

May 5, 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 Planning Board Comments

Dear Chairman Zuckerman and Members of the Planning Board:

On behalf of our client, the Hudson Valley Shakespeare Festival (HVSF) and together with the project team, we are pleased to provide responses to questions and comments raised by Planning Board members during the April 21, 2022 Planning Board meeting. Virtually all of the items raised by the Board have been previously studied and addressed in accordance with the Expanded Part 3 Outline, which was approved by the Board and its consultant, AKRF. We understand that a substantial amount of documentation has been submitted throughout the review process and, therefore, the purpose of this letter is to point the Board to where these items have been evaluated for ease of review.

Items discussed during the meeting are grouped below by topic. For clarity's sake, we have provided the following key to the various submissions referenced herein. The link provided with each bullet leads to the original submission published on the Town of Philipstown Planning Board website.

- The "September Submission" refers to Part 3 of the Expanded EAF ("Part 3 EAF"), dated September, 2021; this is the most updated version of the complete document and supersedes the originally submitted Part 3 EAF, dated July 2021.

To view this submission please follow this link:

<https://drive.google.com/file/d/1g3BCkAYwxktZVjCEvVsD4CVusUdq2kAO/view> for the Part 3 EAF with Exhibits only, or

<https://drive.google.com/file/d/19vzsnnu3O6ORE7e0qDsx73z8Q4FojE41/view> for the Part 3 EAF with Appendices

- The "October Submission" refers to the Applicant's written responses to the AKRF comment letter, dated September 15, 2021. The October Submission represents changes made to the Part 3 EAF

based on comments made by the Planning Board and its consultants and includes updated technical reports which are appended to the document.

To view this submission, please follow this link.

<https://philipstown.com/pb/2021-10-21-PB-HVSF-Response-Comments-wAppendix.pdf>

- The “December Submission” is in response to comments received by the Board at its November 30, 2021 Planning Board meeting. This submission includes a traffic memorandum, prepared by Kimley Horn, dated December 13, 2021, and precedent images of the proposed bridge as well as a concept plan for the bridge.

To view this submission, please follow these links:

Traffic: <https://philipstown.com/pb/2021-12-18%20PB%20HVSF-GGC-Saturday-Traffic-Memo.pdf>

Bridge Images: <https://philipstown.com/pb/2021-12-16%20PB%20HVSF-GGC-EAF-Maps-Docu-Bridge-Prec.pdf>

- The “Fact Sheet” refers to a letter from this office, dated April 7, 2022, which describes project changes (removal of the indoor theater and hotel) from the project scope and evaluation of reduced impacts.

To View the Fact Sheet, please follow this link:

[2022-04-21-PB-HVSF-GGC-Submission.pdf \(philipstown.com\)](https://philipstown.com/pb/2022-04-21-PB-HVSF-GGC-Submission.pdf)

- The “April Submission” refers to a letter from this office, dated April 14, 2022, which includes responses to questions and comments from the Board and the public, and includes a response to the comment letter submitted by Dr. Michalski.

To view the April Submission, please follow these links:

[2022-04-21-PB-HVSF Response To Public Comment.pdf \(philipstown.com\)](https://philipstown.com/pb/2022-04-21-PB-HVSF-Response-To-Public-Comment.pdf)

[https://philipstown.com/pb/2022/2022-04-21-PB-GeoDesign Michalski Response Memo.pdf](https://philipstown.com/pb/2022/2022-04-21-PB-GeoDesign-Michalski-Response-Memo.pdf)

- Other letters and memoranda submitted throughout the process are referred to by preparer and date.

Revisions to Site Plan

At the April 21, 2022 Planning Board meeting, the Board raised questions relating to changes made to the site plan, specifically relating to the removal of the indoor theater and hotel. The Board requested additional visual aids and plans to clarify where the changes are being made. The Fact Sheet describes the modifications made to the project scope including reductions in maximum occupancy, number of parking spaces, adjust portions of the of parking and driveway to a location outside of the wetland buffer. Updated site plan exhibits and graphics were appended to the Fact Sheet to demonstrate these changes. The project team is working on enhanced graphics at larger scales, as requested, to clarify the project changes which will be presented in person at your May meeting. These plan modifications will also be incorporated into the Final Part 3 EAF and the Site Development Plans, prepared by Badey & Watson.

