

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, October 8, 2014 at 7:00 p.m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Al Schock, Chairman      Craig Wagner      Willard Schadt      Steve Weiner  
Theresa Santiago      Mike Hunter      Bob Vicaretti

OTHERS

Mr. Al Fusco, III., Town Engineer      Mr. David Dean, Town Board Liaison  
Mr. Alan Lipman, Esq.      Mr. Dominick Alfieri, Applicant      Mr.  
Raymond Raiche, Esq.      Mr. John Donnelly, Applicant      Mr. Mike  
Hominick, Civil Engineer O & R      Mr. Diego Morales, P.E.O & R      Mr. Mark  
McCarron, Senior Engineer O & R      Mr. Johnny Zhou, Applicant

THE PLEDGE OF ALLEGIANCE

PEENPACK MEADOWS SUBDIVISION - # 03-0802

Represented by Mr. Alan Lipman, Esq. 294-7944

Owner/ Applicant is seeking a subdivision on property located off of Peenpack Trail, Huguenot, N.Y.

It is in the HMU zone.

Section – Block – Lot = 62 – 1 – 11 & 14

Applicant is seeking a 6 month extension for Sections 1 & 2.

Board granted a six month extension on April 9, 2014.

Mr. Lipman said that because of the economy, there is nothing at this point that can be done to accelerate the process. He asked the board if they could extend his clients' conditional approval for a year, instead of six months.

Al Schock answered that the Town Attorney, who is not here this evening, would have to advise the board about that point, so at this time, only a six month extension would be appropriate.

MOTION

Vicaretti made a motion to grant a 6 month extension of Peenpack Meadows Subdivision conditional approval, from October 8, 2014 until April 8, 2015. Hunter second. Roll call vote: Santiago, aye; Vicaretti aye; Wagner, aye; Weiner, aye; Schadt, aye; Hunter, aye; Schock, aye. Motion carried.

Mr. Lipman thanked the board.

ORANGE & ROCKLAND - # 14-0101

Represented by Mr. Diego Morales, P.E., Mr. Mike Hominick, Civil Engineer; & Mark McCarron, Senior Engineer 557 - 3331

Owner/ Applicant O & R is seeking Planning Board direction on a permanent facility they wish to build on property located on Route 209 ( next to the Lock & Roll Storage Facility), Town of Deerpark, Orange County, New York.

It is in the Hamlet Mixed Use (HMU) Zone.  
Section - Block - Lot = 52 - 1 - 29.22 & 29.23.

Mr. Lipman said that the Town Board has not yet adopted legislation to enable this project to happen, and is expected to pass such, in November 2014.

Mr. Morales said that this project has two phases, being Phase I and a Phase II. He said that Phase I was the building of the temporary sub-station, which has already been done, and Phase II will be the building of the permanent station. He said that he and his colleagues had a meeting with the Fire Chief and the Town Engineer for feedback on fire requirements for this project, and those comments have been dealt with. He said that he and his colleagues are here tonight for feedback from this board, before going to the final design.

Mr. McCarron said that presently the area of Deerpark and neighboring areas are all served from Cuddebackville, Westtown, Matamoras, and Rio, which are all many miles away. He said that this proposed permanent station will be 135,000 megawatts of transformer, and 35 kb circuits emanating from the station and 13 kb circuits emanating from the station, and the circuit exits will come out and basically tap into the existing circuits that are around the property right now. He said that this property location is ideal, because the 69 kb transmission line runs right along the property, and can be easily tapped. He said that this station will be both a 69,000 to 35,000 volt sub-station, and a 69,000 to 13,000 volt sub-station. He said that this will basically bring the Cuddebackville sub-station here, which will greatly improve the circuit performance, and reliability, and flicker and motor starts will be better, and during storms, customers will not go out as often and be restored a lot quicker, if they do go out. He said that recently a Rio main transformer failed, which also is a reason for constructing this station. He said that this will also back-up the back-ups for the whole Deerpark area as well. He said that there will still be back-up from Port Jervis, Rio, Westtown, Cuddebackville, and Matamoras, but basically this station will be the "heart" of the operation, which will be a very strong and reliable source.

