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VILLAGE OF WOODBURY

**VILLAGE OF WOODBURY
PLANNING BOARD MEETING
JANUARY 8, 2013**

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**VILLAGE OF WOODBURY
PLANNING BOARD MEETING**

JANUARY 8, 2013

PRESENT: M. Hunter, Chairperson
M. Christman
C. Correia
R. Anzalone
R. Cataggio

D. Lindsay
S. Turner
K. O'Donnell
R. Golden
R. D'Andrea

Chairperson Hunter opened the meeting with the Pledge of Allegiance and a moment of silence for our Armed Forces and all others in harm's way. She then wished everyone a Happy New Year and introduced the Board and Consultants.

MINUTES

M. Christman made a motion to accept the minutes of December 5, 2012 as submitted.
R. Anzalone seconded the motion. The vote was as follows:

M. Hunter – In Favor
M. Christman – In Favor
C. Correia – In Favor
R. Anzalone – In Favor
R. Cataggio – In Favor

REGULAR AGENDA

CPG PARTNERS/WOODBURY COMMON/RENOVATIONS - TAX MAP 225-1-70.2 and 226-1-1

There was a stenographer present for this portion of the meeting.

Chairperson Hunter explained that this was to be a continuation of a review of the Final Environmental Impact Study for proposed renovation to the shopping center known as Woodbury Common Premium Outlets located on Route 32 in Central Valley. She then asked the applicant to inform the Board about a meeting they had with the County. Danielle DeVita explained that they met with the County to discuss a memorandum that was issued by David Church and spoke about the County's specific comments, which the applicant has mitigated in the FEIS. She said they were fine with the issues they had raised, and how the applicant addressed them. She added that they were supposed to send a representative to the meeting this evening.

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Chairperson Hunter then noted that reports had been received from Phil Grealy, Stu Turner, Dennis Lindsay and Rick Golden. She said that she reviewed the 90 page revisions and tagged all of the consultant's comments. She then began a page-by-page review of the document dated January 2, 2013.

The first item was on page 3, where S. Turner had made a comment. He said that he wanted to be sure that the mitigations outlined in the final draft of the EIS are carried over into the findings. He suggested language that would accomplish this.

The next item was on page 13, item 2.1.a.22, and had to do with the prohibition of deliveries during the day. D. Lindsay suggested language that said that there will be no semi-tractor/trailers delivering to those stores. L. D'Arminio said this would be acceptable, but added that there was some question regarding food deliveries during the day. He then asked Dave Mistretta to address this subject. Mr. Mistretta explained that there may be some minor deliveries during the day, but most of them are in the morning, prior to the food businesses opening up. He added that there may be an occasion for a delivery to the food court during business hours, but it would be escorted to protect the pedestrian traffic.

The next item had to do with signage. D. Lindsay suggested language to make it clear that the applicant will proceed with their signage work in accordance with the plan that was previously approved by this Board. He added that G. Thomasberger's office said that if the signs are internal and not exposed they are self-regulated in accordance with their tenant criteria. If the applicant wants to make changes to the sign criteria, they would need to come back to the Planning Board. S. Turner noted that the Board had asked for changes to be made to the sign criteria so that references to the Town Board could be changed to Village Board. He said this will be done as part of the Architectural Review and will be referred to in the findings. There was then some discussion regarding the sign plan and some revisions that had been made through the years. The Board had requested at the last meeting that all these be incorporated into one document. L. D'Arminio suggested sending a letter to R Golden with the guidelines as they understand them. R. Golden can then verify and sign off on whatever is agreed upon and that can be attached to the resolution. R. Golden suggested that the letter be submitted to the Building Department, who will circulate it among everybody. He said it would make sense for S. Turner and K. O'Donnell to work with the Building Department to confirm that this is an actual document, and then it can be incorporated.

The discussion continued. The next item to be addressed was the issue of the traffic signal timing on Route 32, with the existing equipment, as well as the proposed upgrades to the equipment. The applicant has proposed making a contribution to induce the DOT to make these improvements in a timely manner. D. Lindsay said he had suggested language which

