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Memorandum

To: Town of Philipstown Planning Board

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

Date: September 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:

- Part 3 of the Expanded Full Environmental Assessment Form (Part 3 FEAF) for the Hudson Valley Shakespeare Festival prepared by Kellard Sessions Consulting, revised September 2021, including the following Appendices:
 - Appendix A: FEAF Parts 1 and 2
 - Appendix B: FEAF Part 3 “Scope Outline” (annotated for reference)
 - Appendix C: Garrison Golf Club PDD SEQRA Findings Statement and Local Law
 - Appendix D: Ecology Report
 - Appendix E: Soil Test Results
 - Appendix F: Traffic Study
 - Appendix G: Traffic and Marketing Management Plan
 - Appendix H: Air Quality Report
 - Appendix I: Noise Study
 - Appendix J: Phase I Environmental Site Assessment
 - Appendix J: Phase II Environmental Site Investigation
 - Appendix K: Stormwater Pollution Prevention Plan
 - Appendix L: Correspondence

- Preliminary Site & Subdivision Plan Set (9 sheets total) prepared by Badey & Watson Surveying & Engineering, P.C. and comprised of the following: Cover Page, Subdivision Plan, Existing Conditions Plan, Constraints Plan, Removal Plan, Overall Site Plan, Overall Sediment and Erosion Control Plan, Sight Distance Profiles, and Vehicle Movements, dated/printed September 2, 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

On July 14, 2021, AKRF provided a memorandum to the Planning Board summarizing (in tabular format) a review to determine whether the July 2021 version of the Part 3 FEAF analysis generally followed the “Scope Outline” accepted by the Planning Board at the June 17, 2021 meeting, and whether all relevant information was presented and analyzed in a complete and understandable format.

On September 3, 2021, the Applicant submitted a revised Part 3 FEAF addressing the comments provided in the July 14, 2021 memorandum. Additional studies and correspondence completed since the July 2021 submission were also provided, including a noise study, correspondence with SHPO on historic resources, Phase I/II environmental site assessments, etc.

The July 14, 2021 memorandum also noted that substantive comments on the accuracy and responsiveness of the materials presented in the July version of Part 3 FEAF and in the technical studies to the requirements set forth in the Scope Outline will be provided in a subsequent memorandum. The purpose of this memorandum is to provide this initial substantive review of the September 2021 (revised) version of the Part 3 FEAF narrative report, exhibits, and appendices.

*FEAF PART 3***II. Project Summary**

1. Page 4, under Hudson Valley Shakespeare Festival / Project Description – Within these introductory sections, consider summarizing some operational details of HVSF’s existing operation at Boscobel and how they would compare to those at The Garrison. These details are provided on page 12 “HVSF Use and Operations” including the duration of the outdoor (and future indoor performance seasons), the number of seats the existing Boscobel tent compared to the new tent proposed at The Garrison, etc.
2. Page 6, under Project Phasing – While the Applicant has repeatedly indicated that the future date by which the complete master plan for the Main Parcel would be operational is difficult to estimate at this time, AKRF agrees with the Applicant’s use of a 2027 “build year” for purposes of SEQRA, as it represents a conservative approach for technical areas such as traffic impacts.
3. Page 6, under Project Phasing, Phase 1 – Based on information provided by the Applicant in previous Planning Board submissions, as well as the HVSF website and newspaper articles, it seems more appropriate to indicate that Phase 1 will be completed by 2024, as opposed to in 2024. This distinction is important because, based on the HVSF website, the Applicant plans to move the existing seasonal tent structure from Boscobel to The Garrison and construct the new parking lot for the first theatrical season (planned for summer 2022). Would construction of the new, permanent tent (with back of house structure) then commence and be complete for the following season? Where within the 2022-2024 timeframe would the intersection and signal improvements at Route 9/Snake Hill Road be completed? These details are not entirely clear in the current narrative. The 2022-2024 timeline for Phase 1 should be broken down further to indicate what components are currently planned (by year, if known) for what has been described by the Applicant as the most certain/concrete near-term buildout.

