

**TOWN OF PHILIPSTOWN PLANNING BOARD**  
**Regular Meeting and Public Hearing for GGC/HVSF Philipstown**  
**Town Hall, 238 Main St., Cold Spring, NY 10516**  
**And Virtually Via Zoom**  
**March 17th, 2022**

The Planning Board held their regular meeting on Thursday, March 17<sup>th</sup>, 2022.

**Present:**

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

**Absent:**

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

Chair Zuckerman opened the meeting at 7:30 pm. Chair Zuckerman led the Pledge of Allegiance. Roll call was taken by Ms. Rockett. Chair Zuckerman opened the meeting and welcomed everyone to the March 17<sup>th</sup>, St. Patrick's Day edition of the Philipstown Planning Board meeting. For all of those of who come out on this holiday, Happy St. Patrick's Day and he thanked them for their time and attention.

Ms. Rockett took the roll call.

He then asked for a motion to approve the January 20th minutes please of the Philipstown Planning Board. Kim Conner made the motion; Peter Lewis seconded the motion. The vote went as follows:

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

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

He then asked for a motion to approve the January 27th public hearing minutes of the Philipstown Planning Board. Peter Lewis made the motion; Kim Conner seconded the motion. The vote went as follows:

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

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

**Correspondence**

Ms. Rockett read the correspondence from Insite Engineering re: 3622 Rt 9, Cold Spring, NY 10516 Tax Map # 17.-1-44.

*The approval resolution for the above-mentioned property requires that copies of the site plan be provided six months after the date of the resolution. The applicant requests a six-month extension to provide the site plans, as we are still working with the New York State DOT on approval of the Highway Work Permit. All other required permits have been secured and are current and no changes to the plans are currently anticipated. We look forward to providing the site plans for signature as soon as the New York State DOT permitting processes is complete. Should you have any other questions or comments please feel free to contact our office. Insite Engineering.*

Mr. Gaba stated under code 175-68A once site plan approval is granted, they have six months to submit the site plan for signature. They have 24 months to complete all conditions and get a building permit. The Planning Board has the obligation to grant one "as of right" six-month extension. After that it needs a good cause showing to get an extension. So, this is their one as of right extension. The Board should vote to grant.

Chair Zuckerman then asked for a motion for the "as of right" extension. Mr. Gagnon made the motion, Mr. Lewis seconded. The vote went as follows:

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

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

**Golinczak, Crest Road, Cold Spring, NY 10516 TM#17.-2-39**

Mr. Gainer stated that it's very typical resolution for a site plan application that is before them. There are some technical issues to be addressed that he's been working with the design engineer on. So, the one final condition, in addition the payment of fees and receipt of outside agency approvals, is to resolve the technical site plan issues that Mr. Gainer has identified to the design engineer, and he's on board with it.

Chair Zuckerman then asked for a motion to approve the resolution as prepared by Mr. Gainer. Ms. Conner made the motion, Mr. Gagnon seconded. The vote went as follows:

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

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

Chair Zuckerman stated best of luck to Mr. Golinczak with his project.

**Sadlon & Wenske, 825 Route 9D, Garrison, NY 10524 TM#71.-1-13.111**

Ms. Rockett read the public hearing notice.

*The Planning Board of the Town of Philipstown, New York will hold a public hearing on Thursday, March 17th, 2022 starting at 7:30 p.m. in person at the Philipstown Town Hall, 238 Main St., Cold Spring, NY and via Zoom to consider the following application:*

*Sadlon & Wenske, 825 Route 9D, Garrison, NY 10524 TM#71.-1-13.111; Minor Project: Development of a new single-family dwelling, accessory building and in-ground swimming pool to be served by a new septic system and water well, and related site improvements.*

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

*Dated at Philipstown, New York, this 17h day of February, 2022. Neal Zuckerman, Chair*

Chair Zuckerman asked if there was anyone in the room or on Zoom who wished to speak on this application. There were no members of the public who wished to speak.

Mr. Gainer stated that the Board has before it two separate memorandums from his office. One just summarizes the observations that the Board made at their site visit on March 6th. For the most part, he thinks the Board was satisfied with their understanding of the project. The DOT approval for access is still outstanding. He's also given the Board a memorandum from earlier this week just summarizing those issues. They also have building elevations that they've seen. He thinks they were reviewed in previous meetings, and might have been there at the site visit. The Board should just to make sure that they're satisfied with those. Other than that, upon the close of the public hearing, if they're so disposed, they could direct that a resolution be prepared for the next meeting.

Mr. Gaba stated that he thinks it'd be appropriate to close the public hearing at this juncture. The only issue that he didn't see anything written up on, they were going to look into the Arnold's Flight Trail. Was everyone satisfied with the plans for development in regard to the historic trail?

Chair Zuckerman stated that he believes it is fair to say on behalf of everyone that that was discussed. He then asked for a motion to close the public hearing for Sadlon/Wenske. Ms. O'Connell made the motion, Mr. Gagnon seconded. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Zuckerman: Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

Chair Zuckerman stated that the public hearing is closed. He then asked for a motion to authorize Mr. Gainer to create approval resolutions for the next meetings approval. Mr. Tomann made the motion, Mr. Lewis seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Zuckerman: Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

**Cedar Hill Landscaping- Depaolis, 18 East Mtn. Rd. North, Cold Spring, NY 10516 TM#17.-1-42**

Ms. Rockett read the public hearing notice.

*The Planning Board of the Town of Phillipstown, New York will hold a public hearing on Thursday, March 17th, 2022 starting at 7:30 p.m. in person at the Phillipstown Town Hall, 238 Main St., Cold Spring, NY and via Zoom to consider the following application:*

*Cedar Hill Landscaping- Depaolis, 18 East Mtn. Rd. North, Cold Spring, NY 10516 TM#17.-1-42. Major Project: The applicant proposes to construct a new 48'x 80' garage/barn on the property to house equipment for landscape company. Site improvements will include an extension of the driveway, employee parking and material sorters. The use of the existing single-family home will continue and existing apartment of the garage will be utilized for office of the Landscape Company.*

*Dated at Phillipstown, New York, this 17h day of February, 2022. Neal Zuckerman, Chair*

Mr. Gainer stated that they've got a technical memorandum from his office. He's tried to summarize the changes made on the latest site plans that are before the Board and that you're reviewing for the public hearing tonight. They've made a variety of changes. They still have building plans to present to the Board to illustrate the exterior changes proposed on the existing garage as well as the proposed storage barn in the back. Then, lastly, the Board would just want to understand whether there's any traffic concerns that they might envision for the commercial business to be occupying the site.

Chair Zuckerman asked if he could summarize for the Board those changes.

Mr. Gainer stated that they've now included infiltration facilities to pick up the impervious surfaces of the new storage barn being placed in the back. This was an issue the Board had raised in prior reviews. They've addressed the potential bat habitat for the site, and have acknowledged that they'll comply with DEC regulations on the taking of any trees that must be removed. They've extended the evergreen screening that they had proposed along the frontage of the property. They extended that further east. One other issue that the Board had raised is the storage of equipment outside. They've now committed to storing all commercial and landscaping equipment within the existing barn and the proposed garage. They've also committed to no outdoor signage to be placed on the property, and there will be no salt storage anywhere on the site.

Chair Zuckerman asked if the Board members had any questions for Mr. Gainer. He then asked if there were any members of the public who would like to speak in the room. There were none, he then asked if there were any members of the public on Zoom.

*Madeleine McGinley- My comments focus on the impact this project will have on traffic access and the residential character of East Mountain Road North. I have lived on East Mountain Road North for nearly 20 years, so I am familiar with the problematic situation at the intersection of Route 9 and East Mountain Road North. I wonder if a traffic study has been done for this project. East Mountain Road North is a narrow road, creating a bottleneck situation at the Route 9 Intersection. Two cars can barely pass. If a large truck or a large car is waiting to pull out onto Route 9 and you're traveling on Route 9 there isn't enough room to pull into East Mountain Road North. So you end up waiting on Route 9 until the vehicle can pull out. So, my question is - would the road be widened here? This is an already dangerous intersection and the site of many accidents. It's a 50 mile per hour zone. It's already difficult to pull out onto Route 9, especially to make a left turn, and there are often cars backed up, not to mention that it's a school bus route. The response made by Badey & Watson to the Phillipstown Engineer says that there will be a minimum impact because the trucks from Cedar Hill will be entering and exiting the site outside of rush hour times which they say is between 4:30 and 5:30 in the evening. Anyone who travels on Route 9 can attest to the fact that rush hour starts a lot earlier than 4:30 pm. They also state that morning rush hour will be between 7 and 8 a.m. These days there is so much traffic on Route 9, morning rush hour has turned into morning rush hours, plural.*

*I realize that this is a different application but if Hudson Highlands Reserve ends up using East Mountain Road North as an entry point this will make matters even worse. No project can be seen on its own but its accumulative effect with other projects being proposed in the same area. This must be viewed as a totality with good Planning Board practices. My final comments are about the character of East Mountain Road North, which is a country residential road, many portions lined with stone walls and a stream. This project proposes on the site plan and indicates that some of the stone walls would be removed to create a wider opening for the trucks to turn and the driveway itself would be widened onto East Mountain Road North, further affecting the character of the road. So, you have a commercial scale driveway on a residential scale road. When you enter East Mountain Road North from Route 9 you notice immediately the difference from fast to slow, from wide to narrow, from flat to steep. You're on your way to climbing a mountain from the commercial hustle of Route 9 and bustle to a quiet, rural even magical road. I am concerned that this project will affect that and how is it that a commercial venture with large trucks is able to use a residential road for its primary access. Thank you.*

*Bettina Utz – I live on East Mountain Road North with my family for 15 years now. We've seen the traffic increase there and I'm concerned about even more traffic at that intersection of Route 9 and East Mountain Road North if this business will be in operation as proposed. As it stands, we're already waiting anywhere from one to three minutes and we've timed it because it sometimes really seems so long for a turn onto Route 9 every weekday morning. Sometimes there's a line of two or three cars waiting for their turns and we often make risky decisions I think to get out on that road and it's 55 miles per hour in that zone. Likewise, when you get home from Route 9 traveling South and you try to take a left turn like Madeleine said on to East Mountain Road North, it has gotten so much more dangerous now and if you wait there and you see the cars zoom by you or pile up behind you, it's very nerve-wracking and just dangerous. I read that there's I think 12 additional trips in the morning and 12 trips at night that Mr. Watson was estimating and that's really at the very low end of what could happen here. So, thinking that workers have to come back for resupply during the day, and the business might get more employees if they're doing well, and the times of the use of the roads cannot be predicted for rush hours and as Madeleine also mentioned that, in addition to this project, East Mountain Road North is still vulnerable to be an access road for Hudson Highlands Reserve. So, we don't know what's coming there that will be dozens more trips a day into and out of our road. So, we have to see everything at once and account for everything. My question tonight is I don't know if this is possible but could there be a possibility that Cedar Hill is getting an easement directly onto Route 9? It's abutting another landscape business that's going in. I did not look at the site plans in detail but perhaps there's a way to disperse some of the additional traffic load on East Mountain Road North. Thank you.*

*James Dye- I would like to essentially echo some of my neighbor's concerns. By, the way I live on Esselborne. I'm newer to Esselborne. I've actually looked at the property that the applicant is going to develop and the cool house on it. Anyways, I'm concerned about traffic as well. I'm specifically concerned about the commercial traffic. I think that it's unusual and kind of out of character for commercial trucks to be originating from our road. It's not unusual to have trucks on our road, but usually they're providing a service to people who live here. So, I think that that juxtaposition of trucks coming out of our road at any hours of the day is a bit concerning. Since I have seen the property, I've actually noticed there's a lot of invasive Japanese Knotweed on the property. I didn't see that addressed on any of the landscaping plans. I think if you're going to develop a property, a forested property in a community like this maybe that would be something to address. I would love to see that addressed. That's basically it for me, it just seems a bit out of character.*

