

The Deerpark Planning Board met for their bi-monthly meeting on Wednesday, January 14, 2015 at 7:00 p.m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Al Schock, Chairman	Craig Wagner	Mike Hunter
Willard Schadt	Theresa Santiago	Steve Weiner

OTHERS

Mr. Al Fusco, III, Town Engineer	Mr. Glen A. Plotsky, Town Attorney
Mr. Dave Dean, Town Board Liaison	Mr. Ross Winglovitz, P.E.
Mr. Johnny Zhou, Applicant	Mr. Chun Feng, Architect, Dragon Springs Buddhist, Inc.
Ms. Minzy Pan, Dragon Springs Buddhist, Inc. P.E.	

THE PLEDGE OF ALLEGIANCE

BLUE RILL LLC. – PUBLIC HEARING - #14-0603

Represented by Mr. Ross Winglovitz, P.E. 457-7727
Owner/ Applicant Blue Rill LLC wishes to rehab several existing on-site structures for a bed and breakfast and accessory uses, on property located at 1106 Route 42, Sparrowbush, N.Y.
It is in the RR Zone.
Section - Block -Lot = 12 - 1 - 3 & 4.3
Application submitted on June 24, 2014
New maps were submitted on October 30, 2014

SEE ATTACHED PUBLIC HEARING RECORD

MOTION

Hunter made a motion for lead agency. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Weiner, aye; Hunter, aye; Schadt, aye; Schock, aye. Motion carried.

Al Schock read the negative declaration: “In accordance with 6NYCRR Part 617 State Environmental Quality Review regulations, specifically 617.7 determining significance, the Planning Board of the Town of Deerpark has reviewed the project application for the Blue Rill LLC site plan application. After thorough review of the application, plans, EAF, public comment, consultants comments, including review of the air quality, groundwater, stormwater, traffic, cultural resources, habitat, Town Ordinance, Town Master Plan, impacts on energy, and impacts on the community, the Planning Board hereby proposes, by motion, that the above project will not result in any large or important impacts and therefore is one which will not have a significant impact on the environment. Therefore, we hereby issue a Negative Declaration for the above noted project.”

MOTION

Santiago made a motion for negative declaration. Weiner second. Roll call vote: Santiago, aye; Wagner, aye; Weiner, aye; Hunter, aye; Schadt, aye; Schock, aye. Motion carried.

Willard Schadt asked about the walkway by the lake, is it safe? Will it be replaced at a future date?

Mr. Winglovitz answered that the idea is to block it off with a fence, until such time that the walkway over the dam will be fixed. He said that the idea is to discourage uninvited guests who may wander onto that area.

Willard Schadt asked about the final driveway?

Mr. Winglovitz said that it will be subject to the direction of the NYSDOT, and he then walked over to Mr. Schadts' map and indicated the locations on his map.

MOTION

Weiner made a motion for preliminary approval, subject to the applicants keeping the town engineer informed of any permits received from the State and/ or County, and addressing all of the town engineers' comments and payment of all fees. Santiago second. Roll call vote: Santiago, aye; Wagner, aye; Weiner, aye; Hunter, aye; Schadt, aye; Schock, aye. Motion carried.

Ms. Feasley thanked the board.

DRAGON SPRINGS BUDDHIST, INC. - # 10-0401

Represented by Mr. Johnny Zhou 754-7400

Owner/ Applicant Dragon Springs Buddhist, Inc. is seeking approval of changes made to the cafeteria building structure, including an addition of extra square footage, stories to the structure, residential and office uses added and the addition of a new music hall building, and the addition of a wastewater treatment building, with treatment capacity of 100,000 gpd on property located at 140 Galley Hill Rd., Cuddebackville, N.Y.

It is in the RR Zone.

Section-Block-Lot = 31 - 1 - 21.22

Application submitted September 10, 2014

Mr. Zhou said that according to the town engineering comments at the last meeting, there was a lot of information that his engineer had to do. He said that he has submitted new site plans with the changes that were requested. He said that he wanted to give the proper safety information on the new site plan, because the persecution is still happening, and he wishes to express to the board the need for the changes on the site plan. He said that he is asking for three things, and one is to have an addition to the building. He said that he had talked to the town engineer and then submitted the new drawings and paid the permit fees and penalties, so that the project could

move forward. He said that the second thing is that he has a new sewage system, 100,000 gallons, and the NYSDEC asked him to get approval from this board, before he can move forward. He said that he would like to move forward with the wastewater treatment plant, and NYSDEC has asked for proof that this board has done the SEQRA review, so that he can move forward and get approval from the NYSDEC. He said that the third thing he is asking for, is to change the meditation hall into a dormitory, and wishes to move that forward too. He said that he would like to move forward and have the public hearing.

