

DEERPARK PLANNING BOARD - MARCH 13, 2013 - PAGE #

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, March 13, 2013 at 7:00 p.m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

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

OTHERS

Mr. Alfred A. Fusco, Jr., Town Engineer	Mr. Glen A. Plotsky, Town Attorney
Mr. David Dean, Town Board Liaison	Ms. Lana Han , Esq. - Dragon Springs Buddhist, Inc.
Mrs. Mervi Stack, Applicant	Mr. John Fuller, Civil Engineer
Mr. George Eckes, Applicant	Mr. Kaijin Liang, Dragon Springs Buddhist Inc.
Ms. Minzy Pan, Dragon Springs Buddhist, In.	

THE PLEDGE OF ALLEGIANCE

QUALITY BUS SERVICE – PUBLIC HEARING - #11-0203

Represented by Mr. John Fuller, Civil Engineer

Owner/ Applicant: DLE Holdings, LLC wishes to build a new office and garage on property located at: 102 Main St. , Sparrowbush, New York.

It is in the HMU Zone.

Section –Block –Lot = 43 – 2 -

2

Application submitted January 16, 2013

SEE ATTACHED PUBLIC HEARING RECORD

Derek Wilson asked about the hours of operation?

John Fuller answered 8 a.m. to 5 p.m., but that can be changed, if the board wishes.

George Eckes said that the hours of operation will be 7:30 a.m. to 5 p.m., but there will be drivers coming in earlier to just grab some buses and go.

Derek Wilson asked that those buses be parked as far away as possible from the neighbors' house.

MOTION

Santiago made a motion for lead agency. Wilson second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Wagner, aye; Vicaretti, aye; Wilson, aye; Schock, aye. Motion carried.

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Al Schock read the negative declaration: "In accordance with 6NYCRR Part 617 State Environmental Quality Review regulations, specifically 617.7 determining significance, the Planning Board of the Town of Deerpark has reviewed the projet application for the Quality Bus Company site plan. After thorough review of the application, plans, EAF, public comment, consultants comments, including review of the air quality, groundwater, stormwater, traffic, cultural resources, habitat, Town ordinance, Town Master Plan, impacts on energy, and impacts on the community, the Planning Board hereby proposes, by motion, that the above project will not result in any large or important impacts and therefore is one which will not have a significant impact on the environment. Therefore, we hereby issue a Negative Declaration for the Quality Bus site plan."

MOTION

Santiago made a motion for negative declaration. Vicaretti second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Wagner, aye; Vicaretti, aye; Wilson, aye; Schock, aye. Motion carried.

Derek Wilson wanted to clarify the hours of operation.

George Eckes said that 7:00 a.m. to 5:00 p.m. will be the normal hours of operation.

Al Fusco suggested that a note be put on the map saying, "normal hours of operation 7:00 a.m. to 5:00 p.m., variations due to business conditions."

MOTION

Wilson made a motion for site plan conditional approval, subject to the town engineers' letter, dated March 13, 2013 and all board comments, and the applicant put in an estimate for the amount of the bond, and payment of all fees. Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Wagner, aye; Vicaretti, aye; Wilson, aye; Schock, aye. Motion carried.

Glen Plotsky said that the applicant already has a one year special use permit, for their other project, and at the end of the year, the applicant applies for a renewal, and it comes to the Planning Board who contacts the Building Department to see if there are any violations, and if there are not, then the applicant gets a renewal, however, if there are violations, the applicant must come fix the violations, and then he gets his renewal. He said however, if the applicant does not fix the violations, then he does not get his renewal.

Al Fusco told Mr. Fuller to make sure he writes on the plan, that this special use permit is for one year.

MOTION

Wilson made a motion for special use permit conditional approval for one year. Santiago second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Wagner, aye; Vicaretti, aye; Wilson, aye; Schock, aye. Motion carried.

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George Eckes asked how long is the site plan approval for, because he may not be able to start construction right away?

Derek Wilson answered that the applicant can just contact the Building Inspector, asking for an extension of his building permit. Glen Plotsky agreed.

EDDY FARM - PUBLIC HEARING - # 13-0101

Represented by Mr. John Fuller

Owner/ Applicant: True Warrior Ministries, Inc. wishes a 2 lot subdivision on property located on Sleepy Hollow Road , Sparrowbush, N.Y.

