

DEERPARK PLANNING BOARD - SEPTEMBER 12, 2012 - PAGE #
PUBLIC HEARING - RIVERRUSH RV RESORT & CAMPGROUND LLC.

The Deerpark Planning Board met for a public hearing on Wednesday, September 12, 2012 at 7:00 p.m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Al Schock, Chairman
Willard Schadt

Theresa Santiago
Mike Hunter

Derek Wilson

OTHERS

Mr. Alfred A. Fusco, Jr., Town Engineer

Mr. David Dean, Town Board Liaison

Mr. John Fuller, Civil Engineer

Mr. Burton Thelander, Adjoiner

Mr. Mark Helias, Adjoiner

Mr. Michael Errico, Adjoiner

Mr. Dennis Belawa, Adjoiner

Ms. Bonnie Lass, Citizen

Mr. Glen A. Plotsky, Town Attorney

Mr. Alfred Fusco, III, Town Engineer

Ms. Claudia Barritt, Adjoiner

Mr. Robert Venezia, Adjoiner

Mr. Mike Price, Citizen

Ms. Donna Dunnett, Adjoiner

Mrs. Bette Czajkowski, Adjoiner

The secretary read the public hearing notice: "Notice is hereby given of a Public Hearing to be held by the Planning Board of the Town of Deerpark, Orange County, New York, pursuant to Article 7 of the Town of Deerpark Zoning Law on the application of Riverrush RV Resort & Campground LLC for a site plan. The application effects the following premises: Record Owner: Riverrush RV Resort & Campground LLC; Tax Map Designation: Section 28, Block 1, Lot 49; Zone Designation: RR. Located on Guymard Turnpike, 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 12th day of September, 2012 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."

Al Schock: Glen, would you like to address how we're going to handle public comments tonight?

Glen Plotsky: Thank you Mr. Chairman. For purposes of the public hearing, first we're going to ask the applicant, or their representative to make a presentation to the Board and the members of the public who are gathered, describing what it is that they are seeking, and what it is that they propose. There is a sign up sheet, if any member of the public wishes to speak, there is a sign up sheet. If you haven't yet done so, give a little wave or come up, and sign it. The reason for signing up is two fold. One, that we can do it in a fairly orderly fashion, and number two, we'd like you to print your name, so we can spell it correctly in the minutes. Number three, as you can see, it looks like there is a whole lot of people to potentially comment on this. In order to prevent the Board from having to stay here until sometime tomorrow morning, we ask each of you to limit your comments to approximately three minutes. If you go substantially over the three minutes, we may ask you to stop. So, try to limit your comments to three minutes. Your comments have to be directed to the Planning Board. So, if you have questions, you ask the Planning Board. They may not answer your questions this evening. But if they think that your questions are pertinent to their deliberations, they will ask the applicant to answer those questions, either during the course of the evening or afterwards. And just for purposes for the record, Mr. Chairman, I want to make a note that there is a written document, of two pages, received September 12th to the Town of Deerpark Planning Board from Burton Thelander. With regard to this matter, I've given a copy of it to Mr. Fuller, and because he got it approximately two minutes ago, my recommendation to the Board, is that he be given a period of ten days to provide a written response to the questions contained therein. And then both the memo and the written response be made a part of the record.

Al Schock: Thank you. Okay, John.

John Fuller: To begin with, just for the record, there were fifteen certified mailings that were mailed, and I will give these to Barbara. To the Board and the public, I am John Fuller, I am a licensed engineer representing the applicant for this application before the Board, which is for site plan and special use permit, with regards to the Deerpark KOA property, which is formerly known as the American Family Campground, located on Guymard

