

# **PHILIPSTOWN PLANNING BOARD**

## **MEETING MINUTES**

**February 18<sup>th</sup>, 2021**

The Philipstown Planning Board held its regular monthly meeting on Thursday, February 18th, 2021 via Zoom.

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

**Absent:**

Chairman Zuckerman opened the meeting at 7:30pm, Heidi Wendel lead the Pledge of Allegiance.

Roll call was taken by Ms. Rockett.

Chairman Zuckerman welcomed new Secretary Cheryl Rockett and thanked outgoing Secretary Kelly MacIntyre and wished her well in her new position as Deputy Town Clerk.

### **Correspondence**

#### **Magazzino Italian Art Foundation (Badey & Watson)**

Glenn Watson joined the meeting to discuss the letter from Magazzino. Mr. Watson said there was a handshake agreement between Mr. Fadden and the folks at Magazzino, that Mr. Fadden would sell an additional five acres of his property to Magazzino but there came a point when Mr. Fadden had an offer to sell his house but the purchasers said he would not buy the house unless he could buy all the remaining land including the five acres. Mr. Fadden told Mr. Spano

that he wasn't going to sell the land and we had no choice but to withdraw the application for the lot line adjustment. Mr. Watson stated that nothing's been approved and the only thing they withdrew was the application for the lot line adjustment. He stated that it does mean that they have to amend their application with regard to the site plan approval that couldn't be done in time to make this meeting. They are intending to make the next meeting and show essentially the same site plan on a smaller footprint.

Chairman Zuckerman stated that was helpful and he was not trying to have them do a whole application before you have the application.

Dennis Gagnon asked if that meant the house is going to be in a different location?

Mr. Watson replied that he expects the house will be relocated onto the property back nearer to its original location but management is deciding whether or not they want to do that and so he is awaiting instructions.

Chairman Zuckerman asked if the board had any further questions. The other piece of correspondence came from the attorney representing Hudson Highlands Reserve. He stated that it looks like they'll be coming back soon and asked if anyone has any questions maybe Mr. Watson could answer.

Glenn Watson noted that there were some unforeseen delays due to some personal circumstances, some business circumstances at Badey & Watson but they are pursuing the FEIS very diligently now and we're intending to have an application where they intend to have the submission ready the April meeting.

Mr. Zuckerman note that the board looks forward to taking on some more work. He then recused himself and turned the meeting over to Kim Conner for the public hearing for the Alice Curtis Desmond & Hamilton Fish Library.

**Alice Curtis Desmond & Hamilton Fish Library, 472 Route 403, Garrison, NY  
TM # 71.6-1-12 & 71.6-1-13**

Ms. Rockett read the Philipstown Planning board public hearing notice. The Philipstown planning board for the town of Philipstown, New York will hold a public hearing on Thursday, February 18<sup>th</sup>, 2021 starting at 7 30 pm via Zoom to hear the following appeal. If you would like to attend please email [KMacintyre@philipstown.com](mailto:KMacintyre@philipstown.com) to request login information before 7 pm on February 18<sup>th</sup>, 2021. Alice Curtis Desmond & Hamilton Fish Library, 472 route 403, Garrison, NY, tax map number 71.6-1-12 and 71.6-1-13. Applicant seeks to install a ground mounted solar ribbon array integrated with the landscape's natural topography. We would also like to create a discovery path to provide community members welcoming and ADA accessible outdoor walkways and opportunities to learn about the habitats that occur naturally on the library's property as well as solar energy and design. At said hearing all persons will have the right to be heard. Copies of the application, plat map and other related materials may be seen in the office of the Planning Board at the Philipstown Building Department, dated at Philipstown, NY, January 21<sup>st</sup>, 2021

Kim Conner asked if Ron Gainer has any comments before the public hearing.

Ron Gainer said the project's been before you in the past you've made necessary referrals so it was at this point that you were ready for a public hearing it's just a matter of getting through that hearing understanding if there's any public concerns that you haven't identified and otherwise closing the public hearing and moving it towards an action.

Ms. Conner asked Steve Gaba if he had any remarks?

Mr. Gaba stated that it's pretty straightforward as far as the site plan goes, just receive comments from the public, see if the board members have any questions or comments and hopefully close the public hearing tonight.

Ms. Conner noted that they will have the board members ask questions after the public ask's questions.

Ann Borthwick stated that she is the next-door neighbor to the library property and asked to clarify if the public hearing was only to do with the discovery path or was to do with the solar ribbon as well.

Jen MCreary stated that the public hearing is for both.

Ms. Borthwick stated that she honestly wished that none of this was happening because she loves that open space and that it was part of the reason that we moved here and were attracted to 9D in 2012. She continued that she understands the goals of the library in creating this and said she'd like to know more about how the library finally have the ribbon and whether it's going to need to be fenced because as much as it sounds beautiful, the images she sees don't appeal to her. She continued that for what she thinks of as a semi-rural space it looks more semi-industrial. Ms. Borthwick thinks the discovery path is a great idea and likes the opportunity to make the space more navigable. She also stated that she would request that the library take a look at the plan because she thinks there may be a stopping point along the path that by her estimation it is aligned with her back terrace which is just through the trees. Ms. Borthwick is hoping that maybe they can negotiate a location for it that would make it less likely to have people sitting there listening to her or them listening to people who are choosing to stop at that point.

Fred Osborn stated that he is a member of the board of the Desmond Fish library and wanted to speak in support of this proposal. He thinks it is a wonderful way to use the additional acreage that the library has to provide a public demonstration of how to incorporate some renewable energy infrastructure into the landscape in an attractive and demonstrable way. He also stated that while it's nice to have completely untouched wilderness it's also nice to have well designed and carefully orchestrated infrastructure that shows how it can be incorporated nicely and actually create what some consider a work of art with this design for a walking path connected to a ribbon of solar panels. He ended by saying that he thinks the design is superb and the board has worked hard on it. The consultant has been terrific and he recommends that it be approved.

The Copelands stated that they appreciate the time that's been put into it and their questions are regarding the maintenance of the panels, if there's been enough thought about who's going to maintain them and how they keep them in good condition. They are just hoping that's all been included in the thought that's been put into this.

Crystal Ford stated that she just really wants to throw her support behind the library project. She feels this is really well thought out, it's beautiful and feels the library is showing us the way. She stated that we need to be leaders and we have a climate crisis and we need to start really thinking about how in our own backyard we're going to be addressing these challenges Ms. Ford said that she thinks the library is doing it in such a thoughtful manner and just wanted to voice her support for the project.

Paul Thompson stated that he is a new resident to Cold Spring having previously lived in Peekskill and has gotten quite well acquainted with the area having done a lot of running in and around the local roads and lanes and is quite familiar with the library. Mr. Thompson stated that like Crystal he is very active with the Climate Smart Philipstown group. He said that he loves the proposal and thinks it's very low impact, very tasteful, very reminiscent of the gates that were in Central Park in 2005. Mr. Thompson said he thinks it's very important that significant public buildings such as libraries do lead the way and set an example and he thinks with this project they're doing just that so they have complete support from his side and thanks for listening to him.

