



April 4, 2019

Town of Deerpark Planning Board
PO Box 621
420 Route 209
Huguenot, NY 12746

RE: Dragon Springs Buddhist Inc. (Section 31, Block 1, Lot 31.22) Site Plan

Dear Planning Board Members:

The Delaware Riverkeeper Network has reviewed the Draft Environmental Impact Statement (DEIS), supporting documents and appendices, and the site plans for the Dragons Springs Buddhist Inc. proposal to expand their facilities located at 140 Galley Hill Rd, and situated between Galley Hill Rd. and Guymard Turnpike. The DEIS is incomplete and inaccurate, failing to represent site conditions for major environmental features, and inaccurately describing the significant environmental impacts that will occur with the proposed development. A full and complete evaluation of the environmental impacts from the proposed development is therefore not possible with the information presented by the applicant thus far.

That being said, from the information provided, we can clearly establish that the proposed development would result in significant and substantial adverse environmental effects, particularly impacts associated with surface waters and wetlands, and the living resources dependent on these waterways. As such, it is clear that the Town Planning Board must deny requested approvals for this project.

The magnitude of the proposed development and its environmental footprint is massive when considered in the context of the resources to be harmed. The project as proposed will transform a formerly forested headwater site with over 60% steep slopes into an industrial footprint with towering structures, nearly 10% impervious cover and a large wastewater treatment plant, with entire wetlands being totally eliminated. The irreparable loss of sensitive forested and wetland resources on-site demonstrates a failure to plan development activities appropriate to the setting. Approving just one of the proposed elements in such a setting would be environmentally risky, and would likely induce significant environmental impacts even with the most responsible landowner and the most advanced development, stormwater, and wastewater practices and technologies. In this instance, the Town of Deerpark is being asked to approve a suite of individually risky endeavors that collectively could be devastating for the local stream, the Basher Kill, the

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Neversink River, and the entire community of Deerpark. In addition to the inappropriate scope of development and the failure to use best practices to minimize environmental harm, Dragons Springs Buddhist Inc. (“Dragon Spring” or simply “the applicant”) has consistently flaunted rules and regulations, particularly environmental regulations related to stormwater runoff and sediment control.¹ This clearly elevates the risks, and increases the likelihood that significant environmental harm will result.

Given the known and substantial adverse environmental effects, and the fact that Dragon Springs has failed to candidly characterize site conditions and additional environmental impacts, this development proposal must not proceed. The Delaware Riverkeeper Network (DRN) offers our comments and review as a contribution to the SEQR process and as a contribution to the public hearing comment record.

Context for Review

The proposed development expansion on the Dragon Springs site includes a long list of major and minor additions, modifications, and already-constructed facilities, including:

- 3.0 acre parking garage, up to 74 feet in height, built into a steeply sloping hillside;
- 1.6 acre music hall on the northeastern corner of the property;
- 0.6 acre concrete plaza on the northern edge of building complex, adjacent to rehearsal hall;
- 0.2 acre statue work shed on the western edge of the property perched above steep slopes;
- new rehearsal hall (already partially or completely built);
- new dam and new impoundment on perennial stream (prior permits have expired and are no longer valid²);
- numerous smaller structures and buildings, both new and modified;
- new and expanded roadways;
- increases in impervious surface by 11 acres;³
- total land disturbance of 41 acres;⁴
- 30 acres of tree clearing, with just small fraction of trees replaced in the landscape plan.

We are fully aware, and the public record demonstrates, that Dragon Springs is seeking after-the-fact approval for elements of the proposal that have already been totally or partially constructed without necessary reviews, approvals and/or permits. It is wrong to reward this behavior by granting approval after-the-fact. By approving these already constructed elements you will be encouraging Dragon Springs and others to pursue this same development strategy – let me build it first and secure approvals later because government is unlikely to require me to tear down that which has already been built. The fact is that this project should not be approved as proposed and certainly not in the absence of understanding what the full development being proposed/pursued actually is (i.e. this most recent proposal is simply a segment of a larger project that has not been disclosed to the public, regulators or local officials). In addition, it is very likely that regulators and decisionmakers would like to see alterations in the elements already constructed which cannot now be fully or fairly considered if the current, unpermitted construction is allowed to remain.

¹ see Appendix A

² NYSDEC letter to Town of Deerpark professional engineer (Alfred A. Fusco, Jr, PE); April 10, 2018; RE Dragon Springs Monastery, DEC Facility ID 3-3328-00150, Response on Lead Agency and DEC Jurisdiction (signed by Rebecca S. Christ, Deputy Regional Permit Administrator, NYSDEC Region 3)

³ contradictory numbers provided in SWPPP and DEIS; 11 acres cited in SWPPP, page 7

⁴ contradictory numbers provide in SWPPP and DEIS; 41 acres cited in SWPPP, page 7

It is bad public and/or legal policy to reward unpermitted construction with after-the-fact approval. It will incentivize this kind of illegal conduct by the applicant and others and simply cannot be tolerated. Dragon Springs must be required to de-construct all unpermitted structures on their site in order to allow for full, fair and legal review of whether this construction should be allowed and/or if it should be allowed as proposed or with appropriate modifications.

In addition, a review of the public record demonstrates that the Dragon Springs development continues to expand and will likely seek additional approvals for further expansion in the future. It seems clear from the connectivity between the development elements in terms of use, as well as their proximity in terms of time, timing, and location, that there is in fact a broader vision or project that is being pursued by Dragon Springs but is not being disclosed to the public or regulatory agencies for review and consideration. We have deep concerns that there is an intentional effort to segment this larger planned-for project into smaller segments as a means of evading appropriate legal review and regulation. Before any approvals are to be granted, it is vital that this most recent project be placed into the context of the larger known and anticipated project so that the proper level of regulatory review, public comment, and regulatory decisionmaking can be undertaken – it is inappropriate to allow the ongoing use of segmentation to evade full and appropriate public consideration, and legal review and decisionmaking.

In support of our position that the proposed project should be rejected and unapproved elements deconstructed, Delaware Riverkeeper Network provides this comment with respect to environmental impacts that would result from the proposed development, as currently presented, as well as the deficiencies, inaccuracies, and misrepresentations provided by Dragon Springs in this SEQR process.

Excessive Development of Environmentally Sensitive Land

The proposed expanded development at the Dragon Springs site fundamentally exceeds the ability of this site (and surrounding areas) to absorb and ameliorate the environmental stresses introduced by such high-density urban development in an environmentally sensitive setting. The property is dominated by steep slopes (over 60% of the site is 10% or greater in slope⁵), headwater streams, mature forests, and forested wetlands. In such settings, environmental impacts more quickly accrue and are more difficult to address. Of major significance, the generation of stormwater runoff becomes particularly problematic, and the extraordinary attempts to manage this stormwater runoff both fail to prevent damage and cause significant damage of their own. As described throughout our comments, the size and scope of the proposed development creates environmental impacts that cannot be reduced, managed, or mitigated. Each of the major components in the proposed development, in this sensitive environmental setting, represents significant environmental risk. When combined together, these individual risks become a major threat to the local and regional environment, even under the most responsible management. Yet as the record clearly demonstrates, the applicant has consistently failed to obtain necessary approvals or, once obtained, adhere to the requirements that would prevent environmental pollution of the site and the surrounding resources. The proposed development simply exceeds the capacity of this site to withstand these environmental threats, and these impacts are compounded by a proven track record of poor compliance.⁶

⁵ Figure III-2 of DEIS

⁶ see Appendix A

On this site, with a predominance of steep slopes, the applicant proposes an additional 11 acres of new impervious surfaces and new disturbance of 41 acres in addition to the extensive disturbance of the site for previous development over the last 20 years. The applicant acknowledges that 25% of the 41 acres of disturbance will be on the steepest slopes (>15% slope).⁷ The proposed expansions in the developed footprint will bring the total impervious cover to 36 acres, or nearly 10% of the 393 acre property (9.2%). This is too much impervious cover for the site, and will cause local and regional impacts from the runoff generated for this dense impervious footprint. Even in settings with gentle topography and deep soils, the scientific literature recognizes that a 10% impervious cover will cause significant environmental impacts, including water quality degradation, losses of biodiversity, channel instability, and sediment pollution.⁸ With such well-documented impacts in less extreme and less sensitive environmental settings, the proposed 9.2% impervious coverage here at the Dragon Springs site is an unacceptable proposal that, in this setting, will result in environmental impacts far greater than such a development density would cause in an area with gentle slopes, deep soils, and less sensitive environmental resources. Here at the Dragon Springs site, the nearly 10% impervious coverage and the clearing of forests in a steep-slope environment will cause uncontrolled runoff across multiple locations, scour of soils and streambanks, pollution from impervious cover runoff, heightened sediment pollution of the streams and wetlands on-site as well as to the unnamed tributary to the Basher Kill, the Basher Kill itself, and the Neversink and Delaware Rivers. These impacts, at this density of development in this setting, cannot be avoided, effectively managed, or mitigated. The only way to avoid these impacts is to recognize the limitations of the site and to avoid the over-development of this steeply-sloping, forested, headwater setting. As the applicant's history of violations⁹ clearly document, the environmental impacts are clear and predictable.

Despite these extraordinary challenges and the past history of problems, the applicant nevertheless has failed to recognize the magnitude of the challenges and has continued their superficial attempts at managing the environmental impacts. This can be seen in the preliminary Stormwater Pollution Prevention Plan (SWPPP) presented as Appendix D to the DEIS. Although the applicant has, at face value, attempted to model and control both the runoff volume, the runoff timing, and the water quality of the stormwater through a series of stormwater management practices, a careful review of these proposed measures shows they have not been properly designed.¹⁰ Among the many deficiencies, the applicant fails to provide details on stormwater planters for the music hall and parking garage A, yet claims these unspecified practices can fully manage stormwater runoff for over one acre of impervious surfaces. They likewise claim credit for sheetflow through riparian buffers, but fail to recognize that the area has steep slopes up to 33% thus precluding sheetflow as a management practice, and likely exacerbating rather than managing stormwater runoff. The broader green infrastructure practices proposed by the applicant similarly fail to meet the required specifications in order to receive green stormwater credits, including demonstration of infiltration capacity on rocky soils with near-surface bedrock. The applicant also proposes three sand filters to treat over 10 acres of impervious surfaces, but provides minimal details of their design and operation, and even

⁷ DEIS, page 19, "Potential Impacts"

⁸ see Schueler 1994. Watershed Protection Techniques 1:100-11; Arnold & Gibbons 1996. Journal American Planning Association 62: 243-258; Paul & Meyer 2001. Annual Review Ecology Systematics 32: 333-365; and the literally thousands of additional studies that have cited these foundational publications

⁹ see Appendix A

¹⁰ see independent engineering evaluation of DEIS by Willingham Engineering, dated February 11, 2019; attached as Appendix B

improperly sites these practices in areas such as those with moderate gradients (e.g., 12 foot drop for one sand filter).

Instead of recognizing the limitations of the site and the historic problems with stormwater runoff and pollution of local streams and rivers, the applicant treats the stormwater runoff as a conventional problem using generic solutions, and fails to either propose a scale of development that can be effectively managed or to invest in design and implementation of strategies that will appropriately scale with the magnitude of the challenges. These deficiencies have already caused significant environmental harm in the Town of Deerpark and to the resources of New York state, and will expand these harms in frequency and magnitude should the proposed over-sized development be approved.

