

PHILIPSTOWN PLANNING BOARD

MEETING MINUTES

April 15th, 2021

The Philipstown Planning Board held its regular monthly meeting on Thursday, April 15th, 2021 via Zoom.

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

Absent:

Chairman Zuckerman opened the meeting at 7:30pm. Kim Conner lead the Pledge of Allegiance.

Roll call was taken by Ms. Rockett.

Minutes

The Minutes of the January 28, 2021 special HVSF meeting were reviewed. The Board then approved the minutes.

The minutes of the March 18th, 2021 regular meeting were reviewed. The Board then approved the minutes.

Correspondence

Chairman Zuckerman stated that there are three pieces of correspondence to cover. He asked Mr. Watson if he's familiar with the negative balance on Horton Road LLC. Glenn Watson stated that the client has this in hand at this point. Mr. Watson replied that he is told the client does and will double check.

Chairman Zuckerman stated the second thing he wanted to mention was that the Planning Board has received a lot of emails and he just wanted to show this for those on Zoom. This is a package of the letters related to the Hudson Valley Shakespeare Festival received between February 15th & April 1st. He wanted to be clear that every board member has these letters, every board member has read these letters, your opinions matter. We will have a public hearing in the future. We cannot give you a date yet. We have to finish our deliberations on the EAF part 2 but they are reading your letters, they appreciate your letters, they are being received.

Kim Conner stated that she wanted to talk about correspondence. Just for clarity she's been helping with the town website because she designed it in the first place a decade plus ago. There's been questions raised about putting these letters up on the website and so Ms. Conner and Ms. Rockett reached out to Mr. Gaba to find out what the rules are. He said that the board has a decision to make over whether these letters go on the website right away, or will be held for the public hearing, and maybe Mr. Gaba could just talk about it a little bit.

Steve Gaba stated that there's no requirement to post letters received from the public on the website. They're not part of the applicant's submissions, and they're not part of the board's proceedings. Technically, they're out of order until the board has their public hearing. He added he wanted to take a step back to distinguish letters that are on a particular application that's pending from letters that are sent in generally. The Horton Road one was on a particular application, but it really didn't deal with the merits of it. If the Board gets a letter asking them to release a bond or something like that, those can be dealt with under "correspondence" at the beginning, and those should be posted on the website because that is board business. But if people are submitting letters or sending emails on an application where the board hasn't gotten to the point where they're accepting public comment yet, the board has a choice. It can either post them as they come in over time or you can hold them and post them all when the time for the public hearing, preferably a month before the public hearing so people have time to read them. There's advantages and disadvantages to both. For example, posting them as you go along you may have a bunch of letters that deal with issues which simply have been resolved or are no longer issues. They could be completely irrelevant. People may prefer to read all the letters from the public in one fell swoop, or maybe you think people would rather read them as you go along. It's up to the board, you don't have to post them at all until the public hearing, but if you want to you can post them as they come in. It's the Board's pleasure.

Ms. Conner stated that if she could vote it makes more sense to put them all up together in advance of the public hearing rather than having to make sure that each letter goes up onto the website, because it's a lot of links, it would just be easier to have one link one batch. That would be her preference.

Chairman Zuckerman stated that he has a slightly different view. He would rather find a way to batch them on a monthly basis and then post as opposed to waiting a few months and then dumping a deluge. He agrees that posting them as they come in seems an unfair administrative burden but thinks on a monthly basis at least that's not a crazy periodicity

Ms. Conner asked what would be the cutoff point for that then?

Mr. Zuckerman stated it he thinks it should be the exact same cut off that Ms. Rockett uses for any applicants.

Ms. Rockett agreed and stated she can just scan them each month at that cutoff, so that the Board gets what's come in by that date.

Ms. Conner wanted to make sure if the cutoff is the Friday, two weeks before the meeting, there would be an expectation that if a letter comes in on in that Friday that they wouldn't be up until at least Monday evening just to make sure that people aren't calling about not getting it up because it's an extra step. She added that she believes we need to vote on this.

Mr. Gaba confirmed that if they're going to establish a board policy as opposed to just something that your secretary is doing on her own, then you really should vote and say this is what we want you to do.

Chairman Zuckerman stated that he's happy to have a vote. He then asked for a motion to post the letters using the same deadline we have for applications on a monthly basis

Heidi Wendell made a motion; Kim Conner seconded the motion. He asked if there was any more discussion. 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 said - Opposed? Abstentions? Being none the motion passes.

Magazzino Italian Art Foundation, 2700 Route 9, Cold Spring, NY 10516 TM#38.-3-24.1

Chairman Zuckerman stated as the board will recall they directed Mr. Gainer at last month's meeting to give them the documentation necessary for the amended resolution site plan approval resolution. He added that they have that in the packets and asked of Mr. Gainer has anything to say in this matter besides the fact that we have the resolution.

Mr. Gainer stated that, as the board understands, the applicant was unable to conclude the purchase of the adjacent property so now they're trying to amend the site plan and special use permit approvals previously granted to reflect the site plan covering only the current property of the applicant. That's the resolution before the board.

Steve Gaba commented that it's very straightforward, like Mr. Gainer said.

Kim Conner noted that on this resolution it says that it includes the "scholar in residence" dwelling which as she understood had been removed from the plan because that was going to go on the extra piece of land. She asked whether this document needs to be revised to remove that.

Mr. Gainer replied that that one "Whereas" clause in the resolution that references it relates to the original approval granted and includes the line adjustment. At the bottom of page 1 there's another "Whereas" that that indicates that the scholarly residence has been eliminated in these latest plans.

Chairman Zuckerman asked for a motion to approve this resolution. Peter Lewis made the motion; Kim Conner seconded the motion. Mr. Zuckerman asked for any discussion, 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
Neal Zuckerman: Aye

Neal Zuckerman said - Opposed? Abstentions? Being none the motion passes.

Chairman Zuckerman stated that there are two public hearings this evening one for the Desmond Fish Library and the second for Mr. Conn on Route 403. Mr. Zuckerman recused himself as he is a member of the board of the Library and turned it over to Vice Chair Kim Conner.

Alice Desmond/Hamilton Fish Library, Route 403, Garrison, NY TM# 71.6-1-12&71.6-1-13 -- PUBLIC HEARING

Chairman Zuckerman recused himself and turned the meeting over to the first Vice Chair Kim Connor. Kim Conner stated that they decided at last month's meeting to reopen the public hearing because in the notice that required signage on the property was not accomplished. She asked if Mr. Gainer or Mr. Gaba have any comments before opening the public hearing.

Mr. Gainer replied he did not.

Mr. Gaba also replied no and added to treat it like a regular public hearing.

Ms. Rockett read the public hearing notice.

Jen McCreery stated that she will give an introduction and Laura Pirie can give just a brief summary of the original presentation, if that's okay because it's been a while since the February presentation about the project. First, she wanted to say that the library has been considering solar for a long time prior to her tenure as director, and they've looked at a lot of different options. They've looked at doing solar on the roof but it didn't work with the slate roof. They've looked at doing a larger array out in the field to maximize energy generation, but they didn't want to take up the property with solar panels and so they tabled it for a while. But in 2016 they went out and started a long-range planning process with community conversations with all kinds of folks in the community. The recurring themes that emerged from those conversations about the goals and concerns for the community; three of them have informed their long-range plan. A love of the environment and the natural beauty of the outdoors in our region, concerns about climate change and seeking connection across divides in the community. So, they incorporated all of those into the long-range plan which was adopted with a focus on sustainability and creating community engagement and gathering spaces on the library property. That's really what has spurred this solar project, with the goal of integrating both of those goals on the site. In 2019 they received a library construction aid grant for both solar and master site planning and were lucky to hire Laura Pirie and her team because of their focus on community involvement in the design process and also a very creative approach to solar design. The resulting design beautifully integrates the array with the landscape. It highlights the natural habitats that occur along the walking paths throughout the site. She added that she's most proud of the community conversations and the public process that has informed this project, and hopes that it will serve as an educational and inspirational tool for the community for many years to come.

Laura Pire shared a little bit about the design process and the community engagement, whereby they arrived at this sculpturally based place making sculpture landscape as part of the Desmond Fish Library project as Ms. McCreery just overviewed. She added that they are really happy to be able to work with a lot of the goals of the library and paid very close attention to their goals around sustainability as well as community experience and community engagement. Just as an overview for those who might like to know, we began this process in June of 2019 with an investigation phase. That phase included a community meeting which happened in July where they had community members to the library to generate ideas and the community's values for the project. Then the project went forward into a visioning or design phase where they developed concepts. Once they had those concepts in hand, which were based on the ideas and the needs of the library and the community input, those concepts were presented to the community for their input and discussion as well. Those concepts were on display at the library for at least a month or two. At the conclusion of that, they refined one of the designs or a mash-up of the designs into the final design solution that you see here tonight. So, the design process spanned the last half of 2019 and the library spent the last year getting logistics and things in place to move forward. The first library ideas meeting was advertised through the library's channels and on their Facebook page. The ideas that came out of that were really wide-ranging. It had to do with site access character uses site other ways the community felt that they could use the site or engage more broadly with the activities of knowledge and connection that the library embodies in its mission. After the first meeting where they took all of these ideas from that July meeting they presented to the library and the community three options which embodied those ideas in three different potential solutions. Once these solutions were gathered, they had a second community meeting where they presented these options and then those who were in attendance actually through post-it notes ranked their preferences of individual aspects of the scheme

and then the overall scheme so that they could look at the values and the aspects of each project that those in the community liked the best. After the options were presented in a community meeting the boards were on display in the program room of the library for several months. The final outcome of that where folks had additional time while the boards were on display in the program and they could add additional comments. The final outcome of that was a design scheme called the discovery path and the idea of the discovery path is everything belongs in its natural place on the 13-acre site of the Desmond Fish Library. It provides an opportunity for a walking path that goes around the site that's ADA accessible so all those of multi abilities are able to traverse this path. It includes a reading garden which was completed last summer and what we're here to look at for this application is just the solar array ribbon here and they call it a ribbon because it's a one panel high, very lightly floating sculptural array, that's oriented in the optimized solar orientation but also sits very lightly and compatibly within the landscape. The other part of the application that is being submitted at this point, because this is a master plan the entire site is not being developed at this point, is this this path which is essentially a gravel path. Where it does cross over some wetland area there is a footbridge that goes over it. Other than that, the rest of this will be implemented in some future date under a separate application. Ms. Pirie shared a rendering of the array so that they can see that its profile is meant to feel very light and airy. It's complemented by landscape materials and its orientation and relationship to the path is changing. They developed as part of a future master plan planting strategies to complement the different areas of the site and that can be seen here in the final image.

