

*TOWN OF GOSHEN PLANNING BOARD MEETING
RE: LEGOLAND*

*PROCEEDINGS
October 5, 2017*



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TOWN OF GOSHEN PLANNING BOARD MEETING

RE:

LEGOLAND 7

**October 5, 2017
41 Lincoln Avenue**

**Goshen, New York
7:30 p.m.**

**PROCEEDINGS in the above-referenced
matter taken before Stephanie Turetsky, a Notary
Public in and for the State of New York.**

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

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A P P E A R A N C E S

TOWN OF GOSHEN PLANNING BOARD:

- LEE BERGUS, Chairman**
- GIOVANNI PIRRAGLIA**
- DAVID CRAWFORD**
- CYNTHIA HAND**
- FRANK LEVA**

BURKE, MIELE, GOLDEN & NAUGHTON LLP

Appearing on Behalf of Town of Goshen:

- 40 Matthews Street**
- Suite 209**
- Goshen, New York 10924**

- BY: KELLY M. NAUGHTON, ESQ.**
- RICHARD B. GOLDEN, ESQ.**
- Phone: 845.294.4080**
- Knaughton@bmglawyers.com**

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

3 **DRAKE & LOEB PLLC**

4 **On Behalf of Merlin Entertainments:**

5 **555 Hudson Valley Avenue**

6 **Suite 100**

7 **New Windsor, New York 12553**

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

9 **Phone: 845.561.0550**

10 **dcordisco@drakeloeb.com**

11

12 **ALSO**

PRESENT: 13

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

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

16 **KENNETH MACKIEWICZ, P.E., PDE**

17

18 **ON BEHALF OF MERLIN ENTERTAINMENTS:**

19 **JOHN O'ROURKE, Lanc & Tully Engineering 20**

21

22

23

24

25

PROCEEDINGS

special permit and grading.

The plans that were submitted consisting of approximately eighty pages, are basically the same plans you have been reviewing over the last several months. What we have done in this latest submission is we have taken comments from this Board, the public, ERB, DEC, the Army Corps of Engineers, and incorporated those into the project plans. Specifically, sediment control, landscaping and lighting.

Let me briefly go over the changes. One of the board members had requested, I think, a change in the caliper of trees we are installing on the site. Six trees of ten inch caliper or greater are now shown on the site. The landscaping plan has been updated, specifically around the back of the house and around the parking areas. We are proposing trees now to be planted initially of 26 feet in height. Over 1,000 trees over 26 feet in height. I

PROCEEDINGS

1
2 have a couple of photographs that we
3 can hand out later to show you them,
4 but most trees that are planted are
5 usually two inch caliper, maybe twelve
6 feet high. So we are planting fairly
7 mature trees in and around the park.

8 Basically, right now, to be honest
9 with you, the landscaping alone just
10 for the trees, unless there is a
11 discount for the majority, is probably
12 close to four to five million dollars,
13 just in trees alone.

14 We are proposing also medium trees
15 of 18 foot height throughout the park
16 as well, and massive shrubbery in and
17 around the park. If you look at the
18 landscaping plan, we also increased
19 landscaping in and around the back of
20 the house, screening from the ring road
21 and also from Arcadia Hills.

22 There has been discussion, looking
23 at the further landscaping there, with
24 a mix, again, the 26 feet high tree and
25 the 18 foot high tree. There is a

PROCEEDINGS

1
2 retaining wall on that corner of the
3 parking lot, so the trees would be --
4 it is a five foot high retaining wall,
5 so the trees would basically shield
6 headlights from any cars that face that
7 area, although the distance to the
8 nearest property line is about twelve
9 hundred feet. To give you an idea, it
10 is basically from where you are sitting
11 down to the parking lot at the
12 government center. That was the
13 landscaping.

14 We have also added trees as
15 required or requested -- not required
16 but requested by the DEC in the wetland
17 mitigation area. That's the existing
18 road to the cell tower, as part of our
19 project, will be regraded, lowered, and
20 then trees and wetland plantings will
21 be planted in there as well as
22 approximately fifty Shagbark Hickories,
23 which the DEC politely asked for. We
24 will provide that to them as well.

25 I want to talk about, in the

PROCEEDINGS

1
2 overall, we are disturbing, in the five
3 hundred and some odd acres, we are
4 disturbing about one hundred fifty
5 acres. Of that one hundred fifty,
6 seventy are related to the park. The
7 remaining eighty acres is basically
8 landscaping and lawn area.

9 When we went before the board, we
10 modified the retaining walls, reducing
11 the height of those significantly.

12 Where the highest wall now, I believe,
13 is a little less than 25 feet. We

14 staggered them as well. Again, we
15 provided the wells for the Arcadia
16 Hills water supply in the future,
17 providing a dry line from our site over

18 to -- not connecting to the Arcadia
19 Hills site, but going close, so in an

20 emergency they could get water. Or

21 they could put the wells we provided on
22 line. The water transmission link to

23 their system is already installed. And

24 that is basically the modification we

25 made to the plan.

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PROCEEDINGS

MR. BERGUS: Thank you.

MR. O'ROURKE: Any questions you may have specifically?

MR. BERGUS: Sure. We will have a few. Before we get to that, let's start with our consultants. Ken, can you weigh in on the project, please?

MR. MACKIEWICZ: Yes. We had a series of comments that were put forth on October 2nd. The details, concerns, questions we have. We did before have a conference call with the people from Maser as well Lanc and Tully. We worked through some of these comments. And I think they are in agreement on most of our comments, on what we want to see. They provided further explanations relevant to the resolution of certain things that we thought may have been missing. They pointed out to certain areas where the DEIS had shown they had complied with the truck turning radius, and the like.

So, at this point, we are quite

PROCEEDINGS

1
2 satisfied. We have certain conditions
3 that we want to see prior to site
4 plan approval that they have agreed to.
5 We had asked that the traffic
6 operations plan, that we also should
7 review and be made part of a pre site
8 plan approval. That will insure that
9 there will be no changes to the site
10 plan afterwards based on the operations
11 of how they intend to load and
12 distribute parking.

13 So I think we are on board with
14 our review memo. I think they are. I
15 think we have a good understanding as
16 to how the site plan will flow from a
17 traffic and circulation perspective.

18 MR. BERGUS: No substantive
19 issues that you are at odds with?

20 MR. MANKEWICZ: No. I think they
21 had satisfied certain conditions, and
22 were working their process. I don't
23 think there is any disagreement on any
24 major issues.