Mike Hominick indicated on the map the paved roadway to the sub-station, which is the same entrance that is currently used for the mobile. He said that it will be paved all the way up to the main gate of the sub-station. He said that the fence line of the sub-station would be 225 feet by 190 feet. He said that it is a 7 foot tall fence that would be all around the station, with one foot of barbed wire on top, which would essentially be 8 feet high. He said that there will also be security cameras installed around the perimeter of the site, which will work on infra-red, so no lighting will be required for them. He said that the inside of the station will be three quarter inch stone throughout the yard, done for a variety of reasons, but essentially for the grounding capabilities for the station, which separates the workers from what is buried in the ground, and also allows infiltration for the rainwater into the ground. He said that there are three banks in the station, which each have a secondary containment system around them, as the transformers do contain transformer oil. He said that the secondary containment is designed to hold 110% of that volume plus a 25 year storm. He said that it is a concrete wall that extends below grade, and on the bottom there is a liner, which is a polimar liner that reacts with the oil. He said that when it reacts with the oil, it seals off and contains the whole system, otherwise, rainwater can drain through it, under normal conditions. He indicated on the map, around the back of the building, will be access roads. He indicated the closest access road, which will be potential access to the stormwater drainage system, and the stormwater retention will be placed at the back of the site. He said that the rest of the roads would be to access the transmission line, as there are two transmission poles that are accessed through the property there right now. He said that the site has a significant amount of rock, and there will be rock removal required, in order for the station to be built, primarily on the corner of the southeast. He said that the northwest area will primarily

be fill on the site, as the site drops off, toward the back. He said that the elevation is 500 feet, which is relatively close to where the road is at. He said that at the edge of the road will be a 4 foot high berm, which a full blown landscaping plan will be presented to the board, but typically 8 foot tall evergreens are built along the roadway there, to shield the station from view. He said that the goal is to make the station as inconspicuous as possible. He said that the transmission line will be tapped, in a similar style to where it's currently tapped in the mobile, and it would consist of steel towers that would tap the transmission line into the yard, and inside the yard there will be two take-off structures, typically around 65 feet and 70 feet tall, which look like giant goal posts, for lack of a better description. He said that that is where the transmission lines come in, and will then drop down into the station, where the power is distributed through a network that would be 15 feet to 25 feet high. He said that in the back, there will be two switch-gear buildings, where all of the control mechanisms are maintained. He said that there is no water or sewer for this site, as the buildings will only contain the electrical and monitoring equipment. He said that in meeting with the Assistant Fire Chief, Ian Hicks, the access points were discussed. He said that the main access would be the main driveway off of Route 209. He said that Mr. Hicks did request a little bit bigger parking area in the front, right by the gate. He said that he and his colleagues will probably extend it, using either permeable pavers, or stone to extend that apron to minimize the amount of pervious area that will be created. He said that there is a wetland in the back of the property, which joins with the DEC wetland on the other side of the road, thereby making it all DEC wetland, and a 100 buffer is needed. He said that from that wetland, it is setback 100 feet with this current design, to stay outside that DEC buffer.

Theresa Santiago asked if they will be blasting?

Mr. Hominick answered there is a possibility, because of the significant amount of rock that will have to be removed. He said that the advantage of blasting is that it does go faster, and there is a blasting plan for this.

Steve Weiner asked if the cameras are always monitored?

Mr. Hominick answered that yes, they are monitored from Spring Valley, New York, and they are motion sensitive, in other words, the security crew is there, and can bring up any movement on the site.

Steve Weiner asked if there is any other security than, other than the barbed wire?

Mr. Hominick answered there will be a gate at the end of the driveway as well, at the end where the mobile is already located.

Bob Vicaretti asked about water run-off, which way will it be channeled?

Mr. Hominick answered that it will be directed toward the back of the property into a DEC stormwater retention, which provides DEC water quality, there is 100 year storm back there. He said that pre-existing conditions, the flow that currently goes back to that point, will be matched with the post conditions, as to that flow. He said that there is also a swale along Route 209 right now, and the flow will be directed into the inlet to the northeast corner, installing an inlet and piping that water to the swale.

Bob Vicaretti said that Cold Brook is in the back of the property, and does that fall under DEC jurisdiction?

Mr. Hominick answered yes, it is a DEC trout stream, which makes additional problems for the stormwater. He said that the stormwater solution will have to deal with the relatively high water table, and then also the trout stream, which are two conflicting ideas from the DEC, for their prescribed methods. He said that for a trout stream, the DEC typically looks for the applicant to provide infiltration, and where you have a high water table, you can't provide infiltration. He said that essentially a deeper pond will be dug, rather than a wider area, and the issue with the trout stream is the temperature of the water, as you don't want to raise the temperature that will affect the stream, so by doing a smaller, deeper pond, it will allow the water temperature to contain a lower temperature, it will not get heated up by the sun.

