hamel
Councilmember Christine Kane
Councilmember William O'Neill
Councilmember Jacob Testa
Town Clerk Deanna Cochran

Also Present: Brandee Nelson P.E., LEED AP

Supervisor McKeon opened with the Pledge of Allegiance and reviewed the agenda.

SUPERVISOR'S REPORT

The Supervisor's Report for the period of September 1, 2021 to September 30, 2021 was read as follows: Opening Balance - \$8,164,064.74; Receipts - \$796,845.86; Disbursed - \$1,128,233.00; Balance - \$7,832,677.60.

He showed the Budget Adjustments and monthly Variance Reports.

On a motion of Councilmember Kane seconded by Councilmember Hamel moved to approve the Supervisors report and budget adjustments.

Adopted Ayes 5 McKeon, Hamel, Kane, O'Neill, Testa
Nays 0

TOWN CLERK'S REPORT

The Town Clerk's report for the period September 1, 2021 to September 30, 2021 was read as follows: Total Local Shares remitted to the Supervisor - \$5,123.53; Amount paid to NYS Ag. & Markets - \$35.00; Amount paid to NYS Dept. of Health for Marriage Licenses - \$225.00; Amount paid to NYS Environmental Conservation for Hunting & Fishing Licenses - \$2,494.47; Total State, County & Local Revenues - \$7,878.00.

On a motion of Councilmember Kane seconded by Councilmember O'Neill moved to approve the Town Clerk's report.

Adopted Ayes 5 McKeon, Hamel, Kane, O'Neill, Testa
Nays 0

ANNOUNCEMENTS:

- VFW's Oktoberfest Dinner will be held Sunday Oct 24, 2021 from 4:00pm- 7:00pm.
- VFW's Golf Simulator will be available from October 4, 2021 to December 23, 2021.
- Community Action Partnership is asking for volunteers to help the Hudson Valley CASH Coalition to provide tax preparation assistance.
- Early voting days and hours are available on Dutchess County Board of Elections website and at five different locations. They are available October 23, 2021 through October 30, 2021. More information can be found on the Town's website.

Public Hearing – Local Law D – Micro Hydropower Facilities

Supervisor McKeon opened the Public Hearing. There were no comments. McKeon kept this public hearing open until the corresponding agenda item was addressed.

Public Hearing – Saw Kill Trail

Supervisor McKeon opened the Public Hearing. There were no comments. McKeon kept this public hearing open until the corresponding agenda item was addressed.

Public Hearing – Local Law No. E

Supervisor McKeon opened the Public Hearing and explained Local Law E.

- Brandee Nelson, a Town of Red Hook engineer, and planning board chair for Great Barrington, MA, gave a presentation which included:
 - A brief history of the legalization of cannabis in Massachusetts.
 - Model ordinances that were followed in MA and ordinance guidance recommendations
 - Examples of case communities including outdoor grow facilities and retail facilities.
- McKeon had questions regarding timelines, onsite consumption places, and if there were any other issues besides traffic issues.
 - Nelson addressed these questions.
 - After getting guidelines from the state, approval for regulations took approximately 4 months.
 - Nelson explained there is no public smoking allowed in the town of Great Barrington, and the community decided to not allow onsite consumption places.
 - Traffic was an issue in the beginning, but now there are engineering standards for guidance.
 - The community feedback did include some nuisance complaints.
- McKeon asked if the Great Barrington Police has seen any additional activity due to cannabis legalization.
 - Nelson answered the town officials have not seen any significant increase.
- McKeon asked Nelson about the petitions to try to overturn the dispensaries.
 - Nelson answered there is an organization in the Town of Great Barrington who petitioned to modify or amend the local laws concerning the regulations of cannabis facilities. They have filed three petitions in three years: one each year.
- Councilmember Hamel asked if the State had a process for how the draft regulations were developed and if the State reviewed public comment during that process.
 - Nelson answered yes. Great Barrington received a lot of support from the State.

McKeon read through the emails that were sent to the Town regarding Local Law E.

McKeon proposed to separate the two opt out options and create Local Law E and Local Law F.

- Councilmembers Hamel, Kane, Testa and O’Neill agreed.
- Proposed a continuation of the Public Hearing for Local Law E as well as a Public Hearing for Local Law F.

Attorney Chris Chale explained proposed Local Law F

Resolution Amending Local Law E (Proposed) and Establishing a Date for a Continued Public Hearing Regarding the Adoption of Local Law E (Proposed Revised)

Attorney Chris Chale explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 56
DATED OCTOBER 12, 2021**

RESOLUTION AMENDING LOCAL LAW E (PROPOSED), AND ESTABLISHING A DATE FOR A CONTINUED PUBLIC HEARING REGARDING THE ADOPTION OF LOCAL LAW E (PROPOSED REVISED) OF 2021, A LOCAL LAW ADOPTED PURSUANT TO NYS CANNABIS LAW § 131 OPTING OUT OF ALLOWING ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF RED HOOK OUTSIDE OF ANY VILLAGE

WHEREAS, a proposed form of Local Law No. E (Proposed) of 2021 entitled “**A LOCAL LAW ADOPTED PURSUANT TO NYS CANNABIS LAW § 131 OPTING OUT OF ALLOWING RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF RED HOOK OUTSIDE OF ANY VILLAGE**” has been submitted to the Town Board of the Town of Red Hook; and

WHEREAS, on March 31, 2021, the Governor signed into law the Marijuana Regulation and Taxation Act, Chapter 92 of the Laws of 2021 (the “Cannabis Law”), which, among other

things, legalizes adult-use cannabis and authorizes the licensing and establishment of retail cannabis dispensaries and on-site cannabis consumption establishments, subject to the regulations and restrictions thereof; and

WHEREAS, pursuant to Section 131 of the Cannabis Law, local municipalities are authorized to opt out of the portion of the law authorizing such retail establishments within their jurisdiction by adoption of a local law subject to permissive referendum; and

WHEREAS, on October 12, 2021, the Town Board held a public hearing regarding the Proposed Local Law which would the determination of the Town of Red Hook to opt out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries; and

WHEREAS, based on input at the public hearing and the Board's own study of the matter there has been proposed an amended form of local law, to be referred to as Local Law E (Proposed Revised) of 2021 to opt out of allowing on-site cannabis consumption establishments within its boundaries; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), a Short Environmental Assessment Form regarding the Proposed Local Law, dated September 22, 2021, has been prepared and is on file with the Town Clerk; and

WHEREAS, pursuant to Town Code Section. 68-12, the Town Board must refer a proposal for a direct action by the Town to the Town Planning Board for its recommendation on the proposal's consistency with the Local Waterfront Revitalization Program.

WHEREAS, the Town Board has reviewed an Environmental Assessment Form (EAF) and Coastal Assessment Form (CAF), in the forms on file with the Town Clerk, has determined to act as lead agency, has determined that the proposed action is an unlisted action, and there are no other involved agencies; and

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Red Hook (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

1. The Town Supervisor is hereby authorized and directed to execute the EAF and CAF in the form on file with the Town Clerk.
2. The Town Board as Lead Agency hereby determines that the proposed action remains an unlisted action under SEQRA.
3. The Town Board of the Town of Red Hook shall hold a continued public hearing on October 27, 2021, at 7:35 p.m. at the Town Hall, 7340 South Broadway, Red Hook, New York, to hear all interested parties on said amended proposed local law and at which time and place the Town Board may determine whether to adopt the amended proposed local law.
4. The Town Clerk is hereby authorized and directed to publish notice of said public hearing in the Poughkeepsie Journal, the official newspaper of said Town, on or before October 22, 2021, which is not less than five calendar days prior to the date of said public hearing.
5. The Town Clerk is hereby authorized and directed to refer a copy of Local Law E (Proposed Revised) of 2021, to the Planning Board, together with a copy of the EAF and CAF, for a report and recommendation thereon pursuant to Section 68-12(c) of the Town Code, regarding consistency with the Local Waterfront Revitalization Plan.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O'Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Hamel, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 56
DATED OCTOBER 12, 2021**

RESOLUTION AMENDING LOCAL LAW E (PROPOSED), AND ESTABLISHING A DATE FOR A CONTINUED PUBLIC HEARING REGARDING THE ADOPTION OF LOCAL LAW E (PROPOSED REVISED) OF 2021, A LOCAL LAW ADOPTED PURSUANT TO NYS CANNABIS LAW § 131 OPTING OUT OF ALLOWING ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF RED HOOK OUTSIDE OF ANY VILLAGE

