

April 14, 2022

Planning Board  
Town of Philipstown  
2 Cedar Street  
Cold Spring, New York 10516

Attn: Neal Zuckerman, Chairman

Re: Hudson Valley Shakespeare Festival  
Response to Questions

Dear Chairman Zuckerman and Members of the Planning Board:

On behalf of our client, the Hudson Valley Shakespeare Festival (HVSF), and together with the entire project team, we are pleased to provide written responses to each of the comments/questions provided to us by the Planning Board. For your convenience, the organization and numbering of the comments below mimics that of the original document received from the Board and the question/comment is included verbatim. The number in parentheses ( ) after a statement indicates number of times the question was asked in a meeting or in letters from the public to the Planning Board.

**1. Impact on Land**

**A. Will new roads be built on the golf course? Why do the parking lots have to be paved instead of gravel or even dirt?**

The entry roads from Route 9 and Snake Hill Road will be reconfigured; a new service road to the tent theater and a new service road to the existing restaurant and venue will be constructed. New parking lots will use pervious materials such as gravel or other similar material. The existing parking lot off of Snake Hill Road (west side of the HVSF parcel) will remain pervious.

**B. How long will there be construction? Can we please have a clear table for what is happening from now to year 5 through planning and building?**

The phasing plan is described in the Part 3 Expanded EAF, Section II, Project Summary. It is anticipated that Phase 1 will commence pending project approval and is projected to be complete in early 2024, in time to commence the June of 2024 performance season. Construction of Phase 1 is expected to start in January of 2023 and extend approximately 17 months, completing in May

2024. Phase 1 is expected to include the installation of the new Snake Hill Road access driveway and related stream crossing; the installation of the new open-air tent; the back of house structure for use by the actors before, during and after performances; installation of internal driveways and walkways to provide access to the tent; the repurposing of the existing golf pro shop and golf cart storage barn; meadow seeding; parking (225 spaces), and associated grading, utilities, landscaping, and minimal path lighting. In parallel with on-site work, the initial phase will also include intersection improvements at the access driveways and the traffic signal at Route 9 and Snake Hill Road.

**C. Are there going to be 1,000 to 2,000 visitors six days a week? Number of events and people need to be limited. (2)**

The site will never have 2000 visitors a day even with full buildout. After the Public Hearing, the Applicant has withdrawn the proposal to construct an indoor theater and a 20-room hotel, limiting the number of events and people that will be on the site. The maximum, peak-day number of people on the property is projected to be less than 875, including visitors and staff on a limited number of Saturdays, during the theater season from May-to mid-October. For the rest of the year, the daily peak attendance will be only a fraction of this number.

**D. During the creation of new meadows and second growth forests how much of the original habitat will be retained?**

New plantings of meadows occur within the previously developed areas of the golf course, not the forested areas. See Exhibit 18 in the Part 3 Expanded EAF for limits of disturbance overlaid on site ecology.

**E. Kindly explain the bungalow construction plan and when will it be phased into the overall plan?**

The phasing plan is described in the Part 3 Expanded EAF, Section II, Project Summary. The proposed lodging for visiting artists is not part of Phase 1 and would be constructed as part of a future phase, referred to as the full campus buildout. While the full campus buildout has a less concrete timing, it is expected to occur between five (5) to fifteen (15) years after completion of Phase 1.

**F. Is the large dining facility (formerly for-profit) part of the not-for-profit HVSF plan along with the theater and hospitality center?**

The use and operation of the banquet hall and restaurant will continue and HVSF will be creating a for-profit C-Corporation which will be a subsidiary to the not-for-profit HVSF. This C-Corp will include all hospitality businesses on the site. As described in the Part 3 Expanded EAF, Section IV-N, Community Services and Economy, all of the for-profit hospitality uses will pay taxes.

**G. Why can't the developers consider a visionary green approach? Buildings should be clustered and re-purposed.**

The project is pursuing rigorous environmental standards for design, construction, and operation. The new open-air theater venue, back of house, and front of house buildings will be designed and constructed as part of a LEED campus approach, with LEED Platinum Certification for all individual structures. In addition, all existing buildings are being utilized for purposes supporting the new use. HVSF is seeking opportunities for energy regeneration on site, as well as storm water retention and management. The site plan includes the remediation of the golf course soil and grasses and will create native meadows, wildflower pollinator gardens, and an increase in biodiversity and carbon sequestration throughout the site. HVSF has a goal of becoming carbon neutral by 2040.

**H. Does the applicant wish to pave the portion of Philipse Brook Road leading up to their access road?**

The proposed plan does not include paving any portion of Philipse Brook Road.

**I. Can the value of this re-wilding effort be weighed against new environmental impacts? There will be huge new noise/light and carbon pollution caused by thousands of people's presence and their cars every week until late at night. How is this more beneficial for insects/animals/birds/humans? The disturbance caused by years of building and the eco segmentation caused by the buildings/car parks in this environment - how does this benefit insects/birds/animals/ humans? Stirring up all the toxins just below the surface - how is this better environmentally than leaving them buried?**

Please refer to Part 3 of the Expanded EAF, Section III-D, Vegetation and Wildlife, and the ecological assessment report prepared by Resource Environmental Solutions (RES), last revised September 2, 2021. Most of the land disturbance and development is proposed on lands that have already been disturbed and until recently been used as an active 18-hole golf course, consisting of maintained

fairways, tee boxes, greens, and sand traps. Nearly 100% of all proposed land disturbance will occur on land previously disturbed, altered or developed, much of which presently consists of maintained lawn with little habitat value). The current golf course is an ecologically depauperate landscape [lacking in numbers or variety of species]. The commitment to using native plants for landscaping and “softening” the edges of existing and adjacent ecologically valuable habitat types within the proposed development area will have a net benefit for the local plant and wildlife diversity and abundance.

- J. Plans show native plant meadows on the slope up between the new parking lot and the proposed site of the Tent. These are criss-crossed by paths for 100’s of theater goers to walk through, to be lit at night. How eco-friendly for animals is this?**

Lighting will be dark-sky compliant where possible which is nature-friendly. On the paths, low-level landscape lighting is planned for the primary egress site path from the tent to the parking. Secondary paths may receive low levels of lighting, if necessary. Parking lot lighting is also planned. For both paths and parking lots, lighting will be provided at the lowest levels and instances possible to provide safe, code-compliant lighting. Path lighting will be used only when there is a performance at the theater and lighting will be turned off at night once patrons have exited the site. See Exhibits 56 and 57 of the Part 3 Expanded EAF.

- K. How will the meadows be achieved or managed? Black plastic? Will the toxic soil underneath be disturbed? Which other areas are to be re-wilded if any?**

Meadows on the HVSF site are to be seeded with native seed species. Meadow maintenance will require weeding; removals of any invasives that may appear; and a late winter mowing using ecologically sensitive mowing practices. A Soils Management Plan (SMP) will be developed to address appropriate management of soils during meadow installation. Native plantings are also planned for the Scenic Protection Overlay zone and surrounding the pond. The Garrison has already employed an ecological landscape manager to support the transition from golf course to meadows and gardens and to ensure the ongoing thoughtful ecological maintenance of the property.

- L. Are there plans to mow and water the remainder of the golf course?**

The full site will be managed to achieve the rural character of the town. Management may include mowing on the HVSF parcel but not at the frequency of a golf course. Watering would only occur at the wildflower gardens and formal plantings, such as the ones at the entrance of the restaurant.

- M. EAF calls for 172 trees to be cut down, with 300 to be planted at some time that will only have a max height of 12 – 14 ft. Identification of first round of mature trees to be cut down along Snake Hill Road to accommodate a new bridge into the property. Which additional mature trees will be cut down to accommodate the HVSF Entertainment Complex, Hotel & Cabins? How many of the 300 new trees that are promised to replace the 172 mature trees to be cut down are 2 ft high whips being grown at Glynwood and how many are 12-14 ft trees.**

The 172 trees that were identified to be removed are identified on the original plan with an “X” drawing through the specific tree. Three trees will be removed for the proposed new Snake Hill Road Entrance. The 300 trees planned for the site are all to be installed at 3 to 4 inch caliper (typically 12-14 feet tall upon install). Whips are not included in the count of 300 new trees. Any whips added to the site would be in addition to the stated 300 proposed new trees.

Construction of the proposed bridge at the new Snake Hill Road entrance will require the removal of three (3) additional mature trees. These trees have been flagged in the field and were identified to those that attended the March 6, 2022, Planning Board site walk. Removal of these three (3) trees is necessary for traffic safety to obtain unobstructed sight distances at the new intersection.

During the course of the SEQRA review, the plan changed in several ways. Among the changes were the division of the artists’ lodging buildings into two (2) separate areas. These changes put the artist’s lodging buildings on the existing fairways. As a result, it is expected that the construction of the artists’ lodging buildings will not require the removal of any mature trees.

The most recent project revisions significantly reduce anticipated disturbance and will result in changes in the inventory of trees that will have to be removed. The final plans will include an update of this inventory.

- N. Wouldn’t a smaller build out, less visitors, less carbon/noise/light pollution, more re-wilding be a better compromise for everyone and everything?**

In response to public comments made during the course of the Public Hearing, the applicant has voluntarily reduced the scope of the project to eliminate the proposed 225-seat indoor theater and the 20-room hotel. This reduction will ensure a smaller build out, fewer visitors, and less disturbance to the site overall. A comparison of the impacts in the original proposal and the scaled down version are compared in an analysis submitted to the Planning Board by Kellard Sessions Consulting, dated April 7, 2022.

**O. Why do all events and productions have to be carried on simultaneously in the summer? Why not one theatre in summer, one in winter?**

As stated in the Part 3 Expanded EAF Section I, Project Summary, the Hudson Valley Shakespeare Festival has held outdoor theater performances in the summer for 33 years. After the completion of the Public Hearing the applicant meaningfully adjusted the scope of the proposal by eliminating the proposed indoor theater venue, which would have extended the theater season by three (3) months, not including seasonal performances in December. The applicant, in response to public comments, voluntarily reduced the scope of the project and eliminated the proposed indoor theater. The proposed theater season would now be limited to the end of May through October, with no simultaneous performances as originally proposed.

**P. Why can't there be a symbiosis between the existing buildings and the theatre complex? (There is so much underused and under-utilized space). Why can't the profit and not for profit arms work together to utilize the space more efficiently.**

The guiding principles of the design for the proposed project is to adaptively reuse as many of the buildings as possible, reuse the already developed areas on the property, and keep the restaurant and banquet hall as part of the overall plan. After the completion of the Public Hearing the applicant meaningfully adjusted the scope of the proposal by eliminating two (2) of the larger previously proposed new buildings (indoor theater and 20-hotel) from the proposal. HVSF intends on utilizing or repurposing several existing buildings including the banquet hall, restaurant, pro shop, cottage, and maintenance buildings.

**2. Impact on Geological Features**

No comments received on this topic.

**3. Impacts on Surface Water**

**A. Will the runoff from ground disturbance cause contamination of the brooks?**

Unprotected ground disturbance associated with construction can easily cause sedimentation of the brooks that drain the property. For this reason, the applicant's engineers have developed a preliminary Stormwater Pollution Prevention Plan (SWPPP). A SWPPP is required by State and Town regulations and ultimately, it must be developed in accordance with the "*New York State Stormwater Management Design Manual*" (Design Manual). The Preliminary SWPPP that is part of

the Part 3 Expanded EAF (Appendix K) was developed as a detailed demonstration that an effective SWPPP can be prepared within the confines of the site and the requirements of the Design Manual. As the plans develop, the SWPPP will be further refined to assure that the practices specified will be appropriately sized to the final plans. The SWPPP must be submitted to both the MS4 (Town) and State as part of the final plan set. It will require that during construction the site be independently monitored by a Professional Engineer (P.E.), Registered Landscape Architect (R.L.A.) or a Certified Professional in Erosion & Sediment Control (CPESCS) in accordance with a predetermined regulatory schedule. Construction activities may not commence until the sediment and erosion control practices specified by the SWPPP are in place and inspected. Regular inspections are required to assure that the practices remain properly installed and effective during the full course of the construction activity. Per these requirements, a SWPPP will be installed and monitored in accordance with the Town and State regulations. Doing so is assurance that runoff from ground disturbance will be mitigated to the greatest practical extent, both during and after construction. To view a copy of the SWPPP, see the Part 3 of the Expanded EAF, Appendix K.

**B. It's going to rain on construction dirt. It's impossible to get the dirt covered every single night there, what are the plans for storm water runoff?**

See response 3.A for discussion of the SWPPP. Inspections and monitoring by a Licensed Professional of erosion controls is included, as required.

**C. 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?**

The inclusion of the Snake Hill Road entry bridge has been considered in the Preliminary SWPPP and will be further refined after the final design for the bridge nears completion. It is acknowledged that the proximity of the bridge abutments to the wetlands may require special attention as the Final SWPPP is developed, and the design, planning, and construction will adhere to all necessary standards in this regard. It is noted that the bridge proposes minor disturbance in the wetland buffer but avoids disturbance in the bed of the stream. The applicant reviewed this new entry on site with the Conservation Board who raised no concerns about its location. Any required permits for the construction of the new driveway will be reviewed by the Conservation Board.

**D. Why are we allowing a new parking lot by the pond? Why are we allowing it to be disrupted and risking the chance of the contaminants running into the pond and stream when we have an existing parking lot that could be utilized by the maintenance garage?**

After the completion of the Public Hearing the applicant meaningfully adjusted the scope of the proposal by eliminating the 20-room hotel and indoor theater, which has allowed for a reduction in parking spaces needed on the site. The size and location of the primary parking lot has been reevaluated and modified so that no portion of the parking lot or access driveway is located within the Town's 100-foot regulated wetland buffer of the pond. As previously proposed, the parking lot will be constructed with a permeable surface, which will minimize runoff during operation and constructed in accordance with the SWPPP.

**E. Who will monitor changes in chemical runoff into the local watershed?**

Sediment transport during construction is the primary mechanism by which chemicals and metals identified in site soils would migrate as the contaminants are adhered to soil particles. Any construction activities within the limits of disturbance will be subject to the SWPPP, which includes a weekly inspection component. The SWPPP will prevent site soils and sediment from entering the surrounding surface water bodies. The SWPPP will be enforced until construction soils have stabilized. There is no state, county or local requirement to monitor the watershed surrounding the project during operation.

For more detail on the SWPPP, please refer to response 3.A above. Because any chemical runoff is due to the chemicals adhering to eroded soils, the implemented SWPPP is intended to contain the sediment laden runoff and thus the chemicals that adhere to it within the approved limit of disturbance.