Steve Weiner asked if the applicant had said a 10,000 square foot building?

Mr. Zhou answered that it is 2,500 square feet on each floor, and that is four floors on the new site plan.

Glen Plotsky clarified by saying that that is an extension by catwalk from the cafeteria. He said that with regard to that building, he said that he believes that it is completed; and that the applicant has taken out a building permit; and the applicant has paid \$34,000 and change in building permit fees; and finally he said that except for the fact that it is not identified on the plan, the building is otherwise completed, and ready for a certificate of occupancy. He said that the applicant says that it is built properly. He said that the building is substantial. He said that it is just an office building.

Theresa Santiago asked, has that building been approved by this board?

Mr. Plotsky answered that no, it has not. He went on to say that regarding the meditation hall being converted to a dormitory and the septic capacity, is of greater concern. He said that a GML-239 review does have to be made on this application, and after that 30 day waiting period, then a public hearing can be held.

Al Fusco reviewed his technical memo, dated January 13, 2015:

1. The drawings that have been provided are at a very small scale and are very hard to read. The blow up plans need to be at a scale of 1"=50' or larger, and also to enlarge the size of the smaller so that it is readable. Sheet C-1 will have to remain at its current scale. Provide match lines on the overall site plan. It is extremely difficult to relate between the overall plan and the individual site plans.
2. The site plan needs to clearly show that the buildings, force main, sewer line, fire line main, septic leech field is either existing or proposed.
3. The site plan should also include a Stormwater Pollution Prevention Plan. The limits of disturbance shall be shown on the site plan with a note clearly stating the area to be disturbed and how this stormwater is to be detained. The plan must comply with the NYSDEC stormwater SPDES regulations including stormwater attenuation, water quality treatment and green infrastructure compliance.

4. The sewer main and fire main profiles are very hard to read and we would recommend that the scale is changed from 1"=20' to 1"=10' vertical.
5. Provide stationing on the sewer and fire mains to co-incide with the profiles.
6. Provide on the overall site plan the location of wooded areas.
7. Provide protection from traffic for the existing and proposed buildings by means of bollards/guard rails.
8. Provide handicapped parking along with details.
9. Provide a detail for the parking stalls.
10. Provide road details for proposed Lake Drive.
11. Provide a guard rail (and details) along southeasterly line of Lake Drive.
12. The applicant is proposing to release 10,000 gallons of treated effluent to a swale that leads to an existing 12" culvert pipe. We would ask that a drainage study is provided to determine if the existing culvert pipe will be able to handle the increase flow. The treated water will then leave the Dragon Springs property and enter a culvert. A NYSDEC discharge permit is required.
13. The Board shall require, as a minimum, an expanded long form EAF. The following areas of concern are noted: (1) Proposed site plan will have major impact to Galley Hill Road. The plan is to eventually have 1,000 people living on site and would also to allow for 2,000 visitors. This will have a major impact upon the Town of Deerpark. (2) Traffic impacts including impact to Galley Hill Road. (3) Stormwater impacts from significant sight disturbance. (3) Stream impacts associated with surface discharge of treated sewage. (4) Visual impacts. (5) Groundwater impacts from construction of additional wells. The board may wish to consider the preparation of an Environmental Impact Statement.
14. The board should discuss the parking of buses along Dadao Road; the applicant is proposing to widen Dadao Road to allow buses to park along the road. This still poses a problem for emergency vehicle access to the site. We believe that the applicant should provide an area for overflow parking.
15. The project site according to the NYSDEC EAF Mapper, is located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO). This applicant will need to have a review performed by SHPO and the board should be copied all correspondence to and from SHPO.
16. The applicant has provided a short form EAF, we would request that the State and Federal government review the site, the NYSDEC EAF Mapper identifies that this site may contain species of animals, or associated habitats listed by the State or Federal government as

threatened or endangered.

17. The preparation of a full SWPPP needs to be prepared and submitted for review. Currently, only an erosion and sediment control plan has been prepared.

18. Provide an NOI for review and submittal to the NYSDEC for stormwater SPDES coverage.

19. Regarding the parking calculations, 30 parking spaces for 300 students seems quite insufficient.

20. The proposed fire protection system is unclear on the plans. Details how the system will supply fire water to the facility is unclear. The profiles are too small to verify depth of cover and utility crossings.

21. The lighting plan is insufficient. The plan must show actual isolux illumination values for all new areas of construction to confirm minimum site illumination for pedestrians and vehicle access. There are other areas of site disturbance and construction which are not illuminated.

22. Soils testing including percolation tests and deep test pits need to be provided for sub-surface disposal of treated sewage for the south side disposal.

23. Handicap parking stall and calculations could not be found. Fire lanes for fire truck access, also needs to be shown on the plans.

