



Environmental, Planning, and Engineering Consultants

34 South Broadway
Suite 300
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

Memorandum

To: Town of Philipstown Planning Board

From: AKRF, Inc.
Ronald J. Gainer, PE, PLLC, Planning Board Engineer

Date: May 12, 2021

Re: Hudson Valley Shakespeare Festival (HVSF) Project

cc: Steve Gaba, Planning Board Attorney
HVSF Applicant Team

AKRF, Inc. (AKRF) and Ronald J. Gainer, PE, PLLC (RJG) have reviewed the following documents and conceptual plans for the above referenced application:

- Parts 1 and 2 of the Full Environmental Assessment Form (FEAF) prepared by Kellard Sessions Consulting (29 pages total) dated April 30, 2021 (revised).
- Part 3 of the FEAF / Expanded Scope Outline prepared by Kellard Sessions Consulting (7 pages total) dated April 30, 2021 (revised).
- Appendix A – “Landscape Architecture Drawings” (9 sheets total) including parcel map, concept plans, proposed viewshed analysis locations, submitted April 30, 2021.
- Appendix B – “Traffic Report” (15 pages total) including Traffic Study Scope Memorandum and figures prepared by Kimley Horn, dated April 27, 2021.
- Appendix C – “Acoustical Survey” (3 pages total) including a Methodology Memo and figures prepared by SoundArts, dated April 30, 2021.
- Appendix D – “Soil Table” prepared by Kellard Sessions Consulting (2 pages total).

PROJECT DESCRIPTION

Garrison Properties, LLC and Hudson Valley Shakespeare Festival (HVSF) (the “Applicant”) is seeking approval of several actions (the “Proposed Action”) including a zoning text amendment to the Garrison Golf Club Planned Development District (GCCPDD) and the Rural Conservation (RC) district, as well as subdivision, site plan, and special use permit approval to allow the HVSF to relocate its facility from Boscobel (also in Philipstown), to The Garrison (the “Proposed Project”). HVSF's long-term plan includes the installation of a permanent theater tent and accompanying structures (back of house structure, welcome center, concessions and restrooms); parking expansion; creation of meadows and gardens; on-site lodging for artists and guests; a year-round theater building; rehearsal barn; and pavilion. The existing restaurant

and banquet hall at The Garrison would remain; however, the 18-hole golf course will be eliminated. The application includes the relocation of the Snake Hill Road access driveway, improvements to the intersection of the site driveway and Route 9, and upgrades to the Route 9 and Snake Hill Road intersection. Modifications may be needed to the existing earthen dam located at the existing Snake Hill Road access drive. The Proposed Action also includes a 3-lot subdivision whereby the HVSF use will be contained to one (1) ±97.26 acre lot, a separate ±29.5 acre lot would be developed as a private residence, and a third ±17.28 acre lot will be created and conveyed to a conservation organization, resulting in a total of ±73.83 acres to be permanently preserved; this includes the portion of the existing golf course located on the west side of Snake Hill Road and north side of Philipse Brook Road.

The proposed zoning text amendment to the GGCPDD and RC district requires approval by the Philipstown Town Board. The proposed subdivision, site plan, and special use permit requires approval by the Philipstown Planning Board. The Philipstown Planning Board is serving as Lead Agency for review of the Proposed Action/Proposed Project under the State Environmental Quality Review Act (SEQRA). The Town Board is serving as an Involved Agency under SEQRA and will rely on the Planning Board's SEQRA findings in their review of the proposed zoning changes. Other local, state, and federal agencies involved in the review of the Proposed Action/Proposed Project include the Town of Philipstown Conservation Board, Putnam County Department of Health, Putnam County Planning Board, New York City Department of Environmental Protection (NYCDEP), New York State Department of Environmental Conservation (NYSDEC), New York State Department of Transportation (NYSDOT), and the United States Army Corps of Engineers (USACOE).

COMMENTS

The applicant has provided the FEAF Parts 1 & 2, and also a Part 3 "scope outline" of the evaluations/studies that will be provided within the expanded FEAF Part 3.