Bob Vicaretti asked if the pond will have a fence around it?

Mr. Hominick answered that right now the DEC prescribes benches inside of the pond, so right now they are proceeding with that concept.

Bob Vicaretti said that it is a public safety concern, as kids go back there.

Al Schock asked if the neighbors wells could be protected from the blasting?

Mr. McCarron answered that if they do decide to blast, the neighboring homes will be addressed.

Al Fusco said that this is a preliminary stage and referred to his technical comments, dated October 8, 2014.

- 1) The Fire Department requests that turns in the driveway; take turning radii into consideration for their trucks and have a turn-around provided at the end of the driveway.
- 2) If the disturbance is over one acre, a Stormwater Pollution Prevention Plan is needed and an area of disturbance shown. This goes hand-in-hand with an NOI (Notice of Intent) and a SPEDES permit.
- 3) Erosion Control Plan is required.
- 4) Landscape Plan is required.
- 5) Lighting Pan is required; keeping in mind the night sky.

Mr. Hominick said that there will be lights up on the tower, and there will also be perimeter lights, which are only on, when other lights are on. He said that the building is visited approximately once a month for routine inspections, and maybe maintenance work going on, and so the lights will rarely be on at nighttime.

- 6) Copy of NYSDOT permit.

Mr. Hominick said that they already have a temporary permit from the NYSDOT, Kim Henkens' office, for the driveway that they have right now, and have discussed with her, that this will be the future driveway as well, and so it's been set up with that in mind.

- 7) Board comments.

Al Fusco reminded the board that this applicant is still in front of the Town Board, in regards to the zoning, getting more specific, and once that is voted on, then the board will have a greater knowledge of what to do then in November, in regards to that. He said that basically the Town Zoning stated "essential services" and when this applicant came before this board in February, 2014, the board felt that this application fitted "essential services", but to get more specific, the

Town Board wanted the zoning to state “public utility.” He said that once that is worked out, then this board can sort it out.

Bob Vicaretti said that because the NYSDEC is involved, when this board establishes lead agency status, will that be a problem?

Al Fusco answered that he doesn’t see a problem, but the Town Attorney should be appraised of the situation.

Steve Weiner expressed his concern, about the current climate of the nation, about an attack on this station?

Mr. Hominick answered that they have had a lot of discussion about this, and they have discussed a fence that is a much tighter mesh, to the point where there’s a mesh with a perforated steel plate behind it, and it is advertised as being bullet resistant, to prevent firing through. He said that this may be a possibility for this station. He said that from a company standpoint, they are still trying to figure out, if it is, “as advertised”, and will provide the protection it is supposed to provide. He said that the National Electric Safety Code (NEC) prescribes security around a sub-station, and is basically their “Bible” for securing a sub-station.

Al Schock said that this applicant will come back before this board, after the Town Board sorts out their concern next month, and a Planning Board application is filed and the fee paid, and all of the Town Engineers’ comments are addressed.

THE HUB 1 - AMENDED SITE PLAN - #08-0602

Represented by Mr. Dominick Alfieri, applicant and Mr. Raymond Raiche, Esq.

Owner/ Applicant Dominick Alfieri wishes an amended site plan to remove existing overflow parking area and add a new area for overflow parking, on property located at 22 Route #6, Town of Deerpark, Orange County, New York.

It is in the Interchange Business (I.B.) Zone.

Section - Block - Lot = 57 - 2 - 14

Application submitted July 30, 2014.

Mr. Raiche said that he is from the law firm of Blustein, Shapiro, Rich and Barone in Goshen, New York, and is here because of Mr. Alfieri’s bankruptcy concerning this matter, and the Chief Judge wants to know where this applicant stands, because she wants to move her calendar. He said that from what he understands, the question has come up, if Mr. Alfieri can re-locate his overflow parking lot from its’ current location, to another parcel, adjacent to the property, which is owned by the State of New York. He said that the State has expressed that they will lease the property to Mr. Alfieri’s company, for this purpose, and from what he understands, that is where we are with this application. He said that in 2011 the approval for this building was given by this board, there was a requirement of a spot for every 125 square feet for the fitness area. He said that the Town Zoning Code has been subsequently amended in 2013, and that number has changed from 125 square feet to 250 square feet, for commercial. He said that he has done the calculations, and come up with the number of spots needed under the old Code was 191, and under the new Code is 113 spots. He said that the main parking facility currently holds 160 spots. He said that Mr. Alfieri is still willing to put in the overflow lot, even though , if this application was submitted today, it would not even be required under the present Zoning. He said that in speaking with Mr. Plotsky, who is not present tonight, would the board be willing to give conditional approval this evening, to re-locate the overflow lot, provided that the applicant could

meet whatever conditions the Town Engineer would need, by drawings from the applicants' engineer.

