

DEERPARK PLANNING BOARD - OCTOBER 12, 2011 - PAGE #
PUBLIC HEARING CONTINUED - DRAGON SPRINGS BUDDHIST, INC.

The Deerpark Planning Board met for a continuation of a public hearing on Wednesday, October 12, 2011 at 7:00 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

PLANNING BOARD MEMBERS

Al Schock, Vice-Chairman	Bob Vicaretti	Theresa Santiago	Willard Schadt	Mike Hunter
Craig Wagner	Derek Wilson			

OTHERS

Mr. Glen Plotsky, Town Attorney	Mr. Alfred A. Fusco, Jr., Town Engineer	Mr. Richard Decker, Citizen
Ms. Lana Han, Esq. Dragon Springs Buddhist, Inc.	Mr. Chun Feng, Architect	Mrs. Minzi Pan, Engineer
Mr. Kaijin Liang, Engineer	Mr. Liam O'Neil, Citizen	Mrs. Mandy Schneider, Citizen

Lana Han: Hello, I'm Lana, and we're here, continuing from last time, I think today is the fourth time. But anyway, we did get the DEC approval, and all of the comments have been addressed. And today, I think our engineer Minzy, has prepared a short presentation to address some of the concerns that were brought up last time. And Mr. Chun and Mr. Yiang, they have additional comments about what we are doing for the town. So, let's have Minzy begin.

Minzi Pan: Minzy from Dragon Springs. We prepared a presentation for our neighbors, here is the drawing and where it's located. Tonight I would like to introduce our lake and dam project, actually show where our proposed lake is located and how it will be constructed, and how it is connected to the downstream rivers. This is an area map, showing... this is Route 209, this is Route 211 and this is Galley Hill Road. This lake is valley area. This is the Shawangunk Ridge, it's a very big mountain here. And this is a small mountain near the Neversink River. And this is the two major rivers, one is the Basherkill and the other is the Neversink River. And this is two large lakes, one lake is Lake Helen and from Lake Helen there's a stream that flows down along the valley and then along Galley Hill Road, and then it discharges into the Basherkill. And the other lake is on Dragon Springs property and it is this lake. And from this lake, there's a small stream, like a single stream that flows out, along the valley and meets with the stream from Lake Helen, then discharged to the Basherkill. The proposed lake will be immediately adjacent to our existing lake. The proposed lake will be about nineteen acres large. So, constructing the lake, we need to build a dam across, so... thank you. This is a cross section of the dam. We are proposing an earth dam. This means selective soil is going to be compact layer by layer by layer up, to build this dam. At the top of the dam, it's 30 feet wide, and the face of the dam, at its widest location, is more than 200 feet wide. The side slope on each side, is three to one. You can see it's a very stable structure here. And about ten years ago, Dragon Springs used the first dam on site and right now it works very well, it functions very well. It's a very similar earth dam to this one. So, we're very confident that it's a very safe dam.

Derek Wilson: The soil for the berm, is all going to be used... on site soil, or are you going to bring it in from off site, for the main berm, dam berm.

Minzi Pan: The material is on site, yes. Okay, and on the dam we'll have a concrete structure, it's called a spillway inland. It looks like a catch basin, but is larger, it's 6 X 4 dimension. And then connect, there is this discharge pipe, and then discharge downstream. So, when this dam is being constructed, the water is going to be there, and then it will create a lake. The lake being created is going to be a part of this water system, this lake will be functioning in this water system. And I do show you another one here that we make... okay, you see, that the gray area is the water shed for these two lakes, for the proposed and existing lakes. Watershed means all of the rain water in this area flows in to this lake, and that is discharged through the stream. And all sides area are now flowing to this lake. So, you can see this is the Shawangunk Ridge, this is the mountain right here, the highest point of the mountain. And this is another hill here.. along here. So, when it's raining, the water will flow down here. And this part is our building area, so most of our building area is here, the watershed of the lake. So, the building area is also going to discharge to this lake.

Derek Wilson: Can I just ask one quick question? So, the total acreage of the watershed or drainage area is how many acres? Including both the old lake and the new lake.

Minzi Pan: It's about 200 acres. This water, green area, is for both lakes, 200 total acres. Most of this part, the water going to flow to the stream from Lake Helen. And Lake Helen is over here. So, this part of the mountain is going to flow through a culvert of the railroad, and flow into a stream, you can see that, the stream along Guymard Turnpike, is discharged into the Neversink. And also this side of the mountain flows into the Neversink River here. So, when it's raining, all of the water from the green area is going to flow to the lake. And what's going to happen is, lets go back to this one... what's going to happen is, when the rain water flows in, then the water is going to discharge from this control structure and this discharge on the pipe downstream. But if it rains very hard, so a lot of water is going to suddenly pour into this lake, and it will go down into the lake. Because the capacity of this discharge pipe is limited, it can only discharge so much water, so this means that more water will come in, then come out. And the water is going to accumulate in the lake, and the water level is going to increase, increase, increase. According to our calculation, during the 100 year storm event, the highest water level can reach in this lake, is still 5 feet below the top of the dam. This means that during the 100 year storm, you have 5 foot at the top of that. And what that means for downstream, it means, this is our calculation, when there's a very heavy storm water, like the, for example, 100 year storms, it's going to calculate 231 cubic feet per second, in flow into the lake. That means that every second it allows more than 231 cubic feet to flow into the lake. But this pipe only discharges 126 cubic feet per second. So, this means that it's only 55% of in flow. The lake holding water, trying to go downstream, it's going to hold about 5.4 million gallons in this lake at the top, the water level is here. And the second drawing... I think this makes it more clear. The green one is the water flowing to the lake, or the current. And you can see how very big, high flow. And the blue one is, after it is constructed, it's going to.. this is the outflow to the downstream. So, because this part is going to affect the downstream flooding issue, it means too much water pouring downstream, it cannot hold, it's going to flow over the back. So, this means that during the heavy rains, we actually reduce the top, the water here, to 45%. So, I hope that is clear.