III-A. Land Use, Zoning, and Layout

4. Pages 10 and 11, under Existing Zoning, Scenic Protection Overlay District – Town Code Sections 175-15F through 15K are referenced, which correspond to standards applicable to site plan and special permit approvals sought in the Scenic Protection Overlay District. However, the Applicant does not provide any discussion of how this application complies with each of the standards. An explanation similar to what is provided for the Open Space Conservation and Aquifer Overlays should be provided.
5. Page 12, under Existing Zoning, Aquifer Overlay District – The first sentence of the third paragraph in this section should be revised to read “The uses to be facilitated by the proposed action do not qualify as prohibited or special permit uses as defined in Section 175-16E of the Zoning Code.”
6. Page 12, under HVSF Use and Operations – Based on the description provided for the outdoor and indoor performance seasons, is it fair to assume that peak operations of the fully built master plan would occur for 9 months out of the year (March-October, plus December holiday programming)? Or is it more accurate to assume a year-round, all-season operation due to the planned hotel and additional dining options? The anticipated seasonal fluctuations in operations on the property should be clearly explained, and compared with what is experienced with the current golf course and banquet facility operations (since golf is seasonally dependent whereas banquets are not).
7. Page 13, under HVSF Use and Operations – There seems to be some public concern about the nature of the lodging and potential demand on community services. The two paragraphs describing the artist and guest lodging operations should specifically indicate if those artists residing on-site for several months would be joined by family members and/or children attending local schools.
8. Page 14, under Proposed Zoning – The Applicant’s petition to the Town Board to amend the underlying RC and GGCPDD should be included as part of Appendix C. If the Applicant has drafted a project-specific schedule of bulk and dimensional standards to be incorporated into the amended PDD, it should be attached to the petition, so the Planning Board can fully understand the Town Board’s role in the zoning amendments.

9. Page 15, under Consistency with the Comprehensive Plan: The explanation of consistency provided in 1(b) and 1(c) could also acknowledge that in addition to a residential development permitted under the RC zoning, the property has an approved but unbuilt PDD that pre-dates the 2006 Comprehensive Plan.
10. Page 16, under Consistency with the Comprehensive Plan: The explanation of consistency provided in 3(a) could also acknowledge that the HVSF has been a fixture in the Philipstown community for 33 years and the goals of the proposed action include providing a permanent home for the performing arts venue, centralize operations, and provide additional local jobs.
11. Pages 21-22, under Description of Proposed Buildings, Artist/Guest Lodging – The description of the artist/guest lodging facilities states that “these units would be utilized during the theatrical season by artists engaged by the HVSF as is a requirement of the union. During months that are not part of the theatrical season, the rooms would be rented to the public and visitors.” It is not clear if this arrangement would still apply following completion of the year-round theater, which extends the theatrical season.

III-B Geology and Soils

12. No additional comments. Refer to comments on Construction and Vegetation/Wildlife.

III-C Topography and Slopes

13. No additional comments.

III-D Vegetation and Wildlife

14. Page 41, in the first and second sentences of the first paragraph, the use of “RES” as an acronym for “Applied Ecological Services” should be changed to “AES”. This correction should also be made on pages 45, 46, 47 and 50.
15. Pages 41 and 42 Table 11: A description of the ecological values assigned to the Management Units and a description of how these values were assigned should be provided in the text of the EAF Part 3.
16. Page 45, under Proposed Disturbance: The total land disturbance acreage should be consistent; it is currently represented as 49.5 acre and 45.9 acres.
17. Page 46, under Proposed Disturbance: Language in the fourth paragraph on this page is taken from a previous version of the Appendix D AES report. This should be corrected and the remainder of the Vegetation and Wildlife section should be checked for consistency with the revised Appendix D AES Report.
18. Page 46, under Proposed Disturbance: Language should be added to document any habitat fragmentation that may occur.
19. Page 49, under Indiana Bat: In the first sentence of the second paragraph, the word “maternity” should be inserted before “...colonies or roosting individuals.”
20. Page 50, under Indiana Bat: The last sentence in the last paragraph of this section located at the top of page 50 should be rewritten. This sentence currently reads the applicant will observe tree cutting during the tree removal window and not the tree clearing window restrictions will be observed/complied with.
21. Page 50, under Bog Turtle: The words “moot issue” at the end of the second to last sentence in the first paragraph should be removed and language indicating whether the proposed project development will impact this species should be added.
22. Page 50, under Bog Turtle: The last sentence of the first paragraph should be rewritten; it is awkward.
23. Page 50, under Bog Turtle: According to the USFWS, streams that connect wetlands with bog turtle habitat serve as corridors for their travel. This section of the EAF Part 3 should include discussion of whether the small tussock sedge dominated seepage wetland noted is connected by a stream to another wetland(s) displaying potential bog turtle habitat. If there is a surface water connection from the noted

wetland to another wetland(s) with suitable bog turtle habitat, then discussion of the series of wetlands should be discussed and potential impacts identified.