24. The plans must be reviewed by the fire department and by the highway superintendent. Please submit to them for review. The proposed hydrants and fire suppression system must be compatible with the local fire department.

25. Provide a copy of the NYSDEC dam permit for the construction of the approved lake.

26. Provide an updated survey.

27. In light of the large number of pedestrians expected at this facility, the board should discuss the need for sidewalks to be installed.

28. A detailed landscaping plan should be submitted for review.

29. Provide drawings and specifications of proposed sewer treatment plant.

30. A stormwater collection design system must be included for the improvements to the parking lot and rehearsal hall and music hall. Stormwater quality and quantity treatment is required as per NYSDEC stormwater regulations.

Minzy Pan wanted to clarify about the leech field, which she said is too small, and the two options is to either enlarge it, which however, will require cutting down a lot of trees, and that

would be a great disturbance. She said that the second option is to build a new wastewater treatment plant, which is in her proposal, and is very reliable and very stable. She said that the effluent is very pure and very clear. She said that that a long study that she has done, has shown that the most economic way is to build a larger plant, because in the future the plant would already be built, and the cost to build a large plant now, would not be much more cost than to build a smaller plant. She said that they would employ outside contractors to build that. She said that it may be possible to have 2,000 residents in the future, but then there may not be that many residents, she cannot tell. She said that the area will be for education and dancing, and the people are very quiet. She said that they do not expect a great number of people there now, at this time. She said that in the future, if there is a great number of people that come, then she will come back before the board for another application. She said that right now, it is only for students and the faculty.

Willard Schadt asked if there is any reason that all of the usage can be run into the sewage plant, why build another one, because this one is going to be so large?

Minzy Pan answered that it is located very far from the business center, on the other side of the mountain. She said that the soils are not very reliable, and a pump station may have to be used.

Stever Weiner asked, are you asking for this boards' approval for a wastewater treatment plant now?

Glen Plotsky clarified by saying that they intend to build a larger system now that will accommodate more people in the future, because it is cost effective to build now. He said that the applicants are asking the board to rely on them to come back for a traffic study, if and when, they actually go to 1,000 residents plus the 2,000 visitors. He said, as this boards' attorney, that if they receive approval and build a wastewater treatment plant, that can accommodate 3,000 people, he said that this applicants' history is such, that no members of this board would feel comfortable relying on the applicant coming back before this board to do a traffic study. He said that if they do go up to 3,000 then they will need traffic control devices and expanded roads, etc. He said that a study needs to be done now, before approval is given, because otherwise there's no regulatory power at all. He said that when the board knows what the ultimate possibility is, then the board can tell them to do what needs to be done. He told the applicant to prepare their long form EAF and submit that. He said that this board is not supposed to allow "creeping subdivisions", where the project is built in stages, and morphs to a too large project. He said that this is exactly what this applicant is doing, but the board needs to do their review, based upon what the applicant believes will ultimately happen on the property. He said that the board needs a number of how many people they expect ultimately, and do the research on that number, and do not do this project piecemeal, and give the board a full, final review.

Mr. Zhou stated that they aren't building this to benefit themselves, but to help the persecuted people that want to come over from China. He said that he left his family and his business to come and work here. He said that they do not break the law, and they are 100% volunteers, and live on 100% donations. He said that they do not benefit, and the engineers do not get a penny. He said that 46 people died in China in 2014. He said that he tries to bring history and culture.

Glen Plotsky said that this board is not trying to stop them from doing this and has not told him no, and they are asked to do the same things that this board asks of any other applicant. He repeated for the applicant to bring the long form EAF to this board and to have the correct numbers. He said that even though the applicants were told by the courts to come before this board before doing any construction, they, unfortunately, have done it again.

Mr. Zhou said that he has come and taken over the leadership in April 2014, and has been trying to do his best. He said that some things have been done before he came, and now he is trying to do the right thing.

Glen Plotsky told Mr. Zhou that compared to others before him, he is doing a good job, and to just bring in the expanded EAF to this board, and in the interim, there can be no building. He thanked Mr. Zhou for trying to do the right thing.

Mr. Zhou asked the board to help him to move forward.

Al Schock stated the fact that this applicant sued the Planning Board, and because of that litigation, a whole year of time to build was lost.

Mr. Zhou said that he will provide the sewage plant information to the board asap.

After consulting with Mr. Fusco, Mr. Plotsky said that separate documentation needs to be submitted to support the 10,000 square foot addition and the meditation building and the proposed leech field, then the proposed two building can be approved, and that approval will be separate from the septic system. He said that if the applicant submits the proper documentation, then, at least that part of the project can be moved forward. He said that as soon as the board gets this information, then a public hearing can be scheduled for the buildings and the leech field.

Willard Schadt asked, where does the long form EAF fit into this?