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Turnpike. I'd like to, just for the benefit of the public, give a little history of the application and the the applicant, with regards to what is before you tonight. The applicant, Riverrush RV and Resort, purchased the property in the fall of 2010 from the previous owner, and at such time, they acquired it and started to move in and make improvements to the property. Over the course of the next year I was retained as their engineer to prepare us to this point, which is to prepare a site plan for the property. One did not exist previously for this property. And at a request of many different sources, specifically the Town and its Building Department, we were requested to pursue and gather information which will create a site plan that would be enforceable, with regard to the special use requirements, what most people refer to as a conditional use, as well as the existing conditions, and future and proposed conditions that are planned for the property. As part of the application, we requested a referral to the Zoning Board and we pursued a couple of zoning variances, in order to accommodate the desired improvements that the applicant was looking to have, in conjunction with the site plan and special use. We pursued that and acquired four variances in September 2011. The variances that we required were requested and were granted, and were variances to allow for additional dwelling units on the property. The Ordinance allowed one single family unit, which was really like an owner occupied owner. We requested four, and that was granted. And those four dwelling units are for owner, and owners' family and caretakers of the property. So, it is specific to those four dwellings. Additionally, there were several existing non-conformities, which were requested that the Zoning Board bring into conformance. They were existing setbacks that did not meet in accordance with the current zoning, while the existing structures had pre-dated the zoning. So, that was more of a matter of clarification at the time. Additionally, the way that the Ordinance was written, it required 500 square feet for what we call, sites, and the Ordinance does not differentiate between tv sites, camp sites, tent sites, and the like. And so our request was to grant a variance for a tent site, to be approximately half the size of what the Ordinance refers to as a site. Because tents could be congregated in a little bit of a more dense arrangement versus the needs of rv's and campers. And so that was granted as well, And the fourth and final one, was a request to allow the areas, which we've identified on the site plan, as areas A and B to be open year round, to allow for a winter season, or bi-seasonal basis for the campground. So, those were the variances sought and granted in September 2011 from the Zoning Board of Appeals. With that said, we proceeded to document a lot of what the Board, both the Town and specifically the Building Department requested, which was existing conditions of the property. Everything from the septic to the wells, water lines and utility lines and the like, which we spent several months gathering that information and collecting that. And the current site plan which we submitted to the Board for approval, we believe, has addressed both the Building Department, as well as the Towns' consultants requirements as well as the needs and questions and comments that we received from the Board itself. What I'd like to do, just for a moment, and before I turn it back over to the Board, and for the benefit of the public. I do have a full set of plans up here, but I'll defer to the Board that is colored behind me, for the benefit of the public. This is the site as it currently exists. The very limited improvements are requested, and more of this was to document the as built conditions of the property, and specifically to delineate, what we termed, sites, or what would be the rv sites and the tent sites and the like. And so the intent was to create a site plan that would be enforceable by the Building Department, as well as address the many needs that have been raised over the time that the applicant has owned the property, and also as a result of previous ownership. So, there are several fields which the owner identifies, which we call A Field and B Field, which are closest to Guymard Turnpike. There is a C Field, which is further back. And what I'll call the southeast corner of the property. And an E Field and a D Field as well. If you've been to the property, there is a main store/ office area, as you enter the property off of Guymard Turnpike. The primary entrance comes off of Guymard Turnpike, just opposite Meyers Road. They have a number of accessory facilities there, such as a pool, playground and the like. And there are several water bodies on the property as well. What we've identified as tent sites would be used primarily in C Field, although that's not a specific condition that we are seeking. There's areas to the southwest corner of the property, which is called storage. And there's an area in the upper southwest corner, which we have identified as an evacuation area for equipment in the event of a flooding condition. Most of the public knows that a portion of this property lies in the flood plain. And with that, I'm sure there will be questions from the public, which I will document and respond to at the end. But at this time, I will turn it back to the Board for their comments.

Al Schock: Okay at this time we'll have public comments. Claudia Barritt.

Claudia Barritt: Thank you. I'm here to speak tonight to speak specifically about the use of the pa system. First of all, at a previous meeting, a month ago approximately, Lisa Monk addressed the Board, asking that the pa system, which there is a zoning law forbidding the use of a pa system, she wanted it grandfathered in. So, I noticed that nothing was said tonight by Mr. Fuller, but this is a very major concern of mine. I live right next door to the campground. My property is separated by Betty Jane Lane, but truly I'm a neighbor of the campground. I wrote a few things, and I would like to read my statement, if that's okay with the Board. The unfortunate decision of the Zoning

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Boad, to grant the KOA all of their four requested variances, has resulted in the loss of quiet enjoyment of the property, and a substantial loss of property value. When I bought my place, I checked the zoning laws about a campground, and it was not a year round campground, and it had rules forbidding the use of a pa system. Knowing that, I felt comfortable with the idea of living between a campground and a nature preserve. A campground that was open only in the summer. The ZBA granted these variances to the Koa without requesting an existing site plan, and with significant opposition by this community. There were many people at that meeting, and many of us wrote letters. Had I been aware that my right to challenge the Zoning Boards' decision, under Article 78, had a thirty day deadline, I would have done so immediately. And their decision would've been most certainly reversed, or at least set aside, until an environmental study could be done, and a proper site plan could be submitted. Despite letters of protest regarding the ZBA's decision, myself and others, no one in this administration advised me at the time that there was a time limit to challenging their decision. The KOA owners have asked to have the illegal use of the pa system grandfathered in. You cannot grandfather in something that is illegal. That is my understanding of the law. If it isn't in the Zoning Law and it hasn't been granted a variance before the ZBA, it cannot be grandfathered in. There are alternatives for the KOA owners. Instead of broadcasting their movies throughout the community, they can issue their campers bluetooth headsets. You can rent those, you can charge them a fee for it. It lets people watch movies, and it lets me enjoy the quiet of my property. Regarding concerts. This is a residential community, which is why a pa system is not allowed, The fact that Guy Clarke repeatedly broke the law, does not mean that people liked the noise. It means that the laws were not enforced. We know that Guy Clarke routinely broke the law, and in fact, would not allow the Building Inspector on his property. His bad behavior should not become a model for the new owners. Thank you.

Glen Plotsky: Could we please ask that everybody either turn your phones off, or put them on silent, vibrate, throw it in the toilet, whatever you've got to do.

Al Schock: Burt Thelander.

Burt Thelander: Good evening, I'm Burt Thelander, I live on Guymard Turnpike, near the entrance to the KOA campground. And I wanted to share some comments that I put in writing to the Board. I sent the Planning Board a letter on May 31st, and I'm going to very briefly describe what was in the content of that letter. And I asked a couple of questions. I read the 2011 ZBA variance approval from the meeting that they had on September 15th of last year, and I compared what the ZBA decision was, to what the criteria is, that the ZBA uses to guide their use of the applications. And I question if the current owners have submitted satisfactory evidence that they met the criteria to grant a variance. One criteria is that the owner describe necessary hardship, and that they are not able to provide a reasonable return on their investment. I didn't see any evidence in that ZBA application related to that. And there were several bullets in that criteria about the need to submit significant evidence in their inability to provide reasonable return. The second question I had was, my understanding is, that a short environmental assessment form, a seqra is expected to be completed, and the Planning Board is now the lead agency for this application. Could you tell me if a seqra has been completed for this application?

Glen Plotsky: Not yet.

