

APPENDIX A
PUBLIC HEARING TRANSCRIPT,
DATED JUNE 20, 2019

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STATE OF NEW YORK: COUNTY OF PUTNAM
TOWN OF PHILIPSTOWN PLANNING BOARD

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PUBLIC HEARING IN THE MATTER OF:
HUDSON HIGHLANDS RESERVE
ROUTE 9 AND HORTON ROAD

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June 20, 2019
VFW Hall
34 Kemble Avenue
Cold Spring, New York
7:34 p.m.

BEFORE:

ANTHONY MERANTE, Chair
KIM CONNER, Vice Chair
PETER LEWIS, Member
NEAL TOMANN, Member
DENNIS GAGNON, Member
NEAL ZUCKERMAN, Member

PRESENT:

RONALD GAINER, Town Engineer
STEPHEN GABA, Town Attorney
TARA K. PERCACCILOLO, Clerk

FOR THE APPLICANT:

RICHARD L. O'ROURKE, ESQ.
KEANE & BEANE, P.C.
445 Hamilton Avenue, Suite 1500
White Plains, New York 10601

STEPHEN M. GROSS, Consultant
AARON WERNER, AKRF

Douglas F. Colavito, Court Reporter

HUDSON HIGHLANDS RESERVE

1 MR. MERANTE: I'm going to read the public
2 hearing notice for the Hudson Highlands
3 Reserve. I'm going to read it. Basic
4 information.

5 It's a 210 acre tract on six separate tax
6 parcels located on the east side of Route 9
7 between Horton Road and East Mountain Road
8 North. And this -- the rest of that paragraph
9 just gives you the -- you know, location
10 details. It's in an open -- open space overlay
11 district. And -- most westerly part of the
12 tract is frontage along Route 9 and located in
13 an industrial manufacturing zone.

14 The remainder of the property is 4.5 acres
15 -- is located in a highway commercial zone
16 along Route 9. The application for preliminary
17 approval is being processed as a conservation
18 subdivision pursuant to the standards contained
19 within Paragraph 175-20 of the zoning
20 ordinance. A minimum of 154 -- 154-acres of
21 the overall tract is proposed to remain
22 undeveloped and protected as open space. The
23 applicant seeks preliminary approval in the
24 subdivision. It includes 25 residential lots,
25 each containing approximately 1 acre. The 25

1 lots will be serve -- served by individual
2 wells and community waste water treatment
3 facilities. An equestrian center is also
4 proposed. It's 4.5-acre parcel which is
5 improved with office building. An office
6 building will remain a separate smaller lot,
7 making room for the proposed access road. And
8 that's the abbreviated essential part of the
9 public notice.

10 I do want to make a couple of statements
11 -- statements about conduct of the meeting.
12 And on May 16th, the planning board determined
13 to draft an environmental impact statement; so
14 it's complete for public review and comment.
15 The DEIS exams the nature and extent to
16 identify potential environmental impacts, as
17 well as steps which can be taken to minimize
18 and avoid adverse impacts. Written comments
19 will be accepted until July 8th to the planning
20 board. The planning board extended this
21 period, written comments beyond the minimum of
22 10 days. All who wish to speak must sign up
23 with your names, addresses, and any
24 affiliations. We are going to give the project
25 sponsor when we finish with this, five minutes

HUDSON HIGHLANDS RESERVE

1 description of the process -- the project.
2 This is not a question and answer period. You
3 will direct all your questions to the planning
4 board. All comments shall be directed to the
5 planning board. Comments shall be limited to
6 two minutes. Comments should be limited to the
7 draft environmental impact statement. This
8 meeting is being filmed, and comments will be
9 recorded by a stenographer. If -- your turn to
10 speak, please step to the microphone, and
11 identify yourselves. And the microphone is up
12 here, and the camera is there. So -- and we'll
13 start with any comment -- what -- start first
14 with brief comments from any of the board
15 members, if they want.

16 MR. ZUCKERMAN: Thank you, Mr. Chair.

17 I'd like to make a couple of points, and
18 these are directed at the members of the
19 public. I'll try not to repeat things as I
20 said before.

21 As a planning board member, I draw on five
22 areas of input to ultimately vote. The
23 applicant's word, the code, our experts, my own
24 experience and judgment, and the input of the
25 public. You had some input, but most of your

1 time has been confined to the first -- from
2 those inputs in your first pass when we had you
3 talk about a year and change ago, I arrived at
4 and voted at a positive declaration of
5 environmental impact with pretty explicit
6 concerns supporting my vote that I expressed
7 there and subsequently.

8 Last month, when we accepted this DIS
9 [sic] which does not mean agreement, I stated
10 again my same concerns about this project's
11 environmental impact and was validated when the
12 project reps had no changes that were offered
13 in this submission that addressed my concerns.
14 As I represent you, the members of this town,
15 I'm here to listen to your voice again. We
16 need your input. It is critical. This is our
17 town. As board members, we are all from [sic]
18 you. So, please, tell us what you think and
19 how you feel. Please try to be objective.
20 Definitely be respectful, but most importantly,
21 let your perspective be heard by me and my
22 colleagues.

23 On a slightly personal note, I have to
24 leave at 9:45 tonight. So I -- I will quietly
25 walk out as I head to Philadelphia tonight, but

1 I -- so I apologize in advance for anyone who
2 sees me slink out. Thank you.

3 MR. MERANTE: You never slink out.

4 MR. ZUCKERMAN: I never slink out, though.

5 MR. MERANTE: Dennis.

6 MR. GAGNON: No comment.

7 MR. MERANTE: Neal.

8 MR. TOMANN: No. No comment.

9 MR. MERANTE: Kim.

10 MS. CONNER: I have some questions, but
11 I'm going to wait and see if the public comes
12 up with them first.

13 MR. MERANTE: Peter.

14 MR. LEWIS: I will do the same.

15 MR. MERANTE: Dave.

16 MR. HARDY: No.

17 MR. MERANTE: And I want to get into it.
18 The next five minutes or less, the applicant
19 will give a brief description of the project.

20 MR. O'ROURKE: Thank you, Mr. Chairman,
21 members of the board.

22 My name is Richard O'Rourke. I'm an
23 attorney with the law firm Keane & Beane, PC.
24 And I represent the property owner, and -- and
25 the person who is chief architect, Ulysses

1 Liceaga, who is here, and as a division of the
2 subdivision.

3 We have a very limited time to explain the
4 project. So I'm going to keep my remarks
5 remarkably brief. Because the concept is --
6 is, as you said, to hear from the public with
7 respect to those comments and the questions
8 that they have regarding the document that's in
9 consideration of -- of tonight's meeting. The
10 books that are considerable are here. They've
11 been available to the public for some time.
12 They shall remain available to the public at
13 the library and other locations. You will see
14 that a great deal of study has gone into and
15 has been done with respect to this property,
16 all of which is necessary when you are
17 proposing a project that is setting aside so
18 much open space and attempting to develop
19 quality subdivision and equestrian center.

20 The proposal is for there to be a
21 community of what could be termed "green
22 homes," which means that the homes shall be
23 built to the highest standards in terms of
24 environmental sensitivity and to complement the
25 natural landscape, all to be developed

1 alongside a carefully planned state-of-the-art
2 equestrian facility. The homes are not limited
3 only to owners who intend to board their horses
4 at the equestrian facility, but are targeted
5 for those who envision using this property for
6 seasonal use and like-minded residents who
7 intend to encourage and maintain ecological
8 value of this property.

9 The remaining 159.8 acres are to be left
10 untouched and preserved as open space by legal
11 instruments that will keep it as undisturbed
12 open space in perpetuity. According to the
13 conservation analysis previously prepared, the
14 land intended for the preservation is a high
15 ecological and conservation value and will be
16 protected and will maintain the natural
17 integrity for native species that inhabit the
18 land.

19 Because there is some misunderstanding and
20 misconceptions as to what is proposed including
21 the access points, the proposed development,
22 the resulting impacts, our consultants will
23 provide a very brief review of precisely what
24 is proposed, what the project benefits are, and
25 why we believe this project is not only good

1 for the community, but also for the
2 environment.

3 We are creating opportunities for
4 recreation and a quality development. And the
5 analysis that has been undertaken provides a
6 framework of protection and quality development
7 that will ultimately benefit the community on a
8 much larger scale.

9 We apologize in advance because the format
10 of this public hearing and the regulations of
11 SEQRA do not allow us to answer your questions
12 this evening. By law, your questions will be
13 answered in writing as part of the process. So
14 we apologize again for not giving the answers
15 tonight, but we will be responsive in
16 accordance with the law which will require the
17 questions posed this evening to be answered in
18 writing in what is called the "final
19 environmental impact statement."

20 Thank you very much. And Steve Gross, our
21 consulting planner, will quickly take us
22 through.

23 MR. GROSS: I'm Steve Gross, principal
24 Hudson Highlands Environmental Consulting.

25 I'm going to face you rather than the

1 board. The board is already familiar with this
2 project. I'm going to try to give you a quick
3 orientation for the rest of you who may not be
4 as familiar as -- as some who have been
5 analyzing this project from the start.

6 MR. MERANTE: Steve.

7 MR. GROSS: Yes?

8 MR. MERANTE: One minute. That --

9 MR. ZUCKERMAN: You used 3:40 already.

10 MR. GROSS: I'm going to beg for more
11 time. I can't orientate -- orientate these
12 good people for this project that quickly.

13 But this is a conversation subdivision.
14 Briefly, what that means is that we've -- it's
15 a design that takes into account the
16 environmental constraints and the environmental
17 benefits of the -- or the features of the
18 property to come up with the design. What we
19 started with was a conservation analysis that
20 looked at all of the natural resources that
21 were on the property and the constraints, and
22 mapped them out. And we came up with a map
23 here that you see color coded.

24 Those areas that are the darkest are what
25 termed to be "high conservation value." The

1 yellow is medium conservation value, and the
2 blue is the lowest conservation value or
3 potential development area. And this was
4 decided on a few factors. Like, for instance,
5 this is where there is a stream and wetlands
6 system that comes through the property, flows
7 into Ulmar Pond, flows out of Ulmar Pond
8 through state wetland. And then further it
9 wraps around closer to the Clove Creek. Clove
10 Creek comes around this way, and this is where
11 we have Clove Creek on the -- on the property
12 itself.