Unknown: It's like a water retention, holding back the water.

Derek Wilson: I have a question. When you have the unusual storms, like we've had, seven inches in an hour, it's going to be 231 cubic feet inflow. When you have a tremendous amount of water that comes into this, and you receive the 100 year storm event, which, you've

seen what has happened in the last several years. They're giving 500 year storm events in some areas. But don't you have an emergency overflow, other than that pipe? In other words, instead of the water going over the entire berm, don't you put a concrete emergency overflow, that can handle 50 times what that pipe can handle. So that, you now control the discharge, so it doesn't erode the berm? You understand my question?

Minzi Pan: Yes. We designed this according to DEC standards. We only require one foot.... this one. It only requires one foot at the top of that.

Derek Wilson: Did you see, I think it was two weeks ago in the paper, they had pictures of a same classification dam, as this dam, it wasn't inspected since 1985, and the DEC was in charge of that dam, and it flooded and destroyed a bunch of buildings and closed the Thruway. Two weeks ago it was in the paper. And that was an earthen berm, I believe, a low hazard dam, and it didn't really have, I believe, the depth of the dam.... you said that this is going to be nineteen feet, and I think they talked about nine or ten feet on that.

Minzi Pan: Yes, we have reduced this, and we can release the water, even one week ahead of time. So, the water will evaporate, which means that it can hold much more water.

Derek Wilson: I'm not a dam designer, but it's nice to know what the weather is going to be a week from now, but I don't think that that happens very often. But you can look at the Rio Dam for example, they have discharge... the capacity of the water that can go over that dam, it never sees the top of the berm on the sides.. The way it's designed, the spillway can take more and more water, as it goes up. Yours is a very simple design, but I thought I heard when we were having the public hearing, that there was going to be an emergency spillway? In other words, then you have rip rap below it, so if you get twelve inches an hour, seven inches an hour, go down, it just comes to the berm. Do you understand what I'm saying? It's something that might happen in 100 years, but it prevents a failure of the dam, in case you do get it...

Minzi Pan: Right, because of this spillway, it will be concrete... this one, you're looking at this part as the emergency spillway..

Derek Wilson: That's what I'm wondering. You have the road topping the berm, but there's not one area that's above the outflow pipe, and below the top of your berm, that allows a much larger capacity of water? That's what I'm looking on the plan, I don't see it here.

Bob Vicaretti: I just have a question, is there a mechanical, manual where you can release water from the dam? I don't build dams, but I've worked on plenty of them, and every dam I've work on had some kind of mechanical gate or some way to lower that lake level, either in an emergency or in the case of heavy rain. Is there a manual gate or something on that dam to release water?

Minzy Pan: Yeah, in this design, we designed an emergency flow, but it's 200 feet here on the bottom of the dam, and we thought it was kind of risky to release water, so we have a very large pump to pump out the water.

Willard Schadt: One of the questions that Derek has, is not so much the 100 year rain event, as in this last hurricane, it wasn't so much the volume of the rain, but there was so much debris that plugged up all of those pipes. And what happens is, your drains get plugged up, and that's what created most of the problems, when the drains get plugged up.

Minzi Pan: Yeah, I think, during the hurricane, the problem is that, during the hurricane the duration is very long, and it's very heavy, you get a lot of rain. But this dam works out very well, because it releases.... it's a three foot pipe that releases a lot of the water.

Willard Schadt: Right if something can plug up the water... that's why Derek is concerned for emergency, if you have concrete below the level of the top of the berm, so, it doesn't overflow the whole dam, that's a concern.

Chun Feng: The spillway is here, and to DEC standards, it's a very good spillway, we have worked closely with DEC.

Al Fusco: One of the things that ... you're all right about, is the typical design has the overflow structure, similar to what they have planned. And then remotely to that, is an emergency spillway, that's the typical design, is that at one end or the other, and this is pretty much in the middle, is the structure, and one end or the other, remote to this, there would be a concrete emergency spillway, so that if the conditions occurred, that you made mention, and that's a typical DEC design. That includes where you have a foot or two of freeboard. In this case, they're going with four or five feet of freeboard. So, apparently the DEC thought that that was sufficient, because they do have a DEC permit, based on their design. I think that it's appropriate that they said that they would look at an emergency spillway, and basically if they're four or five feet high, this could dip down to three feet high, and then we would have a concrete spillway that is concrete all the way over the side of the dam, back to the stream that they're going to create by this 36 inch pipe, so it doesn't erode anything, it has to be impervious. But I think that's appropriate to look at. I know that they did have it on one of their initial designs, just as they had an underdrain. And as things progress the design got modified. We were looking again to the DEC to review this, and ultimately approve the different facets of it, which apparently they have done. We'd like to see a whole package of the approvals, including all of the maintenance plans, and things of that nature, that I know they have done. But we'd like to have a whole package of it. We have some other questions too, but not on the dam. So, you guys continue with any questions you have.

