

The Deerpark Planning Board met for their bi-weekly meeting on Wednesday, July 11, 2007 at 7:00 p.m. at Deerpark Town Hall, Route 209, Huguenot, N.Y. The following members were present:

PLANNING BOARD MEMBERS

Willard (Skip) Wilson -Chairman
Theresa Santiago

David Dean
Dan Loeb

Derek Wilson
Noel Malsberg

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Mark House, Town Supervisor
Mr. Liam O'Neil, Town Board Liaison
Mr. Larry Boudreau, P.E. (Five Star Properties)
Mr. Jacob Blau, Applicant (Five Star Properties)
Ms. Alyse Terhune, Esq. (Five Star Properties)
Mr. Josh Grauer, Esq. (Dragon Springs Buddhist, Inc.)
Mr. Anthony Gioffre, Esq. (Dragon Springs Buddhist, Inc.)
Ms. Lana Han, Esq. (Dragon Springs Buddhist, Inc.)
Mr. Yuexing Dong, Applicant (Dragon Springs Buddhist, Inc)

THE PLEDGE OF ALLEGIANCE

FIVE STAR PROPERTIES DIVISION - PRE-APPLICATION CONFERENCE

Represented by Mr. Jacob Blau, Owner, Mr. Larry Boudreau, P.E. and Ms. Alyse Terhune, Esq. Owner/ Applicant Five Star Properties Division wishes to create housing for senior citizens on property located on Route 209 (across from Tri-State Christian Camp), N.Y. It is an HMU Zone. Section, Block, Lot = 53 - 2 - 27 & 36 & 40

Mr. Boudreau said that the proposed project is located approximately 3 miles south, that is, across from the Tri-State Christian Camp. He said that it is 90 acres, and 40 acres are in the flood plain. He said that the proposal is a 55 and older community to be located at the Route 209 portion of the site, that is, 20 buildings, each having 24 units, with a total of 480 two-bedroom units. He said that the buildings will be three stories high. He showed the Board the logistics on the site plan, and sketches of the proposed buildings. He said that parking will be underground and accessed by an elevator. He indicated on the site plan where the clubhouse and pool will be located.

Mr. Boudreau said that the property is located in two zones, HMU and NR, and they want to go before the Town Board for a zone change, to make all of the property HMU.. He said that the open space provided is 50% of the total area, 45 acres, of which, 35 acres will be developed for the community. He said that there will be a pavilion and walking trails at the back of the property toward the Neversink River.

Mr. Boudreau said that there will be 3 entrances. He said that one entrance, off of Route 209, will be an entry in, separated by a 10' planted island. He said that the other entrances will be accessed by a side road, at two different points.

Mr. Boudreau said that a water and sewer district will be built. He said that the property is adjacent to property owned by the Port Jervis school district. He indicated on the site plan where the water tank and sewer plant will be located.

Mr. Boudreau said that impervious surfaces will be minimal and located up by Route 209, away from the river.

Derek Wilson asked if this project will be phased, because as far as the Planning Board is concerned, the recreational facilities should be built after the last unit is built.

Mr. Boudreau answered that phasing is generally market driven. He said yes, the sewer treatment plant, the water

tower, the buildings certainly will be put in first.

Mr. Blau said that the project location was considered because of its' proximity to the City of Port Jervis, and the Metro North train station with easy access to New York City.

Mr. Plotsky said that the applicant will have to apply before the Deerpark ZBA for a variance for the three story height of the buildings.

David Dean asked if the sewer treatment plant will have the capacity to be able to be upgraded?
Mr. Boudreau answered yes.

David Dean asked, how did you arrive at the number of units?
Mr. Boudreau answered that he took the site plan and made a building footprint that fit the market, and laid it out, and by adding it up, came up with 480 units, that is compatible with the Deerpark Zoning Code.

Ms. Terhune said that the two smaller parcels, 7 1/2 acres, in the NR district, will have to be changed to HMU, which is why the applicant will have to go before the Town Board for a zone change, because of the density.

