

TOWN OF PHILIPSTOWN PLANNING BOARD
Philipstown Town Hall- 238 Main St. Cold Spring, NY 10516
July 15th, 2021 Minutes

The Planning Board held its regular meeting on Thursday, July 15th, 2021.

Present:

Neal Zuckerman (Chair)
Kim Conner
Dennis Gagnon
Peter Lewis
Laura O'Connell
Neal Tomann
Heidi Wendel
Stephen Gaba, Counsel

Absent:

Ronald J. Gainer, PE, Town Engineer

Please note that these minutes were abstracted in summary from the meeting and a taped recording.

Chair Zuckerman opened the meeting at 7:33 pm. Neal Tomann led the Pledge of Allegiance.

Roll call was taken by Ms. Rockett.

Chair Zuckerman stated that it's nice to see everyone in person and it's a lot better than Zoom. He added that the second thing he'd like to say to Mr. Flaherty as their rep on the Town Board, thank you for this lovely gorgeous facility, it is just breathtaking. He stated that he hopes this goes a little faster than we've been over the last year with Zoom. He added that he wanted to make one brief safety announcement - if you haven't had the vaccine, please wear your masks. That's part of the only way we get through this thing. So, thank you for doing that for those who haven't had the chance or the ability to have it.

Approval of Minutes

Chair Zuckerman asked for a motion to approve the May 2021 minutes.

Kim Conner made the motion and Neal Tomann seconded the motion.

Chair Zuckerman asked if there was any discussion, edits or changes?

Kim Conner stated that she has one correction which is on page five. We were talking about Riverview Industries and in the second sentence it says "but in fact he thinks that Mr. Johannessen the applicant is actually correct" and she thinks that he meant to say that applicant from the Shakespeare application. Ms. Conner added that she'd like to make note that Mr. Johannessen is not the applicant for Riverview Industries and that's it.

Chair Zuckerman asked if there were any other corrections? No? All in favor say aye.

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

Chair Zuckerman: Opposed, abstentions? Okay, June minutes. Can I have a motion for those please.

Peter Lewis made a motion, Neal Tomann seconded the motion.

Chair Zuckerman asked if there were any comments, edits, changes? No? All in favor say aye.

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

Chair Zuckerman: Opposed, abstentions?

Mr. Zuckerman asked Ms. Rockett if there was any correspondence. Ms. Rockett replied no.

Chair Zuckerman stated that he had a quick discussion item for tonight. For many years in fact as long as he's been on the Planning Board and lived in Philipstown he has never seen a sign on any street anywhere saying that there's an application in front of the Planning Board and yet it actually appears in the code that major projects and those with special permits are actually required to have that sign which you see in many other communities around the region and country. So that's been a problem and was buried in a line in the code but that's not the problem with it. That's what happens in Congress too; they bury lots of things. He then asked Mr. Gaba if he could give them the 4-1-1 on exactly what that requirement is.

Mr. Gaba stated that in the course of processing the Desmond Fish site plan application, and after actually closing the initial public hearing, it was brought to the Board's attention that there's a provision under special permits which says that if there's a public hearing on a special permit application there's a requirement that the property owner or applicant post a sign which they're supposed to get from the Town Clerk stating that a public hearing will be held at a particular date, place and time and it is supposed to be put up three days after the public hearing has been noticed, and it must remain up until the public hearing is closed. It was not done in the case of the Desmond Fish application and so we had to re-notice the public hearing, the sign had to be posted. The Town Clerk did not have any signs, we had to make them up because nobody had ever used the section before. The sign was posted and it went forward. The reason that it had to be done on the Desmond Fish application even though it didn't require a special permit was because it was a "major" project. The zoning code divides projects into "major" projects and "minor" projects, and it was a major site plan application. So even though it doesn't say anything under the site plan provisions about posting signs, it incorporates by reference the requirement that a notice of application be posted in the event that it's a site plan. It incorporates the special permit requirement by

reference. So, from now on that's what the board is doing because that's what the code requires, and apparently there are two applications on for public hearing tonight which are major projects and he believes that neither of them posted the signs within three days of noticing the public hearing. He added that he's not casting any blame but that's what occurred. So, what's going to have to happen on both those is we can open the public hearing, can take it forward allow people to speak and so forth but it has to be held open and the signage requirement will have to be met. They'll have to be posted within three days after the adjournment, the noticing if you will of the next public hearing. From now on all of the technical memos that the board gives out to applicants when it's a major project or requires a special permit will include a notification that they have to post the sign and hopefully we won't have this problem anymore.

Chair Zuckerman asked Ms. Rockett if she had anything to add.

Ms. Rockett stated that the signs are available now in the Town Clerk's office, they have them when needed and there's no cost.

Chair Zuckerman stated so just for Mr. Watson and others those who deal with many of these projects he will just cite the paragraph. It's §175-62 F3. So going forward this won't happen again.

OLD BUSINESS

Christopher Flagg & Heidi Snyder, 699 Old Albany Post Rd, Garrison, NY TM#61.-3-6

Vice Chair Neal Tomann stated they have the application for the Flagg's minor site plan. A barn style structure connected to an existing four-bedroom residential dwelling. He then asked Mr. Flagg if he wanted to say anything. Mr. Tomann stated that as he recalls there are two things that were out there. What they have tonight is they've prepared a resolution pending the applicant's Board of Health approval of the septic system, correct?

Mr. Flagg replied that is correct. He understands that it's pending.

Mr. Tomann stated that in going back over the minutes from the last meeting there was an exchange between Mr. Gaba and Mr. Spence to try and nail down this provision about the breezeway, the connection being a breezeway or an enclosed structure. He asked Mr. Gaba if Mr. Spence got back to him on that.

Mr. Gaba stated that what had occurred is he had raised the issue of whether an open breezeway is acceptable to create a single structure as opposed to two structures and he believes the applicant's consultant said he'd look into that and get back to the board on the issue. He continued that he has not heard from him. However, he has reviewed the code himself and does not see anything which says that it wouldn't be considered a single structure. He added that he would have felt better if the consultant came back and said here's something that indicates it is, but the code is construed most favorable to the property owner. So, it would have been nice to hear back but it's not an impediment to the approval of the project.

Mr. Tomann asked if anybody else wanted to comment on this. Otherwise, he thinks they are ready to call for a vote approving the resolution for Mr. Flagg's application at 699 Old Albany Post Road pending the approval from the Board of Health. He asked for a motion.

Kim Conner made the motion; Dennis Gagnon seconded the motion.

Vice Chair Tomann asked all in favor say aye.

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

Mr. Tomann stated that the vote was approved.

PUBLIC HEARING

Chair Zuckerman stated that next we have the public hearing for Riverview Industries. He asked Ms. Rockett to read the public hearing notice.

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

Ms. Rockett read the public hearing notice.

The Planning Board of the Town of Phillipstown, New York will hold a public hearing on Thursday, July 15th, 2021 starting at 7:30 p.m. to consider the following application:

Riverview Industries, 3012 Route 9, Cold Spring, NY 10516 TM#27.20-1-28

Applicant is seeking major site plan approval for a parking area for commercial truck parking and storage. The applicant owns and operates a commercial truck repair and auto body business on two parcels located across Route 9 and this is an extension of that use. A wetland permit will be required for disturbance in the 100-foot local wetland buffer. A floodplain development permit will be required for disturbance in the 100-year floodplain.

