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Memorandum

To: Town of Philipstown Planning Board

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

Date: June 15, 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 June 03, 2021 (revised).
- Part 3 of the FEAF / Expanded Scope Outline prepared by Kellard Sessions Consulting (9 pages total) dated June 03, 2021 (revised).
- Appendix A – “Landscape Architecture Exhibits” (5 sheets total) including Parcel Plan, Enlarged Concept Plan, Proposed Viewshed Analysis Locations, Lighting Precedents, Tent Precedents, submitted June 03, 2021.
- Appendix B – “Traffic Report” (14 pages total) including Recommended Contents of Traffic Study prepared by Kimley Horn, revised March 25, 2021.
- Appendix C – “Acoustical Survey” (3 pages total) including a Methodology Memo and figure prepared by SoundArts, revised May 24, 2021.
- Appendix D – “Cut & Fill Map and Soil Table” (3 pages total) prepared by Kellard Sessions Consulting submitted June 03, 2021.
- Preliminary Site & Subdivision Plan Set (8 sheets total) prepared by Badey & Watson Surveying & Engineering, P.C., and comprised of the following: Cover Page, Subdivision Plan, Existing Conditions Plan, Removal Plan, Overall Site Plan, Overall Sediment and Erosion Control Plan, and Sight Distance Profiles Printed on June 01, 2021.

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 revised FEAF Parts 1 & 2, and a revised Part 3 “scope outline” of the evaluations/studies that will be presented within the expanded FEAF Part 3.

Comments shown in *italics* are recited from AKRF’s May 12, 2021 memorandum to the Planning Board (copy attached for ease of reference). Applicant responses provided to the Planning Board on in the June 3, 2021 submission, as well as any new or follow-up comments, are presented in **bold**.

FEAF PART 1

As stated in our May 12, 2021 letter to the Board, AKRF does not have comments on the revised 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.

This comment remains applicable. No further action is required at this time.

FEAF PART 2

As the Planning Board will note, the Applicant has revised the Part 2 to reflect Member’s and the Board’s Consultant’s comments provided during the May 13, 2021 meeting as well as to address those comments provided by Ron Gainer and AKRF in our letter dated May 12, 2021.

With the revisions to the Part 2 made by the Applicant, AKRF and Ron Gainer have no further questions or comments on the current version of this part of the FEAF.

In our experience, it is common practice that FEAF Parts 2 and 3 are adopted at the same time by the lead agency, when the SEQRA determination of significance is officially made (Neg Dec or Pos Dec). There is no signature line on Part 2 to officially certify it, but there is on FEAF Part 3. To date, the Applicant has revised the FEAF Part 2 as requested by the Board and their Consultants. However, it should be noted that the FEAF Part 2 may require further revision as the Applicant conducts its studies and analyses of the Proposed Project as outlined for FEAF Part 3.

FEAF PART 3 SCOPE OUTLINE

The Applicant has revised the Part 3 Scope Outline of the FEAF to address comments provided in our May 12, 2021 letter as well as comments provided during multiple video conference meetings with the Applicant Team attended by AKRF, Ron Gainer and Steve Gaba. Our comments on the revised Part 3 Scope Outline are provided below.

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.*

This comment has been addressed in 1.f.

2. *The analysis framework discussion should also clearly present how the 2005 GGCPPD is being applied as a baseline for some but not all technical studies.*

This comment has been addressed in 1.f.

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 GGCPPD 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.*

This comment has been addressed in 2.g.

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.*

This comment has been addressed in 2.j.

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.*

This comment has been addressed in 3.b.

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.*

This comment has been addressed in 3.b.

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.*

This comment has been addressed in 3.e.

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.*

This comment has been addressed in 3.a.

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.*

This comment has been addressed in 5.a.

- 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.*

This comment has been addressed in 5.b.

- c. *Describe potential impacts to ecological and significant natural ~~vegetative~~ communities, designated critical habitat, as well as protected ~~and~~ wildlife and plant species ~~habitat.~~*

This comment has been addressed in 5.c.