One of the applicant's solutions to the over-development of this site, and to the high volumes of stormwater runoff, will itself cause significant environmental impacts. In order to control and model stormwater runoff (both volumes and peak rates) to demonstrate no increases post-development, the applicant has already constructed one dam and proposes to construct a second dam to impound water on the site. This proposed second dam is particularly problematic, both in terms of its design and in terms of its environmental impacts (see detailed review of impacts below). Importantly, the main function of this proposed dam and the proposed excavation of over 100,000 cubic yards from land within the proposed impoundment will be stormwater management.¹¹ Yet this stormwater management practice will be developed over an existing 5.2 acre wetland, and will permanently inundate a class C (TS) trout spawning headwater stream. In this case, the applicant is proposing a significant site development (a new dam and impoundment, far exceeding the previously approved but expired permit for a smaller dam on the site) in order to manage stormwater, but has chosen to sacrifice some of the most important and sensitive environmental resources on the site in order to manage the large volumes of stormwater created from this large-scale development. Again, the size of the development exceeds the capacity of the site to absorb the new activity without sizable and significant environmental impacts.

Expanded Wastewater and Stream Discharge Pollute Local Streams & Rivers

The excessive expansion of the Dragon Springs facility in this sensitive environmental setting leads to a significant increase in wastewater flows and thus the need to expand a wastewater treatment plant, and to discharge wastewater effluent directly into local streams and rivers. The size of the facility, its location on a small trout stream, the permissive effluent limits, and the combined effects with the many other stream alterations will impair the best uses of the receiving stream and will likely remove both Designated Uses and Existing Uses from the tributary, the Basher Kill, and the Neversink River in violation of state and federal laws and regulations.

The applicant plans a 10-fold expansion of wastewater flows as a result of the over-development of this forested headwater property. Shifting to an industrial-scale development of the property requires a shift away from the environmentally-sensitive discharge-to-groundwater currently employed (8000 gpd current flow¹²) to a major wastewater treatment plant with a design capacity of 100,000 gpd (gallons per day). A

¹¹ Table I-1 of DEIS; pages 15, 28, 29, 30 of DEIS text; also see Appendix D, preliminary Stormwater Pollution Prevention Plan

¹² Table I-1 of DEIS

10-fold increase in wastewater flows reflects the magnitude in the increased use and the impact of the proposed development. As other reviewers have highlighted, a facility this large is equivalent to a 500-home single family residence development.¹³

Although routine permitting by NYSDEC and DRBC has established conventional effluent limits for this facility, a closer examination of the impacts to receiving streams clearly demonstrates the gross pollution that will result from this major wastewater plant discharging to a small local trout stream. The unnamed tributary to the Basher Kill that will receive wastewater effluent is a small stream classified in New York standards as C (T), indicating best usages for fishing and the protections and water quality standards for trout populations.¹⁴ This stream has a drainage area of approximately 2.3 square miles near the wastewater treatment plant outfall and a 7Q10 wastewater mixing flow of just 0.04 cfs¹⁵ (cubic feet per second). Under design conditions for the wastewater plant and both typical and conservative assumptions for nutrients¹⁶ the resulting nutrient concentrations under low flow would increase to as much as 1.0 mg/L Total Phosphorus and 3.5 mg/L Total Nitrogen in this receiving stream. With recommended nutrient criteria for the state of New York between 80% to 99% lower than these concentrations¹⁷ it is clear that the large size of this new proposed wastewater treatment plant and the high effluent limits currently proposed will lead to **gross pollution** of the unnamed Basher Kill tributary, will cause a host of eutrophication symptoms (including loss of biological diversity, excessive algal growth, and extremes in dissolved oxygen and pH) and will diminish or preclude the ability of trout to successfully persist in these wastewater-dominated sections of stream.

The effects from the 24 hours per day/7 days a week effluent will extend beyond this local trout stream, however, and will lead to further eutrophication of both the Basher Kill and the Neversink River. Based on New York recommended standards, the Neversink River already far exceeds recommended eutrophication criteria for Total Phosphorus¹⁶, and the dramatic declines of threatened and endangered mussel species in the Neversink River in recent years suggests that the ecological integrity of this system has been significantly compromised and cannot withstand expanded pollutant loading. Indeed, as described below, the addition of a significant wastewater treatment plant to the Neversink River system, particularly in such close proximity to the species' highest density patches, may lead to substantial impacts to threatened and endangered mussels, including the possibility of extirpation of the last strongholds of these species in New York state.

Finally, it is important to note that the DRBC docket for this wastewater discharge has expired, and a new application and docket review will be needed for this wastewater treatment plant. DRBC review, input and docketing is critical information for the SEQR and decisionmaking process.

¹³ see independent engineering evaluation of DEIS by Willingham Engineering, dated February 11, 2019; attached as Appendix B

¹⁴ 6 NYCRR Part 815, Table I, Item 47, Waters Index Number D-1-12-1

¹⁵ USGS StreamStats web-based tool, available at <https://streamstats.usgs.gov/ss/>

¹⁶ see Delaware River Basin Commission's "Existing Water Quality Atlas of the Delaware River Special Protection Waters" published September 2016; available online at https://www.nj.gov/drbc/library/documents/SPW_EWQ-Atlas/entire-report.pdf

¹⁷ see New York State Nutrient Standards Plan, revised July 7, 2011, available online at https://www.dec.ny.gov/docs/water_pdf/statenutriestandards.pdf; see also Smith et al. 2013. Ecological Indicators 29: 455-467; recommendations indicate protection needed at less than 20 µg/L for Phosphorus and less than 500 µg/L for Nitrogen

Extreme Risks to Threatened & Endangered Species Underestimated by DEIS

The current DEIS and supporting documents fail to recognize the risks to threatened and endangered species from the proposed development. In particular, the changes to water quality from both the addition of a new large wastewater treatment plant and the ongoing and proposed expansion of impervious coverage, stormwater flows, altered temperature regimes, and the resulting violations of sediment and turbidity water quality standards all will contribute to recent declines in multiple threatened or endangered species. In addition, the failure of the applicant to characterize on-site resources and habitats in all potentially affected areas means that these impacts have not been fully evaluated and cannot be understood based on the current submissions.

Recent declines in the state- and federally-endangered Dwarf Wedgemussel (*Alasmodonta heterodon*) in the Neversink River (the only population of this species entirely in New York state waters) raise alarms that this species is struggling to maintain its populations under the various stresses imposed on this Neversink population. Declines by up to 60,000 individuals in the 1990s were compounded by additional declines in the early 2000s such that the population is currently estimated at only 2000 individuals, an estimated 97% decline over the last 30 years.¹⁸ Adding both prescribed stress (continuous wastewater effluent) and unprescribed but well-documented stress (see regular violations via sediment, turbidity, and erosion over the last 10 years by the project applicant in Appendix A) could further the declines for this endangered species, perhaps resulting ultimately in the extirpation of this only unique population in the state of New York. Like the loss of spawning trout populations in the small tributary on-site cited as a risk in multiple locations of our comments, the loss of a federally-endangered species could result from the permitting of this extraordinary suite of risky development activities in a highly sensitive environmental setting, placing the Town of Deerpark, the State of New York, and the applicant in violation of the Clean Water Act, as well as state and federal regulations. The risk to struggling Dwarf Wedgemussel populations in the Neversink River is underestimated by the current DEIS, and the proposed extensive development of the project site must not proceed in order to reduce these risks of increasing harm. It is noteworthy, however, that some of these risks will continue even without the approval of the current proposed development because of a long history of poor stormwater management and sediment control by the project applicant.

Like the Dwarf Wedgemussel, the Brook Floater (*Alasmodonta varicosa*) has experienced severe declines both locally and throughout New York state in recent decades. Broadly within New York, most populations have either been extirpated or have declined to the point where few (if any) individuals can be found during surveys.¹⁹ The only relatively strong population remaining in New York has been the Neversink River population, but like the Dwarf Wedgemussel there have been major declines in this last-remaining stronghold for the Brook Floater, with declines of 38,000 noted during the 1990s and then additional declines reported during the early 2000s.²⁰ The Brook Floater is particularly sensitive to the types of risks

¹⁸ Strayer et al. 1996. Journal North American Benthological Society 15: 308-317; Galbraith et al. 2016. Journal of Fish & Wildlife Mgmt 7: 377-387; New York Natural Heritage Program "Online Conservation Guide" for the Dwarf Wedgemussel, available at <https://guides.nynhp.org/dwarf-wedgemussel/>, accessed March-2019 and April-2019

¹⁹ New York Natural Heritage Program "Online Conservation Guide" for the Brook Floater, available at <https://guides.nynhp.org/brook-floater/>, accessed March-2019 and April-2019

²⁰ Strayer & Jirka 1997. "The Pearly Mussels of New York State" New York State Museum Memoir 26; New York Natural Heritage Program "Online Conservation Guide" for the Brook Floater, available at

and threats posed by the Dragon Springs development since it specializes in clean, low-sediment cool to cold streams and rivers.²¹ Given the history of regular and excessive sediment releases from the Dragon Springs site²² into the small tributary, the Basher Kill, and the Neversink River, and given the risky over-development of a steep-sloped headwater setting, the risks of extirpation for the Brook Floater population may be as high or higher than for the Dwarf Wedgemussel population of the Neversink River. Again, the Town of Deerpark, the State of New York, and the applicant would share responsibility for state and federal legal violations that cause the further decline or loss of the Brook Floater population. The risky over-development of this sensitive setting must not be allowed.

For both the Dwarf Wedgemussel and the Brook Floater, the DEIS minimizes the risks to these species, fails to recognize the long history of water quality violations, and ignores the combined and cumulative impacts from multiple stressors on these sensitive environmental resources. Because these two species of mussels, as well as the local wild trout populations, sit so precariously near the brink of extirpation, isolation of risks from any single activity and a complete failure to evaluate cumulative risk represents a failure of this environmental impact evaluation to consider the high likelihood of local or state-wide extirpation for one or more of these sensitive species.

Similarly, the incomplete mapping of wetlands and surface water features on the project site (see comments below) precludes an accurate and complete evaluation of potential impacts to Bog Turtle. The applicant's consultant clearly states that the only area surveyed for candidate Bog Turtle habitat was in the proposed impoundment that will be flooded by the new proposed dam.²³ Despite the fact that the applicant describes depressional features in both text and in maps, and even includes areas preliminarily mapped as wetlands on multiple site plans or drainage maps (see detailed comments below), there is no evidence that the qualified wetland delineator and Bog Turtle surveyor visited these areas of the project site despite the fact that they would be directly impacted by stormwater runoff from the proposed development activities. As highlighted below, the potential for significant environmental impacts cannot be fully evaluated because of incomplete, inaccurate, and misleading information provided by the applicant in the DEIS and supporting documents.

Finally, despite the close proximity of Bald Eagle nests to the property, the applicant has proposed tree clearing during the bald eagle nesting season. The applicant has failed to consider the full and integrative impacts of the various land and resource disturbances, and has therefore created a significant disturbance during the most sensitive period for Bald Eagle growth and recruitment.

<https://guides.nynhp.org/brook-floater/>, accessed March-2019 and April-2019; Cole & St John White 2006. "An assessment of freshwater mussels in the Neversink River following removal of the dam at Cuddebackville, NY and a severe spring flood event: Cuddebackville, NY" Report to The Nature Conservancy, 11 pp.

