

TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, MARCH 7, 2016
Meeting was held at Town Hall, 420 Route 209, Huguenot, NY 12746

Invocation by Arthur Trovei (Participation is Optional)

Attendance

Supervisor: Gary Spears

Councilmember's: Ken Smith, David Dean, Arthur Trovei

Absent: Alan Schock

Call to Order at 7:33 p.m.

Pledge of Allegiance by Ken Smith

Presentations/Communications

Jack Flynn, Emergency Management Director reported on attending the meeting with the Orange County Hazard Vulnerability Mitigation Meeting. They have been looking at putting together a mitigation plan that would encompass all the towns and cities. The plan reflects about 25 different grids from high, moderate to low. He gave some background. He believes they have all the information from him necessary and they believe Deerpark is prone to high flood and there is a moderate chance for a landslide and forest fires. Supervisor Spears said they have been working on that for a while and asked how long he thought before they'll have the comprehensive plan done. Mr. Flynn thought perhaps a year. They are covered at the present time under the existing plan. Councilman Dean asked if they have a copy of their current plan and Mr. Flynn said they did.

Additions or Deletions to Agenda – None

Public Comment Period (3 minutes per person/agenda items only)

Supervisor Spears stated that tonight was different because the public was invited to come and speak on a project proposed in the town regarding a mining project on Big Pond Road. He said this is not before the town in either a Planning Board stage or the Town Board stage. They want to hear what they have to say so when the opportunity comes for either board to have any action, they'll have a heads up on what is going on. They won't be able to speak to that at this meeting—they are only going to listen. He asked that the comments stay as close to 3 minutes as possible and if not repetitive, they have no problem with that. They will begin with the mining project, when they get to the Old Business regarding zoning on Galley Hill Road, they would speak to that at that time.

Nancy Gibson – 200 Peenpack Trail and the address of her Animal Sanctuary is 204 Peenpack Trail. In 2012, she received a permit from the Town of Deerpark for opening an Animal Sanctuary on 76 acres she owns. In 2013, she found out that her land included the Timber Rattlers, an endangered species of snakes that travels the same two mile radius of the den each year. Even though all three of her buildings were a good distance from the den, the Department of Environmental Conservation (DEC) was not happy that she built anything at all. She wasn't either. First of all, she had not been told about the snakes before she bought the land. Secondly, because of the sanctuary, part of their mission is to preserve the environment, including the endangered species. She met with DEC twice and in sanctioning what she had already built, they said she could build one more building. In 2015, she was told about the Big Pond Mine and was shocked that the mining operation would be going on very close to the timber rattler den right next to her property, with only a low fence to separate them from the daily blasting, rock hammers, drills, compression of materials and noise with 140 – 350 trucks going to and from the mine each day. Today they have 15 animals living in their cage free sanctuary and because it is peaceful and quiet there, they are now healthy and happy. One of the things she doesn't understand is why the DEC is debating what time of year she should expect a driveway because of the impact of the noise on the timber rattler. It is the noise from one bulldozer and one excavator and at the same time someone is planning to make all of the aforementioned noises throughout the year. In addition to affecting our mission, the Big Pond Mine sits in the middle of a rural neighborhood consisting of families whose children take a school bus to school every day. With 140 to 350 truck trips alone, makes that impossible. Also, because of the local clear cutting by the new land owner, people's homes have already been damaged and the fact that he brought pigs to the property, specifically to eat the endangered snakes and ending up starving those pigs to death only adds to the argument. The Big Pond Mine must be stopped either by changing the zoning or by the people of the Town of Deerpark.

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Janice Bullis – 68 Martin Road, Huguenot and a lifelong resident in the community and she gave everyone a letter, which she read. A copy is attached to the official minutes. She said she sent the same letter to Mrs. Gunther and she was the first one to call back and say that she was going to contact the DEC and her assistant Rachel called back the next day and said that DEC was the lead agency of this project and they would call DEC. Representative Maloney's office called and sent her an email. She got a letter from the Regional Director Martin Rand of the DEC and he says he is keeping an eye on this project also. So, she hopes the board can keep their eye on this project and help protect their community, and since each of them are all local people and they appreciate all of their service a great deal. She thanked them.

