

VILLAGE OF WOODBURY
PLANNING BOARD

IN THE MATTER OF: :
: TRANSCRIPT
: OF
CPG PARTNERS/WOODBURY : PROCEEDINGS
COMMON/RENOVATIONS :
----- :

WEDNESDAY, MARCH 21, 2012
WOODBURY TOWN HALL
511 ROUTE 32
HIGHLAND MILLS, NEW YORK 10930
COMMENCING AT 9:23 P.M.

BOARD MEMBERS:

MARIA HUNTER, Chairwoman
RICHARD CATAGGIO
MARK CHRISTMAN
CHRISTOPHER CORREIA

ALSO PRESENT:

GALE NAUGLE, Board Secretary
DENNIS LINDSAY, Board Engineer
STUART TURNER, Board Planner
PHILIP GREALY, Board Traffic Engineer Consultant

APPEARANCES:

KELLY NAUGHTON, ESQ.
Counsel for the Board

PRICE, MEESE, SHULMAN & D'ARMINIO
BY: LOUIS L. D'ARMINIO, ESQ.
Counsel for the Applicant

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I N D E X

<u>WITNESSES:</u>	<u>PAGE NO.</u>
DANIELLE DEVITA	5
FRED GOROVE	34

E X H I B I T S

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(No Exhibits Marked)

1 CHAIRWOMAN HUNTER: Okay. Next item on the
2 agenda is CPG Partners/Woodbury Common/Renovations.
3 Discuss proposed renovations, additions and new
4 construction of parking garage and retail space. Review
5 Draft Scoping Document for the Draft Environmental
6 Impact Statement. Said property is located on Route 32
7 in Central Valley and is known on the Village of
8 Woodbury tax maps as Section 225, Block 1, Lot 70.2.

9 Just a few things before we ask you to
10 present. We have received the Scoping Document. It was
11 submitted and received on March 1st, 2012. With that
12 Scoping Document was the final SEQRA finding statement
13 dated, stamped March 13, 1997, and also the exception
14 plan. Do I need to -- this is a smaller version, right?

15 MR. D'ARMINIO: Yes.

16 CHAIRWOMAN HUNTER: Perfect. Then I don't
17 have to take out our large map. We also received on
18 March 1st the full EAF, full Environmental Assessment
19 Form. There's a couple things here. Being that it's
20 almost 9:30, you think about an hour, we can get a
21 synopsis of everything?

22 MR. D'ARMINIO: Yes. Sure.

23 CHAIRWOMAN HUNTER: Because I know we're
24 going to have to set a public hearing for the public to
25 review this Scoping Document. I'm going to ask everyone

1 who does speak, use the microphone, speak clearly,
2 because these are being recorded by a stenographer, so
3 we want to make sure she hears everything. And they
4 will give us a copy of the notes so that we can
5 incorporate them with our memos. Right?

6 MR. D'ARMINIO: Yes.

7 CHAIRWOMAN HUNTER: One other thing. I know
8 we have -- Dennis, did I talk about this with you, or,
9 request the applicant, we have 60 or 62 days from the
10 date of submission of the Scoping Document to respond
11 to, as a Board? Are we going to ask for an extension,
12 if needed?

13 MR. LINDSAY: Depends if you need it.

14 MR. TURNER: It's 60 days, actually, from
15 the date they submit the scope, the draft scope, for the
16 Board to adopt the scope, so that's the 60 days, in this
17 case. I don't know if you're going to need an extension
18 or not.

19 MR. LINDSAY: I calculated May 4th.

20 CHAIRWOMAN HUNTER: Excuse me?

21 MR. LINDSAY: I calculated May 4th, if I
22 have the dates right.

23 MR. D'ARMINIO: I think we submitted
24 February 29th, so whatever would be 60 days from that,
25 which is close.

1 CHAIRWOMAN HUNTER: I guess I'm just asking
2 the applicant if we need to extend it a few days -- I
3 guess we'll wait till we get a little closer -- if you
4 would be willing to agree to that extension.

5 MR. D'ARMINIO: Certainly, we'll be
6 flexible.

7 CHAIRWOMAN HUNTER: Thank you. Just wanted
8 to get that out front. All right. Lou?

9 MR. D'ARMINIO: Okay if I start again? This
10 is obviously the next hearing. I'm Lou D'Arminio,
11 Price, Meese, Shulman & D'Arminio, for the applicant,
12 CPG Partners and Simon Premium Outlets.

13 This is our scoping, preliminary review of
14 our Scoping Document that we submitted on February 29th.
15 While it's not a site plan application, we just thought
16 that it may be a good place to start is to have Ms.
17 DeVita, who's the Senior Vice President for Simon, to
18 just give you a context by going over the plan, the
19 schematic plan that was attached to our Scoping Document
20 which might give you a context in terms of making any
21 decisions that you may have.

22 We know there's been some comment by the
23 board of professionals, and I'm sure you have some
24 questions. We've been asked to have our professionals
25 here, and we do. We have Ms. Patricia Ruskan, she's our

1 engineer.

2 Patty, could you raise your hand for a
3 second? There she is in the back.

4 We have Mr. Fred Gorove, who's our traffic
5 engineer there, and any questions of Fred. We have Mr.
6 David McInerney, who is our planner, and Dave is
7 standing up. Mr. Cappione (phonetic), our architect, is
8 away; but if there's architectural questions, Danielle,
9 I'm sure, considers herself an architect by this time,
10 so she's available. Also, Ms. Ruskan can probably
11 answer any questions that are needed. What I'd just
12 like to do again, let Danielle introduce the project to
13 you.

14 MS. DEVITA: Thank you, Lou. This center is
15 over 25 years old, and we've never undertaken a
16 renovation, a formal renovation of the property, and we
17 believe it needs one. And it's our -- one of our
18 biggest assets in the world, and we want to make it the
19 best that it possibly can be. So we have taken a
20 considerable amount of time to study this. I think it's
21 important if I walk you through what we are proposing,
22 what will come in with the site plan submission in a few
23 weeks and why we did it.

24 There are historic resolutions, but probably
25 the most important is the 1997 SEQRA approval, which

1 conveys pretty specific intent to what the Board at the
2 time wanted us to be doing and how the center should be
3 functioning. So what we've tried to do is really relook
4 at it in today's standards and correct things that may
5 have moved away from some of the intent that was asked
6 of us from the Planning Board in 1997.

7 So some of these concerns on site now are
8 pedestrian circulation, vehicular circulation; these are
9 items that we're endeavoring to fix. This is an aerial
10 that we may not need. One of the main things that we're
11 proposing is to bring the main access road in and create
12 a main entrance. Right now there's not really a main
13 entrance to the center. There's sort of various
14 entrances and ways to get in. We're proposing to have a
15 main welcoming entrance so that a visitor, customer,
16 coming to the center knows they've arrived.

17 In connection with this, we're proposing a
18 main boulevard that leads down into the main entrance.
19 So a customer would enter the center, and obviously,
20 there's different decision-making points, but if they
21 came down here, they would know that they were at the
22 main entrance; they've arrived at Woodbury Common.

23 We're also proposing to formally create an
24 exterior ring road around the entire perimeter of the
25 center, all the way around, in addition to an interior

1 ring road around the center. This, we believe, will
2 help customer circulation in their cars, help them to
3 understand where they're going better, give them better
4 direction.

5 Internally, we are proposing 60,000 square
6 feet of gross usable area. This was approved under
7 the 1997 SEQRA approval. We're coming back and
8 proposing it in various spots throughout the center as
9 infill. The biggest change that's going to happen is
10 the removal of the existing food court in the center of
11 the property. I have the aerial, if it's helpful for
12 you to see; maybe I should put that over there. Well,
13 you know what the food court looks like, right, in the
14 center? Would this help to put this over here?

15 CHAIRWOMAN HUNTER: You can put it there,
16 yes.

17 MS. DEVITA: It's not going to stay.

18 CHAIRWOMAN HUNTER: On the floor is fine.

19 MS. DEVITA: The idea that we have is to
20 remove the existing food court and add in boutique shops
21 and a central path down the center that leads off of
22 current Red Apple Court to open that up so that
23 pedestrians are not confused about where they're going.
24 It adds another leg for them to lead to another area of
25 the center, increasing pedestrian movement throughout

1 the center.

2 We are proposing to move the food court to
3 the existing Tower Building, which today sits misaligned
4 with the buildings that are next to it on Evergreen
5 Court and Grapevine Court. So we're proposing to
6 demolish this building as well, and you can see on here,
7 the existing Tower Building is down here. So when
8 pedestrians are walking, they're walking into a
9 building, and they currently have to walk around it and
10 then continue where they're going.

11 The idea is to move the building in
12 alignment with these buildings. The reason it was built
13 that way is because of utilities that are under the
14 ground, so we'll also be doing a full utility
15 relocation, utility upgrade, in connection with a lot of
16 the moves that we're making here.