**4. Impact on Groundwater**

**A. Concern over increased water usage for the entire complex and how that will affect surrounding neighbors and aquifer? Further studies needed. Who will pay for mitigation? (16)**

As outlined in the Groundwater Budget discussion in Part 3 of the Expanded EAF, Section IV.G, Utilities, the estimated water demand under the proposed condition (13,353 gallons per day) is a decrease in demand of 12.8 percent compared to the 2005 approved demand under the GGCPDD (15,320 gallons per day). Aquifer recharge is estimated to be almost 15 times the estimated



proposed-condition demand. The proposed demand figure is for peak demand with all facilities being used at once, a situation which will exist only on rare occasions.

- B. Are you aware of the number of neighbors, including some in the upland basin contributing to site groundwater who had to have new wells dug after the 2 new irrigation wells were drilled in 1999? At least 2 of these had to do so at their own expense after being told, erroneously, that no new wells at the Garrison had been drilled.**

The firm SSEC performed the pumping tests of two (2) irrigation wells in 1999, as well as monitoring water levels in several offsite domestic wells. SSEC reports are attached in an Appendix of the Phase II ESA (See the Part 3 Expanded EAF, Appendix J) and test results are discussed in the Part 3 Expanded EAF, Section IV G, Utilities. Other than information provided in the SSEC reports, we are unaware of replacements of other off-site wells in 1999-2000.

- C. Contaminants were found in the sediment of the pond water. Will the sediment in the drinking water wells be tested?**

Sediments in the bottoms of the potable wells (if present) have no relation to the pond sediment. Testing of sediment in wells is not a requirement of New York State or Putnam County Department of Health.

- D. Recommend a 72-hour well-pumping test with off-site assessment be conducted in late summer which is critical time of maximum water demand when evapotranspiration excess the rainfall recharge. The EAF did not appropriately consider the presence of bedrock which limits recharge and affects water transmission and availability. (2) Please confirm that this proper 72 hour Fall testing will be done, before any negative declaration will be issued? This development threatens our fragile aquifers and recharge areas.**

This comment appears to reflect concerns expressed in the letter from Dr. Michalski which was presented to the Planning Board on February 17, 2022. A written rebuttal to Dr. Michalski's letter is provided as an attachment to this response letter.

- E. What are the impacts of the changes in the groundwater levels and other environmental impacts on the wetlands during the construction and use of the Snake Hill Bridge? (2)**

The Snake Hill bridge is conceived as a span bridge. The current plan requires no disturbance to the wetland proper for the bridge, and only minimal disturbance to the wetland buffer. No

environmental impacts or impacts to groundwater levels are anticipated as a result of the bridge construction.

If groundwater is encountered during construction of the Snake Hill Road bridge, it will have to be diverted to a settling pond and otherwise treated in accordance with the SWPPP (see discussion in Section 3.A, above). As stated in the previous paragraph, there is no expectation that the bridge foundation or abutment will affect groundwater levels.

The potential environmental impact concerns to the wetland during construction of the Snake Hill Bridge that will cross it are generally related to possible sedimentation from rainwater runoff over disturbed earth. As previously stated, a SWPPP has been developed in accordance with the NYSDEC General Permit for Stormwater Discharge from Construction Activity and the "New York State Stormwater Management Design Manual".

- F. Why has no proper all-season water testing been done to assess the viability of doubling the domestic water usage (per the EAF) and sinking of 2 new wells at the HVSF site in order to accommodate approximately 1,000 flushes a night etc.? There have merely been inferences drawn from old studies despite much having changed in the last 20 years - new buildings, dry winters and multiple problems with wells, failed 1,000 ft deep new well at Garrison's Landing.**

See response to comment 4.A.

- G. Neighbors fear heavy metals and toxic chemicals contamination of their wells during construction via run-off and groundwater. Can you assure them that their wells will be tested before, during and after any construction? Will the sediment at the bottom of the wells or the water sources be tested?**

Sediment migration will be addressed and controlled through enforcement of the SWPPP. The site soils and sediment migration do not pose a threat to offsite domestic groundwater quality. Existing data shows minimal threat to groundwater quality resulting from documented soils impacts and further soils testing is anticipated. On-site groundwater, which due to proximity would be the most likely to show impacts, has been tested and exhibits no pesticide detections from site soils. There are no State, County or Local requirements to test off-site wells. Any testing would be at the discretion of the Putnam County Health Department Engineer. Regarding well sediments, see response to 4.C.

**H. We know the pond sediment is contaminated. Why haven't the well sediments been tested?**

See response to 4.C.

**I. Why haven't neighboring wells been tested at all - we know water travels laterally in the base rock?**

It is the nature of pesticides such as chlordane, to adhere to shallow soil particles and as a result, they generally remain in the top 20 cm of most soils. Additionally, detected pesticides have low aqueous solubilities and thus tend not to dissolve into infiltrating soil water as it migrates toward the water table. Existing data indicate that soils containing elevated metals and pesticides concentrations are limited to at least three (3) golf greens areas. The aerial extent of these areas is a small percentage of the entire groundwater recharge area. As a result, infiltration through the greens contributes a minimal percentage of the overall groundwater budget. Refer to response 4.G.

**J. Why is there no ecologically friendly treatment of water planned? No tank/cistern storage of water for flushing, no small sewage treatment system instead of huge new septic fields, the preparation of which will cause more toxins to escape into the air and water?**

Putnam County encourages the use of conventional Subsurface Sewage Treatment Systems (SSTS) because they require little maintenance and rarely malfunction. If a conventional septic system is installed such that it operates on gravity, virtually no energy is used. Small "packaged" sewage treatment systems require produced energy and more regular maintenance. When "packaged" systems and their alarm systems fail, until the failure is discovered they may discharge raw untreated sewage into the streams that normally accepts and carries the treated effluent away.

Conventional septic systems used to be constructed 6 inches below the ground surface, which allowed some of the wastewater to evaporate through the surface. These types of systems have not been used in Putnam County for at least 40 years. Today SSTS operate between 24 and 30 inches below the surface of the ground. As a result, the possibility of evaporation is foreclosed and thus the possibility of toxins escaping to the air has been virtually eliminated. Similarly, the standards for constructing an SSTS requires that the system be a minimum of 5 feet above ground water. The purpose of this separation is to prevent or minimize minimally treated effluent from entering the ground water before it is treated by the soil.

The use of cisterns for capturing and using rainwater for plumbing or irrigation is possible and is considered a green infrastructure practice by the NYSDEC of stormwater treatment. The practice

does have merit, but it is not without its limitations. First, it deprives, or at least delays natural replenishment of groundwater and additionally carries a heavy burden of active management and maintenance along with high initial capital costs. When developing the SWPPP, the designers selected other approved NYSDEC green infrastructure practices to treat the stormwater runoff for the project, such as porous pavement, bioretention areas and rain gardens that allow for the captured stormwater runoff to be recharged on-site. These practices too have benefits along with limitations but are well suited to the site, application and use associated with the project.

**K. Will you ensure that the irrigation of new plantings, including all the new shrubs, plants and trees in the plan be included in the water studies?**

Any irrigation required for new plantings has been accounted for in the team's analysis. Irrigation water in the current and proposed conditions comes from the irrigation pond, not groundwater. Irrigation demand for new plantings is highest during the first two (2) years after planting, known as the establishment period, to assist with the formation of healthy plant material. It is anticipated that irrigation demand from the pond will decrease after the establishment period.

**L. Does the plan address the possibility of extremely toxic runoff negatively impacting Philipse Brook, especially in Constitution Marsh below the falls where a "species of concern"\*\*, the American Eel, congregate in large numbers? \*\*Atlantic States Marine Fisheries Commission**

See response 3.A.

**M. How will the New York City Catskill Aqueduct be protected from contaminated run-off? How will Philipse Brook and Horton Brook be protected from run-off?**

The Catskill Aqueduct is a closed system that does not collect water along its route from Ashokan to Kensico. It is not threatened by surface runoff from the site.

**5. Impact on Flooding**

No comments received on this topic.

**6. Impacts on Air**

**A. Air pollution will increase with the increase in traffic, especially if a traffic light is added, this is a concern. How will this be mitigated?**

In review of screening guidelines of New York State DOT's, The Environmental Manual (TEM), the proposed project would not result in a significant increase in impacts to air quality. There are few mitigative measures proposed as part of the project. As provided within the Traffic Impact Study, the intersection of US Route 9 (Albany Post Road) at Travis Corners Road and Snake Hill Road would see an improved Level of Service (LOS), if a traffic signal were installed. With the proposed traffic signal and added lane in the intersection, the overall LOS for the intersection would result in LOS A, B or C. Per the TEM I-1 Level of Service (LOS) Screening, no further air quality analysis would be required for this intersection with the proposed improvements. It is also proposed to provide turn lanes at the intersection of US Route 9 (Albany Post Road) at Site Driveway and US Route 9 (Albany Post Road) at Coleman Road. The added turn lanes will reduce stacking (queueing) with these design improvements.

Further, with the elimination of the proposed 225-seat indoor theater, reduction of the outdoor tent theater from 530 seats to 500 seats and the 20-room hotel anticipated traffic volume will decrease from the previously proposed action. As noted in the Air Quality Analysis and Impact Review, dated October 25, 2021, the proposed project would not result in a significant increase in impacts to air quality.

**B. What is the plan for containing the dust from construction or any gardening activity to protect the humans including the workers and the other species that are going to be breathing in that air?**

All construction-related air quality impacts will be of relatively short duration. Best construction management practices will be employed to reduce soil erosion and possible sources of fugitive dust. This generally includes the daily use of water/spray trucks in dry periods, anti-tracking pads at construction entrances, street sweeping at the entrances (as needed) and adherence to the SWPPP, which provides erosion and sediment control.

**C. How will surrounding community members be protected from contaminated soil dust detected as a result of the air monitoring?**

The Phase II ESA (located in Appendix J of the Part 3 Expanded EAF), describes the development and use of a Community Air Monitoring Plan (CAMP) to be performed during ground disturbance. The CAMP will use monitoring equipment to measure respirable particulate levels around the site perimeter. Particulate action levels are set and if exceeded, remedial measures such as water spraying are used to mitigate dust generation.

**D. Details please of mitigation of construction noise and dust? What is the procedure for mitigation of air born toxins from the highly contaminated green at the bridge location?**

All construction-related air quality impacts will be of relatively short duration. Best construction management practices will be employed to reduce soil erosion and possible sources of fugitive dust. This generally includes the daily use of water/spray trucks in dry periods, anti-tracking pads at construction entrances, street sweeping at the entrances (as needed) and adherence to the SWPPP, which provides erosion and sediment Control, if required. A CAMP will be instituted to monitor for and mitigate fugitive dust (see response to 6.C).

Construction noise is exempt as long as it is compliant with Town Code § 175-40 Environmental performance standards C Noise (4) Exemptions. "The following shall be exempt from the noise level regulations: (b) Noises emanating from construction and maintenance activities between 8:00 a.m. and sunset, Monday through Friday."

**E. Mixture of vehicle exhausts, secondary pollutants formed in the atmosphere, evaporative emissions from vehicles and non-combustion emissions (e.g. road dust, tire wear) aka TRAP exposure has been linked to a range of health effects from adverse birth outcomes to dementia, adverse cardiorespiratory effects including exacerbation of asthma, incident asthma, reduced lung function, etc. How will this increase in pollution be mitigated?**

In review of screening guidelines of The Environmental Manual (TEM), the proposed project would not result in a significant increase in impacts to air quality. As far as construction, the short-term use of heavy equipment operations will result in a temporary, minor increase in pollutant emissions from various equipment used in this process. All construction-related air quality impacts will be of relatively short duration. Best construction management practices will be employed to reduce soil erosion and possible sources of fugitive dust. This generally includes the daily use of water/spray trucks in dry periods, anti-tracking pads at construction entrances, street sweeping at the entrances (as needed) and adherence to a SWPPP, which provides erosion and sediment control, if required.

**7. Impacts on Plants & Animal**

**A. What are the pink ribbons all around the Philipse Brook Road below the existing bridge? There is so much wildlife and vegetation down there.**

Wetlands located on the subject property and within the area of proposed development were delineated by Kellard Sessions Consulting on three (3) separate days in September of 2020. Brightly colored fluorescent ribbon or flags were hung or placed around the perimeter of the wetland boundary. All flags were sequentially numbered and later surveyed by Badey & Watson Surveying & Engineering, P.C. and appear on the Existing Conditions Survey and Site Development Plans. Please refer to Part 3 of the Expanded EAF, Section III-D, Vegetation and Wildlife, and the ecological assessment report, prepared by Resource Environmental Solutions (RES) for a complete evaluation of on-site vegetation and wildlife.

**B. Why lose the three gorgeous trees and more to make the bridge? And our mailboxes? And an intrusion on our access to our driveway and possibly encourage others to use it as a turn-around?**

The location of the proposed Snake Hill Road driveway has been located to maximize the sight lines in both directions. The trees that have been identified for removal must be removed for sight distance reasons and due to construction and grading. The proposed driveway is approximately 120 feet from the closest adjacent residential driveway.

**C. How will the lighting from the venue and the cars affect the wildlife? (2)**

Site lighting will be dark-sky compliant where possible which is nature-friendly. On the paths, low-level landscape lighting is planned for the primary egress site path from the tent to the parking. Secondary paths may receive low levels of lighting if necessary. Parking lot lighting is planned. For both paths and parking lots, lighting will be provided at the lowest levels and instances possible to provide safe, code-compliant lighting. Path lighting will be used only when there is an event of performance at the tent theater (see Part 3 of the Expanded EAF Exhibits 56 and 57). Nearly all proposed improvements are located on previously disturbed portions of the site which have historically been used for golf purposes; there has been no critical habitat identified and no significant adverse impacts to animal species is anticipated.

**D. How will animals using the pond water be affected by contaminated run-off?**

With the implementation of the SWPPP and SMP, there will be no contaminated runoff.

**8. Impacts on Agricultural Resources**

- A. What will be done about all of the contamination of the soil. Including: mercury, arsenic, lead, chromium, DDT, DDE, DDD, heptachlor oxide, alpha chlordane, gamma chlordane, chlordane? How do you mitigate that?**

As discussed in the Phase II Environmental Site Assessment (ESA), further soils characterization is planned followed by development of a SMP. Soils identified as exceeding screening criteria will be addressed through a combination of removal and offsite disposal, limitation of public access and capping with clean material.

- B. There is a need for deeper soil samples and more than 16 soil samples. Other chemicals in the soil should be looked at. (2)**

Further soil characterization is planned, as outlined in the Phase II ESA located in the Part 3 Expanded EAF, Appendix J.

