

**TOWN OF PHILIPSTOWN PLANNING BOARD**  
**Special Meeting to discuss GGC/HVSF**  
**Virtually Via Zoom - November 30th, 2021**

The Planning Board held a special meeting to discuss GGC/HVSF on Tuesday, November 30<sup>th</sup>, 2021.

**Present:**

Neal Zuckerman (Chair)  
Ms. Conner  
Dennis Gagnon  
Peter Lewis  
Laura O'Connell  
Heidi Wendel  
Ronald J. Gainer, PE, Town Engineer  
Stephen Gaba, Counsel

**Absent:**

Neal Tomann

**Please note that these minutes were abstracted in summary from the meeting and a taped recording.** Chair Zuckerman opened the meeting at 7:00 pm. Bob Flaherty led the Pledge of Allegiance. Roll call was taken by Ms. Rockett.

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

Chair Zuckerman stated that he wants to congratulate Chris Davis and the Shakespeare group about the multi-million-dollar grant by the state ESDC, that that says a lot for the project. It says a lot about its promise and its broad appeal. Secondly, and he hopes his colleagues are in alignment, he thinks everyone feels that this project has great value for this community. He doesn't think this conversation that they've been on is a debate about its merits as a social benefit to the community. He thinks both their heads and hearts see the value of this project. The third comment is that this Board is tasked obligatory with performing diligence on this project and the SEQRA process they're in the middle of is a fundamental piece because they represent the town and its interests, and we have, as he has said many times, they balance individual property rights with community rights and that's the work they're doing. So, the last thing he wants to say is the process this evening will be the same process they did four weeks ago when they engaged in the first part roughly of the SEQRA EAF part three review. They used this table of contents, which is lettered A through O, but they got through A through F and G, and also covered letter I, visual resources. Tonight, they're going to cover H and then J through O, and hopefully they'll get that done this evening. That will complete the discussion at least about the contents of the EAF part three. From there, of course, the board will then want to discuss as a group its total viewpoints and then as he's said many times, they're going to have public input at that point and then go and make their SEQRA determination. That's the process. Tonight they're going to do this in three-parts, just like they did last time when they got together for each letter reviewed. He'll just call out the letter and they'll start with H "traffic". The applicant will be allowed to comment, whatever they want to say about what's here. Then they'll turn to their advisors from AKRF and then in the end to Ron Gainer to comment about whatever is here providing both. They've already covered completeness. The topic now is about what it says, and then the Board members will go in turn as to questions they have and emerging viewpoints about what's here. He

added that he doesn't think there's going to be any surprises about what they're going to talk, about but they have detail to get through as part of their due diligence. So, that's the process for this evening hopefully there are no questions, but he'll pause here to see if there are any.

Mr. Lewis just wanted to confirm which to document they are using.

Chair Zuckerman stated that there is the large document which is dated September 21<sup>st</sup>, and then there's a separate hymnal that was provided in October, and that document is a response by the applicant to specific questions that AKRF provided. He stated that they must be held in tandem because they've gone through chapter H of one and chapter H of the other, and must toggle between the two because he thinks it would have been unfair to then say now go back and reprint the big black binder with everything in it. Unfortunately, there are two documents that are required to be reviewed in tandem.

**Section H, Traffic** - John Canning stated that as the Board knows the application is for approval to relocate the current Hudson Valley Shakespeare Festival activities from Boscobel in place of the former golf activities at that location, and hopefully to add artist lodging and of course Mr. Davis's private residence. Further, the current application will replace traffic and parking activities with the golf course. As he mentioned, you can also roll back potential traffic associated with the largest banquet activities, and it will eliminate the development potential of a spa on the site which was approved under the 2005 PDD approval. He added that they believe and hope that they have responded to all of the Board members requests for additional information and studies as completely as possible, and they've done the same for all the Board's traffic consultant's requests for clarification and additional materials. They did conduct an extensive traffic study which evaluated traffic and parking operating conditions on the site along Route 9, Coleman Road, Snake Hill Road and along Snake Hill Road from Route 9 to Route 9D. Even on the busiest days, because of the variability of the various uses and the measures proposed as part of the traffic and parking management plan, no more than 350 vehicles are projected to enter or exit the site at the busiest hour. Importantly, to accommodate future traffic and parking activity at the site, the following operational and physical improvements have been proposed as part of the project. It's proposed to add turn lanes, northbound and southbound, on Route 9 at the site driveway and the DOT has agreed that these turn lanes are at the left-turn lane. It's also proposed to widen the route as you're aware it's proposed to relocate and widen the Snake Hill Road driveway. It's proposed to increase sight lines at the facility driveways. It's also proposed to install a much-needed traffic signal at the intersection of Route 9 with Snake Hill Road and Travis Corners Road, and again DOT provided an email that indicated that the need for a traffic signal is warranted and they are preparing detailed plans to submit to DOT.

Mr. Canning shared the plans on screen, and stated that they're proposing to restripe northbound Route 9 in the big triangle area to provide a northbound left turn lane. You'll see just the left about this little painted median where the roadway is divided, they're probably a left-turn to go to Coleman as well and then in the southbound direction there's a right-turn lane under the triangle and then going out you can see there's a median between the inbound and outbound lanes which is something that the Board asked for and there are two lanes going out, one left and one right. This is the intersection of Snake Hill Road which is the bottom leg, Travis Corners Road which is on the top. It's proposed to install a traffic signal at this location. It's also proposed to restripe the Snake Hill Road approach. There's a sufficient width there as you approach the intersection to have a separate lane for left and through moving vehicles, and then another lane for right turning vehicles. So, if you were turning you could go right on red and wouldn't be held up behind everybody waiting to turn left. They propose to relocate the driveway, which is right now at the foot of the dam, down about 300 feet to the right and they'll be providing improved sightlines along the straight section of the road. They'll be improving the width of the driveway because it's kind of narrow now, and it will be wide enough for

two-way traffic. He thinks those are all of the physical improvements. The traffic signal is scheduled to be constructed and operational prior to the commencement of the 2024 performance season and Hudson Valley Shakespeare Festival will not start operations at the indoor theatre or the hotel before the signal is operational. If there should be any reason that they couldn't get this done by 2024, Hudson Valley Shakespeare Festival is committed to not starting operations at the indoor theater or the hotel prior to the signals being operational. It's also proposed to continue the use of a jitney to ferry guests from The Garrison to the train station. They will be encouraging banquet guests to use buses to travel to and from the events. There will be event schedule management coordination. They have an extensive traffic and park management plan which they have submitted and it outlines both an annual, a monthly and a weekly regimen that will be required so that the operators will understand well in advance what the levels of activity at the site will be. Then, as the time for performances and events approaches, they can fine-tune their plans and make sure they're still going to accomplish what they need to do to accommodate traffic and parking. The HVSF has committed not to have indoor matinee performances on the same Saturday when there's an afternoon wedding and that was at the suggestion of the Board's consultants, to eliminate any traffic impacts and restore operating conditions to level of service E at the Snake Hill Road approach to Route 9D. There will also be the deployment of trained staff equipped with the appropriate directional signage, two-way radios at all of the parking and drop-off areas to direct traffic during busy event days. Their recently revised analysis indicates that with the implementation of these measures' delays to motorists on Route 9 will see little increase, if any, except if they have to stop at the new traffic signal. During the rush hour on Friday evening, with guests starting to arrive for two heavily attended shows, a large banquet and the restaurant, the average delay at the intersection is projected to be just 30 seconds and during the other peak hours the average delay in the intersection is projected to be just 12 seconds. During the busiest hours, with customers exiting the Garrison, the Route 9 driveway will have an average wait time of 45 seconds to leave the property. That delay will be confined to motorists exiting the property or guests of The Garrison. The impact to traffic on Route 9 will be less than two seconds. At Snake Hill Road the delay will average just 10 seconds because Snake Hill Road is a much less busy road, and delays will be less than two seconds on Snake Hill Road as well. They did perform a special NCHRP analysis, that's a National Cooperative High-Rate Research Project report 825 method analysis for the Snake Hill Road corridor, specifically for the purpose of addressing whether there would be sufficient capacity along the corridor as opposed to the intersections. This was a request of one of the Board members. That analysis indicated that Snake Hill Road would be operating at less than 15 percent of capacity even at the peak hours, which is a level of service B. At the intersection of Snake Hill Road with Route 9D, traffic delays will generally be reduced with the relocation of HVSF activities from Boscobel to The Garrison, because obviously current activities put a lot of traffic on Route 9D at that intersection and while there will be some traffic traveling to the site at The Garrison, it'll be less than what's traveling to Boscobel through that intersection right now. As previously mentioned, with the commitment not to schedule matinee performances on Saturday at the indoor theater when there's a wedding, delays to Snake Hill Road will only be increased by 0.2 seconds. So, their conclusion from a perspective of traffic is that with the implementation of these measures the project will not have a significant adverse impact. With regard to on-site parking and on-site population, the maximum ever projected parking demand which they believe will never materialize is 560 vehicles, with just over 1200 individuals on the site. The maximum practical number of people that he would expect that will ever be on the site at the same time based on their analyses is 1125 with 465 parked cars. This is less than the parking for the 500 vehicles that can be accommodated on the main portion of the site and it's significantly fewer than the total of 630 cars that can be parked on the entire site. He knows the Board members are trying to sort of get a gauge as to the level of activity. They previously indicated that the activity at a maximum attended event at The Garrison, with all of the proposed uses, will be slightly less than halfway between the level of activity at a maximum attended event at Hyde Park and the maximum attended event at the Culinary Institute of America,

