

The Deerpark Planning Board met for a continuation of a public hearing on Wednesday, September 14, 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

OTHERS

Mr. Glen Plotsky, Town Attorney                      Mr. Alfred A. Fusco, Jr., Town Engineer                      Mr. David Dean, Town Board Liaison  
Mr. Timothy Gottlieb, Gottlieb Engineering                      Mr. Richard Decker, Adjoiner  
Mrs. Kelli Brink, Adjoiner                      Ms. Rochelle Johnson, Adjoiner                      Mr. Liam O'Neil, Citizen  
Mr. Nick Roussos, Adjoiner  
Mr. Benjamin Yokos, Citizen                      Mr. Ronnie Bertucci, Citizen

Al Schock: First on the agenda tonight, Datang Development LLC, public hearing continued. Mr. Gottlieb.

Tim Gottlieb: Good evening. At the last meeting, I believe it was in August, there were two items that needed to be addressed. One, was the traffic study, and the other was the determination by the attorney regarding the definition of the bed and breakfast. The traffic study was done by Atlantic Traffic Study and Designing Engineering Inc. as part of a joint study for both Datang and Dragon Springs. And on the Datang end, they came up with a figure of a maximum hourly rate of six units or six trips per hour. That's three in and three out. And they also came to the conclusion that there's no difference between the last study that they did. I'm assuming Mr. Fusco will address this at some point. And that's where we are.

Al Schock: Now, you went to the Zoning Board?

Tim Gottlieb: Yes, we received our variance, and now we came back here. Mr. Fusco has done his review and pretty much said that we are done, with the exception of the definition of the bed and breakfast.

Al Fusco: Just so you know Mr. Chairman, Mr. Gottlieb had addressed all of my technical comments through the last several months. The traffic study that they had done, was extremely similar to the one that I had done on your behalf, it was a preliminary one. It's very close to the same conclusion. Because again, even looking at the end use, it was only five units, and so it's a minor situation. They did go to the ZBA and got a variance, as requested. And if there's obviously any Board comments that may come up. However, there was one question about the attorneys' recommendation regarding the bed and breakfast. That's still an open issue.

Glen Plotsky: I believe that the inquiry was whether it was necessary for the barn to be a single family residence, prior to its' conversion to a bed and breakfast, in order to comply under the Law. And while I could interpret it either way, I believe, in my discussion with Mr. Gottlieb, because he and I spoke before this evenings' meeting, was that my recommendation would be that they apply the Law where they convert the barn into a single family residence and have it approved for that purpose. And then make formal application for the conversion to a bed and breakfast, with a modification to the site plan. Because that is more in conformity with the Deerpark Zoning Law, then to kind of skip that middle step. Again, could the Board approve it. You can, if you wish. But it's cleaner, in terms of any objections that might be raised from any direction, to have a single family residence, and then have the residence converted to a bed and breakfast. And a single family residence would require no action by the Planning Board. In regard to that, it would strictly be Building Department and the engineering review of building plans and loads and those types of things. They would make those modifications, and then apply to the Planning Board for a conversion. They would still, as I understand it, still go forward with regard to the lot line change or subdivision, two lot subdivision at this juncture, in order to have the two parcels separate. Because otherwise, they cannot have a single family residence or the barn either, because they would have two residences on one lot, which is not allowed.

Al Schock: So, with the Building Department, getting a c/o, and that would make it official as a single family residence?

Glen Plotsky: The applicant would have to go to the Building Department and apply for a building permit, to the extent that there are changes required, in order to convert the structure into a single family residence and obtain a certificate of occupancy for that single family residence. Once that is completely, they can then make application to convert the single family residence into a bed and breakfast.

Bob Vicaretti: That levels the playing field, when you do that. Otherwise, someone may have an objection to that..... because the Code says, it should be a family unit, before a bed and breakfast.

