

The Town of Deerpark Planning Board met for their bi-monthly meeting on WEDNESDAY, APRIL 10, 2019 at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY.

The following were present:

BOARD MEMBERS PRESENT:

Bob Vicaretti-Chairman
Theresa Santiago
Willard Schadt

Craig Wagner-Vice Chairman
Rob Whitney

OTHERS PRESENT:

Town Engineer-Alfred A. Fusco Jr
Town Attorney-Glen Plotsky
Dave Dean-Town Councilman
Chanel Battey-Stenographer

Pledge of Allegiance

Meeting was brought to order at 7:01 p.m.

DRAGON SPRINGS BUDDHIST INC – 140 GALLEY HILL RD – PUBLIC HEARING –

Rick Golden-Representative for Applicant
Ashley Torre-Representative for Applicant
Kelly Naughton-Representative for Applicant
Jonathan Lee-President of Dragon Springs Buddhist, Inc.

Glen Plotsky, Town Attorney went over the guidelines of speaking during the public hearing; stating that there is a 10PM deadline, all speakers must be loud, slow and clear, they must also spell their name and address, each speaker gets 3 minutes and 1 turn, there will be no yielding time to anyone else, all comments will be directed to the Planning Board, and all comments must pertain to the site plan and DEIS (Draft Environmental Impact Statement). Secretary then read the public hearing notice into record. Mr. Golden stated that there was no need to give a presentation, let the public have their time to speak.

Town Attorney then went through all the written comments received:

- Exhibit #1-Letter from Susan Erny dated 2/11/2019
- Exhibit #2-Memo from Burt Thelander dated 2/11/2019
- Exhibit #3-Report/Letter from Willingham Engineering date 2/11/2019
- Exhibit #4-Letter from Village of Otisville dated 2/12/2019
- Exhibit #5-Letter from D. Fanger & M. Wechsler dated 2/12/2019
- Exhibit #6-Letter from John Hayes dated 2/13/2019
- Exhibit #7-Email from Kenny Porada dated 2/13/2019
- Exhibit #8-Email from Patricia McMahon dated 2/13/2019
- Exhibit #9-Letter from Edward Hughson-dated 2/13/2019
- Exhibit #10- "Note" from Pauline Taylor
- Exhibit #11-Letter/Report from Delaware Riverkeeper Network-dated 4/4/2019
- Exhibit #12-Letter/Report from Ruskin Moscou Faltishek dated 4/4/2019
- Exhibit #13-Email from Anne Prather dated 4/7/2019
- Exhibit #14-Email from Burton Thelander dated 4/7/2019
- Exhibit #15-Email from Noel Malsberg dated 4/10/2019

Planning Board Minutes-April 10, 2019-continued-

DRAGON SPRINGS BUDDHIST INC-140 GALLEY HILL RD-PUBLIC HEARING-continued –

Public Comment –

Angela Lee-48 Mallard Dr- Ms. Lee spoke of her dedication to her customers when she was a pharmacist in New Jersey and how her practice of Falun Dafa has brought her good health and believes because of their practice in Falun Dafa that Dragon Springs will put the people's and community's benefit first in all their decisions and she trusts their decisions.

Andy Willingham-Bashakill Area Association- Mr. Willingham stated he has reviewed the DEIS and the waste water treatment plant is very large and a complex system that requires full-time monitoring to ensure it operates properly. Dragon Springs currently have violations in regards to discharge permits, current storm water does not meet regulations and fire safety apparatus regulations do not meet New York State code.

Chris Murray-Ruskin, Moscou & Faltishek law firm- Mr. Murray acknowledged that he submitted a letter that discussed the DEIS and explained that it does not address the possibility of the future development. Dragon Springs build then get a violation and then the permit, he added that it does not address the impact of the character of the community; it is a rural area. He continued that even though it is a religious use not all structures are covered by RILUPA (Religious Land Use and Institutionalized Persons Act) examples waste water treatment plant, parking facilities and performing arts center.

Karen Buttonhoff- 4 Shinhollow Rd- Ms. Buttonhoff stated she has lived in the community for 28 years and had just heard of the public hearing, she continued that all should work together to keep the rivers clean, it is not fair for taxpayers to follow the rules and this development could affect the wells in the surrounding community.