25 MR. BERGUS: Thank you. Sean?

PROCEEDINGS

1
2 applicant at least twice since your
3 findings were adopted. We reviewed
4 those and we discussed those and we
5 received revised plans that you had
6 before you on September 21st. We sat
7 down with the applicant a third time.

8 Our report is broken down into two
9 sections, as you will notice. In the front
10 we consider the substantive issues,
11 the issues that are going to require
12 action by you. Perhaps in terms of a
13 condition or finding or also a
14 requirement that the applicant make
15 changes. At the end, you will notice a
16 large table. And the table is an index
17 of all the plans that you had comments
18 on, providing bulleted comments on
19 these plans that are more directive in
20 nature. Perhaps there will be a
21 drafting error or a coordination error
22 between two plan sheets. Those, I
23 don't think -- we really did not get
24 involved with review on. It may be
25 things like reference details,

**PROCEEDING
S**

1
2 incorrect or inaccurate callouts for different plan
3 details. If it is okay with

4 the board, I would like to get into some of the
5 larger comments. And if you like,
6 you can stop me and we can through go them.
7

8 In terms of some of your findings and
9 compliance with the zoning code, you recall that
10 the application is within the Stream Overlay
11 District.

12 The portion that is in that Stream Overlay District
13 has been now shown in the plans. It is in
14 the portion of the park adjacent to the cell tower.

15 We looked at that because your
16 code requires a finding that indicates there is no
17 degradation to the character and will not result in
18 erosion or surface
19 water pollution. In that particular

20 area, the applicant is capturing the
21 storm water runoff from the parking lot
22 and either going to one or two treatment areas.
23

24 And there is no runoff
25 from the parking, runoff towards

PROCEEDINGS

1
2 the village reservoir. So you would be
3 able to make that finding based on that
4 information.

5 Pointing to the next overlay
6 district, it is the Scenic Road
7 Corridor Overlay. There are two
8 portions of the current site in the
9 Scenic Road Corridor, one on
10 Conklingtown Road. If you recall past
11 portions of the project, there is no
12 development at all. In fact, the
13 entire portion of the Scenic Road
14 Corridor is within the proposed
15 conservation easement. The other is on
16 the Arcadia Road. The only disturbance to the Scenic
Road
17 Corridor in that particular portion is
18 the emergency access road. We asked
19 the applicant and they indicated when
20 we spoke by telephone they will provide
21 any additional landscaping or anything
22 else required.

23 On the Flood Plain Overlay

24 District, you will recall on the Flood

25 Plain shown on the plan, all

PROCEEDINGS

1
2 development shown is outside the Flood
3 Plain with the exception of several
4 contours that go across Otter Kill in
5 the area of Interstate 17. We believe
6 that this is a drafting error and it
7 was unintended. And if that's
8 corrected then you will be able to make
9 those findings as well.

10 We did have some site plan review
11 comments to give you an update on. One
12 was access, which is very important to
13 this project. The issue of the
14 emergency access and the service roads,
15 the plans now shows a connection
16 between the service access ring road
17 and the parking lots, and shows the gate
18 and the arrival plaza now has an area
19 where the access will connect between
20 the two areas. The plan now shows the
21 emergency access road to the boulevard
22 and ring road. Of course, the
23 emergency access at Arcadia Road that
24 we discussed earlier.

25 Striping and signage. We had

PROCEEDINGS

1
2 similar comments on striping and
3 signage. We also indicated that the
4 monument signs shown on that plan
5 require additional detail. We
6 discussed this with applicant. They
7 still haven't finalized how the signs
8 are going to look and we will suggest
9 including a condition that the
10 applicant return to you for any signage
11 approval necessary and to the building
12 inspector as required by the code.

13 Lighting. Lighting in the plans
14 is down to two locations. Site
15 lighting, which is defined in the
16 parking lots around the entrance road in
17 light pole mounted fixtures 19 feet, 28
18 feet and 33 feet high. The highest
19 fixtures are in the large parking lot.
20 The smaller fixtures down at the end of
21 the access road stay close together so
22 the poles do not have to be that high.
23 Notice that the operating conditions
24 discussed as part of the SEQRA review,
25 hours to begin, hours to be off, those

PROCEEDINGS

1
2 are included now as plan notes and the
3 applicant indicated that they will
4 provide the lighting system that you
5 discussed, allowing centralized control
6 of all light fixtures. There is
7 additional detail in the plan with
8 regard to inner park lighting. These
9 are lights that are throughout the
10 park. These are string lights and pole
11 mounted fixtures, stage lighting.
12 Plans do not include a photometric
13 analysis of lighting fixtures. Some of
14 the fixtures are small string lights
15 like just mentioned. The board may
16 wish to consider review of that post
17 construction and any modification made
18 at that time, shielding or anything
19 like that, low powered fixtures within
20 the park intended to carry out the
21 theme of the park.

22 Landscaping. In terms of the
23 number of trees and type of trees. One
24 of the comments we had, we advised the
25 applicant to provide additional detail

PROCEEDINGS

1
2 into what was proposed. We received
3 that detail with regard to species
4 identification, particularly in the
5 areas you were concerned about as part
6 the SEQRA review, in the area along the
7 Harriman Drive corridor and also along
8 the easterly side of the project,
9 screening Arcadia Hills. We had some
10 suggestions about additional areas for
11 landscaping, particularly south around
12 the maintenance building along the
13 north where the proposed entrance ramp
14 will be to eastbound 17.

15 Lastly, with the clearing and
16 grading permit, there are some
17 additional requirements. The permit
18 requires that they obtain New York
19 State DEC permits prior to any work.
20 We suggest that will be a condition of
21 your approval.

22 Lastly, you recall you have a
23 similar performance guarantee. We ask
24 the applicant to provide to us a review
25 and make recommendations for us to

PROCEEDINGS

1
2 review and you to evaluate the new report.

3 **MR. BERGUS:** Sean, at one point
4 you mentioned as far as signage,
5 actually three signs at the entrance?

6 **MR. HOFFMAN:** Yes. At the
7 entrance building shown on the plan, and
8 one smaller one at the back of the
9 house.

10 **MR. BERGUS:** No. Besides them,
11 there are three. One on the island,
12 and one on the main guest entrance, and
13 one on either corner.

14 **MR. HOFFMAN:** I think they are all
15 able to be determined, and the
16 applicant indicated that they had not
17 finalized any signage, so they have a
18 need to come before you. Then I
19 suggest that you have conditions so it
20 is clear. Also you recall some signage
21 will be processed by the village.