Burt Thelander: Not yet. Do you folks plan on asking for that to be done? Because Mr. Fuller mentioned septic systems, and I'm not an expert, but I have some questions about what the environmental, physical impact might be, with these changes?

Al Schock: That will be done.

Burt Thelander: Okay. And the year round operation, I've met the owners, Angie and Lisa. They're very cordial people, I support them on getting a reasonable return. But the year round I have questions about that. I read the Building Inspector report that was completed on April 29, 2004, and he gave a written opinion of the Town Attorney, Robert Onofry, at that time, that if there was going to be year round use, that might result in a change of use from a campground to a mobile home park, which is Zoning Law 5.2. So, I think that there's questions about, if year round use is going to be provided, does that change the use to a mobile home park. And then I haven't had a chance to look at the site plan, because my understanding is that the site plan was just recently sent to the Planning Board, but in the ZBA application, they talked about a maximum of 300 sites, rv's tent sites. I don't know if there are

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sites on that revised site plan. That's a question I think should be asked. And then regarding the fourth residential unit that Mr. Fuller eluded to, you mentioned several dwellings, or is there only one dwelling for residential units?

John Fuller: There's currently two dwellings on the property.

Burt Thelander: Are there going to be four dwellings?

Glen Plotsky: Mr. Thelander, you have to address your questions to the Board.

Burt Thelander: Thank you Glen, I'm sorry, my apologies. So, I'll get a copy of the site plan and take a look at that site plan and find out about residential units. My apology for not following the guidelines. And my understand is that the Building Inspector, Town Engineer inspected the changes to the proposed residential units, and in the April 2nd Town Board meeting, the Board decided to delay signing off on the annual renewal, because some of the Code requirements were not being met by the ownership. And those violations were not addressed satisfactorily. And I want to conclude by stating that I support KOA. My wife and I have lived here for many, many years, and we want them to be a viable profitable business. We think that the community will be benefitted by what they have to offer, bringing people into this area, seeing what a beautiful area we have. But there appears to be a pattern of lack of compliance with sections of the Zoning Law. And I don't think that this meeting is focusing on those areas of non-compliance regarding trash, noise, the KOA sign being too large on the road. But I think that the Planning Board might want to take a look at that also, in considering this application. Thank you very much.

Al Schock: Mark Helias.

Mark Helias: My name is Mark Helias, I live at 78 Guymard Turnpike. My property line is roughly 50 feet from the KOA Campground, intersected by Betty Jane Lane, a private road owned by the Venezias. One of the residences is directly on the property line of Betty Jane Lane, it is the residence known as the red barn. Actually three residences would be in that one building, just to clarify it. According to the variance granted by the Zoning Board, it is now zoned as one building with three separate residences, and is 50 feet from our property line, and 200 feet from our house. One weekend this summer the residents of the red barn had an outdoor party with thirty people, and set up a very loud car stereo system. The kind that fills up the trunk of a car, not a car radio, just to be clear. About 30 people were there and they played loud music for the better part of 6 hours. It was loud enough to be bothersome in our house with the windows and doors closed. I politely asked them to turn down their music, which they said they would do, but they did not. This behavior is the responsibility of the campground, since the residence has been approved by a variance to the KOA Campground. There was no c/o for this property for the longest time, I don't know if it's been grandfathered in at this point, but it was an illegal property for years and years. The following is in reference to the use of amplified public address systems used by KOA in the open air, and clearly disturbing to our tranquility. From the Zoning Law, well I won't read the whole thing, but it says, "...responsibility for meeting such requirements shall extend to occupants of the campground, or rv campsites, as well as owners and operators." Public address systems shall not be permitted, it's in the Zoning Law. In the last meeting the implication was that since it was common practice for so long, it was going to somehow be overlooked. Lisa Monk, in addressing the Planning Board at the last meeting, used the past behavior of Guy Clarke as a reason to ignore the law as pertains to public address systems. She claimed that the public address system had been used for 50 years. Guy Clarke the previous owner of the campground, I've been told, had refused to allow the Building Inspector onto the property, and continually refused to comply with the majority of the laws pertaining to the operation of the campground. He never made a site plan, for which we are now paying with these proceedings. If we are to use the actions of the previous owner, a convicted felon, as a guideline to moral and legal reference, the behavior of the new owners of the campground, I would make note of that. Since the Zoning Board did not rule on a variance on pa systems, can the Planning Board sign off, on a clear violation of written law? I had a long conversation with our Chief of Police who told me that his job does not include the enforcement of Zoning Laws. He explained that Zoning Law violations are the purview of the Building Department. If the Zoning Board did not grant a variance, then how can we allow flagrant violations of the Zoning Laws, based on past illegal activities? If we cannot seek redress on variances granted by the Zoning Board, how is it that the Planning Board can overlook and allow illegal use of pa systems here, in their assessment of licensing at KOA? When the new owners arrived at KOA, we had high hopes of responsible ownership and we welcomed them with a clean slate. Later, my skepticism grew, with the burning of trash, a serious and toxic illegal action. Unsupervised trash bins, which attracted bears, a sign blatantly larger than the four feet allowable, it's still there, and all of the other actions which will be

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enumerated by my neighbors. These behaviors indicate that the Zoning Board and Planning Board need to take a more rigid and literal legal basis, in their approach in dealing with the KOA. Everyone speaks of increased revenue to the Town, this is a business and therefore, business creates jobs, etc. Where is the proof that KOA creates jobs, and how many jobs and at what salary level? Are these jobs worth the travails of KOA's neighbors and increased noise, speeding traffic, speeding rv's on Canal Drive, illegal mailboxes being put on neighbors' property, etc. When we were looking for property seven years ago, we did our due diligence by reading the local laws. Being next to a campground gave us pause, and we thought, peace and quiet. Because the Zoning Laws were so clear on noise and other controls, we decided to purchase the property anyway. We made an investment in our home, based on the public covenant between the Town government and the residents of Deerpark. That covenant is the Zoning Laws. To maintain the value of our property, we would like the Town of Deerpark Zoning Laws to be strictly adhered to, as concerning KOA. Thank you.