Al Fusco said that the Zoning did change in 2013, and at this point, his office does not have any drawings of record to review, from Mr. John Fuller, the applicants' engineer. He said that Mr. Fuller has not given any answers to the Town Engineers' August 12, 2014 comment sheet. He said that one of those comments was for the applicant to present parking calculations, just because things have changed with the Zoning, but also with the building, where there is a fitness center, and there are different tendencies in there, and in that regard, in order for this board to approve anything, there must be a written document. He said that he himself, has no problem with his offices' technical comments here, and he has no problem with addressing these concerns, such as signage, topography. He said that the biggest problem is that if the parking calculations were to go over, as supplied by the new map, by Mr. Fuller.

Al Schock said that tonight, without any new maps, this board has nothing to go on really.

Mr. Raiche said that there was a concern by this board, that what happens if the State would not renew a 30 day lease? He said that the lease is automatically self-renewing, and they give 30 day written notice, and that's the lease, there's no changing that. He said what happens, if the State decides, for whatever reason, that they want to change the exit and they need that additional land, then if they do it, the applicant will still be in compliance with the Code.

Mr. Alfieri said that if he would put in all of the parking spots, he would still be in compliance and will be 50 parking spots over, without the overflow.

Al Fusco said that that is based on the commercial, that is, one spot for 250 square feet. He said that the reason that his office doesn't know all of this for sure, is that the applicant did not present a new map, and his office needs a document of record, that the chairman would sign, saying that the board is okay with what is happening. He said that this board does not have it now, a document of record is needed that says "this is the calculation". He said that he himself has done the calculations, and what the applicant is saying is feasible. He said that if the board gives conditional approval tonight, the applicants' engineer would still have to submit a new map, and his office would review it, and give recommendations and comments to the board. He said that as far as the lease is concerned, 10 year or 20 year leases were mentioned, and now the applicant is saying a 30 day lease, he said that he cannot contest the wording one way or the other, and the Town Attorney will have to look at the wording in the lease that the applicant already has with New York State, and if he is acceptable to the language in the lease, then this board can make it a condition for approval.

Al Schock said that what the applicant has with New York State is not a lease, it is a permit.

Al Fusco agreed, and said that that is what the Town Attorney was concerned with last time, that it is a permit, and not a lease.

Bob Vicaretti asked, what can conditional approval do for your client?

Mr. Raiche answered that it will tell the court that the ball is actually moving forward, and that his client is getting to the goal. He said that that will give his client 30 days or 45 days to meet the conditions of the Planning Boards' approval, and then Mr. Alfieri can continue with his bankruptcy case.

Al Fusco said that Mr. Alfieri has site plan approval from this board in 2011, and the document of record that this board had approved, was approved specifically for this lot and the old overflow parking. He said that if Mr. Alfieri is not going to use that old overflow parking anymore, then he needs to amend his site plan, or this is a modification to his site plan. He said that if Mr. Alfieri wants to submit a plan without overflow parking, and says, "we don't need the overflow parking, this is my new site plan" then he could do that, or he could add the overflow parking, as he sees fit. He said the calculations, that document of record still needs to be filed.

Steve Weiner asked how many parking spaces are there, without either one of the overflow parking?

Al Fusco answered 160 spaces.

Craig Wagner asked, what is the reason for the extra parking that Mr. Alfieri said he would put in?

Mr. Raiche said that the reason is, that the old Zoning Code required 191 spaces, and his client only had 160 parking spaces, so 31 more were needed. He said that the big difference was the fitness aspect, as the fitness area of the old Code had a specific 125, and now the Town Board has done away with that, and the new Code is all commercial, that is, the Town doesn't care what the commercial purpose is, and it's 250 a square foot now.

Al Fusco said that the old Code had a graph, where it said "fitness" "business" "office" "restaurant" "retail", etc., and each one had a different square footage. He said that when this applicant first came before this board, he had the fitness, which was not listed on the old Code, in the graph. He said that now the new Zoning says "250" period.

Mr. Alfieri said that the overflow parking lot was only used extensively for the first two months, when Planet Fitness was first opened up. He said that now only a few guys park their trucks over there, for whatever reasons.

Mr. Raiche said that yes, the site plan must be amended, and the question is, should the old overflow parking be included or should just the overflow parking by the State be on that plan.

