

VILLAGE OF WOODBURY
PLANNING BOARD

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

WEDNESDAY, APRIL 18, 2012
WOODBURY TOWN HALL
511 ROUTE 32
HIGHLAND MILLS, NEW YORK 10930
COMMENCING AT 7:40 P.M.

BOARD MEMBERS:

MARIA HUNTER, Chairwoman
RICHARD CATAGGIO
MARK CHRISTMAN
CHRISTOPHER CORREIA

ALSO PRESENT:

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

APPEARANCES:

RICHARD GOLDEN, ESQ.
Counsel for the Board

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

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1 MR. GOLDEN: The attorney had given me
2 a call and asked if I thought it necessary that they
3 all be here. I indicated to him -- because he had
4 to be someplace else and Danielle had to be --
5 Danielle is in California, as I understand it. What
6 I said was, I think it's important that you have
7 representation here in case the Board has questions.

8 And he said, "Yes, we'll have people
9 there" -- and you'll be anxious to hear this --
10 "we'll have people there to answer all questions and
11 take responsibility for those answers."

12 CHAIRWOMAN HUNTER: With that being
13 said, everyone ready to start the meeting?

14 (Whereupon the Board attends to other matters.)

15 CHAIRWOMAN HUNTER: Next item on the
16 agenda is CPG Partners/Woodbury Common/Renovations.
17 We're going to review the amended Scoping Document
18 to include input and comments received during the
19 Public Scoping Meeting on April 4, 2012, for the
20 preparation of an Environmental Impact Statement.
21 This action proposes to amend an approved site plan
22 involving the property better known as Woodbury
23 Common Premium Outlets. The proposed action
24 includes the construction of 60,000 square feet of
25 infill development, as well as the realignment of

1 the existing ring road and other circulation
2 improvements; construction of a new parking
3 structure; new bus pick-up and drop-off areas; a
4 complete renovation of the facade of the entire
5 development, and renovation/redevelopment of common
6 areas. The proposed action also includes
7 renovations to the main Tower Building, food court,
8 customer service area, visitor area, pedestrian
9 walkways and associated infrastructure improvements.
10 Said property is located on Route 32 in Central
11 Valley and is known on the Village of Woodbury tax
12 maps as Section 225, Block 1, Lot 70.2.

13 We did receive a revised Scoping
14 Document which was received in the Building
15 Department April 10th as agreed upon. Just for the
16 record, it was due on the 9th, but the Village
17 Building Department and the Village employees, that
18 was their floating holiday. They were closed, so we
19 accepted it on the 10th.

20 MR. TURNER: It was e-mailed to all
21 the consultants on the 9th in a timely fashion.

22 CHAIRWOMAN HUNTER: As requested. In
23 speaking with Lieutenant Abbott from the Woodbury
24 Police Department and also Village trustees, they
25 want me to bring this forward and I'm not sure where

1 this is going to fall into. I did send an e-mail to
2 Rick on one part of it, two parts. There are
3 parking concerns about during construction within
4 the facility itself, and also parking concerns of
5 the parking structure that is to be erected on the
6 site.

7 Apparently, members from the ambulance,
8 fire, and police, they saw some kind of a plan which
9 we did not see that involves 300 parking spaces to
10 be incorporated into the parking structure. So I
11 told -- we haven't been formally submitted a plan
12 with the ARB of the parking structure, so I told
13 them as far as I know we don't have a plan for that.
14 What they're concerned about, if you're going to
15 build this structure, what are the impacts on the
16 area as to pedestrian parking, the timing, when it
17 will be built -- prior to the holidays, after the
18 holidays.

19 So this is something that I told both
20 gentlemen I would bring it to the Board. I'm not
21 sure where this is going to fit in the Scoping
22 Document. Also, with the parking structure, they
23 would like to, they're concerned about access to the
24 structure itself, with height restrictions of
25 emergency vehicles getting in. I forget how tall an

1 ambulance is. An ambulance can't get to a second or
2 third level. Will the elevators be large enough to
3 handle a stretcher? These are just thoughts and
4 comments that I told them I would bring up tonight
5 if it's feasible or the right place to discuss this.
6 I would take it from there. And then I'll go into
7 the second part of that.

8 Dennis?

9 MR. LINDSAY: As far as access for
10 emergency vehicles, Section 2.13.10 has an emergency
11 services access plan for the center including
12 consideration of the parking structure. So I think
13 that that's obvious that you want to be able to have
14 some kind of emergency access, whether it be fire
15 department or ambulance. They're going to have to
16 consider that and let you know what they can do and
17 do that as part of the environmental review. I
18 think that's in here.

19 (Whereupon Mr. Cataggio left the
20 room.)

21 CHAIRWOMAN HUNTER: I just want to
22 make sure that's fully addressed because as I
23 stated, the ESOs saw something we didn't see, so I
24 couldn't answer their questions completely. I just
25 want to make sure we're addressing those in the

1 correct way.

2 MR. TURNER: That's accurate, what
3 Dennis said. It is covered in terms of the impact
4 of the parking structure, but I think it sounded
5 like from what you were commenting on, they were
6 concerned about during construction.

7 MR. LINDSAY: There's two things.

8 MR. TURNER: There's a section on
9 construction effects, which could address that, but
10 it doesn't specifically.

11 (Whereupon Mr. Cataggio returned.)

12 CHAIRWOMAN HUNTER: That would be on
13 Page 19, 3.8.9: "Maintenance and Protection of
14 Traffic Plan for during construction of the proposed
15 renovation." So if the applicant can just elaborate
16 and keep that in mind because it is a concern for
17 the movement of vehicles through there.