24. Page 51, under USFWS Birds of Concern: The word “significantly” should be removed the last sentence of the first paragraph located at the top of page 51. The word “greatly” should be removed from this sentence, it could be replaced with “generally” – “This habitat type is greatly missing from most landscapes in the region.”
25. Appendix D: A previous version of this document included restoration opportunities for each MU. The applicant should provide the reasoning for why this information was removed.
26. Appendix D: Tables titled “Plant species observed in or at margin of pond the Garrison on August 18, 2021” and “Observed Plant Species by management Unit at The Garrison/Future HVSF Site and Surrounding Parcels” are both labelled as “Table 4”. The latter should be labelled as “Table 6”. The new “Table 6, Observed Plant Species by management Unit at The Garrison/Future HVSF Site and Surrounding Parcels” should referenced in the text of the report.
27. Appendix D: Similar to “Table 8. Potentially Present (but not confirmed) Reptiles and Amphibians at the Garrison in Addition to Confirmed Species Listed Above” tables listing potentially present birds and mammals should be added to this Appendix. These lists should be based on species distribution and habitat type preferences compared with the project location and habitats observed on the project site respectively.
28. Appendix D: On page 28 in the first sentence of the first full paragraph, reference is made to “Appendix I”. This appendix is not included with the report.

III-E Wetlands and Watercourses

29. Page 53, under III-E Wetlands and Watercourse: The results of the wetland boundary line inspection performed by Mr., Garfinkle should be included at the end of the first paragraph.
30. Page 53, under 2. Forested Wetland A: The surficial area of Wetland A should be included.
31. Page 53, under 3. Forested Wetland B: The surficial area of the portion of Wetland B that is present on the project site should be included. On Exhibit 22, the Wetland B area should be highlighted using the same blue as is used to depict Wetlands A and D.
32. Page 54, under 4. Small Reed Marsh: On Exhibit 22, the Wetland C area should be highlighted using the same blue as is used to depict Wetlands A and D.
33. Page 54, under 5. Perennial stream (Tributary to Philipse Brook): The approximate linear footage of the portion of the stream that flows across the project site should be included. It should be noted that the southern one third of the stream was not delineated in the field.
34. Exhibit 22: There is wetland flagging (F1 to F34) depicted on Exhibit 22. A brief description of this area should be provided similar to intermittent stream E 1 to E19.
35. Page 54, under Wetland Jurisdiction: A brief discussion of how federal wetland jurisdiction will be established should be included in this section.
36. Page 54, under Wetland Jurisdiction: Indication of the specific sections and acts the federal permits would be sought should be included in this section.
37. Page 55, under Wetland and Wetland Buffer Disturbance: The first sentence of the first paragraph provides wetland and buffer disturbance as a percent of the total project area. This section should also include the wetland and buffer disturbance as a percent of the total wetland and buffer are present on the project site.
38. Page 55, under Wetland and Wetland Buffer Disturbance: The future bridge design should not impact the bed or banks of the stream and provide sufficient area/volume to convey the appropriate flood

volumes. Reference to the mitigation section on page 56 where additional bridge design information is provided could be made here.

39. Page 55, under Wetland and Wetland Buffer Disturbance: If possible to determine, both permanent and temporary/construction related wetland and buffer impacts should be provided in this section.
40. Page 56, under Existing Dam: It is noted that this section discusses an assessment performed on the existing dam, however, the document does not include the technical report within an appendix so that its findings could be reviewed. This evaluation was previously requested and should be provided.