It is in the HMU zone.
46.1

Section - Block- Lot = 44 -4 -

Application submitted January 16, 2013

SEE ATTACHED PUBLIC HEARING RECORD

Derek Wilson asked if the 30 day comment period for the County, had passed?

Al Fusco answered yes, the notices were sent out on February 4th.

Derek Wilson said that any language on the gate should be specific, because there may be more than one gate.

Glen Plotsky said that any gate along the right-of-way must have a Knox box. He said that the language on the map can read about both right-of-ways, and all must have a Knox box.

MOTION

Wilson made a motion for lead agency. Vicaretti second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Wagner, aye; Vicaretti, aye; Wilson, aye; Schock, aye. Motion carried.

John Fuller said that he agrees to waive the 62 day requirement for SEQRA, because it may take him longer to get the right-of-way information to the board.

Derek Wilson asked if there's DEC wetlands on the property?

John Fuller answered that there is none delineated on their wetlands maps. He said that he himself has done a wetlands delineation, and it is wet on the lower part of the property, it is a little soft.

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Al Fusco said that that will be dealt with, when someone comes in for a site plan for that part of the property.

Al Schock read the negative declaration: "In accordance with 6NYCRR Part 617 State Environmental Quality Review regulations, specifically 617.7 determining significance, the Planning Board of the Town of Deerpark has reviewed the projet application for the Eddy Farm site plan. After thorough review of the application, plans, EAF, public comment, consultants comments, including review of the air quality, groundwater, stormwater, traffic, cultural resources, habitat, Town ordinance, Town Master Plan, impacts on energy, and impacts on the community, the Planning Board hereby proposes, by motion, that the above project will not result in any large or important impacts and therefore is one which will not have a significant impact on the environment. Therefore, we hereby issue a Negative Declaration for the above project."

MOTION

Schadt made a motion for negative declaration. Wilson second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Wagner, aye; Vicaretti, aye; Wilson, aye; Schock, aye. Motion carried.

ALEXANDER HOTEL - PRE-APPLICATION CONFERENCE

Represented by Mr. John Fuller, Civil Engineer

Owner/ Applicant / A. R. Realty Holdings wishes to covert the hotel into 6 unit apartment building, located at #1 Main St., Sparrowbush, N.Y.

It is in the HMU Zone.

Section - Block - Lot = 47 - 3 - 4.2

John Fuller said that he is also proposing a parking area, adjacent to the existing building. He said building code requirements, such as sprinkler systems, etc., will be addressed. He said that two parking spaces per dwelling unit are shown on the site plan, He said two apartments are proposed on each floor of the building. He said that the building has been vacant for some time, but structurally it is sound.

Derek Wilson said that he remembered there being restrictions on the use of the third floor.

Al Fusco said that he is not familiar with any restrictions, but will research it. He did say that yes, it has been vacant for more than twelve months now, so any use that it had, has expired. He said that even if this is to be considered, it will have to be built to the current building and fire codes. He said that two means of egress also are needed. He said that another issue is that it had a non-conforming use of the zoning, but now it no longer holds that, and so irregardless of where the Planning Board goes, before this board takes action, the board can review this application for awhile, and start giving the applicant indications, but it would require Zoning Board of Appeals action, and Planning Board action, both.

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Derek Wilson said that the previous owner had an antique business on the ground floor, and had gotten permission to put living quarters on the second floor, and the third floor had been vacant for a very long time.

Theresa Santiago said that years ago the Planning Board had regulated that the third floor could only be used for storage.

Al Fusco said that being that those previous uses have expired, then this will be treated as if there is absolutely no use now on the site, and that includes the previous apartment use. He said that anything that the owner wants to do, he must come before this Planning Board, and if he wants to use this building, they need to go to the ZBA, because it's too close to the property lines. He said that, in addition, the requirements to re-utilize that structure are very onerous, and it may not be worth the owners' while to put the money into the building, and it might be better for him to just demo the building. He recommended that the owner, if he wants to use this building, go before the ZBA, and if he gets those approvals, he can come back before this Board.

He said that setbacks are the issue that needs an area variance,

Glen Plotsky said that if the owner wants to rehab the building, he will have a better shot at getting the setback variances, because if they are going to demo the building, why not just build the new one to the setbacks.

