



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

Memorandum

To: Town of Philipstown Planning Board

From: AKRF, Inc.

Date: July 6, 2022

Re: Hudson Valley Shakespeare Festival
Summary of Potential Environmental Impacts Identified by Planning Board Members in Support of Positive Declaration

cc: Ron Gainer, Stephen Gaba, Cheryl Rockett, HVSF Applicant Team

On June 16, 2022, the Town of Philipstown Planning Board directed AKRF to prepare a Positive Declaration pursuant to the State Environmental Quality Review Act (SEQRA) for the proposed Hudson Valley Shakespeare Festival (HVSF) project at The Garrison. The Positive Declaration, which the board wishes to formally adopt at a future meeting, will indicate that the Planning Board has determined, based upon its review of the Full Environmental Assessment Form (EAF), that the proposed HVSF project has the potential for one or more significant adverse environmental impacts as listed in Part 617.7(c) of Title 6 NYCRR (the Statewide regulations pertaining to SEQRA) and that a Draft Environmental Impact Statement (DEIS) must be prepared by the Applicant.

A draft Positive Declaration has been prepared by AKRF and accompanies this memorandum. The purpose of this memorandum is to summarize the issues and concerns raised verbally by the Planning Board at the June 16, 2022 meeting. The issues and concerns are organized by the content of the Applicant's EAF (topics A through O). Each topic was introduced by the Planning Board Chairman, at which point the Planning Board was asked to comment. Members of the Planning Board then offered commentary as to why certain topics and areas of study have the potential to result in significant adverse impacts. It should be noted that all comments offered by the Planning Board are summarized/paraphrased in this memorandum rather than directly quoted. The information summarized in this memorandum was utilized by AKRF to prepare the draft Positive Declaration, and must be utilized by the Applicant during preparation of a DEIS scoping document to ensure all concerns raised are adequately studied in the DEIS. The Planning Board and their consultants will have the opportunity to review and comment on all methodologies proposed by the Applicant in the forthcoming DEIS scoping document.

Furthermore, in accordance with SEQRA guidance, for the areas below that include the statement "No comments were offered by the Planning Board," it can be assumed that the Positive Declaration will not need to identify said area as one that has the potential to result in significant adverse environmental impacts. Therefore, the analysis completed in the EAF for those particular areas have been deemed sufficient, and they should be excluded from the scope of the DEIS.

ENVIRONMENTAL TOPICS AND PLANNING BOARD ISSUES / CONCERNS WARRANTING ADOPTION OF A POSITIVE DECLARATION

A. LAND USE, ZONING, AND LAYOUT

No comments were offered by the Planning Board.

B. GEOLOGY AND SOILS

No comments were offered by the Planning Board.

C. TOPOGRAPHY AND SLOPES

No comments were offered by the Planning Board.

D. VEGETATION AND WILDLIFE

HEIDI WENDEL

- Based on review of the EAF and public comments, one issue that has not been explored sufficiently is the impact of noise, traffic, lighting and large numbers of attendees on nocturnal wildlife. There should be more study on this issue, perhaps utilizing nighttime wildlife cameras.

E. WETLANDS AND WATERCOURSES

DENNIS GAGNON

- Based on the possibility of lowering the irrigation pond by 4 feet in lieu of doing proper repairs to the adjacent dam, there are concerns about impacts to wildlife and vegetation around that pond.

NEAL ZUCKERMAN

- The access and bridge from Snake Hill Road was proposed late in the design compared to other uses, is an unnecessary component of the project.
- The bridge will be constructed within the wetland buffer, and will disturb 11 percent of that buffer.
- That this new structure, which would have large concrete piers on each side and multiple intermediate piers stuck into the wetlands, would go up while we have a failing bridge directly to the east and holding back a large volume of water, seems to be misguided.
- There are alternatives to consider such as repairing the existing Snake Hill Road entrance over the dam to support the project's traffic, or only utilizing Route 9 for access.
- The magnitude of the proposed bridge could be avoided and would be irreversible. Therefore, it is potentially significant and adverse.

F. STORMWATER MANAGEMENT

No comments were offered by the Planning Board.

G. UTILITIES (WATER, SEWER, AND ENERGY)

HEIDI WENDEL

- Concern raised about drawdown of water for neighboring off-site wells as a result of the project's demand for potable water. Further study is needed to make sure neighboring wells will not run dry.