Al Schock: Thank you. Linda Faix.

Linda Faix. I'm here for a different issue, but I'd like to reserve my right to speak at that time.

Glen Plotsky: Just so you understand now. This is the public hearing, so this is your opportunity to speak.

Linda Faix: Well, this is why I'm here to speak.

Glen Plotsky: Are you on KOA, or are you on something else?

Linda Faix: No, I'm not speaking on KOA, but on Dragon Springs.

Glen Plotsky: Well Dragon Springs is not a public hearing, therefore, there will be no public comments on Dragon Springs. Okay, go to the next person.

Al Schock: Mike Price.

Mike Price: Thank you for having me, my name is Mike Price, I'm a Senior Project Manager for three companies in the State of New York, in charge of a 50 million dollar project by the Town of Minisink at this time. I do a lot of traveling, I do a lot of staying at KOA's. I've experienced nothing but good things at this KOA. I would hope that the people on this Board would consider the free enterprise system that America has. These people came here and invested a lot of money. The people that have the businesses up on this highway, people come from the KOA. When we have an election, not everyone voted for you. Half of them voted for you and half against. That's the same scenario we're dealing with now. We've got people that came here and invested their money. Nothing is perfect, except one thing, and we ought to look up at that once in a while, maybe. But I would hope that this Town and these people, and you people on the Commission Board, would look at this for what it really is. America was built on free enterprise. And that's what we hope is what you would consider when you decide about this campground. I've been here for several month. I've never had an issue. I get up at 5:30 every morning and work all day. I've got four kids and a wife in Tennessee. And I know how it is to pay bills and live. But I've not had any of these issues that they speak of. Now, I wasn't here when they burned trailers, I've never seen any of that going on. But I think that the improvements that I've seen these people make, you'd have to agree that they're trying to make a positive move. They fixed the bridge that was pretty much dilapidated, and they cleaned up the park. I know that the lady that owns this is not a convicted felon, so we can throw that out the window. I just would appreciate you considering what you're dealing with here. Our country is in a mess right now. And if you think that's not true, you're not reading what is in the newspapers or listening to the news. We need to get together and work together to try and make this thing happen. I do appreciate your time.

Derek Wilson: I have one question for you. What type of a union are you in?

Mike Price: I have a 38 foot fifth wheel. Thank you.

Al Schock: Michael Errico.

Michael Errico. How are you doing Board? I'm a resident at 8 Avenue E. I'd like to start off first, I bought the place in 1998, and it was a quiet area, nice. You know, summer's getting a little crazy and people like to use the river to swim

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and have a good time and there's nothing wrong with that. But a lot of changes have come. And I mean, changes happens. But these have been nothing but negative. In my eyes and also my neighbors'. We're all trying to protect our investment down here. We want our kids to grow up in the country, not in a rock and roll stage, every night or every other night. I can hear it three quarters of a mile away. I can hear it as plain as day. There's no reason for it. Today's technology, there's no reason for an outside pa system. Drive-ins used to have the wire that you hanged out your window. Now everything is wireless. They could put in a system like that and make everyone happy. It's something that they should look into. We don't want to take the fun from anybody camping. We all are campers. I've been camping all of my life and I went to camper parks, but this is ridiculous. Now they want to comply. Let's find out first what they did, what they shouldn't have done. The bridge that he was talking about, that they fixed, did they fix it right, was it done legally? Did an architect or an engineer write it off? Was it built correctly? They repaired decks, they repaired clubhouses, was it illegally, without using the proper materials? Using non-skilled laborers? I've sat in a gentleman's house and spoke to him, and he's tried to convince me that he knows how to get someone in this country illegally, and he knows how to do it. Now, do we need this in my neighborhood? Do we need this in anybody's neighborhood? It's something to think about. One day when you want to do things right, then you should start off doing it right. When I have to put an addition on my house, or someone wants to build a house, they get the proper permits and they do it. Not the other way around, that when you get caught, then you get a permit. This has got to stop down here, it's getting out of control. We have nothing but problems down at the beach area, down at the Myers Grove beach area. There are pit bulls down there from the campground, they're walking down the streets going through people's mailboxes. It's becoming an ongoing thing, and that's a whole another issue that's going on, because that beach was supposed to be for Myers Grove residents only, and not for the campground. It specifically says that on the paperwork. And they consider that they can use it, and they send their campers down our way, because it gets too busy down by them. If they can't handle their facility, then they have to do something about that. My concern about them having an all year round thing, is that if another catastrophe happens, do they have an escape route, do they have an emergency exit route? Do they have everything up to Code? Did the Fire Department approve everything that they asked for, about the new roads, and how are they going to get out of there, or what they're going to do? These are questions that have to be considered, and I hope that you guys do this for us. Thank you.

Al Schock: Thank you. Donna Dunnett.

