

**DEERPARK PLANNING BOARD - DECEMBER 10, 2014 - PAGE #**

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, December 10, 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	Mike Hunter
Willard Schadt	Theresa Santiago	Bob Vicaretti

**OTHERS**

Mr. Al Fusco, III, Town Engineer	Mr. Glen A. Plotsky, Town Attorney
Mr. Dave Dean, Town Board Liaison	Mr. Johnny Zhou, Applicant
Mr. Chun Feng, Architect, Dragon Springs Buddhist, Inc.	

THE PLEDGE OF ALLEGIANCE

DRAGON SPRINGS BUDDHIST, INC. - # 10-0401

Represented by Mr. Johnny Zhou 754-7400  
Owner/ Applicant Dragon Springs Buddhist, Inc. is seeking approval of changes made to the cafeteria building structure, including an addition of extra square footage, stories to the structure, residential and office uses added and the addition of a new music hall building, 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 requested that an interpreter be present. The board agreed.

Al Fusco referred to his technical memo, dated December 8, 2014:

1 Technical drawings and specifications must be included for the review of the sewage disposal system proposed and NYSDEC SPEDES permit.

2 Provide proposed elevations on the sewer main profile.

3 The plans indicate a proposed 8" PVC pipe that is to provide water to several hydrants. The applicant has provided calculations however, they have not yet been added to the site plan. Also provide a profile of this 8" PVC pipe, along with details for same.

4 It appears that this force main that provides water for fire fighting and will be placed in Zhengdao Road, provide details for the road cut and restoration.

Mr. Fusco asked, how are they going to fix the road after they tear it up?

5 Applicant to show, on the plan, how many total people will be on site, living, working, and visiting. This includes existing occupancy based on existing septic system and proposal with sewage treatment plant. This has been provided in a report and should also be shown on the site plan.

Mr. Fusco said that the report needs to be added to the site plan.

6 Applicant to show number of dorm rooms, bathrooms, etc. For each building individually, the applicant has provided this in a report; however, we have asked that this information is to be placed on the site plan.

7 Applicant to provide square footage of each building on the 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. The applicant has provided this information in the form of a report, however, we would like to see this information added to the site plan.

8 The applicant appears to be proposing parking garages, and the proposed garages should be shown on the sheet C-1, C-2 and C-4 of the site plans.

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. This information has been provided in a report, however, we would like to see this information added to the site plan.

10 Board to review the 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 towns' essential service, etc. Note 8, C-1.11.

Mr. Fusco stated again, that the number of people on the site still needs to be placed on the site plan.

11 That in the case of a special event outside buses can park along Dadao Road, we ask that the applicant provide an overflow parking area for this. Parking along side the road is not an option, if there was an emergency and fire trucks had to have access to the site, this could pose a major problem.

12 Much more detail is required for the project. Please provide as complete a plan as possible for subsequent reviews."

Theresa Santiago asked, how many dorm rooms are proposed?

Mr. Plotsky said that the problem is not that the applicant hasn't given the correct information, but the problem is that the information has to be placed on the site plan, in addition to being in a separate report.

Mr. Zhou, through his interpreter, answered that they don't want to write the number on the site plan, because falun gong is still under persecution, and because once it is on the site plan, it becomes public information, and the Chinese Communist Party can access that information and use it against them. He said that that is why he is presenting the information this way, in a separate report, and asked that the board would accept his reasoning.

Al Schock asked, will the number be on the final site plan?

Mr. Zhou answered that he would very much like for it to be in a separate document.

Mr. Plotsky said that a separate document is also public record, and one way or another, this information has to be in the Town files.

Mr. Zhou said that he would work with the board to find a way, regarding this issue. He said that this is probably something that is very hard for the board members to imagine, and it has been known that the Communist Party does take information, and they will take this and treat it as secret information. He said that some people went back to China, and then were captured by Government security and interrogated and were persecuted for more information. He said that the information of how many people are on the land, and how many tables are in the cafeteria, and how many people are in the dorm rooms can be used by the Communists to know everything about the area, and they will use the information to cause future persecution.

