

In The Matter Of:
Germantown Planning Board Public Hearing

Re: Draft Environmental Impact Statement - Dollar General Store
June 11, 2018

COVERING ALL UPSTATE NEW YORK

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Town of Germantown Planning Board
PUBLIC HEARING
RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT
(DOLLAR GENERAL STORE)

HELD AT: Germantown Town Hall
50 Palantine Park Road
Germantown, New York 12526
June 11, 2018 - 7:00 - 8:40 P.M.

BEFORE:
PLANNING BOARD:
STEPHEN REYNOLDS, CHAIRMAN
JAMI DEL POZZO, PLANNING BOARD SECRETARY
GEORGE SHARPE, SR., MEMBER
EMIL ERICSON, MEMBER
KERRIE ABELA, MEMBER
MARGARET DELLA CIOPPA, MEMBER
TIM OTTY, MEMBER
PETER DEDRICK, MEMBER
TAL G. RAPPLEYEA, ESQ, - BOARD ATTORNEY

APPEARING ON BEHALF OF THE APPLICANT:
McNAMEE, LOCHNER, TITUS & WILLIAMS, P.C.
677 Broadway
Albany, New York 12207-2503

BY: JACOB F. LAMME, ESQ., of Counsel

ZACHARY PETERS

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1 7:00 P.M. - PUBLIC FORUM:

2 CHAIRMAN REYNOLDS: All right,
3 everyone.

4 Welcome to the Public Hearing for the
5 proposed Dollar General Store which would be
6 established, as we give a little background,
7 just north of the intersection of Main Street
8 and Route 9G, on a 1.3 acre parcel on a
9 portion of land to be subdivided from an
10 existing 5.9-acre plot. That's where the
11 garden center is, as everyone knows.

12 This Public Hearing is for two
13 separate actions. I want to remind everyone,
14 the first is for the site plan review of the
15 project, and the other is for the actual
16 subdivision. Those two things will be
17 happening simultaneously, and this Public
18 Hearing is for comments pertaining to either
19 of those.

20 Each of these two actions are governed
21 by separate sections of our zoning. The
22 guidelines for conducting site plan review are
23 in Article 13, Guidelines for Subdivision,
24 Article 10. According to our Zoning
25 Regulations, one Public Hearing can be

1 conducted for both of those.

2 Once the Public Hearing is closed, the
3 Planning Board will consider and reach a
4 decision on the two actions at the same time,
5 I believe. And that will happen -- the
6 decision must happen within 62 days of the
7 close of this Public Hearing; however, the
8 close of the Public Hearing which is not
9 today. It will be -- there will be a public
10 written comment period that will end noon on
11 June 18th. So, that would be considered the
12 close of the Public Hearing.

13 More on the specifics of what we are
14 here to do today. I wanted to give a quick
15 summary of what has been a very long process,
16 over three years, I think. Primex first
17 submitted a description of the project with a
18 preliminary site plan; means of handling storm
19 water, a few sketches, whole different aspects
20 of the project. So, we have a sense of what
21 it was.

22 And using this information, the board
23 started on a long process of environmental
24 review called the SEQOR process. State law
25 requires a proposed action be evaluated in

1 terms of its impact to the environment, which
2 it pertains to plants, animals, water quality;
3 but also, its impact to the town archeology,
4 economic impacts, history, historical
5 resources. And by a unanimous decision, the
6 board hired Ted Fink of Greenplan, to help
7 guide us through the complex process.

8 On April 28th, 2016, the Planning
9 Board made a positive declaration, which meant
10 that it identified 11 possible adverse impacts
11 that could result from the proposed
12 establishment, the store.

13 Now, this does not mean that this
14 store necessarily caused negative effects, it
15 just meant that we were asking the Applicant
16 to submit means for eliminating or minimizing
17 the impact.

18 But the positive declaration acted as
19 an outline for what is called the scoping
20 document; and with some refinements, the draft
21 scoping became the final one.

22 The final scoping document describes
23 what the Applicant needed to be addressed in
24 the Draft Environmental Impact Statement.
25 This is, actually, good to go over because

1 it's, sort of, like going back over your
2 travel photos -- like, oh, yes, the positive
3 dec. -- anyway.

4 But once the DEIS was declared
5 complete by the board, Primex, the applicant,
6 set about writing the FEIS which they took on
7 that that responsibility. And that was
8 adopted just this past January.

9 And soon after, the next step was the
10 writing of the Findings Statement. That's an
11 important one. I mean, the Findings Statement
12 was intended to be a product and a record of
13 the Board's consideration of the potential
14 impacts of the proposed action, balancing that
15 with the potential adverse impacts. So,
16 merits versus any possible negatives.

17 And it was -- that was passed -- the
18 positive finding statement was passed
19 February 22nd. And at that point, the SEQRA
20 process was ended. And at that very moment,
21 the site plan phase began. And the Applicant
22 responded -- or the board suggested various
23 changes in the facade, surface materials,
24 colors, plantings -- and the Applicant
25 responded with new renderings, incorporating

1 many of these suggestions.

2 Meanwhile, the town engineer
3 re-reviewed the site plans, made comments,
4 more revisions were made; and, hopefully, you
5 have all acquainted yourselves with the final
6 renderings and site plans so you have a sense
7 of what it's going to look like.

8 And the purpose of this hearing, of
9 course, is for the public to have an
10 opportunity to comment on what we see over
11 here on the easel. You know, it's helpful to
12 be specific about what you say. It's hard.
13 We can't really incorporate, just generalized
14 comments in favor of deciding the issue -- we
15 have no use for it in our town or whatever.
16 We like specific reason comments because
17 that's what we need to make our final
18 decision.

19 So, written comments, as I said, will
20 be accepted by mail, dropped off at Town Hall
21 or email, until June 18th at noon, which is a
22 week from today.

23 I just want to say some things about
24 the guidelines for the evening. Please, first
25 and foremost, we're trying to keep it all very

1 civil and calm. Just keep in mind when
2 someone is speaking, be respectful of your
3 fellow members of the community.

4 Don't speak out in response to what
5 someone says. That just causes tension and
6 it's not a forum for debate. We are not
7 debating it, we are just delivering our
8 individual opinions. You know, we will take
9 these comments in and use them with all the
10 other information that we have gathered to
11 arrive at a decision.

12 And there will be a three-minute limit
13 for each speaker, and we are going to be very
14 strict about stopping you after three minutes.
15 So, if you want ideas to be heard, please stay
16 within that three minutes.

17 Do we have somebody who wants to do
18 that?

19 MR. DEDRICK: I will do that.

20 CHAIRMAN REYNOLDS: Want to give a
21 warning?

22 MR. DEDRICK: I will give 30 seconds
23 left. I'll just say, 30 seconds left.

24 CHAIRMAN REYNOLDS: Okay.

25 MR. RAPPLEYEA: Just for anybody who

1 came in late, the sign-in sheet for speaking
2 is over there on the wall. We already have
3 the first sheet over here, but there is a
4 second sheet over there if you wish to speak.

5 CHAIRMAN REYNOLDS: Our first speaker
6 will be Mr. Joseph Guida.

7 MS. DELLA CIOPPA: Should they make
8 their presentation?

9 CHAIRMAN REYNOLDS: Yeah, do you want
10 to say a few things to familiarize --

11 MR. PETERS: I can give a brief --

12 MR. RAPPLEYEA: Before you begin, one
13 other piece of information we have to have on
14 the record, and that is that part of the
15 procedure for getting to a Public Hearing, the
16 town needs to -- the Planning Board needs to
17 send this application and all of the backup
18 materials to the County Planning Board for
19 their review, pursuant to Section 239-(1) and
20 (m) of the General Municipal Law, and we did
21 get their response back saying that this is a
22 local decision. So, we are free to move
23 forward with a normal vote when we are ready.

24 MR. PETERS: Should I address the
25 board?

1 CHAIRMAN REYNOLDS: Yeah, you can
2 address -- yes, feel free to.

3 MR. PETERS: Okay. Well, the project,
4 as I'm sure everyone is aware, involves two
5 parts. There's a subdivision of this overall
6 parcel, and then there's a site planning,
7 which is located on the northerly corner of
8 this parcel, along Route 9G. (Indicating).

9 It's a proposed Dollar General
10 commercial building. The building is
11 approximately 9200 square feet in size. We
12 have laid out 38 parking spaces, including a
13 loading and turn-around area at the rear of
14 the store. (Indicating).

15 And then there will be on-site
16 facilities for storm water treatment and storm
17 water detention, which are required by New
18 York State Department of Environmental
19 Conservation, New York State DEC.
20 (Indicating).

21 The entrance is on a state road, so
22 that's New York State DOT. (Indicating).

23 And then we have gone through a design
24 with the Health Department. There's a
25 proposed well that is going to serve the

1 building; and then there will be a connection
2 to the public sewer. (Indicating).