- d. *~~Discussion of~~ mitigation measures, if needed.*

This comment has been addressed in 5.e.

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.*

This comment has been addressed in 5.d.

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).*

This comment has been addressed in 6.a.

- 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.*

This comment has been addressed in 6.b.

- 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.*

This comment has been addressed in 6.c.

- 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.*

This comment has been addressed in 6.d.

- e. *Describe and quantify wetland, ~~and~~ wetland buffer and floodplain disturbance and impacts.*

This comment has been addressed in 6.e.

- f. *Discussion ~~of~~ permits required and mitigation measures, if needed.*

This comment has been addressed in 6.g.

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.*

This comment has been addressed in 7.c.

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.*

This comment has been addressed in 8.d.

The basis for identifying the reported capacity of the individual existing on-site wells should be explained.

This comment has been addressed in 8.a.

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.

This comment has been addressed in 8.b. and 9.b.

14. *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.*

This comment has been addressed in 8.c.

Traffic, Transportation, and Parking

15. *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.*

All three comments have been addressed in the Kimley Horn 5/25/21 memo.

16. *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.*

This comment has **not** been addressed. The Applicant should revise the Traffic memo to include a note stating that the above will be followed and all NYSDOT materials will be provided to the Planning Board.

17. *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.*

This comment has been addressed in the Kimley Horn 5/25/21 memo.

NEW COMMENTS

Additional comments and questions on the revised 5/25/21 Kimley Horn memo and the Sight Distance Profiles drawing are as follows:

5/25/21 Memo

- a) Use Synchro 11, now approved by NYSDOT, in preparation of the Traffic Impact Study (TIS).
- b) Provide the methodology to be used to adjust the count data based on historical data.
- c) Provide assignment graphics for the peak hours that show the distribution of project generated traffic and to confirm the study area intersections to be included in the TIS.
- d) Explain how the 85th percentile speed was obtained. Provide dates and duration.

Sight Distance Profiles

- e) The first footnote in the table on the Sight Distance Profiles drawing states "Lower of posted and 85th percentile." Lower of what? Posted speed limit? If so, why the lower of the two?
- f) The table does not indicate if the Intersection Sight Distance (ISD) for the Route 9 driveway and the relocated East Snake Hill Road driveway is acceptable.
- g) Why is the Stopping Sight Distance (SSD) for the existing East Snake Hill Road driveway state N/A?
- h) Is there any vegetation clearing required to achieve acceptable ISD or SSD? If so, where will vegetation removal be required? In the Route 9 and/or Snake Hill Road Right of Way (ROW)? What transportation agency would be involved in the approval process for vegetation removal and other work to be conducted in the ROW?

Visual Resources and Community Character

18. *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.*

This comment has **not** been addressed. The Applicant should revise either 10.a or 10.b to acknowledge that the roadways surrounding the Project Site are located within the Town's Scenic Protection Overlay District.

19. *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.*

This comment has been addressed in 10.c. The location from which visual impacts are to be assessed will be coordinated with the Planning Board and its Consultants prior to completing and submitting the analyses.

20. *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.*

This comment has been partially addressed in 10.c. To fully address this comment, the Applicant should add (to 10.c) the phrase “(including leaf-on and leaf-off conditions)” after “to evaluate visibility and potential impacts.”

The comment related to the landscaping plan and supplemental screening to mitigate potential impacts has been addressed in 10.f and 10.g.

21. *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.*

This comment has been addressed. Based on discussions with the Applicant Team following the 5/13/21 Planning Board meeting, it was made clear that the site is visible from this location. As such, potential impacts from this location will be assessed.

