

**GGC/HVSF**

**Letters from the public**

**4/11/22-5/18/22**



CHERYL ROCKETT &lt;crockett@phillpstown.com&gt;

**GGC?HVSF development project**

1 message

highfield <highfield@optonline.net>  
To: CHERYL ROCKETT <crockett@phillpstown.com>

Mon, Apr 11, 2022 at 11:42 AM

Hi Cheryl -

Please forward the letter below to Chairman Zuckerman and the Planning Board members.

Dear Chairman Zuckerman and Planning Board Members ::

Re: HVSF " Update to our Community"

HVSF writes in last week's local papers that " Our goal has always been to be good collaborative neighbors. etc". I looked up the definition of "collaborative" and it means " the art of working with someone to produce or create something". I have not seen any collaboration on HVSF's part. Rather they have proposed a development that they were forced to admit was completely outside the bounds of our Town zoning and Comprehensive Plan. Now, again without any collaboration, they produce an admittedly smaller plan and expect that all will be approved.

HVSF presents a chart attempting to show how much of a reduction they propose. I see their figures differently. Specifically, with respect to water, their " updated proposal " calls for 13,353 gallons per day, claiming a 19% reduction while actually this is an increase of 36% over what was allowed by the 2005 Plan.

Regarding, square feet for new buildings, their " updated proposal " cites a reduction of 39% but still calls for new buildings totaling 45,990 square feet, roughly equivalent to building 15 large 3000 square foot houses.

Regarding visitors, the " updated proposal " cites 853 visitors but fails to mention that this # would visit twice a day on Saturdays for the two performances. Also, the traffic study presented seems to only account for 95% of the maximum # of visitors and so perhaps the actual projected number visitors should be increased to 898 to account for the maximum, again twice a day.

Regarding overnight accommodation they cite " less 20 rooms " but they don't mention the up to 88 person capacity artist in residence buildings, six of which are planned to be right next to the current 8 hotel rooms in the existing building. It is planned that these can be short term let facilities when not in use by artists. It should be noted that the number of artists for 4 plays running concurrently has never thus far been more than 25 and if you include tech crew, directors etc. these buildings will never be at more than 50% capacity.

Regarding the reduction in # of theatre seats including a reduction at the tent they fail to mention that the tent reduction is just 10 seats. ( HVSF has argued vigorously that the tent is virtually never full to capacity so a reduction there of 10 seats is hardly meaningful ).

Finally, they state that this new proposal "ensures that there is no net increase of visitors in Phillipstown ". This is false as the season as proposed by Shakespeare at GGC would last for 16 weeks as compared to 12 weeks at Boscobel. Also, there will be visitors for weddings, etc. to Boscobel that were not permitted by Boscobel as long as HVSF was at their site.

I see no collaboration yet with the neighbors and massaging of #s at every turn. This was a unilateral decision just like the original plan.

Stan Frellich ( a very close neighbor of the proposed site )

RECEIVED  
APR 11 2022



CHERYL ROCKETT &lt;crockett@phillpstown.com&gt;

---

**Now You See It Now You Don't**

1 message

betsy calhoun &lt;marieelizabethc@gmail.com&gt;

Wed, Apr 13, 2022 at 12:22 PM

To: editor@pcnr.com, CHERYL ROCKETT <crockett@phillpstown.com>, Rhonda Kay <rhonda.donohue@icloud.com>, Timothy Nolan <tgnolan@gmail.com>, Joe Regele <joe@regelebuilders.com>, Nancy Montgomery <Nancy.Montgomery@putnamcountyny.gov>

I was on the Comprehensive Plan Committee that in 2005 developed MAPS of changes to the Town's zoning. The maps were accepted by the Town and provided legal requirements. My own zoning was changed from 2 acres to 10 acres, I distinctly remember that there was a RIDGELINE PROTECTION LINE on a zoning map of the several spectacular mountain tops through our Township. There was a RIDGELINE PROTECTION LINE on the Garrison Golf Course. However, there is no longer a ridgeline protection line on the relevant zoning map. I was told that the owner (now and then) removed his ridgeline protective line from the zoning map. I would like to know how this change happened and how it will be handled now. When an individual flaunts his power it harms the entire community.

Betsy Calhoun

RECEIVED  
APR 13 2022

---

ROBERT CUTLER

April 12<sup>th</sup>, 2022

Philipstown Planning Board  
Town of Philipstown  
Putnam County, NY

RECEIVED  
APR 13 2022

Dear Chairman Zuckerman and Members of the Planning Board,

I'd like to add to and clarify my remarks made at the March 17<sup>th</sup> hearing. I'll start with the most important issue for me, the HVSF's proposed location of the tent on the ridge.

### I The tent on the ridge

Briefly, the tent's proposed location ignores the final Storm King ruling and thereby fails to preserve the natural beauty of the ridge.

#### A. Size

The tent is 38 feet high. It is higher than the Philipstown Town Hall. By six inches. Just before you walk into the Town Hall the next time, I urge you to look up. The tent is higher than that. Its poles add several more feet.

Attached on page 6 is HVSF artist's rendering of a bird's eye view of the tent; it flattens the perspective and makes the tent seem lower and less obtrusive. Many of us in Philipstown would really appreciate it if you would ask HVSF for a more realistic rendering – of the whole tent from ground level with images of people standing next to it – so we can all have a better idea of what it will actually look like. And understand how big it is.