Margaret McManus with Badey & Watson stated that she can speak about the traffic first and then talk about the colors of the building. They relied the information from the traffic study that was conducted for the Hudson Highland Reserve when they looked at the impacts of the traffic. The road does function at an E which is during peak hours, which is probably every road along Route 9 functions at, about an E. Adding the 12 trips and it's not during the peak, and it's not rush hour but peak hour that they look at, and adding the trips on non-peak hours will not change the level of service. It will trip it from an E to an F. And even if those trips were conducted during the peak hour, it would still not change the level of service from an E to an F. It would continue to stay at a level E and that's why we continue to say that the additional traffic is not a large impact. Most of the trucks are pickup

trucks, it's not large commercial vehicles. It's pickup trucks. She thinks they have one truck that's a little bit larger and she doesn't even know if that goes out every day. It's an approved use in the HC district. This lot is in the commercial highway district. It's not in a residential district, it is one lot away from the intersection with Route 9. It's not a far distance into *East Mountain Road North* and she doesn't believe that the Planning Board could approve a plan that has access, they don't have access through another parcel and she doesn't think that they can approve a plan without them having access through another parcel. They had to take part of the stone wall down to accommodate sight distance to the east, it's not a large section of the wall and any part of the wall that they have to move, that's along the right-of-way, will be maybe five feet into the parcel. But they anticipate that they need to really just take down the corner of the wall and then they'll be able to see the required sight distance and they want to disturb as little of the wall as possible because they do want to keep the nature of the road continuing to look the way that it does. They have widened the driveway, that was something that was discussed at the site plan. It's going from about 12 feet wide and it'll be about 18 feet wide and that helps to have the ability if a truck is leaving the site and another truck is coming in that they won't block each other in the road. There are other ways to accommodate that and not widen the driveway, but they widened the driveway in response to comments from the site plan. So, that is something they could discuss, whether or not the give and take of whether a wider driveway is safer or a smaller driveway is more in characteristic of the existing area. Unless anybody else has any other questions about the traffic she thinks she's addressed those.

*Denise Frisenda- Good evening. I just wanted to comment. I have lived there for almost 40 years; my husband has lived right in the property that is in question right now for over 45 years. Yeah, there's always been an increase in traffic every year because since I've been there in the past 35 years there's been over 30 homes built up on East Mountain Road North which has definitely increased traffic on that road from delivery trucks, fuel delivery trucks, Amazon, UPS FedEx. They all go up and down every day, not to mention the fact that the school bus now goes up and down that road which never did before. So, there's always been an increase every year in traffic. As far as sitting at the bottom of the mountain at the intersection of Route 9 waiting to pull out, well, if there was a traffic light, you'd sit there for two or three minutes anyway if you had a red light waiting for it to change. That's the same as you would do now down at Fishkill Road and 9. So, I just wanted to comment that I really don't see Nick having a business in there as increasing any dramatic traffic flow that would affect down at the bottom of Route 9. If anybody's going to be affected by any trucks going in and out it would be me living there and I don't have a problem with it. That's what I want to comment on.*

Chair Zuckerman then asked for a motion to close the public hearing for Cedar Hill Landscaping. Ms. Conner made the motion, Mr. Tomann seconded. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Zuckerman: Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

Chair Zuckerman stated that the public hearing is now closed. He thinks there are some topics that have been raised and he's happy to engage for a little bit with the Board to discuss. There is stuff to discuss given those comments and he assumes others have some views.

Ms. Conner stated that she's not sure that this was clear. This is a highway commercial zoning for this property and this property she believes had a pre-existing commercial business there. She doesn't see that it's a massive change. It seems fairly straightforward. It's small trucks and there's not a lot of building going on. She added what she would like to ask about is whether Mr. Gaba has resolved the flag lot issue?

Mr. Gaba stated that he consulted with Mr. Wunner in regard to that and they have a difference of opinion in regard to the flag lot provision in the code and whether it applies outside of the open development subdivisions. However, this lot is not within a subdivision, it's a standalone pre-existing lot. So, they both agree that the bulk table requirements for the HC would apply to this lot and he doesn't think there's any question about that.

Ms. O'Connell stated just two things that she is little concerned regarding the two speakers with regard to Hudson Highlands Reserve and the amount of traffic that's going to be hitting that road. Her question is - does one impact the other and vice versa because they have to look at it from the fact that if both of them go ahead it is a potentially significant amount of potential traffic if you combine the two, but if you look at them independently, they may work independently but if you look at them as both happening simultaneously, she added she doesn't know how else to say it, if that makes any sense?

Ms. Conner stated that she thought at the last meeting we discussed the fact that Hudson Highlands Reserve cannot use East Mountain Road North except as an emergency exit. That that was off the table using it for anything else, correct?

Ms. McManus replied that's correct. They are not proposing that as the access point. It's not part of the plan.

Chair Zuckerman stated that he thinks Ms. O'Connell is asking a Route 9 question, just a general volume of traffic issue on Route 9.

Ms. O'Connell stated yes, because they have the 3622 project, they have Depaolis and then right after that they have Hudson Highlands Reserve. So, they're talking about three items that are adjacent to one another that are all timing out simultaneously. From a planning perspective there is some question that she is raising, which is as these come online there will be an incremental and or potential exponential increase in traffic right at that section of Route 9 and should they be concerned?

Chair Zuckerman stated that he'd like Deputy Supervisor Flaherty's help getting the Planning Board on the docket for a Town Board meeting to raise the topic which they've talked about a number of times. In fact, he thinks he brought this up in last meeting based about Ms. Utz's letter that they talked to the Town Board about what they're going to do about Route 9. Whether each individual case has a legitimate standing to be approved. He added that they are reaching a point and they can add to that Magazzino's expansion, the Shakespeare Festival further down Route 9, CRS and the truck parking area that the Board approved. There has been a material increase in the volume of activity that they as a board are approving, and he thinks Ms. O'Connell's raising again the question. So, if Mr. Flaherty could help getting them on the agenda for the Town Board meeting to talk about the proliferation of activities on Route 9 and what they potentially could do as a Board about the topic.

Mr. Flaherty replied sure they can address that. They will try to get them on the agenda for next month's meeting. He did bring this up last at his last meeting as well, that everyone was concerned about it. He also spoke to Mr. Gaba about this. He added as he did mention previously. Many years ago, the setbacks on Route 9 were 100-feet they were changed quite some time ago he thinks to less than 50, maybe like 35-feet, and the reason the Town did that back then is to try to prevent a four-lane highway coming through Route 9. If Route 9 gets to that point he's sure the state will do what they want to do at that particular time, but he will get them on agenda next month to address it.

Mr. Gagnon stated he's been up in the area for over 40 years and seen some dramatic changes, believe me. But that site particularly has been used for that similar operation over the years. He doesn't see how dramatically this approval would affect what's coming out of that site. It's been a very similar use over the years.

Ms. Wendel stated that shortly after she joined the Board, she thinks the CRS International site came forward for approval by the Board and that involved a lot of trucks and large, very large trucks, and the traffic study done by Badey & Watson indicated as they always do that there would be no effects, no effects on traffic. Totally contradictory in her opinion to anybody driving Route 9 experiences. So, she voted against that project and one

other member of the Board did as well and that was based in part on residents saying that they literally could not come out of their homes onto Route 9 safely without being afraid. In the meantime, during the several years she's been on the Board every single project on Route 9 has been approved and every single project has received a traffic study that says that there's no effects and yet we all know there are effects. So, she would just say that that is counter-intuitive to the extreme. They know that there's effects on Route 9 and she doesn't know what they can do about it. She has read in the local papers that other areas have restricted development along their major thoroughfares. She's happy to provide that information. There are ways a town can confront this type of issue, but she can just say that during the time she's been on the Board, which is only a couple of years, every single time a project comes up on Route 9 there are going to be no traffic effects. It just doesn't make sense and again she voted against CRS. That was the largest truck project, big trucks coming in and out affecting traffic. It seems to her from a common-sense perspective very heavily and yet the traffic study said no effects. It doesn't make any sense to her.

Chair Zuckerman stated that those are fair observations. That's hence why he cited Ms. Wendel and that vote in that discussion and which is why he thinks it's time for them to go to the Town Board and discuss it.

Mr. Lewis stated that he feels very much like Ms. Wendel does, so he's not going to just repeat her words but he agrees and thinks they're all very sensible observations.

Mr. Tomann stated that it comes down to a property right, a right to develop your own property and it's not going to be without its consequences. Route 9 gets busier every year the more we develop these properties, but it is Route 9, it's a commercial corridor and he's not sure they're ready to start picking and choosing who can develop and who can't. Maybe they can find some other way to deal with it, maybe the Town Board will have some ideas. But it's a difficult question, it's just tricky, it's not an easy solution.

Ms. Conner stated that she agrees with Mr. Tomann. What are they going to do? Are they going to say I'm sorry you aren't in Phillipstown? The traffic doesn't just come from Phillipstown. Route 9, like it or not, is the only north-south truck route between here and 684 on this side of the river. If they open the Taconic Parkway up to trucks maybe things would get better, but she thinks she agrees with Mr. Tomann and doesn't think that the traffic problem is necessarily local. The traffic problem is the fact that Route 9 is a major artery and are we going to put a traffic light at Fishkill that says you can't come in if you don't live in Phillipstown?

Chair Zuckerman stated that typically the Board would ask Mr. Gainer to prepare resolutions for the next Board meeting. He'd like to gauge the sentiment of the Board about whether they're ready for that or whether they'd like to continue this conversation at the next meeting, so let me just see if we can get a motion to prepare resolutions.

Ms. Conner made the motion, Mr. Tomann seconded the motion. The Chair then asked if there was any discussion?

Mr. Tomann stated that the need the Taconic Parkway to be a commercial highway.

Ms. Wendel stated that these projects are here in Phillipstown. She added that she disagrees.

Chair Zuckerman asked Ms. Wendel what point she disagrees with?

Ms. Wendel replied that she disagrees that the traffic has nothing to do with projects being approved in Phillipstown. They're asked to approve or disapprove projects that are being put before us that are located in Phillipstown on Route 9. That is their responsibility. People are literally telling the Board they are afraid to come out of their house on to Route 9. They're afraid they'll be killed. They have heard testimony to that effect but with CRS we actually heard residents say they're afraid to come out of their property. She believes it was a trailer park on Route 9. They're afraid to come out because they're afraid they'll be hit; they have to wait for a long period of time to come out onto Route 9. Please help me, that's what they've heard.



Chair Zuckerman stated that this may be a good time to bring Mr. Gaba in because he thinks they're discussing levels of control or decision rights that different bodies have, and he knows Ms. Conner was obviously being funny about the Taconic. Let's leave that state DOT point aside, but what does this Board, especially when they're presented with traffic studies by reputable firms, he'd say John Canning as far as he can tell is a reputable executive who does reputable analysis. The Board is presented with reputable studies that say something that is contrary to what Ms. Wendel is saying, and she's absolutely right that the public is telling the Board. What are the degrees of freedom as a Planning Board versus the Town Board, for example, in this case?