18 The other item is, apparently there's
19 supposed to be a 30-foot perimeter around the
20 cemetery that's down there. I haven't been able to
21 locate it in Exhibit A, the final Findings
22 Statement. For the cemetery they just wanted to be
23 certain that it's addressed somewhere and it's
24 acknowledged that the perimeter, the 30 feet around
25 the cemetery, is maintained during the construction.

1 And -- what else -- those are the two items I had
2 that I've been asked about.

3 Okay. Gentlemen of the Board, I know
4 you've been reading this Scoping Document, reviewing
5 it, marking it. Who wants to start first with any
6 thoughts or concerns that we may have missed or not
7 addressed?

8 MR. CATAGGIO: I have one. It may be
9 here but may be not clear to me. When we're talking
10 about the services that the Town provides, more
11 specifically the police, I'm sure they're going to
12 be included in here, the number of service calls
13 that the police corps has to the Common, and what
14 the -- I'll call it the subsidy or the rebate that
15 the Common pays back to the town. I believe it's
16 called VID.

17 CHAIRWOMAN HUNTER: Yeah, the VID,
18 yes.

19 MR. CATAGGIO: I know it's only for
20 six months. At least I believe, unless I read it
21 wrong in the budget. I believe it only covers six
22 months of the year. I just want to make sure we're
23 going to look at that because I believe the police
24 department covers twelve months and that -- I'll
25 call it again, subsidy -- is only for six or

1 seven months. I just want to make sure somewhere in
2 the Scoping Document we're going to address that
3 VID.

4 CHAIRWOMAN HUNTER: Okay. I'm not
5 sure. I know the VID is taxes that are collected.
6 I'm not sure if, after six months, five months, if
7 they exceed that, what the agreement is. Maybe Rick
8 can jump in on that one.

9 MR. GOLDEN: The only way that the
10 SEQRA would address it is just talking generally
11 about the economic impacts that a normal DEIS would
12 go ahead and address. That was not required as part
13 of the supplemental DEIS that we have now. I'm sure
14 it was addressed in the original DEIS. But in any
15 event, it's really not something that is encompassed
16 within the SEQRA review. It's a purely economic
17 issue dealing with the Village Board of Trustees.
18 So if the Village has a problem with it -- I'm
19 surprised that there would be a difference between
20 six months and they promised a year but they're only
21 going to give six months.

22 It may be that someone may want to talk
23 to Desiree or Mike Queenan to straighten that out.
24 But it's really just an economic/revenue issue for
25 the Board. If they were required under some prior

1 agreement, developer's agreement or something for
2 making the payment, the Village Board can enforce
3 that. I don't understand by addressing it in this
4 particular SDEIS.

5 CHAIRWOMAN HUNTER: This is governed,
6 the VID is governed by the Town Board. It's the
7 town Police Department.

8 MR. GOLDEN: All right. I stand
9 corrected on that.

10 CHAIRWOMAN HUNTER: This is a Town
11 VID.

12 MR. GOLDEN: The police are definitely
13 a town function, that's kept with the town.

14 CHAIRWOMAN HUNTER: So this is within
15 the town budget, but then again Desiree would know
16 the answer to that so we could get that information
17 from her. We can continue that. But go ahead.

18 MR. CATAGGIO: I'm just saying, one of
19 the topics that came up last week, I think it was
20 you, what are the economic impacts to the Village or
21 the Town and the benefits. So I think somewhere, I
22 just don't want to miss it in this whole process,
23 and we revisit it because, looking at the numbers --
24 as an example, if the police department provides, if
25 50 percent of the service calls are related to the

1 Common, and they're not covering twelve months, I
2 think somewhere in the process I just want to
3 revisit that.

4 CHAIRWOMAN HUNTER: Okay. We'll
5 definitely keep that on our agenda and keep informed
6 and I'm sure the applicant's representatives are
7 here; they're listening to us; I'm sure they'll get
8 us some kind of an answer when it's time to present
9 it.

10 MR. TURNER: Madam Chairman, it's
11 related to that, but not directly, because I think
12 the VID is a separate matter with the Town Board.
13 But I had just wanted to raise one small issue
14 relating to the economic analysis. The supplemental
15 EIS scope does address economic analysis in Section
16 3.13, socioeconomic analysis, but it only refers to
17 sales tax and jobs; and if the board thinks it's
18 appropriate, I thought maybe we should add this
19 sales and property taxes.

20 Just so that the record, when it's
21 finished, is complete, because I believe it was
22 addressed in the original EIS. I was just going to
23 suggest saying the current sales taxes paid by the
24 applicant, I was going to say sales taxes and
25 property taxes shall be discussed and the estimated

1 impact of the 2012 renovation on the same shall be
2 presented.

3 CHAIRWOMAN HUNTER: Okay. Does
4 everyone see that?

5 MR. TURNER: On Page 22.

6 CHAIRWOMAN HUNTER: Starts on,
7 including property taxes?

8 MR. TURNER: I'm sorry -- 3.14.

9 MR. LINDSAY: 3.13.2.

10 CHAIRWOMAN HUNTER: 3.13.2, right?
11 Page 21?

12 MR. TURNER: I'm sorry; I'm sorry.
13 3.14 is construction; 3.13 is taxes.

14 CHAIRWOMAN HUNTER: Board members,
15 you're agreed that we should include the property
16 taxes in there as well?

17 MR. CORREIA: Yes.

18 CHAIRWOMAN HUNTER: Thank you. All
19 right. Applicant heard that.

20 Rich, anything else?

21 MR. CATAGGIO: No. I'm good.

22 CHAIRWOMAN HUNTER: The only thing I'm
23 going to bring up -- I'm going to jump in front of
24 everybody here. On page 6, 1.2.6: Construction of
25 the Approved Infill Space. I know going back and

1 forth when they were doing the draft and Lou put in
2 there that he thought it was a redundancy to add the
3 verbiage "not to exceed previously approved 60,000
4 square feet." I thought the Board was quite agreed
5 on this, adamant that that language be included in
6 there. It may be a redundancy. I don't know how
7 the rest of the Board feels about that. It's on
8 Page 6.