Kim Conner noted that there were no more members of the public asking to speak and note at this point we close the public hearing then we have a discussion.

Steve Gaba stated that traditionally will usually do is to ask the board if they have any comments and include that as part of the public hearing.

Ms. Conner asked if anyone from the board has any comments.

Neal Tomann stated that he thought that we would be hard-pressed to find anybody who's opposed to this and that he thinks it's a great project. He stated that it's well thought and definitely has a lot of support. Mr. Tomann asked that because this is probably the first of this type of project that we've had locally he is interested if there is a mechanism in place where we can get feedback after the fact. He suggested maybe it has to come back to the Building Inspector or maybe it has to come back to Nat Prentiss and the Comprehensive Plan. Mr. Tomann stated that he thinks there's a lot of good information available about projects like this in a year or in two years. What can they tell us about the return on investment, is it easy to maintain, are you having any problems, how's it going, did you feel like it was a good project and that it was worth it? He stated that he thinks it's important that we move forward with projects like this but also have an avenue for some feedback so that we can learn as it is new technology.

Kim Conner commented that we did have Crystal Ford on just a minute ago and she is the Climate Smart Coordinator for Philipstown and it seems that's probably the Sub-Governmental entity that would be interested in tracking this kind of thing. She also stated that perhaps the Planning Board could send a memo to the Town Board saying that we are interested in following up and would that be an appropriate thing to have the Climate Smart Coordinator to do.

Neal Tomann stated that a lot of effort and a lot of money's going into this project and a year or two years down the road they might have some things that could help us do more of this and fine tune it as it goes through the process.

Kim Conner stated that Ron had mentioned in his memo that there's nothing in this plan related to lighting so she wanted to ask the question about what the plan is for lighting and if there's no

lighting that's fine if you know then there's nothing to submit but presumably there might be some or if it's not something you've thought about yet it might be something you do want to think about.

Jen McCreary comment that right now there's not a plan for lighting in the on the walking paths.

Laura stated at this point and it hasn't been conceived to have outdoor lighting at least on the discovery path the idea is to allow the site to operate as closely as it can to what it does without light disturbance and also being sensitive to neighbors and other things like that and in the phases of the project now which is the discovery path and the ribbon there's no lighting.

Kim Conner confirmed that it is dawn to dusk kind of thing. Ms. Conner asked for a motion to close the public hearing.

Heidi Wendel made the motion to close the public hearing and Peter Lewis seconded the motion. The vote went as follows:

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

Kim Conner: Any opposed? Any abstentions? Being none, the motion passes. Ms. Conner confirmed next steps with Steve Gaba.

Steve Gaba stated that normally what you do at this point is go around the table and see if anybody has any additional comments preparatory for an approval resolution. He stated that the library's neighbor, Ann Borthwick had requested a minor tweak to the site plan and whether the board's interested in pursuing that or not but in the event that the board or Mr. Gainer perhaps has any other comments about how to finalize the site plan get it ready for the resolution this would be the time to have those discussions.

Kim Conner asked the board members if there are any comments on what Mr. Gaba said about possibly asking if they are happy with the site plan, not happy with the site plan, is there anything else they want to see?

Dennis Gagnon stated that regarding that spot where people might be stopping near this person's terrace, he is concerned with a privacy issue so if the library is okay with tweaking that plan a little bit and taking into consideration their neighbors and their privacy, he thinks that would be the way to go.

Neal Tomann agreed with Mr. Gagnon and ask Mr. McCreary if that is something they could work around.

Jen McCreary stated that she believes that point of interest that was undefined and thinks that it's something that they could either skip over or move to another place.

Neal Tomann noted it would be nice to give it a look and that it sounds like a reasonable request.

Dennis Gagnon added that maybe consideration for the looking at maybe some screening, possibly some plantings to be considered.

Heidi Wendel stated that she thinks it's a great project.

Steve Gaba stated that he thought that the applicant would appreciate if we could have an approval resolution for March. Mr. Gaba asked Ron Gainer if that is something that would be doable if they're going to do some minor changes in regard to the neighboring property.

Ron Gainer stated that he felt that could easily be accomplished and can have the necessary resolutions done and will work directly with Ms. MCreary to make sure a re-submittal comes in that addresses that one concern of the public.

Kim Conner asked that if no one else has anything to say can we can make a motion to ask Ron to prepare those resolutions for the March meeting?

Heidi Wendel made a motion, Laura O'Connell seconded the motion. The vote went as follows:

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Kim Conner: Any opposed? Any abstentions? Being none, the motion passes.

Kim Conner turned the meeting back over to Neal Zuckerman. Mr. Zuckerman moved to the next order of business Mark Conn.

**Mark Conn 242 Route 403, Garrison, NY 10524 TM#71.-2-10**

Chairman Zuckerman stated that the board had scheduled a site visit which they canceled due to the amount of snow. He thought the first order of business is discussing whether we want to try to reschedule the visit. Mr. Zuckerman asked for thoughts from the board about having this site visit rescheduled when we actually can walk the terrain and the board agreed they would like to revisit.

Mr. Zuckerman stated that he did a training two or three weeks ago and was told by a gentleman hired by the New York State Planning Federation that the site visit is not required to be a public notice. He stated that most planning boards do it as a matter of course but it's technically not obliged to be a public meeting nor to be noticed. Mr. Zuckerman said he thinks it's a good process but wanted to share that training he had received. Mr. Zuckerman asked if anyone feels like we should try and schedule it now or should we push it off to the after the next meeting.

Kim Conner noted that she would be optimistic and schedule it and maybe have to cancel.

Bob Flaherty mentioned that he visited the site a couple weeks ago and asked what if they plowed the driveway so everyone can get up there and when you're at the top of the driveway you can see everything at that particular point maybe the stakes were too low now with the

snow covered, he wasn't sure about that and that might be the only thing but if you're on top of the driveway you can see everything from one location just a thought because we don't want to hold the applicant.

Chairman Zuckerman agreed with Mr. Flaherty and noted that they're trying to balance speed with process and that the site so is small so maybe we can see it all from one vantage point I don't know how much walking it deserves or needs most of our site visits we walk the terrain. Mr. Zuckerman asked for thoughts from the group.

Neal Tomann agreed with Ms. Conner and Mr. Flaherty that we should schedule it for next month, keep moving along. He noted that he went by there the other day they've got a nice driveway set in and thinks we can access the property.

Chairman Zuckerman asked if there were any counter view to the three points. He then asked for a motion to schedule a new site visit.

Peter Lewis made a motion to schedule a new site visit and Kim Conner seconded it. The vote went as follows:

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

Chairman Zuckerman: Any opposed? Any abstentions? Being none, the motion passes.