if that's helpful. These maximum events will occur only five days per year based on a review of the records of 2019 for Hudson Valley Shakespeare Festival and, as indicated in the materials provided, for over half of the year, or 185 days, there are expected 400 or fewer individuals on the site at any given time.

Mr. Werner from AKRF stated that they did go back and forth with Mr. Canning's office dating back to the September submission. Originally there was an issue with the reporting of results, and which methodology was used. They cleared that up but still found, and this was in a memo to the Board back in early November, that the Snake Hill Road and 9D intersection was the only place where they actually had a quantified impact noted, as the level of service dipped from E to F at that location. They called that out and made that clear to the Board that they were concerned about this, and that the applicant should look to some kind of programming or operational adjustment to eliminate that impact. The applicant has come back with eliminating the Saturday matinee on the same day where there's a wedding event, which could be a condition of approval ultimately if they get to that point to make sure that's an operational measure that's in place to preclude an impact at that location. So, with that in place, there really isn't any quantified impact from a SEQRA perspective as a result of the review.

Alex Auld of AKRF stated that in terms of the technical analysis, they reviewed the latest submission that Mr. Canning had provided and went through the details and all the inputs and the outputs of the synchro analysis which is what actually reports the level service and delay values. They went back and reviewed the trip generation, the trip distribution with the modified building program just to verify that the results that they saw in the in the updated memo indeed matched all the inputs that were generated into the earlier synchro model. Based on their review, they verified everything and they're in agreement with the results and were content with the reporting of level service E for "build" conditions. Based on their threshold for impacts they see no impacts at the location.

Ms. Wendel stated that she read the traffic management plan and it's certainly very detailed in terms of the monitoring of traffic, but how will it be decided if maybe contrary to their hopes the traffic situation is more problematic than expected. Would there be some condition in the approval that would indicate that the indoor theater wouldn't even be built or the project would be scaled back to just the outdoor tent and the initial phase if traffic problems results from that initial phase? Is there a way to do that? She couldn't make out from the materials how that would work in terms of the staged construction whether there might be a point at which there would be something in the approvals that the rest of the project would not even be built out if there's traffic problems and how would they recognize if there are traffic problems?

Mr. Canning replied that the way the traffic management plan is supposed to work in addition to planning ahead they're supposed to log basic parking demand and incidents as they go through the year. Then, at the end of the year go back and say well what happened here, this was a bad day, why did it happen, what should they do differently. It's important to note that there will be a number of years before the hotel construction even starts. The applicant will be able to establish operations with the banquet, with the restaurant, with the tent and figure out how to work those three uses before the hotel and the indoor theater even come along. So, at that stage, and the applicant is required to do this annually, the applicant will know whether having the hotel will be a problem or not. Presumably, if they haven't figured out how to make it work with the three elements, it would be unwise of them to even contemplate going forward with the hotel. He added that he doesn't believe that there's a requirement of the plan that they not build the indoor theater. There's a requirement that if they build the indoor theater, they make sure that it works with what's there and that may be to have the indoor theater only operating when they don't have the tent performances. But it would be up to the applicant to manage. That's the requirement that they make sure they have enough parking and that there's not congestion at the driveways that impacts traffic on Route 9 or Snake Hill Road. The applicant will be

monitoring and managing it and if they come to build it and they think there's going to be a problem, they have to decide whether they want to build it or not. When they build it, they have to operate it so that it doesn't impact traffic and that could mean not operating it within really busy days for other activities.

Mr. Hollis added that the traffic management plan has been implemented all the years at Boscobel has worked very well, so they have a track record of very sound traffic management plans that have been operational through the years.

Mr. Canning stated that HVSF is committed not to having the indoor theater operate on Saturday afternoons when there's a wedding, so that's one measure that would be a condition of approval presuming that the application goes that far.

Mr. Gaba stated that they are going to be obligated to comply with their traffic management plan. He's sure that'll be a condition of approval, but the fact of the matter is the traffic management plan that they're proposing and the site improvements they're proposing are all the town is entitled to. If, for whatever reason the plan they're proposing doesn't work, if the improvements they're getting approved improvements to getting approved aren't sufficient, it's going to be if they make changes beyond that it's going to be voluntary on their part. The Board's being asked to approve this plan as proposed and if it doesn't work, the applicant is not going to have an obligation not to build it out as per their approvals. If they do, it'll be voluntary.

Ms. Wendel stated that they already agreed to a concession about the matinees at the at the indoor theater, so she's just wondering if there could be some more objective criteria like that with respect to whether it's working two years from now in terms of the traffic. But if Mr. Gaba is saying there isn't going to be, it's going to remain sort of amorphous.

Mr. Gaba replied what he's telling her is if there are conditions that she wants imposed, if she's not satisfied with something in the traffic management plan, now's the time to speak about it.

Ms. Wendel stated that's why she raised it because she's hoping to speak about it.

Ms. O'Connell asked if they're designing and submitting for the max then, and then if in the future they decide to do whatever they decide to do if they've been given approval for X whatever traffic pattern, whatever total parking spaces whatever, that is then look ultimately if they've maxed out with the hotel such that it houses X and their theater can be built, but it has to be smaller. Then they have to fit within that guideline unless they want to come back to the Board and apply for a larger footprint is that correct?

Mr. Gaba replied that is correct. They've proposed a number of mitigating measures. There are steps that they've incorporated into the plan and it's things like they're not going to have a wedding on a Saturday at the same time as they have a show and that'll be a condition of approval. They've offered it and that will just objectively limit the amount of traffic on those days, and the Board has to look to the traffic experts as well as Mr. Canning's input on this to determine if that limitation on the amount of traffic is going to be sufficient so that there's no significant adverse impact to traffic. Now, there's going to be more traffic on the site because they're putting new things on, but the question is - is it a significant adverse impact or has their plan managed the traffic to the point where yes there'll be more but it won't be a significant adverse impact?

Ms. O'Connell stated that what she's thinking is that the Board is approving "X", which is a significant change from what they have today or potentially not. What she just doesn't want to do is to say whatever the Board approves is "X", and then if the applicant decides to do anything in the future that the Board is not approving that. The Board should take that into consideration and bake that in into the current application, which is fine as well, but they just need to understand what the total ramifications is.

Mr. Canning stated that they have studied from a parking and traffic perspective and from an impact perspective on those resources everything that the applicant has applied for all happening on the same day. It could happen and it probably will happen three or four times a year, but they're not going to ask for anything more than what they've studied. So, it's the tent, it's the theater, it's the banquet, it's the restaurant and it's the hotel that they've studied and are committed to making it work. They are providing a lot of physical improvements and are committed to continuing the traffic management strategies and partnering managing strategies to make the site work.

Kim Conner stated she sees that it looks like from the entrance on Route 9, you can come out of the site and turn left. She wanted to know the thinking behind not making that a one-way in, one-way out system and what the reason for that might be.