9 MR. CATAGGIO: I believe I was the one
10 that brought it up.

11 CHAIRWOMAN HUNTER: You did. And I
12 thought we all agreed to it, that even though it was
13 being repeated and redundant, we all wanted it to be
14 in there. Redundancy is okay. Makes the public
15 feel comfortable. Agreed?

16 MR. CATAGGIO: Yes.

17 MR. CORREIA: Yes.

18 MR. GOLDEN: My notes indicate that
19 Dennis had indicated that it was included in those
20 numbers. So I think they can go ahead and do it.
21 It's not a big deal to simply add the 60,000.

22 MS. KNARICH: Not to exceed.
23 Specifically, Chairwoman, you want "not to exceed
24 60,000"?

25 CHAIRWOMAN HUNTER: "Not to exceed the

1 previously approved." I think if you put
2 "previously approved" in there, that's letting the
3 public also know that it has been approved and we're
4 not giving you anything new in addition to this
5 renovation. I think that covers all of us in all
6 aspects.

7 MS. KNARICH: Sure.

8 CHAIRWOMAN HUNTER: All right? Anyone
9 else have any concerns, thoughts?

10 I know, Chris, you wanted a word.

11 MR. CORREIA: While you're looking.

12 CHAIRWOMAN HUNTER: Go ahead.

13 MR. CORREIA: The Proposed Objective
14 again. Unfortunately, the comment that I made with
15 regard to the benefits of the Village, the Town --
16 and I can appreciate the last few words: "as well
17 as improve the convenience of the traveling public."

18 CHAIRWOMAN HUNTER: What page are you
19 on?

20 MS. KNARICH: Tell us what section.

21 MR. CORREIA: I'm sorry. Page 5, 1.1.
22 Because the proposed objective of what the Common is
23 trying to accomplish, based on what I'm reading, is
24 very self-serving. What I've asked for is to
25 elaborate more about where the opportunity for the

1 renovation is going to improve the lifestyle of the
2 Town. I get the traffic pattern; I agree with that,
3 but I still feel as though it still reads very
4 self-serving, so.

5 You did take note last meeting, but to
6 add a few words at the end still doesn't satisfy
7 what I think I was looking for. I don't know how
8 anyone else feels, but again, it needs to be more
9 about the community.

10 MS. KNARICH: Do you have wording --

11 MR. LINDSAY: All right. We're at a
12 stage right now where I think they need to have
13 specific language. The two items you've changed so
14 far I think are very clear; we can sum up at the
15 end. On this one, would you be happy at the end of
16 this when it says "improve the convenience of the
17 traveling public and the residents of Woodbury" and
18 just leave it at that, or do you want some other
19 language in there?

20 MR. CORREIA: One of the things here
21 is, we're looking for consistency, is that the
22 applicant has indicated that 2012 renovation is an
23 effort to provide a renewed architectural presence
24 for, right, Woodbury Common Premium Outlets, keeping
25 consistent, because that's what it is. Pedestrians

1 and vehicles -- I get it.

2 I want something, and maybe what you
3 said, Dennis, at the tail end would suffice. But
4 again, the objective is what the public is going to
5 read. And if the objective is not in the best
6 interest of the community, then there may be
7 objections. So you know, Mark, Maria, Rich -- I
8 don't know how you guys feel, and if we have to be
9 specific, I'm happy to sit here and write something.

10 MS. KNARICH: Can I just --

11 CHAIRWOMAN HUNTER: Would you take the
12 microphone and state your name for the record.

13 MS. KNARICH: Sure. I'm going to
14 enter my appearance now.

15 MR. LINDSAY: Might not be on.
16 There's a button on the side. I think that's on.
17 Push it up.

18 MS. KNARICH: It's on. Can you hear
19 me now?

20 CHAIRWOMAN HUNTER: Perfect. We just
21 need to have your name for the record.

22 MS. KNARICH: No problem at all. I'll
23 also introduce the rep. Jennifer Knarich from
24 Price, Meese, Shulman & D'Arminio on behalf of Simon
25 Property Group with respect to the project commonly

1 known as Woodbury Common Premium Outlets 2012
2 Renovation.

3 I also have with me this evening John
4 Villapiano -- did I pronounce that correctly? -- who
5 is the senior project manager with Simon.

6 Just with regard to your first
7 description, with regard to Woodbury Common Premium
8 Outlets, we previously defined it, above, Woodbury
9 Common Premium Outlets, Woodbury Common, or Center,
10 just to make it easier to read relative with respect
11 to -- so I can put it in fully.

12 MR. CORREIA: That's fine. I get it.

13 MS. KNARICH: I think you were
14 speaking before I interrupted. I apologize.

15 MR. LINDSAY: Where I think we are, I
16 think we're at the point where we need to put
17 specific language in. So I'm trying to address the
18 matter that you have. Remember, this is for an
19 environmental review, but I understand the message
20 you want to convey; I think I do.

21 So I don't know if that would be
22 sufficient or if you want to add something else.
23 And that was just at the end where they talk about
24 improving the visual appearance and improving
25 efficiency and all those sorts of things. And they

1 talk about enhancing the patrons' shopping
2 experiences, and then, as well as improve the
3 convenience of the traveling public and the
4 residents of Woodbury. I don't know if that
5 suffices for what you want. Gets the residents of
6 Woodbury in there. There are other sections in here
7 that do talk about the residents of Woodbury.