Derek Wilson: Are you familiar with what caused the failure of the dam that damaged the Thruway?

Al Fusco: Yes, it was just a lack of maintenance. They had too much water, obviously.

Derek Wilson: Lack of maintenance, meaning the spillway got clogged up?

Al Fusco: No, not necessarily. What happens is, you said it was a very old structure. I'm just making assumptions, I didn't see this, I didn't know, but in most cases, it's lack of maintenance. You have trees that grow on the bank, and the tree roots grow into the dam. And maybe it did have an underdrain, as they had related to. Maybe the additional pressure routed under the underdrain. Maybe it had a weephole

DEERPARK PLANNING BOARD - OCTOBER 12, 2011 - PAGE #
PUBLIC HEARING CONTINUED - DRAGON SPRINGS BUDDHIST, INC.

that had been there for ten years, that nobody paid any attention to. What is required, is that there are... and that's one of the manuals that was prepared for the DEC, is there's hazard mitigation plans for this. So, what happens, is, someone, a certified engineer, or a qualified individual, inspects it on a quarterly basis. There should be a log kept, there has to be a book up on the shelf, so when the DEC comes in, they go grab this maintenance manual, and look at it, and see if it's been maintained. Has somebody checked off that they saw the dam six months ago, or three months ago, or whatever the maintenance schedule is, that they approved. And what did they say. "Well it says right here, they had a weep hole." Well, why didn't someone fix it.

Derek Wilson: That's done on the existing dam that they have now?

Al Fusco: It's done on all dams, registered by the DEC, yes.

Derek Wilson: All right, is the dam that you have now, regularly inspected?

Minzi Pan: Yes.

Derek Wilson: Every six months?

Minzi Pan: During heavy rains, we don't have a recent record, but for our own safety, it has been inspected.

Derek Wilson: You mean that there's no independent agency inspecting it, you're just keeping an eye on it?

Minzi Pan: Yes.

Kaijin Liang: Bob Emerson was over during the clean up, after the hurricane, and he saw all the dam and things there, and he was satisfied with the dam.

Bob Vicaretti: With all the calculations you have on that map, the in flow and the out flow, was that based upon your build out now, or is based upon future build out? What I'm trying to say is, the more you build, the more run off you're going to have. The soil and the trees are going to absorb whaevert drain or precipitation might be there. I'm just basically asking the question, your calculations are on the future build out or the present build out?

Minzi Pan: They are including our permanent structures too.

Bob Vicaretti: So, if you developed another 200 acres plus, what you're saying runs into that lake, if you were to build on any of that 200 acres, does that take into consideration the run off from all of that. Say if you blacktopped, put roads in, roof drains, things of that nature, are those things calculated into that now?

Minzi Pan: No, we don't have any proposed structures on this site, so this calculation including all of our own structures.

Bob Vicaretti: The existing structures, the ones that we have on our site map now, okay. But that may change. The more you build out, these calculations would have to be changed.

Al Fusco: One of the things, is what she said she had included in that, was the area on the existing footprint that we have before us to approve, at some point, or disapprove, whatever the case may be. Should they come in with another, let's call it modest, another twenty acres worth of development, so they're going to have another twenty acres of impervious surface. At that time, when they come here again, they have to demonstrate that either, live with what they have now, or they need to put in new stormwater pollution prevention plans to eliminate that. So, let's say for example, that this suits the needs for today, and they come in with another twenty acre plan, and they may have to go to another pond, or underground storage, or bio retention, there's a lot more green technology now. The DEC is getting away from a lot of the ponds and things of that nature, and are looking for bio-swales, which are basically big ditches filled with mulch, and also cleans the water and stores it at the same time. So, they would have to address that. In fact, that's even one of our comments here, is that in the EAF, which they have re-submitted to us, we said.. "details should be provided, as to methods of stormwater pollution prevention, and mitigation of the higher ground water table." And that goes hand in hand with what the DEC and Orange County Planning Department has related to. So, it's all part and parcel. The stormwater is one of the hot button issues, on this entire program.

Derek Wilson: I have one other question, Al, normally on the site plan review, the DEC issues a permit, before the site plan is ruled on? In other words, the SEQRA hasn't even been taken care of.

Al Fusco: I have the permit here, I'd have to look at it. But it does, every permit says, "subject to approval of local determination." That comes without saying. It is normal, and to be honest with you. I had recommended to you before, that we not approve this dam, until we received a DEC permit. Because, a lot of times we would do, a "subject to" DEC permit, but in this case, we did think it appropriate, to actually have a permit in hand, before we actually made a determination. Obviously, there's other things that we have to talk about. I'd let her finish her presentation on the dam, and then we'll discuss my comments and Orange County Planning.