Mr. Canning stated that the analysis that they have performed indicates that the majority of traffic coming from Hudson Valley Shakespeare Festival is from the south. There is traffic that goes to the north, but it's the minority. The analysis that they've performed indicates that the capacity is there to accommodate the left turn lane. The sight lines are there to accommodate the left turn lane and the levels of delay are not excessive. It's a benefit to the customers and it's particularly a convenience when there isn't a major event that customers don't have to drive all the way down to Snake Hill Road to turn there through the signal. So, they believe that the left turn lanes should be accommodated there and that's what they've put to this Board, to the consultants, and plus they also put it in the DOT permit application.

Mr. Gagnon asked what's the possibility in the future of this evolving a little bit more to having special events, like winter festival or something similar to the Renaissance Festival or an Oktoberfest, where they have another use of this venue versus just Shakespeare performances?

Mr. McCallum stated that they're interested in the site being an asset for the community and they've already started some conversations with other nonprofit organizations in Phillipstown about how the spaces at The Garrison could be shared. He thinks there could be other community activities there, for example a place to vote, or the Phillipstown Climate Smart Task Force has meetings in the large meeting rooms at The Garrison, but he doesn't envision the kind of events Mr. Gagnon mentioned like a big cider festival or Oktoberfest or things like that. That's not really part of the vision for what the site is.

Chair Zuckerman stated that Mr. Canning mentioned that they're not going to start the indoor theater operations until after 2024 when this light is in. He continued that he wanted to call his attention to page six of the original big binder. It states that the indoor theater would not be built until five to fifteen years after phase one is complete. Which will be completed as it says here in 2024? That means regardless of the light, according to this document that indoor theater is not being built until 2029, but what Mr. Canning said intimated that it would be built as soon as the light is in it. So, which is it?

Mr. Canning stated that what he was trying to say is that it will not be built before the light is in, because it would be more traffic and they want to commit and be clear that the light is going in. The actual day is really dependent upon fundraising and the success of Hudson Valley Shakespeare Festival. The soonest remotely possible would be after 2024, but he thinks realistically it's probably a few years after 2024.

Mr. McCallum stated that it's probably more years than that.

Chair Zuckerman stated that it's written in the document that says no earlier than 2029 when the indoor theater be built. So, he's just trying to get more precision than what Mr. Canning is saying.

Mr. McCallum stated that he thinks that's absolutely accurate. He thinks what Mr. Canning was trying to point to is the fact that the traffic study is the full build out and that would only happen if and when a light is approved and built.

Chair Zuckerman stated that makes sense. In appendix E, this chart you cited. The number 1124 numbers the weekend number the weekday numbers are 1096. The study says it'd only be 5 days a year would be that number. Yet this says July weekend is 1097. Then it says weekday is 1096. There are 5 weekdays and there are 2 weekend days and across three months that's a lot of days. That sounds like 90 days that are pretty close to 1100, but it only said five days, so to him there's a dissonance there between 5 days and 90 days because those are very different.

Mr. Canning stated that they have under 1100 guests every time except June weekends and August weekends.

Chair Zuckerman stated, but just to be clear let's read the numbers, it's 1096.

Mr. Canning stated that he agrees.

Chair Zuckerman added that he just thinks to state out there there's five days of a lot of 1096 people, ninety days straight, that's what it's clarified five days.

Mr. Canning noted it's not five days a week.

Mr. McCallum stated that from the empirical data from their years at Boscobel, they know that it's several Saturdays. The last Saturday in July and the first three Saturdays of August that are the only times they ever sell the tent to 100% capacity or even close. So, he thinks that's what Mr. Canning is speaking of that that if they were to extend the season into September maybe the first two weekends of September would also be a time that would reach full capacity, but those days in the theater business are extremely rare. They have 75 performances in the summer and have less than five performances that are above 95 percent of full capacity.

Mr. Canning stated that the middle chart says ebb and flow expected maximum attendance so that's the expected maximum attendance each month. But if you look below, it's the expected average attendance. The bottom line is the average attendance so those numbers are all under 900 except one.

Chair Zuckerman asked Mr. Canning to explain that that section please, average based on what? Just give us a little bit more on that please.

Mr. Canning stated that they got a summer of attendance data for starters because it was the tent. It went from, he's going to say, the second week in June to the first week of September and there were, he's going to say, 50 performances Monday, Tuesday, Wednesday, Thursday, Friday Saturday and Sunday. So, they sifted through all of that data and identified what the highest number of attendees on a Monday was, a Tuesday was, and a weekday was and the highest number on the weekend was and by month. That's what they used to project the expected maximum attendance. Then they went back to the data and said let's look at the average for a weekday and an average for a weekend and that's what they put at the bottom of the table, so they will get higher than the average and get lower than the average and may get up as high one day a month as what they've got in the middle of the table.

Chair Zuckerman stated that he's most interested in understanding the maximum number of cars leaving that space, because it is a significant change to what the local area has currently. That's a factual statement. There's a material change and he's trying to put one analysis together with another because he's getting lost in some of the analyses. He's going back and trying to put it to this analysis, this is page 56 of the Kimley Horn analysis. This is where they have the 329 cars, which is in most of the write-up on the traffic section. What

he's trying to understand, because he sees some components in here that are not listed in the, let's call it an eye chart, the one that's very small. There are components in these rows that are not in the components of the eye chart. He's trying to understand how they get the 329 cars from 1200 people and can't tell how they get 1200 people down to 300 cars which is roughly 3.7 people per car, which he knows is not the number they're using. He sees different things that are missing here. He sees maybe they're calling it "additional", so maybe it's on top of something else. But he doesn't get the number of cars because the volume of cars is what matters to him individually, because he believes there are a lot of cars and he's trying to understand it.

Mr. Canning stated that he's right, there's a lot of people and there's still a lot of cars and it's sort of a complicated issue so he will try and walk through them piece by piece and tell the Board where they lose people and where they gain people. Right off the bat, he'll be up front and say for the attendees at the performances, they assumed there would be 2.1 people per vehicle. Actually, it wasn't really an assumption, it was a calculation based on the survey of Boscobel and that was for guests of the 700 something people that would be in the tent. For staff he thinks they used 1.5 people per vehicle for the HVSF staff that drive, some of the HVSF folks don't drive because they live on the campus, and all of these are little small pieces. The 2.1 is a big one, but all of these are little small pieces that come down. For the restaurant they used the *Institute of Transportation Engineers Trip Generation Manual* which basically projects how much traffic you have based on seats, and it works out to about two people per car anyway. For the banquet they assumed that there would be 100 people coming by bus and 100 people coming by car for a 200-person event, and Mr. Allemann can speak to this in a moment but that's quite typical for what they have there, and that's part of what the traffic management plan will say. That's actually another fairly substantial one. The next one is there's a certain amount, not a lot but a certain amount of interaction, so if you go to a matinee performance and really enjoy it and so in the evening stay for dinner here at the restaurant, and there's also 20 hotel rooms and you're in the bridal party and the bridal party stays at the hotel. So, there's another small incremental reduction for that. Then the next one is that not all of the events start and finish at the same time. You don't have all of the traffic activity going in and going out in the peak hour to spread around. That's equally true for HVSF because part of the charm is to go and enjoy the experience on the lawn and so the lawn's open two hours before the event and some people get there before it opens and some people get there shortly after it opens and then other people have other stuff to do and they get there later, so all of those things the 2.5, the 1.5 for staff, the buses for the banquet, with the employees that live on site, the people who go to the restaurant from HVSF, all the events not starting at the same time. That's how you get from 1100 people down to 329 vehicles.

Chair Zuckerman stated that he's going to push a couple more times, because that's what he has to do. So, if you have 1200 people, everyone has to enter and everyone has to exit. If you take even using your cumulative of 329 vehicles, you divide it by 1200. It's not anywhere near 1.5 to 2.5. You've got to have a lot of buses to get the number to be that.

Mr. Canning stated that Chair Zuckerman's assumption is because this is the peak hour of travel his assumption is that 1200 arrive and leave in an hour, and they absolutely don't.