13 MR. MERANTE: Steve.

14 MR. GROSS: This is also the area where we
15 found the highest natural native vegetation
16 where there has been no development in the
17 past. There was a historic road that went
18 through the property this way (indicating) and
19 there was -- there was some existing structures
20 that were on the property down here and also up
21 here (indicating.) And this is an area that
22 had been, over the centuries, subject to some
23 previous occupation and development.

24 The flattest areas of the site are also in
25 this blue area (indicating.) We have steep

1 slopes here, here, here (indicating); and so we
2 were trying to avoid that. So the development
3 was planned to avoid the constraints of what --
4 steep slopes, preserve the most highly
5 beneficial parts -- the parts of the property,
6 especially the wetlands, the wetland buffers,
7 the pond, and the native areas and native
8 vegetation and high-value wildlife habitat.

9 We have a lot of invasive species in the
10 area that had been previously subject to
11 development. And so the area was clustered
12 into these areas.

13 MR. MERANTE: Steve, you got to wrap it
14 up.

15 MR. GROSS: Huh?

16 MR. MERANTE: You got to wrap it up.

17 MR. GROSS: I'm trying to help -- help the
18 public.

19 MR. MERANTE: We gave you an extra minute.
20 I know the DI -- DEIS is now available, and
21 will continue to be available. We want to get
22 to speakers here.

23 MR. GROSS: Okay.

24 MR. MERANTE: We can't manufacture time.
25 We'll start with the sign-in sheet going



1 first. We have the sheets in the order in
2 which they were completed. So number one is
3 Linda Ann Ewen.

4 MS. ANN EWEN: I'm only first, because I
5 got here early.

6 I don't really represent anyone but
7 myself. But I am vice chair of the Philipstown
8 Aging at Home organization. And I'm a member
9 of Glasbury Court, which is a neighbor of this
10 development. And I just wanted to clarify
11 because through -- all of this has been very
12 confusing.

13 The first thing I want to say is Michelle
14 Smith wrote an absolutely wonderful article in
15 the paper. And I want to thank her. And those
16 of you who did not read that article should
17 look at that for sure.

18 The second is the point that they are
19 applying for a conservation subdivision. And
20 that means they must have a conservatory. An
21 organization that says you have played by the
22 rules, and we will make sure you continue to
23 keep playing.

24 My question one, to the board, is: It is
25 my understanding that the Highland Hudson --

1 Hudson Highlands Trust -- Land Trust did not
2 accept the proposal as it was given to you,
3 which means they have serious questions about
4 whether this is, indeed, a conservation
5 subdivision.

6 My second question is: Forty horses is a
7 lot of horses. Now, according to the zoning
8 regulations of the town of Philipstown, each
9 horse requires an acre. If you own a horse,
10 you have to have it parked on an acre. And I'm
11 -- it's not 40 acres and a mule. I want to
12 know if there's 40 acres set aside for the 40
13 horses who will poop and pee. And that's a lot
14 of consideration those of us who are going to
15 live nearby.

16 So those are my two main concerns. Thank
17 you very much for your time.

18 MR. GABA: It's going to take longer if
19 they applaud after --

20 MR. MERANTE: Yeah. If you could hold up
21 the applause. The speakers finish -- so we can
22 have the next one.

23 Nat Prentice is next. And standing by,
24 afterwards, will be Susan Anspach.

25 MR. PRENTICE: Good evening, everybody.

Response
3C.4

1 My purpose in coming is just to remind you
2 about the relevance of the comprehensive plan
3 to this particular proceeding.

4 My name is Nat Prentice. I live in
5 Garrison. I am currently serving as the
6 coordinator of the town's comprehensive plan
7 update committee. I was also a member of the
8 special board that, back in the years 2001 and
9 2006, wrote the existing comprehensive plan.
10 So I'm familiar with it. And, in fact, I never
11 leave home without it.

12 Just -- this a quick reminder, you know,
13 what it is. It's a statement of community
14 goals and sets out a conceptual road map as to
15 how to achieve them. It's not the law. But,
16 in fact, it does provide a backbone to the law
17 in very concise and unambiguous language. When
18 the law, in this case, the open space
19 development zoning law that comes subject to a
20 variety of interpretations as it has in this
21 application, I believe that there's an
22 opportunity to go back to the comprehensive
23 plan, and see what it says about open space
24 development, particularly, when this law is
25 being interpreted for the very first time in

1 the history of the town.

2 So amongst the things that the
3 comprehensive plan says about open space
4 development, I'm going to read from Chapter 3,
5 Section R, capital letter R, 2.4. "Allow open
6 space, paren, cluster development with
7 safeguards to ensure that such developments do
8 not lead to more development than would
9 otherwise occur. And that they preserve --
10 preserve open space that the town wishes to
11 protect." Just going to repeat one of the
12 clauses, "With safeguards to ensure that such
13 developments do not lead to more development
14 than would otherwise occur." Now, I don't
15 understand as much about this application as
16 you do, but my interpretation is that because
17 we are in the open space overlay, then the
18 applicant was doing -- they were doing a
19 conventional application would have the
20 opportunity to build 10 houses. This plan
21 calls for 25 houses and calls for a commercial
22 equestrian center capable of housing 40 houses
23 -- horses.

24 MR. MERANTE: Nat. Please.

25 MR. PRENTICE: Okay.

Response
3C.5

Response
2.29

Response
2.24

1 MR. MERANTE: Time.

2 MR. PRENTICE: Okay. Good.

3 AUDIENCE MEMBER: Okay. But I really want
4 to clap for that one.

5 MR. MERANTE: Ladies and gentlemen,
6 please.

7 Glenn Lowry will be up next.

8 MS. ANSPACH: My name is Susan Anspach. I
9 live at 516 East Mountain Road South.

10 Members of the planning board, having
11 attended most of the public hearings held on
12 this proposal, I've seen a number of
13 recommendations that would permit development
14 but on a scale that's consistent with the
15 limits of the site.

16 However, this developer seems to think
17 that by utilizing a conservation subdivision
18 designation, which sets aside 159.8 of its 210
19 acres as undisturbed open space, he can develop
20 however he wants, even if it's inconsistent
21 with the character of the community, or the
22 intent of the regulations enabling such
23 subdivisions. Accordingly, none of the
24 suggestions from the public were accepted in
25 the draft EIS and, thus, no changes were made

1 to the initial proposal.

2 As you've heard previously or read in
3 written submissions, there are many concerns
4 that should stand in the way of this project
5 going forward as is. However, at this late
6 date, what is even more revealing about the
7 intentions of this developer, is his duplicity
8 in addressing the required traffic study for
9 this project. When neighbors objected to
10 access being on the winding and narrow roads
11 and Horton Street and East Mountain Road North,
12 the developer was quick to claim that those
13 roads would only be in cases of emergency, and
14 access to the project would be directly from
15 Route 9.

16 Apparently, since 2014, the New York State
17 DOT has been asking for details regarding this
18 proposed Route 9 access. After the 2018
19 scoping sessions, the DOT raised a number of
20 issues. To date, those DOT concerns have not
21 been addressed. And to quote from their June
22 7th, 2019, letter to the planning board and I
23 quote, "Therefore under 6NYCRR, part 7 -- part
24 617 of SEQRA as an involved agency, we are
25 unable to endorse the DEIS for this project."

Response
2.90

1 In conclusion, since this is Philipstown's
2 first conservation subdivision, we need to get
3 it right. Thank you.

4 MR. MERANTE: You are a hard bunch.

5 MR. LOWRY: Good evening. I'm Glen Lowry.

6 MR. MERANTE: Next will be Irvine Flinn,
7 who is up next.

8 Mr. Lowry.

9 MR. LOWRY: And appreciate the opportunity
10 to address you.

11 My wife and I live at 130 Horton Road,
12 which puts us as direct neighbors to this
13 development. We are not against development at
14 all. We actually believe an intelligent and
15 sound land management program that includes
16 housing and, potentially, a stable -- is
17 viable. What we are deeply concerned about is
18 the scale of the equestrian center. And just
19 draw your attention to the idea of a 40-horse
20 barn with all the intended outbuildings,
21 parking, circulation, waste removal, in the
22 middle of what is already a beautiful
23 environment that's about to be further
24 protected with an easement. It would be like
25 putting a factory or a gravel pit on Main

Response
2.70

1 Street. The scale makes no sense. And we are
2 deeply concerned that this will have a negative
3 impact not just on our immediate environment on
4 Clove Creek, on the nature and natural habitats
5 that are there. And we just call your
6 attention to the scale of this proposed
7 equestrian center and would urge you to go and
8 walk that land and imagine what all of that
9 waste removal is going to look like, and how
10 it's going to function in the scale of this
11 barn and the horses involved.

12 I don't have the sense of humor of our
13 first speaker, but I can assure you that we are
14 as concerned as she is by the impact that that
15 is going to have. Thank you.

16 MR. MERANTE: All right. Joycelin
17 Apicello. Irvine Flinn. Sorry. Irvine Flinn.
18 Joycelin Apicello is next.

19 MR. FLINN: Thank you.

20 I'm Irvine Flinn, a resident of Garrison.
21 And I'm here tonight, particularly, because
22 yesterday our state legislature enacted the
23 Climate Leadership and Community Protection
24 Act, which the governor has now signed into
25 law.

Response
2.21

1 As you know, there's a scientific
2 consensus that continued emissions of carbon
3 dioxide, methane, and other greenhouse gases
4 caused by human intervention in the natural
5 order will result in catastrophic climate
6 change. The new law sets our state's goal at
7 net zero percent emissions by the year 2050.
8 We are here this evening, of course, to
9 consider the environmental impacts of a
10 proposed -- proposal to build 25 houses on what
11 is essentially undeveloped forest land abutting
12 the pond and fishing stream. This project is
13 not designed -- provide needed affordable
14 housing for the full-time residents of our
15 community, nor is it designed to attract,
16 apparently, well-to-do New -- New York City
17 families seeking second homes, many of whom
18 will likely drive back and forth on the 50-plus
19 miles each way in cars emitting exhaust and
20 gasoline engines. And when they're here, they
21 won't be walking across the street to Food Town
22 for their groceries. There will be 25
23 additional gas-emitting cars driving to town,
24 seeking space in the Food Town parking lot.
25 How will their new second homes be heated?

