

**DRAFT SCOPE
FOR THE PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)**

**HUDSON VALLEY SHAKESPEARE FESTIVAL
TOWN OF PHILIPSTOWN, NEW YORK**

Project Name: Hudson Valley Shakespeare Festival (HVSF)

Project Location: 2015 Route 9, on the west site of Route 9 and between Philipse Brook Road and Snake Hill Road in Garrison, Town of Philipstown, New York

SEQRA Classification: Type 1

Lead Agency: Town of Philipstown Planning Board
238 Main Street
Cold Spring, NY

Lead Agency Contact: Cheryl Rockett, Planning Board Secretary
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Project Sponsor: Garrison Properties, LLC
P.O. Box 348
2015 U.S. Route 9
Garrison, New York 10524
Contact: Frank (Chip) Allemann, Vice President
(845) 424-3604
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And

Hudson Valley Shakespeare Festival
P.O. Box 125
Garrison, New York 10524
Contact: David Roberts, Managing Director
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Scoping Session: October 20, 2022

A public scoping hearing will be held for the purpose of soliciting comments on the Draft Scope. The hearing will take place at 7:30pm on October 20, 2022 at Philipstown Town Hall, 238 Main Street, Cold Spring, NY 10516. Written comments on the Draft Scope will be accepted by the Lead Agency (contact above) until October 27, 2022

A. INTRODUCTON

This Scope identifies the items to be addressed in the Draft Environmental Impact Statement (“DEIS”) for the Hudson Valley Shakespeare Festival project. The DEIS will be prepared in accordance with the implementing regulations of the State Environmental Quality Review Act (“SEQRA”), 6 NYCRR, Part 617.

This Scope is being prepared following the adoption of a Positive Declaration of Significance by the Philipstown Planning Board, as Lead Agency, on July 21, 2022. The Positive Declaration followed the Planning Board’s review of an Expanded Environmental Assessment Form (EAF), Parts 1, 2 and 3, last revised June 2022. The Expanded EAF was prepared based on a scope outline prepared by the applicant and accepted by the Planning Board, which identified the areas of concern, the topics to be evaluated, and the technical studies to be prepared. A public hearing on the Expanded EAF was conducted by the Planning Board. The Expanded EAF evaluated the following topics:

- Land Use, Zoning and Layout
- Geology and Soils
- Topography and Slopes
- Vegetation and Wildlife
- Wetlands and Watercourses
- Stormwater Management
- Utilities (Water, Sewer and Energy)
- Traffic, Transportation and Parking
- Visual Resources and Community Character
- Noise
- Cultural Resources
- Open Space and Recreation
- Construction
- Community Services and Economy
- Human Health and Site Assessment

This Scope and the DEIS to be submitted for the project are intended to focus on those items that require further evaluation as requested by the Lead Agency and based upon a summary of potential environmental impacts as outlined in the Planning Board’s Positive Declaration and in a memorandum from the Town’s consulting environmental planner, dated July 6, 2022. Much of the Expanded EAF, and the technical studies that were included with it, remain relevant and germane to the project and need not be incorporated or repeated in the DEIS; however, these prior materials may be referred to as needed. This Scope is also intended to eliminate from consideration in the DEIS those potential issue areas that the Planning Board has already determined will not result in potentially significant adverse impacts.

B. PROJECT DESCRIPTION

The subject property is located at 2015 Route 9, on the west side of Route 9 and between Philipse Brook Road and Snake Hill Road in Garrison, Town of Philipstown, Putnam County, New York. The site consists of two (2) tax parcels, 60.-1-59.2 and 60.-1-59.3, that collectively total ±142.04 acres of land (“the Main

Parcel”). The project site is currently developed with a former 18-hole golf course known as the Garrison Golf Club or “The Garrison,” which was developed in the 1960’s and ceased operation at the end of the 2021 golf season.