Mr. Plotsky answered that the long form would fit into the sewage treatment plant aspect of this project, and it's the global part.

Willard Schadt said that the board is again, treating this application in pieces then. He said that he is afraid that this will again not be done correctly, and a traffic study will then not be done, down the road.

Glen Plotsky said that the long form is really required for the waste water treatment plant, which is driving it, and it also drives the occupancy. He said that the leech field that the applicant is proposing is not anywhere near the 1,000/ 2,000 threshold that the wastewater treatment will be.

Willard Schadt asked, what if it is?

Al Fusco answered that that is part of the details that his office is asking for. He said that it will

service 40 bedrooms, and two toilets in the visitors center. He said that the leech field can only serve what those two buildings use.

Willard Schadt asked if the existing system is still going to continue to be used?

Mr. Plotsky answered that it has to be, because the site is so expansive and contoured is such a way, that what they currently have cannot service these other two buildings, and that's why they are asking for the new leech field. He said that there will be two leech systems.

Al Schock said that it is his feeling that this board is being very nice, but there will come a time when the applicant has to address the road and the sewage on the neighbors. He said that this board has to do due diligence. He said that the neighbors have to be protected, some have been there for fifty years, and they live there and somebody has to address their issues. He said that this board has to protect the neighbors and the applicant, and all are equal.

Mr. Plotsky repeated that the board still needs the expanded EAF, but lead agency cannot be distributed on the global proposal. He said that right now the board does not have the mini-applications for the two buildings. He said that when the information is submitted the board can declare their intent for lead agency. He said however, GML-239 distribution still has to be followed. He said that as soon as the applicants get the revised documentation to the board, the sooner they can get on an agenda, and then the board can declare their intent to be lead agency. He said that both of the processes can be looked at simultaneously by this board, but the global aspect, the wastewater treatment plant aspect, will be a much longer process. He said that the board has to declare lead agency separately for the two applications, which require two different reviews. He said that a short EAF is only needed for the shorter applications of the two buildings.

Willard Schadt asked, if a second leech septic system were installed, what impact would it have on this 307 number, which is the number that was settled upon, in the court case?

Mr. Plotsky answered that it will up the number of whatever number that second leech field can accommodate.

Willard Schadt said that this distresses him, because now every time they put in another septic system, there's another 300 and no study, and then another 300 etc. He said now again, with all of the litigation and time, the 307 number was agreed upon, and now this piece work will up the number again.

Mr. Plotsky answered that when the applicant submits their paperwork, the board and the applicant will be able to determine the number of people that the additional leech field can accommodate, and if that number is high enough and the board believes that a long form EAF is required, then the board can require a long form EAF, rather than the short form.

Steve Weiner said that it sounds like the applicants' intentions are for a very large amount of people to be on the property, and asked the applicant that if they know what that number will be, whether it be 1,000 or 2,000 or 3,000 people, then please state that and put the number down

now and plan for that. He said that this board wants to approve the whole project, but cannot do that, because this board does not know what number the applicants' intention are for, in the future.

Mr. Zhou said that he doesn't know the number.

Steve Weiner said that Mr. Zhou just needs to give his best guess and come up with a number of people that they intend to have.

Glen Plotsky said that it doesn't matter what the applicants intentions are, as they can say that they intend only for 350 people; but if they design for 1,000 people, and submit a plan, then the board will review the plan for 1,000, and the board will rely on the town engineer to give the board that number, once he has the wastewater treatment plant designs. He said that the last site plan, that was court approved was based on the number of people that that septic would handle, which was 307, that's how the court and the town and Planning Board came up with "this is the maximum occupancy" and this is what the board is going to do now, but with a different type of water treatment plan, which will accommodate a whole lot more people. He said that whatever that maximum number is, that's what the board reviews for. He said that the board plans for what the Building Code, or the State requires, plans for the maximum occupancy based on the science, not on the verbiage.

Mr. Zhou said that he has submitted additional information, for the 100,000 square foot.

Al Fusco said that he only has a picture of the building, but other information needs to be added to the site plan.

Willard Schadt said that the applicants will come back with the new applications and maps, and the board still has the right to say that they don't have enough information, and the board still has the right to say that the applicant will have to go forward with the whole project at once.

APPROVAL OF MINUTES - DECEMBER 10, 2014

Santiago made a motion to approve the minutes from the December 10, 2014 meeting. Wagner, second. Roll call vote: Santiago, aye; Wagner, aye; Weiner, abstain; Hunter, aye; Schadt, aye; Schock, aye. Motion carried.

ADJOURNMENT

Hunter made a motion to adjourn Weiner second. Roll call vote: Santiago, aye; Wagner, aye; Weiner, aye; Hunter, aye; Schadt, aye; Schock, aye. Motion carried.

Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Barbara Brollier, secretary