

TOWN OF GOSHEN PLANNING BOARD MEETING

PROCEEDINGS
October 19, 2017



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TOWN OF GOSHEN PLANNING BOARD

MEETING 4

**22 Wells Farm Road
Goshen, New York**

**October 19, 2017
7:30 p.m.**

**PROCEEDINGS in the above-referenced matter
transcribed by Sadie L. Herbert, a Registered
Professional Reporter and Notary Public of the
States of New York and New Jersey.**

**ELLEN GRAUER COURT REPORTING CO. LLC
126 East 56th Street, Fifth Floor
New York, New York 10022**

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1 **A P P E A R A N C E S: 2**

3 **TOWN OF GOSHEN PLANNING BOARD:**

4 **LEE BERGUS, Chairman**

5 **PHIL DROPKIN**

6 **DAVID GAWRONSKI**

7 **DAVE CRAWFORD**

8 **DIANA LUPINSKI**

9 **CYNTHIA HAND**

10 **FRANK**

LEVA 11

12

13 **BURKE, MIELE, GOLDEN & NAUGHTON LLP**

14 **APPEARING ON BEHALF OF TOWN OF GOSHEN:**

15 **40 Matthews Street**

16 **Suite 209**

17 **Goshen, New York 10924**

18 **BY: RICHARD B. GOLDEN, ESQ.**

19 **Phone 845.294.4080**

20 **KELLY M. NAUGHTON, ESQ.**

21 **Rgolden@bmglawyers.com**

22 **knaughton@bmglawyers.com**

23

24

25

1 **A P P E A R A N C E S: (Cont'd) 2**

3 **ALSO PRESENT ON BEHALF OF TOWN OF GOSHEN:**

4 **SEAN HOFFMAN, P.E., H2M architects & engineers**

5 **NEAL HALLORAN, Building Inspector 6**

7

8 **DRAKE & LOEB PLLC**

9 **ON BEHALF OF MERLIN ENTERTAINMENTS:**

10 **555 Hudson Valley Avenue**

11 **Suite 100**

12 **New Windsor, New York 12553**

13 **BY: DOMINIC CORDISCO, ESQ.**

14 **Phone 845.561.0550**

15 **dcordisco@drakeloeb.com 16**

17

18 **ALSO PRESENT ON BEHALF OF MERLIN ENTERTAINMENTS:**

19 **JOHN O'ROURKE, Lanc & Tully Engineering and**

20 **Survey, PC**

21 **PHILIP ROYLE, Merlin Entertainments 22**

23

24

25

1 **P R O C E E D I N G S**

2 **CHAIRMAN BERGUS: I'd like to call**
3 **this meeting of the Planning Board to**
4 **order. Everyone will please rise for**
5 **the Pledge of Allegiance.**

6 **(Whereupon, the Pledge of**
7 **Allegiance was recited.) 8**

9 **CHAIRMAN BERGUS: Thank you.**
10 **(Whereupon, Town business unrelated**
11 **to LEGOLAND was conducted.) 12**

13 **CHAIRMAN BERGUS: Next item on the**
14 **agenda is LEGOLAND, Merlin**
15 **Entertainments Group LEGOLAND New York,**
16 **11-1-45, 46, 47, 49.2, 58, 60, 63**
17 **through 69 and 15-1-59. We have an**
18 **application for a site plan, special**
19 **permit, clearing and grading permit and**
20 **subdivision for a commercial**
21 **recreational facility on 514 plus or**
22 **minus acres along Harriman Drive**
23 **Arcadia Road and Conklingtown Road in**
24 **RU and HR districts with an AQ-3 Scenic**
25 **Road, Floodplain and Ponding Stream**

PROCEEDINGS

**Corridor and Reservoir Overlay
Districts and tonight we have a draft
resolution before us for consideration.**

BOARD MEMBER LUPINSKI:

Mr. Chairman, I'm recusing myself.

**CHAIRMAN BERGUS: Diana is recusing
herself from this project, thank you,
the record will reflect that.**

Kelly.

**MS. NAUGHTON: Sure. So per this
Board's request, I have prepared for
you a draft resolution of approval with
conditions, and I'll go through it,
I'll note different changes that have
been made since the draft that I
provided to you, just some further
clarifications or typos that we
noticed.**

**So first, the findings begin on
Page 12 through Page 14. There is one
finding that was included.**

**CHAIRMAN BERGUS: Let the record
reflect that Frank Leva is stepping in
on the Board in Diana's recusal.**

PROCEEDINGS

1
2 **MS. NAUGHTON:** And so that one is
3 the Planning Board has determined that
4 the following elements of the site plan
5 application are not necessary and are
6 hereby waived, Section 97-75 (B)(2),
7 quote, "Eight inches in diameter
8 located within any area where clearing
9 will occur."

10 So then, I can go through your
11 specific --

12 **BOARD MEMBER PIRRAGLIA:** Where was
13 that?

14 **MS. NAUGHTON:** That was in one of
15 your requirements for 97-75(B), what
16 you did instead was you had different
17 trees identified during the SEQRA
18 process, but we just wanted to make
19 sure that that was laid out clearly, as
20 we do in some of your other
21 applications for some specific element
22 that's set forth in the code, it wasn't
23 necessary, if you didn't think
24 topography was necessary in an absolute
25 and flat site, we would include that as

PROCEEDINGS

1
2 a finding, so I just wanted to make
3 sure that it was -- oh, sorry, that is
4 going on Page 14, right at the end of
5 the "Findings" section.

6 **BOARD MEMBER PIRRAGLIA:** Do you
7 have it?

8 **MS. NAUGHTON:** It wasn't in there.
9 It's being --

10 **BOARD MEMBER PIRRAGLIA:** Oh, you're
11 adding it.

12 **CHAIRMAN BERGUS:** Can you read that
13 again, Kelly.

14 **MS. NAUGHTON:** Yeah, sure, sorry.
15 The Planning Board has determined
16 that the following elements of the site
17 plan application are not necessary and
18 are hereby waived, Section 97-75(B)(2),
19 "(eight-inches in diameter located
20 within any area where clearing will
21 occur)."

22 So that goes in right at the end of
23 the findings.

24 **CHAIRMAN BERGUS:** Okay.

25 **BOARD MEMBER PIRRAGLIA:** Okay.

PROCEEDINGS

MS. NAUGHTON: And then I can start
with your specific --

CHAIRMAN BERGUS: Please.

MS. NAUGHTON: And stop me
wherever.

So I separated this a little bit
differently so that it was clear, so
the first section is, "Section A,
Generally Applicable."

Number 1, "The Applicant shall
comply with the SEQRA Findings
Statement, dated August 18, 2017,
incorporated herein by reference, and
attached hereto, including all ongoing
mitigation measures noted therein."

Number 2, "Any and all blasting
operations shall be conducted so as not
to endanger the health, safety and
welfare of persons and the safety of
property, including, but not limited to
that of adjacent landowners. Any
blasting operation shall be carried out
in compliance with Chapter 58A of the
Town Code and State Law. If blasting

PROCEEDINGS

1
2 is to occur, the Applicant must post a
3 three-year bond to ensure against any
4 potential damage caused by such
5 activities. To ensure compliance with
6 applicable laws and regulations, a
7 site-specific blasting plan shall be
8 developed and provided to the Town,
9 including schedules for blasting (day,
10 hour and duration), safety protocols
11 associated with both blasting
12 activities and the handling and
13 transport of blasting materials and
14 measures to reduce noise and
15 dust-related impacts."

16 So "and dust" is being added.

17 "See also, SEQRA Findings
18 Statement, Mitigation A.5."

