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

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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.

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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:

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GIOVANNI PIRRAGLIA

DAVID CRAWFORD

CYNTHIA HAND

FRANK LEVA

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ON BEHALF OF TOWN OF GOSHEN:

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

KENNETH MACKIEWICZ, P.E., PDE

ON BEHALF OF MERLIN ENTERTAINMENTS:

JOHN O'ROURKE, Lanc & Tully Engineering 20

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MR. BERGUS: Next on the agenda is Legoland, Merlin Entertainment Group, LEGOLAND, New York, # 11-1-45 - 47, 49.2, 58, 60, 63 - 69 & 15-1-59.

This application is for site plan, special permit, clearing & grading permit, and subdivision for a commercial recreational facility, 523 plus or minus acres. Frontage along Harriman Road and Arcadia Road, Conkingtown Road, including lands in the Rural (RU) district, within the AQ-3, Scenic Road, Floodplain & Ponding, and the Stream Corridor & Reservoir Overlay Districts.

And we are here this evening to discuss the site plan. And John, introduce yourself?

MS. LUPINSKI: Mr. Chairman, I wish to recuse myself.

MR. BERGUS: Diana Lupinski and Dr. Kris Baker are recusing themselves.

MR. O'ROURKE: Good evening, Mr. Chairman and board members. We're here before you this evening for site plan,

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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

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

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

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

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

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

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

I want to talk about, in the

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overall, we are disturbing, in the five hundred and some odd acres, we are disturbing about one hundred fifty acres. Of that one hundred fifty, seventy are related to the park. The remaining eighty acres is basically landscaping and lawn area.

When we went before the board, we modified the retaining walls, reducing the height of those significantly. Where the highest wall now, I believe, is a little less than 25 feet. We staggered them as well. Again, we provided the wells for the Arcadia Hills water supply in the future, providing a dry line from our site over to -- not connecting to the Arcadia Hills site, but going close, so in an emergency they could get water. Or they could put the wells we provided on line. The water transmission link to their system is already installed. And that is basically the modification we made to the plan.

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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

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satisfied. We have certain conditions that we want to see prior to site plan approval that they have agreed to. We had asked that the traffic operations plan, that we also should review and be made part of a pre site plan approval. That will insure that there will be no changes to the site plan afterwards based on the operations of how they intend to load and distribute parking.

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

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

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

MR. BERGUS: Thank you. Sean?

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MR. HOFFMAN: We prepared a memorandum dated September 29th. I just want to walk through how we address this plan. It is a little different than normal plans based on the sheer size of it. The plans that you have right now are the civil and site plans that you reviewed. The inner park plans that are designed by the applicant's park architect. Also, there is a subdivision and lot line adjustment associated with the consolidation of all the lots. And lastly, there is a wetland mitigation plan that came under our findings.

Our approach in reviewing these plans was a little bit different because of the level of detail of the plan and the SEQRA review. We went through your SEQRA review. We revisited that. Went through your findings and we pulled out of those findings, what findings would necessitate changes to the plan. We sat down with the

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

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

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incorrect or inaccurate callouts for different plan details. If it is okay with the board, I would like to get into some of the larger comments. And if you like, you can stop me and we can through go them.

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

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

We looked at that because your code requires a finding that indicates there is no degradation to the character and will not result in erosion or surface water pollution. In that particular area, the applicant is capturing the storm water runoff from the parking lot and either going to one or two treatment areas.

And there is no runoff from the parking, runoff towards

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

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

On the Flood Plain Overlay District, you will recall on the Flood Plain shown on the plan, all

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

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

Striping and signage. We had

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

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

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are included now as plan notes and the applicant indicated that they will provide the lighting system that you discussed, allowing centralized control of all light fixtures. There is additional detail in the plan with regard to inner park lighting. These are lights that are throughout the park. These are string lights and pole mounted fixtures, stage lighting. Plans do not include a photometric analysis of lighting fixtures. Some of the fixtures are small string lights like just mentioned. The board may wish to consider review of that post construction and any modification made at that time, shielding or anything like that, low powered fixtures within the park intended to carry out the theme of the park.

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

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

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

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

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review and you to evaluate the new report.

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

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

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

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

MR. O'ROURKE: If you remember, some of these are monument size. Usually, the others would be a welcome and thank you for coming kinds of

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signs. That's why there are three.

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

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

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

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

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

MS. NAUGHTON: It's up to you.

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

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

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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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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

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

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

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

MR. BERGUS: We can put in a recommendation that we desire to have 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

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

MS. HAND: I would agree with that.

MR. BERGUS: Frank?

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

MR. BERGUS: You heard my comments.

MR. PIRRAGLIA: I'm okay with it.

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

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

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

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

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

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

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you additional wetland plants.

MS. HAND: Thank you.

MR. O'ROURKE: You are welcome.

MS. HAND: Now I'm going to drawing L 151. And you can tell me if I'm reading this properly, but I think that is a four foot chain link fence. That is full fencing running the same line as the twenty foot retaining wall shown on sheet 10. Why is the fence running around the retaining wall?

