

The Deerpark Planning Board met for their bi-weekly meeting on Wednesday, January 9, 2008 at 7:00 p.m. at the Huguenot Fire House, Route 209, Huguenot, N.Y. The following members were present:

PLANNING BOARD MEMBERS

Willard (Skip) Wilson -Chairman David Dean Dan Loeb
Theresa Santiago Gary Spears Derek Wilson
Noel Malsberg

OTHERS

Mr. Glen Plotsky, Town Attorney
Mr. Ron Gainer, Town Engineering
Mr. Bob Emerson, Town Building Inspector
Mrs. Viola Sinsabaugh, Town Board Liaison
Mr. William A. Onofry, Esq.
Mr. Brian Babcock, Project Manager
Mr. Anthony Gioffre, Esq.
Mr. Joshua Grauer, Esq.
Mr. Chun Feng, Dragon Springs Buddhist, Inc.
Ms. Minsy Pan, Dragon Springs Buddhist, Inc.

THE PLEDGE OF ALLEGIANCE

MARTEL HOLDINGS LLC PHASE II (NEW APPLICATION)

Represented by Mr. William A. Onofry, Esq. 856-51678

Owner/ Applicant Martel Holdings LLC wishes a 16 lot subdivision on property located off of Wilson Rd., and Hawk Mountain Rd., Sparrowbush, N.Y.

It is in the Recreational River Corridor (RRC) Zone.

Section Block Lots = 23 1 62.32

Application submitted October 11, 2007

Applicant is seeking a referral to the ZBA

Mr. Gainer said that as a result of the Planning Board members site walk, there was discussion over the desire to see the two cul-de-sacs connected, for public health and safety. He said that the Zoning Code specifies 10% grade, but also provides some relief to it.

David Dean expressed his opinion that two cul-de-sacs connected to make a longer road is not in the best interests of the Town. Gary Spears agreed.

Mr. Onofry said that he will contact the applicants' engineer and get a feasibility study to the Board.

MOTION

Derek Wilson made a motion to deny the Martel 16 lot subdivision, based on the proposed cul-de-sac being in excess of the maximum of 800' as required, and that the cul-d-sac is presently feeding 10 lots, when a maximum of 9 lots is allowed, and refer the applicant to the ZBA. Dan Loeb second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

The Board members agreed that the Chairman should write a letter to the ZBA stating their position that they do not believe that granting a 1,600' cul-de-sac is in the best interest of the Town and the Town Highway Department.

BASHAKILL SUBDIVISION - DEIS DISCUSSION

Owner/ Applicant Orange County Holding Co, LLC, wishes to create approximately 300 single family homes on property located off of Route 211, Cuddebackville, N.Y.
It is in the RR & HMU Zones.
Section 8 Block 1 Lots 1.3, 23.1 & 23.21
Application received April 4, 2005.

Mr. Gainer said that in reviewing the document, he believes that this initial draft is incomplete, and presented a list of technical comments that need resolution, in order for the Board to deem it complete.

MOTION

David Dean made a motion that the Bashakill DEIS that was submitted is incomplete and that the technical comments provided by the Town Engineers' office should be resolved, in order to deem the document complete. Derek Wilson second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

Ron Gainer asked for the Boards' permission for him to meet with the applicants' engineer. The Board members agreed.

HIGHLAND OPERATING LTD

Represented by Brian Babcock, Project Manager
Owner/ Applicant Vincent Biagini wishes a subdivision on property located on Boehmler Rd., Sparrowbush, N.Y.
It is an RS zone. Section Block Lot = 24 2 50.11
Application received

Skip Wilson said for the record, that this application used to go by the name of Vincent Biagini and Rosina Farms, but now it is Highland Operating LTD.

Mr. Babcock said that in re-visiting the Town of Deerpark Zoning Ordinance, and looking up the definition of lot width--?The shortest distance between side lot lines measured at the front yard setback line.? He said that he believes that the lot width is measured along the front yard setback line. He said that he believes that his client does meet that zoning requirement for lot #1, because he has two front yard setback lines that he is allowed to use in his calculations. Mr. Babcock asked that the Town Attorney look at this definition and interpret it for the Board members and himself.

Skip Wilson said that he will get that information in writing, from the Town Attorney.

Mr. Babcock said that the run-off still needs to be addressed.

Mr. Gainer answered that Mr. Babcock could get the "right of discharge", which has already been discussed with the applicants' engineer. He said that you can see from the grading plan, that the current water run-off flow is across the property. He said that what can be done is, to intercept the entire drainage and discharge it at one location, creating some type of stream outlet. He said that the downstream property must also consent.

Mr. Babcock said that the water cannot be discharged before it reaches the retention pond, it is not feasible, because the water must be treated before it reaches the pond.

Mr. Babcock said that his client is working on an agreement with an adjoiner, Mr. Hammond, for him to release all of his rights to access his property, through this property, by means of giving him another access to his home. He said that that will be on the next submitted map. He said that he will file that written document between the two attorneys, with the Planning Board.

MOTION

Derek Wilson made a motion to schedule a public hearing for the Highland Operating LTD. Subdivision on Wednesday, February 13, 2008, and deem this application an un-co-ordinated review. Gary Spears second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

DRAGON SPRINGS BUDDHIST, INC.

Represented by Mr. Joshua Grauer, Mr. Anthony Gioffre, Esquires

Owner/ Applicant Dragon Buddhist, Inc. is seeking a revision to Site Plan # 5, on property located at 140 Galley Hill Rd., Cuddebackville, N.Y.

It is an RR Zone. Section Block Lot = 31 1 21.22

Application submitted October 12, 2007.

Mr. Gioffre said that his clients have received a variance from the Deerpark Zoning Board of Appeals for the RM building, the residence, reflection, meditation building. He said that he did receive the January 9, 2007 technical memo from the Town Engineer. Mr. Gioffre said that he has submitted a January 2, 2008 letter to the Board, that he wrote to Mr. Plotsky describing the proposed modifications, and identifying which projects are being improved and which projects are new.