1 Their city homes, by the way, will likely
2 remain heated while they are up here. With
3 oil, propane, maybe, electric heat pumps, I
4 hope. And if it is heat pumps, where will they
5 get their cleanly generated electricity?
6 There's nothing in the site plan indicating a
7 solar array --

8 MR. MERANTE: Irvine. Thank you. Two
9 minutes is up.

10 MR. FLINN: Okay. Thank you.

11 MR. MERANTE: Jocelyn Apicello. D.J.
12 Baker is next.

13 MS. APICELLO: Good evening. Thank you.

14 I know this has been a long process which
15 we're making. I'm standing up here after such
16 a long time, but I really felt compelled to
17 come to have my voice heard. My name is
18 Jocelyn Apicello. I live in Garrison. I run a
19 farm. I have a small nonprofit called
20 Ecological Citizens Project. And I'm a
21 volunteer on climate smart community task
22 force.

23 The precedent that could be set here by
24 allowing a, quote, conservation subdivision has
25 really compelled me to make my voice heard

Response
2.17,
3B.65

1 tonight as a professor of public health who
2 considers housing and land use decisions as
3 paramount to the public's health and,
4 particularly, to the health inequities we find
5 in our society today. But also as a resident
6 of Philipstown who is proud of this place and
7 really encourages you and all of us to continue
8 to be a positive model for a healthy,
9 ecologically conscious lifestyle up here in New
10 York State.

11 The truth is: This region of the state is
12 poised to take in an increasing population as a
13 result of predicted climate change displacement
14 patterns. I encourage us to brace ourselves
15 for this by continuing to conserve land and
16 develop smartly; that is, to protect important
17 forest and wetland areas that are known carbon
18 sinks and would do more to pull carbon out of
19 our atmosphere than we had ever realized, and
20 to discourage the development of single-family
21 attached homes on larger plots that cut nature
22 from other humans and wildlife, especially in
23 open spaces that are deemed conservation
24 subdivisions.

25 A recent New York Times article just

1 published -- reported that in most cities
2 across this country, it's illegal to build
3 anything other than single-family detached
4 housing in roughly 75 percent of all lands.
5 This trend in detached, large-scale,
6 single-family detached housing developments are
7 results of local zoning laws. The economic and
8 racial segregation that exists in towns and
9 cities across this country is not only the
10 result of federal and private bank lending
11 policies, but it's a result of local zoning and
12 planning decisions.

13 So I urge us and you to use your power as
14 a local planning and zoning board to really
15 make this conservation subdivision be what it's
16 worth. The housing affordability --

17 MR. MERANTE: Thank you.

18 D.J. Baker. Heidi Wendel is next.

19 MR. BAKER: Thank you. My name is
20 (indiscernible) Baker. My wife, Suzanne and I
21 are long-time residents of Garrison. We
22 support the right of private property owners to
23 develop their property, but only in accordance
24 with applicable rules and regulations.

25 We think that the filing by the Hudson

Response
2.17,
3B.65

1 Highlands Land Trust is a sort of commentary on
2 issues that have been raised by Hudson
3 Highlands Reserve. We commend the points
4 raised by the land trust to you as the planning
5 board. These are not easy issues. These are
6 not simple questions. You have to balance the
7 rights of the property owner against the
8 welfare of the community, the protection of
9 water, the protection of wildlife habitat, the
10 protection of vegetation. We believe it can be
11 done. I think it's clear. The land trust
12 believes that it can be done, but it will take
13 a lot of thought and effort and, frankly,
14 compromise by the proposed developer. It's
15 going to be critically important as to who
16 holds the conservation easement. It's going to
17 be critically important how the community
18 monitors compliance. And it's going to be
19 critically important what the enforcement
20 remedies are.

21 We got a lot of confidence in you as the
22 planning board. We think you can get it right.
23 We think this developer has the talent, the
24 ability, and the resources to work with you to
25 get it right. And for the sake of the

Response
2.49

HUDSON HIGHLANDS RESERVE

1 residents of Philipstown, we urge you to do so
2 and appreciate your time and effort. Thank
3 you.

4 MR. MERANTE: Thank you.

5 Heidi Wendel. And Celia Imrey is next.

6 MS. WENDEL: Hi. My name Heidi Wendel.

7 And I'm a newcomer to the area, which I know
8 makes me a questionable occupant of a housing
9 hearing.

10 But I wanted to express a -- a view of a
11 newcomer. I moved here for the hiking and the
12 beauty of this area which is so famous,
13 historically. And, frankly, I moved from 114th
14 Street in New York City, and I think this area
15 is well-known for its unbelievable beauty, for
16 the hiking opportunities. Look at all the
17 young people getting off the train every
18 weekend in Cold Spring and Garrison for the
19 hiking. And I would like to say that this --
20 to call this spot, this subdivision a
21 conservation subdivision is extremely unfair to
22 that new generation of hikers and nature
23 lovers. And it sends the wrong message to
24 people like my 28-year old daughter and her
25 boyfriend who love this area for its beauty and

Response
3D.2

1 its historic properties.

2 And, I think, in addition to being
3 extremely important for -- to have the first
4 conservation subdivision truly be a
5 conservation subdivision, with the qualities
6 that Michelle Smith discussed in her
7 prospective in the PCNR. It's also important
8 to remember that, ultimately, it will greatly
9 reduce housing price and the value of
10 properties in this area to have this type of
11 subdivision and to turn this area into a
12 suburban community when it has such unique
13 properties that are so important to the housing
14 values and property values here. And to its --
15 its fame and its -- its -- its prominence,
16 historically. And I beg that consideration to
17 be made in this process. Thank you.

18 MR. MERANTE: Thank you.

19 And next will be Krystal Ford. Is that
20 right?

21 THE WITNESS: Hello, everyone. Thank you
22 for the opportunity to speak.

23 I'm Celia Imrey. I live at 62 Horton
24 Road. I've been there for 18 years. I would
25 like to ask my question first since I might run

1 out of time, and I'll describe the reasons
2 later. I would like to understand whether or
3 not it's possible to have a proper set of
4 accountability and responsibility for any type
5 of environmental project going forward in
6 Philipstown. And the reason I'm asking is that
7 Glasbury Court was put into my neighborhood in
8 2009 with a lot of opposition from our area.
9 Neighbors collected together to oppose it, and
10 it's been put in as a conservation. However,
11 when I first got to my home in 2001, I couldn't
12 even step into Clove Creek without being
13 nibbled by trout. There were turtles
14 everywhere. There were bats in the sky at
15 night. There were so many night noises that we
16 would be woken up. And I have to say it's sad
17 to report that the natural habitat in my home,
18 62 Horton Road, right across the street from
19 this development, is so depleted in the last 18
20 years.

21 I've been calling the Department of
22 Environmental Conservation to ask for somebody
23 to come and make a report. I've gotten a
24 permit to stock my stream with trout, because
25 I'm so disturbed at how few there are. I would

Response
3B.48

1 like to ask the planning commission to please
2 do a follow-up report for Glasbury Court on the
3 environmental impact that's been done in our
4 area already. I'm downstream. I'm really
5 worried about this -- this project for the same
6 reasons that we can't really necessarily
7 measure. Glasbury Court was supposed to be
8 fine. Turns out, it might not be fine. So I'd
9 like to ask the planning board to, please,
10 consider a rigorous accountability for any
11 agreed proposal for the properties. Thank you.

12 MR. MERANTE: I have one, two, three, six
13 crossed-out names. I have -- the next person
14 would be Madeleine McGinkey.

15 MS. FORD: I'm Krystal Ford. I live on
16 Garrison Woods Road.

Response
3A.27

17 So I'm concerned with about a couple of
18 things. One of the things I think about is,
19 obviously, water quality. I would like to know
20 how up-to-date the flood zone maps are. As we
21 have a warming world, we are going to be
22 wetter. We have had the wettest spring I can
23 remember. And as we get more rain, I'm
24 thinking about the horse manure flowing; all
25 the septic systems overflowing. We have septic

Response
3A.20

HUDSON HIGHLANDS RESERVE

1 systems overflowing into the Hudson. How do we
2 make sure we don't have it overflowing into
3 Clove Creek?

4 I think about how is pesticide, fertilizer
5 use going to be strictly monitored. And I also
6 think about how the horses will impact the
7 wildlife. Are they going to be scared off? So
8 those are just my concerns.

9 MR. MERANTE: Thank you.

10 Let me just ask Barbara or Glen Ruckstahl.
11 Are you here? Because your names are crossed
12 off.

13 Okay. So this would be Madeleine
14 McGinkey.

15 MS. MCGINKEY: I've been living on East
16 Mountain Road North for 16 years.

17 I would like to focus on the traffic
18 safety issues associated with access to the
19 site. First, I would like clarification on
20 exactly where the main access point will be,
21 and if it has gotten approval from the DOT.
22 Second, I would like to know if a traffic study
23 has been submitted to the DOT. I know I speak
24 for many of my neighbors for whom safety is a
25 priority when I ask about a traffic study. But

Response
3B.49

Response
2.90

1 I don't just speak for my current neighbors. I
2 also speak for the safety of any potential
3 future neighbors who might live at the proposed
4 Hudson Highlands Reserve. I also speak as a
5 victim of a very serious car accident at the
6 intersection of Route 9 and East Mountain Road
7 North, which is currently shown as a proposed
8 access point to the site. Last summer, I was
9 waiting on the southbound side of Route 9 to
10 make a left turn to go home onto East Mountain
11 Road North. My car was rear-ended and totaled
12 by an 18-wheeler tractor trailer going over 50
13 miles an hour, and I was spun into the oncoming
14 traffic. I suffered trauma and serious
15 injuries, and the police said that I am lucky
16 to be alive. The police also mentioned that
17 accidents happen at that spot all the time.
18 But the point is not my accident; it's
19 everyone's safety who travels up and down Route
20 9.

21 I would hope that our planning board
22 demands submittal of a thorough traffic study
23 for review by the DOT. I would hope that the
24 applicant can provide mitigation due to the
25 additional traffic that the proposed project

1 will generate. Solutions such as a turning
2 lane, flashing lights, or reduction of speed
3 limit along that section in Route 9 need to be
4 looked at. I would ask the board to address
5 two letters it received from the DOT. In the
6 first letter dated June 20th, 2018, the DOT
7 deemed the direct access off of Route 9 to
8 development as, quote, not necessary because
9 there are access points on East Mountain Road
10 North and Horton Road. So which is it? It's
11 already hard to get in and out of those two
12 roads. Further traffic and horse trailers
13 would worsen the bottle neck and increase
14 hazards on a road that is already part of the
15 school bus route.