3 The board has done -- I think we said
4 about three years we have been working on it,
5 with multiple changes and revisions based on
6 the comments that the board has had in both
7 the site planning layout and the proposed
8 rendering in terms of look of the building,
9 the finishes and the colors. That's kind
10 of -- I'll keep it brief.

11 The site plans we submitted for review
12 incorporated all the comments that we had
13 discussed in response to Fred's comments with
14 the exception of the landscaping comments,
15 which we don't take any exception to, and we
16 will incorporate those in, along with any
17 other changes.

18 CHAIRMAN REYNOLDS: Okay.

19 Mr. Guida.

20 MR. GUIDA: So, one of the purposes of
21 the Comprehensive Plan is to provide a legal
22 basis for commercial land use. Its intent is
23 to reflect the will of the people.

24 Several meetings were held to allow
25 all town residents to ask them what their top

1 priorities were for this Comprehensive Plan,
2 just adopted, so that their views could be
3 included in the plan.

4 By wide margin, they said that
5 maintaining the rural nature of the community
6 was their top concern. Number three on the
7 list was encouraging controlled growth that
8 respects the community character.

9 Ted Fink, an expert professional town
10 planner, hired by this town to help us through
11 this complex Primex building process, said
12 that maintaining the rural character of a
13 community as a goal of the Comprehensive Plan
14 was a powerful tool that can be used to
15 resolve this application in a way that was in
16 consensus with the 80 or 90 percent of the
17 inhabitants that oppose this Dollar General.

18 The proposed Dollar General lies in a
19 scenic view over shed district. The purpose
20 of the SVO is to maintain the view shed in
21 accordance with the Comprehensive Plan. Among
22 the restriction laid out in the SVO district
23 is one that says that cases where the SVO
24 differs from an underlining zoning regulation,
25 the more restrictive regulations shall apply.

1 The zoning laws of Germantown state
2 that for structures larger -- states that for
3 larger structures, the length of any
4 horizontal facade shall not exceed 50 feet.
5 Preferably, 30 feet -- it says that,
6 preferably, 30 feet.

7 Primex is asking for a 70-foot long
8 frontage, more than double the 30 feet
9 preferred footage and more restrictive SVO.
10 That is something that would never be granted
11 by a Zoning Board, which typically would not
12 grant a variance of more than 150 percent, at
13 best, meaning 45 percent maximum. This
14 request is some 230 percent of the maximum
15 allowed under the current code.

16 I feel it is the duty of the various
17 town boards to vote these issues in a way that
18 reflects the will of the people as expressed
19 in the applicable laws and regulations
20 governing these decisions.

21 I think you have the tools necessary
22 to resolve this application in a way that
23 reflects the views of some 80 or 90 percent of
24 the town people.

25 MR. DEDRICK: 30 seconds.

1 MR. GUIDA: And I respectfully ask
2 that this board limit the road frontage of the
3 proposed Primex building to 30 feet, the more
4 restrictive language allowed in the SVO.
5 Thank you.

6 (APPLAUSE.)

7 CHAIRMAN REYNOLDS: Dawn Tsien.

8 MS. TSIEN: I strongly oppose the
9 approval of this Primex site plan and
10 subdivision application on the following
11 grounds: The size of the proposed Dollar
12 General, at 9200 square feet, is three times
13 the size of any existing retail store in
14 Germantown. And Dollar General itself, says
15 that, quote, 7300 square foot store form will
16 continue to be built for all of Dollar
17 General's new stores. End quote. It is not
18 in keeping with the scale -- the 9200 square
19 feet is not in keeping with the scale of
20 current businesses, or of the rural nature of
21 our community.

22 The Zoning Law states that the length
23 of the facade should not exceed 50 feet
24 maximum. The proposed building is 70 feet. I
25 am not clear as to what the reason is put

1 forward that this building should be the
2 exception. Just the desire of a tenant who is
3 not party to this agreement should not be the
4 ruling factor.

5 Since Primex is the applicant and not
6 the property owner or the tenant, I am
7 seriously concerned about any agreements that
8 are arrived with Primex. Neither Primex, nor
9 Dollar General, is a local business with any
10 ties to our community.

11 How will violations of terms and
12 conditions that the town enumerates be
13 enforced; and who will be held liable to
14 respond in a timely fashion to such
15 complaints?

16 If Dollar General fails, Primex should
17 have to come before the Planning Board again
18 to gain approval of a new tenant. It is vital
19 that this project be well vetted, so that we
20 are not establishing a precedent that will
21 leave us vulnerable to having a strip mall,
22 akin to Fairview Avenue, in our small town.

23 Traffic will seriously be affected by
24 the Dollar General. The traffic, car traffic
25 will increase at this already very busy

1 intersection. It is not clear, the impact on
2 current traffic patterns, where the
3 45-mile-an-hour speed limit already poses a
4 dangerous risk.

5 Dollar General also offers no
6 significant economic benefit. The sales taxes
7 go to Columbia County, not to Germantown
8 directly.

9 The jobs projected will also be low
10 paying part-time jobs with no benefits, except
11 for one manager. Dollar General is known for
12 exploiting its employees, as evidenced by
13 lawsuits in California, Tennessee and
14 Pennsylvania.

15 MR. DEDRICK: 30 seconds.

16 MS. TSIEN: For all these reasons, I
17 oppose the approval of this plan.

18 (APPLAUSE.)

19 CHAIRMAN REYNOLDS: Tony Albino.

20 MR. ALBINO: Tony Albino, A-l-b-i-n-o.
21 I echo the comments of the first two speakers,
22 and just want to add one comment.

23 We looked at the impact for many of
24 the issues, but one impact that has not been
25 vetted properly, is the impact on the youth of

1 Germantown. When I was campaigning for Town
2 Board, a common complaint was that the youth
3 of this town cannot afford to live here; and
4 there's one specific reason why they can't
5 afford to live here. There are no jobs that
6 have a good, livable wage. Dollar General
7 will not provide any livable wage to any of
8 the youth of America. So, I think it's very
9 cynical to talk about establishing a Dollar
10 General, and talk about it as a business
11 entity and operation, when it is going to do a
12 disservice to the youth of this town in
13 general. And I think that that comment -- the
14 impact on the youth is just as important as
15 the impact on the archeology and water system
16 and everything else.

17 In addition, I echo the comments of
18 the first two speakers.

19 Thank you.

20 (APPLAUSE.)

21 CHAIRMAN REYNOLDS: George -- I can't
22 read the last name -- Atwell.

23 MR. ATWELL: I pass.

24 CHAIRMAN REYNOLDS: Michael Reichman.

25 MR. REICHMAN: So, my name is Michael

1 Reichman. For of those you who don't know me
2 and my wife, we are not weekenders, we are not
3 transplants from the City. We are Germantown
4 residents. And in part, we moved here from
5 South Jersey because of all the wonderful
6 things about the Hudson Valley; but we also
7 moved here because we wanted to escape the
8 plague of the strip mall that we lived with in
9 South Jersey.

10 Now I feel compelled to apologize to
11 my fellow Germantown residents because I feel
12 responsible that we brought the plague from
13 New Jersey to here.

14 I want to draw some parallels between
15 Dollar General and what's going on with
16 Amtrak. When we rallied at Lasher Park to
17 oppose gates and fences proposed by Amtrak,
18 there were members of the town governance, in
19 their speeches, said if they allowed this, it
20 would change the fabric of the community. And
21 other members said, once the concrete gets
22 poured, you can't get rid of the concrete. I
23 don't know that this is any worse a threat,
24 but I can certainly see it as an equal threat
25 to the fabric of this community.

1 I will go back to my plague of the
2 strip mall. I don't want to repeat things
3 that people who spoke before me have already
4 said, but I don't know if I am the only person
5 in the room who thinks it's ironic that there
6 is a sign in front of Quality Landscaping now,
7 that says, Buy local. So, I am a proponent of
8 buying local.

9 Lastly, I, too, have safety concerns.
10 I think, with traffic coming out of the
11 Stewart's, coming out the Gulf station -- if
12 you are coming north on 9G, it's, kind of, a
13 blind curve as you come around the proposed
14 site -- and with the 45-mile speed limit,
15 with, potentially, a child or someone from the
16 school campus deciding to walk to Dollar
17 General -- no crosswalks, no sidewalks,
18 45 miles per hour -- and tell me that that
19 speed limit is respected all the time -- I
20 think it's an accident waiting to happen.

21 Thank you.

22 (APPLAUSE.)

23 CHAIRMAN REYNOLDS: Steve Savoris.

24 MR. SAVORIS: S-a-v-o-r-i-s.

25 This will be brief. The Dollar

1 General is a malignant cancer. I recently
2 drove through Coxsackie, to Greenville, to
3 Middleburg, to Schoharie, and south to Grand
4 Gorge, and back east to Catskill. Every town,
5 except Windham, had a Dollar General. Windham
6 cares about its village. We don't have a
7 Planning Board, we have a diminishment board.
8 The voting majority wishes to diminish the
9 town.