Maureen Decker – 31 Peenpack Trail and has been a lifelong resident of Huguenot. Her parents lived in the same home she does. Before them, her grandparents lived there. This valley is very, very dear to her heart. There are a number of environmental reasons to put an end to the Big Pond Mine. First of all, this valley has a natural inversion which holds any air pollution, including particles from mining close to ground, also since blasting vibrations can travel several thousand feet and affect wells, which are averaged...her well is 40 feet, her sisters is 40, her neighbor is 45, so ... blasting in this closeness is definitely a concern. Finally, at the current Summit facility, the previous owner Baugh Chemical who was a very good neighbor found benzamine on the ground. They brought pumps in to remove it. They could not get it all. So they sealed the area with asphalt and told them if it was not disturbed, it would not be a problem. The proposed mine is less than 2,000 feet from this area, so the remaining benzamine could be disturbed by blasting and move into the local water supply, which eventually goes to the Neversink River. She said allowing this mining project to take place will take a tremendous hold on the quality of life of all the residents of the Town of Deerpark. She said anything the board can do to stop it, please.

Patricia Irwin – 114 Big Pond Road and lives directly across from this property. Her house is in direct line of fire of this. She lived there her entire life as well. Her well will be affected. The air quality of her home ...The owner of this property has a terrible track record with following the rules sort of speak. Numerous times they have had to call the police about the pigs getting free, coming into her yard. They are not feeding the pigs. She has pictures of the dead pigs. No matter what you do, you have to keep in mind that the owner of this property will do what he wants to do regardless of how it affects us. She asked them to keep this in mind and just think about whether they would want their family to live where she does and be affected by this and have this as what they have to deal with on a daily basis.

Joe Dubanowich – 26 Peenpack Trail. He is not a lifelong resident of Huguenot, but only lived there 11 plus years, but his 7 year old daughter has lived here all her life. She is a first grade student at HBE and one of the great things she likes to do during the summer is go to the YMCA Camp, which is right off the Big Pond Road. It is a great place. It is big, a natural environment and not only do kids from the county go there, kids from state, the whole United States and even kids from different parts of the world. The YMCA Camp is one of the good benefits for those who live around here that other towns don't have. This is a big camp. This is a big deal. He thinks the environmental impacts of this mine in just the noise and pollution alone, perhaps the air quality ... stuff they don't even know yet that could happen. He is really concerned for the children in the area and also what it might do.

Thad Gifford-Smith – 160 Big Pond Road. He is not a lifelong resident but hopes to live the rest of his life here. He is also the Executive Director of the New York YMCA camps, which is probably the largest property on Big Pond Road. He wanted to talk a little bit about the domino effects that would happen here. They serve over 16,000 kids a year. They also employ 40 full time people there locally, as well as 250 seasonal/part-time folks. They have a significant economic impact on the region. They have people coming through here dropping off, shopping and some stay in the area or other establishments close by. In addition to that, they operate very close to the margin as a YMCA ... they have the responsibility to keep costs down so the middle income can send their kids to camp and learn about nature and do all those things that Joe was talking about there. Also, he wanted to talk a little about day camp. They serve over a hundred kids a year in the day camp program and they underwrite that to the tune of about \$16,000 here in addition to what the town subsidizes. There are other programs they subsidize—they raise funds to give out over \$500,000 in scholarships so that kids can come to camp. He thinks it is helpful to get a sense of what that means to some of those families. An example is they have families who are receiving scholarships to send their kids there because they've been laid off or they are single parent families. A mother called the other day to say she needs a happy place where the kids can be in the summer while she went through chemo. They gave the money as an existential threat to their operation there. Those families that do pay full freight keep them in business. Those families impartial are going to be resistant in sending their kids to a camp immediately adjacent to a mine. Any one of those impacts that people talked about whether it is sound, the dust, the degraded water fault, or whether it is the blasting, traffic with humongous trucks going up and down that road. Any one of those is going to dissuade a critical mass of parents to take their

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business elsewhere, which puts them out of business. All of positive facts they have in the community, go away. He thanked them and asked they do their best to look out for them.

Sherri Hummel – 495 Big Pond Road. She is not a lifelong resident, but 25 years in, so she is a steady fixture. She has all the concerns everyone else does with the noise, the pollution, the water levels, environmental impacts, the quality of life that could result from his mining operation. A bigger concern that she has is that because they are in business and they are determined to get this done, for every concern they might raise she is sure they will come up with some sort of solution that might even seem attractive to the town. She moved there from Port Lee, New Jersey. She picked a quiet, rural, pristine life. She moved to a hamlet. When she goes down the road her biggest concern in getting to work is which way the turkeys are going to go that are in the middle of the road. She can't imagine dealing with the truck traffic. She can't imagine what will happen throughout the year, they see people who come to their road to train for tri-athalons, they ride their bikes going up the hill; they see them jogging, they themselves take walks, they fish with the neighbors permission in their streams and ponds. That's going to change. Somebody saying to her, well we'll improve your road or this is going to happen, that is not what she bought into, that is not why she moved here. She moved here for a quiet, rural, pristine life. She didn't move in next to a mine. The mine is taking over her life--all of their lives—and she said they just don't want to see that change. They are begging the board to do something about this.