Donna Dunnett: I live at 20 Grove Street, and I have had no problem whatsoever of hearing any wild music or parties or disruptive campers coming past is my home, and I've been there for three years. When it was owned by the previous owner, I had all kinds of problems with people getting out of their tubes, getting out of their boats and using my yard like it was a public park and stealing my tackle box. When I was in a time of need, the last flood we had, KOA saved the day for me and my life during that time. They let me, out of the goodness of their hearts, borrow a camper from someone and find high ground on their property, where I could have running water and electricity and be able to keep in touch with my physicians and be close to my home. When it was possible for me to get to my home, in this wonderful friendly neighborhood that I have moved to. I found that someone had written F-you on my back door and tried to break into my home, after a major flood. These people helped me, none of my neighbors helped me at all. All but one, one neighbor helped me. And the KOA. I've had no problems with any of the tubers coming past my home, they're friendly, they wave and they don't get out of their tubes and ransack my yard, and I don't find them in my hammock. And they all seem to be very well behaved human beings. When it was owned by the previous owner, I got trash in my yard. I don't know what other people are dealing with, I don't have that problem at all. All I know is that there is prejudice and evil people and bad neighbors that live by me that I think are insane alcoholics that I think should be looked into. And a lot of guns and illiterate imbeciles. So, someone who is bringing intelligence and to get a license to even have a KOA... I've traveled all over the United States and I've stayed at KOA's and they're clean, reputable, nice campgrounds. So, if you're going to pick to death, people who are trying to help a community, I don't understand the logic of it. We should be welcoming any kind of people that come in here, and enjoy this beautiful property and mountains and rivers and have more to offer them. When people come to my home, I take them to the museum and to the glass museum. Where else is there to take then, Port Jervis is like a ghost town. So, if people are traveling all of this way, to come to the KOA, to relax, there should be a time limit at any campground, where the noise stops and it's quiet. But petty things are just petty things. Thank you for listening.

Al Schock: Robert Venezia.

Bob Venezia: Good evening, my name is Bob Venezia, I also live right next to the campground.

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I haven't found it so wonderful, as that last lady. My wife and I have lived in Deerpark for thirty years. We've been here through five or six campground owners, and have always had a good neighbor relationship with them. Now Angie and Lisa have had ownership for about two years, and I'd like to make you aware of a small portion of what has transpired since it became the KOA. In the red barn there is no c/o. According to the Town rules, there's not supposed to be an apartment there, it's supposed to show only one permanent residency, nothing for the red barn. The apartment that was there, was built illegally during Guy Clarke's ownership, and he was never able to get a c/o because it was done illegally. There's also log cabins on site, which they are hard sided tents. A log cabin is a log cabin, a tent is made out of fabric. There are several projects that they did without permits. A lot of these projects have been gone over by the Building Department and they were re-issued permits. But nevertheless, there has been one started on 2/18/11 one on 9/21/11, one on 6/29/11, all of these things were started without permits and plans. And then afterwards when they got caught by the Building Department, they retro-fitted them, to make them legal. There's also a new bathroom that was built without plans. As far as I can find from foiling, I can't see any septic, and I don't know if they have back-flow valves, which is the federal standard for bathrooms in the floodplain. There are also two new park models that have been brought in.

Derek Wilson: Can I just ask you question, you said that a bathroom was built, at what location?

Bob Venezia: There is a building there yes, a building with several bathrooms in it. So, two new park models have been brought in. According to the zoning, it's clear, that any trailer has to be DOT'd and they have to be in title by the Department of Motor Vehicle. They brought two cabins, in tractor trailers and built on site. So, they neither conform to our Zoning Laws, didn't conform to the Building Code, because there was none, and does not conform to RIVA, which is the Recreational Industry Vehicle Association, that governs trailers, campers and motor homes. There's trailers there that has decks, porches, benches, storage sheds and skirting. None of this is allowed by the zoning. We've never had an animal problem, since I've lived there for thirty years, and they refuse to close the containers for the dumpster, and now we have bears. There's also two sites by the red barn that have water, sewer and electric, and people live there for more than four months. That gentleman who just spoke, I believe his name was Mike, he's been at the campground for more than several months. I have pictures of his truck and trailer from last year and this year. But I've never seen him go out, he says he goes out everyday to go to work. We also have a letter from the Town Attorney, that says, "...the letter of the law for recreational camping, is not transient workers..." it's recreational camping. That's from the Town Attorney. We also have a letter from Bob Emerson who has been the Building Inspector here for numerous years, and his take on this is, that if we allow them to be open all year, it will be a change of use, it would be changed into a trailer park. I guess that's pretty much it. We'd like to continue to live in the Town of Deerpark, the way it's been. And I'm not adverse to new business, but it's minimum wage jobs, they're not rocking anything here, they're not making any money for the Town. The few people that come here buy a couple of sandwiches from O'Dells. They have their own store. This is not increasing our income for the Town. Based on what the Town experience has been so far, I don't see how these variances can be granted. Thank you for your time.

Glen Plotsky: Excuse me, could you just give me the date of that letter, and which Town Attorney?

Bob Venezia: Sure.

Bette Czajkowski: I have a copy of it.

Glen Plotsky: That's fine, I'm just curious as to who wrote it.

Bob Venezia: Would you like to see a copy of it?

Glen Plotsky: Sure.

Derek Wilson: I'd just like to say one thing for clarify, because I keep hearing this being brought up, and in Mr. Thelanders' letter, so that everybody understands, the variances that were given, were given by the ZBA and the Planning Board has to live with what the ZBA decided. We can't change what they decided. Just so everyone understands out there.

Al Schock: Bette Czajkowski.

