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July 23, 2012

Mr. Robert Greene  
Planning Board Chairman  
Town of North Castle  
Town Hall Annex  
17 Bedford Road  
Armonk, NY 10504

Re: CVS – 450 Main Street

Dear Mr. Greene:

As you know I represent Concerned Citizens of Armonk (“CCA”) which opposes this project because of the lasting and deleterious impacts a national chain retailer will have on the vitality and character of the Armonk retail center. I am writing today to urge the Planning Board not to adopt the proffered Negative Declaration under SEQRA for this project. The Negative Declaration is based upon fundamentally flawed information, which although it was brought to the Planning Department’s attention almost two weeks ago, remains uncorrected.

A Lead Agency’s obligation under SEQRA is to identify the relevant areas of potential environmental impact, take a hard look at those potential impacts and issue a reasoned elaboration for its decision. In this instance the Planning Board is primarily relying upon a series of reports prepared by the applicant’s consultants, VHB Engineering, that considered, among other issues, the impacts of traffic and impact on the retail uses and community character of Armonk.

On July 11, 2012, in a letter I provided to the Town Board, I pointed out two glaring errors in the VHB analysis. First, I noted that VHB claims that the former A&P supermarket had an in-store pharmacy and that was a major factor in VHB’s conclusion that the CVS would not have a material impact on the Town Center Pharmacy or other stores in town. In fact, as I noted,

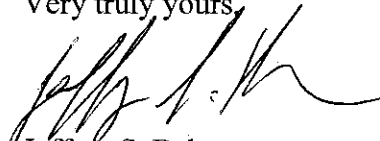
the A&P did not have a pharmacy. Second, I noted that in its economic impact analysis, VHB assumed the benefits of the CVS moving into a vacant store and the benefits achieved by filling a retail gap. I noted that such a baseline analysis was inappropriate for two reasons. First, the only reason that the A&P left the development was that the landlord cancelled the month-to-month tenancy in order to lease the store to CVS. And second, that VHB had used the traffic counts based upon the operation of the A&P as its baseline traffic to measure relative impact. I noted that VHB could not use two different baselines for the same analysis and claim that it is providing a properly objective environmental review.

It is striking that while I made those comments at a Town Board meeting almost two weeks ago, there has been no change in the documents submitted by VHB. Furthermore, the Negative Declaration, continues to rely upon the VHB reports and makes no mention of the obvious errors. That is despite the fact that Mr. Kaufman was at the Town Board meeting, as well as an attorney from Mr. Delbello's firm as was yourself. Therefore, everyone was clearly on notice of a major error, but made no effort to correct the analysis.

Attached hereto are two reports prepared by the Clue Group, which consider the impacts of bringing a national retailer into Armonk and the effect that will have on the local economy and character of the community. The first, attached as Exhibit A, is a report that fully assesses the impacts of the CVS. That report also includes the curriculum vitae of Kennedy Smith, a principal of the Clue Group and its primary author (In contrast, there is no information regarding the qualifications of the authors of the VHB report). The second, attached as Exhibit B is a critique of the VHB report. Both demonstrate that the supposed benefits of the CVS are greatly overstated and that in fact the CVS will have a significant negative impact that will irreversibly change the character of the hamlet.

We believe this fully demonstrates that an EIS should be prepared for this project. At the very least it requires the Planning Board to withhold a decision on a determination of significance until it has an opportunity to consider these reports.

Very truly yours,



Jeffrey S. Baker

JSB/jb