Lynn Marshall – 22 Peenpack Trail. Her main concern is the children up on the mountain. She is a retired school bus driver. She drove for the Port Jervis School District for 35 years. The roads up there are narrow, there is no room for cars ... if somebody has to back up or pull off just for the bus to get through. She can't imagine dump trucks going up and down there with the children. She managed to stay a bus driver for 35 years because she loves children. The thought of it really upsets her that they are going to be on the road with that.

Paul Kuhn – 60 Big Pond Road. He is the third generation of his family to live in that home. Though he didn't grow up there, he grew up in Matamoras and visited his grandma all the time and decided to stay in the area because of the country and the beauty of it all...it was hard to afford to keep the place for many, many years and always managed somehow. Now they have a threat that no money would be able to stop. People from out of town that don't care, their only concern is making money. They have struggled that long to keep their home and everybody else here that has spent all their money and time building their homes and invested in raising their children. To have that taken away by someone who just wants to make money and doesn't care about the well-being of them...that's unbelievable. They have to do everything they can to stop this and this is our town, this doesn't belong to them. The other concern he has about the mining is the traffic—he lives right on the road. 150 to 350 trucks go by his house, and it literally shakes the whole house apart. There is nothing that is going to stop that. It is an old building, it is going to shake it apart, there is no way to stop that. As far as them improving the roads, yeah...that's a nice bait, but where you going to go with the road? He asked if they were going to start taking property from people to do that. It would almost need to happen there because the road is so narrow and the houses are so close. Where are they going to go with the road? Are people going to give up their home? That's crazy. This is their town...he pleaded with the board to represent them. As far as the zoning, the whole reason this is happening. He thought they should change the zoning so these kinds of things can't happen again in residential areas. They need industry...built in the proper places, not in residential areas. He asked the board to work on the zoning to protect the residential areas.

Liam O'Neill – Having been on the town board himself, he said he knew these guys were in a tough position. We always have to keep budgets low and we have no choice but to try to build the town because prices go up. But, he thought in the case with the mine coming in, it's not good economic sense ... he said it won't help the town in the long term. He thought they could fix the roads here and there, or make a stop light, or they could do somethings to enumerate some of these concerns, but he thought in the long run he didn't see an operation like this bringing in a lot of jobs to the town. The tax base might go up a little bit, but despite screenings, despite different things they could do is no good for the town. The single greatest resource in this town is the pristine environment they have and an operation like this seems to go in the exact opposite direction so in the long term he didn't see this as a viable plan to build the town. In addition to all of that, he lives on Franke Road, he has three kids that go on the school bus, they have a well and they have personal environmental concerns. In terms of the general overall plan of the town and the wellbeing for the town, he didn't see that as moving the town forward. Given what little they have there, he didn't think the mine would help any member. He urged the board along with his neighbors to try to squash this.

Supervisor Spears thanked all that spoke to the issue of the mine and asked if there were any other comments. He said this was something they didn't go out and solicit to come in for business purposes. This was somebody that owns that piece of land that proposed this thing. They have given comment to the DEC through town. In July, he instructed Al Fusco, Town Engineer to

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write a letter when they first heard that the project was moving ahead because they came to the Planning Board three years before and kind of disappeared because it is regulated by the DEC. They heard more about it in July, so he directed Al to write a letter. He'll speak about that.

Town Engineer Al Fusco reported that the New York State Department of Environmental Conservation (NYDEC) is the lead agency on this for the Environmental Review. They had indicated that there was a positive environmental impact on this that there was a basis of some issues with the environment. Towards that end, they declared a positive declaration, which then forces the proponents of the project to do a Draft Environmental Impact Statement. The developers engineer in conjunction with the DEC had proposed a scoping document that would dictate what the Draft Environmental Impact Statement would include. It would include all of the topics that were discussed this evening. They were very conclusive. They did give the town, as well as the public at that time, the opportunity to comment on the Draft Scoping Document. As the Supervisor indicated, they expressed their wishes to him what they would like to say. Mr. Fusco said they had issues with the traffic impacts and the entrance-stability of the bridge, the level of service, the road base, the alignment, the road width and the traffic and the traffic controls. In addition to that, they indicated to them that they were intending to enforce their zoning ordinance, which included that the mining operation had to be 500 feet from any residents and there was a 200 foot buffer around the entire property for buffering purposes. Also, visually they had issues with the clear cutting they did and no erosion control. Also, they discussed hours of operations. The did indicate that to the permit director of the NYDEC and they have really have not heard back from them since, as the Supervisor has noted. There is nothing on any current agendas. They placed a call into the mining manager of the DEC who is out until April, but they will be talking to them and finding any additional information they can and he'll bring it back to the board. As an aside and because they were all there, they are going to be working on Big Pond Bridge through the summer. They got a substantial grant from FEMA to replace that bridge and hopefully they won't have any more issues but it will create some inconvenience for you during that period. Detours will be put up and they will make sure everyone is properly notified. Supervisor Spears said they weren't sure on the time frame on that because that hasn't even gone out to bid. It may not be the summer and they'll have to negotiate it for spring or fall.

