

VILLAGE OF WOODBURY  
PLANNING BOARD

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IN THE MATTER OF: :  
: : TRANSCRIPT  
: : OF  
CPG PARTNERS/WOODBURY : : PROCEEDINGS  
COMMON/RENOVATIONS : :  
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WEDNESDAY, AUGUST 15, 2012  
WOODBURY TOWN HALL  
511 ROUTE 32  
HIGHLAND MILLS, NEW YORK 10930  
COMMENCING AT 8:12 P.M.

BOARD MEMBERS:

MARIA HUNTER, Chairwoman  
ROBERT ANZALONE  
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: LOUIS L. D'ARMINIO, ESQ.  
Counsel for the Applicant

**QUICK COURT REPORTING, LLC**  
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1 CHAIRWOMAN HUNTER: Next item on the  
2 agenda is CPG Partners/Woodbury Common/Renovations.  
3 Reviewing of Draft Supplemental Environmental Impact  
4 Statement for completeness prepared pursuant to  
5 SEQRA regulation for amendment to the site plan and  
6 special permit for proposed renovations. Said  
7 property is located on Route 32 in Central Valley  
8 and is known on the Village of Woodbury tax maps as  
9 Section 225, Block 1, Lot 70.2.

10 First of all, I want to thank the Town  
11 Board members Supervisor Burke, Councilwoman  
12 Prestia, and Councilman Arone for attending this  
13 meeting tonight. They're here tonight because they  
14 had a Town Board meeting and Rich and I both asked  
15 them to attend and be part of this, and acknowledge  
16 this application. So thank you for showing up  
17 tonight.

18 Before I get to you, Lou, just give me  
19 one more second. I know that we have received  
20 reports from Dennis, Stu, and Phil on the requests  
21 that we made at the last meeting and I know everyone  
22 received in their mailboxes this evening, which we  
23 received late yesterday, the responses from the  
24 applicant. I know you guys didn't have time to  
25 review it. I haven't fully gone through it either

1 myself, but I'm going to ask our consultants to kind  
2 of answer those questions with the answers that we  
3 have and their comments. I know once we deem this  
4 complete, if we deem it complete tonight, because of  
5 the time frame and scheduling sequence, if we go  
6 with a public hearing, I was hoping that -- keep  
7 this in the back of your mind -- to go with  
8 September 19th. If we have to push it back, we can.  
9 It's a timing issue with the Building Department and  
10 getting everything in line. Just because an ad has  
11 to be placed into the paper if it's deemed complete  
12 and there's a whole slew of stuff we have to take.  
13 I just want the Board members to be aware of that.  
14 But I do want you to know that even though these  
15 changes were submitted to us by the applicant, we  
16 will review them completely, and if you have any  
17 concerns, we will take it from there. All right?

18 Lou, briefly.

19 MR. D'ARMINIO: Yes. Lou D'Arminio,  
20 Price, Meese, Shulman and D'Arminio, for the  
21 applicant. This is our second go-round. We've been  
22 very responsive, we believe. We've gotten  
23 memorandums from all three of your consultants that  
24 we've met all their concerns. So we would hope we  
25 get complete tonight and have the notice of

1 completion filed and a hearing date set. We were  
2 only able to respond to the latest round, which is  
3 kind of like a third or fourth response, just the  
4 other day because we had just received the reports  
5 and didn't have time to review them. But again, the  
6 standard is just that: Are there any essential  
7 items that are missing? And certainly as of today,  
8 even perhaps as of last weekend when we got our  
9 first row of memorandums, there is nothing essential  
10 that is missing, so the public can adequately review  
11 this. So we're hopeful of getting that  
12 determination today and we're here to respond to any  
13 questions that the Board may have.

14 CHAIRWOMAN HUNTER: Thank you. Board  
15 members, before I go to our consultants, any of you  
16 have any thoughts, concerns, or comments, or you  
17 want to wait until we hear from our consultants?

18 Dennis, if you can read your brief  
19 two-page memo for us or go over it, that would be  
20 great.

21 MR. LINDSAY: It was very brief, and  
22 that was because we have had a few rounds here with  
23 the applicant in re-edits of the document. And  
24 basically, I'll go over a few items, but I concluded  
25 that the document is ready for distribution and

1 public comment. I have gone over with you just some  
2 of the history on SEQRA, where we are, some of the  
3 dates -- the applicant needs to enter some dates in  
4 the document before it's distributed. I went  
5 through the determination of adequacy for you and  
6 what you're required to do, and then reviewed  
7 briefly some information on public hearing schedules  
8 that you might want to consider.

9           Also, I've gone through distribution of  
10 the accepted DEIS when you get to that point. Lou  
11 sent around a request for how many copies, and I  
12 consulted with my colleagues and we prepared up a  
13 short draft of what we -- this is just done today --  
14 what we think they might need in terms of submittal  
15 materials. I think you should also run through  
16 Maria Rubio in the Building Department to confirm  
17 that we've covered all the bases adequately and  
18 whether she needs any additional copies.

19           Remember now, your task at this point  
20 is to confirm that the DEIS addresses adequately all  
21 items in the approved scope, it's free from obvious  
22 and significant errors, and it's a readable  
23 assessment of the environmental impacts and  
24 mitigations on which the public can comment. My  
25 opinion is that we've reached that status. That is

1 not to say that we won't have comments on our  
2 subsequent review of the document. We certainly  
3 won't agree with everything they have in there, or  
4 we'll ask for some additional materials and  
5 information to flesh out some of the things that  
6 they provided. But I think in concert with our  
7 comments on that, you need comments from the public  
8 on their concerns so that you can digest it all  
9 before you're required to make a decision.

10 And the only specific comments I had  
11 was that there are certain dates that needed to be  
12 added to the document, and that's it.

13 CHAIRWOMAN HUNTER: What was the  
14 number of copies that you came up with, out of  
15 curiosity?

16 MR. TURNER: It's going to vary in  
17 terms of -- we have a question for the Board  
18 members, too, in terms of what you want or need.