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember William O'Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Resolution Classifying Action and Establishing a Date for a Public Hearing Regarding Local Law F

Attorney Chris Chale explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 57
DATED OCTOBER 12, 2021**

RESOLUTION CLASSIFYING ACTION AND ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION OF LOCAL LAW F (PROPOSED) OF 2021, A LOCAL LAW ADOPTED PURSUANT TO NYS CANNABIS LAW § 131 OPTING OUT OF ALLOWING RETAIL CANNABIS DISPENSARIES WITHIN THE TOWN OF RED HOOK OUTSIDE OF ANY VILLAGE

WHEREAS, a proposed form of Local Law No. F (Proposed) of 2021 entitled “**A LOCAL LAW ADOPTED PURSUANT TO NYS CANNABIS LAW § 131 OPTING OUT OF ALLOWING RETAIL CANNABIS DISPENSARIES WITHIN THE TOWN OF RED HOOK OUTSIDE OF ANY VILLAGE**” has been submitted to the Town Board of the Town of Red Hook; and

WHEREAS, on March 31, 2021, the Governor signed into law the Marijuana Regulation and Taxation Act, Chapter 92 of the Laws of 2021 (the “Cannabis Law”), which, among other things, legalizes adult-use cannabis and authorizes the licensing and establishment of retail cannabis dispensaries and on-site cannabis consumption establishments, subject to the regulations and restrictions thereof; and

WHEREAS, pursuant to Section 131 of the Cannabis Law, local municipalities are authorized to opt out of the portion of the law authorizing such retail establishments within their jurisdiction by adoption of a local law subject to permissive referendum; and

WHEREAS, the Proposed Local Law would enact the determination of the Town of Red Hook to opt out of allowing retail cannabis dispensaries within its boundaries; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), a Short Environmental Assessment Form regarding the Proposed Local Law, dated October 12, 2021, has been prepared and is on file with the Town Clerk; and

WHEREAS, the Town Board is required to determine the classification of the Proposed Local Law pursuant to SEQRA; and

WHEREAS, pursuant to Town Code Section. 68-12, the Town Board must refer a proposal for a direct action by the Town to the Town Planning Board for its recommendation on the proposal’s consistency with the Local Waterfront Revitalization Program.

WHEREAS, the Town Board has reviewed an Environmental Assessment Form (EAF) and Coastal Assessment Form (CAF), in the forms on file with the Town Clerk, the proposed action is an unlisted action, and there are no other involved agencies; and

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Red Hook (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

6. The Town Supervisor is hereby authorized and directed to execute the EAF and CAF in the form on file with the Town Clerk.

7. The Town Board hereby determines that the proposed action is an unlisted action under SEQRA and declares itself Lead Agency for the review of this action, as it is the only involved agency.

8. The Town Board of the Town of Red Hook shall hold a public hearing on October 27, 2021, at 7:35 p.m. at the Town Hall, 7340 South Broadway, Red Hook, New York, to hear all interested parties on said proposed local law and at which time and place the Town Board may determine whether to adopt the proposed local law.

9. The Town Clerk is hereby authorized and directed to publish notice of said public hearing in the Poughkeepsie Journal, the official newspaper of said Town, on or before October 22, 2021, which is not less than five calendar days prior to the date of said public hearing.

10. The Town Clerk is hereby authorized and directed to refer a copy of Local Law F(Proposed) of 2021, to the Planning Board, together with a copy of the EAF and CAF, for a report and recommendation thereon pursuant to Section 68-12(c) of the Town Code, regarding consistency with the Local Waterfront Revitalization Plan; and

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O'Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Kane, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 57
DATED OCTOBER 12, 2021**

RESOLUTION CLASSIFYING ACTION AND ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION OF LOCAL LAW F (PROPOSED) OF 2021, A LOCAL LAW ADOPTED PURSUANT TO NYS CANNABIS LAW § 131 OPTING OUT OF ALLOWING RETAIL CANNABIS DISPENSARIES WITHIN THE TOWN OF RED HOOK OUTSIDE OF ANY VILLAGE

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilman Bill Hamel	VOTING <u>Aye</u>
Councilwoman Christine Kane	VOTING <u>Aye</u>
Councilman William O'Neill	VOTING <u>Aye</u>
Councilman Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Resolution Regarding Offers of Cession for Public Access Easement for Tradition at Red Hook

Supervisor McKeon explained the agreement with Tradition at Red Hook.
Attorney Chris Chale explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 58
DATED OCTOBER 12, 2021**

RESOLUTION REGARDING OFFERS OF CESSION FOR PUBLIC ACCESS EASEMENT FOR TRADITION AT RED HOOK

WHEREAS, the Town of Red Hook Planning Board adopted a resolution on August 15, 2016, entitled, "Resolution Granting Site Plan Approval to Hoffman Property Traditional Neighborhood Development" and a resolution on August 15, 2016, entitled "Resolution Granting Approval to Final Subdivision Plan and Incentive Zoning for Hoffman Property Traditional Neighborhood Development Subdivision," for a 102-lot residential community development project known as the "Hoffman Property" (the "Hoffman TND Project"), which gave permission to file the subdivision plat in sections, and required that the section plats be filed in numerical

order, and which resolutions were duly filed in the office of the Town Clerk on August 16, 2016; and

WHEREAS, Red Hook Acres, LLC, as part of its development plan for the Hoffman TND Project, offered to dedicate a certain parcel or parcels of land within the project for recreation purposes, as shown on a drawing set prepared by LRC Group, Project Engineers, entitled “Final Site Plan and Overall Subdivision Plan Set for Hoffman Property,” last revised on August 15, 2018, and as provided in the proposed subdivision for the for the 102 lot residential community and Lot 103 on drawings prepared by LRC Group, Project Engineers, entitled “Hoffman Property Final Subdivision Plat” last revised on August 15, 2018, including the “Hoffman Subdivision Section Plat #1,” last revised on August 15, 2018; and

WHEREAS, the Hoffman TND Project is now referred to as “Tradition at Red Hook,” which still contemplates the development of a 102-lot residential community with accompanying common areas (the “Project”); and

WHEREAS, the Town of Red Hook Planning Board adopted two Resolutions on April 1, 2019, entitled, respectively, “Resolution Granting Amended Site Plan Approval to Tradition of Red Hook (Formerly Hoffman TND),” (hereinafter referred to as “Amended Site Plan Approval Resolution”) and “Resolution Granting Approval to the Amended Final Subdivision Plat for Tradition at Red Hook (Formerly Hoffman TND),” (hereinafter referred to as “Amended Subdivision Approval Resolution” and together with the Amended Site Plan Approval Resolution, the “2019 Approval Resolutions”), which Amended Subdivision Approval Resolution gave permission to file the Subdivision Plat in Sections, and required that the Section Plats be filed in numerical order; both of which 2019 Approval Resolutions were duly filed in the office of the Town Clerk on April 2, 2019; and

WHEREAS, pursuant to the 2019 Approval Resolutions, 25 Old Farm Road Development, LLC (the “Owner”) has been granted conditional final approval by the Town of Red Hook Planning Board for the Project; and

WHEREAS, the Owner, as part of its development plan for the Project, has now voluntarily offered to dedicate to the Town one or more public access easements (“Public Access Easements”) with respect to a portion of the recreational amenities located on certain parcel or parcels of land within the Project, as shown on a drawing set prepared by LRC Group, Project Engineers, entitled “Site Plan Submission Set for Tradition at Red Hook,” last revised on May 7, 2019, and including an overall lot layout plan last revised May 7, 2019, and as provided in the proposed subdivision for the 102-lot residential community on drawings prepared by LRC Group, Project Engineers, entitled “Hoffman Property Final Subdivision Plat,” last revised on May 7, 2019 (“Overall Subdivision Plat”), and the “Tradition at Red Hook, Final Subdivision Plat, Section Plat #4,” last revised on May 25, 2021 (“Section 4 Plat”) and the “Tradition at Red Hook, Final Subdivision Plat, Section Plat #5,” last revised on May 25, 2021 (“Section 5 Plat”); and

WHEREAS, the Owner has submitted for approval the following:

- (i) an Irrevocable Offer of Cession for the Public Access Easements with respect to certain portions of the recreational improvements identified in the Amenities Plan on file with the Town Clerk, including
 - North-South Trail, portion in Section 4 Plat
 - North-South Trail, portion in section 6 Plat
 - Passive Open Space, Parcel D (Main Square) in section 1 Plat
 - Passive Open Space, Parcel B (Triangle) in section 4 Plat
 - Multi-purpose Field and Southeast Trail in section 7 Plat.,with an undertaking to complete the execution and delivery of such Irrevocable Offer of Cession by December 31, 2021;
- (i) a reference copy of said Amenities Plan; and
- (ii) a memorandum of terms and conditions for the public access easement proposed to be offered pursuant to the Irrevocable Offer of Cession, which form of public access easement is to be attached to the final form of Irrevocable Offer of Cession;

WHEREAS, the Owner has acknowledged that the recreational improvements described (i) through (iii) above are to be completed during the plat section stage described in the recreational

features by section plan approved by PB and as such will be included within the performance bond amounts and inspection fee escrows to be provided in connection with the filing of the related plat section;

WHEREAS, the acceptance of the Irrevocable Offer described in (i) through (iii) above is in the best interests of the Town subject to the conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Red Hook as follows:

- 1) Acceptance of the Irrevocable Offer described in (i) thorough (iii) above is authorized upon completion of the following conditions; provided that the Town reserves the right to determine whether to accept said easements described in the Irrevocable Offer in its sole discretion upon completion thereof:
 - a) Delivery of the hold harmless agreement and evidence of the current general liability insurance policy in form satisfactory to the Attorney for the Town;
 - b) Delivery of a policy of title insurance, or commitment therefor with policy to be delivered at the time of acceptance, with respect to the interest of the Town in the proposed conveyances, subject to only such exceptions as shall be approved by the Attorney for the Town and as shall be consistent with the terms hereof;
 - c) Receipt by the Town of payment for any and all outstanding consultant invoices included estimated costs, bringing the escrow account for development review costs fully up to date;
 - d) Final executed forms of the documents referred to in (i) through (iii) above with an undertaking for proper recording thereof approved by the Attorney for the Town; and

- 2) The Supervisor, Town Engineer, and Attorney for the Town may take all steps reasonable and necessary in consultation with the Attorney for the Town to implement the intent of this resolution.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O’Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Hamel, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 58
DATED OCTOBER 12, 2021**

**RESOLUTION REGARDING OFFER OF CESSION FOR PUBLIC ACCESS
EASEMENTS FOR TRADITION AT RED HOOK**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilman Bill Hamel	VOTING <u>Aye</u>
Councilwoman Christine Kane	VOTING <u>Aye</u>
Councilman William O’Neill	VOTING <u>Aye</u>
Councilman Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

On a motion of Supervisor McKeon seconded by Councilmember Hamel moved to grant a waiver for repeated fees regarding Tradition at Red Hook.

Adopted	Ayes 5	McKeon, Hamel, Kane, O’Neill, Testa
	Nays 0	

Resolution Adopting a SEQRA Determination of Nonsignificance for the Saw Kill Trail Project

Attorney Chris Chale explained the agreements concerning the Saw Kill Trail Project which included the Environmental Assessment Form findings and the LWRP findings.

On a motion of Councilmember Kane, seconded by Councilmember O’Neill moved to accept the findings of consistency with the Local Waterfront Revitalization Plan

Adopted	Ayes 5	McKeon, Hamel, Kane, O’Neill, Testa
	Nays 0	

**TOWN OF RED HOOK
RESOLUTION NO. 59
DATED OCTOBER 12, 2021**

**RESOLUTION ADOPTING A SEQRA DETERMINATION OF NONSIGNIFICANCE
FOR THE SAW KILL TRAIL PROJECT**

WHEREAS, the Town Board of the Town of Red Hook is considering a proposal for the construction of the Saw Kill Trail Project as a cooperative project pursuant to a proposed cooperative agreement and two easements entitled “Deed of Conservation Easement and Public Access Easement” given by Winnakee Land Trust, Inc. to the Town, each dated February 14, 2020 and filed as Document No. 02-2020945 and 02-2020947, respectively (the “Project”); and

WHEREAS, on August 10, 2021, the Town Board classified the Project as an unlisted action under the State Environmental Quality Review Act (“SEQRA”) and declared its intent to serve as lead agency in a review of the project; and

WHEREAS, the Town Board has reviewed a Short Environmental Assessment Form (“SEAF”) and Coastal Assessment Form (“CAF”) for the Project; and

WHEREAS, the Town Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern regarding the Project, including any disclosed in the SEAF and CAF; and

WHEREAS, the Town Board has reviewed a draft Notice of Determination of Non-Significance (Negative Declaration) setting forth reasons supporting a determination that the Project will not have a significant adverse impact on the environment; and

WHEREAS, at its meeting held on October 4, 2021, the Planning Board recommended a finding that the Project is consistent with the Town's Local Waterfront Revitalization Program; and

WHEREAS, the Town Board has reviewed the Project and its consistency with the Town's Local Waterfront Revitalization Program, and has reviewed the Planning Board's finding of consistency.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Red Hook, Dutchess County, New York (by the favorable vote of not less than a majority of all of the members of the Board) hereby

1. Adopts a negative declaration and determines that the Project will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared; and
2. Authorizes and directs the Town Clerk to distribute a copy of this resolution to all involved and interested agencies, the Town Supervisor, and any person that has requested a copy and to make all other filings required by law.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

PRESENT:

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O'Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Kane, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 59
DATED OCTOBER 12, 2021**

**RESOLUTION ADOPTING A SEQRA DETERMINATION OF NONSIGNIFICANCE
FOR THE SAW KILL TRAIL PROJECT**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember William O'Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

On a motion of Supervisor McKeon seconded by Councilmember Kane moved to close the Public Hearing regarding the Saw Kill Train

Adopted	Ayes 5	McKeon, Hamel, Kane, O'Neill, Testa
	Nays 0	

Resolution Determining Application of Town Zoning Laws to Saw Kill Trail Project

Attorney Chris Chale explained the resolution.

TOWN OF RED HOOK RESOLUTION NO. 60 DATED OCTOBER 12, 2021

RESOLUTION DETERMINING APPLICATION OF TOWN ZONING LAWS TO SAW KILL TRAIL PROJECT

WHEREAS, the Town Board of the Town of Red Hook is considering a proposal for the construction of the Saw Kill Trail Project as a cooperative project pursuant to a proposed cooperative agreement and two easements entitled "Deed of Conservation Easement and Public Access Easement" given by Winnakee Land Trust, Inc. to the Town, each dated February 14, 2020 and filed as Document No. 02-2020945 and 02-2020947, respectively (the "Project"), and

WHEREAS, the project consists of the establishment of a trail in multiple phases from the Town of Red Hook Recreation Park west ultimately terminating at a parking lot located at the Bard Alumni Center on NYS Route 9G, as described in a sketch map on file with the Town (the "Project"); and

WHEREAS, the Town Board has held a public hearing on September 22, 2021 and continued on October 12, 2021, at which information regarding the project was presented and members of the public were provided an opportunity to comment; and

WHEREAS, on October 12, 2021, the Town Board adopted a Negative Declaration for the Project pursuant to the State Environmental Quality Review Act, determining that the Project does not have the potential to have significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, the Town Board has undertaken a review of the Project in order to determine whether and to what extent the Town of Red Hook's Zoning Law applies to the proposed project, taking into account the nine factors set forth in *Matter of County of Monroe v. City of Rochester*, as follows:

1. The nature and scope of the instrumentality seeking immunity.

The Town is a general purpose governmental entity and a political subdivision of the State of New York.

2. The encroaching government's legislative grant of authority.

Pursuant to New York State Town Law § 64, the Town is a general purpose governmental entity with the authority to manage municipal property and finances and to carry out projects for the benefit of the Town. The Town is authorized under Town Law § 220 to establish public parks and acquire the necessary lands therefor.

3. The kind of function or land use involved.

The project consists of the establishment of a trail from the Town of Red Hook Recreation Park west terminating at a parking lot located at the Bard Alumni Center on NYS Route 9G. The trail will be unpaved and include boardwalk sections where necessary to traverse wet areas. The proposed trail when completed will be approximately 11,558 feet long including 4,417 feet of existing trail and 6,551 feet of new trail. Approximately 590 feet of trail will be located on existing streets. The total disturbed area not including existing trail is 1.5 acres. The project will not have a significant adverse impact on the environment due to the nature and the design of the trail.