In case it's a help, attached on pages 7 and 8 are two photos of the ridge. Same view, different seasons. The smallest tree – the one furthest away, second from the left – is about 12 feet high. The tent will be more than three times higher than that. For many of us, massive. And dominating.

#### B. Ignores environmental law

As I said in the hearing, the lawyer for Con Ed gobsmailed the judge, and sank their ship, by claiming that Storm King Mountain would look better with Con Ed's power plant than without.

Al Butzel, the great environmental lawyer who went on to stop Westway and worked on the Storm King case for 16 years, remembered what happened in the court room:

... the chief judge asked the lawyer: "Are you saying that this (plant) will actually increase the scenic beauty of the mountain?" And the lawyer said, "Yes."

That was such nonsense that in its final ruling, the court said that, in the future, applicants, when planning their projects, 'had to include the preservation of natural beauty.'

The court did not say that the applicants' plans should consider the preservation of natural beauty. Or that the applicants should think about the preservation of natural beauty. The court said applicants' plans 'had to include the preservation of natural beauty.'

HVSF's plans fail to preserve the natural beauty of the ridge. Clearly, the ridge will not look better with this tent any more than Storm King Mountain would have looked better with Con Ed's power plant. The tent will degrade the natural beauty of the ridge; its planning ignores environmental law. We hope you will not.

### **C. HVSF's baffling tent location**

HVSF has said the tent must be on the ridge so that visitors can see the view while they are in the tent.

But the only time we're in the tent is to see a play. When it starts, we look at the actors right in front of us, not the view, which in any case disappears in 20 to 25 minutes when the sun goes down.

Is HVSF so worried about those opening 20 to 25 minutes that we must be able to see the view in case we're bored by the play? Of course not. The plays are wonderful. No one looks at the vanishing view. The play's the thing.

So the argument that the tent must be put where it fails to preserve the ridge's natural beauty so visitors can see the vanishing view is also nonsense. The view is superfluous for the visitor, and quickly invisible. The tent can be anywhere. Visitors will enjoy the plays no matter where it is. There is no earthly reason for it to be on the ridge.

### **D. HVSF's tent and trees: view blockers**

HVSF included a second rendering, see page 9, showing the tent looking almost diaphanous and surrounded by trees. (To me, the main purpose of the trees is to disguise the tent. If it weren't there, no trees would be needed.)

HVSF wants to place the tent on the highpoint of the ridge. So if you're standing or picnicking on the ridge south of the tent, the trees and the tent will block the breathtaking view to the north, the same view HVSF insists must be seen when you're watching a play. More nonsense which ignores environmental law.

The fact is, the tent and the trees on the ridge are view blockers. They reduce the area where the public can see the view, so fewer visitors will enjoy it. Done with a tent which fails to preserve the ridge's natural beauty.

### **E. The GGC ridge as an environmental and historic gem**

We were advised in an earlier hearing that the ridge had not been designated as protected. We were shown a topographical map with marks showing which ridges were protected. The GGC ridge had no mark.

We were then told that was why the tent could go on the ridge: it wasn't protected.

I wondered about that. I've worked with topographical maps as you all have too. I can see the guy deciding which ridges were important enough to protect and which were not. He looks at the map and sees the ridge with Fort Defiance on it (see page 10). It's easily the highest around so it gets protected. There were marks on other ridges, over on the left of the map, so he protected them too. But this dinky little ridge in the middle? Only 660 feet above sea level? No, it doesn't need to be protected.

I disagree. The GGC ridge is magnificent. There are three reasons it is. The combination of these three reasons makes it unique, an overused word but accurate here, and justifies both its protection and the preservation of its natural beauty.

Three reasons:

#### **1. Visitor friendly and visitor accessible outdoor site**

HVSF could not ask for a more visitor friendly and accessible site.

There are no trees on it. It's been a farm since the 19<sup>th</sup> Century. The Walnut Ridge Farm. On page 11 is a photograph showing it being mowed by farmer in a horse drawn wagon. It was a hay field.

On almost all the ridges here, you can't see the view. When you look around, and up, you can see only trees which have grown up in the last hundred years or so. But on the cleared GGC ridge, visitors can see the whole sky, the

hawks and turkey vultures overhead, the swallows zooming around at dusk. It's perfect for birdwatching, picnicking, stargazing, hiking, nature field trips for students, for adults, for anyone.

It's near a highway and easily accessible. There is even plenty of room to park.

For an outdoor visited site, these two factors alone are rare. The next two make it unique.

## **2. The ridge's breathtaking view**

Storm King Mountain, Breakneck Ridge, Newburgh Bay, on a clear day the Catskills. Storm squalls coming down the river. Windblown cloud patterns on Crows Nest. The sunsets Cole and Cropsey painted. What more could you ask for.

## **3. Ground zero in our Revolutionary War**

As you look north to Storm King Mountain, come around to the left and you first see West Point, which is important historically in and by itself.

But keep going and you see the hill with the North Redoubt, one of the thirteen redoubts which the brilliant young Kosciuszko designed and built as a deadly necklace protecting the bend in the river. The redoubts plus his shore batteries and the great chain secured West Point, the Hudson River, and our independence. Kosciuszko's work was completed in 1780; Cornwallis surrendered in 1781.

Historical markers could be put up identifying and describing these places and events which made the Hudson Highlands such a key strategic area that Washington spent more time here than anywhere else during the entire Revolutionary War.