Chair Zuckerman stated, understood, but this is this is meant to be at peak, so let's just talk about Saturday p.m. You've got a wedding, an indoor theater, outdoor theater, people coming out of the houses going out to dinner and most of the number here is sitting in the theater. The theatre number, which they all should be basically coming and going at the same time, has 208 exits for 825 people. Add the 530 outdoor and the 295 indoor, you get 825. That has 208 exits showing. That is a ratio that is pretty close to four to one. So, he doesn't see how he's getting a four to one ratio when you just told us it was 2.5 people in the car. Maybe it's because this says "additional trips", maybe it's on top of something else that he doesn't understand they're doing, but he doesn't get the math. He understands the logic they've said, and it's very clear that they cite the



logic along the way, but he thinks they're missing some. This chart doesn't have any of the workers, it's only the guests for example but none of the workers they have in the eye chart, so he doesn't know where the workers are driving.

Mr. Canning replied that the workers are baked in to those numbers. For HVSF, the workers don't leave when the guests leave. The workers leave after the guests leave and typically for most performances that they're not the same length, so usually one might be two hours, another might be 90 minutes, so they'd be spread out a little bit. So that's how they got to.

Chair Zuckerman stated that he's just going to say that the basic math about 825 people, he's just looking at the theater row, 825 guests to 208 exits tells him that's a four to one ratio and he's fine if they think they're including all the workers, that's great, but he doesn't see how they're getting there and thinks there is some math to be shown to explain how they're coming up with this. Again maybe it's this "additional" thing, but his estimation even using the 2.2 or even three, divide that by 1200 as a maximum because he's worrying about the maximum, or even 1100, he's coming up with something like 400 cars. That to him is helpful to see and understand how they're getting that down and that's basically the sum total what he wants to talk about because he noticed in the eye chart, they have much more granularity about the workers and a bunch of other stuff. This does not itemize it and he can't follow how they're getting only 225 exits because, again, his big concern that he's said many times, is those people pouring out at 11 o'clock on a Saturday night with a few hundred cars and what's the impact to traffic, what's the impact to light pollution, what's the impact of noise. It's all that same topic.

Chair Zuckerman confirmed the table he was referencing is table number six, additional project site trips page 56.

Mr. Canning stated that he's obviously not going to answer it right now.

Chair Zuckerman replied that he's trying to understand it and has spent a lot of time pouring through their very thoughtful work, and so for him he needs to see the footing for the analysis.

Mr. Canning asked if they can just focus on one particular hour and if they can explain that, he added he can explain them all, but if he can explain one of them maybe Mr. Zuckerman will be satisfied, or does he want him to do them all?

Chair Zuckerman stated that he's going to want to understand them, so he's happy to have him take them through a bit but also mindful that they also want to talk about these other pieces. He thinks there's a table Mr. Canning is going to need to write.

Mr. Canning replied that what he wants to do is prepare another table with more detail more granularity, but he's trying to minimize the labor involved. Would it be acceptable to look at the Saturday midday hour and Saturday pm hour, or does he want all three hours?

Chair Zuckerman stated that his personal view is if they can understand the Saturday p.m., he thinks that is the hour of maximum danger, if you will.

Ms. O'Connell stated if she can just suggest, is it more of a bar chart showing the day? So, if the day starts at 7 AM what that traffic pattern is in a number, and then showing how that peaks and then how it diminishes back down so that they understand exactly the flow of the traffic on a single day. Let's just call it Saturday. Saturday morning through Saturday night, first shift per car, per traffic pattern, capture that in one snapshot.

Mr. Canning stated that seems pretty simple.

Chair Zuckerman stated that's excellent but he wanted the math explained and he wanted to add one last thing, which is that he's looking for is the absolute number of cars. He doesn't know if embedded in this term "additional" meant that there's it's incremental to some other level of traffic that may have already been at HVSF down at 9D, but the Board is looking for the absolute number, not some incremental number off some current view that someone has somewhere else.

Mr. Hollis stated that he thinks that what Mr. Canning has to do is agree on some formula with AKRF's traffic consultant Mr. Auld as to how that metric should be developed, because they can agree that there aren't 825 cars going out at one time right at the maximum. If they can agree on that part so that how do they get to the number what supports Mr. Canning's number.

Chair Zuckerman replied yes, there's 1200 human beings' maximum at one time you're right. There's not 1200 cars because there's not one person per car, right? So we got that. What is the right number and he loves Ms. O'Connell's suggestion, because seeing it on a time series would be very helpful.

Mr. Canning wanted to add that what they have evaluated for the traffic is the 90th percentile, in fact it might even be the 93rd percentile. The standard engineering evaluation is the 85th percentile, but they know that this is an issue so they went to the 90th percentile. He stated that he's going from memory but there's 530 seats in the tent, there's 225 in the indoor theater. They postulated that at the 90th percentile there would be probably 513 of the 530 seats will be sold in the tent and that there will 213 of the 225 seats sold in the indoor theater. They did assume 200 guests for the banquet, which is a maximum number and he thinks they did some number of probably 90 % for the restaurant. Basically, he's saying they didn't do the 1211 number.

Chair Zuckerman stated that when you look at the theater it says only 78 cars are entering for the p.m. There's 825 people and there's only 78 cars entering, that's 10 people per car and that's a big car.

Mr. Canning replied yes but the end of the show and the beginning of the next show are separated by like two hours.

Chair Zuckerman replied, but using Mr. Canning's point of 90th percentile, 513 or the 530 are going to come in for the evening show. They're all going to come in for the evening show and there's also an evening indoor show, so they're going to have 825 potential seats in those two theaters for the pm show. So, that means there's 825 viewers and there's only 78 cars entering.

Mr. Canning stated that he thinks that Ms. O'Connell's suggestion that we show the whole day so you can see that each hour, where the 78 are and why there's not more, will help him explain to the Board what they want to understand.

Chair Zuckerman replied and again absolute numbers not some incremental number.

**Section J, Noise** - Mr. Johannessen stated that he's going to walk the board through the noise section. Sound Arts provided an acoustical study that was prepared in compliance with the scope outline that the Board approved, it's included in appendix I of the EAF. The study provides an analysis of the noise from multiple sources to receptor points that were agreed upon with the Board. They're illustrated on an exhibit in the EAF, surrounding the perimeter of the property where the Board asked to evaluate noise. They did evaluate the town code as it relates to noise to determine the town's noise requirements. The study estimates new sound levels that would be associated with the plan development and operations of the site and also evaluates noise associated with construction. Ambient noise levels were determined by taking noise measurements around the property perimeter on four different days between May 23rd and July 11th and again in August. Noise measurements were taken at the six different locations as illustrated on that exhibit and as agreed upon with

the Board. Receiver number three has been determined by the team to be the most critical location, given its low ambient noise level. The proposed noise sources will be mostly seasonal in the summer and fall months during the outdoor performances and outdoor private events that would generate noise, and the study identifies what those noise sources would be, including performances at the tent, audience gatherings at concession stands, weddings and events, use of the pavilion and activities within enclosed buildings such as the indoor theater. When comparing the ambient noise levels to the code limitations, as well as the "proposed" condition, the study found that nearly all the sound levels in the proposed condition would meet the code requirement with one exception at receiver three, which has been determined to be minor and can be easily mitigated. At receiver number three there's a slight exceedance into the code requirement, where the sound levels exceed the requirement by 5.3 decibels. The HVSF is committed to reducing the exceedance to a code-compliant level through design strategies. These strategies may include, but are not limited to modifying the design of the tent, incorporating barriers and berms, and strategic placement of the sound system. The design team will ensure that the selected mitigation strategy will result in encode compliance at all locations including during simultaneous events. Receiver 3 was the only location where there was any sort of exceedance. This is the only impact they identified and the mitigation is what he just spoke about earlier through one of several different types of mitigation strategies that they identified in the EAF.

Chair Zuckerman stated that he's just going to redress one question that came in through the chat tonight. Someone asked where is receptor three? He believes receptor three is behind that green house on the straight away on Snake Hill, is that correct?

Mr. Johannessen stated those are the six locations and number three was the critical location where there was a slight exceedance.