22 **MR. O'ROURKE:** If you remember,
23 some of these are monument size.

24 Usually, the others would be a welcome

25 and thank you for coming kinds of

PROCEEDINGS

1
2 signs. That's why there are three.

3 MR. PIRRAGLIA: Are there any
4 details on that sign?

5 MR. O'ROURKE: No. It just shows
6 location. We have not designed the
7 signs yet.

8 MR. BERGUS: Kelly, as we go down
9 the line?

10 MS. NAUGHTON: I did want to point
11 out to the board, you did receive
12 correspondence from the Orange County
13 Planning Department.

14 MR. BERGUS: Do you want to bring
15 it up or should I?

16 MS. NAUGHTON: It's up to you.

17 MR. BERGUS: I guess we could
18 start with that. We did get a letter
19 from the Orange County Department of
20 Planning on that mandatory review of
21 the project. And they did make the
22 suggestion, strong suggestion, that
23 there be a public transit stop, perhaps
24 right along Harriman Drive, to allow
25 buses to come -- public transit buses,

PROCEEDINGS

1
2 that will be doing loops, for instance,
3 from Middletown or Woodbury Commons or
4 Goshen, Chester, to be able on stop
5 alongside the front of the park, drop
6 off employees, mostly, but it could be
7 for the general public as well. They
8 would like to have the plan consider
9 setting aside a location that could be
10 available for such a structure. The
11 county would be suggesting that they
12 would be responsible for the cost of
13 the constructing it. It would be
14 subject, certainly, to review of the
15 DOT and also the town highway
16 superintendent. Just by the nature of
17 Harriman Drive it would possibly become
18 a State road, so we are not sure which
19 way that will go yet as far as who
20 would have the ultimate review. But
21 they did suggest it would be favorable
22 to have the bus stand or space set
23 aside for the bus stand at the edges to
24 the park. I wanted see how the board
25 felt on that.

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PROCEEDINGS

MR. PIRRAGLIA: Personally, I think it is a great idea. My main concern would be how do you get those people into the park? The bus stop is on Harriman Drive and there is no pedestrian facilities coming into the park down the boulevard entrance. How does that happen? And it is a significantly long entrance route. That's a long walk.

MR. O'ROURKE: Yes, I should say -- from the -- we did provide bus routing up to the hotel and into the back of the house. Certainly, buses can go into the drop off area into the back of the house directly from Harriman Drive. Again, that's on the DOT or town right of way, we have no objection. But I agree, that's close to a mile, walking from where the drop off is up the hill to the park itself. I am not saying they could not do it. There are shoulders provided on both Harriman Drive and our access road.

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PROCEEDINGS

MR. PIRRAGLIA: Would you consider providing bus service from the entrance of the park to that bus stop, like a shuttle service?

MR. O'ROURKE: We can certainly consider it. We have shuttle buses. If that is something you would like, we can do that.

MR. BERGUS: You will be shuttling from the area hotels. You might be able to stop there as an additional stop.

MR. PIRRAGLIA: Rather than bringing the shuttle buses coming from wherever into the park --

MR. O'ROURKE: Be coordinated with the bus company from the county, yes. We could coordinate them with our shuttle buses from the hotel and there would be a drop off and pickup area. I don't think we have any problem with that.

MR. BERGUS: One of the concerns with the county bringing the drop off

PROCEEDINGS

1
2 buses into the park was the amount of
3 lost time, getting from the guest
4 entrance up to the drop off point near
5 the parking lots and back out. They
6 thought that would be a minimum of 15
7 minutes turnaround, how to expedite the
8 drop off.

9 MR. O'ROURKE: Again, it is out of
10 our control area because it is either
11 in the State right of way or the town
12 right of way, but we could certainly
13 coordinate our shuttle buses with
14 theirs.

15 MS. NAUGHTON: If this is
16 something that the board wants, it
17 would be included as a condition, but
18 is subject to DOT taking that over. So
19 it would be subject to their review and
20 their approval. Even if this board
21 wanted it and DOT says no, you can't
22 require it.

23 MR. BERGUS: We can put in a
24 recommendation that we desire to have
25 it?

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MS. NAUGHTON: If that's what the board wants. But again, it would be subject to DOT.

MS. HAND: Can someone take a public bus on Harriman Drive, get off the bus and get to the shuttle and go --

MR. BERGUS: Into the park?

MR. O'ROURKE: I don't envision anybody -- yes, they could walk the three miles up the hill to the park, but it is a very long walk.

MS. HAND: Is there a reason why no public bus is going to the property? No turnaround line for the route?

MR. BERGUS: Yes. There is no express lane set aside specifically for buses.

MS. HAND: And you are responsible? Merlin is responsible? Merlin is responsible for all costs related to the shuttle service other than pickup from the public bus?

MR. O'ROURKE: Yes. We have

PROCEEDINGS

1
2 currently proposed to have shuttle
3 buses to area hotels. So what we are
4 saying, as an additional stop,
5 depending on where the Harriman bus
6 stop could be in the future off --
7 again, this is off the top of my head.
8 This is the first we are hearing of
9 this. As the bus drops off, rather
10 than have the family walk a mile up the
11 hill, our shuttle bus could pick up at
12 that drop off. It is an idea.

13 MS. HAND: I would agree with
14 that.

15 MR. BERGUS: Frank?

16 MR. LEVA: I have some other
17 comments. No. I'm okay with that.

18 MR. BERGUS: You heard my
19 comments.

20 MR. PIRRAGLIA: I'm okay with it.

21 MR. BERGUS: Okay. In that case,
22 let's go to comments from the board and
23 start at your end with, Cindy? Okay.

24 MS. HAND: Looking at page or
25 drawing number L 141. And I'm looking

PROCEEDINGS

1
2 at the wetland mitigation areas. And
3 I'm looking at the key that says what
4 the wetland mitigation plan looks like.
5 And it appears as though -- I don't
6 know how to explain it to you without
7 you seeing it. I don't understand why
8 these are like this and these
9 mitigation plantings are like this?

10 MR. O'ROURKE: These are wetland
11 mitigation plants. Here are wetland
12 mitigation plants (indicating), so
13 there is a lot of low brush. These
14 here are larger trees that we had
15 proposed. So these are not wetland
16 plantings. Those are the additional
17 Shagbark for the bats. So this is your
18 typical habitat. Ferns, cattails,
19 wetland plants. These are actually
20 trees.