Mr. Gioffre said that he received a November 14, 2007 letter from Mr. Plotsky, requesting clarification of comments that he himself had made at the October 24, 2007 Planning Board meeting. He said that he did respond to Mr. Plotsky in writing, by letter dated November 16, 2007, identifying that he would not have any problem clarifying any comments that he did make on the record. He said that the October 24, 2007 minutes are still not on the Town of Deerpark website. He said that he will respond in writing, after he sees those minutes. He said that the letter raises some issues with respect to the use of occupancy. He said that for the purposes of this application, Dragon Springs will re-confirm their prior representations in prior applications with respect to having 100 permanent residents, and approximately 100 weekend guests. He said that in addition, his clients will have to abide by any conditions that currently exist, pursuant to approved resolutions that this Board

has adopted and any future resolutions.

Derek Wilson asked about a ?package treatment plant? on the map?

Mr. Gioffre answered that it his understanding that when the building permit was applied for, that the proposal was for the 8,000 gallons, as discussed previously, and the use of the site only proposed to use 8,000 gallons as previously represented. He said that it is his understanding, in discussions with the Town Engineers' office, and Mr. Emersons' office, that New York State Law requires an increase over and above that which was discussed with this Board.

He said that 11,000 gallons is required by New York State Law.

He said that he is re-confirming prior representations with respect to having 100 permanent residents and approximately 100 weekend guests, as discussed previously. He said that it was a requirement that was imposed upon his clients, according to the application to the NYSDEC was modified, and he said that his clients are proposing only the minimum that is required.

Derek Wilson asked, you're proposing the minimum of 11,000 gallons, based on the NYS Code for the square footage of the building?

Mr. Gioffre answered that it's based on the New York State Code, that's correct, that's his understanding.

Derek Wilson asked, you're going to construct a package treatment plant then?

Mr. Gioffre answered that's correct.

Minzy Pan reviewed a history of the wastewater treatment plan, and said they first desired to put in an approved setback, they used the traditional subsurface treatment. She said that when they applied for the foundation, building permit, she said that Mr. Gainer and Mr. Emerson gave out comments and said, that Dragon Springs has to design the system according to the New York State Building Code, which calculates the sewage flow rate according to the square footage of the building. She said that because of the comments, she just rushed the designs and application out to the NYSDEC. She said that SPDES application requires a lot of technical design. She said that after review by the NYSDEC, they gave her intermitant stream limits. She said that the affluent is almost like potable water. She said that traditional subsurface systems cannot treat nitrogen, phophorus, and they pollute the environment. She said that Dragon Springs will go forward with this new design. She said that this sewage treatment plant has no negative aspects to the environment. She said that the other review agency, the Delaware River Basin Commission, requires an application, and they had a public hearing, and the Commission approved this system, saying it is good for the environment. She said that the NYSDEC posted a public notice in the newspaper. She said that the only comments they received were from this Planning Board, saying they were concerned about the number of people, if the sewage treatment plant is to serve more people than the number which is approved by this Board. She said the design is that their system can treat the flow. She said that the 11,000 gallons everyday, actually is easier to have approved and is very similar. She said that the 3,000 gallons leaves some room for the infiltration, and activities by artists in the big building. She said that everyday there are 100 people, and there is no dramatic increase. She said that if, in the future, there is a demand, because of the place of worship, then they will file another application. She said that for now, there is no change.

David Dean asked if a package plant can be run effectively with the amount of waste?

Mr. Gainer answered yes.

David Dean asked if this is a modular design, that can be added onto in the future?

Ms. Pan answered yes.

David Dean asked, how does that modular design work, if they want to increase the capacity, by 30%, for example, how does that happen?

Ms. Pan answered basically it's like a package, and if you need to increase, then they will have to buy another one, and install it.

David Dean asked about the incremental increase of additions, is there an minimum that you can add? He clarified his question by saying that if you need to increase the capacity of your sewage treatment plant, what is the minimum that you could do that?

Mr. Gainer answered that it really relates to their selection of the process that they are using, and they haven't identified any of that for the Board as of yet.

Ms. Pan answered that each package plan is designed by the manufacturer, the model according to the flow rate and the attrition. She said that it has to be treated with such a pure solution, so they go to the model and say okay, this way to treat the water, to that design.

David Dean asked can you increase it to 5,000 gallons or whatever?

Mr. Gioffre clarified Dave Deans' question by asking, can you get a 500 gallon increase, or does the next minimum increase have to be 3,000 or 5,000, is there a minimum size of increase that there could possibly be?

Mr. Gioffre asked, if you needed to expand for the future, is there a minimum amount that would be needed to expand it? He asked, do they only sell the packages in 3,000 or 6,000 or 10,000, or can you buy a 500 or a 1,000?

Ms. Pan answered yes, some manufacturers' design have a wide range. She said that if you increase it by 500, they can design one.

Mr. Gainer said that the original impetus for the applicants pursuing the wastewater treatment plant, was the understanding that they had to satisfy that, in order to get a building permit for their residence building, multi-purpose building. He said that after those permits were obtained, the applicants chose to still proceed with that. He said that the applicants are still proceeding with that.

Ms. Pan said that because of the design, you have to design a system according to the highest flow of the site. She said that if you ask, well, how can you go forward with the design and build that one, well, they do compare the two systems. One is the package treatment plant, and the other is the traditional subsurface treatment. She said that however, with the traditional subsurface treatment system, they would have to cut down a lot of trees, and clear. She said that that would be impossible, because some sides have a very steep slope, and some sides have very high water tables, and they cannot work with the traditional subsurface treatment system. She said that with the new design, the treated water is

more beneficial to the environment.