19 Number 3, "If the third lane from
20 the existing eastbound New York State
21 Route 17 Exit 125 to future eastbound
22 Exit 125 is required as a result of a
23 Department of Transportation permit
24 review, the Planning Board will
25 continue to assume responsibility of

PROCEEDINGS

1
2 additional SEQRA review required, if
3 any."

4 Number 4, "In accordance with the
5 SEQRA Findings Statements (Mitigation
6 P.2), prior to the start of grading in
7 Site 07106.000123 and LEGOLAND Site 4,
8 the Applicant shall develop a Phase III
9 recovery program in consultation with
10 the New York State Office of Parks,
11 Recreation and Historic Preservation
12 ('OPRHP'). The plan will be submitted
13 for review and concurrence, with a copy
14 to the Town of Goshen."

15 Number 5, "Subsequent to the
16 opening of the park, the Building
17 Inspector shall, at a minimum, inspect
18 the premises on an annual basis.
19 Should the Building Inspector find that
20 there is a need for additional ADA
21 compliant parking stalls, bicycle
22 racks, or electric vehicle charging
23 stations" -- should be "electric."

24 BOARD MEMBER PIRRAGLIA: Yeah,
25 that's in a couple places, Kelly.

PROCEEDINGS

CHAIRMAN BERGUS: Yeah, plus the other one.

MS. NAUGHTON: "...the Building Inspector shall require such additional stalls, racks and/or stations as are necessary to be installed, consistent with a documented need for such stalls, racks and/or stations. The existing head-in stalls shall be converted to such ADA compliant stalls; there shall be no expansion to the approved parking lots. If the Building Inspector and the Applicant are unable to agree upon an appropriate solution to be implemented, or if no resolution can be found, the Applicant shall return to the Planning Board for an Amended Site Plan and/or Special Permit to address these issues when and as directed to do so by the Town Building Inspector."

Number 6, "Prior to the signing of the plans by the Chairman, all plan sheets shall be coordinated to include all pertinent information, drawing

PROCEEDINGS

1 notes, and detail references to the
2 satisfaction of the Town Engineer, as
3 set forth in the Town Engineer's
4 September 29, 2017 memorandum and
5 comments from the Planning Board."
6

7 **BOARD MEMBER DROPKIN:** Kelly, is
8 that comments "from" or "to" the
9 Planning Board?

10 **MS. NAUGHTON:** "Comments from,"
11 there were actually a couple of those
12 that were received at the last meeting,
13 I just didn't set them all out, so it's
14 in the transcript and the minutes.

15 **BOARD MEMBER DROPKIN:** Okay.

16 **MS. NAUGHTON:** Number 7, "All
17 utility structures (i.e., water booster
18 station, sanitary sewer pump station)
19 shall be installed, using earth tone
20 colors, to the satisfaction of the Town
21 Engineer. The proposed water storage
22 tank shall be the tank manufacturer's
23 standard cobalt blue, unless otherwise
24 approved by the Planning Board."

25 **BOARD MEMBER DROPKIN:** Now, just

PROCEEDINGS

1
2 help me out here, "unless otherwise
3 approved by the Planning Board," what's
4 the process if we decide that cobalt
5 blue doesn't work or it's not
6 satisfactory, what's the mechanism by
7 which the Planning Board would
8 otherwise approve?

9 MS. NAUGHTON: Well, you should --
10 you should probably talk about it
11 tonight, if you don't like the cobalt
12 blue, pick a different color.

13 You suggested the cobalt blue?

14 The cobalt blue came as a
15 suggestion from your town engineer, I
16 think to match the skyline.

17 BOARD MEMBER DROPKIN: Well, okay,
18 the issue is to -- will that blend in?

19 SEAN HOFFMAN: Referring now to the
20 cobalt blue, the tank that's exterior
21 to this building here, there's a large
22 water tank along the side of this
23 building here, you may have noticed it
24 when you came in, that's the standard
25 cobalt blue color that this

PROCEEDINGS

1
2 manufacturer --

3 BOARD MEMBER DROPKIN: It's a dark
4 blue.

5 SEAN HOFFMAN: It was a dark blue,
6 yes.

7 CHAIRMAN BERGUS: As well as
8 Hamiltonian Park as well.

9 SEAN HOFFMAN: There's several
10 around town and within town, they do
11 offer a forest green, I think they
12 offer a light blue and they may offer a
13 sand-type of a color, those are the
14 four basic standard colors that they
15 offer, they can provide colors in a
16 range of different options, I've seen a
17 yellow tank, there's a red tank, I
18 think this would, again, just based on
19 what's around town, we suggested the
20 cobalt blue, so if the Board is
21 inclined for another color.

22 BOARD MEMBER DROPKIN: Okay. It's
23 consistent with what we have elsewhere?

24 SEAN HOFFMAN: Yes, it is.

25 CHAIRMAN BERGUS: Yeah. The farms

PROCEEDINGS

as well.

SEAN HOFFMAN: I'm sorry?

CHAIRMAN BERGUS: The farms as well, a lot of the storage tanks on the farms are cobalt blue.

SEAN HOFFMAN: Yes, that's correct.

CHAIRMAN BERGUS: Okay.

MS. NAUGHTON: So then Number 8, "To the extent practicable, the Applicant shall use its best efforts to save any trees during construction that are presently designated for removal."

Number 9, "All plantings shall be maintained in a healthy and vibrant condition, and all plantings, which die or become diseased, will be removed and replanted with the same plantings, unless otherwise approved by the Planning Board."

"B. Site Plan and Special Permit. Prior to the signing of the plans by the Chairman, the Applicant shall comply with the following Mitigation Measures set forth in the SEQRA

**PROCEEDING
S**

Findings Statement: F.5 (final design of onsite wastewater collection system) and G.1 (final SWPPP)."

Number 2, "Prior to the issuance of the first Certificate of Occupancy/Certificate of Compliance, the Applicant shall comply with the following Mitigation Measures set forth in the SEQRA Findings Statement: C.4 (conservation easement), D.5 (conservation easement)."

We're also going to also include E.3, which is not listed there, that's the abandonment of the wells.

"E.4 (dedication of two wells, if applicable), N.1 (conservation easement), F.3 (disconnection of and sealing all terminal manholes), F.4 (replacement of Arcadia Hills force main), and L.2 (provision of onsite security)."

Number 3, "Prior to the opening of the park to the public, the Applicant shall comply with the following

PROCEEDINGS

**Mitigation Measures set forth in the
SEQRA Findings Statement: C.3 (wetland
mitigation areas), D.3 (installation of
50 habitat/wetland trees), D.6
(installation of open bottom culverts),
E.6 (installation of fire hydrants),
G.3 (installation of landscaping), H.2
(shoulders of Harriman Drive), H.4
(relocation of Exit 125), H.20
(relocation of Harriman Drive), H.5
(Harriman Drive widening), H.13
(Harriman Drive widening), H.6 (Route
17M/South Street upgrades), H.8
(Heritage Trail improvements), H.12
(Exit 124 signal upgrades)," and then
that's actually supposed to be "H.19
(signing and striping)." And the next
one is supposed to be "H.20
(implementation of signal timing
improvements)."**

Yeah, it's a carryover.

**"I.6 (installation of landscaping),
N.4 (installation of landscaping), H.2
(installation of bicycle**

**PROCEEDING
S**

accommodations), J.1 (relocation of utility poles along Harriman Drive), J.2 (installation of electric vehicle stations), L.1 (construction of First Aid Station), and L.4 (installation of two emergency access connections)."