8 One of the primary concerns, I believe,
9 of the Board is the smooth flow of traffic on 32.
10 You have changed the language in here to indicate
11 that that is one of your primary concerns and that
12 you want efficiency with the exiting of traffic, but
13 it's secondary to the movement on 32 and 17 which
14 has always been your principal interest in reviewing
15 this. And so they've changed the language to say
16 that.

17 Just to let you know, there's some
18 other things in there that do talk about your
19 residents and trying to keep the quality of life
20 appropriate here in the Village and Town of
21 Woodbury.

22 CHAIRWOMAN HUNTER: I understand what
23 Chris is saying, because the last part of that
24 sentence is "enhance patrons' shopping experiences
25 as well as improve the convenience of the traveling

1 public."

2 MR. CORREIA: It's a second thought.

3 CHAIRWOMAN HUNTER: It's a second
4 thought and it's like you're just talking about the
5 patrons within the Common, which could be residents
6 and it's also visitors from out of town. But what
7 your concern is -- I think that word convenience of
8 the traveling public is what might be, convenience
9 -- it's all of us, who live here, who visit there,
10 who work there.

11 MS. KNARICH: Not just the traveling
12 public.

13 CHAIRWOMAN HUNTER: Right. So I think
14 that word convenience or -- but include residents.
15 It's everyone. It's the employees, employers.

16 MR. CORREIA: Still, to me, I'm not
17 going to get hung up on it. It's still very
18 self-serving. I can rewrite it but that's not
19 really what I'm supposed to be doing. It's not my
20 objective. If it's my objective, then I'll write it
21 all about the Town, not the Common.

22 I'd leave it at, I'm happy to help
23 write it, but I think my point is that it needs to
24 be about the Village, so maybe shuffle a few things
25 around and maybe in the first line or two make it

1 about the convenience of the surrounding area for
2 the Town/Village residents for traffic flow, and
3 ease, or whatever. So, I'm not...

4 MR. GOLDEN: Chris, my only point is
5 this: The way the SEQRA regs are arranged is that
6 the purpose of the project is, in fact, the
7 applicant's purpose. What they're intending to do.
8 And that's what they're supposed to be putting in
9 there is their purpose. It is self-serving, and
10 it's meant to be self-serving. It's a description
11 of what they're trying to do, and then the rest of
12 the document is determining what are the impacts of
13 what they're trying to do.

14 However, also included in there,
15 because I was just looking it up now to refresh my
16 memory, is that they should also be giving any
17 public needs and benefits. So the purpose, I think,
18 is well stated, but they should probably include
19 within that statement something about the public
20 need and benefits along the lines of what you're
21 saying.

22 MR. CORREIA: Okay. I can agree with
23 that.

24 MR. GOLDEN: We'll try to put
25 something together while we're here.

1 MS. KNARICH: Okay.

2 CHAIRWOMAN HUNTER: Anyone else?

3 Mark, anything that you would like
4 to... Okay.

5 Dennis, Stu, Rick, Phil -- anything?
6 Gentlemen, take it down the line there. Anything
7 that you see. I want to thank everyone for going
8 back and forth in getting this document where it is.
9 I appreciate everyone doing that.

10 MR. TURNER: I think, just to
11 reiterate Dennis's comment, Rick's comment, we've
12 sort of been at this and I think we need to give the
13 applicant the document to go forward. I think, I
14 just want to add one point is that the entire
15 purpose of the environmental impact is to understand
16 the impact of the proposal on the community. That's
17 the impact. Now, traffic has been a big issue, but
18 it addressed all the other impacts on the community.
19 And I think that's what we've been sort of going
20 back and forth on.

21 I was sort of hoping that at this point
22 we can cobble some language that revises that
23 objective, Chris, to meet what you and the other
24 Board members are concerned about. Because you're
25 trying to do that.

1 CHAIRWOMAN HUNTER: Now, if we approve
2 this tonight and they move forward with this, they
3 have to generate this whole document, and come back
4 to us, go out to the public and it's still subject
5 to be tweaked --

6 MR. TURNER: No. Not the scope. The
7 impact statement.

8 MR. GOLDEN: There's a limited time
9 frame on this. You need to be approving the scope
10 tonight. This is the scope. They take that scope,
11 and they start to put together -- I'm sure they've
12 already started --

13 MS. KNARICH: Correct.

14 MR. GOLDEN: -- the Supplemental Draft
15 Environmental Impact Statement responsive to this
16 scope. So, at that point in time, although you're
17 putting the scope out in all these places, a lot of
18 times it really doesn't happen, what's required to
19 be out in all these places is the DEIS.

20 When they come back with the
21 Supplemental Draft Environmental Impact Statement,
22 at that point in time there will be a public hearing
23 set on it, the Board will have comments about the
24 substance of what's in there. This is just an
25 outline of what they're going to be addressing, as

1 you know. The public will have their chance to
2 weigh in, as will the Board consultants.

3 Then they will discuss what are the
4 changes that will be made, some of which will be
5 specific, others which will be general. Then
6 they'll have to come back with their Supplemental
7 Final Environmental Impact Statement to address
8 those. Nothing further is going to happen with this
9 document. This is just them going out and complying
10 with what we're asking.

11 CHAIRWOMAN HUNTER: I was leading up
12 to what you just described, that this Scoping
13 Document is going to lead into the document that
14 they do have to prepare for us, and that is when
15 we'll have this time for the public hearing. That's
16 what I was leading up to. Thank you.