21 MS. HAND: I think this is still
22 on the wetland mitigation plan.

23 MR. O'ROURKE: Yes, that's okay,
24 because we are doing that as part of
25 the wetland disturbance. We will give

1 PROCEEDINGS

2 you additional wetland plants.

3 MS. HAND: Thank you.

4 MR. O'ROURKE: You are welcome.

5 MS. HAND: Now I'm going to
6 drawing L 151. And you can tell me if
7 I'm reading this properly, but I think
8 that is a four foot chain link fence.

9 That is full fencing running the same
10 line as the twenty foot retaining wall
11 shown on sheet 10. Why is the fence
12 running around the retaining wall?

13 MR. O'ROURKE: It is typical. It
14 is for safety. So basically, you run
15 the fence along the top of the
16 retaining wall.

17 MS. HAND: The fence on top of the
18 retaining wall?

19 MR. O'ROURKE: It is fall
20 protection.

21 MS. HAND: And it says 52 inch
22 safety attraction railing. Is that
23 tree height? Is that like other parks?

24 MR. O'ROURKE: The railings
25 themselves?

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PROCEEDINGS

MS. HAND: Yes.

MR. O'ROURKE: The height is --
that may be more specific to New York
State. They could have 28 inches down
there. Those are for the State
regulated heights.

MS. HAND: Will that area contain
color throughout the park?

MR. O'ROURKE: Throughout the
park, for whatever theme or ride it is
near, correct.

MS. HAND: My last question has to
do with the interactive water feature
in the front section of the park.
There is no fence around that. Does it
have an elevated area around that, and
what is interactive about that?

MR. O'ROURKE: I know what it is.
So it is a raised fountain,
approximately the size of this table,
probably out to me, with water about
two feet into it and around these
little areas. And you can step on it
and you hear the sound of the piano and

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PROCEEDINGS

the water will rise. Come over here
and step on it, you hear the sound of
trumpets, and water will rise.

MS. HAND: What is to prevent
children from getting there?

MR. O'ROURKE: It is a raised
platform, possibly three feet high,
with a -- almost like a three foot
bench across the top.

MS. HAND: Thank you.

MR. O'ROURKE: You are welcome.

MR. LEVA: Couple of comments.
The ADA stalls, in the future, if they
are full to capacity all the time and
you need to possibly increase the
number of ADA stalls, how do you do
that? I'm asking the consultants.

MR. O'ROURKE: I would take a stab
at it. First, obviously, the ADA
stalls meet the current requirements.
If in the future we needed some, we
have two options. One option, we would
lose a parking space -- we would have
to lose two spaces for every one

PROCEEDINGS

1
2 handicapped space. In the end, if
3 that's a real issue, I would come back
4 to the -- yes, we would reduce the
5 parking, which we will do if we have
6 the parking available. Like that last
7 parking stall, if it was never used,
8 potentially we can use that.

9 **MS. NAUGHTON:** Another way we can
10 do it is include it as a special permit
11 condition to have it monitored, whether
12 or not by Building department, and be
13 brought back to the board. If there is
14 an issue that they are constantly full,
15 it could be addressed at that time.

16 **MR. LEVA:** Thanks. Same concept
17 as with the electric car chargers. Are
18 there more?

19 **MR. O'ROURKE:** We show electric
20 car chargers in and around the hotel
21 and in the back of the house. There is
22 more than sufficient area to add
23 chargers in the future. We do not lose
24 parking for those, and the way we set
25 those up, they do not interfere with

PROCEEDINGS

1
2 the sidewalk. They are located so there is
3 sufficient room and we could easily add in the
4 future.

5 MR. LEVA: Kelly, you would treat it the
6 same way with the building inspector?

7 MS. NAUGHTON: If he thinks they are
8 always full, yes. The same way.

9 MR. LEVA: Here is a tough question. I
10 see in this parking lot -- I understand it is not
11 required -- some trees with islands to break up
12 the vast size of these lots?

13 MR. O'ROURKE: We talked about that
14 in the beginning. If we -- everything is
15 expanded. So we have a
16 greater area of disturbance. With
17 areas such as parks, typically you park
18 and go. There is no reason to have
19 landscaping in those areas. That was
20 the reason, to limit the amount of
21 disturbance.

22 MS. NAUGHTON: Also because of the
23 provisions of the new law adopted by the
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PROCEEDINGS

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town.

MR. PIRRAGLIA: There is landscaping plans for in between the parking areas of the lots?

MR. O'ROURKE: That is correct.

MR. PIRRAGLIA: It is not going to be one massive 70 plus acre parking?

MR. O'ROURKE: No, no, no. Five tiers, graded with landscaping.

MR. LEVA: That's all I have for now.

MR. BERGUS: Thank you.

MR. CRAWFORD: A couple of questions. On C5, we have the fire department requirements, and it talks about control panels, control panels on the site, how many, where are they located, like emergency in the building. How does everyone know where they go?

MR. O'ROURKE: Everything is centralized back to administration. We met with the fire company and will continue to meet with emergency services to coordinate that. All

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PROCEEDINGS

All the buildings near the main entrance to the building contiguous with the main entry. Should there be thought to that building location?

MR. O'ROURKE: That building location is specifically put there for the proximity to the hotel and the park because that would be open year round. The Sea Life. So that's why it is there. Initially, we will have it topsoiled and seeded. And yes, eventually if they build it, they will have to tent around it and it will look ugly for a couple of months when they do the construction.

MR. CRAWFORD: At the maintenance building, do you have additional parking space if needed?

MR. O'ROURKE: Right. We were concerned we had too much parking. I don't think we do. We put that as land bank parking, and then in the future if we need it or the building department notices that we need it, it will be done

1 PROCEEDINGS

2 at that time.

3 MR. CRAWFORD: Is grading done
4 now?

5 MR. O'ROURKE: Yes. Grading,
6 seeding and topsoil.

7 MR. CRAWFORD: Fencing. A minor
8 thing. Is that a standard detail or a
9 town required detail?

10 MR. HOFFMAN: The town has no
11 required detail for fencing.

12 The Applicant had initially several
13 details, conflicting details. What
14 they have done now is they have railing
15 fences for all the fencing. The plan
16 made reference to the previous fence
17 details. There is no town detail.

18 MR. CRAWFORD: There a top rail,
19 middle rail, but the bottom is just
20 wire. A lot of times, those fences
21 deteriorate. Any ideas? Maybe have
22 the bottom rail there, integrate it
23 about the site?