The proposed action includes the following elements or actions which represent HVSF’s long-term master plan and will be completed in phases:

1. Amend the underlying RC and GGCPDD Zoning Districts to allow the uses proposed by HVSF.
2. Subdivide the Main Parcel into three (3) individual lots resulting in a ±97.4-acre lot to be owned and developed by the HVSF, a ±27.5-acre private residential lot to be retained by Garrison Properties, LLC and a ±17.1-acre lot to be conveyed to the Hudson Highlands Land Trust (HHLT) for permanent conservation purposes.
3. Open-air theater for 500 patrons including back of house structure and rehearsal space.
4. Concessions; Restrooms; Welcome Center; Box Office; Outdoor Pavilion
5. Administrative Space.
6. Picnic lawns and gardens.
7. Artist and guest lodging.
8. The continuation of the existing restaurant and banquet hall, with a reduction of total seats to 200.
9. One (1) single-family dwelling and associated well and septic system on a separate lot.
10. A total of 521 total parking spaces (total of existing, proposed, and overflow).
11. Improvements at the intersection of the site access driveway at Route 9, including a left turn lane on Route 9.
12. Continued use of the one-way driveway off Snake Hill Road.
13. Improvements to the intersection of Route 9 and Snake Hill Road, including the proposed installation of a traffic signal.
14. Modifications to the internal driveway network.
15. Associated infrastructure and ancillary improvements (grading, water, wastewater, energy sources and supply, stormwater, lighting, landscaping, etc.).

C. GENERAL DEIS GUIDELINES

The DEIS shall cover all items in this Scope and should conform, to the extent practicable, to the format outlined in this document. Each impact category (e.g., traffic, utilities, etc.) should be presented in a separate subsection which includes discussion of the existing conditions, potential significant adverse impact associated with the proposed action, and any mitigation measures designated to minimize identified impacts. If appropriate, related impacts may be addressed together in the DEIS, as long as all issues identified in this Scope are addressed. Any assumptions incorporated into assessments of impacts should be clearly identified. Any “worst case” scenario analysis should also be identified and discussed. Where reasonable and necessary, mitigation measures should be incorporated into the proposed action. The parties responsible for the proposed mitigation measures shall be clearly identified.

Narrative discussions should be accompanied by appropriate tables, charts, graphs, and figures whenever appropriate. If a particular subject can be most effectively described in a graphic format, the narrative discussion should summarize and highlight information presented graphically. Information should be presented in a manner that can be readily understood by the public. The document should be written in the third person (i.e. the terms “we” and “our” should not be used). The project sponsor’s conclusions and opinions, if given, should be identified as those of “the Project Sponsor” or “the Applicant”.

The entire document should be checked carefully to ensure consistency with respect to the information presented in the various sections.

D. ORGANIZATION OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

I. DEIS COVER SHEET AND TABLE OF CONTENTS

II. INTRODUCTION (INCLUDING REFERENCE TO PREVIOUS ENVIRONMENTAL STUDIES)

III. DESCRIPTION OF THE SUBJECT PROPERTY AND THE PROPOSED ACTION

A. Existing Conditions

1. Description of the subject property including boundaries of the project site both within the Town and the region.
2. Existing zoning, site characteristics, previous land use, and land uses of surrounding properties.
3. Existing access to the property.

B. Proposed Action

1. Description of HVSF business and operation plan, including continued use of the restaurant and banquet hall.
2. Proposed zoning amendments.

3. Description of the proposed subdivision.
 4. Existing structures and improvements to be removed and those to remain.
 5. Description of the proposed site development plan, including proposed structures, buildings, and use(s).
 6. Activities to take place on property including staffing.
 7. Site access, primary and emergency.
 8. Discussion of overall site capacity and ability to accommodate simultaneous activities and events (i.e. theatrical performances, weddings, and other events which may overlap)
 9. Sewer, Water, and other utilities.
 10. Description of the existing dam.
 11. Description of Grading Plan and areas to be regraded; amount of land to be disturbed.
 12. Conservation efforts.
 13. Accessibility of the site to the public for passive recreation purposes.
 14. Construction phasing plan; anticipated duration of construction.
 15. Stormwater management plan.
- C. Project Purpose and Public Need/Benefits**
1. Applicant’s goals and objectives.
 2. Public need for the project and consistency with the goals of the Town as outlined in the Town’s Comprehensive Plan.
- D. Permits and Approvals**
1. List and description of permits and approvals required.
 2. List of Involved and Interested Agencies.