Mr. Werner stated that exceeds the code limitation. If you have five decibels above the ambient measurement at the property line, that's an issue. What Mr. Johannessen was pointing out at receptor three, it's pretty quiet currently. The ambient condition is pretty low and they determined with the modeling that they would get at that location about five decibels over ambient situation at that location. They're committed to addressing it with design measures that would come about. They've outlined a few of them in the EAF, they've modeled them all, he thinks they've studied all of them. They just haven't committed to a specific one until the site plan approval stage, but they have options identified to limit that noise going in that direction from the tent. He thinks they looked at amplified sound and non-amplified sound from the tent. Not all performances in the tent are going to be amplified. Some of them will be a more intimate setting. All the Route 9 points studied are right now impacted by existing ambient levels of traffic and, with the distance the tent is from Route 9, it really doesn't exacerbate that condition at all. AKRF has reviewed it a few times. They went back and forth and had some comments that were addressed. They are in agreement that what they can do to address number three seems doable and would probably be more refined at the site plan level, but they do have the options identified to address that. Mr. Soler can take over, to get more granular and some of the technical aspects of how they did this. But AKRF didn't see any concerns. It met the standard that was came of EAF part three scope.

Mr. Soler stated he just had a minor comment about this exceedance, these five decibels of exceedance of location three. It's only happening at night, and it's only happening for amplified events at the tent. Those represent about one percent of the events that that will happen there, so it's pretty minor but it can happen. So, just five decibels at night for amplified events, that's an important comment. Any other event at the tent, a regular event, an amplified event will not create any issues at location three and obviously will not create any issues at any other of the receivers around the site. He continued that he thinks that this table shows very clearly what is happening at location three. You can see the noise levels of different receivers and these are

the minimums that they measure. They measure several times at each location and this table shows the lowest and so is the worst-case scenario. At location one they measured 63 decibels at night. That's when the noise levels, the ambient noise levels are the lowest. So, that's fairly high that's because of the Route 9. Location two on Snake Hill Road they measured 53 decibels at night. Location 3 they measured 33. So, it's extremely quiet, 20 decibels lower than location 2. Location 4, 49, location 5, 45 and location 6 again on Route 9, 64. So, there is this exceedance at location 3 at night is extremely low.

Mr. Werner stated that he thinks that they did a pretty detailed model. The Board could review the report, that's in the appendix plus in the EAF. He thinks the next page shows how they model things with the contours showing emanating from the source. So, AKRF looked at all that. They looked at the inputs and all the appendices pretty thoroughly, and didn't really come away with any impact here. He thinks the way they're presenting, how they sighted the tent, it's right in the middle, it's far away from these receptors as possible and it's not a concert venue with loud music playing, it's amplified and non-amplified performances of plays and such. He thinks they've done a good job of showing the worst-case scenario here.

Ms. Wendel asked if the sound of the cars at the site is included or not or it's just the actual performance areas?

Mr. Soler stated that they did look at traffic as well, so those five decibels were operational noises but they looked at traffic and the traffic increases due to additional traffic. At all locations it is less than three decibels above what they have right now, so it's a minor increase acoustically.

Chair Zuckerman stated that he can't follow how they quantified the impact of the cars leaving. Again, he's going to go back to his same witching hour point, which is 825 people leaving the theater at the same time. Let's assume the show was the same length and the same time they leave. Where can he point to in this study so the Board can understand going from no cars at 11 o'clock at night or 10:30 or whatever time it ends, to 825 people leaving? Show where they go from zero to the number of cars that will be there. How does he show where the increase in noise comes from, where does that analysis come from? How do they account for it - is it them idling, is them honking their horns, where are they getting the noise from all the cars that are leaving, because he couldn't follow where it comes from either in the body of the document, page 91. He's looking at where it says it's very low and it's unnoticed to tolerable and he couldn't follow it in the detailed report. Could Mr. Soler just give a more clarity about how they did that and where it comes from.

Mr. Soler stated that he uses the numbers of the traffic without the project at the site, the estimated traffic, five, ten years down the road whenever it makes sense. So, they had that number without the project, and he had the number of cars with the project. Based on that, there is an increment in the number of cars. Acoustically, you can estimate the increase in noise level doing the 10 logarithmic of the increase on number of cars. That's how to calculate that increase. Look at the percentage increase and then do the 10 log of that number, and with that obtain how many decibels you will be increasing the noise level. Does that make sense?

Chair Zuckerman replied, not really to tell you the truth. But let's assume Mr. Soler has his black box and it spits out the number. Can he give us a number of cars that would be such that there would be something meaningful in noise creation. Because on page 91 in increased noise and traffic and it says ***"as noted this noise increase is perceived as unnoticed to tolerable and should have no appreciable effect on receptors"***. What is a volume where that would be an appreciable impact on receptors?

Mr. Soler replied more than five decibels would be.

Chair Zuckerman stated that he's trying to get that converted into a number of cars. Like, if there were 3000 cars leaving at the same time, would that be enough to cause some noise impact, like what's the number of cars if you can help me.

Mr. Soler replied that it depends, if you go from 3000 to 6000, doubling the number of cars, that would represent a three decibel increase in noise. It's a logarithmic scale and you need to look at the ratio so if you go from three thousand to six thousand, so that's twice, so ten log of two, that's three decibels. That's where the number is coming from so you if you have a hundred cars if you go from 100 to 200 you would have the same three decibel increase.

Chair Zuckerman asked for a sense of how many cars the applicant is estimating are currently coming out late at night on a Friday or Saturday night versus how many they think it will be, because he's guessing it feels like more than just a 2X increase in the number of cars leaving, in his opinion. From the math they're sharing, it seems like a much more than 2X. They're going from a golf course with a wedding venue to 825 people plus the wedding leaving, and that sounds like more than double.

Mr. Soler stated that they are looking at the peak hours, so that's where when they started how many decibels they would be changing. Because that's when the ambient noise level from the traffic will be the highest. They looked at the peak.

Mr. Hollis asked Mr. Soler what sort of a noise would generate an increase of five decibels translated into something all us non-engineering types can understand.

Mr. Soler stated that they are talking about an increase of 10 decibels, they're not talking about 10 decibels of noise. They're talking about going from 60 to 70.

Mr. Hollis stated that what he's trying to understand in his head is what just of, if there were a noise generated other than traffic of 10 decibels, what kind of a noise creates 10 decibels of sound so that people can relate to that from their common everyday experience, like a dog barking or baby crying?

Mr. Soler replied to have a sense, 60 decibels is the level of a normal conversation. So, you have a couple of people talking, they generate a level of 60 decibels without amplification. That's the typical level of a normal without raising your voice. Conversations that in a sense that would be 60 decibels. An environment that is very quiet, as they saw in the study, would give like 30 decibels. That's extremely quiet. In New York City in the street you can have 70-72 decibels. In the subway you can go up to 90-95 decibels, so this is a little bit of a range.

Glenn Watson stated if he thinks that the scale of the thing needs to be explained a little. He thinks he understands that if you started with 100 cars and added a 100, you'd be increasing it three decibels, if you start at 200 and add another 200, you'd be increasing it by three decibels, if you have 400 and increase by 400, you'd be increasing it by three decibels, so it's not a straight-line thing at all.

Chairman Zuckerman stated so, if you start with 100 cars and go up to 300 cars and that's a 3x increase. What would that be in decibels?

Mr. Soler replied that would be 4.7 decibels.

Chair Zuckerman stated that he'd like to know the starting number of cars and what was the ending number of cars, so he can understand. Back to Mr. Hollis' point, is a 4.7 decibel increase something one would notice or not. If the applicants or our advisors are saying that at 4.7 decibels no one's going to notice, that's very helpful.

Mr. Soler stated that they have these numbers in the report, in the acoustic report, page 13 of 79. For example, Route 9 they're going from 1484 to 1548 cars on Friday p.m. peak hour, so there are a few tables that include all the numbers. He discussed these numbers with Mr. Canning so they show the estimate with the "build" condition and the "no build" condition.

Ms. Conner asked what constitutes a car? She added that she imagines that say five, six years from now we're going to have a lot of electric cars which are theoretically quieter. She's wondering if the engineering standards are already including electric cars.

Mr. Soler replied that they are not. Levels should go down with electric cars, that's correct.

Mr. Werner stated that to the question of whether 4.7 decibels is significant or a large increase the town code doesn't allow more than five at a property line. So, he would use five as the threshold here for code purposes.

