



APPROVED

TOWN OF DEERPARK ZONING BOARD OF APPEALS – AUGUST 18, 2016 -

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, August 18, 2016 at 7:30 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS PRESENT:

Daniel Witt-Chairman
Cheryl Greene

James Harrington- Vice Chairman
Jane Lord

BOARD MEMBERS ABSENT: Lee Cornell

OTHERS PRESENT:

Glen Plotsky, Town Attorney
Alfred Fusco III, Building Inspector
Alfred Fusco Jr., Town Engineer
Edward Hughson, Highway Superintendent
David Dean, Town Councilman

Meeting brought to order at 7:46 pm.

Pledge of Allegiance

APPROVAL OF JULY 21, 2016 MINUTES –

Motion to Approve July 21, 2016 Minutes.

Motion made by Jane Lord, 2ND by James Harrington to Approve July 21, 2016 Minutes.

Vote 3 Ayes: James Harrington, Daniel Witt, Jane Lord. Cheryl Greene abstained she was not present at July 21 Meeting.

MOTION CARRIED

DRAGON SPRINGS – Area Variance – Appeal Number 16-002 – Public Hearing – continued –

Richard Golden – Representative for Applicant from Burke, Miele & Golden, LLP
Ashley Torre – Representative for Applicant from Burke, Miele & Golden, LLP
Johnathan Lee – Applicant

Town Attorney described the plan for the Public Hearing stating that anyone who spoke at last month meeting will not get the chance to speak again, only new names will be called, each person will have 5 minutes to state their comments. He also stated that proof of mailing was done before the July 21 Meeting, there were no new mailings done for this meeting.

Town Attorney then introduced Exhibits that have been received since the July Meeting:

- Exhibit #9A – Color photos from Pat & Noel Malsberg.
- Exhibit #13 – Letter from Bob McMillen.
- Exhibit #14 – Email from Dave Colavito, Dated August 10, 2016.
- Exhibit #15 – Email from Grace Woodard with attached letter from Susan Erny, Dated July 20, 2016.
- Exhibit #16 – Letter from Dora Li, Dated July 27, 2016.
- Exhibit #17 – Letter from Sophia Bronwen, Dated August 17, 2016.
- Exhibit #18 – Letter from Jianjiang Ye, Dated August 16, 2016.
- Exhibit #19 – Letter from Shujia Gong, Dated August 17, 2016.
- Exhibit #20 – Letter from Chunlin Li.
- Exhibit #21 – Letter from Loren McCune.

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DRAGON SPRINGS – Area Variance – Appeal Number 16-002 – Public Hearing – continued –

Town Attorney then continued with more Exhibits that have been received:

Exhibit #22 – Letter from H. Neil Zimmerman; President of Friends of the Shawangunks, Dated August 13, 2016.

Exhibit #23 – Fusco Engineering Comments, Dated August 15, 2016.

Exhibit #24 – Letter from John Lyons & Kimberly Garrison from Grant & Lyons; Attorney for Deerpark Rural Alliance, Dated August 18, 2016.

Exhibit #25 – Letter from Grace Woodard, Dated August 18, 2016.

Exhibit #26 – Letter from Unknown Person Delivered by Grace Woodard, Dated August 18, 2016.

Exhibit #27 – Petition from supporters of Dragon Springs.

Motion to open Public Hearing.

Motion made by James Harrington, 2ND by Jane Lord to open Public Hearing for Dragon Springs.

Vote 4 Ayes: Cheryl Greene, James Harrington, Daniel Witt, Jane Lord.

MOTION CARRIED

Edward Hughson – Mr. Hughson stated that he has been the Highway Superintendent in the Town of Deerpark for 9 years. He continued that he issued a Driveway Permit to Jonathan Zhou on September 14, 2014, and on October 10, 2015 is when it was noticed that the driveway was not in compliance. The driveway was over 100ft and there was no negative slope; it was a 4-5% positive grade. He further stated that it was completed after the 1 year mark that it should have been done by; Mr. Hughson also read the Town Local Law into record regarding driveway widths that states the requirement is 50ft for Commercial and 25ft for Residential. He also added that he has never issued a permit with a positive grade and all driveways in the area that currently have a positive grade were issued before he was Highway Superintendent. Mr. Hughson then explained the reason for the negative slope is to prevent runoff of water and sediment onto the main road to limit accidents due to icy or slippery conditions because of the runoff. He concluded by saying that the driveway was poured with concrete which is not frequently done.

Alfred Fusco III – Mr. Fusco explained that when Dragon Springs came to the Building Department for a permit for the bridge they were told they needed to replace it with a same size bridge or it would have to go to the Planning Board for approval. Dragon Springs stated that it was decided they wanted a bigger bridge of 13ft 8in and were told by Building Department to go the Planning Board.