IV. EXISTING CONDITIONS, POTENTIAL IMPACTS AND MITIGATION**A. Vegetation and Wildlife**

1. Existing conditions
 - a. Overview of previously completed existing condition evaluations and studies already completed, reviewed by the Lead Agency, and provided within the Part 3 EAF. This shall include:
 - i. Based on review of New York State Department of Environmental Conservation (NYSDEC) and U.S. Fish and Wildlife Service (USFWS) databases, list any rare, special concern, threatened, endangered, proposed and candidate plant or animal species, as well as significant natural communities and designated critical habitat, either located on or proximate to the site.
 - ii. Describe existing ecological communities on the site based on previously completed habitat studies and fieldwork. Confirm presence or absence of any listed species from above database review.
 - b. Describe the existing nocturnal wildlife activity observed at the site utilizing wildlife cameras.
2. Potential Impacts
 - a. Overview of previously completed evaluation of impacts and studies already completed, reviewed by the Lead Agency, and provided within the previously submitted Part 3 EAF. This shall include:
 - i. Quantify the amount of proposed land disturbance on portions of the subject property that have been historically undisturbed and evaluate potential impacts, including from the removal of mature vegetation.
 - b. Evaluate impacts, if any, to nocturnal wildlife from the potential increase of nighttime traffic, noise, and lighting introduced by the proposed action.
3. Mitigation Measures for any impacts identified.
 - a. Land conservation.
 - b. Conceptual planting plan.

B. Wetlands and Watercourses

1. Existing Conditions

- a. Overview of previously completed existing condition evaluations and studies already completed, reviewed by the Lead Agency, and provided within the Part 3 EAF. This shall include:
 - i. Identify all Town of Philipstown, NYSDEC and U.S. Army Corps. of Engineers (USACE)-regulated existing surface waterbodies, wetlands, and intermittent and perennial streams, as well as Federal Emergency Management Agency (FEMA)-mapped 100-year floodplains located on and immediately adjacent (within 100 feet) to the subject property.
 - ii. Graphically depict all previously delineated on-site wetlands and watercourses (including buffers) and FEMA floodplains within or proximate to the proposed limits of land disturbance.
 - iii. Describe the existing dam structure's condition and regulatory status.
- b. Lowering the water elevation of the pond as previously authorized by the NYSDEC.

2. Potential Impacts

- a. Overview of previously completed evaluation of impacts and studies already completed, reviewed by the Lead Agency, and provided within the previously submitted Part 3 EAF. This shall include:
 - i. Describe and quantify disturbance and development proposed within the wetland buffer.
 - b. Describe proposed future modifications of the existing dam, if any, and evaluate potential impacts to wetland ecology.

3. Mitigation Measures for any impacts identified.

- a. Land conservation.
- b. Wetland buffer restoration.

C. Utilities (Water, Sewer and Energy)

1. Existing Conditions

- a. Overview of previously completed existing condition evaluations and studies already completed, reviewed by the Lead Agency, and provided within the Part 3 EAF. This shall include:

Water

- i. Identify, describe, and map existing wells.
- ii. Graphically illustrate or otherwise describe the location of nearby (off-site) private wells.
- iii. Describe and quantify daily water demand in the existing condition using current industry standard rates; provide a detailed table to demonstrate how water demand/capacity values for each land use were determined.

Sewer

- i. Identify and map all existing on-site wastewater systems and capacities.
- ii. Graphically illustrate or otherwise describe the location of nearby wastewater disposal systems, as required by the Putnam County Department of Health.

Energy

- i. Described and quantify energy demand in the existing condition.

2. Potential impacts

- a. Overview of previously completed evaluation of impacts and studies already completed, reviewed by the Lead Agency, and provided within the previously submitted Part 3 EAF. This shall include:

Water

- i. Identify and map any proposed well locations.
- ii. Describe and quantify daily water demand in the proposed condition using current industry standard rates; provide a detailed table to demonstrate how water demand/capacity values for each land use were determined.
- iii. Discuss provisions for fire protection including an evaluation of National Fire Protection Association (NFPA) guidelines for required fire flows (existing and proposed) as well as those flows available from existing fire protection sources on the site.
- iv. Discuss all permits required for the proposed water supply.
- v. Assess response of the groundwater aquifer through completion of a 72-hour pumping test to determine various well and aquifer parameters including well yield. The analysis will determine whether the well has the capacity to support

additional water demand. The test will additionally monitor water-level drawdown in on-site wells and nearby private wells. The Applicant shall develop a scope for the pumping test that shall be reviewed and agreed upon by the Putnam County Department of Health in advance of performing the test.