10 Do we need a fourth store, selling the
11 same junk?

12 Do we need more traffic?

13 Do we need a large, rectangular box?

14 Why wasn't the Zoning Board asked to
15 interpret the view shed restrictions on size?
16 The voting majority does not care about the
17 Zoning Law.

18 By accepting this disgrace, the voting
19 majority has left Germantown unprotected.
20 Hopefully, there will be a future, where good,
21 clear thinking citizens can repair the damage
22 done by this town government.

23 CHAIRMAN REYNOLDS: Zach, do you want
24 to say anything further?

25 MR. PETERS: No, I was good the first

1 time.

2 CHAIRMAN REYNOLDS: Carol Neville.

3 MS. NEVILLE: Carol Neville,

4 N-e-v-i-l-l-e.

5 I have written a letter to the board,
6 which I delivered last week to each of the
7 members, and I want it to be part of the
8 record.

9 One of the things that I point out is
10 that in the Town Law, in consideration of a
11 subdivision, this Town Law says that the
12 Planning Board's decision must be guided by
13 the following objective, among others: The
14 land is to be subdivided in a way that
15 protects the natural, cultural and scenic
16 resources of the town for the benefit of all
17 residents. That's mandatory. And that's in
18 the subdivision section of the Zoning Law.

19 So, I am not going to read my letter.
20 I want to read somebody else's letter that
21 talks about just that factor, the effect of
22 this store on the natural resources and on the
23 culture of the town: First of all, let me
24 say, that as a Germantown small business
25 owner, I am a hundred percent opposed to

1 building a Dollar General store in our small
2 community. I believe that enabling this
3 company to build it completely contrary to our
4 local economic development objectives, will
5 strive to support rather than hurt the
6 established businesses.

7 I contend that if we are to continue
8 an economic development plan that is conducive
9 to future growth of our small community, we
10 must stand against any multi-million dollar
11 corporation that would attempt to locate in
12 our small community.

13 All one must do is Google information
14 regarding the negative financial effects by
15 introducing WalMart-type stores to local
16 mom-and-pop businesses.

17 Goes on to say: In my opinion, that
18 application for a Dollar General store just
19 does not fit the location selected. Certainly
20 not in the beautiful view shed, facing our
21 Catskill Mountains. I think old Rip might
22 even shed a tear to see this view changed.

23 It's signed by George Sharpe.

24 (APPLAUSE.)

25 CHAIRMAN REYNOLDS: Pamela Wallace.

1 MS. WALLACE: I'm concerned that the
2 Applicant, as Dollar General, wrote the Final
3 Environmental Impact Statement, without input
4 from the Planning Board.

5 At the January 25th Planning Board
6 meeting, the Planning Board attorney and
7 Primex attorney agreed to a Planning Board
8 workshop to be held within one week so the
9 Planning Board could review this Environmental
10 Impact Statement. And both attorneys agreed
11 to this. However, a minute later, suddenly,
12 the Planning Board was voting to accept the
13 document, as written by Primex, the Applicant.
14 After three years of labor, suddenly, this
15 happened.

16 The vote was four to three to accept
17 the Final Environmental Impact Statement
18 written by the Applicant. It should have been
19 viewed by the Planning Board. Both attorneys
20 had agreed to this. Why did the Planning
21 Board vote to accept?

22 A month later, the Planning Board
23 minutes were disputed, and it has taken
24 several months for the minutes of that meeting
25 to be agreed upon. I have never heard of

1 disputed minutes in the 17 years I have lived
2 in Germantown. Therefore, I believe it is the
3 Applicant -- it is as though the Applicant
4 wrote their own report card. I do not believe
5 the Planning Board properly vetted this
6 project.

7 In addition, in regards to the
8 project, as many people have said -- and all
9 the previous comments were very strong -- it
10 goes against -- it is in the Scenic View Shed
11 Overlay, so it goes against the local law.

12 The Comprehensive Plan clearly states
13 the residents want to maintain the rural
14 character of the town, maintain open spaces,
15 support small scale, locally-owned
16 businesses -- very clearly stated in the
17 Comprehensive Plan. And I was a part of both
18 of those Comprehensive Plans. I think it was
19 2007 -- in 2017 or 2016 -- everybody was
20 saying that, locally-owned businesses.

21 Also, this building will be twice the
22 size of the Kellner Building, or maybe a
23 little more than twice the size of the Kellner
24 Building. It will be huge. It will dwarf all
25 other buildings in town.

1 Dollar General will return little or
2 no money to the local economy, as other people
3 said. Lastly, from 9G corridor -- from Hudson
4 to Hyde Park, has no chain stores, no big box
5 stores, and no fast food places. There are
6 three gas stations in Germantown, granted, but
7 there's no fast food, and no chain stores.

8 Does Germantown really want to be the
9 first town along the beautiful 9G scenic and
10 historic corridor to allow chain stores?

11 Surely, approval of this Dollar
12 General will open the floodgates for more ugly
13 chain stores and fast food on 9G, and then 9G
14 will look like, as other people said, Hyde
15 Park or Fairview or Lake Katrine, or whatever,
16 with all these fast food and chain stores.

17 Thank you.

18 (APPLAUSE.)

19 CHAIRMAN REYNOLDS: Melinda Reichlin.
20 R-e-i-c-h-l-i-n.

21 MS. REICHLIN: You will forgive me if
22 I do repeat some things that have already been
23 said. I wrote my letter. I am just going to
24 read it: We are compelled to state our
25 continued strong opposition to the approval of

1 the Primex plan. We have already outlined
2 some of our concerns and criticisms in prior
3 communications, and have attached those
4 letters, once again, to this one.

5 However, the seriousness of this
6 decision and its impact going forward warrants
7 further comments. Dollar General and Primex
8 does not belong, and is not needed in our
9 community. There are many within a short
10 distance -- multiple Dollar Generals, Family
11 Dollars, Dollar Trees, Big Lots, Five Belows.
12 There are at least 20 in the surrounding
13 vicinity.

14 Since only a small number of people
15 will walk to the store and the majority will
16 drive, there's simply no justification for
17 this position.

18 The Dollar General in Kingston, New
19 York, on Foxhall Avenue, is a disgrace, having
20 driven by there and gone in myself. I have
21 read reviews of the store in Saugerties, and
22 they are pretty gruesome. Inept management,
23 poor supervision, dirty store, mismarked
24 prices, walking through cigarette clouds from
25 smokers outside the store to get in -- nothing

1 good. Shopping carts rolling into the street.
2 Who is going to be there for us to complain
3 to? The inept manager -- one of maybe six
4 jobs that is going to be available. Are we
5 going to be writing the corporation in
6 Tennessee?

7 We are now building a commercial venue
8 in Germantown with small individual
9 businesses, owned and operated by locals, new
10 and old. And it is precisely stores like
11 Dollar General that will put these businesses
12 out of business. These are the businesses we
13 are trying to build. We must not sacrifice
14 that growth that is taking place right now to
15 a big box store that is not of the community
16 it's trying to serve. This should be a big
17 concern.

18 There also is a safety issue, with the
19 truck deliveries and traffic. The rep's tried
20 to say the store would have no impact on
21 traffic, when we know this is quite
22 disingenuous. Just deliveries alone result in
23 many trucks; and if they expect no impact on
24 traffic, how much business are they really
25 expecting? Our own Columbia Paper noted this

1 absurdity.

2 Additionally, while most of our
3 children bus to school, there are many who
4 walk, and those who do live entirely around
5 this site.

6 As for the jobs the store will
7 provide, hello and good-bye, you have already
8 heard how they treat their workers, maybe
9 there will be six to nine.

10 MR. DEDRICK: 30 seconds.

11 MS. REICHLIN: Furthermore, let us
12 make note of the following: What rights of
13 enforcement does the town have? This is
14 difficult with absentee owners.

15 If the subdivision is approved, what
16 would stop other big box stores from
17 developing? How will we control it?

18 Looking at our town, the kind of
19 development we are seeing, is this the store
20 we want to see? That would be a no.

21 The building interferes with the
22 watershed. The proposed look of the building
23 and the possibilities of others in the
24 subdivision is consistent with strip malls.
25 Thank you very much.

1 Sales tax will go to Columbia County.

2 (APPLAUSE.)

3 CHAIRMAN REYNOLDS: Sarah Saul.

4 MS. SAUL: My name is Sarah Saul. My
5 husband and I live on Camp Creek Road, and
6 have been here for 17 years. These are my
7 comments, reflecting some of my concerns
8 regarding the pending Dollar General Store.