At said hearing all persons will have the right to be heard. Copies of the application, plat map, and other related materials may be seen in the Office of the Planning Board at the Building Department, 2 Cedar Street, Cold Spring (behind Town Hall). Prior contact with Cheryl Rockett is required to arrange access to the documents, at (845) 265-5202.

The meeting will be held at the Town Hall at 238 Main St. Cold Spring, NY 10516.

Dated at Phillipstown, New York, this 17th day of June, 2021.

Neal Zuckerman, Chair

Glenn Watson from Badey & Watson stated that he is the representative for Riverview Industries in this application. It's been before the board for some time and they have finally gotten to a public hearing. He continued that a couple of things that the board has asked he'd like to go over. Everything was well stated in the in the public hearing notice. Essentially what they have is a sort of a little bit of a free-for-all kind of car and truck

storage, truck part storage area that's been documented back to 1956. It's gotten worse over the years, has gotten more disorderly and the town has called Riverview Industries to task. He's been working on trying to deal with this piece of property one way or the other, and so they came up with a plan which involved remediation of wetlands that have been disturbed. It involves containing the use to what amounts to a corralled area and they've developed a site plan that will screen the property and make it less visible. They met with the Conservation Board. As the Planning Board knows from their correspondence, they're ready to issue a permit. Their conditions on that permit, an oil separator, which obviously the applicant will expect will be a condition of the Planning Board's resolution. They've completed a landscape plan, made applications to New York State DOT. In that regard the entry is basically where the entry is now, but they're going to control it with a paved surface and plantings and a berm that will do double duty. It will first screen the property and then it will constrict the area in front of the property from use beyond just the entrance and it will constrict the entrance to a very localized spot so they don't have people coming in and out of the property in different locations along the frontage, which is problematic. He added that they did submit to the state last month. The Board received that application and copies of those plans. Also last month the board asked for a graphic. What you have here today is what you would have seen yesterday morning as a photograph of the property. The trucks are sort of randomly parked. You can see Route 9 in front of the property and that's what they're trying to contain, corral and make better. So, the first graphic is what it will look like on installation. What you have again is Route 9 in front, there's a drainage ditch in front, there's a berm upon which trees will be planted in a pattern. These are 8-to-10-foot trees installed in the pattern shown on the plan. This is the same photograph with the trees grown five years. So, you can see the trailer in the back starts to disappear as the trees mature and fill in. So, they then grew the trees until 10 years out and the way they grew the trees besides the graphic, they looked them up and took their growth rate and applied their growth rate. So, after 10 years the screen will look like this. You still get a glimpse of the trailer. The entrance is here so they believe that the only way you're going to really see into that site is if someone is walking by, not someone driving by at 45 miles an hour. That tells the whole story. They're hopeful the board finds this long journey satisfactory and will close the hearing this evening.

Chair Zuckerman stated that we can't close the public hearing because of the sign issue. He then stated let's see if there are any members of the public that want to comment on this application. He also added that the board did ask last time for traffic data. He then confirmed with Mr. Gaba that he was on safe ground to talk about the traffic report if anyone has any questions about.

Mr. Gaba replied absolutely.

Chair Zuckerman stated so why don't they just do that, because otherwise they're going to be doing that in September so he'd rather just do it now if people have questions.

Betsy Calhoun stated that she is curious about the growth of the trees which looks really spectacular but she remembered that there were spectacular trees in front of that commercial spread of buildings, she believes it's Mr. Lisikatos, and then they cut down half of them or three-quarters of them so do we need to perhaps have a stipulation that these trees are never to be cut down or else though if they're not doing the job?

Chair Zuckerman thanked Ms. Calhoun for her comment and asked if there was anyone else?

Mr. Watson stated that the requirement is implicit in the site plan approval.

Chair Zuckerman thanked Mr. Watson for submitting the traffic reports and the accident report and that Mr. Gainer in his note to the board addressed it as such. Does anyone have any questions on the board about the accident report? He added that this is a refresher for his colleagues. When CRS came up there was a lot of passionate debate about the load of traffic, especially large trucks on Route 9. They had a lot of discussion and debate and thoughtfully did not have unanimous vote on that application in part because of the traffic. This group asked for the applicant to also provide a similar analysis of accidents in that area and that has been provided. Mr. Gainer commented on that and that's in his one-page note that they all received today and, just to highlight it, Mr. Gainer stated that 10 accidents happened in the last five years, six occurred during the work week, five of these happened between eight am and six pm. None were the result of the applicant's operations on the movement of vehicles under repair across Route 9. He continued that he doesn't know if anyone on the board wants to comment about that report because it was asked for by this board.

Kim Conner stated that it seemed like most of the accidents had to do with animals. She added that she doesn't know if they have resolved the issue of the trucks going across Route 9. That seems to be the main concern, when trucks are going from one location to the other location, that it would be good to have some kind of requirement that there be a flagman or someone to assist with that and she doesn't know what the board is permitted to require.

Mr. Gaba stated that would fall under reasonable conditions. If the board found that there was truly a need for flagmen or signals or something along those lines, they could require those. He then added that this is a state roadway so the state's going to tell the board what they can do and can't do on it. If the board wanted signage or signals or something like that, they would have to ask the state. In terms of flagmen certainly that's something the applicant could undertake but before the board imposed a condition like that the board would want a traffic engineer to tell them that. That's a pretty extreme type of a step for a site plan.

Neal Tomann asked if there would there be anything in the state DOT codes acknowledging some sort of best practice. If the board could reference the statute and attach the statute to the resolution.

Mr. Gaba replied that he's not familiar with the state DOT codes as far as roadway things like this and he's not sure that Mr. Gainer would be. He thinks they're going to need a traffic engineer if that's what they're looking to do. Most of the accidents were with the animals if he's not mistaken and doesn't think a flagman would have made any difference.

Ms. Conner stated that it's just often when going down that road the trucks from this place are parked on both sides of the road. She added that she assumes that once they clean this up and everybody's parking properly there will be more room for the trucks to come into and out of the space without having them stacked up within the blind spot on the road.

Mr. Watson stated that what they've done with the outside really makes it impossible to park trucks in the front area and the other thing they've done is constricted the access to really one single place instead of having somebody drive up the shoulder and onto the road or up down the shoulder in front and that kind of stuff.

They've made a significant effort to make sure that they have optimized the sight distance that would be available to that site.

Kim Conner asked if the only part that they're permitted to require is on the west side of the road, right? She added so on the east side they could still double park if they wanted to, correct?

Mr. Watson stated that's another issue.

Mr. Gaba stated that he thinks it would be reasonable to say just as a matter of common experience the roads are busy earlier in the morning with people going to work and then busy later in the evening people coming home from work. So, maybe the board wants to limit truck trips across the road from 7:30 to 9:00 and 5:00 to 6 30, something like that as a condition that could be imposed. He added that the board wouldn't want to be that arbitrary with the times. Maybe Mr. Gainer could give better ideas to what would be appropriate but it's certainly type of condition they could look into if this is truly a concern for the board.

