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May 14, 2022

Town of Philipstown Planning Board
238 Main Street
P.O. Box 155
Cold Spring, NY 10516

RE: Hudson Highlands Reserve
Final Environmental Impact Statement

Dear Chairman Zuckerman and Honorable Planning Board Members,

Please accept these comments on behalf of the Hudson Highlands Land Trust, Inc. (HHLT) regarding the Final Environmental Impact Statement (FEIS) for the proposed Hudson Highlands Reserve subdivision project.

While we appreciate the applicant's desire to create a subdivision which fits into the definition of a "conservation subdivision" within the town code, we remain unconvinced that the current plans reflect the true intent of conservation subdivision. The plans do not propose a clustered development that preserves and adequately connects the important environmental resources on the land. Instead, the plan includes the "alteration/degradation of 30.4 acres, of existing wildlife habitat" (page 176 of the FEIS) and continues to have a significant negative impact on the property's conservation values.

Precedent Setting:

The proposed plan does not align with the intent of the Philipstown zoning code or to universally recognized characteristics of conservation subdivision design best practices. Conservation Subdivision zoning offers developers the 'perk' of higher density in exchange for clustering development on portions of a given property that have low conservation value, reducing the impact of development and preserving biodiversity on as much of the site as possible. The plans that Horton Road LLC has presented function more like a conventional subdivision in terms of the expansive footprint of the housing lots. In a "true conservation subdivision" the 24 homes would be on smaller parcels, toward the northern part of the property with generous biotic connectors between undeveloped land and buffers around wetlands and waterways. The diffuse placement of the housing parcels, and the extent of roads connecting those proposed parcels defeats the purpose of a conservation subdivision.



Environmental Impact. The impact of proposed house lots 17, 18, 19, and 20 would be the perforation of vital habitat and disruption of wildlife corridors posing a distinct threat to the existing biodiversity on the property.

Community Precedent. This is the first time that a conservation subdivision would be developed in Philipstown. Given the concerns that remain about the fundamental design of the project, a positive finding statement by the planning board at this point would set a troubling precedent for future developments in Philipstown.

Reconfiguration without Conservation Board or Public Review and Comment:

As noted in the Philipstown Conservation Board's January 18, 2022 letter, significant changes were made to the plans after their review (and the public comment period). If these changes were solely the removal of development/structures/improvements, the project could be reviewed without looking at any new potential adverse impacts. However, the updated proposal reconfigured the site plan significantly, moving several houses from the lake and northern (developable/less environmentally sensitive) portion of the property to where the Equestrian facility was proposed. a location that intrudes upon a biotic corridor. The Conservation Board's January 18, 2022 letter to the Planning Board about the equestrian center detailed concerns that "were not just limited to the actual operation of an industrial farm type enterprise, but equally so with the disruption to a major wildlife corridor on the site." This statement also reflects HHLT's position. New Conservation Board and additional public input should be allowed to identify concerns and impacts after these significant revisions to the plan that introduce residential development in an area that previously had none.

Supplement to the FEIS:

We believe that the FEIS answered comments on the Equestrian Center, but did not address the reconfigured site plan that introduces new development to the area where the Equestrian Center once was proposed. While a few homes were moved away from Ulmer Pond and the end of Forest Court, they were relocated to the site of the previously planned equestrian center and pose similar risks to wildlife corridors as before. What the applicant identifies as "sufficient" corridors are too narrow and do not account for the disruption to wildlife caused by human activity, noise, light and chemicals associated with property maintenance, domestic pets, and road traffic. Thus, this reconfiguration continues to fragment habitat and will disrupt wildlife corridors on the property.

HHLT believes that the east to west biotic corridor on the southern portion of the property and leading to Ulmer Pond is insufficient for passage of a full suite of wildlife species from high-conservation value areas on the property to other high-conservation value areas on the property. This is one of the most sensitive natural resource areas on the land. Proposed house lots 17, 18, 19, and 20 create a pinch point and, if conservation of biotic corridors is a goal, those parcels should be moved to the northeast of proposed house lot 8 (where the previous plan had multiple homes, but none are proposed in the most recent schematic).

Permanent, Long-term Protection of the Property:

As a conservation organization dedicated to protecting and preserving the natural resources, rural character, and scenic beauty of the Hudson Highlands, we are concerned that the current plans and any proposed conservation easement will not adequately protect the property's conservation values - particularly the impact of proposed house lots 17, 18, 19, and 20 on a biotic corridor.

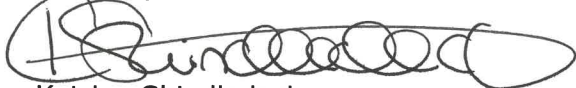
Conservation Easement. It is essential that the conservation easement that would result from this project be drafted by an organization with long-standing expertise in conservation easements and held by an accredited land conservation organization with the expertise and resources to steward/defend the conservation easement in perpetuity. We specifically recommend that such an organization be accredited with the Land Trust Alliance Commission, which is the national standard for land trusts.

Home Owners Association. HHLT recommends that any final approval of this project should include Planning Board review and approval of any changes to Home Owners Association bylaws/rules coupled with third party enforcement of the HOA restrictions that could impact the integrity of the conserved land.

Thank you!

Lastly, it's important to note that HHLT recognizes the exceptional time and energy that the Philipstown Planning Board has dedicated to reviewing this project; we thank you for your time and dedication to the community and this process. We appreciate this meticulous effort, and hope these comments are helpful as next steps are considered. We are available for clarification or further discussion, and we thank you for reviewing these concerns.

Sincerely,



Katrina Shindledecker
Executive Director