²¹ Strayer & Jirka 1997. "The Pearly Mussels of New York State" New York State Museum Memoir 26; Pandolfo et al. 2010. Journal North American Benthological Society 29: 959-969; New York Natural Heritage Program "Online Conservation Guide" for the Brook Floater, available at <https://guides.nynhp.org/brook-floater/>, accessed March-2019 and April-2019;

²² see Appendix A

²³ Appendix E of the DEIS, Habitat Assessment, by environmental consultant Michael Nowicki from Ecological Solutions, page 9.

Significant and Unaddressed Environmental Impacts from New Dam Construction

Despite claims by Dragon Springs that the second dam on the unnamed perennial tributary has already been permitted, with the implication that the environmental impacts from this dam need not be addressed in this DEIS, the facts clearly indicate that this second dam is an absolutely vital component in the stormwater management plan, it has not yet been constructed, and significant environmental impacts arise through the many activities associated with this dam. As a result, these environmental impacts must be completely and accurately described to comply with SEQR regulations and the Scoping Document²⁴ agreed upon by Dragon Springs, and these environmental impacts must be addressed through avoidance, minimization, and mitigation.

The DEIS and the SWPPP, and all associated calculations and submissions, continually reference the stormwater management functions of the new impoundment along with the proposed excavation of over 100,000 cubic yards of land within the proposed impoundment.²⁵ Indeed, the proposed impoundment is the most important feature in the overall SWPPP and provides the applicant the ability to claim that post-development runoff volumes and rates will match or even improve upon pre-development runoff volumes and rates. As a critical feature in the stormwater management, the dam and impoundment therefore are central to the entire development proposal, and the impacts from building this dam and flooding an existing 5.2 acres forested headwater wetland that protects the best uses of this trout spawning stream must be directly, thoroughly, and completely addressed as part of the comprehensive DEIS process.

The approved Scoping Document clearly states that the effects and impacts from the building of the new dam need to be discussed and addressed in the DEIS.²⁶ However, although the applicant mentions in the DEIS that a new dam will be constructed²⁷ they fail to accurately and completely describe either the effects from building the dam or the effects from the revised size and configuration for the dam. For instance, despite the applicant's environmental consultant mapping 5.2 acres of wetland within the proposed impoundment, Table I-1 of the DEIS characterizes the Potential Impact of the proposed development as "The Proposed Project will result in 0.6 acres of Federal wetland disturbance for grading around the new lake and dam reconstruction. Disturbance within the lake will be temporary as this entire area will be water postconstruction." The clear discrepancy between the applicant's stated 0.6 acres of wetland disturbance and the reality that 5.2 acres of existing forested headwater wetland will permanently be eliminated is striking. Despite the clear requirement in the Scoping Document to fully characterize the effects from the new dam, the applicant vastly underestimates the impacts and misrepresents the environmental cost of the proposed building of a new dam on a perennial tributary.

NYSDEC has unambiguously indicated that the permits for dam construction, stream disturbance, and the water quality certification **have all expired**, and the process for approval of the dam (particularly with the

²⁴ "Draft Scoping Document for a Draft Environmental Impact Statement" from Applicant, Dragon Springs Buddhist, Inc.; adopted June 13, 2018, and included in Appendix A of DEIS

²⁵ Table I-1 of DEIS; pages 15, 28, 29, 30 of DEIS text; also see Appendix D of DEIS, preliminary Stormwater Pollution Prevention Plan

²⁶ Section III.B.2 of "Draft Scoping Document for a Draft Environmental Impact Statement" from Applicant, Dragon Springs Buddhist, Inc.; adopted June 13, 2018, and included in Appendix A of DEIS

²⁷ DEIS, page 3: "A new dam is also proposed on the east side of the proposed lake."

major modifications proposed since earlier review) would require a new permit application.²⁸ The dam that would flood over 5 acres of wetlands does not currently exist, and no valid permits cover the building of the dam in either its former or its current configuration. The forested wetland in the proposed impoundment, however, currently does exist and would be entirely eliminated by the building of this dam, particularly in the expanded configuration proposed in the current submission before the Town of Deerpark. Likewise, extensive existing mature forest surround this wetland and would be cleared and eliminated by the construction of the dam and the flooding of the impoundment. Serving in its stormwater management function, this impoundment would then severely degrade the water quality and temperature regime for this headwater trout-spawning stream, leading to the impairment or elimination of the best uses of this stream contrary to New York state water quality standards.

Finally, inappropriate and inadequate mitigation is proposed for the underestimated impacts to wetland resources. Not only does the applicant propose to mitigate for only 0.6 acres of wetland impacts (far below the 5.2 acres of wetland eliminated from proposed development), but the wetland mitigation is mismatched in terms of locations and species. Instead of mitigating with additional forested headwater wetlands, the applicant has proposed to use a floodplain area adjacent to the much larger Neversink River as a mitigation location. Although valuable as wetland habitat, the species composition and ecosystem functions of this mis-matched mitigation location in no way compensate for the headwater wetland habitats and functions that will be lost on the project site. In addition, the total mitigation is far less than would be required with a total proposed impact to 5.2 acres of wetland within the proposed impoundment.

The proposed impoundment and the building of the dam in its current proposed design are absolutely vital components in the overall proposed development. Despite the lack of valid permits and despite the applicant's agreement to evaluate the dam's environmental impacts, the applicant has failed to accurately and completely characterize the size and scope of the environmental impacts from this key feature of the development within the DEIS and its supporting documents. The dam and the impoundment do not currently exist. This is clear. Significant and permanent losses from their construction will result to the protected resources on the site. This is also clear. Yet the DEIS fails to address these impacts. As a result, this proposed development cannot be considered for final approval with these glaring omissions, and the characterization of environmental impacts from the proposed development needs to be rectified prior to a meaningful evaluation of the proposal.

Failure to Map, Survey, and Evaluate Surface Water Features

Among the most egregious oversights or misrepresentations in the DEIS concerns surface water features on the project site. Multiple additional stream channels²⁹ drain the property but have not been mapped in any of the site plans nor discussed, modeled, or documented in the DEIS, SWPPP, or environmental consultant's report. These streams have a clearly defined bed-and-bank, and can be seen crossing the Shawangunk Ridge Trail (old railroad bed) at multiple locations adjacent to the project site. These stream channels are

²⁸ NYSDEC letter to Town of Deerpark professional engineer (Alfred A. Fusco, Jr, PE); April 10, 2018; RE Dragon Springs Monastery, DEC Facility ID 3-3328-00150, Response on Lead Agency and DEC Jurisdiction (signed by Rebecca S. Christ, Deputy Regional Permit Administrator, NYSDEC Region 3)

²⁹ Mapped by the Delaware Riverkeeper Network, March 2019, along the public Shawangunk Ridge Trail and on the public NYS Forest Lands near the southeastern edge of the property

not ephemeral, instead maintaining persistent flows during dry weather periods and thus are connected to groundwater. As a result of the failure to adequately characterize and map these multiple additional streams, both the environmental impacts (e.g., wetland and stream disturbance) have been underestimated and the surface hydrology has been inaccurately characterized and modeled in the SWPPP and throughout the DEIS (e.g., sheets D-1 and D-2 from the Preliminary Stormwater Pollution Prevention Plan, Appendix D).

Similarly, the project applicant has failed to map or discuss the drainage features down-gradient from the proposed statue work shed, the incense work shop, and storage shed #1. In the SWPPP, the applicant contends that no modeling of stormwater runoff for this drainage area (labeled E-WS#6 in drainage map D-1, and labeled P-WS#9 in drainage map D-2) was performed nor was needed because the area drains to a natural depression and all water draining in this area naturally infiltrates into the ground.³⁰ This statement is problematic from a number of perspectives. The description suggests a natural catchment basin with no outlet under low water levels, which typically describes either a wetland or a vernal pool habitat. The applicant provides no surveys, nor apparently has the applicant directed their environmental consultant to conduct surveys of this area to determine the soil composition, plant composition, hydroperiod, and possible jurisdictional status of this suspected wetland area.³¹ No evidence is provided that indeed all water simply infiltrates into this natural depression, with only an unsupported statement by the project applicant to this possibility. The possibility of a wetland or vernal pool habitat in this area indicates the need to fully model the stormwater runoff pre- and post-development in order to characterize the potential environmental impact of this heightened stormwater runoff on natural environmental features of the site.

The high likelihood of some surface water feature in this natural depression is further increased by the apparent mapping of a wetland feature further down-gradient in a similar depression within drainage area E-WS#6 (from sheet D-1) and P-WS#9 (sheet D-2).³² This apparent wetland feature is also shown on site plans C-1 and C-14.¹⁸ Yet the apparent wetland features included on these four maps receive no mention by the applicant's environmental consultant, and no evidence exists that these areas were surveyed by a qualified professional. The Scoping Document unambiguously states: "Existing surface waters, including wetlands, streams and any other natural water features will be discussed;" and "All resources will be described in terms of jurisdiction, classification, size, and any applicable regulated area." The only wetlands directly acknowledged by the applicant are the existing pond / impoundment (12.7 acres) and the mapped forested headwater wetland in the proposed new impoundment (5.2 acres).³³

³⁰ Appendix D of DEIS, SWPPP section III. Stormwater Quality Control, page 6

³¹ No mention of either surveys or site conditions being evaluated outside the proposed impoundment are included in Appendix E of the DEIS, Habitat Assessment, by environmental consultant Michael Nowicki from Ecological Solutions (e.g., bog turtle habitat evaluation states only "The wetland in the area of the proposed pond was evaluated..." with no reference to evaluating other depressions or possible wetland areas outside this proposed impoundment.

³² Although no key for all mapped geographic features is provided for site plans C-1 or C-14, nor sheets D-1 or D-2 of Appendix D, two apparent wetland areas are mapped with a typical wetland symbol at a consistent elevation on these maps; although not conclusive that these areas are wetlands, four maps or sheets submitted as part of the DEIS suggest wetland areas that are mapped in a preliminary fashion based on unknown sources (e.g., state or national GIS layers, on-site surveys)

³³ see Table I-1 of DEIS, and page 20 of DEIS, where a total of 18 acres of Federal jurisdictional wetlands are acknowledged, including the 12.7 acre existing pond / impoundment

It is incredible that the project applicant would include candidate wetlands on multiple map submissions, including areas receiving stormwater runoff from proposed development activities, and yet provide no wetland delineation, no habitat characterization, no endangered species surveys, and no further discussion of these potential sensitive resources. As with other components of the DEIS and supporting materials, the applicant has failed to accurately and completely describe those environmental features impacted by continued development of the property. The DEIS thus greatly underestimates the potential environmental impact of the proposed development.

Finally, a disturbing possibility is highlighted by the recent aerial photographs of the project site that show apparent filling of the mapped depression down-gradient from the incense work shop and proposed statue work shed over the last 10 years.³⁴ It appears that an area near the very lowest point of this depression (see sheet D-2 in Appendix D, approximate latitude/longitude coordinates of 41.44322 / -74.59430) has been cleared of trees and has been provided with road access off of Zhendao Rd, with an area greater than 4000 ft² apparently strewn at various times with debris, rubble, and/or fill. Should this area be mapped as a jurisdictional wetland by a qualified surveyor, the potential for filling of wetland areas without a permit needs to be thoroughly investigated.