Heidi Wendel asked Mr. Watson what's considered the vicinity of the site? She added that her question just comes from the fact that we all drive the road, we see what it's like. She continued that this accident report makes it look like nothing ever happens on Route 9 and it's just seems a little counter factual.

Mr. Watson replied that it's not right there and at least one of them talks about an accident at Jaycox Road. He added that he can tell her what they asked for and what we were given but he doesn't know that number right now.

Peter Lewis asked what exactly is being done between the wetlands that run from the south to the west even to the north. Is there a land buffer there or are they putting up some type of actual concrete buffer?

Mr. Watson stated that what was determined was that the wetlands from on the north side was taken out of the mix. There are wetlands to the west and to the south, and what he originally talked with the Conservation Board about was a chain link fence with a man gate, not a vehicle gate, and Mr. Reichard who's the Principal of Riverview Industries suggested the use of these pre-formed concrete blocks. So, basically, they'll have a wall that's going to ring the yard so that it'll be a two- or three-foot-high wall and will prevent access to the back. There'll be a gate but it'll be a man gate so there won't be any encroachment and then his agreed condition of the wetland permit will be a program behind the wall that's opposite Route 9 to restore the wetlands that had the most significant damage and that will be a condition of the Conservation Board's permit.

Chair Zuckerman stated that the last thing he'd say is he had asked that the EAF part 2 be resent to the boards. It's in the packet because the board has not made their SEQRA determination yet and did not have a conversation about that. He added that he will open up anyone's questions on the part 2.

Laura O'Connell asked if they are going to finish it? She continued that it's not complete and if she understands correctly if they mark off yes to impact, she knows it's just an administrative thing but all the other provisions below that need to then be answered whether if it's a no or a moderate or whatever. It's not complete in that sense. Like for item number one.

Mr. Watson stated that they will certainly fix it but he's in a long-standing habit anyway of if he checks "yes" to check only those that have the impact about. But if the board wants to correct it, he'll be happy to do that.

Ms. O'Connell stated that she thinks he should just review it one more time.

Mr. Watson stated that part two is the boards document.

Chair Zuckerman stated that he thinks what Ms. O'Connell is basically saying to him to please put a check mark there.

Mr. Watson stated that he understood Ms. O'Connell wanted a check of yes or no moderate for every single box. That's what he understood and he'll be happy to do that with his suggestion and he thoroughly expects that there'll be one or two that the board might find less of an impact and check it no instead.

Ms. O'Connell stated that what she's saying if she's understanding the process is that if you're hitting, for example, item number one where it says impact on land and you hit "yes" then we're required to then answer items a through h.

Mr. Watson replied that's what he understood her to say.

Ms. O'Connell pointed out that they've answered A through C, didn't answer D, answered E and then didn't answer F, G or H.

Mr. Watson replied that he understood what she said and that his habit has been, and maybe it's a wrong habit, that he only checked those that apply and he'd be happy to check the others and resubmit.

Mr. Gaba stated that there's some boxes you do check. He added that the EAF is not a well drafted form. There's some that you do check and some that you don't check. He thinks Ms. O'Connell is probably right and they should be checked in this instance though.

Chair Zuckerman stated that they need to discuss it because they need to make a determination for SEQRA when they return because he'd like to close the public hearing when they get back together in September. So, board members will be ready for a discussion about a SEQRA determination at that point.

Ms. Wendel stated that her understanding is it may not be something that they can consider but she would check "yes" to impact on aesthetic resources because the site is a terrible eyesore. She understands that may not be something the board can consider but to her just as a matter of what she feels is her duty to the public to say that this is an acceptable project - it's a terrible eyesore. So, she would check that yes it will have an effect on aesthetic resources.

Mr. Watson replied that with all due respect he thinks Ms. Wendel has that backwards. The effect of the board's approval is going to improve that eyesore and so the impact would be positive.

Ms. Wendel stated that it doesn't look anything like those pictures.

Mr. Watson replied that the condition today is not what's being discussed. What's being discussed is the impact of the board's approval on the future condition.

Ms. Wendel stated that from her perspective there should be some cleanup first so the board could be approving something that looks like yes, we can tell everybody we approve that site. She added that she understands that she may not be correct about the order or process.

Chair Zuckerman stated that they had this discussion before. Ms. Wendel's point is well taken. It is definitely not the most beautiful area in town but it is definitely meant to be an improvement.

Ms. Conner stated that the way she sees it, she thinks she agrees with Mr. Watson. The whole point, the reason that this is in front of them is because there was no site plan and things were just happening willy-nilly. So, the town said they've got to have a site plan and they've have gone through this process of creating a site plan and they will have to now, once the board approves this, clean it up. But they can't really clean it up in advance because they have to know what the plan is for the cleaning. That's how she understands it.

Chair Zuckerman asked if there were any other points. He then stated that they'll keep the public hearing open and will return to it when the board returns in September. He then stated that they will now have the second public hearing.

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

Ms. Rockett read the public hearing notice.

The Planning Board of the Town of Philipstown, New York will hold a public hearing on Thursday, July 15th, 2021 starting at 7:30 p.m. to consider the following application:

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

Applicant seeks site plan approval to remove an existing approximately 2,000 square foot structure and 325 square foot accessory structure, and to construct two new buildings (15,400 SF & 10,500 SF) to house contractor offices and storage.

At said hearing all persons will have the right to be heard. Copies of the application, plat map, and other related materials may be seen in the Office of the Planning Board at the Building Department, 2 Cedar Street, Cold Spring (behind Town Hall). Prior contact with Cheryl Rockett is required to arrange access to the documents, at (845) 265-5202.

The meeting will be held at the Town Hall at 238 Main St. Cold Spring, NY 10516.

Dated at Philipstown, New York, this 17th day of June, 2021.

Neal Zuckerman, Chair

Adam Thyberg from Insite Engineering stated he is representing the applicant 3622 Route 9 LLC, joined by Starke Hipp from Creighton Manning Engineering who can address any questions the board might have with regard to traffic. Just for a quick overview for the purpose of the public hearing this is 3622 Route 9 in the highway commercial district. The site in its current condition has two buildings on it, a primary structure and accessory structure, three points of access along Route 9 and storage in the back. It's currently used as contractor offices and storage. The applicant is seeking to maintain that use of contractor offices and storage but is looking to improve the site with the removal of the existing buildings and the construction of two new buildings, one 11,620 square feet and the second 10,500 square feet. Also associated with the project there are two new driveways, eliminating one of the access points along Route 9, new parking, new utilities, new water service, a septic system and the required storm water practices. In addition to that they will be formalizing the storage areas with fencing and screening and then, in addition to that, doing some extensive landscaping to both screen the operations of the facility and to just beautify the property. That's kind of a quick summary overview of the project itself. With regard to updates from the June meeting, there's a few items to discuss. One is that they have further augmented the landscaping. There was some discussion last month about the rendering and the representation of the plantings and Mr. Thyberg stated that he respectfully pushed back on a comment in Mr. Gainer's memo that the plantings were being shown at full maturity. These are not shown at full maturity. They're much closer to the height and size at installation. Typically, they look to show them at year, two or three, not the day after they were put in the ground, but with a year or two of growth and that's about what they're showing here. Along that same vein there was also discussion of whether there was opportunity to add more trees along the frontage. He did want to point out that they can't plant every square foot because these are not at full maturity, they need to provide room for these trees to grow into themselves. That said they did find room to add additional evergreen trees along the frontage. Additional updates from last month would be that they've responded to a lot of the detailed comments from Mr. Gainer's memos. They're going to continue to go back and forth with him and tighten up the technical items with regard to storm water and utilities. And finally, the septic that is proposed as part of this project has been approved by the Putnam County Department of Health. So, with that that's kind of where they're at. He added that they are still in the process with the state DOT on the driveway permits that will be required as part of this. In fact, the other day they got a comment memo back and he feels they are well on their way in that process and obviously the approval of those permits through the DOT will be certainly a condition of any approvals granted by this board.

