

DEERPARK PLANNING BOARD - MAY 8, 2013 - PAGE #
PUBLIC HEARING - DRAGON SPRINGS BUDDHIST, INC.

The Deerpark Planning Board met for a public hearing on Wednesday, May 8,, 2013 at 7:00 p.m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Bob Vicaretti-- Co-chairman
Theresa Santiago

Craig Wagner
Mike Hunter

Willard Schadt
Derek Wilson

OTHERS

Mr. Alfred A. Fusco, III, Town Engineer
Mr. David Dean, Town Board Liaison
Mr. Kaijin Liang, P.E.
Ms. Li Cathlee Gaixiasum, Adjoiner
Mr. Ken Porada, Citizen

Mr. William A. Onofry, Town Attorney
Ms. Lana Han, Esq
Mr. Chun Feng, Architect
Ms. Dishin Ying, Adjoiner

The secretary read the public hearing notice: “Notice is hereby given of a public hearing to be held by the Town of Deerpark, Orange County, New York, pursuant to Article 7 of the Town of Deerpark Zoning Law on the application of Dragon Springs Buddhist, Inc. for a site plan and special use permit. The application affects the following premises: Record Owner: Dragon Springs Buddhist, Inc.; Tax Map Designation: Section 31, Block 1, Lot 21.22; Zone Designation: RR. Located at 140 Galley Hill Road, Cuddebackville,, Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:00 o'clock P.M. on the 8th day of May, 2013, at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time. “

Bob Vicaretti: Do we have any comments from the public?

Derek Wilson: Do you have the letter?

Bob Vicaretti: Yes. But first a member of the public, would you come up to the mic and state your name.

Dishin Ying: Yes, my name is Dishin Ying and I live at 199 Galley Hill Road, and am very happy to be part of this neighborhood, I am also a teacher over at the school, not too many people know that much about it, and it’s a wonderful school, and I would send my kids there, if I had any. So, basically most of the students are practitioners of falun dafa and some of them came here from asylum. It’s a safe environment for them, and also some people will send their kids there, because they want them to learn Chinese and English, and it’s a very good school. So, basically it’s a school where we care about academic standards, and care about New York State regents standards. And in U.S. history, we teach them about how the country was founded on principles of religious freedom, and particularly we are very excited about this particular region, because we know that the Huguenots and the other people that came here in this area, they came here because they were also escaping religious persecution in Europe at that time, so, they came here to live in a safe environment and we are going through the same thing, so I wanted the kids

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to relate to that. So, in general I'd just like to say that I'm very happy to be part of this environment, and the kids like it here, and it's beautiful here and there are a lot of trees, and it's a suburban area, and I think having a school in this area is an asset, and it really does help the environment, and it's a clean and safe kind of thing, and it really does help everybody, including all of the students and the teachers. Thank you.

Bob Vicaretti: Thank you for your comments. Anybody else, please come to the microphone and state your name.

Li Cathlee Gaixiasum: My name is Li Cathlee Gaixiasum and I live at 237 Galley Hill Road, and this is my daughter, and she is thirteen years old, and she studies at this school. This is a picture of her father, and this was this was the last picture that we took before he was tortured to death, and this is my daughter when she was six months old.

Bob Vicaretti: Excuse me, I'm sorry, I don't mean to cut you short, you can have your ten minutes to say what you want to say, but your comments have to pertain to this application, and we're sorry for your loss, but your comments have to be about the issue at hand.

Li Cathlee Gaixiasum: Okay, I'll cut my comments short, but unfortunately he was killed. Secretly he went to Beijing and handed them a letter, saying to ask them to stop the persecution of falun gong. And unfortunately my husbands' father died, and...

Bob Vicaretti: And I'm sorry, again, This has nothing to do with the issue here, this is about a special use permit, and if you have any comments about the special use permit.