17 Then this building becomes the new food
18 court. It will also have customer service in it;
19 management offices will be in there, and there will be a
20 wide open path crossing through it to encourage
21 pedestrian movement through. And it will be aligned
22 with the existing building.

23 Over here we're proposing a large customer
24 service facility for information purposes. Also, we are
25 moving the bus lay-bys from their current location on

1 the main access road. We're bringing it into the
2 center. There will be a lay-by here next to customer
3 service, which makes sense, because the customers then
4 go through customer service; and then a second one right
5 after it, so there's a dedicated area for the bus
6 lay-bys.

7 There's a maintenance shed in the middle of
8 the parking field right now. We're proposing to move it
9 by the salt storage so it makes sense. It's consistent.
10 In this corner of the center, we're proposing a parking
11 deck. And just to be clear, the 1997 SEQRA document
12 does require us to park a 7.3 per thousand ratio, and we
13 will be doing that with this deck. Parking on site will
14 satisfy that. In addition, we will be achieving our
15 impervious requirements and what we're coming in with
16 will not be asking for any waivers or variances.

17 The corner here at the end of Red Apple, we
18 will be demolishing some buildings. Right now,
19 customers walk down here. They get to Cole Haan, for a
20 point of reference. And I think customers currently get
21 confused. They don't realize that if you continue to
22 the left, towards Nike, you'll find more stores. A lot
23 of customers, I think, get to the end and they think
24 this is the end of it; all I see are trees; I'm going to
25 turn around; I'm going to go back up Red Apple.

1 So the proposal is to demolish a section
2 here, build areas here so that it brings the customer
3 through. It's orienting the customer. And finally,
4 this section that we're adding up here, existing
5 Marigold, has been built into the middle of the parking
6 lot. People walk up and they walk to the end, and it's
7 a long walk, and they have to walk past the same stores
8 to come back into the center. The proposal here is to
9 add --

10 CHAIRWOMAN HUNTER: Could you just hold?

11 (Clerk turns tape over.)

12 MS. DEVITA: The proposal here is to add
13 retail and restaurant use so that when a customer's
14 walking here, they make the full circle around; it
15 brings them back into the center. So we're encouraging
16 straighter pedestrian movement. We're encouraging
17 clearer direction for our customers. We're proposing
18 clearer road systems for the customers, additional
19 parking for the customers. Other amenities that we are
20 proposing are, as we were discussing earlier, there's
21 going to be a redistricting which also gives the
22 customers a better idea of where they are, where they
23 parked, what stores they've been to, what they haven't
24 seen.

25 They'll recognize that based on an improved

1 sign program, improved lighting program, but also
2 improved palettes and improved architectural detail,
3 improved level of finish. So that they're much more
4 oriented while they're walking throughout the center.

5 In addition, we're proposing new
6 landscaping, enhanced landscaping, enhanced hardscape,
7 enhanced amenities. I'm mentioning all these because
8 these are all consistent with the intent of the 1997
9 SEQRA approval. We're basically looking to
10 substantially update and upgrade the center. And we're
11 very excited about it. So that's the overview of what
12 we're proposing.

13 Are there any questions of the Board for me?
14 I think I hit every one of the topics.

15 MR. D'ARMINIO: This could raise a question.
16 The 60,000 square feet -- that was already approved in
17 1997, and there's no more than that additional, on this
18 plan; correct?

19 MS. DEVITA: Correct. That's correct.

20 CHAIRWOMAN HUNTER: Could you use the
21 microphone, please?

22 MR. D'ARMINIO: And the intent is to upgrade
23 all the hardscape, correct?

24 MS. DEVITA: Correct. Everything. A
25 complete facelift, if you will.

1 CHAIRWOMAN HUNTER: If you -- okay, if you
2 don't have anything else, I'm just going to...

3 MR. D'ARMINIO: I just -- at this point,
4 we've submitted the Scoping Document and we'd just like
5 to hear whatever thoughts that the Board may have, and
6 your professionals.

7 CHAIRWOMAN HUNTER: No problem.

8 MR. D'ARMINIO: Of course, if you have any
9 questions, all of our people are here.

10 CHAIRWOMAN HUNTER: Thank you. Should we do
11 like we normally do, and start with you, Dennis, with
12 your memo, and you want to go through the Scoping
13 Document? What would you like to do?

14 MR. LINDSAY: That's entirely up to you.
15 Whatever way you'd like to handle it. I don't have that
16 many comments, quite frankly. What happened was, they
17 were scheduled before, as you recall, last year, before
18 they went back and took a hard look and made some
19 changes. And I had written a comment memo to the Board
20 at that time, which they had a copy of, and they already
21 incorporated most of those comments into the DEIS. I
22 did have some additional word, to their scope, that is.
23 And I did have a few other comments. I'd be happy to go
24 over those, or you can handle it any other way you wish.

25 CHAIRWOMAN HUNTER: What do you think? Just

1 for the record, we have a memo from Turner Miller
2 Associates from March 2nd. On March 15th, submission
3 was sent to the Orange County DPW and the Orange County
4 Planning for the review. Dennis's memo, Riddick
5 Associates, was received on March 15th. We have a
6 report from John Collins, traffic engineer, from
7 March 16th. From Kristen (phonetic), we have a draft
8 positive declaration for the draft EIS that was received
9 on 3/16.

10 Members of the Board, this is your first
11 time going through a scoping. What do you feel more
12 comfortable, hearing from the consultants first, or you
13 want to jump right in and get our feet wet?

14 MR. D'ARMINIO: Just a quick question.
15 There's a March 16th document from Collins?

16 CHAIRWOMAN HUNTER: Yes. You didn't get a
17 copy? We'll get you a copy. Dennis, you remember the
18 code?

19 MR. LINDSAY: I do, but Kelly says she has
20 an extra one.

21 CHAIRWOMAN HUNTER: All right. Thank you.
22 Sorry about that. We'll make sure that we...

23 MR. D'ARMINIO: It could be just my office,
24 too.

25 CHAIRWOMAN HUNTER: No problem. We're

1 working out that everyone's on the same page and we all
2 get communicated to. I think we just added Phil's
3 e-mail on there, so now Phil's included with our
4 consultants with this application.

5 I know we're getting tired, guys, but this
6 Scoping Document that we have before us that was
7 submitted on March 1st, this is the initial draft that
8 was done by the applicant, and they have since then, I
9 know, have incorporated some of the concerns and
10 questions. We do not have that before us because this
11 is what was submitted to us. Do any of you have any
12 concerns or questions about this Scoping Document, or do
13 you want to hold your concerns until we have the public
14 hearing, which then we can go through section by
15 section, which there is 21 pages.

16 MR. TURNER: Madam Chairman, if I could just
17 provide a little advice to the Board on how they might
18 want to proceed. The applicant, as Danielle has pointed
19 out, there's a little bit of history here, but the
20 applicant has provided a Draft Scoping Document. You're
21 going to hear from the public, either through a public
22 meeting or written comments over the next period of
23 time.

24 You, as a Board, will have to adopt a
25 Scoping Document and at that time you can add, during

1 those discussions, you can add your comments. You can
2 make them now so the applicant is aware of them, but the
3 point I want to make is: The document that goes out for
4 public discussion is not necessarily the final scope.
5 It's the scope that has gone through a couple of
6 iterations with your advisers and with the applicant,
7 and so on. But it's not the final scope, so there could
8 be additional changes, and we're allowing a period of
9 time for the public to be able to comment on items they
10 think need to be addressed, as well.

11 And there is one other point I did want to
12 make, also. I know it's getting late, but I wanted to
13 be clear. I hope I don't confuse it by trying to
14 clarify it. Comment was made -- this is really for
15 Board members who haven't been involved much in the
16 SEQRA process -- comment was made by counsel for the
17 applicant that 60 or 80,000 feet were approved at the
18 original SEQRA, and that's accurate. But what that
19 approval means is that this Board did not approve any
20 plan for that 60,000 feet.

21 You went through an environmental review
22 process which looked at the impacts 15, 14 years ago of
23 a project that was 60,000 square feet larger than what
24 was actually built. And so you looked at the impacts of
25 the traffic, the water, and the sewer, for a project

1 that included that 60,000 square feet.

2 And one of the reasons that we advised you
3 that you should make a pos dec and go through the
4 Supplemental Environmental Impact Statement is that the
5 circumstances in the area have changed significantly.
6 There's been a lot more building, a lot more traffic, a
7 lot more demand on the water, etc., and we wanted
8 everybody to look at that again. We're really
9 revisiting it. But the original project, the original
10 impact analysis included the impact of that 60,000 feet.
11 The plan for it was never approved.

