

TOWN OF GOSHEN PLANNING BOARD MEETING

PROCEEDINGS
July 20, 2017



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TOWN OF GOSHEN PLANNING BOARD

MEETING 4

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

**July 20, 2017
7:33 p.m.**

PROCEEDINGS in the above-referenced matter

**taken before Sadie L. Herbert, a RPR and Notary
Public of the States of New York and New Jersey.**

**ELLEN GRAUER COURT REPORTING CO. LLC
126 East 56th Street, Fifth Floor
New York, New York 10022 212-**

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REF: 115081**

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

3 **TOWN OF GOSHEN PLANNING BOARD:**

4 **LEE BERGUS, Chairman**

5 **PHIL DROPKIN**

6 **DAVID GAWRONSKI**

7 **DAVE CRAWFORD**

8 **DIANA LUPINSKI**

9 **CYNTHIA HAND**

10 **FRANK**

LEVA 11

12

13 **BURKE, MIELE & GOLDEN LLP**

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

15 **40 Matthews Street**

16 **Suite 209**

17 **Goshen, New York 10924**

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

19 **KELLY M. NAUGHTON, ESQ.**

20 **Phone 845.294.4080**

21 **Rgolden@bmglawyers.com**

22 **knaughton@bmglawyers.com 23**

24

25

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

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

4 **SEAN HOFFMAN, P.E., Riddick Associates**

5 **NEAL HALLORAN, Building Inspector 6**

7

8 **ON BEHALF OF MERLIN ENTERTAINMENTS:**

9 **DRAKE & LOEB PLLC**

10 **555 Hudson Valley Avenue**

11 **Suite 100**

12 **New Windsor, New York 12553**

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

14 **Phone 845.561.0550**

15 **dcordisco@drakeloeb.com 16**

17

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

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

20 **and Survey, PC**

21 **PHILIP ROYLE, Merlin Entertainments 22**

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PROCEEDINGS

CHAIRMAN BERGUS: I'd like to call this meeting of the Planning Board to order.

If everyone would please rise for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN BERGUS: Thank you. First item on the agenda is the approval of minutes, June 1st, 2017 we do not have yet. That will be deferred to a future meeting. We'll be looking at the July 6th, 2017 minutes.

Does anybody have any comments or revisions that need to be made?

BOARD MEMBER DROPKIN: We have July 6th?

CHAIRMAN BERGUS: July 6th.

BOARD MEMBER DROPKIN: Just on, I believe it's Page 3, the spelling of Highway Superintendent Knoell, it's -- I believe it's K-N-O-E-L-L.

MEMBER OF THE PUBLIC: Can't hear

PROCEEDINGS

1
2 you.

3 **BOARD MEMBER DROPKIN:** What I said
4 is that the -- on Page 3, the spelling
5 of the superintendent's, Knoell's name
6 should be corrected. Other than that,
7 I was fine.

8 **BOARD MEMBER CRAWFORD:** Two minor
9 ones, on Page 7, under Howell's Lawn
10 Service, the second paragraph, I
11 believe it should be seepage hitch, not
12 seepage itch, correct, and on Page 8,
13 first paragraph, fourth line down, I
14 believe it should be delineation map,
15 not elimination map. That's it.

16 **CHAIRMAN BERGUS:** On Page 8, very
17 last lines on the page should state,
18 "motion to extend the conditional
19 approval to October 19th," and that
20 will be in two locations.

21 Down on this end?

22 **BOARD MEMBER LEVA:** I'm okay.

23 **CHAIRMAN BERGUS:** Are there any
24 other changes that need to be made?

25 (No affirmative response.)

PROCEEDINGS

CHAIRMAN BERGUS: If not, can I have a motion to accept the minutes of July 6th as modified.

BOARD MEMBER LUPINSKI: I place a motion.

CHAIRMAN BERGUS: Diane.

Second?

BOARD MEMBER CRAWFORD: Second.

CHAIRMAN BERGUS: Dave.

All in favor say aye?

(Chorus of ayes.)

CHAIRMAN BERGUS: Against?

BOARD MEMBER HAND: I'm going to abstain.

CHAIRMAN BERGUS: One abstention, Cindy.

The next item on the agenda is public extension or abandonment of applications pursuant to Town Code, we have Hudson Valley Welding.

(Whereupon, Town business unrelated to LEGOLAND was conducted.)

CHAIRMAN BERGUS: Next item on the agenda is LEGOLAND, Merlin

PROCEEDINGS

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2 **Entertainments Group, LEGOLAND New**
3 **York, 11-1-45, 46, 47, 49.2, 58, 60, 62**
4 **through 69 and 15-1-59, it's an**
5 **application for a site plan, special**
6 **permit, clearing and grading permit,**
7 **subdivision for a commercial**
8 **recreational facility on 523 plus or**
9 **minus acres total holdings along**
10 **Harriman Drive, Arcadia Road,**
11 **Conklingtown Road in the RU and HR**
12 **Districts for the AQ3 scenic road,**
13 **floodplain and pond and stream corridor**
14 **and reservoir overlay districts. And**
15 **we're here tonight to discuss the**
16 **redline revised FEIS, see if there's**
17 **any further comments by the Board or**
18 **our consultants.**

19 **What I'm going to do is start with**
20 **Sean, our town engineer.**

21 **SEAN HOFFMAN: Mr. Chairman, you**
22 **received the FEIS back in May, I**
23 **believe May 18th, we reviewed that in**
24 **June and towards the end of May, and**
25 **the intention of our review was to**

PROCEEDINGS

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2 confirm substantive comments were
3 addressed adequately and accurately, we
4 issued a technical comment report prior
5 to our June 23rd special meeting. At
6 that meeting, we reviewed that with you
7 and we summarized our comments on that
8 date. At that time, the Board had
9 questions regarding engineering issues,
10 as well as other issues the consultants
11 addressed, and subsequent to that, we
12 contributed to the redline comments
13 that you received in early July. So
14 any remaining comments we had were
15 incorporated into the FEIS that you
16 received prior to this meeting.

17 CHAIRMAN BERGUS: So they have been
18 addressed.

19 SEAN HOFFMAN: Yes, they have.

20 CHAIRMAN BERGUS: Thank you.

21 Next we'll go on to Carlito Holt
22 with Provident Design Engineering,
23 we'll talk about the roadway, highway
24 improvement plan.

25 CARLITO HOLT: So similar to what

PROCEEDINGS

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2 Sean said, you received the FEIS in
3 May, May 18th, we issued a view of that
4 May 18th FEIS and summarized our
5 comments in a June 10th, 2017 memo that
6 we submitted to the Board. Subsequent
7 to that, there were additional comments
8 received from the Board and we worked
9 with the applicant and the Board's
10 attorney in addressing any of those
11 comments via the redline version that
12 you currently have, and we now feel
13 that all the comments have been
14 adequately addressed in that version
15 that you have before you tonight.

16 CHAIRMAN BERGUS: Thank you,
17 Carlito.

18 Kelly, our attorney, or Rick.

19 MS. NAUGHTON: Well, as you
20 requested, we did provide the Board
21 with a redline version that addressed
22 each of the consultant's comments, as
23 well as the Board's comments that were
24 made at the meeting, that was shown in
25 the transcript, as well as the written

PROCEEDINGS

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2 **comments that were submitted. One**
3 **thing I do want to mention is that at**
4 **the -- based on the mitigations that**
5 **are contained in this FEIS at the last,**
6 **on Monday's Town Board meeting, a**
7 **revised -- a second revised**
8 **introductory Local Law Number 6 of 2016**
9 **was introduced and the primary**
10 **difference in that local law is that it**
11 **actually shrinks the CR overlay**
12 **district that was proposed from the**
13 **boundaries of the properties involved**
14 **to 100 feet within the boundaries so**
15 **that there is a buffer area between the**
16 **CR overlay district and the boundaries**
17 **of the project. Another change is that**
18 **it included, it said special permit and**
19 **site plans and it also was to include**
20 **subdivisions such as the wells that are**
21 **being subdivided out of this**
22 **application.**

23 **MR. GOLDEN: The only other**
24 **modification to that introductory local**
25 **law was that in one section of the**

PROCEEDINGS

1
2 prior version of the local law, it
3 indicated that the overlay district
4 applied to the following properties,
5 and identified them by section block
6 and lot number, there was a separate
7 section of that law entitled
8 "Boundaries" that also referenced the
9 extent of the overlay district. The
10 planning department thought that the
11 wording wasn't as clear as it should
12 be, that it should be restricted to
13 that, they were concerned that maybe
14 that overlay district was applying to
15 something outside of those properties.
16 So in response to that comment from the
17 Orange County Planning Department, it
18 revises the language on the boundaries
19 to make it abundantly clear that it
20 only applies to those properties that
21 are identified in the local law.
22 So other than -- the only
23 substantive change that there was to
24 the local law was the actual shrinking
25 of the overlay zone allowing for a

PROCEEDINGS

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2 hundred foot buffer, as proposed in the
3 FEIS, and that's why this was now
4 revised, in response to that mitigation
5 by the applicant, it is now
6 incorporated into introductory Local
7 Law Number 6, which is the second
8 revised one.

9 **CHAIRMAN BERGUS:** Thank you.

10 At this point, I'll open it up to
11 the Board for any comments on the
12 redline version of the FEIS and we'll
13 start with you, Phil.

14 **BOARD MEMBER DROPKIN:** I have -- I
15 reviewed the document yet again and I
16 have a page of comments, which I have
17 shared with Kelly this evening. The
18 vast majority of them were typos or
19 other clarifications or eliminating any
20 inconsistencies. I don't think that
21 I'll burden the Board with going
22 through them line by line, they'll
23 appear as corrections.