The board scheduled a new site visit for Sunday March 7th, 2021 at 9:30am.

Chairman Zuckerman asked Ron Gainer to take us through where the board needs to go on this application.

Ron Gainer stated it is a minor project at the prior meeting the board declared it a type two action pursuant to SEQRA so you concluded your SEQRA responsibilities. Mr. Gainer said that he thinks the few significant items to be cognizant of when the board does the site walk is that it lies almost entirely within the scenic protection overlay zone which obviously raises issues over visibility and enhanced landscaping. He stated that relative to that the applicant has proposed a very significant landscaping plan so as the board conducts their walk they should be aware of the enhancements they're proposing to reflect that it also contains areas of steep slopes but based on my review of the plans it appears all the steep slope considerations have been satisfied other than that it's just a matter of getting the sitework done and then making a determination whether you wish to have a public hearing or not because it's discretionary in this case.

Mr. Zuckerman asked Mr. Gainer if most or all of the scenic protection overlay requirements are within the plan.

Mr. Gainer stated that he provided technical demo and he's tried to highlight the three or four significant items that may pertain for the most part he thinks they've been satisfied but the board may want to just see it for yourself to see if you want to consider any additional enhancements.

He noted that there is one residence to the South that the board may just want to recognize but the applicant is offering landscaping improvements in that area and the board may just want to be aware of that.

Chairman Zuckerman asked if Mr. Gaba had anything to add to which he replied that Mr. Gainer is right that it is a discretionary public hearing, however that unless it's a resubmission or something which is very clearly non-controversial this board has traditionally held the discretionary public hearing.

Chairman Zuckerman agreed that would be appropriate but can be decided once they have visited the site.

Mr. Gainer noted that applicant may wish to speak to the board tonight as well.

David Obuchowski wanted to share that they have been addressing some of the planting questions that have been raised and then have elaborated a bit more on the planting plans they also wanted to ask the board's consideration because we're in the zone where there's the potential for northern long-eared bats and there's a general prohibition or additional DEC requirements or specifications for cutting down trees after March 31st we wonder if the board might consider an early approval to remove those trees before March 31st so that we can be in full compliance with the DEC rules.

Ron Gainer stated that the tree removals that are being discussed are specifically in the area where the house is proposed and or the sanitary disposal system, there's no other general clearing being proposed on the site and mentioned before the driveway has already been cut in, so there's no tree removals necessary for the completion of that item so it's really relative to just the construction of the house itself and a sanitary disposal system which has been approved by the county health department already.

Mr. Obuchowski noted that they're happy to improve stake heights and that sort of thing if needed to accommodate the site visit.

Steve Gaba asked if they need the resolution approving the clearing before the site plans approved this month or is next month okay?

Ron Gainer stated the meeting next month is going to be on the 18th as well that would leave them something shy of two weeks to accomplish the tree removals.

Mr. Gaba asked Mr. Gainer if he's satisfied that if the board holds its site walk, takes a look is willing to adopt resolution next month that'll be timely there's no problem.

Mr. Gainer asked Mr. Obuchowski if that is sufficient time for you to get their contractor on board.

Mr. Obuchowski stated that he thinks that they should be able to accommodate. He added that they would love if it could be sooner but also recognizes if the board needs to see the trees in person. He stated that he thinks it's cutting it close but they should be able to work with that. And they appreciate it.

Chairman Zuckerman asked if any board member had questions.



Peter Lewis asked who is responsible for the Northern long-eared bat and the trees because we're going to be running into it with HVSF. He wanted to know if that was the DEC deals with that.

Ron Gainer replied that yes, it's a DEC guideline typically when it impacts a project that comes before your board, we insist that those conditions or requirements be identified specifically on plan so the board and the applicant are completely aware of those limitations.

Steve Gaba stated just so everybody understands what's going on is the bats are hibernating now and the concern is that when they come out of hibernation they may go into areas where these trees are standing and use that as habitat and if the trees were cut down it would disturb the bats but if you cut them down now before the tree the bats are out of hibernation then you really minimize any impact because if the trees aren't there, they aren't going to roost them. He continued that if the trees go down now it won't harm the bats if they wait until April, they can't cut them down until next November so it's a whole year as far as construction.

Laura O'Connell asked if it would make sense if the board could approve so that the trees could be removed now because the applicant would need more time to mobilize the contractor. She wanted to ask if there was any risk in the board just agreeing to the trees without seeing them because either way the trees would have to be removed either way if the board is approving this because it's in the place of the septic and of the location of the house.

Steve Gaba stated the risk is that you may not want those trees removed if you go and you take a look and they're old growth trees and you don't feel that they should be cut down and you want the building envelope moved or the septic site moved. He continued that once you've authorized the trees to get cut down, they're going to get cut down and it kind of leaves you with the fait accompli as to the building envelope and the septic.

Chairman Zuckerman asked if Mr. Conn has anything to share.

Mark Conn stated that for the past year he's gone to the lot which is small and has walked it and gone there on the weekends and looked for where the house can go. He said if he could not remove one single tree. Along with Mr. Obuchowski they've designed the home to try to go around the trees and that's why it's u-shaped. They've been very mindful of the trees and if the property could not be touched at all that's what they would do.

Mr. Obuchowski wanted to emphasize what Mr. Conn was saying and highlight the fact that they've tried to be extremely selective about the trees they're removing. He noted that there is one tree that's slightly larger and it's not a particularly healthy tree all the rest of them are smaller and have been very specifically identified which trees will be removed in our site plans both in the Badey & Watson plan and also in the planting plan.

Kim Conner asked how many trees are going to be removed.

Mr. Obuchowski replied 13 trees.

Kim Conner also wanted to ask if the neighbor that's above whether their septic might affect your well.

Mark Conner replied that when they laid that subdivision and all the plots and they had the original septic tanks and wells all mapped out and even if they if the Rauch family decided to do

another septic tank to make sure Mr. Conn was in the clear and so that was already on the original plan when it was originally subdivided.

Kim Conner asked if it meets it meets the current code. Mr. Conn replied yes.

Kim Conner wanted to confirm because the subdivision could have happened a very long time ago.

Neal Tomann asked Steve Gaba is there any way possible for the board to make a call on the trees at the site visit on the seventh and give them approval at that point which would give them another 10 days to get the trees removed.

Steve Gaba stated that the site visits are kind of like workshops but technically since it's a public meeting and the board's assembled with a quorum you could do it.

Neal Tomann replied that they could ask the applicant to put survey tape around the trees then when the board goes up there and if there's no objection let it move forward.

Steve Gaba noted that legally you could do it if that's what you want to do but if the board's satisfied that the 13 trees aren't old growth trees and that you're not unhappy with the building envelope and where the septic is. He asked if maybe Mr. Gainer has some input on taking down these trees but if the board is satisfied it's not an issue, they could approve it right now but then again if they want to go and see them in person you might want to put it off till next month that's what you're weighing.