24 MR. O'ROURKE: There is a thought
25 there now. I can talk to them. I

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PROCEEDINGS

don't think that would be an issue with
a bottom rail.

MR. CRAWFORD: That's all I have.

MR. BERGUS: I got a couple here.

First off, is there a loudspeaker
system being proposed throughout the
park for emergency notifications, lost
children?

MR. O'ROURKE: I have to
find out.

I don't think they are showing any
speakers. I would have to check with
Merlin.

MR. BERGUS: If there had to be
mass evacuation coordinated by
personnel?

MR. O'ROURKE: They do have an
emergency plan coordinated with the
County for those types of evacuations.

I'm just not privy to that.

MR. BERGUS: Lot number 62. 11-1-62
started off, I think that is a town
owned property?

MR. HOFFMAN: Yes.

MR. BERGUS: That started off on

PROCEEDINGS

1
2 the original plan review.

3 MS. NAUGHTON: The town decided
4 not to sell that property.

5 MR. BERGUS: Okay. That is
6 correct. Okay. I didn't see anything
7 here showing the designated area for
8 helicopter landing. Not a pad, but an
9 area flat enough to accommodate if you
10 had to evacuate?

11 MR. O'ROURKE: It is noted on the,
12 basically, the land bank parking area
13 where we would have the helicopter land
14 by the back of the house.

15 MR. BERGUS: And if that section
16 of the parking were needed to be
17 developed?

18 MR. O'ROURKE: Then we would have
19 to relocate somewhere else.

20 MR. BERGUS: But we do have an
21 area?

22 MR. O'ROURKE: Yes. Generally, we
23 do. Basically, they just need a flat
24 mowed area.

25 MR. BERGUS: It should be on the

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plan like an alternate if it should be required there in the future.

MR. O'ROURKE: Okay.

MR. BERGUS: Just sheet C5 of 42, Note 2, should specify clearing starting November 1st. It does indicate October 31st as a start date. One of the things I was looking at on Sheet C8. Bus parking all the way to the extreme right side of the project.

MR. O'ROURKE: Generally, that is correct.

MR. BERGUS: Has any consideration been given to bus parking on the lower level of parking deck as far as minimizing noise, visibility. I think bringing them a little bit closer to where the bus stand is, as far as pickup and drop off, as well as to get you to the entrance of the park.

MR. O'ROURKE: I would say no. We can certainly consider it. I think the buses under the parking deck, I think they were -- I would have to check. I

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PROCEEDINGS

think that would be like a VIP for that day to keep your car out of the sun or rain. I don't know if they want the buses there.

MR. BERGUS: Another reason. Sun or rain. I was thinking from another aspect. With the hotel being open year around, the use of the Sea Life, ultimately -- that is built in phase two. Any kind of excursion for Sea Life for class trips, it could be -- the parking could be under there.

MR. O'ROURKE: Certainly during the winter months the parking space would be empty throughout the entire park.

MR. BERGUS: Would not require clearing the snow.

MR. O'ROURKE: Generally, they would park anywhere they want to. They will not be forced.

MR. BERGUS: They are not forced to use that?

MR. O'ROURKE: No.

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PROCEEDINGS

MR. BERGUS: It was mentioned before any monumental entrance signs that would come later with review, along with any lighting on the signs that should be shown at a later date with the signage. Are grease traps required on sanitary lines leaving all restaurants?

MR. O'ROURKE: Yes. I agree. Traps on the larger restaurants.

MR. BERGUS: Internal to the restaurant?

MR. O'ROURKE: Yes.

MR. BERGUS: The retaining walls should be identified -- there is a number of them on the plans. Can they be tracked in terms of the permits or engineers submittals made for design of walls, maybe somehow identify them by table or put some sort of key on?

MR. O'ROURKE: Yes. When we do the numbering system we will do that for ease of construction in the future and coordinate with building

PROCEEDINGS

1
2 department.

3 **MR. BERGUS:** Along the same lines
4 where we have the split walls, where we
5 have staggered or terraced the walls,
6 will there be any landscaping on the
7 plateau, the middle level of the
8 terrace, just to soften the view of the
9 two faces?

10 **MR. O'ROURKE:** We can look into
11 that, which we do not do because of the
12 root system, getting into the geogrid
13 underneath the walls. No large trees
14 or anything.

15 **MR. BERGUS:** Something to give it
16 a little foreground.

17 **MR. O'ROURKE:** Certainly.

18 **MR. BERGUS:** On the planting
19 legend, one of the symbols we have is
20 for palm trees.

21 **MR. O'ROURKE:** Yes.

22 **MR. BERGUS:** We are having palm
23 trees?

24 **MR. O'ROURKE:** Yes. There are two
25 types proposed. Some are plastic, but

PROCEEDINGS

1
2 there are live actual palm trees
3 proposed in the park. I kind of
4 chuckled on the same thing, but there
5 is actually a group in Long Island that
6 sells them. Go to their website and
7 see how to keep those in the winter
8 months. You wrap them, small light
9 bulbs to keep them warm over the winter
10 months.

11 MR. BERGUS: On sheet L143 I
12 thought perhaps between the restaurant
13 and the dark ride, there maybe should
14 be more trees planted on that corner.
15 Maybe coniferous. As far as the view
16 from Arcadia, in that direction,
17 looking at the corner where the two
18 buildings are.

19 MR. O'ROURKE: We will take a look
20 at that.

21 MR. BERGUS: You have a little
22 note that indicates canopy. I didn't
23 know what a canopy was or what that
24 looks like or? Can you describe what a
25 canopy is?

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MR. O'ROURKE: If you would like me to get you a photograph or a rendering of that from another park.

MR. BERGUS: I didn't notice those down in Florida.

MR. O'ROURKE: No. Again, I would have to confirm, it is a plastic umbrella that spreads out, or an awning. I have to get specific on each. I think they are different for each listed in each of the areas, so I can talk to the park designer about that.

MR. BERGUS: In between parking lots, what was mentioned with five parking lots, terraced down to trees and low shrubs. Is there any ground cover? Compost, dirt, ivy, sod, mulch? What's going to be around? What else will there be?

MR. O'ROURKE: Ground cover, non-mowable, a typical crown vetch of grass cover.

MR. BERGUS: You make reference to cluster gates throughout the park.

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What is a cluster gate?

MR. O'ROURKE: Again, I would confirm with you. Those are areas, I believe, almost like a pen -- not referring to cattle -- like cattle -- where you are getting a group of people into an area. So basically you are corralling the people.

