

**PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
January 28th, 2021**

The Philipstown Planning Board held a special meeting on Thursday, January 28, 2021 via Zoom.

Present: Neal Zuckerman- Chairman
 Kim Conner
 Dennis Gagnon
 Peter Lewis
 Laura O'Connell
 Neal Tomann
 Heidi Wendel
 Ronald J. Gainer, PE, Town Engineer
 Stephen Gaba, Counsel

Absent:

Chairman Zuckerman opened the meeting at 7:30pm, Laura O'Connell, lead the Pledge of Allegiance.

Roll call was taken by Mrs. MacIntyre.

Garrison Golf Club PDD/Hudson Valley Shakespeare Festival, 2015 US Route 9 Garrison, NY TM# 60.-1-5-.2 &59.3

Chairman Zuckerman opened the meeting and stated that the purpose of this special meeting was to have a discussion among the board in a public setting to discuss observations and emerging questions that arose from the recent site walk of the Garrison Golf Course. There was a substantial crowd, socially distanced with masks and a frigid temperature, but the volume of people that came demonstrates the interest, passion and the awareness of this project and so the purpose is for the board to talk about their viewpoints. After all board members have spoken, he'll ask Ron Gainer and Steve Gaba if they want to add any additional commentary and then he will turn it over to the applicant to share some comments if they'd like. He continued that this is an early conversation after a site visit. They're not done, there's is not an attempt for the applicant to answer all questions tonight. He stated that they will try and stay to a two-hour time limit. He continued that this is not a public hearing. They will have a public hearing during the process as we go. However, members of the public are encouraged if you'd like to submit questions via the chat option.

Dennis Gagnon stated that he had a couple of questions pertaining to part 1 of the full EAF, item D2C on page five of thirteen referencing water usage. He's curious what the present usage is, and what would be the anticipated usage under normal conditions for the golf course with the restaurant and the other items associated with that daily usage. That same question goes to item D2D on liquid waste, again looking to see what the usage is now and proposed. Mr. Gagnon also stated he has a concern as it stands from our walkthrough with the relocation of the tent theater. He would like to know if the wind has been taken into consideration at the new location for the tent's design.

Chairman Zuckerman stated that the board members are more than welcome to share observations as they go through this conversation.

Heidi Wendel stated that she's interested in all the traffic issues, including the possibility that they could get a traffic light at the intersection with Route 9 and Snake Hill Road, but she feels that others are going to cover those topics who perhaps have a little bit more background on those issues. Ms. Wendel stated

that she wanted to ask questions about which trees are coming down on the property. She was really struck at the site visit that there's some very majestic trees, and particularly wondered how the widening of the road coming in at Snake Hill Road, the expansion of the road from 10 feet to 20 feet to make it a two-lane road, is going to affect those lovely trees that are currently along that road. She would like to know what is the plan for removing any of the trees, if there was any sketching out of that of those plans. She added that they did see the way the road is going to be restructured through the property, but wasn't sure exactly how that's going to affect the clusters of trees that are there and also what's going to happen with the road coming off of Route 9 that's going to go through the little woodland section, how wide that road's going to be, whether that's going to impact that natural area that's not too far from Route 9 just after as you come in off the on the new road and continuing toward the tent section of the property. What will happen to the trees in that area and the rest of that area of the property?

Ms. Wendel seconds Dennis's question about the water use. There were a lot of questions at the site visit about impacts on the aquifer under the property, whether that's been studied. She is curious also what the water quality is now on the property with whether there's been pesticides used on the golf course. It's her understanding that often golf courses have to maintain the surfaces with either fertilizer or pesticides, and whether or not that's been studied, whether there's already some contamination of the water there and if that's going to be undertaken to make sure that whatever's already there that might have caused some damage already is going to be cleaned up.

She continued if there have been such impacts and that would include to the wetlands on the property, which she's sure that the Conservation Board will look out for but wanted to put in a word that we should definitely try during this process of considering new construction to clean up whatever's been left behind by the old use. She stated that she lauds the plans for the native plant garden and hopes that could be an early part of the project so that there's some immediate environmental pluses to this project from the get-go with respect to the native plant garden.

Ms. Wendel stated that she's concerned about the cottages, about how much of the year those cottages would be occupied and of course it's fabulous that there would be artists on the site but just making sure that we consider all the environmental impacts of that as opposed to a golf course where there presumably were not a lot of residents on the property. She continued that it's really important and Dennis had touched on that with the water use and the septic use and obviously traffic is another major issue because there obviously will be a lot more car traffic on the property, so as a result she feels we really need a lot more trees to absorb the carbon. She wonders if anyone's done an analysis of the increase of carbon that will result from the new site uses, particularly the traffic and whether or not there's a way of compensating for that carbon by either some soil practices or tree planting that would ensure that the site could be carbon neutral in the end, and making sure also that the construction doesn't happen during the season when the peeper frogs are going to be particularly active in the wetlands. She's noticed that there isn't necessarily always consciousness about that and thinks they should avoid construction in this area between the season of mid-March through the end of April or whatever time the peeper frogs are most active here, which is one of the most phenomenal aspects of living here and such a spectacular aspect of this section of the Hudson Valley that we have such a vibrant peeper frog population and wetland population with salamanders and make sure that the road crossing issues are considered with respect to Snake Hill Road. Perhaps signs could be put up to ensure that to whatever extent the amphibians are crossing Snake Hill Road or Route 9 at that area, that the cars would stop. If there's performances during those time periods that people watch out for the amphibians crossing the roads and take those considerations into account.

