

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, OCTOBER 21, 2019**

Meeting was held at Town Hall, 420 Route 209, Huguenot, New York 12746

Invocation by Arthur Trovei (Participation is Optional)

Attendance:

Supervisor: Gary Spears

Councilmen: Alan Schock, David Dean, Arthur Trovei, Ken Smith (7:50 p.m.)

Attorney: Bill Bavoso

Engineer: Al Fusco, Jr.

Pledge of Allegiance: Alan Schock

Call to Order: 7:32 p.m.

Addition or Deletions to Agenda – None

Presentations/Communications

Supervisor Spears announced November 5th is Election Day and the Town Hall will be closed; November 11th is Veteran's Day and the Town Hall will be closed. Early voting for those interested is on the website.

Public Comment Period (3 Minutes per person)

Bruce Quinn – KOA He hired an attorney to oversee the noise complaint at KOA Campground. He paid them \$2,200 out of his pocket and his words, to get the town to do their job. He asked if the board recognized Kevin Preston as a reputable lawyer and an upstanding citizen. He called the state police at 4 o'clock in the morning for the third time and they said there is nothing we can do. He said "go back in the house so I can hear you" ... he took two steps back into the house and said "no, you speak up so I can hear you." What else does a citizen have to do? Does he get a discount on his taxes to pay for an attorney to get what is rightfully his? He asked for comments on that. Supervisor Spears stated they are working on this—meeting with the applicant and work towards goal of compliance and they now have a violation they have to appear in court for. Mr. Quinn said it is up to the Board here to give them a permit to continue the noise pollution that they occur in Godeffroy. He asked if anything was going to get done about the noise. Mr. Spears said yes. Mr. Quinn asked if they would reissue their permits and Mr. Spears said it depends on the outcome of the Court case. Mr. Quinn asked when would that occur. He showed the bills of his attorneys to the Board. He thanked the Board for letting him vent.

Owen Wright – There have been a few weekends of noise coming from the Racetrack that aren't totally quiet. He thinks the overall volume when they are racing is still quite high compared to where it was a few years ago. They purchased their property at 227 Oakland Valley Road about five years ago. They knew the volume of the noise there when they purchased the property. It's significantly higher when they are racing. That being said, they seem to be racing on a more reasonable schedule. He wanted to let them know that is happening. He had a letter from a guy who owns the property with him that reiterates the same thing. He wanted to represent his brother who lives across the street at 188 Oakland Valley Road. They all agree it is too high when there is a race weekend but they seem to be cutting off at the time.

Supervisor Spears commented they had a good meeting with them about the racing days, the time of racing and quiet weekends and they have complied with the law. He is hoping that is working out and they will address the louder noise through some other avenue.

Marc Greene – He reported that there are many videos out on the racetrack. He thought there was one that showed the craziness that goes on up there (he showed it to the Board from his phone), saying it's on the internet—there are dozens of them he said. He said you see the kids riding around on motorcycles without helmets and they set up a ramp and are jumping over live people. He cares about when their freedoms impose on his freedoms. This is what is going on up there. In that video, this is what is happening: people jumping over live people, kids without helmets and illegal fireworks with no permits going on at 11:00 at night. He came to the town and found no permits were issued. What bothers him is when they actually have burn out competitions...setting up tires with a platform and the motorcycle pulls in and the point of this is see who can make

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the most noise and the most smoke for the longest amount of time. This affects him because he has to listen to it. The other thing is 12 to 15 motorcycles going around that track without a muffler. He asked if they remembered speaking in May about using mufflers and they said they don't like using mufflers, it hurts performance. He said, that's not an option. The log says they only raced 73 days up until September 3rd. He asked which they believed, their log or their website that says they are open 182 days this year starting March 15th (weeks before the law says they're supposed to), or do you also factor in going on their Facebook page when they say we're open for business-cash only-running tonight-no early birds and shockingly over a dozen of those Facebook pages are not in the logs. Which do you believe? His question was how many times has this raceway been fined. Supervisor Spears said none that he knows of. Mr. Greene said they have documented cases of them running after 11:00 at night. He asked why they haven't been fined. He asked if their \$13,000 a year in taxes overcome the hundreds of thousands in combined taxes that they all have to deal with. This business hurts people. It hurts them physically. It hurts them mentally. When you can't go to sleep at night because you're tired, it hurts. When you don't get sleep and you're angry every time you want to do something outside, but you can't because you can't even hear the person next to you, it hurts. This is a menace. Something needs to be done.