Number 4, "Prior to the signing of the plans, the Applicant shall comply with the following items to the satisfaction of the Town Traffic Consultant: A signing and striping plan shall be provided clearly showing the striping, circulation, laneage, and parking, including parking stall and aisle dimensions, exclusive of grade lines and other lines for ease of review. The plan shall also identify key signage and the location of any gates."

B, "The Gate/Access control for the gravel access road in the northwest portion of the site shall be shown on all applicable sheets."

C, "The striping shown for the

**PROCEEDING
S**

**drive aisle along the western edge of the
parking area shall be corrected."**

**D, "Additional drop-curbs shall be
shown and provided on applicable sheets
in the location of the 90-degree
parking spaces."**

**E, "The signing and striping plan
shall be revised to include an enhanced
crosswalk at the crossing of the access
roadway to the hotel parking area."**

**F, "If required by the Town
Engineer, the radius on the first two
islands located at the northern end of
Parking Bay 4 shall be softened to
allow better maneuverability into these
drive aisles."**

**Number 5, "Prior to the issuance of
a building permit by the Building
Inspector, for the construction of
guest parking, a Parking Management
Plan shall be provided, addressing
those elements contained in the
memorandum of the Town Traffic**

Consultant dated October 2, 2017 as

PROCEEDINGS

1
2 follows: On page 2, number 2; on page
3 3, numbers 2, 3, and 7; and page 4,
4 numbers 9 and 10. "

5 And then we're adding, "To the
6 satisfaction of the Town Engineer in
7 consultation with the Town Traffic
8 Engineer."

9 Number 6, "Prior to the issuance of
10 the Building Permit for the parking
11 deck, the Applicant shall provide a
12 plan depicting the proposed parking
13 deck, including diagrams of how
14 vehicles will access and circulate
15 throughout the parking deck to the
16 satisfaction of the Town Traffic
17 Consultant."

18 Number 7, "Prior to the signing of
19 the plans by the Chairman, the
20 Applicant shall revise the plans to
21 show the limits of the Scenic Road
22 Corridor Overlay District."

23 Number 8, "Prior to the signing of
24 the plans by the Chairman, the
25 Applicant shall revise the grading

PROCEEDINGS

1
2 design plans to avoid any floodplain
3 encroachment/disturbance, with the
4 exception of the traffic improvements
5 on existing roads that are within the
6 floodplain."

7 Number 9, "All traffic control
8 signs and markings shall be in
9 accordance with the Manual on Uniform
10 Traffic Control Devices (MUTCD)."

11 Number 10, "The Applicant is
12 required to make the appropriate
13 application(s) to the Planning Board
14 and/or Building Department for the
15 monument signs at the project entrance,
16 including any proposed lighting of the
17 signs."

18 BOARD MEMBER DROPKIN: Kelly, a
19 question there.

20 The applicant is required to make
21 appropriate application, when would
22 that occur?

23 MS. NAUGHTON: Whenever they have
24 an application and know what their
25 signs are going to look like.

PROCEEDINGS

BOARD MEMBER DROPKIN: So it's basically at the time in which they make the application.

MS. NAUGHTON: Yes.

BOARD MEMBER DROPKIN: And is there a time certain when they have to do that, is there a condition proceeding?

MS. NAUGHTON: Well, they can't construct them until they make the application.

BOARD MEMBER DROPKIN: Okay.

MS. NAUGHTON: Number 11, "Prior to the signing of the plans by the Chairman, the Applicant shall identify which fixtures within the park are dark-sky friendly, and confirm the controls specified for the roadway/parking area lighting will be utilized for the inner park lighting, consistent with the measures identified in the EIS."

BOARD MEMBER DROPKIN: Quick question there, why are we specifically calling out and identifying dark-sky

PROCEEDINGS

1
2 friendly, that doesn't -- we're not
3 intending to suggest that there are
4 non-dark -- dark-sky friendly fixtures?

5 **SEAN HOFFMAN:** On the parking plan
6 for the access roads for the parking
7 lot for the back of house service
8 aisle, those are all dark-sky friendly.
9 On a park interior, there are some
10 string lights and some theme lights
11 that may not have dark-sky friendly
12 features, but they are such low
13 intensity that they would not be seen,
14 it would be covered by landscaping.
15 What this condition does is the Board
16 wanted in their findings that the
17 lighting be controlled, that it be
18 dimmed, that it be motion-sensored and
19 that would very specific on the site
20 lighting in the parking lots, but it
21 wasn't specified on the inner park
22 lighting plan. I think those are just
23 drawing notes that need to be carried
24 over, we want to make sure that the
25 activation issues be included in those

PROCEEDINGS

1
2 lighting controls, as you intended them
3 to be controlled.

4 BOARD MEMBER DROPKIN: Yes, and in
5 your -- in our Number 12, we address
6 the inner park lighting, so you think
7 you'll pick that up?

8 SEAN HOFFMAN: Yeah.

9 BOARD MEMBER DROPKIN: Okay.
10 Thanks for the clarification.

11 MS. NAUGHTON: So specific
12 condition Number 12, "A
13 post-installation field review of the
14 inner park lighting shall be performed
15 by the Building Inspector and Town
16 Engineer within one month after the
17 park has been opened to the public, and
18 then again on or about the first year
19 anniversary of the park opening. The
20 Applicant shall be required to address
21 any offsite glare conditions noted by
22 the Building Inspector and/or Town
23 Engineer through shielding, dimming, or
24 other means, to the satisfaction of the
25 Building Inspector. Additionally,

PROCEEDINGS

1
2 should it be determined that additional
3 lighting is necessary to provide a safe
4 environment, such shall be provided by
5 the Applicant to the satisfaction of
6 the Building Inspector."

7 Number 13, "Relative to Arcadia
8 Hills Screening."

9 A, "Prior to the signing of the
10 plans by the Chairman, the Applicant
11 shall revise the landscaping plans to
12 indicate the proposed heights of the
13 specimen, medium deciduous trees, and
14 conifers. Alternatively, the Applicant
15 can provide a plan note indicating the
16 minimum/maximum tree height in this
17 area."

18 **BOARD MEMBER DROPKIN:** Okay.
19 Suggestion, we're saying that a revised
20 landscaping plan will be provided.
21 Now, is that going to be subject to the
22 town engineers, the building
23 inspector's satisfaction, to whose
24 satisfaction would that be subject to?

25 **MS. NAUGHTON:** It's really just

PROCEEDINGS

1
2 telling you what is being changed on
3 the plans. If you'd like it to say
4 that -- to the satisfaction of the town
5 engineer that those are actually
6 completed, I can include that.

7 **BOARD MEMBER PIRRAGLIA:** Phil, I
8 think they're not really revising the
9 landscape plan, they're just adding to
10 the landscape plan the heights of the
11 trees.

12 **BOARD MEMBER DROPKIN:** I'm sorry,
13 what was that?

14 **BOARD MEMBER PIRRAGLIA:** They're
15 not amending the plan itself, the
16 landscaping plan itself, they're just
17 adding to the plan the height of the
18 trees.

19 **BOARD MEMBER DROPKIN:** Okay. So --

20 **BOARD MEMBER PIRRAGLIA:** That are
21 already included in the plan.

22 **MR. GOLDEN:** The trees are there,
23 they're just not noted --

24 **MS. NAUGHTON:** They're just further
25 describing the trees that are there.

PROCEEDINGS

1
2 the proposed screening southerly along
3 the back of house maintenance/warehouse
4 building, the extension will be subject
5 to what -- what standard of
6 satisfaction, what standard of review,
7 at least?

8 MS. NAUGHTON: I think it could be
9 to sufficiently screen the back of
10 house/maintenance, it's all relative to
11 screening it from Arcadia Hills.