Massing of Bridge

The Board requested information relating to the massing of the bridge, proposed as part of the new Snake Hill Road access driveway, the Board has asked about what it would look like, its size and scale, impacts to wetlands, abutments, and its footprint on the ground.

The location, conceptual design, and impacts associated with the proposed span bridge are addressed, as follows:

- a. September Submission, Section III-E, Wetlands and Watercourses, Pages 55 and 56
- b. September Submission, Exhibit 22, Wetlands Map
- c. September Submission, Exhibit 23, Wetland Planting Plan
- d. September Submission, Exhibit 32, Transportation Improvements (Snake Hill Road Access Driveway)
- e. October Submission, Section III-E, Wetlands and Watercourses, Page 23, 24, and 25
- f. October Submission, Section III-D, Vegetation and Wildlife, Page 46
- g. Ecological Assessment Report, prepared by RES, dated September 2, 2021, Page 32
- h. December Submission, Exhibits entitled "Precedents", "Precedents-Existing Cart Bridge" and "Precedents-Bridge Concept"
- i. April Submission, Page 5, 7, 9, 10, 15, 16, 24, 27, 28, 29, 30, 32, 45
- j. Site Development Plans prepared by Badey & Watson, Sheet 6, Overall Site Plan
- k. Site Development Plans prepared by Badey & Watson, Sheet 9, Vehicle Movements

Additional graphics and design information relating to the bridge are in the process of being prepared and will be presented in person at your May Planning Board meeting.

Structural Concerns Relating to Tent

Concerns were raised about the ability of the tent to withstand wind loads. The proposed outdoor tent's structural integrity and its ability to withstand wind was discussed in the Part 3 EAF, Section I, Visual Resources and Community Character, on Page 81. The designers of the tent, FTL Design Engineering Studio (FTL), have been retained to design and engineer the tent structure as a stand-alone, open-air facility as defined in the International Building Code (IBC and by the American Society of Civil Engineers (ASCE). They have 40 years of experience designing these types of facilities throughout the United States. The tent will have a permanent foundation and is designed to withstand all weather extremes. The existing tent used by HVSF was designed by FTL and has successfully stood at the Boscobel Site nearby overlooking the Hudson River for 15 years, including through Hurricane Irene, with no structural problems. The new open-air facility is considered a structural upgrade with a roof lifespan between 25-50 years, depending on final materials selected.

The structural engineer responsible for the tent design will be present at your May meeting and will be happy to address any additional or specific concerns regarding this topic.

Visibility of Tent

The Planning Board questioned the visibility of the tent from off-site locations, as agreed upon by AKRF, including from Route 9. The visibility of the tent and other proposed structures is provided with Section IV-I, Visual Resources and Community Character, of the Part 3 EAF (September and October Submissions). Responses to questions concerning visibility of the tent are provided on Pages 19 of the April Submission.

The location, conceptual design, and visibility of the tent and other proposed structures is graphically represented in the following exhibits:

- a. Exhibit 38, Bird's Eye View
- b. Exhibit 39, Picnic Lawn Perspective
- c. Exhibit 40, Proposed Viewshed Analysis Locations
- d. Exhibit 41, Viewshed Analysis-Storm King HWY and Storm King Howell Trail
- e. Exhibit 42, Viewshed Analysis 9W
- f. Exhibit 43, Viewshed Analysis-Bull Hill (Washburn Trail)
- g. Exhibit 44, Viewshed Analysis-North Redoubt Trail
- h. Exhibit 45, Viewshed Analysis-North Redoubt Trail
- i. Exhibit 46A, New Perimeter Plantings and Landforms
- j. Exhibit 46, Viewshed Analysis – Adjacent to Site
- k. Exhibit 47, Viewshed and Sightline Profiles-Location 6-Route 9
- l. Exhibit 48, Viewshed and Sightline Profile-Location 7-Route 9 at Route 9 Spur