FEAF PART 1

AKRF does not have comments on the FEAF Part 1 at this time. This document was distributed to the Involved Agencies as part of the Notice of Intent to be Lead Agency and we do not see the need to redistribute the document. Changes to the development program are typical as a project moves through the SEQRA process and those changes will be captured in the report/supplemental studies the Applicant has planned as part of FEAF Parts 2 and 3.

FEAF PART 2

As the Planning Board will note, the applicant has checked "Yes" to many of the environmental categories identified in the EAF Part 2, acknowledging the extent of impacts that will result from the intended site development proposed. As a result, AKRF/RJG do not have comments on or objections to the majority of the answers provided. However, we have listed below specific areas of concern which we believe warrant special attention in the supplemental materials the Applicant plans to provide within the FEAF Part 3. These areas of concern are outlined below:

1. Question 1 (Impact on Land) – We have no comments to the responses given.
2. Question 2 (Impact on Geological Features) – We have no comments to the responses given.
3. Question 3 (Impacts on Surface Water) – We have no comments to the responses given.
4. Question 4 (Impact on Groundwater) – We have no comments to the responses given.
5. Question 5 (Impact on Flooding) – Based on the response given in the FEAF Part 1, question E1(e), the existing dam on site will be evaluated by a structural engineer retained by the applicant. As a result, it would appear that this question should be answered "Yes", and "moderate to large impact" checked in item "f". Provision of the structural engineer's report should be listed in the EAF Part 3 outline.
6. Question 6 (Impact on Air) - AKRF has no comments to the responses given. Based on the proposed use and nature of the structures proposed, they should not require permits for stationary (i.e., HVAC)

emissions nor exceed applicable thresholds for impacts. However, refer to FEAF Part 3 Comment #19 which addresses mobile sources of emissions as they relate to the traffic study.

7. Question 7 (Impact on Plants and Animals) – We have no comments on the responses given.
8. Question 8 (Impact on Agricultural Resources) - We have no comments on the responses given.
9. Question 9 (Impact on Aesthetic Resources) – We have no comments on the responses given.
10. Question 10 (Impact on Historic and Archaeological Resources)
 - a. Historic Resources - Questions 10.e.ii and 10.e.iii indicate a low potential for impact to the two known architectural resources in the surrounding area, which appears to be based on the viewshed analyses conducted to date and the distance between the architectural resources and potential construction. As the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) has not weighed in the historic resources in the vicinity of the Proposed Project, and because the State could identify the potential for an adverse effect, AKRF recommends that the response to these lines be changed to “Moderate to large impact may occur”.
 - b. Archaeological Resources - Question 10.e.i asks whether the Proposed Action "may result in the destruction or alteration of all or part of the site or property." AKRF reviewed OPRHP's Cultural Resources Information System (CRIS) database, and notes that an initial project submission has been made, and that the Applicant received a comment letter from the archaeology reviewer (Phil Perazio) asking for the preparation of a Phase 1A/1B since the project site is in an archaeologically sensitive area. Given that more information regarding the archaeological sensitivity of the site needs to be provided, AKRF believes it is too early to know what the scope of the potential impact of the Proposed Project could be on such resources. As such and given the current available information on the site's archaeological sensitivity, AKRF recommends that the response to 10.e.i be changed to “Moderate to large impact may occur.”
11. Question 11 (Impact on Open Space and Recreation) – We have no comments on the responses given.
12. Question 12 (Impact to Critical Environmental Areas) – We have no comments on the responses given.
13. Question 13 (Impact on Transportation) - We have no comments on the responses given.
14. Question 14 (Impact on Energy) – We have no comments on the responses given.
15. Question 15 (Impacts on Noise, Odor and Light)
 - c. Noise – Given the answer to FEAF Part 1, D2m is “Yes”, the noise levels resulting from the construction and operation of the Proposed Project cannot be identified at this time, the Applicant indicates that the potential for blasting will be described in Part 3, and the Applicant will conduct a noise analysis for the Proposed Project regardless, AKRF recommends that the response to 15.a be changed to “Moderate to large impact may occur.”
 - d. Odor - AKRF has no comments.
 - e. Light - Given the answer to FEAF Part 1, D2n is “Yes” and the light levels resulting from the construction and operation of the Proposed Project cannot be identified at this time, AKRF recommends that the response to 15.a be changed to “Moderate to large impact may occur.”
16. Question 16 (Impact on Human Health) – AKRF recommends checking “Yes” for Question 16 and the appropriate impact response for all subsequent questions a-m. Golf courses are notorious for having shallow soil contamination related to pesticide and herbicide (including fungicides) applications. Also, golf courses typically have a maintenance building where fluid changes occur on all the tractors and mowers (gasoline, waste oil, motor oil), and have a location for pesticide/herbicide storage.