For the ridge's visitors, educational historical markers would be an unexpected and welcome bonus. Surely they would – dare I say – trump a massive, misplaced tent. They would be a no impact, environmentally friendly addition to the ridge, and would amplify its natural beauty with facts about our history, rather than degrade it.

Although the GGC ridge is not officially protected, I hope the Members of the Planning Board will protect it anyway, de facto. It is unique. It is magnificent. It deserves it.

## **II Better place for the tent**

I described at the hearing why the environment (the flora and the fauna) on the ridge should be left alone.

But I cut my remarks short (believe it or not) and did not mention my specific recommendation for where the tent could go. I'd put it on the old 18<sup>th</sup> fairway, about 100 yards from the green. Three reasons:

- A. It would be reasonably near the parking lot so visitors could find their cars easily after the plays were over.
- B. If you want to, you can see Storm King Mountain and Breakneck Ridge from there.
- C. It would be easy to build the wonderful entrance where the actors come up from nowhere at the start of each play.

I know it would be easy to build because I worked on the construction of the course in 1962. We had two big D8 bulldozers. A smart bulldozer operator can do almost anything. This would be a snap. It wouldn't take more than a day.

### III Traffic concerns and visitor safety

At the March 17<sup>th</sup> hearing I recommended:

- that after sunset, the main gate onto Rt 9 be closed for exiting traffic;
- that the bridge to Snake Hill Rd across the wetland, and the road to the bridge, not be built;
- and that visitors leave the site after sunset via the existing road that goes from the current parking lot down to the maintenance shed parking lot, and from there onto Snake Hill Road.

First to clarify two points: HVSF thinks the road down to the maintenance shed would be too steep. Some regrading can be done if needed. But we all walked back up that road after HVSF's presentation near the maintenance shed. Some of us were almost 80. I think visitors could make it down in their cars.

Secondly, HVSF thought that this exit route would go near Chris Davis's future residence. Not at all. This route would go nowhere near his house. (NB: the traffic to and from the proposed new bridge would be quite near it.)

There are six advantages of exiting onto Snake Hill Road lower down, near the maintenance shed:

#### 1. Safer exit

This is a much safer exit onto Snake Hill Road than the proposed exit up near the church.

Up there, Snake Hill Road comes at the proposed exit via two semi blind curves. Drivers coming around the curves will have a short line of sight to cars exiting off the proposed bridge. And drivers exiting off the bridge will have a short line of sight to cars coming around those semi blind curves.

But down near maintenance shed, Snake Hill Road is straight for over 500 yards. Drivers coming from both directions on the road will have a long line of sight to exiting cars, so it will be much safer for them.

Likewise, drivers exiting will easily be able to see if anyone is coming on Snake Hill Road. Exiting will be much safer for them and their passengers, and for the actors and all the other people working on the site.

#### 2. Neighbors not disturbed

No neighbors will be disturbed because there are no neighbors near the safer, lower exit point.

#### 3. Zero impact on the environment

To exit by the upper point, a long, high bridge will have to be built across the wetland. It will have a major impact on the environment. Also impacting it will be a new road built from the bridge to the parking lots.

To exit by the lower point, only an existing roadway would have to be improved.

#### 4. Natural beauty of the site preserved

As with Storm King Mountain, the wetland will look much better without a bridge going across it than with a bridge. In fact, the wetland's natural beauty will be destroyed by the bridge.

#### 6. HVSF will save a lot of time

HVSF will save a lot of time by not building the bridge and road, and by only improving an existing roadway.

#### 5. HVSF will save a ton of money

HVSF will save a ton of money by not building the bridge and road, and by only improving an existing roadway.

Everyone wins. Everyone's safer. Visitors, workers, actors, neighbors, local residents.

#### **IV Housing for actors: a lodge**

Free housing for the actors is great, but why not use a much more environmentally friendly solution: instead of many individual little cabins, why not one large, attractive, Mohunk style lodge.

Advantages:

The lodge would have one large roof with solar panels so it would be energy neutral (or better).

One septic system vs a cat's cradle of pipes leading to a septic system. Also, no cat's cradle of regular water pipes.

Under the roof would be apartments the same square footage as the cabins. Like the cabins, there would be studios or one or two bedrooms with an open kitchen /living area, and bathroom. One HVAC system vs many.

Each apartment would have a door to the outdoors and a door to an interior great room.

Around the great room would be groups of comfy sofas and chairs, and low tables on which lighting plans, sound plans, scripts, costume designs, etc., could be placed for impromptu or planned meetings.

People would have their privacy but would be able to meet and interact more than living in individual cabins which, collectively, would have a substantially greater impact on the environment than one energy efficient building.

#### **V Bonds for removal and restoration**

HVSF is asking for your approval to create and manage, for twenty years, a large, complicated visited site. Many things can happen in twenty years.

If, for whatever reason, HVSF decides to leave the site, then, to avoid the same kind of environmental nightmare that exists south of Home Depot (the dead mall), we urge the Board to require HVSF to post bonds covering the costs of dismantling and removing each thing that is built, and restoring the land the things are built on.

Reason why: if HVSF leaves, we who live here shouldn't have to pay for the clean up and restoration.

NB 1: There should be a bond for removing each thing built – each parking lot, each tent, the actors' housing, the bridge. Plus what is there now. One umbrella bond covering everything won't work as each thing to be removed will have a specific cost, and the various things built may be built over time.

NB 2: The estimates of these costs should be prepared by you, not HVSF.

NB 3: Each estimate should be in two parts: one for the dismantling and removal, another for the restoration of the land, which would be done by an experienced land management company and which would take two or more years.

---

Thank you very much for reading all this (if you have!), and again, for the endless work you do for us, and for preserving Philipstown by managing change so skillfully over the years that it has stayed the little rural township we all treasure. We need you now more than ever.

Yours very sincerely,

Robert Cutler  
14 Coleman Road  
Garrison NY  
845 424 3640

Attachments follow.



Tent – artist’s rendering, bird’s eye view



Ridge – photo, snow



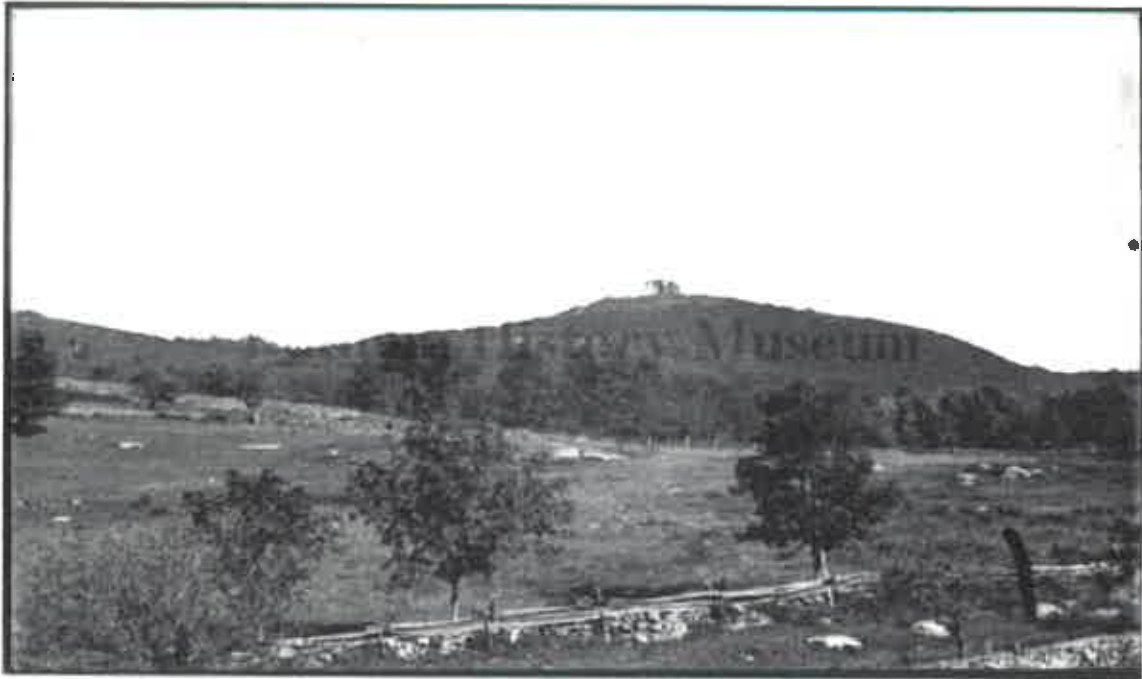
Ridge – photo, with hawk



Tent – artist's rendering with trees



Walnut Ridge Farm – view of Fort Defiance, ca 1890



Looking east from Walnut Ridge circa 1890. Fort Defiance in background on east side of Highland Turnpike(Rt 9)

Walnut Ridge Farm – mowing hay, 1900



George Stonebridge photo, 1900: haying at "walnut ridge"





CHERYL ROCKETT &lt;crockett@phillpstown.com&gt;

---

**Please distribute to the Board Members**

3 messages

---

**Joe Regele** <joe@regelebuilders.com>  
To: "crockett@phillpstown.com" <crockett@phillpstown.com>

Wed, Apr 27, 2022 at 9:41 AM

Cheryl,

I hope this note finds you well.

Please distribute.

Best,

Joe

**Joe Regele****President, Regele Builders Inc.****212-414-1633**[www.regelebuilders.com](http://www.regelebuilders.com)**RECEIVED**  
**APR 27 2022**

---

 **Kim Connor Recusal Follow up.docx**  
14K

---

**CHERYL ROCKETT** <crockett@phillpstown.com>  
To: **Joe Regele** <joe@regelebuilders.com>

Wed, Apr 27, 2022 at 10:24 AM

Hi Joe,

I will distribute but I wasn't sure if you were aware that Ms. Conner did address this at the last meeting.  
at about 1:19:15<https://www.youtube.com/watch?v=mSDGbaHTEpM>

Cheryl

[Quoted text hidden]

---

**Joe Regele** <joe@regelebuilders.com>  
To: **CHERYL ROCKETT** <crockett@phillpstown.com>

Wed, Apr 27, 2022 at 12:23 PM

Cheryl,

Thank you for the link.

Please distribute my follow up.

joe

Dear Board Members,

As riveting as the April meeting was I fell asleep. I had a very long day and I missed, Ms. Connor and the finale.

To Ms. Connor: Your commitment to various organizations and willingness to support them is laudable. However, your position on a Public Board requires not only the absence of a conflict of interest but also the APPEARANCE of a conflict of interest.

Hindsight is 20/20 but it seems to me that this conflict, be it real or only an illusion, should have been noted at the BEGINNING of the application process. Disclosure rather than exposure would have been more credible. As I noted in my letter last week, Chairman Zuckerman recused himself for an apparent conflict far less tangible during the Fish Library hearings.

When the SEQRA vote is taken will it be fair to the process, your fellow Board Members, HVSF and the public for any of us to be wondering if you are voting as a community representative or as a member of the "Inner Circle" of Shakespeare donors? Your choice is simple. Rather than asking us to believe in your integrity you should demonstrate it through recusal.

Best,

joe

[Quoted text hidden]

RECEIVED  
APR 27 2022



April 25, 2022

Philipstown Planning Board  
Neil Zuckerman Chairman

RE: Request for Recusal – Board Member, Kim Connor – HVSF application

Dear Chairman Zuckerman and Board Members,

On January 28, 2022, I sent a letter to the Planning Board requesting the recusal of Board Member, Kim Connor, on matters related to the HVEC application pending before the Board.

As a member of the "Hudson Valley Shakespeare Insiders Circle" it appeared to me that her rendering an impartial decision on their application would be difficult. I applied, as a reasonable standard, the bar that YOU set when recusing YOURSELF from the Public Hearings for the Hamilton Fish Library. You stepped away to avoid the appearance of conflict although you were only one of TWENTY-FIVE, unpaid members of the Library Board of Trustees.

Since my January letter, I have heard nothing. At the March 17th Public Hearing I asked for a response and was ignored (remotely) by the Chair.

After the meeting I was approached by the Town Board representative to the Planning Board, Bob Flaherty. He indicated that he would try to get an answer for me. Several days later, good to his word, Bob got back to me. He indicated that the Town Attorney had advised the Planning Board that they were "not required to respond" to my inquiry.

Mr. Zuckerman, when you walk through a doorway you are not "required" to hold it open for the person behind you. However, common courtesy dictates that you do not let it slam in the face of the person following you. In a small community such as ours I believe courtesy counts.

I will appreciate hearing from you and receiving why it is acceptable to have an "insider" sitting in judgment of such an important application.

Best,

Joe Regele

CC: PCNR

RECEIVED  
APR 27 2022

---



CHERYL ROCKETT &lt;crockett@phillipstown.com&gt;

**Up to Date, Integrated, Accessible Information needed for GGC/HVSF EAF Needed for All.**

1 message

Rhonda Kay &lt;rhonda.donohue@icloud.com&gt;

To: CHERYL ROCKETT &lt;crockett@phillipstown.com&gt;

Dear Ms. Rockett, Chairman Zuckerman and Members of the Planning Board:

I am trying to work with the Questions submitted by the public document along with the HVSF answer document to find out the answers to the questions. The answers are rare document. The applicant makes it very hard for the public by referring to their placement EAF. So: every question = a research project.

Further, the HVSF Answered Questions document refers to the answer source as "Expanded EAF" and nothing with that title is on [Phillipstown.com](http://Phillipstown.com). (Not complaining about YC make it easy to find their answers? Heck, why not put them IN THE ANSWER DOCUMENT like many other planning board applicants? Further, the page numbers referenced NOT match with the pages on anyone's computer. For example, page 115 typed by the applicant is page 187 on the computer due to the number of exhibits. Why not just type exhibits?? Or handwrite them??

Further, I used the document Cheryl sent me the hotlink to this morning to help me find out about one single question. She sent me a doc dated September 2021, a document I check the number of buildings proposed by the applicant that I wrote an email. I got called out by the HVSF team because I was WRONG. HVSF changed the number of build document called Revisions or something dated October 2021.

So the September 2021 document WAS CURRENT FOR ONLY one month. And now, both September and October are NOT CURRENT due to project changes, (which is good STILL directing your busy minds to old information for answers to questions you must have to be a well-conducted Planning Board. I find that to be extremely disrespectful of yc

Why do they not revise their EAF when they change the project? I see that many other Planning Board applicants do that. Cedar Hill Landscaping and Hudson Highlands mind.

There is NO ONE INTEGRATED document. The EAF should be entirely updated, with individual links for the various parts so that it is accessible to the public working on normal bandwidth WIFI. (The 1187 page doc of EAF 1-3 takes about 20-30 minutes to load at my house.). It should be submitted to you in parts that can be easily uploaded and accessed. Look at [Phillipstown.com](http://Phillipstown.com) for ideas on which ones you like working with best and ask for that. You deserve it.

At the PB meeting earlier this month, Kim Connor made reference to the tiny maps when they have giant ones. I am looking at a bunch of them now. Like Ms. Connor, I am using my laptop or in print. Too small. I am not sure about the answer to that, but the applicant seems to have a small army of smart people who can help.

The documentation for GGC/HVSF is NOT TRANSPARENT. People reading the EAF should be able to read it as newcomers to the project, not mentally say "Oh the hotel is good that." That cognition should be devoted to analyzing the project as it now stands.

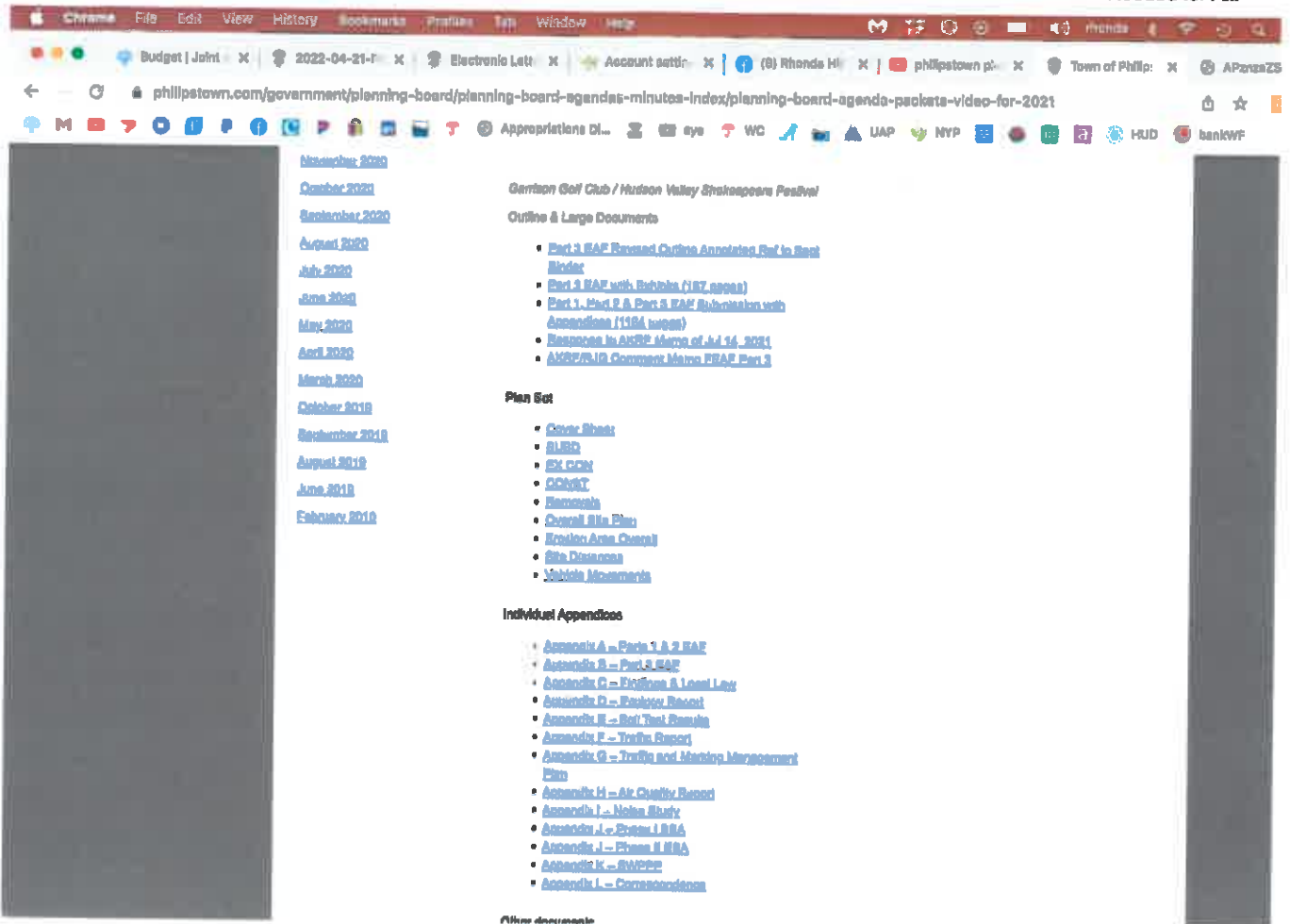
Earlier in the process, I assumed the Planning Board got better organized and more accessible information than is on [Phillipstown.com](http://Phillipstown.com). Now, I believe you are dealing with the same. I don't think you could work any harder at this. Please ask for up-to-date, integrated, accessible EAF so you can properly evaluate the application.

Thank you.

Respectfully,

Rhonda

Rhonda Donohue  
845-489-8388



On Apr 27, 2022, at 8:17 AM, CHERYL ROCKETT <[crockett@phillipstown.com](mailto:crockett@phillipstown.com)> wrote:

Hi Rhonda,

Here you go-- this is posted under the September 16, 2021 meeting - titled, Part 3 EAF with exhibits (187 pages).  
<https://drive.google.com/file/d/1g3BCKAYwktZVjCEvVsD4CVusUdq2kAO/view>

Cheryl

On Tue, Apr 26, 2022 at 6:28 PM Rhonda Key <[rhonda.donohue@lobud.com](mailto:rhonda.donohue@lobud.com)> wrote:  
Hi Cheryl

To prepare to view the next meeting, I am trying to look at the actual answers to the questions.

It is REALLY hard to find this stuff even though I have spent so long with it.

I'm gonna cut and paste one example and maybe you can tell me where to find the correct document on [phillipstown.com](http://phillipstown.com).

Here goes

\* Q: 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 above, from the river, etc., so that we can see how this contravenes the values of the Town's Scenic Index?

A: See the following exhibits for renderings showing the proposed site, as provided in Part 3 of the Expanded EAF: Exhibit 7 (site plan); Exhibit 36 (Bird's Eye Render); Exhibit 50.

Thank you

Any questions please write back! Thank you

Rhonda  
Sent from my iPhone

RECEIVED  
APR 27 2022

Mr. Neal Zuckerman  
Chairman  
Philipstown Planning Board  
May 12, 2022

Chairman Zuckerman & Planning Board:

Forgive me for writing a not-short-enough note--I know how heavy your workload is right now.

I offer thoughts on two aspects of the HVSF proposal: tent siting and bridge-building.

**Performance Tent siting.** Thirteen times asked in public meetings, most of any topic. The Hudson Highlands Land Trust, as per its February letter to the Chair, clearly focused on the current siting of the performance tent as potentially compromising a scenic viewshed. Philipstown Conservation Chair Galler describing his Board as "uncomfortable" with the current siting plan and suggesting to HVSF counsel Daniel Hollis that a positive declaration, enabling a more thorough analysis of the project, might be the "best thing that could happen to you."

So, the community, our Board charged with overseeing questions of conservation, and the professionals at HHLT, are all focused on the problematic positioning of the HVSF performance tent.

Yet HVSF—as they frequently remind us, a long-time, much-beloved member of the Garrison community—has demonstrated zero interest in discussing mitigating alternatives, with you, the Planning Board, and with the community at large.

There must be a compelling reason.

There are choices available, within a few yards of the current proposed site, that lower the tent profile by a significant amount, without compromising the view upriver to Storm King and Breakneck Ridge. It's not my place to change the project preliminary site plan, but I think it important to see that this is something that can be mitigated.

To illustrate, I've included at the end of this note photos of three locations on the proposed development acreage. The metadata, including altitude, directional orientation, and precise position of each photo, is time-stamped.

**The first image was shot from the current proposed tent site.** (The spoil in the foreground, pine, and electric control boxes help with envisioning the spot.) Its altitude is 613 feet. The tent, topping out at 38.5 feet, creates an apex elevation of 651 feet. The view, as seen, is majestic.

**The second image was shot from the first hole ladies' tee box.** (Which is sited below the former pro shop, some 300 yards from the currently proposed site.) As you can see, the upriver orientation is the same, the view is excellent, and the elevation is 62 feet lower than the current siting. Yet it provides essentially the same “iconic” view. (My intent is not to rearrange HVSF’s project, but to show that there are genuine alternatives available.)

And HVSF’s response? Threefold.

One. The current site is not illegal.

Flagrant though it may be in its disregard of local concerns, it’s true that the ridge (historically known and mapped as *Walnut Ridge*) is not protected by the Town’s Ridgeline overlay:

*(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.*

What the applicant fails to take into account from a legal/illegal standpoint, however, is the Storm King Doctrine: the federal principle in law stating that impact on environmental resources is actionable, and that citizens have standing to bring suit. The point is not that the local community can contest the matter, but simply that the concept of protecting environmental resources is important enough to warrant not mere sentiment, but federal law. That should be enough to guide the Planning Board. If not, consider that the law—the Doctrine—is especially resonant in a matter involving Storm King itself.

Two. Already in place is a plan to hide the tent from the vantage point of Route 9 with a berm and young trees. At the main entrance/Route 9 intersection, from which the last photo was shot, the elevation is 586 feet. The height of the tent, according to the applicant, is 38.5 feet. That creates an apex 65 feet higher than the entrance, the height the natural rise and berm would need to be to total to shield the tent from view. Much like the tent, a berm would disfigure acreage designated in Philipstown’s Open Space Index as significant. A lose lose.

Three. And regrettably, most telling. If the tent was resited, according to the response document, it might compromise Chris Davis’s privacy in his proposed home. Much good has been done by Mr. Davis. But do good deeds provide him a license to flaunt the intent of law, community values, and the flags raised by the Conservation Board and the HHLT?

Your choice is pretty straightforward: you can affirm the fact that in Philipstown we value our striking beauty and its preservation, or you can override its importance for the sake of one man's privacy.

\*\*\*

The question of the new bridge, planned for construction several hundred yards west of the current one, presents a simpler solution.

The spans, both existing and proposed (as we saw on a site visit) run parallel, tying Snake Hill Road to the property proper after spanning a watercourse and its attendant wetlands. The existing bridge needs work. It's too narrow, its surface is potholed, and beneath it sits a dam in need of repair.

HVSF has pleaded poverty on this score, as well as limited sight distances and concern about the impact on the watercourse and the wetlands in dealing with the dam. (Which they'd need to deal with in any event.)

HVSF has, however, recently received from the federal government a \$3.5 million earmark (called the Riparian and Watershed Ecological Restoration Project) explicitly directed at riparian repair and reconstruction. Since the Davis donation of 54-odd acres to the HHLT (with 17 more in prospect), the burden of riparian work has shifted, by a significant amount, to HHLT.

Roughly a third of a mile of the unnamed watercourse paralleling Snake Hill Road, Philipse Brook itself as it crosses to the north under Philipse Brook Road, and the conjoined watercourses running in front of the sixth green and then off the property, are now HHLT's to contend with. There are also small wetlands in need of attention spotted around the HHLT holdings. In addition, the HHLT holdings are thickly wooded in places, and have filled with invasive species to a level that the HVSF property simply has not.

(I'm willing to be corrected on any of my geography, though after wandering around that place for 40 years I hope I've got it about right.)

Remaining for the applicant and its \$3.5 million gift are a wetland along Route 9, the pond, and the run from the dam along the unnamed watercourse (over which the applicant, ironically, intends to build its new bridge) and shortly thereafter off the property. The plea of poverty is now specious, and plans to erect a bridge over the very wetlands and watercourse that it has received \$3.5 million to rehabilitate speak volumes about HVSF's contention that it will "steward" the property.

Restructuring the existing bridge to current specs and abandoning the proposal to erect a new bridge, of unknown dimensions and environmental impact, seems like exactly the sort of mitigation strategy you, the Planning Board, seek.

Yet despite the radical change in available funds and a lightened overall burden for riparian rehabilitation, HVSF has refused to engage in any discussion of the question.

Why?

Once again, the answer is in the response document. Asked if the new bridge would also double as the driveway for Chris Davis's to-be-built home on the property, the answer is simple: yes. The same question attaching to the tent-siting issue obtains here.

Besides the attached photos, I've appended to this note a short piece from the *Scientific American*, written in 2018.

I hope it makes even stronger your commitment to engage with these issues, which are central to the question of the project's consistency with both the law and spirit animating our environmental concerns in 2022.

Sometimes, whether we'd like it to or not, history finds us.

Sincerely,

Tim Nolan  
Garrison

<https://blogs.scientificamerican.com/observations/the-battle-for-storm-king/>





 My Altitude

 41° 22' 56" N -73° 55' 0" W

 186.88m 613.14ft

 Apr 15, 2022 at 3:38 PM

 68 °F, Sunny

 Wind Speed: 9.32 mph Bearing: 270 °





⊕ 41° 23' 4" N -73° 55' 3" W


⬇ 168.05m 551.33ft

🕒 Apr 15, 2022 at 4:02 PM

☀ 68 ° F, Sunny

🚩 Wind Speed: 9.94 mph Bearing: 225°



 41° 23' 4" N -73° 54' 45" W  
178.76m 586.50ft  
May 9, 2022 at 4:15 PM  
70° F, Sunny  
Wind Speed: 7.46 mph Bearing: 45°



# TOO BIG, TOO MUCH TOO FAST #21

## Once More into the Breach

Philipstown Residents: Above, please find a photographic illustration from images taken recently on the NOW DEFUNCT Garrison Golf Course, including a pesticide warning and a large space of dead and dying grass. Below, please find a letter addressed to YOUR Town Planning Board, providing questions for upcoming (5/19) hearing about HVEC's use of the decommissioned course.

Philipstown Planning Board  
Neal Zuckerman, Chairman

Mr. Zuckerman and Planning Board Members,

Before even considering issuing a SEQRA Declaration **PLEASE** find out what is going on? Who is coordinating this massive development? Most importantly, WHO will be responsible to our community when things start to go wrong?

After months of hearing about the dangers of a "monocultural" golf course, the first thing the new STEWARD of the property does is apply PESTICIDE/HERBICIDE? What is next? Who is answerable? Kate Liberman is off to a new job in Rhode Island, is Davis McCallum next? (Interesting to note that the PR blurb about Ms. Lieberman's departure HVEC kvelled over their "NATIONAL SEARCH" for a replacement. Good for them I suppose but not so good for the "LOCAL JOBS" the Entertainment Complex promised to provide.

When the inevitable problems arise where will we take our questions and complaints? Who, other than PR hacks, lawyers and consultants have we heard from? How do you get a private BOARD to answer questions they don't like, let alone get someone to take responsibility for the problems that will arise? Trust us? Look at the PESTICIDE WARNING again and ask yourself if "trust us" is the way to go?

Going back many months I asked HVEC to agree to PILOT PAYMENTS (Payment in Lieu of taxes) to cover the revenue lost from taking the Golf Course of the Tax roll. Given the current tax initiative by the Garrison School, this is more important than ever. HVEC's answer to this question has been a specious analysis, thoroughly debunked by former School Board President Stan Freilich, that they are saving the taxpayers money. Chairman Zuckerman, I implore you to require PILOT PAYMENTS be part of any stipulations attached to any Determination.

The Ridge. No one likes the proposed tent location. We are being bamboozled. In all my glory, a towering 5'9", I can stand on the proposed 11<sup>th</sup> fairway tent location and see most of Newburgh Bay, a long segment of the Storm King Highway and all of Storm King Mountain. It beggars the imagination, when Will's hired guns tell us that a 38-

FOOT-TALL TENT, in that very same spot, will not be visible from the opposite direction. No wonder Shakespeare said: "Kill all the Lawyers". Why not require a full-scale mock-up? NYC Landmarks requires them all the time.

TENT SITING ALONE IS REASON ENOUGH FOR A POSITIVE DECLARATION.

However, this is not the only unanswered question:

1. Are there plans to drain the pond in front of the 14<sup>th</sup> Green? By HVEC? HHLT? OSI? Mosquitos anyone?
2. Where are the PLANS for the Bridge?
3. Where are the Plans for the Artist in Residence Housing?
4. Where is the stipulation forbidding alternative "uses" for the performance tent?
5. State, Town, and Private Plans are in the works for Snake Hill Road. How will Shakespeare traffic on Snake Hill Road be accommodated during the following:
  - a. Culvert replacement at the intersection of Snake Hill and Avery Rd.
  - b. Culvert Replacement at Snake Hill and Philipse Brook Road
  - c. Weir repair/improvement/removal at Walter Hoving Home
6. Performance and Decommissioning Bonds. HVEC touts grants and donations while crying poormouth when issues like PILOT Payments come up? Which is it? Who is looking out for the community? What IF??????????????
7. How is it possible that the public hearing has been closed and public comment has ended? The issues above have not been adequately addressed, if at all. They are important, substantial issues and they get to the very future of Philipstown as a green and environmentally important place that we all treasure.

Chairman Zuckerman, there are just too many unanswered questions to allow this project to move forward. The most important question is the simplest. Who are we dealing with and WHO will stand up, answer our questions, and THEN take responsibility for those answers? We are looking to YOU, and the Planning Board, to establish some accountability on the part of the applicant and to protect our community.

**SAVE THE RIDGE; BAN THE BRIDGE. BELIEVE  
WHAT THEY DO – NOT WHAT THEY SAY**

Joe Regele

Paid Message