Cheryl Greene – Two weeks ago at 10:30 p.m. they got home and tried to talk to someone in the driveway 10 feet away and they could not hear. They asked to go in the house so they could have a conversation. Follow the rules is what she assumes the board wants them to do as residents...the noise is ridiculous. It is like having a beehive next to your ear all night long. We're allowing this from 8:00 a.m. to 11:00 p.m. Imagine that. She gave paper examples of what goes on ... mud wrestling, they charge for this. She also showed when they say their practices are. Her question was that they submitted that they are in operation and racing 73 days, but it clearly states from March 15th to June 4th there are practice schedules, Wednesday through Sunday. Then in the summer from June 10th to September 8th, Tuesday through Sunday. And September 15th through November 15th, Wednesday through Sunday. That is a total of 182 days, so the minute those tires hit the track is when they hear noise. They just can't say, it's a race so you're not hearing the noise while they're practicing. They hear the noise. Additionally, she went on the EPA and they state there are actual detriment to their health, i.e. high blood pressure, mental stress, and it is with decibels. She understands it is a little scary—however, it needs to be addressed. If a car is putting off 65 decibels, every extra car out there is an additional five. If you have 15 cars, assuming those are with mufflers, they are getting to 95, which is a detriment to their health. The Saturday before that at five minutes to 11, fireworks went off. There was no permit and she pointed out there is a drought. If they light something on fire, their house is right there. She asked them to consider what is really going on beyond the races—it is beyond unbearable.

Colleen Hannon – Oakland Valley Race Park – Under the auspices of the Town of Deerpark she said they all have the right to enjoy their property, homes and businesses and she said she was very sorry for the complaints that are coming from some people in the area. They do lease the dirt track. They are working diligently to change some of their contracts as some of the complaints are not always them. She knows the town has documented when there have been complaints when there was not much going on. They do get blamed for every honking person that goes down the street and every motorcycle and every noise in the area when people are upset. She understands that. She just wants to say they are working in the future to work on the noise. It really isn't the park side of the track. The incident Mr. Greene was talking about that shows videos, she said she was very upset about that. She said again they lease the track and that contract will not be renewed with those people. She said she is trying her best to respect the community.

David Henderson – 265 to 269 Oakland Valley Road, 600 feet from the entrance. Actually, you can see the entrance from his house. As most people have said, "you know my children, they worked for you." So, you're brave. But, as a neighbor, not so much. He bought his property in 1986, before the track renewed it's license it was an empty field. Since then, they've renewed, they've got a business, the go-cart track—the race road track part of it—is not really the issue other than it does start on Wednesdays during the day and you hear it sounds like chainsaws running. It 's going to get worse because the leaves are off the trees. That being said, it is year after year. Since the oval track was built, it has gotten significantly worse. They know that. When they are done racing, Oakland Valley Road becomes a racetrack. They leave the track, they come down past his house doing 80 – 85. It's a straight run—you can see. He has done sight distances. It's not a campground either, it is a racetrack. He doesn't want to hear a generator at 8 o'clock in the morning. It happens all the time. Every weekend. The bathrooms (he knows because he drew them) are not capable of handling the campground part of it. That being said, he thinks someone needs to go up there and take a long hard look at their facilities and actually make a decision. Right now, they are not following the laws of the town.

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Bette Czajkowski – She wanted to talk about the noise at KOA, saying it is really bad for everybody’s health. She did some research on the CPC and it does cause a lot of stress, anxiety, insomnia, lack of socialization and many other things. She thought she sent the board those links. The KOA continues to have huge events that create chaos, fear, trash, traffic and very disturbing noise. She said they’re a working neighborhood with children--they need to work and children need to go to school. No one can sleep on the weekends. She had to call the police five or six times this summer. She has to keep her windows closed also. She knows they were quiet for a little while, then they had Russians coming—she doesn’t care what country they come from but it is very noisy. They were up all night. People called the police and it is clear to her they can’t control them because they were on a temporary license and the Russians were up all night—banging and loud music and it’s really not fair to the neighborhood. She wondered why the KOA owners don’t come. Supervisor Spears said they’re represented there. She asked if there were any updates to the Noise Ordinance as of yet. She does understand that it is complicated. These are not the only two issues. She thinks they have been very patient. It has been a year since they were told it would be revised, so they went through another summer with the same old stuff when we live in the neighborhood. They are hoping the Board will fend for them, protect them and support them. So, they’re waiting. Also, she asked when the court date was for the noise summons. Supervisor Spears said the court date is November 1. He recommended she call his office for the time.