16 MR. MERANTE: Ms. -- Michelle Smith.

17 And after Ms. Smith will be Robert
18 Weisholz.

19 MS. SMITH: Hi. I'm Michelle Smith from
20 Hudson Highlands Land Trust. Thank you for the
21 opportunity to comment.

22 Two days ago, we submitted a 25-page
23 report with our comments on the DEIS. In two
24 minutes, I don't have time to go through all of
25 that. I'll summarize our three main concerns:

Response
2.85

1 They have to do with wildlife, with the
2 definition of open space that's conserved, and
3 with the homeowners' association, and the
4 equestrian facility management on environmental
5 impacts. On the wildlife, we hired our own
6 experts. We believe that there are
7 shortcomings in the wildlife studies that need
8 to be remedied.

9 We also believe that there's not
10 sufficient mitigation of impacts on New York
11 species of special concern, that those are
12 species that have been declining in population
13 across the state.

14 Then on the definition of open space and
15 consistency with the zoning code, you will see
16 that the conserved open spaces actually split
17 into two different segments that are
18 disconnected. So they are not continuous.
19 They cut off wildlife corridor. They constrict
20 another corridor. And also the conserved open
21 space includes the 11-acre equestrian facility
22 which is fully developed and, therefore,
23 doesn't really have any residual conservation
24 value. And, therefore, we don't think it
25 should be included in the conserved open space.

Response
3B.34

Response
2.65

1 And then, finally, I think we can't
2 underestimate the impact that the homeowners'
3 association and equestrian facility management
4 have on the future environmental impacts. The
5 governance of those organizations will drive
6 what happens with water in Clove Creek, Clove
7 Creek aquifer. And if anything goes wrong, if
8 they get into financial difficulty or have
9 problems in their governance that will have an
10 adverse impact on the environmental index of
11 this project. And there needs to be
12 (inaudible, speaking over alarm) for that.

13 Finally, I'll just finish and say that
14 we're very concerned about the loss of
15 biodiversity locally and globally and the
16 planning board is -- I know this is a difficult
17 task.

18 We want this project to work. You are on
19 the front lines of ensuring the future of
20 biodiversity in Philipstown. And we hope you
21 take this very seriously. Thank you.

22 MR. MERANTE: Robert Wersholz.

23 MR. WERSHOLZ: I'm not going to speak.

24 MR. MERANTE: Okay. Scott Silver. And
25 next will be Hank Osborn.

Response
2.43

1 MR. SILVER: Thank you very much. As I
2 said my name is Scott Silver. I'm a new
3 director of the -- the Constitution Marsh
4 Audubon Sanctuary and visitor center. I thank
5 you very much for the opportunity to speak.

6 Couple things I like -- I have a couple of
7 questions and then a comment. My one question
8 is: What are the safeguards that are in place
9 for eliminating or -- or minimizing equestrian
10 trail riding within the center. Once
11 everything is built and you have 40 horses on
12 the land, generating, approximately, one ton of
13 manure and urine a day. The impact on -- on
14 the surrounding areas will also be very great.

15 The other thing I wanted to say is I
16 wanted to commend the board for the -- the open
17 space zoning law. And I would ask that you
18 respect the spirit of the law as well as the
19 letter of the law when making your -- while
20 making your decisions which, I understand, is
21 difficult.

22 We are very concerned about the loss of
23 biodiversity as well. And I understand that
24 the big problem is that it's always a one-way
25 street. We make these mistakes. We don't have

Response
3A.9

HUDSON HIGHLANDS RESERVE

1 a chance to go back and do anything else about
2 it.

3 So I would request and I would expect that
4 you be diligent in your decision-making. Thank
5 you very much.

6 MR. MERANTE: And follow up will be Lynn
7 Rogoff.

8 MR. OSBORN: My name is Hank Osborn. I
9 work for the New York New Jersey Trail
10 Conference. We work to protect trails from
11 erosion and trails -- protect them from overuse
12 and improper use, and protect them from various
13 other threats.

14 Have you ever been to the top of a
15 mountain and seen a beautiful view, a beautiful
16 view that features a single blemish in the
17 middle of nature? The Hudson Highlands Reserve
18 project site is directly east of one of the
19 most popular parts of the state. The Hudson
20 Highlands State Park -- Park includes the
21 number one most popular day hike in North
22 America, Break Neck Ridge. From the top of the
23 ridge there is an amazing view to the east over
24 rolling hills, over all of Fahnestock Park.
25 There's nothing but green hills as far as you

1 can see. There is some development along the
2 Route 9 corridor, but it is all concentrated
3 right along the road. All the hillsides above
4 are completely undisturbed. The view is
5 spectacular. You cannot tell where Fahnestock
6 Park begins or ends. The proposed development
7 would be seen from that viewpoint and every
8 other viewpoint along the Fishkill Ridge and
9 Scofield Ridge. There are a total of 11
10 viewpoints. All of them look directly east
11 across the green hills. The proposed
12 development would be the only blemish or scar
13 in every one of those 11 viewpoints. The
14 houses will be clearly visible from the trails.
15 The equestrian facility will take up far less
16 of the view than the houses, but at 160,000
17 square feet, it is the same size as a Walmart
18 Super Store which is 170,000 square feet.

19 The proposed development will damage the
20 views and damage the trail experience. We, at
21 the trail conference, created a view shed
22 analysis, and the data clearly shows that the
23 development will not be hidden at all. And my
24 -- my question is that I -- I ask that a
25 genuine view shed analysis be ordered. Thank

Response
3D.5

1 you.

2 MR. MERANTE: Judy Farrell will be next.

3 MS. ROGOFF: Oh, I'm Lynn Rogoff.

4 MR. MERANTE: You're up. You're up.

5 You're up.

6 MS. ROGOFF: Hi. I'm Lynn Rogoff. My
7 house is right there (indicating). I've been
8 here for 30 years. And I was invited to come
9 by certified letter.

10 And what I want to talk about tonight is
11 that I cannot believe that last winter, we gave
12 a detailed, extensive, dedicated feedback to
13 the Hudson Highlands Reserves. And it appears
14 that rather than choosing to expand -- to
15 rather -- they chose rather to expand the plan
16 and gave short attention to our major concerns.
17 And that it appears that they would -- that it
18 was not important to them, and they chose
19 rather to not to decrease the equestrian center
20 or the number of houses.

21 Now, they have indoor swimming pools on
22 their Website as something that will go in the
23 houses. And they continue to claim on their
24 Website Hudson Highlands Reserve that people
25 will not use the community schools, roads, and

1 resources but will spend millions to visit once
2 in a while.

3 Their plan is for -- still for 40 horses.
4 And, now, there are plans for commercial events
5 and classes and manure machinery on their
6 Website. I reviewed their Website, and it
7 states, quote, the essential attraction as to
8 the development is the equestrian facility. We
9 have determined the equestrian center,
10 clubhouse, have padlocks [sic] -- padlocks to
11 compose the amenities package for the
12 development including a separate building,
13 housing a second indoor arena and spectator
14 area.

15 It now appears that they represent that
16 this development will not use community roads,
17 schools, and other resources such as our water,
18 our light, our wildlife, our air. It does not
19 make sense that people will pay millions of
20 dollars not to use our community resources.
21 Their representations appears to be green wash.
22 If you don't know what green washing is,
23 it's --

24 MR. MERANTE: Thank you.

25 MS. ROGOFF: Okay. You can look it up.

Response
3D.1

HUDSON HIGHLANDS RESERVE

1 Thank you.

2 MR. MERANTE: Judy Farrell.

3 SPEAKER: She's going to be back in two
4 minutes.

5 MR. MERANTE: Ray Warner. Ray Warner.

6 MR. WARNER: I'm Ray Warner. I live in
7 Cold Spring, and I thank you for the
8 opportunity to speak.

9 My family opposes this project. The study
10 does not adequately address the effects of 25
11 houses on the wildlife corridors in the area.
12 But we're most concerned with the 40-horse
13 equestrian center. We think this pushes it way
14 over top. And even if the houses were not too
15 much, this would clearly be too much. We
16 question whether it adequately addresses the
17 effects the horses will have on the wildlife.
18 We question whether the horses will be limited
19 to the equestrian center or will be roaming
20 through the other areas of the property, and
21 what effect that will have and whether there's
22 anything in the plan that will prohibit that
23 from happening later.

24 And we also think that the plan does not
25 adequately address the effect of the center on

Response
3B.34

Response
3C.4

Response
3B.49

1 neighboring wetlands. Thank you.

2 MR. MERANTE: Judy Farrell.

3 MS. FARRELL: Yes.

4 MR. MERANTE: And next is Carli
5 Fraccarolli.

6 MS. FARRELL: I'm Judy Fraccarolli for the
7 town -- town board.

8 And I got my binder and read it from cover
9 to cover. And it struck me on page 27 under A2
10 public meeting for the project and benefits,
11 that the applicants did not discuss the public
12 needs of Philipstown residents, but the needs
13 of New York City residents, which was puzzling.

14 And then on page 28, there's a lot of data
15 from the American Horse Council on the economic
16 impact of the equine industry. I love horses,
17 but putting 40 horses alongside 25 new homes,
18 raises many questions that must be answered,
19 and not just about the economic benefits. And
20 again on page 31, there's an analysis on the
21 best places in the U.S. to buy an investment
22 property. And, again, it says that the
23 weekenders will likely to purchase these
24 properties, and they're good long-term
25 investment.

Response
2.6

1 I just wanted to state that it also said,
2 "A stabled horse produces 50 to 70 pounds of
3 manure daily." So with 40 horses, that comes
4 out to 2800 pounds of poop a day in our region.
5 Again, it's a little vague on how they will
6 handle the impact.

7 I would urge that we consider the input,
8 and speak to survey, have focus groups with the
9 residents of East Mountain Road South, East
10 Mountain Road North, Horton Road, and what they
11 might see as an adequate public and community
12 benefit. Thank you.

13 MR. MERANTE: Thank you.

14 Carli. And Mark Tabashnick is next.

15 MS. FRACCAROLLI: Hi there. My name is
16 Carli Fraccarolli. I'm an advocacy associate
17 at Scenic Hudson. I'm delivering this
18 testimony on behalf of Jeffrey Anzevino, who is
19 the director at Scenic Hudson.