19 MR. LINDSAY: About 20.

20 CHAIRWOMAN HUNTER: Okay. Just a  
21 rough number. Okay.

22 MR. LINDSAY: It's about 20, plus any  
23 person that requests a copy can have a copy, but  
24 they have to pay for it. I haven't put an allowance  
25 in for that. There will be a Web site, so anybody

1 who wants to look at the document without paying for  
2 it can search it and look at it from there. And  
3 there will be copies in the libraries and copies  
4 here at the Village Clerk and the Building  
5 Department, so there will be ready access for  
6 someone who'd like to take a look at the document.

7 CHAIRWOMAN HUNTER: Okay. Thank you.  
8 Stu?

9 MR. TURNER: I just would like to  
10 report to the Board; I also would recommend that the  
11 Board accept the documents. I believe it's ready  
12 for public review. And I just want to go over the  
13 one comment that we had which the applicant has  
14 responded to after our last August 1st memorandum.  
15 And that had to do with some language which seems  
16 insignificant but we thought was important because  
17 of the history of the project. They had referred in  
18 several instances to earlier zoning approvals and  
19 I'm sure we could debate the issue. They didn't  
20 make the change that we suggested they make. And  
21 for the Board members who weren't around for the  
22 last review, that was an extensive SEQRA review  
23 which included the 330,000 square feet -- the Common  
24 built 270,000 square feet, which left the  
25 60,000 square feet that they're asking for. And

1 that wasn't really a zoning review; it was a SEQRA  
2 review. And so there was nothing approved. The  
3 60,000 square feet was not actually approved as a  
4 site plan or special permit. So we just asked that  
5 that language be changed and they did. And the  
6 version that will be distributed will have an  
7 explanation of the fact that the 60,000 square feet  
8 was reviewed earlier and is being re-reviewed,  
9 actually -- that's the reason for this whole EIS --  
10 but was not previously approved for building. So  
11 it's more of a clarification than anything. I know  
12 some might argue it's a minor point, but I think we  
13 felt it was important.

14           The only other point I wanted to make,  
15 or question I wanted to raise for discussion, for  
16 Board discussion, was on this question of  
17 distribution. The applicant had provided revised  
18 language and they had previously distributed the  
19 appendices to the Board members, to ourselves, to  
20 the consultants. And I didn't, we didn't feel that  
21 -- unless the Board members wanted all the  
22 appendices again -- we didn't feel that you needed  
23 to have the full copy, but just the revised text  
24 which is where the revisions were made.

25           Phil may have some comment about the



1 traffic study which is probably the most, maybe the  
2 most important piece of this. But in our advice to  
3 the applicant and to Maria in terms of how much  
4 distribution, that's the question --

5 (Secretary changes tape.)

6 -- that is the question that we can  
7 resolve in the next few minutes, I believe. That's  
8 all I have. I think the applicant has responded. I  
9 think the document is ready for acceptance.

10 CHAIRWOMAN HUNTER: Okay. Thank you.

11 Stu, are you comfortable, then, with  
12 their, with PS&S comments on August 9th in regards  
13 to your, you're all right with their --

14 MR. TURNER: Yes. With the response,  
15 yes. It occurs, I think, in three places and they  
16 addressed the three items that we asked them to  
17 address.

18 CHAIRWOMAN HUNTER: Okay.

19 MR. TURNER: It's in Mr. D'Arminio's  
20 response dated August 13th.

21 CHAIRWOMAN HUNTER: I'm looking at it  
22 now. The only concern I have with this, we usually  
23 don't have an applicant who's very forthcoming in  
24 giving us responses so quickly. Usually, we don't  
25 get the responses until the night of the meeting.

1 So some of the Board members -- we only received  
2 this last night -- are only seeing it today for the  
3 first time. So there's some concerns about the  
4 comments that the applicant has responded to, to  
5 your questions. So I just want to make sure that  
6 when we go through this with the Board members, that  
7 they're comfortable with the response of August 9th.  
8 I know you received it, but we didn't receive it  
9 until today. If the applicant -- they respond so  
10 quickly. Maybe they should send it to Maria so she  
11 could send it out to us so we can at least see it  
12 through PDF to view it sooner than the night of the  
13 meeting, I guess is what I'm getting at for the  
14 Board members. You got this, it was sent to you on  
15 the 9th, whether you received it as a PDF, e-mail,  
16 or it was mailed to you.

17 MR. LINDSAY: It came out on the 13th.  
18 It was distributed by Lou.

19 MR. TURNER: The letter that's dated  
20 the 9th, we didn't see until Lou distributed it.

21 MR. LINDSAY: Came out 5 o'clock on  
22 the 13th.

23 MR. TURNER: But you'll see, Maria,  
24 our comments were fairly straightforward. I can  
25 point out in that package Lou sent out dated the

1 13th, it's on the second page where it starts,  
2 "Response to Comment 1" and they proposed to change  
3 the language to take out, essentially, to take out  
4 the reference to zoning approval. And it occurs  
5 again in "Response to Comment 2," and then we had  
6 suggested deleting the words "and approved" from our  
7 comment, the third comment, which they agreed to do.

8 CHAIRWOMAN HUNTER: Are you finished  
9 with your report?

10 Rick? Or you want me to go to Phil  
11 first?

12 MR. GOLDEN: Mine is short. I also  
13 believe that it is adequate for public review and  
14 ought to be distributed to the public for the public  
15 to be able to comment on it. Just as a note to the  
16 public, because I know the Planning Board knows  
17 this, is that it will sometimes be heard tonight  
18 about talking about this document as being complete  
19 or that the Board is accepting it as complete or  
20 that it's acceptable. This is still, as Dennis  
21 said, the preliminary part. It's to make sure that  
22 the DSEIS in this case is not some frivolous  
23 document being out there and there's no sense in the  
24 public looking at it because it needs so many  
25 changes. When this Board says it's adequate for

1 public review and distribution, that's all it means  
2 is that it's met substantially what the scope was  
3 that the Planning Board set forth, and now the  
4 public can take a look at it, as well as the  
5 Planning Board and the consultants. We are not  
6 finished with our comments, our substantive  
7 comments. But it has been brought to a stage where  
8 it is adequate for everyone to look at it and give  
9 comments and opinions. Those will be discussed and  
10 finalized by the Planning Board and also any  
11 responses after that will be incorporated into a  
12 final Environmental Impact Statement.