Kim Conner asked didn't Neal just tell us that those are not public meetings?

Steve Gaba noted that Neal said you didn't have to notice and didn't know that he agreed that but hopes that he's right because it would make life easier.

Neal Zuckerman said he'll send Mr. Gaba the information from the training. He asked Mr. Gainer if there are any issues related to these trees with the scenic protection overlay, are there any additional measures that that overlay provides for trees for example.

Mr. Gainer replied that the overall intent of it is to minimize tree removals as the board can appreciate. He added for the board's benefit you've run into this issue before on projects that came before a few years ago and it's not a matter that the boards ever taken a formal approval in advance of a site plan approval what the board winds up doing is just issuing notice to the Building Inspector's office that this issue has arose and you have no objection to tree removals prior to action on the site plan. Just so you understand what's been done in the past.

Kim Conner confirmed that it's the Building Inspector that gives the permit not us

Chairman Zuckerman asked for a straw vote from the board to see who wants to wait to make a decision on the trees until we go see the site. Four members voted to wait so majority of the board would like to wait until we see the site and Mr. Zuckerman stated that at least for him he feels that way as a matter of precedent, he doesn't want to start approving things before we see them. Mr. Zuckerman stated that he likes Neal Tomann's approach and thinks that's a smart move and there will be a quorum for the site visit we will decide then there and then we will issue a communication to the Building Inspector. Chairman Zuckerman confirmed that all were okay with that approach.

**3622 Route 9 LLC, Cold Spring, NY TM#17.-1-44**

Adam Thyberg from Insight Engineering Surveying Landscape Architecture PC joined along with Keith Schofield of LMV Architects who worked on the architectural elevations that were provided with this submission. Mr. Thyberg informed the board of the items that have been updated since they last saw this project. One is the tree survey that was requested was provided the SWPPP was provided. Mr. Thyberg noted that they've detailed out both in plan and by way of the SWPPP the details of the drainage system that they're proposing and provided the elevations. Mr. Thyberg noted that getting a look at what the building was going to look like was a priority for the board and that he and Mr. Scofield are here to answer any questions or comments that they can respond to. He also noted that they would like to formally request that a public hearing be scheduled for the March meeting.

Ron Gainer noted that the board has a memo from his office reviewing the latest (inaudible), previously you've conducted a coordinated environmental review and the 30-day comment period has long since expired so the board can now acknowledge itself to be lead agency pursuant to SEQRA so whenever you believe you have sufficient information in which to act you can consider making a SEQRA declaration. Procedurally a public hearing would be next on the project, the most significant issues that came out of the board's prior site walk was the massing size of the buildings and therefore the interest in the architectural views, what the elevations of the buildings would look like and also the issue relative to the properties to the rear. There's a residentially developed property immediately adjacent to this parcel to the east and the board had raised issues relative to additional or enhanced screening to protect those properties. The significant issue to discuss tonight is the boards view of the architectural plans, again recognizing the front of the building faces Route 9 and the rear of the building actually faces the residential properties to the east. Mr. Gainer stated that the buildings themselves maximum heights they're identifying are 20 feet to the top of those peaks that you see but the rears of the buildings are pretty basic. He questioned whether the board has any view to see if that can be enhanced or improved in any way relative to their potential visibility the properties to the east.

Mr. Thyberg addressed the building plan being shown that is the front-facing building that runs along the frontage of Route 9 and that the more articulated portion of the building is what will face Route 9. Mr. Thyberg noted that they do have neighbors to the rear and they have made some adjustments to the site plan, pulled these buildings a little further out of the existing tree line to maintain as much of a vegetative screen as possible in that area.

Mr. Scofield noted that on the Route 9 facade they're looking to introduce a heavier masonry looking base to anchor the building to the ground along with storefront entry doors and windows that would provide not only visibility from the street but also the natural light and each entranceway also is protected by an aluminum awning so each doorway has the protection out to the sidewalk. Each entrance way is also enhanced with a brick veneer facade that helps define the entrances along with the overhangs and between each of the darker shaded brick veneer there is board and batten to help bring the warmth of a wood material into the elevation. He stated that those elements will break up the facades and with keeping with the current trends for materials will add street appeal. The side elevations will transition into an aluminum metal wall panel and that will continue around the rear. In the rear they kept a minimal approach where they're providing each tenant an overhead door and a man door to get in but didn't want to start throwing additional windows as that's not visible from Route 9, they weren't trying to

encourage the ability to look in and eliminate the risk of any mischievous activity. Mr. Scofield continued that the rear building is basically divided in half so there are two sets of entry doors with a demising partition between those two entry doors that would separate one tenant from the other. The north and south view each tenant to have an overhead door for equipment and also the windows that would be for more of the office spaces for organizing and running the business out of that space.

Mr. Thyberg noted that they've spoken with the applicant about neutral earth tone type colors which we can provide more information with their next submission.

Mr. Scofield noted they're looking at earth tones or even into the gray families, anything that's going to keep a desirable feel for what today's client is going to want to rent.

Mr. Gainer asked if it was possible that the applicant can provide colored renderings of those architectural and color swatches for the boards next meeting.

Mr. Scofield agreed to do that.

Chairman Zuckerman asked Mr. Gainer if he had anything to add.

Mr. Gainer noted that his office has provided some technical comments for the applicant to consider and statutorily the project requires a public hearing as the if the board is otherwise ready to do unless you want further information on these architectural.

Chairman Zuckerman asked the board members for any questions

Heidi Wendel asked if the applicant will be cutting down the trees on the south side of the property. She stated that couldn't really tell from the plan and noted there was a significant clump of trees, very large evergreen trees.

Adam Thyberg referred to the plans pointing out a stretch that is more of a of vine covered kind of an invasive deciduous section in order to accommodate the stormwater attenuation that's required as part of the DEC general permit. They've looked to where they had to make removals. They are looking to screen the property along the property line with evergreen trees while also mixing in a good variety of shade and understory trees a lot of native shrubs, pollinator species, perennials and not to mention the seed mixes that will contain a variety of native perennials. He noted that they've looked to put back better than what they're taking out. The plantings they are completely native plantings and architectural they believe that this will function ecologically better than what's there as the majority of what is on the site now is a lot of invasive species. They're looking to replace what we're taking out in a conscientious and constructive way but to answer Ms. Wendels question the trees that are in this area would be removed and replaced with a dense screen of native evergreen trees.

Ron Gainer asked Mr. Thyberg to pull up the plan for the tree removal so the board can better appreciate the extent of removals going on.

Mr. Thyberg explained that where they are showing a storm water basin in this area is more the middle of the site that we were walking where there's not a lot of tree cover and they're maintaining as much as they can along the perimeter here and out in along here but there is a significant portion you can see, mostly Norway maples that are in this area where they would be

putting a storm water basin so those ones with the x's would be the ones that would be removed and again these are these are the eight inch caliper trees

Kim Conner stated that some of the trees are more than eight inches, some of them are 18 inches and it's clear-cutting essentially. She also asked for Mr. Thyberg to explain why the stormwater basins have to be so large.