24 **MS. NAUGHTON:** I have taken a look

25 at them, they're primarily typos,

PROCEEDINGS

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2 **comments were in the wrong place.**

3 **CHAIRMAN BERGUS: Those will be**
4 **corrected.**

5 **MS. NAUGHTON: Yes.**

6 **BOARD MEMBER DROPKIN: Okay. So**
7 **I'm going to forego taking up your time**
8 **by going through the list. Kelly will**
9 **include it in the document.**

10 **CHAIRMAN BERGUS: That was it.**

11 **BOARD MEMBER DROPKIN: That was it.**

12 **CHAIRMAN BERGUS: So just typos.**

13 **Dave.**

14 **BOARD MEMBER CRAWFORD: Thank you.**
15 **Yes, I received the additional visual**
16 **impacts that were provided, reviewed**
17 **those and they satisfactorily answered**
18 **the questions that we had at our last**
19 **meeting, so that's all I have, thank**
20 **you.**

21 **CHAIRMAN BERGUS: As with Phil,**
22 **most of my comments were typographical**
23 **issues, a couple references to**
24 **responses to comments that were made**
25 **elsewhere in the report, those will be**

PROCEEDINGS

corrected in the final version of the
FEIS.

BOARD MEMBER GAWRONSKI: I guess
I'd like to start just rather than
speak to the redline, I wanted to just
ask Carlito if -- I had brought up in
the previous meeting that the new
traffic plan considerably kind of opens
up scope in terms of the affected areas
along the highways and I had asked then
if there was any, you know, some of the
preliminary plans, I was wondering,
have you gotten any cut and fill
analysis for that area of -- along the
highway that's going to be affected,
because it seems like it's a
significant amount of hardscaping that
will be done to have to have these

roadways in here. Have you gotten any
analysis on that?

CARLITO HOLT: They're still
working that through with DOT as part of the
formal highway work permit process. I guess I
would say is any

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2 physical widening along the 17 mainline
3 wouldn't be wider than, let's say, a
4 standard 12-foot lane for any portion
5 that they would be widening --

6 CHAIRMAN BERGUS: You're losing the
7 microphone.

8 CARLITO HOLT: And the widening
9 would be within the existing view of
10 DOT right of way. But the level of
11 detail is being provided to DOT as part
12 of their highway work permit process.

13 BOARD MEMBER GAWRONSKI: And just a
14 question for counsel, is that something
15 that the impacts of the highway -- the
16 change in the highway, should that be
17 part of this FEIS, should it be part of
18 the environmental impact statement?

19 MR. GOLDEN: Well, it -- the
20 changes that are being proposed are
21 part of the final environmental impact
22 statement, there were modifications
23 that were made as mitigation to those
24 issues that were raised in the draft
25 environmental impact statement, so all

PROCEEDINGS

1
2 of it is included in the FEIS and
3 addressed in both the FEIS document, as
4 well as the plans that accompany the
5 document. I'll defer to Sean as to
6 whether or not the cut and fill
7 analysis also included those areas.

8 SEAN HOFFMAN: Yes, the plans that
9 were submitted in connection with the
10 FEIS did include the majority of that
11 work. As Carlito indicated previously,
12 the detailed plans have yet to be
13 worked out with the DOT.

14 In response to our questions on
15 grading, the applicant did include some
16 additional grading analysis, we
17 discussed that, I believe, with you
18 during your special meeting in June,
19 the applicant provided an appendix that
20 included that information, I believe it
21 was Appendix U.

22 BOARD MEMBER GAWRONSKI: Because,
23 you know, it's spoken about early in
24 the plan, and I think I brought it up,
25 there needed to be some corrections in

PROCEEDINGS

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2 terms -- you know, and I think they
3 addressed that, they corrected the
4 amount of -- they're going to be able
5 to do most of the filling via the
6 cutting elsewhere on the property, but
7 along the highway, I think there's
8 going to be a tremendous amount of fill
9 that's going to be needed because it's
10 topographically downgraded in most of
11 those areas. I don't know if -- and
12 also, I did have a concern about the,
13 you know, potential additional
14 disturbances to wetlands and areas
15 around the stream.

16 (Applause.)

17 **MR. GOLDEN:** Could you identify
18 what you're talking about, "additional
19 disturbances," additional from what?

20 **BOARD MEMBER GAWRONSKI:** The
21 construction of the road.

22 **MR. GOLDEN:** You're talking about
23 the highway permit work for the DOT,
24 not on the site proper --

25 **BOARD MEMBER GAWRONSKI:** No.

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PROCEEDINGS

MR. GOLDEN: -- but on the DOT.

BOARD MEMBER GAWRONSKI: Correct,
the additional lanes for 17, future
Interstate 86.

SEAN HOFFMAN: That work is already
existing, the pavement and disturbance
for those areas are existing, are you
talking about the overpass and the ramp
work?

BOARD MEMBER GAWRONSKI: Yes.

SEAN HOFFMAN: Yeah, I believe most
of that's -- what I'm doing, I'm
bringing up the site plan, I believe
the grading for that and the analysis
for that was actually included in their
numbers in the FEIS.

BOARD MEMBER GAWRONSKI: Okay.
And, I mean, is it going to be of a
significant impact?

MEMBER OF THE PUBLIC: Yes.

CHAIRMAN BERGUS: Let them speak up
here, please.

SEAN HOFFMAN: It was incorporated
into the analysis. I don't understand

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3 the --

4 **BOARD MEMBER GAWRONSKI:** Oh,
5 sorry,

6 okay. So it was fully analyzed and
7 those numbers were incorporated into
8 the --

9 **SEAN HOFFMAN:** Yes, whatever was
10 shown on the plans that you received as
11 part of the FEIS was included in the
12 grading, cut and fill analysis included
13 in the FEIS, we had some concerns
14 because there were some inconsistencies
15 with some of the numbers, between some
16 figures in some of the text narrative,
17 we asked for some further
18 clarification, because the applicant
19 had made a statement that they could,
20 as you indicated before, balance the
21 site with some on-site excavations, we
22 wanted to see that demonstrated
23 mathematically. They provided that,
24 that is an appendix to the FEIS, we
25 reviewed that subsequent to your
meeting and we had no further issues
with that.

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BOARD MEMBER GAWRONSKI: Okay.

had a comment about Comment 47, C 47-4,
it says, as to the Planning Board, it
isn't proper for the Planning Board to
make a decision based upon general
community opposition to or support of
the project, you know, I guess this was
in reference to a comment I made;
however, I just wanted to state that
for some reason, we had discussed Local
Laws 5, 6 and DEIS completeness in the
same meeting and, you know, I'm just
wondering what decision you were
referring to, that comment was added
recently.

MR. GOLDEN: The comment --

**MS. NAUGHTON: I think we added
that language for the Planning Board in
the FEIS that as to the Planning Board,
it's improper for any Planning Board
member to make a decision based upon
general community opposition to or in
support of the project, in response to
the portion of the comment that they**

PROCEEDINGS

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2 had, a project creating divisiveness
3 within the community may need such a
4 measure. So that was just to make sure
5 that every part of that comment was
6 adequately addressed by the Planning
7 Board.

8 **BOARD MEMBER GAWRONSKI:** My
9 confusion is what decision was counsel
10 referring to.

11 **MS. NAUGHTON:** Any upcoming
12 decision on this project by this Board.

13 **MR. GOLDEN:** The Planning Board
14 is -- it's a general proposition that
15 has been upheld by many courts that a
16 Planning Board, in every decision that
17 you make, cannot be persuaded by
18 general community opposition or general
19 community support for that particular
20 proposition that you're making a
21 finding on or -- or that you --

22 **CHAIRMAN BERGUS:** How about a
23 little respect for the people who are
24 speaking, please.

25 **MEMBER OF THE PUBLIC:** How about a

PROCEEDINGS

1
2 little respect for the town.

3 (Applause.)

4 **CHAIRMAN BERGUS:** How about we
5 follow proper procedure before we --

6 **MEMBER OF THE PUBLIC:** No, input
7 from the public.

8 **CHAIRMAN BERGUS:** There is no input
9 from the public this evening.

10 **MEMBER OF THE PUBLIC:** No, we have
11 to follow procedure there, no you're
12 wrong.

13 **MR. GOLDEN:** Mr. Chairman, please.

14 **CHAIRMAN BERGUS:** Please.

15 **MR. GOLDEN:** If I could respond to
16 Mr. Gawronski. What is referenced
17 there is the advice based upon solid
18 law in New York that that's not allowed
19 to happen, and that's all that
20 statement says. There was a reference
21 in the question talking about what this
22 means to the general public and so we
23 wanted to make it clear that with
24 respect to general community opposition
25 or general community support, that

PROCEEDINGS

1 cannot persuade you in the very least.

2 Specific objections, factual and

3 scientific, et cetera, based from

4 people that are opposed to or in

5 support of a project, clearly, that is

6 to be taken into account by the Board.

7 But the general community opposition or

8 general community support cannot inform

9 your decision at all, that's all that

10 says. And that's a black-letter aspect

11 of the law in New York with respect to

12 planning boards and their

13 decision-making.

14 **BOARD MEMBER GAWRONSKI:** But as

15 we -- as in that meeting we're

16 reviewing Local Laws 5 and 6, it was a

17 recommendation to the Town Board, you

18 know, yes, it did come from -- there

19 was some community opposition that was

20 obvious, so that is why I brought it

21 up.

22 **MR. GOLDEN:** Okay.

23 **BOARD MEMBER GAWRONSKI:** I have a

24 couple more of those, I think it's best

25

PROCEEDINGS

1
2 if I just maybe send my comments to
3 counsel and --

4 MS. NAUGHTON: Are they general
5 typos and things like that?

6 BOARD MEMBER GAWRONSKI: What's
7 that?

8 MS. NAUGHTON: Are they general
9 typos and things like that, those you
10 can send to me and I can make those
11 changes, but if you have a bigger
12 change, we should probably discuss it
13 tonight.

14 And certainly, that goes for
15 anybody, if you have any typos that I
16 missed.

17 BOARD MEMBER GAWRONSKI: Yeah, I
18 had brought up at the last meeting that
19 when they did the new traffic plan, you
20 know, I clarified with the applicant
21 and I believe our traffic consultant
22 that the new highway improvements would
23 not come -- that the applicant was not
24 going to -- that the applicant was
25 going to pay in totality for all those

PROCEEDINGS

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2 improvements and then I did see
3 somewhere in there -- okay, yup, on --
4 there's a response to comment A.2.3, we
5 need a flyover directly into LEGOLAND
6 park to accommodate all the traffic,
7 and then it says in here, while funding
8 assistance will be sought, it's just
9 inconsistent with what we were told,
10 but, you know, I think we should remove
11 that.