12 BOARD MEMBER DROPKIN: The point is
13 that in many places, we have subject to
14 town engineer's approval, subject to
15 the building inspector's approval.

16 MR. GOLDEN: So it's to the extent
17 and type of screening is here --

18 MEMBER OF THE PUBLIC: We cannot
19 hear anything.

20 MR. GOLDEN: I'm talking to --

21 MEMBER OF THE PUBLIC: We cannot --
22 this is important.

23 MS. NAUGHTON: To the satisfaction
24 of the town -- we can just add to the
25 end of that, "to the satisfaction of

PROCEEDINGS

the Town Engineer."

BOARD MEMBER DROPKIN: Thank you.

MS. NAUGHTON: Sorry, I couldn't write that fast.

C, "It may be necessary that actual tree planting locations be adjusted in the field as needed for screening. Any such adjustments or additional plantings necessary for screening shall be to the satisfaction of the Town Engineer based on a post-installation field review of plantings within approximately one month after the park has been opened to the public, and then again on or about the first year anniversary of the park opening."

Number 14, "Relative to Harriman Drive Screening, prior to the signing of the plans by the Chairman, the Applicant shall revise the landscaping plans to indicate the proposed heights of the specimen, medium deciduous trees and conifers. Alternatively, the Applicant can provide a plan note

PROCEEDINGS

1
2 indicating the minimum/maximum tree
3 height in this area."

4 **BOARD MEMBER GAWRONSKI:** Kelly, in terms
5 of those screening areas, I notice
6 we're not mentioning 17 West, I know
7 those are more related to the highway
8 improvements, the Route 17
9 improvements.

10 **MS. NAUGHTON:** Yes.

11 **BOARD MEMBER GAWRONSKI:** But I was
12 hoping that maybe we can exercise that
13 as part of the conditions to include,
14 you know, the screening for -- for both
15 along -- you know, Harriman Drive and
16 the 17M as well.

17 **MS. NAUGHTON:** Well, we are
18 including in B, it actually -- if you
19 look at the landscaping plan going on
20 the off-ramp, it goes that way, where
21 there's a very clear vacant area for
22 landscaping. You mean -- I'm not sure
23 what you mean.

24 **CHAIRMAN BERGUS:** Kelly, Kelly --

25 **MEMBER OF THE PUBLIC:** Can't hear,

PROCEEDINGS

1
2 can't hear.

3 **CHAIRMAN BERGUS:** -- did we not
4 have in the findings statement, a
5 comment that was made as far as the
6 advisory --

7 **MS. NAUGHTON:** I know we talked
8 about the landscaping.

9 **CHAIRMAN BERGUS:** Yeah, the
10 advisory recommendations that we could
11 make to the State, as far as the design
12 and completion of the ramp and the
13 right-of-ways?

14 **MS. NAUGHTON:** One second. I know
15 we talked about it, just let me see if
16 I can find it.

17 **BOARD MEMBER GAWRONSKI:** Yeah, I
18 remember we discussed something, not
19 during the findings, more earlier on
20 about -- yeah, we only had so much
21 purview, but --

22 **MS. NAUGHTON:** Right, there is part
23 of the findings statement which says
24 that the landscaping and grading along
25 Harriman Drive would be coordinated

PROCEEDINGS

1
2 with the DOT to minimize the visibility
3 of the proposed on- and off-ramps for
4 Exit 125. And then some visibility of
5 the project is anticipated from certain
6 of the vantage points selected by the
7 planning board for review, in
8 particular, portions of the proposed
9 project will be visible from Arcadia
10 Road, Harriman Drive and Route 17 and
11 17M, but the visibility will be
12 noted -- will be mitigated as noted and
13 will not result in a visual impact, so
14 that's how it was --

15 **BOARD MEMBER DROPKIN:** And that's
16 in the findings statement.

17 **MS. NAUGHTON:** That is in the
18 findings.

19 **BOARD MEMBER DROPKIN:** Which is
20 incorporated by reference in this
21 document?

22 **MS. NAUGHTON:** Yes, and it's going
23 to be attached to it.

24 **BOARD MEMBER DROPKIN:** Okay.

25 **BOARD MEMBER GAWRONSKI:** I was looking

PROCEEDINGS

1
2 to the signing of the plans, the
3 Applicant shall comply with the
4 memorandum of the Town Engineer dated
5 September 29, 2017, to the satisfaction
6 of the Town Engineer."

7 Number 16, "Subject to the consent
8 and approval of the New York State
9 Department of Transportation, the
10 Applicant shall include a public
11 transit stop or shelter along Harriman
12 Drive, in a location acceptable to the
13 Town Engineer and to the New York State
14 Department of Transportation. If
15 approved by the Department of
16 Transportation, the Applicant shall be
17 required to provide a shuttle service
18 or pedestrian connection from the back
19 of house entrance to the security
20 booth."

21 BOARD MEMBER PIRRAGLIA: Kelly,
22 could you explain that a little bit.

23 MS. NAUGHTON: This was the comment
24 that you received from the county
25 planning department, so you had asked

PROCEEDINGS

1
2 that there be included a public transit
3 stop or a shelter along Harriman Drive,
4 but it's subject to the DOT saying that
5 that's okay, so the DOT would have to
6 approve that it be there and the
7 location, as well as Sean, and then --
8 so that everybody is not just -- they
9 have a safe pedestrian connection to
10 get where they need to go, that's the
11 second half.

12 **BOARD MEMBER PIRRAGLIA:** So the
13 intent here is to provide a shuttle
14 service from that public transit stop
15 or a pedestrian connection from that
16 transit stop, not from the back of
17 house entrance?

18 **SEAN HOFFMAN:** No, I think there's
19 two things; one, it follows the
20 County's recommendation for a public
21 transit stop, which you discussed at
22 your last meeting, I think you were
23 generally in favor of including that.

24 **BOARD MEMBER PIRRAGLIA:** Right.

25 **SEAN HOFFMAN:** And then one of my

PROCEEDINGS

1
2 concerns was if that does go forward
3 and there is a public transit stop on
4 Harriman Drive, there is a finding in
5 there that they have to improve
6 Harriman Drive by safe pedestrian and
7 bicycle traffic. So now you can have
8 somebody that's dropped you off walking
9 along Harriman Drive.

10 **BOARD MEMBER PIRRAGLIA:** Right.

11 **SEAN HOFFMAN:** When they get to the
12 back of the house entrance to where
13 employees come in, there's no
14 pedestrian connectivity from the
15 entrance to --

16 **BOARD MEMBER PIRRAGLIA:** When you
17 say, "the entrance," on Harriman Drive?

18 **SEAN HOFFMAN:** Yes, the back of the
19 entrance, so this would either require
20 access by a shuttle to pick up those
21 employees or a sidewalk, which is not
22 yet shown in the plan, because it was
23 never anticipated that they would have
24 pedestrians walking from Harriman Drive
25 into the back of house.

PROCEEDINGS

BOARD MEMBER LEVA: So is it going to be some notes or is it going to be in one of the plans that are still to be submitted, the parking management plan or the signing and striping plan or how are we going to handle that?

SEAN HOFFMAN: I envision that being in the parking management operations plan that was required under this resolution, I wouldn't anticipate something like, an operational characteristic, to be included in the site plan.

BOARD MEMBER LEVA: Thank you.

MS. NAUGHTON: Number 17, "Prior to the signing of the plans by the Chairman, the Applicant shall revise the plans to show the area designated for emergency services helicopter landings, which shall be graded and level."