Kim Conner opened the public hearing up for comment from anyone who would like to speak regarding the Desmond Fish Library application.

James Copeland, Garrison, NY - Mr. Copeland stated that looking at the rendering the appeal to this as a ribbon it's very interesting, but I am concerned about the maintenance of this over time and given the kind of wind storms we've had in these past couple of years this thing could look less like a ribbon and more like the shoes in one of my daughter's closets. So, I'm concerned that there'd be enough, that it'd be technologically capable of holding its shape. I see that there are about three or four per post, there's not much detail here to go by, but unless this can be maintained this could look really awful in a short number of years. Because the ribbon quality does require that each panel maintain its critical connection to each other, and its relationship as being fluid if it's not maintained it will be lost. The landscape around here just does not stay fixed. It's a freeze/thaw cycle. It does change, things move and that was my comment last time. It remains the same. I am concerned about maintaining something like this that is kind of once it's in the ground out of sight out of mind because the library has put this closer to the McNeary's, the Copelands and the Regele's than anywhere else, and so we're going to be looking at it. I want to make sure that this does not end up looking like a confused jumble within a few short years.

Joseph Regele, Garrison, NY - Thank you for reopening the hearing. A couple of things, one I'm a supporter of the library and I was on the library board for years I've contributed to the library for years. I want to be clear that I'm not opposed to solar power. However, I would really like to understand how this process went forward. While I understand based on earlier comments that there were a number of public hearings, the process itself, I think is a bit flawed. The library is located in the Scenic Protection Overlay District. I've reviewed the minutes; I've reviewed the documents and I haven't seen any reference to the scenic overlay protection district or any of the requirements that the scenic overlay protection district puts on any kind of installation or development. The purpose of the scenic overlay protection district is the protection of the Hudson River Corridor and actions necessary to preserve the attractive rural and historic quality of the town. The purpose of this section is to regulate land use and to maintain the scenic beauty and rural character. This section is intended to apply to those sections of the road and river corridors that are visible to the public and that substantially retain their scenic character. Due to its location in the scenic overlay district, the applicant is

also required to review and respond to the Route 9D Scenic Corridor Management Plan of 2006. Again, I've seen no reference to that in any of the presentations and I don't understand why this hasn't been made. In addition to those requirements, I would like to see personally as someone who's across the street from this installation a sight line study which would show what's actually going to happen. The renderings, while very attractive, don't give any real information from the point of view of relative exposure and by that I mean Route 9D and the library fields are at different elevations, so while these panels may be low profile, how do they actually on a strict elevation relate to 9d, when you're driving up north or south on 9D, It is again according to the Scenic Byway Corridor Management this extraordinarily beautiful road and as you're heading south especially and you look to your left, which is east, what are you going to see? These panels are going to be in the field. Now the overlay protection district regulations require a screening plan for any new structure. I haven't seen any indication of a screening plan anywhere in the In the documents submitted, and in fact, on page 12 of the application submitted by the library, when it gets to the screening plan, that box was not checked. It said screening plan is not required yet the corridor of management program requires a screening plan and it just appears to have been overlooked. In addition to the fact that the scenic byway from my review of the documents has been overlooked and the screening plan has been overlooked there is a question on the plan and I would like it confirmed by the library that this area of overflow parking is currently not up for approval, because there's an issue about this additional parking that has been put on the plan that I think is very problematic. This parking lot is located at what I would call the end of the runway and the runway I would describe as you pass the Garrison's school and come down the hill, you come out of a 25 mile per hour zone and the minute you hit the bottom of that hill people start to accelerate and on average are going 50 - 55 miles an hour by the time they get to the entrance, which is Lisburne Lane, of the area that's projected for future parking. Now the issue with that is that that it's an incredibly dangerous stretch of road. I've lost a dog there; I've had to call a highway department multiple times to remove dead deer from this stretch of the road and this particular plan is now calling for using the Lisburne Lane there in a left turn to provide additional parking which in and of itself is a question as to what the demand would be but I want to make sure that this is something that's going to be very carefully looked at. Another issue and was raised by Mr. Copeland, who in my notes here I have written down is the probably the most polite individual in Phillipstown, wants to know about maintenance. What's required to maintain these panels? What's the lifespan of these panels? Solar energy is moving so fast that are we going to find in 10 years' time that these panels are obsolete and if they're obsolete in 10 years' time, and they're out there in the field, what's going to happen to them? It's my understanding that generally for a cell tower or something like that a decommissioning bond is required. So, if you're going to put something on the landscape and it's going to be an intrusive piece of work, there needs to be provisions made to remove this, and you know it's interesting what's happening right now at Indian Point. Indian point has to be closed because that incredibly advanced technology that was the cure to all energy needs is now a problem and it's a problem that has to be decommissioned. So, what's the board doing about a decommissioning bond and what is the actual lifespan of this. I realize that the lifespan is one question but it's really going to be hard to see again due to how quickly the technology is moving this field. Lastly, I'd like to raise the issue of precedent. What kind of precedent is being set by putting this out in the field and putting it on display. In the minutes of the February 18th meeting one of the library board members was quoted as saying that that this is a public demonstration of the library's commitment to green energy, and so my question is if it's a public demonstration how is it different from a billboard and what are the requirements for billboards. I'll answer that question which is to say they can't be within 600 feet of a state highway. There are two solar arrays within a mile of the Hamilton Fish Library on Route 9d. I don't know if everybody or anybody is aware of those arrays, but what's interesting about these arrays is that they are invisible. Now that doesn't make them any less effective the fact that they're invisible. I think that from my perspective and driving by this field several times a day, seven days a week, you I don't want to see a bunch of hardware out there and I surely don't want to see a bunch of hardware that may or may not be relevant in 10 years' time and that you

know, regardless of different people's opinion, it really is an opinion whether it looks good or doesn't look good, and that brings us back to the Scenic Protection Overlay District and the screening requirements because once we get into the question of whether or not this is attractive, it becomes relative. Attractive to you may not be attractive to me and how does that work? In the minutes from the 18th of February the issue was raised that, oh well, this looks a little bit like a Christo installation and oh wasn't the flags, the gates in Central Park quite beautiful? Well, the gates in Central Park were quite beautiful. The essence of a Christo installation is that they are; one ephemeral and two; they're temporary. A Christo installation is made to highlight nature, to highlight the environment and then the you know - wait for it- it is removed. So, this solar array which is going to require maintenance is not ephemeral and in fact it is permanent and it is not a piece of artwork. It is a utility and as a utility it comes back to the requirements of the scenic byway and it should not be visible. If the library would like to move forward with solar energy, I think that's wonderful. I just don't think we should be forced to look at it because it's a public display, letting everybody know that the library is doing the right thing in terms of energy. In conclusion, I am requesting that the board keep this hearing open and that they require the applicant to return a comprehensive plan that shows how these solar panels will be screened and ultimately upon the end of the useful life when and how the panels will be removed and how it will be paid for. The last thing about precedent, quite simply, is you know we've got a lot of spaces along route 9D. You've got Saint Basil's; you've got the Highlands Golf Club, and if we set a precedent that it's acceptable to just put these panels in these fields because some people think they look good, what's going to happen to those spaces and how are we going to deal with those precedents? How are we going to deal with this precedent when Saint Basil's wants to put a solar array on their soccer field or the Highlands closes and someone wants to put a whole solar array out there? It's a slippery slope and I think we have to return back to the byway plan, which is supposed to help regulate this type of activity. I'm not asking you to not put the panels out there. I'm just asking you to have a screening plan that will hide them from Route 9D and make it so the natural environment is preserved and protected.

Linda Lamonico, Garrison, NY - I am on the back side of where these solar panels are going to be and Joe was incorrect. It's not Lisburne Lane, it would be Meadow Lane where the overflow parking would be. That's my driveway. I'm probably, of everyone here, the most familiar with that field because I've been mowing it for about six years. So, I've been over hill and dale and can see different things. I very much like the look of the way the solar panels are. However, a little about me. I worked at Indian Point for many years. I'm a proponent of nuclear energy. We also have groundwater heat pump at our house for the last 35 years, and we have 95 percent of our electricity provided by solar. But that's on the barn that no one who comes to my house can see. It's invisible. So, I tend to agree with Joe that we're putting a utility on public display. However, I think it's great that we want to use solar. I think it's fabulous. My biggest concern is screening as well. That part of the road is fairly dangerous, and when you come south past my driveway, if there's a solar panel array visible there, people are going to turn their head to the left and it's just human nature. Not so much going north because you sort of can't see it, but I would love to see a screening plan as well and in the current design, where the most visibility is, is the wetland pond. So, you can't really screen much if you have a pond, and there's not many trees other than willows which are disgusting to plant in that wetland. So, you're sort of missing it and of course, coming down my driveway, I will see the back side of those panels forever and you know that's the way it is. It's not my property. I have to live with it. I see there are some trees being planned to be planted. However, I don't know how long it's going to take to plant those trees, so it could be 5 to 10 years before those solar panels had integrated into the environment again. I do mow that field and it doesn't take long, not even a season for the wild rose bushes to spring up. So, you know natural grasses are all well and good, but maintenance of it is a huge piece of it, and I do a lot of landscaping and it's not as easy as the plan looks and it's going to be expensive to keep it up. I would like to see a rendering that has perspective from what you can actually see by elevation, like they have in architectural drawings. As you come up and down

Route 9D. The area that the solar panels are going in is very wavy in height. It goes up and down, very natural pastoral, but you still can see a lot of it from the road. My other concern would be with the overflow parking because you're using my driveway and I pay for the maintenance of that driveway. So, in the future I would expect the library would need to chip in if that road gets used on any regular basis, because it's full of potholes just from our few people going on it. It gets really weedy there that's all but I think it looks pretty. I'd just like to see a little bit more elevation look of it. That's it.

Carolyn Rossi Copeland, Garrison, NY - I didn't realize my husband was going to be on but we concur on what he was presenting, as well as Linda and as well as Joe. I would like to say that it is a very dangerous spot in the road. We keep our hedges low so that we can actually get out of our driveway and I do think that having the solar panels will be a deterrent for people driving south, and quite honestly, I hope that the board will consider having a hedge or some sort of covering because quite honestly when we considered solar panels for our house, I didn't want it to be a burden to anybody else to have to look at. So, I would appreciate the board taking this into consideration that our community is a beautiful place with open fields and we would like to see the fields maintain their open look and that's what I have to say thank you.

Louis Burke, Garrison, NY – *[Unable to hear Mr. Burke.]*

Bob Flaherty (Town Councilman) - asked regarding that walking path, is it's going to be made out of stone? Is that going to be easy for wheelchairs to go through because that's what it's supposed to be for ADA compliance, right? I just want to see if you know, but stones are pretty tough to get wheelchairs out, that's all.