13 I also want to comment, though, that  
14 the reason that I think it's adequate for public  
15 review, even without these latest changes, is that,  
16 although I think these changes are proper and should  
17 be made, it still is beyond the threshold for what  
18 is adequate for public review. The fact that they  
19 say, I mean, as an example, Stu's last comments  
20 about how it's noted in there that it's a zoning  
21 approval and, in fact, it's not. Obviously, by that  
22 document they don't get a zoning approval simply  
23 because the language was imprecise. That should not  
24 stop it from being adequate for public review.  
25 Those types of things will simply get changed

1 between this stage of the document and the final  
2 document that goes out, as well as many other things  
3 that will be changed.

4 This document has tried, and the  
5 applicant, I think, has done a very good job of  
6 trying to make it as complete and well put together  
7 as possible. In my opinion, even without these  
8 comments, the most recent comments, this document  
9 would still be adequate for public review from a  
10 legal sense. Thank you.

11 CHAIRWOMAN HUNTER: Thank you.

12 Phil?

13 MR. GREALY: Good evening. Philip  
14 Grealy, John Collins Engineers. We reviewed the  
15 traffic study as well as the DSEIS sections that  
16 relate to that and in comparison to the adopted  
17 April 18th Scoping Document. On July 13th we had  
18 provided 16 pages of comments which the applicant  
19 revised the document and resubmitted it. We then  
20 reviewed that revised document and in our August 9th  
21 memo had identified nine items that we felt needed  
22 to be just clarified or brought forward. There was  
23 some information that was in the traffic study that  
24 needed to be brought up to the executive summary so  
25 that people don't have to go through the whole

1 document to find it, and that was agreed to by the  
2 applicant.

3           As indicated in our August 9th  
4 memorandum and as the other consultants have stated,  
5 this is our agreement on completeness of the  
6 document -- that the items in the scope have been  
7 addressed. We still have to go through our  
8 technical review, but we feel also that this  
9 document is complete in terms of the Scoping  
10 Document and it's ready for public circulation and  
11 to receive input from not only the public but also  
12 from other involved and interested agencies  
13 including New York State DOT, etc.

14           The applicant had forwarded on Monday a  
15 more detailed response to our comments and has  
16 actually shown where the areas that we had asked to  
17 be brought forward are being brought forward. We  
18 did review that also and even without that we felt  
19 that this is ready to be accepted as complete with  
20 those incorporated. That's pretty much it. We will  
21 have more technical comments, of course, as we go  
22 through the document, but the information is there,  
23 it's complete, and in terms of getting public input.

24           CHAIRWOMAN HUNTER: Okay. Thank you.  
25 When we go to public input, with the traffic,

1 forgive me -- what's the program called when you  
2 show the anticipated traffic?

3 MR. GREALY: The simulation, the  
4 traffic simulation. The document contains what's  
5 called a Synchro analysis which looks at the various  
6 traffic signals and how they work together. And in  
7 the appendix of the document or the actual printouts  
8 are the results of that, okay. And as part of our  
9 memo under item 9, which the applicant has agreed  
10 to, at the public hearing they will show the  
11 simulation of existing conditions, future  
12 conditions, conditions with the DOT improvements --  
13 both Phase 1 and Phase 2 -- so that the public will  
14 get an understanding of what this means and what the  
15 additional traffic, how it's been coordinated with  
16 the DOT's plans. And they've agreed to present that  
17 simulation as part of the public hearing  
18 presentation.

19 CHAIRWOMAN HUNTER: Okay. Thank you.  
20 You have a comment, Lou, before I go  
21 to my Board members?

22 MR. D'ARMINIO: If I can, we did  
23 supply a PDF. We'll do a better job of making sure  
24 those get distributed to you a little bit quicker.  
25 I'd like to re-echo what Mr. Golden said and your

1 consultants, that this latest round of revisions was  
2 just to make sure that the Board was comfortable,  
3 excuse me, the consultants and the Board, if they  
4 had time to look at it, were comfortable with where  
5 we're going to put the information. But we've  
6 agreed to the information and even without providing  
7 the information, it would have been deemed complete.

8           With regard to the zoning approval,  
9 that was just being imprecise. We understand that  
10 and apologize for that, that error. The 330 square  
11 feet was SEQRA'd and reviewed, but it specifically  
12 says in your final findings that it still was  
13 subject to your site plan review. So I think we  
14 clarified that, I think, to Stu's satisfaction.

15           On the traffic issues, I know we're  
16 going to be providing the simulations, but I'm not  
17 sure that we have the ability or we can provide --  
18 I'll check with our consultant Mr. Grealy -- the  
19 before and after for the New York DOT approvals.

20           CHAIRWOMAN HUNTER: Lou, use the  
21 microphone, please. Thank you.

22           MR. D'ARMINIO: Okay. I'll have to  
23 touch base with Gorove/Slade on that. I know that  
24 we have them for our before and after, but I think  
25 that's something we still need to talk about.



1 MR. GREALY: I think that the  
2 applicant's traffic consultant had requested the  
3 files from New York State DOT. They have the  
4 printouts, and they were requesting copies of those  
5 files so that the simulation could be shown all the  
6 way through. So it's my understanding that that's  
7 going to continue to be requested of DOT and if for  
8 some reason it doesn't come from DOT, it can be  
9 created relatively quickly by re-inputting the data  
10 that's been given in hard form. So we'll coordinate  
11 that with the applicant's traffic engineer and  
12 assist him in getting information from DOT also.

13 MR. D'ARMINIO: Then in terms of the  
14 next steps, we just would like to coordinate, if it  
15 is deemed complete tonight, the various next steps.

16 CHAIRWOMAN HUNTER: Okay. Give me a  
17 moment to go with my Board here.

18 Mark, thoughts on the report?

19 Before I go to the Board, Board  
20 members, we're accepting this as the final report.  
21 We're saying that it's okay to go to the public, to  
22 have a public hearing to get their input, and have  
23 our consultants go dive in and really get technical  
24 on us. That eight-inch binder at home, you're going  
25 to be getting two of those by the time this is all

1 done, trust me. We're not saying yes to this; we're  
2 opening it up so that we can get more input from the  
3 public and for our consultants to dive into it  
4 deeper. I just want to -- are you all aware and  
5 understand that part, if we deem this complete for  
6 tonight?