12 CHAIRWOMAN HUNTER: Got you. Dennis, start
13 your normal way.

14 MR. LINDSAY: Since it's our own procedure,
15 why don't we just follow it.

16 CHAIRWOMAN HUNTER: I have things I want to
17 talk about.

18 MR. LINDSAY: Just to give you a little
19 follow-up on what Stu said about scheduling here, I
20 think it's the applicant's intent to try to get all of
21 your comments and our comments incorporated into the
22 document and to submit it by this Friday.

23 If they do so, that would be sufficient time
24 for you to review that, to receive it, to put your
25 notice out for the public to have ample opportunity to

1 review it, as such that you could have your public
2 hearing on April 4th and receive public comment at that
3 time and to any other extended time you have for a
4 comment period, a written comment period, and keep the
5 process moving along.

6 So, with that in mind, I don't have any
7 additional comments. Perhaps the ones I have are
8 doozies; we'll see. I did give additional comments
9 previously and they've already been incorporated.

10 There were a number of things that, in
11 further thought, I asked the applicant to consider and
12 you to consider whether you wanted to have in your
13 scope. One is: There's an area of a high potential
14 degree of conflict between pedestrians and traffic. As
15 you know, for most of the Common, people park on the
16 outside. They enter through one of the porticos for the
17 Common and once they're inside, they're pretty remote
18 from the vehicular traffic around the Common other than
19 those service areas where they receive materials which
20 have a slight conflict with the public for delivery
21 vehicles.

22 But as far as the motoring public that's
23 accessing the site, trying to park, trying to leave,
24 trying to move around the center, they generally don't
25 come in conflict with the pedestrians except for at the

1 location of Marigold, where it crosses the Common now by
2 Levi's down north of the Common. When the development
3 takes place and they add the additional stores that
4 Danielle spoke about so that they don't have to walk
5 back along the same path in front of the same stores,
6 there's going to be another point of conflict there.
7 That's something we asked they take a look at.

8 In my additional comments now, I asked that
9 they consider a number of options. I know that Phil
10 went into a number of options, too, in his comments. I
11 even said they should consider a pedestrian bridge. It
12 may not work here, but it may because of the grade
13 changes. I think they should at least take a look at
14 that in scope to see if it does work. It's an expensive
15 item, but it would eliminate the conflict, but maybe too
16 expensive, or maybe it doesn't work from a grade
17 standpoint. I suggested they take a look at that.

18 I also talked about the impact of service
19 car deliveries. The one significant one I know of, that
20 I've seen operate now, is the one that feeds the
21 existing food court. When they move the food court,
22 there's an opportunity to try to reduce or eliminate or
23 at least to reduce the conflicts they have for
24 deliveries to the food court, because the food court
25 gets a lot of deliveries. That's an area where they

1 should pay particular attention to the deliveries to
2 make sure they can try to minimize whatever conflicts
3 they may have with pedestrians.

4 One last thing as a matter of philosophy,
5 and that is that last time when this was before the
6 Board, there was a concern in '97, '96, '97 for the
7 amount of traffic they had, and the additional traffic
8 that was anticipated, and one of the requirements was
9 that the -- and I think Fred Gorove will remember this
10 -- one of the criteria that the Board established was to
11 try to maximize the free flow on 32 and 17.

12 And that if there was going to be any little
13 sacrifice to that, it was going to be within the Common.
14 I hate to say that, but I mean, if somebody has to wait
15 a little further, it was the philosophy of the Woodbury
16 Planning Board at that time to try to maximize the free
17 flow of 17 and 32.

18 What I read in there was to maximize the
19 intersection operating efficiency with regard to ingress
20 and egress. Now that would normally be the criteria
21 that many people might apply, but it wasn't the criteria
22 the Planning Board applied at the time. I can't say
23 that the two are always in conflict, but there are
24 certain high periods of traffic flow where they are in
25 conflict. And when they were in conflict, I believe it

1 was the Planning Board's philosophy at that time that we
2 want 32 and 17 to move, and if there's going to be some
3 sacrificial lamb, it's going to be a little cue inside
4 Woodbury Common.

5 Obviously, we suggested they review all
6 alternatives to avoid that. One of them we had always
7 hoped for was a connection to the Thruway or something
8 else. We'd be all in favor of that. The improvements
9 on 32 and 17 may also improve the ability to get cars in
10 and out, but I think the philosophy was to have free-
11 flowing traffic on 32/17. If there's going to be a
12 different tack, then we ought to address that now, so
13 they don't go off in the wrong vein in which to review
14 this. I will also defer to Phil Grealy if he has any
15 comments on that, as well.

16 That's all I have, and I realize I went
17 outside into the traffic area, but it's something we've
18 observed and talked about for some time. That's all I
19 have.

20 CHAIRWOMAN HUNTER: Thank you.

21 MR. TURNER: I'll go very quickly. I also
22 submitted a memo earlier to the applicant. They've
23 incorporated everything we had asked for originally, but
24 we realized there are three specific points I'd like to
25 raise, and maybe they're fairly specific, but one of

1 them does actually follow up to Dennis's last point.

2 I just, for the record, hopefully you'll get
3 it down, on Page 15 -- visual impact is always an issue
4 with the Planning Board and ARB and the community. And
5 I think that the scope needs to be a little bit more
6 specific, particularly about the impact of the design of
7 the garage and the view from the ramp that goes off of
8 the Thruway and what it looks like approaching the
9 Common from that area. I don't think it's specifically
10 called out.

11 On Page 14, 3.7.4, again, I'm just
12 reemphasizing something they probably already said,
13 maybe it wasn't clear, but they're building on the
14 earlier traffic studies and other studies. The land use
15 analysis should look at the same area that was looked at
16 in '97, at least go that far beyond the Common.

17 And finally on Page 17, 3.2.3, there needs
18 to be, well, the discussion about the internal
19 circulation, internal access, etc., I think one of the
20 things that has happened over the years -- and Maria, I
21 think you're particularly aware of this -- is that there
22 have been issues about the ability of emergency
23 vehicles, ambulances, fire vehicles, to get through
24 traffic sometimes inside the Common when it's backed up
25 on very bad days. I don't know how that can be dealt

1 with, but I think that needs to be addressed because
2 it's an issue in the community and the emergency service
3 organizations.

4 Beyond that, I don't think we have any
5 further comments. I had one procedural matter which is
6 almost nitpicky. We had made some earlier comments on
7 the Environmental Assessment Form which is usually the
8 form that kicks off the whole process. They weren't
9 revised. I usually advise the Board there should be an
10 accurate form in the file. It's almost unnecessary at
11 this point, because you know what the issues are, they
12 know what they are, they're addressing them, but there
13 were some factual, three or four factual errors. And
14 the applicant, I think, has that memorandum, so they
15 could correct that for the file.

16 CHAIRWOMAN HUNTER: You said it was the EAF?

17 MR. TURNER: The original Environmental
18 Assessment Form, yeah. Like the acreage was in error,
19 small things.

20 CHAIRWOMAN HUNTER: The EAF, okay. I
21 highlighted a few things on there. Okay. Go ahead,
22 Kelly.

23 MS. NAUGHTON: We have no comments at this
24 time.

25 CHAIRWOMAN HUNTER: Thank you, Kelly. For

1 this particular application we have Phil Grealy -- am I
2 saying it right?

3 MR. GREALY: That's correct.

4 CHAIRWOMAN HUNTER: He's with John Collins
5 Engineering, representing the Village Planning Board on
6 the traffic. So go ahead, Phil.

7 MR. GREALY: Yes. Philip Grealy, John
8 Collins Engineers, professional engineer. We had
9 prepared a letter dated March 16th for the Board. Just
10 a little preface to that -- we have had some discussions
11 with the applicant's traffic engineer. He had contacted
12 us and has since provided us some information that we
13 had requested. Just to go through our letter briefly,
14 and then I think we can continue the discussion.

15 Most of the items in our letter, we have
16 discussed on a preliminary basis with the applicant's
17 traffic engineer. The general comment is that the
18 Scoping Document that was dated February 28th, I
19 believe, was very general in terms of traffic. It did
20 not get into any specifics of which intersections were
21 going to be studied, and it talked about accepted
22 methodologies, and so forth.

23 So what we've tried to do in our March 16th
24 letter is run through most of the items that we felt
25 needed to be expanded on, and also to ask for some

1 clarifications relative to how the applicant plans to
2 use the New York State DOT data. They reference DOT's
3 improvement project, the design report that DOT had
4 prepared, and we just need some additional clarification
5 as to how they plan to use that information. I think it
6 may be useful if I get up and use the aerial.

7 CHAIRWOMAN HUNTER: That's great. Just one
8 quick question: On Page 2 you put in there use of a
9 video recording. Has the applicant considered that to
10 helping out with this to analyze the traffic? I don't
11 know if this is the first time you're seeing it.