The Applicant's FEAF Part 3 scope outline should include a human health/site assessment section summarizing the findings of a Phase I Environmental Site Assessment (ESA) and/or a thorough review of records to determine what chemicals were stored, handled or applied at the golf course, if any underground tanks exist related to golf course maintenance (or simply heating a building), and a site inspection/interview with site personnel to confirm the site conditions and see if there were any dumping areas. Depending on the outcome of this review, a limited shallow soil investigation may be necessary within the proposed areas of disturbance and any proposed well sites.

The FEAF Part 3 section on construction should also address these potential issues in relation to site disturbance. If soils with shallow contamination are disturbed and handled during redevelopment, then there is a direct contact exposure potential, and a fugitive dust potential for going off-site during earth disturbance. Measures to address these conditions during construction should be described.

17. Question 17 (Consistency with Community Plans) – AKRF recommends checking “Yes” for FEAF Part 2 Question 17 and the appropriate impact response for all subsequent questions a-h. Since the Proposed Project requires zoning text changes to allow new uses by special permit in the GGCPDD and RC districts, it is technically not consistent with existing zoning regulations. Answering “Yes” for Question 17 is also appropriate since the Applicant is already proposing to include a full discussion of land use and zoning, including the previously approved GGCPDD, as part of the FEAF Part 3 studies.
18. Question 18 (Consistency with Community Character) – AKRF recommends checking “Yes” for FEAF Part 2 Question 18 and the appropriate impact response for all subsequent questions a-g. FEAF Part 2 Question 9 (Impact on Aesthetic Resources) has been checked “Yes” as the Applicant intends to study changes and contrasts to land use patterns and undertake a comprehensive visual/aesthetic impact assessment from several vantage points. In addition, as noted in the Applicant's FEAF Part 3 scope outline, outreach to community/emergency service providers is already proposed in order to assess the potential for impacts.

FEAF PART 3 SCOPE OUTLINE

Project Summary

1. The project summary section should include a SEQRA “analysis framework” subsection that includes a discussion of long-term phasing of the Proposed Project and a reasonable “build year” or “analysis year” being assumed for certain technical studies like traffic.
2. The analysis framework discussion should also clearly present how the 2005 GGCPDD is being applied as a baseline for some but not all technical studies.

Land Use, Zoning, and Layout

3. The discussion of the 2005 GGCPDD should summarize the environmental impacts and mitigation measures disclosed (and timing of such measures) as part of the SEQRA process for that approved but unbuilt plan. To the extent mitigation measures applicable to the GGCPDD would be needed for the Proposed Project, those should be described with references pointing to expanded discussions in the applicable FEAF Part 3 section/chapter.
4. The anticipated land donation process for the 17.28 acres proposed to be “conveyed to a conservation organization” should be discussed further, including the anticipated organization(s) involved, and a comprehensive description of activities to be permitted/prohibited on this land. Reference to the open space and recreation section/chapter can be included as needed.

Geology and Soils

5. The discussion of on-site soils should include an examination of the suitability of the soils (stability, quality, etc.) and potential engineering limitations for the proposed site alterations and proposed uses on the site.