Mr. Gainer said that what is being referenced, is the occupancy standards, that are applied to buildings, to determine legal occupancy within a building. He said that the question was raised during the building permit review, prior to issuance of building permits, for the structures that are now under construction, how would that occupancy be serviced? He said that the applicants identified the need to go to a surface treatment. He said that the applicants immediately filed an application for that surface discharge, and the Town authorized the permits based on the existing subsurface system in place, which is valid and approved and based on the sizing that the Board has always been aware of. He said that there was no need for the applicant, in and of itself, to satisfy a building permit need to pursue a surface discharge plan.

Chun Feng said that when he spoke with Andy Barone, his comment was that since they are going to have such a big building, you must have a sewer system to go along with it. He said that they discussed this at the beginning when applying for a permit. He said that after they applied, and after they went through the process, then Ron Gainer heard about this, and started talking about maybe you can only apply this for the permit. He said that at that time Dragon Springs applied and went through a stage of the process already. He said that Dragon Springs did not feel, even though the Building Code says you have to have a sewer system to go along with it, and Dragon Springs didn't feel that it was right for them to go through the process for a permit only. He said that Dragon Springs feels that this system is only 3,000 gallons more than the 8,000 approved by the Board, and that it is basically the same. He said that it is safer environmentally, and they decided to go ahead with this new system. He said that they are not going to abandon the 8,000, because 8,000 is in the heart of the development and then later on they will probably run into a certain kind of problem after so many years. He said that this is safer for them and is a good idea.

Mr. Loeb clarified by saying that the applicant has an approval for a subsurface wastewater treatment for 8,000 gallons, and is now pursuing a wastewater treatment facility with design calculations for 11,000 gallons based on 100 permanent occupants and 100 guests, and using the design parameters of the New York State Building Code and NYSDEC.

David Dean said that he asked if there's a minimum size, because if the applicant has an approval for an 8,000 gallon subsurface discharge system, then why not design a package plan for 8,000 gallons? He said that if 8,000 gallons subsurface took care of the 200 people, why would you go to 11,000 gallons?

Ms. Pan answered because the sewage runs over for the 8,000 gallon system and so during the wet weather there's going to be infiltration. David Dean interjected and asked, so you're going to have a brand new piping system, why would you have infiltration?

Ms. Pan said that there is infiltration, even with modern technology, because the design is required to provide for infiltration.

David Dean said, so they required you to do 11,000 gallons?

Ms. Pan nodded her head yes.

Mr. Gainer asked if the applicant could clarify the occupancy for the 11,000 gallons per day estimate.

Mr. Grauer answered by saying that there was a letter sent to Dragon Springs from the NYSDEC on

October 22, 2007 saying that the applicants' engineer with the assistance of the environmental engineer, did calculations and basically came up with a total number of approximately 9,320. He said that he assumes that the number of 11,000 came from that number, that you weren't to design something to be exact specific, 9,320, because there's always room for error in these calculations. He said that the key issue is the existing resolution of the Deerpark Planning Board, and the prior representations of Dragon Springs, the resolution of June 14, 2006, this letter to the NYSDEC, and the calculations, it's all based on 100 residents and 100 visitors.

David Dean said that he is confused about the technical side of it, that is, the 8,000 versus the 11,000 gallons.

Mr. Grauer answered that it went from one type of system, which was originally based on 8,000, and recalculations came up with a more accurate figure of 9,320, and it's shown on the second page of the plan. He said that it's still in the range of the 11,000, and it seemed that the consultation among all of the experts, including the NYSDEC seemed to arrive at this. He said that it seems that the most important issue, from a planning perspective, and it's mentioned in this letter, that the abandonment of the current system and the replacement of the new system, is intended to be far superior and much more beneficial to the environment. He said that from every single planning, health, safety and welfare perspective, it seems everybody is in a win-win situation.

Noel Malsberg said that the effluent is going into the Neversink River.

Mr. Grauer answered by saying that he assumes that the NYSDEC and all other regulatory agencies monitor that.

Mr. Gainer said that the applicant has represented that they can live with the 200 person total occupancy. He said that this October 22, 2007 letter provides something different, to try to identify where the 11,000 gallons per day comes from. He said that it takes the original 8,000 gallons per day, which is based on 100 residents and 100 visitors, which is identified to get to the original 8,000 gallon flow limitation, but it also provides an addition of 110 artists in the multi-purpose building, which he said that he is reading in the letter that is provided by the applicant.

Mr. Gioffre said that the 6,400 plus the 1,200 equals the 7,600.

Mr. Gainer said, referring to the October 22nd letter, you also have to add the 1,320 that's for the 110 artists. He said that the applicant added that flow in the bold calculations, 1,320 plus the 8,000 to get 9,320, and that's even added up to the 11,000 gallons.

Mr. Grauer said that his understanding that the Zoning Ordinance of the Town of Deerpark, allows for, when there are occasions of mass gatherings. He said that the capacity of the plan is essentially premised upon the 200, and if there's excess, the excess is considered for the better, as opposed to designing something that is too tight or too small, you always want to have room for error, and room for

additional people that are within the entire spirit and strict letter of the approval resolution, which says "approximately 100?". He said that it has all been debated and discussed that no one is going to go to the site ever, to count, if on a particular weekend there's 128 people, plus 100 permanent residents, for some particular reason. He said that that certainly, from his perspective, would not be an issue, and he can't imagine that being an issue with the Board. He said that he thinks that that is the attention of the applicant, everything is in the open, it's been applied for on notice of an approval by the NYSDEC. He said that he even recalls a letter from the Town Engineers' office, that the Town, at one point, wanted a much higher capacity, not to take into consideration the applicants' limitations of 200, but to go only by State Building Code occupancy limits. He said that he thinks that at one point the Town Engineers' office was asking for even more than 11,000...

Mr. Gainer interjected and said that the Board is trying to understand the overall occupancy permitted within the buildings.