12 MR. GOLDEN: What the applicant has
13 said many times and what's actually
14 incorporated into the FEIS in at least
15 four or five different places is that
16 the applicant has said that they will
17 shoulder and be responsible for the
18 entire cost and will have all of the
19 improvements in place prior to the
20 opening; however, they reserve the right to ask
21 the State for some assistance. If the State
22 doesn't provide assistance, then the State doesn't
23 provide assistance, if the State does, then they
24 do.

PROCEEDINGS

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2 **So this Board cannot dictate that**
3 **they have to pay for one thing one way**
4 **or the other, we never do that to any**
5 **applicant. As to where they're going**
6 **to get their funding, whether they get**
7 **funding from a bank or they get a loan**
8 **or a grant from the government on a**
9 **particular item, that's not part of**
10 **your responsibilities as a Planning**
11 **Board to address that. But it is very**
12 **clear that they have said that they are**
13 **responsible for funding the entirety of**
14 **all these transportation changes, but**
15 **they do reserve the right to ask for**
16 **funding from the State. Thank you.**

17 **MEMBER OF THE PUBLIC: From the**
18 **public, which means the public.**

19 **MEMBER OF THE PUBLIC: We're the**
20 **state.**

21 **BOARD MEMBER GAWRONSKI: Section**
22 **A.76.1, there's a mentioning of future**
23 **improvements of the Harriman toll**
24 **situation, while not required to study**
25 **the traffic area as part of the scope,**

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2 one that we should -- that we should
3 have mentioned the proposed future
4 improvement as part of that response.
5 I thought we should say that we do know
6 that Harriman is going to do some
7 future improvements and if that can be
8 incorporated, but you're saying it's
9 too late, Lee, for those type of
10 additions?

11 **CHAIRMAN BERGUS:** As far as the
12 renovation of the toll plaza?

13 **BOARD MEMBER GAWRONSKI:** Yeah, I
14 just thought it should be in there.

15 **CHAIRMAN BERGUS:** There is
16 reference to that in there, that is in
17 there.

18 **MS. NAUGHTON:** It is in there, it's
19 actually the fourth paragraph down in
20 that response, discusses the cashless
21 high-speed toll system for the Harriman
22 exchange, it's just down a bit further.

23 **BOARD MEMBER GAWRONSKI:** That is
24 it.

25 **CHAIRMAN BERGUS:** Frank?

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BOARD MEMBER LEVA: No comments.

CHAIRMAN BERGUS: Cindy?

**BOARD MEMBER HAND: I had some
typographical errors that I'll send. I
also asked for clarification regarding
Local Law 6 as it pertained to the
response to comment A.25.2, I believe
that Rick and Kelly have already
addressed that and that the Board is
set to get the revised Local Law 6 this
evening to review at a later time.**

**Two of my other concerns had to do
with -- I'll speak to one of them which
may go to site plan review, but it's
brief, so I'll just go with it. I'd
like to discuss Appendix O and
Figure 12, the arborist identified 21
trees to study, this is something I
spoke with -- about last time, they
were listed and tagged with ID numbers
and they gave a brief description of
each of the trees. I thought it might
be possible to place those tag numbers
on the relevant trees shown in**

PROCEEDINGS

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2 **Figure 12 and a footnote to the**
3 **arborist's report should have been**
4 **included. I realize that some of the**
5 **trees need to be removed, due to the**
6 **damage of the root system as a result**
7 **of construction, but I would have liked**
8 **a clearer picture of what is being**
9 **preserved and what needs to be taken**
10 **down.**

11 **(Applause.)**

12 **BOARD MEMBER HAND: Other questions**
13 **that I had just had to do with -- well,**
14 **I'll a leave it at that, thank you.**

15 **BOARD MEMBER GAWRONSKI: I just had**
16 **one more question, I want to just**
17 **understand the rationale, I might have**
18 **just missed it when you were saying it,**
19 **the rationale for the hundred foot**
20 **buffer as part of, you know, the change**
21 **to Local Law 6.**

22 **MR. GOLDEN: Yeah, the rationale is**
23 **that the applicant proposed to shrink**
24 **the extent of the overlay district so**
25 **that it doesn't extend out to the**

PROCEEDINGS

1
2 boundaries as it previously did, but
3 now it's shrunk in a hundred feet, that
4 was in mitigation to having the impact
5 of the overlay zone to the surrounding
6 areas, so based upon that, the fact
7 that they're bringing it in so that at
8 any time there is nothing in -- that
9 would be permissible in this overlay
10 zone could be placed in that hundred
11 feet because it's not zoned for it.

12 The only thing in that hundred foot
13 buffer around there is the underlying
14 zoning, so there is nothing in the
15 commercial overlay zoning district that
16 might be permitted in that district can
17 be placed in that hundred foot so
18 that's what the applicant proposed, as
19 a result, there needed to be a
20 modification to the local law, because
21 the local law identified that it went
22 out to the property boundaries, so
23 that's all, it's just a housekeeping
24 situation with respect to what was now
25 being proposed, because they changed

PROCEEDINGS

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2 what they want their property to be
3 zoned and so the only impact there
4 would be -- would be less of an impact
5 because now it's less of an area that
6 is subject to the zone.

7 Diane, answer.

8 **BOARD MEMBER GAWRONSKI:** And just a
9 little bit more clarification for
10 Carlito, I guess, or Sean, in terms of
11 the, again, the roadway improvements,
12 the DOT roadway improvements for the
13 overpass and the additional lanes. The
14 square footage of the disturbance, is
15 that in the FEIS?

16 **SEAN HOFFMAN:** Yes, that's included
17 in the FEIS in some of the responses.
18 The only difference is the difference
19 between the plans provided and
20 construction plans, if you will. So
21 further detailed plans will be provided
22 and included in the permit as part of
23 the applicant's highway work permit
24 with the DOT, that are in conformance
25 with the plans that you have reviewed

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**in conjunction with the FEIS so it's a
furtherance of the details stated in
it.**

**BOARD MEMBER GAWRONSKI: I stated
in the previous meeting, but I only
wish I could see how this is going to
affect the view shed as you go along
17.**

(Applause.)

**BOARD MEMBER GAWRONSKI: I know
that's almost -- the typical response
is, well, that wasn't part of the
original scope, but...**

**MS. NAUGHTON: There were visuals
that were studied from along 17 and at
the last meeting, remember, Crawford
actually asked for additional visuals
to see what the cross-sections were for
different parts so those were addressed
and provided to the Board and there
were visual impact -- in the visual
impact section, specific ones from
across 17 and on 17.**

25

BOARD MEMBER GAWRONSKI: It's just

PROCEEDINGS

1
2 unfortunate that we can't see, you
3 know, maybe some depictions of what
4 it's going to look like and we --

5 **MS. NAUGHTON:** I thought there
6 were -- there were photo simulations
7 that were included that were part of
8 the visual impact section.

9 **BOARD MEMBER GAWRONSKI:** With the
10 new highway plans?

11 **MS. NAUGHTON:** Yes.

12 **MEMBER OF THE PUBLIC:** Read it,
13 it's in there.

14 **BOARD MEMBER GAWRONSKI:** Okay. I
15 thought I looked hard.

16 **MS. NAUGHTON:** I'm just getting
17 that appendix for you. The updated
18 visual impact analysis was "M,"
19 Appendix M.

20 **MR. GOLDEN:** That was based upon
21 all the modifications that were made
22 between the draft environmental impact
23 statement and the final environmental
24 impact statement, there were amended
25 visual study that was submitted in that

PROCEEDINGS

1
2 appendix. There's also reference in
3 several of the comments.

4 **BOARD MEMBER GAWRONSKI:** I do
5 recall, I just don't -- I don't -- and
6 I don't have that on my computer, but I
7 don't remember getting a good, you
8 know, in my opinion, I don't remember
9 getting a good visual of what it's
10 going to look like.

11 **MS. NAUGHTON:** Okay.

12 **BOARD MEMBER GAWRONSKI:** Thank you.
13 Is there a particular one that has
14 the new --

15 **MS. NAUGHTON:** The updated visual
16 impact analysis is included as Appendix
17 M, as in Mary.

18 **BOARD MEMBER GAWRONSKI:** Yes. Is
19 there a particular -- does anybody
20 have --

21 **MS. NAUGHTON:** I don't have the
22 appendix on my laptop right now so I
23 can't give you a particular page, but
24 it was provided to the Board on a CD.

25 **BOARD MEMBER GAWRONSKI:** Yes, yup,

PROCEEDINGS

I had it, I looked for it. Okay.

BOARD MEMBER DROPKIN:

Mr. Chairman, I have prepared some written comments that I tried to get some of the issues, not all of the issues, that I thought were of particular concern to the Board that I've discussed with the consultants and I think that -- I'm hoping that part of what this will do is it will help us to continue what Dave has begun, have a dialogue on some of the issues that are of concern or that have been raised in the FEIS and so the comments are as follows, there are a few pages, so bear with me, if we -- you have comments subsequent to that, we can discuss it and I address these to the consultants as well.

Traffic and water flow, all are relating to the proposed park project, have been the most significant -- significant and consistent issues of study and discussion, I will start with

PROCEEDINGS

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2 traffic in sharing my thoughts with the
3 Planning Board and its consultants. I
4 will also offer a few observations
5 about quality of life, as that matter
6 has been raised by a number of
7 commentators.

8 As to traffic, the applicant began
9 with a proposal in which the majority
10 of entering traffic to the project
11 would exit off Route 17 West at current
12 Exit 125 and 124 emptying on to South
13 Street and making a left-hand turn on
14 to Harriman Drive. The majority of the
15 exiting traffic would access Route 17
16 East by then proposed improved Exit 125
17 in its current location. This plan was
18 not an acceptable environmental
19 mitigation to most, if not all, of the
20 Planning Board members.