Kim Conner stated that she's going to talk about the EAF first because some of the things that have to do with the EAF may be things we talk about related to the site walk.

- On the EAF in section D1F, page 4 of 13 the question is “does the project include new residential uses”? It says that only 2 new one family units will be constructed at completion, and Ms. Conner would like to know why it says that when we have 15 or so cottages. She would like to know what the definition of new residential use is.
- Section G says total number of structures plus or minus 31 that are new for this project. She would like to have outlined exactly what those 31 new structures are, in a table format because it would be really useful instead of hunting through all the different pages and looking at all the documents. To have something saying something like “this is what the water usage is going to be and this is what the water usage was in the PDD and what it is now”. If the Board could have numbers in a table so they could compare them easily that would be helpful.
- In D2C, water is going to be produced through wells. She would like to know how many wells and where they’re going to be specifically.
- D2E says it’s all going to be septic systems, she would like to whether or not there’s been a consideration for some sort of sewage treatment plant similar to what they’re proposing at Hudson Highlands Reserve. Further, if there won’t be, then why is it preferable to have septic systems as opposed to some sort of small sewage treatment plant.
- D2P says there’s going to be 471 parking spaces, of which 173 are existing. She’d like to know where those are going to be and have numbers on a plan that says where they are.
- D2P says the existing buildings use heating oil, and talks about how much heating oil they used in 2017. Ms. Conner would like to know how the new structures are going to be heated or cooled and what the expectation is for energy usage for those so, for example, the cottages presumably are either going to be electric or they’re not or they’re going to use heating oil or they’re going to use propane but all we have is numbers that relate to the existing building’s use of heating oil.
- E2C in the same document lists the various buildings that are either qualified to be on the national register or are part of SHPO, and one of the buildings that’s referenced is called Brookmeade, Ms. Conner would like to know what that building is.
- As far as the EAF part two goes on page three, part five it mentions in “impact on flooding” it says it may result in development in the 100-year floodplain. The box is marked “no”, but earlier in the document there was a box that said “yes” for property being within the 100-year floodplain. She would like to know where the 100-year floodplain is and why there won’t be any development within it, given the prior answer.
- Then on page 8 of 10 number 13A, “impact on transportation”, A says there won’t be any impact on transportation, but at the same time there’s a question that says the projected traffic increase may exceed capacity of existing road network. So, is it “Yes” or “no”? She would like John Canning to answer what the threshold is for the capacity of the existing road network, because it seems that based on other projects the Board has looked at, that number is infinity.
- 14D, “impact on energy” says that it’s not going to exceed some threshold which is like 2.0 megawatts or something like that, and it mentions that the existing project was under 100,000 square feet. She’d like to know what the total square footage for the entire site, for every building on this site that will be at the completion of this project.
- Appendix C, which is the SEQRA comparison, on page 2 of 27 it says that for the 2005 project 36,672 gallons a day would be used and that there was also on-site water storage, but the side of the page that references the current project doesn’t say anything about water. Also on page 10 of 27 it said that the expectation for 2005 was that water usage would be 12,672 and in the current document it’s almost three times that much. She wants to know what these numbers are and some comparisons, again in a table format. On page 6 of 27 they estimated that there would be 80 banquets a year for the PDD as of 2005. Ms. Conner would like to know how many banquets there

were in 2019 and 2018 just for comparison, so she has an idea of how many banquets there might be.

- Page 19 of 27 mentions having an existing spa and this is in the 2005 PDD, having a spa and business offices in the main building. Will the spa continue to exist and serve clients and if the business offices will remain, and how that's going to account for employees because one of the things we've talked about is how many people are going to be on the site at any given time so restaurant employees, Shakespeare employees, golf course employees, visitors to the site and she wants to make sure that the spa operations and the business offices and every other auxiliary activity is included so that we know how many people are expected to be on the site.
- On page 25 it talks about tax revenue to the county and the town, and what will result from the new expanded restaurant operation. She's wondering if that means that they're expecting because Shakespeare is on site there will be more people going to the restaurant, or if there's some other thing that is expected to expand the restaurant operation.

Ms. Conner continued that as far as the site walk goes, she would like to know more about the cottages. She feels it isn't really a light footprint because it's going to be summer use. To start with, there's going to be a lot of air conditioning and it just seems like if they really want to have a light footprint and be environmentally sensible then they might want to make a four-apartment building or a small hotel building there or something that is just going to be more energy efficient. There are a bunch of questions in the list that we previously gave to Ron Gainer, like how the cottages differ from being a mobile home park for example, which can only exist in a mobile home overlay. What's going to prevent them from becoming year-round housing and, actually, why wouldn't the applicant want to just plan for year-round housing if they could use it as hotel space or if the black box theater is going to have performers that might want to be on site while that's happening.

She stated that it's not really clear as far as The Garrison's existing hotel plan where those things are and how many guests there are going to be. She stated that she's chiefly interested in the numbers of people that are going to be on site at various times of the day all year round, because in her opinion that's the biggest impact, the septic and the cars and just the overall traffic. Ms. Conner asked that the applicant explain the existing water demands for the existing development on the property, to outline the daily water demands for the proposed uses, make sure that we think the sanitary system is adequate and sensible and the sewage disposal piping runs aren't too long and there isn't too much piping from too many buildings going all over the place. She'd like to know what the maximum required capacity is for everything operating all at once. She'd like to see a dedicated turning lane going north and a lane developed going south on Rout 9, and she thinks the entrance needs to be widened and there should be a mountable curb in between each lane going into the property like exists at Phillipstown Square so that people are not confused when they come in or out of the site. She continued that she's not sure what she thinks about Snake Hill Road. It would be good if there were a one-way system if possible. Traffic's obviously going to have to be examined and she agrees that it would be good to have a light at Snake Hill and Route 9, and thinks the community would be in favor of that. It seems whenever we talk about that with people in the community so many people know about accidents that have happened there. She stated that Legislator Nancy Montgomery has looked into that and talked to the D.O.T so whatever pressure we can put on the D.O.T to allow that to happen she is all in favor. Ms. Conner stated that a lot of people on the site walk talked about concerns that this would become a public park and she believes it says within the application that there is no intention to have a public park, but she thinks that this should be clarified. In the statements that the applicant makes, they talk about public access and it being available to the public. She thinks that should be clarified as to how that's going to be managed and what that actually will be, because it seemed like the residents were quite concerned about that.

Ms. O'Connell stated that she's going to go through the EAF form.

- On D1F it lists one family homes as two, she just wants to understand where the cottages fall into that category.
- D2 in project operations, whether or not the new landscape design was assuming that the removal of the existing golf course was going to be removed in order to then start designing, is that not considered a major excavation?
- In D2B is there not a transient wetland at Route 9 where the proposed new driveway is coming in from Route 9?
- In D2B4 where it says the proposed action may cause and result of destruction and removal of aquatic vegetation? They're talking about the culvert. Do they not have to submit a construction logistics plan in order for us to understand how this will be done, so with the widening of the Snake Hill Road culvert area proposed we can then understand what the impact will be and then therefore determine whether or not there's going to be any obstruction or impact to that vegetation?
- Will the proposed action use and create a new demand for water? "Yes". How many wells?
- With regard to wastewater and the sewage treatment versus a series of septic tanks or septic wells.
- Then, the other question that she had was in D2M page 8 of 13, "will the proposed action produce noise" and will exceed existing ambient noise levels during construction operation or both? Depending on whether they need to blast through rock or anything of that nature of what they're building she thinks that's going to be contingent on a construction logistics plan after they survey the land on their proposed design.
- A few questions below, does proposed action have the potential to produce odors for more than one hour per day? Ms. O'Connell stated that she assumes that's during construction and not during operation once new buildings have been built. If it's during construction that's fine. If it is after the new buildings are constructed, the question is whether or not they will have a scene shop and or a prop shop, and if they're doing any sort of spray booth that they provide proper ventilation.
- In part 2 of the EAF form, item number 1 "impact of land" item D, the proposed action may involve the excavation and removal of more than 1,000 tons of natural material it's says "smaller impact". Is that correct? If they're actually cutting back that full golf topographic in order for them to lay all new material for their new landscape design, they need to quantify that.
- On page 6 of 10, impact on aesthetic resources, item A, proposed action may be visible from any officially designated federal, state or local scenic or aesthetic resource it says "moderate to large". She stated that she assumes that is their proposal will go through review by our Conservation Board. If that's the case just to confirm that.
- She wanted to know when does SHPO kick in, because it says that it's a "moderate to large" impact. Under item 10 for the historical archaeological resources what is going to get submitted to SHPO?
- Impact on transportation, item 13, letter "A", says projected traffic increase may exceed capacity of existing road network, it says "no or small impacts may occur". Is that true?
- Impact on energy, item 14 letter "D", proposed action may involve heating and or cooling more than 100,000 square feet of building area when completed. What is the total square foot of the completion of the project so that we have a better understanding?
- Item 15, impact on noise, odor and light. Again, the proposed action may produce sound above noise levels established by local regulations, with it listed as "smaller impact"? Are they going to submit a study to show that?
- Item B, proposed action may result in blasting within 1500 feet of any residences, hospital, school, daycare, nursing home moderate to large. They should try to identify where those locations are if that's the case.

Ms. O'Connell continued with a couple of things from the walkthrough. When reviewing the staking of the indoor theater location, there were some concerns because the stakes are extremely close to existing

large trees, so they're well within the root zone and the root ball. So the question is how are they going to actually maintain the needed dimensions and try to retain those trees, or are they proposing that those trees be removed? She stated that she's still confused regarding the PDD because she understands there is a hotel that's been approved for the PDD, and that there was constant reference to the existing approved septic system that was already installed as part of the PDD and that they're going to be using that. But the question is that if the hotel is going to still be built, and we're going to include all these additional houses and cottages and we're going to use the existing approved development, then is the septic system sized correctly, because aren't we increasing the occupants and increasing the use of that septic system? The impact to energy, the question actually is to Hudson Valley Shakespeare and whether or not we're considering different types of energy sources. Are they actually investigating the potential use of solar or different types of energy use, as opposed to relying on our current existing systems. She agrees with Dennis Gagnon with regard to noise impact and the fact that studies potentially need to be done due to how noise travels through wind and sound depending on the elevation and the way that sound reverberates, and whether or not the HVSF or the project team will be doing that. She feels that Snake Hill Road is a challenge, but the question is whether or not we can recommend that HVSF accelerates the design of the Snake Hill Road access so that we all have a better understanding of what could potentially be and so therefore have a better understanding of what the impact is, so that the board can make a much more educated decision on that. Then again, she has these constant questions regarding what has been approved in the PDD as to what's actually going to be built to the original PDD, and then what portion of that PDD is then being applied to HVSF.

Neal Tomann questioned how the tent would be anchored due to the possible winds. Also, at the blind turn on Snake Hill Road they may have to redo the bridge. Concerning the traffic light, the sight lines there are not great and the braking time here is not great, and he thinks they need to look at that. He agrees with some of the earlier comments that it would seem to be much more efficient to be building dorms instead of 15 separate buildings. It's a bigger footprint than it needs to be. What's this going to look like when running at max capacity. We can't lose sight of all the different functions and he thinks the applicant is prone to say they're not all going to happen at the same time, which isn't how he looks at it. He wants to analyze what's it would look like on a Saturday night in August when everything's going, that's sort of the level he wants analyzed. Numbers for septic and traffic and emergency access, plowing, that's what he wants to see. Mr. Tomann is interested in the 15 buildings. What is the relationship between the organization and the people occupying those spaces? In New York State, you're either under a lease or you're under a license, so when people come to live there, is it going to be an artist's retreat or it's going to be short-term housing? Well, New York State doesn't always look at it that way. He continued that sometimes if you have a license to say some to stay somewhere it can mature into a lease, and what if they get somebody that maybe isn't ready to move out or isn't ready to move on. It's something they have to think about. He stated at the site walk there was a good question raised as to whether there will be any more children and will it become a burden on the school system? He would like to know more about the terms under which these artists are in residence. Mr. Tomann stated that he thinks it's worth a minute to think about all the good work of the comprehensive plan, which is a well thought out document that was circulating. Essentially it says let's be careful about building anything that's just too big or too ugly or just too much. Let's not lose sight of Nat Prentice's and all the Master Plan Committee's good work and trying to come up with a broader look at this.

Peter Lewis questioned if the concept plan scale is correct. The 40-room hotel doesn't look to be the size of a 40-room hotel but perhaps the rooms are going to be quite modest in size. But he wanted to be sure that is really in scale so they will have a sense of how much space it's going to be taking up. He'd like to have clarified what the "Challenge Parcel" represents. What exactly does "challenge" mean? Is it

not part of this plan at the moment? Is it something that's contingent upon something else that needs to be done?

Mr. Lewis is concerned about how much say the Planning Board as to the traffic light, whether it's completely a D.O.T decision or something that they can weigh in on in a little bit more. He stated that he doesn't think anything, but a traffic light will really be an option at Route 9. He's also concerned about the four corners of Travis Corners, Snake Hill and Route 9 and the potential for development on those corners. He's concerned about the nature of development and what type of zoning we have. He stated that he realizes this is perhaps a preliminary traffic document from Kimley & Horn, and they may not be the best people to turn to relative to the actual application itself, but in particular the private residence information that they give back in 2005. Two parcels were set aside and he believes two units were built on at the big curve by the eighth hole. The 2005 PDD says approval of two units, existing development two units, current proposal two units and it says no change. Either that doesn't count the parcel that Chris Davis has set aside for himself or we're looking at yet another unit which we don't know anything about. Mr. Lewis just wants to make sure that what we're really looking at is one residential unit. He's not talking about the artist's residence at the far north end of the property, but the far south end of the property, that there aren't plans for the potential expansion of more residential units there which would crowd that area considerably.

Chairman Zuckerman thanked all the board members for their very thoughtful, very deep assessments and secondly to thank Davis McCallum and Glenn Watson for their leadership on the site walk last week. He thought it was safe. He thought they were socially distanced and thinks they got a lot out of it. Mr. Zuckerman stated that Mr. Tomann's point about it being too big, or too much really struck him. His first point was around site entry, especially relative to Snake Hill Road. This is a local road with a sharp curve and if they're going to use this part of the plan for entry and exit they need to be mindful about what is the safe usage of that. There should be limits on the direction for turning in or not turning in from a different direction, or having only one directional usage. The notion of 500 cars coming out on a Saturday Night when the restaurant, a wedding, hotel guests, a wonderful event that's occurring on the lawn and an event that occurs in the tent with several hundred cars pouring into a local road on Snake Hill seems to be an exceedingly unsafe activity. I'm not sure how they're going to organize it, and that to hope in the state D.O.T's review is not necessarily a plan.

Secondly concerns traffic within the property. He doesn't think they've talked about the actual flow of traffic within the property, and again, imagine you've got several hundred people at the same time moving about, pedestrians mixed in with cars, buses flying in for the wedding parties. There is an enormous amount of traffic that could occur and understanding that flow of traffic matters. His third point is on the number of buildings. The map states that they're going to have 37 rooms in the northern corner, another 20 rooms in the new additional hotel, plus the existing eight rooms or maybe it's eight guests in the existing bed and breakfast. He'd like to understand that volume of dwellings and how that fits into the usage parameters for this size property. That is a large number, and tied to that his fourth point is on hotel guests. Chairman Zuckerman is trying to understand the usage. We have to understand whether 15 dwellings are available and appropriate for this property, whether having 57 additional rooms is appropriate under our zoning, and what are the requirements for actually having that level of people, whether it's tied to the number of parking spaces, whether it's tied to the physical space needed but that is a lot of human beings staying at night 24 hours a day on the property and he thinks understanding that technically about that zoning is very important.

They've heard two points about noise and light pollution. This is quite a residential area and there will be an enormous amount of volume and light broadcast from weddings, hotel guests, a park, an indoor theater and outdoor theater and a golf course. He thinks we have to be mindful about what that volume is

that occurs, Chairman Zuckerman stated that they did hear at length about water and thinks that's an interesting commentary. He'd like to understand the owned buildings. He believes that they are tied to The Garrison, whether they are the private ownership of Chris Davis or if they're tied to The Garrison Golf Club ownership. But some of those buildings that lie on the west side of Route 9, like Bill's deli and others, he wants to understand how that is part of the count of the total dwellings that are going to be and are allowed on the property. Chairman Zuckerman wanted to mention that they haven't spent any time talking about the golf course entrance. He noted that people drive 50 to 70 miles an hour on that straightaway and there will be traffic for a nine-hole course. How are we thinking about that traffic because again that is a generally a local road and there's virtually no one currently on the road, generally just a couple of golf carts crossing away. He thinks we have to be mindful of that traffic. Chairman Zuckerman stated that that there were wildly different estimates about the square footage of the dwelling for Mr. Davis that would go on the western side, and would like to understand a little bit more of that dwelling. Lastly Chairman Zuckerman stated that a number of the those who walked the course with the board members are residents of Philipsbrook Road which is what divides the first and the second hole and is below where these residences would be and the additional activities that are going on at the main buildings. He'd like to understand if there's any access plan to Philipsbrook Road. Chairman Zuckerman then asked Ron Gainer and Steve Gaba if they had anything to add before opening it up to the applicant.

Ron Gainer stated that the initial step in the process is really for the Board to move the SEQRA process along. The board has already declared their intent to become lead agency, and all other involved agencies have been notified, but their mandatory 30-day comment period will not expire until early next week. So, at the February meeting the board can formally designate themselves to be the lead agency. At that point, they'll start looking at these things in earnest with the applicant. That's the process on the horizon for the board.

Chairman Zuckerman asked Mr. Gainer to share a general sense of how this process will unfold over the next several meeting since there were a large number of members of the public at this meeting.

Ron Gainer stated that the Planning Board has initially classified the project as a "Type 1" action pursuant to SEQRA, given the magnitude and size of the project. This, then, mandates that a coordinated environmental review be accomplished with all involved other agencies. That process has begun. This permits all other agencies to offer comments to the board, or objections on the board's becoming lead agency. It's also an opportunity for them to raise issues that they believe should be studied by the lead agency and what should be a part of the Board's review of the environmental impacts. He stated that he's certain the applicant will attempt to provide further detail on any variety of issues that have been identified tonight, or are apparent from review of the EAF. That's going to involve further review of such additional studies that will be submitted by the applicant. Then, at some point the board is going to be at a point where it's necessary to make a SEQRA declaration. If the Board identifies one or more potential adverse impacts that could result, they should consider making a positive declaration which then requires the applicant to go through an environmental impact statement process similar to what's being done for the Hudson Highlands Reserve further up on Route 9. Alternatively, if through the additional studies to be performed and other information provided by the applicant, the board believes they've offered appropriate mitigation for any potential concerns the board has identified, it might be warranted to issue a negative SEQRA declaration, at which time the board could actually move forward with review of the subdivision and site plan applications and move those actions along.

Steve Gaba stated as far as an overview of how this project is going to be processed, this project requires an amendment to the Garrison Golf Course Planned Development District Zone. That's a zoning change which the Town Board will be enacting. It's not a variance, it's a local law that will be enacted amending the town code to allow this development or the uses proposed in this development to

go forward. Before the Town Board can get to that point and involve a referral of that local law to the Planning Board when it's actually drafted, SEQRA has to be completed. When the 30-day comment period expires this board will be the lead agency in a coordinated SEQRA review. They will be making the SEQRA determination on this. Other boards have the ability to comment and raise issues, but at the end of the day this Planning Board will be making the SEQRA determination. In making the SEQRA determination the board is going to move along this application to some extent, they already have some drafts of what's being proposed and where things are going to go and the like, and in the course of asking questions and getting answers Mr. Gaba thinks the board is going to work with the applicant and refine the plan if you will, get a better idea of what's being proposed and what they're okay with and what they have issues with and since to some extent that'll move along the site plan and doubts the subdivision will change, but and as they ask questions and get answers they're going to be eventually in a position to make a SEQRA determination as to any potential significant adverse environmental impacts, and the chief tool that they're going to have in that is the part two of the SEQRA EAF. The applicant provided a proposed filled out version of it, and they checked no small impact or moderate to large impact. At the end of the day the EAF part 2 is the Planning Board's document. It's something they should go through line by line, or have Mr. Gainer advise the board what findings should be made, either take his word for it or at a meeting sit down and literally go through the EAF, make a determination if they're going to be no or smaller or impacts or if they're going to be moderate or large impacts. If you identify a number of moderate to large impacts that the applicant can't explain to your satisfaction as to why they actually aren't going to have significant potential significant adverse impacts, then the board is going to be in a position where they have to issue a positive declaration. If however there either are no potential large impacts that are identified in part 2 or if the board determines the ones that were identified really because of conditions or improvements that the applicant is going to make in the course of making this development it's been mitigated already to the maximum extent practical, that we don't need a positive declaration so we don't have to go through the EIS process that's going to work itself out one way or another, but the board is going to wind up making that determination based on the EAF. Once that SEQRA determination is made, it's going to be time for the Town Board to draft the local law, hold the public hearing on it and hopefully adopt the local law to allow the Planning Board to grant site plan and a special use permit too, but to grant the land use approvals that this applicant needs to move forward and when they do that the local law will be drafted, probably with input from this board but certainly when there's a draft document it will come to you to review and say, approving a hotel with that many rooms just doesn't seem like a good idea to us and that it should be a smaller hotel you know it's a use that doesn't have to be allowed on this property the Town Board can craft it as larger or smaller. The local law will be adopted and then the applicant continues before the board and if it's appropriate have getting completed SEQRA local law being adopted the board will move on to site plan subdivision and special use permit.

Chairman Zuckerman stated that there are 50 some odd members of the public listening tonight who would like to know when they get to speak, when they get the opportunity to be heard. He recalled that they spent an enormous amount of time on Hudson Highlands Reserve in a very lengthy EIS process and went through that EAF part 2 line by line. Everyone on the board brought their notes of how they thought it should be for each one because it's the board's document, they then edited it and gave direction to Mr. Gainer and the applicant and went back and forth but ultimately it's the board's decision about each of those findings and that will be their tool for determining positive or negative and there are two documents from the state that define how the process flows, and we may need to send those around and asked if Ron Gainer or Steve Gaba have more recent versions of SEQRA definitions because that is not an easy process. It will require a fair amount and clearly Kim Conner and Laura O'Connell have started with a deep pen and paper editing job but the board is going to do that as a coordinated effort. He

then asked Mr. Gainer if he could answer the question of when will the public be able to speak publicly on this topic in front of this board?

Ron Gainer stated that every action that's before this board and before the town board does require a public hearing prior to approving any action. The issue of when the public hearing is held might be driven to some extent whether there is a positive SEQRA declaration or not. That likewise would mandate a hearing that the board would then be combined with other public hearing requirements. The timing of the public hearing will depend on how the board processes their SEQRA responsibilities.

Steve Gaba stated that while Mr. Gainer is absolutely right as far as the formal public hearing goes on a large application like this, members of the public should be given some informal opportunity to give some input before the board actually makes a positive or negative declaration. It's been the policy of this board to hold a public hearing first and then make its SEQRA determination. Procedurally if it looks like they're going to wind up with positive declaration, they're going to want to have some input before you're going to want to make that declaration. The board is going to need a public hearing on the EIS anyway and can either make that with the public hearing on the site plan and subdivision or anything else or you could hold two but it would be better if you could just hold the one. Normally we have the SEQRA determination after the public hearing. If it's going to go positive declaration, they're going to want to do it the other way around. Either way they're going to want to allow some forum for people to comment before the board makes that SEQRA determination.

Chairman Zuckerman asked if Mr. Gaba had any advice for the board, sooner than later, maybe next month is too soon but maybe after that? Any advice about when they should hold that public commentary, not a formal hearing.

Mr. Gaba replied that it wouldn't be a hearing. They might just want to allow some people to speak informally at the meeting. He stated that his advice is that in the course of the next two or three meetings the board is going to have a pretty good idea as to whether you're going to be issuing a positive declaration or not on this, they've given the applicant quite a few comments now they're going to want to see what they come back with in terms of their answers, digest that and get it get a feel for it and maybe even do a preliminary run at the EAF part 2 just to see how things look. He continued that the board would like to avoid having a positive declaration if possible and he's sure the applicant would like to do that too. He stated that if it's justified they have to do it you but if the applicant can put together an EAF part 3 where they answer a lot of questions in writing and, with studies and tests and things, sometimes that's enough to satisfy the board that a positive declaration isn't necessary but see how the next couple meetings go, the board will get a feel for it and if it looks like a negative declaration is something that's feasible you will probably want to hold the public hearing before you make your SEQRA determination.

Chairman Zuckerman stated that now he is going to open it up to the applicant and their representatives to have the floor for the next 45 minutes to comment if they'd like in any direction. He continued that clearly the board is going to need time for the study, answers, commentary in writing but it makes sense to have the applicant have a chance to speak.

Katie Liberman, the Managing Director of the Shakespeare Festival, introduced herself and stated that she leads the theater in partnership with Davis McCallum, Artistic Director, and wanted to thank the board who joined them on a freezing site walk and, as Mr. Zuckerman mentioned, the many members of the community who also bundled up. She continued that it was really heartening to see how many people are so invested in the future of the site and in HVSF. Ms. Liberman is grateful to all of the board members for the very thoughtful questions raised tonight. They'll be careful to take some time to digest them and get back to the board with their responses. She also wanted to say thanks to the extraordinary generosity of Chris Davis. Because of him, the Hudson Valley Shakespeare Festival who's been a long-

time tenant in Philipstown will finally have a permanent home here. She continued that after 35 years in Phillipstown they are eager to be able to put down roots in this community in a way that they never thought was possible. As everyone has heard tonight their plan does include a proposal to build a permanent open-air theater tent, accessible pathways, parking, park land with wildflower gardens, native meadows and picnic lawns. As the board has encouraged them, they've been working hard to envision the long term which includes, as they've talked about, that second indoor theater space, a community pavilion and the lodging within the parameters of the proposed amendment to the approved hotel use. All that's going to be considered in the future. On the call tonight they've got Chip Alleman, General Manager of The Garrison, and their expert consultants, including their landscape architects, traffic engineers, environmental consultants and acoustical consultants. She then stated that she's going to hand it over to Dan Hollis, their attorney, who's going to take it from here.

Daniel Hollis, from the law firm of Hollis Laidlaw & Simon, introduced himself. He continued that his firm is fortunate to be the project's attorneys, and wanted to respond that he likes to do things by the numbers. They've received an awful lot of information in the last five or six hours, Mr. Gainer's very comprehensive outline and the comments, the very thoughtful comments of the board tonight. He doesn't want to respond in scattershot fashion because they might miss something or would be out of order and order matters, how they put a record together so that you can make a reasonable determination at the end. He stated that one of the things he did want to do is allay some of the thoughts and concerns with regard to what's been referred to as the artist housing. Those are lodging facilities as the same are defined in your zoning ordinance and they are going to be part of the hotel operation, so that the artists when they're engaged by HVSF will reside in the cottages. They're not going to be long-term leases, and they are more than willing to accept a limitation on length of stay for anyone else other than an artist. The artist will only be there for the period of their engagement. Any other limitation on length of stay, ten days, two weeks something like that, will allay the concern that this is going to be some sort of a summer lake cottage operation. That's not the intention. That's not what it's going to be. Mr. Hollis agrees with Mr. Gaba and Mr. Gainer that the EAF part 2 is a very important document. It's the board's document, and he would respectfully submit that at the next meeting that they take the opportunity to go through that document and use that as the outline so they can coalesce all the comments, both in the outline and in the comments made tonight, and respond in orderly fashion and at the end of that process, if there are further studies needed to allay any concern that there are moderate or large impacts that we can't either mitigate or avoid, we will provide those further studies so as to avoid in our hope a positive declaration. He thinks that using the part 2 as the outline for future discussions would bring form to all of the facts that we have assembled. Mr. Gainer has prepared a very good outline by category and they'll respond taking the comments made tonight, including them in those categories, and following the outline in the in the part 2 if that's acceptable to the board and its consultants. He continued by asking if there are any particular questions to any of our professionals that they have with them tonight that the board would like to pose directly to them. They're glad to try to answer them, but he doesn't think they want to start to pick from their notes and from Mr. Gainer's list. What they really want to do is answer in an orderly sequential fashion so both the public and the board has before it an orderly response and a comprehensive response to each and every point raised.

Chairman Zuckerman replied that would be his preference as well.

Mr. Gainer also agreed.

Mr. Gaba agreed with this approach and added that the board might be in a position to go over the EAF part 2 at the next meeting but it might be a little early for that. He added that they might need to digest what information they have and see if they have further questions.

Chairman Zuckerman stated that HVSF has a lot of questions from the board in written form and some of them have been augmented by verbal or oral comments made tonight. It probably wouldn't be a bad thing to put in a chunk of time in the next meeting in February for them to respond to those questions. From there they can use the EIS as the tool, but it may be valuable in describing some of those pieces that may be a good use for the board, given that Mr. Gainer has gone to that extent. How does that feel?

Mr. Hollis replied that it feels pretty good, and thinks the fact that the questions and the outline are in an orderly fashion, they'll do their best to reply in that fashion in writing before the next meeting so that there can be a discussion based on a question-and-answer format so that we can move the process along. He added that he understands from the site walk there was talk of a further site walk, and asked if is that something they'd like to schedule that tonight, and would you like a refresher course on the site plan? Ms. McKinnon, our landscape architect, is standing by and can run you through that site plan just so it is in front of you as you take the questions you've asked, see the plan as she explains it briefly in the time you've allotted to us if that's helpful.

Chairman Zuckerman asked the board if they have any opinions on the process whereby the applicant will provide written remarks to the board's questions at the next meeting. Secondly as far as a site visit, they did describe the portions they didn't capture were the western portion where the new golf entrance will be nor the northern portion, they did not actually get to The Garrison itself, the building, the restaurant or any of the things that are happening around them so there probably would be some value as we discussed having another visit. Mr. Zuckerman asked for board members thoughts on that, anybody opposed to that idea. He stated that he would like to schedule that and thinks it's a good action they can take after the applicant is done because he wants to run through with the board members and then take a formal vote and commentary on that. He then asked if any of the board members had questions for Ms. McKinnon

Kim Conner stated that it might be useful, since they've just been talking about it to have a visual to store in their brains.