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Bette Czajkowski: Yes. I have some copies, may I give them to you. I have some pictures and information you might want to look at. It's actually what I'm going to speak about. If you'd like to follow along you can, if now, you can read it at your leisure. Each point I make is co-ordinated with the pictures. The attorney has one. My name is Bette Czajkowski, I also live next door to the campground. And before I begin with my information, I'd like to respond to the KOA Riverrushes previous presentation regarding the parent KOA company. KOA rules and recommendations are irrelevant to the Town of Deerpark. The fact that this is a KOA campground and it's likely to change at any moment. When this owner family, sells the campground to the next person, we will still be living here, as we've lived through five or six owners in the past. And then I just want to go over briefly, some current zoning violations. And I have pictures of all of these. One, there are no plantings on my property boundary line with KOA. Two, several of the cabins and park models have porches. Some are on skids and many of their campsites have decks. This is against the zoning. During the KOA's presentation to the Planning Board on April 25th, Ms. Monk stated that there is a woman, whose trailer has not been moved for 25 years, occupying a campsite at the KOA. Ms. Monk also stated that they cannot move the trailer. This again is against the zoning law. During the KOA's presentation to the Planning Board on April 25th, Ms. Monk stated that she had men that were working construction in the area living at the campground while working. According to the Town Attorney, that is not within the spirit of the law. KOA had been using public address systems continually, and there have been many, many complaints filed with the town and the police. The campground has an outdoor theater which uses a pa system, and is used regularly. On the weekend of August 4th, KOA had excessive noise, emanating beyond the property, onto neighbors' properties. The police were called twice, e-mails were sent to the Supervisor. The campground was also fined by the DEC for burning trailers, again in violation. The refuse is not in enclosed receptacles. The pictures are of that as well. The dumpsters were left open all Labor Day weekend. They have the dumpsters now, with a three-sided fence around it, but they leave the dumpsters open. So, the bears are coming onto my property and yanking out my sunflowers and taking them into the woods to eat them. The newly added dog park and childrens park are not set back 100 feet. If you look on the proposed site plan, they are not set back 100 feet. Again, against the Zoning Laws. The KOA is entering into contracts with people, for more than four month rentals. I have copies of contracts that I foiled, here at town hall, that the KOA presented to the Planning Board and the Building Department. So, you can see contracts from May to October. They're only allowed to be there for four months. I'm sure nobody signs a contact for five months, and only stays four months. Regarding the site plan, the E & F sections of the KOA are delineated on the site plan, were never there before. And this is new, and they're presenting this as an existing site plan. I've lived there for thirty years and there has never been campers in that area. Regarding the noise, the previous owner had a band, three times a year, that stopped at 10 p.m. The KOA does not stop at 10 p.m., they go on until at least 11 p.m. And quiet time does not start until 11 p.m. at the campground there. A little pamphlet says that. And I think that that is too late for a residential neighborhood. There are people going to work and they need to sleep. Their signs are oversized. I don't agree with that. I think that anyone of us that are in business, would know that you can rent a spot to \$20. a night, rather than leave it empty. So, I don't believe that. Ms. Monk stated that some of her park trailers were constructed on site, and therefore, do not need to be transportable. That's not true. They need to be transportable, that's against the zoning. The hard shell tents. Once again, tents are made of fabric and poles, not wood. Ms. Monk states that she is going to obtain proof of residency from customers, and assure the Board that there will not be people living there. I have examples of where she did obtain examples of electric bills, but three months later, after the contract was signed. You'll find them in those packets as well. Ms. Monk also states that the KOA has plans to move all of the park models, lodges and cabins in under two hours. using twelve various pieces of equipment. Does the campground show proof of ownership of all of these vehicles? Are these vehicles capable of and suitable to move these huge lodges with porches? These vehicles might be sold, broken or off premises at the time of a flood. The zoning law states that all of these park models must be in transportable condition at all times for a reason. I have pictures of some that don't look transportable at all, and they're also in your packets. According to RIVA, they give some examples of RIVA, but it does not pertain to rv's, it pertains to manufactured homes. And you'll see a copy of that in your packet as well. I have some very serious concerns about the logistics of enforcing the zoning laws, if the campground is allowed to remain open all year. It would be all but impossible to determine, if people are living there all year round. This would be especially difficult if they were permitted to leave all park models, cabins and lodges on site all year around. This would just lead to the burden of the already burdened enforcement department, at a time when the department is already strained, and cannot increase the enforcement team. There are some that may think that I am mad at the campground owners, but this is not the case. I am trying to protect my property and my way of life, and have many concerns about the campgrounds' commitment to our community, the environment and the neighborhood. In conclusion, ladies and gentlemen of the Planning Board, I request that KOA not be given any special privileges or variances at this time. It is clear that they have been less than

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forthcoming with the town, the Planning Board, the Building Inspector, the neighborhood, and in fact, their own affiliate, KOA. I do not believe that they have shown a good faith effort to comply with the town of Deerpark Zoning Laws. Nor have they made a good faith effort to be a good neighbor. Let's allow them more time to become familiar with the area, and the zoning laws. And they can re-apply another time. I wish them well.

Al Schock: Thank you. Dennis Brelawa.