III-F Stormwater Management

41. Section III-F includes several references to a SWPPP which is intended to document the adequacy of the stormwater management facilities to be developed on site to mitigate the impacts of the overall site improvements which are planned. Proposed stormwater controls are generically illustrated on the large-scale plan of the "Overall Site Plan" (Sheet 6 of 9), while an abbreviated "preliminary" SWPPP is included as Appendix K. While it was acknowledged that the development of a full-scale SWPPP would not be necessary until later in the design process, the document provided fails to confirm the general locations and sizing of these necessary facilities which is required to evaluate the adequacy of the stormwater controls planned for the site. It is suggested that the SWPPP be expanded to the extent necessary to clarify the general locations and sizing of these facilities so that it can be confirmed that sufficient areas are available for them.

IV-G Utilities (Water Supply, Sanitary Sewer, Energy)

42. Page 65, Putnam County Department of Health Compliance: Address whether a pumping test will be required to meet Putnam County Department of Health regulations?
43. Page 66, Groundwater Budget: Relative to assessing impacts, please confirm that testing and permitting will include a pumping test (as previously discussed) in accordance with State standards. A water budget is a qualitative review completed as a first step to determine the feasibility of a water withdrawal plan. The quantitative confirmation is confirmed through testing and data collection. Testing is necessary due to the dynamic of the bedrock fracture system relative to the overburden area receiving the recharging groundwater, the previous documented off-site impacts from water usage, the increase in demand from the existing uses, and the fact that new wells will be drilled and installed, which can present different interactions with the bedrock fracture system.
44. Page 67, Natural Recharge: The text considers that upland areas would contribute to groundwater recharge which could be available to further support water withdrawals from the proposed HVSF on-site wells. It would be beneficial if a figure were included to illustrate how this upland contribution was established.
45. Page 71, Mitigation: See above. Quantitative testing is considered as the means to determine whether mitigation measures are needed for the new well system. If the County will require this as part of permitting, it should be noted as a measure already built-in to the project's development.

IV-H Traffic, Transportation, and Parking – Appendix F (Kimley-Horn Traffic Impact Study)

46. The following comments are on the Traffic Impact Study (TIS) included as Appendix F. Where applicable, the FEAF Part 3 report should be revised to reflect any changes made to the TIS as a result of these comments.
47. 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. The Town should be copied on all correspondence and design drawings for the proposed new traffic signal at Route 9 and Snake Hill Road. In addition, the Town should be invited to all meetings that take place with NYSDOT regarding the signal.

48. The queuing analysis only presents length of queues and does not compare queues against available storage capacities.
49. The auto turn analysis does not identify the type of vehicle modeled (e.g., WB-40) and the turning paths modeled do not cover all entry and exit maneuvers at each driveway. In addition, the truck modeled appears to enter the Route 9 Site Driveway and traverse portions of the internal roadways in the opposing lane of travel. The analysis did not include modeling of a fire truck.
50. Where vegetation clearing is required to achieve acceptable ISD or SSD, please provide more specifics regarding the location(s) where vegetation removal will be required.
51. Provide backup that shows the source(s) of the Peak Hour Factors, % Heavy Vehicles, and lane widths utilized in the Synchro analysis. Provide justification for the use of '0%' as the % Heavy Vehicles for those movements coded as 0%.
52. Please expand the summary of the crash data to provide the number of crashes at each location on an annual basis and identify any High Accident Locations (HALs) from the crash data based on the number of crashes per year.
53. The volume figures provided demonstrate how the volumes were developed. However, the text should note that the project generated trip figures also take into account the reduction in trips from the removal of the golf course.
54. Please provide documentation from NYSDOT stating that the reporting of the Synchro/Percentile Delay results (rather than the HCM6 results) for the unsignalized intersections is acceptable to NYSDOT for this study.

IV-H Traffic, Transportation, and Parking (Appendix H – Air Quality Report)