The failure of the applicant to adhere to the requirements of the DEIS Scoping Document and to fully map all existing and candidate surface water and wetland features thus leads to myriad problems for adequately evaluating the proposed development. These omissions need to be rectified, and the full and accurate environmental impacts characterized, prior to any final consideration of the proposed development.

Inaccurate, Incomplete, and Misleading Representations by Project Applicant

In addition to the specific problems and deficiencies described in our preceding comments, we also want to note that the DEIS and the supporting documents, maps, and appendices are replete with additional errors and inaccuracies that compromises the validity of the environmental impact evaluation. We provide here a number of the more significant errors and omissions that have not been described previously, but we also note that many more were found during our review of the DEIS and supporting documents:

- Incredible predictions for altered hydrology: the applicant is converting a nearly-pristine forested setting to a nearly-urban density of development and impervious cover (9.2%), and yet predicts between 33% and 61% **reductions** in peak flows for the 1-year, 10-year, and 100-year storms at the design points.³⁵
- Bias in discretionary selections for stormwater modeling: stormwater calculations bias the pre-development conditions by labeling forest cover as only “fair conditions” and thus inflating the curve number for the dominant pre-development land cover and minimizing the difference between the natural undisturbed condition prior to 2001 and the developed condition proposed in this submission; this bias is further highlighted in the post-development conditions, following compaction by heavy equipment and disturbance of the existing, where the disturbed and modified areas are then labeled “good” for areas with grass and mixed cover types thus allowing lower and

³⁴ review of aerial photographs from 5/3/2009, 5/26/2011, 9/12/2012, 4/17/2016, and 10/9/2016; aerial photographs accessed via GoogleEarth© computer program.

³⁵ see Table 2 and Table 3 of the SWPPP

less harmful curve numbers. As elsewhere, there is a bias in the details of the SWPPP by the applicant to diminish the quality of the undisturbed forested site and exaggerate the ability of the proposed highly-modified landscape to capture, retain, and infiltrate precipitation.

- Inconsistent statements on impervious cover: DEIS regularly cites 36 acres and 9.2% of total impervious, while sheet C-1 of site plans cites 8% impervious cover. The SWPPP cites an increase in impervious cover of 11 acres,³⁶ while the DEIS cites an increase in 10 acres in multiple locations. No consistency is found in the DEIS and the supporting documents on this critical statistic for evaluating the full environmental impact of the proposed development.
- There is a failure to model stormwater runoff for all areas with development, particularly the drainage area P-WS#9 (sheet D-2 of SWPPP) that may drain to multiple wetland areas (partially discussed above).
- Inconsistent details on tree replacement and planting: the SWPPP indicates that 463 trees³⁷ will be planted near impervious surfaces, while the Landscape & Tree Plan (C-14) indicates only 249 trees will be planted, with an additional 68 shrubs, for a total planting of 317 plants.
- Misrepresentations of environmental impacts to plants & animals: the applicant states “The Proposed Project will not displace any species or fragment any existing habitat” in the Wetland & Wildlife Section of the DEIS.³⁸ With the project site’s only mapped forested wetland located in the proposed impoundment, this statement is patently false. Multiple plant and animal species that are known to occur nowhere else on the project site will be permanently inundated by proposed dam and impoundment, displacing this host of specialized species, and not just fragmenting but completely eliminating the only forested wetland area currently known for the project site.
- Irreconcilable statements: the applicant proposes to excavate up to 40 feet in the proposed new lake and up to 50 ft for the music hall, and yet claims that no chipping or blasting of rock will be required.³⁹ Although these areas for excavation exist on Swartswood gravely loam soils, which are relatively deep for this mountainous setting, it is difficult to imagine (particularly without soil borings to support such a statement) that no bedrock will be encountered at depths between 40 and 50 feet, and we fully expect hard-rock techniques will be needed by the applicant. The impacts from chipping, blasting, or other hard-rock excavation activities will likely have impacts to species such as Bald Eagle and both Indiana Bat and Northern Long-eared Bat, impacts which are currently underestimated and uncharacterized in the DEIS.
- Although Figure III-4 in the DEIS (Cut-Fill Analysis Map) provides a preliminary characterization for the range of possible excavations in the proposed impoundment and at the proposed music hall, the applicant has failed to reflect these excavations on all additional site plans except for a generic and undefined area for possible excavation on sheet C-8. The extent of cut, the proposed slopes, the resulting topography, and the effects on environmental resources are impossible to estimate with the vague and incomplete submissions by the project applicant.
- The massive 1000-stall proposed parking garage will be located at a substantial distance (1000 ft or more walking distance) from the proposed music hall, with no walkways or transportation access indicated between the two structures, and the applicant instead claiming that parking “will be

³⁶ SWPPP page 7

³⁷ SWPPP page 8

³⁸ DEIS page 36

³⁹ DEIS page 19

conveniently located adjacent to the music hall to accommodate guests attending events.”⁴⁰ This raises the distinct possibility that the applicant plans further “segmentation” of the project and will return at a later time for additional approvals for additional disturbance, impervious structures, and buildings to accommodate the challenging access between these two structures. As stated before, segmentation has been demonstrated in the past and designs such as this suggest the current review does not cover the full scope and impacts of the final design envisioned by the applicant.

- Administrative submissions inaccurate and contradictory: although too numerous to list individually, the applicant’s SEQR submissions are frequently incorrect and often contradict other submissions as part of the DEIS suite of documents and appendices. A few striking examples include:
 - 5 acres of physical disturbance on the project site (instead of 40 or 41 acres);⁴¹
 - 1 acre of additional impervious surface (instead of either 10 or 11 acres);⁴²
 - answering “no” for whether there will be impacts or alterations to wetlands or waterbodies;⁴³
 - 1 acre of forest loss from proposed activities (instead of 30 acres);⁴⁴
 - answering “no” to whether slopes of 15% or greater will be disturbed (when the DEIS indicates 25% of the 40 to 41 acres of disturbance will be on 15% or greater slopes);⁴⁵
 - answering “no” to whether actions may increase surface water turbidity, when the applicant has a long history of specific sediment and turbidity violations, and an additional 40 to 41 acres of land disturbance is proposed;⁴⁶

Because these submissions and forms constitute the basis for decisions on the scope and review of the environmental impacts, the glaring and regular inaccuracies in these documents raise serious concerns about the validity of the entire SEQR process and the validity of the DEIS.

Summary Evaluation

Again, as stated earlier, the magnitude of the proposed development is immense. Transforming a formerly forested headwater site with over 60% steep slopes into an industrial footprint with towering structures, nearly 10% impervious cover, a large wastewater treatment plant, and the elimination of entire wetlands on-site demonstrates a failure to plan development activities appropriate to their setting. Approving just one of the proposed elements in such a setting would be risky, and would likely induce significant environmental impacts even with the most responsible landowner and the most advanced development, stormwater, and wastewater practices and technologies. In this instance, the Town of Deerpark is being asked to approve a suite of individually risky endeavors that collectively could be devastating for the local stream, the Basher Kill, the Neversink River, and the entire community of Deerpark. Dragons Springs has consistently flaunted rules and regulations, particularly environmental regulations related to stormwater runoff and sediment

⁴⁰ DEIS page 3

⁴¹ Appendix A, Full Environmental Assessment Form, Part 1 – Project and Setting, page 3 of 12

⁴² Appendix A, Full Environmental Assessment Form, Part 1 – Project and Setting, page 6 of 12

⁴³ Appendix A, Full Environmental Assessment Form, Part 1 – Project and Setting, page 4 of 12

⁴⁴ Appendix A, Full Environmental Assessment Form, Part 1 – Project and Setting, page 9 of 12

⁴⁵ Appendix A, Full Environmental Assessment Form, Part 2 – Identification of Potential Project Impacts, page 1 of 10

⁴⁶ see documentation of prior violations in Appendix A of DRN submission; see Appendix A of DEIS, Full Environmental Assessment Form, Part 2 – Identification of Potential Project Impacts, page 2 of 10 for applicant’s response

control.⁴⁷ This clearly elevates the risks, and increases the likelihood that significant environmental harm or even catastrophic failures will result.

The proposed development is simply too large for this site and the many sensitive environmental resources that would be damaged.

The failure to accurately and completely map, describe, model, and assess all sensitive environmental features on the project site further invalidates the assessment of environmental impacts. As it stands, the DEIS cannot be used as the basis for a decision on the proposed development because of the underestimation and/or misrepresentation of sensitive environmental resources and the underestimation and/or misrepresentation of significant environmental impacts from the proposed development.

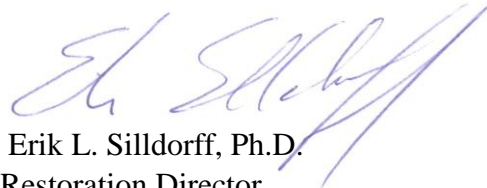
Finally, the proposed development is expected to cause such significant alterations to surface water quality and habitat that Designated Uses and Existing Uses will be impaired or eliminated. The Town of Deerpark, the State of New York, and the applicant will all share responsibility in the loss of the most protective ecological standards within New York (trout and trout spawning) should this proposed development be approved. Given the size and permanence of the structures and the development (including the continuous flow of antiquated wastewater treatment effluent), reversing the loss of trout and trout spawning in this unnamed tributary will be incredibly difficult if not impossible. This permanent removal of both Designated Uses and Existing Uses is a clear violation of state and federal law, and must not be allowed.

Thank you for the opportunity to review and comment on this important and extraordinary development proposal. We believe we have provided you the clear grounds that require the Town, the state and the DRBC to reject any and all approvals for this proposed project.

Sincerely,



Maya K. van Rossum
the Delaware Riverkeeper



Erik L. Silldorff, Ph.D.
Restoration Director

⁴⁷ see Appendix A



Delaware Riverkeeper Network comment letter on Dragon Springs Buddhist Inc. DEIS

Appendix A

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
drm@delawariverkeeper.org
www.delawariverkeeper.org

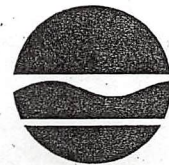
New York State Department of Environmental Conservation

Division of Water, Region 3

100 Hillside Avenue – Suite 1W, White Plains, New York 10603-2860

Phone: (914) 428-2505 • Fax: (914) 428-0323

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

RECEIVED
SEP 28 2010

Certified Mail #7001 0320 0000 0566 4381

ENVIRONMENTAL PERMITS
NYS DEC REGION 3 NEW PALTZ

September 27, 2010

Sam Han
Dragon Springs Buddhist, Inc.
140 Galley Hill Road
Cuddebackville, NY 12729

Notice of Violation

RE: Dragon Springs Temple, 140 Galley Hill Road, Town of Deerpark
SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001
Notice of Intent NYR10F576

Dear Mr. Han:

An inspection was performed by ECO Aaron Gordon and myself on August 30, 2010, to ensure compliance with this Department's SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). The site was toured with Kaijan Liang. Please see the attached inspection report form for more detailed information and note the erosion and sediment control deficiencies on page two.

Proper erosion and sediment controls must be maintained. The lack of proper erosion and sediment controls has resulted in the contravention of the New York State Water Quality Standards (6 NYCRR Chapter X, Part 703.2) in the receiving water. On August 23, 2010, ECO Gordon observed turbid water leaving the site and entering a tributary of the Basherkill. Contravention of the Water Quality Standards is a violation of Article 17 of the Environmental Conservation Law and subject to penalties of up to \$37,500 per day, per violation.