Mr. Gaba stated what they're talking about is cumulative impacts. They're not talking about traffic impacts of one project, they certainly aren't talking about traffic impacts to this project. This is just one garage on an existing landscaping facility. So, they've gotten a little bit sideways on this. When they go through SEQRA review on any project, even this one, they can and do review cumulative impacts from other proposed projects. So, if there's a project in Phillipstown, if there's a project in Fishkill, if there's a project in Putnam Valley, whatever it is that they think might impact them, they can look into it to find out if it's there. The Board can consider in approving the application before them not only the traffic impacts of that project, but what the cumulative impacts of all these other proposed projects will be. It's his understanding they've done that and he will defer to Mr. Gainer but he's quite certain that's something that's gone into the Planning Board's calculation in approving CRS and every other project that's been approved before it when it conducted its SEQRA review. Outside of SEQRA review the Board does not have very much discretion in terms of considering cumulative impacts of other projects. They have to go by the site plan regulations in the code and those have limitations on what it is they can consider in approving a site plan in regard to traffic. It's mostly site-specific considerations. If there's a remedy if for this it lies with the Town Board. The Town Board will have to look into what the appropriate zoning is. It doesn't mean that they have to make all of Route 9 residential. They can keep it commercial, but it would be uses that are of a less traffic frequency that they would allow, things with fewer vehicle trips if that's the way the Town Board wants to go. The new comprehensive plan is going to dictate a lot as far as what the zoning is along there so these are legitimate concerns but he doesn't know that this particular application is the one to dwell on it this is the type of thing. They might want to have a discussion with the Town Board over rather than deal with it tonight.

Chair Zuckerman stated he would just ask Mr. Gaba to amend his language, he doesn't think they've gotten sideways. He thinks they're having an important conversation and this is another example, albeit a small one, where some members of the Board feel passionate about the topic. He wants to encourage people to have these conversations because it is important and there's cumulative effects. This is the accumulation of effect of a number of projects. So, whether they're sideways on this or not, he thinks they're on the right track and agree they are supposed to talk about these things. He added that they have a motion on the table. It's been seconded to prepare resolutions. That does not mean they will vote on the next meeting, so people can spend their time in the next month thinking about them and how they feel, but they have a motion and it's been seconded. He then stated that he's going to call a vote in favor of directing Mr. Gainer to prepare resolutions. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Zuckerman: Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

He then stated Okay, Mr. Gainer has been directed to prepare resolutions. He added he doesn't think they need to take a vote as a Board to ask Mr. Flaherty to get them on the docket but he thinks he's heard the sentiment and then once they get on the calendar the Board as a group of seven can discuss how they then want to go

before the Town Board whether as a group or a select group or something. So, they'll cross that that bridge when we get there.

Mr. Gaba stated he's not sure there was a vote to close the public hearing.

Chair Zuckerman stated he thought they did but let's do it again if they did. He asked for a motion to close the public hearing. Ms. Conner made the motion. Mr. Tomann seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Zuckerman: Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

Chair Zuckerman stated that they are now going to their third public hearing. He just wanted to make a comment that was said privately to the two applicants; Hunt/Potter on Moog Road and to the Hudson Highland Reserve project that is returning to the Board. There is a strong possibility that the Board will not get to them this evening, and he knows Ms. Rockett conveyed that expectation when they put the agenda together. As far as he can tell they have 94 members of the public listening. He doesn't know how many want to speak. After Ms. Rockett reads the intro he will give the ground rules for this third public hearing, the second continuation to help keep moving forward. But he just wanted to again repeat for Hunt/Potter and Hudson Highland Reserve there's a strong possibility that they will not get to them this evening. If that is the case, they will be first in the docket for next month's meeting which they've attempted to do for all of these situations, as they've been working at a high operating tempo over several months.

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

Ms. Rockett read the public hearing notice.

*The Planning Board of the Town of Philipstown, New York will hold a continuation of the public hearing regarding review under the State Environment Quality Review Act of the below described project on Thursday, February 17th 2022 at their regular monthly meeting starting at 7:30 p.m. at the Phillipstown Town Hall, 238 Main St. Cold Spring, NY 10516 and virtually via Zoom to consider the following application:*

***Garrison Golf Club PDD/Hudson Valley Shakespeare Festival, 2015 Route 9 Garrison, NY 10524 TM# 60.-1-59.2 & 59.3 SEQRA review of: Major Site Plan & 3-lot Subdivision; Modifications to the GGC PDD to permit relocation of the Hudson Valley Shakespeare Festival to the site, new theaters, outdoor pavilion and housing for artist and visitors (existing banquet/restaurant facility to remain). Dated at Philipstown, New York this 16th day of December 2021. Neal Zuckerman, Chair***

Chair Zuckerman repeated some ground rules. He speaks for the Board when he says that there is no one on this Board that is opposed to the spiritual mission of the Shakespeare Festival. They are all fans to a greater and lesser extent of the Bard himself and his work, and certainly the social good that the Shakespeare Festival creates. They're not discussing the social value of the Shakespeare Festival's move, not discussing whether we like plays, tragedies, comedies or the like. What they are discussing is the environmental impact of the proposal and that is what they are asking for public comment on. That is what they are expecting folks to speak on. For those of you who have not spoken before, they will continue the highly transparent and open approach of allowing people to speak as long as they need to speak, as long as they try to speak to the topic at hand which is the environmental impact. If you have spoken before they will allow a repeat. That repeat speaker must be talking about something that is new to their commentary, and with a three-minute time limit. If you've already spoken, even if you're

reading a letter from someone else, that is the same thing. You get three minutes, just give us the highlights from hamlet, pun intended. He asked Mr. Tomann to be the organizer of the "in room" public and then we'll go to Zoom, and back and forth and back and forth. He added that we're going to do this until 10:00pm. One more thing before they get started. As he said at the site visit two weeks ago and at the previous meeting here and he thinks it was fairly captured in in the Putnam County News and Records review of that site visit, when the Board closes the public hearing that next month, if they close it tonight, the next month Shakespeare's support staff and folks have agreed to take the questions that the board will curate for them from all the public's comments and help respond to them in the next meeting. The Board will give them a chunk of time to do that. So that's the plan.

*Rhonda Donahue- When I started following this project, I used from the very first EAF which Cheryl Rockett helped me find over and over again. This document which is called Appendix C and it is the proposed development put side by side with the existing development, and they run side by side like this through the duration of these 27 pages. So I thought a valuable tool in evaluating the project would be to take the subsequent versions of the EAF and now we have the final EAF of 2022 I guess we're in now, and compare it to 2005. So, I filled out a freedom of information act trying to find the EAF's from 2005, which were not digitized. Five hours and three visits to town hall later no EAF's. But I do have some Environmental Impact Statements. You all may be interested to know that the 2005 action which I think dirt was moved on around 10 acres of land, and the total amount of land, you know structures created, was 3.9 acres received a positive declaration from the Planning Board and so I also, because the Chair requested at the last hearing, have changed my whole remarks to ask new questions about environmental issues related to that. I'm not an expert and I'm not an attorney. I'm just a person who reads documents old and new. My first question is how can a project that is disturbing, I'm sorry, there's two numbers - 45 and 49 acres. I don't know which is right of land at the same intersection of bodies of water called the watershed of Philipse Brook which drains into the Constitution Marsh, which drains into the Hudson River, anything other than a positive declaration after 17 years more of pollution on the same golf course. So that's my overriding thing. What I'm going to talk about, like my friend Mr. Davis who hired a soil consultant, is the soil analysis because that's really important when you're doing construction on a golf course. So, on the golf course in addition to pesticides that are used now the dirt contains heavy metals that include mercury, lead, arsenic and chromium, DDT, DDE and DDD which was banned in 1962, three kinds of chloride which were banned in '88 and then a chemical I can't even say that was also banned in the 80's. So, because there's danger in the dirt that is going to be disturbed to make a parking lot, to build a building, to make a wildflower meadow it's going to be disturbed. Geodesign which was the expert who did the soil study said that yes, these substances are harmful when the dirt is disturbed so all the stuff that's in the dirt comes into the air. My next question for the Board is I couldn't find information addressing that issue so what is the plan for containing the dust from construction or any gardening, any activity, to protect the humans including the workers and the other species that are going to be breathing in that air? And then, sequentially, it's going to rain on that same dirt. It's impossible to get the dirt covered every single night so that rain falls, it goes into Philipse Brook and or the New York City Aqueduct which is right there and what are the plans for storm water runoff? The five-year process that resulted in the 2005 law, so that was about 1999 to 2005, I found lots of papers and correspondence. A great deal of that activity was about this particular issue stormwater runoff because of the steep slope. The golf course building is up here it goes down the driving range and then of course down, down, down, down until we get wherever the river is. Okay so, the chemicals that were found in the soil were not found in the well water at the golf course or in water sources, which is great. However, there's no indication that the sediment at the bottom of the wells or the water sources was tested so I'd like to ask the Board to please ensure that that was tested because anything that creates turbulence is going to put those chemicals into the water, thank you. Okay, the environmental impact form from the 2005 action also used a lot of computer modeling to do the storm water runoff and stuff and I know that Shakespeare has done similar things for their plans for storm water runoff however it hasn't escaped any of us that the storms that have occurred in the 17 years between '05 and '22 are different than the ones that we used to have. If you could please carefully review the stormwater runoff situation for the changing climate. The EAF part 3 that I'm referring to I just have to give myself a buy here it's dated September of 2021 however there was a subsequent series of documents uploaded to the website. They are comments on that EAF and in some cases they change the*

*facts but there isn't a final a FEAF with all the facts integrated into it so that a member of the public can just look at what the current EAF is or the final EAF and go okay so I can look at this, I can look at the first one, I can see what's changed, I can see what they've worked on I can see what's missing, that's not available. I would really appreciate it if the Board could ask the applicant to create a nice, clean document and I have a second part to my request. Right now, part three of the final EAF is 1,167 pages. Many of the pages is drawings. This isn't very easily loaded onto a computer in a person's home and to try to print out a page from that is extremely difficult. Prior EAF's were individual. The words were separate from the drawings and that was a lot more easy for the public to manipulate and now that so much work has been done by the applicant and so many consultants have been involved, it would be really helpful if it could be uploaded in ways that are easy for Cheryl Rockett to label and easy for the public to find. That would be really great. I get a lot of emails asking me where to find things, it's hard. So that's kind of a transparency thing. Let me go back to my questions. All right now, the one event I missed related to this project was the site visit last Sunday or two Sundays ago, I had a family obligation and I wanted to also ask the Board, sorry if this is unreasonable, if there could be a report from that site visit. It was really important because that bridge was not a part of the project when it was introduced and when the traffic study was done in 2020 there was no Snake Hill bridge and I don't even know if it's the main entrance to the proposed development or not and don't know anybody who does. Sorry, I know it's a hassle but you know the chairman did outline the processes that he was going to follow. It was a very important meeting. The newspaper covered it pretty well. But I still have people talking to me on the phone saying, well, excuse me this happened and that happened and why don't you know this or that. So, if we could have any kind of notes or anything from it that would be really helpful, thank you. If there was information about the bridge in the EAF I would just go to that but there's not a lot. There are some drawings, okay, and photographs. One of the issues that comes up in the 2005 correspondence between the DEC and Mr. Watson who once again is representing the applicant, is a lot of conversation about stormwater runoff as I mentioned but also a very specific thing called concrete leachate. Okay, I am not a concrete expert but I have to assume that this is what comes off of concrete when it either hits water, dirt, chemicals, not too sure. However, I do believe from the talk from the site visit that the supports to the Snake Hill bridge will be made of concrete and that no one at the site visit that day could explain to the Board exactly how much concrete would be used. I think numbers between 50 and 100 tons, but that's a big range and from an environmental perspective concrete leachate is an issue. May the public please see specifications for the proposed new bridge, sight lines, elevations, concrete and how the concrete leachate will be prevented because those supports are going in around or wherever the unnamed stream the DEC calls it, the unnamed stream that flows into the Phillipse Brook that flows into the Hudson River. So this is, you know, another pollutant not found in the soil but found in concrete. Then it appears because the supports are concrete that we're going to need if we could please see leachate mitigation plans and also for any other areas in which concrete leachate is an issue like foundations near slopes, you know, just places where water and concrete mix and then that goes into the whole soup. I also am going to second Mr. Davis's request of the last hearing to ask the Board to expand soil sampling across the area to be excavated. The testimony of the expert whose name has escaped me felt that the soil testing was inadequate. It was about 16 samples and this is a 45 plus or minus acre project. They did include tees and greens which is really important for pollution on a golf course, but it is not adequate nor were they deep enough. Too shallow and too few. Given that the bridge has been added, have the wetlands and watercourses on the project been studied again to include the potential sedimentation during the construction and operation of the Snake Hill Bridge. What are the impacts of the construction and use of the Snake Hill bridge in terms of disturbance to wetlands and watercourses. And, finally, what are the impacts of the changes in the groundwater levels on the wetlands during the construction and use of the Snake Hill Bridge? Wetlands are extremely important environmental resources as you all know, and these are issues that have been addressed vis-a-vis other aspects of the project but not the proposed bridge. Turning now to other matters that required further investigation after the positive declaration in 2005. The environmental impact statement, which is in my red briefcase along with the bat phone, says that it was important to define what extraordinary events might take place on the proposed project if it were approved that would cause the owner of, you know, the project will switch hands from Mr. Davis to Hudson Valley Shakespeare Festival. What level of event do they need to come and speak with all of you or to Supervisor Van Tassel and this is*