Eric Silldorff-Restoration Director of Delaware Riverkeeper Network- Mr. Silldorff stated that Dragon Springs expansion is too big, too risky, it will cause significant environmental impacts and that the DEIS is incomplete and inaccurate; the impacts will be substantial and the rivers will suffer. He added that not all wetlands are mapped as well as endangered species on the property and feels the proposal is in the wrong place and should not be approved.

Thanh Nguyen-715 Prospect Hill Rd- Mr. Nguyen stated he moved to the community 3 years ago, they love the environment, fresh air and mountains. He continued that there were so many abandoned homes and now with Dragon Springs here more and more of those houses are being purchased and fixed up. He added that he is a practitioner of Falun Gong and that Dragon Springs has a world class performing arts school.

Sally Aber- Ms. Aber expressed that she likes the community rural and stated that now Dragon Springs have moved to Peenpack Trail and asked what was going in there, she thought it was a development but who knows. She continued that she is worried about runoff and the Town needs to stay safe and rural and does not need big shops.

Richard Aber- Mr. Aber stated he first met Dragon Springs while working for Dick's Concrete, he had been to the facility 7 years ago and was greeted at the gate by someone with a gun. He also stated that with the runoff into the rivers has the Trout Commission been notified because they stock the river with trout this will affect it.

Planning Board Minutes-April 10, 2019-continued-

DRAGON SPRINGS BUDDHIST INC-140 GALLEY HILL RD-PUBLIC HEARING-continued –

Public Comment – continued –

Grace Woodard-2 Old Carriage Rd- Ms. Woodard stated pollution, violations, building without permits, stop work orders, not environmentally friendly, fines, illegal covered walkway, no concern for the neighborhood and community these are the main concerns with Dragon Springs.

Bob Majcher-112 Galley Hill Rd- Mr. Majcher stated that he lives on the Bashakill he has seen the mudslides, he has pictures from 2011 and 2018, it has been reported to the DEC and they just give fines. How will the sewer plan work if they cannot do their construction right, is it built already just like the walkway that he can still see.

- Exhibit #18-Photos from Bob Majcher dated 2011 & 2018

Dusanka Marusic-260 Galley Hill Rd- Ms. Marusic acknowledged that she owns a seasonal residence in a rural residential district which is what Dragon Springs is zoned as rural residential, not a city. She continued that she has been coming up to the area for 40 years for the peace and quiet and since Dragon Springs have built their little city, she has not been able to enjoy that. She questioned if her well will run dry due to the expansion at the facility. She further stated that she does not feel safe in the Town so close to the complex with the Fire Department stating that some buildings are too high to fight a fire and it spreading to her property. She added that the Town is doing weekly inspections how could a quarter mile walkway be constructed or an entire story with no permit, she feels that the Town is unable or unwilling to control Dragon Springs, they need to follow Town Zoning and that it is not right that the neighbors have to hire experts to confirm the beliefs of the residents.

Ken Porada-224 Galley Hill Rd- Mr. Porada explained that he has lived on Galley Hill Rd for over 30 years and that Dragon Springs has negatively affected his way of life, he moved out of Middletown because he wanted quiet. He continued that the facility is not suited for the community, it has increased traffic on Galley Hill Rd, they have abused laws and the environment. He stated further that the taxpayers have elected the Board to uphold the laws, and the job needs to be done.

John Hayes-Friends of the Shawangunks- Mr. Hayes acknowledged that his organization's mission is to protect the Shawangunks from adverse environmental impacts, he added he had submitted a written statement prior to the public hearing that was entered as Exhibit #6. He stated he would skip to some things that had not been discussed yet, as in the treatment of the raw sewage that will make it to the Bashakill and Neversink, the devastating impact of the local roads and how it will be the burden of the local taxpayers to pay for the improvements and the repairs. He further stated that it is too large of a facility for the Town and is opposed.

Susan Erny-2474 Route 209, Wurtsboro- Ms. Erny stated that the site plan is massive, Dragon Springs have destroyed forests and wetlands, the DEIS is incomplete, it is environmentally risky and will have substantial adverse effects and it should be denied.

Planning Board Minutes-April 10, 2019-continued-

DRAGON SPRINGS BUDDHIST INC-140 GALLEY HILL RD-PUBLIC HEARING-continued –

Public Comment – continued –

Steven Schneider-Schneider Engineering- Mr. Schneider stated that he is representing Deerpark Rural Alliance, and on page S-2 of the site plan shows buses and trucks moving through the facility and their access to the main roads and it depicts them going into walls, these large vehicles cannot make the turns, they are not wide enough to support them. He continued that the traffic study does not discuss the music hall and the potential traffic that will generate, there is a lack of details in all the reports and the proposed improvements do not help; there is no sight distance, poor lighting and the current roads can not support current and future vehicles.