At the time of the inspection of August 30, the Notice of Intent Acknowledgement Letter, SPDES Permit, Stormwater Pollution Prevention Plan (SWPPP), and weekly inspection reports were not available on site. As per GP-0-10-001, this paperwork must be maintained on site.

By October 15, 2010, you must submit a copy of the Stormwater Pollution Prevention Plan to this office. During a phone conversation with Minzi Pan on August 31, 2010, she indicated that a SWPPP was prepared for the portion of the site that is currently under construction. In addition, a "SWPPP" was recently submitted to this department's Division of Permits for a 3.1 acre portion of the site. The Notice of Intent you submitted in 2003 indicated 20 acres of disturbance. The SWPPP must address full build out of the site; all 20 acres of disturbance as indicated in the Notice of Intent must be included in the SWPPP. The SWPPP must address all requirements of GP-0-10-001.

The lack of a SWPPP that complies with GP-0-10-001 is a violation of the SPDES permit and Article 17 of the Environmental Conservation Law. This violation is also subject to fines of up to \$37,500 per violation per day.

These violations are being referred to our Office of General Counsel for the appropriate enforcement action.

If you have any questions, I can be reached at the above phone number, extension 354.

Sincerely,

Natalie Browne

Natalie Browne

Environmental Program Specialist

cc: ECO Aaron Gordon, NYSDEC
Rebecca Crist, Division of Permits, NYSDEC
Town of Deerpark Building Department

VIOLATION STOP WORK

BUILDING DEPARTMENT
TOWN OF DEERPARK

ROUTE 209 • HUGUENOT, NEW YORK 12746

PREMISES LOCATED AT: 140 Galley Hill Road

You are hereby notified that upon an inspection made this day
by the undersigned that you have been found in violation of:

- ☐ Zoning Ordinance
- ☐ Multiple Residence Code
- ☐ New York State Uniform Fire Prevention and
Building Code

☒ Other

Said violation consists of:

BRIDGE CONSTRUCTION
WITHOUT APPROVED PLANS —

You are hereby notified that NO MORE WORK shall be done
upon these premises until the above violations are corrected.

This office is ready to explain the cause of the violation in detail.

BOB EMERSON

☒ Code Enforcement Officer

☐ Fire Inspector

☐ Zoning Inspector

(845) 856-2210 x4

Dated

10-22-15

Local Zoning Law – § 8.4 Violation and Penalties

A violation of this Law is hereby declared to be an offense. If this Stop Work Order is removed
by any person, it is punishable by a fine not exceeding three hundred and fifty dollars (\$350.00)
and 10 days in jail. Second offense is a fine of \$700.00.

DO NOT REMOVE THIS NOTICE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish, Wildlife & Marine Resources, Bureau of Habitat, Region 3
21 South Platt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3057 | F: (845) 255-4659
www.dec.ny.gov

Certified Mail - Return Receipt Requested
7010 2780 0003 5269 8671

December 4, 2015

Kaijin Liang, P.E.
Dragon Springs Buddhist Inc.
140 Galley Hill Road
Cuddybackville, NY 12729

Notice of Violation

**RE: Violations of ECL Article 15 at Dragon Springs Buddhist Monastery,
Cuddybackville, New York**

Dear Mr. Liang:

On October 30, 2015 Brian Drumm from the Region 3 Department of Environmental Conservation (DEC) Bureau of Habitat met you during a compliance check for Environmental Conservation Law Article 15 Permit 3-3328-00150/00017. This permit authorized the replacement of the two bridges carrying both the north and the south access roads to the Dragon Springs Buddhist Monastery over tributaries to the Basher Kill and Neversink River respectively. Each location constitutes a separate violation. You are directed to immediately stop violating Article 15.

This inspection revealed the two bridges deviated significantly from the plans approved in the permit. In both cases steel I-beams were used below the bridge deck while maintaining the approximate road grade significantly reducing the vertical clearance between the bed of the stream and the bridge superstructure. As constructed it is likely that at some point in the future during a high flow event the bridge will not be able to handle the volume of water and/or will become clogged with debris resulting in a backup of water upstream of the bridge, erosion and scour of the stream bed and banks near the bridge, flooding and closure of public roads and the potential to cause significant damage to other public and private property. Therefore, the department has ascertained the probable negative effect on the health, safety and welfare of the people of the state and the natural resources of the state, including soil, forests, water, fish and aquatic resources therein, likely due to result of your work.

Any appearance tickets issued by Environmental Conservation Officers are for separate violations and are not included in this enforcement action.

BE ON NOTICE THAT implementation of reclamation, restoration or remediation activities at the site in no way affects the rights of NYSDEC to seek penalties and other relief in accordance with the Environmental Conservation Law and the rules and regulations promulgated pursuant thereto.



Department of
Environmental
Conservation

Kaijin Liang, P.E.
Page 2
December 4, 2015

Please contact me at (845) 256-3091, within (5) business days of the receipt of this letter, to schedule a compliance conference to address the above violation.

Sincerely,



Brian Drumm, Senior Biologist
Bureau of Habitat

Cc: Town of Deerpark Highway Superintendent Edward Hughson
Town of Deerpark Supervisor Gary Spears

ec: ECO Christopher Lattimer
Kelly Turturro, DEC Region 3 Regional Attorney
Joseph Battista, DEC Region 3, Enforcement Coordinator

Violation

Stop Work

Building Department

Town of Deerpark

Route 209- Huguenot, New York 12746

PREMISES LOCATED AT: 140 Galley Hill Road

You are hereby notified that upon inspection made this day by the undersigned that you have been found in violation of:

- ☐ Zoning Ordinance
- ☐ Multiple Residence Code
- ☐ New York State Uniform Fire Prevention and Building Code
- ☒ Other

Said violation consists of: Building a Structure without a building permit or approved plans. Building an additional story on Rehearsal Hall/Performing Arts Center

You are hereby notified that NO MORE WORK shall be done upon these premises until the above violation(s) are corrected. This office is ready to explain the cause of the violation in detail.

Alfred A. Fusco III

Dated September 28, 2016

X Code Enforcement Officer

☐ Fire Inspector

☐ Zoning Inspector

(845)-856-2210 x4

Local Zoning Law- § 8.4 Violation and Penalties

A violation of this Law is hereby declared to be an offense. If this Stop Work Order is removed by any person it is punishable by a fine not exceeding three hundred and fifty dollars (\$350) and ten (10) days in jail. Second offense is a fine of seven hundred dollars (\$700).

DO NOT REMOVE THIS NOTICE



TOWN OF DEERPARK

BUILDING DEPARTMENT

GARY SPEARS, SUPERVISOR

ALFRED A. FUSCO, III, BUILDING INSPECTOR

ROBERT EMERSON, DEPUTY BUILDING INSPECTOR

ALFRED A. FUSCO, JR., ASSISTANT BUILDING INSPECTOR

SBL: 31-1-21.21

PROPERTY ADDRESS: 140 Galley Hill Rd

Johnathan Lee

Dragon Springs Buddhist Inc

140 Galley Hill Road

Cuddebackville, New York 12729

09/28/2016

RE: STOP WORK ORDER

Rehearsal Hall/Performing Arts Center

Dear Johnathan Lee,

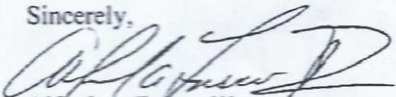
Please be informed that on 09/28/2016, our office observed the following violations of the 2010 Property Maintenance Code of New York State and/or the Town of Deer Park Zoning Code on the above noted property:

§230-58 A Permit Requirements (Building without a permit): No person shall construct, erect, alter, convert, or use any building or structure, or part thereof, until a building permit has been issued by the Building Inspector.

It was observed that an additional story was added to the top of the structure. This additional 8th story was not in the approved plans, and it is our interpretation that this violates your height variance. You are therefore directed and ordered to comply with the law to remedy fully the conditions mentioned above forthwith, on or before 10/28/2016. Please comply by **CEASING WORK on these premises until approval is received from the ZBA (Zoning Board of Appeals) and this office. As an alternative you may also DEMOLISH the structure and return it to its original approved configuration.** - Failure to act by the above noted date will result in an appearance ticket to Deer Park Town Court being issued.

If you have any questions, please contact our office.

Sincerely,


Alfred A. Fusco, III
Building Inspector

NOTICE OF VIOLATION-ORDER TO REMEDY

420 U.S. ROUTE 209 - PO BOX 621, HUGUENOT, NEW YORK 12746

- 845-856-2210, Ext. 4

FAX - 845-856-0935

E-MAIL - deerparkbuilding@gmail.com

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 3

100 Hillside Avenue, Suite 1W, White Plains, NY 10603

P: (914) 428-2505 | F: (914) 428-0323

www.dec.ny.gov

CERTIFIED MAIL

7012 0470 0002 1913 5356

January 30, 2018

Mr. Kaijin Liang
Dragon Springs Buddhist, Inc.
140 Galley Hill Road
Cuddebackville, NY 12729

NOTICE OF VIOLATION

Re: SPDES Stormwater Permit for Construction Activity (GP-0-15-002)
Notice of Intent # NYR10F576
Facility Name: Dragon Springs Temple
Facility Location: 140 Galley Hill Road, Deerpark (T), Orange (Co.)

Dear Mr. Liang,

An inspection at the above referenced construction site was conducted by NYSDEC staff on January 19, 2018. The purpose of the inspection was to evaluate compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and the Environmental Conservation Law (ECL). Copies of the Construction Stormwater Inspection Report are attached for your use.

During this inspection, it was noted that the perimeter swale was installed without a sediment trapping device for disturbed areas, the swale and dike were not stabilized, self-inspection reports did not include discharges from the swale and points of entrance of surface runoff into Sedimentation Ponds B1 and B2 were not protected to prevent erosion. Lack of erosion and sediment controls is a violation of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). This constitutes a violation of the ECL.

PLEASE TAKE NOTICE that ECL 71-1929 provides that any person who violates any section of titles 1 – 11 and title 19 of Article 17 of the ECL, or any permit issued thereunder, shall be liable for a civil penalty not to exceed \$37,500 per day for each violation.

In addition to this inspection, a NYSDEC Environmental Conservation Officer visited the site on January 12, 2018 and January 23, 2018. The Officer observed turbid discharges from the disturbed areas of the construction site noted above. These turbid discharges



Department of
Environmental
Conservation

caused a substantial visible contrast to natural conditions in the Basher Kill (or Bashas Kill). The Officer also observed disturbed areas that had not been stabilized for the winter.

PLEASE TAKE FURTHER NOTICE that this is a violation of New York State water quality standards and also liable for a civil penalty not to exceed \$37,500 per day for each violation.

As a result of these violations, the facility must immediately begin all necessary work for the installation and repair of E&SC measures to conform to the *New York State Standards and Specifications for Erosion and Sediment Control (Blue Book)*, November, 2016 version. The facility must also update its self-inspection reports to include descriptions of the condition of the runoff at all points of discharge from the construction site. The Owner/Operator must submit the following information by February 28, 2018.