Minzi Pan: Okay, thank you.

Al Schock: Are there any other comments?

Chun Feng: Chun Feng, architect. Just wanted to touch on the comments that the neighbors made. One neighbor wanted to know why we had so much concrete trucks going on the site. Actually we are very short of manpower, and the volunteers that we could fine, they were used to the concrete construction, and everywhere you go, there were concrete, they don't do steel. So, this is the only type of workers that we could fine. And that's why, besides the buildings that we first built, every other buildings are concrete. But we're close to the end of construction, so everywhere you see the concrete and the contractors, so when we were building out site, there was more traffic, but when

we did about finish, so you will see much less traffic. Also, on some days, people mentioned several times, about not paying tax, it's a non profit organization, so we don't pay taxes. But, I don't know if you know, Dragon Springs wants to try in every way to help the Town if possible. Like the building permits alone, I took a look, and we paid several hundred thousand dollars. That's a lot of money. First we didn't pay special permit fees, that's a lot of money. But we realize that times are hard, and the town engineer also suggested this, so we agreed to pay these fees. So, the portions of the fees are used for the Towns' use, but we understand that the money will go into the general account, so everybody will get help from that. Also, several years ago there was storms, and we went out of our way to help the neighbors, with cooking and things like that. And we helped with garbage for the neighbors, and a shed, we contributed that also, and also we offered the Fire Department a fire truck. They were considering it, but have said that they have not decided yet. So, just wanted to let the neighbors know, that the Dragon Springs practitioners are based on the principles of truth, benevolence and forbearance, and we try to be a very good neighbor, a very good citizens in the Town. In the future Dragon Springs will help more, I'm pretty sure, so people will see. But we are very tight with labor and manpower, so if it were possible, we wanted to do more. I just wanted to explain that, thank you.

Derek Wilson: You made your presentation on the dam, do you have any other comments on the three other aspects of the... the parking area...

Lana Han: Dragon Springs has withdrawn the entrance on this application. We are going to look at that more in detail, and when that's done, we'll bring that back up. The parking area is still there.

Willard Schadt: Al Fusco, I just have a question.

Al Fusco: Yes.

Willard Schadt: I'm reading your letter of October 11th, but it doesn't indicate that they are withdrawing from their site plan, the new entrance?

Al Fusco: I just heard that now for the first time.

Willard Schadt: That's why I just wanted to clarify, because you had it on the sheet...

Al Fusco: Up until a minute ago, it was still included in the application. That changes my letter. Obviously it doesn't change the items we need for the new entrance, but it does change that. So, if that's the case, I defer a second to our council, if we need that in writing, or a verbal response.

Glen Plotsky: Generally everything... because of the size of this application, we request everything in writing. And it would appear, at least based upon what I thought I saw in your notes, in your report, that that would not significantly delay this project. So, I would recommend that we get it in writing. Also, I don't know whether or not, because I know that there was just a submission that my office received in the last day or two, and I don't know if that had the new entrance removed from it, or if the new entrance was still on that submission. So, we just need to make sure that the submission matches with what you're asking for, at this time. So, if the last submission included reference to the changed entrance, we need to have updated information. The other thing... Go ahead.

Minzi Pan: The map and EAF Part III has already been updated. If you look at Part III...

Derek Wilson: Yes, I see this here, but it's not dated. I see now, the one we just got tonight, has five removed, which is the entrance. The project description had one through five, and now this one, that we just got tonight, has one through four.

Minzi Pan: And on that, there's no entrance...

Derek Wilson: On the plan itself. Okay.

Glen Plotsky: Was the applicant provided with the Orange County Department of Planning comments? October 7, 2011.

Lana Han: Yes. These October 7, 2011 comments were actually given to us earlier than that. And we have addressed the comments.

Al Fusco: But this is new.

Lana Han: Yes, it's a new one, but it's exactly the same as what we received before.

Al Fusco: It's similar, yes.

Lana Han: And we have responded to the issues that they mentioned, by letter that we have. This one was dated...

Glen Plotsky: Clearly to the extent, there's a reference to the driveway, if you're withdrawing that, then we don't have to worry about that. But what I'm curious about, and I don't think you've addressed, is the Orange County Department of Planning, and pursuant to 239, we have to either follow their recommendations, or explain why we're not. And depending upon the nature of the recommendation, it may require a super majority vote, instead of just 4-3, it will have to be 5-2. And I'm concerned primarily, with #3. Which is the potential for permanent protection of the remainder of the site, in terms of conservation easements, deed restrictions, or some other commitment that essentially, your expansion is going to be limited. That's something which I've raised it in the context of, consistently asking that if you know what you're going to do, ask for it now. But this is a little different, this is almost more restrictive in its' recommendation.

Chun Feng: County Planning Department letter....about two years ago, when we first proposed the lake, they had the same comment. So, we went to talk to them, and we gave them our reasons, and they worked with it. And then for this submission, earlier, they also gave us

DEERPARK PLANNING BOARD - OCTOBER 12, 2011 - PAGE #
PUBLIC HEARING CONTINUED - DRAGON SPRINGS BUDDHIST, INC.

the same comments. Now, on this application, they repeat their same comment again. The conservation issue, we still have the same position. We actually, if you look on the map, we only are on a small portion of the area, building our things. And the majority, we preserve ourselves. We don't want to bother it, we want to preserve it. So, if you look at the map, about 90% of this is not disturbed. That is our intention.