Chair Zuckerman then asked if there were any members of the public here to speak?

Carl Frisenda asked what the back side of the property is going to look like, because he owns behind it and would like to know by what it's going to look like.

Mr. Thyberg stated that they have provided architectural elevations and material choices with regard to how the buildings are going to look, but thinks, first and foremost, the thing to note is that they have made some adjustments over the course of time here before the board and among them is having taken this rear building, shifted it and moved everything forward. So, they're maintaining a significant portion of the existing vegetation between the Frisenda lot and the development that happened on this side and augmenting that on the outside of that naturally existing tree line. They've augmented that naturally existing tree buffer with a heavy planting of evergreen trees. They're going for a very neutral palette grays, blacks and cream colors. Colors that will allow this building to just blend into the surrounding landscape so that would be the rear of the front building. Then, the

rear of the back building which has been shifted away from the Frisenda property would be a similar facade with neutral colors, quite a quite a simple design with a neutral color scheme that will blend into the landscape.

Chair Zuckerman asked if Mr. Frisenda had any follow-up questions? Any other members of the public? He then stated that he knows Mr. Gainer had a number of comments and Chair Zuckerman heard Mr. Thyberg addressed a few of them. He assumes Mr. Thyberg received his technical memos.

Mr. Thyberg stated that because it looked like it was the same comments from last month but they did address them in their memo.

Chair Zuckerman noted that the board specifically was interested in having the applicants specify the size and types of vehicles and trailers that could be expected to leave the project in the a.m and return the p.m. He asked if this was something they have in progress?

Mr. Thyberg stated that Starke Hipp is here from Creighton Manning engineering and they produced the traffic report and he can speak in detail to the types and volume of traffic that'll be coming through there and the types of vehicles that would be typical to this type of use.

Mr. Hipp stated that they are aware that this will be contractors' offices. They looked at it under a use known as a specialty contractor. These are typically plumbers, landscapers, roofers and these kinds of uses are going to be using cargo trailers like the kinds behind a pickup truck or a box truck. A box truck itself which will be a 20-to-30-foot Pinsky or a tri-axle dump truck which will probably be the largest vehicle the site will see. A tri-axle dump truck is a typical construction dump truck. None of these uses that are anticipated to use the site are going to be having a WB-40, which would be a small combination truck or a WB-67 which is the large combination trucks that you see on the roadway. To speak to the site design, the front parking lot is not designed to accommodate a large combination truck. Any large vehicles brought to the site would be taken to the rear of the building for unloading, loading and storage. He added that he knows a concern was having vehicles screened from Route 9 and that would adequately be done with the fencing and the landscaping that Mr. Thyberg has discussed.

Chair Zuckerman asked if they have those traffic numbers of those sizes expected to be on the property?

Mr. Hipp replied that there's no specific detail to the types of vehicles. There is a number that they can estimate using a publication that they have and, under the same use that they use for estimating the trips generated by the site, it's estimated it'll be about 13 truck trips per day. That's the entire day. So, if it's an eight-hour work day that's about one to two trucks an hour. In addition to the report that they provided he believes it showed 36 to 44 trips. 36 trips in the morning and 44 trips in the evening. These 13 trips from trucks would not be in addition to that number, they would be included in that 36. So, in the morning say there's two truck trips there would be 34 regular vehicle trips in the morning hour.

Chair Zuckerman asked if there were any other questions from the board?

Ms. Conner noted that Mr. Gainer had asked how many vehicles would be stored overnight on the premises and asked Mr. Hipp if he knows that?

Mr. Hipp replied that he does not know that answer.

Mr. Thyberg stated that they would have to have the applicant weigh in on exactly what those numbers would be but they've stated in the statement of use in a couple other places that they're looking at a maximum of eight potential tenants so if you extrapolate that against a number of trucks which they could give a number if that's what the board would like. He added that he didn't know if they're looking for that to come in the form of just a response in a letter or for that to be something that's memorialized on the site plan somehow or he guesses it kind of speaks to the question of what can be enforced or how that would be codified on the site plan or how they're looking for that to be presented.

Ms. Conner stated would be a question for Mr. Gainer who is not here since this is his comment.

Mr. Thyberg replied if it's acceptable to the board he's happy to reach out to Mr. Gainer directly and discuss it and get the board what they need for the next meeting.

Ms. Conner stated that the other question that she had was that the applicant made a comment not all of the water that was coming off the impervious area could be captured. This is page 2 of Mr. Thyberg's memo dated July 1st. It says, as number four the last sentence, "as there is reduction in untreated impervious area from the site, we feel this is not a concern". It says "less than a third of the area on the site will receive treatment". She added that she doesn't know how to evaluate if that's a large number or a small number but it seems like a third is kind of a lot.

Mr. Thyberg stated that comes down to calculations that come out of what portion of it is redeveloped and what types of impervious surfaces we have. The requirement that is set forth as far as the stormwater that is captured and treated is you need to basically show that you can attenuate up to 100-year storm. Meaning that you're allowing less water to leave the site in the proposed condition up to the 100-year storm than what currently exists on the site and that is achieved by the stormwater system that has been designed. So, that's really the criteria by which the stormwater system has been designed.

Ms. Conner stated that in Mr. Gainer's memo it seems like he has a suggestion on a way to re-direct the outlet so if there's some way the applicant could look at that and respond to the board about that.

Mr. Thyberg noted that he thinks that was addressed and again it looked like it was the same comment from last month. He believes they did address a lot of that. He knows one item they certainly addressed he had mentioned about a curb line that had been in place in a previous version where if that curb line were taken out the storm water on the driveway could just sheet flow directly into a basin which has been done. And so, his understanding is that all of these things have been addressed, which again is why he mentioned that he was puzzled that they had the same comments.

Laura O'Connell stated that in looking at the vehicle maneuvering plans she didn't realize that the truck entrance and exit was only on one side. So, is the double entrance for general cars that come in and out and then park like employee's cars and then trucks are only going to use the southern entrance?

Mr. Thyberg stated yes, that's exactly how it's contemplated that the southern entrance would be for the garbage truck that's coming in to take away the dumpster. The vehicles that are being brought in by a contractor that traffic would naturally want to come through the southern entrance. It's been designed that way and the northern entrance is envisioned to be just for passenger cars. It's the contractors themselves, their employees and maybe their clients stopping by the office and, as Mr. Hipp mentioned and he thinks was mentioned at a couple meetings ago, the parking along the front of that front building would be for passenger vehicles. You're not going to have a dump truck parked there. That traffic would all be directed to the back and yes that would all go through that southern entrance.