- Exhibit #19-Letter/Report from Steven Schneider, Schneider Engineering

Alex Scilla-Mid New York Environmental State Committee-Deerpark Rural Alliance- Mr. Scilla stated that this is rural land, there are wetlands and endangered species on the property. He felt this is not a good area and the rural land cannot support it.

Zenon Dolnycky-293 Franke Rd- Mr. Dolnycky acknowledged that he first came up to the area in 2002 before any buildings were at Dragon Springs to volunteer. He continued that he understands the concerns as he has the same, he loves the rural residential area, he is a volunteer with Cuddebackville Fire Department and a Board Member of Unison; a construction business based in the Town, doing work in the Town. He stated further that he is a Falun Dafa practitioner and he cares about the community and rivers and so does Dragon Springs and that the Town should be united not divided.

Gail Rachlan-18 Wedgewood Ln, Middletown- Ms. Rachlan stated she has lived in the Town for about 3 years and is a real estate agent; she has sold at least 100 homes in Deerpark all taxpayers. She added that she teaches Falun Dafa to senior citizens in Middletown, and practitioners are kind and considerate and feels if people can really get to know Dragon Springs and try to understand what they stand for, that everyone can work together.

Sal Mink-509 Prospect Hill Rd- Mr. Mink stated he felt the grounds for denial are, the impact on the quality of life in Deerpark, and 100,000 gallons per day from the waste water treatment plant, where will that water come from. He added that both roads to Dragon Springs are windy, both bridges cross waterways, and the Board should say no.

Peter Best-2 Old Carriage Rd- Mr. Best referred to a postcard that was circulated about a violation dating back to December 4, 2015, a violation was given from the DEC regarding 2 bridges built on the property both deviated significantly from the plans approved in the permit.

Shirley Hu-517 Neversink Dr- Ms. Hu stated she moved here 3 years ago; she liked the sweetness of the Town. She continued that Falun Dafa saved her she was in prison in China and she is very appreciative of Dragon Springs and expressed her apologies for any troubles that they have brought to the Town.

Peter Wei-235 Route 209- Mr. Wei stated that he is from New Century Film, he is a resident of the Town. He continued that he wants to share stories and traditions with the community, that is why they sponsor community events; like the upcoming International Family Festival. He stated further that if Dragon Springs had not come to the area then he would not have come to this beautiful Town, he supports Dragon Springs and feels they have learned from their mistakes.

Planning Board Minutes-April 10, 2019-continued-

DRAGON SPRINGS BUDDHIST INC-140 GALLEY HILL RD-PUBLIC HEARING-continued –

Public Comment – continued –

Martin Wechsler-27 Old Carriage Rd- Mr. Wechsler stated he was worked professionally in the nonprofit arts field for the past 22 years, and asks why there is no mention of a concert hall in the plan and why no café or restaurant is added. He felt that it is absurd that with a huge proposed concert hall no establishment for patrons to eat or drink is provided. He added that most places he has worked at are regularly inspected, he further added that the plans for the hall do not have sufficient stage space to support Shen Yun so why would they spend the money if it will not support their major attraction.

David Fanger-27 Old Carriage Rd- Mr. Fanger acknowledged this is not about religious practice or whether people get along, it is about what impact this will have on the community. He continued that the DEIS is conflicting and the history of violations it has is already impacting the community negatively.

Carol Nielsen-64 Neversink Dr- Ms. Nielson stated that with the past history of non-compliance she can not believe the water treatment plant will be monitored the way it should be and asked who will be monitoring it.

Guy Hennessey-22 Third St.- Mr. Hennessey stated he moved to here from the Town of Blooming Grove and when he lived there it was mostly dairy farms, but they eventually closed and sold to big developments and soon it built up. He moved up here to get away from that to keep the “country life”, the magnitude of Dragon Springs is out of control and the waste water treatment plant will spill overflow into the Neversink. He added instead of it going into the river why not put it in their own reservoir.

Marco Bianco-19 Island Drive- Mr. Bianco stated he moved here 3 months ago and spent most of his summers here growing up, he moved here for the country. He added that he is a fisherman and is concerned about the trout, the environmental impacts are obvious.