The trail will be created via the removal of limited portions of underbrush within the forest. Trails, bridges, and boardwalks are limited to a total surface not to exceed eight (8) feet in width. Trails may be constructed of crushed stone, stone dust, wood chips, or another non-impervious surface. Vegetation clearing width is limited to six (6) feet either side of the trail centerline. With the exception of trees that constitute a hazard, the project does not propose to remove any trees and the clearing of brush will be minimized. Non-intrusive structures such as bridges, benches, boardwalks, and kiosks are permitted within the trail and vegetative clearing area.

4. The effect local land use regulation would have upon the enterprise concerned.

Should the Town Board find that the Project is not immune from review under the Zoning Law, the Town of Red Hook Planning Board would have to grant site plan approval for the establishment of the trail. Such procedures could at a minimum result in additional costs and time delays. In addition, the Project is proposed in phases and complete construction of the Project is not proposed in the immediate future. This will result in the need for extensions and/or amendments of site plan approval, resulting in additional administrative burdens. Prior Town projects for recreational facilities have been exempted from the planning process.

5. Alternative locations for the facility in less restrictive zoning areas.

Parks and trail systems are permitted in every district subject to site plan review, with the exception of the Waterfront Conservation District, which also requires the issuance of a special use permit by the Planning Board. No area of Town has less restrictive zoning regulations. The proposed location of the expansion was chosen, in part, due to its proximity to the existing recreation park and future parking facilities constituting a part of the approved master plan for the park.

The Project is the result of a public-private partnership with the Town and the Winnakee Land Trust, Inc., a not-for-profit corporation. The proposed trail is located within the area subject to an existing Conservation Easement and Public Access Easement acquired by the Town.

6. The impact upon legitimate local interests.

Immunity from local land use regulations would allow the Project to go forward, which would allow for the establishment of additional recreational facilities for residents of Red Hook.

Based on the relatively low-impact nature of a trail system use, the primary local interest, if any, that the Project may affect is the local environment. The Town Board has held a public hearing at which the public was afforded an opportunity to comment on the proposed trail system. Pursuant to the State Environmental Quality Review Act ("SEQRA"), the Town Board has reviewed an Environmental Assessment Form regarding Project, a copy of which is on file with the Town Clerk. Upon reviewing all relevant information, as well as the factors listed in SEQRA's implementing regulations, the Town Board determined that the Project will not have

significant adverse environmental impacts and will allow its users to better enjoy the natural environmental resources within Red Hook.

We note that the Town has taken note of areas of concern and concluded that the Project would not have significant adverse environmental impacts. While the installation of a portion of boardwalk for the project may be on or within 100 feet of federal wetlands, the limited disturbance caused by a surface boardwalk will be minimal. If needed, the project will be subject to a federal wetlands permit which will mitigate impacts and ensure there is no significant adverse effect on the wetlands. Ground disturbance will be minimal and will consist primarily of the installation of a culvert and of fences or sign posts. The only stream crossing along the trail has been design so as not to disturb the stream bed or bank and does not require a permit from the NYS Department of Environmental Conservation. Any lighting along the trail is subject to restriction under a conservation easement that only allows “stand alone”, “off grid” lighting fixtures powered from photovoltaic panels. Outdoor lighting will not result in glare visible from public vantage points or be directed upwards so as to contribute to light pollution.

7. Alternative methods of providing the proposed improvement.

The Project is proposed as a public-private partnership with the Town and the Winnakee Land Trust, Inc., a not-for-profit corporation, with Winnakee proposing to undertake installation of the trail. Alternative methods would include the Town undertaking to construction the project with its own resources.

The trail system is designed to connect to an existing recreational park and provide residents the opportunity to visit and enjoy relatively undisturbed natural resources within the Town. The designated open space has already been protected with covenants that require preservation of important water resources and the area proposed to be made available for public access abuts existing park facilities.

8. The extent of the public interest to be served by the improvements.

The provision of recreational resources is of great importance to the Town and its residents. By undertaking the Project, the Town will enable the enjoyment, appreciation, and protection of important natural resources.

9. Intergovernmental participation in the project development process and an opportunity to be heard.

The Town’s acquisition of the Conservation Easements was the subject of a public hearing and Town Board meetings. The Project has been the subject of discussion at a further Town Board meeting. The Town Board held a public hearing on September 22, 2021, to give interested parties an opportunity to be heard. The Town solicited comments and LWRP findings from the Planning Board. The Town also solicited comments on the project from the County Department of Planning and Development, the NYS Department of Environmental Conservation and the NYS Historic Preservation Office. Winnakee solicited comments from DEC regarding the location of the trail in order to protect water resources. The input gathered has been duly considered and has aided in determining how the Project will be designed and implemented based on a review of these considerations by the Town.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF RED HOOK, that, based on the foregoing, the Town Board determines that the Project shall be immune from the application of the Town’s Zoning Law.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

PRESENT:

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O’Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Kane, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 60
DATED OCTOBER 12, 2021**

**RESOLUTION DETERMINING APPLICATION OF TOWN ZONING LAWS TO SAW
KILL TRAIL PROJECT**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilwoman Christine Kane	VOTING <u>Aye</u>
Councilman William O’Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Resolution Authorizing the Execution of a Memorandum of Agreement Between the Town of Red Hook and Winnakee Land Trust, Inc.

Supervisor McKeon explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 61
DATED OCTOBER 12, 2021**

**RESOLUTION AUTHORIZING THE EXECUTION OF A
MEMORANDUM OF AGREEMENT BETWEEN TOWN OF RED HOOK AND
WINNAKEE LAND TRUST, INC.
REGARDING THE SAW KILL TRAIL PROJECT**

WHEREAS, the Town Board of the Town of Red Hook is considering a proposal for the construction of the Saw Kill Trail project as a cooperative project pursuant to a proposed cooperative agreement and two easements entitled “Deed of Conservation Easement and Public Access Easement” given by Winnakee Land Trust, Inc. to the Town, each dated February 14, 2020 and filed as Document No. 02-2020945 and 02-2020947, respectively; and

WHEREAS, the Town Board has determined that entering into a Memorandum of Agreement Regarding the Saw Kill Trail Project between the Town of Red Hook and Winnakee Land Trust, Inc. in connection with the Saw Kill Trail Project, in substantially the form on file with the Town Clerk (the “Memorandum of Agreement”), is in the best interests of the Town; and

WHEREAS, the proposed action constitutes an unlisted action which has been determined not to have an adverse effect on the environment;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Red Hook, Dutchess County, New York (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

1. The Supervisor is hereby authorized and directed to execute the Memorandum of Agreement in substantially the form on file with the Town Clerk, with such changes as shall be approved by the Supervisor and which do not affect the substance thereof.
2. The Supervisor the Town Clerk, and the Town’s other officers, employees and agents are hereby authorized and directed for, and in the name and on behalf of the Town, to do all acts and things required or provided by the provisions of the Memorandum of Agreement.
3. This resolution shall take effect immediately.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

PRESENT:

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O’Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:
Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember O’Neill, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 61
DATED OCTOBER 12, 2021**

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN TOWN OF RED HOOK AND WINNAKEE LAND TRUST, INC. REGARDING THE SAW KILL TRAIL PROJECT

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilwoman Christine Kane	VOTING <u>Aye</u>
Councilman William O’Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Public Hearing (Continued) – Local Law D (Proposed)

Supervisor McKeon reviewed part 2 of the Environmental Assessment Form, EAF.

Attorney Chris Chale and McKeon reviewed part 3 of the EAF.