*really important because just this week Mr. Van Tassel opined on permits needed or declined for a, I'm sorry, I don't know the really accurate word, I'm not trying to be disrespectful but a pirate themed Festival at Graymoor, you all know what I'm talking about right, okay, got it? So, this is an environmental question. Let me just get there. Given that this is going to be a very large entertainment venue this section may have been overlooked, in any case I can't find anything written about it on Phillipstown.com. So, can the applicant hold any event on the property should the project be approved? Can the property be rented out to anyone for any purpose should the application be approved, or is the Town of Phillipstown going to put requirements like they did in the 2005 PDD for times when the property owner would need to come to Phillipstown government and say, hey we'd like to have you know a renaissance fair - what are the rules for that? I don't know. And of course, if these issues are not discussed this could be a huge environmental issue. This would affect the light study, the noise study, the traffic study, the emergency services, I mean, it would affect every single thing that's already been done if these kinds of events were to take place without the town government being involved. Okay, so that was scary. I just wanted to say that in the Environmental Impact Statement for the project that was approved that exists now so I have teeny pictures but this is the existing site, five things that's what we got going on up there and of course I'm not counting the cart barn in a tiny parking lot, but you know it's not a big development. But in the Environmental Impact Statement the applicant in 2005 was able to say yes, it fits into the rural character of the town, yes it adds recreation opportunities, yes it provides a place for people to meet and gather. The Chair's daughter's bat mitzvah was held there. When we sent off the Reverend Frank Geer from St. Phillips the gathering was there, it worked. It was a good thing. I do have one last question, a small one, probably just an error, but on the proposed concept plan so this is the one from long ago the 5 dots. This one is the 23 dots. But on the 23 dots there's two number 15's. There's a 15 down here on Philipse Brook Road and then there's a 15 where the current clubhouse you know small inn, restaurant, wedding places and they both say 15 means 20 room hotel. We're just making sure that there's not two 20 room hotels. I think probably not but just checking. So, finally Chairman Zuckerman explained at the site visit, the plan going forward that this hearing would take place and then that all of you would gather our many questions. Thank you, not an easy job. So, to that end some people in this room and some at home on zoom created these documents of questions from the community and so I have a couple of documents of those, one from the last hearing and one from this hearing and I also wanted to submit to the public record the local law, local law number six for 2005. I got this by calling the New York Department of State. It's nice to have, you can read it, you understand what's going on, how they approve the development that's there now what restrictions were put on it how it is zoned and I know that some of the things that I've said have to do with zoning, but I'm not too good on zoning and I think it would be great if people could go to Phillipstown.com and look at this law. So that's why I'm going to hand in these documents too. Thank you, submitting them. Put them on the record.*

*Nancy Falgan- I live on Philipse Brook Road. I'm not going to be as lengthy as Rhonda. Another person who brings up all sorts of things I hadn't thought of but I'm probably one of the people who could be most affected because I am literally right off of where they did a lot of work when the hotel was going to be built back in 2005. I don't know if you all know but I'll just make it a side here. It's funny how the things that I'm going to mention aren't things that I thought of back in 2005, because I had friends and they said don't worry this will never be built. It's sort of funny to think now here we are in 2022. and you know now we have a bigger thing to worry about. For anybody who was at the meeting four weeks ago, there were some issues that came up by some of my neighbors and another person that I just want to mention to the Board that really have to be addressed because it's something that I can't really research too much. So, the two issues are the groundwater and what that effect could be. I mean this is a really serious kind of issue and there was a neighbor who mentioned at that other meeting that when they were doing some irrigation wells, they literally had to go down 200 feet. That's just something there's these things that these need to be looked at, because what effect is this going to have? The other person was a Howard Davis who was an environmental lawyer who spoke. This is a person who I gather this is his area. So I'm trusting him because these are wells, complex issues. This whole idea of the effect on the water is I'm not even sure how it's researched but anyway I think you should look into some things that he mentioned. He mentioned that you should definitely research as much as you can the effect of the groundwater on neighbors, all of my neighbors who are in the real near vicinity, because that's just this is kind of scary and he mentioned a 72-*

*hour well pump test in late summer and I don't know exactly what, you know, I was trying to take notes of what he said. But I would implore you to look at everything that he mentioned at the last meeting because he seemed to be somebody who knows what to look for. So, I don't know, maybe this is another person that we need to bring in some experts in this area because I tell you I'm more, I'm much more concerned with what's going on underground than I am with what's going on with the air, you know, should the soil be disturbed. With all due respect I don't know about that so much. That's just some things I'd like to get to look at so I won't go into a lot all the other issues that were mentioned in the last couple of meetings, I don't want to bring up all those again, but us people who are really going to be in fact affected by it where we aren't very concerned. Just as an aside, it's interesting to think about the unintended consequences of these kind of things. What's happened already is that the Hudson Highlands Land Trust has already put signs off of Phillipse Brook and see this is the green areas is where the land trust is taking over. This is Snake Hill and it's just interesting how I'm thinking of the future. I mean people have always sort of parked there to do certain things, whatever they do. Some people are going to look for golf balls but I don't know if any of you know but there's not much parking. There's literally almost very negligible parking. These little black things I've mentioned are the only parking spots between Phillipse Brook and off of Snake Hill and it's just going to be interesting to think about this has not much to do with the Shakespeare Festival, it's just an interesting aside about the fact that sometimes we don't think about what's going to happen in the future. Is this going to be a big draw when the Hudson Highlands Land Trust has taken over? I have no idea. I mean it's walking trails or whatever it's going to turn into, I don't know. It's just going to be interesting to watch and I think it's just going to be something that if for some reason it becomes really popular and there's not a lot of places for cars to be put, it could be a could be a problem in the future.*

*Randi Davis- Thank you Planning Board for the opportunity to speak and to be considered in this process, and thank you to the all of the community for listening. Good evening, my name is Randi Davis. Our family has lovingly lived in Garrison for more than 18 years. Actually, my parents brought my family here 50 years ago. We raised our children through the Garrison school, the broader Phillipstown community and through the many assets that this area has to offer. Many both in and out of this community have commented on and advocated for the potential benefits that this proposed plan development may bring. However, reading the SEQRA handbook which I did, chapter four on determining significance, there is a question-and-answer provision that has under informed my understanding as to where we are in this process. The question – “may an action with one or more significant adverse environmental impacts receive a negative declaration if there are balancing social and economic benefits”, the answer provided in the handbook is no. The determination of significance is a threshold determination that should not balance benefits against harm, but rather should consider whether a proposal has any probable significant adverse impact. Such balancing may only be done in findings following an Environmental Impact Statement. As there have been potential significant impacts identified I advocate for a positive declaration to be prepared to enable further assessment before balancing can be done. I'd like to speak now to some impactful areas that are concerning and identify some that have yet to be discussed, as you have requested. Towns and communities change, they shift and they evolve over time and predicated on need. We have come to learn that the Hudson Valley Shakespeare Festival had a need to find a new location for their summer performances. We've also learned that the owner of the Garrison golf course property, had a need to find a new owner for the property and manage it with a shared vision and desire to keep conservation and good stewardship at heart. The EAF has shown that there are significant provisions and alterations that are necessary to meet these needs. It appears however there is another need that this proposed development is aiming to fulfill. The need to provide alternative open space for recreation for the many visitors and tourists who have found their way to the public parks in this beautiful area of the Hudson Valley. This need and intent is referenced by the applicant's grant proposals, by the language used for marketing and other published materials and to support this I'd like to read an excerpt from the applicant's submission for grants from the New York State Consolidated Funding Application. I quote “upon completion our new campus will offer the public a much needed new option for recreation and enjoyment of open space in a region that attracts tens of millions of tourists annually, the overcrowding of regional parks and trails is a double-edged sword that so many people are seeking spots for walking, hiking and bicycling is a great driver of positive recreation and tourism effects, but it also poses the problems of environmental impacts, crowded*

*roadways, congested trails and other safety hazards. Moreover, many of the Hudson River's most beautiful vantage points are accessed via difficult steep or rocky trails. Our project will alleviate these concerns by offering a new sustainably developed and maintained Hudson River access point that will help to ease the area's congestion problem, as well as delight recreational visitors with accessible spectacular vistas seen from our property's high ridgelines". End quote. If the intent is to invite and expect large numbers of visitors and the property will include performance venues, restaurants, bars, lodging, walking and hiking trails then we can expect it will likely meet its goals and it will be significant in many ways and, while the language used seems clear as to the intent, it is not currently clear as to the projections for the significant numbers of people that could be visiting this property. So, beyond the parking spaces allotted in the plan, beyond the number of proposed seats in the theaters and lodging and restaurant capacity, there is language that suggests that visitors may also be bussed and or shuttled to the property from other parking facilities and to and from other attractions in our area. So, while we are considering the potential impacts from the number of theater goers, the hotel guests and catered events and the continued passive use by our community of residents, we must also consider the potential for impact from the proposed use by many more than that. The EAF does not appear to include those projections. Although it is stated on the Hudson Valley Shakespeare Festival website that it is not intended as a public park, the language and messaging suggest otherwise. It also indicates on the website that the new owners reserve the right to responsibly manage access to prevent overuse, but currently there is no understanding of what the restrictions and protections are being considered and that may be to put in place to accomplish this or how they may be enforced. It's also unclear as to who will be responsible for parks and recreation management. Again, I advocate for a positive declaration so all of these issues may be considered at this time in the process. I would like to speak to other specific concerns and potential impacts on the lives of valued community members. That is, after all, why we are here and what this process is for. On the subject of traffic, I am not alone when I say that I fear the approach to the anxiety producing merge that exists on Route 9 northbound just before the proposed traffic light at the intersection of Travis and Snake Hill. With this new proposed traffic light, I am very concerned about the abrupt stop, the visibility and the sight lines and what will happen when people are racing at that one point to pass and then have to stop. To access the homes in our area of Garrison when traveling Route 9, our community's outlet is Coleman Road. Coleman, if you don't know, is almost directly across from the proposed main entrance for the campus property. As it stands now, we wait, we wait, until it is safe to cut across highway traffic to turn southbound. I ask, what will occur when cars are lined up from both the north and the south on Route 9 for the campus entrance. There is no proposed traffic light there. How will we safely get in and out to our homes? How will it impact the wait time to do so? I ask, how will we protect the small rural roads that serve our community from being used as through roads and what impact will ensue when we begin to see the V that is formed where Coleman meets Frazier potentially becoming a U-turn for Route 9? So, without further assessment, there is serious concern as to the impacts this will cause. 9D. When coming from 9D, our ingress is Snake Hill Road, where we then jump on to Phillipse Brook from a significant curve in Snake Hill. This blind curve already poses a problem and I can find no assessment as to the effect of increased use in additional traffic for this particular situation. There is a significant community of residents that traverse these roads and use these intersections and therefore vitally important that a more comprehensive traffic study be required. We are also concerned about the acoustics and how it may impact the neighboring community. The applicant has stated that the sound output data collected from performances from years past is being used for acoustic assessment and that there never were any complaints of noise from the neighbors of the Boscobel property. Whether verifiable or not, this cannot be the basis for determining what could be. The property here in Garrison is significantly different from the grounds of Boscobel, the terrain is different, the placement of roads and residential homes surrounding it is different and the proposed structures and uses for the new property may present challenges where audible events may now occur. In fact, several years ago when the restaurant at the Garrison hosted a Thursday night barbecue series with live music, we could listen to it from our own backyard. As others in our community have echoed, sound really travels in our area. To the extent that acoustical testing has been reported in the EAF, there appears to have been no testing done for off-site impact. An important area that I have not heard discussed is our community's Garrison School Forest. The proposal indicates that there will be a system of paths and trails provided for walking and hiking the property and beyond. Primary and secondary paths,*