Town Attorney Glen Plotsky stated that the Draft Environmental Impact statement will probably be issued in the next 30 to 60 days, and that will start this process again in terms of the environmental review. There will be public hearings and everyone will be welcome to attend. They won't be conducting them, so he suggested that all of you attend. When the Town Clerk hears from the DEC when these public hearings will be, the Supervisor asked her to put the information on the website and speak with people involved. Mr. Plotsky also said there will be a link to the DEC website and it will be accessible there for anybody. Supervisor Spears asked if they will then need to come before the board regarding zoning and Mr. Plotsky answered they would appear before the Planning Board. The Planning Board review is a site plan review and he said they cannot supersede not replace their judgment for that of the DEC when it comes to the environmental issues. But, they can otherwise they comply with the various zoning restrictions as Mr. Fusco identified as buffers and traffic and things like that. Supervisor Spears said that would also be a special use in their zoning that they could enforce or ask for stricter requirements for that special use and Mr. Plotsky answered yes.

Motion to Approve February 22, 2016 Town Board Minutes

Motion by David Dean, 2nd by Ken Smith to approve the February 22, 2016 Town Board Minutes.

VOTE: 4 AYES: Alan Schock, Ken Smith, David Dean, Gary Spears

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

New Business

Public Comments – Save One Road at a Time

Supervisor Spears said they have had a couple discussions left open for more written comments and more public comment. No proposals have been made. They have received numerous petitions from both sides. It is pretty even right now. They would open the floor for the audience's views and the board was there to listen.

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Dusanka Marusic – 260 Galley Hill Road. She can tell them as one of the residents and visitors to the area the last couple years, how the same environmental impact issues are popping up in Deerpark everywhere. She hoped the people who came to speak regarding the mining, take a minute to find out what has been happening on Galley Hill Road. She was a little concerned about the statement, Mr. Spears that petitions are about even. She tried to go through her numbers and she didn't know if he was referring to letters or if he received a petition that she hadn't received...and she gave him a paper and he said now she was ahead by one. She said she has been collecting petitions and to briefly say for new people, they are asking the town to return the zoning back to Rural Residential and actually the Rural Settlement District that most of Galley Hill Road was before 2013. Because of the impact on the environment and quality of life issue, she has been going around door to door with a petition since October with some of her neighbors and there has also been an online petition at [change.org](#). She recently went through some of the numbers removing some people that were out of town, and she is at about 264. She knows that some of the letters sent to the Board regarding these issues. She asked if there are any other petitions out there. Supervisor Spears offered to read a letter stating the road should remain HMU (Hamlet Mixed Use). He has numerous signatures on that. Recently, something has come up that shows what development on Galley Hill Road will do and how to impact more of the area beyond Galley Hill Road. There is a neighbor that took pictures of some sewage that leaked from a property into the Bashakill and she started asking around looking ... and is trying to educate herself on how these decisions are made and what you have to deal with and how you're going to come up with the decision to leave it or change it. She is looking at the stipulation and settlement dated 6/26/14 that talks about the septic and sewage treatment. She has been trying to foil information regarding support or changes to what has happened since this settlement. In the settlement, it states that a hundred people may reside at Dragon Springs. It also states that a maximum of 307 people can support the current sewage treatment center. Now, since there was spillage and people have documented it, there are pictures of it, and the DEC is getting involved ... she is also reading that the Bashakill people have looked into it and in the settlement it talks about a gallon that is much smaller than what's being proposed or used. She asked where they are at with ... how much can that whole system that's there now handle ... because it is spilling into the Bashakill, so like in the beginning she came here and asked the board about her water quality. How many people can live on that road without affecting her water and polluting ...

Supervisor Spears asked for a moment to check with the Engineer. He said 307 people are permitted on their property due to sewage disposal. They have proposed more sewage for that site. He is aware of some pictures. He is aware that DEC is checking it out. Nobody has confirmed that they're putting sewage into the Bashakill.