17 Anything else? You want to talk about
18 it?

19 (Off-the-record discussion among Board
20 members.)

21 CHAIRWOMAN HUNTER: We're discussing
22 -- being that this is a Scoping Document for the
23 Draft Supplemental Environmental Impact Statement,
24 Chris is concerned about the objective of this,
25 being that it's an impact to the environment that's

1 in Woodbury. We're trying to get around --

2 MR. CORREIA: I guess what you stated
3 earlier was that the proposed objective is their
4 proposed objective. Agreed. But if I read, it says
5 it's a Supplemental Environmental Impact Statement.
6 Impact to who? Woodbury Common.

7 MR. GOLDEN: No. It's actually impact
8 to the environment. It's not necessarily the
9 people. It's to the people to the extent that
10 environmental impacts such as noise impact people.
11 Some economic impacts, but very, very limited, and
12 there's really nothing to mitigate in most of those
13 instances. Other impacts to the wetlands, impact to
14 traffic is part of that and how that impacts. Air
15 quality, noise, things like that. But it's not
16 meant to be an economic development document. It's
17 something very different from that.

18 In fact, there's lots of discussion on
19 that point in cases that deal with that where
20 planning boards want the document to really become
21 an economic development document and the courts
22 routinely have said, "No, it's an environment impact
23 document," and that's what needs to be put in here
24 are the impacts to the environment. Now, the
25 environment is broadly defined. There's where you

1 get noise. As well as the bugs and bunnies, you
2 also get noise and traffic flow and things along
3 those lines.

4 But it's not really how can this
5 benefit the Village economically. They can put that
6 in there if they want to, but realize that what
7 these are designed to address are the negative
8 impacts, the adverse impacts. It's not really
9 supposed to address the positive impacts of this
10 particular thing. The reason you have a document to
11 begin with is that there is at least one significant
12 adverse environmental impact. It's not for the
13 positive impacts; it's for the negative impacts.
14 The positive measures come about as mitigating those
15 negative impacts.

16 So it's really identifying the negative
17 impacts and what are you going to do about them. I
18 think that in SEQRA, on the description, they do
19 talk about the public need, they should also discuss
20 the public need and benefit, but it's really almost
21 sort of an introductory kind of thing. It's not
22 really the heart of the document. The heart of the
23 document is identifying those adverse impacts to the
24 environment and then how are we going to mitigate
25 those adverse impacts.

1 MR. CORREIA: Okay.

2 MR. GOLDEN: I do have -- it's very
3 broad, but it's meant to be very broad. To address
4 your point earlier, Chris, with respect to adding
5 something there. I think at the end of 1.1 where it
6 talks about proposed objectives -- adding a short
7 sentence to say the public need and benefits to the
8 Village shall also be discussed.

9 And that leaves it up to them that they
10 have to discuss it and they'll put it in there and
11 you will see in there, through their eyes initially,
12 how they see the public benefits. Is that all
13 right?

14 MR. CORREIA: Yes. Thank you very
15 much.

16 MR. GOLDEN: Let me say it one more
17 time. Dennis brought up a good point to expand it
18 to the Town since some of the services are Town
19 services such as police. So it would be "the public
20 need and benefits to the Village and Town of
21 Woodbury," you might as well say, "shall also be
22 discussed."

23 MS. KNARICH: Can I just tweak one
24 word on that? "Addressed" as opposed to
25 "discussed"?

1 MR. GOLDEN: That's fine.

2 MS. KNARICH: And if I could just have
3 a moment just to converse with my --

4 CHAIRWOMAN HUNTER: "The public need
5 and benefits to the Village and Town of Woodbury
6 shall also be addressed."

7 MR. GOLDEN: Yes.

8 MS. KNARICH: "Village and Town of
9 Woodbury."

10 MR. GOLDEN: Correct.

11 MS. KNARICH: "Will also be
12 addressed."

13 If I could just have a minute to
14 confer.

15 MR. TURNER: While she's doing that,
16 Madam Chairman, I just want to address something
17 that Rick said and maybe the Board will feel more
18 comfortable. This draft impact statement is the
19 applicant's draft impact statement. As the process
20 moves forward, and you get to the public comment,
21 the consultants' comments, your comments, and you
22 move toward the last part of this whole
23 environmental review process, the final document is
24 your document. It's yours.

25 And the language in it has to reflect

1 what you believe to be correct mitigations or the
2 language that you want to see in the document. It
3 may be too broad from Rick's perspective, but I
4 think that's important for you to think about
5 because this initial document is going to reflect
6 what the applicant believes to be appropriate for
7 themselves and the community. But you will have the
8 final say on what the final document says.

9 CHAIRWOMAN HUNTER: Okay. Phil, I
10 haven't forgotten you yet. I just want to finish up
11 with the Board before we jump into traffic.

12 MR. GOLDEN: I meant to say, actually,
13 and Stu's words were perfect. I just want to
14 underscore that the document that he was talking
15 about is the Final Environmental Impact Statement
16 and the Findings. Both of those are your documents,
17 whereas the draft is their document to start out
18 with.

19 CHAIRWOMAN HUNTER: Thank you. Before
20 I jump to Phil, Mark, you want to discuss on Page
21 21 --

22 MR. CHRISTMAN: Yeah. I want to go
23 back to 3.13.2. So I'm trying to understand "the
24 current sales tax paid by applicant shall be
25 discussed." I just want to stop there. Is that

1 addressed, can we pinpoint that more, or is that
2 sufficient?

3 MR. LINDSAY: It's probably sufficient
4 because they're supposed to present it to you in a
5 very readable format with all the details. If you
6 find that it's lacking, you can require that they
7 embellish it in the final EIS.