12 MR. D'ARMINIO: Yes.

13 CHAIRWOMAN HUNTER: I know you've spoken.

14 MR. D'ARMINIO: Yes. We'd like to do that.

15 CHAIRWOMAN HUNTER: Thank you.

16 MR. GREALY: In terms of, if there's any
17 specific questions on the letter, as Maria had asked,
18 the reason we're recommended a video: When you're doing
19 traffic counts at intersections in a location like this,
20 it's important to capture what actually occurs in terms
21 of drivers, habits, and what goes on. So our
22 recommendation to use video is twofold.

23 Number one is to see what actually
24 transpires, and both internally and at the access drives
25 to the shopping center, are important to see what

1 transpires in terms of vehicle movement and also the
2 vehicular/pedestrian interface. That is helpful in
3 terms of if we're looking at future conditions and we're
4 going to simulate what's happened using simulation
5 models, a video is a good way to calibrate that
6 simulation.

7 So, for example, if you're modeling traffic
8 along Route 32, the parameters that go into the
9 simulation, you have a base condition that you can use
10 to calibrate that so that you're comparing apples to
11 apples in terms of looking at what the future condition
12 is. So that's really the main reason for our
13 recommendation on videotaping as opposed to just an
14 intersection count.

15 In terms of the DOT's design report and the
16 DOT project to improve the interchange and the
17 conversion of I-86 is important in terms of timing. I
18 believe the schedule on that is still 2017. I know it's
19 a high priority in the state, but I think we need to
20 have some assurances of where that's going and then what
21 happens in the interim condition, in terms of these
22 modifications and how the interim condition would
23 interact with the changes that are being done
24 internally.

25 We do go into some specifics relative to

1 looking at pedestrian/vehicular conflicts and what can
2 be done there. There is mentioned in the findings from
3 '97 of traffic data that was collected or was to be
4 collected internally. We've asked for copies of that.
5 Apparently there was machine or recording that's ongoing
6 in the Common that would give us variations, daily,
7 hourly variations, so that would be something helpful
8 for us to look at.

9 In addition to what's in our letter, just a
10 couple of items. We briefly mentioned Sunday
11 conditions. The DOT design report had focused primarily
12 on weekday, Saturday conditions. They did a
13 supplemental memorandum that did a sensitivity analysis
14 of what occurs on Sunday. I think it's important to
15 expand on what is there and to clarify how that relates
16 to operations because we know what happens on Sundays.

17 In terms of timing, of doing surveys, and at
18 this time of the year, with the weather that we've been
19 having, I think it's important to get data collected. I
20 would assume that the Easter season is one of the peak
21 seasons, so I think that's important to look at what
22 occurs out there today.

23 We had made specific recommendations which
24 we felt at a minimum should be looked at relative to
25 current conditions. And again, the Board may have some

1 additional comments, and once we review the original
2 study, we were provided a copy this evening of the
3 original traffic study from 1997. The locations that we
4 felt were critical to look at, of course, are the two
5 driveway connections to Route 32 and then internally
6 where the driveways intersect at the main feeder points,
7 and in terms of what occurs at those intersections.

8 So, for example, coming in the northerly
9 entrance, the main access, which is where the food court
10 now is going to be, the main boulevard area, how that
11 will function. As of right now, that's an uncontrolled
12 intersection, and traffic exiting at that intersection,
13 you know, especially on a Sunday afternoon, can get a
14 little tricky. So those are the primary areas that
15 we've asked to be looked at internally. And also by
16 looking at the driveways, we can compare to what the DOT
17 data is, and with the reconfiguration of the
18 intersections and also the access to where the garage is
19 going to be, what those traffic flows will look like.

20 In terms of the external roadway network, as
21 I said, the DOT's design report primarily focused on the
22 interface of the Thruway, Route 6, Route 17, and down to
23 Larkin Place -- Larkin Drive, I'm sorry. So basically,
24 the DOT report looked at the access drives down through
25 the Larkin Drive intersection. In just glancing through

1 the original traffic study in 1997, locations north of
2 the Common were also looked at. I think that's
3 something the Board will have to decide, how much detail
4 needs to be looked at.

5 The original study had looked at Dunderberg
6 Road and Smith Clove Road. In glancing at the original
7 distributions of traffic, the percentages based on the
8 DOT counts in peak hours, the original projections,
9 percentage-wise, were pretty accurate. In peak hours,
10 roughly 80 plus percent leaving the Common heading
11 southeast or west onto 17, the Thruway, or Route 6, and
12 the remaining on Route 32 North.

13 The future conditions, the general scope
14 needs to be amended to refer to the new Highway Capacity
15 Manual. We have a 2010 manual, the latest edition of
16 trip generation, but those are pretty straightforward
17 items that the applicant can address.

18 So our main focus was internally and at the
19 driveways what is going on and to do more than just a
20 traffic count, some videotaping, and to clarify how the
21 DOT data is going to be used in the updated traffic
22 analysis that the applicant will prepare for the DEIS.

23 CHAIRWOMAN HUNTER: Thank you.

24 MR. GREALY: If there's any particular
25 questions on our letter, we'd be happy to answer them.

1 One last issue, I guess, just in going
2 forward, we've had discussions with the applicant's
3 traffic engineer and just want to make sure that's okay
4 to continue that. I think it's worked fine. We've
5 discussed these items and as we move forward if that is
6 acceptable to the Board.

7 CHAIRWOMAN HUNTER: Okay. You want to have
8 documented minutes or notes?

9 MR. CORREIA: Yup.

10 CHAIRWOMAN HUNTER: When you're talking with
11 Fred, right, you two are talking and going back and
12 forth -- e-mail suffice? Just keep us -- you have our
13 Board members' e-mails --

14 MR. GREALY: Absolutely.

15 CHAIRWOMAN HUNTER: Just let us know the two
16 of you are talking about the traffic so that we can keep
17 informed with it. All right?

18 MR. GREALY: Yes. In terms of any letters
19 that we provide to the Board, the Board will distribute
20 those -- for example, this letter we provided to the
21 Board.

22 CHAIRWOMAN HUNTER: Yes.

23 MR. GREALY: The Board will circulate them
24 to the applicant?

25 CHAIRWOMAN HUNTER: Maria is supposed to get

1 everything, Maria Rubio in the Building Department.
2 She's supposed to direct it. I just gave her your
3 e-mail address because she didn't have it on some
4 things. You got included.

5 MR. GREALY: Yes.

6 CHAIRWOMAN HUNTER: She has just about
7 everyone's e-mail address. If the consultants go back
8 and forth, I think most everyone has my e-mail address.
9 If Dennis or I get included, if we see that someone's
10 missed, Dennis is very good at picking that up, as I am,
11 so that we can include everyone.

12 Dennis, your thoughts of everyone --

13 MR. LINDSAY: I would say this: Typically,
14 I don't write normally to the applicant; I write to the
15 Board and I copy the applicant before the meeting. If
16 you write to the Board, Phil, I would suggest before a
17 meeting, give advice to the Board, we usually copy the
18 applicant. It doesn't do anybody any service for them
19 not to come prepared to address the issues. Sometimes I
20 write a long memo and they send to applicant who reads
21 everything and it cuts right to the chase.

22 MR. GREALY: Understood.

23 MR. LINDSAY: But if they have issues, they
24 should be able to address those issues so we can work
25 them out. That's typically the way we do it. So I

1 think, you send something to the Board, you can send a
2 direct copy to the applicant.

3 MR. GREALY: Okay.

4 CHAIRWOMAN HUNTER: That's fine. One
5 second, changing tapes.

6 (Clerk turns tape over.)

7 I've been through some of these, but now
8 that I'm sitting in the hot seat, we have a whole new
9 Board, it's coming back to me. So we'll get through
10 this; as we go along we'll make it better. Do any Board
11 members have questions right now of Phil, while he's
12 here, on the traffic? I know it's on Page 14 of the
13 Scoping Document and then on top of 15.

14 I know it's very brief in there and I know
15 that Danielle, you've made corrections and updated the
16 Scoping Document which they'll submit by Friday, which
17 will have all the thoughts and concerns from Phil and
18 Dennis. But we don't have the update yet. Is there
19 anything that concerns any of the three of us, the four
20 of us about traffic that you want addressed?

21 MR. CHRISTMAN: Yeah, I have a question. As
22 you do the analysis, I guess if you come to some sort of
23 discussion piece, I think that the issue that we have,
24 we've talked about, is that bridge between the 2017
25 changes that the DOT is going to do, that whatever there

1 may be some kind of an interim solution to the traffic
2 issue before we get to that permanent solution.

3 I know there's a lot of talk as the date
4 gets moved around. And I think it's important we talk
5 about some sort of interim solution before that
6 permanent changes go, if they ever happen, but if they
7 get pushed out, for the residents of this area, their
8 concern is, even a year is a long time. But now we're
9 talking another five years. I just want to make sure I
10 get on record by saying we need to talk about that.
11 This need to be analyzed.