John Fuller said that the property slopes considerably, and the only build-able area is toward the front near the road, where the current building stands. He said that the area up above, it's very wet, up at the far end. He said that the only part that is build-able, is where the present building sits right now.

Willard Schadt asked if an adequate disposal septic system could be put in there, because he would be pumping up thirty feet?

John Fuller answered that the current septic already sits up in that area, and he has seen pump systems pump 150, and he does not see any problem.

Al Fusco suggested that Mr. Fuller make an application to this board, and identify the setbacks, and then this board can refer him to the ZBA. He told Mr. Fuller that the escrow account for the Town Attorney would be \$1,000., and for Town Engineering would be \$2,000.

MERVI STACK - DISCUSSION - # 13-0202

Represented by herself

Owner/ Applicant Mervi Stack wishes to open the old South of the Border restaurant,

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located at 83, 85 & 87 S. Maple Ave., Town of Deerpark, Orange County, New York.

It is in the I.B. Zone.

Section – Block – Lot = 57 – 3 – 4.

1

Application received February 5, 2013

Mervi Stack asked the board to be able to do this project in New York. She said that on the New York side is all of the emergency issues, such as State Police which is only 1.6 miles away, and the New York fire department is only 1.2 miles away, and the New Jersey facilities are all much farther away. She said, concerning the liquor license, nothing is available from New Jersey, but she would be able to get one from the New York side. She said that she can consolidate all three lots. She said that there is a right-of-way through the Bible Camp property from New Jersey, to go onto the property in the back, that is 83 and 85 S. Maple. She said that a consolidation would allow her to be able to go through 87 S. Maple to the back lots. She said that the major parts of the restaurant, i.e., the bar, kitchen and well, the septic system are all in New York State. She said that she would get a new septic system put in. She said that the parking would be in the State of New Jersey, which she said shes believes would not be a problem. She said that she has already been in touch with the New York Health Department, who said they need plans for the new septic and a chlorinator.

Glen Plotsky asked what structures are on the three lots?

Mrs. Stack answered that there is a a three bedroom house on one of the lots that she wants to consolidate, and there is a right-of-way to it. She also said there's another house, and of course, the restaurant.

Glen Plotsky stated that the applicant already has two homes and a restaurant on three lots, and she is asking to put them all on one lot. He said that the difficulty is having residential and commercial uses on the same lot, and is almost impossible. He said yes, they are all zoned commercial, but two residences on two of the lots and a commercial use on the third lot, will be difficult to say the least.

Al Fusco said that the applicant should concentrate on the restaurant now, and work out the consolidation later. He said that she has put a lot of effort into this, but the board needs real plans, and a real survey, because he still doesn't know exactly what is located where, and she needs to get a New York State survey and get a New York surveyor to do it, to show where the restaurant is.

Glen Plotsky said that assuming that her septic and the well are also on the one lot, then he said that she only needs a survey for the one lot. He told the board that there was a lot of interior work being done on the premises, and stop work orders were issued by both the Deerpark Building Department and the Montague, New Jersey Building Department. He said that he personally is a member of the Montague Land Use Board, which is the equivalent of a planning/zoning board of appeals, and since they have a meeting tomorrow night, this project will also be discussed then. He said that this is zoned for a restaurant, and it's just a matter of it being done correctly. He said that one board should essentially be the lead agency, and the other board should defer to it. He said that Mrs. Stack is saying that the majority of the interior items that are going to impact any determinations are on the New York side, and the well and septic are both on

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the New York side, and on the New Jersey side is only an entrance door and a parking lot, then he said that that coupled with information that she has determined the impossibility of getting a liquor license from New Jersey, that she has a better shot of getting that liquor license from New York. He said that he believes that this Planning Board should be the lead agency and New Jersey should defer to this board.

Willard Schadt said that until this board sees a certified survey, locating all of these items, this board is really talking about nothing.

Glen Plotsky said that since the applicant has already paid her application fee, he said that he is just trying to give her as much information as possible, in front of this board, so that she can move forward.

Derek Wilson asked if this board should review this just as a restaurant, or as a bar and restaurant, because of the liquor license that will be needed?

Glen Plotsky answered just as a restaurant, because a liquor license is completely between the applicant and New York State.