*some with boardwalks over wetlands, some proposed to connect towards the historic trails of the north and south Redoubts. The Garrison School Forest connects to these same trails. Right now, there are a handful of parking spots that make it possible to access these trails and therefore limits the overuse of this community resource. With ample parking proposed for the development, many right on Snake Hill Road, and the suggestion of buses and shuttles to the property it could very well enable easy public access and potential overuse of these historical lands and trails and importantly our Garrison School Forest. The forest was gifted to the Garrison School years ago for education and recreation purposes and it is critical that if the connectivity to the proposed development could potentially impact this area, it must remain a safe protected resource for our school children and our community. In closing, things that could go wrong are not always fixable and those who may be in the position to try to fix may not always be in that position. So, given the opportunity that this process provides for us to fully assess the significant environmental impacts that may occur and what issues might present as problems, we must take the time to identify, assess and address them before they're out of anyone's control to do so. A positive declaration would help to make sure this proposed planned development is appropriately planned with the protections we need for our community and for the applicant. Thank you for your time and your consideration.*

***Gracie Oaks** – I appreciate it and appreciate the thoughtfulness through the exercise. Full disclosure, I've lived here three years, which makes me barely qualify to have an opinion about how much money we should be spending on our dirt roads. So, I'm pro dirt road I guess, like that's something that needs to be understood. I do appreciate the conversation about the cumulative impact of all the development that's happening. I think that's really important. There's a lot of, you know, death by a thousand cuts type stuff that's coming on through the development. I think about it. I'll be honest. I moved here in part because I had friends that lived on Old Albany Post Road. I lived on the Post Road about a mile from the project and one of the big draws was the golf course, I've played golf there with my father for 15 years like and I know that that's a bias for me, it's a special place. I go there with my friends Saturday, Sunday morning at 7am and I look across the river and I look at Storm King and it's a beautiful, special place, it's important. I understand why the Shakespeare Festival wants to be there. It's hard for me to get riled up about what's going to happen 30 years from now or 20 years from now. I realize this is a huge comprehensive plan, but I do think that there's one thing that is really irksome and I know people have talked about it before. But even this week I went and I walked the golf course with my daughter. She found 62 golf balls which is pretty impressive, they do all live in her bathtub right now, so they'll get clean eventually. But the location of the tent on the 11th fairway. If you look at the state you know the state talks about scenic areas of statewide significance right, and this is one of those areas. It's important, and they talk about how you evaluate the environmental impact of a change to a view into a viewshed and this town has advocated that that is a viewshed that is important that as you go north and you look west across 9 that this is a special place and everyone here knows that. When you drive up 9 and you're looking into the woods, and they look different based on the time of year and or if you drive south down line and you're looking at gravel pits or whatever, but you hit a moment where there's this open space where you see the golf course and you can look across the river and you can see the other side, right? It's really beautiful and it's gorgeous and I think everyone here has driven that road has seen the sunset at a moment in time and they know how special that is and what that feels like and to me the concept of putting a tent, a permanent structure on the top of 11 is embarrassing and it's embarrassing to me that the community and where we have a town plan, where we talk about that this is an important view shed and something that is important to us. It's disappointing to me that that's something that we would consider. If you go there, you can move the tent down, you can put the tent on 10, you can put the tent even lower, closer to where the old driving range would be. You can have it off of the ridge line so that people can see it. I personally have had good conversations with the Shakespeare Festival. I find that they have a goal. They've been given a gift they want to build something I do think that they want to be good stewards, they're ambitious, I understand what it is. I'm grateful that Mr. Davis ran the golf course for a while and I understand like his legacy of finding good steward for it. But, when you think about what it could be and what it will be for the next few decades, protect the ridge, it's not okay, there's other alternatives. I think that there's a possibility that you can approve the project but you cannot approve the location of that tent and that you can protect that view and there are plenty of sites where it can happen. It is natural for them to build it on ten, it is natural them to build it even a little bit lower like where*



*one would be if the old golf course there are spots where it would not be something that you would see when you're going north on 9, which again is something that this community, through the planning, has decided is important to them that that view shed looking across the river is special. We've heard people talk about how building something in the shadow of Storm King irks them, but when you read the stuff about this the state assessments on scenic spots they talk about how new structures there that it is not arbitrary that they should not be incongruous with the area and there's an inventory of properties that they say like these are noteworthy and these are okay they talk about the Osborne's house, they talk about West Point, that these are things that are special and contribute to the character of the area. And I suggest that no matter how much the Board advocates for the value of the bard, that a tent on top of that ridge is not something that shares the same historical value of the Osborne's home nor of West point and it shouldn't be considered is something that should be there. I think you should move the tent. Okay, that's it.*

**Suzle Gilbert-** *Thank you for continuing this hearing. I have lived in Phillipstown for 32 years. I became a faithful Shakespeare supporter in the early 1990's. I have no desire to see it disappear, I am delighted that Kurt Rhodes and Nance Williamson will be starring as Romeo and Juliet this summer. That said I am appalled at the size of the development proposed by the Hudson Valley Shakespeare Festival. If it were just a move up the Hill as Fred Rich so absurdly describes it, I would be on board. However, it is one of the biggest potential developments Garrison has ever seen. Shakespeare has suddenly become a big developer. They want to take the equivalent of a small regional carnival and turn it into Six Flags. I have spent years fighting developers who didn't care what kind of impact their projects would have on our fragile rural environment. Developments like Point Lookout, Mountain Trace, Lake Valhalla Estates, Hudson Highlands Reserve, should we have trusted them to do what's right for Phillipstown? If not, then why would we trust Hudson Valley Shakespeare? Why would anyone trust them to be stewards of the land when their entire project violates our comprehensive plan? They have polarized this project so the average Phillipstown resident believes the only choice is monster Shakespeare or no Shakespeare at all. This is textbook. Big developers crank up their PR machines, shoot for something insane then scale back depending on how much they outraged the locals. The only difference with Shakespeare is that while they're proposing this 35 plus million-dollar project they're also telling us they're still our little hometown theater and we should trust them. This public hearing is about the environmental impacts. This project will cause which are obviously myriad and have been described in detail by others. I urge the Planning Board to issue a positive declaration, not to stop this project, to shrink it, to make it as promised a move up the hill. If this developer gets preferential treatment, every other developer heading our way will want the same. In closing, I have two questions, not for the Planning Board but for Chris Davis. One; why did you turn from conservationist into developer? And two; if you win and you get your Six Flags, is this what you want as your legacy? Thank you.*

**Charlie Dupree-** *Thank you Mr. Chairman, members of the Board for your hard work and dedication to public service. I've timed my comments the last two minutes. My name is Charlie Dupree. I and my family live on Travis Corners Road and have lived here for 20 years. Our house is a little less than one mile from the proposed site of the open-air amphitheater. As a general matter, I echo the comments that were just made. I am very supportive of Shakespeare making its home at the golf course. However, I do believe that the scale of the planned operations exceeds the ability of the existing infrastructure to support it, certainly with respect to water and probably with respect to transportation. The issue I want to focus on has received much less attention in the prior meetings and that is noise pollution. Several years ago, the Garrison hosted happy hour on summer evenings. The noise had major negative impact on quality of life. The sound ricocheted around the bowl of the hills that surround the three sides of the golf course and it sent us indoors at the most beautiful time of night on the most beautiful days of the year every single time. I confess I do not understand to what extent the Shakespeare plan contemplates amplified or live music, but this issue should be vetted as part of the environmental review. This open-air theater, if it is approved, will be there for decades. It is inevitable that sooner or later some enterprising artistic director will in good faith have the bright idea to stage live or amplified music as part of a program. We can debate the size of the audience for Shakespeare, but we all know that the size of the audience for music is enormous. Look at Tanglewood two hours north of here, an hour and a half west of Boston. Garrison is 50 miles from midtown*

*Manhattan. If this project is approved in its proposed scale or a reduced scale, it is critical that there be clear restrictions on, number one - musical productions, and number two - amplification for outside productions. Thank you.*

*Ben Green- My wife and I Francesca have lived off Travis Corners Road for about 22 years in the upland water basin area and you know it was very encouraging the Board required a pumping test in response to Hudson Valley Shakespeare Festival's EAF water recharge calculations. But one would like to believe that a SEQRA negative declaration would not be issued and could not be issued prior to testing and results. As there have been quite a few reports of well water issues in the area including our own, it would also inspire confidence if the Planning Board could require Hudson Valley Shakespeare to conduct a survey of homes that depend on the upland basin to get a better sense of whether an actual problem exists and, if so, how it would be mitigated. An additional 8,000 gallons of water daily would have the impact of adding a 25-home subdivision to the site this. Including the current usage would put the number closer to a 50 to 60 home subdivision and this is based on the average of 300 gallons a day which I think is in the Putnam County consensus. Anyway, we don't object to Hudson Valley Shakespeare moving to the golf course and operating as they have at their current level at Boscobel. But, without municipal water, sewer and access to public transportation, we do not feel the golf course is an appropriate location for the plan as proposed. There just isn't the infrastructure for a major cultural center and it's hard to foresee how there wouldn't be a negative environmental and community impact. And just really you know want to thank the Planning Board for their extraordinary effort. I mean this thing is huge, it's a huge application, it's a huge development just don't think as proposed it's appropriate for this site. Thank you.*

*James Kelly- Thank you very much for letting me speak. I'd like to echo many others who have spoken that I am in favor of Shakespeare, but again I think the project's too large. I believe that the parking lots will be too visible at 480 spots. Which is better, golf course or parking lots? I really believe golf course at least is open space. I did a lot of research looking into the history of the property and I noticed that in the EAF they're claiming that there was nothing really of historic value there, but due to the proximity of the north and south redoubts and I found out that there were several interesting archaeological digs over the years there that I feel that there needs to be a little bit more exploration there. It was the site of a great mansion up until 1859 called Walnut Ridge which burned, which was the original Bill Brown's and originally George Luff and George Fox estates. So, I feel like and also about the contiguous historic sites it's not just the parsonage and the mansion across the street and the church. There are several other historic homes that are contiguous of the golf course, maybe not but abutting the current development site. Also, in the process of researching the property I found how many accidents have occurred at that intersection from the dawn of the automobile till now. Over 100 people have died at that intersection from the dawn of the automobile till present day that I just found in newspaper searches on Google newspapers and Old Fulton History, so traffic study is a big thing and you know again I echo all the environmental concerns as well. But I just think the site itself needs to be regarded. The applicant needs to look into the history of the state because it is historic site it is things happen there. The Haight farm house was located approximately where the caretaker's cottage is now. There was a pre-revolutionary war farmhouse. I think this stuff needs to be investigated a little further and I haven't heard anybody mention anything about that. I'm just going to try to keep it brief. That's all. I really wanted to say and thanks for doing such a good job.*