MR. BERGUS: Okay. And we are corralling them for what purpose?

MR. O'ROURKE: Depending on where that is noted, either near a ride or a stable area. If you have a theater, okay, everyone waits here for the next 20 minutes for the next show.

MR. BERGUS: The way the plan is set up on sheet L157 right now on the access for the employees, the back road house entrance, what stops someone from the public coming off Harriman Drive, pulling in there and straight into the parking lot? Given where the security building is, should the entrance to the parking lot be on the inner side of the

PROCEEDINGS

1
2 security gate?

3 MR. O'ROURKE: No.

4 MR. BERGUS: Want to explain?

5 MR. O'ROURKE: For two reasons.

6 One is for stacking issues through
7 there. And two, the security gates
8 guards can see the entrance to the
9 parking area. But basically it will
10 get employees in there and park. If
11 somebody wanted to park in there and
12 hang out, I guess they could, but you
13 can't enter the park.

14 MR. BERGUS: You can walk in from
15 there. Be in the park following the
16 service road.

17 MR. O'ROURKE: If you walk down to
18 Harriman Drive to the main entrance, up
19 the miles to the park and across the
20 park, but you can't access the back of
21 the house without going through a
22 security checkpoint.

23 MR. BERGUS: You are forced to go
24 through security from the parking lot?

25 MR. O'ROURKE: Yes?

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PROCEEDINGS

MR. CORDISCO: Dominic Cordisco,
attorney for the project. There are
loudspeakers.

MR. BERGUS: I did not see a lot
lighting around the pool, patio area
around the hotel. The spillage of
lighting that comes across from where
the entrance to the hotel is, is there
a plan for putting in low impact
lighting or mood lighting or if there
is any nighttime activities in the pool
area? Just seems like there should be
some more lighting in that area.
Something to look at.

MR. O'ROURKE: Final design, as
you can tell, other than outlined is
not designed and that's why probably
it's not there. But speaking to that
we as a noted to plan internally, that
the building inspector can go in the
site in the future. And post
inspection, if there is a glare or an
area where they want more lighting take
away or add. We can do that.

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PROCEEDINGS

MR. BERGUS: Just two others. On
the on site wetland disturbance
mitigation map, sheet 2 of 3, you are
proposing Shagbark Hickories for bat
habitat, 12 to 24 inch in height, in
two gallon pails. If bats roost in
trees nine inch diameter or greater, if
we are going with trees that are twelve
to 24 inches with that intent, how many
years would it take, or can we put in a
larger tree?

MR. O'ROURKE: Unfortunately we
cannot put in a larger tree for the
Shagbark because it is a tap root tree
and all you can get when you buy those
is a shoot of that. We did the
research on that and that's basically
what you can get because of the tap
root.

MR. BERGUS: One that goes
straight down, the tap root?

MR. O'ROURKE: Correct.

MR. BERGUS: Last item. Sheet 2

of 3. Construction of one monitor for

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PROCEEDINGS

water levels and plant survival for a period of five years. Should that not be indefinite?

MR. O'ROURKE: Generally, that is a requirement from the Corps of Engineers. When you disturb a wetland and create a wetland, after five years of monitoring, either they come back and say okay, if it is wet for five years, you do not have to keep monitoring. If, in that time, everything dies off, then you have to do a redesign with the Army Corps. After five year if the wetland has taken, it is going to take it.

MR. BERGUS: There is no town requirement that require a plan continuing?

MR. HOFFMAN: You could do that, but I think the purpose of this plan is specifically to comply with the SEQRA finding and the Army Corps of Engineers' requirement.

MR. O'ROURKE: The monitoring is

PROCEEDINGS

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2 not so much for the plant life. We put
3 wells throughout the area. Actually,
4 we are doing several right now and
5 measure the water level in the ground
6 to make sure it is where it is supposed
7 to be. They monitor that, and then if
8 you have one area that is drying out,
9 they tend to go in and basically put a
10 clay layer.

11 MR. BERGUS: To maintain the water
12 level?

13 MR. O'ROURKE: Yes.

14 MR. BERGUS: That's all I have.

15 MR. PIRRAGLIA: I have a couple.
16 Some are general and some more
17 specific. On sheet C5 of 42, the
18 western corner of the main entrance
19 road, just before the road turns going
20 in towards the parking lots, I'm
21 noticing that the 174 foot cell tower
22 fall circle goes right over that corner
23 of the access road. Did you notice?

24 MR. O'ROURKE: Yes.

25 MR. PIRRAGLIA: And that's

PROCEEDINGS

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2 acceptable?

3 **MR. O'ROURKE:** Yes. There are no
4 residents in that area. We do not
5 expect it to fall.

6 **MR. PIRRAGLIA:** Okay, but if it
7 falls, it is okay to fall on that road?
8 What happens if there is a car on that
9 road at that time when the tower falls?
10 Sean, do you have an opinion on that?

11 **MR. HOFFMAN:** Under your code, the
12 fall zone and the requirements of the
13 code pertain mostly to residential
14 properties and things of that nature.
15 In this particular instance, it does
16 come into the entrance road portion of
17 the boulevard. It looks like it does
18 not continue but looks like it would
19 come into the first lane.

20 **MR. PIRRAGLIA:** Yes. The first
21 two lanes on the inbound traffic side.
22 I don't know. I don't think that's a
23 good idea. I don't know if it is.

24 **MR. HOFFMAN:** If it is code, code
25 is in terms of driveways and access

PROCEEDINGS

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2 roads within the fall zone, residential structures
3 and habitable structures.

4 MR. PIRRAGLIA: I don't think
5 that's a good idea. If that tower were
6 to fall when there is a car there, I
7 would not feel very good about that.

8 The same sheet up at the top where
9 Harriman Drive -- there is no
10 indication that there is going to be
11 traffic signalization at the two
12 entrances, to the main road and the
13 back of house entrance road. Is that
14 specifically because of the note that's
15 there that the plans for the Exit 125
16 relocation and Harriman Drive widening
17 are being prepared separately by DOT?

18 MR. O'ROURKE: Yes. DOT.
19 Initially, we had those on there, the
20 signalization proposal, but it is as
21 per DOT.

22 MR. HOFFMAN: It is very difficult
23 to see the scale there. It looks like
24 a diagonal line that cuts across the
25 intersection. Shows the two locations

PROCEEDINGS

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2 to suspend the traffic signals, but it
3 is not pulled out because of that note.