1. A letter describing corrections made
2. Photos of reinstalled and repaired E&SC measures
3. An updated self-inspection form that includes all points of discharge from the construction site
4. A Certification of Compliance signed by a responsible corporate officer

Any inquiries, submissions, and requests relating to this NOTICE should be directed to:

Eric Kim, New York State Department of Environmental Conservation
100 Hillside Ave, Suite 1W
White Plains, New York 10603-2860

These violations will be referred to our Office of General Counsel for the appropriate enforcement.

The Department anticipates your compliance with the requirements of the SPDES program. If you have any questions, please call me at (914) 428-2505 x 356.

Sincerely,



Eric Kim, E.I.T.
Assistant Engineer

Enclosure: 2018-01-19 NYSDEC DOW Inspection Report
Certification of Compliance Form

Ecc: Natalie Browne NYSDEC Environmental Program Specialist 2
Shohreh Karimipour, NYSDEC Regional Water Engineer
John Urda, NYSDEC Regional Attorney



Delaware Riverkeeper Network comment letter on Dragon Springs Buddhist Inc. DEIS

Appendix B

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
drm@delawariverkeeper.org
www.delawariverkeeper.org



willingham
engineering

183 Main Street
New Paltz, NY 12561
T 845.255.0210 F 845.256.8110
www.willinghamengineering.com

February 11, 2019

Mr. Robert Vicaretti, Sr., Chair & Planning Board Members
Town of Deerpark Planning Board
420 Route 209
PO Box 621
Huguenot, NY 12746

Re: Dragon Springs Buddhist, Inc.
Galley Hill Road
Town of Deerpark, New York
DEIS Review

Dear Chairman Vicaretti & Members of the Planning Board:

Our firm has been engaged by the Basha Kill Area Association ("BKAA") to provide engineering consultation and representation regarding the Dragon Springs Buddhist, Inc. project approvals. As you may know the BKAA serves as a watchdog, monitoring developments that threaten the valuable natural resources located in the Bashakill Wetland System, such as Dragon Springs, which has a history of violations and inconsistencies for not appropriately adhering to permit requirements. Our office has reviewed the Dragon Springs Buddhist, Inc.'s Draft Environmental Impact Statement (DEIS) with respect to particular engineering issues. Specifically, we focused on wastewater/stormwater impacts, erosion and sediment control issues, and emergency access.

Dragon Springs proposes significant expansion to their operations, including a 920 seat Music Hall, 5-Story Parking Garage, Glass Atrium, Concrete Plaza, Rehearsal Hall, a Proposed Lake, Covered Drive, Residence Hall, 100,000 gallon per day Wastewater Treatment Plant, 12 gazebos, several outbuildings and associated infrastructure improvements.

Our office has received and reviewed the following materials in reference to the above project:

- Draft Environmental Impact Statement, dated November 14, 2018
- Site Plan Drawings, dated last revised October 23, 2018

As you know, the Town of Deerpark Planning Board is the lead agency under SEQRA, and has the important responsibility of identifying the environmental impacts of the Dragon Springs project and ensuring they are avoided or mitigated. As your Board will note during your review of this correspondence, the project has the imminent potential for causing substantial adverse environmental effects relating to surface waters and public safety.

The following comments are offered on behalf of our client, the BKAA, to be considered as part of the project's SEQRA review / public hearing comment record.

Surface Water Impacts - Wastewater

The Applicant is proposing a 100,000 gallon per day ("gpd") Membrane Bioreactor ("MBR") wastewater treatment plant ("WWTP"). The WWTP will discharge to a small stream onsite, then flow directly into the Basher Kill approximately 600 feet downstream. First, the Board should note that this is a large wastewater treatment plant – with a flow roughly equivalent to a 500 unit subdivision of single family homes. The maintenance required for a "surface discharge" WWTP such as this is significantly more intensive than a "groundwater discharge" system. For example, a conventional septic tank and leach field that serves a single family home is a small groundwater discharge system that requires very little maintenance. Surface discharge systems must achieve a much higher level of treatment to protect downstream water bodies, are more complex and have significantly higher maintenance responsibilities.

WWTP Maintenance

The proposed WWTP has seven (7) levels of treatment that would function consecutively in series. The components include a grease trap, septic tanks, equalization tank, biological reactors (which include three separate basins within), membrane filtration, UV disinfection and a post aeration tank. All of these processes need to function properly to successfully remove harmful constituents and prevent adverse impacts to downstream waters and habitat. If not functioning properly, the effluent will discharge with elevated levels of Biological Oxygen Demand, Suspended Solids, Ammonia, Nitrogen, Phosphorus, Fecal Coliform and/or Low Dissolved Oxygen, all of which are debilitating to stream flora and fauna and deteriorate uses of the waters for recreational and/or drinking purposes.

Per Appendix C of the DEIS – Sewer Treatment Plant Design, *"a full time operator will be necessary for the Dragon Springs WWTP to perform the necessary daily inspections and testing and to perform preventative maintenance/equipment reports. An operator will need to be onsite every day."* The operator will need to monitor the equalization tank pumps, return activated sludge pumps, nitrification circulation pumps, permeate pumps, blowers, compressors, backwash systems, monitor the PH, instrumentation and chemical feed systems. The membranes on the biological reactors need to be removed and cleaned two or three times per year by soaking in a hypochlorite or citric acid solution. After cleaning, chemicals must be removed from the dip tank via a vacuum truck and removed from the site. The WWTP will produce approximately 2,100 gallons per day of waste sludge, necessitating its removal from the site at an estimated rate of every 4 days. Other process instrumentation that requires monitoring includes a turbidity meter

(to detect membrane fiber breaks), float levels, pressure gauges, tank level indicators, pH sensors, dissolved oxygen sensors and UV intensity sensors. The several alarm systems and emergency generator must also be kept in good operating condition.

Per the DEIS, the WWTP requires a NYSDEC Grade 2A chief operator and a Grade 1A assistant. To obtain these designations both of these operator Grades require a high school diploma, completion of DEC approved training and 6-12 months training at a WWTP facility.

Dragon Springs Conformance and Maintenance History

Clearly, the WWTP will take diligent upkeep to achieve successful operation. Unfortunately, Dragon Springs has an extensive and dreadful history of poor management and negligence resulting in illegal discharges from their site. To our knowledge, they have not been issued a State Pollution Discharge Elimination System (“SPDES”) Permit for surface discharge from a WWTP. However, they have held a SPDES permit for stormwater discharge for many years. The following is not all inclusive, but lists some notable water quality violations:

- 8/23/2010 – NYSDEC site visit reveals turbid discharge to Basher Kill
- 8/30/2010 – NYSDEC site visit reveals lack of approved Stormwater Pollution Prevention Plan (“SWPPP”) to cover site disturbance.
- 9/28/2010 – NYSDEC Notice of Violation of stormwater SPDES permit for turbid discharge to Basher Kill
- 1/2011 - Dragon Springs provides SWPPP that covers all site disturbance (5 months after NYSDEC cites them for lack of valid SWPPP)
- 10/11/2015 – NYSDEC site visit reveals turbid discharge to Basher Kill
- 12/04/2015 - NYSDEC Notice of Violation for illegal bridge construction on protected stream
- 1/12/2018 – NYSDEC Officer observes turbid discharge to Basher Kill. Photo taken by neighbor (see attached)
- 1/17/2018 – Photo taken of turbid discharge from Dragon Springs (See attached)
- 1/19/2018 – NYSDEC staff observes lack of erosion controls in violation of SPDES permit
- 1/23/2018 – NYSDEC Officer observes turbid discharge to Basher Kill
- 1/30/2018 – NYSDEC Notice of Violation of stormwater SPDES permit for turbid discharge to Basher Kill and SPDES permit violation
- 2/11/2018 - photo taken of turbid discharge from Dragon Springs (See attached)

The above relates only to NYSDEC SPDES permit and water quality violations. Dragon Springs’ history of disregarding other land development regulations is also very extensive, but is not covered here. To this point, the only surface discharges approved have been stormwater SPDES permits, with which Dragon Springs has overwhelmingly failed to comply. As shown, Dragon Springs has a well-documented history of illegally polluting the Basher Kill.

The adverse environmental impact of sediment runoff from construction dwarfs in comparison to the impacts from a mismanaged wastewater treatment plant. Meeting discharge requirements is significantly more complicated and intensive for a wastewater treatment plant vs.

stormwater erosion. In our experience, turbid discharges from a site as a result of construction runoff are somewhat rare since mitigation measures are relatively easy to implement. Often a properly installed silt fence can prevent the majority of sediment runoff. Regardless, Dragon Springs has failed over and over again, throughout many years, to prevent erosion from runoff resulting in a steady stream of violation notices and turbid discharges to the Basher Kill.

Based upon Dragon Springs' track record, if a 100,000 gpd WWTP plant is constructed on the site, violations of the SPDES permit should be expected. The difference is it will no longer be sediment runoff. It will be sewage, with long term debilitating impacts to downstream surface waters.

Surface Water Impacts - Stormwater

The Applicant's inability to control sediment from running off the site and into the Basher Kill is well documented and discussed above. Now, they propose an additional 40 acres of land disturbance, with an additional 10 acres of impervious surface. Given their history, adverse impacts to the Basher Kill as a result of sediment runoff are a near certainty. Additionally, we found their stormwater design to be substantially deficient and nonconforming to applicable regulations. We have conducted a detailed review of the SWPPP (Appendix D of the DEIS) and offer the following comments.

Lack of Design Detail

The SWPPP provided in the DEIS is generic in nature and lacks design detail specific to this particular site. This information is needed to determine stormwater related impacts, conformance with NYSDEC regulations and if water quality and quantity requirements are met. The following lists the deficiencies:

1. Appendix A of the SWPPP contains Drainage Maps D-1 and D-2, which define ground cover, watershed areas, topography, flow paths, etc. They are a critical element of the hydrological analysis. However, the maps provided on the Town's website are nearly illegible and at a scale too small, preventing any meaningful review of the analysis. The maps should clearly demonstrate the watershed names, flow paths, ground covers, topography and hydrological connections (e.g. reaches).
2. Per the NYSDEC Design Manual, runoff from developed areas must receive Water Quality Volume ("WQv") treatment as well as Runoff Reduction Volume ("RRv"). The Applicant proposes to meet WQv and RRv with Stormwater Planters and Sand Filters. Designing a site to meet these requirements can be difficult, particularly on properties such as this that have steep slopes and large impervious surfaces. Despite that distinction, the Site Plans show only a "placeholder" for these practices, with no proposed grading, dimensions, or details. The information provided is insufficient to determine if the practices are feasible and will provide the water quality and runoff reduction to protect downstream properties and meet NYSDEC regulations. For example, the "placeholder" for Sand Filter has an existing grade drop of 12 feet from

one end to the other. Sand Filters must be flat – that configuration simply isn't possible as shown.

3. Per NYSDEC regulations, proposed runoff rates cannot exceed existing runoff rates. The proposed design relies entirely on the existing and proposed ponds. The outlet flow is controlled by an overflow structure that regulates the reduced flow rates. However, no details are provided for any of the outlet structures for these very large ponds. The detail is insufficient to verify that flow rates will be reduced.
4. The Proposed Rehearsal Hall, Atrium and Parking Garage B addition show no proposed grading or drainage on the Site Plans. The Proposed Emergency Plaza demonstrates no drainage infrastructure to convey stormwater. Similarly, proposed Parking Garage A and the Music Hall have very little detail on how stormwater will and can be conveyed properly making it impossible to determine the project's stormwater impacts.