Glen Plotsky: It also, frankly, insures that the structure complies with the residency and requirements, rather than whatever engineering or requirements, which will apply to a barn. It's simply different, I believe, I'm not an engineer, there are different requirements, in terms of load, size, and various plumbing and septic issues. So, this enables the Building Department and the engineers, town engineer to review everything as a residence, which is more in keeping with what the ultimate bed and breakfast will be, which is part of the reason why the Law is written, the way that it is.

Theresa Santiago: Then they have to come back here.

Glen Plotsky: Yes, if this is the way that the applicant wants to proceed, we would arguably close the public hearing, because we now have the traffic study information. The Board could, using that information, determine whether or not a lot line or subdivision is appropriate. The applicant would essentially, withdraw his application as far as a commercial site plan at this time. He would then make an application to convert the barn to a single family residence, which would not involve the Planning Board, because it's a residential use. And clearly, they've already gotten the variances that are necessary, in terms of utilizing it for that purpose, and where the property line would be between the two lots. So, what the Building Department and/ or Town Engineer would do, to insure that it is appropriate as a residence, they would be able to obtain a

certificate of occupancy, They'd have to file for a building permit, basically to have a review conducted and/ or to make any changes that may be required, in order to get it into compliance. And then once the c/o is granted, then they would make application to the Planning Board to change the use from a single family residence to a bed and breakfast.

Al Schock: So, the public hearing is still open.

Glen Plotsky: The public hearing at this time is still open, primarily for the purpose of accepting and/ or discussing the traffic study. That was really the only issue, relative to the public hearing. There was an issue raised, at the public hearing, with regard to the procedural aspect, barn to bed and breakfast, versus barn to single family residence to bed and breakfast, which, since I've done the research, and am basically relaying to the Board what my legal opinion is, in terms of the best procedure to follow. It is up to the applicant and the Board, but you can not agree with my opinion, or if the applicant wants to go directly from the barn to the bed and breakfast, they can try that. And if the Board feels that that is appropriate, they can arguably approve it. I mean it would take more review, not necessarily more public hearing, but more review and consideration. And certainly there would be review, with regard to that same type of engineering, in terms of loads and septic for the bed and breakfast. I'm not sure if those have actually been completed yet. But again, I think that that would at least potentially, put the Board and/ or the applicant in the position, where the authority of the Planning Board could be challenged.

Tim Gottlieb: We have all of the details regarding the septic.

Willard Schadt: I just want to make sure that we understand their options. So, we in a position, where we are going to close the public hearing and consider the lot line change and the site plan, with the understanding that the applicant may or may not withdraw the site plan, before we take a vote on it.

Tim Gottlieb: We haven't done anything.

Glen Plotsky: For clarity, the Board should probably ask if there's any public comment, relative strictly to the traffic study, since that is something that is new, since the last hearing. The Board then would be in the position to close the public hearing. Once you close the public hearing, the inquiry should shift to the applicant, as to the procedure that they would like to follow and what they would like the Board to consider. Then the Board either, and again, I'm pretty sure that Mr. Fusco said that basically the Board is in a position, that without anything else, you can move forward, with regard to determination, depending upon what it is that the applicant is requesting.

Al Schock: Okay, are there any comments on the traffic study? Yes ma'am.

Rochelle Johnson: My name is Rochelle Johnson and I live on Galley Hill Road. The survey they took, they had a guy sitting out on Route 211 and Galley Hill. They had a guy sitting out on Route 209 and Galley Hill. But there was nobody sitting in front of Dragon Springs. All of them came out at 9:00, 10:00, 11:30, I watch the lights coming all the way up the hill. Did they make it up to the end? I don't know. But I don't think so. They have a lot of houses along the road, and they have the property that Mr. Allen or Mr. Tang or whoever, that they own. You guys were given pictures, people coming out and getting into a white bus, and going back and forth, all day long. So, how good is a traffic check. If they would stay there and watch them go up, and then they come up on the other end, saying okay, but they didn't come out. There's all of that traffic going up and down that road. I live right there, so I know.