Ms. O'Connell stated but it looks as if the throat of that entrance doesn't accept two vehicles. If a 50-footer were to be turning in or turning out.

Mr. Thyberg stated that he didn't understand.

Ms. O'Connell stated that if a 50-footer were coming into that that southern entrance then another car cannot come out that same entrance because it's only wide enough to make that turn.

Mr. Thyberg replied so in the event that a large vehicle like the ones that are that are modeled in that plan, in that event the space would have to be cleared and that's typically how those things are designed. The layout of that driveway apron is per DOT specifications for this this type of use and again that's in process and they're responding to comments from the DOT with regard to the geometry of that driveway and that's typically how those are designed.

Ms. O'Connell stated that she's just a little nervous because she looks at the distance between where the edge of Route 9 is to the back of the first building and if another truck were coming in visually can that truck see? She asked if she's coming in will she see another truck coming out at the same time because she's just saying that it's a little tight.

Mr. Thyberg replied yes, they have a long straight run there so they're confident about the visibility at that driveway coming in going out and yes in in the rare events during the day when a larger vehicle was coming through there would be some negotiation of that maneuver. If there were another vehicle you know they might use the other exit but that's how it's been designed and again the driveway and the apron onto Route 9 is designed per the guidelines of the DOT.

Chairman Zuckerman asked if anyone else had comments. He then continued that they're going to unfortunately keep the public hearing open and they'll see them in September. He asked the applicant to coordinate with Mr. Gainer to review his comments.

Old Business - Discussion

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

Chair Zuckerman stated that the plan tonight for Shakespeare's as they've talked about is they're not going to have a content conversation or at least he doesn't expect to unless board members have specific questions. The purpose of this evening is to be oriented to the materials that are here. He added that he believes the applicant knows the board has asked AKRF, who are also on vacation tonight, to provide a memo that just sort of helps them understand what is here, what is partially here and what is not yet here. He added that when he says here, he means and he's saying this for the public's benefit, not the applicant, that the board has done their part 2 and had a part 3 outline. The applicant has now started to submit materials along the lines of that outline of which this very large binder is part of that submission. So, the purpose of tonight's view is to give the board a sense of what is here and what is still to come and then during their hiatus they will be doing a lot of reading.

Mr. Hollis stated that Mr. Johannessen will walk the board through that and give them the sort of the highlights of it. They will also comment a little bit on the AKRF memo that they only received today, it deals mostly with completion and interpretation of completeness and we'll deal with that. He added that what he wants to be able to do, so they don't forget at the end of the meeting, is to just have the chairman permit us to have continued interaction with AKRF so that they can work any of the kinks out in the completeness so when they're back here in September they'll have a very full and vigorous presentation on all aspects of the project pointing towards a SEQRA determination by the board.

Mr. Johannessen stated that together with the design team they put together the EAF part 3 that was submitted to the board a couple of weeks ago. With that submission was a full set of plans prepared by Badey & Watson. The exhibits that were included in the EAF, which there's 50 or so they were prepared by a combination of Badey & Watson and Nelson Byrd Waltz, the landscape architect and Mr. Johannessen's office is the primary author of the narrative sections of the document. They fully acknowledge that the EAF is incomplete, they knew that submitting it to the board. They are waiting on some technical reports from some sub-consultants that the board is aware of, the phase one and two environmental site assessment which was scoped is yet to come. The noise analysis is being conducted and they expect that to be complete in the next month. The water budget analysis is being performed by Geodesign which was brought into the project team. They are also conducting the phase one and two ESA. For the dam analysis they brought in Tectonic Engineering to evaluate the existing dam. They are currently working on that and expect to have that report in the next month.

Mr. Johannessen stated that what he thought, without getting into any technical detail, he would just walk the board through the binder that was submitted, what's in it and they could take it from there. There's a pretty thorough project description describing the property, describing the existing zoning, the land use approval history from 2005, describing Hudson Valley Shakespeare Festival and who they are and their mission and what they want to do here. Describing the proposed action in detail with references to numerous exhibits and site plans, description of the phasing plan and how they expect this site to be developed over the next 15-20 years, and also the SEQRA action being a type one action under SEQRA and the list of required permits and approvals that they anticipate. The EAF outline scoped 15 environmental categories that the board asked the applicant to look at and what they submitted includes all of those, although some sections are incomplete at this time. They provided numerous tables and exhibits to try to help present that data. In the land use and zoning section again, they describe the existing zoning for 2005.

Chairman Zuckerman interjected and stated that he thinks it's important before they even dive into that just clarify the sections because the applicant took a slightly different structure than what is the part 3 and he thinks it takes a little bit of a gymnastics leap to track along. Meaning, the applicant has in the booklet and this is for those of us sitting here there are three sections; roman numerals two, three and four. Roman numeral two is what is called chapter one in the EAF part 3 and then section roman numeral three begins with land use which is our chapter two. So, what he's getting at is he's saying it's unclear. It would be great if we just use the exact same nomenclature of part 3 outline so everyone knows chapter one is called project summary and chapter two is called... so it's all exactly the same because it's too much leaping around to go to section four. Roman numeral four is the same as chapter eight.

Mr. Johannessen replied that it wasn't his intention when he prepared it for it to be the table of contents and it does follow the exact order of the part 3 outline, but there's a lot more information that they know now. So, some of the numbers changed a little bit. He stated that he's happy to go back and do that but it's all there and it's in the same order it's just numbered differently because they have some front-end material that wasn't part of the scope. He added that he's hoping that once the board deems the document complete that they're going to forget about the outline and just focus on the technical data but he'll go ahead and make those changes for sure.

Chairman Zuckerman asked if Mr. Johannessen could as he starts going through the other chapters it would be great maybe simultaneously if there is anything he violently disagrees with AKRF's view on what is still missing.

Mr. Johannessen replied that as Mr. Hollis mentioned they just received it, he did take a quick pass through it nothing jumped out at him as being objectionable. So, in the first chapter, land use and zoning. They evaluated the existing zoning in the 2005 Garrison Golf Club PDD. They evaluated all the applicable overlay districts that apply to them. They got into the use and operation of Hudson Valley Shakespeare Festival and who they are and what they want to do on the site. They discussed the proposed zoning and the revised PDD and how they would expect that to be changed through amendment through the Town Board. They discussed in great detail the consistency of this project with both the draft and existing master plans or comprehensive plans. They provided a thorough table which he thinks the board has seen before in various versions of the EAF that were submitted that compare the proposed action to the existing condition. They also took a look at the request of AKRF of all the applicable mitigation measures that were associated with the 2005 PDD that are still applicable today in which they will incorporate into this project. They evaluated the overall site capacity and described how all the different lands are going to be conserved and the proposed control measures and how they intend to conserve them through conservation easement.

Getting into geology and soils they discuss the on-site soil types and evaluated the soils that were going to be disturbed. They identified the soil limitations and their characteristics including depth of bedrock, depth of water table. They provided a cut and fill analysis and included a map that correlated with that cut and fill analysis and showed within the limits of disturbance areas within the site that were going to receive cut and areas that would receive fill and correlated the depth to bedrock in those areas so the board could see very clearly that they have within their limits of disturbance are very deep soils and have very limited cut and the expectation is that they're not going to need any sort of blasting or pile driving that was that the whole rationale for that map. In the topography and slope sections they quantified the slopes through various different slope categories both that are required by the local ordinance and that are requested through SEQRA and the EAF and they identified proposed

disturbances within each of those slope categories. They also looked at the steep slope regulations and how this project complies with those or what they will have to do to demonstrate to the board how they're going to comply. They did discuss rock removal and blasting. Again, they feel through on-site soil testing and available soil mapping that there's a very limited potential for (inaudible) removal and blasting.