- C. Can we see concrete leachate mitigation plans as related to the new proposed bridge?**

If a stream is not adequately protected, leachate from the concrete used to construct the bridge foundations and abutments could foul the water in the stream over which the bridge is to pass. Leachate from the concrete is most threatening when it is wet. Protections against the release of wet concrete will be addressed and included in the SWPPP when the bridge design nears completion. Among the measures that will be included is the installation of a cofferdam to first allow dewatering of the construction site and later prevent sediment and other foreign items from leaving it. Other best practices measures that will be employed include: use of water tight forms, and preventing concrete trucks from being washed or randomly unloading their excess concrete on site.

- D. Is the contaminated soil on site at the GGC considered hazardous waste? If not, why not?**

Hazardous waste has specific definitions under NYSDEC and EPA based on physical characteristics (ignitability, corrosivity, reactivity or toxicity) or originating from one or more non-specific or specific sources generally associated with chemical manufacture, industrial processes or discarded commercial chemical products. The identified contaminants are presumed to be present due to authorized and appropriate treatment-chemical applications by certified pesticide applicators.



Excavated soil may be considered a solid waste under NYS regulations. Any soil disposal will require testing by the receiving facility.

**E. Has the developer applied to the DEC for a brown site declaration?**

Under NYSDEC, a brownfield is a site where contamination is present above levels appropriate for the site use and reuse or redevelopment may be complicated by the presence of the contaminant. They are generally former commercial, manufacturing or petroleum storage facilities. The golf course does not fit into this definition, and it is doubtful whether it would be accepted into the NYSDEC Brownfield Cleanup Program. It is not a site where development is being hampered by the presence of contamination.

**F. Will soil be removed as a mitigation method? If so, how much top soil will be removed? How will you ensure only 5 acres are removed at any one time?**

Preliminary mitigation methods for soils above screening criteria, as outlined in the Phase II ESA located in Part 3 of the Expanded EAF, Appendix J, include removal, capping and exposure prevention. More evaluation is necessary to determine which methods are appropriate.

**G. Will there be any limit of how many 5-acre areas will be disturbed in any one year? e.g. could 30 acres be disturbed in a year in 5-acre, sequential parcels? Who will oversee disturbance plan?**

There is no regulatory limit on the number of five (5)-acre areas that might be disturbed in any one year. The controlling limit is the maximum disturbance of no more than five (5) acres at any one time. The total disturbance in any one year will be dictated by site conditions and the speed at which the contractors are able to build the plan. As stated in response 3.A, above, the project will be overseen by an independent professional paid for by the applicant. It will also be monitored by the Town Building Inspector and Wetlands Inspector, as well as State and County officials, as appropriate.

**H. Will soil be stockpiled on site? How will it be secured from run-off? Where? Where will the soil be removed to? Will the soil be re-tested for contaminants after removal/mitigation? What agency determines that soil has been sufficiently mitigated?**

Soils will be stockpiled on site within the limits of disturbance, but not on steep slopes and not within the wetland or wetland buffer areas. Erosion control barriers will surround the stockpiles to capture sediment. They will be stabilized with seeding, as required by the SWPPP.

Remediation soil may be stockpiled on site or loaded directly into trucks for off-site disposal. Remediation soil stockpiles will be placed above and below polyethylene sheeting and managed under the SWPPP. Such stockpiled soil will be tested for disposal parameters, and the remaining in situ soil will be tested to document post-remedial conditions. There is no “spill” or “release” associated with the chemicals that were applied to the golf course. This is because they were applied by certified pesticide applicators using authorized and appropriate treatment-chemicals. Therefore, involvement by NYSDEC is not required. Nevertheless, the soils screening criteria and cleanup goals are based on NYSDEC promulgated guidance.

**I. How can sediment fences and fabrics prevent toxic chemical run-off water?**

The chemicals detected generally adhere strongly to soil/sediment particles and organic materials. The threat of chemical migration is mitigated by prevention of sediment migration which will be managed through the implementation of the SWPPP described elsewhere. The use of silt fences and other barriers to sediment runoff is standard best management practice.

**J. Have other soil mitigation methods been considered? Such as Phyto-remediation? Or Bioremediation?**

At this time, mitigation of soil areas exceeding screening criteria will be conducted through removal, access limitation or capping. Alternatives including phyto- and bio-remediation may be considered for areas where concentrations do not exceed screening criteria.

**K. What is the time frame for complete remediation?**

Based on current findings, there are limited areas of soil which exceed screening criteria, and which would require remediation in some form. Soils management in a given area would be completed concurrent with the construction activities.

**L. Will soil covered by new buildings be mitigated? If not, why not?**

Following further characterization and the development of a SMP, soil identified as exceeding screening criteria will be managed such that the potential for human exposure and groundwater impacts are eliminated. Exceedances of criteria would be managed by some combination of removal and offsite disposal, physical limitation of access or capping with clean material from an onsite or offsite source. At this time, soil impacts are assumed to be of limited vertical extent. Any

building construction at locations with soil impact would likely result in the removal of that impact as part of normal construction methods.

**M. Will HREC at maintenance barns be mitigated?**

The Recognized Environmental Conditions (RECs) identified in the Phase I ESA are in locations where environmental impacts are *likely present* but have not been confirmed with sampling and analysis. Any REC explorations/mitigations would be addressed concurrent with development activities in those areas.

**N. On what page in Badey & Watson Storm Water Analysis is there information on dealing with toxic chemical and metals run off?**

One goal of the SWPPP is to prevent sediment laden runoff or uncontrolled migration of construction soils through the use of BMPs and using guidance provided by New York State. The existing data indicate chemicals and metals which by their nature, strongly adhere to soil particles and do not migrate to a significant extent 'on their own'. Therefore, prevention of sediment runoff through the SWPPP will address and mitigate chemical migration. There is no need for the SWPPP to address the chemical content in the soils in order to be protective. The SWPPP can be found in Appendix K of the Part 3 Expanded EAF.

**9. Impacts on Aesthetic Resources**

**A. Please explain the reason given for a 400 square foot or larger white vinyl tent? Has it been considered to change the color to earth tone?**

HVSF is continuing its tradition of open-air performances under a new, permanent tensile structure. Tent fabric materiality, including color options, will be explored during the design process and presented to the Planning Board during site plan approval.

**B. Can the applicant provide rendering of proposed development from various views, elevations of the project from several high visibility areas? Why aren't there renderings from above, from the river, etc., so that we can see how this contravenes the values of the Town's Scenic Index?**

See the following exhibits for renderings showing the proposed site, as provided in Part 3 of the Expanded EAF: Exhibit 7 (site plan); Exhibit 38 (Bird's Eye Rendering); Exhibits 40-50 Viewshed Analysis.

- C. The proposed site is the best apparently from HVSF's viewpoint but not in the view of concerned residents and local environmentalists. Why aren't other sites being considered that might better satisfy everyone as a compromise?**

The applicant participated in a significant master planning process, which included a multi-faceted review of the siting for the open-air theater venue. The factors that were considered as a part of this review, include, but are not limited to, the following: the sound from vehicles on Route 9, ensuring that there will be no sound impact to neighbors from the theater or other activities, ensuring that the wedding event activities and the theater events will not disturb one another, ensuring safe access and egress to the site, providing safe parking and pedestrian access to the theater, and ensuring privacy for the residential property to be owned by Chris Davis.

**10. Impact on Historic & Archeological Resources**

- A. Why is the ridgeline not protected? Why does the tent need to be on the ridge? (13)**

The applicant's property does not contain ridgelines or hillsides that are regulated under Section 175-36C, Ridgeline and Hillside Protection, of the Town of Philipstown Town Code. Furthermore, as planned the top of the tent is located at elevation 625, and the highest adjacent elevation on the site is 635. Please see response 9.C above.

- B. Why can't the tent be sited in more of a bowl on the site as we read in the newspapers early on? (2)**

The tent has been sited to take advantage of the natural topography and uses it to assist with sound attenuation and visual impacts. Significant screening in the form of existing and proposed trees will mitigate views of the tent. Please see response 9.C, above.

- C. Why can't the tent be closer to the parking area?**

Emergency Service Providers requested that parking near the tent not be allowed. Additionally, the parking has been sited to take advantage of less steep areas on site.

- D. Will the tent be viewed from Storm King?**

Given the distance between the two features, for all practical purposes, the tent will not be visible from Storm King Highway; see Part 3 Expanded, Exhibit 41 of the Part 3 EAF.

- E. Can the applicant look into the history of the state because it is historic site? (The Haight farm house was located approximately where the caretaker's cottage is now. There was a pre-revolutionary war farmhouse).**

Archeological and historic resources are evaluated within Section IV-K, Cultural Resources, of the Part 3 Expanded EAF. The applicant has consulted with the State Historic Preservation Office (SHPO) throughout the review process and is in receipt of a letter, dated August 12, 2021, stating that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the proposed action (see Appendix L of the Part 3 Expanded EAF).

- F. Has the applicant considered an alternate entrance off of Snake Hill Road, near the maintenance shed?**

Yes, this was considered, but locating the driveway near the maintenance shed on Snake Hill Road would require the driveway to climb 155 vertical feet across slopes of 25% resulting in extensive disturbance of the slope.

- G. In reference to the EAF, Pg 13, Section E3; Does the project site contain, or is it substantially contiguous to, a building, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?**

See response to 10.E above.

- H. In reference to the EAF, Pg 13, Section E3, sub-section G; Have additional archaeological or historic site(s) or resources been identified on the project site?**

See response to 10.E above.

- I. How can 12 to 14 ft trees planted in a ditch beside Snake Hill Road disguise the degradation caused by the tent, etc., on the highest point and a car park halfway up the rise?**

Trees are planted throughout the site and are used strategically along the road, at parking, and near the tent site to provide visual buffers. Trees will be a mixture of deciduous and evergreen trees. The trees will continue to grow after installation. See Exhibits 46-50. The applicant is

working with Landscape Architect Nelson Byrd Woltz to ensure that the plantings along Snake Hill Road will be native, bucolic, and beautiful for neighbors.

- J. Two people talked about the golf course being forested before it was a golf course. In fact, it was a historic farm with hayfields on the rise where the tent site is proposed. Can we have some real investigation into historic and archeological values at and around the site?**

See response to 10.E above.

**11. Impact on Open Space & Recreation**

- A. What restrictions will HVSF put on the use of the public access portion of the property? What is the public access at the site going to look like? Will it start to look like Bear Mountain on weekends? (4) Is the area abutting Route 9 planned for public picnic area? How many people will be using the HHLT park?**

The comparison between the HVSF and Bear Mountain Park is a false analogy. The Bear Mountain Park is part of the Harriman Park system, one of the largest in New York State. The HVSF parcel is not envisioned as a public park. The applicant intends to continue the current policy of allowing passive-use access for neighbors to walk their dogs, snowshoe in the winter, or gaze at the stars, just as the public has been allowed to do on the Garrison site for decades. As a privately owned property, however, HVSF would reserve the right to prevent overuse by placing reasonable restrictions on permitted uses and times of access. For example, HVSF could implement an online reservation system for a limited number of free parking passes on summer weekends or decide to restrict access to ticketholders on Saturdays when matinee performances are scheduled. It is the applicant's belief that there is a joint desire, amongst HVSF and the community, to allow some limited public access to the site so that this unique and special property and its environs can be enjoyed and appreciated by the public without negatively impacting HVSF or the local community. HHLT is not a part of this proposal and any questions regarding the use of its property should be addressed to HHLT.

- B. Is this going to be a big draw once HHLT takes over? What about parking on side roads?**

The 56.6 acres located on the west side of Snake Hill Road and to the North of Philipse Brook Road has already been transferred to HHLT by the property owner for conservation purposes. Once a subdivision of the remaining acres of the property is approved by the Planning Board, an additional 17.1 acre lot will also be transferred to the HHLT. All conservation property will be under separate

ownership and management, and any proposed improvements on these parcels, including parking, would require separate approval from the Town of Philipstown. On-street parking, where not permitted, is enforceable by the Sheriff's office.

- C. Who will be responsible for parks and recreation management? Is this now a public fairground where people can spend the day like they do in Bear Mountain with picnic baskets, grills and garbage. Who is going to police this?**

See response to 11.A above.

- D. Very occasionally people in addition to theatre goers picnicked at Boscobel though the site was very well policed. The GGC in contrast has open access round much of its boundary. How is the developer going to regulate this and any subsequent parking on e.g., Philipse Brook Road/Coleman Road/Snake Hill Road?**

See response to 11.A and B above. As a privately owned property, however, HVSF would reserve the right to prevent overuse by placing reasonable restrictions on permitted uses and times of access. Further, HVSF has already committed to using a private company to assist in access and traffic control during the busiest of events, as needed.

- E. Will people be allowed on site when shows are in progress who are not ticket holders? Under what conditions? What are the plans for public access? Where is the data? Perry Pitt of Audubon has suggested a warden or environmental overseer, like the one Audubon has at Wappingers Sanctuary, someone neighbors call if they see or experience something troubling e.g., garbage dumping or other intrusion.**

See response to 11.A, B and D above. As the property owner, HVSF has the right to manage the site and access at all times. The restaurant will be open and available to the public during performances.

- F. Will the carbon impact and footprint of up to 2,000 people in cars on a Saturday (2 events, 2 tent performances, 1 small theatre performance, hotel, restaurant, bar guests plus employees) be taken into account?**

It was never proposed to have 2,000 visitors on the property. The original proposal included a theoretical visitor maximum of 1,184 people, which would not be able to occur due to the event management plan that is in place for the site. Regardless, in response to Public Comment, the

Applicant has withdrawn the proposal to construct a 225-seat indoor theater and a 20-room hotel, limiting the number of events and people that will be on the site. The new theoretical maximum, peak-day number of people on the property is projected to be less than 875, including visitors and staff during the theater season from May-October.

Additionally, HVSF has committed to creating a LEED Campus Certified site with all facilities designed for a LEED Platinum Certification. The addition of the meadows, stormwater retention, gardens, energy regeneration, and site biodiversity, will ensure carbon sequestration and the most ecologically focused design possible. HVSF is committed to becoming the greenest theater in America and is developing operations plans to be carbon neutral by 2040.

**G. Will the Garrison School Forest which connects to the same trails remain a safe protected resource for our school children and our community?**

These trails are part of the HHLT property and not part of the proposed project before the Planning Board. However, the HVSF would be willing to discuss access to the property with the local school district, if necessary.

**12. Impact on Critical Environmental Areas**

**A. How will the new bridge effect the wetland it is over?**

A conceptual design of the new driveway at the Snake Hill Road Entrance is included in the Part 3 Expanded EAF as Exhibit 55A, and a discussion of the impact of the bridge is also included in the Part 3 Expanded EAF, Section III-D Vegetation and Wildlife. The new bridge at Snake Hill Road is conceived as a span bridge, which allows for connectivity below the bridge and prevents habitat fragmentation. The current plan requires no disturbance to the wetland proper and only minimal disturbance to the wetland buffer, which requires a local wetland permit issued by the Town of Philipstown Conservation Board. The applicant walked the site and the location of the proposed bridge with the Conservation Board who expressed no concerns about this new entrance. It is the applicant's position that the proposed span bridge will have no adverse impact to the watercourse and that the environmental condition adjacent to the watercourse will be improved in the proposed action due to the removal of the fairway and green and its replacement with native plants.