Sewer

- i. Estimate anticipated wastewater generation for the proposed project.
- ii. Demonstrate adequate separation distances from proposed septic systems to existing/proposed on-site and off-site wells.
- iii. Identify and map any proposed wastewater systems that will be required to serve the proposed use; demonstrate adequate capacity.
- iv. Provide deep and percolation test results to demonstrate suitability of soils to accommodate septic.
- v. Evaluate the potential use of composting toilets.
- vi. Discuss permits required for the proposed septic systems.

Energy

- i. Describe anticipated energy source(s) and evaluate the estimated increase in energy compared to the existing condition; discuss potential impacts to the distribution system.
3. Mitigation Measures for any impacts identified.
 - a. Evaluate option to improve energy efficiency through design.
 - b. LEED Platinum design practices.

D. Traffic, Transportation and Parking

The DEIS will update the previously completed traffic impact study for the Part 3 EAF reflecting the most recent data (traffic and parking counts of banquet, HVSF and restaurant activities at the Garrison, as well as current traffic counts of vehicles passing the Site). The revised traffic study should include all tables and backup data files as well as all correspondence with the NYSDOT.

1. Existing Conditions
 - a. Provide an overview of previously completed existing condition evaluations and studies already completed, reviewed by the Lead Agency, and provided within the Part 3 EAF.

- b. Conduct traffic counts of turning movements at the previously-studied intersections listed below during the previously-studied peak periods (Friday PM peak hour, Saturday Midday peak hour and Saturday PM Event peak hour), including the site driveways.
 - i. US Route 9 & Travis Corners Road/Snake Hill Road
 - ii. US Route 9 & Site Driveway
 - iii. US Route 9 & Coleman Road
 - iv. Snake Hill Road & Site Driveway
 - v. NYS Route 9D & Snake Hill Road
- c. The peak hour traffic volumes will be identified.
- d. The site-generated peak-hour traffic volumes, including trip distributions and assignments, will be determined and separated from the non-site-generated or passing peak-hour traffic volumes.
- e. The site-generated peak-hour traffic volumes, including trip distributions and assignments, will be further separated into HVSF traffic volumes and non-HVSF traffic volumes.
- f. Intersection capacity analyses will be performed for the Existing peak-hour traffic volumes to evaluate the current operation of Existing conditions. The results will be reported in terms of average delay per vehicle, level of service, and 95th percentile queue length for individual movements.
- g. The most recent year of accident data will be obtained and evaluated to identify the number, location, and frequency of accidents as well as accident types and contributing factors.

2. Potential Impacts

- a. Overview of previously completed evaluation of impacts and studies already completed, reviewed by the Lead Agency, and provided within the previously submitted Part 3 EAF.
- b. This will consist of growing the passing peak-hour traffic volumes to the design year by an annual growth factor and peak-hour traffic will be added for other development projects identified by the Town Planner.
- c. Add the traffic generated by the Garrison in its No Action condition (full buildout under the current PDD zoning, including the existing uses and a 40-room hotel/spa with amenities) to the grown traffic volumes and to the vicinity-development traffic to get the No Action peak-hour traffic volumes.