Al Schock said either way.

Al Fusco said the applicants' engineer has do the calculations and present that on a new map, that his office can review, and ultimately the chairman sign.

Al Fusco said that his offices' comments from August 12<sup>th</sup>, states that new parking calculations are still needed. He said that Mr. Alfieri can put auxiliary parking on the new map, or not, but either way, the board cannot approve anything, until his office gets the new map, which needs to show that he meets the Zoning Law.

Mr. Alfieri said that he is going to prove that he doesn't need the parking lot, but will put the parking onto the map anyway.

### MOTION

Weiner made a motion to give conditional approval to the Hub1 amended site plan application, conditioned upon the site plan to be amended, and subject to meeting the requirements of the Town Attorney and the Town Engineers' comments, and payment of

all fees. Santiago second.

DISCUSSION: Willard Schadt said that this board does not know what we're going to see yet.

Al Schock said that this will only be conditional, as the board hasn't yet heard the Town Attorneys' assessment of the lease or permit, plus the Town Engineers' approval of the new map that will be submitted.

Roll call vote: Santiago, aye; Vicaretti aye; Wagner, aye; Weiner, aye; Schadt, aye; Hunter, aye; Schock, aye. . Motion carried.

The secretary was instructed to tentatively place this applicant on the November 12 , 2014 agenda.

JOHN DONNELLY - LOT LINE CHANGE - #14-1005

Represented by himself 735-3526

Owner/ Applicant John Donnelly wishes a long line change on property located on Guymard Turnpike, Cuddebackville, N.Y.

It is in the Rural Residential (RR) Zone.

Section - Block - Lot = 28 - 1 - 52

Application submitted September 5, 2014.

Mr. Donnelly approached the board and indicated on the map, what he would like to do.

Al Fusco said that this applicant is changing the line, to make two conforming lots. He said that the one lot has an existing home.

Mr. Al Fusco reviewed his technical comments, dated October 8, 2014:

1) This application is making one lot more conforming to the current zoning. One lot is being reduced to within zoning regulations, while the smaller one is having an area increase to bring the lot into conformance with zoning regulations. The lot width continues to be non-conforming to the zoning, but these lots are existing and therefore, all under an existing non-conforming lot. Again neither lot will be made more non-conforming by this action.

Bob Vicaretti said that the Town Attorney will want to review the new deeds.

The secretary was told to place this applicant on the October 22, 2014 agenda, since the board still needs input from the Town Attorney

DRAGON SPRINGS BUDDHIST, INC. - # 10-0401

Represented by Mr. Johnny Zhou, 754-7400

Owner/ Applicant Dragon Springs Buddhist, Inc. is seeking a revised site plan to modify the existing meditation hall to a residence hall, and the addition of a wastewater treatment building, with treatment capacity of 100,000 gpd 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 September 10, 2014

Mr. Zhou asked if he could have a translator stand next to him, while addressing the board?

The board agreed to his request.

Mr. Zhou told the board that he is the new president of Dragon Springs. He said that the first issue is, that in the past, Dragon Springs had applied for a meditation hall, and most of it has been built, but now Dragon Springs wants to change the usage of that, to be used for a dormitory, for about 40 people. He said that the second issue is that Dragon Springs would like to improve the wastewater treatment plant, which had been built before, but he would like to improve it, so it will be better for the environment. He said that they did not have the funds for this project before, but now a donor has been found. He said that the number of people staying on the location is the same as before, and in the future, Dragon Springs would like to hold some events, so that is why they want the facility to be larger, and do it right the first time. He said that last week he had submitted an amended application, asking for a permit for the rehearsal hall, which was on the same permit as the one for the cafeteria. He said that at that time they did not have the manpower or the funds, so the project was split up, and now they are asking for the building. He said that during this second phase, it seems that some of the people working on it did not fully go along with the original site plan, so they have an extension of about 11,000 square feet. He said that he did not know about this, before he got into this presidency position. He said that once it was built, the engineer came in and looked at it, for a partial c/o, and then that's when he found out that there was a problem. He said that the third issue tonight, is that there is a re-sizing of 11,000 square feet of the rehearsal hall. He said that it is a four story building.

Al Fusco clarified by saying that they had expanded the footprint, by making it four stories.

Willard Schadt asked if this building change would be for permanent residents or just visitors?

Mr. Zhou answered permanent residents.