21 A preferred plan of the Board and
22 the public, based upon -- as to the
23 public, based upon public comments, was
24 a flyover, over 17 and going directly
25 into the project site, thereby

PROCEEDINGS

mitigating anticipated traffic congestion at Exit 125, 124, South Street and Harriman Drive.

The applicant now states that it will build to New York State DOT and to U.S. Federal Highway authority standards a four-lane bridge over Route 17 to a roundabout and exiting on to an improved and widening Harriman Drive. The bridge would be for both entering and exiting the project site and it would be farther east of current Exit 125 keeping the majority of the project traffic further away from the village and current Exit 125, both east and west and Exit 124. Harriman Drive would be extended to the roundabout and the improved Harriman Drive would provide a second means of ingress and egress to Glen Arden, Elant and BOCES. The applicant would also improve Route 17 with a third lane from the current Exit 125 to 124 and would close the existing 125 east and west. In my

PROCEEDINGS

view, in reading the documents and talking with the Planning Board's traffic consultants, this is a much improved plan as to both traffic flow and safety and more fully mitigates the effects of the anticipated traffic to and from the project site.

In addition to keeping traffic away from current 125, Exit 125, and better keeping it away from Exit 124, thereby reducing traffic congestion near the project site and near the village, these mitigations improve safety traffic along 17 and near the project site by reducing weaving associated with lanes changing from two to three lanes.

Further, the State has committed to making Exit 131 a cashless toll system, taking down tolls and doing other things by 2019, which is before the proposed project opens and which will likely eliminate or reduce the existing bottleneck at this location, this is

PROCEEDINGS

referred to as the Woodbury transit and economic hub.

As to traffic flow and according to the traffic study and concurred with by the Planning Board traffic consultants, the existing traffic from the proposed project site along Route 17 at peak hours on peak traffic days will be generally affected as follows by the proposed project, assuming no traffic incidents, such as an accident or roadwork by the DOT or otherwise.

Friday evenings, Friday summer evening, 4:00 to 8:00 p.m., those are the peak hours, most traffic along 17 is going west, while most traffic from the project site is going east, so 17 eastbound in a no-build situation, the traffic -- and the average traffic speed is 63.2 miles per hour. In a build situation, the average traffic speed is anticipated to be 55.3 miles per hour.

As to 17 westbound traffic, in a

PROCEEDINGS

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2 no-build situation, the average traffic
3 speed is anticipated to be 39.9 miles
4 per hour, in a build situation, the
5 average traffic speed is anticipated to
6 be 36.6 miles per hour.

7 Now, for Saturday summer afternoon,
8 which is a peak period, 11:00 a.m. to
9 3:00 p.m., in a no-build situation
10 going east, the average traffic speed
11 is 69.9 miles per hour. In a build
12 situation, it is anticipated to be
13 69.3 miles per hour. In a no-build
14 situation going west, the average speed
15 is 67.1 miles per hour and in a build
16 situation, it is 58 miles per hour.

17 Now, for Sunday summer afternoon
18 and evening, 3:00 p.m. to 8:00 p.m.,
19 the no-build east is 60.3 miles per
20 hour and in a build situation, it is
21 48.2 miles per hour.

22 In a no-build situation going west,
23 the average speed is 63.6 miles per
24 hour. And in a build situation, it is
25 62.2 miles per hour.

PROCEEDINGS

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2 **If there is an incident, such as a**
3 **car accident or a DOT lane closure,**
4 **traffic will be backed up as is the**
5 **current situation. In that case, phone**
6 **apps, such as Google, Google Maps or**
7 **Waze, can and should be employed to**
8 **show alternative routes. Traffic**
9 **backups due to incidents I view as a**
10 **legacy issue not attributable to the**
11 **applicant's proposed project.**

12 **As to 17M and other roads, the**
13 **applicant will employ intelligent**
14 **traffic lights to ensure smoother**
15 **traffic flow. At the Heritage Trail**
16 **crossings, which is South Street, Duck**
17 **Pond Road and Old Chester Road, the**
18 **applicant has committed to improvements**
19 **to these crossings, including traffic**
20 **lights, and in some cases, if permitted**
21 **by the applicable agency or Village.**

22 **As to Route 94, 17A, 207, to the**
23 **project site relevant to the project**
24 **site, this is anticipated to constitute**
25 **3 percent of the project traffic, all**

PROCEEDINGS

on a peak day, at a peak hour, 45 cars.

The applicant has also committed to a transportation management plan that will be further developed and periodically updated with the Town and building inspector and I believe the town highway superintendent and perhaps with the town traffic consultants as well. The plan would include variable messaging signs along certain routes advising motorists of traffic conditions and for the park guests, electronic information about conditions along Route 17, together with various park activities intended to stagger exiting from the park. The plan would also include shuttles to and from train stations, bus depots and hotels.

Additionally, the DOT is requiring a post-implementation traffic plan to further improve and tweak the transportation improvements and traffic flow. Further, no spill-back of autos in any intersections is anticipated due

PROCEEDINGS

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2 to the project-related traffic, that
3 is, no blocking of intersections.

4 The applicant has committed to all
5 traffic improvements being complete
6 before the park opens, including
7 turning lanes to be constructed at 17N
8 and by North Connector Road. The
9 applicant is also committed to pay for
10 all traffic improvements relating to
11 the park, including the bridge, the
12 roundabout, the widening of Harriman
13 Drive, turning lanes on North
14 Connector, South Street, and 17A, 17M,
15 intelligent traffic lights along 17M
16 and in the village and Heritage Trail
17 public way crossing improvements.

18 Now, as to water and sewer. The
19 Planning Board has received a
20 will-serve letter from the Village
21 Board stating that it is prepared to
22 serve the project site with water and
23 sewer if the Planning Board approves
24 the project and the applicant procures
25 all other approvals for the project.

PROCEEDINGS

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2 **Additionally, according to the Village**
3 **engineering studies as described in the**
4 **DEIS and the FEIS and the attachments**
5 **to them relating to water and sewer,**
6 **the Village has sufficient water to**
7 **serve the project site at its full**
8 **build-out, including the aquarium, at**
9 **the present time and in the future,**
10 **even where the village is fully**
11 **built-out and under drought conditions.**

12 **Nonetheless, the applicant has**
13 **committed to pay for the village to**
14 **study, develop and drill an additional**
15 **water source. As of this time, the**
16 **Village reports it believes it has**
17 **found an additional well near the**
18 **existing Stony Ford well location in**
19 **Wallkill that produces 300 gallons per**
20 **minute or 432,000 gallons per day, with**
21 **no significant adverse impact on the**
22 **two existing village wells located**
23 **nearby.**

24 **As to sewer, the Village reports it**
25 **has excess capacity sufficient to serve**

PROCEEDINGS

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2 the project at full build-out of the
3 project. The applicant will pay for
4 all project site water and sewer
5 facilities and the applicant, at its
6 expense, will replace a sewer force
7 main along Harriman Drive for the
8 project site to a point 800 feet east
9 of South Street.

10 And as to the project site proper,
11 under the proposed FEIS, the amount of
12 grading has been reduced by moving the
13 proposed hotel further west and further
14 away from wetlands. The number of
15 parking spaces have been reduced to
16 5,046 with 650 being located in an
17 underground parking deck, which further
18 mitigates stormwater concerns. Of the
19 522-acre project site, 149.9 acres will
20 be disturbed of which 73.58 acres will
21 be impervious or 14.5 percent
22 post-construction of the project site.

23 5,000 trees will be planted and
24 250 acres of forest will remain
25 undisturbed. Retaining wall heights

PROCEEDINGS

1
2 have been reduced and cut and fill will
3 not require the export or import of
4 soil from or to the project site. The
5 applicant is also proposing to commit
6 to conservation easements with the town
7 consisting of 150 acres of the project
8 site or 28.76 percent of the project
9 site to keep these areas in their
10 natural state forever barring necessary
11 utilities and access improvements.

12 As to quality of life, a number of
13 members of the public have expressed
14 concern that the proposed project will
15 generally adversely affect the quality
16 of life or the character of the
17 community in Goshen. While determining
18 that quality -- while determining what
19 quality of life is and if the proposed
20 project would adversely affect quality
21 of life is highly subjective, I do
22 offer a few observations. There is no
23 question that the proposed project will
24 bring more traffic to or through Goshen
25 via Route 17 and some of the adjacent

PROCEEDINGS

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2 **roadways. But barring an incident**
3 **along 17, traffic flow is not**
4 **anticipated to be significantly slowed,**
5 **as noted above. If there is an**
6 **incident, the traffic in a no-build**
7 **situation already slows on Route 17.**
8 **This is a legacy issue and not the**
9 **creation of the proposed project.**
10 **According to the Winter Garden, Florida**
11 **Chamber of Commerce CEO, the executives**
12 **of LEGOLAND Florida engage in community**
13 **organizations and projects.**
14 **Additionally, LEGOLAND reportedly**
15 **contributes to children-related**
16 **facilities and causes and the applicant**
17 **has expressed its intent to do so in**
18 **Goshen.**

19 **Additionally, the proposed project**
20 **would offer a year-round classroom and**
21 **various learning opportunities to**
22 **county and regional schools. It has**
23 **expressed its intention to work with**
24 **teachers, school districts and colleges**

25 **in the region. The applicant has also**

PROCEEDINGS

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2 proposed two community days where the
3 town would keep one half of the
4 proceeds of the gate, which the
5 applicant reports in other locations
6 have been shared with NGOs.

7 The park is geared to children of
8 ages 2 to 12, young parents and
9 grandparents would be the likely
10 attendees with these children. As to

11 employees, LEGOLAND has been in
12 operation since 1968 in various
13 locations. One can reasonably assume
14 that LEGOLAND has a well-developed
15 screening and vetting process regarding
16 employees. Aside from the community
17 host fee estimated to be 71 million in
18 the -- in total in the FEIS and the

19 PILOT payments property taxes estimated
20 to be 87 million, sales taxes, hotel
21 taxes and income taxes would bring
22 money to the town, county and state.
23 Special assessments to the Goshen Fire
24 Department would be based on the full
25 assessed value of the project and are

PROCEEDINGS

not subject to any PILOT arrangement.