Mr. Grauer said that he reads it as more of a protection for the Town, in case, for example, God forbid, years and years from now, Dragon Springs wasn't there, and there would be all of these buildings. He said that he recalls the context of the Town Engineers' letter was that they wanted to make sure that these facilities that have the ability under the state building code for higher occupancy, that the Town would never be unprotected. He said that he thinks that this provides even greater protection.

Mr. Gainer said that the point of the Boards' inquiry is to just understand that if that occupancy is ever to be conceived, they want to make sure that it is studied in the environmental review.

Mr. Gioffre agreed and said that that is why he opened the evening with that particular discussion, because he knew from Mr. Plotskys' letter to him regarding the October 24, 2007 meeting, with respect to Mr. Gainers' memo, and he knew that it was at the point where Mr. Gioffre said, "let's get it out into the air, let's discuss it and let's move on with the site plan application."

Mr. Plotsky said that it seems to him that the original 8,000 gallons that was designed, and he understands the argument with regard to the package plan being better for the environment, he has no objection to that, or no reason to question that. He said that the original 8,000 gallons service that was provided would appear to be sufficient to cover the 100 residents plus the 100 visitors. He said that he is looking at that same October 22, 2007 letter. He said that it again refers, above the previously approved 8,000 gallons per day, it relates specifically to the multi-purpose building and it says... "estimated, every day flow, artists will use the facility for rehearsal and performance?... 110 artists at 15 gallons per day is another 1,320 gallons. He said that the reason he says another 1,320, is because down below that in the letter, it adds 1,320 plus 8,000 to come up with the 9,320. He said that he has no issue with the concept that if the number is 9,320, the plan should be for 10,000 or even 11,000, because he tends to agree that if we're going to err, let's err a little big, because that's going to create less problems. Mr. Plotsky asked, if the 110 artists are an every day occurrence, then either they are part of the 100 residents and 100 visitors, in which case, we're back to 8,000. Or, you're going to be applying for a mass gathering permit every day.

Mr. Gioffre said, referring to the October 22nd letter, that the paragraph below also refers to that, that there's no application change of the number of people discussed in prior applications. He said that the multi-purpose building was granted a variance, and there's a beautiful auditorium that's going to be in that building, you have the 100 residents and you have the 100 visitors, and there is a special performance for a

religious, ritual ceremony, that may be the situation. He said that he does not believe the intent of this language is... ?estimated every day flow? but for purposes of calculations, and he would assume that when you do prepare certain calculations, you prepare it on not necessarily on estimated every day flow, but on a single day flow, and that would be more appropriate, based upon arriving at that calculation.

Chun Feng said that if Dragon Springs goes back to the 8,000, then the engineers' office won't accept it, because they say, ?you must give me more, to get a permit.? He said that Dragon Springs does not intend to have an awful lot of people. He said that the engineer then said, well, we'll add to it, so that the Town can give you a permit. He said that he answered yes, add to it to satisfy the Town Engineers' request, so that they could get a permit.

Mr. Gainer reviewed by saying that they discussed earlier in the evening, how would you service a multi-purpose building if State Building Code occupancy limits were applied.

Mr. Plotsky said that he was just trying to explain the continued inquiry, concerning Mr. Gioffres' own correspondence.

Mr. Gainer said that the Board is not insisting on the 11,000 gallons per day, but is just saying how will you service, and identify the need to go to a surface discharge and then Dragon Springs did get their building permit, and so the question of the Board became that the Town didn't pursue it any further, which is his understanding.

David Dean said that that is why he asked the question of running an 11,000 plan, with a discharge of perhaps 8,000 gallons or less, is that appropriate?

Mr. Gainer answered that that can still be designed in and of the process.

Derek Wilson commented on the minimum that the plant can run on, he said that there was a Town Board meeting, and a gentleman was talking about developing the old Cuddeback property and the 2 properties around it, and he was talking about the installation of a package plan and Chinese theme buildings, and he said, when talking about the start up of the cost of a package plan, he said that the gentleman said that the package plans don't run on ?low flows? well. He said that the gentleman said that there are designs to run on certain flow, and he was an experienced gentleman concerning this topic.

Mr. Gainer said that the point of 8,000 to 11,000 is not significant. He said that if you try to run an 11,000 gallon per day plan, on 2,000 gallons a day, then it becomes significant.

Derek Wilson said that it appears that the applicant is designing a system for 310 people at one time, but they have an occupancy limit of 200. He said that if you add 110 artists and 100 residents and 100 visitors, that's 310.

Chun Feng said that they had to satisfy the Building Code.

Mr. Gainer said that the applicants have already received permits, and they continue their application, because in their view, they see it as a good idea.

Gary Spears asked, how many days will you have the artists there, once a week?

Chun Feng answered that that building is a big building, and each hour it costs \$300 some dollars to operate, so they don't intend to use that building frequently. He said that that is the reason they have a smaller lecture hall, and everyday they use that hall.

Mr. Gainer asked what is the occupancy of the lecture hall?

Mr. Grauer asked, under the State Building Code?

Mr. Gainer asked, in terms of the size that you are seeking?

Chun Feng said that there is a floor plan on one sheet of the map, and indicated that half of the building is a stage, and on the side is a small classroom. He said that if you really pack the lecture hall, then you can get 300 people, but normally you don't pack together.

Mr. Gainer asked, can you give an occupancy number, what is the seating capacity?

Chun Feng said that he measured 22? per person, that is, 300 and something people, but normally you don't put that many people in there. He said that he would estimate 150 people occupancy.

Mr. Gainer asked what is the performance area hall?

Chun Feng answered that that is the multi-purpose building is a big building, and occasionally they use it, and the stage is bigger, and they can have a rehearsal and things like that, but how often do they use it, he said that he doesn't know. He said that they will not go over the limitation in people. He said that if they do ever go over the limitation, then they will apply. He said that the Building Code calculates it at 1,500 square feet per person, therefore, approximately 3,000 people could be in the multi-purpose building. He said that they do not intend to do that though. He said that it's just a building, they have a performance rehearsal and they need a lot of space.