Glen Plotsky: I've been living with your applications, for as long as you've been filing them. So, I'm well aware of the fact, that you've only done construction on a small portion of the property, and you have repeatedly represented that, to a certain degree, you have no intention...or you intend to preserve the rest. You have no intention to expand onto those other areas. That's very nice, but it's not a conservation easement, and it's not a deed restriction, and there's nothing, I don't think in writing, that says that you will limit your development to "x" number of acres, or a certain percentage of the property that you own. I'm not necessarily asking for that, but I think that you have an obligation to answer this to us. The Department of Planning says, "we think, they think that there should be permanent protection of the remainder of the site, possibly a conservation easement or deed restriction." So, if you want to offer some other mechanism to insure that type of protection, I'm all ears.

Chun Feng: I think that last time we stated our opposition to the Board, and they didn't have any objection. The fact is, that every time we wanted to touch an area, or to build or clear the site, we go to you, we go to the Planning Board. So, this is now here, and you can approve or disapprove, and our position is that it is a church, it is a religious place, and we consider the place sacred. So, we don't want to just offer somebody a restriction or revision,... but like I said, every time we want to do something, the Board is in control. You are in control. County Planning is over there, they comment on our project, but they are the County. But you are with us for so long. You know....

Glen Plotsky: And I very much appreciate that. Just like I very much appreciate the fact that, certainly in the more recent past, and it's been sometime, you folks come here before you start putting shovels into the ground, or concrete or steel or whatever. Whereas, initially, we had some issues with regard to permission first...which came first, permission or construction. We haven't had that issue, and I appreciate that and I welcome that, and that's how it's supposed to be. There's a difference between the Planning Board having the opportunity to potentially say "no" to some expansion in the future, as compared to, some affirmative representation by the applicant, that you don't intend to do it, or you promise not to, by, and whatever mechanism that it is, it is. And if there's some reason articulated or not, that you don't wish to do that, that may be fine, but it's something that the Planning Board will have to consider.

Chun Feng: Just to remind you, that this conservation thing is not new. It's several years ago, where it was brought up, and in your letter. So, at that time, the Board had the power, but I appreciate what you are mentioned. And we really think, it's an issue that we will preserve the majority of the land ourselves.

Glen Plotsky: Right, and the minute that you decide that you don't want to do that, and the Planning Board says, "well, we're going to make you do that," you're going to go and say, "we're a religious organization, you can't stop us" and it's going to end up in court. And that is why the County is asking for some sort of written assurance, and why I'm raising it now. You can keep saying what you're saying, and I can keep saying what I'm saying, and we can do this tonight, next week, the week after... right. I simply think that at this point, it's been raised again, I have to raise it.

Chun Feng: Okay, thank you.

Lana Han: I think one thing, this is almost like the standard comments from the Orange County Department of Planning. And for us, like Chun mentioned, we're a religious site, and we restrict ourselves, that we don't expand, unless it's necessary to construct. And of course, yes I understand. But I think this issue about a permanent site protection, and the reason for that, are issues that are going to be insistent and it's something that we would have to address.

Glen Plotsky: Let me make this suggestion. Since I believe that Chun suggested that you've already been to the County, discussed with them, and they're okay with your "self monitoring." Why don't you get them to write that, and then we're all good?

Lana Han: Okay, I know because they wrote this in their comments, and this is something that you have to kind of address, and here. And that's something that we can speak with County Planning.

Chun Feng: Last time, several years ago they wrote comments, and we were not requested to resolve...

Derek Wilson: Several years ago, was that the construction of the dam that generated the comment, or was it the lake?

Chun Feng: The lake.

Derek Wilson: That's what I meant, the second lake. Okay, I just wanted to make it clear. Because what I was trying to say before, you only expand, you don't expand, and that's a contradiction. Because Theresa is the only other Board member that was on the Board, when you guys originally came in. And originally you were only going to disturb eight to ten acres. Once the buildings were built out, of the entire site, that's all that you were going to disturb. That included, I believe, not putting roads in,...my understanding was, you had this beautiful wooded mountain site, and you were going to build on this tiny little area, so we didn't have to worry about run off and this and that and everything else. And if you take the total of the surface of the site now, it's substantial, with all of the road and the dams that you put in, and the buildings, and the smaller buildings and gate houses.

Chun Feng: I remember last time we came, we only said a small area of disturbed area.