As to safety, the applicant has committed to working continually with the Town, Village and State enforcement and emergency services. Jobs will be created for each full-time, part-time, for each of full-time, part-time and seasonal positions.

The applicant reports that at least 50 percent of its full-time employees earn over \$50,000 per year or more.

No

project is perfect and it does not need to be a perfect under SEQR and a major proposed project, such as that of the applicant's, understandably raises some concerns and angst, but a reasonable conclusion can be reached that in many ways, LEGOLAND is likely to improve the quality of life --

(Applause.)

CHAIRMAN BERGUS: I just want to thank you, that was a very informative summary.

MEMBER OF THE PUBLIC: Bullshit,

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bullshit.

CHAIRMAN BERGUS: I could ask you to leave if you're going to be rude.

MEMBER OF THE PUBLIC: Ask him to leave.

CHAIRMAN BERGUS: We cannot be rude.

MEMBER OF THE PUBLIC: Ask LEGOLAND and Merlin to leave.

CHAIRMAN BERGUS: I'm not hearing these people, I'm hearing you, and you're being very disruptive and rude. Thank you.

MEMBER OF THE PUBLIC: You're not listening to any of us.

MEMBER OF THE PUBLIC: No.

CHAIRMAN BERGUS: Right now, you should be listening to us, right now we're the ones speaking.

MEMBER OF THE PUBLIC: We're never allowed to speak.

CHAIRMAN BERGUS: You've had opportunities to speak in public hearings, right from the start of the

PROCEEDINGS

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2 scope, also --

3 MS. NAUGHTON: Lee, let's just
4 continue on --

5 MEMBER OF THE PUBLIC: No, it was a
6 good back and forth.

7 CHAIRMAN BERGUS: Again, I want to
8 thank you, Phil, for the very
9 informative summary.

10 Do we have other comments?

11 MEMBER OF THE PUBLIC: We would
12 love to comment.

13 MEMBER OF THE PUBLIC: Don't get
14 taken in like the town of Wawayanda.

15 BOARD MEMBER GAWRONSKI: I had an
16 opportunity, Frank had Appendix M on
17 his iPad and just there is no depiction
18 of a view shed of what the improved
19 Route 17 -- the new improvements are
20 going to be.

21 (Applause.)

22 MS. NAUGHTON: There is an
23 elevation for that in the traffic
24 study, which is Appendix N, as in
25 Nancy.

PROCEEDINGS

1 **BOARD MEMBER GAWRONSKI:** I reviewed
2
3 it, it's just my opinion that I -- from
4 viewing those appendices, I could not
5 get a good depiction of what the
6 improvements are going to look like
7 and, you know, I don't know if we -- I
8 wish Ralph was here to speak on if he
9 did a full analysis of -- I'm sure he
10 did, but I wanted to ask him about
11 potential disturbances, you know, to
12 the water features in that area as well
13 as the wetlands, but he's not here
14 tonight.

15 **MS. NAUGHTON:** He did have a copy
16 of the comments that -- excuse me, he
17 did have a copy of the comments that
18 you submitted last time so he did
19 review them, and he suggested redline
20 revisions to the FEIS, that was
21 provided to the Board as well. **So I**
22 don't recall if it was included in
23 those, but he did have those and he did
24 respond.

25 **SEAN HOFFMAN:** In terms of the --

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there were some cross-sections and those were the cross-sections that the Board requested at the special meeting, did you have a chance to look at those, because there were two specifically taken through Route 17 to the site, Sections A and D.

BOARD MEMBER GAWRONSKI: Yes, I did see, I was just -- didn't get a good, you know, depiction on scale and it would have been nice if there was some sort of, you know, like photo representation or virtualization of what it would look like, that's all. I think it would have helped with the visual impact analysis.

CHAIRMAN BERGUS: Other comments.

MEMBER OF THE PUBLIC: Thank you, David.

BOARD MEMBER LEVA: I just want to comment.

CHAIRMAN BERGUS: Frank.

BOARD MEMBER LEVA: I just -- if this was to move forward, I did have

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comments on the site plan itself, but
that would be for another time; right?

MS. NAUGHTON: Right.

BOARD MEMBER LEVA: That's what I
I --

MS. NAUGHTON: We're just
considering the redline FEIS, the site
plan comments will come when you're
considering the site plan.

BOARD MEMBER LEVA: That's what I
understood, so I'm okay. Thank you.

CHAIRMAN BERGUS: Other comments?

BOARD MEMBER DROPKIN: Well, you
know, Dave has some concerns about the
adequacy or the completeness of the
visuals, I think you have expressed
this issue repeatedly and I don't think
it would be unreasonable to get some
visuals that -- if they're not
adequate, I don't have my disk with me,
so -- if you feel that they're not
adequate, let's get some adequate
visuals.

25

CHAIRMAN BERGUS: I'm not so sure,

PROCEEDINGS

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2 the visuals through the highway
3 improvements by the DOT, which would
4 otherwise be done even if LEGOLAND were
5 not being built, would be something
6 that needs to be addressed or something
7 coming before this Board if it were
8 just an overpass being constructed
9 irrespective of the project and I don't
10 believe that it should impact the
11 review of the project itself, how the
12 DOT designs their overpass.

13 **MEMBER OF THE PUBLIC:** It's a SEQR
14 requirement.

15 **BOARD MEMBER DROPKIN:** Well, then,
16 Dave, I'm going to defer to you, since
17 you've expressed the most concern about
18 it.

19 **BOARD MEMBER GAWRONSKI:** I don't
20 think those improvements would happen
21 in the same fashion, nor would there be
22 a roundabout in that area if Lego -- I
23 think it's -- I think their
24 improvements would have been quite
25 different.

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MEMBER OF THE PUBLIC: Absolutely.

(Applause.)

BOARD MEMBER GAWRONSKI: I don't think they would have been -- I don't know, we haven't gotten a lot of -- Carlito, maybe, we haven't gotten a lot of information from the DOT, but would they have done those same exact improvements?

MEMBER OF THE PUBLIC: No.

MEMBER OF THE PUBLIC: No.

MR. GOLDEN: Whether or not they would, really isn't the issue before the Board. The issue before the Board is that -- and I don't think it's quite accurate to say we haven't gotten a lot of information from the DOT, they have submitted --

BOARD MEMBER GAWRONSKI: I'm sorry, detailed plans on the improvements.

MR. GOLDEN: Well, we have the design of the roundabout and the overpass over Route 17, that's with any project that the DOT undertakes, there

PROCEEDINGS

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2 may be some modifications later on,
3 that would be up to the DOT to decide finer
4 construction details, but you
5 have, for purposes of the significant
6 environmental impact, including visual,
7 you have the proposal before you, you
8 have amended visual impacts that are
9 included in both N and M in the appendices and
10 there are depictions,
11 not all photo simulations, but there
12 are depictions of the visual impact.

13 And, you know, if the Board is
14 satisfied that those represent it
15 enough so that you can make a
16 determination as to whether or not the
17 visual impact has been adequately
18 mitigated to the greatest extent
19 practicable, then it's satisfactory, if
20 Dave believes that it's not, then Dave
21 has that opinion, and if others share
22 that opinion, they have to share that
23 opinion.

24 If you have looked at it and said,
25 I don't think it's adequate, that's an

PROCEEDINGS

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2 issue, but if you've looked at it and
3 you believe that it's adequate for you,
4 then it's adequate and I think that the
5 Board has to look at this both
6 individually and collectively.

7 But, you know, I think it's
8 accurate to say that there have been an
9 addendum that have shown the depictions
10 of what the changes will be as to those
11 structures, as well as other changes on
12 the project moving and the hotel,
13 et cetera, so there are -- those are in
14 there, you know, and the amendments to
15 the visual impact have been presented
16 and it's up to each of the Board as to
17 whether or not they think that's
18 adequate for them to make a
19 determination on whether they believe
20 the FEIS is complete.

21 **BOARD MEMBER GAWRONSKI:** But I do
22 think it would be helpful for future
23 site plans -- should be that we get a
24 visual impact that might help us with
25 making some suggestions -- actually, we

PROCEEDINGS

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2 won't be able to control what the DOT,
3 at that point, that's out of our hands;
4 right?

5 **MR. GOLDEN:** Well, you have certain
6 input, when you're talking about the
7 site plan as to what it should be, all
8 right.

9 **BOARD MEMBER GAWRONSKI:** Right.

10 **MR. GOLDEN:** But you don't have
11 complete control over it, because the
12 DOT has certain -- and the Federal
13 Highway Administration have their own
14 criteria as to what it should or
15 shouldn't be. For instance, if you
16 thought the bridge should be lower, but
17 that would interfere with traffic,
18 that's not going to happen, all right.
19 So there is input that you do have with
20 respect to location of the roundabout
21 and the improvements to Harriman Drive,
22 et cetera, but you can't look at them
23 in a vacuum, because they're also
24 subject to DOT and Federal Highway
25 Administration regulations and their

PROCEEDINGS

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2 own design desires with respect to
3 these particulars.

4 **CHAIRMAN BERGUS:** I'll go down the
5 line on the Board, see how the Board
6 feels about the comments Dave raised as
7 far as the requirement or need for
8 additional cross-sections, profiles,
9 elevations with respect to the highway
10 improvements.

11 **BOARD MEMBER DROPKIN:** On this
12 issue, I want Dave to feel that he's
13 got what he's looking for, so, you
14 know, I'm looking to you, Dave, to tell
15 me that you're comfortable on this
16 issue or you're not.

17 **BOARD MEMBER GAWRONSKI:** I just
18 can't envision -- while there have
19 been -- significant amount of work went
20 into some recent cross-section that was
21 done and there are some photos and
22 depictions of what certain features on
23 the site are going to look like, I just
24 can't -- I can't wrap my head around
25 the visual impacts of the way those

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overpasses are going to be and the
round- -- I just, I can't, given the
information.

BOARD MEMBER DROPKIN: The
question, you know, that I'm coming to,
is there some drawings or designs that
can give you that comfort that you're
looking for?