Town Attorney announced a 10-minute recess.

Public Comment – continued –

Levi Browde-815 Guymard Turnpike- Mr. Browde explained that he grew up in a small town similar to Deerpark and he loves the Town. He feels that Dragon Springs are hard working people, he feels that Dragon Springs is a great American story; they were persecuted in China and come here for a new start.

Sue Entenmann- Ms. Entenmann stated she has no problem with the people, she is worried about the wildlife and waterways, she wants her children and grandchildren to have what she had growing up.

Kayla Barnes- Ms. Barnes stated she has lived in the Town for 10 years and it is a great community, she has seen Dragon Springs build, seen the stop work orders, and their disregard for the rules. She continued she has nothing against Dragon Springs or the people but she is worried about the environmental impacts that will come from the expansion.

Jin Pang- Ms. Pang stated that she is a first-generation immigrant and has a deep love for the country and respect the rules of being a citizen. She continued that she was involved in organizing the Moon Festival and is planning the festival coming May 9-13 everyone is invited to share the day. She feels that if we come together, we could go further.

Planning Board Minutes-April 10, 2019-continued-

DRAGON SPRINGS BUDDHIST INC-140 GALLEY HILL RD-PUBLIC HEARING-continued –

Public Comment – continued –

David Gordon-Deerpark Rural Alliance- Mr. Gordon stated that Dragon Springs has a long history of environmental non-compliance and knows the Board has a hard decision but needs to investigate everything and consider every comment made tonight.

Loren McCune-323 Neversink Dr- Mr. McCune stated he came here 10 years ago, he was attracted to the Town by the activities of Dragon Springs, his wife is a choreographer for Shen Yun, he is a partner in Unison Enterprises, a building company based in Deerpark. He feels the application should be approved, it is being looked at by experts from Dragon Springs, the Town of Deerpark, County and State agencies and the DEC. They have looked at the plans for the waste water treatment plant, and he knows things have occurred in the past but there is a new management team and the new site plan is designed to correct the past. He added that Deerpark has a lot of resources and historical sites but there are some things that are missing.

Jim Gutekunst-Town of Highland- Mr. Gutekunst stated that he ran a supermarket in the Town of Highland and now runs one in Wurtsboro with the Bashakill as his backyard. He is a Board Member in the Town of Highland and member of the Delaware Riverkeeper Network, he feels for the Board Members this will not only affect the citizens of Deerpark but surrounding Towns as well, the other Towns are looking for leadership. Dragon Springs looks for forgiveness instead of permission. There are a lot of people around the Town of Deerpark that support the Board and the decision making.

Wenjo Wang-95 Galley Hill Rd- Ms. Wang resident of the Town she has seen positive changes, she is in support of Dragon Springs, there are 2 schools; performing arts and a college. Dragon Springs is known for its world class dancers and music. She was persecuted in China and came here to help the homeless children of practitioners that do not survive China.

Deborah Lasch- Ms. Lasch has lived here her whole life, she has followed the rules and believes the environmental impacts need to be taken into consideration, the runoff and potential flooding. Many homes have been condemned because of past flooding, the Board needs to take all into consideration before making their decision, but she feels it should be denied.

Stephen Metts-Gardiner-Ulster County- Mr. Metts submitted a letter, he stated that there are 2 bald eagle nests on the property and that the DEIS document has discrepancies and with the loss in forest this will affect the eagles that live there.

Bruce Quinn-248 Guymard Turnpike- His property is right around the Guymard bridge and there has been many accidents there, it was built in 1937 and is showing deterioration with the amount of concrete trucks using it. He questioned if there was a weight limit. He stated that we all live here, follow the rules.

Liam O'Neill- Mr. O'Neill quoted the 2003 Comprehensive Plan for the Town of Deerpark, "The Town of Deerpark desires to become a full partner in the development of the Tri-State area by working with its neighbors to extend infrastructure and coordinate public services. The Town hopes to attract compatible businesses and industries needed by the Tri-State area. It is expected this will help to balance the Town tax base, provide new jobs closer to home for Town residents and reduce the need for travel outside of the region. The Town specifically desires to increase tourism as a source of economic development taking advantage of the Town's natural and manmade attractions and resources. It also desires to support and grow agriculture as an industry by encouraging new and specialized farm industries such as the New Hope Equestrian center and niche agricultural enterprises." He feels that what Dragon Springs is doing is working toward achieving the goals set forth in the Plan.