- d. Intersection capacity analyses will be performed for the No Action peak-hour traffic volumes to evaluate the future traffic operating conditions without the Proposed Action. The results will be reported in terms of average delay per vehicle, level of service, and 95th percentile queue length for individual movements.
- e. New data (traffic volume counts, parking counts, persons per vehicle counts) will be gathered from the current (2022) HVSF performance season at the site with the temporary theater tent in place, collected when there are dual performances and a wedding on the weekend and when there is a performance and a wedding occurring simultaneously at the site on a weekday. The days selected will represent the busiest days of the season.
- f. The new data will be used to calculate new Project parking and traffic projections based on HVSF being located at the Garrison (see 1 d. above)
- g. The hotel and spa-generated trips will be subtracted from and the HVSF-generated peak-hour traffic volumes will be added to the grown traffic volumes and to the vicinity-development traffic to get the peak-hour traffic volumes for the Proposed Action.
- h. Intersection capacity analyses will be performed for the peak-hour traffic volumes of the Proposed Action to evaluate future traffic operating conditions. The results will be reported in terms of average delay per vehicle, level of service, and 95th percentile queue length for individual movements.
- i. The results of the No Action and Proposed Action peak-hour intersection capacity analyses will be compared to identify potential traffic impacts.
- j. Signal and turn lane warrant analyses will be performed.
- k. Sight distance analyses will be provided for the site driveways.
- l. Parking analyses will be prepared based on current surveys and compared to the available parking supply.
- m. An access and circulation summary, including turning path movement drawings, will be provided.
- n. On-site occupancy ebb and flow activity will be summarized based on the 2022 HVSF season.
- o. The traffic management plan will be updated based on the latest building program.

3. Mitigation Measures for any impacts identified.

If impacts are identified, mitigation measures will be proposed and evaluated. Mitigation measures to be considered may include:

- a. Installation of a traffic signal at the intersection of Route 9 and Snake Hill Road, pending approval by the NYSDOT. Alternatively, utilization of police officers to direct traffic during peak events.
- b. Installation of a right turn lane on Snake Hill Road at the approach to the intersection of Route 9 and Snake Hill Road (turning right onto Route 9 from Snake Hill Road).
- c. Turn lanes on Route 9, at the intersection of Route 9 and the site access driveway (left and right lanes into the site).
- d. Left turn lane onto Coleman Road on Route 9 (opposite the site access driveway).
- e. Removal of vegetation, if needed, to improve sight distance at the Garrison driveways.

E. Visual Resources and Community Character

1. Existing Conditions

- a. Overview of previously completed existing condition evaluations and studies already completed, reviewed by the Lead Agency, and provided within the Part 3 EAF. This shall include:
 - i. Discuss existing on-site sources of nighttime lighting, including lighting from vehicle traffic entering and leaving the subject property.
 - ii. Identify and illustrate existing visual conditions on the subject property and as viewed from the following publicly accessible locations previously selected by the Planning Board through the Part 3 EAF, as follows:
 - 1) Howell Trail at Storm King Mountain facing southeast (Viewpoint #1).
 - 2) Storm King Highway facing southeast (Viewpoint #2).
 - 3) Route 9W facing east (Viewpoint #3).
 - 4) Bull Hill, Washburn Trail facing southeast (Viewpoint #4).
 - 5) North Redoubt Trail facing northeast (Viewpoint #5).
 - 6) Route 9, to the north of existing Garrison Golf Club entrance, facing southwest (Viewpoint #6).
 - 7) Route 9 at Route 9 Spur facing west (Viewpoint #7).
 - 8) Route 9 at Snake Hill Road facing northwest (Viewpoint #8).
 - 9) Snake Hill Road at existing site entrance/dam facing northwest (Viewpoint #9).

- 10) Add a new viewpoint at the location of the proposed Snake Hill Road access driveway/bridge facing north (Viewpoint #10).

2. Potential Impacts

- a. Overview of previously completed evaluation of impacts and studies already completed, reviewed by the Lead Agency, and provided within the previously submitted Part 3 EAF. This shall include:
 - i. Discuss and graphically illustrate the proposed conceptual site lighting plan.
 - ii. Provide nighttime renderings of proposed stationary sources of lighting and evaluate visibility of proposed site lighting at night.
 - iii. Describe the landscape buffer requirements for the Town's Scenic Protection Overlay District.
- b. Evaluate visibility and anticipated visual and community character impacts of the proposed open-air theater and other proposed buildings when viewed from the viewpoints listed under C.1.b above using a combination of sight line profiles, photo-simulations, and/or detailed architectural renderings. Evaluation must include a comparison of existing and proposed conditions under leaf-on (summer) and leaf-off (winter) conditions. Where the applicant has demonstrated, through use of previously submitted materials, photographs, aerial imagery, sight line profiles, or other means, that proposed building or structures are not visible from one or more of the viewpoints listed in C.1.b, the applicant need not be required to produce leaf on and leaf off photos and simulations from these locations, as determined by the Town's professional consultants.
- c. Evaluate and graphically illustrate (through renderings or other means) anticipated mobile sources of lighting, specifically headlights from vehicles departing the site at both proposed access points.