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and 226-1-1 (cont.)**

states, "mitigation of the traffic impacts from the 1997 Woodbury Common expansion anticipated proper signal timing on Route 32". He said his intent was to lay the foundation for inclusion of a condition that would require that the existing signal equipment be set up for proper signal timing as part of this application. He then noted that there is an upcoming meeting with the DOT. He said that after this meeting, hopefully, the applicant will have a better feel for what the DOT is going to do in response to the request for adjusting the signal timing and will have a better comfort level with including this as a condition. L. D'Arminio noted that Fred Gorove said that the signal timing was to be periodically updated. He said the last time this was done was two years ago. He said the language now reads "proper periodic" updates. He suggested it should be either "proper" or "periodic". D. Lindsay said it was not a matter of upgrading, because the traffic patterns have not changed that much from ten years ago. The equipment is just not set properly. R. D'Andrea agreed, stating that the timing doesn't have to be changed every week or every year but would be changed based on how things are working along the corridor. He said that right now it is not operating efficiently, especially during the peak periods when people are exiting the center. C. Correia questioned the use of the word "periodic". R. Golden agreed that either word does not really set any kind of standard. He suggested that the signal timing should be reviewed every four or five years or whatever time period the traffic consultant deems appropriate. He felt this could be worked into the FEIS language and the findings as well. L. D'Arminio said that it would be the DOT's responsibility to effectuate such timing. He asked what the Board would like the applicant to do to meet any obligations imposed by such a condition. R. Golden said that the findings can be more specific with regard to this subject, and better define the applicant's role.

The discussion continued. S. Turner referred to the contribution that the applicant has proposed to make to the DOT to install the new self-regulating system. He wondered how to define what this money is to be used for, and when it is to be used. However, he said that the applicant has proposed this mitigation, and the Board is comfortable with this. This is what should go into the findings. L. D'Arminio cited the proposed DOT project and asked how that would affect their five year time period. D. Lindsay said there is no way to know when these improvements would be made. He added that if the new system was installed, it would be self-regulating and may not need to be revisited. R. D'Andrea agreed, adding that the adaptive system would still be in place after the DOT improvements and should be able to handle the traffic without the applicant going back every five years to review it. L. D'Arminio asked if this condition would really be needed if the adaptive system is installed. He said his client has difficulty with the continuing obligation to hire a traffic consultant. D. Lindsay suggested that the condition remain as long as the existing signal timing remains the same. It could also be a condition of the Special Permit, which is reviewed on an annual basis. Then it could be removed if not needed anymore.

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L. D'Arminio said that this sounded okay, but he would like to see the language. C. Correia asked who would be watching the self-adapting signals to be sure that they are self-adapting correctly. He suggested that the applicant send a note to the State every two or three years to ask them to look at the system. L. D'Arminio felt that the DOT would be more responsive to the Village than they would to Woodbury Common in this regard. D. Lindsay agreed, but said that the Commons would need to initiate the process, as it is also in their best interest. L. D'Arminio said that they would work on language to cover this.

R. Cataggio agreed with C. Correia and said that he would like to see the traffic evaluated 60 to 90 days after the project is completed. He cited the 2,000 additional cars that would be in the parking garage. Chairperson Hunter wanted to clarify that there are only 1,000 additional cars in the parking garage.

Chairperson Hunter then asked what the time frame would be for the improvements to the signals on Route 32. D. Lindsay noted that there is going to be a meeting with the DOT, during which we may find out more about the schedule and timing. However, he recommended that the signal timing of the existing equipment be in place before the center is allowed any additional capacity. He also said that the traffic consultants have reported that the 60,000 additional square feet will not change the traffic conditions that dramatically.

The discussion continued. Chairperson Hunter explained a little more about the meeting with the DOT and noted that there were representatives from the DOT in the audience. She asked them if they had any comments at this time. They said they would wait, and speak later in the meeting.

R. D'Andrea referred to the 1,000 cars that are being added to the parking lot, saying that they will not generate traffic. He said it is the 60,000 square feet that is being added to the center that will be the traffic generator. The 1,000 spaces that are being added to the parking lot are intended to accommodate cars that are currently traversing through the parking lot looking for a parking space on the busiest days. He said that most of the other days of the year the parking garage will not even be one-third full. He added that the 100 cars in and out that are generated from the 60,000 square feet on a normal Saturday will not be a significant amount of traffic.

Chairperson Hunter then asked R. Golden if all of his comments had been addressed. He said they had not. One of his comments referred to comment 2.1.B.17 part two. Right now it indicates that "the Planning Board consultants and the applicant's consultants agree that since the 1997 SEQRA approval and construction of the present Woodbury Common there has been an increase in regional traffic impacts, inter alia, by the cumulative impact of additional shopping

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centers, schools and residential development”. He said all this is true, but what needs to be added in there is the additional traffic that has been generated since the 1997 SEQRA approval by Woodbury Common, over and above what was anticipated at that time.

