

TOWN OF PHILIPSTOWN PLANNING BOARD
Regular Meeting
Phillipstown Town Hall, 238 Main St., Cold Spring, NY 10516
September 15th, 2022

The Planning Board held their regular monthly meeting on Thursday, September 15th, 2022.

Present:

Neal Zuckerman (Chair)
Kim Conner
Dennis Gagnon
Peter Lewis
Neal Tomann
Heidi Wendel
Steve Gaba, Town Counsel
Ronald J. Gainer, PE, Town Engineer

Absent:

Laura O'Connell

Please note that these minutes were abstracted in summary from the meeting and a taped recording. Ms. Rockett took the roll call.

Approval of Minutes

Chair Zuckerman asked for a motion to approve the minutes for the June meeting. Mr. Lewis made the motion; Mr. Tomann seconded the motion. The vote went as follows:

Chair Zuckerman:	Aye
Kim Conner:	Aye
Dennis Gagnon:	Aye
Peter Lewis:	Aye
Neal Tomann:	Aye
Heidi Wendel:	Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the motion passes.

Chair Zuckerman asked for a motion to approve the minutes for the July meeting. Mr. Lewis made the motion; Mr. Tomann seconded the motion. The vote went as follows:

Chair Zuckerman:	Aye
Kim Conner:	Abstain
Dennis Gagnon:	Aye
Peter Lewis:	Aye
Neal Tomann:	Aye
Heidi Wendel:	Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the motion passes.

Correspondence

Ms. Rockett read the correspondence from Insite Engineering.

Regarding 3622 Route 9, Cold Spring, NY.

Dear Chairman Zuckerman and members of the Board:

Please find the following enclosure in support of the above reference project:

Letter from the NYSDOT dated August 9, 2022.

The board may recall the project at 3622 Route 9 which was given conditional site plan and special use approval on October 21st 2021. Per item seven of the resolution the outstanding conditions were the following:

- A. Payment of all outstanding fees.*
- B. Receipt of a NYSDOT Highway Work Permit for the entrance work proposed.*

Per the Town Supervisor's office all fees are up to date, which addresses A above. Regarding B the NYSDOT has a new three-phase approval system - conceptual approval, design approval and issuance of permit. The project has received the enclosed letter indicating the NYS's DOT design approval for the entrance design which means that the NYSDOT does not have any more technical comments on the design and is ready to issue the permit. The only remaining step prior to issuance of the actual permit is to provide the clerical information to the NYSDOT regarding the contractor and their insurance coverage. At this time the applicant is not prepared to move forward with construction as a potential buyer of the property is preparing an application for amended site plan that will be before the board within the next month or two.

The original applicant and current owner wishes to have the site plan signed to preserve their approval in the event the potential purchase does not go through. The applicant is requesting the design approval letter provided by the NYSDOT be sufficient to satisfy this condition and that the site plans be signed prior to the October 21st expiration.

Should you have any questions or comments please feel free to contact our office. Insite Engineering John M. Watson PE.

Mr. Gainer stated that the approval resolution has a very typical condition of approval that requires receipt of the DOT highway work permit for the entrance work proposed. That's typically what the board does for any project along the Route 9 corridor. In this instance, the town is aware and as the applicant describes there will be another application filed on the same property shortly. The owner is negotiating with another applicant to modify the approved site plan to address the new applicant's requirements for the site. So, in this instance they're asking that in lieu of receipt of the DOT permit, that Planning Board accept the DOT approval letter that acknowledges that a permit will be issued based on the proposed entrance design. The Board should really have no objection to that, recognizing that there'll be an impending application to modify this approval anyway. However, since the Planning Board did adopt a formal resolution on the original project, they would have to amend their resolution and if they wish he could modify that and submit an amended resolution for formal action at the October meeting.

Mr. Gaba stated that Mr. Gainer is absolutely correct. He thinks they could probably just adopt a resolution waiving that condition and putting instead the DOT approval letter that they're talking about but it's just as clean to do an amended resolution the way Mr. Gainer says.

Chair Zuckerman asked the board if they have any opinions.

Ms. Conner asked if there is a big-time difference between an amended resolution and merely waiving the condition.

Mr. Gaba replied no, it's just instead of having a resolution saying we amend the prior resolution to change the condition from saying they have to have DOT approval, he'd just redo the whole resolution and the board would re-adopt it.

Chair Zuckerman stated let's just do that for the next meeting please since they're selling it anyway. It sounds like it's not a time-pressured issue.

Mr. Gaba stated that what they want to do is have Mr. Gainer prepare it for the next meeting and then adopt it. Just direct Mr. Gainer to prepare the resolution for the next meeting.

Ms. Conner made the motion to direct Mr. Gainer to draft an amended resolution; Mr. Gagnon seconded the motion. The vote went as follows:

Chair Zuckerman:	Aye
Kim Conner:	Aye
Dennis Gagnon:	Aye
Peter Lewis:	Aye
Neal Tomann:	Aye
Heidi Wendel:	Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the motion passes.