Derek Wilson: I'm talking about 400 acres, and when you're talking about 10%, you're talking about a huge area. I'm only talking about what you presented to us and said that that was your plan for the whole thing,... In other words, once you got done, you were only going to disturb eight to ten acres, do you remember that? We can go back to the public hearing record, but I'm just trying to say that you've disturbed a lot more than that. Since then, I understand that things change, but the County and what Glen is advising us, I understand too, is that now you're asking for permission to build a dam on top of another dam, which there are problems potentially with a dam. There are

changes to the stream, regardless of the DEC just giving you a permit. There are changes in downstream water quality from that dam. You can get your expert in here to say that there isn't. And we can get three experts in here that says there is, when you put in a dam, it changes the oxygen the temperature, the nature of the effluent running into the Basherkill. So, you're asking basically to change things, and is this going to be it, or is it going to be a third dam, three years from now. Is it going to be forty-eight different fish ponds on different drainage basins, you know, that's what the Countys' comments are concerned about. This is basically an area up there worth protecting in the Basherkill area, and between the Basherkill and the ridge line habitat, and how much of it is going to be disturbed by your use of the property, the way you're using it.

Chun Feng: This dam is on the edge of the top there, and there's no way that it will spill over the lake,...

Al Fusco: If I can, I think... there's always a middle ground. I think that since they have chosen to drop the entrance way, and I don't think the entrance is a bad thing by the way. But, be that as it may, and it is possibly slowing up their approval, so I can see why they would want to do it. But if we're just discussing a dam, and also the other expansion of the site, that we had pretty much reviewed to its' fullest extent. I think that we can put some closure to some of this. Number one is, the rehearsal hall, we are fine with the expansion that they proposed on that. Subject to some of the Building Department requirements. We said that at this time, the technical site plan issues, then address more detailed building plans, need to be submitted to the Building Department.. So that doesn't really require further review here, and that's something that's approveable on the site plan. The next is on the dam structure. We did receive a copy of the permit, and we've reviewed it. We also suggest that during construction, that there be a representative from the Town on site, to insure stormwater run off protection, as well as the construction is in accordance with the plan. Furthermore, we indicated that in Part 3, they had indicated that there was small to moderate impacts, as well as some large impacts on the stormwater and water table. And that's why one of the things that we wanted to make sure of, is that in the stormwater pollution prevention plan, that all the mitigation of the stormwater and the ground water, were adhered to. We also wanted all of the dam reporting information, put together in a manual for the Town to have. You need to have that yourself on site for the DEC when they come in. So, that's where we stand, with that. In relationship to the County comments, I think that whereas some of their comments may be similar to their past comments, that means that they haven't necessarily changed their minds. And they also do include this, in many of their other reviews, because the County is a proponent of "open space." It appears that the representatives of this property, are also proponents to open space. And they have indicated that there are some areas that they don't intend to build on. And I think that if they can review that, because we need them to submit to us in writing anyway, two things. One is, we need that they're withdrawing their application on the entrance. We also need to see where they agreed to some additional emergency spillway. So, that they need to bring that back to us. And during that interlude, before they come back to us again, I'd recommend that they look at their 300 plus acres. They've built on some 20 plus or minus, they have a lake of another 20 plus or minus, and they're looking at another nineteen. So, it's still a small majority of the property, it's a small percentage rather, of the property. But that leaves 300 plus acres that is outside of this footprint, so to speak. So, in that instance, they've indicated that some areas are restricted, just by virtue of their steepness, by virtue of their remoteness, whatever the case may be. So, out of that 300, there might be 150 acres that you are willing to put into a "forever wild" section. It may not be the entire 300 acres, it might be 150 acres. Maybe it's the area along the Neversink. I happened to see that the other day, a beautiful piece of property, just gorgeous. It's got an old road through it, which is fine, a nice little trail. But that's something that you can think about, by the time you get here. I don't think that anybody is saying that you can't build anything else. But they're saying that you have a beautiful piece of property, you know that, and you don't want to build on it, so the areas that you absolutely know that you don't want to build on, consider that for some type of conservation easement, and while you're at it, propose how it would be monitored. It could be self monitored, it could be monitored by the Town, it could be monitored by whoever. Most of the other towns that I represent, they ask for conservation easements, but when it comes down to the last day, nobody knows who is going to watch over this easement. Is it the homeowners association, is it the Town, is it the conservation group, if there is one? In some cases, they use the County facilities, so there's a lot of different things. But I think,

consider that. You already said there's some areas that you don't want to build on, and that could ease the situation, and mitigate those comments. You need to come back to us anyway, for those few items I've mentioned. I think that that would be appropriate.

Al Schock: So, how many total acres are there?

Chun Feng: 429 acres in our parcel there.

Al Schock: 429. And as Al said, you want to have forty acres in lakes, and you've got about twenty now. You have one 20 acre lake, and you want another 19 acre lake. You will have 31 acres of lakes, and roughly 20 acres of buildings, or site development?

Chun Feng: Like he said, I appreciate it, a conservation easement, who will control it. It's a very...

Derek Wilson: There's different way to enforce it. It depends on who maintains title to the property. And you create a conservation easement and donate some money to an organization that will actually monitor it. I'm just trying to say, he said that there are different way to do it. The easiest way is just a deed restriction, so when you come back before the Planning Board to do something in the future, they see on there, whoever is on the Planning Board, five years from now, ten years...they see that these areas were not supposed to be developed. It's enforced by the Planning Board, in that case.

Chun Feng: Last time we requested...I just don't understand... the Planning Board is in control. Everything we want to build, we have to get your approval. And why is...

Willard Schadt: Excuse me, can I ask the engineer and council...we can do this with this application, we can require some kind of conservation easement. Isn't that something that can be done with any application, or is this a unique application, that would entitle us to do that?