### **13. Impact on Transportation**

#### **- Route 9**

**A. Will all of the extra traffic plus a traffic light result in Route 9 at GGC becoming a 4-lane highway bisecting the hamlet of Garrison? (3)**

No. The analysis submitted and reviewed by the NYSDOT and the Town's consultant indicated that the improvements proposed as part of the project, which do not include converting US Route 9 to a 4-lane highway, will be sufficient to accommodate future traffic volumes with the additional traffic added by the project.

**B. What will prevent the public from parking along Route 9 as they currently do on 9W for Bear Mountain? Or 9D for Breakneck Ridge? Or at Manitou/Anthony's Nose approach? How will homeowners navigate these roads with the increased parking?**

There will be no parking on Route 9. As indicated in the analysis submitted to the Town, there will be adequate parking provided on-site to accommodate the project's peak parking demand. Unlike Bear Mountain, Anthony's Nose or Breakneck Ridge, the subject property is private and access, on the busiest days, will be restricted (generally by invitation or ticket sale) only. Consequently, there will be no reason to park on Route 9, as there will be nowhere to go to.

**C. How will the additional traffic on Route 9 and in the Town be handled?**

As indicated in the detailed traffic study submitted for the application, the additional traffic on Route 9 will be accommodated by the improvements that are proposed as part of the Project (including the addition of a new traffic signal and turning lanes). For the most part, the greatest volumes of traffic generated by the Project will not occur when traffic on Route 9 is busiest. Most of the traffic anticipated to come to the site is already in the Town either going to and from the banquet and restaurant (and former golf course) at the Garrison or to and from HVSF's performances at Boscobel. (Please refer to the full Traffic Study in the Part 3 Expanded EAF, Appendix G)

**D. What will occur when cars are lined up from both the north and the south on Route 9 for the campus entrance? How will we safely get in and out to our homes? How will it impact the wait time to do so?**

Cars will not line up on Route 9 at the campus entrance. The Traffic Study indicated that the maximum queue on Route 9 at the Campus entrance will be just one (1) vehicle.

**E. Where exactly are they going to put the right-hand turning lane?**

It is currently proposed to put a right-hand turn lane on eastbound Snake Hill Road approaching Route 9. It is also proposed to put a right-hand turn lane on southbound Route 9 approaching the campus entrance.

**F. Will the new road in from Route 9 at what is now the main entrance be 2-lane? How will it be surfaced?**

The new road in from Route 9 will be 2 lanes (one in and one out) and it will be paved. The permit request to the NYSDOT proposed to provide a third right-hand turn lane on the eastbound driveway of the site as it approaches Route 9, providing a 3-lane section on the driveway that intersects with Route 9.

**G. Will the DOT reduce the length of the northbound passing lane that ends less than a minute south of the existing Route 9/Travis Corners/Snake Hill Road intersections? Is the DOT addressing these associated, passing lane traffic safety concerns?**

The NYSDOT is addressing the passing lane safety concerns. The plan provided to NYSDOT indicates that the length of the passing lane would need to be reduced by approximately 85 feet to accommodate the addition of a southbound right-turn lane.

**- Snake Hill Road Proposed Entrance**

**H. Is there permission from the state for having a different exit on Snake Hill Road?**

No permission from the State is required for providing access to the property from Snake Hill Road. Permission from the County is required for the Snake Hill Road exit because Snake Hill Road is a County road.

**I. Has there been a proper study to see if Snake Hill can handle the additional traffic? (5)**

There has been a detailed evaluation (in the traffic impact study) of the ability of Snake Hill Road to handle the additional traffic and the study analyses clearly demonstrated that Snake Hill Road has the required capacity.

**J. Can Snake Hill Road handle the heavy construction? Have other options and location for this bridge been examined?**

It is proposed to access Route 9 for the construction of all project elements, except for the construction of the new Snake Hill Road driveway and bridge. For the construction of the Snake Hill Road Driveway and bridge, a detailed work zone traffic control plan will be prepared to ensure that this construction activity can be accommodated safely and that there will be adequate capacity to accommodate Snake Hill Road traffic. For a substantial portion of the construction period, which is expected to take three (3) months, motorists should expect to be delayed on Snake Hill Road for between 30 and 60 seconds. Other locations for the access were considered, however sightline limitations and steep slopes made other locations impractical.

**K. Why does the new entrance have to be where it is proposed, can it be relocated? (4) Why couldn't it be built on the straightaway of Snake Hill Road or west of golf course where there are no houses?**

As discussed above, sightline limitations and steep slopes made other locations for the Snake Hill Road driveway impractical. Specifically, locating the driveway on the west/golf course side of the site would require the driveway to climb 155 vertical feet across slopes of 25%, resulting in significant disturbance.

**L. Is the bridge also to be the entrance to the Chris Davis new home site?**

Yes, it is.

**M. What will the bottleneck at the new bridge be like?**

There will be no bottleneck, as indicated in the traffic impact study, delays of no more than 3.2 seconds on Snake Hill Road during the busiest hour and a queue of no more than one (1) vehicle.

**N. Why does it have to be 24 ft wide with huge concrete abutments? Cutting the marked trees down means neighbors opposite lose any mitigating cover for the view of the traffic going in and out which will replace bucolic views of the golf course. What is the remedy?**

Twenty-four feet is the standard driveway width to accommodate vehicles turning into and out of a driveway at the same time. The abutments, which will be mostly under the bridge and not prominently visible, are required to have the bridge span the wetlands to minimize any wetland impact. The trees removed will be replaced with new trees slightly further back from the road

which do not block sightlines. The location and number of replacement trees is typically a detail of Site Plan approval.

**O. Are there accurate-to-scale plane view and elevation renderings of the proposed Snake Hill Road bridge? If not, why not? When will they be posted on the Planning Board's website for community viewing?**

Conceptual, to-scale, plans and elevations of the bridge have been provided. They present an accurate representation of its location, mass and general appearance. The engineering drawings were last formally submitted to the Planning Board in September 2021. They contained an accurate drawing showing the location of the bridge in Plan. (See Sheet 6 of 9 of the engineering plan set dated Sept 2, 2021). A profile view of the bridge appears in the Part 3 Expanded EAF on Exhibits 55c and 57c. Specific design details including materials and finish are typically provided during the Site Plan approval phase of the process. The plans may be viewed on the Town Website.

**P. Has the Planning Board requested and received evaluation on the bridge's wetlands impact from the Conservation Board?**

A conceptual design for the new driveway is included in the Part 3 Expanded EAF as Exhibit 55A, and a discussion of the impact of the bridge is also included in the Part 3 Expanded EAF, Section III-D, Vegetation and Wildlife. The new bridge at Snake Hill Road is conceived as a span bridge, which allows for connectivity below the bridge and prevents habitat fragmentation. The current plan requires no disturbance to the wetland proper and only minimal disturbance to the wetland buffer, which requires a local wetland permit issued by the Town of Philipstown Conservation Board. The applicant met with the Conservation Board on site offered a walking tour of the new bridge location and they indicated no concerns with the plan as proposed for this new driveway. It is the applicant's position that the proposed span bridge will have no adverse impact to the watercourse and that the environmental condition adjacent to the watercourse will be improved in the proposed action due to the removal of the adjacent fairway and green and its replacement with native plants.

**Q. Is there an evaluation of the bridge's safety in areas including sightlines from the New York State DOT?**

A full driveway permit application, including sightlines, has been submitted to the County and the driveways sightlines will exceed the intersection sight distance requirements for the posted speed limit and will exceed the stopping sight distance requirements for the operating speed.

- R. Why is the existing road and dam not to be mended and used instead? (3) The dam will have to be mended eventually. How can you justify a two-lane bridge and new two-lane road rather than fixing the dam entrance, which is clearly leaking and caving in? If the dam were rebuilt and the pond looked after properly why can't that remain the entrance?**

"Mending" a dam and rebuilding a new dam are two entirely different things. Replacing the existing dam with a new dam sufficient to carry 2-way traffic into and out of the property is a project with attendant potential negative impacts that are far greater than what has been proposed. A new dam cannot be constructed without impacting the pond and downstream wetlands. Because, at a minimum, the dam will have to be at least partially dismantled, the potential for negative impacts is increased by the removal process. "Mending" the bridge, which is not part of the application, will, to a much greater extent, avoid potential impact than actually replacing the dam with one designed to carry two-way traffic.

The traffic study for the project considered the possibility of using the present driveway over the dam. In fact, it was part of the original concept. The traffic study concluded that, in addition to the significant amount of work necessary to make the current driveway serviceable for two-way traffic, the location of the driveway did not provide adequate sight distance for motorists. The alternate location for the proposed bridge was selected for, among other things, the improved sight distance that can be achieved.

- S. Data collection for the Snake Hill Road and 9D intersection is inconsistent and insufficient. (2) One assessment is not enough and more complete data set is required.**

The industry standard is for data to be collected on a single day. For the HVSF study, in addition to collecting data in the field, the counted traffic volumes were compared to a week's worth of traffic counts on the NYSDOT website and adjusted as needed. These studies were reviewed and considered adequate by the Town and their consultants.

- T. Can Snake Hill Road actually be a safe access late at night with many people driving being well in their 60s?**

Snake Hill Road will have safe access at night. Any supplementary signage that the Putnam County Highway Department requires as part of the driveway permit application will be provided.

- U. How will traffic turn onto this bridge from Snake Hill with no turning lane and no shoulder? What is the turning radius required to exit the bridge onto Snake Hill Road?**

Westbound motorists on Snake Hill Road will slow down and turn right into the driveway. Eastbound motorists will slow down and, if there is no opposing traffic, turn left into the driveway. If there is opposing traffic as they arrive at the driveway, they will wait until that traffic has passed and then turn left into the driveway. The inside turning radius for a full-sized passenger vehicle (large SUV or pickup) is 15 feet and the outside turning radius is 25.5 feet which is provided for in the proposal.

**V. Wouldn't using the back entrance and widening of the back road from Philipse Brook Road cost less and have less of an environmental impact than a bridge and entirely new road?**

The Applicant did not study the Philipse Brook Road entrance and this study was not requested by the Planning Board or the Town's consultants AKRF.

One cannot consider this alternative, without considering the negative impact on one of Philipstown's valued dirt roads. Using Philipse Brook Road as an alternative to the proposed Snake Hill Road (a designated County highway) would almost certainly require improvements such as widening and paving Philipse Brook Road. The need for drainage improvements would also be a distinct possibility that was not considered as a part of this application.

**W. How will the new bridge access affect late school buses coming up Snake Hill Road on West? Or people getting out of those houses or Daffodil Hill Road to get to Garrison School or the Rec. to meet late school buses?**

The new bridge access will have almost no impact on late school buses coming up Snake Hill Road or people exiting their homes or Daffodil Hill Road to get to Garrison School or to meet late school buses. At most, motorists on Snake Hill Road can expect to be delayed by 7.5 seconds at the driveway (The analysis indicates an average delay of 3.2 seconds on westbound Snake Hill Road at the site driveway in the busiest hour). Peak-hour delays at the Snake Hill Road approach to Route 9 will actually be reduced due to the improvements added to the Snake Hill Road intersection.

**X. How much of the steep bank and wetland area will need to be filled to provide the turning lane and radius required? Shouldn't a drawing be provided to help ascertain the ENVIRONMENTAL impact of this MAJOR piece of work on the surrounding wetlands?**

Approximately 3,450 square feet of the steep slopes at the intersection of the proposed new Snake Hill Road access drive will be subject to cut and fill as a result of constructing the bridge abutment. There will be approximately 5,250 square feet of steep slopes similarly disturbed by the bridge

abutment on the northerly side of the brook. The plan is to span the wetland (brook) entirely without disturbing it. Of these 8,700 square feet of steep slopes that will be disturbed, approximately 5,650 square feet will be within the Wetland Buffer (Adjacent Area). The drawings submitted as part of the ongoing SEQRA review provided this information, which will be further refined during the Site Plan approval process.

**Y. Will Snake Hill Road be the main entrance, or will the Route 9 entrance be? Why a two-lane road when there could be one way in and one way out?**

Both entrances will be used by visitors to the site. Multiple two two-way driveways will dilute the impact of traffic, rather than having it all concentrated at one location.

**- Traffic Light**

**Z. If the DOT approves the installation for a light at Route 9/Travis Corners/Snake Hill Road will the DOT also be approving the elimination of the southbound passing lane that ends less than a minute north of the Route 9 entrance to The Garrison?**

No, the NYSDOT has not indicated that they will require the elimination of the southbound passing lane for the installation of the traffic light. Please see the answer to question 13G.

**AA. The light at Snake Hill Road/Travis Corners Road has been proposed before and defeated because they are not one road. What has changed?**

The volume of traffic that will approach the intersection on Snake Hill Road will change as a result of the project.

**BB. How about a traffic light that only works during performances or when a pedestrian or car is at the intersection? Can this be agreed to by HVSF?**

The traffic light is likely to be designed so that it goes red on Route 9 only if there is a car on either Snake Hill Road or Travis Corners Road. A traffic signal cannot be installed only to be functional when there are HVSF performances as it does not comply with NYSDOT requirements.

**CC. What is the current status of the applicant's request for a traffic signal at the intersection and turning lanes for ingress/egress to the site?**

An application was filed with the NYSDOT for permission to install new turn lanes and a new traffic signal. The NYSDOT conducted its initial review of the application and concurred (in writing via email) that these improvements were appropriate. Detailed design plans showing the layout of the proposed lanes and the location of the traffic signal hardware) was provided to the NYSDOT for review. This submission is currently being reviewed by the NYSDOT. Upon completion of this phase of the approval process, the applicant will be required to sign commitments to undertake the work in accordance with NYSDOT's requirements and to provide an appropriate bond to ensure the satisfactory completion of the work. Once that has taken place, the NYSDOT will issue a permit to the Applicant to undertake the work.

**DD. Does the Planning Board need to know whether the traffic signal and turning lanes will be approved before it can issue a declaration on the project? It was said at a Planning Board meeting that there will be no building until there is a traffic light, can you confirm that this is so?**

As a matter of law, the traffic turning lanes and traffic signal may not be approved or permitted before there is a SEQRA declaration on the project. Any permit or approval associated with any project anywhere in New York State may only be issued after the "SEQRA loop is closed."