9 First of all, I don't understand the
10 need for a 9,266 square foot building. I
11 remember, for example, Otto's Variety Store,
12 that stocked an amazing number and variety of
13 items from fancy soaps, to nails and screws,
14 in a small place. And if Otto could do so much
15 in such a small place, was does Dollar General
16 need over 9,000 square feet?

17 Secondly, no matter what the expert
18 says, if Dollar General is successful, which
19 it hopes to be, traffic will be a problem. A
20 few days ago, my husband witnessed a serious
21 accident at Stewart's. A car from the south,
22 turning into the Stewart's parking lot, was
23 hit by a car traveling north on 9G.

24 Traffic is noticeably increased on 9G.
25 I, sometimes, more than I used to, have

1 trouble turning onto 9G from Anchorage Road
2 because of a steady stream of traffic. This
3 will be exacerbated by the Dollar General.
4 Not to mention the 73.5-foot tractor trailer
5 arriving daily, no doubt carrying the \$8.75
6 million dollars worth of retail supplies we
7 are expected to purchase because we have a
8 deficit of such goods here according to the
9 retail analysis. I mention this because I
10 think it's an odd way to describe a
11 community -- you are not buying enough stuff.

12 And the traffic coming through
13 Germantown can also be expected to increase.
14 Certainly, my primary concern is how this will
15 affect businesses in the town center. A
16 considerable effort and expense was involved
17 in reigniting the village center. Otto's was
18 a gift, really, that rejuvenated the village.
19 Not only a place to buy some groceries, but a
20 place to run into friends and acquaintances,
21 maybe meet some new people, have a coffee with
22 a friend, sit outside for a while and watch
23 life go by in Germantown -- and also employs
24 local people. It was a real lesson in how a
25 successful market can revitalize and unite a

1 village.

2 The retail analysis prepared by
3 Capacity Business Consulting -- whoever they
4 are -- states, quote: That consumables are
5 the only industry where the most diversion of
6 sales may occur from existing sales in
7 Germantown.

8 MR. DEDRICK: 30 seconds.

9 MS. SAUL: Well, our consumables, as
10 well as service, the main business in
11 Germantown, they may experience a 25 percent
12 loss, according to this report, which the
13 report doesn't seem to think is a big deal,
14 but it seems to me a 25 percent loss would be
15 certainly significant for a small business.

16 This report further claims that a
17 Dollar General Store will increase property
18 values, and the great benefit from this, they
19 claim, is that property taxes will increase --

20 MR. DEDRICK: Time.

21 MS. SAUL: -- which they see as an
22 advantage for the town.

23 Are they serious?

24 (APPLAUSE.)

25 CHAIRMAN REYNOLDS: Judy Bernstein.

1 MS. BERNSTEIN: Judy Bernstein,
2 spelled like Leonard Bernstein, but we're not
3 related.

4 Over the long period of time the
5 Primex project has been under review, you have
6 heard many, many concerns about the negative
7 impact it will have on our community. As a
8 sample of these issues -- and I am going to be
9 repetitive, I apologize, but I am an educator,
10 and I know sometimes the only way to drive
11 home a point is through repeating the same
12 thing again and again.

13 As a sample of the issues, this
14 project has the strong potential to negatively
15 impact the environment, the view shed,
16 traffic, existing local business, and the
17 small town, rural atmosphere of Germantown.

18 Furthermore, the proposed project
19 suffers, in the extreme, from unattractive
20 architecture and cheap building materials,
21 violations of the Zoning Law, absence of a
22 contingency plan in the likely event that the
23 tenant goes out of business, and lack of
24 clarity about Primex's responsibility to the
25 town in the event of a failed business, or

1 even a future tenant.

2 You have heard from many alarmed
3 residents and existing business owners. You
4 have often ignored the conclusions and the
5 recommendations of the very planner hired to
6 help evaluate the project. So, what exactly
7 is attractive about this project? I can think
8 of only three possible candidates.

9 First, is the tax revenue, but I have
10 not heard anything specifically positive about
11 the tax benefits of such a store. The profit
12 margin will be low -- low overhead, cheap
13 goods. And besides, the sales tax generated,
14 as others have said, will benefit not the town
15 but rather Columbia County.

16 Needed goods and services. A store
17 like Dollar General will not fill an open
18 niche in Germantown. Much of what they sell
19 can be bought at Stewart's -- a business that
20 will be negatively impacted; and Otto's, at
21 least for groceries.

22 People could not do their big grocery
23 shopping at a Dollar General, so they will
24 still need to frequent a nearby larger grocery
25 store, such our new nearby Hannaford. Don't

1 we want to support the businesses we already
2 have, rather than hurt them by bringing in a
3 new one -- one that will sell cheap, Made in
4 China products.

5 The last one is jobs. A big fuss has
6 been made by members of the Planning Board,
7 and also some members of the public about the
8 jobs that would be created. For me
9 personally, this would be strongest argument
10 for a retail store of this nature.

11 I was all ears at the February 10th
12 Planning Board special meeting, when the board
13 members read aloud, and barely edited,
14 Primex's finding statement, written by the
15 Applicant, but somehow meant to reflect the
16 views of the Planning Board. The employment
17 numbers were stark, and I spotted a few raised
18 eyebrows among the board members. I recall
19 that Mr. George Sharpe even commented aloud,
20 expressing surprise at what would be a
21 rock-bottom, part-time salary.

22 MR. DEDRICK: 30 seconds.

23 MS. BERNSTEIN: It must be clear to
24 everyone, for and against this project, the
25 new jobs created would be pitiful. Part-time,

1 minimum wage, no benefits, and no room for
2 advancement. Who would want that for the
3 town? Certainly, we can do better than that.

4 I came away from that Planning Board
5 meeting, wondering how and why anyone could
6 support this project. And the answer I came
7 up with was a dark one, and I apologize, but I
8 saw cynicism and I saw hypocrisy. I honestly
9 do not believe that the project proposed will
10 contribute anything positive to the community;
11 and, therefore, I strongly oppose the approval
12 of the Primex site plan and subdivision
13 application.

14 Thank you.

15 (APPLAUSE.)

16 CHAIRMAN REYNOLDS: Martin Overington.

17 MR. OVERINGTON: First of all, I'd
18 like to say thank you to all the people who
19 are coming out here today, and also thank you
20 to the board of all their hard work they have
21 done over the last three years.

22 My name is Martin Overington,
23 O-v-e-r-i-n-g-t-o-n, 12 Main Street,
24 Germantown. 20, 30 years here. I am still a
25 newbie. Time starts now. Okay.

1 I have been involved in many, many,
2 many events in this town, from the library, to
3 the fences now, coming up on Amtrak, and
4 honestly, this argument is nothing to Amtrak
5 putting fences in front of our river. So I am
6 done with this argument. I am going to take
7 off a new argument -- Amtrak and blocking our
8 riverfront. We got new sidewalks in. I've
9 been part of that for 20 years. We finally
10 got the lights in over there -- God damn it,
11 can we get them plugged in and powered on?

12 Many, many projects, I have been
13 involved, and this is one argument I have been
14 involved with also. Personally, you know, to
15 make it look good, the view shed and all the
16 rest -- hell with the view shed. That's a big
17 one.

18 I am not happy with the way this is
19 going down because of the size of the building
20 and the location of the building. Also, the
21 safety of the road and the traffic. Everyone
22 said that.

23 You want some opinions on it, if it's
24 going to go through, make sure the lights are
25 off at midnight -- all of them, inside and

1 out; all right?

2 Make sure there's safety sidewalks. I
3 would love to have the sidewalks go all the
4 way up to Palantine Park Road here.

5 Why are our kids walking on 9G?
6 Hello. Make a decision. Help us out. They
7 shouldn't be walking on 9G when they're doing
8 80 miles down the road with a big pick-up
9 truck.

10 MR. DEDRICK: 30 seconds.

11 MR. OVERINGTON: Question: Why was
12 there a delay? No answer. Okay.

13 I oppose this subdivision due to its
14 size, and it's unsafety, and also the SEQ
15 idea was not done well; and all the water that
16 will go down, the drainage and all the rest,
17 to the property that's behind it, and then
18 into the Hudson River, which then makes more
19 weeds for us to cut -- and yes, Amtrak fences
20 are more of a problem than this.

21 MR. DEDRICK: Time.

22 CHAIRMAN REYNOLDS: Art Cady.

23 MR. CADY: My name is Art Cady,
24 C-a-d-y.

25 I'd like to address issues of the

1 subdivision of the property itself, and the
2 violations of the requirements of the state
3 for the drainage permit.

4 So far, you have heard about drainage
5 permits for this property. They have included
6 parts of 9G, and they have included drainage
7 on to the other part of the parcel. This
8 requires that they provide a comprehensive
9 drainage permit. The state also requires that
10 the permit be comprehensive for the entire
11 six acres, and that it address activities in
12 the past, present and future, as they propose.