Mr. Thyberg replied that as part of the state stormwater regulations for what they're looking to do you need to accommodate or attenuate peak flows in an extreme event to make it so that any water that in such an extreme event that leaves the site is as much or less than the existing condition, so the size of the basins is to accommodate the stormwater.

Kim Conner asked if that is because there's because there's so much impervious surface.

Mr. Thyberg replied, correct.

Kim Conner asked that considering there is restaurant next door, there are children in the parking lot and the applicant is removing all pretty much all the screening, what kind of safeguards do you have to put into these stormwater basins so that children don't find them an attractive nuisance and end up in them.

Mr. Thyberg stated that these are not going to be wet for much time. There will be intermittent periods where there will be water in these and they prefer not to have to fence them in or anything like that just for the aesthetic.

Kim Conner replied that she is just asking what safeguards are, like what requirements. She asked if maybe that is something Ron Gainer could tell them at some point. Ms. Conner also stated that the building at in the front is extremely large and covers almost the entire lot and it looks like it goes into where there's an easement for a shared driveway. She stated that she knows that the owner of this property also owns the property next door but questioned where the easement sits. Does the owner have to extinguish the easement? Does the easement run with the land regardless of who owns it?

Mr. Thyberg stated that it is a shared easement and he believes the beneficiary is reciprocal on either side of the line. He noted that he will have to clarify that. He also stated that because it's the same owner across the property line if that did need to be modified that could be done.

Kim Conner asked to confirm it was three kinds of siding; masonry, brick face and aluminum?

Mr. Scofield replied that it could either be aluminum or it could be a cementitious, like a hardie material.

Kim Conner question that the first and second building back doesn't seem to have much of a relationship.

Mr. Scofield noted that the metal panels will actually be the same color scheme so as you get past the brick veneer on the front corners and it changes over to metal the same feel will go onwards the back.

Kim Conner noted that it seems like the architectural style is different though.

Mr. Scofield replied that it's only different in the sense that the front building is more of a single pitch to the east where the rear building has a slight gable pitching both east and west.

Kim Conner stated that they haven't really talked about the hoop house and the salt and the aquifer. She said she doesn't know what the board feels about that but just want to keep it in mind and she recalled the last time they talked about this there was a discussion of whether or not it was going to be possible to have gravel paving inside that fence and whether you would have problems with heavy equipment sinking in bad weather. She would also like to know if there are going to be trucks or anything like that parked within these fences, is there equipment that's going to be stored in these yards or is it just material.

Mr. Thyberg replied that there may be equipment kept in the in the storage spaces along with materials and that they did discuss going with a concrete slab within the storage units which he thinks they can certainly accommodate but, yes and to answer Ms. Conner's other question, yes there might be some light machinery kept within these storage areas.

Kim Conner stated that her question for Mr. Gainer and Mr. Gaba is given the boards experience further down Route 9 with parking trucks that are being worked on does the board need to institute any kind of controls over how much equipment gets parked there where it's allowed to be parked that kind of thing so that they don't end up with a similar situation.

Ron Gainer mentioned that the issue's been raised in the past but there's been no clear definition from the applicant as to what types of equipment they would consider parking there. He thinks it's important to have the plans clearly identify what their expectations or hopes are in terms of what would be permitted on those outdoor gravel areas and then the board could determine what's appropriate for either environmental protections or again further screening enhancements for the rear.

Steve Gaba stated that agrees with Mr. Gainer 100%. He said that he thinks it would be appropriate to have a note specifically delineating what it is going to be done in that area and the board can impose whatever safeguards it feels is appropriate as conditions of approval.

Kim Conner stated that is all the questions/points she has for the moment.

Chairman Zuckerman asked if anyone else would like to speak.

Laura O'Connell asked because we are talking about the Route 9 corridor again would the board be required to also ask the same question with regard to the frequency of the amount of trucks that are coming in and out of the site and should we be concerned. If so, do we have the ability to ask for a traffic study or do we even know the entrance because they have two entrances that amount of trucks based upon, they're coming in goings is that enough for the for the site.

Adam Thyberg responded that there is going to be a permitting process with the DOT and a lot of that will be determined through that process and vetted out with regard to the number of trips they've included in their statement of use a good amount of data in terms of our anticipated number of tenants, our anticipated number of employees, our anticipated number of trips both of said employees and of any other trucks or deliveries and that kind of thing so we've provided documentation on that and then further to that point with regard to the driveways that's all going to be vetted through the DOT permitting process. Mr. Thyberg stated that Mr. Gainer had noted in one of his comments the possibility of doing something with the northern driveway of maybe

an exit only or some other variation on that idea of limiting truck egress to the main driveway and again know that's all going to be vetted through the DOT permitting process He noted that there's certainly possibility of limiting access to you know whether it's an exit-only kind of situation or if it's just for passenger vehicles and trucks are required to use this main route and that again will all be vetted out.

Ron Gainer stated that just to be clear with the board as Mr. Thyberg indicates the applicant has filed a statement of use with the board it made very clear representations in terms of the expected occupancy for the buildings and traffic generations so the board would be able to review those documents just to be sure they understand the scope of what's being proposed.

Steve Gaba wanted to note that on the DOT issue the internal circulation of vehicles as well as the overall traffic impacts of any project are well within the purview of the Planning Board, those are all things the board can consider and ask any questions that they want about and make sure that they're satisfied that the plan works as far as both internal traffic circulation and overall traffic impacts. He stated that the applicant is absolutely correct that they're going to need curb cut approval from the DOT as far as entrance on to Route 9 and Mr. Gaba stated that the board would be very hard pressed to say that they're going to require something that the DOT won't approve, having said that DOT approval is a minimum and if there's more that the board needs and they have a basis for requiring more in terms of site distances or whatever you don't have to demure to the DOT on that. The board can't require something the DOT won't approve but if you're willing to meet that minimum the board can require additional safeguards if there's a rational basis for it.

Chairman Zuckerman stated it is important particularly for this application relative to similar ones like when the first round with Magazzino that the board talk about paragraph 175 65D in the Zoning Code which is an important paragraph for this. He continued if you read this is really what is the precedent here and we want to ask and make sure the applicant has considered that they have minimized the visual impact. This is not a retail business have they and do we the board feel that's the latter part for our board but do you Mr. applicant feel like you have minimized the visual impact of the structures, not reduced but minimized I think that's the question I feel is necessary to cover.