Dennis Brelawa: My name is Dennis Brelawa, I've lived in Godeffroy for over 20 years now, on the same property, which is behind the campground. The only thing between me and the campground is an open field. So, all the noise that these people are talking about, I hear especially loud. There's nothing to block it, it's just a giant field. I do hear the noise after the allotted time, and the back of my house has no windows, only four doors. So, when the doors are open to stay cool, all I hear is noise. So, it's a nuisance. Trespassing. Now I'll give you the first example of when I met the people. You know, it may have been an act of kindness, the first time I met them, they took a snowplow truck and came right down my driveway, which is about a quarter of a mile long, and plowed the driveway without even asking me, and came to my door. I asked them never to do it again, and not to come on my property again. And again, they might have thought it was a good thing, but what it did was, screw me over with my plow guy. Because when he came and he thought I gave the job to someone else, he lost his money and is mad at me. So, he turned around and left, which left the rest of my property that I have to walk through for me to get rid of the snow. I've had four back operations and I'm disabled. I cannot do that, but I had to do it, because he thought I gave the job to someone else. That's the first meeting I had. Again, it might have been an act of kindness, but it was trespassing. Trespassing with their campers. I take a younger kid hiking down by the river from my house, which is a distance, because we walk down past the cornfield and past the campground. And back by the river is a big campsite where all the campers are, and it's nowhere, where anyone is coming in off of the road. It's in the middle of nowhere. So, we're looking for turtles and frogs for the kid, because he enjoys that. What we found was garbage, where someone had a picnic, or whatever they were doing and human feces next to the garbage, right by the river. And that's where we found a set of turtles, and he thought it was hilarious, I was furious. There's no screening. My land is right next to the giant field. There's supposed to be 20 feet of screening and there's none. And people come onto my land, because on their website and/or brochures, they state that they are right next to a nature conservatory, which they are not, they're right next to me. So, all these people who think they're going to the nature conservatory, are trespassing on my property, and leaving garbage and whatever else they do there. That's a trespassing issue. The PA system I went through, like I said, I hear that more than anyone, nothing blocks it for me, except an empty field, so I hear that all the time. The garbage is also an issue because I took notice of coyotes and bears on my property. I've been up here twenty years, and I've seen one bear on my property, and that was early this year. The garbage dump is supposed to be concealed, and it's concealed on three sides and then left open. I could pass it and see that the dumpsters are open. And the field that I pass to go out the bottom driveway was always used as storage, you never saw any campers there. That's not used for storage anymore, it's used for camping, and it's right up to my property line, which again, there should be a distance between. Everyone else has covered everything else. In the field they used to use it as a golfing range, like a pitch and put, but it is now used for camping as well. So, they're having more and more people there, and I believe that it's going to lead to permanent people living there, and I don't want that, because I worked at the Times Herald Record for ten years and I see what communities and trailer parks produce, and not to disparage anybody, but I worked at the paper long enough to know that they're a lot of trouble at a lot of times. Because I believe that they're encased in their own little world, the town police are not in there a lot, and the people in there think that they can do whatever they want, because they think that no one is paying attention. This is my opinion, this is what I have seen in numerous times in numerous trailer parks, I don't want this to become a trailer park. Everyone else has covered everything else. But to just drive home the point of that they don't follow rules and regulations. Not even a month ago, I was on my driveway down Guymard Turnpike, and made a left down onto Canal Drive, and I come face to face with a golf cart being driven by KOA people, with 2 or 3 kids hanging off the back, on a public street, guiding an rv back to the KOA. Which means that they took a gold cart illegally, with children on the back of it, drove it up to 209 to the bridge and drove it with the camper back to their grounds. No good. Because when I made that turn, I came head to head with that gold cart, that's absolutely illegal and dangerous. This is the mindset of these people, and that's all I can tell you. This wasn't even a month ago. So, if they say that they're following the rules and regulations, I don't see it. That's it.

Al Shock: Thank you.

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Willard Schadt: Sir, could I ask you a question? I heard you complain about the noise, is that primarily from the pa system?

Dennis Brelawa: Yes.

Willard Schadt: And you say they are there all the time. Can you be more specific about the times?

Dennis Brelawa: It's at night, not at day. It's at night when I'm trying to watch television past 10:00.

Willard Schadt: Is it continual or sporadic?

Dennis Brelawa: Whenever I use it, I hear it.

Willard Schadt: What I'm trying to find out, is how often is that?

Dennis Brelawa: When they use it?

Al Schock: What is the pa system used for?

Dennis Brelawa: I don't know what it's used for. It's used for announcements, they say they use when they show movies, when they have band music they use it. Like I said, I have no barrier, I have an open field right there when they do their activities. So, I don't have specific times and dates, but when it's happening I hear it, and it's an inconvenience and it's past 10:00 at night. If you want to know how many times, I'll say 5 or 6. You know, You just get annoyed, you close the door so you don't hear it. I wasn't tracking this, because I didn't think it would be a continuous problem, it is a continuous problem. My point is that I think it is getting progressively worse, and I don't want that. So, as far as these people at the campground and staying at the campground being on my property, several, several times, and they're slobs. As far as breaking the law, I've seen it.

Willard Schadt: Thank you.

Al Schock: That is it, what's on the list. You want to leave this open for written, you said?

Glen Plotsky: The Planning Board has to decide if they'd like to respond right now, or allow the applicant time to respond in writing to both verbal comments and the written documents that were provided earlier this evening.

Derek Wilson: I think it would be best for the length of the meeting and the applicant to respond in writing, go over the comments in the record and respond in writing, and then for the Planning Board to go down through them and address them too. I would suggest, I don't know what any other Boards' comments are.

Bonnie Lass: Is it too late for me to speak?

Al Schock: You're supposed to write your name on a list ma'am, here.

Derek Wilson: Yeah, we have the duration of the meeting here yet, and we want to make sure that we discuss everything in detail. I would leave the public hearing open to written comment, until the next time it's on the agenda.

