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Memorandum

To: Town of Philipstown Planning Board

From: AKRF, Inc.
Ronald J. Gainer, PE, PLLC, Planning Board Engineer

Date: May 17, 2022

Re: Hudson Valley Shakespeare Festival (HVSF) Project

cc: Steve Gaba, Planning Board Attorney
HVSF Applicant Team

AKRF, Inc. (AKRF) and Ronald J. Gainer, PE, PLLC (“RJG”) have reviewed the following documentation submitted for the above referenced application:

- Letter from Kellard Sessions Consulting, dated April 14, 2022 containing responses to public hearing questions/comments on the EAF Part 3
- Memorandum from GeoDesign, Inc. P.C. responding to comments related to groundwater

PROJECT DESCRIPTION

Garrison Properties, LLC and Hudson Valley Shakespeare Festival (HVSF) (the “Applicant”) is seeking approval of several actions (the “Proposed Action”) including a zoning text amendment to the Garrison Golf Club Planned Development District (GGCPDD) (2005) and the Rural Conservation (RC) district, as well as subdivision, site plan, and special use permit approval to allow the HVSF to relocate its facility from Boscobel (also in Philipstown), to The Garrison (the “Proposed Project”). HVSF's long-term plan includes the installation of a permanent theater tent and accompanying structures (back of house structure, welcome center, concessions, and restrooms); parking expansion; creation of meadows and gardens; on-site lodging for artists and guests; a rehearsal barn; and pavilion. The existing restaurant and banquet hall at The Garrison would remain; however, the 18-hole golf course will be eliminated. The application includes the relocation of the Snake Hill Road access driveway, improvements to the intersection of the site driveway and Route 9, and upgrades to the Route 9 and Snake Hill Road intersection. The Proposed Action also includes a 3-lot subdivision whereby the HVSF use will be contained to one (1) ±97.26 acre lot, a separate ±29.5 acre lot would be developed as a private residence, and a third ±17.28 acre lot will be created and conveyed to a conservation organization, resulting in a total of ±73.83 acres to be permanently preserved; this includes the portion of the existing golf course located on the west side of Snake Hill Road and north side of Philipse Brook Road.

The proposed zoning text amendment to the 2005 GGCPDD and RC district requires approval by the Philipstown Town Board. The proposed subdivision, site plan, and special use permit requires approval by the Philipstown Planning Board. The Philipstown Planning Board is serving as Lead Agency for review of the Proposed Action/Proposed Project under the State Environmental Quality Review Act (SEQRA). The Town Board is serving as an Involved Agency under SEQRA and will rely on the Planning Board's SEQRA findings in their review of the proposed zoning changes. Other local, state, and federal agencies involved in the review of the Proposed Action/Proposed Project include the Town of Philipstown Conservation Board, Putnam County Department of Health, Putnam County Planning Board, New York City Department of Environmental Protection (NYCDEP), New York State Department of Environmental Conservation (NYSDEC), New York State Department of Transportation (NYSDOT), and the United States Army Corps of Engineers (USACOE).

SUMMARY OF PREVIOUS REVIEWS

On July 14, 2021, AKRF and RJG provided a memorandum to the Planning Board summarizing (in tabular format) a review to determine whether the July 2021 version of the Part 3 FEAF analysis generally followed the "Scope Outline" accepted by the Planning Board at the June 17, 2021 meeting, and whether all relevant information was presented and analyzed in a complete and understandable format.

On September 3, 2021, the Applicant submitted a revised Part 3 FEAF addressing the comments provided in the July 14, 2021 memorandum. Additional studies and correspondence completed since the July 2021 submission were also provided, including a noise study, correspondence with SHPO on historic resources, Phase I/II environmental site assessments, etc.

The July 14, 2021 AKRF/RJG memorandum also noted that substantive comments on the accuracy and responsiveness of the materials presented in the July version of Part 3 FEAF and in the technical studies to the requirements set forth in the Scope Outline will be provided in a subsequent memorandum.

On September 15, 2021, AKRF and RJG provided a memorandum containing the initial substantive review of the September 2021 (revised) version of the Part 3 FEAF narrative report, exhibits, and appendices. In addition, at the September 16, 2021 Planning Board meeting, AKRF and RJG verbally outlined those comments believed to be most critical to informing the Planning Board's determination of impact significance.

On October 20, 2021, AKRF and RJG provided a memorandum containing a follow-up review of the Applicant's responses to the September 15, 2021 memorandum, indicating nearly all comments had been addressed. In certain cases, suggested language changes for the EAF were offered. In addition, RJG requested information from the Applicant's consultants in a subsequent submission to help address the outstanding comments on the layout and sizing of proposed stormwater management features. Lastly, AKRF expressed concern about a potential traffic impact at the intersection of Snake Hill Road and Route 9D. In response, the Applicant eliminated Saturday matinees from the indoor theater programming. Subsequently, as described below, the indoor theater was removed as an element of the project, and associated traffic volumes and potential for impacts were reduced accordingly.

Since the issuance of the October 20, 2021 memorandum, three public hearings were held by the Planning Board to solicit feedback from the public on the Part 3 EAF contents. Written comments were also accepted over the same timeframe. A comprehensive list of the relevant EAF-related comments and questions, organized by subject matter, was provided to the Applicant by the Planning Board Secretary following the close of the public hearing process. On April 14, 2022, the Applicant provided a letter responding to each comment/question recorded. In response to public comment, the Applicant reduced the scale of the project by eliminating the previously proposed 20-room hotel and 225-seat indoor theater. These facilities are proposed to be eliminated from the list of uses permitted within the Applicant's rezoning petition to the Town (proposed amendment to the 2005 Garrison Golf Club PDD).

COMMENTS ON APRIL 13, 2022 GEODESIGN, INC. MEMO ON GROUNDWATER

The memo prepared by GeoDesign, Inc. dated April 13, 2022 responds to written public comments presented in an undated report prepared by Andrew Michalski, PhD, PG, CGW entitled *On Groundwater and Well Water Supply Issues, Presented in the Expanded EAF for the Proposed Hudson Valley Shakespeare Festival*. The report submitted as part of public comment focused on groundwater budget, recharge, testing for contaminants, and off-site impacts. Upon review of the comments and GeoDesign's response, AKRF offers the following:

1. AKRF believes comments related to demand and groundwater budget were addressed adequately by the Applicant's consultant, referencing the following:
 - a. The Applicant has since reduced development program.
 - b. The demand is within the groundwater budget that was appropriately calculated regarding recharge in accordance with the Philipstown Zoning Code (Section 175-16F). The code requires a conservative safety factor where estimated consumption is multiplied by a factor of six in order to perform the water balance (recharge vs. consumption). The estimated groundwater recharge is significantly greater than projected demand.
 - c. The projected water demand was calculated for peak demand, a condition which will be met only on isolated occasions and for a full buildout which will not be realized for many years.
 - d. While the estimated water demand for the proposed project at full buildout (calculated using industry standards) is estimated to be 36 percent greater than the existing demand, it was calculated to be 12.8 percent less than the full buildout projected (and analyzed under SEQRA) for the approved but not fully constructed Garrison Golf Club PDD (2005).
2. With regard to testing existing wells for contaminants, these comments were addressed by indicating sampling and laboratory analysis that has already been completed and referring to the future laboratory analysis that will be completed as part of the state/local permitting process for the proposed water supply system.
3. Comments related to potential impacts to off-site wells were addressed by indicating that there is a regulatory framework already in place for testing a new water system for safe yield, water quality, potential impacts (on and off-site) and treatment. Similar to addressing stormwater, the regulatory and permitting process for a new water system serves as a measure to address potential impacts as part of the project. The Applicant's engineers have experience with this process and have determined at this time, based on the information provided in the EAF and Comments 1 and 2 above, that no adverse impacts related to groundwater supply and quality are anticipated. Testing of off-site wells as part of the permitting process would be at the discretion of the Putnam County Health Department. If the required test for permitting the new water system reveals an issue, it will be difficult for the Applicant to move forward with the project, and the Applicant understands this risk. It is suggested by regulatory bodies that the best time of year to complete a pumping test is late summer when recharge is at its lowest, but it is not a requirement. Well systems have been permitted using pumping test data compiled anytime during the year. Winter can be a good time as the ground is frozen and there is limited infiltration for recharge. The focus is more on a duration of dry time prior to completing the pumping test (i.e. a certain number of dry days). If a precipitation event occurs during the test, one just monitors the amount of rain to see how it affects water level measurements.

COMMENTS ON APPLICANT'S APRIL 14, 2022 RESPONSE TO QUESTIONS/COMMENTS SUBMISSION*IMPACT ON LAND*

4. Response to **Comment M of this section (pg. 5)**: This response includes the statement that “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.” The Applicant should provide an update on when a repackaged EAF Part 3 covering the reduced program will be compiled and available for public and Planning Board review.

Since the proposed project will undergo a full site plan review process through the Planning Board following the conclusion of SEQRA and the consideration of the proposed zoning change by the Town Board, there will be additional opportunities for the Planning Board and the public to comment on the tree removal and landscaping plans.

IMPACT ON SURFACE WATER

5. AKRF has no comments on the responses provided related to stormwater and the preliminary Stormwater Pollution Prevention Plan (SWPPP). The Applicant and Planning Board Engineer Ronald J. Gainer, PE, PLLC, have had discussions regarding previously outstanding comments on the layout and sizing of proposed stormwater management features for the purposes of satisfying the runoff calculations completed for the full buildout under SEQRA. It is not uncommon for a preliminary SWPPP to be the subject of SEQRA review on a conceptual full buildout such as this project. The final SWPPP will undergo a thorough review by the Planning Board's Engineer as part of the site plan review process, which may result in additional refinements.
6. Response to **Comment C of this section (pg. 7)**: It is expected that the wetlands permit process through the Conservation Board will follow a similar timeline to the Planning Board's site plan review process following the conclusion of the SEQRA process. The Applicant states that the proposed Snake Hill Road entrance was reviewed with the Conservation Board who “raised no concerns.” The Applicant should elaborate to the specifics of the Conservation Board's review. Was a site visit conducted with the Conservation Board and if so, when? Is there anything in writing from the Conservation Board that validates that no concerns were raised during the visit?

IMPACT ON GROUNDWATER

7. Refer to Comments 1-3 above.

IMPACTS ON AIR

8. AKRF has no comments on the responses provided. It should be noted that in reviewing the original EAF Part 3 (last compiled September 2021) AKRF undertook a technical review of the air quality screening completed against the traffic study. When the EAF Part 3 package is updated to reflect the modified plan, the air quality and traffic sections should be updated accordingly to cover the reduced program.
9. AKRF has no comments on the responses provided related to air quality during construction (fugitive dust, etc.). The Applicant references these measures proposed as part of the project's construction to mitigate any potential impacts:
 - a. Adherence to the final SWPPP
 - b. Following best management practices including spraying water during dry periods, anti tracking pads at construction entrances, etc.
 - c. Proposed implementation of a Community Air Monitoring Plan (CAMP) during ground disturbance to monitor particulate levels around the site perimeter

IMPACTS ON PLANTS AND ANIMALS

10. AKRF has no comments on the responses provided.

IMPACTS ON AGRICULTURAL RESOURCES

11. AKRF has no comments on the responses provided. Refer to “Impact on Human Health” section below for soil contamination-related questions which were included in this category.

IMPACTS ON AESTHETIC RESOURCES

12. AKRF has no comments on the responses provided. The assessment of visual impacts presented in the EAF was developed through approval of a “scope outline” by the Planning Board and revised to address comments from AKRF’s previous review memos. The analysis followed DEC guidance on assessing visual impacts and appropriately focused on publicly accessible viewpoints (i.e. not from private property, including the project site itself). The selected viewpoints included adjacent public rights-of-way (included in the Town’s Scenic Protection Overlay) and scenic roads and scenic areas of statewide significance (SASS) found to the northwest of the project site, including locations on the west side of the Hudson River.

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

13. AKRF has no comments on the responses provided. The appropriate involved agency has concluded that there are no historic resources concerns for the project. The Applicant’s proposed plan (prior to the reduced programming) was reviewed by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). The Applicant provided copies of correspondence with OPRHP as part of the Appendix to the EAF Part 3. A letter from OPRHP dated August 12, 2021 concluded 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 this project.*”

IMPACT ON OPEN SPACE AND RECREATION

14. AKRF has no comments on the responses provided.

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

15. AKRF has no comments on the responses provided. As determined through review of the EAF, the project site is currently developed with a golf course and is not located within a Critical Environmental Area as defined by the DEC.

IMPACT ON TRAFFIC/TRANSPORTATION (TRAFFIC LIGHT, TRAFFIC STUDIES/DATA, NEW SNAKE HILL RD. ENTRANCE)

16. The proposed entrance from Snake Hill Road (a County road) would require a permit from the Putnam County Highway Department. It is unclear to AKRF if the Applicant and their consultants have reviewed the proposed entrance with the County and if any feedback has been incorporated into the proposed location and design of the entrance. Any correspondence with the County, if available, should be provided to the Planning Board.
17. As the traffic analyses for the various building program changes/modifications have been presented across several documents (e.g. technical memos, revised traffic studies) AKRF recommends that a complete revised Traffic Impact Study (TIS) be compiled, including all relevant backup, tables, and figures, so that the traffic analysis for the revised building program, that also addresses all previous AKRF comments, can be referenced in a single document for the SEQRA record. Notably, the updated TIS should include the updated trip generation and assignment/distribution data (tables/figures).

18. **Comment TT in this section (page 37)** requests AKRF’s input on the impact of the “Waze” navigation app on project-generated traffic. The Waze app primarily utilizes data from users of the app (both automatically via speeds from GPS signals and as users drive around). Its strongest feature is to quickly get the user to their destination via the fastest route. This site has limited access points via main roads (Routes 9 and 9D). As part of the proposed traffic improvements and the implementation of the Applicant’s traffic management plan (TMP), traffic destined to the site should not experience significant delays as presented in the traffic study. Therefore, the impact of Waze for this site is not expected to be significant. As part of the applicant's TMP, guests will be provided with directions to the site via relevant printed or digital means.

IMPACT ON ENERGY

19. AKRF has no comments on the responses provided.

IMPACT ON NOISE, ODOR, AND LIGHT

20. AKRF has no comments on the responses provided. The noise study completed for the EAF was developed through approval of a “scope outline” by the Planning Board and revised to address comments from AKRF’s previous review memos. The study revealed the potential for one exceedance of Town Code-required noise levels at the property line, in a location along Snake Hill Road where noise levels were quietest at night (receptor #3 in the study). This exceedance originated from the modeled location of the proposed tent. Noise from the tent was conservatively modeled to reflect an event with amplified sound (an occasional possibility for the tent) and without consideration of potential attenuation that the tent and other potential design features around the tent could provide to reduce noise levels. Both amplified and unamplified events were analyzed in the noise study. The Applicant has proposed several attenuation options around the tent which can be further refined and required as conditions of approval during site plan review by the Planning Board.

IMPACT ON HUMAN HEALTH

21. AKRF has no comments on the responses provided. The Applicant has committed to implement a Soil Management Plan (an AKRF recommendation) as part of the project that will include measures to manage/mitigate fugitive dust and erosion-related run-off, a sampling program to delineate known contamination areas, identify any contaminants in potentially contaminated areas, and isolate/prevent exposure to contaminants during the development process. Each of these mitigation measures are consistent with State-approved methods/regulation/clean up remedies on similar sites.

CONSISTENCY WITH COMMUNITY PLANS / COMMUNITY CHARACTER

22. AKRF has no comments on the responses provided.

MISCELLANEOUS

23. Response to **Comment I of this section (page 61)**: The Applicant states that “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.” Since the Planning Board’s Determination of Significance relies on the EAF record, AKRF recommends that the EAF record be current (reflective of the currently modified program) and available for public access prior to that determination being made.

RECOMMENDATIONS

At the May 19, 2022 meeting, AKRF recommends the Planning Board allow the Applicant to present materials in support of their April 14, 2022 responses, and discuss any additional board member and consultant comments. The Applicant should be prepared to provide responses to specific requests and recommendations from AKRF and RJG included in this memorandum.