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

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

MR. O'ROURKE: It is fall protection.

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

MR. O'ROURKE: The railings themselves?

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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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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

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

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

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

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

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

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

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

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

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

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

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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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buildings are connected through televised alarm systems to a 24 hour manned station and also directly to 911 police and fire.

MR. CRAWFORD: In reference to the maintenance building, I assume the fire department and the town are responsible in case there is an emergency to respond to the site?

MR. O'ROURKE: Yes.

MR. CRAWFORD: Would you consider a five alarm panel at each fire station, just so before they get to the site they know exactly where they are going?

MR. O'ROURKE: I would certainly consider that. I think they do it because when it goes to the central cable -- it could be the administration building -- I think it goes there directly. From there, we know exactly what building has the emergency.

MR. CRAWFORD: They see the site plan, run out the door, know where they

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are going, no question, they will get there?

MR. O'ROURKE: It is a large site. We will check the minutes and coordinate with you on that. That's a great idea.

MR. CRAWFORD: On C8, in terms of the buildings being labeled, is there any way of knowing -- some of the buildings are being built now, some are being built later. Is there any way of determining that or knowing that?

MR. O'ROURKE: You mean, when in the park itself?

MR. CRAWFORD: Like the Sea Life building?

MR. O'ROURKE: Yes. We may determine not to build certain things initially, but all of those would essentially have some type of ride structure.

MR. CRAWFORD: So the proposed Sea Life, is there any thought to the best location? Are you thinking about that?

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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

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at that time.

MR. CRAWFORD: Is grading done now?

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

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

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

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

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

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

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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

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the original plan review.

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

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

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

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

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

MR. BERGUS: But we do have an area?

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

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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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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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

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department.

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

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

MR. BERGUS: Something to give it a little foreground.

MR. O'ROURKE: Certainly.

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

MR. O'ROURKE: Yes.

MR. BERGUS: We are having palm trees?

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

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

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

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

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

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security gate?

MR. O'ROURKE: No.

MR. BERGUS: Want to explain?

MR. O'ROURKE: For two reasons. One is for stacking issues through there. And two, the security gates guards can see the entrance to the parking area. But basically it will get employees in there and park. If somebody wanted to park in there and hang out, I guess they could, but you can't enter the park.

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

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

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

MR. O'ROURKE: Yes?

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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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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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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

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

MR. BERGUS: To maintain the water level?

MR. O'ROURKE: Yes.

MR. BERGUS: That's all I have.

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

MR. O'ROURKE: Yes.

MR. PIRRAGLIA: And that's

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acceptable?

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

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

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

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

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

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

MR. PIRRAGLIA: I don't think that's a good idea. If that tower were to fall when there is a car there, I would not feel very good about that. The same sheet up at the top where Harriman Drive -- there is no indication that there is going to be traffic signalization at the two entrances, to the main road and the back of house entrance road. Is that specifically because of the note that's there that the plans for the Exit 125 relocation and Harriman Drive widening are being prepared separately by DOT?

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

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

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

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

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

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

MR. O'ROURKE: Yes.

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

MR. O'ROURKE: In where?

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

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

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

MR. PIRRAGLIA: In the back of the house?

MR. O'ROURKE: Yes, there are.

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

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

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

MR. O'ROURKE: Hydrants.

MR. PIRRAGLIA: There was details on the hydrants?

MR. O'ROURKE: Yes. There is a 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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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

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around the area.

MR. PIRRAGLIA: Any ride maintenance?

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

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

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

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

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

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

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

MR. O'ROURKE: Yes.

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

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

MR. PIRRAGLIA: Please refresh my memory.

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

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

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

MR. PIRRAGLIA: Sounds good. On L143, I notice that the first aid

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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

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

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

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

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

MR. PIRRAGLIA: Not a problem. I also have a concern similar to the lighting level internal to the park. And I think that's already been

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

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

MR. PIRRAGLIA: By truck?

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

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

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

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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

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that area.

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

MR. O'ROURKE: This is employee parking.

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

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

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

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

MR. BERGUS: Comments?

MS. NAUGHTON: If you have no further comments, or questions for the 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

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

MR. PIRRAGLIA: By reference?

MR. NAUGHTON: Right.

MR. LEVA: Attached to the resolution.

MS. HAND: I'll make the motion.

MR. BERGUS: Second?

MR. CRAWFORD: I'll second.

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

MS. NAUGHTON: Absolutely.

MR. BERGUS: Motion to close the meeting.

MR. PIRRAGLIA: So moved.

MR. CRAWFORD: Second.

MR. BERGUS: All in favor?

(WHEREUPON there will all ayes.)

MR. BERGUS: The meeting is adjourned.

Time Noted: 10:00 p.m.

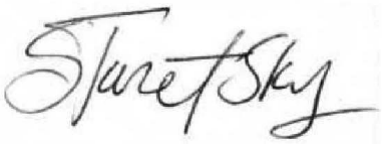
C E R T I F I C A T E 2

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.



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STEPHANIE TURETSKY 23

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