Derek Wilson asked about the photocopied survey that the board received?

Al Fusco answered that it is a photocopy, so it's not a real survey, plus it's done by a New Jersey surveyor and is at least ten years old.

Glen Plotsky said that on that survey it does show the State boundary line to go through the building, and that's why he believes that this is to be so.

Derek Wilson said that there's a reference to three lots and two other houses now, and a restaurant, and asked, is this all one lot?

Glen Plotsky went over to the map and briefly explained the different aspects of the survey.

Glen Plotsky asked the board members, if they have any objections to being the lead agency.

Willard Schadt answered that he has no objection, as long as the findings are that the well and septic are all in New York. The board members agreed.

Glen Plotsky told Mr. Stack that when she submits anything, she will need to submit twice as many, so that he can give any submissions to New Jersey as well.

Mervi Stack said that she will get a survey, to be done by a New York surveyor.

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Owner/ Applicant Dragon Springs Buddhist Inc. is submitting a new site plan,, so they can obtain their special use permit, on property located at 140 Galley Hill Rd., Cuddebackville, N.Y. It is in the RR Zone. Section –Block –Lot = 31 - 1 - 21.

22

Application submitted January 2, 2013.

Ms. Han said that she wished to clarify from a larger picture of the Dragon Springs situation, which may help in making the decision with this special use permit. She said that there is a temple structure on the premises, and it's a Teng Dynasty structure from 1,000 years ago. She said that they all are being built by volunteers, and if there were no volunteers, this place would not be able to be built. She said that falun gong followers are being persecuted, and a lot of donations come from these people, and it's happening in Communist China, and is being investigated by international human rights organizations. She said that donations come from other people throughout the world, and they trust Dragon Springs to spend their money wisely for future generations. She said that the money is used to buy materials for anything that they need, such as concrete and whatever, and the volunteers do the work. She said that Dragon Springs is a religious use and a religious temple, and now there are schools on the property. She said that usually the government will support the schools with funding, but with a religious organization, it is that the money comes from the public donations. She said that the economy is not doing well right now, and Dragon Springs would like to bring goodness and auspiciousness to the town, and are planning to, in the future, to conditionally open Dragon Springs to the public, and hopefully will draw commercial investment into the town. She said, however, that a lot of the investors have lost interest, because they feel that the town is not supportive of falun dafa, the Dragon Springs position, and with newspaper articles being published, a lot of the investors have already withdrawn. She said that Dragon Springs has to explain to them that they have confidence in Dragon Springs, but they feel that the town isn't comfortable, and that if their money comes in here, they feel that they will not be welcome. She said that Dragon Springs is still communicating with some of the investors who are interested. She said that what Dragon Springs will bring to the town is historical, because there are hundreds of practitioners around the world, and she said that this is the only temple in the world, that was build, based upon the historic Teng Dynasty architecture, and the practitioners really want to do something good for the town. She said that once Dragon Springs does open to the public, it will be conditional, because Dragon Springs is a spiritual place, religious, and they want to keep it peaceful. She said that these people come onto the premises and they want to see the peacefulness. She said that there are businesses on the Datang property, on Galley Hill Road, and they are expecting to do something there, but so far, it's not really doing much because of recent happenings. She said that their lawyers have asked them if they want to do something about it, but she said that Dragon Springs have told them to hold off, because there are misunderstandings that they would like to work out themselves with the community. She said that her clients' position, concerning the special use permit, is that there is no change of use, and actually that the name of the schools, the Fei Tian Academy of the Arts and Fei Tian College, and all of the students have to be falun dafa practitioners. She said there is no tuition, and it's all from donations and scholarships. She said that Dragon Springs really wants to help the people that are being persecuted. She said that the students have to have certain skills, such as classical music, to some extent, so it is very limited. She said that some of the students' families are being tortured to death in China, so the students have no one else to turn to, so Dragon Springs helps these people and their children. She said that there are no new buildings being proposed. She said that the plans that were submitted in 2010 had the buildings labeled as

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educational facilities, and there are classrooms, study rooms, are actually labeled on the plan. She said that those have been pre-approved. She said, with that, there are no additional people being proposed at this time, because she said that it is the average number of students, and then also the workers, and the number of people at the site do not go over the 100/100 limitation that they have. She said that Dragon Springs wants to keep it small and quiet on a small scale. She said that she just got the town engineers' comments tonight, she said that the Dragon Springs architect mentioned that there are probably some calculations errors in Mr. Fusco's technical review, but she didn't want to get into that.