LAURA O'CONNELL

- As part of project the Applicant proposes to decommission one existing well and add two new wells. The Garrison Golf Club Planned Development District (PPD) was reviewed in 2005 and there has been a lot of development in this area since that time.

- Flow tests completed around the time of the 2005 PDD review allowed for two additional wells, but the community has cited there have well drawdown issues without the PDD fully built, and the Applicant proposes to tap into the aquifer further.
- More study is needed to find out if projected demand and flows will result in greater impacts.

DENNIS GAGNON

- Concerns raised about increases in sanitary wastewater and the 6,000,000 BTUs of annual energy estimated by the Applicant.
- Regarding the estimated energy demand, there should be a comparison of 6,000,000 BTUs to the site's current demand.

NEAL ZUCKERMAN

- The EAF included calculations of recharge rates and budgets, and was not an actual physical study of water.
- The water supply for the irrigation of the golf course activity (which will stop) is irrelevant to the water budget since the pond, fed by a surface stream, supplies that water.
- There will be a significant increase in the water that will be taken from the aquifer. Specifically, there will be a 51 percent increase in consumption (from 9,820 gpd to 14,814 gpd).
- The reasoning behind the reduction (halving) of the banquet hall water demand from the 2005 analysis, which reduces the banquet hall demand from 4,000 gpd to 2,000 gpd, is unclear. If the same rates from 2005 were used, the demand from the project would be 16,814 gpd, which is a 71 percent increase. In either case (51 percent or 71 percent) this is still a large increase.
- In 1999, it was clear that nearby residents experienced failure of wells. Direct quote: "Several wells showed 'influence' as the irrigation wells were pumped." The last time an "off-site" well was investigated was 2006. There was apparently a seven year period of monitoring that ceased in 2006.
- The Applicant proposes to decommission one existing, functioning well and add two new wells (1 net new well) while increasing water consumption (to 51 percent or 71 percent).
- Water usage will come at punctuated moments. The project will involve a lot of people coming to the site at a specific period of time, so there will not be a constant drawdown.
- The Philipstown community is deeply embedded in the climate movement, and many would agree that the environment has changed in the years since the 1999 incident was identified.
- Collectively, the projected increased volume of water is material, the data cited by the Applicant is historic and non-specific to the site, and there is a need for greater diligence.

H. TRAFFIC, TRANSPORTATION, AND PARKING

HEIDI WENDEL

- The project will result in a significant increase in traffic and the mitigation proposed up to this point is insufficient.
- 387 vehicles moving through the site is a lot of cars, and it will impact the neighbors.
- The new access proposed from Snake Hill is a traffic concern, especially if uncontrolled/unstaggered.

LAURA O'CONNELL

- The anticipated delay times cited in the traffic study may not be accurate. When Route 9 traffic gets backed up currently (without the project), you are there for more than 10 seconds.

- Concerns raised about motorists rerouting themselves onto other roads that are not currently subject to increased volumes.
- The proposed bridge from Snake Hill Road is designed for two-way traffic, and the width of the entrance is a “pinch point.” There will be backups, particularly turning left out of the site onto Snake Hill Road.
- There is the possibility that the width of the Snake Hill Road entrance could be doubled during design refinement which will double the impact of the bridge itself - the proposed footings are already large.

DENNIS GAGNON

- Compared to current conditions, the projected traffic will be much higher.
- Regarding access from Snake Hill Road, the Applicant has stated the existing access over the dam cannot be utilized due to sight distance concerns, but there have been no sight distance incidents historically.

NEAL TOMANN

- The earliest plans presented used the existing Snake Hill Road access, proposed to repair the dam, and proposed to improve the sight lines. That plan was abandoned for new access/bridge which is now causing a lot of concern.
- Agreed with colleagues that the logic behind abandoning the existing access is missing. Previous comments on this issue did not make an impression on the Applicant.

PETER LEWIS

- Expressed concern about speeds of cars approaching the traffic signal proposed at Route 9/Snake Hill Road/Travis Corners Road. A warning sign alerting drivers when the signal is red is recommended and should be easy to do.

NEAL ZUCKERMAN

- Two criteria from the SEQRA regulations on determining significance (617.7) are relevant:
 - 617.7(c)(1)(i): A substantial adverse change in existing traffic levels; and
 - 617.7(c)(1)(ix): The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.
- It is clear that several hundred new attendees to the area, arriving at nearly the same time, and leaving often at the same time, for days in a row, for a number of months at length, is a large change.
- It is clear that the number of cars, coming to this specific location/site, and not just Philipstown, is significant and adverse.
- The argument that these cars are already here in the Town due to Boscobel performances is unpersuasive. The analysis of existing conditions that was presented takes the PDD numbers and adds the traffic from Boscobel to come up with a comparative number. This is not an appropriate comparison because that is happening at a different location.
- When looking at the Saturday night numbers, the new model is 330 trips for the evening event hour. When you take the existing and subtract out the Boscobel numbers, its 82 in the existing and 102 in the PPD, which is an increase of 223 to 300 percent. In the Saturday midday it is less - 184 trips vs. 93 in the existing and 63 in the PDD which is an increase of 100 to 190 percent.
- The projected activity is highly punctuated, voluminous, and late at night in a rural neighborhood.

- The proposed programming, as currently envisioned, inclusive of a restaurant and wedding venue, makes traffic an adverse impact.

I. VISUAL RESOURCES AND COMMUNITY CHARACTER

DENNIS GAGNON

- Concerns about the proposed location of the theater tent were raised repeatedly by the public.

PETER LEWIS

- There is currently not a clear understanding with the Applicant about where and how the community will get access to the site for walking and other recreational purposes (outside of performances).

NEAL ZUCKERMAN

- The Applicant has stated that the view from the tent towards points across the Hudson River is a meaningful part of the HVSF brand. The brand of Philipstown also warrants protection. Alternatives should be considered to achieve this balance.
- The public comments received on the siting of the tent, and goals of the 2030 Comprehensive Plan (Goal 1 - sustain rural character and Goal 2 – protect elements including ridgelines) are meaningful.
- Raised concerns about the quality of the visual simulations and renderings of the tent in the EAF, which show that you cannot see the tent at all even if zoomed in very close. Questions if these are sufficient to let the board feel comfortable that the proposed location is appropriate and not impactful.
- The proposed bridge from Snake Hill Road was introduced late in the design, after the EAF Part II was evaluated. The bridge will have large concrete pillars 26 feet tall at the western end, in an area that is a relatively open.
- The proposed bridge is inconsistent with the existing natural landscape and predominate architectural scale and character of the area (see questions 18e and 18f of EAF Part II). If bridge was evaluated when going through the Part II, would have advocated for both 18e and 18f of Part II being checked “moderate to large impact.”
- The bridge is out of keeping with community character, will impact the immediate neighbors, and is not reversible.

J. NOISE AND LIGHTING

LAURA O'CONNELL

- The Applicant's noise study assumes unamplified or lightly amplified sound from tent. However, it does not take into consideration the impacts from amplified, non-Shakespeare performances at the tent.
- Amplified sound was assumed for the indoor wedding venue only, which seems unrealistic and not fully assessed because there will be open windows and access to the outdoors.
- Weather pattern, vibration, and topography have to be considered in noise studies, and it is unclear if these factors were included in what was submitted.

HEIDI WENDEL

- Concerns raised about traffic are tied to increases in associated noise and light generated by arriving/departing vehicles.
- Testimony from the public indicated it can be noisy when there are weddings on the site currently.
- Golf courses are quiet at night, and with this project the site will be louder at night and could affect nocturnal wildlife, which is potentially significant.

NEAL ZUCKERMAN

- If successful, this site could possibly accommodate other noise producing performances, ownership could change hands, etc.
- The noise study does not consider what would happen if something else besides Shakespeare plays uses the tent. Noise levels were only for unamplified/lightly amplified drama.
- The zoning text change would allow “outdoor theater” use, but the zoning text is not specific to the programming of said theater. This warrants further study.

KIM CONNER

- Agrees with the Chairman – outdoor/amplified music events at the tent may be pursued in the future, and are currently not prohibited by the proposed zoning text.

NEAL TOMANN

- Agrees with colleagues - the theater tent will be a temptation for uses other than plays (ex: weddings, concerts, etc) and this source of noise should be studied.

K. CULTURAL RESOURCES

No comments were offered by the Planning Board.

L. OPEN SPACE AND RECREATION

No comments were offered by the Planning Board.

M. CONSTRUCTION

No comments were offered by the Planning Board.

N. COMMUNITY SERVICES AND ECONOMY

No comments were offered by the Planning Board.

O. HUMAN HEALTH AND SITE ASSESSMENT*HEIDI WENDEL*

- Concerns raised about exposing soil contamination (pesticides, heavy metals) on some of the greens during construction.
- Disturbance of contaminated soils could contaminate the stream and wetlands on the site. It is better to contain contaminants in place.