Ms. Marusic said she has seen it ... it is black and it is going into the Bashakill. She asked how they as residents bring him information to show him that it is happening.

Supervisor Spears said that when they saw the pictures, they notified the DEC and they went right out. *Ms. Marusic* asked if Mr. Spears had the report from the DEC and he said not yet but they will report back.

Ms. Marusic went on to say the Center shall have 500 gallons per day. In a letter they received from Engineer, Andrew Willingham, it says a letter went to the Deerpark Planning Board regarding the Dragon Springs needs and amendments. It states that the area that is part of the Neversink River Watershed, which is a special protection area as identified by the DRBC, wastewater discharges over 10,000 per day in these areas necessitate DRBC approval. The applicant is aware of this requirement as they have a primed water waste discharge permit from DRBC for 18,400 GPD's approved by the DRBC on 3/2/11, however, recent submissions by the applicant to New York State DEC includes a new watershed treatment plant with a service discharge of 100,000 GPD's. As a town resident, she doesn't see ... she tried to find from the stipulation settlement ... she tried to find just what environmental reviews were done for that area because it is such a large development and there are so many larger developments coming down the pike. Because of the HMU zoning, the potential there is even greater because every month someone new is coming in proposing another strip mall, another 100 apartments, another 200 parking lots ... who knows what else is coming down the road. So, she didn't see anything beyond a short form EAF on any of the records that she has foiled. She asked if there ever had been a SEQRA or anything else that has been done in that area. She is looking but not finding it.

Supervisor Spears tried to clarify her numbers and *Ms. Marusic* stated the settlement says that as of June 2014. Some discussion followed. He reminded her that her comments should be about the HMU zone on Galley Hill Road. He said HMU zone has been for Dragon Springs since day one ... the change was farther down on Galley Hill Road, which was RR is now HMU.

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Ms. Marusic she asked to clarify what Mr. Spears said was the largest development on Galley Hill Road right now is Dragon Springs and Mr. Spears said it has always been HMU.

Town Attorney Glen Plotsky stated the confusion with numbers is because these are DEC numbers and those numbers came from a letter he just sent to him.

Town Engineer Al Fusco said they are indicating that there is a request for more and that request needs a tremendous amount of backup and the DEC is requesting that backup.

Ms. Marusic continued speaking and her comments are on file in the Town Clerk's Office.(51)

Ms. Marusic returned to the HMU change petition. She asked what will make them decide this ... Supervisor Spears answered her by saying the petition was to get them to open the discussion. He said there are people there that disagree with her who are also there to speak and they are going to listen to them also. Ms. Marusic asked if she should get more signatures. Supervisor Spears said the discussion is well under way that she doesn't need more petitions. Ms. Marusic asked how much longer they would need to consider this request. Supervisor Spears said they are considering it now but have not taken action as of yet.