Glen Plotsky asked about a conditional opening to the public, does that public mean, only limited to practitioners, or is that any Town of Deerpark residents, or anyone, and will they have to pay a fee?

Lana Han answered that they haven't gotten into the details yet.

Glen Plotsky asked, define public?

Lana Han answered that it hasn't been defined yet.

Glen Plotsky asked, define the conditions?

Lana Han answered that it will be limited, because it's a spiritual place where people will be meditating, and it will be limited to only a portion of the entire site.

Glen Plotsky asked, how many visitors do they anticipate coming to the site, once it's conditionally open to the public?

Lana Han answered that they will have to see about that, and it'll have to be limited, because of the roads.

Glen Plotsky said first of all, the maps now indicate libraries and classrooms and those type of things, which is good, because that's what should have been done two years ago, when the buildings were built. He said yes, the maps are updated now, to more accurately reflect what is going on. He said that the whole problem with the site plan renewal, and he said that he does understand that there was a discussion about no students in the public schools, and the classrooms were identified, but, he said that at no time did any representative from Dragon Springs, prior to this last time of the special use renewal, he said that there is no mention of an arts academy, a college. He said that the fact of the matter is, that it was found by someone in the town on a website that was about 150 pages long, and he said that he had them printed out and copied. He said that that was the very first indication that there was a school and/or a college on the site. He said now, since the board said wait, it was then that Dragon Springs said that it was for training their participants and educating their children, and discussion about orphans and whatever. He said that the fact of the matter is, that the special use permit, and every application that this applicant has made, would so easily be granted and Dragon Springs would just tell the board accurately, once, what it is that they are doing, what is happening there, and the number of people that are there. He said that the numbers that the applicant is giving the board, and he said that he appreciates the 100 and 200, and frankly, in terms of engineering, the board members wouldn't

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care of it were 1,000, because they know that Dragon Springs could support that many. He said that Dragon Springs needs to tell the board what they are really planning, and how many people are they anticipating now, and don't wait until two weeks before a Chinese New Year celebration, and tell the board that thousands of people will be up there and request a mass gathering permit, because neither the town nor Dragon Springs wants to be in a position where there will be this major activity, and the town feels compelled to file an injunction to stop that major activity, because the approvals are only for 200 people. He asked that the applicants just make the numbers real. He said that it is because the applicants' special use permit says nothing about schools, and their website advertises a school and a college, that the special use permit could just not be granted. He said that the only issue that has been raised at every public hearing, the only issue that is raised in terms of being problematic in terms of SEQRA review, is the road and the use of the Galley Hill Road, whether it be by people either visiting at the applicants' facility or people working at the facility. He said that concrete trucks and heavy equipment have done incredible damage to Galley Hill Road, and neither Dragon Springs or any of their members are paying for those repairs. He said that the townspeople who pay taxes are paying for those repairs. He said that if Galley Hill Road could be widened or improved, re-paved and include new road signs, than most of the neighbors complaints would disappear. He said that nobody really knows what is happening on the premises, and he perceives a lot of scepticism about what the applicant is presenting, as to what is really going on up there. He said that Ms. Han has not given him a single condition that's required to open it up to the public, and Ms. Han has not defined who the public is, and hasn't said how many people are going to be allowed. He said that the board cannot make a determination as to what needs to be done, in order to grant an approval, such as re-evaluating Galley Hill Road and other accesses to the property, and things of that nature. He said that the board does not want Dragon Springs operating in the dark. He said that once, when the board first set the number of people allowed on the site, he said that he had suggested that there be some kind of "sign in" so that the board could verify that there were only 100 people. He said that that was ten years ago, and since that time, there has been no reference, by anybody, that people have to sign in and out, and tell the board who they are. He said that this is not his business. He said however, it is his business to know how many people are up there. He said that because this applicant has not been particularly forthcoming, and the board believes that applicant has not been particularly honest about it, there is a concern. He said that he is asking again, how is the applicants going to monitor the number of people, so that they can tell that there are only 200 people on the premises at one time up there. He asked again for the applicant to tell him, to help him.