NEW COMMENT

In the FEAF Part 3, the Applicant will provide a map depicting the locations from which Visual Resources and Community Character will be assessed. This map and the related assessment of potential impacts to scenic/visual resources should include any resources meeting the categories noted on page 5 of the NYSDEC guidance document titled "Assessing and Mitigating Visual and Aesthetic Impacts" and the 1993 New York State Department of State (NYS DOS) “Hudson River Valley Scenic Areas of Statewide Significance.” Refer to our response below to Planning Board’s request for addition information titled “FEAF Part 2 Question 9. Impact on Aesthetic Resources” for additional information, including hyperlinks to these documents.

Noise

22. *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.*

This comment has been addressed in 11.b.

23. *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.*

This comment has been addressed in SoundArts’ 5/24/21 memo and with the revision to 11.a suggested in our NEW COMMENT below.

24. *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.*

This comment has been addressed in 11.c.

NEW COMMENT

We suggest that the first sentence of 11.a be revised to read as follows:

Assess potential operational noise impacts on neighbors and surrounding uses when the facility is in full operation, including noise from simultaneous on-site activities/sources (theatrical performances, rehearsals, wedding events, restaurant use, mechanical equipment, etc.) and traffic traveling to and from the site on surrounding roadways. Additionally, assess potential noise impacts associated with construction.

Cultural Resources

25. *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.*

This comment has been addressed in 12.a and 12.b.

Open Spaces and Recreation

AKRF has no comments.

Construction

26. *Refer to FEAF Part 2 Comment #16 above regarding a discussion of human health and subsurface disturbance related to the former golf course use.*

This comment has been addressed in 14.d.

27. *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.*

This comment has been addressed in 14.c.

Community Services and Economy

28. *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?*

This comment has been addressed in 15.a.

29. *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.*

This comment has been addressed in 15.b.

30. *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.*

This comment has been addressed in 15.c.

Human Health/Site Assessment

In response to the FEAF Part 2 Question 16 comments in our 5/12/21 memo (italicized below), the Applicant Team added a Human Health/Site Assessment section.

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.

All comments have been addressed in the newly added Human Health/Site Assessment 16. and 16.b.

RESPONSES TO PLANNING BOARD MEMBER'S REQUEST FOR ADDITIONAL INFORMATION ON THE FEAF PART 2

FEAF Part 2, Question 4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.

Cite Source: A groundwater impact analysis will be provided with the Part 3 EAF

Planning Board Question:

What constitutes a safe and sustainable withdrawal capacity rate?

AKRF Response:

Installation and use of water supply wells are regulated by the NYS Department of Environmental Conservation (NYSDEC) and the NYS Department of Health (NYSDOH). Regulatory information is provided on the following webpages:

NYSDEC

[Wastewater, Stormwater & Water Withdrawal Permits - NYS Dept. of Environmental Conservation](#)

NYSDOH

[Part 5, Subpart 5-1 Standards for Water Wells - Appendix 5B \(ny.gov\)](#)

There is no standard, safe, and sustainable withdrawal capacity set by the State for a given aquifer. To determine the ability of an aquifer to provide a desired flow (potable or not), a well pumping test is performed on the proposed water supply well. The pumping test is typically conducted for one to three days, with the minimum testing duration being enough time to quantify the safe well yield based on minimum criteria set by the NYSDOH. During the test, sensors/piezometers are placed in nearby wells to assess if the well on the project site is hydrologically connected to a surrounding well(s). If the pumping of the proposed water supply well results in a drawdown in nearby well(s), then they are hydrologically connected, and it is possible the withdrawal of water for the proposed project could negatively impact other wells in the area. Where drawdown in a neighboring well(s) is identified, options to offset impacts include measures to increase yield [well redevelopment, hydrofracking, or deepening the neighboring well(s)], or relocation of the proposed well. This is the "sustainable" part of the assessment.