20 As the first project seeking planning
21 board approval as a conservation subdivision,
22 your review of this proposal will be precedent
23 setting. Excuse me. As proposed, the
24 alternatives -- the applicants preferred
25 Alternative E is inconsistent with provisions

Response
2.78

Response
4.11

1 in Philipstown's conservation subdivision
2 Zoning code.

3 Further, it would result in significant
4 environmental impacts. Scenic Hudson believes
5 that the project should be redesigned to be
6 more consistent with the home setting of the
7 applicant's Alternative D. This relocates five
8 residences from the western side of Ulmar Pond
9 and clusters them on smaller lots.

10 In addition, we believe that the
11 equestrian facility should be reduced in size
12 and laid out in a more compact arrangement,
13 leaving a wider habitat corridor to the south.
14 As proposed, Hudson Highlands Reserve does not
15 adequately meet town code requirements for, nor
16 the generally accepted definition of
17 conservation subdivision. The large house lots
18 sprawl across the entire western half of the
19 properties dividing remaining areas into three
20 separate sections resulting in forest
21 fragmentation and would not protect the
22 important habitat values found on site. Scenic
23 Hudson also disagrees with the applicant's
24 assertion that removing the five homes from
25 around the pond's west side and reducing

Response
2.33

Response
2.65

Response
2.17

Response
4.12

1 impervious conserved area is inconsequential.
2 Any reduction of impervious conserved area is
3 -- is relevant and consequential. And it would
4 result in a smaller amount of lower quality
5 edge habitat that would drive away species that
6 rely on these large areas of continuous forest.
7 Any losses of habitat on this site are losses
8 of some of the largest and most intact areas of
9 forest habitat in the Hudson Valley. This area
10 is in -- within the Hudson Highlands
11 significant biodiversity area as well as the
12 Hudson Highlands forest spot designation. A
13 more concerted effort should be made to cluster
14 this development. Thank you.

15 MR. MERANTE: Thank you.

16 I would just like to advise anyone who has
17 prepared statements to submit them to the
18 planning board secretary which will be included
19 in the responses. So if you had a prepared
20 statement, even if it's on the back of an
21 envelope, give it to us.

22 MR. TABASHNICK: My name is Mark
23 Tabashnick. I have a property that my family
24 owns on East Mountain Road South.

25 So I wanted to talk with the attorney and

1 speak with him.

2 MR. MERANTE: No, sir. Just direct it to
3 the board.

4 MR. TABASHNICK: Okay. Pardon me.

5 MR. MERANTE: And don't go back and forth.

6 MR. TABASHNICK: The attorney says that a
7 great deal of study has been done. I disagree
8 with that. I think that if you look into some
9 of their proposals pertaining, especially, with
10 the equestrian center, you will see that in
11 detail they want to set up a riding stable, a
12 riding school, and a riding camp.

13 They also want to focus their studies on
14 this area of horsemanship called "dressage."
15 For those who don't know this, it's a very
16 disciplined, it's a very expensive type of --
17 of horse training. And it's not very well
18 taken by most of the horse community in the
19 U.S. Most of the horse community, as we know,
20 are just about riding professionally. They may
21 be training race horses or things like that.

22 So to -- to imply that there is a great
23 deal of study into this means, to me, that they
24 didn't look at the -- the actual specifics of
25 what they are proposing in their equestrian

Response
2.71

HUDSON HIGHLANDS RESERVE

1 community. And in -- and, in fact, what would
2 be more likely if I would suggest to delve into
3 is that a zoning change to make this a more
4 commercial activity rather than a residential
5 activity would probably be more appropriate.
6 If they wanted to go ahead and develop a
7 commercial equestrian center, that probably
8 would -- would be something that would be
9 separate from a residential.

10 So trying to bring these two together does
11 -- does not fall under the scope of what the
12 community probably wants of a residential
13 facility. And if we change the scale, I think
14 that it would probably improve the -- the
15 acceptance.

16 Remember, we all try to live together.
17 And if this is going to be a -- a facility for
18 everyone --

19 MR. MERANTE: Thank you sir, thank you.

20 MR. TABASHNICK: -- I think it has to be
21 addressed that way.

22 MR. MERANTE: Bill Sylvester. And next
23 will be J. Perry Pitt.

24 Bill Sylvester.

25 DR. SHUSTER: Hi. Thanks. My name is Dr.

1 William Schuster.

2 MR. MERANTE: Schuster. I'm sorry.

3 DR. SHUSTER: I am a Cornwall resident, a
4 professional ecologist and the executive
5 director for 27 years of the Black Rock Forest
6 in the Hudson Highlands. In that capacity, I
7 studied extensively Highlands ecology. I
8 published a book chapter on the subject. I
9 view scientific knowledge and principles to
10 manage the 4,000-acre Black Rock Forest for
11 decades.

12 I'm commenting on the DEIS prepared for
13 the Hudson Highlands Reserve proposed to become
14 Philipstown's first conservation subdivision.
15 This is a laudable concept. And one that
16 should help our community live sustainably into
17 the future while conserving natural resources,
18 if implemented appropriately. To qualify as a
19 conservation subdivision, the zoning code
20 states: Such projects must preserve the
21 continuous open space, must protect with most
22 areas with the most conservation value; in
23 other words, those habitats critical for
24 maintaining populations of our native species
25 that are special conservation concern. My two

Response
2.19

1 concerns are first, if the project, as
2 proposed, fails to -- the continuous
3 conservation criteria by establishing a barrier
4 dividing the conserved parts of the project
5 area.

6 And second, that the environmental studies
7 to-date fail to adequately address the local
8 amphibian and reptile species of highest
9 conservation concern and the habitats required
10 by these species. These two problems should be
11 addressed first by accomplishing surveys with
12 breeding habitats and species and the seasons
13 necessary, particularly vernal pools during the
14 April to May breeding season. There's no other
15 way to know what species of concern are on this
16 site. Wood frogs were found on the site. And
17 these are obligant, vernal, pool-breeding
18 species. That means there must be vernal pools
19 on site, but no appropriate search to locate
20 and map these habitats has yet been
21 accomplished in the March to April time period
22 when they must be evaluated.

23 The Philipstown community should know
24 whether or not vernal pond requires species of
25 state-level conservation concern, like the

Response
3B.34

Response
3B.14

Response
3B.22

1 marbled and spotted salamander and other
2 wetlands required threatened species like the
3 wood turtles are on site.

4 The DEIS, as it stands, has not presented
5 appropriate surveys to draw conclusions on
6 this.

7 MR. MERANTE: Thank you, sir. Karen Ertl
8 is up next.

9 MR. PITT: I'm Perry Pitt. I represent
10 the Hudson Highlands Audubon Society
11 (indiscernible) in the area. We appreciate the
12 thoughtful concern that the Philipstown
13 planning board is giving to the proposed Hudson
14 Highlands Reserve conservation subdivision
15 property.

16 The lack of the town's adopted
17 conservation goals in 2017 is our position that
18 DEIS wildlife assessment for this project does
19 not include essential and sufficient monitoring
20 procedures. The field site did not cover
21 breeding and nesting times for most species,
22 and do not cover a long enough period of time
23 to establish the biological diversity's land
24 support what species breed and nest on the
25 site. The DEIS, the wildlife sightings and

Response
3B.42

1 existing conditions are included with four
2 field dates: Visits on May 6th and 26th, July
3 9th and August 1st, 2015. Four field study
4 visits are simply too short a time span to
5 conduct meaningful quantity on birds, gather
6 some breeding and bird surveys and counts for
7 birds to determine they are not nesting have
8 not been or not done. We ask the town planning
9 board to consider this as a conversation
10 project as the first of many. It must be an
11 environmental model with real seasonal
12 monitoring and assessments for environmental
13 standards and limits. And any future projects
14 must also adhere to the consideration of the
15 town. Thank you.

16 MR. MERANTE: Thank you. And Irene
17 O'Garden is next.

18 MS. ERTL: Good evening. My name is Karen
19 Ertl. I'm a resident of Garrison.

20 And on this evening, I want to remind
21 everybody in the room that almost two years ago
22 today, the town of Philipstown signed a climate
23 smart community agreement. Just a few weeks
24 ago, the county unanimously voted in a climate
25 smart community county. The agenda of that

1 initiative is to look for ways to be smart
2 about our climate and our development. And
3 while a -- I understand and accept that
4 development is inevitable, and I want to
5 commend the board for doing an environmental
6 impact report. I think now the rubber hits the
7 road. There are two legislations, two
8 bipartisan legislations in the state of -- I'll
9 give you the numbers. I'll leave them with
10 you. These two pieces of legislation would
11 strengthen the protection of local wetlands and
12 streams. Current DEC protection only covers
13 areas that encompass 12.4 acres or more. And
14 it has to be on a DEC approved grant. New York
15 State is the only state without such corridors
16 for small wetlands. More than a million
17 species are at risk. This legislation would
18 protect smaller wetlands, rivers, streams,
19 creeks, lakes, and wildlife. So I encourage
20 you not to hurry this project through, but to
21 see what the State of New York is doing to
22 protect our small wetlands.

23 I want to also ask you to, please,
24 understand that you are setting the precedent
25 for what a conservation subdivision looks like

Response
3A.28

HUDSON HIGHLANDS RESERVE

1 in the town of Philipstown. We will be hearing
2 from future developers: They did it then, we
3 have -- we can do it now. We know that for a
4 fact. So I just want to commend you for what
5 you're doing. But I also want to caution you:
6 We need to do it right the first time. Thank
7 you.

8 MR. MERANTE: Thank you. Andy Galler is
9 up next.

10 MS. O'GARDEN: Hello. I'm Irene O'Garden.
11 I live in Garrison.

12 But we lived -- I know this land so well.
13 I know this pond so well. I swam it. We were
14 there for 12 years. I walked much of this
15 property. I can tell you as it says in the
16 environmental impact statement: Most of the
17 observed wildlife is right around that pond --
18 Kingfishers and geese and all that. So one of
19 the things I would like to see happen is those
20 five houses be removed from the Website of the
21 pond and conserve what is irreplaceable. I
22 fully support the Highland Land Trust at eight
23 recommended actions.

24 I'm also concerned about -- according to
25 the page 38, 39, the critical make of the

1 environmental impact statement, "The critical
2 maintenance of the pond, storm water
3 management, waste water is going to be the
4 responsibility of a homeowners' association."
5 So I looked this up. What -- what is a
6 homeowners' association? What is this actually
7 like, a nonprofit organization. People get
8 elected to the boards. It's generally a
9 volunteer thing. And I'm sure that people who
10 live in New York City and have a second home
11 might want to get really involved in the
12 homeowners' association. They might just want
13 to hire a management company which plenty of
14 people do.

15 And it's very difficult to have any kind
16 of legal proceedings against that. I looked it
17 up on the New York attorney general's Website.
18 So one of the things that makes the land so
19 attractive is the land that my husband and I
20 donated: 27 acres that's right next to it that
21 then became Clove Creek Preserve. So I -- I
22 just wanted to say that conservation -- Anyway,
23 I say -- also there's a frequent mention on
24 this about exotic and invasive species list.
25 Remember that humans, too, can be a pretty

Response
3A.18

1 invasive species. Sustainable houses are a
2 worthy goal. Let us sustain the habitats that
3 surround them. Let us have our first
4 conservation subdivision serve as a model for
5 those to come after. Because some day, we will
6 be absent. Our decisions will live on.

7 MR. MERANTE: Thank you. Next one up
8 after Andy Galler is Mickey Deneher.

9 MR. GALLER: Good evening. I'm Andy
10 Galler. I'm a member of the conservation
11 board. And I live about as far away from the
12 project in southern Garrison as one can in
13 town.

14 So I read the binder from cover to cover.
15 I'm very familiar with the project. Basically,
16 the intent of SEQRA is very, very specific.
17 And that is for the applicant, the developer,
18 to work with concerned agencies and the
19 community to balance environmental impacts with
20 the effects that would happen on the economy
21 and social aspects. And looking at the draft
22 environmental impact statement, I was
23 exceedingly disappointed, if you compare it,
24 and I'm going to ask the planning board and
25 their experts to focus on this tremendously.

1 It is to take the scoping document, and then
2 look at the draft environmental impact
3 statement. I think what you'll find is huge
4 areas of inefficiency, old data, questions not
5 asked, and alternative plans cherry-picked; so
6 they are not really realistic.

7 Number two, I want everybody to look at
8 the economics of the project. The housing
9 market is flat. And it's probably going to
10 remain flat, not so much abuse of economy, but
11 we no longer have the \$10,000 reduction. And
12 millennials really don't want houses. So, all
13 of a sudden, we have a complex that has intense
14 mitigation that needs to be kept up
15 continually. What happens if only two houses
16 are sold or even only 10? Is this feasible?
17 Who is going to take care of it after that? I
18 really ask the planning board and everybody
19 else to think about that. Thank you.

20 MR. MERANTE: Thank you. After Mr.
21 Deneher Matt Goldsmith.

22 MR. DENEHER: Mickey Deneher.

23 The idea is not to say no, but how do we
24 say yes. That's the whole idea.

25 I'm here 18 years. I love Philipstown,

Response
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Response
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1 and I love how everybody takes care of it and
2 so do you. My concerns are also the scale and
3 the concentration of the houses and the
4 equestrian center.

5 One of the things I've been thinking about
6 is that equestrian center is an open to the
7 public. So what's really the volume there?
8 The houses, will they in fact become Airbnbs?
9 What volume could be there? All right. We
10 talked about a traffic study; the amount of
11 accidents that have been happening lately are
12 just too much. I mean, 9 gets closed down all
13 the time. When we put that in and then we talk
14 about the manure, and manure is held on site
15 for 14 days. That's almost 20 tons of -- well,
16 I don't want to say it, but we know what it is.
17 And then it's got to be transported out. And
18 then what happens if there's a problem on 9
19 with that?

20 So I ask the board again -- and again to
21 these guys here, we don't want to say no. We
22 want to say yes. We want to see Philipstown go
23 forward, but we want to see Philipstown
24 maintain the beauty that everyone here believes
25 in, and I know you do too. Thank you.

Response
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Response
3A.9

1 MR. MERANTE: Matt Goldsmith and then
2 Goldee Greene. Matt Goldsmith. Goldee Green.

3 MR. ZUCKERMAN: She was here for the gas
4 station.

5 MR. MERANTE: Okay. Evan Thompson and
6 after him, it will be John Benjamin. John.

7 MR. BENJAMIN: Good evening. Thank you
8 for this opportunity. My name is John
9 Benjamin. I was born down in Butterfield
10 Hospital about 74 years ago. So I'm somewhat
11 local.

12 I want to talk -- I want to talk briefly
13 about manure and travel. And, really, I know
14 nothing about horses. But Rutgers University
15 does. And I refer you to their study, the
16 Rutgers Equine Science Center did, a document
17 -- you can look at it online. A document was
18 labeled Horses and Manure, Fact Sheet No. 036.
19 I was astounded to read that the average
20 thousand pound horse produces 10 to 12 tons of
21 manure a year. I'm not saying this; they're
22 saying this. That's -- do the math. Forty
23 horses, that's 400 to 480 tons of manure a
24 year.

25 It's also interesting that the state of

Response
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1 New Jersey considers such large commercial
2 equine centers to be concentrated animal
3 feeding operation, CAFOs. You might know, if
4 you know anything about pigs and chickens,
5 which are tightly regulated by the state in the
6 hopes of preventing NTK nutrient pollution,
7 as well as vermin and pathogen introduction
8 into adjacent aquifers, wetlands, ponds, and/or
9 streams. CAFOs are essentially (indiscernible)
10 On the other hand, not knowing much about
11 horses, I do know a great deal about trout and
12 brook trout. And I know a great deal about
13 clean, clear streams, and good fishing. I was
14 born and raised in the area. And as kids, we
15 fished many of the small brooks; sometimes
16 lucky enough to lure out a little brookie or
17 two. As a guide in Colorado and as a travel
18 limited member --

19 MR. MERANTE: John.

20 MR. BENJAMIN: -- my knowledge has grown
21 over these 73 and a half years.

22 MR. MERANTE: Thank you. I haven't read
23 that. Make sure that we get a copy of that.

24 MR. BENJAMIN: I already sent it.

25 MR. MERANTE: Okay. Thank you.

1 Adam Hird. And then next will be Richard
2 Butensky.

3 MR. HIRD: I'm Adam Hird. I live at 63
4 Horton Road. And I'm the -- actually a
5 professional real estate developer. I
6 developed well over 4 million square feet.

7 And I've actually never seen a project get
8 this far along without a traffic study. My
9 understanding is that the state has denied
10 direct access online. And as we stand here
11 today, we don't know how they are accessing the
12 property. We talked about traffic and its
13 impact on Route 9. But we also know that East
14 Mountain Road and Horton Road are tight roads.
15 You know, 25 more homes and horse trailers, and
16 what sounds like a commercial facility on the
17 weekends and, you know, who knows what's going
18 on.

19 So, in my opinion, it really needs to sort
20 of slow down. There needs to be a traffic
21 study, and the access needs to be figured out
22 before we can go any further. It's just a
23 safety issue. Thank you.

24 MR. MERANTE: Thank you.

25 MR. BUTENSKY: Hi. Name is Richard

Response
2.90

1 Butensky. I think you all heard enough from me
2 already. But I just want to go over a couple
3 of things.

4 The law says that an applicant may
5 increase the permitted number of dwelling units
6 by use of density bonus granted at the
7 discretion of the planning board. The
8 applicants seem to think they have a right to
9 it, but it's at your discretion. The maximum
10 -- the formula, you know, and the density bonus
11 is described -- as described shall not be
12 considered an entitlement. That's what the law
13 says. It's not an entitlement. It seems that
14 some people think it is. Preserved open space
15 must not result in fragmentation of the open
16 space land in a manner that compromises its
17 conservation value. It says that in the law.
18 I think it's been compromised. The
19 configuration of the open space land and
20 dwellings shall not result in fragmentation of
21 the open space land in a manner that interferes
22 with its proper management and protection of
23 its conservation values. The final
24 determination as to which land has the most
25 conservation value and should be protected from

Response
2.28

Response
3B.54

Response
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1 development by conservation easement shall be
2 made by the planning board. It's not made by
3 the developer. It's made by the planning
4 board. That's in the law.

5 MR. MERANTE: You're eating into your
6 time.

7 MR. BUTENSKY: Excuse me?

8 MR. MERANTE: I said you're eating into
9 your time.

10 MR. BUTENSKY: There's -- there's an old
11 joke. This guy prays to win the lottery every
12 day. He prays and he prays and he prays. And
13 he said -- day and night three times a day, he
14 prays. Finally, after years and years, he
15 says, I'm such a good man. I'm a pious man. I
16 do everything. Finally, one -- he's there
17 praying and he hears a voice, and it's God. He
18 says, meet me halfway. Buy a ticket.

19 They need to buy a ticket. This is --

20 MR. ZUCKERMAN: Yeah. We get it. All
21 right. All right. All right. All right. All
22 right.

23 MR. MERANTE: Hadrien Coumans and next
24 will be Madeline Rae.

25 MR. COUMANS: I'm here representing a

1 family that has been indigenous to this area
2 for 12,000 years. I'm co-director of Lenape
3 Center, an indigenous organization.

4 We've been praying on this mountain since
5 2005. "We" meaning the elders coming from
6 Oklahoma, Wisconsin, Canada, South Dakota,
7 Arizona, New Mexico. And we know that this is
8 a place of great sacral significance. This
9 mountain should be left in peace. I'm part of
10 an effort to bring the people home, the
11 original people. We don't want this type of
12 disrespect to continue anymore. It's time to
13 respect what we have in terms of our
14 responsibility to it, and stop playing around
15 with ideas of short-term thinking and
16 short-term profit that only enhance the lives
17 of, maybe, a minority and a few. We are all in
18 this together, but at the end of the day, this
19 is indigenous homeland. This is land that has
20 deep spiritual, religious significance, and it
21 must be left alone. (Not speaking in English.)
22 Thank you.