Mr. Plotsky said that the board is not asking the applicant to give the names of any of the people who are there and where they're from, but since the very first application this applicant has presented before this board, similar arguments were made, and for the last period of time, the Planning Board has sought to get a "real number" of how many people are going to be living in the dormitory, not in the individual rooms, just a round number of people living in the dorms. He said that the Planning Board doesn't care who the individuals are, or who is teaching at the university, and the board realizes that the numbers fluctuate because the programs change and people come in and out, but the Planning Board needs a rough approximation of how many people are there and what they will be doing while they are there. He said that it is easier for the Town's citizens to understand how many people are there, what the people are doing on the property, generically, for example, are they studying, making incense, etc., it's easier for citizens by looking at a site plan, which would have all of the information on it, rather than looking at one document and then another document, and so on, to try and put it all together. He said that it is also easier for the Town to make sure that everybody is doing what they are supposed to be doing, if the number is on the site plan. He said that if the applicant is allowed to have 307 people on the property, it's easier for the Town to know that 1,000 people are not on the property, if all of the information is on the site plan. He said that many of Mr. Fusco's technical points (above) are in a separate report, but they are still needed to be placed on the site plan. He said that the applicant may think that there is a distinction, in terms of the ability for someone to come down to Town Hall and get the information, but there is not. He said that if the information is in the Building

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Department or Planning Board files, and somebody files a foil request, Freedom of Information Law, they are going to get the information. He said that he does not know if any request has been made by a Chinese national, other than a member of Dragon Springs Buddhist. He said that he is pretty sure that a request has never been made by someone who is not supposed to get it. He said that the foil requests go through his office, so that he can't tell the people giving out the information, what information they can give. He said that in the Town of Deerpark Zoning Law, it says that all of the information must be placed on the site plan. He said that the board is not asking this applicant to do anything that they do not ask any other applicant to do.

Al Schock said that the County also gets a copy of the site plan.

Mr. Plotsky agreed and added that an applicant who is scheduled for a public hearing, that site plan will be sent to the County for review, that is the gml-239 review, and they may make comments on the project. He said that he can speak with Mr. Fusco about his December 8<sup>th</sup> technical comments, if any of the comments can be made only on a report, other than on the site plan, but if the applicants' concern that someone from the outside can get the information, than the applicant should not expand his use, because both site plans and documents are accessible through a foil request.

Mr. Chun Feng said that Mr. Plotsky had said that a number has to be put on the site plan, and he said that he agrees, but he is asking for the boards' understanding, because Dragon Springs does not want to put how many bathrooms, and how many occupants, because that is too detailed information. He asked for the boards' permission and understanding to not give such detailed information.

Mr. Plotsky asked, wouldn't the board need that information to know whether or not the engineering for the septic and water and things like that are appropriate?

Mr. Feng answered that the septic will have a centralized sewage plant, for the entire property, and that will determine the total occupants. He said that it doesn't matter if this building has 11 or 130, because they all come to one point and they are all together.

Mr. Plotsky said that it can be worked out, and that he understands the applicants' concerns, and he said that he just needs to know that the consultants understand that in terms of knowing whether or not, such as on the building diagrams, that as long as the Town has the information that they need, to be able to say "yes this will work", and just so people will be safe and no one will get hurt, then he said that a compromise can be done for what the board has initially asked for and what the applicant is proposing to do.

Mr. Zhou said that he would like for the board to have this information, just not all on the site plan. He said that he has already submitted all of the information already.

Mr. Plotsky said again, that the information is all in one place, and maybe not where it needs to be. He said that it very well may be, that instead of the entire chart that the applicant has submitted, that may be only one line needs to be added to the site plan. He said that maybe all the board needs, is the bottom line. He said that it will be worked out.

Chun Feng said that all of the details will be given for the board members, so that they know, and everyone will agree.

Mr. Zhou said that he is sorry for making the board unhappy, but he is only doing this because of the persecution situation.

Al Fusco told the applicant that he and his professionals should make an appointment with his office and then everyone can sit down and work on the plans in more detail.

Bob Vicaretti said that Mr. Plotsky had said that "we can negotiate on this site plan", and asked, who is "we?"

Mr. Plotsky answered that what he meant was that as long as "we" collectively, all of us, have the information that we are required to have, under the Law, then "we" collectively, can decide where it should go, how much has to be on the site plan, versus, how much information should be on the document. He said that there are things that can be manipulated, if it is appropriate and if the board consents, because ultimately all of these documents belong to the board, although the applicants' professionals prepare them, but ultimately the board adopts them. He said that he does think that the applicant still has not submitted an updated long form Environmental Assessment Form. He said that the applicant has changed the 2 or 3 page assessment form to be an 8 page form, and has changed that original 8 page form to be a 30 page assessment form. He said that the board only has the original 2 or 3 page form, so that needs to be changed, because that is something that is required under the Law for the board to review, for every application of this nature. He said that things like that, the board cannot change, but if there is a particular concern by the applicant, about putting on how many dormitory rooms there are, he said that he thinks that if the board had the dimensions or either the occupancy load based on the size, or the occupancy load based on the septic ability, or both, then we can say "dormitory" this many square feet, this number of maximum occupants. He said that when he says "we", he means "we" collectively.

Theresa Santiago asked, what if there is a fire, wouldn't the firemen need to know how many dorm rooms, and where to go and the emergency exits?

Al Fusco answered yes, that is one of the things that has to be looked at. He said that the applicant did give his office a building list, and what is on it is, it has the name of the building, for example, "residence #1, temple area, total square feet, 1, 850, number of bedrooms 6." He said that instead of having this list, which has seven buildings on it, the applicants can just total the numbers, and give his office the total number of square feet, and the total number of bedrooms. He asked Mr. Plotsky if legally that would be all right? He said that one of his concerns is the fire department, and also another concern is the size of the sewer lines that come out of the buildings, because one building has 40 bedrooms and another one only has 6 bedrooms, so the sewer lines sizes are different and that is a great concern. He said that that information needs to be put on the site plan, so his office doesn't have to go all through all of these submitted documents to find these numbers, and also the site plan is the document that is signed by the Planning Board Chairman, and the Chair doesn't sign all of these documents.

Bob Vicaretti said that this board has to make absolutely certain that the information is on the site plan, because all of these other submitted documents will not be attached to the site plan. He expressed his opinion that he does not feel it is right that any applicant does not have all of the pertinent information on the site plan.

Al Fusco answered that yes, that is his point. He said that as far as the number of bedrooms, and this and that, the Building Department actually keeps accurate records of the plans that are submitted, and that information can be obtained by a foil request. He said that if somebody really wanted to know the number of bedrooms, they can go down to Town Hall and make a copy of that plan.

Bob Vicaretti said that it is up to the board to decide what is put on the site plan, not for the applicant to tell the board what they want to put on the site plan.

Al Fusco said that the idea is, that with each building, their number of stories, their number of bathrooms, when this information is on the site plan, then the board can look at it, and his office can look at it, and do an accurate review, and say for example, there are 40 dorm rooms and 40 bathrooms, and the plan shows what is in that particular section of the building and then a better review of the site plan can be done, and know exactly what is going on.

Mr. Zhou said that he does understand the boards' requirements, and he asked again that the board consider the extenuating circumstances concerning the persecution, and said that he has brought the latest information here, and asked if the board would find a way to protect the people. He asked the board if they could make it less possible for anyone who should not see this information, if the board could do something so that they would not get this information.

Al Schock asked about the Environmental Assessment Form filed by the applicant, is it current?

Mr. Plotsky answered that that is the old form, and the applicant still needs to submit a new long form Environmental Assessment Form.

Willard Schadt expressed his opinion that he thinks it is great if the board could accommodate what this applicant is asking for, to make life easier for them, but on the other hand, if the board does this, then every other applicant will expect to be treated the same way and that this board should not set a precedent. He said that this board should not open any doors, if they won't do this for everyone. He said that the board should make it easier for everybody, but it should be consistent and everyone has to be the same.

Mr. Zhou asked what the next steps are?

Mr. Plotsky answered that first he has to make an appointment for his professionals to meet with Mr. Fusco, then he'll have to submit to the board updated application and maps, and if they are ready, the Town Engineer and board will do a gml-239 distribution and a public hearing date will be scheduled.

Mr. Fusco said that after the gml-239 distribution, 30 days will have to pass before a public hearing can be held.

**APPROVAL OF MINUTES - DECEMBER 10, 2014**

Santiago made a motion to approve the minutes from the December 10, 2014 meeting. Hunter second. Roll call vote: Santiago, aye; Wagner, aye; Weiner, aye; Hunter, aye; Schadt, abstain; Schock, aye. Motion carried.

ADJOURNMENT

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

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Barbara Brollier, secretary