Lana Han said that to build all of these buildings, and to have them approved, her client needs all of the trucks and the deliveries, and they are just a part of the course of business to have these materials delivered. She said that her client was addressing it, according to the plans.

Al Schock said to Ms. Han that she had made a comment that the town does not feel comfortable with Dragon Springs.

Hana Lan clarified, and said that she said that the investors do not feel comfortable.

Al Schock asked Ms. Han to give her a reason why the townspeople would feel comfortable with the applicant? He asked, what has Dragon Springs done, that would make the town feel comfortable about them?

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Ms. Han answered that it is a religious place.

Al Schock answered that that still does not make him feel comfortable.

Ms. Han answered that the investors do not feel comfortable.

Al Schock asked, why don't they? He asked, why should they?

Chun Feng said he will try to draw a picture, and that this issue is not understood by all of them. He said that a hotel or a store is very, very small, compared to what Dragon Springs will bring in the future to the town. He said that it will bring pride, and the town will be proud, because all of this will be peaceful and it will bring culture and will be profitable to the town, and however big it will be, it's only by the imagination that it will come here. He said that it will bring in thousands of dollars, and the tax revenue will be quadrupled. He said that he is trying to communicate that very, very soon the town will see this. He said that he is happy that the zoning is going to change for the Galley Hill Road area, and people are working day and night, because there's a model of a store, and commercial places, and he understands the citizens concern about Dragon Springs building this place, and the religious people are being persecuted. But, he said, in the future, it will be open to the public, although right now it's only open to practitioners. He said that Dragon Springs doesn't want this place to be a crowded place and too noisy, but to be a serene place, so people can see how beautiful the place is. He said that visitors will come in and go out, and will not stay over in the facility. He said that this will be such a beautiful place, that everybody will want to come and see. He said that the Galley Hill area, the board should look very carefully how they are going to do the traffic, the traffic lights, because everything is going to be there, and it's going to be big. He said that there will be golden eggs. He said that this is going to be a world wonder, and many people will come. He said that it will be serene and peaceful and traffic will be limited.

Willard Schadt said that one of the issues that bothers him, is that the applicants treat this government the same that they treat the government in China, being very distrustful of the town government as well. He said that concerning the schools, he came across an advertisement for their performing arts center and one place it says that they will be performing at Lincoln Center, and he asked, why does the board members have to find this stuff out on the website, why couldn't someone come before the board and say, "this is what we are doing?"

Chun Feng answered that yes, this is part of their school, and if you go and see a performance, it is purely religious.

Willard Schadt asked, why is this such a secret? He said that this was never mentioned that it was going on, as part of their site plan.

Chun Feng answered that it is not a secret, He said that that on a prior 2010 map, the classrooms were mentioned, and school also, and the board was even invited to come up onto the property to see, and they were not trying to hide anything.

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Willard Schadt said that the point is, that was never brought forward, and he expressed his opinion that the applicants would've gotten more support, if they were more forthcoming about what they are doing, and that is what is bothering the people.

Chun Feng said that you cannot draw it like an equation, because some of the performers were educated here, but not all of them. He said that the educators and performers were hired from outside.

Willard Schadt answered that he understands that, but just by looking at the websites, it says that the performers are paid, and there's a provision about how many people there are, and there's a provision about how many months they have to stay on site. He said that this math does not match up with their site plan, and either the website is inaccurate, or their site plan is wrong. He said that it would be so much easier, if the applicants had a little more trust for the government here, and he said that he does appreciate what the applicants are saying about their history in China, but this is not China.

Chun Feng said that he knows what Mr. Schadt is saying, and said that if you look at the meeting minutes, there is a mention of a school, and they had talked about education several times, and this was all put on the 2010 site plan.

Willard Schadt asked, is the performing art center a school?

Chun Feng answered that the performing is off site.

Willard Schadt said that the performing arts address is the applicants' address.

Chun Feng said yes, because they wanted the performers to come here, but a lot of those people are hired from outside, they're professionals, and only a portion of them are trained here. He said that the college is just like your missionary school.

Al Schock said that the difference is, that our students come from an accredited college, and when that college is built, it has to first come before this planning board and the town. He said that you can't just say that you have a college or a university, without coming to the town first. He said that just because the applicant mentions "student" during a meeting in passing, it does not mean that the college has been approved by this board.