6. In addition to the Soil Survey of Putnam and Westchester County, the Applicant should refer to the United States Department of Agriculture (USDA) Web Soil Survey for information on soils present and their characteristics.
7. Construction on bedrock and outcroppings has the potential to cause additional adverse impacts such as noise, air pollution, and visual impacts due to changed landscapes and community character, or removal of vegetation that could result in fragmentation of habitats. Other potential impacts on the land may be potential for removal of large areas of vegetation and/or increased erosion. These should be discussed.
8. Any areas within the site containing exposed or shallow depth to bedrock that are expected to be disturbed by the development proposal should be clearly identified, and soils investigations performed to evaluate the extent of any blasting which may be required.

Topography and Slopes

AKRF/RJG have no comments.

Vegetation and Wildlife

9. AKRF recommends the following replace to the current text:
 - a. Describe existing ~~vegetative~~ ecological communities on the subject parcel.
 - b. List any rare, special concern, threatened, endangered, proposed and candidate ~~or special concern~~ plant or animal species as well as significant natural communities and designated critical habitat either located on or proximate to the subject property based upon the New York State Department of Environmental Conservation (NYSDEC) Natural Heritage Program and the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) databases.
 - c. Describe potential impacts to ecological and significant natural ~~vegetative~~ communities, designated critical habitat, as well as protected and wildlife and plant species habitat.
 - d. ~~Discussion of~~ mitigation measures, if needed.
10. If there are any areas of the site currently undisturbed and in a natural state, which will be impacted by construction for any of the improvements planned for the property, that will necessitate the removal of mature, valuable vegetation, Part 3 should evaluate the conservation value of any of these areas and establish what, if any, mitigation is warranted for the loss of these areas.

Wetlands and Watercourses

11. AKRF recommends the following edits to the current text:
 - a. Identify all Town, NYSDEC and USACOE regulated existing surface waterbodies, wetlands, and intermittent and perennial streams, as well as FEMA mapped 100-year floodplains located on the subject property and immediately adjacent (within 100-feet from the property lines).
 - b. On-site wetlands and watercourses within or proximate to the limits of land disturbance shall be delineated and mapped and FEMA floodplains should be depicted graphically.
 - c. Describe and quantify Town, State, and federally regulated wetland areas and ~~or Town and State~~ regulated wetland buffer areas on the subject property ~~and per the Town Code and NYSDEC regulations~~.
 - d. Describe the existing dam, its existing condition and regulatory status. The applicant will identify and describe, to the extent known, anticipated modifications to the dam and resulting impacts, if any, on adjacent surface waters and wetlands.
 - e. Describe and quantify wetland, ~~and~~ wetland buffer and floodplain disturbance and impacts.
 - f. ~~Discussion of~~ permits required and mitigation measures, if needed.

Stormwater Management

12. It is agreed that a full Stormwater Pollution Prevention Plan (SWPPP) is not required at this time, as part of the conceptual stormwater design to be developed. However, at a minimum, preliminary sizing of required stormwater treatment measures should be provided to assure that they can be located where intended on site.

Utilities (Water Supply, Sanitary Sewer, Energy)

13. In the analysis of potential impacts to the underlying aquifer serving the area, the demands of existing development within the identified recharge area of the supply wells, as well as potential impacts to these other nearby private wells, should be considered.
14. The basis for identifying the reported capacity of the individual existing on-site wells should be explained.
15. When siting the proposed on-site wells and wastewater disposal systems which would be necessary to service the development planned, all nearby private wells and subsurface sanitary disposal treatment systems should be identified.
16. In the discussion of fire protection, the applicant should evaluate National Fire Protection Association (NFPA) guidelines for required fire flows to adequately respond to a fire in the various large structures (both existing and proposed) on the property, as well as those flows available from existing fire protection sources on site. Any mitigation deemed necessary should likewise be identified.

