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PLEASE REPLY TO
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February 1, 2016

Town of Deerpark
Zoning Board of Appeals
420 Route 209
PO Box 621
Huguenot, New York 12746

Re: *Application of Dragon Springs Buddhist Inc.*
Appeal Number 16-002

Chairman Witt and Members of the Zoning Board of Appeals:

Through this submission, Dragon Springs Buddhist Inc. ("Dragon Springs") is modifying the above-referenced application for area variances that is pending before this Board. The modifications are in direct response to comments by this Board, its consultants, and the public. We believe the modifications will allow this Board to adhere to its duty to grant the minimum variance necessary to afford relief while also preserving the neighborhood character and the health, safety and welfare of the community. We appreciate your thorough review and consideration of Dragon Springs' application and trust that the variances, as modified, will alleviate most, if not all, of your prior concerns regarding three of the five pending variances. We are respectfully continuing to request two of the remaining variances as originally proposed for the reasons stated below.

First, Dragon Springs is hereby withdrawing its requested height variance for the proposed boundary security fence, without prejudice to re-file for such a variance in the future. We have realized that more time is needed in order to better develop a plan for the proposed boundary security fence. We believe it will be helpful to have input from the Planning Board as to the location of a height compliant boundary security fence before determining to what extent a variance to increase the height is necessary. Dragon Springs intends to proceed with a proposal for a boundary security fence as part of its site plan application and will consider applying for a height variance to the extent deemed necessary in the future.

Second, Dragon Springs has modified its requested driveway width variance and is now proposing an entrance that complies with the 50-foot maximum width requirement. As shown on Exhibit No. 5 ("North Entrance Resizing Plan"), the proposed entrance measures 50 feet from curb to curb and includes permeable grass pavers on each side. The proposed permeable grass

pavers are approximately 16 feet and 17 feet wide at the point it meets Galley Hill Road. This will provide the increased width necessary to accommodate the turning radius of emergency vehicles without creating any potential drainage issues. The entrance will be pitched toward the proposed gravel area and a 36-inch by pass pipe and 24-inch drainage pipe will ensure adequate drainage. To the extent that the grass pavers are considered part of the driveway width (even though they will not be paved and lie outside of the curbed entrance) we are requesting the variance so that the driveway, situated on a bias, can be safely navigated by emergency vehicles.

Third, Dragon Springs has modified its requested driveway grade variance. The new plan is shown on Exhibit No. 6 ("Proposed Profile for North Entrance"). It includes raising the Galley Hill Road surface by 1.8 feet, at the sole cost of Dragon Springs. This allows a negative 2-percent grade for the first 20 feet of the North Gate driveway, followed by a positive 5-percent grade up to the North Gate Bridge. We believe that raising the surface of Galley Hill Road provides a safer entranceway by increasing the section of -2% grade significantly and also significantly minimizes the risk of flooding to Galley Hill Road. This modification would allow Dragon Springs to achieve a negative 2 percent grade for 20 feet (29 feet from the centerline of Galley Hill Road) without requiring a dangerously steep positive grade to reach the North Gate Bridge. That being said, we realize the ZBA cannot obligate the Town to raise the surface of Galley Hill Road, even if it is done at Dragon Springs' expense. We would ask that the variance be granted with the condition that such variance is only effective if the Town agrees to raise the roadway at Dragon Springs' expense. The variance can be noted to state that if the Town does not so agree, then the variance is granted in the form of the alternate plan (see below) for modifying its requested driveway grade variance that eliminates the need to raise the elevation of Galley Hill Road.

The alternate driveway grade plan is shown on Exhibit No. 6A ("Alternative Profile for North Entrance"). It allows for a negative 2-percent grade for the first 19.1 feet of the driveway followed by a 10 percent grade up to the North Gate Bridge. Because this alternate plan can achieve a negative 2 percent grade for approximately 19.1 feet (28.1 feet from the centerline of Galley Hill Road) and requires a steep grade of 10 percent to reach the North Gate Bridge, we believe the plan shown on Exhibit No. 6 is a much better – and safer – solution. Again, this alternate plan is being provided simply as an option that avoids raising the surface of Galley Hill Road if the Town declines to allow the raising of the road at Dragon Springs' expense.

Dragon Springs has not modified the remaining variances requested for the interior security fence and North Gate Bridge width. We are asking this Board to consider these variances as set forth in our prior submissions. To recap, the interior security fence ranges in height from 7.5 to 9 feet high. This fence is green in color and does not disturb any landscaping or trees, and is not visible to any surrounding properties. It surrounds a developed area containing buildings, much of which is paved, and its design (iron posts and gates) allows for most animals to pass through even when the fence-gated openings are closed. As for the North Gate Bridge width, we believe that only a 2-inch variance is necessary based on our understanding of the previously approved plans. At most, a variance of 2 feet, 2 inches is necessary. The record is clear that this minimal increase in width is indiscernible and has no impact on the community or neighborhood character or physical environment.

Finally, in addition to explaining the modified variance requests, we also want to take this opportunity to respond to the letter from Rebecca C. Crist of New York State Department of Environmental Conservation ("DEC"), dated December 30, 2016, which has become Exhibit 36 in the ZBA record. With respect to the driveway grade variance, Ms. Crist noted a concern of potential debris blockage at the North Gate Bridge that might impact Galley Hill Road, notwithstanding that the present clearance of the bridge above the stream is significantly greater than with the prior bridge, and there is no minimum clearance requirement in any DEC regulation. During our meeting on March 11, 2016 with DEC Senior Biologist Brian Drumm and attorney Carol Krebs, Dragon Springs agreed to be vigilant with keeping the adjacent upstream area clear of dead and/or downed trees and tree limbs. We have no objection to the ZBA including this requirement as a condition any approval in order to satisfy the DEC's concern. Moreover, we believe that the DEC's concern is alleviated by the new modified plan, which includes a revised grade and improved drainage (and potentially an elevated Galley Hill Road).

With respect to the boundary security fence variance, Ms. Crist noted concerns with the location of this fence, *i.e.*, potential stream disturbance and impacts to threatened and endangered species. We believe our most recent fence plan relocated the boundary security fence to alleviate the DEC's stream disturbance concern and previously noted we would comply with all DEC requirements. Nevertheless, Dragon Springs has decided to withdraw this variance request at the present time, rendering the DEC's concerns moot at this time. The DEC's concerns still remain relevant to Dragon Springs' Planning Board application, to the extent of the location of a height compliant fence.

With respect to the internal security fence variance, Ms. Crist reiterated that there should be consideration of the potential impact of the fence on the movements of small mammals. We previously submitted a letter from Stephen E. Mooney of O'Brien & Gere Engineers, Inc. on this issue. Based on Mr. Mooney's letter, we believe it is clear that there will be no impact from the internal security fence. And because Dragon Springs has withdrawn its request for the boundary security fence variance, any potential impact on the perimeter fence is now moot.

Ms. Crist also requested clarification as to whether the proposed security fence is part of the overall project described in the SEQRA Environmental Assessment Form ("EAF"). The revised EAF for the Dragon Springs site plan included the construction of the perimeter and interior fences. Since the requested variance for the proposed boundary security fence has been withdrawn, we again believe this issue is rendered moot. In any event, Dragon Springs will be proceeding with coordinated review of its site plan, including any fences that are or will be part of its site plan application, and will obtain all required DEC permits before proceeding with any part of its project.

Please do not hesitate to call if any further information is needed.

Respectfully submitted,



Richard B. Golden

Enc.