Al Fusco: No, you can do it.

Willard Schadt: We could do it, if they came back with another application and we can require it at that time? Is that correct?

DEERPARK PLANNING BOARD - OCTOBER 12, 2011 - PAGE #
PUBLIC HEARING CONTINUED - DRAGON SPRINGS BUDDHIST, INC.

Al Fusco: That's correct.

Glen Plotsky: Right now, what I'm concerned about, is crossing the 239 requirements, under the General Municipal Law. It requires us to address the County comments, in some fashion.

Willard Schadt: Would you explain to me, what exactly are we supposed to do? Consider options for the permanent protection of the remainder of the site. Does that mean they can't put a tennis court in, where that says the "remainder of the site?" What does that language mean? It's so vague.

Al Fusco: Well, obviously, look how I've stated. The County is a big proponent of open space, don't build another thing here or there or whatever. So, that's extreme. But I think what Glen is talking about, is to be considered. And I think we're doing that right now, we're considering it. And we've asked the applicant, who needs to come back anyway, because he owes us some information. We're asking the applicant, between now and when he comes back with that other information, to have addressr this, and make a presentation to us, you know, why or why not he feels he can or can't do some portion of this, something of that nature. I don't think it's unreasonable to request them to look at this, take a month or so, and come back with us with the other information, and consideration for this.

Glen Plotsky: And the fact of the matter is, if the Planning Board believes that the applicants' assurances are sufficient, and then you can just put that on your approving resolution, and as long as the vote is 5-2 or better, you're good. But if it's 4-3 there's a problem.

Willard Schadt: Wil If we considered it, we don't need a 5-2 vote. If we considered it....it says "consider options", it doesn't say adopt options.

Derek Wilson: This is not unique to the application that we had. Recently we had Martel subdivision, we had other subdivision. There needs to maintain a certain open space, and if development occurs, it generally is applied over the...they have a habitat that's unique, like a ridge line habitat...

Willard Schadt: But they have 300 acres now, and if they come back for anything else, we will always have that option.

Chun Feng: Last time when we asked for more, like the other area, then...according to the Zoning Code, the majority of the ledge can be... like a 1.5 acres or 2 acres to build up. It is an RR zone. We could have build houses, I think last time I said this, we could have built 400 houses up there. We are building much, much, much smaller. According to current Zonind Code, we could build 400 houses. We are already preserving land, we are concentrating everything in a smaller area, and the lake, everything is beautiful there, you could see that. And we could get a developer to build 420 something houses, it would be a disaster. We are using much, much smaller area.

Glen Plotsky: I've heard everything that you had to say. I think that at this point we're beating a dead horse. And if you want to continue going in this direction, with that argument, then I'll come back with the fact that, if you had a developer come in and propose 400 houses, we'd positive declaration them so fast, it would make your head spin,. But there's something that we have not yet done to your application. I'm sure you do appreciate it.

Chun Feng: I just said to compare, according to the Zoning Code, this is what we could do, and what we are doing. I just wanted to compare, I'm not debating anybody. It's not my point, I'm just saying that theoretically, we could do this, but we're not, we're preserving space.

Al Fusco: I think Glen made a valid point, we've said enough about this. Go back, consider it, bring it back to us, when you bring the other material.

Al Schock: Very good, I appreciate that sir.

Glen Plotsky: Do you want to entertain a motion to close the public hearing?

Al Schock : Well, I wanted to see if anybody from the public wanted to speak first.

Glen Plotsky: Whatever the case may be.

Al Shock: Is there anybody that would like to speak from the public? Yes sir state your name.

Liam O'Neil: Good evening, my name is Liam O'Neil, I live at 204 Galley Hill Road, and I was here a couple of weeks ago and I had my daughter in tow, and at that time, I spoke and gave comments about Datang. I'll just re-state basically what I said. I live at 204 Galley Hill Road. I've lived there for 5 years now, 6 years, have 3 kids, we love Galley Hill Road, we think it's a nice place to raise a family. We try to upkeep our property, mow the lawn, etc. And I enjoy walking on the road with my kids. Because relevant to other towns that I've heard, I think that might be important information. And the only other thing I'd like to say is, if there are members here from the public, obviously I have a close relationship with Dragon Springs. And if people, for instance, are uncomfortable talking with these folks from Dragon Springs, I know a lot about Dragon Springs, and if there's any issues, concerns questions, I've always made my self available to answer those, I'd be available for that, my number is in the phone book, to address things that are really relative, germane to this discussion here. I would just like to put that forward, and that's all I've got to say, thanks.