#### **-Traffic Studies/Data**

**EE. The traffic studies on file were conducted in the Fall of 2020, prior to the addition of the bridge. They were focused on the Snake Hill Road/Route 9/Travis Corners Road intersection. The proposed bridge changes traffic flow and calls for a detailed evaluation of traffic flows on Snake Hill Road and its intersection with 9D. Has that study been conducted?**

The proposed bridge (and the relocation of the Snake Hill Road entrance approximately 400 feet to the west on Snake Hill Road) does not change traffic flow. The 400-foot relocation puts the new driveway less than five (5)% closer to Route 9D than the current driveway. The traffic study confirmed that there will be no appreciable changes in traffic patterns to or from the site because of the proposed relocation of the driveway. The intersection of Route 9D with Snake Hill Road was studied extensively as part of the application.

**FF. The traffic studies were done during 2020 when there was little to no traffic on Route 9. How can extrapolating from old studies before the explosion of through traffic to Beacon and beyond yield correct estimations? Even now the through traffic is not as heavy as 2019 but will a proper study be done now?**



Initial traffic counts were conducted in 2020 for the traffic study. Some supplemental counts were conducted in 2021. The 2020 and 2021 traffic counts were compared to NYSDOT historical counts on US Route 9 and on Snake Hill Road conducted before the Covid-19 pandemic.

The NYSDOT volumes were adjusted for seasonality and the passage of time (between 2015/17 and 2021), then the counted traffic volumes were increased to match these volumes. The resulting traffic volumes on Route 9 for the weekday PM peak hour are 19% higher than the 2020 counted traffic volumes. The resulting Saturday Midday and Saturday PM peak hour volumes are 15% and 20% higher than the actual counted Saturday volumes during these hours, respectively.

These adjustments were reviewed by the Town's traffic consultant. Recent (April 1 to 3, 2022) traffic counts on Route 9 in front of the site revealed that current traffic volumes have still not rebounded to the traffic volumes that formed the basis of the August 2021 traffic impact study.

**GG. Has a study been conducted to ascertain if Snake Hill Road can accommodate the regular travel of Palisades Parkway/Bear Mountain Bridge bound traffic?**

Yes, the traffic study confirmed that Snake Hill Road can accommodate the regular travel of Palisades Parkway/Bear Mountain Bridge bound traffic. The traffic volumes used in the traffic study were adjusted based on May 2015 NYSDOT historical data and were more than twice the 2020/2021 counted volumes. HVSF guest zip codes indicate that approximately 17% percent of guests come from west of the Hudson River and the projected volumes for the project reflected this condition.

**HH. Where are the details of where the theatre traffic is coming from? How much theatre traffic will be coming over Bear Mt. Bridge and up Snake Hill Road, or Philipse Brook Road?**

The details of where the traffic is coming from are provided in Figures 27 through 34 of the August 2021 Traffic Impact Study in Appendix F of the EAF Part 3. It is estimated, based on real zip code data of HVSF ticket buyers, that 17% of HVSF traffic comes over the Bear Mountain Bridge (and will continue to do so) and that 24% of HVSF traffic will travel on Snake Hill Road. As indicated in Figure 34 of Appendix F of the EAF part 3, it was previously projected that as many as 64 HVSF theater trips would travel up or down Snake Hill Road in the busiest hour. The recent removal of the formerly proposed 20-room hotel and 225-seat indoor theater reduces HVSF traffic volumes to 56 vehicles on Snake Hill Road in the busiest hour.

**II. There is no good diagram of traffic on a Sunday night which we were told by the Asst. Manager of the Garrison is at present the busiest traffic night (no buses for wedding guests). Where is a good diagram of this and of the busiest Friday evening rush hour plus all proposed facilities functioning?**

Traffic impacts were not studied on Sunday night for the following reasons:

1. There will be very little traffic activity into or out of the property between 8:00 PM and 10:00 PM on a Sunday night as the majority of guests will already be on site and not arriving or leaving.
2. The busiest hour on a Sunday night will be from 10:00 PM to 11:00 PM, when events are ending and attendees are leaving the property. NYSDOT data for Route 9 in Philipstown indicates that traffic volumes from 10:00 PM to 11:00 PM on a Sunday night are 65% lower than the busiest hour on a Sunday and 68% lower than the busiest hour on a Saturday.
3. With such low traffic volumes from 10:00 PM to 11:00 PM on a Sunday night, the surrounding roadways will have abundant capacity to accommodate additional traffic from this project. If any delays do occur, they will be for those exiting the site at the two driveways, thereby metering the flow of additional traffic onto the roadway network and further reducing the potential that new traffic will impact conditions for passing vehicles.

The Friday evening rush hour was addressed in Figures 29, 32 and 35, as well as Table 13 of the August 2021 traffic impact study, which is found in Appendix F in the Part 3 Expanded EAF.

**JJ. Where are the details of where the theatre traffic is coming from? How much theater traffic will be coming over Bear Mt. Bridge and up Snake Hill Road, or Philipse Brook Road?**

See response to Traffic Question 13.HH.

**KK. Why are the diagrams at 95% fill rate and why are we told that 100% would never be achievable? In the past HVSF has been at 100% plus (extra temporary row) in its 540-seat tent every weekend in August? Why don't the diagrams show the maximum traffic impact on the community not the average? Why are the buildings so large if they are never intended to be full as claimed by HVSF? Who will ensure they will never be full? Is the Town going to vet this in order to keep the numbers down?**

The data provided by HVSF indicated that the tent was completely sold out (531 tickets sold) only once in 2019 and that the 85th percentile attendance was 513 attendees. The engineering standard is to evaluate the 85th percentile. The applicant's traffic study conservatively went above

and beyond the standard, evaluating the 95th percentile in the traffic impact study. From a practical perspective, the law of averages says it is very unlikely that a once per year occurrence for the theater tent, the banquet facility, and the restaurant will all occur on the same night of the year. In fact, as a part of the EAF part 3 the applicant included an Events Management Plan in which it committed to ensuring that all venues on the sites would not be at 100% on the same night. Since the completion of the traffic study, the indoor theater and the 20-room hotel have been eliminated from the proposed project.

**LL. Can a traffic study be done that takes into account the fact that attendees may take Snake Hill to 9D to the Bear Mtn. Bridge? Also, the increase that South Mtn. Pass may receive.**

The traffic impact study did take into account that a considerable portion of HVSF attendees will take Snake Hill to 9D to the Bear Mtn. Bridge (see the response to Question 13 HH). There is no reason for HVSF traffic to take South Mountain Pass.

**MM. What new roads will have to be built in order for the project to be built and function?**

No new roads will have to be built for the project to be built and function. A new driveway will be constructed off of Snake Hill Road. Off-site improvements proposed (traffic signal, turning lanes, etc.) have been described in the EAF Part 3, Appendix F.

**NN. What percentage of the traffic that exits the HVEC grounds will make a RIGHT TURN on Snake Hill Road?**

17% of the traffic that exits the HVSF grounds is projected to make a right turn onto Snake Hill Road.

**OO. What will the impact be on the Route 9D-Snake Hill Road intersection? What if a wedding is finishing up and traffic leaving Boscobel, heading south on 9D at approximately the same time?**

The greatest impact on the Route 9D intersection with Snake Hill Road will be during the Saturday PM Event peak hour when the analysis indicates that the proposed action will result in a 0.6 second increase in delay on the westbound Snake Hill Road approach to NYS 9D, when compared to the No-Build condition. During the other two peak hours studied, the analysis indicated that the relocation of HVSF from Boscobel to the Garrison will actually result in better operating conditions at this intersection.

Regarding a wedding at Boscobel occurring simultaneously with peak events at HVSF, the traffic study indicates that a 200-person wedding will add only 60 trips to the surrounding roadways during the peak hours. Not all of these trips will travel down NYS 9D through the intersection of Snake Hill Road and there is ample capacity at the intersection to accommodate whatever additional traffic would be added by the wedding.

**PP. How many more accidents will we have with the increased traffic? Do we have enough essential services to handle it?**

Because the occurrence of accidents is so random and so infrequent, it is not possible to forecast, with any real accuracy, how many accidents will occur. Potential safety impacts are proposed to prevent any concerns including: upgrading the site's two driveways, adding turn lanes at the Route 9 driveway, improving sight lines at the Snake Hill Road driveway, and by installing a traffic signal at the intersection of Route 9 with Snake Hill Road and Travis Corners Road.

**QQ. What are the cumulative effects of all the traffic? Hudson Highlands Land Trust now wants to put a park on the front nine. Where are the people going to park? Are they 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 if Winter Hill has an event which is a little further down Snake Hill Road?**

The cumulative impact of all of the traffic is reflected in the analysis of the traffic impact, as it was known at the time, which included traffic from various projects in the area. While improvements to the lands conveyed to the HHLT are out of the control of the applicant, it is expected that the HHLT park will be a passive recreation park only drawing a small number of motorists to Snake Hill Road at any time. Any improvements to the HHLT property will be the subject of its own SEQRA review, including a discussion of where visitors would park.

**- Transportation - Other**

**RR. Why not expand the train station parking for out of towners coming by train?**

Out of towners coming by train will park at the station they board at and be picked up by a free shuttle provided by HVSF at the Garrison station. Expanding the train station parking is not relevant to this project.

**SS. Will buses be allowed to turn right and head down Snake Hill Road? Large vans? What can Snake Hill Roadsafely accommodate?**

Buses or trucks will be permitted to turn right onto Snake Hill Road from the Snake Hill Road driveway.

**TT. What does AKRF have to say about the WAZE effect? What percentage of guests will enter “alternative route” on their menu when confronted by a backup? How many cars will end up on Philipse Brook Road? Travis Corners Road?**

There will be no backups to speak of at the site driveways (because of the low volume of traffic on Snake Hill Road and the turn lanes proposed on NYS Route 9). Based on a review HVSF attendee zip codes, as well as a review of travel times and travel distances, taking Philipse Brook Road or Travis Corners Road would result in a significantly longer trip (both in time and distance) for all but approximately five (5)% of attendees who do not currently take these roads to get to Boscobel or the Garrison today.

**UU. How will traffic get onto Route 9 from Coleman Road or Frazier Road or Travis Corners Road (which will be slightly North of the traffic light) - when the traffic light is functioning and also if people are driving south and turning right at the main GGC entrance?**

The maximum projected volume on the southbound right-turn movement into the Route 9 main driveway is just 47 vehicles per hour or less than one (1) vehicle per minute. These motorists have right of way, so they do not need to stop, they just need to slow down. Even if the proposed southbound right-turn lane at the campus entrance is not constructed, traffic analysis conducted for the operation of the intersection shows that, with fewer than one (1) vehicle, per minute, the right turns will have an almost imperceptible impact on traffic on Route 9 and, therefore, also no significant impact on traffic exiting Coleman Road or Frazier Road.

Travis Corners Road will be part of the new traffic signal, so that motorists on this approach to the signal will get a green light to enter or cross Route 9. The traffic signal analysis (which accounts for Travis Corners Road traffic) indicates that the maximum queue to the north from the traffic signal will be 351 feet, 1,100 feet short of Coleman Road and 1,650 feet short of Frazier Road, and, therefore, will not impact the ability of residents to exit these roads to Route 9. The operation of the signal, which will stop traffic briefly to allow vehicles on Travis Corners Road and Snake Hill Road to enter or cross Route 9, will create regular gaps in northbound traffic on Route 9

(approximately every 90 seconds during peak hour) which should make it easier and provide more predictable access to Route 9 for Frazier and Coleman Road motorists.

**VV. Will we hear two years from now that due to the excessive traffic that will definitely be generated from HVSF performances the Philipse Brook Road should now be paved?**

No, there is no intention and no expected need to pave Philipse Brook Road. As indicated above, travel time surveys indicate that it is considerably more inconvenient for the majority of the Garrison and HVSF guests to use Route 9 rather than Philipse Brook Road to access the site and, therefore, there is no expected additional traffic on Philipse Brook Road.

**WW. What about new traffic on the Albany Post Road leading to the turn at Travis Corners Road and down to Route 9 and Snake Hill Road? If some of your audience comes from points East, which is likely, navigation takes you through winding roads that lead you to that unpaved and historic road to enter this area.**

A review of HVSF zip code data of ticket buyers indicates that the vast majority of guests do not reside to the east of the site between Route 9 and the Somers/Carmel area and that, for anyone residing outside of this specific area, taking Albany Post Road is too long and arduous an alternative to taking NYS 301 or US Route 6 and Route 9 to get to the Site. For guests who live between the site and the Carmel/Somers area, those who currently frequent the Garrison or HVSF at its previous Boscobel location already take Travis Corners Road to and from these venues. The golf course is being eliminated, the 20-room hotel is no longer proposed, the indoor theater is no longer proposed, the capacity of the banquet facility is being reduced by 30 seats, and the size of the outdoor theater is being reduced by 30 seats. As indicated in the traffic study in Appendix F of the EAF part 3, the net increase in peak-hour traffic on Travis Corners Road is eight (8) trips in the busiest hour. With the recent changes to the program, the additional traffic on Old Albany Post Road south of Canopus Hill Road or north of Travis Corners Road will be less than half of that value, four trips or less on the busiest days.

**XX. Why not create an entrance at the 90-degree turn where Philipse Brook Road and Snake Hill intersect? There would be zero impact on the intersection at Snake Hill Road and Route 9 and there are no homes right at that spot, whereas the proposed entrance could attract visitors directly from Route 9 and disrupt traffic patterns in both directions.**

It is not possible to create an entrance at the 90-degree turn where Philipse Brook Road and Snake Hill Road intersect because of two curves in Snake Hill Road within 350 feet of the suggested

location. It would be difficult to locate a driveway that would provide the required sightlines. Further, any driveway located at that location would have to negotiate the 20' high aqueduct followed by a further 70-foot climb of the ridge across a slope that has a grade of 65%. Finally, a review of travel time data indicates that relocating the driveway as suggested would not change the number of vehicles passing through the intersection of Snake Hill Road with NYS Route 9.

**YY. How can you encourage some form of transit other than all these parking lots and carbon pollution?**

HVSF has provided a shuttle to and from the Cold Spring train station to support train ridership to its previous location at Boscobel. In this location, the same shuttle will be provided from Garrison Station. A substantial portion of wedding guests are typically bussed to and from the venue.

**ZZ. Will the entrance from Philipse Brook Road be used?**

The Philipse Brook Road access is not intended for public use as part of the proposed development; it is only being retained for emergency access to the site.

