



TOWN OF DEERPARK ZONING BOARD OF APPEALS – JULY 21, 2016 -

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, July 21, 2016 at 7:30 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS:

Daniel Witt-Chairman
Lee Cornell

James Harrington- Vice Chairman
Jane Lord

BOARD MEMBERS ABSENT: Cheryl Greene

OTHERS PRESENT:

Glen Plotsky, Town Attorney
Alfred Fusco III, Town Engineer
David Dean, Town Councilman

Meeting brought to order at 7:34 pm.

Pledge of Allegiance

APPROVAL OF JUNE 16, 2016 MINUTES –

Motion to Approve June 16, 2016 Minutes.

Motion made by Jane Lord, 2ND by Lee Cornell to Approve June 16, 2016 Minutes.

Vote 4 Ayes: James Harrington, Daniel Witt, Lee Cornell, Jane Lord.

MOTION CARRIED

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

Richard Golden – Representative
Ashley Torre – Representative
Johnathan Lee – Applicant

Town Attorney, Glen Plotsky stated that this is an application for 4 Variances, he then suggested to open the public hearing so Secretary could read the Public Notice.

Motion to open Public Hearing.

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

Vote 4 Ayes: James Harrington, Daniel Witt, Lee Cornell, Jane Lord.

MOTION CARRIED

Chairman Witt explained that there will be a 5 minute time limit, after each person wishing to comment has spoken then anyone that still wants to discuss any further concern can speak again. He continued that no questions are to be directed to the applicant everything should be addressed to the Board; he added that at 10:30 pm there are still residents that have not gotten their chance to speak then the public hearing will be continued to another date, if not the public hearing will be left open for written comment only. Secretary read public notice into record. Town Attorney acknowledged that he has a stenographer present so if someone would like to comment they need to come up to the podium spell their first and last name, give their address and talk loudly. Town Attorney also stated that all ad-joiners have been notified by certified return receipt.

Zoning Board of Appeals Minutes July 21, 2016

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

Town Attorney stated that he is making all submissions on this application Exhibits and they will be available for review by the public:

Exhibit #1 – Application with Attachments.

Exhibit #2 – Review from Fusco Engineering, Dated June 13, 2016.

Exhibit #3 – Copy of Local Laws #2 and #3, Town of Deerpark Driveway Laws.

Exhibit #4 – Review from Fusco Engineering, Dated July 14, 2016.

Exhibit #5 – Supplementary Packet from Dragon Springs, Dated July 11, 2016.

Richard Golden, from Burke, Miele & Golden, Attorney for Dragon Springs, started off the presentation explaining that he would briefly describe each of the five variances, there are 3 for the North Gate Entrance located off of Galley Hill Rd and 2 for Fences one for an internal which is already present and a proposed external boundary fence. He continued by stating that this is a step to bring Dragon Springs to compliance with the zoning code, the applicant has a Site Plan before the Planning Board and during review some issues came up with items constructed and/or proposed and they suggested coming to Zoning Board for a variances. He further stated that Zoning Board of Appeals was established to grant variances from code when the hardship to the applicant is not self-created and the benefit to the applicant outweighs the detriment to the health, safety and welfare to the community. The Variances are as follows:

1. North Gate driveway grade – Code is -2% the request is for +5% grade, examples given are driveways on the same road that do not have -2% grade.
2. North Gate driveway entrance width – Code is 50ft the request is for an additional 33ft for a total of 83ft driveway width to allow for fire trucks and large vehicles to enter.
3. North Gate Bridge width – There was building permit issued for the bridge for 15ft 6in but there are inconsistencies in the plans the approved plan from Planning Board is 13ft 4in and the measurements on the plan are 15ft 4in so the request is for either 2 inches or 2 feet 2 inches. That is to allow for safety railings for the bridge also.
4. Internal fence height – This is an existing fence for security reasons it surrounds the most sacred parts of the property. The fence is the same height but because of the topography the height ranges from 7.5-9ft; code is 6ft in height. This fence is 540ft from the property line and cannot be seen.
5. Boundary fence height – This is a Boundary fence which is on the proposed Site Plan to the Planning Board it will be 1 ½ ft off the property line and be 8ft in height. The fence is needed for security purposes due to the many refugees from the Chinese Government and the sitings of Chinese consulate cars, along with trespassers on the property.

Public Comment:

John Clark – 513 Galley Hill Rd – Mr. Clark stated first he would address the fence variances he felt that the size and scope of the fence is what troubles him and that a fence could be done on a smaller capacity without a variance. He also asked where the evidence is of trespassers and Chinese consulates on the property and why the authorities were not notified.

Emily Kutolowski – 29 James P. Kellyway, Middletown – Ms. Kutolowski is an English Teacher at Dragon Springs, she is concerned with blocking the entrance on Galley Hill Rd, she is afraid if something were to happen emergency vehicles could not get in, also people could not get out if the other exit was not available. She continued with regards to the fence stating that she teaches students who have been through many serious issues in China and the safety concerns are real.