Ms. McKinnon stated that she can share just as a little bit of a refresher for what their vision will be. She shared her screen of the site plan. She explained that she will orient the review of the plan to how they walked through the site last Sunday. The group met at the parking lot and came down through this existing road through the trees, wound their way around and looked at the artist housing. They then came over to the future potential parking lot, went out to Snake Hill and then came up to the top of the ridge. She continued that they envision, when you come in from Snake Hill Road, you'd have a very clear path as you move into the site over the wetland and into the parking area that will serve primarily for the theater. Theater visitors would be able to come in, park, come up through a welcome center which would have a box office, a place to be able to pick up a picnic lunch if arriving early to have a picnic on the lawns, and this is also where they'd have the native plant garden. After coming through there you would walk up towards the theater tent. It'd be like a choose your own adventure a path network, up to the top of the ridge with an accessible path being your primary path here, wide and paved to bring you up to the top of the ridge with three lawns that overlook the Hudson River and to the wind gate where you could have a picnic before the show, could listen to actors speak and have a small gathering. Then we come to the tent here. That's the permanent tent that they've been discussing. To the left of the tent is the "back of house" building for the actors to get into their costumes before the show. They'd have a very similar procession along the ridge and actually reveal themselves at the beginning of the show, and be able to make that procession right where the number 4 is (pointing to the plan on screen) and into the theater. To the right-hand side of the tent is a restroom and concession stand, and this is a future building. This is the primary area where people would be during a theater performance in the summer. Behind the theatre

there is a service road so a truck can get up there and drop something off, but it is not intended as a primary way for the public to access the tent.

She continued that after the events at the tent you'd be able to again choose your own adventure down to wherever you may have parked, with very low landscape lighting that's pointed at the ground, just enough to light the path so you're not fumbling along the planted areas. Number 13 is the indoor theater that the group looked at when you were on site and have spoken about a bit tonight. You'll notice the parking lot that's existing remains exactly where it is. Number 14 is where the golf pro shop is currently. This may stay, or it may become a pavilion in the long term where you could have a class to learn more about the area or a theater group. Numbers 17, 18 and 19 are the wedding facilities, the Valley Inn, and the existing hotel rooms. Number 15, the accommodations would be a block of approximately 20 rooms, and 16 is a parking area that would be built, in coordination with being able to serve these rooms. The existing service drive to the restaurant remains as it is, with the extension of it up through this area which they are continuing to study but they're looking to separate the service area and the circulation that's associated with the deliveries for the restaurant or for a wedding party, away from our primary circulation for guests to the site. Number 15 is the artist housing that they've been discussing. Then the primary area here that we have created by rerouting the driveway that currently comes in off of Route 9, they're leaving the existing entrance right where it is and simply changing where that road goes once you are inside the property by pulling it to the north here and swinging it out. She stated that they've really created a much more contiguous open space inside of the property that allows for a walking path or passive recreation, maybe a picnic with family.

Number 21 is the future residence that we've been discussing. Next is the existing area of golf maintenance and actually where the Hudson Valley Shakespeare theater stores their tent (in the maintenance area). This would be redone to become the new golf pro shop and cart barn storage using already existing entrances into that area, and the maintenance area for the golf area would stay exactly where it is. This becomes hole number one, but the holes all stay on this western side of the property. From there, they've created this rendering of the site. This is looking as if we're birds hovering above. We're looking down from the southern entrance. You can see the new proposed parking area for the theater off to just off the right of the image, the box office, picnic pickup, the path up to the top of the hill through a native meadow that is beautiful blooms in the summer will have a nice textural quality to it up to the lawns here in the middle and the tent structure. That's the vision for this area and then this is another view a little bit more of an eye level view back towards the tent as if you were on the lawns enjoying a picnic with friends and able to look back before the show. Hopefully that's a helpful way to look at it. She stated that she thinks that gives an overview of where we went and what our vision is.

Chairman Zuckerman asked if any board members had question for Ms. McKinnon.

Peter Lewis asked for clarification, stating that he's seen in a number of different places we're talking about a 40-room hotel, and he's also heard a 20-room hotel, so which one is it?

Ms. McKinnon stated that they are looking to propose a 20-room structure and then, with that, the guest accommodations.

Chairman Zuckerman asked for any further questions. He then asked Mr. Hollis if there were any comments from his colleagues.

Mr. Hollis replied no and that they would rather do it in a more orderly fashion and be responsive to in to each of the categories that were brought up tonight and contained in Mr. Gainer's outline, and do it in comprehensive fashion.

Chairman Zuckerman stated that it is his belief that they should do a second site visit to visit the western portion and the north west portion, basically the buildings that exist, to see any other of the structures, maybe see where the new additional hotel is going to go, where the new golf course will be, but basically cover that northern western corner that they did not cover last week. He asked for a motion for a site visit and to get a date.

Peter Lewis made the motion; Kim Conner seconded the motion. The vote went as follows:

Kim Conner: Aye
Dennis Gagnon: Aye
Peter Lewis: Aye
Laura O'Connell: Aye
Neal Tomann: Aye
Heidi Wendel: Aye
Neal Zuckerman: Aye

Neal Zuckerman: Opposed? Abstentions? Being none the vote passes.

Chairman Zuckerman stated that the second site visit will be on Sunday 2/14/21 at 9:30am.

Peter Lewis made the motion, Neal Tomann seconded the motion. The vote went as follows:

Kim Conner: Aye
Dennis Gagnon: Aye
Peter Lewis: Aye
Laura O'Connell: Aye
Neal Tomann: Aye
Heidi Wendel: Aye
Neal Zuckerman: Aye

Neal Zuckerman: Opposed? Abstentions? The meeting was adjourned at 9:09pm

Date approved 4/15/21

Respectfully submitted by,



Cheryl Rockett

*These minutes were prepared for the Philipstown Planning Board and are subject to review, comment, emendation and approval thereupon.