Neal Zuckerman, Chairman
May 5, 2022
Page 5 of 10

- m. Exhibit 49, Viewshed and Sightline Profile-Location 8-Snake Hill Road at Route 9
- n. Exhibit 50, Viewshed and Sightline Profile-Location 9-Snake Hill Road
- o. Exhibit 51, Precedents: Tent

Ms. Lanie McKinnon of Nelson Byrd Woltz Landscape Architects will be in attendance at your May meeting and will walk you through the graphics submitted to demonstrate the limited visibility the tent will have on the landscape. It is the Applicant's position that given its size, its position on the landscape and the mitigation proposed (buffering the structure with landscape features and trees), any visibility of the tent will be successfully minimized and mitigated such that no adverse impact to the public will result.

Artist Lodging

The Board questioned the design, scale and size of the proposed artist lodging units. As stated previously, the units are proposed as part of Phase 2, the timing of which is unknown. Therefore, these structures have not been designed; however, the size, massing, location, and number of units has been defined and is evaluated in the Part 3 EAF, specifically Section III-A, Land Use, Zoning and Layout (Pages 21-22) and IV-I, Visual Resources & Community Character. Precedent images are provided as Exhibit 54.

This information, along with a large-scale site plan identifying the size and height of these future units will be presented at your May meeting.

Noise – Simultaneous Events

The Board raised concerns relating to noise impacts resulting from simultaneous events occurring on the property. The noise study, prepared by SoundArts, was prepared in accordance with a scope of work agreed upon with the Planning Board and AKRF. The report is provided in the September and October Submissions (Appendix J and I, respectively) and is summarized in the Part 3 EAF, Section J, Noise. Possible simultaneous events that could occur on site are listed in the September Submission (Part 3 EAF, Page 87). A list of anticipated simultaneous events is provided on Page 89 of the Part 3 EAF and include:

- a. Unamplified performance and wedding reception
- b. Amplified performance and wedding reception
- c. Concessions and wedding reception

Of the potential events that could occur on site, only events that occur outside would add to the ambient noise levels. As two (2) or more outside events will not occur at one time, there will be no impact to ambient noise levels from simultaneous events. Other impacts on ambient noise have been reviewed and are discussed in the appendices listed above.

Neal Zuckerman, Chairman
May 5, 2022
Page 6 of 10

The noise consultant will be in attendance at your May Planning Board meeting to answer any further questions relating to this topic.

Soils Management

The Planning Board raised concerns regarding the former golf course use and contaminants that exist within the soil from past use of fertilizers, herbicides, and pesticides. The main concern voiced at the meeting dealt with the impacts resulting from soil disturbance during construction.

Soil samples were collected by GEODesign, Inc. in July and August 2021, in 16 different locations reviewed and approved by AKRF. Soil sample locations are identified on Table 29 and illustrated on Exhibit 62 (September Submission). The soil analysis results are explained in Section III-O, Human Health and Site Assessment, Page 113 of the Part 3 EAF (September Submission) and in Appendix J of both the September and October EAF Submissions.

The identification of course-applied chemicals and metals in soil samples are unsurprising given the site history. It is important to understand that contaminants at concentrations above screening criteria are limited to three of the 16 soil samples and are found only at the golf greens. The Soils Management Plan, which would be required as a part of Site Plan Approval, will describe the means by which the soil areas exceeding criteria will be mitigated. The available soil mitigation strategies are described in the October Submission in the responses to Comments 91 and 93. Soils exceeding criteria will be mitigated through standard NYSDEC-recommended practices including soil removal, capping and/or creation of site features to prevent human exposure. The availability of these mitigation strategies, and the applicant's agreement to employ them as required, satisfies SEQRA requirements.

The environmental consultant from GEODesign, Inc. will be in attendance at your May Planning Board meeting and will review the soil sample findings and mitigation strategies. We will also have large scale plans available to highlight the areas of focus.

Traffic

The following specific questions or concerns were raised by Board members during the April 21, 2022 Planning Board meeting; our responses follow:

- a. **Concerns with left turning movements exiting Snake Hill Road onto Route 9D after a performance. The commenter expects a 100-car backup and stated that they will need a police officer there to direct traffic.**

This intersection was studied in detail, including a standalone evaluation documented in Kimley-Horn's memorandum of October 21, 2021. Since that time, the Applicant has decided not to pursue the 225-seat indoor hotel or the 20-room hotel. It is also noted that the proposed action is replacing the existing golf course and that maximum attendance at banquets is being reduced from 230 to 200. All these measures were implemented as strategies to ensure that the proposed action will not have any significant offsite traffic impacts.

Future operating conditions at this intersection without the proposed action are summarized in Tables 13, 14 and 15 of Kimley-Horn's memorandum, dated October 27, 2021. The specific analyses are provided on pages 12, 27 and 42 of the memoranda.

Future operating conditions at this intersection with the proposed action are also summarized in Tables 2, 3 and 4 of Kimley-Horn's memorandum, dated April 6, 2022. The specific analyses are provided on pages 7, 12 and 17 of the memoranda.

A comparison of future operating conditions with and without the proposed action are summarized in Tables 2, 3 and 4 of Kimley-Horn's memorandum, dated April 6, 2022.

A review of the analyses indicates that delays on the Snake Hill Road approach to NYS 9D will increase by no more than 0.6 seconds as a result of the proposed action and that there will be a maximum queue of 5 vehicles on the approach (4 queuing plus the vehicle at the front waiting to turn only a very specific time of day on specific days of the week.

b. Commenters were concerned that at the Route 9 driveway exiting left turns onto Route 9 northbound will be problematic.

The Applicant has decided not to pursue the 225-seat indoor hotel or the 20-room hotel which were a part of the original proposal. Further the proposed action is replacing the existing golf course and maximum attendance at banquets is being reduced from 230 to 200, all of which will offset the increase in traffic activity on the left-turn exit from the site driveway to head north on Route 9. The Applicant is also proposing to construct northbound and southbound left-turn lanes on Route 9, a southbound right-turn lane on Route 9 as well as left and right-turn lane out of the site driveway. These measures will improve safety and increase the capacity on the left-turn movement exiting the site at this location.

Future operating conditions at this intersection with the proposed action are summarized in Tables 2, 3 and 4 of Kimley-Horn's memorandum dated April 6, 2022. The specific analyses are provided on pages 9, 14 and 19 of the memoranda.

- c. The commenter has the expectation that southbound Route 9 will be backed up past the driveway due to the queue from the signal at Snake Hill Road.**

Future operating conditions at this intersection with the proposed action are summarized in Tables 2, 3 and 4 of Kimley-Horn's memorandum dated April 6, 2022. The specific analyses are provided on pages 10, 15 and 20 of the memoranda.

A review of the analyses indicates that the southbound approach will be operating at only 71% of capacity and that the maximum delay will average 10.9 seconds. The maximum queue is calculated to be just 342 feet whereas the Garrison driveway is more than three times that distance north of where the southbound stop line on Route 9 has been proposed.

- d. The commenter wanted to know how drivers would be able to get onto Route 9 from the site driveway and noted that a Courtesy Gap would be unsafe if a northbound Route 9 vehicle doesn't see a car exiting left from main driveway.**

As stated above, additional traffic from the proposed action will be partially offset by the elimination of the existing golf course and the reduction of maximum attendance at banquets.

The analysis provided on pages 10, 15 and 20 of Kimley-Horn's memorandum dated April 6, 2022 indicate that the maximum queue will extend less than one third of the distance from the stop line to the Garrison Driveway.

The analyses provided on pages 9, 14 and 19 of Kimley-Horn's memorandum dated April 6, 2022, indicate a maximum of 38 left-turners exiting the site to travel north on Route 9 and that at least 148 vehicles can exit the site at the Route 9 driveway in the busiest hour. No courtesy gap will be required to exit the site.