23 MR. MERANTE: Madeleine Rae. And next
24 will be Allan Brownstein.

25 MS. RAE: Hi. Good evening. My name is

1 Madeline Rae. Thank you very much for giving
2 me this opportunity to speak on the project.

3 MR. MERANTE: Microphone --

4 MS. RAE: Can you hear me now? Okay.

5 Thank you.

6 When I first was looking into the LLC that
7 is behind this project, I was taken aback that
8 they didn't put their names to it, and it was a
9 blind LLC. So I looked at the architect whose
10 name is on the whole filings, and his address
11 matches the address of the LLC. It's the same
12 one. It's in the New York 91st Street. And
13 also that address is shared with the
14 construction company.

15 So, right now, I know who the developers
16 are, and who they are because they are all
17 living together and working together in New
18 York City. And not that that's a crime or that
19 shouldn't be done or developed, but it seems to
20 me that these people can move this development
21 anywhere the cons tonight outweigh the pros.
22 They live in New York City. They are just
23 looking for a place to put an equestrian
24 subdivision. Equestrian subdivisions are the
25 latest fad in subdivisions in America,

Response
2.7

1 California, Texas, Florida, the Carolinas. Golf
2 subdivisions now are played; they are
3 saturated.

4 So, now, they are doing subdivisions with
5 horses. And these are first-time builders of
6 this subdivision. If you go on the architect's
7 Website, there's not a 25 one-acre home
8 development on the site. The construction
9 company, there's not a 25-acre 25-home one-acre
10 development. There's not an equestrian center.
11 The architect says on the site that he is the
12 general contractor of all of these projects
13 which include homes interiors.

14 So I don't know how this is our first
15 project. And it seems to me we have to trust
16 these first-term developers who are just
17 looking for a fad. They are just developers to
18 make money, promising us a lot of tax dollars.
19 But if this development turns into a 501C, does
20 that have an implication on our tax dollars? I
21 don't know. You all don't have a crystal
22 ball --

23 MR. MERANTE: Thank you.

24 MS. RAE: But I will say you have the
25 responsibility to pass the baton as stewards to

1 the next --

2 MR. MERANTE: Thank you. Ellen Brownstein
3 and next is Mike Casal.

4 SPEAKER: Good evening. My wife Patty and
5 I moved here in 2015 after we decided, in 2005,
6 that we were determined to move here. And we
7 live in Glasbury Court which is less than 1
8 mile from the site. And we live with 200 other
9 -- nearly 200 other residents.

10 And I don't know the -- all the views of
11 whether the residence of Glasbury Court support
12 or oppose this project. But I do know that
13 there is considerable concern. And that
14 concern, I noticed, as I walked in here
15 tonight, a number of people from Glasbury Court
16 who are here -- would you please raise your
17 hand if you are from Glasbury Court.

18 MR. MERANTE: Please keep it this way.

19 SPEAKER: Okay. Thank you. But my point
20 to the board is that there is a -- a large
21 community here where there is considerable
22 concern about the decision that is being made.
23 And the expertise that is here, and the process
24 that is going on here is -- is excellent, and
25 it's -- it's important to avoid a mistake with

1 this decision, because once a mistake is made,
2 it cannot be undone.

3 And I just want to close by asking if --
4 if people know the difference between an
5 optimist and a pessimist. And the answer is
6 simple: The pessimist has better data. And I
7 think it's important tonight that I'm impressed
8 with how many of the -- many of the questions
9 that are being raised are data driven. And I'm
10 looking forward to a -- a good discussion by
11 this planning board; so thank you.

12 MR. MERANTE: Thank you.

13 MR. ZUCKERMAN: I make a motion requesting
14 all our speakers end their commentary on a
15 humorous joke --

16 MR. MERANTE: You have to leave early.

17 Mike Casal. David Gorton, Mike Casal.
18 David Gorton. No.

19 And our last speaker is Ann Hammond. Oh,
20 David.

21 MR. GORTON: I'm sorry. It's a long way
22 back there. Okay. Thank you, and -- to the
23 board for taking my comment. And thank you for
24 holding this important review of the Hudson
25 Highlands proposal.

1 On the surface development of only 39
 2 acres of a 210-acre site sounds ideal. But the
 3 devil is in the details, usually. There's good
 4 reason that 171 acres are left undeveloped and
 5 are not going to be ever developed. And those
 6 acres tend to be on terrain that's too steep or
 7 too wet to be considered. The proposed
 8 development of 25 LEED platinum level certified
 9 homes and 40-horse barns dressage complex will
 10 effectively split the 210 acres in such a way
 11 as to preclude the natural and safe passage of
 12 any wildlife along this corridor. And poor old
 13 Clove Creek takes yet another hit from
 14 magnitude that it can ill-afford. Perhaps,
 15 someone could explain the section in the draft
 16 environmental impact statement of Sections
 17 D.2.C entitled, Forest Fragmentation Ingress.
 18 It concludes -- it's concluding sentence
 19 states, quote, There will be no true
 20 fragmentation though there will be some habitat
 21 perforation. The use of the adjectives "true"
 22 and "some" seem to be quite telling, sounds a
 23 bit like being a little pregnant.

24 In conclusion, we here in Philipstown have
 25 more than 25 of these designated conservation

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Response
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Response
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1 subdivisions. Let us not lower the bar so, for
2 example, in this the first test of this
3 enlightened zoning mechanism. Thank you.

4 MR. MERANTE: Thank you, David. Ann
5 Hammond.

6 MS. HAMMOND: Yes. Hi. My name is Ann
7 Hammond. My family has lived on East Mountain
8 Road South for the past 50-plus years. And I
9 wrote you, guys, an excellent letter last year.
10 I just re-read it. It was great. What can I
11 say. Not one point on it was addressed on the
12 DEIS or anyway nothing was changed in the plan.
13 And I have also visited upon you a seven-page
14 letter; so I don't repeat any of that.

15 MR. MERANTE: Did we get a copy of it?

16 MS. HAMMOND: Yeah. I already did. I
17 dropped it off yesterday and emailed it to you
18 a day ago.

19 So what I realized is that one thing no
20 one has mentioned; possibly someone has thought
21 about, but we talked about the tonnage of
22 manure going out. Well, this is a completely
23 unsustainable environmentally. This project is
24 unsustainable. Everything those horse eat has
25 to come in too. Because they can't live on 11

Response
3A.9

1 acres. In fact, they are not even really
2 allowed out. So we'll leave aside the fact
3 that these are actually sensitive property
4 animals that need to graze for health.

5 That's not the point of the DEIS although
6 it is, in my opinion, inhumane. But all of
7 that food has to come in on great big trucks
8 because they are not grazing out there on that
9 land. So how many thousands of pounds of poop
10 is going out? Well, just as many as coming in
11 great big trucks on those two tiny little roads
12 that you can barely get out of already, because
13 we know now that the DOT is not letting them
14 out on Route 9. I think there is a lot that
15 has yet to be considered about this project,
16 and I don't like how, casually, all of the
17 assumptions that it will all be okay are being
18 made in the document. That's all.

19 MR. MERANTE: Thank you. Steven Loria.

20 MR. LORIA: Hi. My name is Steven Loria.
21 I live in Cold Spring Philipstown, East
22 Mountain.

23 I just first wanted to make a point that I
24 did submit a letter back in February 2018. I
25 just want to re-submit that, the same comments.

1 I don't have the time to restate all the
2 already made points in the Hudson Highlands
3 Land Trust and all the public -- public
4 comments, letters, and points made against the
5 project. However, I am in complete agreement
6 with those arguments that are made. And just
7 like to state that.

8 I also want to highlight the points raised
9 by other concerned citizens here in Philipstown
10 including the individual from the New York City
11 Trails Conference and the impact on our views.
12 I think that it's really important to consider.
13 I also support the comments made tonight about
14 how this project is completely inconsistent
15 with the Philipstown comprehensive plan and
16 existing code related to the subdivision. This
17 project will set a horrific precedent on future
18 development to be considered under that.

19 Several other points that I just wanted to
20 also reiterate are the deleterious impact on
21 our water aquifer as well as the amount of
22 water the project will be consuming with 25
23 houses and 40 horses. The numbers mentioned
24 are astonishing. The manure that those horses
25 will produce is also a significant reason not

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Response
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1 to allow this development as it is. The
2 traffic situation and how the DOT comments will
3 be addressed, I'd like to know.

4 I'm very concerned if the decision is to
5 move access to East Mountain Road North,
6 because I understand, access from Route 9 is
7 not an option any longer. And I wonder how
8 that will create a more dangerous situation
9 already that exists for those people are making
10 left turns on East Mountain Road North on Route
11 9, it's already really dangerous. Cars are
12 passing you on the right. And they are hitting
13 people. It's -- it's extremely dangerous for
14 me to make that left. And all of our neighbors
15 make that left turn. It really needs to be
16 considered. So will this board, if it allows
17 that type of access, will it consider and take
18 responsibility for the accidents that that may
19 cause. Thank you.

20 MR. MERANTE: Before we finish, one of our
21 -- Aaron will tell us how we proceed further.

22 MR. WERNER: Sure. So there's no more
23 speakers --

24 MR. ZUCKERMAN: There's a guy over here.

25 MR. MAJESKI: I apologize. I didn't see

Response
2.85

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1 the list when you come in.

2 MR. MERANTE: State your name.

3 MR. MAJESKI: Can I take the two minutes?

4 MR. MERANTE: Yeah.

5 MR. MAJESKI: Thank you.

6 MR. MERANTE: What is your name?

7 MR. MAJESKI: So my name is -- I apologize
8 for the gentleman's time. My name is Craig
9 Majeski [ph.] And I live at the very bottom of
10 the proposed plan of where the road would
11 enter. In purchasing my home two and a half
12 years ago, I had no idea, no plan, there is no
13 sign, there is no proposal that there would
14 ever be 25 homes and an equestrian center
15 across from the 9 acres of property that I
16 purchased. Nor would I put my family's life
17 savings into a home that was abandoned,
18 essentially, to know that suddenly 25 homes
19 would be across the street from me.

20 But that being said, in our first year
21 there, we called the sheriff's department, and
22 45 minutes later someone showed up. Has
23 Philipstown or Putnam County put any plan in
24 place for fire, additional police, ambulance,
25 or anything to assist these homeowners?

1 Because at the moment, when you call, it's all
2 volunteer for the fire, the sheriffs are very
3 stretched, and the ambulance are also
4 volunteer.