They provided a construction phasing plan and identified all the erosion and sediment control measures that they anticipate implementing through their SWPP. The vegetation and wildlife session was largely based on a report that was conducted for the client by applied ecological services, AES. Their report is included as appendix D in the document. They did conduct an on-site evaluation; they walked the entire property. They mapped and described all the different ecological communities. They laid over their limits of disturbance on top of that map so the board could see exactly where disturbances are occurring in relationship to those ecological communities and he thinks once the board looks at that map, they'll see that the areas of disturbance are areas of low or minimal biological value. They also included their correspondence with the DEC in relationship to threatening endangered species and species of concern and at the request of AKRF have coordinated with the U.S. Fish and Wildlife service through their IPAC program and got a list of species that are known to be in the area or could be in the area and evaluated those. In the AES report, which is included in appendix D, there is a list of plants, birds, mammals, reptiles and amphibians that were viewed on site by AES during their site walk. They plan to expand on that and based on the various ecological communities and what they did see on site. They're going to expand that list to include species that are expected to be on the site based on the various ecological communities that are out there and the species that were observed. More to come on that.

The wetlands and watercourse sections. His office did the wetland delineation in September and October of 2020. They delineated seven different wetland areas. They are mapped, they're survey located by Badey & Watson and they're mapped and shown on all the plans. There's an exhibit to that effect. They discuss those seven different wetland areas and their various jurisdictions including Army Corps, the Town obviously, and in relationship to the watercourse and the pond the DEC. What's missing from this section is the dam analysis that Tectonics' preparing. They quantified the wetland and wetland buffer disturbance and mapped that. The stormwater management section gets into compliance with town and state regulations, discussion of the various drainage basins and kind of how water flows throughout the site. They quantify storm water volumes. Badey & Watson did perform deep and percolation tests throughout the site to demonstrate that they have adequate soils to mitigate stormwater and those results are included in an appendix. In the utilities section they provided a description and a map of all the on-site and off-site wells associated with the property and also neighboring wells and discussed the modifications to this existing water network. They quantified the existing and proposed water and sewer demand based on use, based on standards provided by the health department and New York State DEC. They discussed the existing and proposed septic systems, what they're going to use, what they're going to abandon and what they're going to install new. The water budget analysis as mentioned is forthcoming will be prepared by Geodesign and will be submitted in their next submission to the board.

Mr. Johannessen continued that he's going to briefly touch on traffic although the expert is here. They did provide in a traffic report, probably the threshold issues the project. It's provided as appendix F, prepared by John Canning and his group at Kimberly Horn. Mr. Canning analyzed five key intersections, identified the anticipated vehicle trips in the proposed condition at each of those analyzed intersections, provided capacity analysis, looked at the internal driveway network in its capacity, looked at parking on site and parking demand and needs. The

mitigation that they're proposing that's included in this document now is providing a left turn lane on Route 9 into the site at the Route 9 entrance. A new site access two-way site access drive on Snake Hill Road that has much better sight distance than the existing, and a traffic light at Snake Hill Road and Route 9. Obviously, this subject to DOT approval. They also provided at the request of the consultants an air quality analysis that was prepared by B Lang and Associates that's included in appendix G. In the visual resource and community character section they discussed the existing site conditions and the general visibility of the site from the surrounding road network in the surrounding area. They provided existing conditions, site photographs from various points of view from the surrounding road network. They provided for the proposed conditions, renderings, prospective site line profiles to demonstrate the visibility of the site from a host of different areas and those areas were previously approved by the board, those critical points, and they did include a nighttime view at the request of the board of what the site would look like at night with the anticipated site lighting. They evaluated views from Storm King Highway, Howell Trail, Route 9W, Bull Hill Washburn Trail, Route 9 and Snake Hill Road. They provided a discussion of the proposed lighting plan. The noise study is forthcoming. That section right now just concludes the scope of work. For cultural resources, they identified the two eligible properties - Brookmeade and South Highland United Methodist Church & parsonage. They provided the correspondence with SHPO. He added that they owe them some information that they're going to get them and expect to get that out shortly and hope to hear from them soon. They've identified that the site is not located in one of the state's archeological sensitive areas. Under "Construction" they identified their site phasing plan and evaluated temporary construction related impacts. Under "Community services and Economy", they discussed the emergency services. They provided a regional map showing the site in relationship to all the emergency service providers. The team had a meeting with the fire department. They provided some notes about that meeting. The fire department provided some feedback and they demonstrated to the board how they responded to all those comments. They provided a discussion and evaluation of the fiscal impacts and economic impacts and taxes. The last section is largely incomplete, the "human health and site assessment" just because that's the phase one and two which is forthcoming and they hope to have that to the board soon.

Chair Zuckerman stated that's very helpful and asked if any board members have any questions. He stated that he'd like to ask try and keep it to the completeness, meaning what is here as opposed to topics of content.

Dennis Gagnon stated that he had a question regarding AKRF's memorandum dated July 14th. He noted as they were reviewing the items per the breakdown, they didn't address any of AKRF's notes or requirements or requests. He was just wondering if they had a chance to study that yet and realizes they said you just got it yesterday?

Mr. Johannessen stated that their initial reaction was that it looked reasonable. They knew certain things were missing and they expected it. There wasn't anything in there that caught them off guard.

Ms. Wendel asked which picture of the exhibits shows the changes to Snake Hill Road.

Mr. Johannessen replied that is on the site plan.

Chair Zuckerman stated that he intentionally asked AKRF to give the board a report on completeness and the only place that they decide to go long and they're not here to obviously support or explain their work but they went

along with 15 distinctive items related to the traffic study. He just wanted to be sure that Mr. Canning has seen those 15 items they've listed.

Chair Zuckerman noted that he had process question or request. They are going to go through the submission and when the applicant comes back and gives the board what was not here, can they find a way to color code it. He continued that he's sure the board members are all going to make notes in this big tome here.

Mr. Hollis stated that the third Thursday in September is Yom Kippur and didn't know if that affects the date of the next meeting. He also asked if they could shoot towards October for the public hearing.

Chair Zuckerman stated that when they're done going through it as a board then they're going to have a public hearing, because the public's going to need to consume this stuff. They are going to let that go as long as it takes to let the public weigh in and then they can go and do their SEQRA determination. He continued that this is the process and he just doesn't think they're ready to give a date at this point.

Mr. Hollis confirmed that the applicant has permission to interact with AKRF which is important and they'll see them at some date to be determined in September. He added if there are any questions that come up in the interim feel free to reach out to them through AKRF or directly so that they can keep the process moving.

Mr. Canning stated that the comments that were at the end of the list of traffic items to him they appear to be more substantive in nature, or most of them anyway, so he wants to make sure that they're not an impediment to completeness. He added they're going to respond and revise the document but just look for clarification in that regard as to whether they're completeness comments or substantive comments?