Carla Kidney – Longtime resident who left Deerpark a bit to serve her country and is happy to be back. She, with the help of someone else, run the Citizens for the Preservation of Deerpark page on Facebook. She was there to talk about zoning. Her concern was that sometimes she believes people take it as intolerance and that they are not accepting of outsiders coming to the Town of Deerpark. She said they can all thank an immigrant for them being there and that was certainly not the case. After what Mr. O'Neill said, it is more about the more general overall well-being of the town. It is not at all about signaling out one particular group because of their religious practices. A lot of times, people's attention is favored into the YMCA camps instead because they are tax exempt and they are very large development organization as well in terms of infrastructure and physically the buildings. And as they learned earlier, they host 16,000 kids a year, they put up \$16,000 for their day camp alone. She has benefitted from the YMCA because they have allowed Huguenot Fire Company to host their annual picnic there, a lot of their members came down and volunteered with the Huguenot Fire Company's Haunted House. Her own children have been going to camp at a subsidized rate to their day camp. Her one son is always racing there for cross country. So, undeniably YMCA is a good tax-exempt organization for the town to have because they contribute in so many ways. The other, I would say, is Buddhism in Deerpark. They've all seen the Buddhist in their long reddish colored robes ... they've seen them patronize their businesses in town and in the City of Port Jervis, across county lines and state lines. They are very kind. They open their doors for retreats to share their practices of modest living and they even advertise these online. Dragon Springs, however by comparison, and this is where she's leading into her concern for zoning, does not have open doors. It simply does not. In fact, it appear there is no transparency at all, even from within. While all the social media people who are identifying themselves on Facebook as living at Dragon Springs or having an affiliation with Dragon Springs, taking so much pride in the buildings that are developed at Dragon Springs, they never, ever, ever share pictures of Dragon Springs. Ever. To her that seems very unnatural. It makes her really wonder about the culture up there that if it is really this thing of beauty that they are so excited to share with the world, she has never, ever seen pictures. The gates and the fence surrounding it suggest the same. For herself personally, that would make her suspicious of the signatures. Why are they so isolated? They know the impacts of such extreme isolation. The first comparison that pops into her mind is Jim Jones and the people's temple. These people are terrified of us she said. The reason she feels they are so terrified is she herself has been accused of being in the Chinese Communist Party. She said she is a 35 year old US Veteran, mother of four, English Teacher...she has nothing to do with the Chinese Communist Party. And just like Jim Jones and the people's temple, it is the same story of fear of the outside world. It is completely synthetic. There is nothing about her in the way she conducts herself, present herself and no amount of hate in her heart for these people who she feels are being taken advantage of and exploited. It just makes her feel this is a vice and they are isolating these people even more. She believes they all have seen it. With regards to the pictures that were going around, the page had over a hundred shares of those pictures. The pictures had over 10,500 views. So again, she asked them to consider that when they take into account these signatures for changing the zoning, because 10,500 views tells me this is a hot topic. This is a real issue of concern. She thinks that if they put that 10,500 views side by side of the town's population, it would be quite striking. If she is correct with that runoff, they are out of compliance with their waste management plant. They are not in compliance. That black water, if they didn't know that, they might assume that. If she is correctly informed, being out of compliance with their waste water management, their ground is saturated with waste water. This is the same ground, they themselves are pulling or drinking water from and the other residents on Galley Hill Road are pulling their drinking from. Earlier they listened to a lovely lifelong resident of Deerpark and she said and Ms. Kidney said she wanted to apply it to the

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zoning at all, then no one should be allowed to enrich their own lives at the expense of others. She added that Dragon Springs will likely continue to do as they wish. They ought not to give any group license to do so. She asked they change the zoning back to Rural Residential.

Dan Hoskins – 67 Galley Hill Road. He has lived there for 20 years. He has some bad neighbors. He rides up his road and sees where the Deerpark Farms used to be and now it is just a hole and runoff and still has basketball courts and other rubbish laying around. But you look at some of the other property around and their lawns aren't maintained, they don't look like they're used, but they are. This is reaching across the road, lowering their property values, it's causing runoff both on Galley Hill Road and over on Guymard. The Building Permits, the lack of a site plan, the lack of building permits for some things, for some areas on his road ... lately, these people are not going to adhere to the rules in the loosest way possible. So, he asked they go back to the laws being more stringent if it can't be on the main Dragon Springs property, but ancillary properties where it is visible. Where it is making sections of blight on his road that never used to be there. He would say when you look at a petition the organization can get signatures on a petition. They can get signatures on checks for election ? But they are not from residents, they are not from voters.

Patrick Cavanaugh – 258 Galley Hill Road. He wanted to direct his talk to the change in zoning. Dragon Springs at the bottom of the hill there is HMU, you say it has been that all along. That's not going to change with the zoning they are asking you to go back, so ... but, what he wants to say is that the people about the mining and their zoning and the HMU there that allows a mining corporation to come in right next to a conservation place and people's homes and our deal on Galley Hill Road, are very similar. That it was residential, it got changed, they're trying to put in more commercial, it is going to be the same kind of growth that Dragon Springs has that they can't change now. If they don't change this HMU that was changed above Dragon Springs, they'll have the same kind of problem with what they tried to put in there now. He said there are 305 people allowed in Dragon Springs and they have a ten story building they just built? He said he saw pictures and assumed they saw them too. He said he didn't know what was up there. He was trying to get Galley Hill, what's left of it to stay as a world single family home residential area that most of the people who live there want. The reason they came there was an area to live in. If people who are affiliated with Dragon Springs and want to buy property on Galley Hill Road is certainly acceptable and as long as the single family homes that are doing that and most of the people he has talked to that love the rural setting that's there, there's not that much difference in terms of what they are talking about in changing this back. They have to separate it from the mammoth Dragon Springs thing in the bottom that is polluting and all that kind of stuff. But, that is allowed because it is HMU. He wants to get rid of HMU. That growth was allowed through HMU. 305 people—and his believe is there are a lot more than 305 people living there. That HMU allows that to happen. If they could go back to single family residence and the rest of Galley Hill Road would make him feel much better.