13 They're not addressing violations of
14 two floodplains in the property. Down at the
15 western end of the property, a pond was built
16 in 2013. That should be part of the permit.
17 And the state enforced a violation of a flood
18 plain in this area, and the floodplains aren't
19 shown at all on the proposed site plan.

20 The Zoning Board made -- the
21 reconfigured Zoning Board made a reversal of
22 the DEC's enforcement of this second flood
23 plane -- it's a little upstream from the
24 present pond that's there. And it was due to
25 some confusion in the description of where the

1 original fence was but, nonetheless, they made
2 an error in decision that applies to the
3 information that should be in the drainage
4 permit.

5 In addition, in the area of the lot
6 itself, they -- in their -- over these three
7 years, they included part of 9G. They have
8 expanded the considered area of the effect of
9 the 1.37-acre project to include 9G --

10 MR. DEDRICK: 30 seconds.

11 MR. CADY -- and in doing that they
12 violate the impervious surface requirement of
13 the local zoning.

14 Thank you.

15 (APPLAUSE.)

16 CHAIRMAN REYNOLDS: Norman Mintz.

17 MR. MINTZ: Norman M-i-n-t-z.

18 You have heard a lot about the
19 Comprehensive Plan recently adopted, and it's
20 a great plan and a lot of work and effort has
21 gone into it. And we have heard a lot about
22 one particular refrain, over and over again,
23 which has been brought up by many people
24 throughout the process, and that is to
25 maintain the small character of Germantown --

1 it's, pretty much, everyone agrees in --
2 new-comers, old-timers whatever. But let's
3 take a look at what means because that term of
4 maintaining rural character can mean different
5 things to different people. We can spend all
6 night just talking about what that all means;
7 but I am particularly interested in the word
8 character because that's what we are talking
9 about here, and that is the most meaningful of
10 what is happening with Primex.

11 The proposal of the building, the
12 business and so forth, does not do anything to
13 enhance the character. If anything, it
14 detracts from the character. So, that's
15 something to think about and something to
16 realize that if this is allowed to happen,
17 others are going to come and have additional
18 businesses like that up and down 9G.

19 I would like to make one comment,
20 being a professional involved in aesthetics
21 and building facades and signage -- it's a
22 pretty telling one. Unfortunately, I need to
23 back up. I know Primex has made a valiant
24 attempt and has been very cooperative in
25 trying to do the right thing. I appreciate

1 that. I know the Planning Board does as well.
2 But I ask the audience, just look at one
3 particular thing. Do you really need three --
4 actually, four signs, one is a double, but
5 three signs; especially the two signs that are
6 on the building facade -- one that faces east
7 and one that faces south? Certainly, one of
8 those signs is adequate to get the capture of
9 the people; but, more important, I think this
10 tells you a lot about what happens when you
11 have companies, corporations from out of state
12 and out of the community come in. They don't
13 really care about the character. They come,
14 they go, they're off to their next location
15 somewhere else, and then we, who live here,
16 have got to be maintaining that character with
17 less enthusiasm because of what's happening.
18 So, it's one building, it's one corporation,
19 but watch out, that can multiply and then we
20 have big problems and a loss of character for
21 Germantown. Thank you.

22 (APPLAUSE.)

23 CHAIRMAN REYNOLDS: Billy Kimmel.

24 MR. KIMMEL: Billy Kimmel,

25 K-i-m-m-e-l.

1 I have been coming to these meetings
2 for the last three years, fighting this idea
3 of having a Dollar General Store. I spent
4 many years in Tennessee, particularly
5 Nashville, where you can't sling a cat without
6 seeing one; but I feel we have come to a point
7 now where we have lost. We don't have or did
8 not have a strong enough zoning to keep this
9 type of thing out -- they found a loop hole,
10 which is what they spend their time doing.

11 And we don't have the -- I don't think
12 we have the resources. I don't think -- I do
13 think that the Zoning Board did try their best
14 to see how we could avoid this. I think they
15 put a lot of hard hours -- I know, Steve, you
16 put a lot of hard hours into this; but, you
17 know, to fight it would cost so much money in
18 legal fees. And they know that. So, we have
19 to take it back ourselves.

20 Most of the things we have to deal
21 with in life, and everything in life is about
22 money. Don't go to the store ever. Don't
23 give them one penny; and tell all your
24 friends, don't go there. Give it to Gaskins,
25 give it to Otto's -- drive the extra

1 seven miles and go to their mortal enemies,
2 Walmart. That's it.

3 (APPLAUSE.)

4 CHAIRMAN REYNOLDS: Is there someone
5 else who didn't put their name down? Amy.

6 MS. DAVISON: Amy Jo Davison, with no
7 second D, not to be confused with Amy
8 Davidson, who lives on the other end of town.
9 Great.

10 So, I am the chair of Germantown
11 Economic Development Advisory Committee. When
12 I spoke to you last, I was not that person. I
13 was a resident, who was opposed to the Dollar
14 General at that time.

15 In this capacity, as the chair, this
16 committee has been re-formed in the past six
17 months, and part of our mission is to
18 encourage businesses to come to Germantown.
19 And we are taking that very seriously. We are
20 discussing with the community and looking at
21 the Comprehensive Plan, what the wants and
22 desires are of the community. And, certainly,
23 there is a need for some of the products that
24 might be carried at a Dollar General, but
25 there is not the need for a lot of large box

1 stores that they're going to present.

2 People are talking about the
3 character. When you look around Germantown,
4 tell me the architecture that you see. I go
5 down Main Street and I see colonials that are
6 being renovated. We are going through a
7 resurgence in our town. I see the Victorian
8 houses, with lovely architecture, with
9 beautiful molding and cornices and lovely,
10 lovely buildings. That wants to make me puke.
11 That is ugly. (Indicating).

12 That is nothing like what you see
13 driving down Main Street. Even driving down
14 9G, there are some buildings in disrepair on
15 9G, but there are other buildings that are
16 coming along and look beautiful. There are
17 other homes there, where it's zoned mixed use,
18 residential and commercial -- in the same area
19 where this is.

20 This is not the character of this
21 community. And boy, I really think that this
22 is not what my committee, our committee that's
23 working with the town, the economic
24 development advisory committee -- this is not
25 what we're looking for. This is way too

1 large.

2 I think you have zoning. As everybody
3 stated, we have zoning laws that regulate the
4 size of this building. It's way too large,
5 and I really don't think it's in the best
6 nature. Do we need something that offers some
7 of those things that are there? Yes. We
8 don't need that. (Indicating).

9 And I agree with all the other
10 comments. Thank you.

11 (APPLAUSE.)

12 CHAIRMAN REYNOLDS: Eve Thoreau.

13 MS. THOREAU: I have been asked to
14 read this letter, written by my friend,
15 Elizabeth Elliot. You may know her as the
16 founder of the Columbia County Council of the
17 Arts, the savior of the former crumbling ruin
18 that was the Hudson Opera House, and a member
19 of the Gang of Six, the ladies who
20 single-handedly saved Olana from the
21 ne'er-do-well nephew -- you can ask them about
22 that in Olana.

23 All right. I will read the letter: I
24 was living in Linlithgo in the 80s when George
25 Sharpe set the new transfer station at the

1 perfect height in Germantown to show off the
2 whole range of those dramatic Catskill peaks.
3 What an imaginative solution to the universal
4 problem of the rich people getting the best
5 views and the work-a-day population having to
6 be satisfied by driving along 9G to get their
7 share.

8 Mr. Sharpe gave the view to everyone,
9 just as he gave the swimming pond for everyone
10 to use. Now, every citizen of Germantown and
11 Linlithgo could use the transfer station and
12 then have a picnic nearby while their children
13 played in the little pond. Democracy at its
14 best.

15 Because of the successful early
16 accomplishments, I actually -- I don't
17 actually believe the rumors I hear of an
18 enormous dollar store coming that will not
19 only spoil the view from Stewart's and for all
20 drivers, but will loom in front of the view
21 for all those dropping off their trash.

22 Thank you.

23 (APPLAUSE.)

24 CHAIRMAN REYNOLDS: We have reached
25 the bottom of the page.

1 Are there any others who would like to
2 say something now, I welcome you to.

3 MS. WESTMORE: Since you've asked,
4 Adrienne Westmore, and this will be very
5 short. I don't know if I am permitted to
6 address everybody in the room, but is there
7 anyone here who would like to have the Dollar
8 General Store?

9 Would you like to stand up or raise
10 your hand?

11 (NO AFFIRMATIVE RESPONSES.)

12 To me, that says it all. Nobody wants
13 the Dollar General in our community -- nobody.

14 (APPLAUSE.)

15 MS. MINTZ: My name is Melanie Mintz,
16 and I have done a lot of renderings for
17 architects, and I want to tell you that this
18 grass here that you are looking at here is
19 really there. (Indicating).

20 That means that there will not be big
21 grass here. You are looking at the rendering
22 that has changed the proportion. And number
23 one, the Planning Board -- you have all
24 decided on the fate of the community. But I
25 want to know, what is your education?