12 MR. GREALY: One thing, just to add to that.
13 In the DOT design report, there was a Phase I and then
14 there was the ultimate plan. The Phase I, as you may
15 recall, is the loop to deal with one of the biggest
16 problems is the left turn movement, the loop ramp onto
17 getting to the Thruway. So that's identified by the DOT
18 as Phase I. I think it's in everybody's interest to get
19 that done as soon as possible.

20 We refer to, in our letter, interim
21 conditions internally, but there are other things
22 externally that could be done which would require
23 approvals from other agencies besides this Board, DOT
24 for example. Just for an instance, at certain times,
25 because the left turn getting onto the Thruway, say, is

1 the bottleneck, there's locations where movements such
2 as that are restricted for certain times of the day.

3 For example, I'm just throwing this out, I'm
4 not saying this is a given, but you could direct traffic
5 to continue on Route 17 if it allows traffic to flow,
6 and that traffic, say getting on the Thruway southbound,
7 could access Interchange 15A further south. Again,
8 that's something that would be more than this Board has
9 control over, but that may be the type of interim
10 condition that would help traffic flow moving and it may
11 only be one hour on a Sunday.

12 But those are the types of things that I
13 think could be explored. They don't cost a lot of
14 money. It's not money wasted in terms of infrastructure
15 that's going to get torn out three years later by DOT,
16 but something that can be implemented as an interim.
17 It's just an example.

18 CHAIRWOMAN HUNTER: Chris, anything for Phil
19 right now, or traffic?

20 MR. CORREIA: So in the past when you've
21 done the traffic studies at Mall of America or when the
22 traffic study comes back and the pattern has to change,
23 what happens in that case? You have a proposal, a draft
24 proposal in front of us today, with the proposed
25 internal ring, external ring -- what happens when the

1 study comes back and it's not going to work?

2 Hypothetically?

3 MS. DEVITA: It's not going to work
4 meaning...

5 MR. CORREIA: The traffic pattern doesn't
6 conform to what the proposal is in front of us. So,
7 Phil does the traffic pattern and it looks like there's
8 some issues. How does that work? Walk me through the
9 process internally.

10 MR. D'ARMINIO: We have Fred Gorove.

11 MR. GOROVE: I just want to comment just to
12 show you I can talk.

13 CHAIRWOMAN HUNTER: Just so everyone knows,
14 we're not being videotaped anymore, but speak clearly
15 for -- I forgot your name in the back -- for the
16 stenographer. Make sure Lynn hears you because she is
17 recording this, and Gale, our secretary here. I think
18 there's an extra mike on the podium there if someone
19 wants to grab it; there's an extra one lying on the
20 floor here.

21 MR. D'ARMINIO: Just for the record, say
22 your name.

23 MR. GOROVE: It's Fred Gorove, Gorove/Slade
24 Associates, and I'm from Washington, D.C. I spent most
25 of my professional life working in New Jersey/New York,

1 so I'm well acquainted with the area and the laws and so
2 on.

3 The comment, in regard to what Phil's
4 comments, and the Board member's comment here, is one --
5 in general, Phil and I read the same textbooks; we have
6 to agree professionally on what we're doing. We've had
7 conversations and we don't have issues. In regards to
8 the comment that you made about what happens if
9 something doesn't work. This is what I wanted to talk
10 about, about the studies. It's not just the number, the
11 numbers. If you look at a traffic report -- they're
12 really exciting, pages and pages of counts and numbers
13 and so on which don't really mean a whole lot. You have
14 to look deeply to see what they mean, because the second
15 something doesn't work, people move.

16 It's behavioral science, and that's what
17 we're really doing. We're predicting, based on our
18 experience, what's going to happen under these
19 conditions. If this doesn't work, where are we going to
20 move to, and what's the consequences of that happening,
21 and how do we address those issues. And I thought
22 Phil's comment about well, on emergency days, such as
23 peak days, move them down to the next interchange. Easy
24 for us to say. That's a big issue. It's a regional
25 issue. But we've seen a lot of towns do those kinds of

1 things. I said to Phil, and he mentioned that, I said,
2 I wish I would have said that. Because it's a good
3 idea; you can always declare an emergency basis.

4 Instead of building more ramps and the like,
5 let's be practical about moving people along the line.
6 One of the things we learned over the years, that there
7 really isn't a clear traffic problem. Every time we've
8 added capacity, more people pull their cars out of the
9 garage during that period, because they know there's
10 capacity. There's latent demand when you're in an area
11 like New York/New Jersey. People are waiting to use
12 their cars. But what we try to do is manage traffic. I
13 think Phil's focus on looking into the interior, that's
14 where we can do something to make things work internally
15 for Woodbury Common, and work for that.

16 The comments about the pedestrian/automobile
17 conflicts, there are solutions to that. That's what
18 we've been working on for a long time. Working with the
19 DOT is more problematic; their focus has to be the
20 highway. That's their business; they own the roads and
21 these are big dollars. Hard to push in that direction
22 to really find a cure, and it takes a long, long time.
23 They have no obligation to fix things in advance. There
24 has to be a real recognized problem before it get
25 prioritized and it gets cured. We all suffer with that.

1 I think that you have leverage here.

2 The DOT won't fix anything unless the town
3 is in accord on it. They don't want to come in on an
4 issue. They won't say, We'll come put a loop ramp here.
5 Then there's 15 different parties that say, Oh, that
6 loop ramp is going to cause us problems, and they object
7 to it. They don't like to come in that kind of
8 situation. If the town and everybody agrees on what to
9 get done and they can approach the DOT, try to get
10 something prioritized, then things get moving. An idea,
11 a practical idea like what Phil just mentioned. That
12 doesn't cost a lot.

13 If you look at the graphs for traffic, they
14 only peak at certain times. How many hours are there in
15 a year that traffic runs? I don't know, but it's a lot
16 of hours. If you look at it, it's only about 10 percent
17 of the hours that you really have those problems on a
18 yearly basis. So we make the judgment, is that worth
19 the priority to spend it, to spend the money.

20 But I'm just making general comments,
21 although the conclusion to all this stuff that I'm
22 saying, and I think Phil would agree with this, what
23 we're trying to do is to come up with a practical
24 solution that's going to be effective. And we're using
25 the word efficiency to make things work as well as they

1 can work under the conditions that we're working within.
2 By working, we're talking about the general public.

3 MR. CORREIA: Within the grounds of control
4 within the Common or outside the Common?

5 MR. GOROVE: There's two separate things
6 here. One of them is a regional need. Of course we
7 look to find a solution that will help the land use
8 we're working on, that will serve the public. Because
9 we know wherever we can find one that will both serve
10 the public and the land use that we're working on,
11 that's a win-win situation.

12 And this is the conversation we had with the
13 DOT -- they have problems. Because they don't have the
14 whole solution. They know they have a difficult
15 connection to the Thruway. They admitted to us, We
16 don't have a good solution for connecting the Thruway.
17 They know that's the most important thing we're doing.
18 They haven't reached an agreement.

19 And that's something the town could be
20 effective at what's the best solution for the DOT to
21 solve the problem of connection to the Thruway, and it
22 also serves the town and the public traffic and also
23 serves Woodbury. So there's lots of things like that.
24 We'll try to bring out some of them. We'll be at the
25 front of what our solutions are; some of them are buried

1 a little bit, and talk to you, and hopefully this will
2 be picked up and carried out.

3 With all those words, there's an answer in
4 there someplace. Thank you.

5 MR. GREALY: Chris, if I may, I could just
6 add one thing relative to what happens if your
7 projections don't work, okay. Here we are 12, 14, 15
8 years later, and from a distribution percentage,
9 percentage of traffic in peak hour heading left out of
10 the Common versus right out of the Common, it appears
11 from a first glance those are pretty consistent with the
12 original studies, okay. In terms of actual traffic
13 generation, am I generating 1,000 cars an hour versus
14 before it was projected at 800 cars an hour exiting -- I
15 don't know the answer as to how those match up, but the
16 information is there to see.

17 So in terms of doing evaluations and whether
18 you're reevaluating after actual operations, you get to
19 see whether a projection is correct; are there factors
20 that are affecting it. So for example, other growth
21 that has happened in the corridor, what else has
22 changed?

23 If it turns out that the projections are
24 right in line with what was projected before, and other
25 than the peak, peak, peak day, then what else was

1 affecting the result that was predicted? Is it
2 background changes in traffic, is it the way the drivers
3 are operating, especially during peak periods, and
4 that's one of the reasons for the --

5 (Clerk turns tape over.)