*Carol Marquand (reading for Pat & Kat Downing)- Thank you very much Mr. Chairman for allowing me to read a letter from Pat and Kat Downing who were very sorry they're not able to attend tonight. So, four years ago we moved from a neighborhood in Brooklyn that was so disfigured by development that many of the original residents could no longer afford to or perhaps didn't even want to live there anymore. We have witnessed the perils of over development in the city but also in the Hudson Valley and overseas. Over development rips the best parts of the community out at the root and those best parts, the ones that create the allure and draw are the ones that are nearly impossible to regrow. Like so many of you have already articulated, we moved to Garrison for the rural character and natural environment. The very same environment that is under constant pressure due to climate change and the continued impact of human activities on the natural world. This is also the same environment that we're asking to take the brunt of the proposed plans without a full and clear understanding of the real-time*

*environmental and ecological impact of this project on the land, the water, the air. It is critical that whatever is created has buy-in from the entire community, especially those most impacted by the coming changes. We are also concerned that there is a direct conflict between these plans and the Phillipstown comprehensive plan which was designed to safeguard our community against this exact type of over development and protect our natural environment. While our community is discussing this project specifically, we are also asking some very existential questions about who we are as a community and what we want in the future which is why this is such a critical juncture for all of us. Yes, change will come but fortunately we still have the right to participate in our democracy and decide what that will look like. We join our neighbors in asking for a positive SEQRA review. To create a pause button to stop and consider what this transformational change could do to Garrison and to the wider community of Phillipstown. Once we go down this road there is no turning back, so we urge the Board to take the time to weigh these major decisions as they will affect all of us for decades to come. Thank you.*

**Alex Clifton** – *I have lived in Garrison for 51 years, since the year I was born. I grew up on a dirt road here, still live on a dirt road. My father and I volunteered for the Shakespeare Festival when it was in a circus tent at Boscobel setting up lights and then, years later, I auditioned and I was an actor in three productions of the Shakespeare Festival and the Shakespeare Festival is very near and dear to my heart. I wanted to say that I too support the Festival and the location, but I echo the sentiments of many of the folks here saying this is a lot bigger than just moving from Boscobel to The Garrison. It seems to be a massive change in size and I echo what Suzie Gilbert said. I echo what James Kelly said and basically the message that we're getting is, well, we should be glad that we're supporting the arts and that this is not being turned into a massive development. Yet, the approach taken to this is very much the same as a massive development. Let's see how much we can ask for up front and it will get away with as much as we possibly can and I think that it's just unfortunate that people who are supporting this also feel like they have to push back and say, hey this is like too huge. Let's be reasonable and so I just think that it's getting pushed through too fast and things need to slow down because it's just way too big. I am pro dirt road all the way. If this implies any paving of any dirt roads, we've got to get the Old Road Society in here. I don't know if anyone is in here right now from the Old Road Society, but that is also very deep, near and dear to my heart, and so is the Shakespeare Festival. I really hope that we can come to some great resolution, but it's just I just feel like it's very unfortunate that it's like such an overreach and like sort of, you know, taking something that we care about and like dog piling on top of it. So, thank you for listening to me. I appreciate your time and your efforts and have a great evening.*

**Jay Brenner**- *so, Summer stock versus regional performing arts center. My concerns, 1; water usage. With this development proposal who will pay for our water wells to be dug deeper when we run out of water? In the past when the golf course was drawing from all of its wells surrounding homes ran out of water. The golf course cut back on water usage to solve the local problem. The new proposal doubles the usage of fresh water and increases the number of wells on the property. How can the Planning Board move forward without having proper studies and guarantee that there will be enough water for all? 2; Is the sound pollution. But I won't repeat what everybody else is saying. 3; the proposed bridge on Snake Hill Road. Has there been a proper study to see if Snake Hill Road can safely handle the proposed increase in traffic? What about the environmental impact of the building the two-lane bridge across the protected wetlands? Can the local road handle heavy construction? There is no room for a turning lane, what will happen to my driveway, which is directly across from the proposed bridge? And finally, can Snake Hill actually be a safe access late at night with many people being well over in their 60s? You the Planning Board can reduce the size of this project and the HVSF can remain a thriving theater organization without overwhelming its quiet rural hosts. I plead with the Planning Board to issue a positive declaration, thank you. I encourage modifications and beg for negotiations. Thank you.*

**Betty Stafford** -*first of all I'd like to thank the planning board for all their hard work and efforts on behalf of the community. This is one of the largest proposed developments here in recent memory. We are privileged. My husband and I to have lived in Garrison for over 30 years, raising a family and enjoying the bucolic feel and peaceful atmosphere this beautiful area provides. News of the Hudson Valley Shakespeare Festival move up the Hill to the Garrison golf course property brought us more memories of the past Hudson Valley Shakespeare*

*performances and a sense of relief that they would continue to be a part of our community. However, like everyone else we have a strong and positive association with the Hudson Valley Festival. It's difficult to view the project through any other lens. Nevertheless, the ensuing debate has brought into focus real concerns about the size and scope of the plan and its impact on the area. The influx of up to 1200 visitors each day cannot help but have a big impact on a quiet village and the lives of its roughly 2500 residences. The proposed entrance on Snake Hill Road seems to have poor sight lines from either direction. Turning off or onto Route 9 on either proposed access point also seems hazardous. The addition of a traffic light and turning lanes, while helpful, can inadvertently create other opportunities for accidents resulting from sudden stops on this busy stretch of road. In addition to many traffic concerns and the proposed bridge on Snake Hill Road, our real concern is about water usage. As other people have mentioned previously, our home is located in close proximity to the Garrison Golf Course on Travis Corner Road in the center of the upland basin contributing to site groundwater identified on exhibit number 63 on the plan. We believe our well was negatively impacted when the Garrison Golf Course drilled new wells in years past, causing us to have to drill a new well and replace the pump at great expense. I can't think of a neighbor who has not been through this process, whether it was related to activities at the golf course or otherwise. Our aquifers in general seem to be at risk from climate change etc. These are repeated reminders that our aquifer is a fragile and very finite resource that needs to be protected. There's really not much debate that additional usage will tax the aquifer regardless if it's 300, 600 or 1200 additional people per day accessing the resource. The town's 2030 comprehensive plan guides us to monitor and protect our aquifers and recharge areas and ensure that land use practices do not threaten water quality or quantity. This action cannot simply be read as an aspirational goal, we must be vigilant stewards. An adequate, clean water supply is foundational to our life here. Expert comments on groundwater and well water supply issues previously provided to the Board by Howard Davis seems to support our common-sense concerns about these matters. Will the Board require Hudson Valley Shakespeare Festival to perform a 72-hour water pump test in late summer? Will said tests include a check of the water quality for heavy metals and pesticides? Will neighboring wells be included in the test? There are so many issues for the Board to sort through but this point alone indicates to us that a positive declaration would be the prudent and rational decision at this time. Let's move deliberately and methodically with such an enormous undertaking and make sure we get it right. Thank you so much and appreciate your time and efforts.*

*Robert Cutler - I've lived in Garrison for a long time and I want to say first of all I am in favor of Shakespeare, there's no question about that. I also have been looking forward to seeing Nance and Kurt in Romeo and Juliet this summer very much. But I also agree with so many people who have said please scale this thing down. It's gotten bigger than Ben Hur and we do not need Ben Hur here in Garrison. And there are lots of good ways that that can be done. I'm sure the Planning Board can help us figure it out and to save Shakespeare, but get it down to where it ought to be. I'm going to try to rearrange my thoughts a little bit because there are many people who want to talk, but I love what you said Gradie, is that your name, about getting the tent off the hill. It's been my major beef from the beginning as you know. I look no further than to the great court case with the Storm King Mountain where the judge was gob smacked by the claim by the Con Ed lawyer who said that the mountain would look better with the plant than without the plant and the case came out and the final finding of that was because it was such a preposterous claim that it killed the case for Con Edison. The final ruling was the court said that the FPC, the federal power commission which was actually had given the license to Con Ed, the court said the FPC when planning its projects had to include the preservation of natural beauty. Well, when you look at that wonderful ridge of ours, you know putting a tent up there is not preserving its natural beauty. There is no argument that can be made that says it is. It's just as preposterous as saying the mountain was going to look better with a plant on it. So, I urge the Board to take that into consideration when you're thinking about that because that's environmental law. You know we ridge lovers have the law on our side on that one. There's another factor comes into play here, and that is when I've asked the Shakespeare people why do they have to have the tent what's the reason for putting the tent up on the ridge, and the answer always is the view. The view is so beautiful. Well, of course the view is beautiful. But why do you have to be able to see the view when you're at a Shakespeare play and if you think about this and track it through, when I go to a Shakespeare play at Boscobel and the experience will be the same. You go to a play and you maybe have a picnic and you sit out on that wonderful lawn*

*and you look at that view for two hours and then somebody comes by and says the show's going to start in 15 minutes. So, then you gather all your stuff up and you amble into the tent along with the other people who and the non-picnickers who have gotten there early, they amble in the tent as well. They've all come to see the view. Now we go into the tent and within a few minutes the play starts and of course it's one of the most dramatic entrances in all of in all theater, because we all know having gone there what's going to happen. We know that that up from nowhere we're going to see a band and sometimes it's eight or nine all running and shouting and hooting and howling and they come into the tent and they boom. They're there and we cannot help but look at them. All eyes are upon them, we're not looking at the view, we're looking at them. I think of Nance Williamson in doing Martha Washington last summer, I wasn't doing this trying to look past Nance look at the view. No, when you're when you're there in the tent and you're in the middle of those place and they're coming back and forth with you like this, the play is the thing. At that point of course the view disappears in 20 minutes anyway, so there you are alone with these wonderful people and look, the tent could be anywhere. It doesn't have to be up there. And the claim that being up there and being able to look down and look at the view, actually to look at the play and ignore the vanishing view to me is absolutely silly. I don't think it has any merit at all. The tent could be anywhere and where better could it be then right next to the parking lot. Why put it anywhere else. Wouldn't that make sense? So, everybody, when the play is over you walk out 40 yards away there's the parking lot. The reason that makes sense to me is you limit the environmental imprint or impact of the theater activity to that one area and you leave that nice wonderful hillside where the ridges to the people who live there, the creatures. Interesting thing I found out, 87% of the creatures that live in that hill are nocturnal, 69 % are nocturnal, 20% are daytime another 9% hunt in the daytime and the nighttime and 2% are only at dusk, swallows. So, you take the 9 and you take the 69 and you've got 77%, excuse me that's the number 77%, three quarters are nocturnal. So, when the play is going on that's nocturnal, this is nocturnal so why not let these people do their thing, the actors and the visitors and leave the hillside alone to those creatures. I'll tell you who they are so we can put a name to it. We've got skunks, possums, raccoons. We've got foxes, we got coyotes, we got owls, we got bats and we've got porcupines. There are porcupines there. I checked with the guys at the Hudson River Museum. They said oh yeah, they're out there. They said they're very shy but they said you will smell them before you find them, so fair warning on the porcupines. Anyway, the point is these creatures have lived on that Hillside for 11,000 years, since when the ice sheets left and therefore it seems to me a much stronger claim on that Hillside than the actors and the visitors, so leave the Hillside alone. The last point on this one is about bringing the tent and near the parking lot is the people who go to Shakespeare, a third of them, maybe 30% something like that, are older people, me older people. You're not older, you're all so young. You don't know but we older people, what we do, we fall down. You know and this is the deal. Flat is good, little incline but this is terrible because we put our foot down there's nothing there and over we go. Now, if you take the 500-person tent, you've got 30% people up there, 150 older people are in that tent every night. Okay, six, seven how many seven performances, that's 1,000 a week, thirteen weeks in the season. Let's say thirteen thousand people, old people are going to be coming down that Hill at night. If I were an insurance guy, I'd be worried at this point, okay. But Shakespeare said oh don't worry about that Robert. We're going to have wonderful lighted trails all the way down the Hill and they'll be dark sky lighting which is terrific, nothing wrong with that. But old people fall down in the night and the day, so lighting it up isn't going to help and besides which how are the owls and the and the raccoons going to like it like it all lit up. For heaven's sakes make a deal with the wildlife here's the parking lot, here's the tent and let them do their thing and these people do their thing. Number two is the hidden cost of stewardship. I believe very much that the Shakespeare people will do a good job of taking care of this land. The ones I know take are wonderful owners of their property, the board members. But there's a hidden cost of stewardship which is this, if you think you can't predict the future you have to worry about what's going to happen. Good things happen, bad things happen. Let's think about you go north on Route 9 and you get to 84. South of it is a Home Depot and south of that is a dead mall, which the worst site in in Putnam County. It used to be a farm owned by Steve and Peggy Blodgett, they sold it to some guy who went broke and disappeared. Okay, we don't want that. Now let's go down to south of Manitoga where I used to live and James Flick built a windmill up on his place and I fought that, not because I didn't think his interest in science and he's a great science writer as you probably know. He was interested in seeing how this would work. I don't*

*think he ever thought he was going to actually sell energy back to the grid with this windmill, but he wanted to put it up. I fought it because I thought my god we're going to have if the Planning Board gives him permission, we're going to have windmills all over the place and I don't all over this wonderful highlands of ours and that was against that, especially since this is not a place where wind is a factor. Anyway, there are wind farms north of here but not here. So, I fought it and I bumped into John Cronin in the Foodtown parking lot and I was moaning and groaning to him and he said look Robert, here's the deal. That windmill in 20 to 35 years it's going to be obsolete, they're going to have advances in technology. We'll just improve them and at some point that guy or the next guy who owns it is going to turn it off and walk away and then what's going to happen is the windmill is going to finally collapse 50 years later in the forest and is going to be there for thousands of years. He said I recommend that you recommend to the Planning Board that anybody who wants to put up a windmill has to put up a bond to dismantle and remove and repair and restore the land and that's what I'm proposing to you guys or suggesting to you guys that that since we don't know what's going to happen in this 20-year period when Shakespeare will be managing this land, they should put up a bond to cover the possible removal and dismantling of the tent, of the parking lot, of everything else because you just don't know what's going to happen and if something terrible maybe something will be great, maybe it'll have a great future here, but maybe bad things will happen. I don't want the citizens of Phillipstown to have to pay for the removal of all that. This is a SEQRA review for the property. Okay, but does this proposal of a bond fall under it? I'm stretching, okay, so we're done. I mean okay. So think of it as occupying, think of it as an environmental insurance for the future and I'll end of this one. But I think it's important, I really do. I think Cronin had a very good point. Now let's go to the last point and here I have some good news for Shakespeare actually, I hope. To begin with, the intersection of Snake Hill and Travis. Of course, we all know there are dangers there. If you keep going south on 9, you get to Annesville Circle. It's a nice roundabout. If you go up to connect to 44, go west, there are a series of little roundabouts to take you into Pleasant Valley. So, I looked up roundabouts and I found out in every DOT survey that I could that traffic lights are five times as dangerous as roundabouts, interesting. So, I leave you with that idea. It's an interesting one, right. But the real danger point, of course, is not that at section. That's kind of a red herring. The real one is the main entrance and exit the main gate of the golf course. Coleman comes in here, intersected by, of course, Route 9. You've got a passing lane for the northbound traffic which ends on the top of the Hill. Some people go 55. A lot of them are going 70 miles an hour. I know that because I live on Coleman Road and I see them every day. Same deal from the south. You get the speeders going past on the on the passing lane. They come up. That passing lane ends about 200 yards short of the gate. So, there's a real nightmare. Somebody wrote a letter to the PCNR and said I don't see why it's going to be a problem there. Coming out of the Shakespeare plays at Boscobel there's a policeman with a flashlight and he guides us safely onto 9D. Who do you think wants to stand in the middle of Route 9 with a flashlight at 11 o'clock at night? Nobody, and no police chief will ever assign that job to anybody. So, we've got a real mess. Solution. I'm going to give you two solutions here. First solution is simply don't allow people to leave that exit after eight o'clock at night and take them off the site some other way. There are two other ways to get off the site you don't have to go off that way one side is going to be the new bridge that they're going to build across the wetland. That's a possible way although that has problems too. Another way is a much better way. About two years ago we walked down and Chip Alleman gave us a proposal down at the maintenance shed area about the golf course. They were trying to save the nine holes. It was a good idea. I wish it had worked. It didn't, unfortunately. At any rate, we then walked up the road. We walked up the road at that point. Neal, you said to me, windy up in that ridge, remember that? At any rate, so if you go down that road it empties out onto Snake Hill Road. It's a nice long straight stretch there, 500 yards long. You can see in each direction coming at it. Why not just improve that exit road why not, you know, make the right turn right, left turn, right. You will have a nice safe way to get off the site. What you can do about this, think of all the winners if this works. Number one winner is the environment. You're not going to have to build a giant bridge across that wetland. Number two, scenic beauty. Not going to have to look at a bridge going across the wetland. Next winner is Shakespeare, they're not going to have to build the bridge. Next winter is Shakespeare also, they're going to save all the time of building that bridge. Next winner is the visitors who are going to have a safer way to get off the site by going down over there and the big winners are Jay and Patty Brenner. They're not going to have all these headlights going into their living room*

*all night long and the last winners I thought of this are the actors in the little cabins because they'll have a nice convenient way to get off the site, a nice safe way to get off the side. o there are seven winners here. Now maybe there are seven reasons why it doesn't work. But it seems to me that this would be a solution to the traffic problem. Okay, I'm going to finish up just quickly and by saying this. A few years ago, a friend of mine came to me and he hadn't stayed in Garrison for about 30 years. He said this place is like Brigadoon. It never changes and, you know, I can see what he said. We went down the Main Street of Cold Spring. It doesn't look any different from when I moved here when I was 12. But of course, it does change. The only constant is change and the fact of the matter is that you guys, you Planning Board members, for decades going back have been able to manage the change and keep this place like Brigadoon and that is not difficult it hasn't turned into Poughkeepsie, it hasn't turned into Greenwich. It's the job you have done and what we're asking you is scale this thing down keep doing the good work you are. Thank you.*

*Al Smith- I love what was just said, except it would dump everything onto Snake Hill which couldn't handle even the limited amount it may be getting. Now you're pushing everything on to Snake Hill. That's not what I was talking about. I've been here over 40 years and I'm also from the entertainment industry. I can't understand why you're doing a 30-year plan and I was wondering how much of the infrastructure for the 30-year plan is being currently built. If you just built what was necessary to move Shakespeare theater to where it's going and they want, I found out last week, is for next summer they're just using the same tent and putting it in a temporary location. They don't expect it to be any larger than it's currently been. Last Planning Board meeting one guy from the Shakespeare board was defending the traffic to the people who were objecting to traffic on 9D by pointing out that Shakespeare never really sells out, there never really has that much business and you don't have to worry about all this traffic. Yet you're talking about building this huge facility that doesn't make sense. I come from the entertainment world, I guarantee you if you put in everything you're talking about in terms of electricity and access and stuff like that and Shakespeare doesn't begin to make money and they start letting some entertainment venues be used. They're building an indoor theater, so let's put a show in there. The show does business, it'll make money, people in the entertainment business will turn it into a venue. It'll start to make money so now Shakespeare won't play and the entertainment will play so I guess. I was much better before I got cut off before anyway. One way of getting around the noise pollution is to limit that you don't have electric. Shakespeare isn't an electric. One of the beauties of going there is actors speaking in natural voices and you're hearing it because that's just what's going on, so don't allow electric music to be done there. Don't allow microphones, don't allow amplification. Don't build an indoor theater, if you build an indoor theater, it's the old "you build it they will come". The indoor theater will provide a place for entertainment, that entertainment will make money. Even a non-profit likes to make money. So, I guess I used myself up when I got cut off, but keep it small, that seems to be a theory. There have been some very educated people who have presented arguments that aren't just emotional, mine's just emotional and it just feels like there's a stretch going on that isn't necessary and under the guise of saying you're moving Shakespeare, you're creating a possible problem for Garrison in years to come. Limit it. Let them just build phase one. Don't let them put in infrastructure for the 30-year plan until you see how the one-year plan or two-year plan works. They can always add it later on that's my spiel. are*

*Delmar Karlin- I live in Garrison and have lived there for most of my life. Many of the things I was going to say, quite a bit have been said. So, I'm not going to go over them in any great detail. A couple of amplifications of a couple of the points. One of the commenters talked about the hydrogeologist's report for water and I thought that was a very good point that that report says that the methodology used by the consultants for Hudson Valley Shakespeare is flawed, that there likely will not be the recharge they think there will be for the water and water is a big concern. You've heard from many people about that, so I think that alone warrants additional investigation and would call for a positive declaration. As to noise, many of those points have been covered too. I would add one which beamed up, I hope, I think it's real, but I haven't heard it before. When you have a lot of traffic on 9 slowing down, stopping, accelerating up and down the hills particularly the heavy trucks that's going to add to a lot of noise. You go to the stop lights on 9D at 403 or the stop light at 301 and 9 and you hear the trucks using engine braking. You hear them straining to get back up the hill, you'll get that on both sides of the venue. To the south it'll*

*be coming down the hill and then going up the hill similarly to the north. As to the tent, Mr. Cutler made a very good point and I just had it I thought of it in a somewhat similar way. My question is, why would people who want to put on a play want to focus the attention on the view. You'd think they'd want to focus it on the play. So, I agree with that completely. And, finally, I think this is taken all together which is what you have to look at it is a big project and it's a big change to the community and under SEQRA, the community and the nature of the neighborhood are appropriate considerations and a comprehensive plan calls for it to be a bucolic, peaceful area. Having a significantly expanded entertainment complex there is not consistent with that. Thank you.*

*Betsy Calhoun- Good evening my friends. I appreciate this chance to speak. I have three particular concerns about the Shakespeare event. First the existing dam bridge road item from Snake Hill Road onto the golf course is in danger, a leak develops the structure is fragile and needs repair. Neither the current management nor the wishful management is concerned, rejecting responsibility. They say, let the state take care of it. This indicates to me the kind of real responsibility they don't have. Second, the previous comprehensive plan updated Philipstown zoning. Most land is rural conservation, my property, for example, changed from two acres to ten acres for a building lot. There also were special overlays such as scenic ridge lines and many people have talked about the ridge. The Garrison golf course naturally was a prominent scenic ridge until someone decided to eliminate the special status. It was removed from zoning maps mocking the town-approved, community chosen comprehensive plan that benefited us all. The line is gone from the zoning maps. My third concern is this special permit. I know that's not exactly environmental but it's a big concern. It is a permit to hold an event that takes place for one day, maybe two days, maybe a week. That's the way it's written. It is not written for a month, several months, all summer or forever. No, that special permit is not appropriate for Shakespeare to move for next summer. I would like to trust our Town Board to support the town laws and regulations. Shakespeare and Graymoor should not be allowed to inundate our town with too many people, too many cars, buses alcohol, noise and whatever else they dream up. I don't understand how Graymoor can simply do what they want to do with no application for a permit and Shakespeare is applying for a permit but it's not even legal to use that permit to give them the right to move.*