Zoning Board of Appeals Minutes July 21, 2016

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

Kelli Brink – 479 Galley Hill Rd – Ms. Brink stated she feels the fence will trap animals in; it will endanger animals trying to jump over and will separate families. She also felt that the bridge curbs on the sides and will funnel runoff onto the main road, she stated that the bridge and driveway should be torn out and redone.

Evan Mantyk – 11 Heather Lane – Town of Mount Hope – Mr. Mantyk is also an English Teacher at Dragon Springs and a practicing Falun Dafa since he was 17, he is now 33, he further stated that he has been blacklisted by the Chinese Government and stated that the threat is real.

Deanna Prisco – 1245 Route 211 – Mount Hope – Ms. Prisco stated she was on the Board of the Orange County Land Trust and read into record a letter from Matt Decker on the behalf of the Orange County Land Trust, touching upon runoff and erosion the width and driveway grades will potentially produce, along with the effects that the erosion will cause on the Neversink River and Basher Kill also the consequences the fences will have on the movement of the wildlife in the area.

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

Exhibit #6 – Email from Matt Decker read into record by Deanna Prisco.

Exhibit #7 – Letter from New York State Department of Environmental Conservation,
Dated June 27, 2016.

Exhibit #8 – Letter from Burt Thelander, Dated July 21, 2016.

Exhibit #9 – Letter with Photos from Noel and Pat Malsberg, Dated July 20, 2016.

Exhibit #10 – Letter from New York State Park, Recreation and Historic Preservation,
Dated July 21, 2016.

Town Attorney: He added that all document exhibits will be filed and stored in the Town Clerk Office and will also be available electronically.

Sarah Fields – P.O. Box 143, Moub, UT – She stated she comes to Guymard Lake in the summer, Guymard Turnpike is not a very big road and there has been increased traffic along with larger trucks because of the closure of the Galley Hill entrance, she stated that this needs to be reviewed. She added that variances should be done before construction and the fence is undesirable and will constrict wildlife. She further added that this is self-inflicted hardship with their desire to disregard the local and state laws, and added that the applicant has a history getting approvals but afterward the design has been changed when constructed.

Ken Porada – 224 Galley Hill Rd - He stated he is in the Birch Hunting Club and feels that the fence will be dangerous to the wildlife in the area and questioned what will happen to the animals that get trapped inside the fences. He feels that most things were built illegally and without the proper permits and approvals and is concerned for the people that live in the community and their wellbeing.

Grace Woodard – 2 Old Carriage Rd - Ms. Woodard asked that a letter from Mr. Frank Ketcham of 212 Homestead Lane, Otisville, NY be made a part of the record.

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

Exhibit #11 – Letter from Frank Ketcham, Dated July 21, 2016.

Zoning Board of Appeals Minutes July 21, 2016

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

Public Comment continued:

Grace Woodard – 2 Old Carriage Rd – She continued with her concerns and stated that she hoped the Zoning Board would look at each variance individually and make sure all criteria are met for each before approving them. She questioned the need for an external fence; Homeland Security has no reports regarding Chinese officials in Town of Deerpark. She further stated that she comes from a family that has suffered and they do not live in a closed wall community. She felt that they need to be open with the community and have respect for the environment and wildlife in the area.

John Friedle – Birch Hunting Club – 151 Galley Hill Rd – He felt that Dragon Springs was not being a good neighbor by placing the fence in a right-a-way used by the hunting club, and the fence could affect the migration of the animals in the area. He stated that Dragon Springs likes to ask for forgiveness instead of permission. He also felt that the bridge will cause more floods on the road with the runoff. He continued by saying they have watch dogs and armed guards why do they need more security and also added that he has not seen trespassers.

Michael Alpert – 21 Bashakill East - He stated he owns the land that the Birch Hunting Club leases. He continued that the DEC and Army Corp of Engineers are involved and questioned how a decision can be made if they have not made a ruling. He also added that if the Basher Kill floods it will wash the fence away.

Mary Silver – 96 Mary Ln – She stated she is a Librarian at Dragon Springs and is concerned about the Galley Hill entrance not being opened the Guymard entrance is very narrow and emergency vehicles could not make it in that one she added that two entrances/exits are safer.

Herbert Krygsman – 17 Benton Dr - He stated that he has lived there since 2014 and this is the first time hearing about the application. He added when he first moved in he counted at least 80 cement trucks that had gone up the road. He questioned if the gate was to keep people in or out. He continued that his mother and father were persecuted, they were from the Dutch Netherlands during WWII and he understands that point of view but why build walls, he feels that instead of building fences they should be building relationships. He further stated rather than put up walls Dragon Springs should be sharing their culture with the community.