Li Cathlee Gaixiasum: Okay, my daughter is attending this school, and she can have academics and art and education, and she is a dancer, and thank God she has this talent, this gift, and she can use dancing to express her feelings. It's so hard to be a widow too. I'm sorry. Because she's here to study, and the peace and harmony in our lives. My daughter and I stand here, we'd just like to thank everyone here to provide this environment for us. I believe through the education, and I'd just like to thank the teacher, she's very caring. It's hard for her to grow up in a broken family, and the psychologist is helping her a lot to help her have a peaceful heart. And I believe the education and the spiritual support are good, because the classmates are all falun dafa followers...

Bob Vicaretti: And you're getting off track again, this is for a special use permit application, that's what the public hearing is for tonight.. As far as what the falun gong represents, we already have that information.

Li Cathlee Gaixiasum: Okay, my husbands' father died three months after my husband was killed, and my husbands' sister was sentenced to two years illegally....

Bob Vicaretti: Again, excuse me, I will have to cut you off altogether, because this has nothing to do with the special use permit. Do you understand that? Do you need clarity, guidance?

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Derek Wilson: May I say something here. I think a lot of the board members are familiar with the persecution of people of the falun gong, it has been brought up many times. You have the sympathy of the board with your personal situation. And we really feel that the issues of traffic, safety of the buildings that are being constructed, for people, for your daughter to be there, water issues, erosion control. We're not here to say that a school can or can't be built up there, we're just trying to say that what is up there is carefully being reviewed for safety and other normal site plan issues.

Li Cathlee Gaixiasum: Okay, this last thing to finish, I will speak, I believe from the spiritual and I believe in the education now, and it's a spiritual school, and I believe that my daughter will grow up healthy and be a good and useful person for the society. Thank you.

Bob Vicaretti: Thank you. Any more public comment in regard to the special use application.

Derek Wilson:

I just want to make sure that this is both a site plan and also special use permit application

Bob Vicaretti: Correct, any more public comment. Okay, at this time I would like to add into the minutes some written correspondence we got, as far as the public hearing is concerned. We got three letters with comments, that I'd like to add to the public comment record. Is that what everybody else got, three? One letter was from Michael Alpert, and another letter was from Robert Majcher and a Sharon Hartnett, and another one was from the Orange County Planning Department. But that's the only three I have. Are there any other public comments?

David Dean: I have a question. Were there any changes to the site plan? Is there going to be a presentation by the applicant?

Bob Vicaretti: Well, we got these new maps.

Derek Wilson: Usually the applicant gives a new presentation.

Lana Han: You all know we're here for a site plan approval and an application for a continuance of a special use permit. We have the maps that we submitted before, and the new plans have no new buildings or improvements or anything. All of the buildings and site plan revisions, including the educational facilities, classrooms and the study rooms have previously been approved. We're not proposing anything new, no new buildings. However, at this time we're having our public hearing and this application here today, because pursuant to discussion and understanding it is good for us to also include the school needs which we have right now, on the site plan now. So, we have a hearing now. But all of the buildings are on the plan, there's nothing new.

Willard Schadt: I have a question, so this is correct in my own mind. I've looked at your website for various things, and your touring group I gather this is a performing art school, more or less, because it concentrates on dancing.

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Lana Han: Of course there are educational requirements of a performing arts school, so there is music and dance.

Willard Schadt: The group that tours, they are touring right now, are they students that come to your school, or are they separate?

Lana Han: No, they are separate, they are registered as a tour, they are not here, they perform outside.

Willard Schadt: So, they're not related to this.

Lana Han: No.

Bob Vicaretti: Are there any more board comments?

Derek Wilson: Okay, we were talking about occupancy, I see here on the parking calculations there's 300 students and 100 staff and workers, and is there a breakdown of the school, you have two schools and is there a breakdown per school?

Lana Han: No, the schools are so small that they're just kind of lumped together.

Bob Vicaretti: There's 100 staff and 100 workers, so that stays the same.

Derek Wilson: Our discussion was that they give us a breakdown of the general occupancy, to update the 100 and 100, but I only see a reference on the map of parking calculations, not that the occupancy of the site is such and such. Because Al (Fusco, Jr.) was supposed to work on that with them, to make it part of their presentation. They were going to give us an actual upgraded occupancy breakdown.

Al Fusco III: No, I think that's where it was, and I don't necessarily disagree with you about the occupancy, that it should be on there, a special use permit. I mean, I don't disagree with you that it could be clearer. Yeah, it is on there, but for the issuance of a special use permit, it should be clearer.

Derek Wilson: I think it should be listed as occupancy, site occupancy.

Bob Vicaretti: Building specific, you mean?

Derek Wilson: The building specific occupancy are dependant on the building code, but the site occupancy total, 100 and 100 before, 100 full time and 100 visitors, it's been like that since 2000, and they were in agreement with that, and this has been re-approved seven or ten times, and that figure always stayed the same and everybody has always been in agreement at the previous meetings that they are well in excess of what is going on up there, I mean with the construction workers and now with the schools, we're trying to accurately reflect what's going on. The facility has so many people up there, we've got to review it, based on that number of

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people for SEQRA, we need for it to be accurate, and I think it needs to be referenced, more than just for parking calculations, it needs to have a table for site occupancy.

Bob Vicaretti: What's your feeling on that?

Al Fusco, III: Yeah, I mean it would help, and I don't think it's unreasonable. It is a special use permit, and the permit should be as clear as possible.

Lana Han: My understanding last time was that Kaijing Liang would meet with Al Fusco, and that there's 100/100, that remains pretty much the same, because most people live off site, so during the week, there's not over.... they would not exceed that limit, they would be there, but they wouldn't reside there. And with the 100 weekend, and pretty much looking at the numbers, I think it stays within that limitation.

Al Fusco, III: And I think that that needs to be stated a little bit clearer on the map. Personally it doesn't affect me, but technically what the board is asking for is a little bit more clarity. What the special use permit is for, is to give you a clean slate that is saying, "this is what we intend to do". And the board wants to know exactly what you intend to do. It's a little confusing the 100/100 and 300/100, so just say, "okay, we're going to have 100/100, what they're going to do, specifically, do they reside there, or do they do this, and then we have another 200 that come in daily for teaching, or x-y-z"

Lana Han: Yeah, I think we can clarify that, and I'll follow up with the conversation that Kaijin had with Mr. Fusco, we can have that clarified, I don't think that will be a problem.

Al Fusco, III: Absolutely, just add another bulk table on there, it'll just clear things up, we'll be happy to go over the language with you.

Bob Vicaretti: Just to add to Al's interjection there, I know that you have a dormitory, and that's for the students I assume. Are there students in and out of the property that will go to college there also? I'm just trying to say, to make a table of reference, of who's going to be on the property and who's going to be off, total occupancy, you should say how many are going to stay in the dorm.

Lana Han: I think last time we talked about the number being around seventy for students.

Bob Vicaretti: Okay, you should include that on the table, and there might be 300 students, but only 150 stay on site.

Lana Han: Right, they're not there, we want to keep within the 100's.

Dave Dean: I have a question. The last time you were here, I suggested to you that the town board was interested to know, and another reason for the site plan here, was to ascertain future plans for gatherings, traffic control, maintaining the roads, and I was hopeful that this public hearing would offer some that information. Unfortunately, I haven't heard anything about that.

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Do you have some numbers for that, or do you never plan on having gatherings? Remember we had this conversation, and I said to you that it's not fair to the town, if we don't know what your plans are?

Bob Vicaretti: Excuse me, I'm sorry, I didn't mean to cut you short, but you referred to the mass gathering permit, and say, if there's 1,500 people up there. and are they going to give a time on a weekend?

Dave Dean: Yeah, our concern as a town board is, what is the impact on the town, the town residents, the people who live on Galley Hill Road, and the people in the community. I mean we're going to have to provide police services and emergency services, and traffic control and as I stated before, for us to do a good job of that, we need to know what the plan is. And we've heard nothing about that, we've seen nothing.

Derek Wilson: Glen Plotsky is not here, but he was constantly reminding you to not come in the first of the month and decide in two weeks that you want the town to okay a mass gathering permit for 1,500 people or 2,500 people, or whatever. I agree with Dave, give some indication, obviously for the size of the buildings that you have built, and the auditorium itself, it holds how many? And at some point I assume you will have that full of people.