Mr. Grauer asked, could an 11,000 square feet, the treatment plant, accommodate 3,000?

Chun Feng answered no.

David Dean asked, why build a building that is 20 times what you need?

Mr. Grauer answered, that that is not an appropriate question.

Several Board members disagreed with Mr. Grauer.

Mr. Grauer continued to say that there are people who live out in the Hamptons, and they have a large piece of property, and for example, one person built a 65,000 square foot house. He said that we could talk the entire night, why did he build such a big house, and why did he want this and that?

Chun Feng referred to the site plan, identifying the entire site, and indicated the building area on the map, and said that once they are done building, they will put it aside and not touch at all. He said that then they will move to another area. He indicated the area on the map, the entire area around the lake

is done. He said that the scope of the work now is very limited.

Mr. Gainer said that the original concept being the original set of building cluster, and now the applicant is working on a new area of the site, and is there any other plans?

Chun Feng answered that they do not have any new proposals. He indicated the security house on the map and the garage building on the map.

Mr. Gainer repeated by asking, is there any other construction?

Chun Feng answered no. He said that this is the last area, that he knows of, and everything presented here is mainly for this small area. He said that when this is approved, then it's done, it's completed.

Mr. Plotsky reviewed by saying, so you're not even thinking of doing anything else?

Mr. Gioffre answered, that that doesn't mean that at some future time they may be back.

Mr. Plotsky clarified by saying, the question is, right now, today, January 9, 2008 at approximately 8:35 p.m., other than what is on this proposed plan, is there nothing else?

Chun Feng answered affirmative.

Mr. Plotsky clarified by saying, there is nothing else.

Chun Feng answered as I know.

Sam Han said, It is all right to either develop, either to stop, it's all right. You are not in a position to raise that question, I don't think so.

Mr. Plotsky said, Sir, this Board has the right to do an environmental review on the entire property that Dragon Springs owns, so in order to do that entire environmental review, the Board does not have to allow, effectively what is a creeping site plan, or a creeping subdivision. He said, if there is something else in the plan, as was told you approximately seven years ago when you first came (before this Board), we would like to know everything you plan, so the Board can do an appropriate environmental review. He said, that is the only reason why I asked that question, and with all due respect, I don't know where you went to law school, but I suspect that Mr. Gioffre would not disagree that this Board has the right to ask, if there is anything else in the future that is thought of now, strictly for the purpose of understanding what other additional, if any, environmental review has to be performed.

Mr. Han answered, we are not proposing anything.

Mr. Plotsky said thank you, that's what Chun Feng said, and that's a fine answer. He said that that doesn't bind the applicant forever, which is what Mr. Gioffre said, but by the same token, if the applicants anticipate within a year, coming back with another five buildings, on another section of the property, the Board has a right to know that now, if the applicant is

thinking about it.

Mr. Han answered, that that will still be our right.

Mr. Grauer answered that as of now, the applicant does not have that plan.

Mr. Gioffre answered that nothing is proposed right now, but if it's nine months from now, or a year from now, and the applicants decide to do something at that point, the applicants have a right to come back before this Board and submit an application, but as of right now, this date, what you see before you, and in the application materials is all of what is proposed, nothing else is proposed.

Mr. Grauer said that nothing else now is contemplated or on the drawing board.

David Dean asked to be shown the location of the sewage treatment plant on the map.

Noel Malsberg expressed his concern about the monitoring, and asked what the applicants' plan is to monitor the water?

Ms. Pan answered that first they apply for a sewage plant permit from the NYSDEC and also another monitoring agency, the DRBC (Delaware River Basin Commission).

Noel Malsberg asked, that the NYSDEC will be going out onto the area and inspecting?

Ms. Pan answered yes, Dragon Springs has to submit the monitoring results to these two agencies, which have very strict limits.

Noel Malsberg said that they are very strict on paper, but then when you're physically actually walking along the edge of the river, and you see an outlet pipe, you just wonder about the quality of that water. He said that as a man on the street seeing these things, everything seems very fine and legal and verified on paper, but then there's the real life experience of seeing effluent going into a pristine, natural area. He said that there is no previous precedent for this type of thing.

Ms. Pan said that the agencies are becoming more and more stringent. She said that they themselves monitor and send the results to the agencies, and if the results show outside the limits, then the whole wastewater system will have to be modified or changed.

Skip Wilson said that if an applicant has a SPDES permit, then there are certain things that they have to do.

Mr. Gainer clarified by saying that the NYSDEC will not be monitoring, but typically the applicant is directed to monitor. He said that the applicant has to file monthly reports that get submitted to NYSDEC, which then does annual inspections, and if there's issues, they will ask the applicant to either tighten up the process or correct deficiencies, or there are significant penalties.

Noel Malsberg said that on paper he knows how it works, but real life isn't always like that.

Skip Wilson said that at his workplace for a SPEDES permit, his business has to have an outside firm come in and test it, and engineers verify it, and send it in, and if you were wrong, a hefty fine is levied to the business.

Dan Loeb asked, referring to the map, is the proposed wood burning sheds the sole means of heating, or are they auxiliary heating systems to these buildings, and which buildings will they service? The whole complex or just the buildings that seem to be adjacent? Chun Feng answered, the buildings that are adjacent. He said, indicating on the plan, that this wood burning shed is for the multi-purpose building, and this one here is for the residence building. He said that they are not the sole means of heating, but that, for example, the residence building has an oil burner also, but because they have such a large parcel of land, they have a lot of dead trees which they can burn. He said that the wood burning sheds house very efficient equipment.

Mr. Gainer asked about the size of the wood burning sheds?

Mr. Gioffre answered that they are 55 each.

Dan Loeb said that there is more than a little controversy surrounding these stand alone wood burning supplemental heating arrangements. He said that you burn wood to give off heat, so there's smoke. He asked, are these wood burning sheds regulated by any environmental agencies? He said that these are significantly large sheds.

Chun Feng answered that they are 50' X 100' because you have to pile up the wood, and let it dry. He said that this is very clean and there is no smoke, highly efficient.

Mr. Loeb asked, do you need any permits for that?

Chun Feng answered, I don't think so.

David Dean asked if they are gasification units, that is, do they turn the wood into gas, and then the gas burns?

Chun Feng answered, I don't know the details.

Mr. Gainer said that the applicant needs to file the information on these stoves, for the Board to better understand.

David Dean asked, is Tarm the manufacturer?

Mr. Feng answered that it's something else.

Dan Loeb stated that he has a friend that has 110 acre farm, and he has a stand alone supplemental wood burning stove, and he jokes that there is a satellite image over his house, because he has his own hole in the ozone, because of this stove.

David Dean asked if there's proposed manholes for the sewage treatment plant?

Ms. Pan answered no.

David Dean asked if they are going to disturb a large area to install trunk lines and what have you?

Ms. Pan answered by pointing on the map the proposed disturbance, and indicated a straight line to the sewage treatment plant.

Mr. Gainer told the applicants that that will have to be shown on the plan.

David Dean said that the buildings that exist already, does the applicant have to go back to those and install trunk lines to get to the manholes?

Chun Feng answered that a manhole is installed already, and this will just connect the existing manhole to the new system.

Mr. Gainer said that the applicant already has some existing gravity sewage adjacent to the multi-purpose building, which is being buried or covered by new construction.

Chun Feng answered that no pipes are going to be buried by any new buildings.

Mr. Gainer asked that the pipes be illustrated on the new maps.

Mr. Gioffre said that one of the proposed changes is that parking lot #2 is being re-located and will have 16 spaces, with a plaza level above. He indicated on the map where visitors will park in the existing parking lot. He indicated on the map where handicap parking spaces are located.

David Dean asked how many cars are in the general parking lot?

Ms. Pan answered 80 to 90 spaces.

Mr. Gioffre said that the RM building received a variance from the ZBA, and now only about 9' of that increased height is new building. He said that it's been excavated for the windows to be placed in the bottom floor. He said that the additional height is for the elevator penthouse, and well as training rooms for the religious performances, and increase height in the ceilings because of the tumbling practices, and practices with 5' drums on 5' stands and 25' ribbons.

Mr. Gioffre said that the multi-purpose building will be widened 12' to 13' on either side, for structural purposes, due to the increased height in the building. He said that there will be no change to the length.

Mr. Gainer interjected by saying that there will be a change on the length of the building.

Mr. Gioffre answered yes, from 292' to 310', that is correct.

Mr. Gainer said that at a prior meeting, the Board expressed their desire to see a written narrative or a detailed explanation, which will give the Board an understanding of the changes.

Mr. Gioffre answered that he will expound a little further in his narrative response to Mr. Gainers' memorandum.

Chun Feng said that he remembers back, the lean to structure was just a little bit deeper, just a few feet, and it's included in the front.

Derek Wilson said, that in talking about maximum occupancy, according to the NYS Building Code, and the applicants' proposed occupancy of each building, it would be helpful if the applicant identified each buildings' occupancy.

Chun Feng answered that the multi-purpose building and the RM building were approved by this Board last time. He said that the addition this time, is not added to the main part, and he could show the Board the drawing about that.

Derek Wilson repeated by saying that for each building it would be helpful, especially now that they are modifying, but obviously, the wood burning sheds will not have a higher occupancy, but for the other buildings. If they would include the maximum occupancy by the State Building Code, because it would help the Building Inspector, and then the applicants needs to identify what their occupancy use of the building is going to be.

Mr. Gioffre said that there's been a representation by the applicant that there's going to be 100 permanent residents, and 100 weekend guests. He said that to talk about occupancy, while it's more appropriate at the building permit stage, it's really not a planning issue.

Derek Wilson said that it's a legal issue, and it's also necessary for the Building Inspector. He said that the applicant could have a site occupancy limitation of, for example, 300 people in 8 buildings, and only 50 people maximum occupancy.

Mr. Gioffre answered that the building code is not necessarily for a site plan application.

Mr. Plotsky answered that the applicants then need to provide the building code limits with regard to each building, and a separate note, which re-iterates the 100 permanent residents, and the 100 weekend guests. He said that he doesn't know if the applicant could define any more than anybody else, that there's going to be 25 people in this building, 30 people in this building, 45 in this building, and so on. He said, on the other hand, the Board does acknowledge that the limitation is 100 permanent residents and 100 weekend guests. He said that the secondary question is, this issue of, this building that can have up to 3,000 people, and there should just be a note saying, the New York State Building Code, based on square footage...

Mr. Plotsky was interrupted here by several voices.

Chun Feng said that the NYS Building Code is determined by the Town Engineers' office.

Mr. Gainer said that it's determined by the Building Code.

Chun Feng said that this is submitted to the Building Inspector and he determines exactly how many, per Building Code. He said that he hesitates to show this figure for Planning Board purposes.

Mr. Gioffre said that it's appropriate at the building permit phase, but he doesn't believe it's appropriate at the site plan approval.

Mr. Grauer said that if the Building Inspector, when there's CO's, can put up something that tells us what it is, in the building, they'll know what it is.

Mr. Gioffre said that the proposed greenhouse, which he indicated on the map, was approved on a prior application, was previously located in the location where the parking lot #2 is now proposed. He said that it's the same size, just shifted a little farther away, to accommodate parking lot #2. He said that the maintenance construction vehicle garage, is merely just being re-designed, and the applicants have the steel on site for the multi-purpose building previously, and showing the modification for the auditorium, so the applicants will just be re-using the steel that is already on the site to modify and use it in this building.