55. The following comments are on the Air Quality Report included as Appendix H. Where applicable, the FEAF Part 3 report should be revised to reflect the changes made to Appendix H as a result of these comments.
56. Page 4, 4th paragraph under Proposed Action: The text references a 72-seat restaurant for the 2005 PDD, which should read as “97-seat restaurant with 25 bar seats.”
57. Page 5, under Existing Conditions: In this section and throughout the report, please replace “State Ambient Air Quality Standards (SAAQS)” with “New York State Ambient Air Quality Standards (NYAAQS).”
58. Page 5, under Existing Conditions: Please reference the highest one-hour value for CO at monitoring station 36-005-0133 from 2019 rather than 2020. In our experience with several reviewing agencies, they are requesting 2019 rather than 2020 to capture more typical pre-COVID conditions.
59. Page 8, under Proposed Action Analysis, Mobile Screening: Please remove quotes from “air quality screening” in the first paragraph.
60. Page 8, under Proposed Action Analysis, Mobile Screening: Please note that the LOS Screening applies to the Build condition. Please revise the first two sentences of the 2nd paragraph to read as follows: “Per TEM I-1 Level of Service (LOS) Screening, intersections potentially impacted by the Project must be screened for overall Build Level of Service (LOS). If the LOS is A, B, or C, no further analyses are required. If any signalized intersections in the Build condition have LOS predicted D, E, or F, significant vehicle queuing may occur and further analysis may be required for up to the three worst intersections.”
61. Page 8, under Proposed Action Analysis, Mobile Screening: Regarding sensitive receptors, have sidewalk receptors (and/or other areas with continuous public access) been considered (if applicable)?
62. Page 13, under Proposed Action Analysis, Build Conditions (2027), Friday PM Peak Scenario: According to TEM procedures, if intersections and roadways impacted by the project are projected to

operate with Build LOS D, E, or F, the Capture Criteria are applied to determine if an air quality analysis may be warranted. Please include a Capture Criteria Screening for these locations with Build LOS D or worse. This same comment applies to the Saturday Midday and PM Peak Scenarios on pages 14 and 15.

63. Page 13, under Proposed Action Analysis, Build Conditions (2027), Friday PM Peak Scenario: Where the proposed traffic signal is discussed (last paragraph on page 13), the addition of queuing lanes would meet one of the Capture Criteria, and the Volume Threshold Screening should be applied per TEM guidance.
64. Page 16, under Air Quality Impacts, Construction: Please consider replacing the reference to 40 CFR 92.123(b)(ii) with 40 CFR 93.123(c)(5) which states: “CO, PM10, and PM2.5 hot-spot analyses are not required to consider construction-related activities which cause temporary increases in emissions. Each site which is affected by construction-related activities shall be considered separately, using established “Guideline” methods. Temporary increases are defined as those which occur only during the construction phase and last five years or less at any individual site.” Please also describe the construction duration to address TEM’s consideration for construction diversions or detours lasting 2 years or more.

IV- I Visual Resources and Community Character

65. Page 79, under Proposed Condition: The text in the fourth paragraph states that the viewshed studies include both a leaf-on and leaf-off analysis. However, upon review of the referenced exhibits, this only appears to have been done for the distant views 1-5. Simulations of proposed structures were also incorporated into views 1-5 when applicable (Exhibit 45 for example). Views 6-9, which are all from Route 9, do not appear to provide this same methodology. Instead, leaf-on photos, many of which are repeated from the existing conditions photographs earlier in the document, are shown alongside line-of-sight diagrams. While the line-of-sight diagrams are helpful, the analysis would be stronger if the close-in view analysis (Exhibits 47-50) included leaf-off views rather than (or in addition to) leaf-on. It is not clear whether the sections showing visible vs. screened area on the bottom of these exhibits are meant to conclude that the proposed buildings would be screened from views by the trees at the perimeter of the site only during leaf-on season, or during leaf-off season as well - this should be confirmed.
66. Page 82, under Mitigation: Pending the outcome of the refined analyses requested in the preceding comment, the Applicant’s conclusions appear to state that there would be no significant adverse visual impacts warranting mitigation, since as part of the project the existing perimeter trees providing screening would be maintained (and in some cases enhanced) by the proposed landscaping plan to the maximum extent practicable. Elements of the landscaping plan (types/heights of new trees to be planted, locations and heights of proposed berms, etc.) should be listed as bullet points.

IV-J Noise

67. Page 84: With regard to the six locations where noise levels were measured, the specific locations of receivers are not described as specified in section J(b) of the Scope Outline. Please consider adding the bullet point descriptions from page 9 of Appendix I.
68. Page 85, first paragraph: The duration of the noise measurements should be stated. Are these 1-hour Leq levels, or some other duration? This information is also not presented in Appendix I.
69. Page 86: first paragraph: Explanation of why Receptor 3 is the “most critical” is not provided and would be helpful. Is this because it is quietest? Is it also closer to any major noise sources than the other receivers?
70. Page 89, under Noise Limits as Determined by Local Ordinance: According to Appendix I, the source levels for each possible event scenario were modeled based on measurements taken at Boscobel and The Garrison in 2019. The source levels used in the modeling are shown in section 6.3, but the

details/specifics of these measurements are not included. Were they previously presented in a public document that is being referenced? If not, more information on these source measurements should be added to Appendix I, including the duration of the measurements, the activities occurring during each, the location of the microphone relative to the source, etc. At present, it is impossible to evaluate the applicability of these source levels.