R. Golden’s second comment had to do with a line in the same comment referenced above which indicates that the Planning Board agrees that the significant funding contribution they will be making will be effective in implementing the desired improvements. He felt this section needed to be more clearly defined, with input from the Planning Board’s traffic engineers as to whether or not the Board was comfortable saying that this will, in fact, implement the desired improvement of the traffic issues. He said the wording needs to be adjusted based upon the advice of the Board’s traffic consultant. L. D’Aminio suggested removing the sentence which says “the Planning Board agrees,” etc. And leave this issue to be dealt with in the findings. R. Golden was satisfied with this suggestion.

Chairperson Hunter asked the Board members if they understood what findings are. R. Golden explained that the findings are basically the Board’s conclusion to the SEQRA process. They identify the significant impacts to the environment and how they can be mitigated. The findings also form the basis for various conditions that may be included in the resolution of approval.

At this point, John Szmansky, Deputy County Planning Commissioner, spoke about the signal timing improvements. He said he had spoken with the DOT Route 17 Study Manager, who said he had some ideas and he will be speaking with him further.

The discussion continued. L. D’Arminio noted that, though it is a true statement that since 1997 Woodbury Common is a part of the additional traffic that has been generated throughout the region, it was their understanding that this was already considered and mitigated with the 1997 approvals. R. Golden said that what he was addressing was the increase in traffic over and above the amount in the 1997 review.

R. Golden then pointed out to the Board that the FSEIS and the finding statement are both the Board’s documents.

Chairperson Hunter continued her review of the document. There were no significant comments until page 75 where D. Lindsay had commented on the possible use of Gators in the parking garage. He explained that a “Gator” is similar to a golf cart, which is equipped with a stretcher so that a person could be carried out of the parking garage. He noted that the Ambulance Corps was concerned because they could not bring their vehicles into the parking garage. As a mitigation, Woodbury Common mentioned the use of a Gator. He was not sure whether or not the Ambulance Corps would be in favor of this, so he proposed language which refers to “appropriate means, suitable and acceptable to the Board and Ambulance”.

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The discussion continued. D. Lindsay had a comment on the front page of the document, as he said the document was supposed to be written as if it were written by the Planning Board. He said there were many comments which included phrases such as "the applicant confirms that" or "the applicant is willing to", as if the applicant was writing it as opposed to the Board. He suggested a sentence saying, "the FSEIS reflects the opinions of the Village of Woodbury Planning Board as Lead Agency and any references to opinions or agreements by the Applicant, Project Sponsor, or Developer were fully reviewed by the Board and the Project Sponsor, Applicant and Developer, who has agreed to the language in the FSEIS. He said that R. Golden may have other suggestions. R. Golden said that this is an important document that needs to have the voice of the Planning Board. He felt that all comments such as the ones referenced by D. Lindsay should be revised. However, he said it was up to the Board whether they thought D. Lindsay's proposal was acceptable also. L. D'Arminio said they would go through the document and revise it.

S. Turner noted that the applicant was missing a will-serve letter from the County for their sewer capacity. D. DeVita said they are working with the County on this, and that the County has no issue with the sewer capacity. She anticipated no problems at all with the will-serve. D. Lindsay said this can be made a condition of approval that this letter must be produced. R. Golden said the Board has done this on several occasions and that the letter must be produced prior to any building permits being issued.

Chairperson Hunter asked the Board members for their comments and questions. R. Cataggio wanted to be sure that the "peak" hours will be more clearly defined in the findings. He was mostly concerned with the hours when trucks will be allowed to make deliveries and security personnel would need to escort them. R. D'Andrea said these hours will be defined in the document.

R. Anzalone asked for examples of the work that would be deemed unsafe or inconvenient to the public and would need to be done at night. D. Lindsay cited overhead work, crane use or anything that can't be done behind a barricade. D. DeVita added that work on the ring road would need to be done at night so that the road would not need to be closed during the day. R. Golden pointed out that the Building Inspector has the power to tell the applicant that they can't proceed because something is unsafe. However, there will be a condition in the resolution stating, "subject to the approval of the Engineer and the Building Inspector" etc.

The discussion continued, with the Board and applicant discussing what the next steps would be. There was some discussion regarding the site plan and when that would be discussed.

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There was some discussion regarding whether to schedule a meeting for January 30th to discuss the findings. R. Golden was of the opinion that the findings would not be ready at that time. It was decided that the Board would wait until the next Planning Board meeting to decide whether or not the additional meeting would be necessary.

There was no further business for the Board to conduct, so R. Anzalone made a motion to adjourn the meeting. R. Cataggio seconded the motion. The vote was as follows:

- M. Hunter – In Favor
- M. Christman – In Favor
- C. Correia – In Favor
- R. Anzalone – In Favor
- R. Cataggio – In Favor

The meeting was adjourned at 8:58 p.m.

Respectfully submitted,



Gale A. Naugle
Planning Board Secretary