David Dean asked how much bigger is that building?

Mr. Gioffre answered that it was previously approved for 45' X 145', and is now proposed for 90' X 155'. He said that basically they're just taking the existing steel from the multi-purpose building and just using it here.

Mr. Gainer asked, is there any change of use there, or is it just still maintenance?

Chun Feng answered, no change of use.

Mr. Grauer said that there's no change of use anywhere in this application.

Mr. Gioffre said that the mechanical well room was previously proposed adjacent to the RM building here, as he indicated on the map, and is just being re-located and is approximately the same size.

Mr. Gioffre said that the security house, which is a significant distance away from the main area, again, because of the distance, it's proposed to be increased in size, to accommodate the few people there at any one time, and have the amenities that they don't have right now, and that they can't travel back and forth to the main complex.

Noel Malsberg asked, what is the square footage, (of the security house) approximately?

Chun Feng answered, it's 4,500 square feet, including the garage.

David Dean said that the applicants have a pre-approved security house, a pre-approved security shed.

Mr. Grauer said that he believes that the plan is to have between 5

and 10 people on a regular basis, from among the 100 residents, providing the security. He said that the recent thinking of Dragon Springs was to have 1 or 2 people, and that would not serve their purposes, and that was the reason that they wanted to have a larger facility, and that's the intent.

David Dean said, so it's a 3 bedroom house, essentially?

Mr. Gioffre answered effectively. Mr. Gioffre said that another item in Mr. Gainers' memo, was the fire plans that were submitted to the Board inadvertently left out one layer, which didn't show the fire pump, the fire pump gazebo, and that has been on the revised plans that he brought tonight.

Mr. Gainer said that other revisions are needed, and he should wait until he gets them all cleaned up.

Mr. Gioffre respectfully requested that this matter be scheduled for a public hearing, that they get public input, with the understanding that there will be some revisions to the documentations. He said that the public hearing can always be kept open, if there's a need, based upon a submission.

Dan Loeb asked for an estimate of adherents to the applicants' religion, within the United States. He explained by saying that the Vatican is the seat of Catholic religion, and you have the Mormon religion out in Utah, and he said that it would be reasonable to assume that this would be an area that would be a magnet to adherents to the applicants' faith. And this area would be the centerpiece of the applicants' religion. He said that common sense would say, all right, we've talked about 100 people living on the premises, and 100 on weekends, and the boards' concern about occupancy, and specifically going back to the maximum occupancies of these buildings, delineated by the building code, or the fire code. He said that one would expect to attract significantly more people, as there are thousands of people who are adherents to the applicants' faith, and that's what drives, in his opinion, in nailing down what the occupancy limits in certain buildings are. He said that he would think that there will be more than 300 people at a time on the premises, and that's what drives his trying to get a handle on what the occupancy limits of each building would be. He said that he is taking the applicants at face value, that these are the delineations, and the limits as defined, but he said, that these buildings are huge, and will be attracting significantly more people than this. He said that this is reasonable to assume, and it's reasonable to expect a surge in occupancy at times, and to have some kind of parameters, as to what is the Board looking at. He said that this is what seems to motivate these occupancy discussions.

Derek Wilson said that the original variance was for 10 buildings that act as one building.

Mr. Gioffre said that he thinks it's an interpretation, that there can be more than one building on the site.

Mr. Grauer said that it wasn't a variance, it was the original ZBA resolution.

Derek Wilson said that the original 10 buildings that the applicants propose, at that time originally, were all inter-related in their uses, and they formed basically, one building. He said that there was a problem with the zoning, as far as having one site on one acre, having a church, or the concept of a church as one building, and the applicants had multiple buildings. He said that he was just curious in how with these additional

buildings and lecture halls, that the new proposed FA/ lecture hall, and how is that inter-related to the use of the 10 originally proposed buildings which were essentially functioned as one building, between living quarters and worship quarters. He said that this is one of his concerns, as the Planning Board processes this application, because certainly the garage is proposed as an auxiliary use, pertinent to maintaining the facility, which was never foreseen in the original variance interpretation. He said that he would like to see on the lecture hall, for the applicants to delineate how that ties in to the original 10 buildings that they proposed, and the definition of the use, in that it's part of the religious facility.

Mr. Gioffre said that this is a place of worship. He said that "place of worship" in the Zoning Code, specifically refers to education buildings, church.

Derek Wilson said that the applicants would then define education, and the Board would like to see the applicants stating in there, that it's an education building.

Mr. Gioffre said that the FA lecture hall may be used for educational purposes, of what the western concept of what a sermon would be, for teachings of falun gong, but it is a place of worship and will be used for religious purposes, consistent with those doctrines that are permitted by the Zoning Code, that were interpreted by the ZBA in 2001, and are protected by New York State Case Law.

Mr. Grauer said that much that was in the memo that the applicants received just an hour before the meeting, and some of what has been said this evening, is speculation about the future, and assumptions and conclusions, or whatever, and said that he has referred 7 or 8 times to the governing document, which is the resolution of June 14, 2006, and the conditions, the representations, and the re-affirming on the record repeatedly of those recommendations. He said, what the future holds, nobody knows. He said that the reason the members of Dragon Springs were deeply offended tonight, is because they interpreted it as crashing the boundary between banning and interjection into their religious methods.

Dan Loeb said that if the Pope was sitting here, he would grill him as much as the applicants.

Mr. Grauer said respectfully, that he doesn't think that it is relevant to the issues presented in this amended application.

Mr. Plotsky said that as long as everyone is clear, that the analysis and the review is based upon the specific recommendations of the applicant, so that if, in some point in the future, the application changes, and it dramatically changes with regard to potential environmental issues, such as, if the population, instead of being 100 (permanent residents) and 100 (weekend visitors), becomes 1,000 and 1,000, you can fully expect that there's going to be a reaction by the Board, that would result in some other form of review, whether it be Board thorough, or otherwise. He said that that is the rules.