4 MR. PIRRAGLIA: Okay. On sheets
5 C7 of 42, the connector roadway between
6 the main entrance boulevard and the
7 service road, where the emergency --
8 where the emergency access gates go
9 across, that road there. What surface
10 is going to be there?

11 MR. O'ROURKE: Right now, it is
12 supposed to be gravel.

13 MR. PIRRAGLIA: It will be cleared
14 of snow in the winter?

15 MR. O'ROURKE: Yes.

16 MR. PIRRAGLIA: On sheet C8 where
17 you show the parking areas, I could not
18 find it, but is there any proposed
19 bicycle parking?

20 MR. O'ROURKE: In where?

21 MR. PIRRAGLIA: In the main
22 parking lots, the front entrance to the
23 park?

24 MR. O'ROURKE: I know there is
25 some by the hotel. I am not really

PROCEEDINGS

1
2 sure of the main lots. It was an
3 oversight. There should be.

4 MR. PIRRAGLIA: In the back of the
5 house?

6 MR. O'ROURKE: Yes, there are.

7 MR. PIRRAGLIA: In the back of the
8 house where you first enter the parking
9 lot to the back of the house, there is
10 an area that shows bicycle parking
11 where the electrical charging station
12 is.

13 MR. O'ROURKE: Coordinated with
14 the emergency service as for heightened
15 locations and sprinkler locations and
16 emergency access as well.

17 MR. PIRRAGLIA: That was one of my
18 general comments. I do not see
19 anything on the plan as far as fire
20 protection at all.

21 MR. O'ROURKE: Hydrants.

22 MR. PIRRAGLIA: There was details
23 on the hydrants?

24 MR. O'ROURKE: Yes. There is a
25 whole system of water hydrants.

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MR. PIRRAGLIA: Hard to find a
needle in a haystack.

MR. O'ROURKE: We also
coordinated, previously coordinated with the
building department, showing a list of buildings.

Usually it is done during the
building department phase of the project, but we
have given them a potential list, whether they
need sprinklers or not. Some need sprinklers.

That will be coordinated with the
building department.

MR. PIRRAGLIA: On the lighting plan,
the roadway and parking area lighting plan, sheet
32 -- actually, all the sheets. I was
very pleased with the lighting plan along the
public access roadways and the parking area, the
main entrance and all that. But
there was a very noticeable -- well,
several very noticeable gaps in
lighting levels along the service road,
the loop road.

MR. O'ROURKE: That is correct.

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PROCEEDINGS

MR. PIRRAGLIA: Why is that?

MR. O'ROURKE: Those are basically intersections and a curve. It is usually not well lit. Used by people that are familiar with the site, and it is sufficient for what they want to do. They did not want to have bright lights in that area.

MR. PIRRAGLIA: So they were specifically chosen for low light?

MR. O'ROURKE: Yes. Lower lights in height and in strength.

MR. PIRRAGLIA: There is no concern from a safety standpoint considering you are going to be doing a lot of maintenance at night?

MR. O'ROURKE: No. Any maintenance they do, they do not do at night.

MR. PIRRAGLIA: No?

MR. O'ROURKE: They do some, but not in the dark. Clean up some garbage and whatever they are doing, but they usually are in golf carts driving

1 PROCEEDINGS

2 around the area.

3 MR. PIRRAGLIA: Any ride
4 maintenance?

5 MR. O'ROURKE: Usually not in the
6 dark. If it is it would be in the park
7 itself.

8 MR. PIRRAGLIA: Sheet L35, as you
9 come into the, off the main entrance
10 boulevard into the parking area, the
11 first -- the second, I should say, left
12 hand turn, has a very unnatural flow of
13 traffic. The inbound traffic going
14 towards the hotel is on the left hand
15 side of the hotel.

16 MR. O'ROURKE: That's a drafting
17 error.

18 MR. PIRRAGLIA: That's what Sean
19 pointed out as a drafting error?

20 MR. O'ROURKE: Yes. In the actual
21 grading and parking plan, it is in the
22 right direction. But they missed that
23 change on the landscaping plan.

24 MR. PIRRAGLIA: Okay. Another
25 general comment is the walkway leading

PROCEEDINGS

1
2 from the staff parking area to the back
3 of the house into the park, there is a
4 walkway that goes through the security
5 booth across down by the administration
6 building, and then it kind of dumps you
7 onto the service road.

8 MR. O'ROURKE: Yes.

9 MR. PIRRAGLIA: You will be having
10 pedestrians traffic on the service
11 road?

12 MR. O'ROURKE: Yes. Remember we
13 talked about that?

14 MR. PIRRAGLIA: Please refresh my
15 memory.

16 MR. O'ROURKE: It will be a
17 striped shoulder in that area for
18 staffer workers to walk on.

19 MR. PIRRAGLIA: It would be nice
20 to see on the plans, if that was the
21 case. Do not rely on my memory.

22 MR. O'ROURKE: No, it should be
23 pointed out.

24 MR. PIRRAGLIA: Sounds good. On

25 L143, I notice that the first aid

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PROCEEDINGS

station is located pretty much all the way in the back of the park. Can you explain why?

MR. O'ROURKE: For ambulance service and access to the park, particularly to provide them to have small golf carts to take them down to that portion so the ambulance, if it is required, could pull in quickly and get out quickly.

MR. PIRRAGLIA: So the ambulance comes in back of the house and comes in that way?

MR. O'ROURKE: Correct.

MR. PIRRAGLIA: L145, there is an island in between the first and second parking areas. That island kind of ends in a half circle. I think, to improve the flow of traffic in and around those two turns, I think it would be helpful to shorten the island a little bit and move it into the parking area so it does not come all the way out into the roadway. Right

PROCEEDINGS

1
2 here. Instead of bringing it all the
3 way out, just shorten it, end it back
4 here, turning in and out of the parking
5 area.

6 MR. O'ROURKE: We can look at
7 that. I think it is there to make sure
8 it splits the two areas. It is heavily
9 graded through there, if you remember.
10 This goes down quite a bit, but we can
11 pull that back. You are on a slope.

12 MR. PIRRAGLIA: Okay. That brings
13 up another general comment. I don't
14 see, like, turning analysis for larger
15 vehicles, like buses and delivery
16 trucks.

17 MR. O'ROURKE: We did all that.
18 We provided turning radius for delivery
19 vehicles, fire trucks and buses.
20 Typically, those are not put into the
21 site plan. It is not for construction.