Laura Pirie replied that yes, it's a compliant path.

David Ward, Garrison, NY - We live almost across from the library. 28 acres of fields which we acquired 41 years ago and we have built one house and the rest of the fields are under a conservation easement. We would never consider putting solar panels in those fields because the character of the center of Garrison, when we arrived, was really set by the beautiful fields and solar energy is very important. There are millions of acres in the United States which can be devoted to that and I think Mrs. Desmond who bought the land and paid for the library would have been very confused to know that the building that she built was being linked with a utility generating station in effect which would be selling power to Central Hudson. I think Mr. Regele made all the valid points here. I only heard about this a few days ago when I got a registered letter. There's been a lot of reference to planning and all discussion. This is the first I ever heard and I would have loved to participate in this in the early stages and I really haven't had a chance to collect my thoughts. I hope there will be further discussions before anything is decided because I think, although the intentions are wonderful, it's just not appropriate for this location and for the library. It has nothing to do with the purpose of the library which is what Mrs. Desmond had in mind, so I hope that we'll all have a chance to talk further about this.

Mr. Gaba stated that the purpose of a public hearing is to hear from the public and to get their comments. The board has held two public hearings on this already. If they feel that they've gotten all the public comments that are likely to come in on the project then it's appropriate to close the public hearing. There was some discussion however about a screening plan. Mr. Gainer did note early on that this is the Scenic Protection Overlay District, so the board's been aware of that. So, he didn't know that there's going to be a need for further studies but, if there are, then maybe the Board does want to keep it open. Either way whether you close or leave it open. The appropriate thing to do is to have your consultants and the applicant comment on the public comments that were made at the meeting today, and at next month's meeting decide whether you're going to take action one way or the other on this. Whether you keep the public hearing open to next month's meeting, or the board closes it now, it doesn't really affect that. So, the question is - keep it open or close it - and he would suggest that the second part of it is really pretty straightforward. There's been enough

comments. They need to get input from the applicant and from the consultants before deciding to take any action.

Kim Conner asked if there's anyone on the board who'd like to make a motion to close a public hearing? In that case, since no one wants to close the public hearing, they'll leave it open. The next step would be, as Mr. Gaba said, for the applicant to respond to the comments. Does the Board have any discussion about this? She added that she would like to get through the board's business. Does anyone have any comments?

Mr. Burke attempted to speak again but he could not be heard. Ms. Conner suggested that he put his comments in writing and be send to Ms. Rockett.

Mr. Gaba added that since they are keeping the public hearing open, he'll have a chance to comment some more at next month's meeting as well.

Ms. Conner asked if there was any further discussion from the Board.

Mr. Tomann stated that he just has a couple of comments. He tends to agree with Mr. Copeland, and is a little suspect of the mounting profile of the of the screw mount that Mr. Copeland pointed out. It looks questionable and, as far as Mr. Regele, he's got a point as far as there being procedural consistency with these applications with new technology. We do generally require some sort of decommissioning bond for things that appear to be evolving technologies, which he thinks serves them well to look for procedural consistencies. And Ms. Lamonaco who talked about not wanting to look at the back side of the panels. Maybe we can go back to something as basic as when you build a fence to partition your lot from another, you're supposed to put the more attractive side facing your neighbors and that sounds like again a place where we can look for consistency. He added that he knows you can't necessarily face the panels towards them or away from them, but thinks that gives us some reason to look at other ways of screening and thinks that those are all consistent ideas and he's all in for solar power but thinks we need some procedural consistencies and thinks that the public's pointed them out and he agrees that we should keep the public hearing open.

Peter Lewis asked for the document that Mr. Regele mentioned, and where to find that.

Kim Conner let him know that it's on the website and she will send him a link.

Kim Conner noted that she has one comment related to the overflow parking. She wanted to confirm that they are not approving overflow parking at this point. That's just on the map but that isn't anything that's part of this application.

The applicant confirmed that is correct.

Ms. Conner asked if the scenic protection overly is indicated on the drawing? And are the solar panels outside of that scenic protection overlay?

Laura Pirie replied that they are both inside the scenic protection overlay and areas outside of it.

Mr. Conner stated that, just to be clear, that's within the board's purview to decide to permit or not permit just as sometimes there are houses that are in the scenic protection overlay. She just wanted to clarify what that means and asked Mr. Gainer if that is correct.

Mr. Gainer replied that the scenic protection overlay criteria permits the board to address potential issues with visibility, and may drive the need for screening.

Ms. Conner stated that they'll expect the applicant to come back with some answers to the questions that were raised at the public hearing for next month's meeting, and this public hearing will remain open and they'll talk about it then.

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

Chairman Zuckerman stated that we have our second public hearing. The notice of the public hearing was read by Cheryl Rockett.

Chairman Zuckerman asked the applicant to give the highlights of the project. He added that he doesn't think they need to restate everything as they've done all the other meetings.

David Obuchowski stated this is a single-family residence along route 403 south of Garrison. It's a wooded lot. This is a rendering from Route 403, giving a sense of how it fits into the landscape. The house itself is, the floor levels are at grade. It's a single story and its steps to match existing grades so that it's following the rural siting principles. The main roof has a green planted roof so that it will blend into the landscape. He added that they'll share a little bit about the planting plans as well. They've done extensive planting buffers throughout the site.

Jason Snyder stated that they have an approved septic and well from the health department. They have the DOT permit for the driveway for the curb cut, which has been installed. As far as stormwater goes, they're going to be handling that with some green roofs provided by David Obuchowski.

Liz Campbell Kelly stated that, in looking at the landscape design for the property, one of the key functional areas that they're looking at is screening both to the roadway, because of the scenic protection overlay from the road from 403, and also to the neighboring houses. They have the screening along 403, they have as much screening that they can do. There's also the Rauch residence that's on the top side of the drawing, and so what they've done is put a mixture of fast-growing deciduous evergreen trees in the areas between those properties. They all fit within a native plant profile that is referenced back to the kind of specific plant communities of the Hudson Highlands and of this region in particular. They're using plantings to screen the house itself on all edges and it also provides along the slope at 403 a planting scheme. One of the other functional aims is to hold in the slopes and then to prevent loss of topsoil and erosion and, also by having a kind of dense planting profile of the ground cover, shrub and tree layer, they're letting the plants do the work of kind of keeping out invasive species as much as we can.

Mr. Obuchowski added that the very highest point on the house is 25 feet at this point where it's sloping down, and again the floor elevations are stepping down to follow the natural grades here so this front floor is lower than the others and, because of the dipping grade, it's the tallest point. In the back you can see the green roof with a flat roof in the back.

Ms. Campbell Kelly added that this is the section that goes through the Rauch residence, so they've tried to put evergreen and deciduous trees to provide the screening on that side and then they also have on this plan some dark sky compliant bollards basically to lead you up the driveway and a few within that courtyard space to kind of have a very subtle lighting scheme through the property minimizing lighting okay.

Fred & Ann Osborn, 365 Old West Point Rd, Garrison, NY - We are close neighbors, just beyond the Rauch's. We are interested in the intention of this project to utilize the contours of the land to minimize the visibility of this rather enormous house project to the neighbors. We would drive down Old West Point Road and look to our left to see this valley which has a major wetland on it, and to imagine a house fitting in to the contours I am ambiguous about approving it or encouraging it or opposing it, but I am appreciative of Mr. Conn's effort to utilize the general parameters of the nature that he is intending to disrupt you.

I have two comments. During Hurricane Sandy and Irene that whole valley was under a lot of water and it was running hard. I'm hoping the green roof has sufficient area, depth and pitch to handle these intense inputs of water. The other thing I would like to see, and you probably have it at the building department, is your plant list. Is that true you have a plant list I can look at?

Chairman Zuckerman replied that he's sure Ms. Campbell has absolutely abundant amount of information on her plants.

Michael Zipper, 420 Old West Point Rd, Garrison, NY - I was just curious. I didn't see any renderings and I think this follows on from Fred and Annie's comments. From Old West Point Road the road is a higher up elevation so where effectively anyone on that road is looking down on the site and I'm rather appreciative or think it's kind of cool that there'll be a green roof, which I assume will help blend it into the landscape. But, again, we're at such a height on Old West Point road looking down, I'm sort of curious what you're doing to make it fit in and not seem like we're staring into the property each time we go down the road?

Chairman Zuckerman stated that was a pretty specific question that Mr. Zipper raised and asked if the applicant could give him a specific answer.

Mr. Obuchowski stated that they've definitely looked at that pretty extensively. One of the reasons that, as you noticed, it's primarily focused on technically the scenic overlay, and they've geared the presentation here to that, but it is exactly right that the planted roof is oriented towards the back towards Old West Point Road, being mindful of the fact that you are looking down on it, and that's meant to blend the house into that view as well. So, they certainly have been looking at it from both sides of the site and looking at how the house will fit into the landscape. It's really meant to feel as though it's part of the that slope coming down toward from the from Old West Point Road down towards the house.

Mr. Zipper asked what is the distance from the of the house to Old West Point Road?

Mr. Obuchowski replied that it's about 150 feet, at least to the closest point.

Chairman Zuckerman asked for a motion to close the public hearing. Kim Conner made the motion, Neal Tomann seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Neal Zuckerman: Aye

Neal Zuckerman said - Opposed? Abstentions? Being none the motion passes.

Ron Gainer stated that they have now closed the public hearing. The Board previously declared the matter as a "Type 2" action pursuant to SEQRA, so that concluded their environmental responsibilities. So it's now a matter if they wish to authorize resolutions be prepared for the next meeting.

Steve Gaba stated that he absolutely concurs.

Chairman Zuckerman stated that there were a couple of topics that have been raised with this property. One has been the wetness; they heard this tonight and some observed that on the site visit, as well as the viewshed from 403 given the overlay that it's in. He asked if the board members want to have further conversation at the next board meeting or do they want to direct resolutions at this point?

Heidi Wendel stated that she's trying to understand what was meant by the amount of water that's on the site. Does that mean that even if there's not wetlands that have been mapped on the site, that really in fact there are wetlands on the site and, if so, or something that's even if it's intermittent but that we ought to be aware of. She's added that she's wondering if the applicant has studied that at all because here we have someone who passes it all the time saying that it's actually very wet.

Kim Conner stated that they discussed that when they were at the site walk and that we were told that the area where the septic was going was not wet and the wetlands were further to the west.