Kingsley Tree & Landscaping, Old Albany Post Rd., Cold Spring NY 10516 TM#17.-1-72.2

Chair Zuckerman stated that they're going to conduct the public hearing, which he assumes most of the audience here is prepared to participate in that to some extent.

Ms. Rockett read the public hearing notice.

The Planning Board of the Town of Phillipstown, New York will hold a public hearing on Thursday, September 15th, 2022 starting at 7:30 p.m. at the Phillipstown Town Hall, 238 Main St. Cold Spring, NY to consider the following application:

Kingsley Tree & Landscaping, Old Albany Post Rd., Cold Spring NY TM#17.-1-72.2

Major Project: The applicant proposes to construct a new 3200 square feet (80' x 40') 2-story "mixed use" structure, with the first floor comprising of a 4-bay garage and two 2-bedroom apartments above. Site improvements will include a new well and SSTS. The garage will be utilized for office of their Tree & Landscape businesses.

Jason Snyder with Badey and Watson stated that he's representing the applicants Ian Kingsley and Forrest Kingsley. They have a four-and-a-half-acre parcel in the town's office-commercial-industrial-mixed use zoning district. It's largely undeveloped, heavily wooded. It's just north of the Countryside Motel. It's on Old Albany Post Road north just across from Mountain Brook Drive. It also has frontage along Route 9. It's bisected by Clove Creek and there's wetlands in the central portion, so the development is all on the west side of Clove Creek and on the east side of Old Albany Post Road. They have a 3200 square foot mixed use structure proposed. A four-bay garage on the ground floor which will be used for two separate service-based businesses owned by the owners of the property, with two two-bedroom apartments on the on the second floor. They have three parking spaces for the two apartments and six proposed parking spaces for the businesses. They have Board of Health approval for the septic system and approved well and that's about it. There are no stormwater permits required, there's no wetland permits required. They do have some stormwater proposed for infiltration of the water quality volume.

Chair Zuckerman asked for any board members questions and then they'll go to the public.

Mr. Tomann stated that they talked last time about changing the roof line. He just wanted to acknowledge that this is the second iteration of this set of drawings. The applicant has made the adjustments that the board asked.

Mr. Snyder stated that they modified the roof line and it actually decreased the overall height of the structure by two and a half, three feet with the gable in the front.

Mr. Tomann replied the idea was to make it less imposing as they're coming down.

Ms. Conner stated that she has a couple of questions on the EAF. On page 5, d2d it says *will the proposed action generate liquid waste*, and although there's something marked below it's not marked yes or no there. She assumes the answer to that is yes.

Mr. Snyder replied yes, they will check that box yes.

Ms. Conner stated check it yes that's what she assumed. Then page 11 e2i, down at the bottom it says, *is the project site in a designated floodway in a 500-year floodplain?* and she would like to ask Mr. Gainer do they have any obligation to restrict building in a designated floodway?

Mr. Gainer stated that matter actually comes before the Building Department at the time building permit applications are filed. They have a flood damage protection law that must be addressed and it's done at the building permit stage.

Ms. Conner stated okay, so that's just between the applicant and their insurance company.

Mr. Gainer stated that here it's checked just to acknowledge whether there's a matter that has to be addressed.

Mr. Snyder stated that they do have the 100-foot floodplain boundary delineated on the map. He then asked if she wants clarification that they're not developing in that.

Ms. Conner stated yes if the whole project were in a designated floodway, but she's just understanding who's in charge of worrying about that procedurally.

Mr. Gainer stated that the issue comes about when you answer the EAF, as the question relates to the entire property. So, they're acknowledging that the property's encumbered by it. However, the area of the proposed development will not be.

Ms. Conner stated that on page 12 they identify that they're Long-Eared Bats and Timber Rattlers. What's their obligation related to Rattlers and Bats, it's no tree clearing?

Mr. Gainer replied that there's specific DEC limitations and guidelines that apply, and through previous technical correspondence that he's had with the board and the applicant they've now identified those guidelines on the site plan drawings that are here for the public hearing tonight. They've submitted revised plans; they've submitted the revised EAF that was requested and they've also submitted the revised architectural plans that were discussed by Mr. Tomann earlier.

Mr. Snyder stated that the clearing will be restricted to the time period after November 1st to the end of March. It's the same time period for the rattlesnakes but for ground disturbance. So, basically the site will have to be developed in the wintertime or during the fall and in spring.

Ms. Conner stated that the last thing is on the site improvement layout plan drawing. She's curious why there doesn't have to be any preparation for the reserve septic.

Mr. Snyder stated that there's no fill required. They got full depth test holes. There's no there's no fill required for either the primary or the reserve, so they don't need to prep the area.

Mr. Lewis asked if Mr. Snyder if he can tell him about the depth of the tree buffer between the Old Albany Post Road and the parking.