**AAA. 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? Are Coleman, Frazier and Philipse Brook Roads going to be come thoroughfares? Are people going to try to jump traffic and speed through? Are people going to park on local roads to avoid parking in the lots and save time? (6) Will these minor roads have to be paved to deal with large traffic increase. Won't this destroy an aspect of this community that makes us uniquely attractive. (3)**

The Town's small rural roads are being protected by providing public access to the facility via State and County-owned roads only, thereby obviating the need for motorists to take the Town's roads. The improvements proposed as part of the project are to ensure that the State and County Roads will efficiently process all vehicles accessing (and leaving) the site further ensuring that most motorists visiting the site will not use rural Town Roads. As addressed in the traffic study, the majority of visitors to HVSF who come from out of county are from the south and west and are never likely to use the rural Town roads.

**BBB. Can the indoor theater operate only when the tent theater is not operating to reduce traffic? How can visitor numbers be reduced to reduce the impact of traffic noise on usually very quiet and sparse traffic Sundays when most people want to be enjoying a day outside at home?**

The indoor theater is no longer proposed as part of the proposal, this will reduce traffic every day, including Sundays.

**CCC. The EAF indicates an additional 12 buildings in 2 locations totaling 28,400 s.f. with a max occupancy of 88 people. How will the occupants of the 12 buildings in the 2 locations access their transient cabins?**

Depending on where they are going, they will most likely walk, bike, or drive. The proposed site plan includes parking areas for those using on-site lodging.

**14. Impact on Energy**

**A. How do they plan to heat the buildings, are they going to be insulated?**

As stated in the Part 3 Expanded EAF, Section IV-G, Utilities, it is expected that all new construction will be served by all electric mechanical and plumbing systems. While not yet designed, a new customer connection would likely be made from incoming utility power in the general vicinity of the existing Manager's Quarters. From this point, the electrical service would be run below-grade to the new buildings and connect to the Central Hudson power grid (Central Hudson Gas and Electric is the utility provider). A main electrical room is anticipated within the Back of House structure which would contain a step-down transformer and main distribution panel to each of the proposed buildings; the electrical distribution system would include net metering to allow for future photovoltaic installations. A diesel backup emergency generator would be provided at the Back of House structure to provide power to life safety systems and theater function during utility power outages.

As stated above, new construction will be served by electrical mechanical and plumbing systems to track New York State's carbon-free electric generating goals. New York State is actively tracking to replace fossil fuel utility power generation (gas, coal, oil) with carbon-free forms of power (wind, solar, hydro, nuclear). As the electric utility grid reduces its carbon footprint, so too will HVSF as its energy consumption comes from electricity. With electricity as the main source of energy, it can be offset with renewable energy. Given the amount of land available to HVSF, there are several opportunities to implement and supplement its power with renewable forms of energy.

The applicant is committed to creating a LEED certified campus with all facilities being designed for LEED Platinum Certification. HVSF aspires to be the greenest theater in America with a goal to be Carbon Neutral by 2040.



**15. Impact on Noise, Odor & Light**

**A. Have the promised noise pollution tests been conducted as promised?**

The Noise Survey and Modeling were conducted by a professional with expertise in this area in accordance with agreements made with the Planning Board. The entire study is included in the Part 3 Expanded EAF, Appendix I, and summarized in Section IV-J, Noise.

**B. One of the recorders in the sound test in the EAF reported that the sound would be over the town limit. What is the remediation or mitigation for this?**

The Noise Study revealed that an exceedance of 5.3 dB (A) occurred, for amplified events only, in a location where noise levels were quietest at night (Receiver 3). This exceedance was modeled without consideration of the effects of potential attenuation that the tent materials may provide.

The Part 3 Expanded EAF states that the applicant is committed to solutions that would not create exceedances of the code and would be verifiable. It is the Applicant's belief that the exceedance will be mitigated during the design process of the tent. Additional testing would occur after the tent is placed to ensure compliance with the code.

**C. How about adding trees around the tent to reduce noise?**

Trees do not mitigate sound at the planting scale available on this site but they will assist with visual screening.

**D. We read in the EAF that weddings, etc. will be outside between 4:00 PM and 6:00 PM and inside after that so proximity to banqueting rooms isn't a problem when performances begin at 7:30 PM. Is there room for discussion or compromise?**

The Part 3 Expanded EAF notes in Section IV-J, that wedding receptions would occur indoors, and amplified music would be limited to indoor use. The noise study demonstrates that there are no impacts with amplified events occurring inside the banquet hall.

**E. Noise from construction is likely to be loud, how can this be mitigated? (2)**

The Part 3 Expanded EAF discusses noise from construction in two (2) places: Section IV-M, Construction, and Section IV-J, Noise.

Distances between construction areas and the closest residencies vary from 50 feet (construction near the perimeter of the property) to 1,000 feet (construction in the central section of the property). As usual, construction noise will be audible at adjacent properties, but the noise impacts will be temporary, varying considerably during different construction phases, with levels (and impacts) decreasing as the noise travels further away from the noise source(s).

Additionally, interior noise levels within an off-site residential home will be significantly lower than exterior noise levels (due to the attenuation provided by the residence's envelope, doors and windows closed, noise levels indoors will be reduced by approximately 15 to 25 dB depending on the sound isolating properties of the building envelope).

To minimize impacts of construction, the HVSF is committed to limiting "noises emanating from construction and maintenance activities between 8:00 AM and sunset, Monday through Friday", as indicated in the code of the Town of Philipstown. The applicant will adhere to the code requirements at a minimum.

**F. Noise will increase with the increase in traffic, especially if a traffic light is added, this is a concern.**

The Noise Study prepared for this project (see the Part 3 Expanded EAF Appendix I) examined potential increases in noise due to traffic based on the volumes of additional traffic. During peak hours, the noise from additional traffic would make no perceptible difference to existing noise levels currently experienced.

An Actuated Traffic Signal is being proposed at the intersection between Route 9 and Snake Hill Road to minimize noise increases at this intersection due to traffic light operation.

**G. How will you mitigate sound & light coming into people's homes?**

Future site lighting will be provided to be dark sky compliant where possible. Low-level site lighting will be provided on primary site paths to the tent theater and year-round theater. Lighting will also be provided at the parking lots, at the lowest levels and instance possible, to provide a safe parking lot. Low-level lighting will be provided at building entrances and exterior circulation paths near the back of house and the concessions/restroom structures. Site lighting will be respectful and minimal and, except where needed for security, will be turned off when the site is not in use for an event or performance. Lighting at the open-air theater tent will be similar to HVSF's existing tent that is currently in place at Boscobel. Precedent lighting images and a night rendering are included as Exhibits 56 and 57 of the Part 3 Expanded EAF.

Since light from traffic was a concern, additional exhibits were prepared to illustrate the effects of car headlights on surrounding properties as they leave venues at night (see Exhibit 57A-to 57C). The impacts of headlights from the property will be screened from the road by additional plantings (see Exhibit 37A).

**H. Will noise studies be performed at elevations above and around the property?**

The Noise Study has been completed, with receiver locations around the property agreed upon between the applicant, AKRF and the Planning Board. Please refer to the study completed for this project in Appendix I of the Part 3 Expanded EAF.

**I. What further sound mitigation will you call for to protect the neighbors from the tent on the highest point with only a partial berm to be erected?**

Based on the Noise Study, the only area that might require further sound mitigation, for amplified events at night, is the area located near Receiver 3.

There are several options to mitigate the potential nighttime noise impact in this area that include: the design of the tent, the tent's fabric selection, barriers, berms, the sound system design, etc. The architectural team and Project's acoustician are committed to implementing mitigation measures that block the propagation of sound between the tent and the residences near Receiver 3. See Part 3 Expanded EAF, page 90.

**J. Has there been any off-site acoustical testing?**

All receptors used in the noise study were located at the property line, and were agreed upon by the Planning Board, AKRF and the applicant prior to completion of the study. See Appendix I of the Part 3 Expanded EAF.

**K. Will there be clear restrictions on musical productions and amplification for outside productions?**

The theater tent venue is being designed to block sound propagation and keep sound levels within the requirements of the Philipstown Noise Ordinance. The theater venue will be designed to accommodate both unamplified performances of Shakespearian plays with occasional lightly amplified sound, as well as musical plays. Both types of performances were reviewed in the sound study based on HVSF sound data from 2019. Sound levels inside the tent will be limited to 80 dB(A) and will be within Town Code. See Appendix I of the Part 3 Expanded EAF for the full noise study.

**L. What about when you have a lot of traffic on Route 9 slowing down, stopping, accelerating up and down the hills particularly the heavy trucks that's going to add to a lot of noise?**

An Actuated Traffic Signal is being proposed at the intersection between Route 9 and Snake Hill Road to minimize noise increases at this intersection due to traffic light operation.

**M. What type of light are you planning? Hopefully smart light that is only used during performances.**

Please refer to 15.L above.

**N. Will there be strict, defined noise limitations and prohibition of any outdoor musical concerts with punitive monetary penalties for violations?**

Outdoor, amplified concerts are not anticipated or permitted. The applicant will be subject to the what is allowed on the site per the PDD zoning code, as well as the rules and regulations of the Town of Philipstown Noise Ordinance, including enforcement.

**O. What does it mean that the sound will be mostly non amplified?**

Historically 98.7% of the performances by HVSF have been unamplified performances of Shakespearian or new plays. To be conservative in the study, both unamplified performances and lightly amplified performances were considered.

For unamplified performances, in addition to the unamplified voices of the actors, there is occasionally light amplification of sound effects. The sound levels used in the Noise Study for these performances are based on data collected during a live performance of "Much Ado About Nothing" at Boscobel in the summer of 2019, as well as those from a live performance of "Into The Woods" at Boscobel in the summer of 2019.

**P. Will there be a noise curfew out of respect for locals living nearby?**

The project is required to comply with the Local Noise Ordinance. The Noise Study examines potential noise from both daytime and nighttime performances (see Appendix I of the Part 3 Expanded EAF).

**Q. What about the ordinance in place that does not allow the catering hall to have outdoor music in the evening?**

The Part 3 Expanded EAF, Section IV-J, Noise, states that wedding receptions would occur indoors, and amplified music for weddings would be limited to indoor use. The noise study shows that there are no impacts with amplified events occurring inside the banquet hall.

**R. Has Planning Board requested and received a reassessment of noise and light pollution based on the addition of the bridge to the applicant's original plans? The prospect of light and noise pollution at night is very distressing to close neighbor's opposite.**

The Part 3 Expanded EAF examined the impact of potential lighting coming from the site from traffic headlights at the end of performances (see Section IV-I, Visual Resources and Community Character). No lighting is being considered on the bridge. Since light from traffic was a concern, additional exhibits were prepared to illustrate the effects of car headlights on surrounding properties as they leave venues at night (see Exhibit 57A-to 57C of the Part 3 Expanded EAF). The impacts of headlights from the property will be screened by existing topography and by additional plantings (see Exhibit 37A of the Part 3 Expanded EAF).

**S. Why is HVSF performing completely unamplified on a temporary basis for the next 2 years when they normally have amplification of music and sound effects etc.? The temporary site is in a secluded spot on the GGC shielded by buildings, trees and rising slope on all sides. How can neighbors assess future light or noise impact from this contained location?**

The application for temporary use of the tent is not part of this SEQRA examination.

**T. Sound rises, the tent will be completely open to the view. How will an 8 ft berm (designed to protect theater goers from traffic noise) behind the 30 ft tall tent protect neighbors around, above and below from noise and light during the 4 summer months of performances when neighbors are outside and have windows open?**

Sound travels in all directions. However, it is true that topography, dense vegetation, buildings, etc., can affect the noise levels by blocking or reflecting sound in specific directions. The Noise Study included a detailed acoustic model of the site with precise topographical information, buildings, reflective surfaces (reservoir, roads, etc.), to analyze the effects of the terrain and different structures on the propagation of sound.

Based on the Noise Study, the only area that might require further sound mitigation, for amplified events at night, is the area located near Receiver 3. Please refer to response 15.I for mitigation options.

- U. The EAF says that the noise pollution for neighbors from construction will be loud, “especially in summer when doors and windows are open”. Will the developer be a good neighbor and agree to limit this noise beyond the Town regulations? And please define the Town Regulations?**

Please refer to response 15.E.

- V. For how many summers shall we have to keep our doors and windows closed?**

Please refer to response 15.E.

- W. Why has sound testing been limited to the site perimeter when we know sound from the Garrison Terrace is heard and rises as far away as Fort Defiance?**

Please refer to response 15.A.

- X. What will be done to mitigate the legal sound limit being overtopped at one of the receivers at the on-site testing (per EAF)?**

Please refer to response 15.B.

- Y. Why couldn't a sheltered spot on the GGC site be found for the tent?**

The applicant participated in a significant master planning process which included a multi-faceted review of the siting for the open-air theater venue. The factors that were considered as a part of this review, include but are not limited to the following: sound of vehicles on Route 9, ensuring that there was no sound impact to neighbors from the theater or other activities, ensuring that the wedding event activities and the theater events did not disturb one another, ensuring safe access and egress to the site, providing safe parking and pedestrian access to the theater, and ensuring privacy for the residential property to be owned by Chris Davis.

**Z. How will the new 12 – 14 ft max tree lines mitigate this sound?**

Trees do not mitigate sound at the planting scale available on this site. They will assist with visual screening. Acoustical mitigation will occur from the materials of the tent structure among other actions as articulated in response 15.B.

**16. Impact on Human Health**

**A. What about all the nitrogen created by people going to the bathroom?**

Wastewater treatment will be handled by on-site Sub-Surface Treatment System(s) (a/k/a septic systems). Such systems are required to meet the “New York State Design Standards for Intermediate Sized Wastewater Treatment Systems” (Standards) promulgated by the New York State Department of Environmental Conservation (DEC) and administered by the Putnam County Health Department. When the expected flow into a system exceeds 1,000 gallons per day, and additional level of direct review by the DEC is required and a SPEDS Permit must attach to the project. When fully approved, a permit for the Subsurface Sewage Treatment System is issued by the Putnam County Department of Health. The Standards provide specific regulations designed to ensure that the treated wastewater reaches the ground water in an acceptable condition. These measures include minimum separation distances between wells, streams and wetlands; a minimum vertical distance between the bottom of the absorption field and the groundwater below it; and acceptable percolation rates.

Although not directly involved in the approval of Subsurface Sewage Treatment Systems, Philipstown’s zoning law does provide another level of protection. Section 175-16G of the Philipstown Code, provides that anticipated water consumption be multiplied by a “Dilution Factor” of six (6). The purpose of this section is to assure that any treated wastewater is returned to the groundwater in a condition that does not exceed 50% of the DEC’s groundwater contamination limits.