Planning Board Minutes-April 10, 2019-continued-

DRAGON SPRINGS BUDDHIST INC-140 GALLEY HILL RD-PUBLIC HEARING-continued –

Public Comment – continued –

John Dorval-278 Neversink Dr- Mr. Dorval stated he has lived in the Town for over 40 years and feels Dragon Springs is not acting in good faith, not building to code and without permits. He feels that the impact on the roads, not getting violations cleared and the history in court, costs money and that money comes from the Town taxpayers.

Albert Roman-Guymard Turnpike- Mr. Roman stated he felt if Dragon Springs can come in compliance than they have every right to exist and build there. He continued that he lived and taught in China and seen first hand the effects of communism. He added that more people that move here and buy homes they become taxpayers and use local businesses, he feels this will attract more people to the area and it will benefit the local community.

Kaishin Yen-Galley Hill Rd- Ms. Yen stated she has been here for about 12 years and she is a part of the community, and she understands some people do not want Dragon Springs. She continued that there are 2 schools up there and any educational institution needs a working septic system, and she feels that the septic is not going to be dumped in the rivers, it will be done responsibly. She added that Deerpark is growing people move out of the city to the area.

Kelli Brink- Ms. Brink stated that there are too many inconsistencies in the application and documentation. She feels that Dragon Springs will destroy the quietness of the community and have only brought stuff for themselves and feels fines have not worked.

Patrick Cavanaugh-258 Galley Hill Rd- Mr. Cavanaugh stated that it is one thing to have practitioners who buy homes and become taxpayers, then you have the organization that builds and pays no attention to the rules or the zoning, you can not compare the two. The people are nice but Dragon Springs pays no attention to any of our concerns. The points made tonight are valid, there is a lot of information and hopefully the Board will do its due diligence and come up with an intelligent conclusion.

Frank Ketcham- Mr. Ketcham spoke of liabilities that the illegal buildings are creating, the numerous codes that are in violation. Fire Inspections are being denied or in certain buildings only, some buildings do not have a Certificate of Occupancy and people are occupying them, the dam permit has expired. He stated that if there is a fire and the volunteer firemen go in and something happens the Town is liable.

James Smith- Mr. Smith is a photographer, teacher and architect he stated he has a passion for nature, he added he is volunteer at Dragon Springs. He continued that he is in support of the project and that it hasn't been smooth out but it is a learning process.

Stephen Hsu-Peenpack Trail- Mr. Hsu stated he is concerned with the waste runoff into the streams, and that this should be in a different area not rural residential. And added that the Board has a tough decision.

Jon Hoffman- Mr. Hoffman stated he owned property in Deerpark since 1962, he is retired from the DEC, he stated he does not have an opinion for or against and acknowledged that if any member of the Board has an opinion to put it aside and judge Dragon Springs like any other application.

Town Attorney- Mr. Plotsky stated that was the end of the list and suggested the Board entertain a motion to close the oral part of the public hearing and leave the written open until May 8 at 7pm.

Planning Board Minutes-April 10, 2019-continued-

DRAGON SPRINGS BUDDHIST INC-140 GALLEY HILL RD-PUBLIC HEARING-continued -

Motion to close public hearing.

Motion made by Theresa Santiago, 2ND by Craig Wagner to close the public hearing for oral comment.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Willard Schadt, Rob Whitney, Bob Vicaretti.

MOTION CARRIED

Motion to accept written comment.

Motion made by Theresa Santiago, 2ND by Craig Wagner to accept written comment until May 8, 2019 at 7pm.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Willard Schadt, Rob Whitney, Bob Vicaretti.

MOTION CARRIED

Chairman Vicaretti thanked the audience for coming out and stated that they will keep everyone's best interest in mind when making their decision.

Motion to adjourn meeting.

Motion made by Theresa Santiago, 2nd by Rob Whitney to adjourn April 10, 2019 Planning Board meeting 9:44 pm.

Vote 5 Ayes: Theresa Santiago, Craig Wagner, Rob Whitney, Willard Schadt, Bob Vicaretti.

MOTION CARRIED

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read "Amanda Gorr". The signature is fluid and cursive, with a large initial "A" and "G".

Amanda Gorr, Planning Board Secretary