5 And my last point is: Have we thought
6 about the mental health of the people of this
7 community? The noise, the traffic, the anger,
8 that this will bring upon the people within
9 that area? You really have to think about the
10 mental health of what people will feel, the
11 stress on the road there constantly, and the
12 sound of chainsaws every day drilling, all of
13 that noise, I really take that into
14 consideration. And there is a reason that all
15 these people pointed out several things here.
16 The law. The law is in place to protect land,
17 and what you're here. Those laws were written
18 for reasons. And you're here to uphold those
19 laws. And I really hope you do.

20 MR. MERANTE: Now, our adviser from AKRF,
21 Aaron Werner, will tell us where to go from
22 here.

23 MR. WERNER: Can you hear me okay? Okay.
24 Great.

25 I just wanted to point out, because a lot

Response
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1 of stuff was raised about the DOT comments. So
2 in addition to the public comments that we are
3 hearing tonight, they are coming in in written
4 form, as well, by the July 8th deadline. The
5 DEIS was also circulated to the interested and
6 involved agencies after it was accepted last
7 month. And so far, there's been -- the DOT
8 comments again that came this month requesting
9 some additional information from the
10 applicant's traffic consultant, among other
11 items. Since these comments came from an
12 involved agency, the applicant is required to
13 address those for the final EIS. And my
14 understanding is that they have already agreed
15 to do that. So as far as the next steps here,
16 the July 8th deadline is for written comments;
17 that will remain open. Once that is expired,
18 all these comments that have been given tonight
19 which have been recorded by the stenographer
20 which are also on video and written form will
21 be compiled by the applicant, their
22 consultants. They will share those with the
23 board's consultants for review prior to
24 releasing them to you, guys, to review them for
25 official release on preparing the FEIS. So at

1 the July meeting, there should be a set of
2 comments put together by the team, the
3 applicant team, reviewed by the board
4 consultants first, given to you. And then at
5 that meeting, you can officially release them
6 to address those for the FEIS. Now, the FEIS,
7 SEQRA regulations have a minimum 45 days from
8 the end of the public hearing is when the FEIS
9 should be filed, but that can also be extended
10 under circumstances, should it be necessary.
11 We'll have to see, you know, at the next
12 meeting if we need to do that. But for now,
13 these comments will be all compiled and shared
14 with the consultants first. And then we will
15 talk about them in the July meeting.

16 MR. MERANTE: Okay. And all of these will
17 be ready for public review as of when?

18 MR. WERNER: So the -- after the July 8th
19 deadline, in between then and the July 18th
20 meeting, I believe, is the next meeting. Those
21 comments should all be put into written form by
22 the applicant team, summarizing what's been
23 heard tonight, what's been sent in writing, and
24 they categorize them by topic in the DEIS. And
25 then those should be shared with the

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1 consultants. We will review those before
2 giving you, guys, those at the -- before the
3 meeting on the 18th. And then on the 18th, we
4 will review them all as a group and decide if
5 we want to go ahead and give them the green
6 light to go ahead and address those for the
7 final EIS.

8 MR. MERANTE: Okay.

9 MR. MAJESKI: Steve, is there anything
10 on --

11 MR. GABA: I would just like to point out
12 to everyone who spoke tonight, the board
13 necessarily had to limit the amount of time
14 because of the great number of people who are
15 here. But as Aaron alluded to the written
16 comment period is open until July 8th. So if
17 anyone had something that they wanted to say,
18 that they didn't get a chance to get out in
19 their two minutes or if they just want to
20 reinforce what they said, you can submit
21 written comments to the board through July 8th.
22 Get a piece of paper, write down whatever you
23 wanted and, you know, your comments will be
24 considered.

25 And what Aaron was speaking about as far

1 as the next step, is that in order to prepare
2 the final environmental impact statement, the
3 FEIS, the applicant has to put together every
4 comment and question that has been raised, and
5 then address that in the document that -- the
6 FEIS.

7 So what's going to happen next is we're
8 going to get a compilation of all the comments
9 that you heard. We want to make sure that all
10 the comments are included within it. So if
11 something that's left out, you know, say what
12 about, I don't know, whatever it may have been,
13 whatever issue that hasn't been covered, well,
14 that has to be in the FEIS as well.

15 When you are satisfied that all of the
16 comments and all of the issues raised are in
17 that, then you get a green light to prepare the
18 FEIS. And that's what's going to happen.

19 MR. MERANTE: One last -- go ahead, Neal.

20 MR. ZUCKERMAN: So that sounds like an odd
21 process. The public speaks. The applicant
22 writes down what the public said about the
23 project which is --

24 MR. GABA: Well, the steno does. But --

25 MR. ZUCKERMAN: Okay. But I'm just --

1 it's strange that -- that in this group, people
2 says [sic] that -- I mean, I'm not going to
3 characterize the comments. But we heard the
4 comments. So these people are going to write
5 down what those people said about their
6 project, and come back and tell us that's what
7 they said about the project?

8 MR. GABA: No. They are going to address
9 the comments.

10 MR. ZUCKERMAN: Who is writing down a list
11 of all the comments?

12 MR. GABA: Well, they are.

13 MR. ZUCKERMAN: That's what I'm saying.
14 You're saying you're going to write down a list
15 of all the things that these people criticized
16 about the project.

17 MR. GABA: You are going to have a
18 stenographic record as well --

19 MR. ZUCKERMAN: Okay.

20 MR. GABA: -- to review. And you can see
21 what's in it.

22 So and then they are going to -- they are
23 going to say these are all of the items. You
24 can see what was raised. And then they are not
25 just going to say that's what was raised.

1 That's the first step. The second step in
2 preparing the FEIS is to address that, and say
3 oh, this is where the issue of, I don't know,
4 manure is coming. Manure. This is where
5 manure is addressed in the DEIS. And here's
6 additional studies or comments, whatever it
7 might be, that show the --

8 AUDIENCE MEMBER: Excuse me. What's an
9 FDIX, or whatever. Please say what it is
10 rather than an acronym.

11 MR. GABA: Well, madam, I already did. I
12 said it's a final environmental impact
13 statement. No offense, but I already did.
14 FEIS.

15 So that document would be put together in
16 saying how those were addressed and why. Those
17 potential environmental impacts are being
18 mitigated and how they are being mitigated.
19 That's a step beyond what's going to happen.

20 MR. MERANTE: Our engineer --

21 MR. GAINER: Already by the consultants,
22 all the comments received, all verbal, and all
23 written comments are going to be assembled.
24 That's going to be done through the planning
25 board secretary who will receive the

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1 stenographic record. And then, formally, the
2 board is going to submit that to the applicant
3 and ask them to respond.

4 There's going to be a significant effort
5 to put together all these comments. We assure
6 you the compilation is complete, and that it's
7 formally transmitted from the planning board as
8 lead agency to the applicant with the direction
9 to respond to all comments raised.

10 MR. MERANTE: Okay. And --

11 MR. WERNER: We are giving the applicant
12 the first crack at compiling the comments for
13 review by the planning board, approving them,
14 and then going and addressing them after the
15 July meeting.

16 MR. MERANTE: Okay. Any further comments
17 from members of the board? Neal?

18 AUDIENCE MEMBER: What happens then? July
19 18th, is that it?

20 MR. MERANTE: No.

21 MR. WERNER: No, it's not. July 18th is
22 when the board will officially release a set of
23 comments for the applicant to address in the
24 final environmental impact statement which
25 could take a while to -- to develop.

1 But in that document, there will be
2 responses to all the comments raised. There
3 will be responses to the DOT issues, and any
4 other involved agency comments that come in
5 between now and July 8th.

6 MR. MERANTE: Kim.

7 MS. CONNER: I think I'm going to submit
8 comments in writing.

9 MR. GABA: That's fine.

10 MR. WERNER: The board -- yeah, the board
11 is welcome to also submit comments by July 8th,
12 and the consultants are also going to have some
13 comments as well.

14 MR. MERANTE: Thank you. Make a motion to
15 close the public hearing.

16 Anyone?

17 AUDIENCE MEMBER: Can I ask a question?

18 When -- when was the earliest date that
19 the conclusion can be reached on this?

20 MR. ZUCKERMAN: Move up to the mic, Peter.

21 SPEAKER: We're not taking questions.

22 MR. HOFFMAN: I just have a brief
23 question.

24 MS. CONNER: Talk into the mic.

25 MR. HOFFMAN: I'm Peter Hoffman [ph.] And

HUDSON HIGHLANDS RESERVE

1 I live in Garrison. I just -- when do you
2 anticipate --

3 MR. MERANTE: We don't. We don't.

4 MR. HOFFMAN: -- there to be a conclusion
5 to these deliberations.

6 MR. MERANTE: There is deliberations
7 that's why we don't conclude. I'm sorry. We
8 can't give you more of a definitive answer.

9 MR. GABA: Well, let me see if I can
10 clarify just a little bit as far as -- well,
11 aside from the traffic, as far as the days go,
12 the way that it works is the final
13 environmental impact statement will be prepared
14 by the applicant and submitted to the board.
15 The board will consider it much like he
16 considered the DEIS and determined whether or
17 not to accept it. Whether or all the comments
18 have been adequately addressed, all the issues
19 were addressed in that.

20 And then once they accept that, the board
21 will go on to consider a document called the
22 finding statement. And the finding statement
23 is going to determine whether or not all of the
24 identified potentially significant adverse
25 environmental impacts have been mitigated to

1 the maximum extent practicable, or if they
2 haven't been, do you have to make changes to
3 the plan in order for that to occur. Or if
4 they can't be, whether the applicant should be
5 denied because they are not. So the finding
6 statement is I think the penultimate step
7 before determination is made on this, and we
8 can't give you a time as to when that's going
9 to occur. The process by which this can be
10 reached, you can't say it will be by August or
11 September or something like that. It's going
12 to depend, in large part, on how soon the
13 applicant turns around submitting the FEIS and
14 when it's complete, once it's submitted.

15 MR. MERANTE: Okay. Do we have a motion
16 on the floor to close the public hearing cause?

17 MS. CONNER: I make that motion.

18 MR. MERANTE: Second?

19 MR. TOMANN: Second.

20 MR. MERANTE: All in favor?

21
22 (A chorus of "ayes.")

23
24 MR. MERANTE: Thank you.

25 (Time noted: 9:12 p.m.)

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C E R T I F I C A T E

I, Douglas F. Colavito, a Certified Court Reporter and Notary Public of the State of New York, do hereby certify that the transcript of the foregoing proceedings, taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.

Douglas F. Colavito

DOUGLAS F. COLAVITO

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