Steve Weiner said that based on this information, there is no change in the number of people at this time, that are permanently on the site. He said that because the applicant wants the extra size, the extra square footage, then are they planning on having in the future, more people at the facility?

Mr. Zhou answered at present, no. He said that because there is the performing arts group, and they are professionals, they would like to have better living conditions. He said that before there were 2 or 3 people in one room, now with this revision, there could be 1 or 2 people in each room.

Willard Schadt said that the performing group are only on the premises, several months out of the year, is that correct?

Mr. Zhou answered yes. He said that it is like this, there are four companies, with approximately 100 people, about half of whom are students and half are adults, and most of those adults live off-site. He said that these companies tour, and when they come back, they may just stay for two night or so, and they want their own beds. He said that because they are coming and going, it ends up being a lot of beds.

Willard Schadt asked, because this is the primary rehearsal facility for these groups, that is why they are there?

Mr. Zhou answered yes.

Bob Vicaretti asked the square footage of the bedrooms?

Mr. Zhou answered about 200 square feet.

Steve Weiner asked, what is the potential amount of people who would come to these events?

Mr. Zhou answered that there are some events that would have 1,500 to 2,000 people.

Steve Weiner asked, if these events are open to the local public?

Mr. Zhou answered yes, local people are allowed.

Steve Weiner said that there is a difference between the amount of people coming in locally, and the amount bussed in.

Willard Schadt said, concerning the mass gathering issue, and asked what is the threshold for that in terms of numbers?

Al Fusco answered 1,500.

Willard Schadt commented that that creates a whole separate issue, that it's only supposed to be 1,500.

Mr. Zhou said that he wants to go along with that number.

Steve Weiner said that the design is now for 100,000 gallons, what is the design, to handle what amount?

Mr. Zhou answered about 1,000 to 2,000.

Al Schock said that he is disappointed that this board spent a lot of time allowing these applicants to build something, and then they wouldn't let the board up onto the property. He said that the board did allow the applicants to build the building, and the board believed that the purpose of the building was true that was stated, and that was what the applicants were going to do with that building.

Mr. Zhou explained a little bit about the operation of Dragons Springs, which is non-profit and people, skilled and un-skilled come and work voluntarily. He said that even the engineer was voluntary. He said that he is a full time volunteer. He said that the workers come and they will do the work, sometimes when the engineer is not there, and so they just do the work, and don't plan ahead to what may be correct by the Planning Board standards, and that has cost a lot of time and resources on their side as well. He said that the workers are not familiar with the town planning procedures. He said that now the workers have a time limit, because there was a lot of mis-communication.

Steve Weiner said that this applicant has to follow the rules, but what proceedings will they have in place, so that they don't proceed without the approval of the town and the board in the future?

Mr. Zhou said that there is more communication with the Town Engineer now and he wants to do

it right. He said that the board will give him some time, so that he can proceed correctly, and do things according to the rules and regulations.

Al Schock said that this board trusted the previous representative too.

Mr. Zhou said that he realizes that, but asked if the board could let him know what he is to do, to make the board feel more at ease.

Al Schock asked how long Mr. Zhou has been involved with Dragon Springs?

Mr. Zhou answered that he came here in August 2006 and had his own business in Michigan, and his family there, so that when he came, he would just come for a month or two, and then he would go back, and then if they wanted something done, he would come back to New York. He said that he took over the presidency in May of this year.

Willard Schadt said that for the first time tonight, in a long time, he feels that this board has gotten direct answers to questions, because in the past there has been a lot of evasion. He said that the best thing that the applicant can do is to be straightforward on what they want to do. He said that there has been a lot of mistrust in the past, based on evasiveness and not answering the questions. He said that this is the first time that this board has gotten straight answers concerning the performing arts center, as many times as the board has asked for answers. He said that he personally appreciate the straightforwardness very much, and in the future, that's the best thing the applicant can do, is to be honest and forthright and answer the questions.

Mr. Zhou answered that he is very sorry that this has been happening and if the board has any questions, he would be happy to explain.

Steve Weiner asked Dave Dean, the Town Board representative, is there a mechanism to come into agreement with the town to insure timely inspections, and access to the property by board members?

Dave Dean answered that he doesn't know if there is a mechanism for that, but concerning the college up there on the property, and whether or not there is police protection there, and the town has told them that they would provide police protection, but the applicant would have to supply 24 hour unfettered access onto the property for the police force, before the town would agree to confirm that the town will allow them to use the police department. He said that concerning the fire department, there has been no discussion on that.

Steve Weiner asked, and as far as the engineers and the building inspector?