Number 18, "Prior to the signing of the plans by the Chairman, the

Applicant shall revise Sheet C5, Note 2

PROCEEDINGS

1
2 the plans" -- "of the plans," that
3 should be -- "to specify that the
4 tree-clearing period of November 1
5 through March 31, rather than October
6 31 through March" -- "that the tree
7 clearing period --

8 CHAIRMAN BERGUS: "Is."

9 MS. NAUGHTON: -- "is November 1
10 through March 31, rather than October
11 31 through March 1."

12 Number 19, "Prior to the signing of
13 the plans by the Chairman, the
14 Applicant shall revise the plans to
15 number the retaining walls proposed, so
16 that they may be tracked and easily
17 identified on the plans."

18 Number 20, "Prior to the signing of
19 the plans by the Chairman, the
20 Applicant shall revise the plans to
21 include additional coniferous trees
22 between the restaurant and dark ride
23 located adjacent to the Service Road,
24 Station 5+00 to 6+00, to partially
25 screen the buildings from the adjacent

PROCEEDINGS

1
2 service road, to the satisfaction of
3 the Town Engineer."

4 BOARD MEMBER DROPKIN: Kelly, to
5 get back to Frank's point for a second,
6 so, Frank, in Paragraph 5 it says,
7 "Prior to the issuance of a building
8 permit, by the Building Inspector for
9 the construction of guest parking, a
10 parking management plan shall be
11 provided addressing those elements
12 contained in the memorandum of the Town
13 Traffic Consultant, dated October 2,
14 2017, as follows," and then it goes on.

15 So are we picking up -- I just want
16 to make sure we're picking up the ADA
17 compliance in there.

18 MS. NAUGHTON: Which condition are
19 you in?

20 BOARD MEMBER DROPKIN: I'm in
21 Condition 5.

22 BOARD MEMBER PIRRAGLIA: Of what
23 section?

24 BOARD MEMBER DROPKIN: Page 18.

25 MS. NAUGHTON: We could say

PROCEEDINGS

1
2 the plans by the Chairman, the
3 Applicant shall revise the plans to
4 include bicycle racks at the main gate
5 entering the park."

6 Number 23, "Prior to the signing of
7 the plans by the Chairman, the
8 Applicant shall revise the fence detail
9 on the plans to replace the proposed
10 tension wire with a rail along the
11 bottom of the chain link fences to
12 provide additional stability."

13 **CHAIRMAN BERGUS:** Kelly.

14 **MS. NAUGHTON:** Yes.

15 **CHAIRMAN BERGUS:** We're saying that
16 the bike racks have to be at the main
17 gate entering the park, what are we
18 defining as the main gate?

19 **MS. NAUGHTON:** I think where the
20 security is, you have to go through the
21 gate to get into the park.

22 **CHAIRMAN BERGUS:** Okay. On the
23 roadway in, is that where we're --
24 you're going to put the bikes in the
25 middle of that main roadway?

PROCEEDINGS

1
2 **MS. NAUGHTON:** Yeah, maybe the
3 main, yeah, public admission gate,
4 because otherwise, you're going to end
5 up parking down at the base and walking
6 all the way up, so I think the point
7 was, if you wanted to ride your bike up
8 to basically where, if you had parked a
9 car, you could walk in, but this would
10 be the public admission entrance.

11 **CHAIRMAN BERGUS:** Okay. So we're
12 talking all the way up at the parking
13 lots?

14 **MS. NAUGHTON:** Yeah, that was what
15 the Board had said was missing.

16 **CHAIRMAN BERGUS:** At the entrance,
17 the main gate into the park itself from
18 the parking area?

19 **MS. NAUGHTON:** Yes, "main gate,
20 slash" --

21 **BOARD MEMBER DROPKIN:** "Public
22 admission."

23 **MS. NAUGHTON:** "Public admission."
24 Okay. So then it would be at the main
25 gate/public admission location entering

PROCEEDINGS

the park.

Number 24, "The Applicant has identified one-hundred seventy-four (174) set aside ('banked') parking stalls which shall remain undeveloped unless the Building Inspector determines additional parking is necessary, at which time the Applicant will be required to pave or improve these areas with a durable surface, to the satisfaction of the Town Engineer and the Building Inspector. Until such time, the areas that have been set aside for future parking shall be graded and leveled so that they may be used as an emergency services helicopter landing site, and shall not be used in a manner that would prevent the development of the parking stalls in the future. Should the Building Inspector make such a determination and require the improvement of these areas, the Applicant shall be required to identify a second location, which shall

PROCEEDINGS

1
2 be leveled and graded, for use as an
3 emergency services helicopter landing
4 area."

5 Number 25, "Prior to the opening of
6 the park to the public, the Applicant
7 shall be required to obtain all
8 necessary permits from the New York
9 State Department of Transportation in
10 connection with all State road
11 improvements/upgrades and other
12 associated improvements, and complete
13 construction to the extent necessary
14 for the traffic improvements to be fit
15 for their intended purpose and use,
16 which determination shall be made by
17 the Building Inspector in consultation
18 with the Town's Engineer and Traffic
19 Consultant. This approval, with
20 conditions, remains subject to the
21 approval of the New York State
22 Department of Transportation's permit
23 and approval process relative to
24 design, including construction details,
25 of such improvements as to all such

PROCEEDINGS

1
2 improvements under the jurisdiction of
3 the New York State Department of
4 Transportation."

5 Number 26, "The Applicant has
6 designed the interior of the park to
7 accommodate future additional rides and
8 attractions. The park design has
9 anticipated these future additional
10 rides and attractions, including
11 existing provisions within the
12 stormwater pollution prevention plan,
13 utility design, and park access ways.
14 Provided that the future additional
15 rides and attractions are consistent
16 with the plan requirements, no site
17 plan amendment will be required prior
18 to the issuance of a Building Permit
19 for these additional rides and
20 attractions. This consistency
21 determination shall be made by the
22 Building Inspector in consultation with
23 the Town Engineer."

24 BOARD MEMBER PIRRAGLIA: Kelly, on
25 that one condition.

PROCEEDINGS

MS. NAUGHTON: Yes.

BOARD MEMBER PIRRAGLIA: On that one condition, just for clarification, we're saying that there may be future additional rides and attractions on the park interior, but we are not saying in any way, shape or form that they're being allowed to expand the size of the park interior to accommodate such future attractions.

MS. NAUGHTON: That's correct, if they wanted to do that, then it would have to come back before this Board.

BOARD MEMBER PIRRAGLIA: Okay.

MS. NAUGHTON: "C. Clearing and Grading Permit."

Number 1, "In accordance with the SEQRA Findings Statement (Mitigations A.3 and C.1), prior to the issuance of a Clearing Permit by the Building Inspector, the Applicant shall provide the Building Department with documentation regarding permit status with the New York State Department of

PROCEEDINGS

**Environmental Conservation, if any,
which shall be in effect prior to the
issuance of such Clearing Permit."**

**Number 2, "In accordance with the
SEQRA Findings Statement (Mitigations
A.3 and C.1), prior to the issuance of
a Grading Permit by the Building
Inspector, the Applicant shall provide
the Building Department with
documentation regarding permit status
with the New York State Department of
Environmental Conservation, if any,
which shall be in effect prior to the
issuance of such Grading permit."**

**Number 3, "Prior to the issuance of
a Clearing and Grading Permit by the
Building Inspector, the Applicant shall
provide to the Planning Board Attorney
all contracts to perform clearing and
grading activities, to confirm
compliance with Town Code § 53-11(B)
requiring that all such contracts state
that it is subject to Chapter 53 of the
Town Code."**