Adam Thyberg stated that he thinks they've minimized it through the extensive plantings that they're showing along the frontage and have put forth elevations that are more articulated than what you might typically see on an industrial type building he feels it looks a lot nicer than you might see in that vein of architecture so he think they've put together a nice presentation in terms of the elevation but also one that you know they're looking to with color scheme and not be something that's going to jump out, something that's going to blend nicely into the landscape and they've looked to push it back to the extent that was reasonable and think they've presented a facade and an elevation that blends nicely into the landscape and also planted pretty extensively along the frontage.

Chairman Zuckerman stated that his advice is to consider a little more on the front edge because he feels it's still an industrial building and in an area that has a unique mix of residential commercial and industrial properties. Chairman Zuckerman then asked Mr. Gainer about a mention in his memo about potentially directing you to prepare the part two of the EAF.

Ron Gainer stated that's correct as indicated at the beginning of this discussion the board can acknowledge themselves to be the lead agency pursuant to SEQRA if the board is otherwise prepared to move forward you want to review the part two of the long-form EAF and evaluate

potential impacts which is necessary before they make a SEQRA declaration he can prepare that based on the knowledge we have the project and provide that to the board in advance of the next meeting for their review at that meeting.

Chairman Zuckerman noted that typically our applicant prepares that and asked why he would be preparing it in this case.

Mr. Gainer stated that yes, very often the applicant does prepare part two and, in this instance, one has not yet been prepared by the applicant it's no matter it's just a matter of having it done and for the board to review it, accept the answers, and then adopt it.

Chairman Zuckerman asked for a motion to have Ron Gainer prepare part two of the EAF. Peter Lewis made the motion Kim Conner seconded the motion.

Chairman Zuckerman asked if there is any discussion.

Peter Lewis stated that he just had one question regarding the residence to the east and hoping to mitigate any visual impact that might be deleterious to their house. He wanted to confirm that the solution is mostly going to be plantings there and the color of the paint on the building to address that question.

Adam Thyberg stated that yes, with the rear elevation that we were showing pretty dense evergreen screening in addition to the deciduous screening that they're maintaining in the rear and they're open to any suggestion that the board might have with regard to how else that rear elevation might be might be augmented.

Heidi Wendel asked if the resident know this is happening and Ron Gainer replied that he believes that they do.

Chairman Zuckerman stated that there is a motion on the table and asked if any other comments. The vote went as follows:

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

Chairman Zuckerman: Any opposed? Any abstentions? Being none, the motion passes.

Chairman Zuckerman asked Mr. Gainer if okay all right anything else that we need to cover.

Ron Gainer asked if the board has any further information they wish to see from the applicant or enhanced architectural information before they consider scheduling a public hearing.

Chairman Zuckerman stated that he feels that Ms. Conner and others did a very good job of adding clarity about the coloring and the siding of the buildings.



Kim Conner stated that she doesn't remember the traffic information and would like to make sure we have information about tractor trailers and things like that coming in you know what the size of the trucks.

Mr. Thyberg stated that with the site plan they've included there was a statement of use and there's also a table on the site plan that breaks out the intensity of the use number of trips and so on and in addition to that they're showing maneuvers for the tractor trailer type vehicles being able to make it into the site safely and exit the site safely, that's also available in site plan set. Mr. Thyberg noted that he wanted to press one more time with regard to the possibility of scheduling the public hearing for the March meeting with the opportunity to answer these questions and receive any further questions from the public March.

Chairman Zuckerman asked for the sentiment of the board? them in the board any thoughts do we feel the application is complete enough for the public to comment, anybody have any thoughts.

Kim Conner felt that since part two the EAF hasn't been completed perhaps not.

Chairman Zuckerman noted that it is atypical for the staff engineer to prepare the EAF and there is information in there that is useful for the public to comment and that would not be in the public record until it's written so for that reason, he does not feel it should be scheduled yet. Mr. Zuckerman asked if any oppositional views to that.

Neal Tomann stated that he thinks they've got enough for a public hearing he added that he thinks the DOT is going to ask them to modify the north entrance that looks a little tight but thinks there's enough there for a public hearing.

Chairman Zuckerman asked for a motion to vote whether to schedule a public hearing for the March meeting.

Neal Tomann made the motion, Dennis Gagnon seconded. The vote went as follows:

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

In favor- 2 members voted in favor. Opposed- 4 members were opposed.

Chairman Zuckerman stated that the vote did not pass.

Mr. Thyberg thanked the board and stated that they will be back in March.

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

Chairman Zuckerman acknowledged that the board had received a lot more information and responses on this project and thanked Mr. Hollis but noted this information just received the day

before the meeting. He stated that he and the board have not had time to read through all of the responses and that he would like to take the next hour to have the applicant take the board through what's in that document and board members can ask questions on what they were able to peruse. He added that they will dedicate time at the next meeting to further reviewing since he thinks the board members will have a chance to read it. Chairman Zuckerman reminded the applicant that the deadline to submit materials for the meeting is two weeks prior to the meeting.

Mr. Hollis introduced himself as Peter Daniel Hollis, Project Attorney from the law firm of Hollis, Laidlaw & Simon in Mt. Kisco, NY. He went on to introduce the development team: Chip Allemann from Garrison Properties and Davis McCallum and Kate Lieberman from Hudson Valley Shakespeare Festival.

Mr. Hollis stated that he thought it would be good for the board to declare themselves Lead Agency and that it needs be established because 30 days have elapsed since the board circulated their notice of intent and he thinks that would be a good first bit of action on your part at some point this evening.

Mr. Hollis stated he will ask each of the consultants to give an overview of what they have presented in written fashion and Mr. Johannessen, the environmental consultant will talk about the EAF and SEQRA. He continued that after they get the lead agency established, he thinks it would be important to start to do a deep dive into part two which they have prepared and amended since the last time.

Mr. Hollis noted that they have been following precisely the outline Mr. Gainer developed at the January 28th, 2021 meeting. They've responded in orderly fashion to each point Mr. Gainer made as augmented by comments from the public that were made that evening that were in the same category as outlined by Mr. Gainer and with regard to the EAF that they've amended and submitted they didn't do part three obviously but did do a scope or an outline for part three and if you read ahead like you do sometimes in a legal decision to see what how the judge is going to rule the outline of part three will be very helpful for the board to establish the order of march so to speak as we evaluate the environmental aspects of this project.

Mr. Hollis asked Landscape Architect Lanie McKinnon of Nelson Byrd Woltz to share her screen to show the team and the spelling of their names. He introduced John Canning, Traffic Engineer from Kimley-Horn, Jan Johannessen, Environmental Consultant from Kellard Sessions, Jaume Soler, Acoustical Expert and Glenn Watson from Badey & Watson, Civil Engineers.

Mr. Hollis asked Mr. Johannessen to speak briefly about the SEQRA process followed by Mr. Canning to speak about what was submitted regarding traffic and Ms. McKinnon is here to go through the site plan if needed. He noted if there are any operational aspects Mr. McCallum or Ms. Lieberman can speak to those and Glenn Watson can speak to any site plan issues involving storm water and specific septic issues.

Mr. Johannesson stated that his office is responsible for preparing the part one EAF and part two EAF that been submitted to the board as well as the part three EAF. They have responded to the board's initial comments in the revised EAF parts one and two.

Chairman Zuckerman noted that since the board had just received this information and had not had time to read through all of it that they will need more time to digest the information. After they have read through it all they will have a session where they go through the EAF part two in

detail and since it's the board's document each of board members are going to go point by point about the issues they feel and they will debate and discuss about where they think it should go in what language and when that's done, he thinks they'll be done with the EAF part two and can go from there.

Mr. Hollis asked his consultants to highlight the greatest hits from each of the submissions. He asked Ms. McKinnon to put up the overall general site plan and asked Glenn Watson to talk a bit about the site plan and any changes that are different based on the reaction.

Mr. Watson stated that the site plan really hasn't changed but they did take a serious look at a lot of the questions that were raised either by Mr. Gainer or by comments from the public and that were picked up and at the site walk. He stated that they've just today finished a tree survey which where we located every tree eight inches or larger within 50 feet of the anticipated disturbance. He stated the discussions he concentrated on were basically the general characteristics of the property and the visual impacts that might happen from various spots the southern on each side of the property and where they are at their worst, where they are at their least discussion of what Ms. McKinnon's plan has provided by way of impact mitigation and what other things that would mitigate the visual impacts. He noted there were a number of questions regarding the septic systems and how they relate to the wells and how they relate to water supply and there's a discussion in there about how we select a septic system, what to do with regard to the wells, there are nine wells on site. Mr. Watson continued that they will probably end up having eleven wells when we're done. He said that's discussed and how the septic systems are located to protect the wells and what's done to test for them and what has been done so far with regard to the testing. He noted that they had started that program but got snowed out and the health department health won't come out with a snow cover like that. There was a similar discussion with regard to drainage, there was a concern about whether or not we could handle the drainage and what the object is in handling the drainage. There was a discussion with regard to rock and whether there would be blasting and that focuses around the grading that Lanie McKinnon basically did and they mathematized. Ms. McKinnon followed the grade of the ground as much as she could and within certain specifications to make sure the roads work so there are cuts and fills but they're not very deep and they've compared that to the soil maps which show that they have very deep soils that they have to deal with so they've demonstrated that they have a pretty good mix of that and they couldn't deny that they might hit some blasting requirements but there's a number of steps to go through first and they answered the question as to how they would mitigate any impacts from blasting should it be required.

Mr. Hollis stated that a point of interest for almost everyone is traffic and turned it over to John Canning.

John Canning wanted to thank the board and the public for the input so far. He stated that he wants to make sure when the board reads this document that they have incorporated all of the concerns of the board because he wants to be sure to address them all. Mr. Canning stated that The Garrison was approved in 2005 for a whole bunch of stuff and a good portion of it was built. He continued that in their traffic study they are comparing what The Garrison will be in the future with the uses that have been requested to what is approved in the 2005 approval. They're evaluating the traffic impacts from the worst-case scenario basically everything is operational at the same time. The indoor theater, the outdoor theater, the banquet at the restaurant, the golf and the hotel. Mr. Canning stated that he wants the board to understand that they're doing a very conservative analysis. He continued that if all of these activities are operating at the level that they're evaluating in our study it'll happen maybe five or six times a year. He stated that there are only 28 days a year when both the indoor and the outdoor theaters are scheduled to

have double performances. They're doing a very conservative study at the items that we have specifically heard the board mention, highlight the most important ones as they see them there are some other little ones but if you think I've missed a major one you bring it to my attention.

1. Snake Hill Road - Snake Hill road at the driveway that goes into the golf course, on the back side or the West side, sight distances everything to do with Snake Hill Road.
2. Traffic within the property, how that will operate safely with all of these people driving and walking around the campus.
3. How much parking will be needed?
4. Philipsbrook Road driveway, should that be open, should that not be open?
5. The intersection of Snake Hill Road with Travis Corners Road and Route 9, what can be done to make that work for Hudson Valley Shakespeare Festival and for everybody?
6. Turn lanes particularly at Route 9 but also at the Snake Hill Road driveway.
7. What's going to happen on this campus or on this property when presuming it is approved and when it's fully operational?

Mr. Canning closed with saying that it will be basically a cultural, entertainment and arts campus and as such it will be managed as a venue so they'll have scheduling and pre-planning and event planning but all of that is what they're going to discuss in their study and they've put it all in there for the board to consider and then please tell them where they're missing stuff or where the board would like more stuff.

Jaume Solar with Sound Arts Consulting stated that in the previous meeting there was a few questions about noise impacts and right now they are in the process of building an acoustical model of the site and in that model, we'll be introducing all the potential noise sources and quantifying the acoustical impacts in all the residences around the site. He wanted to mention that in the last three four years at Boscobel there have not been any noise complaints about performances at that location and the residences are located at similar distances at The Garrison site. (Mr. Soular referred to slides 9 & 10 in the presentation). On The Garrison plan all the residences are outside this circle so we don't anticipate any acoustical impacts or any complaints but that will be what the model will be showing and quantifying that will be we will be presenting that in a in a future meeting.

Mr. Hollis noted that we haven't made any changes to the site plan itself because they didn't want to change the site plan until we were certain where the Planning Board wanted them to go. He asked if there are any questions from members of the board of any of them.

Chairman Zuckerman noted that the board needs to reschedule their second site visit and asked Mr. Gainer is there is anything he would like to ask or clarify.

Ron Gainer noted that since the materials have just come in and he's trying to process and get through it and he has nothing more to offer for tonight's meeting.

Chairman Zuckerman asked for the sentiment of the group as to if whether they should reschedule the site visit now or wait until April when they know they can actually walk on it.

Kim Conner thought they could schedule it in April and that since there's plenty to talk about without having to see the lower area.

Chairman Zuckerman feels it will be hard to traverse that terrain.

Glenn Watson added that they would feel much better if the site visit was scheduled sooner but may have to be canceled rather than not scheduled and the ground may be clear.

Chairman Zuckerman then asked for a motion to schedule a new site visit. Dennis Gagnon made a motion to schedule a new site visit and Heidi Wendel seconded it.

The vote went as follows:

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

Chairman Zuckerman: Any opposed? Any abstentions? Being none, the motion passes. The board scheduled a new site visit for Sunday March 14th, 2021 at 9:30am

Chairman Zuckerman asked if the board needed to vote to become Lead Agency.

Mr. Gaba noted that the board does not need to voted and that they automatically become lead agency. He added that they should put it on the record.

Chairman Zuckerman acknowledged that the Planning Board will be the Lead Agency. He then opened the floor to anyone who wants to ask any questions.