BOARD MEMBER GAWRONSKI: Well, Rick
said it right, probably photo
simulation would help and then that
would help us with, you know, a site --
any input we would have on site design
or any of those improvements.

BOARD MEMBER DROPKIN: Is this
something that can be taken up in site
plan review?

MR. GOLDEN: Well, there are
elements of it that can be taken up in
your site plan, absolutely. But the
issue of the visual impact of the
improvements throughout the project are
part of the SEQR process. The
applicant has made mitigations,

PROCEEDINGS

1 including these particular improvements
2 you're talking about with respect to
3 traffic and have provided depictions
4 and cross-sections and some photo
5 analysis with respect to all of the
6 changes that have been made since the
7 DEIS as mitigations, so they have
8 provided that information. What Dave

9 is saying is that from what has been
10 provided, he can't visualize what the

11 ultimate design is going to look like
12 in his head, that's part of the visual
13 impact and everybody has to decide for
14 themselves whether they feel the same way, that this is
15 an important aspect that needs to be resolved or
16 whether they're satisfied with the depictions that were
17 made as to the visual impact of the entirety of the site,
18 including those aspects.

19
20 **BOARD MEMBER DROPKIN:** Is it what
21 the park would look like or what the park will look
22 like from various off-site locations?
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PROCEEDINGS

MR. GOLDEN: What has been presented is what the park will look like from various locations that this Board has identified and the applicant has provided those photo simulations and depictions.

In addition to that, with respect to the DOT improvements, they have also provided visual analysis of what it's going to look like. Dave feels that he still can't picture in his mind, given those depictions, other Board members may feel satisfied that they can visualize what it's going to look like from those depictions that were included in Appendices M and N.

BOARD MEMBER DROPKIN: Okay.

BOARD MEMBER CRAWFORD: They did provide additional section drawings for us when we requested them at the last meeting. I personally feel that the sections that are provided adequately depict what's going on at the park, you can see into the park, you can

PROCEEDINGS

1
2 understand what's going on.

3 (Applause.)

4 **BOARD MEMBER CRAWFORD:** There truly
5 is not a section, per se, of the
6 crossover, at least in the Appendix M,
7 there's nothing of the crossover, but
8 of all the other areas that I feel
9 would be a concern, it's clearly
10 depicted in the sections that were
11 provided.

12 **CHAIRMAN BERGUS:** My concern is the
13 depictions that were provided, they
14 were adequate. And my concerns were
15 the view shed of the park itself,
16 looking at it from various vantage
17 points as identified in the scope, as
18 well as subsequently to that.

19 As far as the highway improvement,
20 the overpass, an overpass is an
21 overpass and that is not the park.
22 What the DOT decided they wanted to
23 come in and upgrade Exit 125 as part of
24 the transformation for the federal
25 highway to Federal Highway 86, they

PROCEEDINGS

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2 would have come in, they would have
3 built an overpass, we wouldn't be
4 sitting here discussing how tall it is,
5 what material it is or what kind of
6 railings they put on the side of the
7 overpass. My concern on this Board,
8 and I'm not speaking for everyone of
9 course, is what that park looks like
10 looking upslope from 17, from the
11 Heritage Trail, from Arcadia, you know,
12 that's my concern, the new structures
13 that are being built on the site by
14 LEGOLAND, not the overpass that's being
15 built by the DOT.

16 BOARD MEMBER LEVA: Well, I'm
17 satisfied with all the submittals and
18 I'm very familiar with the topography,
19 I got a good feel of the layout for the
20 proposed project.

21 With Dave's concerns on 17, if I'm
22 understanding this correctly, I'm not
23 100 percent either how it's going to
24 look, but that would be subject to
25 change regardless because of the DOT

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work permit; am I understanding that correctly?

MR. GOLDEN: Well, there's a proposed design as to where it's going to go, DOT, to date, has no objection, in fact, they have been part of the selection as to exactly where that is going to be done, and so has the Federal Highway Administration, so I don't -- you know, you're not dealing with that all of a sudden it's going to be three inches from the current South Street bridge or something like that, I mean, whether or not it moves five feet one way or the other is not going to be anything significant with respect to view shed or otherwise.

So the DOT and Federal Highway Administration have been part of that process as to where it's going to go, there are certain designated heights that a bridge is going to have, the slopes of the approach bridges are all within design standard limitations, the

PROCEEDINGS

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2 roundabouts are also subject to State
3 DOT design regulations, so those things
4 are going to happen and there may be
5 some slight design changes when they
6 get through more of the work permit
7 process, as there is with anything
8 dealing with the DOT, but where it is
9 presently going to go and likely going
10 to be is what you have to study. You
11 can't study what you don't know. This
12 is being proposed and you have
13 depictions showing what it's going to
14 look like and you have to decide
15 whether or not you believe that those
16 depictions are sufficient so that you
17 understand the visual impact of what is
18 being built.

19 If, for some reason, things
20 substantially change later on, let's
21 say they decide to move that bridge a
22 half a mile or more one way or the
23 other, then the process might have to
24 be reopened at that time to determine
25 whether or not there's additional

PROCEEDINGS

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2 visual impacts that hadn't been
3 studied. But you can't deal with every
4 permutation of every possibility that
5 exists.

6 Right now, you have a plan, that
7 plan has been fairly finalized in the
8 sense that it has been studied
9 significantly with comment, detailed
10 comment letters by the DOT, DOT has
11 been in, as they have indicated in
12 those letters, been in consultation
13 with the Federal Highway Administration
14 with respect to this design and the
15 design that's being proposed to you at
16 this point in time is acceptable to the
17 DOT, subject to minor construction
18 details and things.

19 BOARD MEMBER LEVA: Okay. Well,
20 with all of that being said, you know,
21 in our travels throughout the state of
22 New York and the DOT's work, I'll be
23 satisfied with that.

24 MR. GOLDEN: Okay.

25 BOARD MEMBER HAND: I'm satisfied

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with the depictions as they were given
to us. I think they're adequate.

CHAIRMAN BERGUS: Thank you.

(Whereupon, a pause was taken in
the proceedings.)

BOARD MEMBER DROPKIN: Dave, are
you looking for what the overpass is
going to look like? Because we've had
cross-sections and visuals from other
points of view of the park, just
clarify for me what it is --

BOARD MEMBER GAWRONSKI: Yeah, if
you were to take a look at the
bird's-eye view, which I took the time
to realize that it's a tremendous
amount of square footage of disturbance
along both sides, I just want -- I
would have loved to have seen some sort
of, like Rick had brought up, some sort
of photo simulation of what that's
going to look like to see the impact,
that's just my opinion.

BOARD MEMBER DROPKIN: They're
going to know that, I mean, that's

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going to be up to the DOT.

BOARD MEMBER GAWRONSKI:

Okay.

But

this is a big change in -- this is a
big change, and, yes, as you're going
through the redline, you're going
through, you know, this is something
that I kind of feel strongly, we should
be able to see this. But, I mean, even
if not for tonight, but for site
planning, for making decisions and
getting recommendations.

BOARD MEMBER DROPKIN: Rick, I'm

sorry, but did you say that we had some
input into what the overpass -- the
bridge is going to look like, the DOT
work?

MR. GOLDEN: I wasn't limiting it

to what the bridge is going to look
like, all right. I'm sure there's very
little impact you're going to be able
to have on what the bridge is going to
look like. But I thought Dave's
comment was broader than that, as to
the ramp approaches, the roundabout, et

PROCEEDINGS

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2 cetera, it's also unlikely that there's
3 going to be a lot of input that will
4 change the DOT's mind, but you have the
5 ability during site planning to make
6 some suggestions to the DOT that they
7 will take under advisement and then
8 make their final determinations, and
9 that's all part of site planning,
10 that's fine, but I don't want to say
11 that, therefore, you can sort of skate
12 over it now. You have to in this final
13 environmental impact statement be
14 satisfied that the visual impacts of
15 the entirety of the project that's
16 being proposed, the park as well as the
17 other aspects of it, that you believe
18 have been -- the visual impacts have
19 been mitigated to the greatest extent
20 practicable, and if you feel that it
21 has, that's the conclusion that would
22 be in the final environmental impact
23 statement. You then would have during
24 your next iteration, which I believe to
25 be the most important document in the

PROCEEDINGS

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2 **SEQR review, which is the findings statement, where**
3 **each of the impacts, including visual, will be set out**
4 **and each of the mitigations will be addressed at that**
5 **time and a lot of that is based upon the final**
6 **environmental impact statement and the**

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9 **record all the way up through that, but**
10 **also, you have the ability to say, I**
11 **want the following mitigation, even if**
12 **it hasn't been proposed up until that point in time,**
13 **your finding statement is a culmination of the entire**
14 **record**

15 **and what you believe is necessary to**
16 **mitigate, to the greatest extent**
17 **practicable, all of the significant**
18 **adverse environmental impacts,**
19 **including vision.**

20 **BOARD MEMBER DROPKIN: Okay. So,**
21 **Dave, I mean, we know, we drive up and**
22 **down 17 all of the time, we know what**
23 **the DOT work looks like, we may not**
24 **like it, but it is what it is. So it's**
25 **likely to be substantially similar,**

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we're already familiar, would it not?

Am I missing something?

BOARD MEMBER GAWRONSKI: Well, like

I stated, I don't think these

improvements would be being done as

they're being done and the acceleration

and deceleration lanes, I don't know if

they would be done, I think they are

exact -- they are impacts, they are

direct impacts of the project and I do

believe that, you know, major swaths of

mature year-round vegetative screening,

especially the clusters of conifer

cedar trees and dense scrub trees

provide screening even in winter, I

think they're going to be removed and I

think I asked the traffic consultant --

I did ask the traffic consultant last

time if he had seen any landscaping

plans for the new traffic arrangement

and I -- they're -- they weren't to

that point yet, so -- you know, and I

do have some concerns that we're going

to degrade a little bit of the scenic

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character if we don't have those
visuals and be able to make some input,
that's just my opinion.

(Applause.)

CHAIRMAN BERGUS: During the site
plan, did you say, Rick, that we would
have opportunity -- I mean, as far as
particularly things like vegetation,
landscaping around the ramps and the
like, what they do on the slopes, the
steep slopes as far as landscaping, I
mean, we'll have opportunity to make
recommendations at the very least to
the DOT?