- e. The commenter questioned why the existing driveway over the dam could not be replaced in lieu of building a new driveway and bridge on Snake Hill Road.**

Replacing the existing dam with a new dam sufficient to carry 2-way traffic into and out of the property would result in potential negative impacts that are far greater than what has been proposed with the new bridge. Such work cannot be undertaken without impacting the pond and downstream wetlands. At a minimum, the dam would have to be at least partially dismantled and the potential for negative impacts is increased by the removal process. 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.

f. The commenter questioned the status of the traffic light with NYSDOT

A permit application was filed with NYSDOT to construct the traffic signal (as well as the other improvements in the NYSDOT ROW (like the turn and re-striping, etc.) in July 2021. The Application received a notice of conceptual approval via email in October of 2021 from the permit engineer reviewing the project. Detailed plans, showing all of the hardware necessary to operate the signal are now being prepared and will be submitted to the NYSDOT shortly as part of the permit application process. The signal is expected to be approved in the fall and constructed in the spring of next year, presuming the project receives approval from the Town.

Alternative to Snake Hill Road Drive

There is no reasonable alternative to using the Snake Hill Road entrance, as proposed. The suggested locations on Snake Hill Road, proximate to the existing maintenance building driveway, and from the existing service driveway off Philipse Brook Road, have been evaluated by the design team and were dismissed due to the need for extensive grading, steep slopes disturbance, land disturbance and tree removal, all of which would be necessary to meet minimum driveway design requirements. Any alternative to the Snake Hill Road driveway is further complicated by limitations and regulations concerning the existing Catskill Aqueduct, regulated by the New York City Department of Environmental Protection (NYCDEP).

The site engineer will provide a plan showing an alternative driveway in this location to demonstrate the extent of grading and disturbance necessary to construct it. It is the applicant's position that these alternatives should be dismissed by the Board for both practical reasons and environmental impacts.

Water Demand/Water Budget

Water demand and water budget has been exhaustively analyzed in Section IV-G, Utilities (Water, Sewer and Energy) of the Part 3 EAF (September and October Submissions). Thirteen groundwater related questions were answered in our April Submission and the reduction in water demand was evaluated as part of the Fact Sheet.

Elimination of the hotel and indoor theater has reduced the HVSF domestic water demand by 18.8%. The current estimated domestic water demand (13,353 gpd) is an increase of 28% compared to the current estimated demand of The Garrison. However, the estimated HVSF demand is 12.8% less than the demand

Neal Zuckerman, Chairman
May 5, 2022
Page 10 of 10

approved to be used on this site under the 2005 GCCPDD. We note that the 2005 GCCPDD was approved by the Planning Board with a water demand greater than the current estimate for HVSF.

This demand increase will be addressed through construction of one potable well for the HVSF development and one well for the new single-family home.

Mr. Woodell and Mr. Watson will be in attendance at your May meeting to answer any outstanding comments you may have on this topic.

Status of Existing Dam

The existing dam is evaluated under Section III-E, Wetlands and Watercourses, of the Part 3 EAF (see September Submission). The Applicant has retained a structural engineer, Mark Lukasik, P.E. of Tectonic Engineering, who specializes in dams. Reports prepared by Tectonic have been submitted to the Planning Board and are included as Appendix F of the October Submission.

No modification to the dam is proposed at this time and the existing driveway that crosses over the top of the dam is proposed to be abandoned for vehicular use in lieu of the proposed new Snake Hill Road access driveway. As the dam is regulated by the New York State Department of Environmental Conservation (NYSDEC), the Applicant is working closely with the NYSDEC to devise an appropriate plan.

A representative from Tectonic Engineering will be in attendance at your May meeting to answer any questions in this regard.

In closing, we thank you for your continued attention to this project and we look forward to answering any technical questions you may have during you May meeting.

Sincerely,



Jan K. Johannessen, AICP
Kellard Sessions Consulting

cc: Hudson Valley Shakespeare Festival