John Fuller: Yeah, we would be open to the idea of leaving it open for written comment, so that we can respond to the many comments we have heard tonight.

Glen Plotsky: Are you also leaving it open for written comment, neighbors, people who are here, everybody?

Derek Wilson: Yes, I didn't think you could only leave it open for the applicant, and not anyone else.

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Glen Plotsky: You could. You could say that the public hearing is closed, but the applicant can respond to the public comment, or you can just leave it open for written comment for a period of time, and then allow.... I mean, if you want the applicant to respond to the written comment, then they obviously have to have more time, then those who are making the comments. So, perhaps, what the Board could do, is to hold the hearing open for seven days for written comments, and then allow the applicant an additional seven days or so to respond, and then you can have it on the first agenda in October for consideration, discussion, deliberation and vote.

John Fuller: Yes, I think we will be open to that idea. I think that would be appropriate,

Al Schock: John, could I just let Ms. Lass speak. Bonnie Lass.

Bonnie Lass: Yes, thank you. I'm sorry, I came straight from the barn. I live on 66 Canal Drive. Sometimes in the summer when I'm out in the barn, I do hear music or whatever, like a dj. It doesn't bother me at all, I'm thinking that somebody is having fun, good for them. It's not constant, only once in awhile on the weekend that I hear it. As far as the people not using the local business, that's a bunch of baloney, because people from the campground fill the O'Dell's parking lot, all summer long. Also in spring, summer and fall, because I'm there two or three times a day and they feed me. So, the campground is giving O'Dell's, and Try-R-Deli a lot of business. That they don't bring in business, that's not true. The people that go to the campground, in and out, do not speed, and I live on my road, and I'm outdoors from sun-up until past sun-down, so I'm a pretty good judge of that. They don't speed. They have \$150,000 rigs that they're driving down that road, they're not going to speed. They're not hitting the bumps. The local people, that's a whole different story. And as far as driving the golf cart, they may have been coming from my house. Because one time Angie, one of her babysitters had brought the kids over for pony rides at my house, in the golf cart. They did not go up on 209, they were not directing traffic, they very carefully drove down to my house, with the kids, I don't know if that's right or wrong, it happened, they did not go to 209 and they don't make it a regular habit. As far as feces in the woods, I ride my horses in the woods around the property, and believe me, there is some really sick people in this area that do stuff like that. You can't blame that all on the campers. So, I have had nothing but positive experiences with the few campers that I have seen off of the campground property, most of them to my knowledge, stay right where they are. I do know that they drive by slowly with tubes, they go up to the bridge, they have tubes, that's what I know about them. Angie has been more than friendly, and has offered for me to put flyers in the campground, to try and increase my business, which is incredibly slow right now. Because it's not a necessity to ride ponies or horses, and I'm hurting in this economy, like most of us are. I think that most of this stuff though is that people got a bug up their butt, we all need to work together. I'm sure that Angie is a reasonable person, I've had nothing but positive input from her. And as far as people who stay, or through the season, for the campground, who gives a crap, who cares. They're coming from Middletown or Monroe, I've met some of the campers and have given their kids horseback riding lessons. They come and the father comes up on the weekends, maybe they work in the city, or they come up on the weekend and they have their tent, so what. If they come for the whole season, so what, good for her. Good for her. But a lot of this stuff is just people, being people. I just wanted to have my say. Thanks. I've had nothing but positive experiences with them.

Al Schock: Thank you.

Derek Wilson: Is there anything else Al, if not, I'll just make a motion to close the public hearing.

Willard Schadt: Do you want to close the public hearing, or adjourn the public hearing?

Al Schock: Al do you have any comments?

Al Fusco: I can give them before or after the public hearing, I don't care.

Willard Schadt: Yeah, but I mean, make that motion before Al makes his comments.

John Fuller: Is there anything that you want from the applicant tonight, for the public record, for comment?

Willard Schadt: One of the things John, if you will look into it, I know that one of the consistent things is the noise and the pa system, and is there anyway of mitigating what they do, or what, if those complaints are accurate, if you'd be a little bit more specific about what is going on, and also the mitigation.

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John Fuller: Sure, I think we'll respond to all of the verbal comments that we were given tonight, and then have written future comments in the week ahead. I guess my only question to the Board, is there any information that you want from the applicant tonight for the record, or we'll just respond to this in writing?

Al Schock: Yes, it'll be left open for seven days for written comment.

John Fuller: I guess my point is simply, do you have any questions for the applicant tonight, simply put. If not, we'll respond to all of this in written format.

Al Schock: All right, let's close the public comment portion at least, let's do that, and then leave it open for seven days for written comments. So, you want to make a motion for that?

Derek Wilson: So, you're going to close it for verbal comments tonight, and you're going to leave it open for written comment for everyone for seven days, and we're going to leave it open for another seven days for the applicant to respond to comments received in that period for an additional seven days. I just want to make sure everybody out there, if there are any other additional comments that in the next seven days you can submit a letter to the Planning Board, and it'll be passed out to the members, and will be taken into consideration. So, I'll make that motion.

Theresa Santiago: Second.

Al Schock: All in favor?

Theresa Santiago: Aye.

Derek Wilson: Aye.

Willard Schadt: Aye.

Mike Hunter: Aye.

Al Schock: Aye.

Public portion of the public hearing is finished at 8:20 p.m.

The public hearing is held open for seven days for written comments, and then seven more days for the applicant to answer in writing any comments.

Respectfully submitted,

Barbara Broliier, Secretary