Al Fusco answered that since Mr. Zhou has taken over as the president, that they both have been on the phone weekly, in regards to the incidences that have happened up there, for direction on where to go from here on out. He said that yes, there has been a lot more communication, and openness, and he is witnessing the cooperation now. He said that in the last month, it has been an open door up there, and his department has been able to go up onto the property whenever they needed to.

Steve Weiner asked if this would continue?

Al Fusco said that the Building Department and the local courts are the mechanisms for continuation. He said that now that the litigation is over, the applicant now has a clean slate, and

the cooperation of the applicant, and they can move on from here.

Dave Dean said that the addition of a wastewater treatment plant is a big plus, because the septic system that is there now is antiquated for the use.

Al Fusco agreed with Mr. Dean, and said that the building department has been asking for a new wastewater treatment plant for ten years, and now it looks like it is going to come into fruition. He said that when Mr. Zhou took over, they were involved in the litigation, and the issue was that the number of people was dictated by the septic. He said that the septic was the applicants' limitation. He said that in conversations now, the applicants have an immense forum, and they should put in the correct system for that now. He said that this is a step in the right direction, because the applicant has a certain amount of square footage up there, and whether it's being used or not, it has the potential for being used, and that has always been the towns' concern, that they don't have adequate infrastructure, and now it looks like this is being addressed.

Willard Schadt asked what would be the process for the wastewater treatment plant?

Al Fusco answered that it is an enormous process, because it involves permitting from the NYSDEC, and a lot of technical, detailed drawings back and forth, permitting again from the NYSDEC, and considering where the outflow will go. He said that the outflow may be going into a trout stream, which will raise certain issues, which all will be addressed by both his office and the NYSDEC. He said that this application that has been submitted is a good start, but is very preliminary. He referred to his technical memo, dated October 2, 2014:

- 1) Show revised parking and parking calculations for additional square footage.
- 2) Technical drawings and specifications must be included for the review of the sewage disposal system proposed and NYSDEC SPEDES permit
- 3) Provide site lighting.
- 4) Applicant to show proposed sewage and water lines and appurtenances, including sewer profiles for entire site.
- 5) Applicant to show on the plan, how many total people will be on site, living, working, visiting. That includes existing occupancy based on existing septic system and proposed with sewage treatment plant.
- 6) Applicant to show number of dorm rooms, bathrooms, etc. for each building individually.
- 7) Applicant to provide square footage of each building on site plan, include the number of stories and height for each building. In the case where buildings have been merged, show lines of merger and give correct square footage for each section. Label the cafeteria building addition on the plan.
- 8) Applicant to provide scaled drawings blow up of each section/ building involved in this application.
- 9) Applicant to provide fire pump, fire hydrant, and adequate fire protection calculations, equipment, etc., to required sections of the site. This needs to be provided on the plan for our review. This should encompass the entire site for an overall review of the site.
- 10) Board to review note stating that the occupancy must not exceed the existing sewage disposal limitations, approximately 307; this application will drastically alter this number. Numbers limiting occupancy should be discussed as per new sewage system, square footage, parking, fire protection, the town's essential services, etc., Note 8, C-1.
- 11) Review of the proposed (existing additional) height and existing variances by counsel and this office is needed.

Al Fusco said that the meditation hall, as it is now, is dry, so a sprinkling system will need to be

addressed. He said that the number of people that will be on site will have to be addressed. He said that if the applicant will have the number of people on the premises, over what the Zoning will allow, they will have to apply for a mass gathering permit. He said that he does believe that if the applicant was planning an event, his office would certainly know about it. He said that he would like to get the square footage of all of the buildings on the site, because looking at the site plan, that one building is just a big block, and it's very difficult and can't be put to scale, so he would like to get more detail on that, how big the section is, there is the cafeteria section, the rehearsal hall section, this new section, so it needs to be divided out, and show exactly what the square footage is on each building, so an accurate view can be shown on what is on site and what is being approved. He said that hydrants, fire pumps, etc., all fire apparatus needs to be put onto the site plan. He said that the stories of all of the buildings, and also the height of all of the buildings need to be shown on the plans. He said that a lot more information is needed, for his office to review. He said that his office and the applicant have been having weekly, fruitful communication.

Steve Weiner asked if these separate applications would be approved as one plan?