**B. Are there to be no lit scenes, audiences will be in the dark during intermissions?**

As stated in the Part 3 Expanded EAF, IV-I Visual Impacts, low-level lighting will be provided at building entrances and exterior circulation paths near the Back of House and the Concessions/Restroom structures. Site lighting will be respectful and minimal and, except where needed for security, will be turned off when the site is not in use for an event or performance. Lighting at the Open-Air Theater Tent will be similar to HVSF’s existing tent that is currently in place

at Boscobel. Precedent lighting images and a night rendering are included as Exhibits 56 and 57 of the Part 3 Expanded EAF.

**C. How about mitigation for the neighbors of the toxic gas caused by the building disturbance of the poisonous heavy metals we learned from the EAF are in the soil?**

As discussed in the Phase II ESA, a Community Air Monitoring Plan (CAMP) will be developed and implemented during any on site earthwork that could have the potential to generate off-site fugitive dust. The CAMP will monitor for respirable particulates at the site perimeter. Particulate action levels will be defined to reduce the potential for offsite contaminant transport by chemicals/metals adhered to dust particles.

**D. How much water will be used and how much sewage generated?**

The estimated water demand for the HVSF parcel is 12,603 gallons per day and for the single-family home is 750 gallons per day. The HVSF anticipated demand is 28 percent greater than the estimated demand under the existing condition. For design purposes, estimated sewage generated is equal to water demand.

**E. Who will maintain and pay the costs of debris clean-up when there is an in-flow of guests to the HVSF? Also, how much additional trash will a permanent facility add to the area and what ecofriendly practices will be installed by HVSF? Solar? Geo-Thermal? Sewage? Water?**

The owner of the property would be responsible for any cleanup of debris on site, and maintenance of the property. Please refer to Section IV-G, Utilities, of the Part 3 Expanded EAF regarding electricity, water, and sewer needs. HVSF has committed to designing a LEED rated campus with all facilities designed for LEED Platinum certification. HVSF has added “sustainability” to its core values and is committed to seeking as many eco-friendly policies and practices as possible, with a goal to be the greenest theater in America and to be carbon neutral by 2040.

**17. Consistency with Community Plans**

**A. What is going to be changed about the zoning and the extent of it? (2)**

The subject property is located within the Garrison Golf Club Planned Development District (GGCPDD) and the Rural Conservation (RC) District. Portions of the subject property are also located within the Town’s Open Space Conservation Overlay District, Scenic Protection Overlay District, and Aquifer Overlay District. The GGCPDD was established by adoption of a Local Law by



the Philipstown Town Board in 2005 pursuant to Chapter 175, Article XII, of the Town of Philipstown Code, which has since been repealed; however, is allowed to continue subject to the conditions imposed at the time of its adoption. The existing and proposed allowable uses are fully put forth in Section III-A, Land Use, Zoning and Layout, of the Part 3 Expanded EAF and a draft petition to amend the GGCPDD has been submitted to the Town Board and is included in Appendix C of the EAF.

The list of uses proposed within the new PDD include (note the removal of the indoor theater and 20-room hotel):

1. Open-air theater tent
2. Back of house structure
3. Production, rehearsal, and administrative space
4. Concessions and restrooms
5. Welcome center/box office
6. Picnic lawns and gardens
7. Outdoor pavilion
8. Restaurant
9. Banquet hall
10. Artist and guest lodging

**B. How does this plan coincide with the 2030 Comprehensive Plan, it seems in conflict with several of the 13 quality of life goals? Why do we have these rules if a developer can just come along and ask to mitigate them, why have them if they can be mitigated? (8)**

An extensive evaluation and comparison of the proposed action to the 2006 and the recently adopted 2030 Comprehensive Plan is provided in Section III-A, Land Use, Zoning and Layout.

Referencing the currently adopted plan, Goals 2, 3, 4, 8 are directed toward housing and smart growth principles that are more appropriately applied to the more densely developed communities

in Philipstown (such as Garrison and Cold Spring) and not applicable to this site. The applicant believes that the proposed development plan would enhance the beauty of the site, and the development plan support Goals 1 and 5 by sustaining the rural character and natural beauty of the site, protecting and restoring high quality habitats on site, and with permanent protections offered by restricting development through transfer to the HHLT and protection through conservation easements. Goals 6 and 7 are addressed by the proposed project through new job creation, and the potential for other off-site businesses that would grow through serving patrons of the HVSF performances. Goal 11 is addressed by the elimination of the golf course, which has been artificially maintained with herbicides and pesticides, and will be restored and enjoyed by the community as a place to enjoy cultural entertainment within a beautiful, naturalized setting. Action Item 22 on page 22 of the 2030 Comprehensive Plan specifically mentions the Garrison Golf Club Property and the need to protect sensitive habitat on the property, which is a significant aspect of the proposal. Goal 12 does not apply, and the project is consistent with Goal 13 as the proposal is to redevelop the site.

**C. What will the developer offer in terms of real mitigation of the most egregious contraventions of the Comprehensive Plan goals and towards reducing the impact on the land and the community?**

See response to 17.B above. It is the applicant's position that the proposed action is consistent with the 2030 Comprehensive Plan.

**D. How is the applicant allowed to operate under a special permit that is 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?**

The Special Event Permit is within the purview of the Philipstown Town Supervisor and is not subject matter of this application.

**E. Are you petitioning for a variance of environmental protections and zoning that is in place?**

HVSF is not applying for a variance of environmental protections but is applying for an amendment to Zoning Ordinance to permit the requested uses. Also, see response 16.F and 17.A above. In fact, HVSF is committed to environmental practices and green building.

**F. Will the artist residences be ruled by existing laws about rentals and Airbnb's in our town?**

The Artist and Guest Lodging will be a permitted use within the PDD and will be operated in the same manner as the existing eight (8) inn rooms located on the second floor of The Garrison. These facilities will be akin to a hotel and will not be operated as a rental or Airbnb.

**G. Can you develop a theater project that would not violate zoning?**

No. A theater is not a permitted use under the existing PDD Zoning, which is why the applicant has submitted a request to the town to amend the current PDD; note that the originally proposed indoor theater has been removed from the project.

**H. Why, in the light of the EAF stating that the plan is "not consistent with community plans" has there been no compromise offered on the size of the plan or the siting of the tent and 10 back of house building? The agglomeration of some of the actor housing changed not one square foot of real impact.**

It is the applicant's position that the proposed action is consistent with the 2030 Comprehensive Plan (please see response 19.B above). However, a zoning amendment is required to permit the proposed use. Although the expanded Part 3 EAF and the supporting technical reports demonstrate that any environmental impacts attributable to the project, as previously proposed, could have been successfully mitigated and would not have resulted in a significant adverse environmental impact, the HVSF has heard and considered the concerns raised during the public hearing process and has decided to meaningfully reduce the scope of the project by eliminating the previously proposed 20-room hotel and 225 seat indoor theater. The change in project scope significantly reduces impacts in all respects.

**I. A total of 67,450 s.f. of buildings - equivalent to 33 or 34 x 2,000 s.f. houses -are to be dotted all over the 98 acres. How is this in keeping with clustering guidelines? This when added to the square footage of current restaurant/banqueting rooms will make the site a huge commercial enterprise way in excess of anything imagined in the Comprehensive Plan or Zoning Laws?**

The project is not subject to the Town's cluster subdivision regulations which apply to residential subdivisions; however, the proposed structures has been sited so that they are located on already disturbed and developed portions of the site that have been historically used for golf. Additionally, the proposed buildings are grouped together. The adjustment to the plan made by the applicant following the public hearing will result in the elimination of two (2) of the larger proposed buildings

resulting in a total gross floor area reduction of 29,600 s.f., a 39% reduction in floor area when compared to the prior plan. HVSF has also decided to reduce the seating capacity of the permanent tent theater from 530 seats to 500 seats.

- J. Only 10 or less houses would be allowed on this site under RC zoning with a fraction of the people and car impact. How can the HVSF plan that is so far out of zoning compliance be ok, especially when many of the buildings will be empty at various times of the day and year?**

As stated in the Part 3 Expanded EAF, Section III-1 Land Use, Zoning, and Layout, the property was approved for an expansion of the Garrison Golf Course, a commercial use, and the owners have the right to fully implement that plan, which includes a 40-room hotel, among other buildings. Several features of this original plan were never constructed, and it was used as a basis of comparison for the property's future use. Following the public hearing, the applicant responded to the community and decided to eliminate the proposed indoor theater and the 20-room hotel to meaningfully reduce impacts. There will always be activity on site, even when the theater season is over, because the restaurant and banquet hall have always operated year-round.

- K. Isn't accommodation on site for up to 88 actors, tech crew etc., over the top when there will never be call for more than approximately 40 such people needing accommodation? Why if the EAF states there will never be more than 30 HVSF staff on site at any one time (including local part time, seasonal ushers, parking attendants and valets, box office staff, security staff etc.) and also including actors for 2 theaters, minimal tech/wardrobe/theater management etc. who are not local, is housing for up to 88 needed?**

As stated in the Part 3 Expanded EAF, Section III-A Land Use, Zoning and Layout, in the non-profit regional theater business, it is both customary and a union requirement to provide housing for visiting artists. Since its inception, HVSF has been welcoming visiting artists into the community, and housing them in various locations close to the Boscobel, and the number of units in the plan reserved for Artists reflect HVSF knowledge of the number of people to be housed and their needs, and the length of their contract with the HVSF. HVSF envisions a more comfortable and welcoming experience for its artists and to facilitate and deepen the artist's connection to HVSF and to the local community. HVSF will not have the capacity to offer lodging to more than 44 artists on-site at any one time and does not plan to lodge more than 38 artists.

- L. Will these accommodations be allowed to be used as short-term rentals, generating income? Will they therefore remain on the tax rolls and be subject to short term rental rules? Will these become low-income housing? (3)**

As stated in the Part 3 Expanded EAF, Section III-A Land Use, Zoning and Layout, during months that are not part of the theatrical season, the rooms would be rented to the public and visitors as a part of the same operation that currently manages the existing eight (8) rooms on the second floor of The Garrison Clubhouse. These are not AirBNB properties but are an on-site inn. The for-profit business on site currently pays property taxes and will continue to do so after the property is deeded to HVSF. For information about property tax estimates, please see the Part 3 Expanded EAF, Section N, Community Services and Economy. Artist contracts would still range from several days to several months, and HVSF artists would only be in residence in these units during the term of their employment. There is no situation when artists or guests would be permitted to occupy these units as long-term housing rentals. Multiple-family dwelling units are not permitted under the current code and are not proposed as part of this plan.

**M. Can HVSF use the spa/old squash court at the Garrison for rehearsals as they will do this year? Why can't a rehearsal building be used as an indoor theater, too, in the winter?**

Historically, HVSF has rented up to three (3) rehearsal halls in New York City to prepare for a season of plays. In the near term, for Phase 1 of the proposal, the applicant will be reusing current spaces on site for rehearsal and will continue to rent space at Winter Hill and elsewhere in the community for a costume shop and props storage. In a future phase (5-15 years away), HVSF proposed a new building on the site to allow for the costume shop, props storage, and rehearsal spaces to be in one location for economic and organizational efficiency.

**N. How about instead of building new homes use those that are already here and available for short term rent? Work with the community and homeowner's who rely on the income from short-term rentals and create a network or living arrangements and those already existing dwellings**

Since HVSF's earliest beginnings the company has been welcoming visiting artists into this community. They first stayed in local homes generously hosted by HVSF Board Members and friends of HVSF. Over the years, they have stayed at the Graymoor Monastery, at Mount Saint Mary's College in Newburgh, and most recently at hotels in Fishkill at the intersection of Route 9 and 84. In the non-profit regional theater, it is both customary and a union requirement to provide housing for visiting artists. The currently approved site plan allows for guest accommodations of up to 40 rooms (including those 8 that are currently available at the inn), however the plan has been revised to reduce the scale of the project to provide for artist units of varying sizes that will be used during the theater season as Artist's guest housing, and the 8 existing inn rooms. Having

efficient lodging on the campus will reduce carbon emissions and commutes for artists traveling between different locations.

- O. How can the extra foot and car traffic created by 2 theaters (in addition to banquet, restaurant and hotel traffic) not be considered an egregious impact on the community? There is nothing anywhere near as impactful on the community anywhere else in this Town.**

As a response to public comments, the applicant has revised the plan to exclude the 20-room hotel and proposed indoor theater.

- P. Will you allow signs on Route 9 advertising the shows all summer? Have you considered the dangers of this on fast moving traffic? Have you considered the aesthetics re: our Comprehensive Plan?**

HVSF will comply with all controlling zoning ordinances and regulations.

- Q. Can the Town of Philipstown be sued for damages incurred by residents? Can the Town of Philipstown be sued for damages incurred by the public attending events/picnics at the HVSF GGC Entertainment Complex, Hotel & Cabins?**

Nothing can stop a resident from filing a lawsuit against the Town, whether one having merit or otherwise, and the Town's Insurer would be required to defend that action and indemnify the Town for any damages if the Town were found to be liable

- R. Will the Town of Philipstown require a bond to plan for any potential lawsuits? Would a lawsuit against the Town of Philipstown result in increased taxes for residents of Philipstown (Cold Spring, Garrison and Nelsonville)?**

This type of condition would be beyond the scope of the Town's authority as would be speculative in nature. There would be no impact on Town tax revenues unless the Town were found liable, and the claim was not covered by the Town's insurance coverage.

- S. Is there a failure bond clause written into the proposal? Who will decide what happens to the buildings and land etc., if this fails? Will the site revert to its original zoning etc.? Who's going to pay to remove the structures? What will happen to the cabins, are they going to become low-income housing? (2)**

Bonding is not required for the failure of this project. In the unlikely event that the project fails as originally proposed, the deed will be written to ensure that the property reverts to another cultural non-profit, as requested by the current property owner, to take over the operations as originally approved. If this fails, the deed will require the decommissioning of the site and transfer of the property to Scenic Hudson, another non-profit, for permanent conservation. There are no plans to create low-income housing on the site.

**T. How does a Not-for-Profit cover damages?**

With its own liability insurance policies.

**U. A detailed explanation to address the potential increase on our community including impact fees needed to pay for the increased demands on our households is requested.**

Please refer to the Part 3 Expanded EAF, Section N, Community Services and Economy.

**18. Consistency with Community Character**

**A. Can the applicant hold any event on the property should the project be approved? Will the applicant allow other entertainment uses of the venue in order to make money?**

The applicant would be limited to uses on the property that are consistent with their approval. Other uses would require approval by the Planning Board, and potentially a SEQRA review.

**B. Can the property be rented out to anyone for any purpose should the application be approved or is the Town of Philipstown going to put requirements?**

See Response to 18.A above.

**C. Why are you expanding to 1000-2000 visitors six days a week from 300 or so in July and August?**

It was never proposed to have anywhere close to 2,000 visitors on the property. After the public hearing the applicant has significantly scaled down the proposal and eliminated the plan to construct an indoor theater and a 20-room hotel. The maximum, peak-day number of people on the property is now projected to be less than 875, including visitors and staff. For half of the year, the peak one-day attendance will be only a fraction of this number.