Jason Snyder stated that where the surface water flows is on the north end of the property. They've kept that area generally undeveloped. He reiterated that there were no regulated wetlands found or regulated water courses observed on on-site by the Natural Resources Officer. In addition, he added that all the soils on site are Charlton Chatfield complex soils which are sandy soils, well-drained type B. There's no type C or type D soils on site so they're all well-drained soils there may be some surface runoff initially coming off of Old West Point Road but it's all well-drained type B soils. They do recognize the fact that there is some surface runoff that comes off of Old West Point Road, but that's generally on the north end of the property and we've avoided that area with all the development.

Chairman Zuckerman stated that he's trying to get a sentiment of the board, if people are ready or would like to have further discussion. They don't have to have the discussion tonight because we have a lot to get through, but it would be good to get a sentiment whether they want to prepare resolutions.

Peter Lewis stated that he just wanted to know about the Osborne comment about the great flow of water that came through the valley. Has that been considered in the hundred-year plan of the building of the house? The flow of water was to the north, and has that pretty much been taken care of?

Jason Snyder replied that's correct.

Neal Tomann asked about the green roof and the amount of water that falls down. The way the building is engineered, they allow for a certain amount of saturation of the of the roof. The load on the roof if it's going to change with the amount of saturation, has this has all been taken into account?

Mr. Obuchowski replied that the structural engineers are taking all that into account and they're doing a fairly deep roof planting medium in order to retain as much as they can, but then the roof is heavily engineered to account for that.

Mr. Tomann stated that there seems to be a tempo change, but understands they have a lot to get to. But it feels like there's maybe some still some questions out there that people have, some concerns about this. He added that he doesn't think it's fair for applicants around Shakespeare to be feeling like something's not at the right tempo because they have so much to get to and he appreciates Chairman Zuckerman's thoughts about maybe moving Shakespeare to a separate venue. It just seems like we're there's a lot of good feedback. There's a lot of good talk, a lot of good discussion.

Mr. Zuckerman replied that it's a real balancing act and if the point is we should slow down he does not disagree. He thinks the problem will become if they're going to do just Shakespeare every month as a separate meeting. He added that he's committed to them periodically, as intimated earlier, that if they have to have Shakespeare every couple of months as a separate meeting to give it to the appropriate attention, they will absolutely do that. He added that all they're discussing right now is whether they want to move to resolutions or want to have a further discussion.

Ms. Conner stated that she thinks they're pretty much done with this this particular project and doesn't think they need to have more discussion next month.

Dennis Gagnon stated that he thinks they should move to the resolution for the project.

Laura O'Connell agreed.

Chairman Zuckerman asked for a motion to direct Mr. Gainer to prepare resolution for the approval of this site plan. Peter Lewis made the motion and Dennis Gagnon seconded the motion.

Chairman Zuckerman stated that Sheila Rauch, who is the next door neighbor, has asked for a quick question. He asked Mr. Gaba if it was ok to hear her comment.

Mr. Gaba replied that the board can take her comment, but the public hearing is closed so her comment cannot inform their ultimate decision on the matter one way or the other. If she has a question, she wants information or something but if she's going to say "Gee you know there's mammoth skulls buried on this property" you got a problem.

Kim Conner stated that we'd have to open the public hearing that's all. We'd just have to reopen the public hearing.

Sheila Rauch asked because all the trees are on the plans, if they absolutely have to plant them?

Steve Gaba stated that they are obligated to put in what they say in the landscape plan.

Mr. Conn added that if the questions is are they in fact going to put the trees in, emphatically yes.

Ron Gainer stated that this application that you're approving includes the entire plan set of documents. That includes a landscape plan. Once that action is taken, then it becomes an enforcement action through the Building Department. It's expected that the Town CEO will assure that those plantings get placed.

Chairman Zuckerman stated that he had called for the motion earlier for Mr. Gainer to prepare resolution for the approval of this site plan.

The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Neal Zuckerman: Aye

Neal Zuckerman said - Opposed? Abstentions? Being none the motion passes.

Mr. Zuckerman added that Mr. Gainer has his direction for the next meeting for resolutions, and let Mr. Conn and company know that they'll see them next month.

Riverview Industries, 3012 Route 9, Cold Spring, NY 10516 TM#27.20-1-12.1

Glenn Watson shared his screen and stated that they've had a couple of meetings with the Planning Board. The Planning Board had sent them to the Conservation Board, and they've had several meetings with them that resulted in significant changes to the plan. They have met with the NYS DOT. They have not submitted their DOT plan yet, but he wanted to point out that the plan calls for plantings and berms and blocking access

to that flat area that people often park in besides Mr. Reichard's trucks there. So, they'll be controlling the access to the route and, more importantly, the access to the roadway shoulders. So, they've have made all of those changes. He knows Mr. Gainer still has a punch list and they'll attend to them, and them must make the DOT application, but he thinks they've ripened this project sufficiently to ask to schedule public hearing for next month.

Mr. Gainer stated that the matter has been before the board for a long time. It started as an enforcement action from the code enforcement officer, which led to this site plan application. When the board initially saw the project, which must go back at least the year, recognizing the environmental concerns that are apparent from the site and the wetlands intrusions that exists, the Planning Board immediately referred the applicant to the Conservation Board. They have been before that board for most of the past year. Most recently the board has just received a letter from the Natural Resources Review Officer indicating that the Conservation Board is now satisfied with these latest plans. They've made significant reductions in the area that's to be used for the truck or vehicular parking. They put barriers around the limits to clearly define where these activities will take place. The Conservation Board is now satisfied and prepared to issue a permit. The Planning Board has not yet conducted or made an environmental assessment. An EAF long form has been filed but, given that the Conservation Board is ready to sign off on the project, is the board now ready to just accept the part one EAF that's been filed? With the Conservation Board's comments that they're now prepared to act, is the Planning Board ready to make a SEQRA declaration on the application.

Chairman Zuckerman asked Mr. Gainer if he would compare and contrast this to what they're going to be doing with a couple of items on the agenda relative to reviewing a part 2 document, as well as that determination given that this application was referred to the Conservation Board that one is in a different state so you can compare and contrast the SEQRA.

Mr. Gainer stated that in this instance, it was very obvious environmental concerns that he thinks the board was most comfortable is seeing the Conservation Board review and respond to the Site Plan, and obviously the Conservation Board has made their own site assessments and inspections. That differs in most cases, for example the 3622 Route 9 Site Plan that's on later in tonight's agenda, that's a pretty straight-ahead site plan where an EAF has been filed. For that other project there's been no hard review from the Conservation Board that's been done, so in that instance it may be appropriate to go through a part 2 assessment for the EAF given the fact that the Planning Board will be the primary agency reviewing the environmental impacts. For Reichard, it's clearly been a matter where the Conservation Board, which is charged predominantly with the evaluation and protection of the town wetlands and watercourses, given that the significance of their review and their readiness to now accept these latest plans, this Board may not feel it appropriate or necessary to go through a part 2 EAF, but it's entirely the board's decision.

Chairman Zuckerman confirmed that Mr. Gainer is saying that effectively the Planning Board's review process has been done on their behalf by the Conservation Board

Steve Gaba stated that is not true. He added that the Planning Board is lead agency. Conservation will give them information; Mr. Gainer will give them information. They'll be provided with, as they have here, a draft completed EAF part 2 and as far as that sort of thing goes, so when that's the case if it's the board's pleasure, they can rely on what they consultants have told them and the input that they've received from the Conservation Board. The Planning Board cannot delegate their SEQRA responsibilities to another board. They can allow them to provide information to accept, but they aren't the final decision makers. Now on big, big projects like Horton Road, like Shakespeare Festival, it's the type of thing where notwithstanding that the board is getting advice from the consultants, they're going to want to walk through the part 2 on their own. But for ninety percent of the applicants, while some boards, on every SEQRA application that comes before

them they walk through the full panoply of considerations in the part 2 and to say we're going to check the small impact box, check the large the moderate impact products, most boards don't do this. Most boards, when it's a run-of-the-mill project where they've looked at the SEQRA implications through the consultants or through assistance from something like the Conservation Board, they are willing to rely on that and just adopt it without actually going through the exercise of pulling out the part 2 and going line by line through it. Big projects, you know really unusual ones, the board's probably going to want to do a hard review of the part 2.

Chairman Zuckerman asked for the sentiment of his colleagues because he thinks there are some interesting points on both sides of the ledger related to that path. On the one hand they do have the Conservation Board's input. On the other hand they do have obviously a site that had its challenges that they all saw as they walked the property. He asked if they feel comfortable making a declaration this point on SEQRA or would they like a meeting to discuss that and one more turn since they actually haven't gone through the EAF part 1 as a group.

Ms. Conner stated that she still has questions about this plan that's in front of them. She's wondering when the appropriate time would be to ask those questions. Would it be before we make a SEQRA determination?

Ron Gainer agreed that anything of concern should still be on the table for discussion now.

Steve Gaba stated that yes, that's the case. In fact, it's the board's practice although there are other alternatives. It's the board's practice not to make SEQRA determinations until either a public hearing's been held or public hearings been waived, so they may want to hold off making a SEQRA determination until they're just about ready to take action on the project.

Mr. Watson added that is the boards normal practice is exactly what Mr. Gaba said. It's usually at the end when they actually make the determination. It's usually right immediately in front of acting on the resolution. He continued that he would be happy to have any questions answered, but his real purpose here is to get through the public hearing so they can make any changes that come up with the plans. He doesn't want to put his client through another round of revisions. They have some revisions from Mr. Gainer. They'll probably have some revisions at the public hearing, and then the board will have a completed plan that they can evaluate within terms of parts 2 and perhaps part 3 of the environmental assessment form.

Mr. Gaba stated that Mr. Gainer's memo says most if not all technical comments offered previously do not appear to have been addressed, they're again provided on the enclosure for design engineers attention. Is this plan ready for a public hearing or are there going to be substantial changes based on Mr. Gainer's comments?

Mr. Watson replied that he doesn't think there's going to be any substantial changes in what the public will be evaluating. There are some details that are engineering details, he only read it briefly because he just got it this afternoon. He thinks the plan is substantially complete at this point.

Mr. Gainer added that the technical concerns strictly relate to engineering matters that that would not be significant for the public and wouldn't involve significant plan changes. It's just technical engineering issues that have to be addressed on plan.

Chairman Zuckerman stated that the question on the table is a public hearing which we can then append, of course, our own board questions to the applicant, so any thoughts on that? Anyone opposed to scheduling the public hearing?

Laura O'Connell stated that she doesn't remember seeing a Part 1 EAF.

Mr. Gainer replied that it was filed with the original application documents, which go back more than a year including a full EAF. He added that he will forward the EAF to the board.