RRv Reduction Applied Incorrectly

When used correctly, Green Infrastructure Practices ("GIP's") can be utilized to reduce the Runoff Reduction Volume requirement. However, they were all used incorrectly and against the requirements of the NYSDEC Stormwater Design Manual, as described below.

"Sheetflow to Riparian Buffer" is incorrectly used to reduce RRv in the area east of the proposed dam embankment. The buffer must be a maximum of 15% slope, however all of the buffer is greater than 15%. The buffer must be a minimum of 100 feet in width, however it's less than 100' for the majority and 0' for a significant portion. Runoff to the buffer must be via sheet flow. The pond embankment is at 33% slope which is too steep for sheet flow (runoff will channelize). The SWPPP must be revised to remove this incorrectly applied RRv credit.

The SWPPP incorrectly uses "Tree Planting" to subtract from the RRv requirement. The Tree Planting section of the NYSDEC Manual is designed for streetscapes or urban areas where tree pits are used to collect adjacent impervious runoff and infiltrate it into the ground. Instead the Applicant has taken credit every tree they are planting on the site and subtracting from the RRv requirement. This is incorrect. To take the credit for 100 sf of impervious surface drainage to each tree as claimed in the SWPPP, it must be shown that each tree will be a tree pit, with adjacent impervious surface drainage to each as required by the Design Manual. The subtraction of 46,300 sf of impervious surface (463 trees x 100 sf) from the RRv requirement is incorrect and must be removed from the SWPPP. Alternatively, the Applicant must redesign the tree plantings to show conformance with the NYSDEC Design Manual.

The "Disconnection of Rooftop Runoff" credit was also used incorrectly. The SWPPP simply claims that roof leaders from three of the proposed buildings will discharge to wooded areas, then reduces RRv on that basis. The Applicant must consult with the Design Manual. This practice is designed for more permeable soils (Soil Group A or B). Per the Design Manual, if the practice is used in Soil Type C or D soils (which is the case at Dragon Springs), the areas need to be evaluated by a licensed professional engineer to determine if soil enhancement or decompaction is needed to allow infiltration. Infiltration areas must be graded for storage to allow infiltration with a maximum grade of 5%. Runoff must drain through a filter strip, vegetated channel or swale prior to discharge. The SWPPP and design provides none of the above, therefore cannot take the RRv credit. The SWPPP and stormwater design must be revised.

“Stormwater Planters” are also incorrectly used as RRv credit. Per the NYSDEC Design Manual, Stormwater Planters must be a minimum of 10’ from structures, however they are proposed directly next to buildings (0’ separation for Music Hall and Parking Garage A). Specific onsite soil conditions are required for these practices including a minimum infiltration rate (2 inches per hour) and minimum separation to groundwater and bedrock. No soil testing was provided to demonstrate this practice will work. This RRv credit cannot be taken as designed.

The above four practices claim to provide the entire 0.31 acre-feet RRv required. However, none of them are incorporated in accordance with NYSDEC regulations, therefore no RRv is provided in the design.

WQv Insufficient

The SWPPP takes credit for the volume in the lake for nearly all the Water Quality Volume (WQv) required by the NYSDEC for this project. Nowhere in the NYSDEC Manual does it indicate that a lake provides Water Quality Volume. “Ponds” are acceptable per Chapter 6 of the NYSDEC Design Manual, but must incorporate several design elements that the onsite lakes do not have. Sediment forebays for pretreatment, shallow aquatic benches (shallow areas surrounding the pond perimeter to provide treatment), aquatic landscaping are required for ponds to furnish the water quality treatment. The lakes do not offer these features (among other DEC requirements) therefore the lakes do not provide Water Quality Volume. 21.1 acres of impervious surface drains to the lakes, for which the treatment of that stormwater (WQv) is incorrectly claimed in the SWPPP. The design must be revised or WQv must be provided elsewhere on the site.

For the remaining WQv required, sand filters are proposed. Proposed grading is provided for Sand Filter 3, but not for Sand Filters 1 and 2. Sand Filters must be completely flat in grade, which is difficult to achieve on this steep site. Sediment Pretreatment Forebays are required for all Sand Filters, yet none are shown on the plans. Soil testing is required to show the minimum separation from the bottom of the practice and groundwater. The DEIS must show that these practices are feasible.

As detailed above, the DEIS SWPPP has substantial deficiencies and fails to meet NYSDEC regulations. The purpose of Water Quality Volume (WQv) and Runoff Reduction Volume (RRv) is to remove pollutants from stormwater and to mimic natural hydrology to protect downstream water bodies. As shown above, nearly all practices that are proposed for WQv and RRv are designed incorrectly and therefore do not afford the treatment needed. Additionally, Dragon Springs’ extensive history of polluting the Basher Kill cannot be disregarded. Allowing an additional 40 acres of land disturbance will almost certainly result in many additional illegal discharges to the Basher Kill. As Lead Agency, the Planning Board must consider these likely adverse environmental impacts.

Community Impacts - Emergency Access

International Fire Code

Per the 2018 International Fire Code (which was adopted by New York State), a “Fire Apparatus Access Road” shall extend to within 150 feet of all portions of any building’s exterior walls. Aerial Fire Apparatus Access Roads are also required in many instances. The requirements of the IFC for Fire Apparatus Access Roads are as follows:

- IFC D103.1 – Minimum road width of 26 feet with hydrant (20’ wide with no hydrant)
- IFC D103.2 – Maximum road grade of 10 percent
- IFC D104.1 – Commercial buildings exceeding 30 feet or three stories shall have two means of fire apparatus access
- IFC D104.2 – Commercial buildings of more than 62,000 sf shall be provided with two separate and approved fire apparatus access roads.
- IFC D105.1 – Where the distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus roads shall be provided
- IFC D105.2 & D105.3 – Aerial Fire Apparatus Access Roads shall be 26 feet wide, shall be positioned parallel to one side of the building and shall be located between 15 and 30 feet from the building.

Music Hall Access

Access to the 920 seat Music Hall is substantially inadequate and does not meet minimum IFC requirements in multiple instances. The building is over 30 feet high therefore must have two means of fire apparatus access. It has only one potential access – on the west side of the building. The building exceeds 62,000 sf, therefore requires two separate and approved Fire Apparatus Access Roads. We have concluded that it doesn’t have any Fire Apparatus Access Roads. Dadao Road is greater than 10% in grade and less than 20’ wide in multiple locations (including the northern main entrance road), therefore cannot be considered a Fire Apparatus Access Road. Two Fire Apparatus Access Roads must be provided. The building’s closest location that could be considered an Aerial Fire Apparatus Access Road is at the stair entrance on the west side of the building. This access is 180 feet from the building, while a maximum of 30 feet is required. The project layout must be revised to meet Fire Code and to provide safe emergency access to the Music Hall.

Parking Garage Access

Access to the proposed 5 story, 1,100 car Parking Garage A also does not meet Fire Code. The building is well over 30 feet in height therefore must have two means of fire apparatus access. It has only one access – on the north side of the building. The access on the east side is very steep and the geometry will not permit access by a fire truck. The building far exceeds 62,000 sf,

therefore requires two separate and approved Fire Apparatus Access Roads. It also does not have access from any Fire Apparatus Access Roads. Dadao Road is greater than 10% in grade and less than 20' wide in multiple locations (on the east and west approaches), therefore cannot be considered a Fire Apparatus Access Road. The access road approaching from the south far exceeds 10% in grade as well. The project layout must be revised to meet Fire Code and to provide safe emergency access to the Parking Garage #2.

The proposed project design should be thoroughly reviewed by the Town of Deerpark Building Department and the Cuddebackville Fire Department for code compliance review for access and overall safety.

Summary

Dragon Springs has consistently ignored environmental and land use regulations and repeatedly polluted the Basher Kill. The historical actions of this landowner on this property must be considered when determining adverse impacts of this project.

The proposed 100,000 gpd wastewater plant is a complex system requiring daily maintenance and professional attention. If maintenance fails, the result is discharge of chemical constituents that are devastating to the Basher Kill and downstream water bodies. If history is any indication, these impacts should be considered likely adverse impacts.

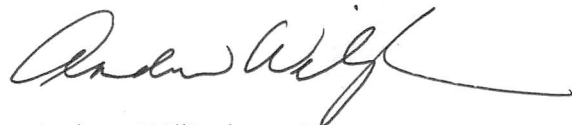
NYSDEC stormwater regulations can be challenging to meet when designing a high intensity development such as this on steep slopes. The Applicant has wholly failed at this endeavor. The SWPPP is generic, lacks detail and makes bold and incorrect assumptions to reduce requirements. Substantial revisions are needed to the SWPPP and stormwater design to meet NYSDEC regulations.

Due to the rural area and hence limited emergency services available, safe access and safe buildings are even more critical. Instead, the design proposes high intensity, high population buildings with poor access that is far below the minimum state standard. The site must be redesigned to meet code and provide safe access.

The project's likely adverse environmental impacts associated with the above issues are substantial. As Lead Agency, the Planning Board must recognize these impacts and respond accordingly under SEQRA.

Please don't hesitate to call with any questions.

Sincerely,
Willingham Engineering, PLLC

A handwritten signature in black ink, appearing to read "Andrew Willingham", with a long horizontal flourish extending to the right.

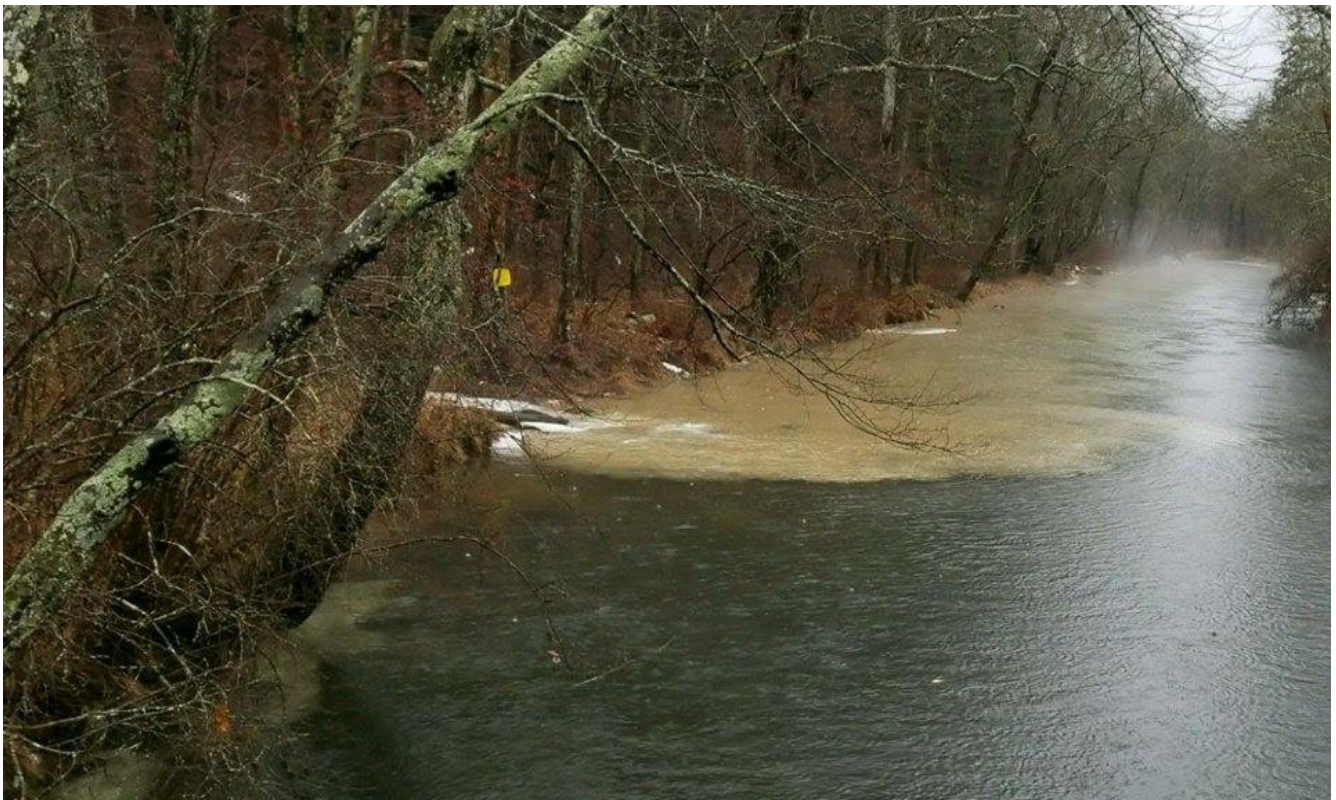
Andrew Willingham, PE
NYS Professional Engineer No. 083984