Resolution Adopting a SEQRA Determination of Nonsignificance for Local Law D (Proposed)

**TOWN OF RED HOOK
RESOLUTION NO. 62
DATED OCTOBER 12, 2021**

**RESOLUTION ADOPTING A SEQRA DETERMINATION OF NONSIGNIFICANCE
FOR LOCAL LAW NO. D (PROPOSED) OF 2021**

WHEREAS, the Town Board of the Town of Red Hook is considering the adoption of Local Law No. D (Proposed) of 2021, entitled “**Local Law No. D (Proposed) of 2021; A Local Law Regarding Micro Hydropower Facilities**” in the form on file with the Town Clerk (the “Local Law”); and

WHEREAS, on August 25, 2021, the Town Board classified the proposed action as a Type I action under the State Environmental Quality Review Act (“SEQRA”) and declared its intent to serve as lead agency in a review of the project, as it is the only involved agency; and

WHEREAS, the proposed Local Law will be applicable throughout the Town; and

WHEREAS, the Town Board has prepared a Full Environmental Assessment Form (“FEAF”) and Coastal Assessment Form (“CAF”) for the proposed action; and

WHEREAS, the Town Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern, including any disclosed in the FEAF and CAF; and

WHEREAS, the Town Board has reviewed a draft Notice of Determination of Non-Significance (Negative Declaration) setting forth reasons supporting a determination that the proposed action will not have a significant adverse impact on the environment; and

WHEREAS, at its meeting held on October 4, 2021, the Planning Board recommended a finding that the proposed Local Law is consistent with the Town’s Local Waterfront Revitalization Program; and

WHEREAS, the Town Board has reviewed the proposed Local Law and its consistency with the Town’s Local Waterfront Revitalization Program, and has reviewed the Planning Board’s finding of consistency.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Red Hook, Dutchess County, New York (by the favorable vote of not less than a majority of all of the members of the Board) hereby

1. Adopts a negative declaration and determines that the proposed action will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared; and

2. Authorizes and directs the Town Clerk to distribute a copy of this resolution to all involved and interested agencies, the Town Supervisor, and any person that has requested a copy and to make all other filings required by law.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

PRESENT:

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O’Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Kane, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 62
DATED OCTOBER 12, 2021**

**RESOLUTION ADOPTING A SEQRA DETERMINATION OF NONSIGNIFICANCE
FOR LOCAL LAW NO. D (PROPOSED) OF 2021**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember William O’Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Resolution Authorizing the Adoption by the Town Board of the Town of Red Hook of Local Law D (Proposed) Regarding Micro Hydropower Facilities.

**TOWN OF RED HOOK
RESOLUTION NO. 63 of 2021
DATED OCTOBER 12, 2021**

**AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED
HOOK OF LOCAL LAW NO. D (PROPOSED) OF 2021
REGARDING MICRO HYDROPOWER FACILITIES**

WHEREAS, a proposed form of Local Law D (Proposed) of 2021 entitled “**Local Law No. D (Proposed) of 2021; A Local Law Regarding Micro Hydropower Facilities**” (the “Local Law”) was presented to the Town Board of the Town of Red Hook at a regular meeting held on August 25, 2021; and

WHEREAS, on August 25, 2021, the Town Board reviewed a Full Environmental Assessment Form (“FEAF”) and Coastal Assessment Form (“CAF”) and classified the proposed action as a Type I action under the State Environmental Quality Review Act (“SEQRA”) and declared its intent to serve as lead agency; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Red Hook on August 25, 2021, setting a public hearing to be held by said Town Board on September 22, 2021 at 7:35 p.m. at the Town Hall, 7340 South Broadway, Red Hook, New York, to hear all interested parties on said proposed Local Law; and

WHEREAS, notice of said public hearing was duly advertised in the Poughkeepsie Journal, the official newspaper of said Town, on August 31, 2021, which is not less than ten calendar days prior to the date of said public hearing; and

WHEREAS, notice of the September 22, 2021, public hearing was sent to the clerks of adjacent municipalities; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, a copy of the Local Law, together with a copy of the EAF and CAF, was referred to the Dutchess County Department of Planning and Development which responded on September 14, 2021, that it was a matter of local concern; and

WHEREAS, pursuant to Section 143-141 of the Red Hook Zoning Law, a copy of the proposed Local Law, together with a copy of the EAF and CAF, was referred to the Town Planning Board which reviewed the matter at its October 4, 2021 meeting, recommended a finding that it is consistent with the Town’s Local Waterfront Revitalization Plan, and has provided a report of such recommendation to the Town; and

WHEREAS, said public hearing was duly held on September 22, 2021 and continued to October 12, 2021; and

WHEREAS, notice of said continued public hearing was duly advertised in the Poughkeepsie Journal, the official newspaper of said Town, on September 29, which is not less than ten calendar days prior to the date of said public hearing; and

WHEREAS, on October 12, 2021, the Town Board adopted a negative declaration under SEQRA, determining that the proposed adoption of the Local Law will not have a significant adverse effect on the environment and that a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, on October 12, 2021, the Town Board determined that the proposed Local Law is consistent with the Town’s Local Waterfront Revitalization Plan; and

WHEREAS, the Town Board of the Town of Red Hook, after due deliberation, finds it in the best interests of the Town to adopt said local law, in the form attached hereto.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Red Hook as follows:

1. The Town Board hereby adopts said Local Law D (Proposed) of 2021, now referred to as Local Law No. 4 of 2021, entitled “**Local Law No. D (Proposed) of 2021; A Local Law**

Regarding Micro Hydropower Facilities” in the form attached hereto and made a part of this resolution; and

2. The Town Clerk hereby is directed to enter said local law in the minutes of this meeting and in the Town Code of the Town of Red Hook, to give due notice of the adoption of said local law to the Secretary of State of New York, and to take all other actions as may be required by law.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

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. 4 of 2021

A local law regarding micro hydropower facilities.

Be it enacted by the Town Board of the Town of Red Hook as follows:

SECTION 1. LEGISLATIVE INTENT

This Local Law is intended to provide for the installation of micro hydropower facilities in order to further the goals of the Town’s Climate Action Plan. Specifically, the Local Law: amends the Town of Red Hook Zoning Law to allow micro hydropower facilities in the Waterfront Conservation (WC) District subject to issuance of a special permit and site plan approval; and amends Chapter 100 of the Town Code entitled “Power Plan Site Studies” to exempt micro hydropower facilities from the definition of a “power plant” and from the requirements of Chapter 100.” The amendments are designed to protect the health, safety, and welfare of Town residents and to bring the Town's Zoning Law into conformance with “Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities” pursuant to Chapter 17 of the Town Code. The proposed amendments are consistent with the recommendations of the Town's Comprehensive Plan.

SECTION 2. APPLICATION

This Local Law shall apply within the WC District in the Town of Red Hook.

SECTION 3. 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 4. AMENDMENTS TO CHAPTER 100 OF THE TOWN CODE

§ 4.1. The definition of “Power Plant” in § 100-3 is hereby amended by inserting a new sentence at the end of the definition to read as follows:

A micro hydropower facility as defined in Section 143-4 of the Town Code shall not be considered to be a “power plant.”

SECTION 5. AMENDMENTS TO ARTICLE I OF THE ZONING LAW ENTITLED “GENERAL PROVISIONS”

§ 5.1. Section 143-4 is hereby amended by the addition of the following new definition of “Bypass Generation:”

BYPASS GENERATION — A type of micro hydropower facility in which a portion of the flow of the stream is diverted into a generator that is located alongside the original reach of the stream, and then the water is returned to the stream downstream of the dam.

§ 5.2. Section 143-4 is hereby amended by the addition of the following new definition of “Micro Hydropower Equipment Shelter:”

MICRO HYDROPOWER EQUIPMENT SHELTER — An enclosed structure within which is housed the turbine, generator unit, and related equipment for a bypass generation micro hydropower facility.

§ 5.3. Section 143-4 is hereby amended by the addition of the following new definition of “Flashboard:”

FLASHBOARD — A panel or structure of panels attached to the top of a spillway of a dam to increase its reservoir capacity. Flashboards are either manually removed or are designed to fail after being overtopped so that flood waters can pass over the dam spillway.

§ 5.4. Section 143-4 is hereby amended by the addition of the following new definition of “Micro Hydropower Facility:”

MICRO HYDROPOWER FACILITY — A water energy conversion system with a rated capacity to generate not more than 100 kilowatts (kW) of electric power, consisting of a turbine, generator, associated control or conversion electronics, electrical infrastructure, and water conveyance structures (a channel and/or penstock). The purpose of a micro hydropower facility is to provide electrical power to be consumed on site or to provide power to be shared with other power customers.

A micro hydropower facility shall be designed to work with the natural flow of the stream (“run-of-river”) either by placing a generator in the existing stream or spillway of the stream (“in-stream generation”) or by diverting a portion of the flow of the stream into a generator alongside the original reach of the stream and then returning the water to the stream downstream of the dam, referred to as “bypass generation.” A micro hydropower facility does not include a facility that artificially impounds water, with the exception of the use of flashboards as provided in § 143-107.1H.

§ 5.5. Section 143-4 is hereby amended by the addition of the following new definition of “Run-of-River:”

RUN-OF-RIVER — Run-of-river is an operational mode of a micro hydropower facility in which power is generated by the elevation drop in free-flowing water without mechanical manipulation to increase the height of the dam or the reservoir size, except the use of flashboards as provided in § 143-107.1H.