Mr. O'Connell asked if they have filed the part 2 EAF?

Mr. Gainer stated that a part 2 EAF has not yet been prepared. The Planning Board in their early reviews going back more than a year, sent them directly onto the Conservation Board to await the outcome of what the Conservation Board would do with the project in terms of plan revisions or necessary mitigation. So, it's only recently come back to the Planning Board to continue the review process. It is a matter to recognize that the Conservation Board is now prepared to act to grant a permit from their perspective.

Ms. O'Connell stated that her concerns is that she would love to read the EAF part 1 since she didn't see it, and the second thing is that this new plan that they're seeing, they haven't had time to comment on. She knows that those revisions were made based upon back and forth with Conservation Board, but she would like to have some conversations of their use and also just to note that she has some serious questions regarding traffic and what was going to be submitted to the DOT for assessment and basically the use of the site considering the fact that trucks were going across Route 9. She wants to get a little bit more information regarding that before opening up to a public hearing because she's sure there's going to be a lot of questions that the applicant is going to have to defend, and it makes sense that they would have all that information on hand.

Mr. Zuckerman stated that he thinks they're getting mixed up with the EAF process which again they're going to cover in a couple of sessions and end with the role that Conservation played here and so with the sentiment he's hearing of the board they'd like to see the EAF part 1 again which obviously was submitted but it sounds like a part 2 has not been prepared yet and so it seems like a conversation is necessary for this board despite the Conservation Board's involvement to see both the parts 1 and 2 the draft, which is the board's document but to see 1 and 2 and then have a discussion on that before we set up a public hearing. He added that is the sentiment so far of Ms. Conner and Ms. O'Connell at least so he'll take anyone else's views either with that view or any separate issue.

Dennis Gagnon agreed with Mr. Zuckerman, and stated he would like to hear it again and would like a reissue of the EAF.

Chairman Zuckerman stated that what he's hearing is part 1 was done, part 2 was not done so they would need that as a draft at least to review and thinks that may be appropriate.

Mr. Gaba confirmed that they have to provide a part 2. They don't necessarily need to provide it before the public hearing but if the board would like to see it before then they can do that. It's easy enough for them to go and check the boxes and hand it in.

Mr. Gainer stated that he'll prepare a part 2 EAF for the Riverview application and get it out to you within the next week or so, well in advance of your next meeting.

Ms. Conner confirmed that she'll ask her questions then at the next meeting.

Chairman Zuckerman stated that he knows they are not giving Mr. Watson what he wants but given that they haven't really engaged besides passing this to their friends at Conservation he thinks it's an appropriate step.

3622 Route 9 LLC, Cold Spring, New York 10516 TM#17.-1-44

Adam Thyberg from Insite Engineering stated that since their last appearance before the Board in February they've made some pretty significant revisions to both the site plan and the architectural plans. The most significant change is the length of the front building has been severely cut back, and the square footage has been reduced in this building by something approaching 3800 square feet. This has allowed them to pull the

driveway and the storm water practice further to the north, which allows them to keep the significant pine trees that are on the southern property line in this area to remain. In addition to significantly reducing the size of the front building they've also shifted it further back into the site which has opened up more space so that they could provide more substantial landscaping, some ornamental trees, in front of the building. They've also beefed up the landscaping on the south side facade of the of the front building and also shifted the rear building to the south to provide further distance between it and the property to the northeast. The overall change here is a significant reduction in impervious coverage and so the proposed stormwater management practices may be reduced somewhat in size as the stormwater design is tweaked, based on the reduced impervious coverage.

Keith Scofield, the applicant's architect, added that basically what they did when they shortened the building was emphasized the entrance ways, with a slightly taller masonry bump-up. At the base level they were previously discussing having a split face block and that is going to transition over to a cast stone band which is going to also act as window sills and headers over the doorways. This transitions, once you get above the windows, to a board and batten which would be a James Hardy product. Over the doorways would be a veneer brick. Each of the main doorways will have a black canopy and the storefront will be also black aluminum. On the sides the bump-up was carried over on each end, to kind of help with the emphasis of the corner, and they brought the masonry around from the bottom veneer until they reach the bump-up and the rear where the overhead doors and man doors for each tenant will be surrounded by metal siding, and same on the side elevations. The side elevations also have metal rib siding and that will match the hardy board and batten siding. At the bottom of that sheet, you see the color schemes. The charcoal-colored split face with the slightly smoother charcoal cast stone which will be followed by the gray veneer brick above. The James Hardy product will be a pearl gray followed by a black storefront aluminum and the metal building panels will be a parchment which is a compliment to the James Hardy. The awnings at the entrances will be a black aluminum grade and any of the trim work that's accompanying the hardy panel products will have a PVC white trim. On the rear building they're carrying a similar look into the back, so when you come in the main driveway your focal point is on the two entrance doors for the two tenants. In the rear, the building will also have a masonry front band along the bottom made of split face block at the windowsills and transition up to a cast stone band and in the back, instead of having any hardy board, it's just going be an aluminum metal building panel.

Chairman Zuckerman asked what James Hardy is.

Mr. Scofield clarified that it's a brand name for a cementitious siding material. He added that basically it is what you would find on upscale residential projects. Cementitious materials do not absorb the water like a natural wood, the painted finish on it lasts up to 15 years.

Adam Thyberg stated just to summarize the changes that they've undertaken with regard to the site plan into the architectural plans they've looked to address a number of the board's concerns with regard to the overall extent of the development, which has been significantly reduced. They've looked to maintain more of the existing tree line along the southern property line and of course with that they're looking to have the development blend in with the landscape and have both buildings kind of speak the same language. That all being the case, obviously in addition to having worked with Mr. Gainer on the part 2 EAF, they would ask the board to schedule public hearing.

Mr. Gainer stated that he has submitted a technical review from his office. As the applicant indicates, there's been very significant site plan changes made, based on prior guidance or concerns that the board has raised most significantly relative to visibility issues and the massing of that front building, as well as concern or desire to see some further protections for the residential activity in the rear. He thinks the applicant has responded to those concerns. Separate from that, the Board had asked him to prepare a part 2 EAF so the board could go

through that document as well, to better define if there's any other further studies or information that they want before moving forward to a public hearing. Mr. Gainer had presented that to the Board as part of his technical review. Now that this has been provided, he trusts that the board has seen it and been through it. He asked if the board wants to walk through that document. They can see, as they've been through these before, it has very standard issues identified in terms of potential environmental concerns. Impacts on land, surface water, groundwater, things of the sort. It goes through a variety of concerns that the board might have. For himself, he's identified numerous areas that there could be identified as having potential impacts, but none rise in his view to a "moderate or large impact" that would warrant the applicant to offer further mitigation with the exception of traffic. If you turn towards the rear of the document, traffic is the only issue that he's identified as a concern that warrants further information from the applicant's representatives. They've previously given the Board a project narrative, but it's very generic in terms of numbers, timing of deliveries and other vehicular movements, types of vehicles. It's recognized that there's going to be landscaping activities on the project, so it can be expected that there is going to be very large shipments of landscaping products and deliveries into the site. Further, landscapers typically drive numerous vehicles with trailers and the sort, and the applicant should provide some quantification of that information because it lies on the Route 9 corridor and we all recognize the concern that such traffic movements could present either in the morning or evening rush hour. At this point Mr. Gainer stated that he can respond to any questions the board might have relative to how he responded or answered the type EAF.

Mr. Gaba stated that the part 2 EAF is helpful. He would recommend that as is the board's practice they don't attempt to make a decision on it right now, just use it to inform their decisions to whether they're going to ask for more studies before holding the public hearing or if they feel that they're ready to hold the public hearing and then after they hear from them maybe they'll need additional studies or input at that time.

Kim Conner stated that she thinks they definitely need a traffic study. She was trying to understand in the drawings, there's a vehicle maneuvering plan shown. On one side it says tractor trailer and then there is a small box but she isn't sure what she's seeing there. She added that also there seems to be a desire to have two driveways, one of which is two-way, and one of which is only one way which she thinks is sort of dangerous and confusing. She added that given that they put CRS through a traffic study and this seems to be something where there is going to be a lot of trucks coming in and out of different sizes, she thinks they need to be consistent and make sure that they understand what the traffic is going to be here and what really what the DOT requirements are in terms of driveways because it was her understanding in the past that on Route 9 the DOT didn't want two-way driveways necessarily, certainly not two driveways that do different things.

Adam Thyberg wanted to add a few clarifying points. He stated that they show these maneuvers to show that they are possible to move through the site. In the set that has been presented they're showing that a refuse vehicle would be able to access the site, make the maneuvers that they need to make in order to pick up the refuse and leave the site. The other one that they're showing is a large truck that would occasionally be making deliveries on the site. He wanted to make an important distinction that this is not ESP, this is not Mid-Hudson Concrete, wholesale retailers that are getting delivered twice a week. These are contractors. These are electricians and plumbers and carpenters and landscape contractors. On the odd occasion where there might be a delivery, they do want to prove out the maneuverability of a larger truck to move through the site. This is not a site that's going to be a storage ground for big tractor trailers all the time. You may have a landscaper, you might have a smaller dump truck or pickup truck, maybe with a dump on the back but they're not talking about having big tractor trailers in there all the time. It's just part of their practice and part of the DOT procedure to show that certain types of vehicles can get in and out of the site. He added that they are engaged with the DOT and those issues would be certainly worked out as they go through the driveway permit process with the DOT. The other thing he wanted to point out is that the two driveways are both two-way. They

envision the southern driveway to be the one that would handle more intense use because it has the straight shot back into the site, so certainly any truck traffic would use that route. They're envisioning the northern driveway as two-way but would serve as smaller vehicles, employees with passenger cars, customers, those kinds of things, but both of them would be two-way.

Ms. Conner stated that they've have eight doorways for at least eight separate businesses in there.

Mr. Thyberg replied yes, they envision it to be a maximum of eight units and so they're thinking with the number of employees that they're anticipating something in the neighborhood of 30 a day but again this is a contractor office and storage. This is not a wholesale retail establishment where you have contractors coming in and big deliveries of massive objects being moved in and out multiple times a day. These are offices and they're going to have some storage on the site. He thinks it's important to distinguish this is a contractor with an office and some storage on the site, against some of the other projects that have come across here where we're storing mass numbers of vehicles or you have a wholesale retail operation that's bringing supply in and out on a regular basis.

Kim Conner asked about the lighting, just where exactly those canopy lights are going to go, where do the wall lights go and whether they point up or down.

Adam Thyberg pointed out that the lights that they're showing here are these black boxes.

Ms. Conner asked where are the canopy lights? For example, are they underneath a porch roof or are they up in the air shining down?

