

Dragon Springs Buddhist, Inc.  
Johnny Zhou, Applicant  
Tax Map Designation: Section 31, Block 1, Lot 21.22  
Zone Designation: RR  
Located at 140 Galley Hill Road, Cuddebackville

The Public Hearing was opened for public hearing at 7:03 p.m. at Town of Deerpark, 420 Route 209, Huguenot, NY 12746.

Johnny Zhou stated he was requesting conversion of Meditation Hall to dormitories and 10,000 square foot addition to the Cafeteria.

John Clark stated he was a 31 year resident in the Town of Deerpark and he has a home on Galley Hill Road. "I've attended several Planning Board meetings and I'm aware of the Dragon Springs application to convert the Meditation Hall to dormitories and to seek approval of a 10,000 square foot addition to the Rehearsal Hall. First, I want to address the 10,000 square foot addition. The four story, 50 by 50 structure built without Planning Board approval, I repeat built without Planning Board approval, was built without Building Inspector approval. No permit was requested or issued prior to the building being built and only after construction was completed did Dragon Springs apply for a permit. This should shock everybody in the room. When was this building built? During the time Dragon Springs was suing the Town of Deepark for religious discrimination in 2013 and 2014. If so, no work should have taken place. If the building was started after the lawsuit was settled last year, then Dragon Springs is in direct violation of the terms in the settled lawsuit where they pledge to seek and maintain all lawful approvals for construction done on their premises. Once it was discovered that their new building was on site, a permit application was sought by Dragon Springs. A permit seed paid and a penalty assessment paid. This changes nothing. The building was unlawfully built and now they seem to make legal. What should have been done, and what should be done now? Well, the town should have instructed that they building be torn down to the ground. If you want compliance with the law, then you have to enforce it. I'm quite certain that if I constructed a building on a vacant lot on Galley Hill and did not get approval from the Planning Board or Building Inspector, I would not be allowed to occupy that building. We are witnessing an erosion of the authority of our town's laws. A precedent is being made for future developers to follow. Build what you want, pay a fine, the structure remains...that's a small price to pay and it is the mere cost of doing business in Deerpark. Now the meditation hall conversion takes a stakes of limited access of people of people. The ?? for an extended time periods and it turns into a large dormitory housing permanent residents. It kind of reminds me of builders putting a bonus remote in a garage ... they leave it unfinished till the inspection is complete and then they turn it into that fifth bedroom. The original special use permit for Dragon Springs has long since been torn up year by year with additions that are not part of the original site plan. Representatives of Dragon Springs have been managed by the Planning Board Chairman and town council for failure to present a complete and thorough plan for use of this property. Town council acknowledges that these repeated applications submitted to the Planning Board as creeping subdivision. Imagine a developer comes to the town and states he wants to build four homes on a given lot and then comes to the board to build two more and this goes on until the property finally has 15 houses on it. It's the same thing. That's precisely what's happening and it has happened with Dragon Springs. The occupancy on this site is projected to be 1,000 permanent residents and 2,000 visitors visiting at any given time. And this is the information provided the Planning Board by the applicant, Dragon Springs. Information presented while seeking a 100,000 gallons a day waste water treatment plant. Court paper obtained from the Civil Court case acknowledged that 300 permanent residents was approved for this site. Not a thousand. So, I urge this board to withhold any additional application approvals until a full and complete plan for the entire site is presented to this board by Dragon Springs. Thank you."

Bob Vicaretti, Chairman said thank you.

Margaret Clark signed up to speak, but said she would wait to speak in case John Clark needed to go up again.

Jack Austin said good evening. He lives on Quarry Road in Huguenot. "I am appearing this evening on behalf of the Bashakill Area Association, often referred to as BKAA. It's got a mailing address at PO Box 1121 in Wurtsboro, 12790. We're an interested party, not taking any position for or against the application here. Their concern is to monitor the progress of the application for the discharge of the Waste Water Treatment because it will before long end up in the Bashakill River which drains to the wetlands, and then pass down to the Neversink. The Bashakill Association has been long been a steward of good water and safe environment in the whole Neversink Valley and they want to be on record as an interested party and have you write to submit written comment as long as it's appropriate. Any questions?"