Mr. Snyder stated it's about a 25-foot strip. They tried to maintain as much of a buffer as they could. It isn't in the SPO. In the SPO they have that 50-foot required buffer, but here they just did as much as they could here.

Chair Zuckerman stated that they are going to go to the public now. Just a couple ground rules. They can talk for as long as they want but please stay on topic. Be mindful that the board received a letter and they have all read the letter, so there's no need to re-read it. He promises they have read it. They promise they will listen so let's be on point and absolutely no ad hominem attacks, meaning uncalled for unnecessary attacks. He's assuming everyone's going to be kind and above board as we're all neighborly. He asked the members of the public to please come up, state their name, where they live and tell their point of view on this project.

Dennis Maldonado - I've been a resident here for 22 years, property owner for about 25 years. I live at 5 Mountain Brook Drive, Cold Spring, New York. First time I ever attended one of these, so please be patient with me. I don't have a problem with this. I met one of the Kingsley boys and he's a gentleman and I understand that they want to expand on their business, which is great. The only problem that myself and many of my neighbors have is this driveway. The driveway being on the corner here. We have a bus stop that stops here four times a day and if the kid goes to a different district, like we had a neighbor that did, it's six times a day. Now I've been driving all my life, I'm a retired New York City detective. Four-way intersections are atrocious. Look at what's happening now by the gas station and Fishkill Road how many accidents we're having there. This summer when they closed down part of Route 9 this was like a highway. I must have gotten into almost four or five accidents; we couldn't walk down the street anymore because people were zooming by. Thank God the Sheriff's Department would put a car there every now and then back and forth stopping people and issuing summonses. But it's a dangerous situation. Now we're going to have a commercial/residence there, which is fine. The only thing is that now we're going to have trucks coming in and out of that intersection, employees coming in, residents whoever you know is going to live there, customers whatever the situation is you know we're going to have coming in and out. I've driven times that I make a right turn I'm not really paying attention I get close to an accident. Now if one of these trucks pulling a chipper or something happens to make a right turn, and it could happen anybody, you make a right turn and there's a kid on the skateboard there, God forbid we should lose one of our children and I mean ours like all of ours because I know this town it was very tight. We lose one of our children because we put a driveway, make a four-way intersection out of a three-way intersection. So, what we're proposing is if we can move this right, I know you guys had a plan prior to this I believe it was the May plan where the parking was this way coming out this way and you know that would be great if you got to keep this one if you could move that driveway just about 250 feet down. I stood there have a line of view on both sides of Mountain Brook Drive its way back here there's a mountain there that will buffer the noise of the trucks coming in and out. This is a community where everybody built their homes. It's a beautiful peaceful community. I just think that it's a shame that we're going to destroy it with just having commercial trucks at the entrance of that community. If you could just you know help us out just move the driveway down about 250 feet you know you get great line of sight on both sides of the road and I don't think it's much to ask. That's all I got to say and by the way that's all my community there. I've got copies of the petition.

Chair Zuckerman stated that they have copies in front of them already.

Rebecca Maldonado- We're proud owners of 5 Mountain Brook Drive and our house is caddy corner to this intersection that they're planning to build this new driveway. I just wanted to say when we first found out my first reaction that they were going to build there I was thrilled a new residential home, a new family. Then I was very concerned when I found out it was a mixed used building that was going out. Then I became extremely concerned when I found out the driveway was here. So, we're pleading please reconsider to put this driveway away from this

purely residential drive. This is a cul-de-sac dead end and all the houses there are residential. There's no commercial business on this road, so as me personally owner of this property, please reconsider and I'm also speaking on behalf of this petition which was a consensus of all the neighbors on both roads and these were the ideas we listed, ideas of what we would be happy with, but please I think it's not unreasonable to request for this driveway to be moved from this intersection and creating a four-way intersection at this point. Thank you, thank you very much.

Juan Carlos Salcedo- I am a resident of Phillipstown for a little bit over 40 years and I live right on Old Albany Post Road. First of all, I'm pretty excited that a new generation of citizens of Phillipstown has decided to keep their business here and to live in the community. That is very hard to do. Most of us had to leave here, couldn't afford it, had to go and work in the city or work somewhere else. So that is that that is worth a lot of consideration in my view. I also have some concerns about the safety because I don't think that's an ideal place and if that can be modified, I think will make everybody happy, my neighbors and everybody else, and thirdly, I don't want to take any more of your valuable time. I thank you all for the hard work you do. In years past I used to follow this committee quite a bit and there's a lot of reading a lot of packages, so I won't take any more of your time. Thank you very much for what you do and thank you for all of us all of you to come to this meeting. It's important to have community involvement in all those issues.