1 Are you planners?

2 Are you architects?

3 Are you consultants?

4 What? What makes you decide for the
5 whole community?

6 You just heard how many people wanted
7 that, and it's a disgrace because you are not
8 representing the community, and that's why you
9 have this job.

10 (APPLAUSE.)

11 CHAIRMAN REYNOLDS: Joe Guida.

12 MR. GUIDA: I just want to emphasize,
13 the notion that these town boards represent
14 the will of the people -- that's what they're
15 charged with, representing the will of the
16 people according to the rules and regulations
17 that you are given; so, it's very clear here
18 what the will of the people is. So, I submit
19 to you that you just do your job, and
20 represent the will of the people Thank you.

21 (APPLAUSE.)

22 CHAIRMAN REYNOLDS: Anyone else?

23 MR. OVERINGTON: Martin Overington. I
24 don't see a sidewalk on the rendering.

25 CHAIRMAN REYNOLDS: Well, that can be

1 addressed by reading the documentation that
2 all comes along with it. We are not here to
3 debate that issue.

4 MR. OVERINGTON: I apologize.

5 CHAIRMAN REYNOLDS: The status of the
6 sidewalk is determined in their statements, so
7 it is not a question about that.

8 Go ahead.

9 MS. TATE: Hi, my last name is Tate,
10 T-a-t-e. I was ready to say, pretty much,
11 what everyone else has said; and to ask the
12 question that Adrienne asked, anyone who is in
13 favor.

14 I have another question, and that is:
15 Is there anything left for us to do except
16 talk to you? And is there a procedure that we
17 can follow?

18 CHAIRMAN REYNOLDS: Well, the answer
19 is that, this is it right now. I am not sure
20 what you mean exactly, by what you can do,
21 other than make your opinion known, other than
22 to bring forth any information that is unknown
23 to us that would inform the decision. I
24 believe that that is really the only thing.

25 MS. TATE: What is the value of this?

1 Honestly, I don't understand. We have a
2 hearing and a hundred percent of the people
3 who speak are against it.

4 Does it just vanish into thin air and
5 that's it?

6 Is anything done with this
7 information, this opinion?

8 CHAIRMAN REYNOLDS: Well, to answer, I
9 mean, we certainly are taking into account
10 everything that is said here. Each individual
11 is taken into account, and this is one aspect,
12 public opinion is only one aspect. Actually,
13 we are making our decision based on
14 interpretation of the zoning, the presentation
15 of the project, the detailing of it and public
16 opinion; but we are not doing this by
17 referendum -- that's not really what we can do
18 here.

19 So, it's -- in fairness to clients,
20 fairness to the public who come before us with
21 applications, we can't legislate and make
22 decisions based on individual applications by
23 public opinion, so I don't -- you don't look
24 like that's a satisfying answer. I don't have
25 another answer for you, unless the attorney --

1 MR. RAPPLEYEA: You hit it right on it
2 nose. You got it.

3 MS. WESTMORE: Do you mind if I say
4 one more thing? We are approaching this as if
5 we are, like, the only town that's gone
6 through this. There are literally countless
7 towns who have gone down this road. It's not
8 just Germantown. If you go into the
9 newspaper, if you do a little research, you
10 will find tens of thousands -- I don't know
11 how many -- have been where we are.

12 There is -- I also read that you can
13 fight back. No matter what your zoning rules
14 and so forth say, the citizens do have a
15 voice, and they can fight this. And I know we
16 are having to follow the rules and play nice,
17 but Billy is right. We don't have to go to
18 the store. But there are other things.
19 Surely, we have a voice here.

20 MR. WURTZBURGER: Lee Wurtzburger,
21 W-u-r-t-z-b-u-r-g-e-r.

22 I would say the reason you probably
23 have a Public Hearing is because there's a
24 certain amount of discretion and
25 interpretation that goes on in the process,

1 and we are here to help you understand what
2 was intended when we made the Comprehensive
3 Plan, which people were involved in, and the
4 zoning laws also. So our -- that's our
5 purpose in making comments and everything.
6 And the board is obligated to listen to us.
7 And they should consider it. It's the
8 democratic process. And the only other place
9 is at the ballot box if they don't do what we
10 think they should do.

11 Thank you.

12 MR. OTTY: Mr. Chairman, can I make a
13 statement?

14 MS. NEVILLE: Carol Neville. You
15 know, it's not true that this project fits the
16 law. I mean, I just read to you what the
17 subdivision law says. It's mandatory that you
18 consider the effect of this project on the
19 natural and economic and cultural resources of
20 the town. It doesn't. We all know it
21 doesn't.

22 And I think what this project has done
23 is created a we-them feeling in this town,
24 that's really not productive. I think that
25 people up there on the board want it because I

1 don't, and that makes me really sad. Because
2 that man wrote a letter three years ago saying
3 that it was the most horrendous thing he ever
4 thought of; and today and last week and last
5 month, he voted for it.

6 So, I don't know what happened
7 politically, but I think that there's
8 something behind this that's very political
9 and will ruin the town for generations if it
10 continues.

11 I want to make sure that my letter
12 becomes part of the record because we're doing
13 a deal with Primex. We have no authority to
14 say anything to Dollar General. You are not
15 in privity of contract with Dollar General.
16 They can throw carts in the street, and you
17 can't do anything. You can go to North
18 Carolina and chase Primex.

19 MR. OTTY: Yes, thank you.

20 I don't disagree with anything
21 Chairman Reynolds said. He said that the
22 public opinion was one piece of this, and I
23 certainly don't disagree with that.

24 What we are constrained by, and what
25 we operate under, is we are required to

1 carefully consider all material that comes
2 before us, no matter what the source of that
3 material is here. And many of the things
4 mentioned tonight are very, very important.
5 Opinions are one of the ones that it is hard
6 to deal with because opinions differ as many
7 colors.

8 As Carol pointed out, and it's very
9 crucial, facts are irrefutable. Facts come
10 back. And what I urge you to do, when you ask
11 what you can do, is document it and submit it.
12 We had a ground rule tonight to fit everybody
13 in, of a three-minute speaking. I would have
14 said to you that if your comments wouldn't fit
15 in three minutes, please feel free to not have
16 to rush what you are saying to us, put it in
17 writing, because we review that, as Carol also
18 said, become part of the record.

19 As you can see, everything is being
20 transcribed that's being said here by the
21 public. It's not going away. It is going to
22 exist as part of the record; but, please,
23 understand that we are required -- our duty
24 that we raised our right hand for was to
25 carefully review all material that comes

1 before us and make an independent decision
2 based on everything we have before us. That's
3 the charge of each person up here. And I hope
4 you can appreciate that. This is a difficult
5 position. It is a long time period. There
6 are a lot of factors. And I can only speak
7 for myself. I truly applaud you all coming
8 out and sharing your opinions. I want also
9 the written comments.

10 Thank you, Mr. Chairman.

11 MS. FRECON: My name is Suzan Frecon,
12 F-r-e-c-o-n, and I don't understand how Primex
13 can write their own environmental evaluation
14 without the consensus, without the other side
15 having any input.

16 Is that legal? How can that be legal?

17 CHAIRMAN REYNOLDS: Yes.

18 MS. REICHLIN: It's Melinda Reichlin
19 again. I was here the night you decided to
20 accept Primex, their own report card. And it
21 was quite shocking because someone was charged
22 with -- Mr. Fink was charged with reviewing
23 things. He had, like, seven or eight issues
24 he wanted to discuss but he didn't show up
25 that night; and, therefore, we go right to

1 home base.

2 My question is, it's up to all of you
3 people to vote on this project, and I
4 challenge you to get out a crib sheet and
5 write the pros and the cons down, and I
6 guarantee you are going to have next to no
7 pros, and it's all cons. And I challenge you
8 to come out with a decision that would address
9 that. Because the little shops and the people
10 that are coming back -- the grandson that
11 opened the antique store, and the little shops
12 that are coming back, that I have watched for
13 35 years that I have lived in this town, will
14 die from that store.

15 And you will charge every board that
16 comes after you with the same task that will
17 follow Dollar General down the hell hole of
18 strip malls -- blindfold me, put me on a
19 helicopter, and drop me in a town, and I won't
20 know where I am. And if that's what you all
21 want, go ahead, but none of us want it.

22 (APPLAUSE.)

23 MS. OLSZEWSKI: Angela Olszewski,
24 O-l-s-z-e-w-s-k-i.

25 I am a former member of the

1 International Union of Bricklayers and Allied
2 Craft Workers. I'd like to know, are there
3 any provisions for protests? Are we
4 allowed -- they have 9,000 square feet. How
5 many square feet do we have to set up, maybe,
6 an inflatable rat, to say we don't like your
7 employment practices, your wages. The reason
8 that a rat is used, is because it likes the
9 garbage, and that's what I think this is.