cc: Gary Spears, Town Supervisor, Town of Deerpark
Daniel Whitehead, Region 3 Permit Administrator, NYSDEC
Rebecca Crist, Region 3 Deputy Permit Administrator, NYSDEC
Glen Plotsky, Attorney, Town of Deerpark
Al Fusco Jr., Consulting Engineer, Town of Deerpark
Cuddebackville Fire District
Delaware River Basin Commission
Orange County Planning Department
Paula Medley / Basha Kill Area Association
Deerpark Rural Alliance
Friends of the Shawangunks
Delaware Riverkeeper Network

Attachment A - Photos



1/12/18 – From Galley Hill Road looking east. Turbid discharge from Dragon Springs into the Basher Kill.



1/17/18. From Galley Road looking south. Turbid discharge from Dragon Springs into the Basher Kill.



2/11/18 – From Galley Hill Road looking east. Turbid discharge from Dragon Springs into the Basher Kill.

Attachment B – NYSDEC Notices of Violation

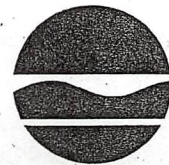
New York State Department of Environmental Conservation

Division of Water, Region 3

100 Hillside Avenue – Suite 1W, White Plains, New York 10603-2860

Phone: (914) 428-2505 • Fax: (914) 428-0323

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

RECEIVED
SEP 28 2010

Certified Mail #7001 0320 0000 0566 4381

ENVIRONMENTAL PERMITS
NYS DEC REGION 3 NEW PALTZ

September 27, 2010

Sam Han
Dragon Springs Buddhist, Inc.
140 Galley Hill Road
Cuddebackville, NY 12729

Notice of Violation

RE: Dragon Springs Temple, 140 Galley Hill Road, Town of Deerpark
SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001
Notice of Intent NYR10F576

Dear Mr. Han:

An inspection was performed by ECO Aaron Gordon and myself on August 30, 2010, to ensure compliance with this Department's SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). The site was toured with Kaijan Liang. Please see the attached inspection report form for more detailed information and note the erosion and sediment control deficiencies on page two.

Proper erosion and sediment controls must be maintained. The lack of proper erosion and sediment controls has resulted in the contravention of the New York State Water Quality Standards (6 NYCRR Chapter X, Part 703.2) in the receiving water. On August 23, 2010, ECO Gordon observed turbid water leaving the site and entering a tributary of the Basherkill. Contravention of the Water Quality Standards is a violation of Article 17 of the Environmental Conservation Law and subject to penalties of up to \$37,500 per day, per violation.

At the time of the inspection of August 30, the Notice of Intent Acknowledgement Letter, SPDES Permit, Stormwater Pollution Prevention Plan (SWPPP), and weekly inspection reports were not available on site. As per GP-0-10-001, this paperwork must be maintained on site.

By October 15, 2010, you must submit a copy of the Stormwater Pollution Prevention Plan to this office. During a phone conversation with Minzi Pan on August 31, 2010, she indicated that a SWPPP was prepared for the portion of the site that is currently under construction. In addition, a "SWPPP" was recently submitted to this department's Division of Permits for a 3.1 acre portion of the site. The Notice of Intent you submitted in 2003 indicated 20 acres of disturbance. The SWPPP must address full build out of the site; all 20 acres of disturbance as indicated in the Notice of Intent must be included in the SWPPP. The SWPPP must address all requirements of GP-0-10-001.

The lack of a SWPPP that complies with GP-0-10-001 is a violation of the SPDES permit and Article 17 of the Environmental Conservation Law. This violation is also subject to fines of up to \$37,500 per violation per day.

These violations are being referred to our Office of General Counsel for the appropriate enforcement action.

If you have any questions, I can be reached at the above phone number, extension 354.

Sincerely,

Natalie Browne

Natalie Browne

Environmental Program Specialist

cc: ECO Aaron Gordon, NYSDEC
Rebecca Crist, Division of Permits, NYSDEC
Town of Deerpark Building Department

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish, Wildlife & Marine Resources, Bureau of Habitat, Region 3
21 South Platt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3057 | F: (845) 255-4659
www.dec.ny.gov

Certified Mail - Return Receipt Requested
7010 2780 0003 5269 8671

December 4, 2015

Kaijin Liang, P.E.
Dragon Springs Buddhist Inc.
140 Galley Hill Road
Cuddybackville, NY 12729

Notice of Violation

**RE: Violations of ECL Article 15 at Dragon Springs Buddhist Monastery,
Cuddybackville, New York**

Dear Mr. Liang:

On October 30, 2015 Brian Drumm from the Region 3 Department of Environmental Conservation (DEC) Bureau of Habitat met you during a compliance check for Environmental Conservation Law Article 15 Permit 3-3328-00150/00017. This permit authorized the replacement of the two bridges carrying both the north and the south access roads to the Dragon Springs Buddhist Monastery over tributaries to the Basher Kill and Neversink River respectively. Each location constitutes a separate violation. You are directed to immediately stop violating Article 15.

This inspection revealed the two bridges deviated significantly from the plans approved in the permit. In both cases steel I-beams were used below the bridge deck while maintaining the approximate road grade significantly reducing the vertical clearance between the bed of the stream and the bridge superstructure. As constructed it is likely that at some point in the future during a high flow event the bridge will not be able to handle the volume of water and/or will become clogged with debris resulting in a backup of water upstream of the bridge, erosion and scour of the stream bed and banks near the bridge, flooding and closure of public roads and the potential to cause significant damage to other public and private property. Therefore, the department has ascertained the probable negative effect on the health, safety and welfare of the people of the state and the natural resources of the state, including soil, forests, water, fish and aquatic resources therein, likely due to result of your work.

Any appearance tickets issued by Environmental Conservation Officers are for separate violations and are not included in this enforcement action.

BE ON NOTICE THAT implementation of reclamation, restoration or remediation activities at the site in no way affects the rights of NYSDEC to seek penalties and other relief in accordance with the Environmental Conservation Law and the rules and regulations promulgated pursuant thereto.



Department of
Environmental
Conservation

Kaijin Liang, P.E.
Page 2
December 4, 2015

Please contact me at (845) 256-3091, within (5) business days of the receipt of this letter, to schedule a compliance conference to address the above violation.

Sincerely,



Brian Drumm, Senior Biologist
Bureau of Habitat

Cc: Town of Deerpark Highway Superintendent Edward Hughson
Town of Deerpark Supervisor Gary Spears

ec: ECO Christopher Lattimer
Kelly Turturro, DEC Region 3 Regional Attorney
Joseph Battista, DEC Region 3, Enforcement Coordinator

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 3

100 Hillside Avenue, Suite 1W, White Plains, NY 10603

P: (914) 428-2505 | F: (914) 428-0323

www.dec.ny.gov

CERTIFIED MAIL

7012 0470 0002 1913 5356

January 30, 2018

Mr. Kaijin Liang
Dragon Springs Buddhist, Inc.
140 Galley Hill Road
Cuddebackville, NY 12729

NOTICE OF VIOLATION

Re: SPDES Stormwater Permit for Construction Activity (GP-0-15-002)
Notice of Intent # NYR10F576
Facility Name: Dragon Springs Temple
Facility Location: 140 Galley Hill Road, Deerpark (T), Orange (Co.)

Dear Mr. Liang,

An inspection at the above referenced construction site was conducted by NYSDEC staff on January 19, 2018. The purpose of the inspection was to evaluate compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and the Environmental Conservation Law (ECL). Copies of the Construction Stormwater Inspection Report are attached for your use.

During this inspection, it was noted that the perimeter swale was installed without a sediment trapping device for disturbed areas, the swale and dike were not stabilized, self-inspection reports did not include discharges from the swale and points of entrance of surface runoff into Sedimentation Ponds B1 and B2 were not protected to prevent erosion. Lack of erosion and sediment controls is a violation of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). This constitutes a violation of the ECL.

PLEASE TAKE NOTICE that ECL 71-1929 provides that any person who violates any section of titles 1 – 11 and title 19 of Article 17 of the ECL, or any permit issued thereunder, shall be liable for a civil penalty not to exceed \$37,500 per day for each violation.

In addition to this inspection, a NYSDEC Environmental Conservation Officer visited the site on January 12, 2018 and January 23, 2018. The Officer observed turbid discharges from the disturbed areas of the construction site noted above. These turbid discharges



Department of
Environmental
Conservation

caused a substantial visible contrast to natural conditions in the Basher Kill (or Bashas Kill). The Officer also observed disturbed areas that had not been stabilized for the winter.

PLEASE TAKE FURTHER NOTICE that this is a violation of New York State water quality standards and also liable for a civil penalty not to exceed \$37,500 per day for each violation.

As a result of these violations, the facility must immediately begin all necessary work for the installation and repair of E&SC measures to conform to the *New York State Standards and Specifications for Erosion and Sediment Control (Blue Book)*, November, 2016 version. The facility must also update its self-inspection reports to include descriptions of the condition of the runoff at all points of discharge from the construction site. The Owner/Operator must submit the following information by February 28, 2018.

1. A letter describing corrections made
2. Photos of reinstalled and repaired E&SC measures
3. An updated self-inspection form that includes all points of discharge from the construction site
4. A Certification of Compliance signed by a responsible corporate officer

Any inquiries, submissions, and requests relating to this NOTICE should be directed to:

Eric Kim, New York State Department of Environmental Conservation
100 Hillside Ave, Suite 1W
White Plains, New York 10603-2860

These violations will be referred to our Office of General Counsel for the appropriate enforcement.

The Department anticipates your compliance with the requirements of the SPDES program. If you have any questions, please call me at (914) 428-2505 x 356.

Sincerely,



Eric Kim, E.I.T.
Assistant Engineer

Enclosure: 2018-01-19 NYSDEC DOW Inspection Report
Certification of Compliance Form

Ecc: Natalie Browne NYSDEC Environmental Program Specialist 2
Shohreh Karimipour, NYSDEC Regional Water Engineer
John Urda, NYSDEC Regional Attorney