Al Fusco answered that he believes that it's not 3 separate application it's one application, and it is up to the applicant, if he wants to separate the issue out. He said that the board is involved in this, because it is a deviation from the original site plan, that is, it is a modification to the existing site plan. He said that he believes that the meditation hall/ dormitory will have to go part and parcel with the wastewater treatment plant, because of the additional bedrooms, because the sewage goes off of the bedroom count. He said that if the applicant wants to make another application to get approval for the additional square footage, they could do that, and that would be separated from the other applications. He said that that depends on the use as well, because if it will be offices, it doesn't affect the sewage count, because it isn't bedrooms.

Bob Vicaretti said that with this heightened sense of co-operation with this applicant, is it prudent for the board members to ask for a site visit to the site?

Al Fusco said that the Town Attorney could advise the board as to the amount of board members who could visit the site at the same time. He added that he thinks it's a good idea. He said that he can arrange for a site visit.

Mr. Zhou suggested an open house at the town hall, for Mr. Zhou said that a month ago he met with the Town Supervisor for an open conversation and question and answer time with the public. He said that that would make for better communication and cooperation. He said that he also wants to have better relations with the local community, because he said that he is a businessman, and wants harmony and getting along with them. He said that Dragon Springs does not have the money, but from his personal standpoint, he would like to make some contribution to the community. He said that earlier he had suggested donating \$20,000 to the town, but due to the litigation, the town could not accept it. He suggesting fixing the roads and other things,

Al Schock said that Mr. Zhou's predecessor had a history with this board, and now Mr. Zhou will have a history, and he hopes that his history will be better than his predecessors'.

Mr. Zhou told the board that it isn't easy being in this position, because he doesn't have a salary, and he puts in lots of time, and he said that he didn't know about the lawsuit, and when he found out, he put a stop to the lawsuit. He said that there were people who opposed him on that, but he knew that Dragon Springs and the town needed to get along.

Al Fusco said that the next step is for the applicant to submit new site plans, fulfilling the technical comments that he had written down for them.

Mr. Zhou thanked the board.

APPROVAL OF MINUTES - JULY 9th, AUGUST 13th & SEPTEMBER 24<sup>th</sup>, 2014

MOTION

Santiago made a motion to approve the minutes from the July 9, 2014 meeting. Hunter second. Roll call vote: Santiago, aye; Vicaretti abstain; Wagner, aye; Weiner, aye; Schadt, abstain; Hunter, aye; Schock, aye. Motion carried..

MOTION

Santiago made a motion to approve the minutes from the August 13, 2014 meeting. Wagner second. Roll call vote: Santiago, aye; Vicaretti aye; Wagner, aye; Weiner, abstain; Schadt, aye; Hunter, abstain; Schock, aye. . Motion carried..

MOTION

Santiago made a motion to approve the minutes from the September 24, 2014 meeting. Wagner second. Roll call vote: Santiago, aye; Vicaretti abstain; Wagner, aye; Weiner, aye; Schadt, aye; Hunter, aye; Schock, aye. Motion carried.

COMMUNICATION FROM THE TOWN BOARD LIAISON  
O & R DISCUSSION

Dave Dean said that concerning the O & R project, it's reliable electric power for the whole community and will bring in a lot of taxes, as a big rateable. He said that the Town Board has spoken to the O & R people about that. He said that it will be a top shelf project.

THE HUB - DISCUSSION

Dave Dean said, concerning the Hub project, is that he was concerned about giving any kind of approval, beings that the civil suit is still in place with Mr. Rizkallah. He said that he didn't want the board to appear to be partial to Mr. Alfieri and appear to be getting him out of the Rizkallah situation.

Willard Schadt said that if for some reason, the parking doesn't comply, the board cannot simply transfer that parking on a 30 day permit. He said that if Mr. Alfieri doesn't have the adequate parking on what he has, he either deals with Mr. Rizkallah or he is in violation of his site plan.

Al Schock said that he could take his stuff out of the basement area too, to reduce the square footage.

Al Fusco said that this board had made the conditional approval on the Hub application,

conditioned upon the approval of the Town Attorney as well.

ALEXANDER HOTEL - DISCUSSION

Dave Dean said that concerning the Alexander Hotel, it is now closed. He said that there was a septic failure a couple of weeks ago.

Al Fusco said that the bank is in possession of the building now.

DRAGON SPRINGS - DISCUSSION

Dave Dean said concerning Dragon Springs now, that the board should give Mr. Zhou an opportunity, beings that the Town Engineer has said that they have been more cooperative than in the past.

Dave Dean said that the board should limit the number of members who go on a site visit at the same time. He suggested 2 members going onto the property with Al Fusco at a time.

ADJOURNMENT

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

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Barbara Brollier, secretary