Mr. Hollis stated that the important thing is that we're below the code requirement for the code maximum. That's the important point, that the 4.7 is below 5.

Chair Zuckerman stated that on page 13 it compares the build to the PDD. Which is an approval obviously but it's a theoretical volume of noise because a lot of that stuff wasn't built so can he help the Board understand what is the absolute increase in noise, is still 4.7 or is it something different?

Mr. Soler replied that page 13 shows the numbers that they use in the calculations, the number of cars and the increase. Then, if you go down the report, you need to go down to page 30, that table shows the increase in decibels. For example, for the p.m. peak hour along Route 9 they're talking about increases between 0 decibels and 0.2 decibels so it's almost no increase. At mid-day peak hour, you go from 0.1 decibels to 0.3 decibels, so really small increase. Then the p.m. peak hour, they go from 0.2 to 0.6 decibels, so again very small increases.

Ms. Wendel asked if receptor 3 which is close to the entrance on Snake Hill Road will be very noisy? Will receptor 2 be much noisier than it is now because you have all these cars going in and out. Is it not going to be so noisy because the cars are slowing down and kind of idling, or is it going to sound like a highway now at receptor 2?

Mr. Soler replied it will not. The noise depends on the number of cars, but also it depends on the speed. If you go very slowly you have lower levels. If you go at 60 miles per hour the levels are significantly higher, so you have both things happening here and at location 2. There is a little bit of traffic noise from Snake Hill Road, but you also hear Route 9 from receiver 2. So, you get also all that noise coming from Route 9 that's still traveling down Snake Hill Road and impacting that location.

Mr. Werner stated the table in the EAF shows ambient levels at night. Location 1 is Route 9 it's the highest, location 2 is about 53 and then location 3 further down Snake Hill Road is 20 decibels less than 2. It goes down as the distance from Route 9 increases and also, you're going to have slower speeds on Snake Hill. You're going to have that traffic signal also at the intersection at Route 9 with cars coming off of that to enter the site at a lower speed.

Mr. Soler stated that he would like to mention that location three is far away from Snake Hill Road. It is in the middle of nowhere, so that's why it's so low. You have basically a hill that is blocking the noise from Route 9 so you cannot hear Route 9. So, location 4 for example is closer to Snake Hill Road and you can see that the levels go up at that location, because at that point there is not a lot of traffic but there is traffic on Snake Hill Road. Then the levels go up but at location 3, you're far away from both and that's why it's so quiet. He added that they did an additional measurement in the report in August at location 3. What happens in late July and

August is that you get all the cicadas there so the ambient noise levels at night it's extremely loud at location 3, about 50 decibels. So obviously those nights in the summer if there is an amplified event at the tent you will not be able to hear it because the cicadas are so extremely loud. But again, in this study they use the worst-case scenario, the lowest ambient noise level that they measured between May and July. So that's what they used and are discussing.

Mr. Lewis stated that he was just wondering if there were some established, effective and even proven noise abatement measures that have been deployed throughout and have really worked in a situation like this. He doesn't see how a berm is going to really make a difference in terms of the amount of noise that is generated, and would hate to see that they'd have to turn down the volume of the audio system within the tent to reach that decibel level. Plus, at receptor number 3 there are three houses right there. Is there really something that they can turn to and say yes, we can bring down the noise and not compromise the performance and feel confident about that?

Mr. Soler replied yes absolutely. They're talking about attenuating five decibels outdoors, which is extremely easy. If they were talking about 20 decibels, he would be really concerned about it and would be suggesting reducing the noise levels, but a 5 decibel reduction is something that can be achieved very easily with many things. It can be achieved probably with the same fabric of the tent. There is no selection of the material yet, but if it has a little bit of mass, it can provide those decibels of attenuation. A barrier can achieve easily 10, 15 decibels of attenuation, a berm as well. It needs to be placed at the right location so it blocks the line of sight from the sound source to the receiver. But five decibels is something that is really easy to achieve. So, he's not concerned that it will be a challenge to meet. In this case it's something that is really easy to achieve.

Mr. Johannessen stated that he just wanted to remind the Board that they evaluated the six locations that they had been asked to evaluate. All of them comparing the ambient noise level at night time and then inserting the proposed noise from on-site activities and performances in every single location. Except for receiver three they were code compliant, and at receiver three there is a very minor exceedance which they've identified can be very easily mitigated and they gave three different mitigation measures. The noise analysis has been reviewed by AKRF, the applicant responded to their comments, they've indicated that there's no impact. He understands that the Board has some concerns or may request some additional information with regards to traffic and they're happy to do that, but he thinks they understand what they have to do and be happy to move on if the Board think that's appropriate.

Mr. Soler stated yes, and then the noise levels that they're looking at in that table, there are measurements that they did really late at night staying there between nine and eleven and midnight. So, those levels are not at 5 p.m. Those levels are at the moment that it gets really quiet at the site. So, again they use the lowest levels that they measure during those four or five nights so it's the lowest, the worst-case scenario. That's what they included in the report.

**Section K, Cultural Resources** – Mr. Johannessen stated that they don't have any listed resources on the property. They consulted with SHPO and have a letter of no effect from them which is included in the packet.

Mr. Werner stated that consultation with SHPO is a SEQRA requirement. They looked at the same materials you've seen as far as the plan and all the uses and what's around it, and they've provided that letter of no effect both for structures and archaeology issues. This relates to ground disturbance

**Section L, Open Space and Recreation** - Mr. Johannessen stated that this chapter provides a description of the open space conservation recreational aspects of the project, both public and private, and the proposed land use controls. As the Board knows, the project will result in 73.7 acres of land being conveyed to the Hudson

Highlands Land Trust for permanent preservation. That includes 17.1 acres of lot one and 56.6 acres which has been referred to as the western parcels on the other side of Snake Hill Road. In addition, the Shakespeare Festival parcel, the 97.4 acres, will be restricted by recorded conservation declaration which will restrict the future use of the property to uses customary to performing arts and entertainment. The document goes into the use of the conserved lands that will be open to the to the public. Both those that are going to be conveyed to HHLT and those to be retained by HVSF, and they make the point that there is no impact. There's only a positive impact when it comes to open space and recreation resulting from this project, and the applicant's position is that there is no impact and no mitigation is required beyond which has been included in the proposed action.

Mr. Werner stated that that really sums it up. It's currently an open space, a recreational resource currently, but it's private. It's not a public park and part of this proposal is to set aside a significant amount of acreage for conservation and recreation purposes, to be further refined with the HHLT as they come up with the allowed uses. But the idea is they're creating an open space resource here.

Mr. Lewis said in the revised October document, page 40, it says *"public use by means of passive recreation use will be defined by HHLT after transference of land"*. It seems a little bit of the cart before the horse. It would be nice to know what HHLT considers public use. He'd like a little bit more sense of what they envision people using this land in a public way.

Mr. Johannessen replied that the September version provided a recap of an interview that they had with the Director of HHLT. Obviously, they don't own the land now. They have some ideas of how they want it to be used and the applicant described their initial thoughts in text in the September version. He thinks they intend on doing a lot of public outreach once they have the land to determine exactly how it's going to be used. but it's going to be open to the public via trails and that. They didn't provide a whole lot of information beyond that, just because they don't know, but it certainly will be open to the public for passive recreation things that you might imagine walking, hiking, bird watching, that type of thing.

**Section M, Construction** - Mr. Johannessen stated in this chapter they get into the discussion of the phasing plan, both phase one and the full campus build out. The impacts that are evaluated are mainly temporary construction impacts, construction traffic, construction noise, dust, soil erosion. These are temporary unavoidable impacts they're going to be mitigated by compliance with local statutes, state regulations and implementation of the SWPPP.

Mr. Werner stated that he defers to Mr. Gainer but he thinks what they've outlined in the SWPPP and various project components to address construction issues, the rest of the issues with regard to traffic and noise, dust that's temporary. They do cite the code requirements for construction hours that they would abide by. The site and the distance from construction activity to the receptors identified as pretty large and it's a large site and there's plenty of room to stage vehicles and the like.

Mr. Gainer stated that the NYSDEC regulations will govern or control the construction activities while they exist. The Board previously talked about the issues of the sizing of the mitigation measures presented in SWPPP document that still warrants some further review, which they're trying to tie down with the applicant's consultant. But, in the end, the SWPPP is required to comply with state standards, so he has nothing to add on this.