Alfred Fusco Jr. – Mr. Fusco stated that Fusco Engineering has been practicing since 1986 and has been the Town Engineer for 9 years and then combined with the Building Department 4 years ago. He continued by saying that 1 ½ years ago Dragon Springs asked about replacing the bridge and they felt they needed bigger than what was there but came to the Building Department with a plan of 12ft wide bridge. He further stated that on October 14, 2014 the Building Department went to inspect the work and found that there was water in the footings, but after that they poured the footing, completed the flooring wider than the plans, and that's when the issue with the driveway came about and a stop work order was posted. Mr. Fusco stated that he has reviewed the new submittal and the Long Form EAF and have only found a few minor issues with typos. Also the turning radius for Fire Trucks is waiting for response back from the Fire Department. There was also a hydraulic study done but detailed calculations need to be shown and a response from DEC regarding the study. Also a habitat study was done and information on the impact that a higher fence will have on small mammals and the concerns DEC has on the effects in the habitat need to be taken into consideration. Mr. Fusco suggested moving the fence 15-20ft off property line instead of 18in.

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DRAGON SPRINGS – Area Variance – Appeal Number 16-002 – Public Hearing – continued –

Town Attorney: Mr. Plotsky then added more exhibits into record:

Exhibit #29 – Newest Submittal from Applicant Dragon Springs Buddhist, Inc.,
Dated August 8, 2016.

Exhibit #30 – Certified Return Receipt Letter from Burke, Miele & Golden, LLP, Attorney for
Dragon Springs to Cuddebackville Fire Department regarding Variances, Dated August 4, 2016.

Public Comment –

Philip Marsh – 20 Avenue E – Mr. Marsh stated it seems that Dragon Springs is allowed to do what they want, they have no concern for the impact of the animals in the area and the ecosystem.

Frank Ketcham – 212 Homestead Ln, Otisville – Mr. Ketcham stated that he felt the variances should be denied because they have already built the bridge and driveway and interior fence, and also feels that the driveway and bridge should be removed and rebuilt to plan or code.

Town Attorney: Mr. Plotsky added Mr. Ketcham's Letter into record:

Exhibit #31 – Letter from Frank Ketcham, Dated August 18, 2016.

Andy Willingham – Willingham Engineering – 10 Main St, New Paltz – Mr. Willingham explained he was retained by the Bashakill Association which is a "watch dog" of the Bashakill watershed. He continued by saying that he reviewed the application and found that the maps are not signed by a professional engineer or surveyor. He also stated that in his professional opinion the exhibits that Dragon Springs have put in their Application show that the variances are self-created. He further stated that the fence around the perimeter of the property is a concern with the 7 streams, of which 4 are DEC regulated. There is also flooding and environmental issues he felt there was not enough detail in the plans. He also stated that the Bridge width is far more than needed, most firetrucks are 8 ½ ft. wide and have enough room even with railings on the 13ft proposed Bridge. In his opinion he feels that the application should be denied.

Town Attorney: Mr. Plotsky added Mr. Willingham's Letter into record:

Exhibit #32 – Letter from Andy Willingham, from Willingham Engineering,
Dated August 12, 2016.

Chunlin Li – 12 Wedgewood Lane, Middletown – Ms. Li stated that the need for the fence is to protect the safety of the students and faculty. She continued that she is a teacher at the Fei Tian College which is a religious college, and the fence is security there are many Students or Parents of Students who have suffered. She also stated that a colleague of hers was beaten; another Dance Teacher at the Academy had her house broken into and laptop stolen. Ms. Li ended with a story of a student in her class and her family's prosecution.

Town Attorney: Mr. Plotsky added Ms. Li's Letter into record:

Exhibit #33 – Letter from Chunlin Li.

Jianjiang Ye – 228 Route 209 – Mr. Ye stated he had 2 children in the school at Dragon Springs and he moved here for a good school for his children and as a parent he would like the fence for a feeling of safety for his children, he added that an 8ft fence may not stop intruders but it would deter them. He also stated that there was a house ruling from the House of Congress giving examples of Chinese Government persecution in the United States.

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DRAGON SPRINGS – Area Variance – Appeal Number 16-002 – PUBLIC HEARING – continued –
Public Comment continued:

Town Attorney: Mr. Plotsky then added another exhibit into record:

Exhibit #34 – Letter from Jianjiang Ye, Dated August 16, 2016.

Sophia Bronwen – 2313 Mountain Rd, Otisville – Ms. Bronwen is a Teacher at Dragon Springs and she is concerned for the safety of the children and feel that 2 entrances/exits is needed and also the fence, many children and parents have been through too much and a fence will help aide in the feeling of security.