Kim Conner asked the following questions:

1. From the original PDD what got built and what didn't get built? She noted that there were a lot of things that were in there that were supposed to get built that may or may not have gotten built from septic systems to the hotel and would like to see that ideally in a table form.
2. How does the addition to the Garrison Golf Club building which was built sometime in the last five years relates to the PDD. Ms. Conner requested that the board could have some kind of drawing that shows us where the new plan is in relationship to the core area that's in the PDD.
3. As far as lodging goes there's a discussion about seasonal lodging. Ms. Conner would like to have it confirmed that seasonal refers to the theater season as opposed to Spring, Summer, Fall, Winter because it's confusing when we think seasonal.
4. The PDD mentions four septic systems, do they exist?

5. Ms. Conner would like to know how you control family occupancy because it's calculated as three people in a family situation, just wondering if some families are bigger so if that's going to increase the number?
6. Would like to know what happened to the four managers cottage rooms if they ever got built?
7. When counting the number of people that would be staying in lodging with the two-bedroom family, the one bedroom, the two bedroom and the new inn and the existing inn assuming each room that's in the inn is a two-person room Ms. Conner comes up with 98 people in 54 rooms and would like to confirm.
8. It seems like there's an overall decrease in water usage and would just like that confirmed, but there would be an increase in septic usage because there will be people who will be on site using the facilities who will not be staying in the hotel so would just like to know a little more about that.
9. On page 29 of the EAF under J8 it talks about pedestrian and bicycle accommodations and I'd just like to know what they are.

Mr. Hollis noted that he could answer two of Ms. Conner's questions tonight. He stated that with regard to the seasonal artists will be there for the period of their engagement so she is correct it's not the Spring, Fall, Summer, Winter it's the season of the of that particular production. Also, in the in the materials note that the clients are willing to restrict the length of stay for other than Artists in Residence during the period of their engagement so that to take away the fear that those cottages could turn into rental unit for year-round the use by a family. The applicant is willing to have that be a condition of approval when hopefully we get there.

Peter Lewis asked if the applicant was considering having a maximum number of visitors to the independent park and if there was going to be any type of enforcement of that so that we might be able to preclude something that happened like at Constitution Marsh some years ago?

Mr. Hollis replied that yes, we are very aware of marshalling and controlling visitors other than patrons for the shows during the time of the show so there'll be a plan that we will have for you to discuss and evaluate how we'll manage that that's already under consideration.

Chairman Zuckerman commented that he was able to read the two-page traffic document which was very helpful and had a couple of questions on this table and noted that traffic is and will be a significant source of questions we'll have over the next periods of meetings. Mr. Zuckerman noted that he does not see a row for the park that Mr. Lewis was alluding to nor did he see any allocation for the 15 houses, maybe you already have it as part of the hotel row.

Mr. Canning replied that the parking for the 15 houses is in the hotel row but for the park he'll have to get back to the board.

Chairman Zuckerman noted that in terms of some numbers there's an absence of a number of buses, there are guest numbers for buses but you don't have the vehicles of buses that are turning in and out to drop off these people and also buses are not 15 feet in length.

Mr. Canning replied that based on conversations with Mr. Allemann it typically about two buses associated with the weddings.

Chairman Zuckerman noted that he felt the 112 seems like a light number of guests for The Garrison.

John Canning noted there's a range but from the traffic perspective and from the water sewer perspective whether or not there's a range we're looking at what the expected maximum attendance is so from traffic they've looked at 200 seats in the banquet facility because they're proposing to reduce the seating capacity from 232 down to 200. The restaurant is considered 72 seats because that's its capacity and for the venues they've considered 530 and 225 so the point is well taken and they will be looking at the maximum attendance.

Chairman Zuckerman also noted that there's not only the main hall where we have our dinners usually for The Garrison events but also have the reception hall, the restaurant, indoor theatre, outdoor theatre, golf, weddings, restaurants and park. He continued that we are trying to figure out for the maximum capacity. He'd like us to make sure we have a reasonable assessment of how many people are at the restaurant.

John Canning replied that the assumption that they made and they can make an adjustment is that if you've got six things open, you're never going to have all six things 100% occupied at the same time, it's just practically not going to happen so they said let's look at what is the most likely worst case and we can make adjustments based on your recommendation. He continued let's assume that you've got the Hudson Valley Shakespeare Festival at full capacity for its two performances on a Friday night and the hotel is at full capacity and we said the golf on a Friday night is low and we said that the banquet was at 80% and the restaurant was at 70% and overall actually it's 95% on Friday and it's 94% on Saturday so we're at 94% of the maximum number of people possible you could cram into the facility believing that we won't get any higher than that because everything doesn't always peak at the same time. If you think that needs to be adjusted when you give us your comments just let us know what you think it will be and we make adjustments.

Chairman Zuckerman stated that we're trying to worry about the maximum. He continued that his last point is about the amount of occupants per vehicle. In doing some simple division it seems like they're using 2.79 occupants per car.

John Canning stated it depends on the day, they got data from an event source that says it's 2.5 on a Friday and 2.7 on a Saturday.

Chairman Zuckerman stated that he went to two websites, the University of Michigan traffic analysis and another from the federal government and they said the averages were 1.5 and 1.7. He stated that these numbers are dramatically different. You get 611 cars at a 1.7 versus 384 cars at 2.79. That's a big difference and he understands that the argument would be that you're going to bring your mother or your aunt or cousin with you in the car but as he works in business and does a lot of assumptions work the assumption is very sensitive that whatever you use for the average passenger is very sensitive especially since the EAF has a magic number of 500 as being one of those questions do you have more than 500 cars so we have to have a real good discussion about what is the average number of human beings.

Chairman Zuckerman asked Mr. Hollis if there are other things he wants to talk about tonight.

Mr. Hollis stated he thinks we've made some pretty good progress tonight.

Chairman Zuckerman stated that he'd like to suggest for the next meeting they will start with HVSF and the board will have a chance to have read all the material and then can go through all questions and then after that take up a detailed review of the EAF part two so they can get through that but will have to get any questions answered first so he feels that would be a fair assignment for the board. Mr. Zuckerman asked if the board members had any other questions

Kim Conner just wanted to remind everybody of the deadline two weeks before the meeting so that we don't end up in the same situation.

Mr. Hollis replied that he thinks they've given the board enough for this trip we have a few more things that will get into you as quickly as possible and they've answered an awful lot of questions in that submission.

Chairman Zuckerman asked Mr. Gainer or Mr. Gaba if they had any comments. Mr. Gainer replied no.


Mr. Gaba felt that things were set up well for next month's meeting but doesn't think they will be in a position to go through the EAF part two at next month's meeting. He thinks they will have enough to process and enough questions after that before trying to provide answers to the checklist of items in the EAF part two.

Chairman Zuckerman then asked for a motion to adjourn. Laura O'Connell made a motion to adjourn and Peter Lewis seconded it. 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

The motion passed unanimously and the meeting adjourned at 9:46 pm.

Date approved 3.18.21

Respectfully submitted by,  
  
Cheryl Rockett

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