Mr. Gaba asked how the applicant proposes to implement the phasing requirement. Is that going to be a note on the plans, or how is that going to be something that is binding and enforceable? They say they're going to



phase the construction. Obviously, that's an important consideration in terms of impacts for SEQRA review, but where will it be written that the construction is going to be phased?

Mr. Johannessen stated that for construction purposes and part of the SWPPP there'll be a phasing plan. They've committed to not disturbing more than five acres at a time. They've laid out the various aspects of the project and how they intend on complying with that, that's shown right now in a table form. When the final SWPPP is prepared and approved there will be multiple plan sheets that illustrate the phases of construction and demonstrate the amount of land disturbance per phase as a requirement of the SWPPP. So, right now they have that illustrated in table form but the final they'll have to show it in illustrated form.

Mr. Gaba asked so, they're going to be submitting the script before the site plan approval is granted?

Mr. Johannessen replied, yes with the site plan, absolutely.

Mr. Gaba stated, all right so we could just cross-reference it then.

Mr. Lewis stated that he knows they just received a wonderful grant which is going to make a huge difference he's sure in the life of the festival, but have any provisions been made for not opening in 2022 like if the virus precludes that type of gathering, or something comes up that that keeps the festival from happening. Is there a provision that's going to get them to 2023?

Mr. McCallum stated that since the experience of 2020 they had a whole sequence of scenario planning about when was the latest time they could make a decision about the safety and viability of a 2020 season, and they had the same scenario planning for 2021 so as they go through new chapters of the virus. They're as hopeful as anyone that they will be able to perform in 2022 but won't do so if it's unsafe for the artists or the audiences. They're prepared to make the same terrible decision as they did in 2020 and he thinks all of their colleagues in the theater are making the same calculation.

Ms. O'Connell stated that with regards to the traffic, they will have to overlay the construction traffic as well through the phasing because she's going to assume that they're going to do a phase and then potentially open up a venue, have performances potentially while doing another phase, and so in that spectrum of the ebbs and flows, if there's no impact then it's not an issue, but if there is an impact just show it just to be safe.

Chair Zuckerman stated on page 50 in the response to AKRF document, the third paragraph on the page it starts off "*with saying with the exception of the new driveway proposed off Snake Hill Road which is located approximately 150 feet from the closest residence blah blah blah*" talks about the new driveway being approximately 150 feet from the closest residence. So, while that's not the purpose of the paragraph, he'd like some guidance if they have any sense, and maybe this is for AKRF and Mr. Gainer, are there any expectations or requirements for a new entrance with a bridge of that size being near a residence? Is 150 feet a meaningful number, is that just them stating a fact? Are there any rules that the Board should be cognizant of about a construction site of this size creating a new entrance elevated as it is from a residence? Is there anything that the code covers or anything SEQRA that they should be mindful of with that information?

Mr. Werner stated pointing to the SEQRA guidance when they had the last meeting and they talked about the issues of magnitude and importance. One of the ideas about importance that's in the SEQRA guidebook is how many people are directly affected by an action. He thinks they called out the 150 feet as the closest receptor to that entrance and it's one particular residence. There's no threshold about how close it is being an impact threshold, it's really about how many people are affected when you make a judgment about significance. That's really all he can add from a SEQRA point of view.

Mr. Canning stated that the access will be similar to any other driveway except that it's on a bridge as opposed to on dry land so there is no specific unusual thing about it.

Mr. Johannessen stated that the 150 feet measurement was taken from the property line at the entrance of the driveway to the closest residence, not the bridge itself.

**Section N. Community Services and Economy** - Mr. Johannessen stated that this is a joint chapter on community services and economy, and starts out with emergency services. They identify the service providers which is Putnam County Sheriff's, New York State Police, Garrison Volunteer Fire Company and the Garrison Volunteer Ambulance Corp. The site is within the Garrison Union Free School District. They interviewed and met with representatives of both the fire department and the ambulance corps to review the project with them, get any concerns that they might have. Minutes of those meetings are provided in the document. They've identified for the Board what they identified as being concerns and point by point went through those and identified how they're being addressed and mitigated through project design. They felt that after meeting with the fire department and ambulance corps, they've addressed all of their concerns and have documented that in the document.

Going on to fiscal impacts they identified all the applicable taxing jurisdictions, Town of Phillipstown, Garrison Fire, Garrison Schools, Putnam County. They identified how much taxes the property currently generates to those various taxing jurisdictions which is collectively \$155,676 per year. As HVSF and HHLT are both tax-exempt not-for-profit agencies, a large percentage of the property will be tax-exempt except for lot three that's going to be the private residence and portions of the HVSF parcel which would be mainly the banquet hall, the restaurant, and hotel. Those would be for profit run by their for-profit C-corp. subsidiary. So, there is going to be a component of that parcel that will be taxable. They made some assumptions and have identified or estimated the future assessed value of both the HVSF parcel and the residential parcel, and estimated the future tax revenue from those two sources which is estimated to be \$89,487, a reduction of \$76,189 dollars per year. They don't believe that there's going to be any significant added costs to those taxing jurisdictions because the festival currently operates within the town and under many of the same jurisdictions. The project will not result in any school children, which tends to be the major issue with students, estimating to be costing about \$33,000 per student. They did provide an analysis of how many students they thought could result from a residential project on the same parcel, just for comparison purposes. The loss of tax revenue resulting from the project is unavoidable, and it's the applicant's position that it's minor in comparison with the amount of land that's going to be permanently preserved and enjoyed by the community.

Mr. Werner stated that they did what the scope outlined they would do. They interviewed the providers and got their feedback on the plan. He added that AKRF didn't really have anything to add on the taxes. He thinks it is what it is based on the change in use and what's proposed. It's just something that the Town has to understand. The applicant didn't review any of this with the assessor, that's not part of a SEQRA requirement that they do that, but that can all be refined further as they go through the process as far as the assessed value and what the actual taxes would be. But he thinks they made some good assumptions to get what they show here.

Chair Zuckerman asked Mr. Gainer if the Board had made a fire department referral.

Mr. Gainer replied, yes there was a referral that went out very early in the process. He doesn't believe they ever heard a response but the referral was made with all related application documents provided.

Chair Zuckerman stated as a related question and he guesses he's talking through the Board to the fire department experts somewhere for purposes of just stating it clearly some of these actions are already

captured at Boscobel, some of these are going to be new additional actions. From the report, there's a lot of discussion about the management of the usual issues - can we get the trucks in, that stuff. But he just doesn't have a sense from the fire department's perspective and would be interested about their capacity to handle the incremental activity going on. He added that he can't remember in the plan if they have a proposal for additional emergency services on staff, God forbid, people get injured at an event. There's a lot of people obviously, he just doesn't know if the fire department has a viewpoint about whether they have the resources to support this level of activity.

Mr. Johannessen stated that he can only say that they've met with them on more than one occasion and of the many things that came up and are identified on page 101 of the September submission, that was not one of them. There wasn't any sort of indication that they were not going to be able to provide the service that they provide now to the facility.

Mr. Watson stated that he and Mr. Allemann did meet with them and he believes that they've incorporated every one of their suggestions in. There was never a suggestion that they couldn't handle the problem. Some of the things that are listed are that they adjusted the curvature of the road to make it so it would work, they're planning a system of pipes that will allow them to get water to any site that they need to on the project, they left open the northwestern entrance at their specific request. It was a very productive meeting. They do have allied companies, the mutual aid system that the fire company uses is all thought out and they were very thorough in their list of things that they thought would help. They were very careful to say these are suggestions, and Mr. Watson thinks they incorporated every one of them.

Kate Liberman stated that she also wanted to reflect that part of the staff training even currently at Boscobel and in the future is they have regular CPR and first aid training for the majority or almost all of our staff on site and they continue to do so as well as emergency management training. She knows that Mr. Allemann and the staff at The Garrison have similar training for their staff in case of emergency. That would be supplementary to the work that they do on site and they have regular communication with the Sheriff's Department every summer.