8 MR. CHRISTMAN: I went back to the
9 previous document and it wasn't in there; this
10 specific item around sales tax was not addressed.

11 MR. LINDSAY: Okay. So I would
12 imagine they would give you some history of sales
13 tax, projections of sales tax, how much goes to you,
14 how much goes to the County, that kind of thing in a
15 table. It seems pretty straightforward.

16 You can't describe it all. There
17 should be a lot of tables, a lot of data that comes
18 out of this. This 20-page document turns into a
19 binder or two binders full of information.

20 MR. CHRISTMAN: I just want to make
21 sure we're covered in there, that that gets --

22 MR. LINDSAY: You're covered to the
23 extent that if you do not believe that they've
24 addressed it properly -- leaving it broad does a
25 couple things.

1 MR. CHRISTMAN: That's fine.

2 MR. LINDSAY: Sometimes the applicant
3 doesn't want that because it can lead to mistakes,
4 but it also gives you the option later on to ask for
5 more information as long as it's reasonable within
6 the general scope.

7 CHAIRWOMAN HUNTER: And then part two
8 for that one, Stu brought up about the property
9 taxes which was in '97 but there's no abatement
10 whatsoever. Where, back then in '97, there were
11 abatements, so now we will have Village, Town,
12 County and school taxes being on the property taxes.
13 That's what we're going to include this time to
14 update that.

15 Okay. I don't want to jump into
16 traffic yet until I hear from Jennifer and John.

17 MR. GOLDEN: Jennifer, can I show you
18 something for a minute that I think will help.

19 CHAIRWOMAN HUNTER: Phil, you have a
20 microphone, or you want an extra mike from the front
21 here?

22 MR. LINDSAY: We share.

23 CHAIRWOMAN HUNTER: I know you share.
24 There's one more on the ground there but you have to
25 pull the wire across.

1 MR. TURNER: We got enough to hang
2 ourselves.

3 CHAIRWOMAN HUNTER: I know. But not
4 enough; right, Stu? They're talking about the --

5 MR. GREALY: Relative to the traffic
6 section, Pages 15 through 19, or actually 16 through
7 19 in the revised version, had incorporated the
8 items that we discussed at the last Planning Board
9 meeting and then outlined in our various e-mails.

10 A couple of items -- I think, as Dennis
11 pointed out, we were very specific about under item
12 3.8.3, that the comment about minimizing conflicts
13 with local traffic and we were specific to the Route
14 32/17 corridor because that was one of the
15 objectives that was in the original findings. The
16 various intersections are identified here that were
17 in the original document. They're spelled out, they
18 talk about forecasts based on the DOT forecast and
19 basically there's two pieces here.

20 We have existing data, but we also have
21 to look into the future even without the Common
22 expansion. And the reference to forecast there is
23 just that -- it's based on the DOT's projections of
24 other traffic and we specifically required in the
25 scope under Section 3.8.7.2, the bullet that would

1 be, in talking about developing future traffic
2 volumes that we also need to consider other planned
3 development traffic.

4 So it's very specific and once this
5 document is prepared and submitted to us, we will be
6 reviewing it for what's called completeness to make
7 sure in each of those categories, there may be a
8 heading that has information but we are then
9 responsible to review it that it's complete in terms
10 of addressing each of these areas.

11 The other point I would like to make,
12 and again it ties into the concern about
13 construction at the parking structure and anywhere
14 on the site where the infill is taking place. We
15 had added in early on the need to develop a
16 maintenance and protection of traffic plan during
17 construction. And that's very specific.

18 So it's not just one plan; it's
19 actually multiple plans because depending on how
20 they phase it, if it requires a lane closure or a
21 detour, it's an actual plan that shows signing and
22 the treatment, because we have to maintain traffic
23 flow when the garage is being built, and if there's
24 any of the infill area that requires either a lane
25 closure or an internal detour. So, I think that is

1 enough of a statement that will allow us, during
2 completion, when we see how the plan is to be
3 developed and the staging of the different areas to
4 have an adequate review of that.

5 Unless there's other specific
6 questions, I believe the areas we've asked for are
7 identified under Section 3.8.7.3. I know we started
8 talking about mitigation measures, but in this
9 document we want to at least identify that there are
10 mitigation measures without getting into particulars
11 as to what they are.

12 The applicant will come back as a
13 result of the analysis, identify mitigation
14 measures, and then we, as your consultants, will
15 advise and we'll go back and forth as to the
16 adequacy of that mitigation. But the important
17 thing is that it identifies where those could be
18 addressed.

19 CHAIRWOMAN HUNTER: Thank you. Any
20 Board members have concerns with the expansion of
21 the traffic?

22 MR. CORREIA: I have a question, Phil.
23 On the document from '97, Page -- it's H.17 which
24 talks about the traffic counters. I believe last
25 time we discussed the ability to get that

1 information back. Has Woodbury provided you that?

2 MR. GREALY: We have not been provided
3 -- the only traffic data we were provided was the
4 original traffic study that was referenced. I think
5 you're referring to the Findings Statement?

6 MR. CORREIA: Correct.

7 MR. GREALY: We were provided a copy
8 of the actual traffic study that was used for the
9 findings; however, we have not been provided the
10 actual historical traffic data. It is asked for.

11 (Clerk turns tape over.)

12 MR. GREALY: We have not been provided
13 that yet, but based on what's listed in the scope,
14 when their document is submitted to us, if it's not
15 there, the document is not complete.

16 MR. CORREIA: Thank you.

17 CHAIRWOMAN HUNTER: On that note,
18 can someone, when they do a scope document, Page 20
19 of the 1997 report -- I'm missing the bottom quarter
20 page so I can't read the last two paragraphs. Can
21 someone correct that in the future?