6 MR. GREALY: -- one of the recommendations
7 to have a videotape because it helps us as engineers see
8 what's happening and it also helps us to come up with
9 solutions if something isn't working properly, and I
10 think that's what the goal is for everybody here.

11 The applicant needs to have it work
12 properly; and from the town/village standpoint, we want
13 to have safe traffic flow; and as a resident, the
14 residents want to be able to get where they need to get
15 to.

16 So I think the answer to your question, in
17 addition to what Fred said, is: There are other things
18 that we'll be looking at once the studies are done and
19 recommendations and what we call some interim
20 recommendations. There's things that can be done to
21 help the situation.

22 I think the only comment I would end with on
23 traffic is: The applicant is going to create a more
24 detailed scope, and get it back to the Board Friday so
25 that it can be circulated to the public.

1 The only area that I'm not sure of that
2 we've really focused on, and it will come out in the
3 scoping meeting: Does the Board have any feeling
4 relative to traffic intersections north of the Common?
5 I think we pretty much addressed what we think
6 internally, the driveways, and assuming they're going to
7 describe how they're going to use the DOT data which
8 covers everything to the south of the Common driveway.
9 That's the only piece that's kind of missing.

10 MR. GOROVE: If I could help the Board a
11 little bit on this. I was thinking while Phil was
12 talking, there's some things that -- I'm sorry --
13 there's some things that Phil and I have talked about
14 that we're really not settled about, that that's the
15 best thing to study.

16 For example, Phil has thought, Well, maybe
17 we need some traffic signals at some internal
18 intersections and that would be a matter of control.
19 We'll have to go through all of that. Some things will
20 stay ambiguous, I think, in the Scoping Document because
21 we're going to debate these things.

22 MR. GREALY: They have to be studied. We
23 have to see what the answer is before we --

24 MR. GOROVE: Exactly. I like the idea that
25 was mentioned that we should have our conversations in

1 e-mails that the Board can see those, so you can see how
2 we arrive at the answers to that along the way. I think
3 that would be helpful for everybody to participate in
4 what we're doing.

5 Because all my kids have gone through
6 college already and I could think of about a half-a-
7 million-dollar study here that we're talking about; I
8 don't know that that's going to fly.

9 CHAIRWOMAN HUNTER: Does any of the Board
10 members want anything north of Woodbury Common looked
11 at? Well, you would have Cosmo's, you have Buena Vista,
12 you have Midland, you have Oakland. Those are the first
13 three streets on the left-hand side, and then you have
14 Cosmo's, and then you go and come around the bend to the
15 Mobil station.

16 I know I mentioned this to Dave one day, on
17 a Sunday, I forget what weekend it was, I got stuck with
18 five lights, four or five lights, waiting. I was like
19 the second car waiting at the traffic light to go
20 through southbound, and the traffic -- I looked up
21 behind me and the traffic was beyond Cosmo's. That's an
22 issue that I think we do need to take a look at in some
23 way. How can we --

24 MR. LINDSAY: Maria, if I could just jump in
25 on that point. When you studied the Common before, the

1 only difference, real big difference, northbound, that I
2 recall is the addition of the traffic signals that have
3 been put there on Smith Grove Road. I don't think that
4 was there when they studied it, nor the new one they put
5 at Gregory, is it? I forget exactly which one it is,
6 but there's two new traffic signals going northbound.

7 The turn movements at Oakland and those are
8 pretty limited in terms of the number of movements that
9 you have there. It might be difficult for someone
10 getting out, but that's stream of traffic on there. But
11 the traffic signals are new. And so, maybe you want to
12 consider, on a cue, or however you guys want to look at
13 that, what happened. But that's a change, that's a
14 significant change in northbound direction in the free
15 flow of traffic north. It used to be 105 was the only
16 traffic signal we had.

17 CHAIRWOMAN HUNTER: Now we have Smith Clove.

18 MR. TURNER: Well, Smith Clove is a control.

19 CHAIRWOMAN HUNTER: I guess, as far as Smith
20 Clove, we probably should incorporate that into looking
21 at that.

22 MR. TURNER: Smith Clove, I think, should be
23 looked at.

24 CHAIRWOMAN HUNTER: Since '97, the light at
25 Larkin wasn't there yet.

1 MR. GREALY: That's part of the DOT's study,
2 so I think the applicant is going to describe how
3 they're going to use that information. The only reason
4 I brought up north is because it was in the original
5 document, and it may be useful to look at one, maybe two
6 locations. My kids are out of college, too, so I'm not
7 looking to go crazy here, but I think it's just, it was
8 in the original study and it's...

9 CHAIRWOMAN HUNTER: All right. I think we
10 all have to get up in the morning, too.

11 MR. TURNER: We also have to pass a pos dec
12 tonight if you're going to set a date for the scoping
13 meeting.

14 CHAIRWOMAN HUNTER: I'm getting there.

15 MR. TURNER: Oh, I thought you were ready to
16 leave.

17 CHAIRWOMAN HUNTER: No, no, no, we can't
18 leave yet. Just briefly for Stu and for whoever, for
19 Woodbury Common with your draft -- I need Stu, for
20 interested agencies, can you please include the Village
21 of Woodbury?

22 MR. TURNER: Yes, we just talked about that.

23 CHAIRWOMAN HUNTER: Because you have the
24 Woodbury Town Board, and you don't have the Village of
25 Woodbury Board, and you don't have the Army Corps of

1 Engineers that Woodbury Common has. And on your Page 2
2 you don't have John Collins Engineers as a lead agency
3 consultant. Could please add them in? You have Stu and
4 Dennis.

5 Also, if you can separate it out, it should
6 be the Town of Woodbury Police Department -- they're
7 very particular about that -- and the Village Fire
8 Department. And then, so that they match, you need to
9 add the Orange County DPW and Woodbury Town Board as
10 interested agencies, and then both of you will have
11 matched documents.

12 MR. TURNER: You don't have Orange County
13 DPW.

14 CHAIRWOMAN HUNTER: Yeah. Lou didn't have
15 Orange County DPW or the Woodbury Town Board as
16 interested agencies.

17 MR. TURNER: And we're going to move the
18 County Planning Department to interested.

19 CHAIRWOMAN HUNTER: Yes.

20 MR. TURNER: According to counsel's advice.

21 CHAIRWOMAN HUNTER: And the Planning
22 Department, also, you're moving down to interested
23 instead of involved, because they're not involved.

24 MS. NAUGHTON: They're not a permitting
25 agency. They don't issue a permit. Obviously, you do

1 have to comply with GML, but it's not considered a
2 permit.

3 CHAIRWOMAN HUNTER: The two of you make sure
4 that you match with that. With this positive
5 declaration, that's the draft that you, Stu, that you've
6 done.

7 MR. TURNER: Yes. And the date will change.
8 It was drafted earlier. The date will change to
9 tonight, I presume.

10 CHAIRWOMAN HUNTER: Okay. And we're okay
11 with that. Everyone, you've seen the draft. And I know
12 he changed item No. 9 because that was in the memo from
13 Kristen. Right?

14 MR. TURNER: Yes.

15 CHAIRWOMAN HUNTER: Also, item 9 on Page 2
16 has been revised slightly, so the applicant felt the
17 wording sounded like the Board had already made its
18 determination. So you're good with item 9 now? So
19 before I move, do we have to make a motion?

20 MR. D'ARMINIO: Just for the record, item 9,
21 the statute had talked about some information -- at this
22 point, we're only doing 60,000. Just for the record,
23 only doing 60,000 square feet of infill in terms of what
24 that generates, possibly not significant, but the
25 overall traffic impact is going to comply with what

1 Mr. Grealy has recommended, for the most part.

2 The only slight difficulty, I'm not sure
3 about the variation, copies of variations and the like.
4 We should talk more about that. I'm not certain of what
5 you're looking for with that. I believe that Mr. Gorove
6 can speak to you.

7 MR. GREALY: What I was referring to is in
8 the finding statement it referred to a requirement that
9 there were some internal counters. I don't know. If
10 the data is available, it would be useful for us to look
11 at in terms of variations, day to day, in terms of how
12 many of the peak days there are.

13 MR. LINDSAY: You did have something at one
14 time. Years after the Common was approved and started
15 operating, you provided data. I think it was a year or
16 two after that. But I don't know how ongoing.

17 MR. D'ARMINIO: We'll have to take a look at
18 it. We'll take that under advisement and deal with it.
19 As far as the other comment, I'm going to incorporate as
20 many as I can. Still be some time after, I'll add to
21 the revised.

22 MR. LINDSAY: This would be an amended scope
23 that would go out for public comment. It will be
24 amended again, most likely, so this is not the last bite
25 of the apple that you have.

1 MR. D'ARMINIO: If this is what you want,
2 then let's get it to the public in a way that is closest
3 to what you want. At least at this point you're
4 thinking about this, not saying that you're not changing
5 it, obviously...