PROCEEDINGS

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2 **Number 4, "Prior to the issuance of**
3 **a Clearing and Grading Permit by the**
4 **Building Inspector, the Applicant shall**
5 **file with the Town Clerk either a**
6 **certified check or letter of credit, in**
7 **a form satisfactory to the Town**
8 **Attorney, in the amount of**
9 **Three-Hundred-Thousand Dollars**
10 **(\$300,000)."**

11 **Number 5, "Prior to the issuance of**
12 **a Clearing and Grading Permit by the**
13 **Building Inspector, the limits of**
14 **clearing and disturbance shown on the**
15 **plans shall be 'conspicuously'**
16 **identified in the field with**
17 **appropriate signage, flagging and/or**
18 **fencing to the satisfaction of the**
19 **Building Inspector."**

20 **That's to be consistent with the**
21 **way it was modified previously.**

22 **Number 6, "Consistent with Town of**
23 **Goshen construction noise regulations**
24 **(Town Code Chapter 70) and the SEQRA**
25 **Findings Statement, construction**

PROCEEDINGS

activities will only occur Monday through Friday from 8:00AM to 8:00PM and on weekends and holidays from 9:00AM to 8:00PM. Rock crushing activities will only occur Monday through Friday from 8:00AM to 6:00PM and on Saturdays from 9:00AM to 6:00PM, and at such locations as denoted on the plans."

Number 7, "There shall be no clearing or grading permitted on the properties presently owned by the Town (Section 11-1-60, 63, 64, 65, 66, 67, 68 and 69) unless and until such time as the properties are transferred to the Applicant or the Town Board authorizes such clearing or grading. If clearing or grading commences on the adjacent lots prior to transfer of these properties to the Applicant, the Applicant shall delineate the limits of the properties presently owned by the Town in the field with appropriate signage, flagging and/or fencing to the

PROCEEDINGS

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2 it could happen during the week.

3 **MS. NAUGHTON:** Yes.

4 **MR. GOLDEN:** If it's on a holiday, then,
5 yes, it could occur.

6 **MS. NAUGHTON:** Yeah, if it's on a holiday,
7 it could occur in the same hours that are
8 permitted by the Town
9 Code. And I'll say rock crushing shall
10 not occur on Sundays, which is what you
11 wanted.

12 The Town Code currently permits --
13 excuse me -- the Town Code currently
14 permits certain noise activities on holidays and
15 on weekends from this time period, from 9:00
16 a.m. to 8:00 p.m., so if you do want to restrict
17 rock crushing activities, now would be the time
18 to do that.

19 **MEMBER OF THE PUBLIC:** Please do
20 something.

21 **BOARD MEMBER HAND:** So we do have
22 the ability to limit holidays?

23 **MS. NAUGHTON:** Yes.

24 **CHAIRMAN BERGUS:** If the Board
25

PROCEEDINGS

1
2 chooses.

3 **MS. NAUGHTON:** If the Board so
4 chooses to do so.

5 **BOARD MEMBER HAND:** Can we vote on
6 that?

7 **BOARD MEMBER DROPKIN:** I'm fine --
8 I think excluding holidays would be
9 fine and appropriate, national
10 holidays.

11 **CHAIRMAN BERGUS:** Dave?

12 **BOARD MEMBER CRAWFORD:** Yeah, I'll
13 second that.

14 **CHAIRMAN BERGUS:** Giovanni?

15 **BOARD MEMBER PIRRAGLIA:** I agree.

16 **CHAIRMAN BERGUS:** So we're pulling
17 out national holidays.

18 **MS. NAUGHTON:** National holidays,
19 so rock crushing shall not occur on
20 Sundays or national holidays.

21 Okay. So then, "D. Lot Line
22 Adjustment."

23 Number 1, "This lot line adjustment
24 is not meant to be an approval of, and
25 does not authorize, any use that is not

PROCEEDINGS

1
2 in accordance and in conformity with
3 the Town Code and the site plan and
4 special permit approved by this
5 Resolution."

6 "E. Subdivision. Prior to the
7 signing of the plat relative to Section
8 A, the Applicant shall provide to the
9 Building Department proof of filing
10 with the Orange County Clerk's office
11 of an easement in favor of Proposed Lot
12 2 (the wireless telecommunications
13 facility) for purposes of ingress and
14 egress to Proposed Lot 2 and the
15 wireless telecommunications facility,
16 as shown on the plat. Said easement
17 shall be in a form acceptable to the
18 Town Attorney."

19 That's it.

20 CHAIRMAN BERGUS: Kelly.

21 MS. NAUGHTON: Yes.

22 CHAIRMAN BERGUS: With that
23 easement, do they -- do the
24 telecommunications people have full
25 access to that Lot Number 2 throughout

PROCEEDINGS

1
2 the construction of the new entry road,
3 or there will be provisions, they can
4 still access?

5 MS. NAUGHTON: Yes, they will have
6 to be able to still access that lot.

7 BOARD MEMBER PIRRAGLIA: Kelly, I
8 have a question. On Page 17, Condition
9 Number 9 at the top of the page
10 regarding the plantings be maintained
11 in a healthy and vibrant condition.

12 MS. NAUGHTON: Yes.

13 BOARD MEMBER PIRRAGLIA: Is that
14 going to be part of Neal's annual
15 inspection?

16 MS. NAUGHTON: That's really up to
17 Neal. I mean, they are supposed to be
18 maintained in that condition forever,
19 so if they ever fall into disrepair, it
20 can be brought up, they can be replaced
21 according to the site plan, and it
22 definitely can be enforced.

23 BOARD MEMBER PIRRAGLIA: I -- I
24 would like to require Neal to make that
25 part of his annual inspection.

PROCEEDINGS

1
2 know how the rest of the Board feels
3 about it.

4 **CHAIRMAN BERGUS: Phil?**

5 **BOARD MEMBER DROPKIN: I'm okay**
6 with that.

7 **CHAIRMAN BERGUS: Dave?**

8 **BOARD MEMBER CRAWFORD: How does**
9 **Neal feel about it?**

10 **NEAL HALLORAN: I think it's going**
11 **to be at the building department.**

12 **CHAIRMAN BERGUS: Regardless of who**
13 **is there.**

14 **NEAL HALLORAN: Yeah, according to**
15 **who's there. I think that we are**
16 **anticipating, I am anticipating, at**
17 **least an annual inspection each year,**
18 **but prior to the park opening, there**
19 **are going to be a number of things that**
20 **have to be addressed at that point,**
21 **anyhow, fire inspection, so we're going**
22 **to be at the park at least before the**
23 **opening each year.**

24 **BOARD MEMBER PIRRAGLIA: I think it**
25 **sounds like the building inspector is**

PROCEEDINGS

1
2 open to it.

3 **CHAIRMAN BERGUS:** Cindy?

4 **BOARD MEMBER HAND:** Yes, I agree.

5 **CHAIRMAN BERGUS:** We're good,
6 Kelly.

7 **MS. NAUGHTON:** Okay. So, then,
8 that Number 9 will go away, and it will
9 be merged with Number 5 on Page 16.

10 **BOARD MEMBER PIRRAGLIA:** I didn't
11 intend Number 9 to go away.

12 **MS. NAUGHTON:** No, the actual
13 number will, the text of Number 9 will
14 be moved.

15 **BOARD MEMBER PIRRAGLIA:** Okay.

16 **CHAIRMAN BERGUS:** Will be
17 relocated.

18 **BOARD MEMBER LEVA:** As far as
19 Number 9, when we say "replace," was
20 that for the life of the project?

21 **MS. NAUGHTON:** Yes.

22 **BOARD MEMBER LEVA:** And is it
23 replaced with, for example, ten years
24 down the road, a tree is much more
25 mature than the day it was planted, it

PROCEEDINGS

1
2 would be replaced with a like tree at
3 that point in time?