Bob Vicaretti: Are you asking them to include that in the table on the map?

Dave Dean: We're just trying really hard here, to ask you to co-operate with us, so that we are prepared to do the right thing for the people in the town, not just Dragon Springs, but your neighbors, my neighbors, and the people who pay the bills. Because it's a little difficult to say to the people in the town that they're going to have to pony up here, to pay for extra police coverage, because you're going to have an event that may have 2,000 people, and we have to provide services for them. Listen, if I know that's going to happen, it's a whole lot easier to prepare for that, right? And quite frankly, I'm going to come to you, and say, "look, if we're going to provide this service, we're going to have to ask you to help out to pay for some of this." So, I mean, I was hoping to see some of that, and that's why I'm so passionate about asking you to come to do this, to do a site plan, to give us some information. So, I'm hoping you have something additional for us.

Kaijin Liang: Okay, last time I did mention that I need an appointment with you and Karl, to sit down together to see... we don't have any specific number, but we want to see the towns' opinion, and then we will decide what to do. Can I come and meet with you tomorrow?

Dave Dean: Well, not tomorrow, I'm happy to meet with you, but not tomorrow, that's just not going to happen. But it's not just me, it's the town board too. Because it's not me making that decision, it's up to the town board.

Kaijing Liang: So, I need advice about when we can communicate with the town board and discuss this issue, we don't have a specific number. I want to see how many people the town wants us to have. And whatever your opinion is.

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Dave Dean: Okay, then you would come to a town board meeting and do that?

Kaijing Liang: Yes, that's fine too.

Dave Dean: So, next week I will talk to everyone, and we will extend an invitation, and decide on what time is good for everybody.

Kaijing Liang: Yes, that sounds good, give me a call.

Dave Dean: I may have Karl do that because he's the head guy. One thing I would suggest is, that, and I'm not trying to delay things here, but I would suggest that we do that sooner rather than later, so that we could move forward in the process of the special use permit being considered. I would ask that the special use permit not be extended at this time, until we have some kind of idea as to where we're going with this thing.

Bob Vicaretti: When is your next town board meeting?

Dave Dean: Well, the next town board meeting is actually next week, and I'm sure that we could fit something in on that, but I don't want to guarantee that until I speak with some of the people, but be more than happy to meet with you, and I'd rather get that done sooner rather than later.

Willard Schadt: I understand your concern Dave, but they may not know what they want to do, and I don't know how that's particularly relevant to this application.

Dave Dean: Only the numbers.

Willard Schadt: Yes, but that's a whole separate thing, under the mass gathering, that's a whole separate procedure, which I don't think affects the application that they have before us now, I think it's very limited what they have now, it's a whole separate issue.

Derek Wilson: They're saying that they're not going to exceed the occupancy of the site plan. Dave's trying to help them along, and I agree with you too. From what they've presented to us, they're agreeing that they're staying at the 100/100, but even though they're over that with the construction and the students...

Willard Schadt: We put a table on, and we were discussing the numbers, and I don't think we should hold them up for a discussion about....

Dave Dean: I would agree with that, for 100/100 I don't have any issue, you can do it whenever you decide.

William Onofry: But ultimately I think, especially from the towns' perspective, from a legal perspective, you want to make sure that the application that you have, I mean obviously when there's going to be added clarity because of the numbers, the more clarity that you can provide, the better. And so that I think, is what the board is asking, they want you, although you want to

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work with the town, from the town board perspective, the planning board needs you to come to it, with respect to, okay, 100/100 and whatever other deviation, you set the table up, you clarify it. If there's going to be any additional uses of the property, you know, there was discussion earlier of an organization that bases itself at the same corporate address.... I guess it was a touring company you said, or something like that, but that doesn't use the premises. But anything that's tied to this, or tied to your use permit should be disclosed, so that the planning board has the ability to see the whole picture, and make a decision based on the entire picture.

It's not about what the planning board wants to see, you're making the application, you bring forward what you are asking for, the planning board makes their comments, you work to try to come together with a cohesive plan, and if that doesn't result, then we deal with that then.

Derek Wilson: As part of the special use permit, there's the mass gathering, say it's 5,000 and they have 100/100, so if they decide on a weekend that they're going to have 300, we can specify what they have to do, to exceed the occupancy, and give them a check list so that they know in advance, what is involved in the time frames, because there's a lot of confusion between the board and them, in what they think they can do, and what the board feels they can do. In other words, if we give them a set check list of what they have to do, if they're going to exceed this capacity on the weekend, because they're going to have 500 people in the auditorium, they have to notify the building inspectors' office, whatever it is. It might be the mass gathering, I don't know, in other words, we should spell it out in the site plan, because realistically we have a facility up there, individual buildings are built to handle 5,000 people, or some proximity to that, and it's almost illogical what's been built up there, and what they say they're going to do, and what they're improving them for, are two different things.

William Onofry: Right, I just come back to clarity, the more information this board has from you.... you know what's going on. The board is made up of individuals that come together to try and review the application, but the information that they have is limited to what you're presenting and what other people are presenting to them. So, you have to give them the information about what is going on during the weekdays and during the weekends, and what you anticipate. Because if there is going to be an influx, you're saying 100 people, and then we get an influx of five times that, or ten times that, or fifteen times that, and that's when the problems with the surrounding neighbors, and everything else, comes about. So, the more information you can provide, the table, I think, is a step in the right direction, which the board has asked you to do, the town engineer has asked you to do, you don't think it's too hard to incorporate that information. But if there's going to be other uses of the property, that don't necessarily rise to the mass gathering concept, it's better to address it, rather than say "oops we missed it, we don't want that."

Lana Han: Well, we have for many years said that there's not that many people around actually at Dragon Springs. We have the students and the classrooms, they're huge, you know, there's probably ten students in one room, it's really big and tall, you know, a high ceiling, because they want to tumble, they want to have all of this space they need. So, I think these buildings will be built eventually, after an agreement or some kind of understanding with the town, and then we will proceed. Right now it's hard to have a small building and later to expand and have a bigger one. So, it's all in anticipation of maybe in the future, this is going to be a great place, maybe

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someday, who knows, it may not even happen. It may not even be that many people, but we think, now that things are becoming more optimistic, it may happen. Like Kaijing mentioned, we would like to work with the town, and it's not going to be like so many people coming out at one time, without anybody knowing, They will not be running around the town, you don't see that, you don't see Asian people going around town, except for me and Kaijing and maybe a few people going to the post office. It's not like that right now, but for the future we'll have to plan for all that, we'll have to see how it goes.

Dave Dean: We'd like to plan for that sooner rather than later.

William Onofry: And it just goes back to the fact that the planning board needs to know. If you think that you're at a point where you may be increasing operations, or you think that things are going well enough, that you could get more use out of the building, that you were fortunately able to build much larger than you need, in terms of occupancy, then it's better to have the discussion now, of okay, well, we're looking at 100 people, but we think things are going well enough, that in the near future, or prior to the next renewal of the special use permit, we could be using the property for 200 people, for 300 people.

Lana Han: Yeah, we understand all of that, we want to incorporate that into our discussions. It is a religious place, the temple, it's a religious temple. We look at a big huge temple, you know, it's a big building, a religious temple, there's one Buddha sitting in there, like a Buddha statue, no one occupies it, you know, it's huge. It's an expression of respect, and it gives a person a serenity to connect with this huge space. So, it is religious, and we want to keep it peaceful and spiritually enriching, in this beautiful environment. So, with the buildings and all these other places, there's not that many people there now. Maybe in the future, there are a lot of practitioners and people who support the practitioners, and are sympathetic and understand the difficulties that the practitioners are going through, the persecution that is ongoing, and they understand that this religious practice itself is something that is historical. They want to be a part of it, and they are willing, they are interested to support. So, that would draw a lot of different support that would come in. So, Kaijin has to speak with the town and discuss, and there's ongoing dialogue, it's not like that there's no communication.

William Onofry: This is the opportunity to put the information in front of the board. All the board can do is to work off of this. I know that there are other discussions to be had, I understand that. But I'm just trying to encourage you to make sure that you use this opportunity, as best possible, you know, the tables are what they are, the numbers are what they are.