Nicole James – She has the pleasure of doing business with OVRP (Racetrack) for six years. She wrote a letter in May regarding her opinions. She spent many days and nights there during races, she has patronized them posting different events from work. She doesn’t live across the street from them, but she lives in the Town of Deerpark and she lives within ear shot of them. She said it is much more than a race track that menaces other people. The video Marc had; she hadn’t seen but could speak for Colleen as well ... she had never seen it. Her daughter is 11 and the valuable lessons she has learned at the racetrack, she won’t learn in school. It’s not just a sport where people come up and its hoopla all weekend. She encouraged everyone in the room to visit. They give lessons before any of the kids drive. They learn teamwork. They learn how to work independently. The Hannon family and all the employees there work one on one with the kids. Her older children got their first jobs there. They were taught life skills. She said the facility operates very smoothly and she assures you when you’re there it is community.

Grace Woodard – She mentioned a Planning Board Meeting earlier this spring and how the expansion of the Racetrack had been discussed. Mr. Schadt was quite upset about the condition at the racetrack. She didn’t know if anyone went up to check it out. Her mother had served on a committee years before that involved the racetrack noise. She said it should be addressed before it gets bigger.

Wayne Decker – He remembered the town and racetrack had come to an agreement years before where they tried to establish a balance. He said it has grown and the open practice days are a real significant addition to the track. His wife and he live a mile and a half from the track and they could hear the track with the windows closed. He checked the schedule and they were outside their end time of 6:00 p.m. The predictability is not there and that was the contract the Racetrack made with the town back in the 90’s. Supervisor Spears mentioned the court ruled to give them rain dates and this year they filed a new schedule. He explained that since Mr. Decker was Town Supervisor the judge took some of that away from the town by giving them a couple weekends if they were laying down. Nothing else really has changed since he was there. He switched to KOA and mentioned he and his wife camp at KOA’s every year and has never experienced one with noise after 10 o’clock at night. He suggested they contact the KOA franchise, stating they don’t want that going on.

Michael Coyne – He encouraged the board to consider having decibel levels in the noise ordinance could be complex, but thinks the town should have the ability to condition granting permits on specific bases that are reasonable. Granting a permit predicated on a decibel level seems to him should be considered. Even having it on an agreed reader that could be independently acquired by the town that the permit applicants would have to agree with the determiner of whether or not they are operating within what was in the permit. It would be specific to the permit applicants, not general public.

Supervisor Spears said they are looking at that idea. They have a separate campground law, a separate noise ordinance, a separate zoning and all three pertain to them. It’s quite similar with the racetrack. They have a noise ordinance, a racetrack law and also the court case. As they try to combine these, they will try to write a new campground law that pertains basically to the campground. They will try to work with the racetrack to get a set schedule and maybe get some trees up and noise

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screening and check on the mufflers, a number of things, so they are working. It is not a quick process when you're trying to put three laws into one or six laws into two, but they want a noise ordinance that stands alone for everyone in the town for graduation parties, weddings, events and not tie them into campgrounds or racetracks. They are taking time and would like to do it right the first time. They have been working with the applicants. They have made some success, but not to everyone's satisfaction, but they will keep working on it. They hope to work out something for residents and businesses.

David Henderson asked to add that he grew up in Middletown and likened their racetrack noise to Deerpark.

Supervisor Spears announced that in regards to Airbnb's, the discussions they have had and the investigation they have done, they are not looking to do any regulation of Airbnb's in Deerpark this year. They will probably not do any next year as well.

Grace Woodard – Replied that comments on Airbnb as good. She added that people doing Airbnb draws people into the area. All the positive things have been stated. It is an individual engine for economic development. She thought the less it is controlled, the better.

Supervisor Spears added when they researched Airbnb's, their registry and other ones like that, do a good watch on their people through reports or blogs, they keep a tight hand on that. He also said they are looking for tourism in Deerpark and that is a kind to us because they have no hotels. They will encourage rather regulate them.