Al Schock: Any other comments?

Richard Decker: I'm Richard Decker, I live on Galley Hill Road. I also have a problem with limiting the public comment to the fact that it's just traffic control. Because also, there was a water problem brought up. And with the run off that will be there, adding more people and more living space to the area and more of a septic system, we already have a great problem here already. And at the Cuddeback farm, it's less than one foot from the top on that lake. Now adding the septic system, which I don't know how many gallon output that would be, but with that, and with the use of it, and the saturation of the ground, adding to it, there's a good chance that it's going to be a much greater problem. Also, there's more busses than there ever has been before, and there's more traffic than there ever has been before. I've been here 25 years, and I've never seen such a large amount of traffic on that road. It used to be a nice little country road, and it's not anymore. I walk at 6:00 in the morning, the reason being, that there is already too much traffic at 7:00 in the morning. It's scary. And when I walk, I wear a lot of bright clothing, which

I'm a bright kind of clothing kind of guy. But also the fact that I know that the road itself gets washed out at the bottom, and they were using access to the other road over on Guymard Turnpike. And I know that they had access, using that access. My brother lives over there, and there are 2 or 3 people over there that told me that there's access on that road that they use. So, depending on how good this traffic study was, how many cars went by, how many people were in the cars, I see a lot more people in the cars, and on the road going up and down, and they go up and down constantly. So, I'm not really sure if we can go by that. And just to understand properly, this would have to come back to the Board, if they went the other route?

Glen Plotsky: Yes.

Richard Decker: Thank you.

Nick Roussos: Nick Roussos, I live off of Galley Hill Road, and my question about that study. I don't understand it, but do they take into consideration the 20 or 30 trucks a day, going up and down that road, filled with cement, where that bridge, where there's not even a sign, saying what the load limit is. That bridge cannot handle 70 tons of cement. And they have 20 and 30 trucks a day. I walk out there with my grandkids, and my grandkids can't even ride their bikes over there. And I'm telling you, and you think I'm kidding, you take anybody and just sit there and see how many trucks a day, 20 to 30 trucks a day. And at one time, it was 7 days a week. The bridge is falling apart, the road is falling apart.

Who's paying for that? We are. I'm a taxpayer, and how much are they paying. Why do I keep having to pay taxes, and have my home

destroyed. The bridge is falling apart. I want to know why there isn't a sign on that bridge. Why they allow 70,000 tons to go over that bridge.

Liam O'Neill: My name is Liam O'Neill, I live on Galley Hill Road. And probably most people know that now having a bunch of kids, I used to be more active with Dragon Springs. I was a volunteer with them. But for the past five years, I've lived on Galley Hill Road, and I have 3 kids. And I can't attest to what it was like before five years ago, but I like to take walks on Galley Hill Road with my three kids, and it's up on upper Galley Hill Road, not that that matters. But I walk down Galley Hill Road and turn around at the bridge, right around the Basherkill, and I think it's a great little road to raise kids on. I'm partial to Dragon Springs, I know most of the people. And just last week during the flood, when it was going down the road, and a tree had fallen, and there was a couple who had stopped their car. And took out, a Chinese couple, volunteers at Dragon Springs, and they took out a manual saw, a switchblade saw, and they were sawing this big tree. They could've passed, but they stayed and sawed the rest of the tree and then moved it. And then another neighbor came, and we all helped move it. And I just kind of thought, coming to this meeting, that this is kind of symbolic of what I hope could be, where neighbors, and Dragons Springs can find some common peace, and remove the roadblocks. That's really all I have to say. Thank you.