Chair Zuckerman replied that's a good question. They say "further explain, provide the backup, should be listed, indicate if paved". They sound like completeness questions. They don't sound like opinion questions to him.

Mr. Johannessen stated that in some of the prior calls they had with AKRF they said, listen we just got this document two weeks ago, we're going to do the completeness review but is there any particular aspect that you want to start getting some technical comments on and they said traffic. He added that he does not want to speak for them but that's what it looked like to him because they specifically asked to get some technical comments on the traffic as soon as possible.

Hudson Highland Reserve, Route 9 & Horton Road, Cold Spring, NY

Ms. Conner stated that she has a question for Mr. Gaba which is if he remembers when the board had the Santucci project a long time ago where it was gone for like five years and then it came back and they had a discussion at that time about whether or not they should have any limits on how long a project could be inactive.

Steve Gaba stated that there's a regulation. It's one year before the board can send a letter saying that if the applicant doesn't resume then the board can adopt a resolution saying it's abandoned. He added that he sent that letter he believes in January and the applicant responded that they want to continue, please keep it active. Shortly after that there was an additional submission so there's no question of that sort of thing.

Ms. Conner replied yes, she didn't think so but was just remembering and wanted to know what the standard was so that if we needed someone to track that.

Mr. Gaba stated that it could be anyone but it happened to be him on this occasion saying it's been a year, there's been no activity do you plan on going forward or if you don't go forward the board may adopt a resolution dismissing it as abandoned, that's the procedure.

Chair Zuckerman stated that they have Hudson Highlands Reserve here and because two board members were not involved in any of the previous history the rest of the board members were here to include the vote on the SEQRA determination a couple of years ago it'd be great if Mr. Watson could, A) give an overview of the project, B) what has changed in the project since the last time we saw it and then, C) similar to what we just did with the previous application, a sense of not opinion about it but just what is in this material and what is complete from his perspective.

Mr. Watson stated that's exactly what they intended to do. He's going to give an overview, tell the board about the major changes and then ask Mr. Gross to go through what is in the FEIS. He continued that what they have up here is the original plan. It was a 25-lot cluster subdivision with an equestrian center attached to it and homes partially surrounding the existing pond. Essentially the property, as the longer serving members of the board know, is up here in the northwest portion of the map is Route 9. This is the Pemcor building the building where Studio Nine Hair Design is, and Jaymark Jewelers is just a couple of doors up north on Route 9. The plan was for a road to be built from Route 9 up into the core of the property and then go through the more developable areas of the property and end at an equestrian center which would be available to residents and members of the public. There's an existing pond that was built in the early 1950's they were protecting, and smaller private roads that went off to access the various lots. This project went through a EAF process, got to the point where a positive declaration was made and they were required to do an environmental impact statement. There was a scoping session for that, subjects were laid out and a draft environmental impact statement was prepared and a public hearing was held. The follow-up of that is that during the public comment period those comments were gathered, sorted into subject matter and responded to in the final EAF. During the course of that, changes have occurred to the plan and so what you'll find, if you compare the two plans, and he's marked the most significant changes. He continued that he will start with the most significant. The equestrian center has been dropped from the project. Consequently, the associated relatively large parking area has been dropped from the project. There was a fair amount of discussion regarding the ability of animals, fauna to pass through the property, so they've opened that up more, relocated two of the lots [near the pond]. As a result of that they shortened this road down here in this eastern part of the property, they've considerably shortened this road and moved these three lots and moved those lots. At first glance this looks very similar, but you have to look a little more closely to get that. There was an existing house that was going to be a maintenance building. The use of that building has been changed, so one of the lots has been relocated over here. The numbering sequence of the lots has changed, just so they flow better across the map. The old cul-de-sac was further up the hill; it's been shortened. This very long cul-de-sac has been shortened. So, they have shortened cul-de-sacs, the equestrian center area is now some of the lots which had been moved. The lots particularly from around the lake have been moved to open up the lake some more. Those are the major changes. There's a lot of regrading and that kind of stuff, which he's not going to go into because of that detail. So, that's the major physical changes that they anticipate. They've responded to the comments and

are hopeful that the board will get to the point where they'll be able to discuss this and put it to bed. He added that he knows that the board is under a time constraint and the applicant is prepared to extend the time to make a finding with this regard to the September meeting and, depending on progress, go from there.

Chair Zuckerman asked what is the time constraint?

Mr. Gaba replied that the time constraint is that under the SEQRA regulations when an FEIS is submitted the board has to act on it, either accept it or reject it within 45 days. That time frame can be extended. Most applicants don't like to have the board continually reject FEIS until they actually get to the point where it's accepted, and so it's very common practice for the applicant and the board to agree to extend the time frame. Since there is no meeting in August, the board won't be in a position to vote to accept or reject it until September, and even then if there are issues and it has to go back, they may wish to redo things to get to the point where the board can accept it rather than have you vote to reject it.

Chair Zuckerman asked if this is something they can request tonight of the applicant.

Mr. Gaba replied that usually the applicants offer it as opposed to the board saying but either way whoever asks for it, it's just a good thing to have on the record.

Chair Zuckerman asked Mr. Gaba to take it a one or maybe two steps back. Let's just review. Mr. Watson did a great job explaining how we got here. Where do we go from here? So, when this FEIS was submitted and again, for most of us volunteers this has probably not been at the top of our mind in the last two years. So, remind us, with the submission of the FEIS what then is the board's action at this point and on the path to some form of approval or whatever other resolution.

Mr. Gaba replied well, to take it a step back further, just briefly. When the board completed the EAF it identified some potential significant adverse environmental impacts of the project. There was a scope prepared in which those were delineated, this is what was going to be looked at and then a draft environmental impact statement was prepared in which the applicant actually submitted information and its position as to how it was addressing those potential significant adverse environmental impacts to mitigate them to the maximum extent practicable. The board then accepted that and said all right, we may not agree with what they've said, but the applicant certainly addressed every one of the potential significant adverse environmental impacts that have been identified. We are now going to hold a public hearing on this and that's what happened. A Public Hearing was held and comments were made. An FEIS addresses all the comments that were made at the public hearing and it has to not only mention them but it has to address them in a substantive way. The board doesn't have to agree with what's said but if they address them substantively, and they have to be the significant statements. It can't just be any frivolous thing, but mean they have to be addressed and that's what the FEIS is. Here are all the comments. They group them by category that were made during the public hearing and here's how we're addressing those that were already mentioned in the DEIS or maybe it wasn't mentioned specifically but here's some more information with which how we'll deal with it. The board then looks at it, and the consultants will help you look at the FEIS and determine if the applicant has actually addressed all the comments made at the public hearing and if they've adequately addressed them. If they've done those two things, the board votes to adopt the FEIS. Once the FEIS is accepted, I believe it's 30 days the board has in which to prepare and adopt a Findings

Statement. That time frame could be extended too, but the board can then put that together and the Findings Statement is going to say whether the applicant has mitigated to the maximum extent practicable all the potential significant adverse environmental impacts that have been identified. If the board finds that they have, then the Board's Findings Statement says the project can go forward and the board makes whatever requirements as a matter of the land use provisions of the town that you might need to do in order to approve it. If the board finds that they haven't, they can either say well we can approve it if and list conditions the applicant has to do. If you find that they haven't mitigated them to the maximum extent practicable and are unable to come up with conditions which would actually address them, then the board would be in a position to deny the application because they haven't complied with their SEQRA obligations.