Mr. Thyberg pointed out that they're showing a canopy light in each of the overhangs and then in other areas to fill in the light that's necessary. He added that they have building mounted lights, all dark sky compliant, full cut off and based on the photometrics they're showing no light spill and these would operate during business hours. After hours they would operate on a motion sensor just for security purposes.

Ms. Conner asked what's the total length of the front building?

Mr. Scofield replied that it's around 165 feet. It's about it's about 50 feet shorter than what was previously presented.

Ms. Conner asked in terms of the tree cutting on the right-hand side as they're facing the building are they going to leave the pine trees there and does that mean that the rest of the trees that are there are going to go?

Mr. Thyberg shared a photo to show what trees are staying and what are being replaced.

Laura O'Connell stated that they put CRS under great scrutiny about the frequency of the traffic that was coming and going to the space. She doesn't care if it's a car or a truck or a trailer but there needs to be some sort of analysis or an assumption of projection and what is that? Is that between 9 and 5 is it between 7 and 3? The board asked CRS to provide it and they did and so she thinks that they can ask the same of this applicant. She stated that the applicant hasn't shown an elevation in regard to the plantings. They have a site plan and she thinks that one of the things they are going to want to review, or the public will also want to see which they did also with CRS, is to see where the plantings are with regard to the entrances and exits and the driveways of your location and also how that front planting is going to shield and or integrate the architecture itself.

Mr. Thyberg stated that they could put together a rendering.

Chairman Zuckerman stated that his sense is that a traffic study is relatively important and while it's a slightly different physical place than CRS and maybe that the vehicles are different, it is the same road which they sent a letter to the town board on which is a road the board is getting concerned about with the volume of traffic. He stated that it would be best for the applicant to create a traffic study, Mr. Gainer can give you the details and some of the questions Ms. Conner has raised and certainly some of the conversation that's in the public record from the CRS application. He thinks it would be instructive about what the boards going to ask about volume and time of day and the types of vehicles. He thinks they need to see some detail and that will be an important input for them to evaluate the part 2 that Mr. Gainer drafted. He added that he thinks that's an important next step and they would need to see that and it'll be valuable for the public prior to a public hearing.

Mr. Gainer agreed, and stated that he'll work directly with the applicant to provide that information.

Mr. Thyberg asked if those two things could not be parallel tracked where they could be pursuing the DOT permit and additionally the traffic study with the public hearing process.

Chairman Zuckerman stated that he feels for the public to have to be informed to give comments they kind of need to know what you think the traffic is going to be.

Mr. Thyberg stated that obviously the traffic study is the of primary interest in what they've been talking about tonight and asked if there is anything else on the site, he'd love to have any other comment that the board might have as they continue to go back to their client and they want to make sure that if they're going back to say that they need to do a traffic study in addition to the other things they've done that they can get any of the other feedback.

Chairman Zuckerman stated that for him the Route 9 non-retail facilities; he's been consistent for many years. If it's not a retail business it should be screened as much as practical and so whatever they, do they should do more. It should be screened. This is a very large building, no matter how much they've taken it down. 165 feet in length is not an insignificant length of a building so it is not going to be insignificant to those who are driving by and so we need to really think about screening because that's the intention of it. Further, back to the notion of the community plan, Mr. Zuckerman stated he would actually want to have a conversation and didn't in the EAF part 2 clearly identify one of the topics is community character and community plan for him at least whether this fits in what in line with what we've been building in our comprehensive plan is something he wants to just talk about. This is a large building. He doesn't have data but guesses this is possibly the largest buildings in Philipstown if it's built. He's going to guess from a frontage perspective that Magazzino is 75 feet in frontage length just guessing. Maybe it's more, but it is not 165 feet in frontage length and so that's a lot of physical terrain to be going north and south passing by, and so he just wants to understand the screening which is not an EAF point but he absolutely wants to understand. Mr. Zuckerman asked Mr. Gaba and Mr. Gainer if we don't actually do referrals to the comprehensive plan because that's not a standing board, but it does seem like something that is worthy of a viewpoint at least for him and maybe it's something they'll just hear from the public hearing.

Mr. Gaba replied that he doesn't think they can be involved in sending specific applications over except in the context of calling to the Comprehensive Planning Committee's attention to issues that you may have discovered in the course of a review, that would be okay.

Mr. Zuckerman asked if it would be okay to ask the Comprehensive Plan Chair to come and speak to the board about their view of this application in light of its size?

Mr. Gaba replied that it's not prohibited and certainly there's nothing that prevents him or her from doing that, but usually it's a one-way street. If you want to call to their attention something that's come to your attention in the course of a review that's just fine, but to ask them to come and comment on this specific application really isn't something that's commonly done.

Chairman Zuckerman asked the board for any other thoughts besides directing the traffic study that they want to give the applicant guidance on.

Heidi Wendel stated that she thinks it's an improvement that the tall evergreens are going to be kept in place. It would be great if that could stay in any plan henceforth.

Adam Thyberg stated that the intention is to keep them.

Kim Conner asked for some clarity on what's going to be stored in those back areas because they talked about that before if it was going to be machines or whatever. If there's any kind of limitation on how full they can get, that kind of thing, and also just to doubly ensure that the salt and the pesticides that potentially get stored there cannot leach out since it is over the aquifer.

Mr. Thyberg replied that, for clarity, the pesticide and herbicide issue is that would be something that the applicant might be able to potentially offer to a potential tenant. It's not something that would absolutely happen, and if it were it would happen internal to the building. That would not be stored in the outdoor storage areas and that would all be subject to DEC regulation and inspection and everything that goes along with that.

Ms. Conner stated that salt is still a concern for the aquifer just in terms of outside storage of vehicles and equipment. She seemed to remember they had a conversation about this before and there was a question of how much stuff is going to get stored out there, or can we have any restrictions on that. She added that was what she was asking Mr. Gainer about because she remembers him speaking about that.

Mr. Gainer stated that it's a question that was raised actually in the overall view of traffic and site utilization, so that warrants further discussion as part of the board's interest in understanding traffic movements and duration so that likewise should be provided by the applicant.

Chairman Zuckerman stated that Mr. Thyberg has his direction and Mr. Gainer will help.

Garrison Golf Club PDD/Hudson Valley Shakespeare Festival, 2015 US Route 9 Garrison, NY 10524 TM# 60.-1-59.2 & 59.3

Chairman Zuckerman stated that there are three things they're going to try to start doing. Mr. Hollis is going to give a quick summary on the changes of the use related to the golf course. Then they're going to do a flip through the EAF part 1. They have asked questions before but he wants to hit any other questions people have on the part 1 which is the applicant's document. Then, if they have time, they'll start in on the EAF part 2, which is the board's document that the applicant authored on the board's behalf. Given that the group is revising the EAF tied to the golf course closure, at a minimum it will be good to have people's views on what areas of the EAF, of the 18 components listed, they would like to start seeing additional pieces of study done. That's the minimum he'd like to get done in the EAF part 2. It's not their only chance of course, but just part of the conversation. To the public who is listening, there's a lot to do so they are not rushing it. Mr. Zuckerman stated that the last thing he will do tonight is conclude by trying to schedule a special meeting, where they do three hours straight on this and get some progress going. He added that he appreciates the public's patience as they can imagine this is not the only application in town.

Mr. Hollis stated that his letter from April 1st set forth in general terms what the changes are, but he thinks that it would be important tonight for Chris Davis to speak as to the fleshing out each and all of the terms as to the land distribution now and the cessation of the Golf. And then we'll have Jan Johannessen, the environmental consultant, run their aspect of the part 1 & part 2 review.

Chris Davis stated that what they purchased 20 years ago was a failing golf course, and it was packaged as a development opportunity. The previous owner had already sold off eight or nine lots and their original plan which was for another 48 houses and that still allowed the golf course to exist. The broker told him that left them a free option on developing town homes on the golf course so that's what they came into. Goal one was to prevent this intense residential development. Goal two was to find a business plan that was consistent with these conservation goals because I'm a big believer that conservation of a huge landscape like this doesn't mean abandonment. They made the decision back then that the best business plan that they could determine that was consistent with the conservation goals was to really invest in hospitality. The site is a magnificent site and it's fundamentally been in the visitor and hosting business since the 1920s. They knew that would take time to ramp up. Golf had been in a 30-year decline and right after they bought the course, they had what was in the business called a "dead cat bounce", it was Tiger Woods. Tiger Woods created this brief resuscitation in the golf industry and that gave them some breathing room, and the golf course was profitable for some number of years in the beginning of their ownership while Chip Alleman and his team were able to really ramp up the goal which was to build the hospitality business. Event space was built, big kitchens capacities, our PDD filling to build towards the end to host conferences year-round and to make this a core part of the parcel an active business. They were on a path to close golf. That "dead count bounce" lasted about 10 or 15 years and began its glide slope down. They made a decision a couple of years ago to move towards closing it. COVID postponed that, it became one of the only permitted outdoor activities, so we postponed it. When they last presented to the board the idea that they had hoped maybe to be able to transition to a nine-hole course. that was partly Mr. Davis' thinking that it would be a way to gradually let people adjust, develop new habits and make a transition more gradual. That really brings them up to where they are today. When he last met with the board, he described what the partnership with the Hudson Valley Shakespeare Festival accomplishes. He stated that he's not going to revisit that, just to say that it keeps this incredibly cherished and valuable artistic asset in our community. It provides a real synergy for the original business. Between the two they probably are two of the largest employers in town. They think that's important for a thriving community to have good local employers. What was presented last time was a plan that unfolded in stages with a first parcel and then a challenge parcel and then they would look at a nine-hole course and gradually figure out what to do with the remaining land. What he realized now is just like the goal of phasing out golf. That was a flawed approach. They've heard the feedback from this group and from the community and it did two things that were wrong. It created limitations on Shakespeare's planning because in a sense they knew they would end up with the full site, but they had to stage that they were only going to get it in parcels and it created a lot of uncertainty in the community even though Mr. Davis would still be the owner. People asked if he lost my mind and decided to go back to the original plan, and try to plow in some town homes or do some affordable housing or something on the remaining land, and so people were understandably nervous. What they've announced in the paper is a conservation solution and a plan that encompasses the entire community of the entire property, so with that we could just put up one slide here that he'll address briefly.