Town Attorney Glen Plotsky said he and the Town Engineer discussed the comment of Big Pond Road and the mine is RR. It just so happens that mining is a special permitted use in the RR zone. Dragon Springs is a religious use. It might also be in a RR zone, or originally was. Religious uses are special permitted uses in RR zone. Changing the zoning has nothing to do with the HMU—how large they are or anything else. Over the course of time, they have come in, made applications and some of those applications have been approved. Right now there is a bunch of applications that are pending and they working on resolving various issues.

Mr. Cavanaugh continued that he might be right with the specifics, but the idea is the same that by opening up this rural, quiet, 3 mile long road between 211 and 209 to commercial ventures such as they've made applications for and were turned down ... up at the far end of Galley Hill Road is really not what the zoning is to have for that road. He'd like to have it changed back to RR.

Supervisor Spears apologized for stating it was an HMU zone when it was special use permit for religious purposes.

Victoria Ingrassia – 21 Basha Drive which is at the bottom of Galley Hill Road. While walking her dogs in front of Dragon Springs, she had a very candid conversation with Liam O'Neill, he specifically stated that there were 200 adults and 400 children living up there in Dragon Springs, so that exceeds the 307 person cap there. She personally would like not to see commercial use on that road that turn off 211 onto to Galley Hill. It's already frightening enough and there have been many accidents right there. She asked that they turn it back.

New Business

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, MARCH 7, 2016**

Motion to Amend Minutes of February 22, 2016

Motion by David Dean, 2nd by Ken Smith to amend the Minutes of February 22, 2016 to reflect that Resolution 3 of 2016 reflect that Troll Road is a Private Road and passes through the Town of Deerpark, and the date is February 22, 2016.

VOTE: 4 AYES: Ken Smith, Arthur Trovei, David Dean, Gary Spears

1 ABSENT: Alan Schock

MOTION CARRIED

Motion to Approve Correction to Minutes of February 22, 2016

Motion Ken Smith, 2nd by Arthur Trovei to allow Orange County Board of Elections to use the Senior Center for an elections class on June 3, 2016.

VOTE: 4 AYES: Ken Smith, Arthur Trovei, David Dean, Gary Spears

1 ABSENT: Alan Schock

MOTION CARRIED

Appropriations, Budget and Payment of Bills

Motion to Pay Bills and Accept Budget Officer's Report

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

General Fund Abstract #4 of 2016 in the amount of \$109,807.07
Highway Fund Abstract #4 of 2016 in the amount of \$122,218.26
Engineering Fund Abstract #2 of 2016 in the amount of \$520.50
Special Reserve Fund Abstract #3 of 2016 in the amount of \$760.09

VOTE: 4 AYES: Ken Smith, Arthur Trovei, David Dean, Gary Spears

1 ABSENT: Alan Schock

MOTION CARRIED

Closing Board Comments

Motion to Enter Executive Session to Discuss Litigation Re: Academy Ave./Dragon Springs/Tax Certiorari at the End of the Meeting

Motion by Ken Smith, 2nd by David Dean to enter Executive Session for the purpose of discussing litigation matter involving Academy Avenue - Corcoran, Dragon Springs and tax certiorari at the end of the meeting and invite the Town Attorney and Town Engineer.

VOTE: 4 AYES: Ken Smith, Arthur Trovei, David Dean, Gary Spears

1 ABSENT: Alan Schock

MOTION CARRIED

Closing Board Comments

Councilman Trovei said he appreciates everybody coming in and giving them input to help them govern this town and whatever they can do to move it in one direction or another. There are some things the Town Board can do and there are some things they can't do and some things are out of their hands. Planning is not something the Town Board is responsible for. They are not allowed to tell the Planning Board what to do, who to approve and not to approve. They are not in any control of DEC. Whatever they determine, they determine. It is out of their hands. There are things they just can't do. They are there to listen. There are just things they can't do as a town board legally—legally they cannot sway their court system to make decisions, they can't sway their Planning Board to do it a certain way. They certainly can't sway the DEC. The Supervisor has already sent letters to the DEC to make them aware there are concerns of the town and the Town's people who have continued to do things like that. There are certain things their hands will be tied with.

Councilman Dean said that was well said. He urged everybody to pay close attention to the newspaper. If there is official information that they learn about like DEC and the mine, they will be certain to let everybody know. That will be public information. On this one, even though New York State is a Home Rule State, the DEC has jurisdiction over mining. They will

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, MARCH 7, 2016**

do what they can. All need to understand the board does not have jurisdiction. It is not the best place for a mine. A lot of them would agree with that. Unfortunately, they have the opportunity in America to go about this and see whether they can get approval. Just because they own it doesn't mean they'll get approval. Just because we don't want it doesn't mean they won't. It's the way it is.