Kaishun Yen – 199 Galley Hill Rd – She stated she owns a house on Galley Hill Rd close to the North Gate entrance and feels that it is just a driveway and that the grading and slope of the driveways in the area have to be that way because of the lay of the land. She also feels that if this applies to the applicant it should apply across the board. She continued by saying that the South Gate entrance is narrow and dangerous as well as Guymard Turnpike. She then addressed the issue of the fence and has seen trespassers and reports have been made to the police and are on record. She ended by saying that Dragon Springs is a private school and the concern about people walking around the property and the potential danger to the students is the reason for the fences.

John Clark – 513 Galley Hill Rd- Mr. Clark continued from earlier with his concerns in relation to the fence variances, he felt that height is not the issue it's the fact that it will be 3 miles long around the perimeter of the property and will have an adverse effect on the environment. He believes there are more feasible solutions with all the new technology available, and feels that it could be a fire safety hazard.

Joan O'Leary – 101 Riverdale Rd – Mrs. O'Leary stated that she owns about 15 homes in Godeffroy and feels that a fence being placed down to the river's edge will have the potential for the collection of debris and take away from the scenic view of the river. She added that she has been in the area for 60 years and it is a community of families and encourage all that have been persecuted to let down their bridge and join the community.

Zoning Board of Appeals Minutes July 21, 2016

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

Public Comment continued:

Robert Maicher – 112 Galley Hill Rd – He stated that he has been flooded out 3 times and asked Dragon Springs to put his tractors on their property so they would not be damaged during the last hurricane, and Dragon Springs said no, he feels this is not good neighbor relations. He also stated he is concerned for the wildlife and the birds when the trees are cut down to build the fence.

Sharon Hartnett – 112 Galley Hill Rd – She stated that an 8ft fence will stop the deer in the area. She continued that 149 three foot holes will have to be dug to hold the fence, so trees will have to be taken down which will adversely affect wildlife. She also stated that no one can enter through either gate because there are guards and dogs; she feels that the fence will restrict view of the woodlands and it violates the character of the community and will be an eyesore.

MaryAnn Bertucci – 57 Shore Dr. - She stated that in the 1930's her family purchased that land and she has the view of Dragon Springs property across the river and feels that a fence and potential debris that will collect will definitely take away from the beautiful views she currently has. She added that people are driving out of the exits without looking and the holes in the road are getting bigger because of the large trucks and she feels the area is being destroyed.

Dan Hosking – He stated that both fences are a DEC issue and they should be contacted regarding this. He continued that Dragon Springs' problem is 100% of their own making, he also feels that runoff from the driveway will run into the Basher Kill. He further stated that they have built illegal buildings and violate the rules.

MaryBeth Dooley – 41 Shore Dr – She stated she is a summer resident and has been since 1955, her family live in Staten Island they come here for "Golden Time". A fence 1 ½ ft from the river will take away from the natural beauty of the area. She also said that it is in the hands of the DEC but she feels a fence should not be built that close to the river.

Kelli Brink – 479 Galley Hill Rd – She stated that with the North Bridge closed the traffic has decreased on Galley Hill. She added that there are cameras on the Dragon Springs property and that most of the kids in the area have grown up playing in the woods. She also feels that no permits should be issued where violations exist.

Sarah Fields – P.O. Box 143, Moub, UT – She continued from earlier that the bridge built on Guymard was done non-conforming and it resists water which could cause flooding. She further added that Dragon Springs are not being respectful, they are violating regulations and do not understand the impact on the community and are misleading the community; they have a small city up there and they need to build relationships in the community.

Bill Corbett – 218 Galley Hill Rd – He stated that he would finish Mr. Clark's comments that if the Bridge is on hold by the DEC why would the Board Approve it.

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

Exhibit #12 – Letter from John Clark, Dated July 21, 2016.

John Friedle – Birch Hunting Club – 151 Galley Hill Rd- Mr. Friedle added that the traffic on both roads is too much they are both the same size and does not see why they need such a huge entrance.

Chairman Witt stated that all persons have been given the chance to speak 2 times and now that is the end for public comment. He continued by stating that the applicant or representative could address any issues brought up.

Rick Golden - Mr. Golden only stated that it is an honor to represent Dragon Springs and their people.

Motion to close Public Hearing for public comment.

Motion made by Jane Lord, 2ND by James Harrington to close Public Hearing, but hold open for written comment.

Vote 4 Ayes: James Harrington, Daniel Witt, Lee Cornell, Jane Lord.

MOTION CARRIED

Zoning Board of Appeals Minutes July 21, 2016

Motion to Adjourn Meeting.

Motion made by James Harrington, 2ND Jane Lord, to Adjourn Meeting at 10:34 p.m.

Vote 4 Ayes: James Harrington, Daniel Witt, Lee Cornell, Jane Lord.

MOTION CARRIED

Respectfully Submitted By,

A handwritten signature in red ink, appearing to read "Amanda Gorr", written in a cursive style.

Amanda Gorr, Zoning Board of Appeals Secretary