22 MR. PIRRAGLIA: Not a problem. I
23 also have a concern similar to the
24 lighting level internal to the park.

25 And I think that's already been

PROCEEDINGS

1
2 discussed here. There was one other
3 comment I had. I don't know what sheet
4 it was on. The maintenance warehouse.
5 I'm assuming that's where you are going
6 to be taking deliveries, all
7 deliveries, food and anything else that
8 comes in and out of the park?

9 MR. O'ROURKE: Well, for the
10 maintenance warehouse. Some is driven
11 directly to the service gate to the
12 back of the restaurants themselves.

13 MR. PIRRAGLIA: By truck?

14 MR. O'ROURKE: By small semi
15 trucks, a smaller truck. Also the
16 warehouse in the winter months, if you
17 remember, as we shut down, the rides
18 are taken apart and brought to the
19 maintenance area and modified.

20 MR. PIRRAGLIA: So my question
21 really is how do you take deliveries if
22 you have larger trucks coming in and
23 have to offload to smaller vehicles?

24 MR. O'ROURKE: That's in the
25 maintenance warehouse.

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PROCEEDINGS

MR. PIRRAGLIA: Loading dock at the maintenance warehouse?

MR. O'ROURKE: Directly load into the building.

MR. PIRRAGLIA: Okay. I guess without specifying it and the design of the warehouse building, I didn't have an idea.

MR. O'ROURKE: You would not. It is very similar to where -- some of the members were there -- the trucks back up directly to the building itself.

MR. PIRRAGLIA: The other thing I missed. Again, it might be because I can't find a needle in haystack. Where is your trash and recycling pickup?

MR. O'ROURKE: In that same area.

MR. PIRRAGLIA: I didn't see a spot for dumpsters. Is it internal to the building?

MR. O'ROURKE: In this area. Actually, along with a potential location for a generator. Probably towards the...

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MR. PIRRAGLIA: The hotel?

MR. O'ROURKE: Correct.

MR. PIRRAGLIA: Thank you. That was all the comments I have.

MR. LEVA: Just to follow up on the site plan and signage plan, I want to ask you this question. From the ADA stalls, I just want to be sure there is a good path.

MR. O'ROURKE: Yes. The entire park is ADA. From the stalls in the parking lots, either two of the levels directly flow into the park. Notice the stairs and ramps that go back and forth for each parking lot. Each parking lot is ADA compliant.

MR. LEVA: Inside the park as well?

MR. O'ROURKE: Yes. There is a lot of strollers so there are a lot of ramps. I will show you the walkway. A lot of stairs. A lot of winding paths.

MR. PIRRAGLIA: Does that include buildings, restrooms, restaurants?

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MR. O'ROURKE: Yes. All meet ADA requirements.

MR. BERGUS: You mentioned strollers. Will Legoland be renting strollers and wheelchairs?

MR. O'ROURKE: I would like to say yes. I can double check with that. I assume they are.

MR. BERGUS: Any other comments?

MR. LEVA: Yes. The part that Giovanni touched on is the walkway that comes from the access road, is that ADA compliant as well?

MR. O'ROURKE: From the back of the house? The road itself?

MR. LEVA: From here? This parking lot, the ADA stall, you have a walkway coming up here?

MR. O'ROURKE: Yes. That stall is specifically for that building, the back of the house to the service road. If you look at the gradient on here, you are going up one contour from there to there. So yes, that's flat across

PROCEEDINGS

1
2 that area.

3 MR. LEVA: So people that park in
4 these lower lots, when they want to go
5 to the park?

6 MR. O'ROURKE: This is employee
7 parking.

8 MR. LEVA: That's it. If you have
9 a disabled employee, how does he...

10 MR. O'ROURKE: Either he gets a
11 golf cart or travels along this road.
12 But legally, these handicapped parking
13 spaces initially refer to this building
14 and this building.

15 MR. LEVA: I want to make sure
16 they are compliant.

17 MR. O'ROURKE: I certainly
18 understand. When we get through, the
19 building department can modify that
20 along with fire access. Everything is
21 ADA compliant.

22 MR. BERGUS: Comments?

23 MS. NAUGHTON: If you have no
24 further comments, or questions for the
25 consultants, you can authorize the drafting of
a resolution.

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MR. BERGUS: Comments?

(WHEREUPON there was no response.)

MS. NAUGHTON: You can authorize drafting of a resolution.

MR. BERGUS: Could I have a motion to authorize counsel to prepare a resolution for conditional approval for the site plan, special permit and subdivision, one big resolution?

MR. PIRRAGLIA: And it's conditional?

MS. NAUGHTON: Conditional, and broken down by each one. You understand each condition.

MR. PIRRAGLIA: At this point, if we are drafting a conditional resolution, there will be a lot of conditions.

MS. NAUGHTON: I think a little differently, but instead of saying what all the conditions are from the finding statement, it will be by numbers saying these certain ones have to be accomplished prior to signing, prior to a

PROCEEDINGS

1
2 building permit. That will limit the
3 length of that instead of setting those
4 forth, and that will be attached.

5 MR. PIRRAGLIA: By reference?

6 MR. NAUGHTON: Right.

7 MR. LEVA: Attached to the
8 resolution.

9 MS. HAND: I'll make the motion.

10 MR. BERGUS: Second?

11 MR. CRAWFORD: I'll second.

12 MR. PIRRAGLIA: Just to be clear,
13 comments from the board will be
14 addressed at the resolution?

15 MS. NAUGHTON: Absolutely.

16 MR. BERGUS: Motion to close the
17 meeting.

18 MR. PIRRAGLIA: So moved.

19 MR. CRAWFORD: Second.

20 MR. BERGUS: All in favor?

21 (WHEREUPON there will all ayes.)

22 MR. BERGUS: The meeting is
23 adjourned.

24 Time Noted: 10:00 p.m.

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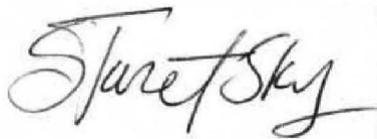
C E R T I F I C A T E 2

**I, STEPHANIE TURETSKY, a Shorthand
Reporter and Notary Public within and for the
State of New York, hereby certify:**

**That the witness was duly sworn; that the
foregoing transcript is an accurate record of the
testimony of the said witness, to the best of my
knowledge and belief, having been stenographically
recorded by me and transcribed under my supervision.**

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

**IN WITNESS WHEREOF, I have hereunto set
my hand this 13th day of October, 2017.**



STEPHANIE

TURETSKY

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