Mr. Boudreau said that there are two houses already on the property, are in the NR zone, which he indicated on the site plan, and the three existing parcels will need to be consolidated.

David Dean asked Mr. Blau if this will be subsidized housing?
Mr. Blau answered no, it will be affordable market rate, approximately high \$200,000. to \$300,000.

Theresa Santiago asked about the three entrances?
Mr. Blau answered that one is Trovei Lane, one is Maple Crest and then a third entrance, which he indicated on the site plan.

Theresa Santiago said that Trovei Lane is a private road.
Mr. Blau answered that he already has right-of-way.
Mr. Plotsky said that in order for Mr. Blau to have access to 480 units, then Trovei Lane will have to be upgraded to a town road.

David Dean asked if this will be a gated community?
Mr. Boudreau answered that the front entrance is designed to accommodate a gate house, if needed.

Noel Malsberg told the representatives that he runs the Town website and would like them to submit any more information and materials to him, to put on the website.

Theresa Santiago asked if there will also be outside parking?
Mr. Boudreau answered yes.

David Dean asked about the buildings heating system? He said that there is a natural gas line a couple of thousand feet from the project.
Mr. Blau said that he will look into that.

Mr. Boudreau said, concerning the buildings, that fiber cement siding will be used, not vinyl.
and a stone veneer will be used at the base, both of which will be long lasting.

Mr. Blau said that a Homeowners Association (HOA) will be created eventually.

Ms. Terhune said that the applications before the Town Board and Planning Board will be submitted concurrently, to get the process to move along. She also said that they are amiable to any workshop that either Board wishes to schedule.

The secretary gave an application and long form EAF to Ms. Terhune.

The representatives all thanked the Board.

DRAGON SPRINGS BUDDHIST, INC.

Represented by Mr. Anthony Gioffre, Esq., Mr. Josh Grauer, Esq. & Ms. Lana Han, Esq.

Applicants requested to be placed on tonight's agenda.

Mr. Grauer said that Dragon Springs Buddhist, Inc. wishes to respond to a letter written by the Planning Boards' counsel (June 19, 2007). He read a portion of the letter... "As by briefly airing these concerns and negative feelings between the applicants and the Planning Board members, can be addressed and resolved." He said that his clients do not believe that they have any conflict between themselves and the interests of the Town of Deerpark or the Planning Board of the Town of Deerpark, and have been good neighbors since 2001. He said that his clients are very interested in hearing the Planning Boards' concerns, as stated in the letter, and that his clients would then be granted the reciprocal courtesy of expressing their concerns.

Theresa Santiago said that Ms. Han continually says that the Planning Board is discriminatory against Dragon Springs. Mrs. Santiago said that she takes offense to that, and she would like it to stop.

Derek Wilson said that he will add to that. He said that in 2001 the applicants first came before this Board and he believes that this Board has bent over backwards in being helpful, because the applicants were stating that there was religious persecutions of some members. He said that after watching the applicants develop after 7 years now, he wonders if the Planning Board is being told the total big picture of the applicants, that is, will another four or eight acres be developed in the future. He said that the applicants perceive that the Planning Board has been difficult toward them, but he said that in reviewing their applications, any difficulty that the applicant perceive has been precipitated by the organizations' behavior over the last 7 years, as far as, there has been more than than one building code violation, and lots of things started without the proper building department permits.

Dan Loeb said that there has been veiled references to Planning Board discrimination, and some biases that the applicants feel have been exhibited by this Board collectively. He said that he takes offense to the applicants general reference to the Board, and suggested that the applicants refer back to the minutes, and enlighten him to any area that he himself might have exhibited a bias or discriminatory conduct that can be verified, and he would be happy to address that, or answer any questions that the applicants might have regarding those comments, to clarify them. He said that he is confident in his unbiased considerations. He said that he has stated over and over again that he looks at the facts and the technical issues of the matter here, and their religious exemptions and tax obligations are of no concern to him. He also said for the record, that he has had members of the organization come to his home, even though they were asked not to visit any members' home. He said that it is difficult to keep that unbiased attitude, when he feels that, despite his best efforts, he is being collectively lumped in with the general insinuation, that somehow there is less than a measured consideration of the applicants' application. He said, for the record, that he mentioned to the applicants when they visited his home, that he has approximately 80 books just on Buddhism, and so being accused inadvertently as being biased, he said it's just not true. He said that this is just his perception, he's not saying that it's being done deliberately. He said that if the applicants can prove that he has exhibited some bias, to please do so, if not, to desist from saying that.