Frank Ketchum said good evening. He lives in the Town of Mount Hope. He said "I was on a town board in the Town of Mount Hope for nine years and when Dragon Springs first came to this area, first they came to the town to court us for different things and I would visit with Dragon Springs many times. My farm overlooks Dragon Springs and they now have purchased land and their unregulated growth concerns me greatly. I work as a Civil Engineer for the New York State Department of Transportation. I just built this bridge over the Neversink River. In all the time that it was reported they didn't have an approved site plan we continued to see concrete come in from Dick's Concrete from both of their plants every day, most every day, all day. As I traveled back up over the mountain, the little trout stream that comes down along Guymard Turnpike would run white with concrete slurry. I have photos of it. On two different occasions, and again this is at a time when it was reported in the newspaper that they did not have an approved plan to continue. Their unchecked growth concerns me greatly. I understand they are the Falun Dafa and their persecution in China, but it is no reason to abuse our system and the laws that are set for engineering, for health and I don't know what the sewer treatment is in there. But, over the years as I've watched it, it might have been a leech field and now I attended your last Planning Board meeting and they were talking about getting an engineer that is looking at a sewer treatment plant. I don't know how you could ever have a certificate of occupancy and have residential, at least 300...having a 5,000 seat theater, have a massive dining hall, and not have a sewer treatment plant. Here you are right above the Bashakill, your Bashakill stream and Neversink River ... you know there's just so many things in the infrastructure of this place that is out of control, that needs to be in check before they continue. I understand they are just about to get approval for a 40 acre solar farm on top of the ridge here that's going to power this. Now, I don't know how that will make any difference, but I say the environmental controls that they don't do here ... I'm worrying about happening in the Town of Mount Hope and in the areas that they are encroaching in now around Mount Hope. So I truly hope that you folks would bring them under control. But, I don't know how you can build first and get permits later. If we're going to live in harmony they must adhere to the rules. They can't play religious persecution when they're building unchecked. That's about all I have to say. I have a lot of picture if you would like to see them."

Willard Schadt asked Mr. Ketchum if he would submit the photos as he would like them to be part of this.

Bob Vicaretti stated that Mr. Ketchum's photos were entered into the Public Hearing.

Glen Plotsky, Attorney stated for the record there are four photographs of the Guymard Turnpike Trout Stream—2 identified as April 24, 2013 and 2 identified as April 28, 2013; there is a photograph of the Dragon Springs property with construction. The first one appears to be one with a number of rectangular buildings. Then there is a photograph of Dragon Springs property with a number of what appear to be oriental style

buildings. There is a second picture similar to the first construction with a temple on the far left and there is a photograph which appears to have been taken earlier, which shows the building under construction. There is a second photograph including the temple on the left, also identifying construction being done on the property. There is a photograph that appears to have a wall or a fence, a building and a pond. There is a picture taken from the opposite side of property showing a temple on the right with a lawn and oriental style buildings. Yet another picture of the building under construction with a temple on the left.

Bob Vicaretti asked Mrs. Clark if she wanted to speak and she said no.

Bob Vicaretti said they have one piece of written correspondence regarding the Public Hearing and it comes from the Cuddebackville Fire District. Darryl Ward, Commissioner of the Cuddebackville Fire Department wrote a letter dated January 19, 2015 and was read by Bob Vicaretti. "To the Town of Deerpark Supervisor Spears and Town Board Members. I am writing this letter to express some serious concerns that the Cuddebackville Fire District has in regards to the Dragon Springs Facility. We have on numerous occasions sent written requests to tour their facilities, with no response. It is for the safety of our volunteer members and the residents of the Dragon Springs facility. Our request was for our members an unrestricted tour and inspection of grounds and buildings. We have, on the few occasions we have been called for assistance, been met with resistance. The reason that this is an issue for the fire district is for readiness and preparedness in the event that there is an incident at this location, so that we can ensure that we have the proper resources available. The number of buildings the design and construction as well as population of these buildings is important knowledge for our first responders. Do any or all buildings have sprinklers or stand pipe systems, locations of water sources and accessibility. Any stored hazardous materials, types, and locations. Accessibility to roads entrances and exits, for responding apparatus. These are some of our questions and concerns that the fire district has. It is our hope that with your help we can work together with the administration of Dragon Springs to fulfill this request in the near future. We look forward to working together to create a plan to provide medical and fire protection. Sincerely, Darryl Ward."

Johnny Zhou said that actually he tried to contact that number and for a week could not get a hold of them. And he said he came here to ask them to call their office and he was given Darryl's cell phone number and he tried to call him last Friday and last Thursday and said he left messages for him. He called him last Friday and he said he would bring his whole crew. We discuss for him and his whole crew in Cuddebackville Fire District to come the second week of April. And also asked him to give three different times if they could not get all the people together. They would have a second chance to all be together. So, if actually ...

Bob Vicaretti asked Darryl Ward if he was contact. Darryl Ward responded he did contact him last Friday and they already set up a date. It is supposed to be the second week of April to do the inspection. He did reach out to contact me. Bob Vicaretti asked if that was something they would pump up there or use their stand pipe. Darryl Ward said they would like to do that. Bob asked if he clarified that with Johnny. Darryl Ward said they want to go in and see what they have. From that point they want to make sure their pipes pump. He said that it was his understanding that the last time it just didn't pump. Bob said that's why I asked. Darryl went on to say that's what they want to do, get in and get an idea of what's there.

Glen Plotsky asked if an initial meeting was scheduled for mid-April and Darryl Ward said he doesn't have a date yet. He has to get all his officers together to get a day, but when he can they will get back to

John to see when they can work things out. They are looking to mid-April. Glen Plotsky asked that assuming they have the official meeting, and they allow apparatus up in there and the system works, how frequently with the law would you need to go back or would you want to go back up to verify that it still works. Darryl Ward said they would want to check the stand pipes or the dry hydrants as their known around the town ... they'd like to check them every month, every other month. They go around and check every pipe they have. He didn't know if it would be bi-monthly, and said they hadn't been in Dragon Springs for a couple years.

Glen Plotsky explained he is looking for long-term. The concept is to put conditions on approvals, such as permit bi-monthly inspections, or something along those lines. Then we can try to give both you and the town some enforcement capability if it is not complied with. They don't want to unduly burden this applicant any more than we would want to unduly burden anybody else. We need to make sure of the safety of your men as well as the occupants of the facility. So, that's why I'm asking. So you think bi-monthly would be sufficient?

Darryl Ward answered he would like to refer to his chiefs to see what they would prefer.

Glen Plotsky asked how long it would take. He suggested they send the Planning Board a letter telling them how often they would like to do the re-inspection. They can talk about adding that as a note on the plan so it becomes a condition of approval.

Bob Vicaretti said they want to open up between the fire department and the board and what goes on with you has an impact on the business here with the board. When you go out and check your fire hydrants and stand pipes make sure you know that the building is 50 foot or how you get access up there or the hose up there or whatever.

Darryl Ward said they don't even know for sure if they have roads in between the buildings. They don't even know if they can get an apparatus in between the buildings.

Bob Vicaretti said they get along fine with them and they just want to make sure the Fire District gets what they need.

Darryl Ward said he was at the previous meeting.

Glen Plotsky asks person in audience for recording device to be turned off.

Darryl Ward said that Johnny called him and he got back to him later that day. They are going to set up a date in mid-April.

Bob Vicaretti asked if this was submitted to the Town Clerk, is that how this letter came through? Darryl Ward said he actually gave it to Gary's (Supervisor) secretary. However, this got here, or the other information ... he wants it to come the same way. He doesn't want a line between the Fire Department and the Planning Board or attorney. They want to know what he finds out and when he finds it out, not seven months down the road. Darryl Ward answered absolutely.

Bob Vicaretti asked the board, attorney and engineer for any comments on the public hearing. Al Fusco, III said they had submitted some comments dated February 17<sup>th</sup> and would go through them. Al Fusco then said he was given a response letter that day, dated March 25<sup>th</sup>. His first comment was on the long form.

Al Fusco continued:

1. The Long Form EAF states that the current area that is forested is 383 acres and when the project has been completed the total acreage of area forested will then be 363 acres. It would appear that 20 acres is to be disturbed. We would ask that the applicant clarify this and the rest of the chart for completeness. *The response was they have basically revised their application.*

2. Sheet C-1 indicates two proposed additions to the existing rehearsal hall (a large one and a smaller addition). Please specify the smaller as existing rehearsal hall addition. *This has been revised.*

3. Our office has asked that the applicant provide landscaping around the new rehearsal hall, the applicant's response is that the area is surrounded by pavement on the south and west sides and piping and tanks on the north and east sides. The pavement, piping and tanks should appear on the site plan and show flower boxes. *The response was flower boxes have been provided around the building and landscaping.*

4. It would appear that the people that will use the new residence hall will use the covered walkway; we would ask that lighting is to be provided from the end of the covered walkway to Qinjing Road and also at this crossing of the road. *The response was the covered walkway will not be open during the night. People use the road around the lake and the residence hall lighting was provided on the lake.*

5. We would ask that the applicant show the means of access from the covered walkway to Qinjing Road, if there is currently a walkway, steps, etc. this should be shown on the plan, if not then they will need to be provided. *The response was the major access to the new residence hall is from the road or on the lake which has a vehicle restriction and is used as a walkway.*

6. Does the residential hall have kitchen facilities? *The response was no, there are no kitchen facilities.*

7. The Orange County Department of Health and the NYSDEC SPEDES must be approved for the septic. We note they will require the following:

- a. The Orange County Health Department requires that percolation testing for new septic disposal systems is to be performed at a depth of 24"; this proves that there is a minimum of 24" of good ground cover. The testing provided is at depth of 12". *Their response is that the Department of Health standard requires 12" and tests were standardized.*
- b. It appears that high groundwater has been encountered and the applicant is proposing that the new septic disposal systems are mound systems. *The response was 2 foot of sand has been applied.*
- c. Provide a cleanout detail. Cleanouts are required every 75' of sewer line and at every angle point of the sewer line. *The response was the cleanouts of sewer line were done accordingly.*
- d. Show the actual drop boxes. The angle that the sewer line is shown coming into the drop box is not possible. *The response was the drop box will not be used. The dosing systems have been provided for the mound systems.*
- e. It appears that the northerly portion of mound #2 is in an area of 30% slopes, a mound system shall not be placed on slopes exceeding 12%. The system will need to be shifted into an area that does not exceed 12% slope. *The response was the mound #2 has been shifted to a flatter area accordingly.*
- f. Provide different line types on major and minor contour lines so that the topography can be easily identified in the septic area. *The response was the plan has been revised accordingly.*

- g. Provide additional contour labeling on sheet C-2, especially near the sand filter, mounds #1 and #2. *The response was the contour labeling had been provided accordingly.*
  - h. Provide regarding contour lines for the septic disposal areas. *The proposed contours have been provided accordingly.*
  - i. Label the amount of leech field for each mound system; this should appear as a note by each mound. *The response was the labels have been provided accordingly.*
  - j. It would appear that curtain drains will need to be provided around each mound system, the deep soils testing indicate high ground water. The curtain drains are to be provided at a minimum of 15 feet from the mound systems. *The response was curtain drains have been provided accordingly.*
  - k. Provide diversion swales above the proposed curtain drains. *The response was the diversion swale has been provided in the curtain drain detail.*
  - l. Provide calculations on both pump chambers to verify that float switches will operate properly. *The response was calculations have been provided in the Engineering report.*
  - m. Provide pump curve analysis to prove that the sewage pumps are sized properly. *The response was the pump curve analysis has been provided in the Engineering report.*
8. Fusco Engineering is to be invited to all NYSDEC site visits and testing. *Response: Invites will be sent to Fusco Engineering.*
9. The plans indicate that well #3 is to provide temporary service to the residence hall the applicant shall provide testing on this well to prove that it is potable. *Response: Lab tests will be provided for Planning Board approval.*
10. Our office has not received a review by the Fire Department or the Highway Department. *Response: The site plan has been submitted to the Fire Department and the Highway Department.*

So that's the comments and responses. We do have the responses but we have not seen the update of the plan.

Johnny Zhou said they just got their comments yesterday, so hopefully they will respond tomorrow.

Glen Plotsky said they can close the Public Hearing now or hold it open until the hear back from the Fire Department or hold it open for written comments. The only thing, at this point, the 239 has been sent and delivered, to he didn't believe there had been any comment by the county or New York State. But in any event, he didn't think they had received any response from the agencies . Mr. Ketchum is as close as a response from Mount Hope.

**Motion to Keep Public Hearing on Dragon Springs Buddhist, Inc. Open for Written Comments Until April 8, 2015**

Motion by Theresa Santiago, 2<sup>nd</sup> by Tom Faggione to keep the public hearing on Dragon Springs Buddhist, Inc. open for written comments only until the next Planning Board Meeting on April 8, 2015.

**VOTE: 7 AYES:** Theresa Santiago, Tom Faggione, Craig Wagner, Steven Weiner, Willard Schadt, Michael Hunter, Bob Vicaretti

**MOTION CARRIED**

Respectfully submitted by Kathy Basile