MR. GOLDEN: Yes, you would have
that opportunity and you have an
opportunity in the finding statement to
decide what mitigation measures you
believe are necessary. This document
here, the final environmental impact
statement, is to discuss mitigations
that are being proposed, their
adequacy, and to respond adequately to,
in it case, the hundreds of questions

PROCEEDINGS

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2 **and comments that were posed and the redline, you**
3 **have reviewed the original and then we provided a**
4 **redline as to modifications that were made to that,**
5 **original responses, so that it had your voice, your**
6 **responses, and it incorporated the comments of all the**
7 **Planning Board members on that, as well as the**
8 **consultants.**

9 **So that's what the decision now is,**

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12 **whether or not that FEIS is complete in**
13 **the regard that it is -- it has**
14 **addressed the mitigation measures**
15 **adequately and that it has responded adequately to the**
16 **comments that were posed on the DEIS and then you**
17 **go ahead and you -- in your next document, the final**
18 **document, you will be identifying specifically, based**
19 **upon the FEIS and everything that has come before it,**
20 **and the plans themselves as they're revised, you will be**
21 **identifying as each of the significant adverse**
22 **environmental impacts, what are the**
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2 **mitigations necessary and you'll be**
3 **discussing those, you don't have that**
4 **document yet, you wouldn't have that**
5 **document until this document is**
6 **complete, and you'll be discussing that**
7 **and adopting that as your final SEQR**
8 **document and all of those mitigations**
9 **will be incorporated either**
10 **specifically or by reference into**
11 **your -- any resolution of approval that**
12 **you might approve so that those**
13 **mitigations are mandated and have the**
14 **force of law with respect to**
15 **enforcement.**

16 **BOARD MEMBER GAWRONSKI: And just**
17 **probably a question for Sean, with the**
18 **new traffic plan, the increase in**
19 **impervious surface, is that also part**
20 **of the SWPPP or do you have those --**

21 **SEAN HOFFMAN: The applicant**
22 **provided the detail to previous**
23 **comments received about that, and they**
24 **broke it down based on two areas, the**
25 **on-site and the off-site, so it is in**

PROCEEDINGS

the FEIS in several locations.

BOARD MEMBER GAWRONSKI:

Okay.

And

it's from your analysis, no, you know,

significant impact to -- with the

amount of impervious surface and the

surrounding wetlands?

SEAN HOFFMAN: The applicant has

complied with the State requirements in

terms of the SWPPP, the State has very

specific requirements as to what is

supposed to be incorporated in the

SWPPP and to each individual design

element, it references DEC's design

manual, the applicant has provided a

design in accordance with that manual

and in accordance with the permit.

BOARD MEMBER GAWRONSKI: So will

there be additional, I would say,

containment basins or drainage basins,

the retention ponds?

SEAN HOFFMAN: What's been studied

in the FEIS is the current design,

there is no intention, as far as I

understand, to make any changes or

PROCEEDINGS

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2 modifications to that. They have
3 modeled the impervious area, they have
4 provided the ponds and storage areas
5 that they need to. Whether there may
6 be a small increase or a change to
7 accommodate site conditions or
8 something like that, what you have
9 before you is what they propose to do
10 in terms of stormwater drainage.

11 **BOARD MEMBER GAWRONSKI:** Because it
12 seems like, you know, the amount of
13 roadway is a significant increase in
14 the amount of impervious surface, and
15 you say they increase the, you know,
16 different catch basins on-site to
17 compensate?

18 **SEAN HOFFMAN:** I'm sorry, when you
19 use the word "catch basins," are you
20 talking about catching --

21 **BOARD MEMBER GAWRONSKI:** Yeah,
22 stormwater, you know, yeah, the
23 stormwater detention[sic] ponds or
24 whatever you want to call it.

25 **SEAN HOFFMAN:** Yes, I understand

PROCEEDINGS

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2 now. But, yes, they have, they have
3 incorporated that and those ponds are
4 being designed for the impervious area
5 that's been studied and included and
6 the FEIS narrative and the SWPPP is
7 generally in conformance with the FEIS
8 in terms of that. Keep in mind,
9 though, that the SWPPP has been
10 identified as preliminary,
11 understanding that as site plan
12 comments are received, modifications
13 are made to the site plan, the SWPPP
14 would also be revised to correspond
15 with the site plan.

16 **BOARD MEMBER GAWRONSKI: Okay.**

17 **BOARD MEMBER DROPKIN: Does that**
18 **address his concern?**

19 **CHAIRMAN BERGUS: Are you**
20 **comfortable at this point?**

21 **MEMBER OF THE PUBLIC: Can't hear**
22 **you.**

23 **BOARD MEMBER GAWRONSKI: Not with**
24 **the visual impact, but with what Sean**
25 **said, yes.**

PROCEEDINGS

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2 **BOARD MEMBER DROPKIN:** Dave, as far
3 as the visuals, on DOT property, we can
4 make recommendations, but they can just
5 do what they want to do. In terms of
6 landscaping on the developer's
7 property, we clearly have more impact,
8 which will be near wherever the DOT
9 improvements would be, but the reality
10 is, having dealt with State agencies,
11 they're going to do what they want to
12 do.

13 **MR. GOLDEN:** Right. But although
14 they can do what they want to do, Phil,
15 your job is to determine with what is
16 being proposed now, which the DOT is in
17 accordance with at this time, that you
18 looked at that, you've considered the
19 impacts of that, including visual, and
20 are satisfied that whatever impacts
21 there are, that they have been
22 mitigated to the greatest extent
23 practicable, even though the fact that
24 the DOT can -- it's their role and they
25 have control of it, you still have the

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job as lead agency of determining whether or not the impacts are such that they have been mitigated to the greatest extent practicable.

BOARD MEMBER GAWRONSKI: And I would argue, again, that I don't believe that the improvements would be being done at this point and the method in which it's being done, had it not been for the project, so I'm just saying that maybe some of these visual impacts are unmitigateable because they were already going to do them, but I do not think that they would have been done.

MR. GOLDEN: It really -- it's really a false narrative to discuss whether or not the bridge would have been put there in the future or not been put there in the future, it's part of this proposal, it's part of what you have to analyze.

BOARD MEMBER GAWRONSKI: Correct.

MR. GOLDEN: And so, you know,

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you're either satisfied with what has been provided from an individual Planning Board member and then you'll take your vote and you'll determine by majority, which is how this works, as to whether or not it's adequate, ready to accept this as completed.

BOARD MEMBER DROPKIN: I'm not sure, Dave, what visuals would you get from whom?

BOARD MEMBER GAWRONSKI: Photo simulation of on the highway of what it's going to look like when we -- when improvements are in effect and partially looking at the bridge and looking at, like I said, there's a huge amount of disturbance that's going to take place, and I just -- I don't know why we're going --

**MEMBER O TH PUBLIC: Time.
F E**

**MEMBER O TH PUBLIC: The
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overpass.**

**MEMBER O TH PUBLIC: Stop rushing
F E**

us.

PROCEEDINGS

MR. GOLDEN: We have -- there are depictions, there's cross-sections and depictions and what Dave is saying is that he can't visualize for himself what that might be, if I'm understanding you correctly, Dave, that you don't think it's adequate because it doesn't inform you enough as for you to visually look at what the impact is, and others may agree with him and others may disagree with him.

But just as a matter of process, I don't think it's -- and it's fine to ask each other questions and try to understand what their situations are, but I also don't think that it's always appropriate to have, you know, Planning Board members sort of -- let me say, and this is not a fair characterization, but in the extreme, I don't think that Planning Board members ought to be sort of pressured into saying, you know, tell me exactly what you want or we're going to move on.

PROCEEDINGS

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2 think every board has an individualized
3 duty to go ahead and look at this and
4 satisfy themselves and then when votes
5 are taken, the majority is going to
6 rule as to whether or not the board, as
7 a whole, does that. But it's not sort
8 of a consensus process that's being
9 invoked here.

10 I think Dave has indicated that he
11 has problems with it, from his point of
12 view, because he doesn't personally --
13 he can't visualize it from the
14 information that's been given in the
15 FEIS and appendices, we've had comments
16 from others that they're satisfied with
17 what it is, because they can visualize
18 it, so I think that, you know, that's
19 what the Board has to determine and
20 when a vote is taken, it's either going
21 to be such that it's adequate or it's
22 not adequate.

23 CHAIRMAN BERGUS: Do we have other
24 comments from the Board aside from the
25 one --

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BOARD MEMBER CRAWFORD: Rick, can I just ask one question please, currently, on the landscaping plans, they haven't shown any landscaping around the turnabout and the bridge and all that work that's going to be done there, during our site plan review, can we request that type of information?

MR. GOLDEN: Yes, but there are very specific things, when you're talking about specific as to the DOT design, that you may say, well, I think it's great to have all of these conifers right next to the roundabout, and the DOT is going to say, well, that hurts sight distance, so we're not going to put them up. But, yes, you have an opportunity to weigh in and have the DOT consider any comments you have with respect to that.

BOARD MEMBER CRAWFORD: Okay.
Thank you.

CHAIRMAN BERGUS: Other comments?

(No affirmative response.)

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CHAIRMAN BERGUS: If there's no other comments, Sean, do you have anything else?

SEAN HOFFMAN: Nothing further, Mr. Chairman.

CHAIRMAN BERGUS: If not, let's go to the vote, let's see, you know, how the Board feels as far as this project, if we can accept it as a final FEIS.

BOARD MEMBER DROPKIN: Well, we have an opportunity to weigh in with the DOT insofar as recommendations to them regarding plantings.

CHAIRMAN BERGUS: Right.

BOARD MEMBER DROPKIN: Regarding whatever the plantings might be.

MS. NAUGHTON: Right, you have that opportunity.

BOARD MEMBER DROPKIN: Dave, that would be based -- would that satisfy you?