Kelli Brink: My name is Kelli Brink, and I live at 479 Galley Hill Road, and I take an issue with the traffic study. I drive that road every day. I know there are more than 6 cars leaving with me in the morning. I can tell you every one of my neighbors that are leaving at the same time. I don't know who did the traffic study, but I can guarantee you that it wasn't people going to work. I can guarantee that it wasn't in the day, when the buses are going by. And yes, they are still coming in off of Route 211, and one went past my house at 6:15 at night, doing at least 55 miles an hour. This is a small country road. And it was a lovely road to walk on. And now, on my way here, going down the "S" curves, I came within 3 inches of having a head on collision with another vehicle. Even though it's all washout on the side, they fly up the road, in the middle, like it's their very own. It is no big secret that they want to buy up the road, but it is not the same road now. And I'm telling you, had I not been doing 20 mph, because I'm afraid to go down that road, I wouldn't be here tonight. And neither would my son, who was in the car with me. The traffic on that road is horrendous. And it's a lovely story about the tree. But the day of the flood, because the dam on the lake at Cuddeback's farm, was not opened, and not to argue, but the lake was at the top of the berm. It backed up the ditch, it flooded the roads. In my neighborhood, we were out shoveling all the dirt and rocks that we could find, it was flooding our homes. That road has never flooded in 25 years. But because that lake dam was never opened, the previous owner opened it when there was a big storm. Are they obligated to open it? Because I think that has a huge impact on the lake that they want to put up above. But they're under no obligation to open it up and prevent the flooding into everybody else's houses? Our wells are in the front of our homes. I have a huge issue with this. I pay my taxes, and yet I have to dig out my own ditches. How many weeks ago was the flood. The town has yet to move the water, or the rocks, or the dirt. That is still road level on the side of our road. What will happen when we have another big rain, we'll be flooded again. While we were out there shoveling, the cars keep going by. They wouldn't even slow down. So, I don't know who did the road traffic study, I don't know when it was done, but I'm very suspicious of it.

Al Schock: Any other comments?

Richard Decker: Also, I'd just like to bring up that my dog was killed on the road. But I pick up a dead animal off of that road, at least once a week, and throw it off to the side, squirrels, frogs, whatever it may be. But I never used to have to do this, but now the traffic is so bad. And also, I have 3 or 4 of my neighbors, who have also tried to open the road, because we had no way to get out. And my other neighbor is running out of oxygen, and he was down there with his kids there, and there were 2 cars, going to Dragon Springs, that almost hit him, he was at the ditch there, trying to remove the debris. And he was there a whole 20 minutes, maybe 1/2 hour. But they had gone through the wash, and again, it's out of hand. Thank you.

Rochelle Johnson: My name is Rochelle Johnson, Galley Hill Road. I didn't finish about the traffic, because I was under the impression that you were entertaining other thoughts. At Dragon Springs, when you go in to Route 209, right there by the Basherkill bridge, everything that goes in, goes by my house. Everything that goes out, goes by my house. As far as concrete trucks, they went by yesterday, may 15, 20, 25 trucks. And that's not counting all of the steel that came in today. And more concrete trucks. Building material trucks. I can name the companies that are coming in. But as far as the traffic, when I started, I was referring to them up above, because that was what we were talking about. But if you want to hear a horror story. Yesterday a flat bed truck with four outhouses on it, came down out of them, came down the straight away, and there were 5 kids on bicycles. This guy is laying on his horn, never slowed down. I mean a straight away, a little straight away. They come down off the bridge, at break neck speed, and then speed out onto Galley Hill Road. And the kids cannot play on the road anymore, or bike on the road anymore, or go up on the bridge. But they say that they are being oppressed, Dragon Springs. But what are they doing to us? This road was quiet. I retired in 2003 and I said, "Oh, my God. I want to be able to relax and enjoy the quiet." You can't image the equipment. I have pictures, but I didn't bring them. Of a crane, that couldn't make it around the corner of the bridge. I called the County, asking about the weight limit. If they know they're overloaded, they have to get a special permit. I'm asking about getting a weight limit sign on the road. I mean, it's just a narrow road, and you've got concrete trucks passing each other, and driving on everybody's property. You've got all kinds of building materials trucks. They don't care. We had a flood, the road got torn up. They came down and patched it up, because the next day they had 25 buses coming in. Some of them tour buses. So, this has been going on for 11 years. They started in 2000. The first year they started, Liam took me up, and all they had done was a partial temple. There was supposed to be no steel, just original stuff like they have in China.