22 MS. KNARICH: Sure.

23 CHAIRWOMAN HUNTER: Thank you.
24 Because that's part of your paragraph that you're
25 reading.

1 All right. So we got traffic; we've
2 all had our concerns. Last chance for the Board.
3 Anything else?

4 You want to talk to someone, or -- go
5 ahead.

6 MR. CHRISTMAN: Just trying to locate
7 in here, regarding parking and traffic, regarding
8 specifically use of the school for parking by
9 employees and whatnot, is that addressed in here,
10 that has alternatives?

11 MR. GREALY: That would be a potential
12 mitigation measure. At the last meeting we started
13 talking about individual mitigation and we thought
14 it was better to just say mitigation measures
15 because if we happened to leave something out, it's
16 more of a general statement that anything is open
17 right now in terms of possible mitigation. Once we
18 get into a review of the document, then we get down
19 to specific mitigation.

20 MR. CHRISTMAN: The only reason I'm
21 concerned is because it's a school, not public
22 property.

23 MR. GREALY: Understood.

24 CHAIRWOMAN HUNTER: Rich, anything
25 else?

1 MR. CATAGGIO: No, I'm good.

2 CHAIRWOMAN HUNTER: Chris?

3 MR. CORREIA: No.

4 CHAIRWOMAN HUNTER: Mark?

5 MR. CHRISTMAN: I'm good.

6 CHAIRWOMAN HUNTER: Consultants?

7 Jump back to Jennifer. You wanted to
8 have a moment to talk.

9 MS. KNARICH: Yeah. I'm sorry. He's
10 conferring.

11 CHAIRWOMAN HUNTER: We'll go around
12 it. Everything that we've talked about so far, I'm
13 sure you've taken notes.

14 MS. KNARICH: Correct.

15 CHAIRWOMAN HUNTER: Just trying to
16 iron out the objective, right?

17 MS. KNARICH: The sticking issue is
18 the objective. To be frank, our client, my client
19 thinks it's too broad and open-ended with regard to
20 the language utilized.

21 I'm just, we're trying to figure out a
22 way because as previously stated by Mr. Golden, the
23 objective is the objective of the applicant, and
24 we're studying and we're willing to study everything
25 in terms of what we're proposing and it's not to say

1 we're not going to study public needs and benefits.
2 We are. However, to keep it so open-ended, it's
3 like where does it end. And I know it's an element
4 as provided in the EIS.

5 MR. GOLDEN: It's listed in the
6 section that says these are the following required
7 elements of a DEIS and it includes that phrase
8 "public needs and benefits." And so it's something
9 that's required to be in there; it's required to be
10 in there to address that phrase. So by putting it
11 in in this fashion, you can address it however you
12 want.

13 MS. KNARICH: Agreed.

14 MR. GOLDEN: And if the Board is
15 unsatisfied with your response, then they will ask
16 for more. Then you will have to respond in the
17 FEIS. That's really how it works.

18 MS. KNARICH: Agreed. Can I just add
19 some more language to it? Would it be okay if we
20 did "to the extent required"?

21 MR. GOLDEN: Required by whom?

22 MS. KNARICH: By the EIS.

23 CHAIRWOMAN HUNTER: By whom? Because
24 we're not giving you any requirements.

25 MR. GOLDEN: The DEIS says you shall

1 address public needs and benefits. That's what it
2 says, a specific phrase.

3 MS. KNARICH: So it doesn't leave it
4 up to -- I agree. I'm just trying to figure out a
5 way to be in the middle.

6 MR. GOLDEN: It doesn't set forth any
7 other limitations.

8 MR. LINDSAY: Narrow it to the Village
9 and Town?

10 CHAIRWOMAN HUNTER: Could there be a
11 sentence, Rick, that you put out before "public
12 needs and benefits of the Village and Town of
13 Woodbury shall also be addressed," per the --

14 MR. GOLDEN: We can say as required by
15 SEQRA section such and such. I don't know that that
16 adds anything.

17 MS. KNARICH: That's okay; I'm just
18 trying to come to a meeting ground.

19 CHAIRWOMAN HUNTER: I mean, that
20 covers us; it covers you.

21 MS. KNARICH: Exactly.

22 CHAIRWOMAN HUNTER: Citing the code
23 and the section. Does that make sense?

24 MR. GOLDEN: It doesn't make sense to
25 me, but if everyone is happy with it... I don't

1 think that adds anything to it; I don't think it
2 detracts it.

3 MR. TURNER: But you said redundancy
4 is good.

5 MR. GOLDEN: We don't say as per
6 section of the SEQRA regs. But if you want to do
7 that, it's not harmful to it at all. It doesn't
8 limit it at all; it doesn't expand it.

9 CHAIRWOMAN HUNTER: It's just us
10 saying we want you to take a look at --

11 MS. KNARICH: And we will, and we know
12 that well.

13 MR. GOLDEN: I'm going to put as
14 required by...

15 CHAIRWOMAN HUNTER: As we're figuring
16 out the language here -- that's why we have the lull
17 here -- we're still being videotaped.

18 MR. LINDSAY: Just trying to get the
19 number.

20 CHAIRWOMAN HUNTER: I just may give
21 you the whole stack over there, Robert. There's an
22 extra copy for the public, so I may just give it to
23 you to take home with you. I have to introduce you
24 to the consultants.

25 I don't sing; I don't dance; so I can't

1 entertain any longer.