Derek Wilson said that he thinks that the board and the town attorney expects the applicant to come back with a modified site plan, and a public hearing will be held, and then after that, the board will deal with the special use permit. He said that this board did not approve a university up there.

Chun Feng said that when a college like Columbia University had a graduation, there are a lot of students, but when the applicant has a graduation, there is less than twenty people. He said that everything is fenced in up there.

Derek Wilson repeated that the applicant needs to come back before this board with a modified site plan, whether it's 325 people and saying whether or not some of the performers are going to

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be on the road, or some of them are going to be on site, maybe it's going to be less or more than 325, but just come up with a basic number. He said that, for example, if there are 185 people living up there full time at night, then the town engineer can make basic calculations, and then the board can approve that site plan with the correct numbers, and then the board will deal with the special use permit.

Minzy Pan said that the 2010 was the last major proposal that the applicant brought before this board, and it gives, the old application, the water supply and sewage treatment design, electric, the road, parking calculations, are all based on the design. She said that it is based on their calculations, and at that time the town engineer required of the applicant to calculate, "do you have enough parking spaces," "do you have enough road to handle that", and she said that it shows all of the parking calculations, and it shows how many buses they can handle. She said that, that all was presented to the board, and also she said that according to the water and sewage treatment calculations, it shows that they can handle at least 200 students on site, and that was all presented.

Derek Wilson said that when the applicants came before this board for their previous proposal, they should've at that time, stated that they were putting a university on site at that time. He said for the applicants to just come before this board with a correct site plan, of what they are doing up there and showing the correct number of people up there, and the board will review it. He said that is all the board is asking for, and if the applicants will not present a correct site plan, then it will have to turn into a legal issue. He said that nobody is denying that the applicant has religious protection for what they want to do, but that does not mean that the applicant is exempt from review.

Minzy Pan said that she has ten years experience as an engineer, and said that she had submitted proposed use of a college to the board, and had showed the building the school would be in.

Al Schock said that an applicant cannot take a building and go from an apartment and then change it into an auditorium without a change of use from this board.

Minzy Pan said that in the proposed building, it was shown clearly how big the building is, and what the proposed use would be.

Al Schock answered that if that is true, if it is written that there was a proposed college or university, then find those proposals and that map, and bring it before this board.

Minzy Pan said that there is no school use in the Town of Deerpark Zoning Code, because this is a religious education, it is not a public school.

Derek Wilson reviewed by saying that the applicants first came before this board, because they said that they were building a facility for 100 monks who were being persecuted in China, and if they didn't come here within 6 months, they were going to be killed. He said that the site plan has been changed along the line. He said that this board is not telling the applicants what they can or cannot do, the board is just saying that they have to review what is up there on the premises. He said that the applicants are amending the use of their site plan, and they are saying that they have all of the structures that they need up there now. He said that they have to take that 2010 site

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plan and amend it and make all of the changes that they have made and put it on that site plan. He said that this board cannot give the applicants a special use permit for something that is on the property that was never approved by this board.

Glen Plotsky said that the last stuff that this board got was dated November 2012, and the town engineer has just handed him a document dated March 3, 2013, that actually has calculations with a modified number of students and things of that nature. He said that with this, he suggested that the town engineer review this document, the board holds a public hearing, and then the project can move forward.

Al Fusco said that everybody is sticking to the "200" number, and he said that in December 2012 he had asked the applicants for numbers, because the website and the discussion before the board were different numbers. He said that if the numbers that he has now is wrong, then the applicants should tell him. He said that he has 160 registered students, of which only 77 are on site at one time. He said that he has that there are teachers that don't live on site, but live in the area. He said that he was told that there are twenty security and other staff that do live there. He said that he was told that there are at times 100 visitors, and that adds up to the 200. He said that he was also told that there are 50 to 70 workers that are on site at any particular time, being there for 2 weeks at a time, and they live there, they volunteer and work, and then they go away, and eventually when the work is all done and they go away, then there will just be maintenance people on site. He said that the applicant is now saying that they possibly will open the site up for visitors. He said that that 100 is not 1,000. He told the applicants that if any of these numbers are wrong, for them to tell him now or in two weeks when they re-submit.