10 (APPLAUSE.)

11 MS. WALLACE: Pamela Wallace.

12 Mr. Otty just made a comment about how
13 you want to take all our comments and take all
14 this information in but I still don't
15 understand -- it's part of my statement
16 already -- you accepted their statement as
17 written. You had a week. You had an
18 agreement with the other attorney -- both
19 attorneys agreed, Tal Rappleyea agreed with
20 Lammy, their attorney, that you had a week to
21 write it in your own words -- and you guys
22 voted to accept, four to three of you, to
23 accept their document as they wrote it. You
24 are not being fair about that.

25 And, you know, nobody has mentioned

1 Pop's Universe. This store will put Pop's
2 Universe out of business. That is a
3 fantastic, locally-owned amazing store, and
4 Dollar General will one hundred percent put
5 them out of business because -- because they
6 will.

7 (APPLAUSE.)

8 MR. OTTY: I would like to respond to
9 that question since my name is in it. There's
10 a lot more going on, than just us accepting
11 it.

12 MS. WALLACE: You accepted it. We all
13 heard it. We were in the audience.

14 MR. OTTY: There was a lot going on.

15 CHAIRMAN REYNOLDS: I don't think we
16 should try to --

17 AUDIENCE MEMBER: It was giddy-up and
18 vote.

19 AUDIENCE MEMBER: It was a
20 high-jacking of the committee.

21 MS. DECKER: Hi, Linda Decker. I
22 would like to know why just you people vote on
23 it and we can't. If we don't want the store,
24 it's like a jail. It has no windows, it has
25 nothing. It's a crap hole. And you just turn

1 your head -- go ahead, Mr. Otty, turn your
2 head. I don't care. You know what, it's
3 unfair that you people all get to vote, and
4 that's wrong.

5 (APPLAUSE.)

6 CHAIRMAN REYNOLDS: Mr. Kimmel.

7 MR. KIMMEL: Here is how you vote. Go
8 and vote during election.

9 MS. WALLACE: I do.

10 MR. KIMMEL: No, not just you.

11 Everybody, get out and vote and put the right
12 people in place. Fact. Fact is, we had a
13 shit-ass zoning. Okay. I don't care I said
14 shit. Big deal.

15 CHAIRMAN REYNOLDS: Mr. Kimmel,
16 please.

17 MR. KIMMEL: Whatever. We had crappy
18 zoning laws, that's a fact. And you are
19 right. They have heard this thousands and
20 thousands of times. They are not charged with
21 our emotions. They don't give a crap. They
22 have a job to do.

23 AUDIENCE MEMBER: They're getting
24 paid, no matter what.

25 MR. KIMMEL: They are getting paid.

1 They have a job to do. We understand that;
2 but they get to go home to wherever they live,
3 and I guarantee they are not living near a
4 Dollar General Store; but we have to
5 understand, start coming to the Zoning Board
6 meetings, start paying attention. We need to
7 tighten up our zoning. That's why Tivoli and
8 Rhinebeck don't have these things because they
9 were smart, they knew this stuff was coming.

10 CHAIRMAN REYNOLDS: Mr. Kimmel, all
11 right.

12 AUDIENCE MEMBER: Red Hook doesn't
13 have it either.

14 AUDIENCE MEMBER: That's why Pine
15 Plains shut it down.

16 CHAIRMAN REYNOLDS: Let's just, like,
17 go back to the original format, where we come
18 up to the podium if people want to do it.
19 Let's try to stick to that format, and try to
20 not be ad hominem about this. This is about
21 information gathering.

22 I appreciate the passion that's there,
23 but we really do -- we want to make comments
24 that are pungent, perhaps, but we don't want
25 to alienate people personally. I think that's

1 important to respect that.

2 Is there anyone else that has
3 something substantive to say about the
4 proposed project?

5 MR. CADY: I do. Arthur Cady,
6 C-a-d-y.

7 I wonder if the four on the board who
8 support this believe that Germantown shouldn't
9 have sidewalks along 9G?

10 And are you aware that there's -- in
11 front of the Key Bank and the Sunoco station,
12 a 20-foot wide strip between 9G and those
13 properties that is public land? Are you aware
14 of that?

15 And if you are aware of it, why don't
16 you jump to the opportunity to build a
17 sidewalk there, and require them, as you're
18 empowered to require, require them to build
19 it. And when you got the sidewalk past the
20 Sunoco, you can bring it in to the subdivision
21 of the six acres because that's also within
22 your power.

23 So, you know, I have been on 9G and
24 seen accidents. I have seen a trailer hitch
25 go through a window of a car, and hit the

1 headrest of the woman driving it.

2 And you have the opportunity to
3 protect the public and make this a better
4 place and make this the gateway that this
5 should be. This should be a gateway to the
6 community.

7 (APPLAUSE.)

8 MS. HELMHOLZ: Carla Helmholtz,
9 H-e-l-m-h-o-l-z. My husband and I moved here
10 two years ago. I own a local business. I
11 went through this board several times. We
12 went from commercial to residential, back to
13 commercial -- followed all the rules.

14 Since we have been here, I have
15 attended most of the meetings about Dollar
16 General. I have never heard a positive
17 comment made; and forgive me for not knowing
18 better how you guys work, but are you all
19 attending other meetings, where you are all
20 hearing the other -- community wants this?
21 Because every time I am here, I hear nothing
22 but this type of response, where people don't
23 want it. And there are enough of them.

24 As I explore the other areas, there
25 are plenty of places to shop. So, I am just

1 curious, what is your responsibility?

2 How do you reflect the opinion of your
3 community? If, in this meetings, all you are
4 hearing are these types of comments -- nobody
5 wants this. And I am still curious, how these
6 guys sit here and hear this ugly stuff --
7 nobody wants you here. And I know they have
8 their job but, gosh, I don't sleep at night
9 when I don't have customers. You all can't
10 feel good about yourself, bringing this stuff
11 in. It's not good and no one wants it.

12 So I am curious to hear your
13 comment -- I wasn't there at that meeting --
14 but I have heard comments about the fact that
15 you all did accept their proposal. And it was
16 very unsettling.

17 And I have said to people: Why do go
18 to these meetings? Your voice isn't heard. I
19 would love to hear why you felt that that was
20 the right thing to do.

21 You mentioned all these other things
22 going on. Any maybe this isn't the format.
23 You don't have to give me commentary, but I
24 just -- is there secret meetings where you all
25 hear a different thing, because I haven't

1 heard it?

2 (APPLAUSE.)

3 MS. DAVISON: Amy Davison. I just,
4 sort of, want to follow up from where we
5 started. If I understand correctly, Steve,
6 you charged us with giving our comments in
7 regards to the subdivision and the site plan;
8 correct?

9 CHAIRMAN REYNOLDS: Yes.

10 MS. DAVISON: And I think, what I have
11 heard, we all agree that everyone here is not
12 in agreement in what's happening. So, it
13 sounds like our next process is to make sure
14 that we all write letters, and try to cite, as
15 Carol did in her letter, specific zoning
16 regulations that indicate that we don't
17 normally allow that size building; okay.

18 Or that it goes against the
19 character -- whatever wording you used,
20 Carol -- and that we should get those letters
21 to you by Monday next, by noon; right?

22 So that you can then, Mr. Otty, have
23 the facts; right? And so that, hopefully, all
24 of you can make an educated decision that
25 represents the constituents in Germantown --

1 is that a good summation?

2 CHAIRMAN REYNOLDS: That's right.
3 That's why it is important to get your stuff
4 in writing.

5 MS. DAVISON: It's time to write,
6 guys. It's time to write.

7 MS. WALLACE: Pamela Wallace. I have
8 another question.

9 Is there anybody from the Town Board
10 present tonight? The Germantown Town Board?
11 So, this is, like, probably the most
12 controversial project I have ever heard of in
13 Germantown. And before I lived in Germantown,
14 I lived in Red Hook. Before that, I lived in
15 Tivoli and Rhinebeck, all around. I never
16 heard of this controversial a project.

17 The Town Board is not present, after
18 three years? Why are they not listening?

19 Why are they not at this meeting?

20 I don't understand. They nominated
21 everybody on the Planning Board to be on
22 the -- they put you on the Planning Board, and
23 they're not here to hear this?

24 I think we should go to the Town Board
25 meeting, and there is a public comment period

1 at the end of every Town Board meeting, and we
2 should make that Town Board meeting go on for
3 six hours, and we should all stand up and make
4 our comments heard, because this is absurd.

5 MR. GUIDA: I would just like some
6 clarification on something. By accepting the
7 SEQR as a done deal, is it a de facto result
8 that this is going to happen, and all we are
9 doing right now is being able to take chairs
10 on the Titanic?