BOARD MEMBER GAWRONSKI: Like I said, I would have liked to have been able to envision what it's going to

PROCEEDINGS

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2 look like up and down the highway, I
3 drive it every day, I've been looking,
4 trying to envision it, and I cannot,
5 that's -- and aside from that -- but
6 you bring up a good point, can we put
7 in safeguards for the visual impact and
8 have them put their, that's actually
9 very forward-thinking, I think we
10 should also recommend to them the
11 safeguards for, you know, protection of
12 the wetlands, because they will be
13 going, you know, over a watercourse
14 there and, you know, getting into some
15 wetland areas. So I think if we can
16 put in some, you know, some language to
17 preserve those areas and protect them,
18 I think that's going to be absolutely
19 necessary.

20 MEMBER OF THE PUBLIC: You need a
21 cumulative impact analysis, it's not --

22 MR. GOLDEN: So, I mean, one of the
23 things that you'd be able to do is
24 because what you can't do is sort of
25 defer your decision-making on the

PROCEEDINGS

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2 significant environmental impact and
3 the mitigations necessary, all right,
4 so you can't defer that. You certainly
5 can suggest things to the DOT that
6 might improve the project, but with
7 respect to the significant adverse
8 environmental impacts that have been
9 identified and studied in the
10 environmental impact statement, those
11 are your responsibilities to make the
12 final determinations on, even if you
13 can, with respect to details later, you
14 can go ahead and do that, as long as
15 it's been adequately mitigated and you
16 will have an opportunity in the
17 findings statement to set forth what
18 mitigations you believe are necessary
19 in order to satisfy that the
20 significant adverse environmental
21 impacts have been mitigated to the
22 greatest extent practicable, that would
23 come in the findings statement.

24 **BOARD MEMBER GAWRONSKI:** And I do

25 wish Ralph was here just to speak on,

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you know, some of the impacts to some of the wetlands and maybe the biological corridor feature, I know he submitted his comments and he did address, you know, certain items, he absolutely did, but I just wish I could, you know, sequester his opinion about, you know...

CHAIRMAN BERGUS: As I mentioned before, could I have a motion to accept this FEIS as --

MS. NAUGHTON: That would be subject to the typographical.

CHAIRMAN BERGUS: Subject to the typographical corrections that were provided to counsel.

MEMBER OF THE PUBLIC: Subject to the cumulative --

MEMBER OF THE PUBLIC: Own it, once you all approve it, you own it.

MEMBER OF THE PUBLIC: It is not complete pursuant to SEQRA.

MR. GOLDEN: Could everybody please be quiet, the Board is trying to

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deliberate on a particular motion.

MEMBER OF THE PUBLIC: Yeah, but
you said we couldn't influence them.

MR. GOLDEN: Then you have to be
quiet, that way you're not trying to
influence them.

MEMBER OF THE PUBLIC: We're not --

MR. GOLDEN: Does anybody want to
make that motion?

BOARD MEMBER CRAWFORD: Motion.

CHAIRMAN BERGUS: We have a motion
to accept the FEIS with the revisions
as noted.

MEMBER OF THE PUBLIC: Who made the
motion?

CHAIRMAN BERGUS: Dave Crawford.

Do I have a second?

BOARD MEMBER LEVA: I second.

CHAIRMAN BERGUS: Frank.

MEMBER OF THE PUBLIC: Not
surprised.

MEMBER OF THE PUBLIC: He owns the

PROCEEDINGS

going to make money.

BOARD MEMBER DROPKIN: So the discussion pursuant to what I was saying earlier, I think that the findings statement, it would be in the findings statement.

MS. NAUGHTON: The mitigations for the DOT that we were talking about with the landscaping, et cetera, would be included in the findings statement, which you will be reviewing and modifying to your satisfaction.

BOARD MEMBER DROPKIN: Well, with the understanding that in the findings statements, the additional mitigations we would want would be included in the findings statement, we can address the issue that way.

BOARD MEMBER GAWRONSKI: It may, I don't know.

MR. GOLDEN: Dave has addressed his concern with respect to whether or not there is enough information that has been presented for him to determine and

PROCEEDINGS

1
2 visualize the impact of the DOT
3 modifications, I think that's one
4 aspect of this FEIS.

5 The Board needs to -- the Board has
6 a motion and a second that's pending
7 before it to determine whether or not
8 the FEIS, as an entire document, is
9 complete and adequately informs you
10 with respect to those various issues
11 that have been addressed, significant
12 environmental impact statements,
13 mitigations and responds adequately to
14 the hundreds of comments that were in
15 there.

16 If you determine that it's
17 complete, you then have your next
18 document, as we've talked about, which
19 is your final document, which is the
20 one that summarizes what has gone on
21 with respect to what are those
22 significant impacts that have been
23 identified, including visual, and what
24 mitigation is required and you'll be
25 adopting that and you will decide what

PROCEEDINGS

1
2 mitigations are necessary in order to
3 mitigate, to the greatest extent
4 practicable, those significant
5 environmental impacts that have been
6 addressed, so that's your document that
7 you will have and you will identify and
8 own with respect to what are the
9 necessary mitigations, that's your next
10 document.

11 This document is whether or not the
12 final environmental impact statement is
13 complete.

14 **MEMBER OF THE PUBLIC:** It's not
15 complete.

16 **BOARD MEMBER HAND:** With respect to
17 the findings statement, is that
18 something that the public weighs into
19 or is that exclusive to the Board?

20 **MS. NAUGHTON:** The findings
21 statement is exclusive to the Board,
22 there isn't a public hearing on the
23 findings statement, under the SEQRA
24 regulations.

25 **CHAIRMAN BERGUS:** So we do have a

PROCEEDINGS

1 motion, we have a second on a motion to
2
3 accept.

4 All in favor say aye.

5 BOARD MEMBER DROPKIN: Aye.

6 BOARD MEMBER LEVA: Aye.

7 BOARD MEMBER HAND: Aye.

8 CHAIRMAN BERGUS: By hands.

9 (Affirmative response.)

10 CHAIRMAN BERGUS: Against.

11 (Affirmative response.)

12 (Applause.)

13 MR. GOLDEN: Take a rollcall vote
14 instead of hands in the air.

15 CHAIRMAN BERGUS: Okay. We'll do
16 it by rollcall instead of hands in the
17 air.

18 Okay. Phil.

19 BOARD MEMBER DROPKIN: Aye.

20 CHAIRMAN BERGUS: Dave.

21 BOARD MEMBER CRAWFORD: Aye.

22 CHAIRMAN BERGUS: Lee.

23 Aye.

24 Dave.

25 BOARD MEMBER GAWRONSKI: Nay.

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PROCEEDINGS

(Applause.)

CHAIRMAN BERGUS: Frank.

BOARD MEMBER LEVA: Aye.

BOARD MEMBER HAND: Aye.

CHAIRMAN BERGUS: And Cindy Aye.

Now, Kelly.

**MEMBER OF THE PUBLIC: Making a
mistake.**

**MS. NAUGHTON: So after -- since
you've accepted this, we'll make those
typographical changes that you have,
and there is a ten-day agency and
public consideration period and that
consideration period could be --**

(Multiple voices.)

**CHAIRMAN BERGUS: I'm sorry, but I
can't hear counsel.**

**MS. NAUGHTON: That ten-day period
would bring you to the August 4th, so
what I would suggest is that that
ten-day period end August 4th at the
close of business, you'll be provided
with a findings statement for your
consideration at the Board meeting**

PROCEEDINGS

1
2 following that.

3 MEMBER OF THE PUBLIC: 10 to 30.
E

4 MEMBER OF THE PUBLIC: What it
E

5 actually is.

6 MEMBER OF THE PUBLIC: The rule is 7
10 to 30.

8 CHAIRMAN BERGUS: Well, we do have
9 ten. August 4th, close of business is
10 what we're being told. You have the
11 opportunity to send in your comments to
12 the town Planning Board -- to the town
13 hall for consideration, and...

14 MS. NAUGHTON: If those could go to
15 the building department.

16 CHAIRMAN BERGUS: To the building
17 department, that's where you would send
18 your comments, any written comments,
19 ten days, August 4th.

20 MEMBER OF THE PUBLIC: 30.

21 MEMBER OF THE PUBLIC: Why not 30
22 days.

23 MS. NAUGHTON: The FEIS will also be up
24 online.

25 CHAIRMAN BERGUS: And I was just

PROCEEDINGS

1 informed, the FEIS, as modified and
2 complete, will be online as of this
3 coming Tuesday, the 25th, I believe it
4 is.

5
6 **MEMBER OF THE PUBLIC:** Well, it's
7 not ten days.

8 **MEMBER OF THE PUBLIC:** That's not
9 ten days.

10 **MS. NAUGHTON:** Yes, it's ten days.

11 **CHAIRMAN BERGUS:** It's ten days,
12 check your calendars.

13 Kelly, anything else?

14 **MS. NAUGHTON:** No, that's all.

15 **MEMBER OF THE PUBLIC:** Ten to
16 thirty days.

17 (Multiple voices.)

18 **CHAIRMAN BERGUS:** Kelly -- I'm
19 trying to conduct a meeting here,
20 please. I am trying to conduct a
21 meeting, thank you.

22 Now, if you'll let me continue.

23 Can I have a motion to close the
24 meeting, please.

25 **BOARD MEMBER HAND:** I'll make the

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motion.

CHAIRMAN BERGUS: Cindy --

BOARD MEMBER HAND: My mic is out.

**CHAIRMAN BERGUS: Mic is out, but
Cindy is making a motion.**

A second.

BOARD MEMBER CRAWFORD: Second.

CHAIRMAN BERGUS: Second by Dave.

All in favor say aye.

(Chorus of ayes.)

**CHAIRMAN BERGUS: Thank you very
much.**

(Time noted: 9:24 p.m.) 15

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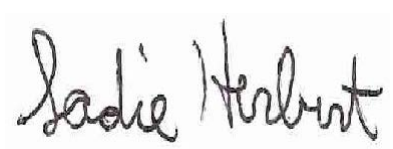
C E R T I F I C A T E 2

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

**That the within transcription is a
true and accurate record of the
stenographic notes taken by me.**

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

**IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of July 2017.**



SADIE L. HERBERT, RPR

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