Richard Decker: I'm Richard Decker, and I am from Galley Hill Road also, 271. And not as Liam, I have been here 25 years in the area, all of my life, my grandparents, my great grandparents, my great, great grandparents. Our way of life has changed, and it's nowhere near what it used to be. Quality of life has definitely gone down. Being taxpayers in the area, I look to the Board to protect us in this manner. I'm quite sure you know about everything that was being discussed, but now we're back on the dam project, I don't mean to get off on the subject. The dam is not 100%. There is nothing 100%. If the dam breaks, is there any emergency plan? Warning systems for Myers

Grove? Myers Grove people, they have the implication, but definitely share a plan with them, because it can take out 200 lives. I don't want to see that, I don't have that many body bags. The impact on wildlife has definitely changed. Where I walked that mountain my whole life, and now the animals are on a different route, the animals are not there like they used to be. And concerning the weather, you can't come out and calculate what is going to happen ahead of time, and see what is going to happen. The previous lake on Dragon Springs property, about fifteen years ago, had a sinkhole. The sinkhole could not be filled with 30 tandem loads of fill. It kept sucking the dirt down. They actually had to start concreting it, and diverting the water to block it, because of the mines underneath the ground, because the whole mountain, I think a few of you know, that the lead mines are there, and a lot of caverns and open areas underground. Which I don't know how that will affect the dam, but it's not good. And where would it go if it did get up there? And the lower brook does not hold the water now, it's coming off. So, the lower brook, into the kill, and the fish and everything else, should be addressed also. And I'm not understanding... this is not in anyway classified as a commercial property up there? There are more machinery and everything running up there half the night, and I don't understand, and they go past my place at 9:30 all of the time. And also, he said it's a betterment to the community, it's a religion, and I'm wandering about that. And every time it comes in, and I've been here quite a few times, as most of you know, that the plans have changed, constantly. Now, are we going to be able to hold this public hearing open for the public, after the plans are constantly changing? I mean, that I feel that we should keep it open, and these people are worried about losing their homes and their lives, and their children. And it just seems that a lot of problems that are happening. And I just don't see it going to work. And underground construction, was that an effect of the water table up there? Do we know how that will affect things in the long run, there's definitely water running up there, but a lot of things that are built underground, that disturbs it also. And I'm not an engineer, but I know that that will disturb it. And with the road aspect, it's so much run off there, that in the 25 years that I've been on Galley Hill, and I've seen a lot of good things, and a lot of different things, but there's never been anything close to the water that is now coming off there. So, we're talking about the 100 year flood, that's what it looks like now. So, you better look for 1,000 year flood, because there's a good chance that that is what is going to happen. And as far as being beautiful, and beautiful structures, I was told that before, but Mother Nature is most beautiful. And I just can't see how this dam is really going to help them out that much, except for beautification of the property, and how can we as citizens of our community, turn around and jeopardize, 200, 400 lives that are down water from that. I just don't see how it can be done, and I would please ask that you would keep the meeting open for the public, so that those who are not here tonight, and come again and speak. Thank you.

Mandy Schneider: I'm Mandy Schneider, and I live at Westbrookville, NY, and I just want to say that I know that many of the people here are and I'm sure there are not any better neighbors than the Deckers. I also have a home in the next town, and we've lived there also 25 years. And we got the same flood there, it has nothing to do with Dragon Springs. We were flooded the same time they were flooded. I can appreciate what they're saying though, more traffic... I like my quiet road, I can appreciate that, it's understandable. Like they were saying though, they're not going to have those cement trucks much longer. I go up there all of the time to walk, I go up there every week. But it will quiet down some. I understand what they're saying, but it's going to quiet down some. And these people are such good people, I know many of them. And that's all I have to say.

Al Schock: Any other comments?

Bob Vicaretti: Well, should we have a continuation of the public hearing? They said that they have other issues to address.

Al Fusco: I'm okay with the public hearing being closed, because they just need to address our questions. The end of the public hearing doesn't mean that they're not done with us. It just means that they're done with the public comment. We got the last comment from the County, under 239 of the General Municipal Law. I sent it out to the DEC, Orange County Planning and the Town of Mount Hope, and we have certifications that they had submitted back to us. That was the last thing we really needed, and this was because of the application that they withdrew, because of the new entranceway. So, I'm comfortable with closing the public hearing. However, I would only close it under the condition that they waive any time restrictions. Because they do need to come back to us for the items previously identified. So, when you get to that point, when you make a motion and second it, their attorney should agree to a waiver of the time restrictions.

Al Schock: So the new entrance will be addressed later?

Al Fusco: They'll have to submit a new application.

Bob Vicaretti: So, we make a motion to close the public hearing, contingent upon the applicant waiving any time restrictions.

Derek Wilson: Are you in agreement with that?

Lana Han: Yes.

Al Fusco: Would you state that louder for the record please?

Lana Han: We agree to the close of the public hearing tonight, with the condition that we waive the time restrictions.

Derek Wilson: I'll make that motion, and with the understanding too that the present application, we just received it tonight now, the change in the entrance, which is #5 in the project description, has to be deleted from the application.

Bob Vicaretti: Second.

Al Schock: Okay, we have a second. All in favor?

Craig Wagner: Aye.

Theresa Santiago: Aye.

Bob Vicaretti: Aye.

DEERPARK PLANNING BOARD - OCTOBER 12, 2011 - PAGE #
PUBLIC HEARING CONTINUED - DRAGON SPRINGS BUDDHIST, INC.

Derek Wilson: Aye.

Willard Schadt: Aye.

Mike Hunter: No

Al Schock: Aye.

Motion carried.

Public hearing closed at 8:15 p.m.

Respectfully submitted,

Barbara Brollier, secretary