SECTION 6. AMENDMENTS TO ARTICLE III OF THE ZONING LAW ENTITLED “USE REGULATIONS”

§ 6.1. Section 143-11A of the Code is hereby amended by replacing the District Schedule of Use Regulations, attached to the existing Code as 143 Attachment 1 with an amended and restated “143 Attachment 1, District Schedule of Use Regulations,” annexed hereto as Attachment A.

SECTION 7. AMENDMENTS TO ARTICLE VI OF THE ZONING LAW ENTITLED “SPECIAL PERMIT USES”

§ 7.1. Article VI is hereby amended by the addition of the following new § 143-107.1:

§ 143-107.1. Micro Hydropower Facility.

Micro hydropower facilities shall be allowed by special permit in the Waterfront Conservation (WC) District, provided that:

- A. A micro hydropower facility may be either a principal use or an accessory use. The special permit shall specify whether the use is principal or accessory.
- B. A micro hydropower facility shall not count toward the number of principal or accessory uses permitted on the property.
- C. A micro hydropower facility shall demonstrate compliance with the requirements set forth in § 143-30 of this chapter, but without the need for a separate special permit.
- D. A micro hydropower facility shall demonstrate compliance with the requirements set forth in § 143-111 of this chapter, but without the need for a separate special permit, provided that micro hydropower facilities shall be exempt from the requirements of § 77-18A(2).
- E. A micro hydropower facility shall be exempt from the requirements set forth in § 143-47D(1).
- F. A micro hydropower facility located in the HL-O District shall demonstrate compliance with the requirements set forth in §§ 143-45 and 143-46.
- G. A micro hydropower facility and the associated micro hydropower equipment shelter shall be exempt from the extraordinary front yard setback requirement set forth in § 143-48B(1), and shall comply with the regular setback standards to the extent practicable.
- H. A micro hydropower facility shall only be permitted to operate as run-of-river; no change in impoundment size or of the river flow post-bypass shall be permitted, with the exception of changes resulting from the use of flashboards as expressly permitted by the New York State Department of Environmental Conservation, pursuant to the Environmental Conservation Law and the regulations thereunder.
- I. Turbines, generators, and other equipment that emit noise from a bypass generation micro hydropower facility shall be housed in a micro hydropower equipment shelter or shall be housed in sound insulated materials to mitigate impacts of noise. Such equipment shall comply with the applicable limits provided in Chapter 92 except to the extent that ambient noise levels are determined to exceed such limits and in such case the noise taking into account the turbines, generators, and other equipment associated with a micro hydropower facility shall not exceed ambient noise levels by more than 5 dBA.
- J. Any equipment shelters and unenclosed equipment, machinery, and utility infrastructure associated with a micro hydropower facility shall be provided with a fence, screen, and/or landscaping, where deemed necessary by the Planning Board, sufficient to protect public safety and to screen such equipment from view year-round from existing residences, adjoining properties, and public rights-of-way. The retention and enhancement of existing vegetation, the introduction of substantial new vegetation, and the introduction of earthen beaming shall be considered the preferred means to satisfy these screening requirements. Any required fences, screens, and landscaping installed in accordance with this section shall, as a condition of the special permit, be maintained in good order to achieve the objectives stated herein

throughout the duration of the use. The Planning Board shall determine the types of plant materials and depth of the needed buffer based on site conditions.

- K. Adequate access for service vehicles shall be provided. Existing roads, driveways, or trails are the preferred method of providing access. Road construction, where required, shall minimize ground disturbance and cutting of vegetation to the maximum extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce the potential for soil erosion.
- L. A micro hydropower facility shall provide for the safe, timely, and effective upstream and downstream passage of migratory fish to the extent determined by the Planning Board consistent with Federal and State laws in order to allow for the continuation of healthy and sustainable fish and other wildlife resources in areas affected by the facility.
- M. All power transmission lines shall, to the extent practicable, be located underground in accordance with National Electrical Code standards.
- N. Each special permit application submitted for the establishment of a micro hydropower facility shall include identification of any necessary federal, state, or county permits, copies of all such permit applications, and copies of all related correspondence between the applicant and the permitting agency or agencies. A micro hydropower facility shall obtain all necessary permits from such agencies as a condition of special permit approval.

SECTION 8. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.

Symbol:

- P = Permitted use in specified district**
- SP = Special use permit required for use in specified district**
- X = Prohibited use in specified district**
- * = Site plan required**

Structure/Land Use	Zoning District											Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
RESIDENTIAL PRINCIPAL USES												
Single-family dwelling (existing)	P	P	P	P	P	P	P	P	P	P	P	
Single-family dwelling (new construction or adaptive reuse)	SP*	P	P	P	P	P	P	SP*	X	X	X	§ 143-53
Two-family dwelling (new construction)	X	X	X	X	X	SP	SP	P	X	X	X	§ 143-54
Two-family dwelling (conversion)	X	SP	SP	SP	X	X	SP	SP	X	X	X	§ 143-55
Multifamily dwelling (new construction)	X	X	X	X	SP*	SP*	X	X	SP*	SP*	X	§§ 143-56 and 143-57
Multifamily dwelling (conversion or adaptive reuse)	X	SP*	SP*	SP*	SP*	SP*	X	SP*	SP*	SP*	X	§§ 143-58 and 143-59
Row or attached dwelling	X	X	X	X	X	SP*	SP*	X	X	X	X	

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Mobile home on individual lot	X	X	X	X	X	X	X	X	X	X	X	
Mobile home park	X	X	X	X	X	SP*	X	X	X	SP*	X	§ 143-60
Boarding- or rooming house	X	X	X	X	X	X	SP	SP	SP	SP	X	§ 143-61
Community residence	X	P	P	P	P	P	P	P	X	X	X	
Elderly or senior citizen housing complex	X	X	X	X	SP*	SP*	X	X	X	SP*	X	§ 143-62
Enriched housing for the elderly	X	X	SP	SP	SP	SP	X	X	X	X	X	§ 143-63
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	§ 143-37
Medium solar energy system	P* ¹	P*	P*	P*	P*	P*	P* ¹	P*	P* ¹	P* ¹	P*	§ 143-37
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	P	§ 143-37
RESIDENTIAL ACCESSORY USES												
Accessory apartment within single-family dwelling structure (new construction or conversion)	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	§§ 143-64 and 143-65
Accessory apartment within separate structure (adaptive reuse)	X	SP	SP	SP	X	X	X	SP	X	X	X	§§ 143-66
Agriculture	P	P	P	P	P	P	P	P	P	P	P	
Bed-and-breakfast establishment	X	SP	SP	SP	X	X	SP	SP	SP	SP	X	§ 143-67
Cottage on residential premises	X	SP	SP	SP	SP	SP	SP	X	X	X	X	§ 143-68
Home occupation Class 1, occurring within dwelling unit	X	P	P	P	P	P	P	P	P	P	P	
Home occupation Class 2, occurring within customary accessory building on residential premises	X	SP	SP	SP	X	X	SP	X	SP	SP	SP	§ 143-69
Micro Hydropower Facility	SP*	X	X	X	X	X	X	X	X	X	X	§ 143-107.1
Private airstrip or heliport	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-70
Roadside stand	P	P	P	P	P	P	P	P	P	P	P	
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	§ 143-37
Medium solar energy system	P* ¹	P*	P*	P*	P*	P*	P* ¹	P*	P* ¹	P* ¹	P*	§ 143-37
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	P	§ 143-37

	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											
Structure/Land Use	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	Special Permit Reference
Customary accessory use or structure incidental to the permitted or special permit use and located on the same lot, as defined in § 143-4 of this chapter	X	P	P	P	P	P	P	P	P	P	P	
NONRESIDENTIAL PRINCIPAL USES (in addition to permissible home occupations and farm industries)												
Agricultural, Conservation and Open Space Uses												
Agriculture	P	P	P	P	P	P	P	P	P	P	P	
Conservation use; nature and wildlife preserves, including environmental field station	P	P	P	P	P	P	P	P	P	P	P	
Farm	P	P	P	P	P	P	P	P	P	P	P	
Golf course and country club	X	X	P*	P*	P*	X	X	X	X	X	X	
Fishing club	SP*	SP*	SP*	SP*	X	X	X	X	X	X	X	§ 143-71
Hunting club	X	SP*	SP*	SP*	X	X	X	X	X	X	X	§ 143-71.1
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
Outdoor recreation facility, including uses such as skiing, skating, picnicking, and outdoor camping	SP*	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	X	§ 143-72
Public park and/or trail system	SP*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Timber operation	P	P	P	P	P	P	P	P	P	P	P	
Community Services and Facilities; Institutional Uses												
Alternate-care facility	X	X	X	X	X	X	X	SP*	X	X	X	§ 143-74
Congregate-care facility	X	X	X	X	SP*	SP*	X	X	X	X	X	§ 143-75
Cemetery, including mausoleum	X	X	SP*	SP*	X	X	SP*	SP*	X	X	X	§ 143-76
Child day-care center	X	X	X	SP*	SP*	SP*	X	SP*	SP*	SP*	X	§ 143-77
Church or other place of religious worship, including meeting hall, parish house and similar facilities	X	X	SP*	SP*	SP*	SP*	SP*	SP*	P*	P*	X	§ 143-78
Cultural facility (e.g., library, art gallery or museum)	X	SP*	X	X	X	X	SP*	SP*	SP*	P*	X	§ 143-79
Day camp	X	SP*	SP*	SP*	X	X	X	SP*	X	X	X	§ 143-80

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Educational campus	X	X	X	X	X	X	X	SP*	X	X	X	§ 143-81
Educational institution, including school for elementary, secondary education or higher education	X	X	X	SP*	X	X	X	SP*	X	X	X	§ 143-82
Family day-care or group family day-care facility ³	X	P*	P*	P*	P*	P*	P*	P*	X	X	X	
Fire station	X	X	X	P*	X	X	P*	X	X	P*	P*	
Government office and/or meeting hall	X	X	X	X	X	X	P*	X	P*	P*	P*	
Hospital	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-83
Membership club	X	X	X	X	X	X	X	P*	X	P*	P*	
Nursery school or day nursery	X	X	X	SP*	SP*	SP*	X	SP*	SP*	SP*	SP*	§ 143-77
Nursing home	X	X	X	X	X	SP*	X	SP*	X	X	X	§ 143-84
Post office	X	X	X	X	X	X	P*	P*	P*	P*	X	
Public transportation terminal	X	X	X	X	X	X	SP*	SP*	X	SP*	SP*	§ 143-85
Business and Service Uses (in addition to permissible home occupations, farm industries and generally accepted agricultural and farm management practices)												
Airport facility	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-86
Bakery	X	X	X	X	X	X	X	X	P*	P*	X	
Bank	X	X	X	X	X	X	X	X	X	P*	X	
Bar, tavern or nightclub	X	X	X	X	X	X	X	X	X	P*	X	
Building material supply and sales; lumberyard	X	X	X	X	X	X	X	X	X	X	P*	
Business and/or professional office or establishment;	X	X	X	X	X	X	X	X	P*	P*	P*	
Commercial boarding and/or breeding kennel; animal hospital (unenclosed)	X	X	SP*	SP*	X	X	X	X	X	X	SP*	§ 143-87
Commercial nursery	X	X	X	X	X	X	X	X	X	P*	P*	
Commercial amusement and recreation facility, including health club	X	X	X	X	X	X	X	X	X	P*	P*	
Conference center, including accessory dining and lodging facilities	X	SP*	X	X	X	X	X	SP*	X	X	X	§ 143-88

Structure/Land Use	Zoning District											Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Convenience store	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-89
Drive-in, drive-thru, or drive-in window	X	X	X	X	X	X	X	X	X	X	X	
Farmers' market	X	X	X	X	X	X	X	X	SP*	SP*	SP*	§ 143-90
Food or grocery store	X	X	X	X	X	X	X	X	P*	P*	X	
Food truck	X	X	X	X	X	X	X	P	P ⁴	P	P	Chapter 79 ⁵
Formula business	X	X	X	X	X	X	X	X	X	X	X	
Funeral home	X	X	X	X	X	X	X	X	X	P*	X	
Gasoline station; automobile service facility	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-91
Health Spa	X	X	X	X	X	X	X	X	SP*	P*	X	
Lodging	X	SP*	X	X	X	X	X	SP*	SP*	SP*	X	§ 143-92
Medical or dental clinic	X	X	X	X	X	X	X	X	X	P*	P*	
Office building	X	X	X	X	X	X	X	X	X	P*	P*	
Office park	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-94
Personal service use or establishment	X	X	X	X	X	X	X	X	P*	P*	X	
Recreational vehicle park	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-95
Restaurant	X	X	X	SP*	X	X	X	X	P*	P*	X	§ 143-96
Retail business; store or specialty shop	X	X	X	X	X	X	X	X	P*	P*	X	
Riding academy; boarding stable	X	X	SP*	SP*	X	X	X	X	X	X	X	§ 143-98
School conducted for profit, including vocational training and specialized nonacademic instruction	X	X	X	X	X	X	X	X	X	P*	P*	
Self-service laundry or laundromat	X	X	X	X	X	X	X	X	X	P*	P*	
Service business shop or office	X	X	X	X	X	X	X	X	X	P*	P*	
Shopping center	X	X	X	X	X	X	X	X	X	SP*	X	§ 143-99
Theater, movie (indoor)	X	X	X	X	X	X	X	X	X	P*	X	
Theater for performing arts	X	X	X	X	X	X	X	SP*	SP*	X	X	§ 143-100
Veterinarian's office; animal hospital (fully enclosed)	X	X	P*	P*	X	X	X	X	X	P*	P*	

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference	
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2		
Commercial and Light Industrial Uses (in addition to permissible home occupations, farm industries and generally accepted agricultural and farm management practices)													
Automobile body shop	X	X	X	X	X	X	X	X	X	X	X	P*	
Automobile rental and/or sales establishment	X	X	X	X	X	X	X	X	X	X	P*	P*	
Bulk fuel storage and distribution	X	X	X	X	X	X	X	X	X	X	X	X	
Car wash	X	X	X	X	X	X	X	X	X	X	P*	P*	
Cold storage facilities	X	X	X	X	X	X	X	X	X	X	X	P*	
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	X	
Commercial communications receiving and/or transmitting facility	X	X	X	SP*	X	X	X	X	X	X	X	X	§ 143-103
Contractor's yard or establishment	X	X	X	X	X	X	X	X	X	X	X	P*	
Dry-cleaning plant	X	X	X	X	X	X	X	X	X	X	X	X	
Equipment rental and/or sales, small household-related	X	X	X	X	X	X	X	X	X	P*	P*	P*	
Equipment rental and/or sales, heavy	X	X	X	X	X	X	X	X	X	X	X	P*	
Extractive operations, including soil mining	X	X	X	SP	X	X	X	X	X	X	X	X	§ 143-104
Junkyard; motor vehicle junkyard	X	X	X	X	X	X	X	X	X	X	X	X	
Landfill, construction and/or demolition	X	X	X	X	X	X	X	X	X	X	X	X	
Landfill, sanitary	X	X	X	X	X	X	X	X	X	X	X	X	
Light industrial park	X	X	X	X	X	X	X	X	X	X	X	SP*	§ 143-105
Light manufacturing or processing and associated office, warehousing and storage facility	X	X	X	X	X	X	X	X	X	X	X	P*	
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	SP*	§ 143-37
Medium solar energy system	P*1	P*	P*	P*	P*	P*	P*1	P*	P*1	P*1	P*	P*	§ 143-37

Structure/Land Use	Zoning District											Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	P	§ 143-37
Micro Hydropower Facility	SP*	X	X	X	X	X	X	X	X	X	X	§ 143-107.1
Public or franchise utility station	X	X	X	P*	X	X	X	P*	X	P*	P*	
Public or franchise utility garage and/or storage yard, including recycling center and/or transfer station	X	X	X	X	X	X	X	X	X	X	P*	
Repair and/or machine shop	X	X	X	X	X	X	X	X	X	X	P*	
Research laboratory and related facilities	X	X	X	X	X	X	X	X	X	X	P*	
Sawmill and related facilities	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-106
Warehousing independent of production facilities	X	X	X	X	X	X	X	X	X	X	P*	
Wholesale business or sales	X	X	X	X	X	X	X	X	X	X	P*	
Waterfront Uses												
Marinas, boat clubs, docks and boat ramps	SP*	SP*	X	X	X	X	SP*	SP*	X	X	X	§ 143-107
NONRESIDENTIAL ACCESSORY USES												
Single-family dwelling unit related to a principal institutional or business use and located on the same premises	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	§ 143-108
Composting facility accessory to farm	X	P	P	P	P	P	P	P	P	P	P	
Farm industry	X	P	P	P	P	P	X	P	P	P	P	
Farm market 1	X	P*	P*	P*	P*	P*	X	X	P*	P*	P*	
Farm market 2	X	SP*	SP*	SP*	SP*	X	X	X	P*	SP*	SP*	§ 143-109
Housing for farm principals and employees 1	X	P	P	P	P	X	X	P	X	X	X	
Housing for farm principals and employees 2	X	SP	SP	SP	SP	X	X	SP	X	X	X	§ 143-110
Micro Hydropower Facility	SP*	X	X	X	X	X	X	X	X	X	X	§ 143-107.1
Private airstrip or heliport	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-70
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	§ 143-37