John Dwyer- I'm just to reiterate what everybody's saying, thanks for listening. Again, yes, my kids are mainly getting on the bus here so, for me, I know how the bus comes up and down there sometimes, and they sometimes come the opposite way depending on coming in. So, they'll be turning actually right there as well. So, yeah, if you can consider moving this to this side as Dennis said, there is plenty of clearance currently for the current business like they are turning in and out after that turn, which is a lot more dangerous than turning in and out if they're further up this road on this side. So, if you can really consider moving this for the safety of my kids and the neighbors because we have an excellent neighborhood here. Thank you.

Roderick Farmer- I'd like to say that I'm very happy that the Kingsley's have bought this property because they're really good people and they are going to respect the environment. The buffer is going to be adequate because it's going to protect them as much as it's going to protect the rest of us. I do agree that the driveway should be moved because that's also a bus stop for the children and that's all I have to say, good luck.

Francis Ellis- I've lived in this community off and on for over 50 years and I support this project. I think it's good, it's going to improve that lot which has been vacant ever since I've been around and add to the tax base. The only thing I could say about changing the driveway is that every iteration and this is at least the fourth iteration, takes up time, takes up money, adds to the cost of the project and one of the reasons that it is so hard to remain in the community is that the scrutiny of new projects is just comprehensive. So, if this can be done in a relatively inexpensive way then I am for it.

Craig Muraszewski- I live at 60 Old Albany Post Road, this is me here. All of this this land was vacant because I sold it. So, this land was part of this home since 1780. So, that's why it's been so dormant. The Kingsley's are absolutely wonderful people. They are so respectful of everything. There are a few points that just got missed in this. The school bus does a three-point turn here which could cause a problem for trucks coming and going, A; people having visual of where children are the school buses and cars coming and going the part that I'm concerned about for Mr. Dennis and his family is that this is his home right here. As you can see, it is dark outside now and in a few more weeks it will be dark at four o'clock as we all know, and all of these headlights will be going directly into his house all day going in and in and in and his house faces directly to this driveway here. I know you may have missed that but when I pulled out of my driveway this evening, stopped and looked at this, I thought I wonder if Dennis thought about how many headlights will be going right into his house. What you have here in this green is an

enormous rock barrier. These trucks leaving here will actually affect nobody at all. This is where I raise livestock and play with my dog. I will have all of these trucks as well all of these headlights coming into my property. If this was moved as it's saying this, may I don't know but this may actually be a less expensive amount of asphalt to put it actually may be cheaper for them. I don't know but this might be less expensive. I am just like my neighbors, concerned about all of these points. I don't want to say this but I must in the goodness of my heart. I know there is a family of bobcats living back here. I see them every morning, there's also an enormous family of turkeys who live here because the turkeys look at my chickens and my chickens look at the turkeys every day. Yes, this community right here is stuck between a residential and a commercial zoned area and we are asking you, if you haven't realized, we are pleading with you to move this driveway to help us remain somewhat of a residential community in the midst of businesses. Thank you.

Vivian Berry- I live at 107 Old Albany Post Road North, at the north end of the road. This is an exceptional community. We all came together many years ago when there's there was a construction company that wanted to go in across the street from me and we all kind of got together and said, wait a minute is this the best thing that could happen to this property, and we were successful in that we got the company to petition the state to get a cut in on Route 9 instead of a cut in on Old Albany Post Road North. That was, I don't know how many years ago, almost 20 maybe at this point and since then the company has certainly grown. There's a lot of activity that's happening on that property right across from my house, sometimes 5:30, 6 o'clock in the morning on Saturdays, Sundays I hear machinery running. So, I started thinking about this project that the Kingsley's want to do and I think we have to plan for not just today and tomorrow but for 20 years, 30 years. What is this community really going to look like and luckily 20 years ago when we got the cut in into Route 9 approved our neighborhood and our area was saved from all that extra traffic that would have been coming through all this time. So, in a way that helps the Kingsley's get their project going because we have less traffic on the road because of what we did so many years ago. But also, it's something for you to think about in terms of let's really think smartly about how we have this industrial corridor going up Route 9 and how we can service new businesses and residents when they're coming together like this. I totally trust the Kingsley's. I knew their mom Rita. Joe Riehl raised two wonderful boys. She was totally of the earth. She didn't believe in landscaping. She believed in gardening and working with the land and I know she instilled those values in her two boys and I know they'll carry that through and they will respect the land and they are probably going to be the best stewards of that property we could ever imagine to have. So, I support the process and a new business. But I also want to think ahead and think about can we as a community continue to live in a beautiful place with the Fishkill Range and Scofield Ridge. I mean it's stunning. I go away and I come back and I'm always grateful that I live here. So, can we strike some sort of balance where industry and residents can live in harmony and we can support one another and be safe, thank you.

Chair Zuckerman asked for a motion to close the public hearing.

Mr. Tomann made the motion; Mr. Gagnon seconded the motion. The vote went as follows:

Chair Zuckerman:	Aye
Kim Conner:	Aye
Dennis Gagnon:	Aye
Peter Lewis:	Aye
Neal Tomann:	Aye
Heidi Wendel:	Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the motion passes. The public hearing was closed.