*Joe Regele- I guess I'm one of the representatives of the older crowd and this three minutes is a little like speed dating and that's that was after my time. The dam. Quite simply, and I copied the Board on my letter to the DEC, the dam's unrated, it's unregistered and it's leaking. Building a bridge downstream from a leaking, unregistered and unrated dam is reckless. We don't know what the spill area is if the dam fails. If there are pilings for the bridge put in an area that would be designated as a spill area after the state finally gets around to rating the dam, the bridge is going to have to come down or the piling is going to have to move. The bridge is a non-starter. Secondly, traffic on Snake Hill Road. The study doesn't address the traffic on Snake Hill Road if the bridge is there. Now if you dig through the EAF you'll find that if they do say at one point that they figure between 125 and 150 cars will turn right and go down Snake Hill Road. But that's okay because Shakespeare is no longer at Boscobel and, because they're no longer a Boscobel, there won't be traffic heading south on Route 9D. However, as anyone that looks at the PCNR and noticed last week that Boscobel has hired their special events director and Boscobel is looking at their own special events, their weddings, the things that they're going to do so the traffic is going to be coming south on 9D. The traffic is going to be coming down Snake Hill Road. There are buses that are totally inappropriate for Snake Hill Road. And I had to smile. I was sitting here earlier. We were talking about East Mountain Road North in the cumulative effects. We're talking about a hundred thousand people a year getting dropped onto this golf course and the cumulative effects of this traffic or the cumulative effect of the fact that the Hudson Highlands Land Trust now wants to put a park on the front nine. Now again, where are the people going to park? Are they are going to be there on a Saturday? Are they going to be there when there's a matinee up the hill at Shakespeare? How many people are going to be using this Hudson Highlands Land Trust Park? What's the cumulative effect? What if Winter Hill has an event which is a little further down Snake Hill Road? Snake Hill Road is a small, windy road that cannot handle the volume of traffic that is about to get dropped on it and the EAF doesn't address this other than to say, ah doesn't matter because we're not coming south from Boscobel. Finally, economics. I think it's incumbent upon the Planning Board to require at the very least no matter what's approved that pilot payments, payment in lieu of taxes are made by Shakespeare to the community of Garrison. Garrison is*



*going to get whacked by this thing and what's happening is that the taxes that the Garrison Golf Course was paying will no longer get paid is going to have to get made up by the Garrison community. Something that's not common knowledge right now, but will come out in the next several weeks, is the Garrison school budget is going to be looking to pass a referendum to allow a 10% tax hike this year to exceed the two percent limit because they don't have enough money. Garrison school doesn't have enough money, Garrison golf course is coming off the tax rolls and 35 million dollars is being budgeted for this economic entertainment complex, a lot of which is our money federal money, state money, tax dollars, tax deductions. This is your dollars going to a private non-profit organization that's not going to be giving back to the community. And, finally, you hear that the community is going to benefit from jobs. The fact of the matter is if you look at the list of consultants, Mr. Watson here. He's the only one of two people lucky enough to be a Phillipstown resident who was actually employed by the economic complex. Everybody else is out of town out of town and that's where the money's going.*

**Stephen Wallis-** *I'm going to try and be real fast on this. My issue and questions concern are about traffic and egress, entrance into the golf club. I was at the bridge meeting. We had the walk through two Sundays ago and I had a lot of questions that I asked, which I appreciate being able to ask, but John, I think his name is, the traffic person. So, I got answers back but they didn't really compute to me. My concerns are heading south on Route 9 out of Foxglove, which is where my back entrance to my property is. I went out this actually today, let the traffic go by. I wanted to go right and then I know cars are coming, I make a right. I go quickly over to try and get over to the right-hand lane on the passing lane going over the bridge over Philipse Brook and I look and all of a sudden someone's like up my, like at my bumper like that driving insane and as soon as I move over you know they beep their horn and everything. It's happened to me many times. I've had people pass me over the double yellow line. I once was driving my truck. I came off Coleman and someone tried to pass me on my right and they ended up at the guardrail in front of the Garrison Golf Club and I actually stopped and asked them what was wrong with them. So, it's a very dangerous speedway and basically the slow lane, there's a passing lane so the regular lane ends maybe 50, 100 feet from to the Route 9 entrance going to the golf club and I don't and so people are flying on that passing lane as we know and so it all bottles up, ends up converging right maybe 100 feet from the entrance and I think it's really a dangerous spot as it is now and so I mean someone just died yesterday getting hit on a bicycle on Route 9. So, John said they want to put in a right-hand turning lane into the entrance and so I just drove by or a couple times today just looking to say like where are they going to put it? Are they going to actually put it like there's an electric pole there. Are they going to move it like onto the onto the property or are they going to keep it or have that the slow lane let's say, which is actually the normal lane, is that going to be the turning lane? So, if it's a turning lane people are flying on that fast lane what's going to happen and then what happens if people want to come in from the other side. All I know is that no one drives 50 miles an hour on that road. I mean basically people are flying on the road. So that's one question. I really think is important to address is what's happening on Route 9 getting in there. Just about the bridge, there's no left-hand turning lane. Let's say half the traffic comes from Route 9D, let's say because you have people, they either come on 9D or 9 so if they're coming from 9D on to Snake Hill the only way to get in. Where that bridge is there's not going to be any turning lane to get in there and I addressed that when we had the walkthrough, but I think you might have a bottleneck of cars backed up down going down Snake Hill and just want to say that's a question also and it looks like they just kind of that's where you have to have it, but it doesn't really fit. Thank you.*

Chair Zuckerman stated that MaryAnn Coleman wanted to talk but she is no longer showing up in Zoom. She has asked to speak and he responded to her a minute after she chatted. He asked if there was anyone in the room that could reach out Ms. Coleman to see if she was available to speak. He stated they will hang around for a minute or two waiting for her. He stated just to remind everyone what their plan is. He expects whether Ms. Coleman joins or not, they're going to close the public hearing. Ms. Rockett will be compiling a detailed list of, he thinks, 75 speakers and at least as many letters over the last three meetings totaling seven, eight hours of testimony. She's going to compile that down to a manageable, not duplicated list of questions that have been raised. All that will be shared with the applicant. Mr. Hollis has agreed to take those questions and then our next meeting to start addressing those questions for the public's benefit. Doesn't mean the public would agree with

them, but at least the applicant will have an opportunity to respond to those questions. So, we're going to curate those questions and share them with the applicant. After that's done, he would expect that at the May meeting they will as a Board then use that time to enter in a substantive conversation as a Board, obviously in public, about what they've heard so far on SEQRA as they start moving towards a decision on SEQRA. So that's the plan. slouching

Chair Zuckerman then asked for a motion to close the public hearing related to the Hudson Valley Shakespeare Festival application. Neal Tomann made the motion, Dennis Gagnon seconded the motion. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Zuckerman: Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

Chair Zuckerman stated so the Shakespeare Festival public hearing has closed. He added that someone just asked a question in the chat about writing letters. He then asked Mr. Gaba to just remind the public about the ability to write in letters going forward, if at all.

Steve Gaba stated in regard to this particular public hearing the public hearing is closed and, as a result of that, he would think that the Board would reach your SEQRA determination based on the record. However, there is still the application itself outstanding, and the public can write in whatever it is they wish to write in and the Board will as it always does consider such comments as are received in regard to the substantive issues on the application. Likewise, when SEQRA is finally completed, however that may turn out in the end, it will be proceedings before the Town Board in regard to requested zoning change. There will be another public hearing at that time and they can write to the Town Board with their concerns in regard to the zoning change. If the zoning change is adopted, the application will come back to the Planning Board for the substantive determination on the application, however it may be permitted under whatever zoning change if any is granted by the Town Board, and there'll be another public hearing at that time. So, there's going to be plenty of opportunities to comment on this project both before this Board and Town Board. However, he would think that in regard to SEQRA review, they've accepted pretty much all the public comments they're going to accept.

Chair Zuckerman stated to Mr. Hollis, he's sure he and his fellow representatives have been keeping detailed notes but the Board is going to work quickly to get them that list.

Ms. Rockett stated she will try to have the list by the end of the following week.

Mr. Hollis stated that would be fine. The only thing he'd ask for is a little leniency on when they provide their answers. If they could put them in a week before, because it'll be in May that they'll really discuss the answers, so if they could submit by the 14th for the 21st meeting.

Chair Zuckerman stated that the expectation would be for the applicant to speak at the meeting and give answers to the questions. They can certainly do it in writing as well, but he thinks the public commentary will be as useful.

Mr. Hollis replied that they'll do it in writing as well, because he thinks for part of the record, depending on whatever happens with any of the SEQRA determination, it might be important. He asked, should they be prepared to speak about it on the 21st of April?

Chairman Zuckerman stated yes, that is the next meeting. He also stated that the Board will take Hunt/Potter and Hudson Highland's Reserve in order first and second at the next meeting. He added, with that, he'd like a motion to adjourn unless any Board members have any other business.

Neal Tomann stated that they have one question from the audience.

Mr. Regele (inaudible) Will the public have an opportunity to ask questions about those responses? I mean there's a response (inaudible). Do we have the opportunity to essentially question those responses?

Chair Zuckerman asked Mr. Gaba, the public comment is over at this point, it will not be a back and forth as he understands.

Mr. Gaba replied that's absolutely right. They've heard from the public at great length regarding SEQRA review and the next steps in terms of determining what SEQRA actions take are up to the Planning Board. Certainly, any information provided by Shakespeare Festival/Garrison Golf will be made available to the public. However, there will not be public comment sessions at the Planning Board meetings. It will be between the Planning Board and the applicant to reach the SEQRA determination.

Mr. Regele stated what a response to a question which is completely outlandish and (inaudible).

Chairman Zuckerman stated that they closed the public hearing, that's not a relevant comment to this. Let's all be respectful. No one's being outlandish in their commentary.

Mr. Hollis asked if Ms. Rockett will have help from Mr. Gainer and AKRF to telescope those questions down so they're not repetitive from both those resources.

Chair Zuckerman stated yes, and he will use the powers of his consulting work to come up with something reasonable. He added that he just wants to respond to the Hunt/Potter group who has continually texted and emailed. He has spoken to Mr. Gainer. They do not believe they can take care of their matter in one minute. This group has been out for three hours and it is his duty to make them be clear-headed when they make decisions. After three hours that's a longer than typical meeting. They're going to have to close at this point. He apologized that they couldn't get to them. Unfortunately, they're not the first person to have to deal with this in the last two years under Zoom and the enormous amount of building and activity in the community. They're going as fast as they can as a Board.

Chair Zuckerman then asked for a motion to adjourn. Kim Conner made the motion.

Mr. Tomann asked Mr. Regele to submit his comments in writing.

Mr. Regele replied, he did on the 28<sup>th</sup> of January and he's still waiting for an answer.

Chair Zuckerman stated that he's not following the dialogue Mr. Tomann is having with Mr. Regele.

Laura O'Connell seconded the motion to adjourn. The vote went as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

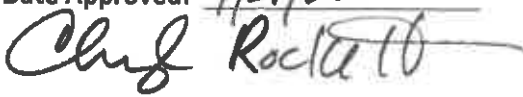
Heidi Wendel: Aye

Chair Zuckerman: Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the vote passes.

Chair Zuckerman thanked the Board for their service and stated he will see them on April 21<sup>st</sup> where they'll take up Hunt first.

The meeting was adjourned at 10:30 pm.

Date Approved: 4/21/22  


Respectfully submitted by  
Cheryl Rockett- Planning Board Secretary