Motion to Approve October 7, 2019 Board Minutes

Motion by David Dean, 2nd by Alan Schock to approve the October 7, 2019 Board Minutes.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Old Business

Councilman Trovei agreed with the Supervisor that there are a lot of components that need to be pulled together because they don't want to do something that's going to disturb the normal circumstances that people are living in. It's a lot more challenging than you would think. It's not being overlooked. It's not being swept under the rug. It is being looked at and they are trying to get something done. They will continue to do that.

Supervisor Spears added that both of them are seasonal businesses. It is coming to the end of their season and they are hoping that when it comes to the next season, when either one of them opens, they will have something done. They will have a Public Hearing on what they propose and they'll take everyone's input on the laws they come up with. When they propose them and listen to public comment, they can make changes. They appreciate everybody's comments.

Councilman Schock addressed Ms. Woodard stating he remembered the night at the Planning Board and Willard Schadt was addressing extra blacktop and they did have Al Fusco go up there and address the blacktop to see if anything was different. It was not brought up about trees earlier. This is the first I've heard about cutting trees down. He said that overlooking it from the last year there was no major new blacktop. He doesn't think there's so much a problem with the go-cart track as much as there is with the older track. Al Fusco said that overall, it was the same general layout.

Supervisor Spears said that with the nights comment about KOA's upcoming court dates, he wanted to ask the Board to put off that off for two weeks when they will have more information and they can digest all the nights comments.

Motion to Postpone the KOA Temporary License Review for Two Weeks (November 4, 2019)

Motion by Ken Smith, 2nd by Alan Schock to postpone the KOA Temporary License Review for two weeks until the next Board Meeting November 4, 2019.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Appropriations, Budget and Payment of Bills

Motion to Pay Bills

Motion by David Dean, 2nd by Ken Smith to pay bills that have been signed by three council members and accept the Budget Officer's Report and all may be viewed in the Town Clerk's Office.

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General Fund Abstract #20 of 2019 in the amount of \$54,339.07
Highway Fund Abstract #20 of 2019 in the amount of \$27,940.14
Deerpark Street Lighting Fund Abstract #10 of 2019 in the amount of \$313.66
Engineering Fund Abstract #11 of 2019 in the amount of \$172.00

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Closing Comments

Councilman Schock said he was sorry the town's people were going through this and thought it should be quieted down from what he can see. It is a long process, but they'll keep working on it. He feels for them.

Councilman Smith that it is a real tough balance between satisfied people and people in business who want to make a profit. They are listening and doing their best to come up with a fair solution and certainly noise mitigation if it is possible. They've discussed the decibel readers for quite a while, monitors and what is the cutoff point ... it is very, very difficult. Just know that they are trying to do their best and balance everything out to be fair. Airbnb is great for the community and they take care of their people providing insurance policies for the homeowner and based on input ratings are eliminated if they are not doing a good job. Know they'll do their best for everyone.

Councilman Dean said he appreciates everyone who came out and understands their frustration. It's being worked on and he knows it seems like it takes forever, however it is being worked on. Everyone's input is important. A good solution to a problem leaves everybody a little bit not happy. There has to be a compromise, they are working on it. It's not being sluffed under the rug, no matter what anybody says.

Councilman Trovei said he thinks the Airbnb is a great thing. He liked Mr. Decker's comment that maybe we need to get a hold of the franchise of KOA and ask about their norm. They are working towards a solution. This is not as easy as everybody thinks. It's a complicated mess.

County Legislator Tom Faggione thanked everyone for coming out to express their opinions saying this is what our government is about. He appreciates everyone being civil despite their emotions. He wanted to remind everyone of the elections allowing early voting throughout New York state and it starts Saturday, October 26th from 10:00 a.m. to 3:00 p.m. through November 3rd. (There is an assortment of hours.) The residents of the Town of Deerpark should go to 21 Ulster Place, known as the Farnum House in Port Jervis for early voting. Regular voting on Election Day will be Tuesday, November 5th from 6:00 a.m. to 9:00 p.m. at the normal voting locations.

Supervisor Spears thanked everyone for coming out. When they are done, they will announce the law and advertise it publicly, hold a Public Hearing and hopefully they'll come back and give additional feedback.

Motion to Adjourn the Meeting at 8:37 p.m.

Motion by David Dean, 2nd by Alan Schock to adjourn the meeting at 8:37 p.m.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Respectfully submitted by,

Kathy Basile, Deputy Town Clerk
(for Florence Santini, Town Clerk)