Mr. Gainer stated that they've heard many members of the public raise concern over the location of the driveway. It's obviously a town road. Recognizing the concerns of the community, he's wondering if the board wishes to

make any referral to the Town Highway Superintendent who may wish to offer an opinion in terms of his recommendation as to where the driveway access should be placed along the town roadway.

Ms. Wendel asked what would the Highway Superintendent do? She added that in the time she's been on the board she's never heard them offer any helpful opinions. She thinks they should consider it themselves.

Mr. Gaba stated that the point of referring it to him would be to find out if he feels that lower access is more suitable for this development than the upper access as proposed now. The board might want to inquire of the applicant if he's willing to move the access and that would obviate the issue altogether. If he's not, then they're going to want to know what the highway superintendent thinks about this.

Ms. Wendel asked couldn't we hear from Mr. Snyder about what that would entail or maybe even Mr. Kingsley, maybe at a subsequent meeting.

Chair Zuckerman stated that's where he was going to go at the end of this part of the conversation, which is to suggest to the applicant to take the next few weeks to consider it and then they'll come back to it in the next meeting but on this point, that Mr. Gainer suggests let me just build on that. He then asked if anyone else was interested in getting an opinion from the Town Highway Superintendent.

Mr. Gagnon stated that he thinks it would make sense at least reach out to them to see if there's any problems that we're not foreseeing or the public's not for seeing that might affect road maintenance, line of sight, things like that.

Mr. Lewis stated only if it's expeditious, he's been having some to and from with the folks in the Highway Department and it's been taking some time.

Chair Zuckerman asked for a motion for a referral to the Highway Department for an opinion.

Mr. Gagnon made the motion; Ms. Conner seconded the motion.

Chair Zuckerman stated let's just refer to the Highway Department for opinion. He doesn't want to put Mr. Snyder or his clients on the spot here, but if they'd like the comment, they're more than welcome to. If they'd like to take it back and think about it and come back next month that would also be perfectly acceptable.

Mr. Snyder stated that they'll discuss it this upcoming week. It is going to be a little bit more site development with regard to grading and drainage at this location. He doesn't think it'll affect this buffer too much. He then asked if the Chair could instruct Mr. Gainer to prepare a resolution for next month.

Chair Zuckerman replied no, they're not going to do that, the volume of the public comment to then short-circuit it by asking to provide resolutions on something may change, it's probably not the right process. So he appreciates Mr. Snyder, but they're not going to do that tonight.

Chair Zuckerman thanked the Kingsleys for listening to the public. The purpose of this board is to balance community rights and property rights, and so for you to give a thought to that, very clearly articulate and very narrow, he thinks recommendation would be well appreciated by the community.

The vote went as follows:

Chair Zuckerman:	Aye
Kim Conner:	Aye
Dennis Gagnon:	Aye
Peter Lewis:	Aye
Neal Tomann:	Aye

Heidi Wendel: Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the motion passes.

Garrison Golf Club PDD/Hudson Valley Shakespeare Festival, 2015 Route 9 Garrison, NY 10524 TM#60.-1-59.2 & 59.3

Chair Zuckerman stated they're going to be discussing the draft scope document. First thing they are going to do is hear from the applicant and talk about the project and some changes. The board appreciates them listening to public and the things they've read publicly. He'd like to hear any board comments on the scoping document, then they'll come to Mr. Werner from AKRF briefly to opine on the comparison between what the applicant has produced and what his recollection and recitation of what the board had said is, and then finally they'll move to schedule the scoping session.

Mr. Hollis, land use counsel for the project stated that he's joined by Adam Stolorow, of Sive, Paget and Riesle Law firm who will be up to speak in a minute, who's joined the project team to help guide the project through the scope and the EIS process that they're about to commence. Also, they'll hear tonight from Davis McCallum, the artistic director, who's going to talk about the new design of the project, and then Glenn Watson and Jan Johannessen are both here, technical team to answer any questions that might arise from any board members.

Adam Stolorow from Sive, Paget and Riesle stated that he's looking forward to working with the board as it continues its SEQRA review of the project. They submitted their draft scope for this meeting and in preparing that draft scope they had, very helpful and detailed input from the Planning Board, both in the positive declaration itself and in AKRF memos that were prepared. Based on that input they've gotten, a very specific analyses that should be undertaken in the DEIS and they know the issues that are before them, and they'll address them through the DEIS. The Shakespeare Festival is concluding a very successful summer operating at The Garrison which has allowed the festival and the team here to collect real-world data on noise and traffic and potential impacts that they'll be able to use in the DEIS. Davis McCallum is going to come up and sort of walk through the new design of the project. But just to clarify what they'll see in the draft scope and in the draft EIS, what they're calling the proposed action is this new design that they'll see, so moving away from the white tent-looking structure to this other open air theater design that Mr. McCallum is going to present.