71. Page 89, under Noise Limits as Determined by Local Ordinance: Regarding the 5.3 dB increase at Receiver 3, a 5 dB increase in Leq is typically referred to as “readily noticeable;” is there a basis for why “slightly exceeded” was used in this case? It is recommended “slightly” be removed.
72. Page 90, under Noise Limits as Determined by Local Ordinance: Where mitigation for Receiver 3 is first mentioned, the text states that “the Acoustical Study evaluated one of these mitigation options.” However, the specific option is not described. This information is also not presented in Appendix I.
73. Page 91, under Increased Noise from Traffic: The traffic noise analysis in Appendix I appears to assume no change in vehicle mix from the No Build to Build conditions, i.e., that the Proposed Action would not tend to generate a greater proportion of trucks than the existing condition. This seems to be a sound assumption, but it would be best to state it explicitly.

IV-K Cultural Resources

74. Page 92: In the time since the last submission of the Part 3 FEAF, the SHPO has provided the Applicant a No Effect letter after reviewing the Applicant’s justification for why the site is not archaeologically sensitive. The SHPO’s August 2021 letter also covers architectural resources, including those structures cited by the Applicant on page 92. The Applicant has completed a consultation process with the SHPO, as required by the Part 3 FEAF scope outline, and there are no significant adverse impacts anticipated.
75. Page 92: Given the above-referenced conclusion by the SHPO, that last sentence of the last paragraph on page 92 (referencing the Applicant’s opinion) should be removed since it is inconsequential.

IV-L Open Spaces and Recreation

76. The Part 2 FEAF makes reference to the project site’s listing in the Town’s open space index, but there is no further discussion of the open space index in the Part 3 FEAF. The Garrison Golf Club is listed #10 out of 27 sites in the open space index document. According to the document, these sites are “listed according to the priority of acquisition or preservation.” While public use of the property for certain passive recreation has historically occurred, and would continue to be permitted with the HVSF project, the project site would remain a privately owned property.
77. Page 95, last paragraph: As a suggestion, consider replacing the Applicant’s opinion that “the project will result in a positive impact,” with “...the project would not result in any significant adverse impacts to open space and recreation and no additional mitigation measures are required.”

IV-M Construction

78. Page 96, Phasing: Refer to the comments above under “Project Summary” regarding the phasing plan and the build years identified.
79. Page 96, Phasing: The scope outline calls for the assessment of construction to identify the anticipated “intensity and duration of impacts through the buildout of the proposed action.” The 2024 completion year for the initial phase provides some detail (although there are questions left to address), and the Town Code requirements for hours of construction are identified. However, estimates on the anticipated construction duration of the components making up the subsequent phases (5–15-year window) are left vague. General estimates could be provided for some of the major components, such as the year-round theater, hotel, artist lodging and traffic signal. For example, how many months of construction are anticipated to construct the theater building, hotel, and artist lodging based on their

size and type of construction involved? A general estimate for how long a traffic signal project typically takes from start to finish would also be helpful to include.

80. Page 98, under Construction, Noise: The Applicant states the following: “Given the applicant’s phasing plan, size of the subject property, its variable terrain, and the distance between construction areas and surrounding residences and other noise receptors, noise levels during and after construction would be significantly attenuated by the time they are experienced by the receivers.” It would be helpful if approximate distances and variations in terrain were quantified between the limits of disturbance/construction area and the sensitive receptors referenced (homes on north side of Snake Hill Road and east side of Route 9).