Lana Han: Yeah, it's good and we respect and appreciate all of the communication and questions, and we can help to clarify things. This special use permit has been pending for very long, and it's not like the temple will go away, we are using it. We would like this to get approved as soon as possible. But the other issues, we would like to discuss them, and not use that issue to try and hold this one up, that is our position.

Willard Schadt: I have a question, how many guests would you like to see there?

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Lana Han: In the future? I don't really know, actually.

Kaijing Liang: Well, the temple, you know it was approved, and people will come and see what? We don't have nothing to see. We want to provide guided tours.

Chun Feng: We want to help the town to grow, and we want to have a feeling of how fast and how much the town is willing to have it. And people passing through Dragon Springs, just passing through, like a vacation, they will not stay for a long period of time. If you guys want the people on Galley Hill Road to have serenity happen there, we have plenty of capacity, I mean also, we will have resources to make it happen so, whatever the town wants, we want to achieve for the town. And then people will be going through Dragon Springs, maybe, and also it depends on how many people of the town is willing to let people go through Dragon Springs. That way, I think it's a win-win situation. You know, we get the town, the buildings are going up, and then inside you will see, you will see that we're building a fence, and the purpose is to keep the serenity and quietness within. And how many people will go around and see the beautiful sight, and then go out. And that's why we say we want to talk to the town board, to have a feel of the town board.

Willard Schadt: However, I didn't get an answer to my question. What's happening in the future, the commercial use, the increase in use, that's all issues for other boards, for the future. We're concerned about what is happening now, and the number of people that are exceeding 100/100.

Chun Feng: What is happening now, we are not exceeding 100/100 currently, and in the future, it depends on...

Willard Schadt: You're saying that you never have more than 200 people on the property?

Chun Feng: Yeah, currently we have 100/100, and in the future it depends on the negotiation or the talk with the town, to decide how many.

Willard Schadt: But you have more students than that, on your website.

Chun Feng: Like I said, a lot of people will be going in and out... You want us to clarify on the plan. Can we request, because we had people talk, and the recent letters, can we close the public hearing, and what we said is just technical issues, we can talk with the town engineer, and next time we can maybe come. So, if the board feels, we can close the public hearing?

Bob Vicaretti: No, the public hearing is still open, it's not done yet, we haven't closed it. I don't think the public is done speaking yet. Anyone from the public want to say something? There you go.

Ken Parada: Hi, I'm Ken Parada, I'm the President of Birch Hunting Club 151, and also a resident of Galley Hill Road, 224. I'm sorry that I'm late, I work in Westchester, I'm kind of in

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the dark about this, as far as the hunting club, this has all been thrown on me. We are concerned about what goes on at Dragon Springs. because we are a hunting club. We are concerned about property lines, schools going in. We've been there since 1988, and I've also lived on Galley Hill since 1988. One thing that I am not in the dark about, is about what goes on, on that road. It's a quiet country road, and this road is nothing but a race track and is being worn out every single day by the traffic from Dragon Springs. We truly are concerned. I also have one question, are you going to read that letter from Mike Alpert, I'm also the caretaker for the property.

Bob Vicaretti: No, we're not planning on doing that, it is entered into the record, if you want to foil it from the Town Clerk. We don't have the time to read it.

Ken Porada: I'm also the caretaker for the property adjacent to Dragon Springs. it's our hunting club property. Again, we oppose anything that goes on there. We are residents of Galley Hill Road, I don't know if anyone else here is a resident. Our quiet country, truly, truly is a mess.

Bob Vicaretti: Once again, is there anyone from the public that has anything to say? If not, I'll entertain a motion to close the public hearing.

Theresa Santiago: I'll make that motion.

Derek Wilson: I'll second that.

Bob Vicaretti: All in favor?

Craig Wagner: Aye.

Willard Schadt: Aye.

Mike Hunter: Aye.

Theresa Santiago: Aye.

Derek Wilson: Aye.

Bob Vicaretti: Aye.

Public hearing adjourned at 7:51 p.m.

Respectfully submitted,

Barbara Brollier, Secretary