Functionally, this shows 114 acres going to Shakespeare, sort of the entire upper parcel less that house lot. He continued that they are actually in talks with a conservation organization for that 56 acres and in the visit with them they were so attuned to the sensitivity of Phillips Brook and the environmental importance of that, they were actually now looking to add an additional 17 acres to them from Shakespeare that would be the most environmentally sensitive area. That parcel of land, that 55 acres plus this 17 acres, that 55 acres is functionally today already sort of a community park. It is an area where people walk their dogs and cross-country ski. All of

the neighboring houses use it. The goal for a conservation organization is to work on rewilding and continuing that functionally as a community park. It will be entirely conserved, there will be no development. There will be a conservation plan and a rewilding plan for all of that 55 acres and probably an additional 17 acres of land that feeds down along Phillips Brook. Functionally, think of that upper parcel as going to Shakespeare rather than in stages going entirely in the cessation of golf. This makes that an easier transition for them because they don't have to accommodate the one or two holes of a nine-hole course that might have been there for some years. That was the plan with that.

Mr. Davis stated that he wanted to end with one final comment which is just to say he has been incredibly impressed by the thoughtful comments that they've gotten from people on this board and the uncertainties that were raised and his desire to address them completely and comprehensively, but he's also been really discouraged by some of the shocking rumors and absolute crap that he's hearing in the community that's coming out, so he wanted to highlight one additional thing which is that the idea of this being overrun, turning into crowds like the Bear Mountain picnic area and Breakneck. They're absurd on the face of it. This will be private property and the mission both of The Garrison as it has been operated for 20 years and Hudson Valley Shakespeare Festival require a bucolic setting. All of these things are part of their brand. The idea of people ransacking this place like the Bear Mountain parking lot is crazy. He added that there's one other thing that he just wants to raise with this group as one final consideration, which is that 29-acre lot. That is for him. That is where he intends to build the house where he will live out the last third of his life. This particular landscape has been part of his life's work and the idea that he will be the closest neighbor, the only neighbor that is directly contiguous with the Shakespeare Festival. The idea that he would be planning somehow not have enough restrictions to prevent it from being overrun, overbuilt or repurposed, and his vision here is to go for a walk 10 years from now and instead of dodging golf balls and picking up cigar butts on an artificial green lawn that's using a million gallons of water and untold pesticides and herbicides that he's going to run into poets and writers and actors and musicians in a restored landscape and that is what their vision is for this. This is what they're creating the restrictions that are to be put in place, which are actually going to take care and protect this entire parcel are with that vision in mind and that 29 acres is where he will be living. So he just wanted to put some of the really extreme nonsense that's out there to bed and really leave time to be very responsive to the thoughtful and engaged concerns of the people at this board and the people that have made comments that are much more thoughtful.

Chairman Zuckerman asked if any board members have any questions on this first topic of the change in use or the change in the proposal.

Chairman Zuckerman stated that he's trying to interpret what they have been starting to evaluate with what they're now going to evaluate. So, what is being called the parcel for conservation, which is mostly where the nine holes were with the exception of seven, eight and nine on the east side of Snake Hill. What is going to happen specifically on the land that was the nine holes?

Chris Davis stated that the conservation parcel which is holes two – seven, those holes will all be donated in fee to a conservation organization, and his charge to them in that donation will be to work on a plan with the community for rewilding, allowing particularly holes four five and six to remain accessible to the community as they are now and as they are used now and the interest is deeply in the natural resource protection of Phillips Brook which runs along that parcel particularly and crosses it.

Chairman Zuckerman confirmed that nothing is going to happen in that property besides walking and, I don't know, snowshoeing?

Chris Davis confirmed absolutely nothing is going to happen.

Mr. Zuckerman asked Mr. Davis about the holes that are to the east of Snake Hill the ones that are eight and nine going up the hill, what is happening on those holes?

Mr. Davis replied that those holes were part of the 29 acres, but they will primarily be added to the Shakespeare parcel. So, the holes what would have been nine and then one will now be part of Shakespeare. That will give them a lot of flexibility to address some of the concerns that have been raised in their project, and the only caveat is some of the land that runs right along Philips Brook at the very north side of this map we may additionally convey because it's environmentally sensitive, and maybe better in the land trust's hands. Shakespeare's been very open to that.

Chairman Zuckerman stated that what he's hearing is it's going go from being used for balls and sticks and carts to being nothing. He's just trying to make sure there's not another use that they don't know about.

Mr. Davis confirmed there is no additional use that you don't know about.

Chairman Zuckerman asked if any board members have any questions on this change in use. Mr. Zuckerman stated that the next plan is to go through part 1 which is the applicant's document they submitted to the board, and he knows they have asked many of their questions in the past, Ms. Conner remind them of this earlier are tied to the part 1 but it seems very important to have one more shot. It seems like a good opportunity to review and ask any questions along any parts of the part 1. Given it's 13 pages in length it may be judicious to go by board member for their points versus going page by page.

Dennis Gagnon had a question for clarification on page 7 regarding additional power requirements. Any upgrades to substations and such. Further, they're referencing New York State Gas and Electric, but he's assuming that's Central Hudson?

Mr. Johannesen stated that is a typo.

Mr. Gagnon stated that he gets concerned when seeing misinformation that might have been copied and pasted from one document to another and just wants to make sure that there are no other conditions that might not be true.

Mr. Johannesen stated that it's not a cut and paste document. A lot of effort went into the preparation of these documents. That was an error and he apologizes for it. There's no information here that was taken from another project.

Mr. Gagnon asked if that can be clarified.

Heid Wendel asked if there has been any natural resource inventory done or wildlife inventory done with respect, for example, to the bats but what is actually on the parts of the property that will now have buildings on them. Not the part that's going to be rewilded, but the parts of the property where there's going to be substantial building going on. Do we know if there's a population of bats that live there that might be living in the old trees, some of which might have to be taken down because of the work? And whether putting so many buildings on a portion of the property will actually significantly impact communities of wildlife.

Mr. Johannesen stated that they have started coordination with the DEC Natural Heritage Program and have written to them. They've received their plans, and they've indicated the potential presence and proximity to the site of the Northern Long-Eared Bat and the Bald Eagles, and they gave us a rough idea of their location which was off-site and close to five miles from the subject property. He added that they do intend on evaluating that further in the part 3 EAF. They're going to adhere to the DEC guidelines as to limitations on when they can remove trees for instance. They don't have all the answers yet on that particular issue, but it's an area that they want to evaluate further in the part 3 EAF.

Ms. Wendel stated that she assumes that there's going to be more to the traffic situation as well and the fact that the current road situation will have to be changed, at least at least at Snake Hill Road. She added that she assumes that's just going to be dealt with down the road.

Chairman Zuckerman stated that he thinks when they get to the third stage of this conversation about when we get to the part 2 what area you want to see, additional study. He added if there any questions Ms. Wendel has on the traffic portion of the part 1, feel free to raise them now.

Ms. Wendel replied that probably nothing that's not going to be covered in that traffic study. She added that she assumes the traffic study will include the road widening, how much widening will there have to be Snake Hill Road and how much widening of the access roads.

Chairman Zuckerman stated that it all depends what questions you want. There are a lot of questions that could be asked. There's volume, there's flow, there is frequency, lines of sight. They obviously spent a lot of time with CRS on a different topic, which was gargantuan trucks. Infrequent but still large. Here they're talking about a greater volume but not of trucks, at least not a lot of trucks, so he thinks it's important to raise those questions, but they're going to do that now and when they have a much longer period to go through the EAF.

Mr. Johannessen stated that he wanted to point out, and they can discuss it when they get into the parts 2 and 3 outline, but John Canning did lay out in a memorandum the scope of work that they'd like to undergo with the traffic report.

Chairman Zuckerman asked if Mr. Canning if this is a good time to hear that?

Mr. Canning stated that the memorandum was submitted and they've done a lot of talking since then. He's been listening very carefully so here's what they're going to do and then the board can give him some more to do. They're going to do a traditional traffic impact study where they look at key intersections and the key intersections that they are planning to look at are the Route 9 driveway, Coleman Road, Snake Hill Road, Travis Corners Road, the Snake Hill Road driveway and then Route 9D at Snake Hill Road which were the same intersections that were studied in for the PDD that was done back in 2005. That's a traditional traffic impact study. They're going to look at the busiest times. It's going to be the busiest day, the busiest hour, for the busiest events so that they can rest assured that even at the busiest times it's going to be okay. On a little tangent, to respond to Mr. Tomann because he had an important question at the last meeting in trying to get his head around what exactly this is going to be and he asked is it going to be like Marist, is it going to be like the Culinary Institute, is it going to be like FDR's Library? So, they did a little investigation. It's definitely not going to be like Marist. It's got probably an eighth of the parking spaces and eighth of the population and it's on about the same size site, and it's not even going to be like the Culinary Institute. It's probably a half to a third of the number of parking spaces and the population of the Culinary Institute, but it is going to be bigger than FDR library. It's got almost, or just about, three times the number of parking spaces. So, he hopes that gives some context, and then jumping back to the traffic study. They're doing the traditional traffic study for the busiest times, they're looking at site distances, they're looking at accidents, they're looking at turning lanes on the driveways, they're looking at the intersection of Snake Hill Road with Travis Corners Road to see if they can get a traffic signal installed there. They are hopeful but don't want to count their chickens before they hatch. They're looking at providing an extra lane at that location and looking at parking, obviously. He stated that he thinks those are the key elements he's been keeping track and certainly can go into detail. He will pull out that memo and we can add to it as needed, but rest assured, they have been listening. He knows traffic is a big deal on this project they're going to do an extensive study. They want to address all of the issues where there are concerns and want to make sure this works for the town and for Hudson Valley Shakespeare Festival.

Ms. Wendel stated that the other issue that seemed to come up a lot on the site visits was the noise levels. The noise levels around the buildings and just what the volume would be, and when and that kind of thing. She added that she thinks it was mentioned that there's going to be a full-length study of that.

Mr. Johannessen replied that they are absolutely committed to doing a noise evaluation and study. They've already retained an expert who's on this evening.

Peter Lewis stated that he's just wondering if there was any vision under the land use part of part 1 here of what's going to take place with that land that is now being turned over that was going to be the nine-hole golf course, whether or not it was thought to be kept open land, if it's going to be maintained as open land or if it's going to be allowed to go through secession and become forests. Are there any thoughts on that or is that too far down the road to be thinking about at this point?

Chris Davis replied that they've already had preliminary meetings with the conservation group and they are very impressed with what's there and he thinks their plan is they are already beginning to study rewilding examples of golf courses. It's a much trickier problem because it can be an invitation to invasives and so the goal is to pursue the idea of rewilding with areas to walk in a very gradual transformation but not simply to abandon it and have it go to second growth forest or something like that.

Mr. Johannessen added that there will absolutely be an evaluation of that in the in the SEQRA documents and they'll lay out a plan as to how they envision that happening so the board is aware of the goals and plan going forward.