Mr. McCallum stated that there are two main changes to the project that are reflected in the submission that the board got this month, and this is different from what they submitted as part of the EAF process in the SEQRA review. First is the previously proposed white tensile structure has been replaced by a lower profile, open-air theater building that will hug the ground and blend in more harmoniously with the surrounding landscape. The design utilizes a timber-framed roof with horizontal curves that echo the ridgelines behind it, and three sides of the building will be surrounded by year-round vegetative screening. This new design would be the first purpose-built theater in the country to achieve a LEED platinum designation. That's Leadership in Energy and Environmental Design. It involves solar panels, rainwater capture to be put through a grey water treatment system, reduced embedded carbon and other design elements that are proposed to help minimize the environmental impacts and better protect the structure from extreme weather. Many of those design evolutions came from things we heard from the public and things we heard from the board. Secondly, the proposed action eliminates the previously proposed two-way access driveway off of Snake Hill Road and the associated span bridge that we heard about in the public comment. Instead, we're proposing to continue using the existing entrance off of Snake Hill Road for one-way ingress and egress from the property as has been used throughout HVSF's 2022 season this summer and for decades before that serving the former golf course, banquet hall and restaurant. This option does eliminate the concerns related to the potential wetland and visual impacts of a

proposed new span bridge. So, those are the two main changes to the design. He added that their project team's here and ready to answer any questions that the board has.

Ms. Conner asked what's different about the existing Snake Hill Road driveway? The proposal before they came up with the span bridge, was that it was going to have to be widened in order to accommodate two-way traffic and that was why it was a problem? So, if they leave it single, it's not a problem anymore?

Mr. Watson replied that the issue was to accommodate two two-way traffic, there would have to be a tremendous improvement and widening of the bridge, a major construction project. So, the solution is to time the direction of the traffic so it's one way in at the beginning of the evening, and one way out at the end. Other times it will be more like it is every day of the week today.

Ms. Conner stated there was a concern about sight distances that related to why there was a need for this span bridge.

Mr. Watson stated that they're working on the sight distance issue. They've identified some walls that can be taken out, some trees that they can take out to improve it and some vegetation that can be taken out and they're working on that.

Ms. Conner asked what about lowering the height of the pond by four foot, is that still part of this plan?

Mr. Watson replied that's an ongoing program that they're dealing with the DEC on. It was lowered until they get the design for the repair of the outfall of the dam fully designed. It's not something he knows much about, but Tectonic has recommended that in order to not put more stress on the structure than need be, basically because the outfall structure has failed.

Ms. Wendel asked if the tent has been full this summer? Do they expect that there might be more traffic in the future, or do you think that what's happened this summer is indicative of what's going to happen in the future?

Mr. McCallum stated that he thinks that's right. There's nothing extraordinary about this summer and so unlike where they were last year as part of the EAF process, they now have 75 performances worth of audiences and John Canning, Traffic Engineer has been out on site twice measuring number of cars and they've done that study this year.

Mr. Lewis asked does this include the rehearsal hall as well, which is a fairly significant?

Mr. McCallum replied no, that is the open-air theater and the back of house structure which is a place for actors to change costumes and stage managers. That's actually represented, if you're looking at the structure, it's kind of tucked underneath and to the side.

Mr. Lewis stated that sometime back it was in this area, not including the HHLT properties off to the north and off to the west there was something called a challenge parcel, what's happened to that?

Mr. McCallum stated that's no longer relevant. That was part of the very first application they made when there was still a proposal for the continuance of nine holes of golf and that's no longer relevant to the application.

Mr. Lewis asked if they are going to have a sense of what HHLT is going to be doing around the 17-acre parcel or with the greater 60 additional acres that they have? Will HHLT be able to let the board know what they're going to be doing with that?

Mr. Watson stated that as far as he knows, and he only knows as a member of this group. He's on the board of HHLT but they kick him out whenever they talk about Shakespeare or anything else that he's involved in. As far as

he knows, the plan for the 17 acres adjacent that's part of this overall major parcel is basically to do nothing except leave it fallow and leave it protected. It's all wooded, it's going to stay wooded. They've been very careful to keep the design outside of it so it wouldn't threaten it. He doesn't know much about the other six, the other acres on the across Snake Hill Road.

Mr. McCallum stated that HHLT came to Shakespeare and said that they wanted that 17 acres that immediately abuts Philipse Brook because they wanted to be the stewards of that, for making sure that the Brook was protected, and Shakespeare's entered into an agreement with HHLT to transfer that acreage to them after Chris Davis makes the proposed transfer to Shakespeare.

Chair Zuckerman stated that he was just asking Mr. Gaba and he wonders if it's not inappropriate to ask HHLT what they are doing with that property, because they have not come before the board and he's not suggesting that be a command performance, but it seems like a relevant question Mr. Lewis is asking and it's not an insignificant amount of land.