Traffic, Transportation, and Parking

17. The traffic study scope should include the following:
 - a. Present the queuing results at the intersections studied;
 - b. Present a qualitative discussion of pedestrian and bicycle trips; and
 - c. Perform an autoturn analysis at the main and service driveways for the largest vehicle anticipated to access the site.
18. The applicant should include the Town on all correspondence with NYSDOT and provide the Town with meeting minutes documenting the points discussed and the decisions made resulting from coordination with the State.
19. Based on responses to both FEAF Part 1. D.2.j and Part 2 Question 13: Since a traffic impact study is proposed, please verify that air quality from mobile sources will be considered using the NYSDOT The Environmental Manual (TEM) screening procedures.

Visual Resources and Community Character

20. Given that all roadways which surround the project have been included on the Scenic Protection Overlay District, the visual analysis to be provided should determine the impact the development would have on viewpoints from nearby areas.
21. Further, upon review of the proposed vantage points for the visual study, the views into the Proposed Project from adjacent public rights-of-way (representative of some private residential uses) appears limited to Route 9 looking west. The Applicant should provide explanation (with photographs as needed) as to why views from Snake Hill Road were omitted. Longer distance views appear to be limited to west of the Hudson River (Howell Trail, Storm King Highway, and Route 9W). The Applicant should consider potential views into the site from public trails/overlooks on the east side of the Hudson River as well.
22. In addition to site line diagrams/profiles, photographic comparisons (with leaf-on/leaf-off conditions) are recommended for the Route 9 vantage points. AKRF understands the landscaping plan is still in

development. If supplemental landscaping is proposed to screen views, those plans should be described.

23. The Applicant appears to have indicated that the Proposed Project would be “not visible” from two of the vantage points proposed west of the Hudson River (see captions for vantage points 1 and 2). Since “not visible” is not provided in the captions for vantage point 3 (Route 9W), does this mean the site is currently visible? If so, it would help to show the general location of the site on the photographs included in the submission.

Noise

24. The proposed noise measurement locations are shown on an aerial photo with relatively low resolution. The Applicant should provide a list of the specific locations (addresses) where measurements would be conducted and indicate what noise receptor(s) would be represented by each.
25. The proposed time period for measurements, i.e., Sunday evening between 8pm and 11pm, does not correspond with any of the traffic analysis time periods. Does this indicate that no analysis of noise from mobile sources will be conducted? The Applicant should confirm and provide their reasoning if mobile source noise will not be assessed.
26. The noise methodology described appears consistent with the noise ordinance in the Town of Philipstown (175-36(C) of Article VII of the Town Code); AKRF recommends explicitly stating that the measurements would conform to that guidance.

Cultural Resources

27. This section should include an assessment of impacts to any resources identified through the OPRHP consultation, and coordination with the State to establish the appropriate mitigation to offset project related impacts as necessary.

Open Spaces and Recreation

AKRF has no comments.

Construction

28. Refer to FEAF Part 2 Comment #16 above regarding a discussion of human health and subsurface disturbance related to the former golf course use.
29. The Applicant should identify (by address/land use) the sensitive receptors subjected to the temporary construction impacts and the anticipated intensity and duration of those impacts over the long-term buildout envisioned.

Community Services and Economy

30. For 15.a, please describe the methodology for estimating potential impacts. For example, will this involve outreach to emergency service providers for comments on the concept plan/access, etcetera?
31. For 15.b, please clarify whether the “anticipated changes in tax revenues” is a net change that accounts for potential (estimated) municipal costs of the project, or if it is a gross tax revenues increment. If it is a gross revenue increment, please include in the scope of work a qualitative assessment of potential municipal costs to the applicable taxing jurisdictions beyond emergency services identified in task 15.a.
32. For 15.c, please describe the methodology for estimating changes to the local economy, and whether the jobs estimate would be direct (on-site) jobs or if input-output modeling is anticipated to identified direct and indirect jobs.

RECOMMENDATIONS

At the May 13, 2021 special meeting, we recommend that the Planning Board allow the Applicant to present the latest plans for the Proposed Project; and discuss Planning Board and consultant comments on the FEAF Part 2 and Part 3 Scope Outline.