Laura O'Connell stated that she had a few questions with regard to the additional waste and sewage. She's assuming that they have included the public bathroom potentials for theater, and they are going to put in public bathrooms for the indoor theater and even for the tent. She added that she doesn't know if they're going to be porta-potties and just roll them in and roll them out when in use, or are they putting in permanent bathroom fixtures and if that's the case has that been taken into the account of the total usage that they've identified?

Jan Johannessen replied that yes, they have identified a usage of the permanent bathroom facilities for the facilities, including the tent.

Ms. O'Connell continued that the other question she has is with regard to the culvert that leads out to Snake Hill Road. The applicant has identified other areas that may be designated for SHPO review. Isn't that culvert also historical?

Mr. Johannessen stated that he hasn't heard that the culvert's historical, however they have started their consultation with SHPO and are absolutely getting them involved in the process. They're going to be looking at the entire project.

Ms. O'Connell stated that her last question is actually for Mr. Canning. She wanted to recommend that they also do a traffic management plan within the site, too, because they're talking about a lot of traffic flow. There could be congestion depending on the flow of the traffic at peak, so just a recommendation and then how that traffic management plan includes exiting into Route 9. Are they going to have flag men to direct traffic if they don't have a traffic light. Just wanted to put it out there that that would be highly beneficial if they did that.

Mr. Canning replied that they've already planned for that, they expected that the board would ask it so we will certainly do it.

Ms. Conner stated that she already asked her questions on the part 1 and they are in the record.

Chairman Zuckerman stated that on page 3 of 13, C3 zoning letter B - is the use permitted or allowed by a special or conditional use permit? He added that he realizes the town zoning is fluid in the case of what's going to happen here, depending on your application, but his reading of the "use", where you're located a theater it has a dash in the use table and in the use table it has a dash in the RC zone. That means it's not allowed. Again, the town may change the zoning, that's outside his purview. But it says "yes" here for this use. He knows they're not talking about every use, but that use in particular which is a pretty significant part of the use in terms of both permanent indoor and outdoor he, doesn't see theatrical as being in a permitted use.

Mr. Hollis stated that if you look at the PDD zoning that's where they relied on that.

Chairman Zuckerman stated he didn't think that authorized the theater.

Mr. Hollis replied that he thinks it permits cultural events and coupled with that the special event because that's what he thinks Boscobel has run on all these years, the special event which is permitted under a parade permit of all things. He thinks that there's a link there that they obviously need to get an amendment to the PDD zoning. That's what they're asking for to allow the expansive use that they're seeking here that's different than an 18-hole golf course. Whether it's particularly theater use being permitted, he's not clear on that at the moment, but they're seeking an amendment that would permit the theater use permanently and seasonally as well.

Chairman Zuckerman stated that the use table he looked at has under the RC, and he thinks it depends what they're talking about, it has lodging facility and has a line through it, and he knows the PDD supersedes it in part. Also, recreational business indoor has a line through it, which is he thinks the closest thing to describe the theater to being those have a line through it for the RC.

Mr. Johannessen stated that they were thinking more along the lines as the existing PDD local law allows a variety of different uses and that's what they're consistent with.

Mr. Hollis stated that there's a link between the PDD permits special events, and the special events is what permits the Boscobel enterprise that we're on.

Chairman Zuckerman stated that to him a permanent theater is not the same as a special event. A special event sounds temporary in nature and a permanent theater is not the same thing, in his opinion.

Mr. Johannessen state that regardless if it's checked "yes" or "no", they're going to have an entire chapter in the part 3 EAF that completely evaluates zoning issues.

Mr. Zuckerman added that it gets a little inconsistent if you go down halfway through the page D1 C – "Is the proposed action an expansion existing project or use"? He noted that the applicant checked "no". This is such a heterogeneous mix of uses they've got that it's hard to capture it all in one simple "yes" or "no", it's sort of like a "maybe" would be a nice box.

Mr. Johannessen added that they actually talked about that as this particular question as a team yesterday, and now knowing a little bit more about the project, this EAF dates back to October. They know a little bit more about the structures, so they could actually put a number to that percentage of increase in square footage. He added that he thinks in the next EAF iteration they'll probably see a number there now that the project's been fine-tuned a bit.

Chairman Zuckerman stated that on the project operations page 4 D2 question is – "Does the proposed action include any excavation" and it says not including where all excavated materials will remain on site. He stated that they've got a pretty significant amount of buildings they want to put in. Are they not planning on

removing that material off the site? Because, by checking “no” reading the parenthetical it would lead them to believe they’re leaving everything there.

Mr. Johannessen stated that's the expectation at this point in time. The preliminary cut and fills appear to be close to balance and, given the size of the property, they do feel that they'll be able to contain all excavated materials on site. That'll be further evaluated in the part 3 where they'll demonstrate that to the board through our cut and fill analysis, but that's the expectation right now.

Mr. Zuckerman continued with page 10 of 13, section E 1D – “Are there facilities serving children”? He noted that the applicant identified the Walter Hoving Home, but there's also a group home on Coleman Road across the way, but within 1500 feet. It's either on Frasier or Coleman Road. He doesn't know how many people they have in the facility but it is a commercial operation, that's a group home. It's a minor note obviously and would not change their plan, but they mentioned one and that's another within your location.

Mr. Zuckerman stated on page 12 of 13 which is in the section titled E2 Natural Resource he's raising what Ms. Wendel brought up, and it will come up again when they talk about areas for investigation in the EAF part 2. Letters N and P – “Does the site project site contain designated significant natural community”? The answer given is “No”. Then in letter P – “does the project site contain any species of plant or animal that's listed as rare”? Again, the answer given is “No”. His question for both is how do you know they are “no”?

Jan Johannessen stated that “significant natural community” is a defined term by the New York State DEC and they have maps to that effect. They've coordinated with them with the Natural Heritage Program and they're confident that they're not in a significant natural community as defined by the state, so that's how that one was answered. And they've coordinated with the state with regards to threatened and endangered species. They've identified two, the Northern Long-Eared Bat and Bald Eagle, but they've identified that they're off-site in proximity to the site so that's why that was answered no.

Chairman Zuckerman asked if they have that information, because that seems like as Ms. Wendel mentioned an area this group would like some study on. He added that he referenced a few times that this board went to extreme lengths as did the applicant for Hudson Highlands Reserve to provide and Mr. Watson is your advisor, so he knows intimately the volume of work done by that group to study those issues and so that they have reams of analysis that I'm sure was not cheap nor was short in duration, and he's not suggesting they need that work but I'm am suggesting they need something more than “no”.

Mr. Johannessen replied that they absolutely will and that will come as appendices in the part 3 EAF. They'll provide all their communications to the board that they've had with the DEC and the guidance documents that the DEC is asking them to abide by, so they'll have it for sure.

Chairman Zuckerman stated that he would like to toggle through the EAF part 2 components and just give a viewpoint quickly about whether they think they need to see additional studies. If they go through all 18 very rapid fire very almost “yes” or “no” whether people are expecting to see more that can give a better sense if they feel like that's not clear at this point, and then he'd like to conclude with scheduling and debating for a moment and scheduling potentially a special meeting where they can go into the EAF part 2 in real detail without being time constrained.

Mr. Hollis asked if they could also speak about in the interim between now and the special meeting and now and scheduled meetings if they would be able to interface their team with AKRF and Mr. Gainer to help expedite all of the process.

Chairman Zuckerman stated that was a miss on his part that he did not mention that up front for the benefit of the public so he apologizes. He added that the board voted on at the last board meeting they have retained

thanks to the town board and thank you both Supervisor Shea as well as Bob Flaherty for helping get that approved. They are going to use AKRF, who has assisted the board in the past on Hudson Highlands Reserve to provide an additional planning and environmental viewpoint on the work. It's always helpful to have a pair of professional eyes on top of our legal eagle and the best damn engineer who's ever engineered a thing, Ron Gainer. So, we're going to have AKRF help and of course they can work with them. He continued that you certainly should be working with them as they come on board. Mr. Zuckerman stated that next they are just going to do a quick tour through the EAF part 2. He asked Mr. Gaba if he did not agree.

Mr. Gaba stated that it's the board's prerogative if that's what it wants to do what you should do.

Mr. Johannessen asked to interject real quick reminding the board to just keep in mind back in February they also included a scope an outline of what they've already committed to studying in the part 3 and the additional studies.

Mr. Zuckerman replied that they should hold on this because he thinks Mr. Hollis asked for them to give this view. They've given some opinions already. If you'd like them to interpret that document and come back from there, he's happy to do that.

Mr. Hollis stated that he thinks that's a good idea, given that the time change that they've had tonight. He thinks the outline they provided, the scope for part 3 is a real good document to see what they anticipate providing and the board can add to that as they see fit.

Chairman Zuckerman stated that he thinks it's clear from this conversation what he's heard from listening to his colleagues. He's heard things about plants which is number 7, they've heard traffic, number 13 they've heard noise, number 15. He would add that he thinks there's something to be done about further understanding on the surface water which is number 3 tied to the pond and just understanding that clearly. He added that Ms. Wendel or maybe Ms. O'Connell had mentioned number 4, groundwater and thinks some conversation to be had around numbers 17 and 18 around community character. He thinks this is a conversation, an area where they'll need an additional study. He stated that if Mr. Johannessen's could recirculate that document that would be helpful. He then asked if any other board members want to comment on additional studies?

Heidi Wendel stated she wants to mention one last thing that's been raised a lot by from the public which is the sight lines where the tent is going to be located on the hill in the viewshed. Maybe some renderings of what it's going to look like from various points where people are used to not seeing anything there and how it's going to affect what they are going to see if the site is built.

Dan Hollis stated that they're already working on that.

Chairman Zuckerman stated that's a great point. That's section 9, impact on aesthetic resources and that really does come into letter B which is does it screen officially designated scenic views? He's guessing Storm King is an officially designated scenic view and getting an answer to that question would be useful.

Chairman Zuckerman asked if his colleagues are comfortable having a dedicated special meeting.

The board decided to hold a special meeting on Thursday 5/13 at 7:00pm via Zoom. The meeting will be a 3-hour session just on the EAF part 2.

Mr. Hollis asked what the deadline would be to submit for this meeting?

Ms. Rockett replied 2 weeks prior to the meeting. April 29th.

Chairman Zuckerman asked if there will be a revised EAF at that point.

Mr. Johannessen replied yes.

Chairman Zuckerman then asked for a motion to adjourn. Kim Conner made a motion to adjourn and Dennis Gagnon seconded it. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heldi Wendel: Aye

Neal Zuckerman: Aye

The motion passed unanimously and the meeting adjourned at 10:45 pm.

Date approved 5/20/21

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.