Additionally, the water pumped from the proposed water supply well during the pumping test is sampled at the end of the safe yield test and sent out to be tested for possible contaminants at an approved laboratory. This process not only determines the presence of constituents of concern in the groundwater of the aquifer

but is also used to determine if the well is connected to a surface water (pond, lake, wetland, etc.). If a contaminant(s) is found to be present at levels above those set in safe drinking water standards or a connection to a surface water is found by way of identification of compounds found in surface waters that are not typical of groundwater, then the water from the well cannot be used as potable without installation and maintenance of an appropriate, state-approved treatment system. This is the “safe” part of the assessment.

FEAF Part 2, Question 6. Impacts on Air

The proposed action may include a state regulated air emission source (See Part 1. D.2.f., D.2.h., D.2.g.).

Planning Board Question:

What are specific examples of state regulated air emission sources? Is there a list that can be reviewed against what the project proposes?

AKRF Response:

6 NYCRR Chapter III (Air Resources) ([found here](#)) includes lists of “exempt activities” ([201-3.2](#)) and “trivial activities” ([201-3.3](#)). If an emission source exceeds what's described in these lists of exempt and trivial activities, it would be considered a state regulated emission source--e.g., a medical institution with boiler capacities over 10 million Btu/hour, or a housing development that has a cogeneration facility.

Based upon our review of the lists found at 201-3.2 and 201-3.3 of 6 NYCRR Chapter III, the emissions related to operation of the Proposed Project do not appear to rise above the exempt or trivial categories and would therefore not be state regulated sources. However, to date the Applicant has not provided a comprehensive description of emission sources related to operation of the Proposed Project (type and location of HVAC systems, emergency generators, etc.). We recommend the Applicant review the lists of “exempt” and “trivial” activities and confirm in writing to the Planning Board that the Proposed Project would not involve state regulated sources of emissions, citing the systems proposed and their intended uses.

FEAF Part 2, Question 9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource (E.3.h).

b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views (E.3.h, C.2.b).

Planning Board Question:

How are officially designated federal, state, or local scenic resources defined? Is there a list or map that can be consulted to make sure all appropriate resources are being considered in the applicant’s visual aesthetic analysis?

AKRF Response:

To our knowledge there is not a comprehensive State-wide mapping application that covers all types of designated scenic/aesthetic resources - one would need to be compiled from a variety of sources.

The NYSDEC guidance document "Assessing and Mitigating Visual and Aesthetic Impacts" (latest revision date 12/13/19) is typically used to identify aesthetic resources to be considered in an analysis. ([Click here for link to NYSDEC Guidance Doc.](#))

A list of the types of aesthetic resources to consider starts on page 5 of the NYSDEC guidance document. The list includes Scenic Areas of Statewide Significance (SASS) as defined by the Department of State, such as the Hudson River Valley SASS which includes the Hudson Highlands Subunits ([Click here for link to 1993 NYSDOS Hudson River Valley SASS Doc](#)) and many other categories of resources as well, such as:

- A historic resource listed or eligible for inclusion in the State or National registers of historic places;
- NYS Heritage Areas (formerly Urban Cultural Parks) [Parks, Recreation and Historic Preservation Law Section 35.15];
- A site, area, lake, reservoir, or highway designated or eligible for designation as scenic, including NYS Scenic Byways [ECL Article 49 Title 1] or DOT equivalent (*e.g.*, Storm King Highway [Article 49 Scenic Road], Orange County);
- A state or federally designated trail, or one proposed for designation [16 U.S.C. Chapter 27 or equivalent] (*e.g.*, Appalachian Trail);
- National Heritage Areas [Each of the 49 designated NHAs has its own individual authorizing legislation *e.g.*, Hudson River Valley National Heritage Area of 1996].

The SEQR Workbook guidance for aesthetic resources ([found here](#)) provides a few links to information sources but not for every category outlined in the NYSDEC guidance document. We recommend the Applicant review the publicly available resources and provide in writing to the Planning Board a list of all resources identified that are visible from and/or that have a view into the project site and determine if the project would result in an impact(s) to any of the identified resource(s).

RECOMMENDATIONS

At the June 17, 2021 Planning Board 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.