



**Environmental, Planning, and Engineering Consultants**

34 South Broadway  
Suite 300  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

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**To:** Town of Philipstown Planning Board  
**From:** AKRF, Inc.  
**Date:** June 1, 2022  
**Re:** Hudson Highlands Reserve Conservation Subdivision  
SEQRA Findings Statement – Revised to Address 5/19/22 Planning Board Comments  
**cc:** Ron Gainer, Stephen Gaba, Cheryl Rockett, HHR Applicant Team

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The purpose of this memorandum is to summarize for the Planning Board the revisions that have been made to the May 11, 2022 draft of the SEQRA Findings Statement for the Hudson Highlands Reserve Conservation Subdivision. The May 11, 2022 draft was reviewed during the May 19, 2022 Planning Board meeting, where several board members offered comments. These comments, organized by board member, are summarized/paraphrased below. Revisions made to address each comment include references to specific pages and paragraphs of the revised Findings Statement, which has been transmitted via email to the Planning Board as a redlined Word file (dated June 1, 2022) accompanying this memorandum.

In addition, summarized below the Planning Board's comments are additional revisions made to the document following further review of the commitments being made by the Project Sponsor (through the HOA) as noted in the DEIS and FEIS.

### **SUMMARY OF REVISIONS IN RESPONSE TO PLANNING BOARD COMMENTS 5/19/22**

#### *DENNIS GAGNON COMMENTS*

1. 7th paragraph under the “Wildlife” subheading (page 18 in the 6/1/22 revision):  
A question was raised regarding the how the “medium” and “high” conservation values were determined for 78 percent of the Project Site. This paragraph has been revised to clarify that the “low”, “medium”, and “high” conservation values were previously determined through the Conservation Analysis Findings adopted by the Planning Board.
2. 4th paragraph under “Community Character” heading (page 20 in the 6/1/22 revision):  
Original use of the word “removal” is preferred over “closure” when referring to the driveway that will no longer be needed. This change has been made as requested. It should also be noted that the DEIS used the word “removal.”
3. 6th paragraph under “Community Character” heading (top of page 21 in 6/1/22 revision):

Language was revised to indicate that the area of the Project Site visible from Fahnestock State Park consists of the portion closest to East Mountain Road South, which is proposed for conservation and not development.

*KIM CONNER COMMENTS*

4. 7th paragraph under “Location and Description of the Proposed Project” (bottom of page 4 in 6/1/22 revision):

The description of Site’s existing dirt roads in this paragraph has been revised to clarify emergency access plans and the fact that most of the historic dirt road through the site will be in the Conservation Easement area.

5. 10th paragraph under “Location and Description of the Proposed Project” (bottom of page 5 in 6/1/22 revision):

The phrase “are critical” has been replaced with “is critical” when describing the purpose of the 140-foot buffer proposed around Ulmar Pond.

6. 11th paragraph under “Location and Description of the Proposed Project” (top of page 6 in 6/1/22 revision):

The question was raised regarding why the Aquifer Overlay Special Permit is identified and who grants it. In consultation with the Town Engineer and the Project Sponsor, it was subsequently determined that this special permit no longer applies to the Proposed Project due to the removal of the Equestrian Center and associated storage of manure. The language regarding this action originated from the DEIS when the Equestrian Center was proposed. All references to the Aquifer Overlay Special Permit have been removed from the Findings Statement.

7. 1st paragraph following the DEIS/FEIS comparison table (bottom of page 7 in the 6/1/22 revision):

The sentence containing the phrase “...the Proposed Project would be phased in the following manner” has been revised to read “...the Proposed Project would be phased as summarized in the bulleted list below.”

8. 2nd paragraph following the bulleted phasing description (middle of page 8 in the 6/1/22 revision):

Language was revised to reflect the Project Sponsor’s expectations for the new homes (total floor area and height), and clarification that the HOA is not above the Town Building Department approval process for new home construction in the Town, and site plan review through the Planning Board for footprints over 3,000 sf is required by the Town Code.

9. 4th paragraph under “Stormwater” subheading (page 10 in 6/1/22 revision):

The 2nd sentence in this paragraph was revised to clarify the Town Engineer’s role in reviewing the SWPPP on behalf of the Planning Board during site plan/subdivision review. In this same paragraph, reference to the 1-year storm remains intact per the recommendation of the Town Engineer.

10. 2nd bullet point in the list of additional measures to address Ulmar Pond through the HOA (bottom of page 12 in the 6/1/22 revision):

This bullet point was expanded further to provide specific examples of guidelines taken from the draft HOA Bylaws.

*NEAL ZUCKERMAN COMMENTS*

11. 8th paragraph under “Location and Description of the Proposed Project” (middle of page 5 in the 6/1/22 revision):

Language has been added to describe what happens if a holder for the Conservation Easement is not identified, and the Planning Board's role.

12. 11th paragraph under "Location and Description of the Proposed Project" (top of page 6 in 6/1/22 revision):

Language has been added to describe how a Town Board denial of the requested zoning change from M to RR would affect the Proposed Project (two fewer lots). This same language was added as a footnote to the DEIS/FEIS comparison table on page 7, and the 3rd paragraph under "Land Use and Zoning" subheading (see page 19).

13. 3rd paragraph under "Ulmar Pond" subheading (top of page 12 in 6/1/22 revision):

This paragraph has been revised/reorganized to explain that while a 140-foot buffer is proposed between the pond and residential property lines, the closest home would be 171 feet away from the pond. The remaining references to the 140-foot pond buffer within the document are left unchanged.

14. 4th paragraph under "Ulmar Pond" subheading (middle of page 12 in the 6/1/22 revision):

Related to the monitoring of Ulmar Pond during construction, a sentence was added to the end of this paragraph to clarify that the Planning Board can define the specific protocol to be followed for such monitoring and make such protocol a condition of any approval. This same language was added to the discussion of Clove Creek monitoring (see page 14).

15. 2nd paragraph under "Floodplains" subheading (bottom of page 14 in the 6/1/22 revision):

Language has been added to the discussion of the Floodplain Development Permit, specifically that it is issued by the Town's Building Department following any approval for a site plan and/or subdivision that involves the 100-year floodplain, and that the project cannot move forward without issuance of this permit. It should be noted that the DEIS/FEIS comparison table on page 7 was also revised to note that the Floodplain Development Permit is necessary for the portion of the Project Site involving the 100-year floodplain.

16. 3rd paragraph under "Groundwater Resources" subheading (middle of page 15 in the 6/1/22 revision):

Language has been added to clarify that the use of pesticides and herbicides will be prohibited by the HOA, "unless the holder of the Conservation Easement otherwise expressly consents prior to use, and unless such use is legal and in accordance with all applicable laws, rules, and regulations, and the manufacturer's directions." Similar language added to other places in the document where pesticide/herbicide use and the HOA are mentioned.

#### **SUMMARY OF ADDITIONAL REVISIONS**

17. One of the bulleted points on various commitments being made by the Project Sponsor through the HOA has been revised as follows (see top of page 9 of the 6/1/22 revision):

- a. The use of pervious designs for driveways and parking pads will be encouraged;

18. Language has been added under the "Stormwater" subheading (see bottom of page 9 of the 6/1/22 revision) clarifying that while the drafts of the Bylaws for the HOA included in the DEIS encourage the use of pervious designs for driveways and parking pads, the stormwater calculations and analyses contained in the DEIS and FEIS assumed that all new structures, driveways, and parking pads would be impervious.