4 MS. NAUGHTON: It's going to be
5 replaced with what was required at that
6 time, if they -- you know, some of the
7 trees can only be planted in a certain
8 way, so they're not going to be able to
9 plant a gigantic tree, they're going to
10 plant -- if that one died, they're
11 going to plant one like that as
12 required by the site plan.

13 CHAIRMAN BERGUS: If you have
14 comments, you can raise them, just go
15 right through the resolution.

16 MEMBER OF THE PUBLIC: Use the
17 microphone.

18 CHAIRMAN BERGUS: Sure.
19 Frank, do you have additional
20 comments that have not been raised?

21 BOARD MEMBER LEVA: No, no comments
22 at this time.

23 CHAIRMAN BERGUS: Cindy?

24 BOARD MEMBER HAND: Okay. I guess

25 I'll just -- I'll start on Page 1,

PROCEEDINGS

1
2 then. "Proposes to construct a
3 commercial recreational LEGOLAND theme
4 park."

5 Is that -- is that the language
6 that we're going to use, "theme park"?

7 MS. NAUGHTON: Yes, that was what
8 comes from your findings statement.

9 BOARD MEMBER HAND: And then on
10 Page 3, under the "Owner's
11 Endorsements," it names Mr. Fini rather
12 than his entity, under E, 1E.

13 MS. NAUGHTON: Okay. I'll fix
14 that.

15 BOARD MEMBER HAND: And then Brian
16 Kerry's[ph] deed is missing from the
17 list.

18 And then could you please check the
19 date of the public scoping session on
20 Page 9.

21 Also on Page 9, it lists under the
22 paragraph that says, "A public hearing
23 was held on December 15, 2016..."

24 MS. NAUGHTON: Yes.

25 BOARD MEMBER HAND: That states

PROCEEDINGS

1
2 that that included the Introductory
3 Local Laws Number 5 and 6 of 2016, but
4 I believe the names of those laws have
5 changed since then.

6 MS. NAUGHTON: Since then, they
7 have been adopted, so they are local
8 laws, without the introductory, 2017,
9 but at that time, they were addressed
10 in your public hearing by its name.

11 BOARD MEMBER HAND: Okay. Maybe I
12 would say what the current name is and
13 then formerly known as, and then that?

14 MS. NAUGHTON: I can drop a
15 footnote and say that these laws were
16 adopted on such and such a date.

17 BOARD MEMBER HAND: Okay. Then on
18 Page 10, the paragraph that starts,
19 "The Planning Board adopted a SEQRA
20 Findings Statement on August 17, 2017,
21 which was signed by the Planning Board
22 Chairman, filed with the Town Clerk of
23 the Town of Goshen."

24 Page 12, "The application was
25 referred to the Orange County

PROCEEDINGS

1
2 Department of Public Works pursuant to
3 General Municipal Law §§," two section
4 signs.

5 Page 13, "A new interchange and
6 other roadway improvements are being
7 constructed..."

8 "Proposed to be constructed."

9 MS. NAUGHTON: We can say proposed,
10 "proposed to be constructed."

11 CHAIRMAN BERGUS: "Proposed to be
12 constructed."

13 BOARD MEMBER HAND: Thank you.

14 Further down on the same paragraph,
15 before the Section 97-75 insert "Town
16 Code."

17 MS. NAUGHTON: Okay.

18 BOARD MEMBER HAND: Same on
19 Page 14, "In accordance with Town Code
20 Section 97-75."

21 MS. NAUGHTON: Okay.

22 BOARD MEMBER HAND: Under
23 "Resolution of Approval," where it
24 says, "Merlin Entertainments," it
25 should say, "LEGOLAND New York."

PROCEEDINGS

BOARD MEMBER DROPKIN: LEGOLAND.

MS. NAUGHTON: Well, we can put --
the same title that's there should be
on the front, so it would be "Merlin
Entertainments Group Holdings US, Inc.
a/k/a LEGOLAND New York."

BOARD MEMBER DROPKIN: You've
defined that on the first page, it's
LEGOLAND in caps.

MS. NAUGHTON: Okay, got it.

BOARD MEMBER HAND: No, it's
LEGOLAND New York, the first line.

BOARD MEMBER DROPKIN: Does it say
LEGOLAND?

BOARD MEMBER HAND: Yes, it's the
first line.

BOARD MEMBER DROPKIN: The third
line of the first page, you defined
it as LEGOLAND --

BOARD MEMBER HAND: Except that the
first line says, Merlin Entertainments
Groups Holdings a/k/a LEGOLAND New
York.

MS. NAUGHTON: And then it's

PROCEEDINGS

1
2 do with the conservation easements and
3 naming who the holder of the easement
4 would be, and so Number 2 says, "Prior
5 to the issuance of the first
6 Certificate of Occupancy/Certificate of
7 Compliance, the Applicant shall comply
8 with the following Mitigation
9 Measures," and it lists the
10 conservation easements.

11 I'm just wondering if that's in
12 compliance then with the County's
13 advisory statement.

14 **MS. NAUGHTON:** First, it was just
15 an advisory comment by the County -- it
16 wasn't mandatory, typically, in the
17 Town of Goshen, the Town of Goshen is
18 the holder of the conservation
19 easement.

20 **BOARD MEMBER HAND:** Okay.

21 Okay. Number -- Page 18, Number 5,
22 I think "building permit" should be
23 upper case, that's minor.

24 **MS. NAUGHTON:** Oh, okay.

25 **BOARD MEMBER HAND:** And then just

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PROCEEDINGS

NEAL HALLORAN: It's the road in the Scenic Road overlay, isn't it?

MS. NAUGHTON: Yes.

NEAL HALLORAN: So it addresses, in this particular case, only Conklingtown Road.

MS. NAUGHTON: Oh, it's only on Conklingtown.

BOARD MEMBER DROPKIN: So why don't we say Conklingtown Road.

MS. NAUGHTON: Okay.

BOARD MEMBER DROPKIN: And then -- excuse me, then in the last paragraph of --

MR. GOLDEN: What page?

BOARD MEMBER DROPKIN: I'm still on Page 14, I'm sorry, it's not the last paragraph, it's the second full paragraph, "In accordance with Town Code § 97-29.1," and so on, the bulk of the requirements for the project, et cetera, are noted in the approved plans, these bulk requirements supercede all bulk requirements that

PROCEEDINGS

1
2 may otherwise be available under the
3 Town zoning code. When we say, "these
4 bulk requirements," which -- which ones
5 are we referring to?

6 **MS. NAUGHTON:** The ones that are
7 being approved as part of the approved
8 plans.

9 **BOARD MEMBER PIRRAGLIA:** As part of
10 the approved plans.

11 **BOARD MEMBER DROPKIN:** Okay. That
12 will work, the approved plan's bulk
13 requirements.

14 **MS. NAUGHTON:** Okay, the approved
15 plan's bulk requirements.

16 **BOARD MEMBER DROPKIN:** Okay. Now,
17 I believe, at least it's my
18 understanding, that at the last
19 meeting, there was discussion as to the
20 possibility of the buses being parked
21 or located in the lower deck level?

22 **MS. NAUGHTON:** Yes.

23 **BOARD MEMBER DROPKIN:** And there
24 was also a discussion of loud speakers
25 being used for emergency services?

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PROCEEDINGS

that would be under L.2?

MS. NAUGHTON: B.2, and then we would put it after L.2, "including loud speakers for emergency service purposes."

BOARD MEMBER DROPKIN: Okay. That would work.

And, Lee, I think that was part of your -- you brought up the issue of the buses.