Town Engineer Al Fusco stated the DEC will have Public Hearings on the Environmental Impact Statement and everyone can make written and/or verbal comments. So even if you miss a meeting, that leaves an opening for written comments. But it will be announced in the newspaper as Councilman Dean said after you become aware of that. He was sure there was a network in their neighborhood to know everyone gets the knowledge of it. When they do come to the Planning Board and they look at the site plan if and when the DEC completes it, at that point there will be a Public Hearing for the site plan and you'll receive notices of the Planning Board to everyone within 500 feet of the property. Discussion followed. The mining operation is all by DEC. There will be Public Hearings and public comment.

Councilman Dean said this is a process. It can be agonizing. You have to be courteous. You have to be factual. You can't embellish and blow things out of proportion for you because that doesn't work. You truly have to stay focused on what the issues are. That kind of information can hold sway with DEC or federal agency, and so forth. There is no benefit to making things sound more horrible than they really are.

Councilman Smith said his colleagues said it all. He added they appreciate the people coming and appreciated their input. If they write the DEC, give them a copy and he encouraged them to be clear and concise. He said they are there to do the best for the town, they really are. They are in a very, very difficult position at times and they really have to weigh things, so they appreciate their understanding. Coming to these meetings is very important and staying involved is. They all thank them for that.

Supervisor Spears also thanked everybody. On all sides of the issues, they all try to be fair. They want to listen to both sides. They want to listen to what they have to say. People come from different walks of life. They have different philosophies. They have to take that into consideration. What they need to do is judge things on their zoning law, their town law, on whatever and try to do away with personalities and different things like that. He reported on what seems to be a hot topic, they went into a building of better relations with Dragon Springs. They are in contact with them, with their attorneys, with their engineers ... he feels they are making good progress moving forward. They have seen their side and he said they are trying to understand their side. They have to move forward. They are here and you've met many of them, they are wonderful people. Things in the past haven't gone the way they would have liked, but that doesn't mean they can't go that way in the future. They are going to be here for a long time, just like hopefully all of us are. They are hoping they can all be good neighbors. They are working towards that goal. Not everything will be perfect but the board is working with professionals for both and they are making good headway. As things come up where they need to notify residents, they will post communication to their website and if DEC has a meeting to discuss the mine or a sewage project of Dragon Springs they will try to get that out so everyone knows about it. Their input is very valuable not only to the board, but those making decisions. DEC will decide on whatever gallon per day is approved for Dragon Springs. They will make a lot of decisions on the mine. They will make all the decisions that have to do with environmental concerns ... dust, noise, things like that. The town will discuss the traffic, the roadway, setbacks, 500 foot setbacks from residences and they are going to discuss screening, hours of operation and since it is a special use permit they can bring up other things. So, their input is important.

Supervisor Spears announced that DEC has a ban on burning in the Town of Deerpark or in the state of New York from March 15th to May 15th.

The Board recessed until they went into Executive Session.

Motion to Re-enter Regular Session at 10:00 p.m.

Motion by Arthur Trovei, 2nd by David Dean to re-enter Regular Session at 10:00 p.m.

VOTE: 4 AYES: Ken Smith, Arthur Trovei, David Dean, Gary Spears

1 ABSENT: Alan Schock

MOTION CARRIED

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, MARCH 7, 2016**

Motion to Adjourn at 10:02 p.m.

Motion by Ken Smith, 2nd by Arthur Trovei to adjourn at 10:02 p.m.

VOTE: 4 AYES: Ken Smith, Arthur Trovei, David Dean, Gary Spears

1 ABSENT: Alan Schock

MOTION CARRIED

Respectfully submitted,

Florence T. Santini
Town Clerk

Dear

Feb. 16, 2016

As a life long resident of Huguenot, N.Y., I must question the negative and yet unknown implications allowing mining with blasting on Big Pond areas where there are many lovely established homes with families whose water and air qualities will certainly be affected and is horrifying as clean air and clean water are needed for life.

Big Pond road has bends, hills, curves and is difficult for 1 car to navigate as it is also narrow; the thought of huge heavy trucks pounding the pavement is going to destroy our roads and create nightmarish traffic for our local people to just go home.

No persons or company or project should be allowed to destroy landowners way of life and to the detriment of our community just so they can enrich themselves at the expense of our community and neighborhood.

Big question? How and who gave approval to Big Pond Road mine site to have hogs that kill off protected timber rattlesnakes?

Please help protect our essential life environment.

Thank you

Janice Bullis

Telephone # 845 856 3443

68 martin Rd Huguenot, NY 12746