Chair Zuckerman asked if any other questions for Mr. Gaba?

Mr. Gagnon stated that he might have missed the point but what's the count on the houses, is it the same or is there a change?

Mr. Watson replied that it's 25, the same as it was. He then added that he'd like to ask Mr. Gross to come up and just run you through the contents.

Chair Zuckerman stated that they can but he doesn't believe they've got AKRF lined up to review this as far as he knows.

Mr. Gaba replied that they have not heard back from AKRF but he thought the point was tonight that this was going to be referred to AKRF.

Chair Zuckerman stated he would happily refer to them because he thinks we need their help.

Mr. Gaba stated that they'll get back to the board much as on the last application.

Chair Zuckerman stated as a matter of process he knows with their friends from Shakespeare they had to ask the town for permission to have their support, but AKRF was still already involved in the previous application and that stands.

Mr. Gaba replied that they were hired as the outside consultant on that and are currently under contract so shouldn't be an issue.

Steve Gross, Principal Hudson Highlands Environmental Consulting stated that he's going to first expand a little bit on what Mr. Watson said for the two new members, for just a little bit more background. This doesn't show the entire property. He just put this up here, but the property actually extends much farther this way. In total, it's about a 200-acre property and they have clustered all those lots on a much more limited part of the property. On this map, the dark green areas were the areas that were identified early on in the process as being constrained areas by steep slopes, wetlands, high value habitat. The light green are the areas that were determined to be more developable areas. You can see that the clustering of the units was placed more in the light green areas exclusively. In addition to that, another constraint was that there were historic resources identified in the

property That included a circa 1810-1825 barn and there's a historic road that goes through the entire property which originally, in the early versions of the plan, was going to be the spine road for the development. But they decided that it's a beautiful existing natural road, it's one lane with stone walls on the side and they thought it would be a great feature to preserve that instead of destroying it, but preserve it as kind of a walking trail through the property. So, that has been preserved, there's also another existing house that's from the 1920's that has some great architectural features inside. That has been preserved too, as being one of the houses what will be one of the 25 residences. Historically, also the center where that historic road was is where there were previous improvements and so that was another reason for trying to cluster it in the middle. In doing this they have preserved a very large area of the property that now, with the changes that they've made, are all interconnected. One can go all the way around without ever crossing a roadway. One of the concerns that they had in their comments was having that interconnectivity for wildlife, and so they have made sure that does exist. Something else is that they have a watercourse that comes down this way into the pond, and then flows out of the pond off-site and then flows into Clove Creek which flows just off site and then onto the site over here. This plan has avoided all stream crossings, wetland crossings and wetland buffers. None of those are disturbed in any way under this plan. In fact, they've increased the size of buffers around the pond. The 100-foot setback from the pond that's regulatory they've added more to that, and he believes it's 140 feet for the lot line. The actual development is even further but the lot lines are set at 140 feet away from the pond. This entrance road was originally proposed over here, and when it was found that they were going to be within a hundred feet of this wetland over here the project sponsor, he's never had a client do this before, bought the neighboring property which is a commercial lot, for the sole purpose of moving the road further over to get it outside the 100 foot buffer. He's never known anyone to do that, but that's what he did. So, they've have gone through great lengths to make sure that they stayed off the steep slopes, avoided the stream crossings, the wetlands, the wetland buffers. The one place that steep slopes are being impacted is actually with this entrance road. That was from the desire that they were instructed to have the entrance come off of Route 9. In the FEIS they will point out that they do have an alternative that was brand new alternative that did not exist in the DEIS, and that is for the board's consideration, but they have an alternative that would eliminate this entrance road and have the entrance instead come off of East Mountain Road North in what actually was a section of historic road but is also an existing driveway for this existing house that's here. That alternative has the road coming in over here and completely eliminates this entrance road and all the impacts from the steep slopes that would occur there. He continued that he would just point that out because it's a brand-new alternative that did not exist before. The FEIS has been arranged pretty much in accordance with the structure of the DEIS. So all the comments were grouped by topic, starting with the project description. That's in the beginning, and then they go into the different areas of impacts like water resources and zoning and land use, etc. Then they go into alternatives. One of the other things that he noted is that you will see that they have all of the comment letters and all of the public hearing comments in the appendix. The comments were repeated verbatim in the body of the FEIS then with the response. Where there were multiple comments on the same point, they chose the one that they thought best stated that point as the one to represent it and that's what's included in the FEIS. But it represents other comments that people said that were identical. He stated that he does a lot of reviews of FEIS's for clients that are opposing projects, and one of the things that is his common comment is that in the way that comments were chosen, they missed points or comments that were done or were said by people. So, he was sensitive to that. I will also point out that since I was the one that was choosing the comments and laying them out, that where there was a different nuance in a comment, even though it seemed almost identical, if there was a different nuance, he included it. He also made sure that in a long comment where several points were made, that he separated out those points into separate

comments. He was trying to be very particular and making sure that nothing got missed. Once he developed those comments, the layout was submitted to AKRF. They reviewed it and approved it, and then they moved on from there to do all the responses.

Chair Zuckerman asked when did AKRF give their response?

Mr. Gross stated that he believes that was in 2019.

Chair Zuckerman stated that he only asked that because, and he appreciates all the hard work, but as a board they're going to have to get some slight re-grounding from AKRF to even get reoriented what the project is, for them to help assess what is here because it's just going to take some time to get reacquainted. He added that there's a lot of paper in here and even with the hiatus the board is going to take and he's going to check with AKRF tomorrow to see who is going to work on this to assess it, but it's just going to take a little time.

Mr. Gross replied that they've given the board a lot of material, a lot of people worked on this, so there are responses that were developed by a whole team of people. He added that he served to coordinate it and make sure it will all flow but this is a very long involved effort.

Chair Zuckerman stated that it therefore deserves a thoughtful review, and the board will give them that.

Drew Gammels from Keane & Beane introduced herself and stated that one of the other issues that came up a lot in the comments was about the conservation easement, and the area to be preserved will be protected via conservation easement. Her office is working on multiple leads to try and find someone who might be interested in taking on that conservation easement. They don't have a name at this time, but have reached out to various organizations and are pursuing these those groups. She added that the town remains an option, but they're just looking into other possibilities.

Chair Zuckerman stated that sadly he vaguely remembers that topic and since the head of the Hudson Highlands Land Trust has since then left and she was quite vocal in many of her documents and memos on the topic, so hopefully Ms. Gammels has met the new head of HHLT. He then asked if any further comments from the board?

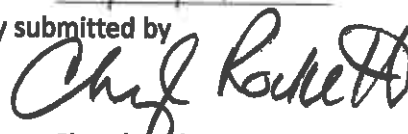
Chair Zuckerman asked for a motion to adjourn.

Dennis Gagnon made the motion to adjourn, Peter Lewis seconded.

The meeting was adjourned at 9:13 pm.

Date Approved: 9/16/21

Respectfully submitted by



Cheryl Rockett
Planning Board Secretary