6 CHAIRWOMAN HUNTER: Understood. Let me just
7 take a step back. Stu, you talked briefly before the
8 start of the meeting. You were supposed to give me a
9 couple things that we were supposed to get on here.
10 Where do we start?

11 MR. TURNER: Well, you already are the lead
12 agency. I had suggested to you that we declare -- it's
13 actually reconfirming your role as lead agency. The
14 Type I action, so reconfirm lead agency and declare a
15 Type I action; and then as a separate item, I would
16 suggest you make a positive declaration requesting the
17 supplemental EIS, and that will go with the scope, the
18 draft scope, to the various agencies and public.

19 CHAIRWOMAN HUNTER: Okay. Phil, if you want
20 to have a seat. You're good for right now. Let's do
21 these. So since we are lead agency, we have to
22 reconfirm our role as lead agency. Can I have a motion
23 from someone for that?

24 MR. CHRISTMAN: I'll make the motion.

25 CHAIRWOMAN HUNTER: Thank you, Mark. Do I

1 have a second?

2 MR. CORREIA: Second.

3 CHAIRWOMAN HUNTER: Thank you, Chris. All
4 in favor?

5 BOARD MEMBERS: Aye.

6 CHAIRWOMAN HUNTER: Four yes. I made a
7 motion to declare this a Type I action. I'll make that
8 motion. Do I have a second?

9 MR. CORREIA: Second.

10 CHAIRWOMAN HUNTER: Thank you, Chris. Any
11 discussion? All in favor?

12 BOARD MEMBERS: Aye.

13 CHAIRWOMAN HUNTER: Four yes. We have a
14 motion for a positive declaration to be issued out.

15 MR. TURNER: You're making a positive
16 declaration. That's basically what you're doing.

17 CHAIRWOMAN HUNTER: We're doing a positive
18 dec. Chris, you made that motion? Mark, second. Any
19 discussion? All in favor?

20 BOARD MEMBERS: Aye.

21 CHAIRWOMAN HUNTER: All right. Housekeeping
22 -- all those motions are taken care of. Now we're
23 giving you till Friday, so that we have a little less
24 than two weeks. As soon as you get that, we'll have to
25 remind Maria to send that out to the website as quickly

1 as possible. I'll remember to tell the person --

2 MR. LINDSAY: Can you submit it in PDF
3 format, as well.

4 MR. D'ARMINIO: I'll provide a red light for
5 the consultants to...

6 CHAIRWOMAN HUNTER: Perfect. Going forward,
7 we ask that everything you submit, PDF form, that
8 documents have to be uploaded to the website, that's the
9 best way. We ask that that be done. I need a motion to
10 set a public, it's not a hearing --

11 MR. TURNER: A public scoping session.

12 CHAIRWOMAN HUNTER: I would like to make
13 that motion that we do that for April 4th. To hear from
14 the public. That's my motion, for April 4th. Can I
15 have a second?

16 BOARD MEMBER: Second.

17 CHAIRWOMAN HUNTER: Any discussion? You're
18 going to be here, right, for April 4th? You're not
19 going to be here? The three of us can get it started.

20 All in favor?

21 BOARD MEMBERS: Aye.

22 CHAIRWOMAN HUNTER: Are you saying yes or
23 no?

24 MR. CHRISTMAN: I'm ayeing that.

25 CHAIRWOMAN HUNTER: So we can have a public

1 hearing.

2 MR. D'ARMINIO: May we ask a question?

3 CHAIRWOMAN HUNTER: Yes, you may.

4 MR. D'ARMINIO: On the April 4th meeting,
5 would you like us to make a little bit of a
6 presentation, or not? Or just listen? I mean, I will
7 do whatever the Board thinks is best in terms of
8 assisting the public.

9 CHAIRWOMAN HUNTER: No more than a
10 three-minute presentation to the public.

11 MR. D'ARMINIO: It's going to look like what
12 Ms. DeVita did tonight, go through the plan, perhaps.

13 CHAIRWOMAN HUNTER: Have your renovation
14 plan, because there will be public here. And Fred and
15 Phil, I can't impress this upon you, both of you:
16 Traffic will be brought up. Traffic will be a main
17 concern. Residents are concerned about -- not your
18 development, your project -- but the whole intersection
19 down there.

20 The Town Board last week did a resolution
21 about the impact of that intersection. I think I sent a
22 copy out, or it was in their minutes. They made a
23 resolution about the impact of that particular
24 intersection that impacts Woodbury Common. They put in
25 the school and if you go to the website, Town of

1 Woodbury website, if you look at their -- you can see it
2 on there.

3 But the two of you are probably going to be
4 the first. We may just start up right with traffic on
5 the April 4th meeting. I'm sure this one will be
6 packed.

7 MR. LINDSAY: Maria? One thing we have to
8 do, though, is, this is a scope hearing. You don't want
9 to turn it into the ad hoc public hearing comment on
10 Woodbury Common because, obviously, people are concerned
11 about traffic; that's why you want to study it.

12 It has to be impressed upon folks, and even
13 the consultants, to understand that all we're trying to
14 do now, and I don't mean to minimize it, is to establish
15 the scope of the study so that these details can be
16 reviewed and detailed professionally, and then the Board
17 can review that, and the public can review that, and
18 then there'll be a comment period on all of that. And
19 at that time, anybody is free to unload if they wish.
20 But right now, it's basically a discussion for scope.

21 CHAIRWOMAN HUNTER: Does that say 86 on the
22 wall over there?

23 MR. D'ARMINIO: It does, yes.

24 CHAIRWOMAN HUNTER: We'll deal with it on
25 the 4th, about having the meeting here. Think I need to

1 move the location?

2 MR. LINDSAY: I don't know.

3 MR. TURNER: I don't know.

4 CHAIRWOMAN HUNTER: We'll start it here. If
5 we have to, we'll figure something out that night.

6 MR. LINDSAY: We're already filling the room
7 with consultants.

8 CHAIRWOMAN HUNTER: I know we are. The
9 public will come out. I know there's a grass roots out
10 there. There is some concern. So I know that will
11 probably be our biggest issue.

12 MR. TURNER: How big is the Village Hall
13 Firehouse room?

14 CHAIRWOMAN HUNTER: They can hold 140 people
15 in that, where we met. It's coded for 140 people. This
16 was 186, that's 50 more people. I don't think we're
17 going to reach that number, but it may be close. I
18 mean, what are we here -- 40 of us, 44 of us right now?
19 So you think we'll be safe here to start? If it's nice
20 weather, we can go out in the backyard. I don't care.
21 What do you think, Kelly?

22 MS. NAUGHTON: I think you'll be fine. If
23 it does exceed that, you can still hold it. You can
24 move it to another location if available, post signs
25 that it's there. You can continue it to another night

1 to allow those that can't be here that night to be there
2 the next night.

3 CHAIRWOMAN HUNTER: If people want to, they
4 can stand outside and rotate in and out if they want to.

5 MS. NAUGHTON: We've seen that before where
6 they leave the doors open and people stand in a hallway,
7 and you just put a speaker out there. There's ways to
8 deal with it and handle it that night.

9 CHAIRWOMAN HUNTER: The EAF. Stu, the 21
10 pages. I don't want to kill everyone. You said there
11 was some issues in there.

12 MR. TURNER: I don't know if they're big
13 enough issues to discuss; that's the point. So I think
14 they have the memo. We don't have to distribute that.

15 CHAIRWOMAN HUNTER: Right.

16 MR. D'ARMINIO: Do you want, the correct
17 EAF, do you want that by Friday too, to be corrected?

18 MR. TURNER: It would be good to have it in
19 the file.

20 CHAIRWOMAN HUNTER: The only thing is, I had
21 one thing on Page 3, real quick. On item 10, it says
22 "Do hunting, fishing, or shellfish opportunities
23 presently exist in the project area?" You have checked
24 off "no." There's Peckman's Pond, which is open to the
25 public. They do fish in there. I don't know if that

1 has to become a yes or a no. I'm asking you, Stu. I
2 just happened to pick up on that. It's Woodbury Field
3 and Stream Club.

4 MR. LINDSAY: It's separate property.

5 MR. TURNER: Usually relates to the site.

6 CHAIRWOMAN HUNTER: But you have the access,
7 that you have to go through the site.

8 MR. TURNER: That's true.

9 CHAIRWOMAN HUNTER: I don't know; I'm just
10 asking. Then on Page 5, No. 3, "Will disturbed areas be
11 reclaimed?" You said "no." But then you said, "How
12 many acres of vegetation (trees, shrubs, ground covers)
13 will be removed from site?" You have 3.4 plus or minus.
14 Does 3 and 4 contradict each other, or am I not reading
15 it right?