2 MR. LINDSAY: It's a long law with a
3 lot of subsections.

4 CHAIRWOMAN HUNTER: I'm sure it is.
5 It's just that we want to make sure everyone is
6 covered.

7 MS. KNARICH: I appreciate it, as does
8 my client.

9 MR. LINDSAY: Rick wants to make sure
10 you use the right number.

11 MR. GOLDEN: 617.9, B as in boy,
12 parentheses, 5 in parentheses, little "I" in
13 parentheses.

14 MR. LINDSAY: Okay. That's it.
15 617.9; paren., B as in boy, closed paren.; paren.,
16 5, closed paren.; paren., little "I," closed paren.
17 Got that.

18 MS. KNARICH: Sorry to make your job
19 harder today.

20 CHAIRWOMAN HUNTER: I forgot we had a
21 stenographer here today.

22 MS. KNARICH: I just apologized for
23 making her job more difficult.

24 CHAIRWOMAN HUNTER: With all that
25 being said, is everyone happy now? We're good.

1 Jennifer, we're okay?

2 MS. KNARICH: Yeah. Can we just run
3 through the changes real quickly so we have them on
4 the record?

5 MR. LINDSAY: I have them if you wish,
6 unless you want to do it.

7 CHAIRWOMAN HUNTER: Go ahead, Dennis.

8 MR. LINDSAY: All right. In Section
9 3.13.2 we're going to insert the word "property
10 taxes" right after the word "sales taxes." Let me
11 just make sure. It will say "current sales taxes
12 and property taxes" and that's in Section 3.13.2.

13 Then in Section 1.2.6, we're going to
14 end the sentence or continue the sentence to say
15 "not to exceed the previously approved 60,000 square
16 feet."

17 And then in Section 1.1, at the end of
18 the paragraph you're adding "the public need and
19 benefits to the Village and Town of Woodbury shall
20 also be addressed as required by -- "

21 MR. GOLDEN: It should be "6NYCRR" --
22 those are all capitals -- "Section 617.9(b)(5)(i)."

23 CHAIRWOMAN HUNTER: Those are the only
24 three thoughts and concerns that we are going to ask
25 to be corrected.

1 Board members, you're okay with that?

2 Okay. Now, with these changes do we
3 have to make a motion to accept the Scoping
4 Document?

5 MR. GOLDEN: As the final Scoping
6 Document.

7 CHAIRWOMAN HUNTER: Okay. Board
8 members, I would like to entertain that we accept
9 the draft Scoping Document that was received in the
10 office on April 10th with the three changes that are
11 identified on 1.1, 1.2.6 and 3.13.2. Do I have a
12 motion to accept this document?

13 MR. CATAGGIO: I'll make that.

14 CHAIRWOMAN HUNTER: Thank you, Rich.

15 Do I have a second? I'll second. Any
16 discussion?

17 Do you have a question? Shoot. Did I
18 miss something?

19 (Off-the-record discussion among Board
20 members.)

21 CHAIRWOMAN HUNTER: Anything else?

22 MR. CORREIA: No.

23 CHAIRWOMAN HUNTER: All in favor of
24 accepting this document with those three changes?
25 All in favor?

1 BOARD MEMBERS: Aye.

2 CHAIRWOMAN HUNTER: We have four yes.
3 Anything else the applicant needs from
4 us?

5 MS. KNARICH: No. I just want to
6 thank the Board for their time and attention to this
7 matter. I'm glad we were able to come to an
8 agreement successfully.

9 CHAIRWOMAN HUNTER: Thank you. No
10 problem.

11 Yes, Stu?

12 MR. TURNER: One administrative item:
13 Who's preparing this final document? There's two
14 questions. Who's preparing the final document? Are
15 we, or are you?

16 MS. KNARICH: We don't have a problem
17 with it. We can. And I can e-mail it over to
18 Mr. Golden for his look-see.

19 MR. TURNER: The second question is
20 that we will distribute the document, as I think the
21 Board previously discussed, to the involved
22 agencies, put a copy in the library and the Clerk's
23 office.

24 MR. GOLDEN: Who's the "we"?

25 MR. TURNER: Our office, Turner

1 Miller.

2 CHAIRWOMAN HUNTER: All right. So
3 your office will get it to the two libraries and the
4 Clerk's office.

5 MR. TURNER: And Maria, planning
6 clerk.

7 CHAIRWOMAN HUNTER: Maria and the
8 Building Department, they need a PDF version.

9 MR. TURNER: Okay. We communicate
10 with them.

11 MS. KNARICH: Not a problem.

12 MR. TURNER: I think, does she put it
13 on the website or do we?

14 CHAIRWOMAN HUNTER: Once Maria gets
15 the PDF form, she sends it to the webmaster, and he
16 puts it on the website.

17 MR. TURNER: One more question related
18 to that: Did the Board want this distributed to the
19 interested agencies as well as the involved
20 agencies? There are several, I believe.

21 CHAIRWOMAN HUNTER: Why don't we have,
22 leave it to the, Maria should have most of the --
23 Maria Rubio from the Building Department -- she
24 should have most of their e-mail contacts and she
25 can actually send them as a PDF or -- I'll let her

1 handle that.

2 MR. TURNER: Fine. Okay.

3 CHAIRWOMAN HUNTER: When you get the
4 PDF document, send it to the Building Department.
5 Just ask Maria, at the Board's request, can you
6 please get the PDF to the interested agencies. And
7 I think we can handle it at our end.

8 MR. TURNER: Very good. Thank you.

9 CHAIRWOMAN HUNTER: You're welcome.

10 MS. KNARICH: Thanks again.

11 CHAIRWOMAN HUNTER: You're welcome.

12 MR. VILLAPIANO: Yes, thank you.

13 CHAIRWOMAN HUNTER: All right. Have a
14 good night.

15 MS. KNARICH: You, too.

16 (Proceedings concluded at 8:35 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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