Mr. Gaba added that it's a subdivision of this property and some of the property it's been specifically referenced is going to HHLT. It's certainly a consideration as far as SEQRA goes in terms of further development. They have to look at the combined development of the property. They don't have to have them show up and make a presentation, but some statement as to what they have in mind would be appropriate.

Ms. Wendel stated that it's just not going to be developed, though. It's HHLT, they're going to preserve it. She added that she thinks that's bureaucratic to ask them to come unless they want to. If they want to, then that's great, but otherwise, she just doesn't see how that's important.

Mr. Lewis stated that there's been a transition. He's spent a lot of time now north of Snake Hill/Philipse Brook intersection, beautiful spectacular wild grass growing but it was also mowed. So, that implies to him that they have an idea of what they want to do with that. That fairway below where Mr. Davis's house would be must have been seeded with the wildflowers, the black-eyed susans to take a look at because it was also spectacular. He's just fascinated to know about it because he believes that they're going to do a wonderful job.

Ms. Wendel stated that's why she's saying if they would like to make a presentation, but she doesn't think they should make them do so.

Chair Zuckerman stated that he doesn't think they have a means to make anyone do anything.

Ms. Conner stated that she agrees with Ms. Wendel on this. They're not building anything. If they do something they'll file for a permit and nobody has to have a permit to plant anything. She feels like it's not really the board's business until they do something that requires them to come before the board or the Building Inspector or something like that. She's sure that Katrina Shindlecker would be happy to write a memo letting them know what they plan to do if they asked her to do that. She added that she thinks they're overreaching, because it's not public land. What they have to remember about all this is that this is private land and so the public doesn't have access to it unless HHLT decides to give it.

Mr. Gagnon stated that he agrees with Ms. Conner and Ms. Wendel.

Mr. Lewis stated he's all for it. He thinks it's great and he's not coming down, he's just curious.

Mr. Stolorow stated that they got specific input from the board and that's the intention of the DEIS scoping process, to narrow the issues that are going to be included in the EIS to streamline the process a bit because this project has been before the board for a while through the full EAF process and a number of studies were done that this board decided were sufficient for some of the issue areas that have come up through SEQRA. The scope

itself, the draft EIS will look at vegetation and wildlife, wetlands and water courses, utilities including water, sewer and energy, traffic transportation and parking, visual resources and community character, noise and human health. So, each of those issue areas will be explored both for the proposed action and for the alternatives to the proposed action, which they've retained as alternatives, which includes the prior design which was the tensile structure and the two-way bridge just for the purpose of comparison. They're no longer advancing those as what they want to do, but have done a lot of work studying those and he thinks it makes sense to keep them in the EIS for that reason. SEQRA also requires that they study a no action alternative. Which is not the same as a no build alternative because SEQRA requires that they look at what would happen to the land in the reasonably foreseeable future without the project. In this case if the project did not go forward the land would be sold and so what they're using as the no action alternative is what would be allowed under the current zoning which is the preservation of the existing use as a wedding banquet center and restaurant and the addition of a 40-room hotel and destination spot.

Chair Zuckerman stated that he's going to ask Mr. Werner just to opine about the comparison between the memo that the applicant put together which was effectively a distillation of this board's commentary of the positive deck and the applicant's proposed scope.

Mr. Werner stated that after the July meeting the Chair instructed him to put together a memo to give the board and the applicant just kind of a punch list of these are the major things the scope should cover. He prepared that in August, circulated it, it was sent around to the board members. The applicant got it shortly after everyone had a chance to look at it, and there were no major comments from the board. So, the applicant got the draft scope that AKRF submitted. Mr. Werner went through each area, he compared it to that memo. The applicant did actually incorporate verbatim everything that the board wanted to have in there. At this point it serves as a good draft scope that's really what it's going to serve as. It's a draft. The board sets a scoping hearing and works towards finalizing it once they have input from the public and input from the involved agencies, and from us. They might have a couple of things to add between now and the end of the scoping comment period. But they are hitting on all the issues that the board brought up. They're doing a 72-hour pump test for the water which was something that the public had asked them to do. They are going to redo the visual simulations with new photographs in the winter instead of using google earth images. They're going to go out there and take the "leaf off" photos. The board has heard from them about changing the plan. They're going to have the tent and the old access from Snake Hill as alternatives now. They're doing wildlife cameras to address the issue of the nocturnal wildlife during shows and weddings. He thinks they've been very responsive to what the public and the board has laid out.

Chair Zuckerman asked the board for any comments on the proposed scoping document as drafted by the applicant.

Ms. Wendel stated that she thinks it's very comprehensive.

Mr. Gaba stated that the next steps are within 60 days of receipt of the draft scope, the board is required to adopt its scope, called the final scope or the scope. If they don't do that, then the draft scope can be used. He has some concerns about the timeline. This was submitted September 1st, but we want to consider today, upon receipt of it as the first day. He anticipates, and it's up to the board of course, that they'll hold the scoping session at the October meeting and then be in a position to adopt the scope at the November meeting. It would be helpful, because he's not sure exactly where the 60 days go, if the applicant could consent to those timelines just to make sure there's no issues there.