IV- N Community Services and Economy

81. Page 100, under Community Services – Please include an introductory statement that indicates which service providers (from the list/map already provided) currently serve the Boscobel HVSF venue, and that based on the correspondence and feedback documented in this section, the incremental demand from the operations proposed at The Garrison are not expected to be a concern.
82. Pages 103 and 104, Tables 25 and 26 – In Tables 25 and 26, please provide totals for each taxing jurisdiction column, in addition to the total provided for all taxing jurisdictions.
83. Pages 103 and 104, Tables 25 and 26 - Either as part of Tables 25 and 26, in a separate new table, and/or in text, please provide the total budgets and/or revenues generated through property taxes for the affected taxing jurisdiction. This will help to show that the estimated reductions in tax revenue represent a very small percentage of overall budget/tax revenues for the affected taxing jurisdictions. For example, the proposed 2020-2021 school budget was ~\$11.4 million, meaning that the ~\$45,000 reduction in tax revenue represents less than one-half of one percent of the total budget.
84. Pages 103 and 104, Tables 25 and 26 - Either as part of Tables 25 and 26, in separate new table, and/or in footnote(s) to Table(s), please provide tax rate assumptions for each taxing jurisdiction.
85. Page 104, Table 26 – As a footnote for Table 26 and/or in the text, please provide existing tax parcel information for the project components to be separated through proposed subdivision, so that a reader can understand, for example, which existing tax parcels identified in Table 25 comprise the proposed HVSF Hospitality portion of the project.
86. Page 104, Table 26 - Tax Parcel 60.-1-64 is presented in Table 26 but does not appear in Table 25, or any other section of the FEAF Part 3. If this is a typo and is meant to represent 60.-1-63, please revise accordingly.
87. Page 103 and 104, Table 26 - Please provide a brief explanation of the methodology used to estimate the assessed value of the private residence (\$1,338,000).
88. Page 103, 2nd paragraph - The text states “The applicant’s team would like the opportunity to review this analysis and the assumptions made with the Town Tax Assessor to confirm these findings.” Since it is typically not common to involve the Assessor in SEQRA-level analyses, it is recommended that the Applicant use the following disclaimer prior to presenting the preliminary findings: “Estimated tax payments are for the purpose of environmental review and are not binding. Actual tax levy would be determined by the Town Tax Assessor at a later date.”

IV-O Human Health/Site Assessment

89. Phase I and II Methodology: Both the Phase I and Phase II reports were provided as appendices. The Phase II report indicated that the investigation was completed in accordance with the agreed upon scope of work, and there are no further comments on said scope of work.
90. General Comment: Where construction commitments/further actions are offered by the Applicant, these should be identified in a “Mitigation Measures” section of the FEAF Part 3, separate from the reporting of results.

91. Testing Results, HVSF Site (Commercial SCO): Horizontal delineation on greens is needed, in addition to vertical delineation, to determine lateral extent of soil that exceeds commercial soil cleanup objectives (SCOs). Since only 3 of 18 greens were tested, sampling of additional greens could yield varying results, including expanded areas of contamination. The plan to isolate/cap the soil that exceeds the designated SCOs is acceptable and consistent with State remediation programs, but soil areas requiring capping should include all development areas not capped by asphalt/roads/buildings, etc., not just areas with "significant potential of contact."
92. Testing Results, HVSF Site (Commercial SCO): It is premature to indicate that no action is recommended for the golf course green areas that exceed groundwater SCOs prior to delineating the nature and extent of the contamination areas, especially since only 3 of 18 greens were tested. The statement that the greens represent a minor contribution to the potable well capture zones is made prior to quantifying the remaining 15 greens and understanding the lateral extent of contamination at each green. Also, Irrigation well #8 was not sampled due to access issues, it is not clear if Well #5 (collected from upstairs kitchen sink) was sampled after treatment measures (particulate filters, etc.), and sampling of the proposed new wells, which may intercept different fractures, may reveal pesticide detections, so it is premature to indicate that there are no pesticide impacts to groundwater. Can a review be provided to determine whether the groundwater SCO exceedances be can addressed by managing the commercial SCO exceedances?
93. The preparation of a Soils Management Plan (SMP) and Community Air Monitoring Plan (CAMP) during construction is acceptable, and can provide the means for confirming the means for addressing the soil contamination areas, as described in the comments above.

RECOMMENDATIONS

At the September 16, 2021 Planning Board Meeting, we recommend that the Planning Board allow the Applicant to present the latest submission for the Proposed Project followed by discussion of the Planning Board and consultant comments on the FEAF Part 3.