Chun Feng said that they do have education and students in writing on the plans, and calculations because the Town Zoning Code does not have a school use, so they use education wording. He said that the college and high school is accredited schools, and they do not feel that they have tried to hide anything.

Glen Plotsky again asked, will you be filing an amended site plan application, because the board does not have this most recent plan as an approved portion of what's been approved before. He said that if the applicants do not submit amended site plans, then he will do what he has to do, and the applicants will have to do what they have to do. He said that he does not want to have to do this, he said that he wants to get their plans approved and done, but in order to do that, the board needs updated plans.

Dave Dean said that the town board would like to know what the anticipated number of people is going to be at their facility, because there are 200 now listed on the plans, and it is totally inaccurate, and the facility cannot be totally successful with only 200 people. He said that if the applicants are going to have people come to visit the site, that is fine, but they have to say how many people they anticipate visiting on the weekend, whether it be 500 or 5,000. He said that clearly it is not 200 total when you take into consideration the number of visitors who are going to come and stay in hotels, eat in restaurants, buy goods in stores and still have 200 support staff in this facility. He said that the applicants have to add 200 plus what the participation is going to be. He asked, how can this town in good conscience say, we need 3 police officers, on a busy weekend for you, because you're going to have 5,000 people come, and be able to handle the traffic, the emergency services, and the town has to be prepared for this. He said that it is totally

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unfair for the applicants to expect the town to be able to totally accommodate the huge number of visitors that will come, unless they tell this board the real numbers. He said that it can be 500 or it could be 5,000, but the applicants have to give the town some way to be able to plan for that. He said that if this is going to be successful for the applicants and the people in the town, who are the ones who are paying for the road, and the police, the applicants have to be up front and candid about how many people they expect to come to this facility, and tell the town, so that they can prepare for support, such as police officers, ambulance, fire, etc.

Kaijin Liang said that the applicants cannot give the town a number now, it all depends on the town and how many people they want to be able to come. He said that there cannot be 5,000 people because there is only one hotel in the area, and it is not big enough, so people are not coming.

David Dean said that even though himself and other board members have seen the magnificent facility up there, the problem is that citizens of the community have not see it, and the problem is that they see 7 to 10 to 15 concrete trucks driving up and down the road.

Derek Wilson said that the applicants are infringing on the residents' rights on Galley Hill Road, because they may not want to live next to huge structures that attract a lot of traffic.

Kaijin Liang said that he thinks that the applicants and the board should dialogue more, to see how many the town wants, then they can operate. He said that there are one hundred million people practicing their religion.

Dave Dean said that they can't put one hundred million people up on the site. He said that the site plan now says 200 people.

Al Schock said that you have to look at the ratio, that is, the applicants' religion has 200,000,000 followers, and only 200 on the property? He said that this board has to have a proposal, and put a number on that proposal.

Lana Han said that in the new zoning, this is a use?

Al Fusco said that the applicants' concerns are, that because it doesn't say "school" in the new zoning, that you will be denied the application? He said that that is not true, and this board is telling the applicants to submit, and this board will not deny it, based on that aspect of it. He said that there is enough around it, that is, the zoning code does not say everything. He said that the code pertaining to that zone says nursery school, social hall, public use, and places of worship, so none of these are issues. So, he said that, if this is the reluctance of the applicants to submit new site plans, because they're afraid they'll get turned down, because of the new zoning, no, that is not a problem. He said that they can submit for a school, and will not be turned down because of the zoning. He said, concerning the numbers, the applicants have 100 and 100, which is 200, and they need to show the board their calculations that the visitors are going to use less sewage, so prove this to the board, and this is the minimum criteria that they have there. Just submit it, he said.

Kaijin Liang asked that they be allowed to come back before the board at the next meeting.

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The board agreed.

APPROVAL OF MINUTES - FEBRUARY 13, 2013

Wilson made a motion to approve the minutes from the February 13, 2013 minutes. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Wagner, aye; Wilson, aye; Vicaretti, abstain; Schock, aye. Motion carried.

ADJOURNMENT

Vicaretti made a motion to adjourn. Hunter second. Roll call vote: Santiago, aye; Hunter, aye; Schadt, aye; Wagner, aye; Wilson, aye; Vicaretti, aye; Schock, aye. Motion carried.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Barbara Broliier, secretary