Mr. Gioffre said that he doesn't disagree with Mr. Plotsky. He said that this is an amended site plan application, and a number of the things that are being proposed are modifications to things that have been approved already, and there are only a handful of things that are new. He said that parking lot #2 exists, it's just being re-designed and re-located. He said that the RM exists and is approved, it's just being re-designed. He said that the multi-purpose building is approved, it's just being re-designed slightly. He said that the greenhouse is just being re-located, and that the FA lecture hall is new. He said that the 2 wood burning sheds are new. He said that the maintenance construction vehicle garage is approved and being re-designed. He said that the mechanical well room is just being

re-located, and the security house is being re-designed. He said that a lot of this is just modifications to things that have been approved already.

Mr. Plotsky said that some of those modifications are reasonably substantial. He said that at least one of the buildings, and Mr. Gioffre acknowledged, even though some of his clients were shaking their heads no; Mr. Gioffre acknowledged that one of them doubled in size.

Mr. Gioffre stated that everything complies, now that the variance for the RM building has been granted.

Noel Malsberg said that as it's expanding, anyone would assume that there's a plan to have more people on the premises.

Mr. Gioffre said that he doesn't necessarily agree with that. He said, to use a different extreme analogy, if you put an addition onto your home, does that mean that you're necessarily going to have another baby in the family? Maybe, but not necessarily.

Dan Loeb said that he doesn't like the assumption that he's idle speculation about the future, because if the applicants do come back, he will point to what is in the record, and it is incumbent upon the Planning Board to anticipate the direction that the applicant is going. He said that it is not a speculation.

Mr. Gioffre said that his clients appropriately responded to Mr. Plotsky's question.

Mr. Grauer said that the record has to be made clear that he has reserved all of his clients legal rights in the future, if 6 months from now, or 3 years from now, Dragon Springs decides that it wishes to seek the permission of the Planning Board for further changes, then at that time it would make an application and provide whatever legal materials are required to be provided, and at that time they would expect like any other applicant who comes before the Planning Board in this, or any other town, an objective review based on the facts, and what the studies show.

Mr. Gioffre said that this is a 400 plus acre site, and if his clients came in for a 3 lot subdivision, and this Board approved it, and there was discussion, why only go for 3 lots, aren't you going to do something else in the future?

Derek Wilson said that this Board does that all of the time.

Mr. Gioffre said that the applicant can't come in for a re-subdivision sometime in the future? Absolutely not, but if I came in for a 3 lot subdivision today, and I came in a year from now, and I proposed 20 or 100 or 300 more lots, whatever the site would permit, then this Board is going to review the application, based upon what is before you at that time. And, he said, that is appropriate. He said, to use the figures that were thrown out before, there are 100 and 100, and if that changes to 1,000 and 1,000, he said that he is sure the Board will review it based on different traffic studies, different occupancy and that will be appropriate at that time. He said that the application that is before this Board right now is an amended site plan application, and that's how it should be reviewed.

Mr. Plotsky said that he thinks Mr. Gioffre could appreciate the

concern, relative to segmentation, based upon the manner in which the various modification applications had been prosecuted to date. He said that that is the question.

Mr. Gioffre said, that as was discussed in prior applications, this is built on Eastern philosophy, where you look at something, and you have a location and a spacial relationship, and something may need to be modified. He said that that's what's being done, there are minor modifications that are being done here.

Chun Feng said that 3 of the 4 residences are much smaller than what was shown to the Board before.

Mr. Plotsky said that the applicants still need to provide the modified documents, and respectfully request the narrative that was asked for earlier and be submitted at least 10 days before the public hearing.

Mr. Gioffre said that most of it is on the record this evening, and it's something that should not hold up the public hearing. He said that if the Board is not satisfied with what the applicants submit, the Board always has the opportunity to keep the public hearing open.

MOTION

David Dean made a motion to schedule a public hearing for the Dragon Springs application for January 23, 2008. Theresa Santiago second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

The Chairman said that the escrow account has to be brought up to the amount before the public hearing.

Mr. Gioffre said that that will be done.

David Dean asked again for information on the wood burning equipment from the applicants.

Mr. Gioffre answered that that will be done.

ANNUAL TRAINING FEBRUARY 2008 CLASSES

The secretary asked for the Town Clerk, what members will be going to the annual training in New York City? Dave Dean, Gary Spears and Dan Loeb said that they will be attending.

RE-ORGANIZATIONAL MEETING

MOTION

Gary Spears made a motion to re-appoint Skip Wilson as chairman. Derek Wilson second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye; Spears, aye; Dean, aye; W. Wilson, abstain. Motion carried.

COMMUNICATION FROM THE TOWN BOARD LIAISON

Mrs. Sinsabaugh told the Planning Board that there are new Town Board members now, and she said that she is asking the Planning Boards' opinion in writing, about the Town Engineer and the Town Attorney, because some Town Board members would like to see a change. The Board said that they will direct the chair to write a letter to the Town Board.

EXECUTIVE SESSION

MOTION

David Dean made a motion to go into executive session for the purpose of discussing personelle, and invite the Town Board Liaison. Derek Wilson second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D.Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

The Board went into executive session at 9:45 p.m.

MOTION

Derek Wilson made a motion to come out of executive session. Noel Malsberg second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D.Wilson, aye; Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

The Board came out of executive session at 10:10 p.m.

ADJOURNMENT

Derek Wilson made a motion for adjournment. David Dean second. Roll call vote: Santiago, aye; Malsberg, aye; Loeb, aye; D. Wilson, aye. Spears, aye; Dean, aye; W. Wilson, aye. Motion carried.

Meeting adjourned at 10:11 p.m.

Respectfully submitted,

Barbara Brollier, secretary