CHAIRMAN BERGUS: It was, I had raised the issue, as far as the buses going into the lower level of the parking deck, twofold; one, to maybe muffle the noise, as well as provide protection on the bus, having them park close to the access to the park for tours or school trips, day trips to the proposed Sea Life, anything like that that would be open year-round, and basically, I believe John mentioned they were going to look into it, if it was feasible, but in the wintertime, they said they had a lot of options as

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buses.

NEAL HALLORAN: There is a restriction statewide on the idling of diesel engines.

CHAIRMAN BERGUS: What other kind of buses do we have?

NEAL HALLORAN: I don't know.

CHAIRMAN BERGUS: Are there -- I mean, locally.

BOARD MEMBER PIRRAGLIA: Natural gas is very popular for buses.

CHAIRMAN BERGUS: I'm thinking as far as any of the --

MEMBER OF THE PUBLIC: Electric.

CHAIRMAN BERGUS: Electric --

NEAL HALLORAN: Certainly, the idling of diesel buses is restricted by the State.

MS. NAUGHTON: You may want to ask John O'Rourke to step up and respond to that, I think part of his response previously was that they may not actually even fit down there the way that it's set up.

PROCEEDINGS

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2 **But, John, you can weigh in a**
3 **little bit more.**

4 **MR. O'ROURKE: Are we on?**

5 **CHAIRMAN BERGUS: We're on.**

6 **MR. O'ROURKE: I'm sorry, so the**
7 **specific question was for buses parking**
8 **underneath there? There's an issue,**
9 **again, that's why we said we looked**
10 **into it, there is -- depending on the**
11 **size of it, basically, now you have**
12 **buses in the parking garage, normally,**
13 **you don't like those in there, they're**
14 **bigger, they have gas fumes and then**
15 **that's usually prime spots for parking**
16 **close to the park.**

17 **But as to the idling, yeah, we**
18 **would fall under whatever the State**
19 **agency has for parking and idling, but**
20 **the thought was is that they would park**
21 **and obviously turn off and sit there**
22 **for the day or leave. Some of the**
23 **buses actually leave, they're not there**
24 **for the whole time, we have, I think,**
25 **70 parking spaces at that far end.**

PROCEEDINGS

1
2 review.

3 **CHAIRMAN BERGUS: Sean?**

4 **SEAN HOFFMAN: Hold on for a**
5 **minute. We were just discussing how**
6 **long the idling requirement is. Sorry,**
7 **excuse me, we were just discussing how**
8 **long the State idling requirement is.**

9 **One of the issues that the**
10 **applicant brought up previously was the**
11 **prime location of those parking spots**
12 **and how they were open to utilizing**
13 **that parking deck, the covered area**
14 **perhaps in the winter, as John was just**
15 **saying, for accessing Sea Life. Right**
16 **now, as you indicated, they are not --**
17 **they are in the easterly most parking**
18 **area, there, looking at the plan right**
19 **now, there are spaces for 70 buses, but**
20 **keep in mind that our understanding of**
21 **how the operational planning will work,**
22 **based on the site plan, as it is today,**
23 **that the buses will come up, they will**
24 **enter the third lot, come closest to**
25 **the gate, passengers will disembark**

PROCEEDINGS

1
2 there, and then the buses will go over
3 and actually park in that further lot.

4 So I don't really believe idling is
5 really an issue in terms of noise,
6 because I don't think they will be
7 idling, I don't know if it's envisioned
8 that the drivers will get out, maybe
9 stretch their legs, as the applicant
10 indicated, may even leave the site
11 completely, but I don't think it's
12 intended for buses to idle in that
13 parking lot at all.

14 **MR. O'ROURKE:** That is correct.

15 **MS. NAUGHTON:** We can also include
16 that to address this concern to make
17 sure it's taken care of on Page 18,
18 Number 5, where we talk about the
19 parking management plan and we included
20 the ADA compliance, we can also
21 include, "and the restrictions of
22 idling and parking of buses," so that
23 they can be addressed in that plan as
24 well.

25 **CHAIRMAN BERGUS:** That would be

PROCEEDINGS

1
2 **good.**

3 **BOARD MEMBER HAND: Neal? Neal has**
4 **a comment.**

5 **BOARD MEMBER PIRRAGLIA: Neal**
6 **needed a few minutes.**

7 **NEAL HALLORAN: New York State**
8 **Environmental Conservation law**
9 **prohibits heavy duty vehicles,**
10 **including diesel trucks and buses, from**
11 **idling for more than five minutes at a**
12 **time.**

13 **MS. NAUGHTON: So we can include**
14 **trucks as well.**

15 **MEMBER OF THE PUBLIC: You have to**
16 **include trucks in this as well.**

17 **NEAL HALLORAN: That's included in**
18 **the law.**

19 **BOARD MEMBER DROPKIN: That works,**
20 **Kelly, for me.**

21 **MS. NAUGHTON: Okay, thank you.**

22 **CHAIRMAN BERGUS: When we put this**
23 **in there, can we actually cite the**
24 **State law?**

25 **MS. NAUGHTON: We can say,**

PROCEEDINGS

1
2 "Pursuant to State law," but I don't
3 know how to -- sometimes if you cite
4 the specific one, it changes.

5 **CHAIRMAN BERGUS:** Okay.

6 **MS. NAUGHTON:** But I can say, "The
7 State law" and say, "as amended from
8 time to time."

9 Okay, sorry, I was just writing.

10 **CHAIRMAN BERGUS:** Where did we
11 leave off, Phil?

12 **BOARD MEMBER DROPKIN:** I'm done.

13 **CHAIRMAN BERGUS:** You're done.

14 Do we have any other comments or
15 revisions, in light of what we've
16 heard?

17 (No affirmative response.)

18 **CHAIRMAN BERGUS:** If not, Kelly.

19 **MS. NAUGHTON:** If there's no
20 further changes, there can be a motion
21 by the Board to accept the resolution
22 of approval conditions as modified.

23 **CHAIRMAN BERGUS:** Okay. Could I
24 then have a motion to accept this
25 resolution of approval with conditions

PROCEEDINGS

1
2 for the special permit, major site
3 plan, minor subdivision lot line
4 adjustment and clearing and grading
5 permit for Merlin Entertainments Group,
6 a/k/a LEGOLAND New York as modified?

7 **BOARD MEMBER DROPKIN:** I'll make
8 that motion.

9 **CHAIRMAN BERGUS:** Phil, second by?

10 **BOARD MEMBER PIRRAGLIA:** I'll
11 second it.

12 **CHAIRMAN BERGUS:** Giovanni.

13 All in favor, say aye.

14 (Chorus of ayes.)

15 **CHAIRMAN BERGUS:** Against?

16 (Affirmative response.)

17 **BOARD MEMBER GAWRONSKI:**

18 Abstention.

19 **CHAIRMAN BERGUS:** One abstention,
20 okay.

21 **BOARD MEMBER PIRRAGLIA:** Who has
22 abstained?

23 **CHAIRMAN BERGUS:** Dave G.

24 **MS. NAUGHTON:** Okay.

25 (Whereupon, Town business unrelated

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PROCEEDINGS
to LEGOLAND was conducted.)
(End of audio.) 4

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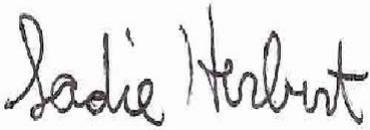
I, SADIE L. HERBERT, a Registered Professional Reporter and Notary Public, do hereby certify:

That the foregoing audio file was transcribed by me;

That the whole transcript is a true record of said proceedings, to the best of my ability;

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of October 2017.



SADIE L. HERBERT, RPR

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