Al Schock: This is Datang...

Rochelle Johnson: Sorry, I mixed them up. Talking about traffic, and like I said, the cars that come out of Dragons Springs at night, were never really counted, because some of them don't go to Route 211.

Al Schock: Well, you can address that when we talk about Dragon Springs, we're now talking about Datang.

Rochelle Johnson: I'm talking about Datang. As I said, when they come out of Dragon Springs, their workers come over there. They go up, on the left, of Galley Hill. A lot of them stay overnight... like the picture that you have of them coming out and getting in the way there. There is a whole bunch of them living up there for a long time. I just want to talk about traffic, but I figure that I'll wait. Sorry. Thank you.

Benjamin Yokos: My name is Benjamin Yokos, and actually live over in Otisville. But my wife and I have both been volunteering at Dragon Springs, and coming down from Otisville, I drive down Galley Hill Road, and I have never encountered all that much traffic. It's a nice road. And I am partial to Dragon Springs, I volunteer there, but I know that everyone there works hard. And think it's a good thing.

Al Schock: Any other comments?

Ronnie Bertucci: My name is Ronnis Bertucci, I live at 3 Avenue E, at the bottom of the mountain there. That was a nice gestures that these two gentlemen made about Dragon Springs, but that goes for everybody in the community. All of us got pounded with floods and everything like that. And everybody in my community pitched in to help everybody else out. So, what the big hoopla about, they cut a big tree down, and so forth and so on. They go along up there, I think it should be investigated. I think we should stop all of these meetings and do an investigation of traffic and what's going on up there. It's wasting our taxpayers time to come up here and talk about traffic and bed and breakfast and about lakes and stuff like that. I think that an investigation should be done above the level of Deerpark and done to find out what's going on up there and why these people want to do all of this stuff up there and impact our community with the things that they are doing, with traffic and lakes and so forth and so on. That's what I have to say, and I think you should lead an investigation.

Roussos: One day I was doing work on Galley Hill Road, okay, on 79 Galley Hill Road, I live right there okay. The trucks were flying, and they were coming both ways. One was going and one was coming. Does anybody tell you, whatever they did there, the traffic control and all of that, did anybody ever do a survey on how many trucks? And another thing, I had to pull my pick up truck into the middle of the road one day to stop them, they were going so fast. And I called the company, I call the cops and nobody does anything about it. It's 30 mph. I have four grandkids, and fifty years ago I hung out on that road, I hung out on the bridge, and I walked up and down and people would stop and slow down, with kids on the road. We road our bikes there. Now the kids across the street from me, there's 5 or 6 of them, they come flying down there, the kids, if they don't get out of the way, they're going to run them over. And that's what's going to be the bottom line, somebody is going to get killed, before somebody brakes up here. But when I tell you the trucks, one's going and one's coming, non stop from Route 209 to Dragon Springs. Why are they doing it? Why are they having all of these cement trucks? Why are cement trucks carrying all of that weight, allowed to go over that bridge? The bridge is like fifty years old, when they rebuilt it.

Al Schock: Any other comments? Okay, do we have a motion to close the public hearing?

Theresa Santiago: Motion to close the public hearing.

Craig Wagner: Second.

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

Craig Wagner: Aye.

Theresa Santiago: Aye.

Bob Vicaretti: Aye.

Willard Schadt: Aye.

Mike Hunter: Aye.

Al Schock: Aye.

Motion carried.

Public hearing closed at 7:40 p.m.

Respectfully submitted,

Barbara Brollier, secretary