3. Mitigation Measures for any impacts identified.

- a. The use of native plantings to enhance the buffering to obscure views between the right of ways and properties off-site.
- b. Other means to screen views, if any.

F. Noise

1. Existing Conditions

- a. Overview of previously completed existing condition evaluations and studies already completed, reviewed by the Lead Agency, and provided within the Part 3 EAF. This shall include:

- i. Using previously selected noise measurement locations (from Part 3 EAF), utilize existing data to document existing ambient noise conditions. Noise measurement locations shall be illustrated on a map and described in text (addresses will be provided, as applicable).

2. Potential Impacts

- a. Overview of previously completed evaluation of impacts and studies already completed, reviewed by the Lead Agency, and provided within the previously submitted Part 3 EAF. This shall include:
 - i. Assess potential noise impacts associated with construction.
 - ii. Utilizing the data taken in 2021 from the Boscobel location, the updated data from the 2022 HVSF performance season, and data taken from a 2021 wedding inside the Garrison, amend and supplement the previously submitted Noise Study (included with the Part 3 EAF). This assessment shall include both amplified and unamplified noise from simultaneous on-site activities/sources (theatrical performances, rehearsals, wedding events, restaurant use, mechanical equipment, etc.) including analyzing the impact of a performance and a wedding occurring simultaneously at the site. Utilizing the updated traffic study referenced in Part D – Traffic, Transportation, and Parking, recalculate the projected increase in traffic noise due to the predicted increase in vehicular traffic to the site.

3. Mitigation Measures for any impacts identified

G. Human Health

1. Existing Conditions

- a. Overview of previously completed existing condition evaluations and studies already completed, reviewed by the Lead Agency, and provided within the Part 3 EAF. This shall include:
 - i. Discuss the site's historic use including a summary of findings from a recent Phase I Environmental Site Assessment (ESA) of the site.
 - ii. Summarize the findings of a recent Phase II subsurface investigation.
 - iii. Delineate lateral and vertical extent of soils with constituents exceeding criteria. The Applicant shall develop a scope for the soils testing that shall be reviewed and agreed upon by the Town's professional consultants in advance of field work.

2. Potential Impacts

- a. Overview of previously completed evaluation of impacts and studies already completed, reviewed by the Lead Agency, and provided within the previously submitted Part 3 EAF.
- b. Discuss potential impacts, if any, from the results identified under G.1.a above.

3. Mitigation Measures for any impacts identified.

- a. Preparation of a Soils Management Plan (SMP) and Community Air Monitoring Plan (CAMP). The SMP shall describe the methods to address exceedances of applicable Soil Cleanup Objectives (SCOs) and will coordinate with planned development activities. The SMP will detail alternatives to mitigate these exceedances.

V. ALTERNATIVES

SEQRA mandates that environmental impact statements analyze a reasonable range of alternatives to the action that are feasible, considering the objectives and capabilities of the Project Sponsor. Those analyses must include a description of the impacts (adverse, beneficial, long and short term, cumulative) created by the alternatives, as well as their probability and significance in comparison to the proposed action. These alternatives shall be analyzed qualitatively, except where project impacts can be compared in a quantitative analysis.

The following alternatives will be evaluated:

- A. No action (full buildout under the current PDD zoning, including the existing uses and a 40-room hotel/spa with amenities).
- B. Previously proposed permanent theater tent.
- C. Previously proposed 2-way access driveway off Snake Hill Road and associated span bridge.

VI. MISCELLANEOUS

- A. Adverse environmental effects that cannot be avoided if the project is implemented.
- B. Irreversible and irretrievable commitment of resources.
- C. Growth inducing impacts.
- D. Effects on the use and conservation of energy resources.