11 All we are here tonight is just give
12 input as to how it happens?

13 Is that where we're at? It's going to
14 happen.

15 Am I missing something?

16 CHAIRMAN REYNOLDS: Well, you know, I
17 think it's still an open question.

18 MR. GUIDA: It is.

19 AUDIENCE MEMBER: Well, that's
20 hopeful.

21 CHAIRMAN REYNOLDS: It's an open
22 question. That's why we are holding this
23 meeting, to take in other information. I
24 mean, the fact that we concluded the SEQR
25 process just got us to the point of doing the

1 site plan review. The site plan review
2 includes -- in other words, we do have issues
3 of zoning and other considerations. It's not
4 only the color of the shingles now.

5 MR. RAPPLEYEA: The environmental
6 review is definitely a portion of the entire
7 process, but it is only just a portion of the
8 process. And that's why we are also working
9 on the site plan review process and the
10 subdivision approval. Those are specific
11 items in our zoning, and also in state law,
12 and those considerations also have to be met
13 by the Applicant. So, no, it's not a done
14 deal because of the SEQOR negative declaration.

15 CHAIRMAN REYNOLDS: So, in any site
16 plan review that we have done, or anything
17 else, we consider the impact of the community.
18 In SEQOR, we consider the impact of the
19 community economically and architecturally.

20 MR. RAPPLEYEA: All those items are
21 listed.

22 CHAIRMAN REYNOLDS: But in site plan,
23 we, again, address the issue of impacts to the
24 community; is that not true?

25 MR. RAPPLEYEA: There are 13, 14

1 different aspects we have to look at that are
2 zoning for site plan review, and probably 20
3 in subdivision -- or maybe it's the other way
4 around. But either way, we have all these
5 other considerations we have to look at when
6 it comes to these approvals or denials.

7 CHAIRMAN REYNOLDS: I just wanted to
8 make it clear what -- once SEQR is over,
9 there's still issues to --

10 MR. RAPPLEYEA: Oh, yes.

11 MR. GUIDA: Just to be clear, the
12 vote, whether or not to approve a Dollar
13 General is in the future sometime; is that
14 correct?

15 CHAIRMAN REYNOLDS: Yes, within 62
16 days of next Monday.

17 Yes, sir, in the back.

18 MR. BURMAHOFF: My name is Noah
19 Burmahoff, B-u-r-m-a-h-o-f-f.

20 I am probably the youngest resident in
21 this room in terms of time spent in this town.
22 I am also one of four owners of Otto's Market
23 on Main Street. It's a market that has just
24 undergone considerable renovation, with
25 considerable investment, in not only the

1 space, the building, the community, its
2 people, our employees, who are paid living
3 wages, who receive health care.

4 (APPLAUSE.)

5 My wife and I also live on Young
6 America, which is a tiny little street that is
7 a mere 427 feet from the Dollar General site.

8 I also have a stream running through
9 my property that emanates upstream, very near
10 the Dollar General site. So, the
11 environmental impact does impact me
12 personally, not just the community; but it
13 actually impacts my personal investment.

14 I will also state that I am probably
15 in the top ten percent in this group pro
16 development. I strongly believe in business.
17 I strongly believe in the power of business to
18 change a community, and those that live within
19 it; and I am also a pragmatist. I recognize
20 that this is a challenging situation for all
21 of you up there, and for this entire
22 community, and for the landowner, and for
23 Primex, and for Dollar General.

24 I am not blind to the realities of
25 development, but I have to address one thing

1 that was said, which was you guys have to
2 listen to the facts. Let me just be clear
3 about something. Facts are not just numbers.
4 They're not just developed like consultants in
5 office towers. The consensus of this
6 community does constitute a fact. It is not
7 merely opinion. Opinion is --

8 (APPLAUSE.)

9 -- opinion is subjective, but a large
10 collection of subjective opinions constitutes
11 some measure of objective fact. So, I urge
12 all of you up there to recognize the reality
13 of the definition of your duty, and what you
14 have been charged with doing in terms of this
15 decision.

16 While this may be a collection,
17 largely of opinions, this is not merely a
18 collection of subjective musings. This
19 constitutes fact. And the many hearings that
20 you have all come to, that I am so happy that
21 you are all so active in that I have not been
22 to because of my short time here -- that does
23 constitute fact, guys.

24 So, I am not saying that -- this is
25 not a black and white type of situation. This

1 is very complex, and I think we all recognize
2 that. But I have 17 employees who are members
3 of this community and surrounding communities
4 who rely on me to cover their paycheck every
5 single week. I take that responsibility
6 extremely seriously -- let's put it that way.

7 And I rely on you guys to make a
8 decision that protects my capacity to pay
9 those paychecks. And I want to thank everyone
10 for being so supportive of Otto's, not only
11 during my time owning it, but in the many
12 years before.

13 And I see you up there, Peter, rolling
14 your eyes at me, and I just want you to
15 know --

16 MR. DEDRICK: I turned my timer off so
17 you could continue, so thank you.

18 MR. BURMAHOFF: I appreciate that.

19 MR. DEDRICK: I appreciate your
20 comment.

21 MR. BURMAHOFF: But it is incumbent on
22 you guys to recognize that this consensus of
23 subjective opinion does constitute objective
24 fact. So, I understand that you are charged
25 with considering facts. This is fact.

1 (APPLAUSE.)

2 MR. ALBINO: Tony Albino. So, you
3 want to talk facts, we'll talk about facts. I
4 sit on the Tax Assessment Review Board, along
5 with my colleague, George Atwell, who is the
6 chairman of the board. I was trained by the
7 County into what constitutes fair market value
8 and how people can grieve their tax
9 assessments. And, basically, the only thing
10 that you can grieve for is the house is market
11 value -- if you have a market value house, and
12 you have a market value house, and you are
13 sitting next to a toxic waste dump, that is
14 one of the few legitimate reasons why you can
15 grieve his assessments, and one of the few
16 reasons why the board would almost
17 automatically have to reduce his assessment.
18 I'll definitely defer to George, if you think
19 I am wrong, but that's what the County says.

20 So, if you think about it, all the
21 houses surrounding Dollar General, if they
22 feel that the market value of their houses
23 have been reduced, they have a legitimate
24 reason to go grieve their tax assessment,
25 which would impact negatively the taxes

1 collected by the town in toto; so that's a
2 fact.

3 CHAIRMAN REYNOLDS: Anyone else?

4 MS. SOUL: Sarah Soul. Regarding the
5 remarks -- just to remind everyone, in the
6 retail analysis, it says that businesses
7 dealing with consumables may experience a
8 25 percent loss because of Dollar General.
9 So, just keep that in mind, you know,
10 regarding the small business in town.

11 (APPLAUSE.)

12 MS. FRECON: Suzan Frecon. Is there
13 any chance that the people on the board, after
14 hearing all this, who voted yes for the Dollar
15 Store, would change your vote?

16 CHAIRMAN REYNOLDS: We haven't voted
17 on it yet, but -- there was a vote on the
18 environmental review, but not on the actual
19 acceptance of the proposal and approval.
20 That's upcoming.

21 MS. FRECON: I see.

22 CHAIRMAN REYNOLDS: I think we have
23 time to, sort of, take it all in and make our
24 decision.

25 Yes.

1 MS. WALLACE: Pamela Wallace, I'm
2 sorry, one last thing. So, how many voices
3 have you heard in favor of this project?

4 Can you guys answer that?

5 CHAIRMAN REYNOLDS: I'm afraid we
6 can't actually engage in a dialogue. I think
7 by asking that question, I think that's a
8 question that each member can then take into
9 consideration.

10 Thank you for your comment.

11 All right. Well, one more time. If
12 anyone else wants to speak, please say so.

13 If not, I think we will move to close
14 the Public Hearing -- not closing the Public
15 Hearing, closing the oral portion of the
16 Public Hearing. The Public Hearing will
17 continue until next Monday, technically.

18 So, it's not the last time you can
19 make comments.

20 Please do, I reemphasize the fact that
21 any written comments, any ideas that occur to
22 you this week as a result this meeting or any
23 other reason, we really would like to have
24 those.

25 MR. DEDRICK: I make a motion to close

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the oral portion of the Public Hearing.

MS. ABELA: Second it.

CHAIRMAN REYNOLDS: All in favor?

(BOARD MEMBERS IN AFFIRMANCE.)

CHAIRMAN REYNOLDS: Thank you, again,
all of you, for coming out.

Thank you so much.

(8:35 P.M. - WHEREUPON, THE ABOVE
PUBLIC HEARING CONCLUDED.)

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C E R T I F I C A T I O N

I, THERESA C. VINING, hereby certify and say that I am a Court Reporter and Notary Public within and for the State of New York; that I acted as the reporter at the Public Hearing proceedings herein, and that the transcript to which this certification is annexed, is a true, accurate and complete record of the minutes of the proceedings to the best of my knowledge and belief.



THERESA C. VINING

DATED: June 25, 2018

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