7 Mark?

8 MR. CHRISTMAN: Based on that, I mean,  
9 I have other comments, going forward.

10 CHAIRWOMAN HUNTER: Okay. Chris?

11 MR. CORREIA: I'm going to have to go  
12 with the consultants deeming it complete for a  
13 public hearing. I'll reiterate again, I need time  
14 to look at this stuff. A day, two days doesn't  
15 suffice. I'm not comfortable putting my vote to  
16 something that I haven't had time to look at. I am  
17 going to defer to the consultants tonight, if they  
18 deem it complete, and they have. I'm okay.

19 MR. D'ARMINIO: Just for the record we  
20 did supply our redraft on August 1st. These other  
21 small comments were after that, so, and the Board  
22 did request that we supply it by August 1st and we  
23 did meet that deadline. I just don't want to leave  
24 the Board with the impression that somehow we  
25 provided things late. I think we've done more than

1 most people do. I think you can ask your  
2 consultants that.

3 CHAIRWOMAN HUNTER: Robert?

4 MR. ANZALONE: It's time to go to the  
5 public on it. There's a couple questions here and  
6 there, minor points, but let the public look at it  
7 now.

8 CHAIRWOMAN HUNTER: Rich, your  
9 thoughts?

10 MR. CATAGGIO: I agree with the  
11 consultants; we should go to the public. Again,  
12 just picking up on what Maria said on the simulation  
13 model -- I just want, when we show this to the  
14 public, we're going to show the as is with the  
15 traffic volume, and we're going to show it with  
16 Phase 1 and Phase 2 of the DOT?

17 MR. GREALY: That's correct.

18 MR. CATAGGIO: Then you said that if  
19 we don't have that, we can input that data.

20 MR. GREALY: The applicant's engineer  
21 can input -- he has copies of the information from  
22 DOT in hard form. He does not have the actual data  
23 files. If for some reason DOT will not provide it,  
24 and we've offered assistance to get the electronic  
25 files, it can be recreated, because they have -- the

1 same data the DOT is using, they have the hard  
2 copies of. So, the worst case is they'll have to  
3 input some data to create the simulation.

4 MR. D'ARMINIO: Again, on that point,  
5 I'm out of my league. My consultant's not here; I  
6 have to rely on Mr. Grealy to just work with the  
7 consultants and see if that can work out.

8 MR. GREALY: Absolutely.

9 MR. CATAGGIO: My question was: In  
10 that simulation model, does that model have the  
11 flexibility to show different times of traffic  
12 volumes? And what I mean by that, in tonight's  
13 document that we got, on Page 44 it says that they  
14 looked at traffic volumes between 7:45 in the  
15 morning and 8:45 as peak. And I take that road  
16 every morning; I don't agree with that time. So  
17 could we show 6:30 to 7:30 and 7:30 to 8:30 in that  
18 simulation model?

19 MR. GREALY: The information that they  
20 have was from DOT. There was other data that they  
21 had collected. So it can be expanded. I think  
22 what'll happen is, when we see the simulations,  
23 we're going to have comments. We're not going to  
24 see that simulation just once. I think it will be  
25 presented, and part of our technical comments, which

1 will be once this is accepted and complete, that  
2 will be one of our technical comments, to make sure  
3 that the time period that's shown is, in fact, the  
4 peak that we want to see. But good point.

5 MR. CATAGGIO: I'm good. Okay.

6 CHAIRWOMAN HUNTER: All right. I also  
7 am deferring to the consultants in deeming this  
8 document adequate and ready for public review. With  
9 all that being said, now we have to -- there's  
10 different things that we have to do here.

11 Stu, I'm going to start with you. As  
12 soon as the applicant gets the notice prepared --

13 MR. TURNER: The notice is drafted.

14 CHAIRWOMAN HUNTER: Go ahead, Rick.  
15 Rick got his hand up. Sorry, got to defer to the  
16 attorney.

17 MR. GOLDEN: I don't think it was  
18 really put to a formal vote and I think you ought to  
19 put it to a formal vote so that the record is very  
20 clear that, in fact, you have considered that the  
21 Supplemental Draft Environmental Impact Statement is  
22 complete under SEQRA regulations and adequate for  
23 public review.

24 CHAIRWOMAN HUNTER: Would anyone like  
25 to make that motion with the words that our attorney

1 has so stated?

2 MR. ANZALONE: I'll make that motion.

3 CHAIRWOMAN HUNTER: Thank you, Robert.

4 Do I have a second?

5 MR. CATAGGIO: I'll second.

6 CHAIRWOMAN HUNTER: Thank you, Rich.

7 Any other discussion from the Board

8 members? All in favor?

9 BOARD MEMBERS: Aye.

10 CHAIRWOMAN HUNTER: Aye.

11 Okay. Now we can continue. Okay. We

12 have a draft notice to go to the paper. To keep

13 things -- you're going to do the draft, have the

14 applicant -- I would like Maria to put the draft

15 notice into the paper.

16 MR. TURNER: Correct.

17 CHAIRWOMAN HUNTER: So we can keep the

18 string of command going and keep it clear and clean.

19 So as soon as it's done, I'm deferring to you, Stu,

20 to make sure it's all, with the applicant, to make

21 sure it's all correct in the draft.

22 MR. TURNER: There are two things.

23 I'm sorry to interrupt, but there are two things.

24 There's a draft notice of completion. And then a

25 newspaper notice that Maria will also prepare. But

1 this notice of completion needs to go with every  
2 copy that is distributed, so that every agency,  
3 every person who looks at it knows that you've  
4 accepted it.

5 CHAIRWOMAN HUNTER: Right. There are  
6 two notices.

7 MR. TURNER: And published in the  
8 Environmental Notice Bulletin which is the State Web  
9 site.

10 CHAIRWOMAN HUNTER: All I ask is that  
11 the completion notice, Stu and Lou, when you work on  
12 it, before it goes for final -- to send it to me so  
13 I can make sure all the names and phone numbers and  
14 e-mails are in there correctly.

15 MR. TURNER: No problem.

16 CHAIRWOMAN HUNTER: With that being  
17 said, now I'm going to be jumping back and forth  
18 here because there's a few things we have to get  
19 together on this.

20 As I stated earlier, I would like to  
21 have a public hearing on our September 19th meeting,  
22 and I would like to start it at 7 o'clock -- only  
23 reason being I only want Woodbury Common on for that  
24 evening. I want to start a little earlier, if we  
25 can, if the Board can do this. I talked with Maria

1 about this, and probably at the IBEW building that's  
2 in Harriman because it's set up and they can equip  
3 with the monitor and a screen for the simulation.  
4 We have chairs all set up in there.

5           So there's different things here that  
6 we need to discuss. The first, is it okay to go  
7 with the 19th, start it at 7:00, and just Woodbury  
8 Common on and put an end time at 10 p.m. If we have  
9 to continue the hearing, we will, but I think three  
10 hours is more than enough to start an evening. We  
11 may have a couple hundred people; we may have no  
12 one. It all depends on who shows up for that night.  
13 So these are some of the things I've been toying  
14 around with and I'd like to know how the Board feels  
15 about that, going with the 19th for having the  
16 public hearing. That gives Maria and the applicant  
17 time to get the completion notice done and the  
18 public hearing notice put into place and to secure  
19 the building. Are we okay with the 19th? Are we  
20 okay with a start time of 7 o'clock?

21           BOARD MEMBERS: Yes.

22           CHAIRWOMAN HUNTER: And an end time of  
23 10:00 so that we don't over -- and the IBEW  
24 Building. With all that being said: I would like  
25 to offer a motion that we go with the public hearing



1 on this draft SEIS for the public participation on  
2 September 19th to start at 7 p.m. and to end at 10  
3 p.m. and to be located at the IBEW Building. Do I  
4 have a second?

5 MR. ANZALONE: I second it.

6 CHAIRWOMAN HUNTER: Any other  
7 discussion on that part?

8 MR. GOLDEN: The only discussion that  
9 I would interject, Maria, is that if you haven't  
10 already determined that that's available, you ought  
11 to have an alternate site in your motion so that it  
12 can go forward if the IBEW is not available.

13 CHAIRWOMAN HUNTER: Maria didn't  
14 confirm with me today. She's spoken to them about  
15 that building. An alternate location -- Central  
16 Valley Elementary School, or we have to go to the  
17 firehouse. I'm not sure if it's available. We  
18 could do it there.

19 MR. TURNER: Does the firehouse have  
20 the equipment for the traffic analysis?

21 MR. D'ARMINIO: If need be, we could  
22 probably get that equipment, like the screen, and  
23 bring it if the firehouse works.

24 MR. GOLDEN: Because the Board has to  
25 set the public hearing at a particular time and

1 place, you can do it at alternative locations to  
2 make sure that whatever location is ultimately  
3 chosen, it has been within your approval. So I  
4 think if you think that the school might be  
5 available, and then I would always have Town Hall  
6 here as your default site in case everything else  
7 falls down. Because otherwise you will have to wait  
8 until your next meeting to schedule the public  
9 hearing.

10 CHAIRWOMAN HUNTER: So our first  
11 choice would be the IBEW Building, second choice  
12 Central Valley Elementary School, and the third  
13 choice would be here in Town Hall. That's to amend  
14 my motion of locations. Do I have a second?

15 MR. ANZALONE: I second it.

16 CHAIRWOMAN HUNTER: Thank you, Robert.  
17 Any discussion from Board members? All  
18 in favor.

19 BOARD MEMBERS: Aye.

20 CHAIRWOMAN HUNTER: That takes care of  
21 the public hearing. Completion notice, the public  
22 hearing notice, we were able to take care of. Now,  
23 I don't know who's going to contact these people --  
24 maybe Phil, because you're in traffic. Sergeant  
25 Quinn, at one of our ESO meetings, had graciously

1 said he would come to one of our public hearings to  
2 let people know how they handle, the State Police,  
3 how they handle the traffic currently as they come  
4 out of Woodbury Common. There is a plan in place.  
5 And when he described his plan, it's very  
6 interesting, and for the public to hear this plan, I  
7 think it would be very instrumental for him to be  
8 there to talk about this before the public. Would  
9 you be able, Phil, to contact Sergeant Quinn and  
10 through Maria we'll get all of the information. I  
11 know we've got the information.

12 MR. GREALY: Yes.

13 CHAIRWOMAN HUNTER: Also on that same  
14 thing, Scott Geiger, who's working on the New York  
15 State Exit 131 project --

16 MR. GREALY: Yes.

17 CHAIRWOMAN HUNTER: -- I haven't  
18 formally spoken with him, but he's willing to also  
19 come in to give us and the public an update on Exit  
20 131 and would you please contact him as well --

21 MR. GREALY: Yes.

22 CHAIRWOMAN HUNTER: -- so I have all  
23 this information for the public.

24 MR. GREALY: Any particular timetable  
25 for Scott to come in or --

1                   CHAIRWOMAN HUNTER: How long do you  
2 think your presentation to the public -- because  
3 we'll let you speak first -- half hour?

4                   MR. D'ARMINIO: I would think a half  
5 hour to an hour to go through all the elements of  
6 the SEQRA.

7                   I guess that's a question that I have,  
8 too, to the Board, is that, typically, these matters  
9 are handled together -- the SEQRA, the special  
10 permit, the ARB -- so there's not duplication. But  
11 I think maybe the idea here would be to open up all  
12 those meetings, perhaps, Mr. Golden, Mrs. Hunter --  
13 as starting but try to complete the SEQRA, so that  
14 we don't have to repeat elements of the SEQRA that  
15 would be a part of other elements, or should it just  
16 be a SEQRA?

17                  MR. GOLDEN: Regulations say it should  
18 be combined and state law says it should be combined  
19 with all other required hearings. So there's a  
20 required public hearing for a special permit;  
21 there's a required public hearing for subdivision --  
22 not subdivision, site plan -- and special permit.  
23 Both are required public hearings so that has to be  
24 together with the SEQRA public hearing that has been  
25 now decided to occur by the Board, and the public

1 hearing notice will notice that it's a public  
2 hearing for all of those topics.

3 MR. D'ARMINIO: We'd be happy to work  
4 that out with the professionals as we go through.  
5 As I understand it, the notice has got to have all  
6 those elements. So if you ask me, could I do it in  
7 a half an hour, to explain the whole project in some  
8 depth, that's going to be hard.

9 CHAIRWOMAN HUNTER: Okay. Try between  
10 45 minutes and 60 minutes. How's that?

11 MR. D'ARMINIO: I'll practice.

12 CHAIRWOMAN HUNTER: Practice. The  
13 only thing is...

14 MR. D'ARMINIO: You want to hear from  
15 the public.

16 CHAIRWOMAN HUNTER: We want to hear  
17 from the public. If you overwhelm them with too  
18 much -- you know what to do.

19 MR. D'ARMINIO: If the Board needs  
20 more information, we can continue the hearing on  
21 other aspects, as well.

22 MR. CORREIA: Is it possible to see  
23 the presentation prior to the presentation being  
24 given to the public?

25 CHAIRWOMAN HUNTER: Which

1 presentation?

2 MR. CORREIA: The presentation that  
3 you're going to go through for 45 to 60 minutes,  
4 whatever that presentation is, is there a way that  
5 we can see that ahead of time?

6 MR. LINDSAY: You've probably seen it  
7 already.

8 MR. CORREIA: It's everything that  
9 we've seen already?

10 MR. D'ARMINIO: Pretty much.

11 MR. LINDSAY: The project's not  
12 changing.

13 MR. CORREIA: And I understand that.  
14 Again, you're dealing with the public.  
15 Understanding it and going through it may be fairly  
16 new to the public. So to overwhelm them with jargon  
17 that they may not understand -- the presentation  
18 should be for the public. I guess that's where I'm  
19 going with it. I understand the legal aspects of  
20 it.

21 MR. GOLDEN: I think it's a very good  
22 point, Chris, that they need to -- in fact, the  
23 SEQRA regulations focus says with respect to the  
24 document itself that it should be user-friendly for  
25 the public. And that, I think, goes even more so,

1 although it's not part of the regulations, for the  
2 presentation at a public hearing. It needs to be  
3 done in a way that is very understandable by the  
4 public, is very clear for the public. I think that  
5 we will expect the applicant to prepare very well  
6 for that presentation so that it meets that level,  
7 so that it can be a help to the public and not  
8 simply a source of confusion for the public.

9 MR. D'ARMINIO: We would welcome your  
10 input and note that the regulations, certainly the  
11 handbook indicates that it's not unusual to have a  
12 prehearing meeting, maybe, to go over some of these  
13 issues. We can't have it, I guess, at the noticed  
14 meeting. Maybe with the consultants and some  
15 committee of the Board or representatives of the  
16 Board, and we'll indicate what we'll do and if you  
17 think there's something else that should be done, we  
18 certainly want to be cooperative with you. We want  
19 to have the best hearing we can have to the public.  
20 I appreciate that comment and we'll take whatever  
21 input that the Board can give us in whatever way is  
22 proper.

23 MR. GOLDEN: If the Board wants that  
24 to occur, sort of a pre-meeting with the consultants  
25 and one or two members of the Planning Board, that

1 can be done without the formalities of a formal  
2 setting of another public meeting. And the Board  
3 can be satisfied that it had the input in there.  
4 The public is going to get the end result of all of  
5 this, which is greater clarity. But if you want  
6 that to occur, that can be set up. It doesn't have  
7 to be set up at this time; it's not like you have to  
8 announce a specific meeting, but if that's what the  
9 Board would like, then that meeting can be set up  
10 prior to that, subject that would be scheduled,  
11 though.

12 CHAIRWOMAN HUNTER: Your thoughts? Do  
13 you want it that night or prior to that?

14 MR. D'ARMINIO: It would have to be  
15 prior.

16 MR. CORREIA: I think there's value  
17 there. Because, from my perspective, what I don't  
18 want to happen is we confuse the public. We've come  
19 this far, so we have an opportunity now for clarity.  
20 I understand the documentation; I understand the  
21 paperwork, but I want to make sure that we're  
22 putting our best foot forward so this public really  
23 understands.

24 MR. D'ARMINIO: There is a tremendous  
25 amount of technical information there, too.



1 MR. CORREIA: There is. Thank you.

2 MR. GOLDEN: If the Board would like  
3 that, sort of getting the sense of the Board, if  
4 that's what they want, then at a future date  
5 somebody can take charge of trying to set up that  
6 meeting.

7 MR. D'ARMINIO: We'll reach out to  
8 Mrs. Hunter and the Board and the consultants.

9 CHAIRWOMAN HUNTER: I'm just trying to  
10 think because the week before, if we do it the week  
11 before the 19th, we're looking at the 12th. It's  
12 going to give us an extra meeting. I know the 12th,  
13 the ZBA meeting is going to be on the 10th so the  
14 12th, the building is available here. I don't know  
15 if you want to meet again on a Wednesday, three  
16 Wednesdays in a row, and schedule another meeting.  
17 We can do that. Because the 13th is the primary.

18 MR. CORREIA: If I'm hearing  
19 correctly --

20 MR. D'ARMINIO: If it's not a formal  
21 meeting, we can do it ten o'clock in the morning.

22 CHAIRWOMAN HUNTER: I know, Rick, what  
23 you're saying, have some of our members there.

24 MR. TURNER: Two.

25 CHAIRWOMAN HUNTER: But as a whole

1 Board.

2 MR. GOLDEN: Then you have to schedule  
3 a special meeting of the Board.

4 CHAIRWOMAN HUNTER: That's what I'm  
5 trying to get at, because I've been through this.  
6 Rich, Robert, Chris, and Mark -- they haven't been  
7 through a DSEIS. And to have one or two people go  
8 to it and not have the other two, I don't think  
9 that's beneficial to anybody. Your thoughts, guys?

10 MR. TURNER: The only thing is, Maria,  
11 if you have a full Board meeting the week before  
12 where they make a presentation, it'll be a public  
13 meeting. I mean, I understand Chris's concern about  
14 wanting to hear the presentation in advance, but  
15 then the public's going to hear the presentation at  
16 the same time you are.

17 MR. D'ARMINIO: We wouldn't be doing a  
18 trial run of the presentation. I think we would  
19 just say an outline of what topics we would hit, and  
20 how we would hit them, and make sure the Board was  
21 comfortable with that. That's why I thought it was  
22 maybe better in the more informal meeting.

23 MR. LINDSAY: If they had an outline,  
24 we could look at that. I think all we would need  
25 them to show is an outline of where they're going to

1 go. For example, I'm all into storm water, but that  
2 might not be the biggest thing for the public here.  
3 They may want to hear a little bit more on traffic.  
4 They would probably want to hear a little bit more  
5 on traffic, so we might want to see an emphasis  
6 there. So we're going to want to see where the  
7 emphasis is, where the real meat of their  
8 discussions is, and so that could be done in outline  
9 form. You've heard their presentations. I'm sure  
10 they're going to want to show off some of the  
11 features of the buildings that they tried to show  
12 off to you and in terms of the appearance.

13 CHAIRWOMAN HUNTER: You're going to  
14 show them the five districts?

15 MR. D'ARMINIO: Yes. We were going to  
16 do the representations, and the colorization, and  
17 Ms. DeVita would go through the overall aspects of  
18 it. And then the traffic, we would highlight the  
19 report.

20 CHAIRWOMAN HUNTER: Rich?

21 MR. CATAGGIO: This is going to be the  
22 first public hearing and we want it to be  
23 successful. Is someone going to present what Phase  
24 1 and Phase 2 of the DOT -- I mean, if I was the  
25 public, I would want to know what that is in

1 addition to the Woodbury Common project, because the  
2 two go together. Is that not on the agenda, or is  
3 someone --

4 CHAIRWOMAN HUNTER: Well, I haven't  
5 put the outline -- that's why I asked Phil to  
6 contact Scott Geiger who's in charge of Exit 131.  
7 Scott knows all about Phase 1 and 2. That's why I'm  
8 trying to coordinate with Phil and Scott and see how  
9 long --

10 MR. GREALY: Assuming that Scott can  
11 come to that meeting, that will be great. But if  
12 for some reason that doesn't happen, what we've  
13 asked the applicant to do and they've done it now --  
14 in the executive summary, there is a very brief  
15 synopsis there. Once we see this outline, one of  
16 the things we would ask for is a brief synopsis of  
17 Phase 1 and Phase 2 of DOT. Even though it's not  
18 part of this project, it's so critical to what goes  
19 on in terms of traffic.

20 So it's already in the traffic studies.  
21 It describes what the DOT Phase 1 is, what the DOT  
22 Phase 2 is, how it's been coordinated with the  
23 project at some of the early meetings. The  
24 applicant has shown the plans and how they've been  
25 coordinated, but I think that would be the

1 opportunity for them to describe exactly where it  
2 is, what the time frame is. Which again, is in the  
3 document, but just that would be a highlight that  
4 would be part of their outline. And in an ideal  
5 situation, actually having, assuming that I can get  
6 Mr. Geiger to come to that meeting and they will be  
7 willing to give a presentation on it.

8 CHAIRWOMAN HUNTER: All right. With  
9 all that being said, figure from 7:00 to 8:00 we're  
10 going to do Woodbury Common. Applicant is going to  
11 do the presentation. If we can get Scott Geiger to  
12 come to the meeting -- usually I start with Dennis,  
13 Stu, and Phil. I think for this evening I'll  
14 probably put Phil first with traffic, because I  
15 think that's going to be the hot topic, unless you  
16 guys think I'm out of my thoughts here.

17 MR. LINDSAY: This is an opportunity  
18 for the public to comment on the DSEIS. I think  
19 members of the public here know about the traffic,  
20 they know about things. They're going to want to  
21 hear a presentation. They're going to want to hear  
22 about what these folks believe, through their  
23 studies, they're going to improve, what the DOT's  
24 going to improve and how that's going to work. Then  
25 they're going to want to comment on that. They're

1 going to want to comment on other things. I don't  
2 think they want to hear summaries from your  
3 consultants on substantive comments and things like  
4 that. That's going to come; we will have that.

5           We'll do that, but I think right now  
6 you're going to want to get to the public and not  
7 take three hours of presentations or take up a lot  
8 of that time. You really want to give the public an  
9 opportunity to comment. Some prelude is important  
10 and we've always done that; you've always done that.  
11 We'll give some overview, an overview of comments,  
12 but I don't plan on taking a lot of time for any  
13 presentation.

14           CHAIRWOMAN HUNTER: That's why I know  
15 the three of you -- you'll have your say, but I  
16 would like to have the applicant and then have Scott  
17 and/or Sergeant Quinn just to touch on the traffic,  
18 and then go to the public so they understand what's  
19 going on. Are we okay with that, if we can get both  
20 gentlemen to speak briefly? Briefly. Give them 15  
21 minutes each. They can each have more time,  
22 whatever is left over from the applicant; how's  
23 that? Then we'll go to the public. All right? I  
24 think that was all the things I needed to touch base  
25 on for this hearing.

1                   Excuse me? What are we doing? The  
2 presentation, we're going to have the outline.

3                   You're going to give us an outline.

4                   MR. D'ARMINIO: We'll give you the  
5 outline. If that's the way to do it -- when did you  
6 want it? By the 10th or something?

7                   CHAIRWOMAN HUNTER: By the 5th?

8                   MR. D'ARMINIO: The 5th? That's fine.

9                   CHAIRWOMAN HUNTER: September 5th.  
10 That gives us two weeks. And if we have some  
11 concerns, we can respond back to you?

12                   MR. D'ARMINIO: Sure.

13                   CHAIRWOMAN HUNTER: Should we respond  
14 through Rick as a point person or go through --

15                   MR. D'ARMINIO: Whatever your  
16 pleasure. That sounds great.

17                   CHAIRWOMAN HUNTER: All right. If you  
18 can get an outline to us by the 5th of September via  
19 e-mail then we can make comments to Rick and he can  
20 forward them on to you and we can collectively get  
21 together, as long as that's okay with Rick.

22                   MR. D'ARMINIO: Ms. Hunter, just to be  
23 clear, the e-mails that we send -- I always send,  
24 per your instruction, a copy to you and I send one  
25 to Ms. Rubio.

1 CHAIRWOMAN HUNTER: Correct.

2 MR. D'ARMINIO: And then, from there  
3 it gets distributed. Because I don't have the  
4 e-mails, and I don't know if I should.

5 CHAIRWOMAN HUNTER: Yeah. She  
6 distributes it so we'll talk to her.

7 MR. GOLDEN: Just to make it clear, in  
8 order to be consistent, both with the letter and  
9 spirit of the Open Meetings Law, it would be your  
10 individual comments that would be sent to me. There  
11 would be no cross-discussion among Board members  
12 with respect to each other's comments and things.

13 CHAIRWOMAN HUNTER: Correct. That  
14 goes without saying, yes.

15 MR. GOLDEN: Okay. The reason I  
16 wanted to say it was more for the public so they  
17 didn't think there'd be this behind-the-scenes  
18 discussion going on.

19 CHAIRWOMAN HUNTER: Individually, we'd  
20 each respond to you so that it doesn't seem like  
21 we're getting together on it. Collusion -- that's  
22 it. Anything else I'm missing?

23 Yes, Dennis.

24 MR. LINDSAY: Just some housekeeping  
25 matters. I think that, Stu said it before, that for



1 the Board members, you're only going to get copies.  
2 Nobody wants the appendices again; is that correct?  
3 Okay, so you're going to get the revised documents,  
4 all right. I'll take care with Maria about the  
5 distribution with Lou about the number of copies  
6 that we need. We made up a tentative list. I'll go  
7 over it with her, and then we'll provide Lou with  
8 the list that we require.

9 CHAIRWOMAN HUNTER: With that list,  
10 just real quick, there's the four consultants, the  
11 Board members, the Building Department, Town and  
12 Village Clerk, libraries, and I guess the County  
13 gets two copies?

14 MR. LINDSAY: I didn't have the County  
15 down. I do have involved agencies down, the DEC  
16 Division of Environmental Permits, and we'll add the  
17 County.

18 CHAIRWOMAN HUNTER: Now, the DEC and  
19 the County, can they get PDF files or do they need a  
20 hard copy?

21 MR. LINDSAY: We'll have to find out.  
22 We usually send them hard copies, but we'll have to  
23 find out.

24 MR. D'ARMINIO: One thing that we have  
25 to do is, we've indicated in our letters, that

1 recent letter I submitted, the changes that were  
2 going to be made, we've got to put those, actually,  
3 in a document, a clean document. We'll provide you  
4 that by -- what do you think, Dave, Monday? Friday,  
5 Monday? Think Monday would be okay? Because it's  
6 already been done. It's just a matter of giving it  
7 a final review. Also, we'll provide each of the  
8 Board members with clean copies of the new draft,  
9 the SEIS, as well as, I think we should probably  
10 supply them with an Exhibit F, which is certain  
11 sections of the traffic study were revised. I think  
12 that's the only appendix that needs to be re-put in.  
13 So you can throw the old one out and just put that  
14 in your binder, because then -- otherwise the  
15 binders didn't change. Otherwise the binders that  
16 you have are the binders; the appendices that you  
17 have are the ones you have. So we'll provide that  
18 to you and the consultants as well.

19 CHAIRWOMAN HUNTER: Any other  
20 questions, concerns from the Board members on this  
21 application?

22 Consultants? Going once, going twice,  
23 we're good? All right.

24 I'd like to entertain a motion to  
25 adjourn.

1                   MEMBER OF THE PUBLIC: Excuse me. Is  
2 there a public hearing?

3                   I made that motion. Did we not vote on  
4 it? Yes, we did. I voted for September 19th from  
5 7:00 to 10:00 at IBEW or Central Valley or Town  
6 Hall. Did I not do that, Gale?

7                   MS. NAUGLE: Yes, you did.

8                   MEMBER OF THE PUBLIC: Do you have a  
9 time for public comments or questions?

10                  CHAIRWOMAN HUNTER: Tonight?

11                  MEMBER OF THE PUBLIC: Yeah.

12                  CHAIRWOMAN HUNTER: No, that's not  
13 part of tonight. You can talk to your attorney real  
14 quick if you want to.

15                  MEMBER OF THE PUBLIC: Yeah, I'd like  
16 --

17                  CHAIRWOMAN HUNTER: Go do a sidebar  
18 real quick. Go ahead; you can go. Talk to your  
19 attorney and see if it's appropriate.

20                  MEMBER OF THE PUBLIC: Which attorney  
21 are we talking about?

22                  CHAIRWOMAN HUNTER: I want to thank  
23 Town Board members for coming here tonight. We  
24 appreciate your support. I'm sure we'll see you on  
25 the 19th, but thank you for coming out and going

1 through this with us.

2 Greg Hatzis, I know you're back there;  
3 you're representing the Fire Department. Hopefully,  
4 we'll see you on the 19th.

5 And Lynn, you're good, right, for that  
6 night?

7 MR. D'ARMINIO: We'll have a  
8 stenographer there. That would be a record that we  
9 made; we could attach that to the final EIS  
10 document.

11 CHAIRWOMAN HUNTER: Actually, I have  
12 to talk to Maria. I know you've been sending your  
13 minutes. I have to get those from her in PDF form  
14 to get on the Web site now.

15 MR. D'ARMINIO: I think we get them in  
16 PDF form, so --

17 CHAIRWOMAN HUNTER: I believe Maria  
18 asked for them so we'll get them on the Web site.

19 Can I adjourn yet?

20 BOARD MEMBER: Aye.

21 CHAIRWOMAN HUNTER: All in favor?

22 BOARD MEMBERS: Aye.

23 CHAIRWOMAN HUNTER: Thank you,  
24 everyone, for coming out.

25 (Hearing adjourned at 9:07 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 States of New York and 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  
NJ Notary Public No. 2415076  
NY Notary Public No. 01FO6259027

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