16 MR. D'ARMINIO: I think at that time we
17 really weren't certain whether anything was going to be
18 really removed. There's a small area of disturbance, as
19 I understand it, based on the ring road. I'll verify
20 that with Ms. Ruskan and we'll get the correct number.

21 CHAIRWOMAN HUNTER: The other thing is, I
22 know you're anticipating a three-year project. We're
23 not doing phases? Last year we talked about phases.

24 MS. DEVITA: Oh, it will be phased.

25 CHAIRWOMAN HUNTER: Then, you need to, on

1 Page 6, No. 6, "If single phase project: Anticipated
2 period of construction," you have 36 months. It's not a
3 single phase project, then. Right? Also, on Page 11...

4 MR. LINDSAY: There's a phase construction
5 sequence.

6 MS. DEVITA: It's continuous construction.

7 MR. TURNER: It's just construction
8 schedule, whatever you call it.

9 MR. D'ARMINIO: It's one continuous
10 construction.

11 MR. CORREIA: You're going to have phases,
12 right?

13 MR. TURNER: Not technically.

14 MR CORREIA: On your blueprint, especially
15 with the public, that would be helpful to the public to
16 understand the way you're going to start, just to show
17 it, even if it's just to show this is the preliminary,
18 Phase I, Phase II, Phase III, whatever you want to call
19 that.

20 CHAIRWOMAN HUNTER: We can change them.
21 Because we have other projects that they say 1, 2, 3, 4,
22 and we shift them around as needed. Because, like that
23 interior wall where we had the discussion where you may
24 have to realign the road, and what are you going to do
25 with that wall -- is that going to be initial phase, or

1 are you going to wait till later on, just to give the
2 public -- trust us, we know what the public is going to
3 ask.

4 MR. D'ARMINIO: It's more concerned with the
5 scheduling.

6 MR. LINDSAY: This is different than our
7 normal phasing. In a normal phasing, like WP3 here,
8 Woodbury Junction is here -- when we do phasing in that,
9 there's always the presumption that a phase may be built
10 and no other phase will be built, so we look at the
11 infrastructure in terms of, if Phase I is built, and
12 nothing else is built, can it coexist by itself.

13 That's not your plan. Their plan is to do
14 the whole thing, so there's only going to be one
15 construction project, but it will be phased in terms of
16 its construction sequence. So, that's all we're talking
17 about is the construction sequence. And I don't think
18 that affects the EAF. I don't think it affects that.

19 CHAIRWOMAN HUNTER: It might be helpful,
20 like when you do a brief overview, let the public know
21 how you're going to proceed if you're doing construction
22 over the next three -- we're not holding you to it.

23 MS. DEVITA: I'm not really sure that we
24 know it yet.

25 CHAIRWOMAN HUNTER: It's only an estimate of

1 what you're going -- I'm just trying to give you some
2 information that the public is going to ask. My gut
3 feeling.

4 MR. D'ARMINIO: That would not -- we'll look
5 at that as part of the scoping, but that's a site plan
6 review.

7 MR. LINDSAY: I also think if you set
8 parameters to how it can proceed, that that's really
9 what you need to do. Because what happens is this:
10 It's hard to do this absent a contractor. Once they get
11 a contractor...

12 This is exactly what happened recently.
13 What was the development you just had? Ann Taylor,
14 Loft, right. You set parameters, but then when we met
15 with their contractor, there's certain things they can
16 do for the lay down areas, certain things they needed,
17 and we set parameters there at the construction meeting.
18 So I think you would set those parameters.

19 But I think it's important, like you say, to
20 let the public eventually know that that will be done.
21 It's not going to be disrupting the whole area. People
22 are going to be walking through construction zones and
23 that's just not going to happen.

24 Also, your emergency services are going to
25 have to know that whatever construction zone they set

1 up, there's an alternative access means. At all times,
2 they don't block any area off from access. So there's a
3 whole sequence that you'll have to look at for that.
4 But you'll set the parameters.

5 MR. D'ARMINIO: We put that in the Scoping
6 Document already. This was one of the recommendations
7 that was made the last time around, and that's in the
8 Scoping Document to deal with those issues.

9 CHAIRWOMAN HUNTER: With the emergency
10 services, I know when we met a couple weeks ago we had
11 asked for a meeting with them.

12 MR. D'ARMINIO: That took place, I think,
13 right?

14 CHAIRWOMAN HUNTER: I'm going to set some
15 parameters with you. Whenever you have a meeting with
16 our organizations from Woodbury, Dennis, Gary and myself
17 have to be included in the meeting. We weren't there.
18 Or let us know about them, because we don't have proof
19 that you met with them.

20 MR. D'ARMINIO: We didn't understand --

21 MR. LINDSAY: That's okay. We don't always
22 all come. It's just a matter of everybody gets in the
23 loop so we know what's going on. The appropriate people
24 are there. Gary sometimes just carries the message, or
25 whatever it might be.

1 CHAIRWOMAN HUNTER: The reason I'm saying
2 this is, a representative of the ambulance corps
3 personally came to me. He wants to know when this
4 meeting's going to be, because he wants the president or
5 vice president to be present at those meetings, and I
6 don't know if this person was invited to that meeting.
7 That's why I have to know when these meetings are.

8 You have to understand I'm getting beat from
9 all walks of life and I'm trying to be fair to
10 everybody; I'm trying to do my due diligence to
11 everyone. So, if you have any other meetings with
12 organizations within Woodbury, send me an e-mail; put
13 Dennis, Gary, and I so we know what's going on.

14 And the parking deck, are we addressing it
15 enough in the Scoping Document?

16 MR. LINDSAY: I think so.

17 CHAIRWOMAN HUNTER: I mean, visibility...

18 MR. TURNER: I think so. Well, I mentioned
19 that.

20 CHAIRWOMAN HUNTER: That's something I want
21 to look at hard.

22 MR. D'ARMINIO: I could put specifically
23 that we said we could look at all new elements.

24 MR. LINDSAY: I think it's in there. But if
25 there's any particular thing that you think should be

1 looked at, this is the time to say it so we can get it
2 in there, or it's one of the times to say it.

3 MR. CHRISTMAN: I have it in my notes, too,
4 so.

5 CHAIRWOMAN HUNTER: If you want it in the
6 Scoping Document directly, let them know to put it in
7 there before Friday. Is there anything that you want
8 them to include on that?

9 MS. NAUGHTON: You can also take a look at
10 the one that's submitted on Friday and say "Okay, you
11 satisfied it" or, you know.

12 MR. D'ARMINIO: It could always be added
13 later if I forget.

14 CHAIRWOMAN HUNTER: All right. Like Dennis
15 said, this is going to be amended, it might be a couple
16 times.

17 MR. TURNER: Exactly.

18 CHAIRWOMAN HUNTER: It won't take years, but
19 it'll get there. Dennis, only Woodbury Common on the
20 4th.

21 MR. LINDSAY: There may be one simple
22 housekeeping matter; there's an extension that we may
23 have to take care of. That'll be quick.

24 CHAIRWOMAN HUNTER: That'll take like 15
25 minutes beforehand. That would be the only other item.

1 But no other items; we're dealing with Woodbury Common.

2 Mark, you're not going to be here.

3 Guys, if for any reason -- if my plane
4 doesn't come in on the 3rd, I'll let you know.

5 MS. NAUGHTON: You're already planning to
6 miss that flight.

7 CHAIRWOMAN HUNTER: I may stay where I'm
8 going on vacation. Meetings for the rest of the month.
9 April. March is done. This is our last meeting of the
10 month.

11 MR. LINDSAY: You can decide that April 4th,
12 if you wish.

13 CHAIRWOMAN HUNTER: That might be our only
14 meeting for the month. April 4th might be the only
15 meeting.

16 MR. LINDSAY: I suggest you decide that
17 April 4th when you see what the cue is, what you have.

18 CHAIRWOMAN HUNTER: We'll talk about that;
19 get your calendars, guys. All right. Anything for the
20 Common? Applicants, you're good? We destroyed your
21 evening? Any other comments? I know we didn't get to
22 all your consultants. My consultants, I'm not going to
23 discuss that other item because you're still
24 investigating it.

25 MS. NAUGHTON: I am still investigating.

1 CHAIRWOMAN HUNTER: Motion to adjourn?

2 BOARD MEMBER: Motion.

3 BOARD MEMBER: I'll second.

4 CHAIRWOMAN HUNTER: All in favor?

5 BOARD MEMBERS: Aye.

6 CHAIRWOMAN HUNTER: Thank you, everyone, for
7 being real patient.

8 (Hearing adjourned at 10:48 p.m.)

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C E R T I F I C A T E

I, LYNN FORREST, a Court Reporter and Notary Public of the State of New Jersey, do hereby state that the foregoing is a true and accurate verbatim transcript of my stenographic notes of the within proceedings, to the best of my ability.

LYNN FORREST
Notary Public No. 2415076

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