**Section O, Human Health and Site Assessment** - Paul Woodell from Geodesign stated that the applicant undertook a series of investigations regarding human health and site assessment. Based upon comments provided by AKRF in the May 2021 memo, where AKRF identified a need for a phase one environmental site assessment and a limited phase two environmental site assessment. Geodesign undertook those two investigations. A phase one environmental site assessment is a very common tool for due diligence in the process of land transactions. It's an instrument by which a buyer or seller or a third party can evaluate the environmental condition of a site. State federal local records are reviewed and a site reconnaissance is performed. The entire site is inspected for any kind of issues or conditions or circumstances that may have a detrimental environmental impact on the property. These are defined as recognized environmental conditions, REC's. They undertook phase one and identified a handful of REC's. The most significant of which, and the only one that is at a location that would be impacted by the proposed development at this point in time, is the identification that the site soils had the potential to have been impacted by course activities. Primarily by turf maintenance activities, pesticides etc. They proceeded to develop a phase two environmental site assessment work plan. The phase two site assessment is designed to investigate whether or not REC's really exhibit environmental impacts. The phase two work plan was reviewed and agreed upon by AKRF prior to implementation. The phase 2 investigation consisted of the collection and analysis of a number of environmental media, 16 shallow soil samples designed to represent areas of future site construction activities or large soil excavation locations and at locations of proposed bedrock, potable wells and at locations that were designed to characterize the existing greens and tee boxes throughout the course. Additionally, they

collected pond sediment samples and a series of five potable water samples from existing site wells. These environmental samples were analyzed for constituents that are anticipated based on course activities, primarily pesticides and metals. They also developed appropriate screening criteria to which the laboratory analyses were compared. They determined that the appropriate soil screening criteria was the commercial soil cleanup objectives that are provided by New York State DEC. The potable water samples were compared to New York State health standards. In a nutshell, the findings were that in a small number of samples, three to be exact, shallow soil samples from three of the course greens were identified to contain the metal mercury at concentrations that slightly exceeded the commercial soil cleanup criteria. These findings are not unanticipated, given the nature of the many years of course maintenance and chemical applications to various turf areas. They then developed a series of mitigative measures to address the constituents that were found. The first and foremost mitigation measure is simply the fact that the planned development under HVSF includes rewilding and restoration of large areas of the golf course to what can be described as pre-development conditions. They consider this to be a very powerful mitigative measure to address the limited soil exceedances that were identified in the phase two. Further mitigative measures include post-SEQRA soil sampling, further soil investigation and characterization in other areas of the course, and they do this in order to develop a soil management plan. This management plan will be developed to identify areas that require management and the correct means and methods to address areas of exceedance during and after construction activities. These may include some combination of soil removal or soil capping or some kind of cut/fill management scenario that's yet to be determined. Additionally, they're proposing to develop and implement a community air monitoring plan which is designed to protect not only on-site construction workers during soil excavation and soil disturbance activities but also through particulate air monitoring of perimeter of the construction area. It will protect the surrounding community and ensure that detrimental dust and chemical constituents do not migrate off-site during construction activities. The future potable wells will be subject to mandatory Putnam County Department of Health testing requirements. In addition, several of the existing wells will continue to be monitored by Putnam County Department of Health. Finally, any mitigative measures will be implemented to address any kind of potable water issues that may be identified during the testing process.

Mr. Werner stated that he thinks that was a good summary by Mr. Woodell, they went back and forth a couple times on the phase two results and what they should identify as mitigation even though it's really what they're proposing as part of the construction process, the soils management plan and the community air monitoring plan. Those are going to happen as part of construction. When the time comes, they can make that a condition of the resolution so it's in there. Like Mr. Woodell said, the Putnam County Department of Health has to give them a permit or approval for the water supply so that's going to happen through that process. There's going to be testing and they'll do whatever the Health Department asks there. What they've laid out here is a good plan. The nature of the project and rewilding the golf course greens is in of itself a good strategy to restore those to a more natural state, not using the heavy pesticides like would be happening with the golf course, not routinely manicuring the greens anymore, just kind of letting the flowers grow in.

Chair Zuckerman asked Mr. Woodell, referring to page 113, third paragraph from the bottom ***“detected mercury concentrations exceeded both commercial and protection of groundwater SEO’s and samples collected from greens 15 ,16 and 18 of the parcel reserved for HVSF.”*** Can Mr. Woodell just talk about that because he’s a layman, but seeing mercury at three different greens sounds like not a typical pesticide, seems a little anomalous and seems a little scary. Can he talk about the severity of finding mercury in three different greens and what's going to be there, and what are we going to do about it if anything?

Mr. Woodell replied that mercury and other metals, even including arsenic and lead and things like that, have been constituents of turf chemicals in the past and we have to remember that the turf at the course has been maintained since the early 1960s, and applied chemistries change over time. Luckily chemistries these days are much more benign than they were at one time. Metals have a tendency to not be biodegrade, they tend to linger in soil. It's kind of a good thing in some ways because metals will adhere to soil particles and remain in place and not necessarily migrate or dissolve through infiltrating water as readily as other chemicals do. In terms of comparison of the of the findings of the analyses to the commercial soil cleanup standards, the numbers were roughly two to three times the commercial soil cleanup standard. In the grand scheme of things, it's not even a full order of magnitude exceedance. They believe that the reason that they were found at the greens and not at other sampling locations is probably due to just different maintenance practices at the greens versus tee boxes and fairways and roughs. The greens are a much more critically maintained portion of the course, and the chemicals and the rates of application are probably different greens than in other areas. With regard to the exceedance of the protection of groundwater standard, it's a very conservative standard. They will continue to look to the Putnam County Department of Health to maintain monitoring of the quality of all potable wells on the site and they have actually committed to not only analyzing future water samples for Putnam County Department of Health mandated constituents, but any other constituents that are appropriate based on the findings of the phase 2 investigation and on the future soil characterization program. Such that if there are chemicals like mercury, for example, that are found they will voluntarily add them to the analytical protocol for potable wells.

Ms. Wendel asked with those greens with the mercury contamination, what's going on top of that? Is that soil going to be disturbed because that would seem like the worst thing to do for those areas?

Mr. Woodell replied that for the most part the three greens are not sites of direct construction activities at this point. He also wanted to point out that the purpose of the soils management plan is to address the exceedances of the criteria. In other words, the commercial soil cleanup criteria is a human health criteria which basically speaks to human exposure to those soils. The purpose of the soils management plan is to mitigate that human exposure. Once a full and complete understanding of the extent of these exceedances are identified, the soils management plan will prevent human exposure to those areas through one of a number of different methods including removal, capping or rewilding in a manner that people would not be impacted by those soils or exposed to those soils. For example, if you know a large wildflower area was grown at the at the site of those soils exceedances, there wouldn't be human exposure to those soils anymore, so it's an isolation method.

Chair Zuckerman stated that it's been six plus hours across the two meetings to have this conversation and thanked the applicant for their thoughtfulness and diligence and AKRF for their advice, and his fellow board members for their thoroughness.

He then stated that he's going to look at the December agenda and hopefully if it's manageable they can add a half hour to have the conversation that Mr. Canning is going to do. He added that they have many projects in front of them, but December 16th is their normal board meeting.

Mr. Gaba stated that he didn't want push in any way at all, it's just that now that they've gotten through the EAF A through O. He doesn't anticipate that the next steps are going to be terribly lengthy. The Board will deliberate as to whether it's prepared to schedule a public hearing or not.

Chair Zuckerman stated that he just doesn't have an answer for you on the analysis that Mr. Canning's doing. They've spent a good hour tonight talking about traffic, so he doesn't want to prejudge how long they need

but it needs to be discussed. He'll come back to Mr. Hollis on Monday with what the plan will be for the 16<sup>th</sup>, and whether they will get HVSF on with an expectation to get that public hearing in January.

He then asked for a motion to adjourn. Mr. Lewis made the motion and Ms. O'Connell seconded the motion. The vote went as follows:

Ms. Conner: Aye  
Dennis Gagnon: Aye  
Peter Lewis: Aye  
Laura O'Connell: Aye  
Heidi Wendel: Aye  
Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none the vote passes.

The meeting was adjourned at 9:54 pm.

Date Approved: 1/20/22



Respectfully submitted by  
Cheryl Rockett- Planning Board Secretary