**D. Who is profiting by this? Why does our community need this?**

HVSF is a non-profit 501(c)3 organization, which has established a local and regional reputation for serving this community by offering high quality professional live theater performance for residents and visitors alike. Tickets for HVSF's productions are affordable for all starting at \$10 and with discounts for children, students, veterans and active military members, and seniors. HVSF also offers dozens of free programs to the community each year including workshops, playwriting classes, play readings, and family activities. For 20 years, HVSF has worked with local schools providing significant arts education programming including touring performances, artists residencies, and professional development programming for local teachers. In creating a permanent home for HVSF, the services that it has provided for the community for decades can be expanded and improved. As a non-profit institution, any net income is directly invested back into the operation and programming of the company.

**E. How long will the proposed open season be and how many plays? (2) The proposed open season will be from June to Mid-October, with seven performances a week for the outdoor theater.**

The ability to extend the performance season into the winter months was eliminated with the removal of the proposed indoor theater. Please refer to letter submitted to the Planning Board by Kellard Sessions on April 7, 2022, for an updated performance schedule.

**F. Will there only be Shakespeare performances? What is stopping you from having rock concerts or louder events? Political rallies? Will there be a sound system? Lights everywhere?**

The applicant would be limited to uses on the property that are consistent with their approval. Other uses would require approval by the Planning Board, and potentially a SEQRA review.

HVSF is a non-profit theater company with a publicly stated mission and core values, which guide all of the institution's decisions and planning. There will be no rock concerts or rallies, but as a theater company, the organization will have live performances and other community events. All events on-site will be required to be within the Philipstown sound ordinance. The site is being designed with any lighting to be dark sky compliant to ensure that it doesn't disturb neighbors or wildlife. Any impacts from amplified sound will be fully mitigated by the acoustical design of the theater venue, which has been reviewed as a part of the Noise Study. See HVSF's public mission, vision and core values below:



**MISSION:** Rooted in the landscape of the Hudson Valley, with the plays of William Shakespeare as our touchstone, HVSF engages the widest possible audience in a theatrical celebration of our shared humanity.

**VISION:** We are a classical repertory theater that embraces the present moment, and our work springs from the most essential of elements — actor, audience, language, and landscape. As both a local community hub and a national arts destination, we foster meaningful human connections at the convergence of nature and culture.

**CORE VALUES:** Excellence, Inclusion, Generosity, Playfulness, Sustainability

**G. What happens if Shakespeare goes under? What happens if they need to raise money and try other venues to offset expenses, could we have music festivals here? (2)**

There will be restrictions in the deed conveying title to HVSF that will provide for the title reverting to Scenic Hudson in the case that the Hudson Valley Shakespeare should fail. The site plan approval will not permit the site to be used by any other organizations other than the HVSF and music festivals are not a permitted use under the proposed zoning amendment.

**H. Will they have to increase programs to raise money to sustain the hotel and year-round theatre?**

In response to the public comments made by the community, the applicant has scaled back its project and has removed the 225-seat indoor theater and the 20-room hotel from its proposal before the Planning Board. HVSF is a non-profit institution and has managed its finances for the past 35 years by balancing income from both ticket sales and contributed revenue thanks to the generosity of its supporters.

**I. Can we have plans for the maintenance, cleanliness and security of the site?**

The Part 3 Expanded EAF includes an events management plan (Appendix G), which speaks to the applicant's plan to manage site traffic and visitors. Additionally, The Garrison has brought on a new Ecological Landscape Manager to maintain the site. As the proposed property owner, HVSF will be responsible and committed to maintaining and securing the site.

**J. Why should the roughly 1000 taxpayers in Garrison bear all of these costs for a regional arts complex that will bring so many visitors, traffic, noise, light, pollution, etc. to our small rural community? (2)**

As Stated in the Part 3 Expanded EAF, Section II, Project Summary, HVSF has been a part of this community for the past 33 years. The Part 3 Expanded EAF studies the impacts of the proposed project from the perspective of the areas noted above, and mitigation has been designed to be appropriate for the size and scale of this project. In response to public comment, the applicant has significantly reduced the scope of the project and the number of visitors to Philipstown will be consistent with what has occurred for the previous 33 years of HVSF's tenure at Boscobel.

**K. How can we ensure that these managers will commit to maintaining the rural character of the property in the near term, let alone for 30 years?**

HVSF has been a long-time participant in the Philipstown community since 1987. In this role it has always served as a trustworthy institution who is committed to the character and the nature of this community.

**L. What are the plans for handicapped people on the site?**

ADA access will be provided on site to meet or exceed access requirements. Paved paths will employ accessible materials and slopes on walks will be maintained at under 8.34% slope. Accessible parking will be provided. HVSF will provide additional assistance via golf cart to those who need further accommodations. Accessible seating will be provided in the tent theater and accessible bathrooms will be provided.

**M. The value of nearby properties will decline, especially those opposite the proposed new Snake Hill entrance, how do you propose to mitigate this? (3)**

The commenter offered no basis for this conclusionary statement. The closest residential driveway to this site is approximately 270 feet from this entrance, and the home is about 100 feet off of Snake Hill Road and screened from the road with trees. Please refer to the letter submitted to the Planning Board by Kellard Sessions on April 7, 2022, for additional information.

- N. Why doesn't the developer offer some real compromise, too? Why is the community being asked to submit to the impact that will be caused by an HVSF Regional Arts Complex that will radically alter our community?**

After the public hearing, the applicant responded to the comments by eliminating the proposed indoor theater and the 20-room hotel to reduce impacts, especially those related with traffic generation and water usage. For a complete discussion of the changes that would result with this concession, please refer to the letter submitted to the Planning Board by Kellard Sessions, dated April 7, 2022.

### **19. Miscellaneous**

- A. How will this be funded, where is the money coming from to maintain? How much does the total project cost and who is paying for it? Will the Town have to contribute any money toward this project? (3)**

As stated in the Expanded Part 3 EAF, Section II, Project Summary, HVSF is a non-profit organization that has been in operation for over 33 years and has been supported through a combination of government and foundation grants, ticket sales, and generous donations from individual supporters. No Town financial support has been received or requested.

- B. Why is nothing in this plan thought through with an eye to minimizing the number of people impacting the community at any one time? Why has this become such an outsized, all year-round project? Why isn't there a gracious compromise?**

After public hearing, the applicant heard the concerns of community members and significantly reduced the scope of the proposal by eliminating the proposed 225-seat indoor theater and the 20-room hotel to reduce impacts, especially those related with traffic generation and water usage. For a complete discussion of the changes that would result with this concession, please refer to the letter submitted to the Planning Board by Kellard Sessions, dated April 7, 2022.

- C. How will this affect taxes for the homeowners in Garrison? (7) Will Shakespeare agree to make payments in lieu of taxes as Scenic Hudson does on some of its properties? (2)**

As stated in the Part 3 Expanded EAF, Section II, Project Summary, HVSF has been in operation for 33 years and has been supported through a combination of grants, ticket sales, and generous

donations from sponsors, and is already a part of this community. Since impacts on the community will be the same, no payment in lieu of taxes will be required. For a discussion of the impact of the project on local taxes, please refer to the Part 3 Expanded EAF, Section N, Community Services and Economy.

**D. How will the applicant deal with possible property damage to neighbors from visitors to the site?**

If damages can be demonstrated that they occurred because of activities on the site, liability insurance would cover the costs of the damage.

**E. Can we have financial projections sufficient to convince us that the Shakespeare Festival will be able to sustain the arts center?**

See response to 19.A above. In response to the community, the applicant has significantly scaled down the proposal and eliminated the indoor theater venue as well as the 20-room inn. The resulting proposal includes a very similar operating structure to what HVSF has successfully managed for more than three (3) decades in this community. In partnership with The Garrison hospitality business, which has supported and maintained the site for many years, the site will be continuing to be maintained and sustained for long-term success.

**F. Rumor says phase one of the project will cost 37 million dollars, is this so? Why does Shakespeare claim that it's just moving up the road? (4)**

The applicant cannot respond to rumor or conjecture, but it is true that the HVSF operation, as it had been at Boscobel, is hoping to be approved at the proposed location.

**G. Can we have staffing plans for the maintenance of the grounds, security, etc.?**

The applicant submitted an events management plan which explains the plans for staffing, management, and operations of the site while events are happening. This plan can be found in Appendix G of the Part 3 Expanded EAF. HVSF and The Garrison's long-time staff who have overseen the site for decades are working in partnership on creating a landscape maintenance plan and will be overseen by The Garrison's new Ecological Landscape Manager.

- H. We request that scoping be part of the EIS process, scoping would allow the participation of the community and would allow a deeper dive to see what other options there are.**

Scoping would only be part of the State Environmental Quality Review Act process if the Planning Board were to issue a Positive Declaration. Nevertheless, the Planning Board and the Applicant agreed upon the content of the Expanded Part 3, in terms of topics and appropriate level of study. The Public Hearings, that were not required but which the Planning Board scheduled, offered the chance for the community to provide feedback and input on the applicant's Part 3 Expanded EAF and the expansive reports that are a part of this document. Additionally, the applicant is answering these questions from the community as a comprehensive response to concerns raised by the public. The submission of the technical Reports, the Part 3 Expanded EAF, and the questions being answer herein, are as comprehensive as a scoping session and Environmental Impact Statement would require.

- I. Can the Board ask the applicant to create a clean, final EAF and can they submit the written part separate from the drawings to make more user friendly for people trying to view on their computers?**

Once the final conceptual plan is complete and the final EAF approved for distribution by the Planning Board, the applicant will provide a PDF to the Planning Board for posting on their website for public access and make it easier to view files online.

- J. Why are there two number 15's on the plans, can you confirm there are not 2, 20-room hotels?**

The proposed 20-room hotel has been removed from the proposal. Two (2) 20-room hotels have never been proposed for the site.

- K. Can we see the plans for stewarding this effort as HVSF has no experience in this area at all?**

Please see response to 19.G above.

- L. We have been told by HVSF marketing at various times that (a) this plan is just a move up the hill from Boscobel and (b) that will double the economic impact on the town from \$3.5 million to \$7.5 million. Which is true? How is this economic impact figure calculated? Is there data showing impact on local businesses?**

In response to the community feedback received as a part of the Public Hearing, the applicant has significantly scaled down its proposal before the Planning Board and eliminated the request for a 225-seat indoor theater and a 20-room Inn. With this change, the applicant will be replicating its previous operations at Boscobel in permanent, open-air facilities in a new location.

Economic impact figures that have been shared publicly were determined by using an impact calculator created by Americans for the Arts, a national service organization. By expanding its season into the fall and adding educational and community programming year-round, HVSF anticipates the increased economic impact that was previously shared with the community as a part of Phase 1 of the project.

**M. Where is the data re: what will be needed in terms of emergency personnel e.g., fire. Will Garrison Volunteer Fire Service be able to cope with the planned number of buildings and people? Will they need paid firemen? Extra equipment? (2) Will EMS require more staff? More equipment? Who will pay for extra fire/police services?**

The Part 3 Expanded EAF, Section IV-N, Community Services and Economy, discusses impacts on emergency services. The emergency service providers are familiar with the HVSF since they have been serving the organization at the Boscobel site. All service providers have communicated with the applicant and have indicated that they would have adequate personnel and directed requests to ensure that emergency vehicles could be easily accommodated, which are included as a part of the proposed plan.

**N. Will HVSF have trained medical personnel on site or rely on volunteer EMS?**

See Response 19.M above. Additionally, HVSF trains all of its seasonal Front-of-House staff in CPR, first aid, and emergency preparedness, in partnership with the American Red Cross and the County Sheriff's office.

**O. Why should Garrison's 1000 taxpayers alone pay for extra costs involved with emergency services having to deal with an approximate doubling of people arriving in this hamlet on weekends, especially as they alone have to put up with all the adverse impacts? Who will pay for these costs? (2)**

See response to 19.M above. There will be no direct incremental cost of emergency services as a result of approval of the proposed project. Emergency service providers currently serving the site

are located within the Town of Philipstown and have been providing services to HVSF for three decades at the Boscobel.

**P. Jobs Impact - Can you confirm that if state and federal money is involved, only union contractors may be employed?**

The applicant would be required to follow all conditions imposed by the grantor as a condition of receiving any grant.

**Q. Can you confirm that the majority of local jobs available are seasonal, part time and low wage?**

With its new permanent home, HVSF will be expanding programming into the fall months and creating more educational and community programs year-round. This will require the creation of additional year-round salaried positions, full-time seasonal positions, jobs for actors, directors, designers, and theater technicians, as well as more jobs for the hourly, part-time staff members who serve in the front-of-house as ushers. Additionally, The Garrison restaurant and events business will be expanding staff including salaried and part-time staff.

**R. Why will we taxpayers be paying \$3.5 million of the cost of the “ecological restoration” picnic areas etc. (via Sean Patrick Maloney’s earmarks) and HVSF gets the credit?**

Congressman Maloney, Senator Schumer, and Senator Gilibrand all agreed to support the transformation of the Golf Course into ecologically restored public space and to ensure that the new owners of the site would have the funds to do so at the highest level of care. This support will ensure the return of biodiversity to the site, remediate the soils, create meadows and wildflower gardens, provide carbon sequestration, and allow for public access. The applicant is grateful for this essential funding. The funds are only available to the applicant after the project is approved.

**S. Are you aware of the network of conflicts of interest at all levels with this proposal? Including Sean Patrick Maloney and key players in this proposal?**

The above question is not related to SEQRA.

**T. Will all mailboxes need to be moved to accommodate the increased traffic and public parking on local roads? Who will be responsible to pay for damages to mailboxes & packages and theft of packages and mail? Will these residents be forced to get P.O. boxes? Who will pay for these P.O. boxes and any problems caused by delayed receipt of mail?**

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There will be no parking on the side of the road for performances since parking is provided on site. The closest residential driveway to this site is approximately 120 feet from this entrance, and the home is about 100 feet off Snake Hill Road and screened from the road with trees. This intersection will operate at level "A" which means that traffic will move efficiently from/to public roads from this exit. Please refer to the letter submitted to the Planning Board by Kellard Sessions on April 7, 2022, for information regarding traffic impacts of the revised plan, and additional plantings proposed in this area for screening.

We thank you and the entire Planning Board for the time you have dedicated to this project and the project team looks forward to appearing before the Board on April 21, 2022.

Respectfully submitted,



Jan K. Johannessen, AICP  
Kellard Sessions Consulting

JKJ/dc

Enclosures

cc: Hudson Valley Shakespeare Festival  
P. Daniel Hollis, Esq.