Structure/Land Use	Zoning District											Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Medium solar energy system	P* ¹	P*	P*	P*	P*	P*	P* ¹	P*	P* ¹	P* ¹	P*	§ 143-37
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	P	§ 143-37
Customary accessory use or structure incidental to the permitted or special permit use and located on the same lot, as defined in § 143-4 of this chapter	X	P	P	P	P	P	P	P	P	P	P	
TEMPORARY USES												
Carnival, fair, circus, flea market or similar event (off-premises)	X	X	X	X	X	X	X	P	X	P	X	
Carnival, fair, circus, flea market or similar event (on-premises)	X	P	P	P	P	P	P	P	X	P	P	
Private garage or yard sale	X	P	P	P	P	P	P	P	P	P	P	
Temporary building for construction or development purposes	X	P	P	P	P	P	P	P	P	P	P	

Notes:

¹ Ground-mounted Solar Energy Systems Prohibited.

² See § 143-49.3 for design standards for development within the HB District.

³ Except that within a single family or two family residence or apartment that is permitted in the zoning district or lawfully existing as a nonconforming use, a family day care or group family day care, as defined in Section 390 of the Social Services Law, is permitted as an accessory use where licensed, operated and maintained in accordance with applicable laws and regulations including Section 390 of the Social Services Law of the State of New York and in conformance with applicable building codes.

⁴ Daily permit only.

⁵ See § 79-7 for exceptions.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O’Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Kane, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 63 of 2021
DATED OCTOBER 12, 2021**

**AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED
HOOK OF LOCAL LAW NO. D (PROPOSED) OF 2021
REGARDING MICRO HYDROPOWER FACILITIES**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember William O’Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Resolution Authorizing the Renewal of the Agreement for Professional Services (Water Service Operator – Water District No. 1)
Supervisor McKeon explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 64
DATED OCTOBER 12, 2021**

**AUTHORIZING THE RENEWAL OF THE
AGREEMENT FOR PROFESSIONAL SERVICES
(WATER SYSTEM OPERATOR—WATER DISTRICT NO. 1)
BETWEEN THE TOWN OF RED HOOK AND
C3ND ENVIRONMENTAL CONSULTING, LLC**

WHEREAS, an Agreement for Professional Services (Water System Operator-Water District No. 1) (“Agreement”) dated January 1, 2020 was entered into between the Town of Red Hook and VRI Environmental Services, Inc. for a term of one year with an option for up to three additional one-year renewal terms; and

WHEREAS, with the consent of the Town pursuant to Resolution No. 31 adopted May 11, 2021, the Agreement was assigned by VRI Environmental Services, Inc. to C3ND Environmental Consulting, LLC (“Operator”); and

WHEREAS, the Water Board has recommended that the Town exercise its option to renew the Agreement with Operator for a second one-year renewal period from January 1, 2022 to December 31, 2022; and

WHEREAS, such renewal of the Agreement is hereby determined to be in the best interests of the Town and Water District No. 1;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Red Hook, as follows:

1. Supervisor Robert McKeon, or in his absence, the Deputy Supervisor, is hereby authorized and directed to give notice of election to renew the Agreement with Operator for a one-year period from January 1, 2022 to December 31, 2022.
2. This resolution shall take effect immediately.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O'Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Hamel, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 64
DATED OCTOBER 12, 2021**

**AUTHORIZING THE RENEWAL OF THE
AGREEMENT FOR PROFESSIONAL SERVICES
(WATER SYSTEM OPERATOR—WATER DISTRICT NO. 1)
BETWEEN THE TOWN OF RED HOOK AND
C3ND ENVIRONMENTAL CONSULTING, LLC**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember William O'Neill	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Reorganization-

Supervisor McKeon addressed the need to populate some of the Town's Committees and Boards as there are openings.

Amy Linker sent a Letter of Interest for joining the Ethics Board.
More information will be available on the Town's Website as a News Alert.

Resolution Establishing a Date for a Public Hearing Regarding the 2022 Community Development Block Grant Application

- 9:20 pm: Brandee Nelson explained the parking and plowing situation at Rec Park West.
- Councilmember Kane asked Nelson if crossing signage or lighting could be included. Nelson confirmed that was being discussed.
- 10:00pm: Supervisor McKeon explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 65
DATED OCTOBER 12, 2021**

**ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING
THE 2022 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the Town is considering submission of a 2022 Community Development Block Grant application; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Red Hook (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

1. The Town Clerk is hereby authorized and directed to publish a notice of public hearing regarding the proposed application for a 2022 Community Development Block Grant in the Poughkeepsie Journal, the official newspapers of said Town, on or before October 22, 2021, which is not less than five days prior to the date of said public hearing.
2. The Town Board of the Town of Red Hook shall hold a public hearing on November 9, 2021, at 7:35 p.m. at the Town Hall, 7340 South Broadway, Red Hook, New York, to hear all interested parties on said Community Development Block Grant Application.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O'Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Kane, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 65
DATED OCTOBER 12, 2021**

**ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING
THE 2022 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilman Bill Hamel	VOTING <u>Aye</u>
Councilwoman Christine Kane	VOTING <u>Aye</u>
Councilman William O’Neill	VOTING <u>Aye</u>
Councilman Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Resolution Authorizing a First Amendment to Tower Sublease Agreement Between the Town and T-Mobile Northeast LLC

Attorney Chris Chale explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 66
DATED OCTOBER 12, 2021**

**AUTHORIZING A FIRST AMENDMENT TO TOWER SUBLEASE AGREEMENT
BETWEEN THE TOWN AND T-MOBILE NORTHEAST LLC**

WHEREAS, the Town of Red Hook, New York (“Town”) and Independent Wireless one Leased Realty Corporation entered into a Tower Sublease Agreement dated as of December 6, 2001 (“Agreement”), whereby the Town leased certain Premises, therein described, that are a portion of the property located at Twin Towers Drive, Red Hook, New York 12571; and

WHEREAS, there has been presented to this Board a form of First Amendment to Tower Sublease Agreement (“First Amendment”) between the Town and T-Mobile Northeast LLC, successor in interest to Independent Wireless one Leased Realty Corporation (“Lessee”); and

WHEREAS, the proposed action constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment; and

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Red Hook (by the favorable vote of not less than a majority of all of the members of the Board) that the Supervisor is hereby authorized and directed to execute the First Amendment and such other documents necessary in connection with such amendment, subject to the further conditions set forth herein. Such amendment shall be in substantially the form on file with the Clerk, with such insubstantial changes as may be approved by the Supervisor.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on October 12, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember William O’Neill	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember O’Neill, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 66
DATED OCTOBER 12, 2021**

**AUTHORIZING A FIRST AMENDMENT TO TOWER SUBLEASE AGREEMENT
BETWEEN THE TOWN AND T-MOBILE NORTHEAST LLC**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilman Bill Hamel	VOTING <u>Aye</u>
Councilwoman Christine Kane	VOTING <u>Aye</u>
Councilman William O’Neill	VOTING <u>Aye</u>
Councilman Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

PUBLIC COMMENT-

- Highway Superintendent Theresa Burke expressed the need for the reinstatement of a former full-time employee, a replacement for the 20-year-old plow truck and a 20-year-old Backhoe.
 - Burke added the Town has sufficient funding and the manpower and equipment are essential.
- The Red Hook Recreation Commission is planning phase two of the Skate Park Project and is requesting the Town to consider adding equipment to the Skate Park.

On a motion of Supervisor McKeon seconded Councilmember Kane moved to adjourn the meeting.

Adopted	Ayes	5	McKeon, Hamel, Kane, O’Neill, Testa
	Nays	0	

Respectfully submitted,

Deanna Cochran, Town Clerk