Noel Malsberg said that he does not like being accused of being prejudiced either, and said that he has visited the applicants' site a number of times, and thinks that it is beautiful. He said that what upsets him most is when the

applicants do not follow their site plan, and he saw things that were deviations from the site plan. He said that the applicants made their site plans, and they need to follow it. He said that he doesn't like people staring him down and looking at him like he's a fascist, when all he wants is the law to be followed.

Derek Wilson said that the threat of a lawsuit is not helpful to bring up every time the applicants project is not moving along as quickly as they would like it to be. He said that he himself goes to the Building Inspector concerning any project that is not being built, as per their site plan, not just this applicants site plan. He said that visits to Planning Board members' homes by the applicants continued, even though they were directed not to do so.

Skip Wilson said that the Planning Boards' members made a rule that as long as an applicant is before this Board, individual members to not visit the site, unless the Board goes as a team, which goes for everyone, not just this applicant.

Ms. Han said that when she said that the Planning Board members have a history of being discriminatory in their decision, she had records to back herself up, that she did not direct her comments to a particular person. She said that when she says the "Planning Board", each member is a "member" of the Board, each has a vote. She meant the Board as a whole, not individually, can make a decision in taking into account the circumstances and to be reasonable, with the laws and facts to support everything. She said that if there has been notice of violations, her clients would like to properly address them, and if there has been any, they've already been addressed. She said for instance, there has been a history where the Planning Board has stopped the reviewing of her clients' entire application, because of a so called violation, which her clients have never received a notice of violation, and that review was delayed for five months. She said that there were volunteers who took leave from their work, and materials ordered, and the damages is up into the millions. She said that as Chinese people in the Town, want to be good neighbors and work with the town and dedicated themselves and donate their talents and be good neighbors. She said there was a point where they felt that they couldn't move, that they were stuck and were at a breaking point where they thought they could not do any more, and they had to take things very seriously, and felt that their entire project was being threatened, and their freedom of exercising their religion and beliefs was being threatened. She said that that is when she mentioned litigation counsel to look further into record and study it very carefully. She said that when she makes a statement that there has been discriminatory treatment, there is a long history of that and there's facts to support that. She said that there has been many occasions where the law and the cases of the facts supporting her clients position are correct and accurate, however the delays and damages are already done. She said that her clients were being put in the position where they hope that this would not happen again, that is, the next application, this would not repeat itself. She said concerning the religious use, it's been repeatedly questioned, how they are known to use the site, and they have a house of worship, and they are told to go back before the Zoning Board of Appeals and let them decide again. She said that she understands that her position is correct, but the delays have already happened. She said that her clients do not want to put the Board in a position where they feel threatened and uncomfortable, and they want to work with the Board. She said that Dragon Springs has made a lot of effort, and representatives have been invited to visit the site. She said that she does have records to support all of the statements that have been made. She said that her clients do not want to say that persons are being discriminatory, unless there are facts to support that, and she looks at the facts very carefully.

Mr. Grauer said that if litigation is intended, then they wouldn't have come this evening. He said that he wishes to open up and improve relations. He quoted Mr. Plotsky..."To air concerns and try to alleviate negative feelings." He said that that cannot be done without at least the Planning Board listening to his clients perception and perspective on different things that have occurred, that led his clients to form certain opinions and conclusions. He said that Chairman Wilson said that the Board has a rule that they don't visit a site unless they visit it as a group.

Mr. Wilson added that they visit as a group if an applicant is before the Board.

Mr. Grauer said that on a project of this scope. It's been before the Board since 2001, that if the Planning Board