Mr. Stolorow stated that SEQRA allows them to work together on consent to extend that 60-day period, and they'd be happy to do that.

Mr. Gaba replied so if that's the case then he would suggest that the board adopt a resolution setting the scope session for its next meeting and Mr. Gainer, AKRF and he will see to it there's circulation and publication. It's in a notice to the ENB, which they'll take care of between now and then.

Chair Zuckerman asked Mr. Gaba if he could give the board the parameters of a scoping session, please?

Mr. Gaba stated that a scoping session is very much like a public hearing. They're going to post and circulate to involved agencies the draft scope. People will be able to come up and comment on the items that are listed in there and whether they feel that they adequately represent the items that were identified to be looked at in the positive declaration or not. Things like, you have three alternatives listed, we think this other alternative should be listed or we think the alternatives aren't appropriately identical. It could be anything, but something in the draft scope. It's not whether someone likes the project or not. It's on the adequacy of the draft scope. The board will accept comments on it and then when they're done, they close it and the board will determine if it wants to make changes to the draft scope or not, and then adopt it and that'll be the scope.

Chair Zuckerman asked how do they ensure they narrowly charge the public with that task, meaning to comment solely on analytical questions they'd like addressed as opposed to a regurgitation of previous points made?

Mr. Gaba stated it's a balancing act. On the one hand you want people to have their say and on the other hand you want to keep the meeting focused and moving. He added that he's recommended in the past having time limits on this and the boards resisted that. But if they decide they don't want to go that way, then just keep a close watch on what people are saying. If it's repetitive or outside the bounds of what the meeting's about they're going to have to call them to task.

Ms. Conner stated that they had time limits for HHR. She doesn't think it would be unfair, they had nine hours of public hearings already.

Chair Zuckerman stated that he thinks this is a this is a narrowly construed meeting and thinks the public has had ample opportunity to comment on their viewpoints. He doesn't have a problem having time limits of two to three minutes.

Mr. Tomann stated that he thinks if they give them notice to prepare their statements accordingly.

Chair Zuckerman asked Ms. Rockett that for any advertising we do, in either of the two or both the newspapers, to clarify that there's a three-minute timeline and we probably should have it outside on some signage.

Ms. Conner asked if there is a signage requirement for the scoping session just like there is for a public hearing?

Mr. Werner stated that there's not, but there is a noticing requirement that it appear at least two weeks prior to the meeting. He will work with Ms. Rockett to get that language to be published in the newspaper, and he can take care of the ENB notice which is the DEC's requirement.

Ms. Conner stated that she just wants to make sure they don't miss something.

Chair Zuckerman thanked her for raising that. That was an issue at the library. Given what they've done in the past with large projects, they will advertise that this is a session so the public knows they've been informed. But the time limit will make it, he thinks, a speedier process.

Ms. Wendel asked can people submit longer submissions in writing?

Chair Zuckerman replied they will read whatever comes. Their mailbox is always open. He asked Ms. Rockett to make sure in any public communication, that we say written comments are also encouraged. He then asked for a motion to schedule the scoping session for their next board meeting and they'll make it at the top of the hour.

Mr. Lewis made the motion; Ms. Conner seconded the motion. The vote went as follows:

Chair Zuckerman:	Aye
Kim Conner:	Aye
Dennis Gagnon:	Aye
Peter Lewis:	Aye
Neal Tomann:	Aye
Heidi Wendel:	Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the motion passes.

Mr. Werner stated that he's going to send the applicant an email with some language that has to get put into the scope. They need to change the date of it to be today's date. Then there's a section where they have the scoping session date and it said "TBD". They're going to fill that in with the details of the meeting, so that the scope itself, when it goes out to the involved agencies, it'll serve as a notice to them that there's a scoping hearing and when they can send in written comments by. Secondly, it's customary for a stenographer to come to these just to have a transcript of all the comments. It's customary for scoping it's done for DEIS hearings also if you can arrange for that.

Chair Zuckerman asked when are we going to post the scoping document to the website for public consumption?

Mr. Werner stated they will make these changes and tomorrow it can be put up.

Ms. Conner stated she can post it tomorrow evening.

Chair Zuckerman then asked for a motion to adjourn.

Mr. Lewis made the motion; Mr. Gagnon seconded the motion. The vote went as follows:

Chair Zuckerman:	Aye
Kim Conner:	Aye
Dennis Gagnon:	Aye
Peter Lewis:	Aye
Neal Tomann:	Aye
Heidi Wendel:	Aye

Chair Zuckerman asked - Opposed, Abstentions? Being none the motion passes.

The meeting was adjourned at 8:47 p.m.

Date Approved: 10/20/22

Respectfully submitted by



Cheryl Rockett- Planning Board Secretary