Loren McCune – 323 Neversink Dr. – Mr. McCune stated that he volunteers at Dragon Springs, he is a business man in the Town; he also stated that he has been before the Planning Board for a subdivision for property on Route 209 and knows that not only does Dragon Springs need Board Approvals but also outside agencies need to sign off on permits and such.

Susan Erny – 2475 Route 209, Wurtsboro – Ms. Erny stated she was a resident of Shawangunk Valley Area and continued that Falun Dafa is based on honesty and there are too many violations on the property for there to be honesty. She added that instead of a fence, video surveillance could be used.

Patrick Cavanaugh – 258 Galley Hill Rd – Mr. Cavanaugh stated that over the years Dragon Springs have had hundreds of cement trucks drive over the 12ft bridge and fire trucks and ambulances are smaller, so why couldn't they of kept the size the same. He also stated that there is no final site plan for their future plans; he feels that they should submit a plan with their current and future intentions. He added that surveillance cameras would be the better choice than a huge fence.

Jenny Chang – 537 Galley Hill Rd – Ms. Chang stated that she works and lives in Deerpark, and that Dragon Springs is a local employer and customer of local businesses, and also a contributor to the local housing market. She continued that she works at Dragon Springs and has a copy a resolution from the U.S. Congress passed to stop the persecution of Falun Dafa practitioners in the United States from China's Government. She also stated that the fence is attractive and in regards to the North Gate that it is a better and safer entrance, the South Gate is narrow and Guymard Rd is small and not good.

Town Attorney: Mr. Plotsky then added another exhibit into record:

Exhibit #35 – House of Congress Resolution 304, regarding Chinese Government Persecution in the United States.

Gary Butler – 528 Galley Hill Rd – Mr. Butler stated he could not relate to the persecution but feels that the fence could aid in not letting them escape if something were to happen. He also stated that they have fort like structures up there. He added that the Town needs to stand up for what's right and apply fines.

Vivian Song – 223 Galley Hill Rd – Ms. Song stated that the width on the North Gate needs to be wider because it is not easy to turn into, and the Guymard entrance is far too narrow; 2 entrances are needed. She also stated that the fence needs to be approved and gave examples of friends and students whose families have been tortured.

Michael Zande – 1327 Route 42, Sparrowbush – Mr. Zande questioned if there were so many violations why nothing has been done about it. He continued by stating that he is involved in the arts and wonders why Dragon Springs is not open and accessible to the community. He continued by saying that if there is a fear of infiltration why do the 3 Dance companies go on tour around the country, with the hundreds of people that come to the concerts if they can do that why close off the community for supposed security reasons

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DRAGON SPRINGS – Area Variance – Appeal Number 16-002 – PUBLIC HEARING – continued –

Public Comment continued:

Grace Woodard – 2 Old Carriage Rd – Ms. Woodard requested that the public hearing be continued because the transcript from the last meeting was not made available. She stated she is with the Deerpark Rural Alliance and urges the Board to deny all variances due to balancing the detriment of the community to the benefits of the applicant, she feels the applicant fails to show proof that it is not self-created and believes the variances degrade the community.

Shujia Gong – Ms. Gong stated that she plans to move here, and she understands the concern with the wildlife but what about the concern for people and their safety. She continued by stating that Guymard is much steeper and curvier than Galley Hill so opening the Galley Hill entrance would be better. She further stated that Dragon Springs is reacting to what the Government in China is doing; she added that the community needs to take care of its people.

Kathleen Matthews – P.O. Box 92, Huguenot – Ms. Matthews stated she purchased her home in 2003, she continued that the Neversink River is clean and the wildlife and Bald Eagles need to be preserved along with the nature in the area.

Motion to close Public Hearing.

Motion made by James Harrington, 2ND by Jane Lord to close Public Hearing.

Vote 4 Ayes: Cheryl Greene, James Harrington, Daniel Witt, Jane Lord.

MOTION CARRIED

Town Attorney acknowledged that once the transcript is received by the applicant; they have 30 days to respond, a meeting will be scheduled once applicant provides response. He continued by stating that the Zoning Board has 62 days to make a decision after the Public Hearing but feels in this situation that the time requirement be waived, Mr. Golden agreed. Town Attorney added that any special meetings will be advertised.

Motion to Adjourn Meeting.

Motion made by Jane Lord, 2ND by James Harrington, to Adjourn Meeting at 10:07 p.m.

Vote 4 Ayes: Cheryl Greene, James Harrington, Daniel Witt, Jane Lord.

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary