

**DEERPARK PLANNING BOARD - MARCH 13, 2013 - PAGE #**  
**PUBLIC HEARING - TRUE WARRIOR MINISTRIES, INC.**

The Deerpark Planning Board met for a public hearing on Wednesday, March 13, 2013 at 7:00 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y.

The following were present:

**BOARD MEMBERS**

Al Schock, Chairman	Theresa Santiago	Mike Hunter	Bob Vicaretti
Willard Schadt	Craig Wagner	Derek Wilson	

**OTHERS**

Mr. Alfred A. Fusco, Jr., Town Engineer	Mr. Glen A. Plotsky, Town Attorney
Mr. David Dean, Town Board Liaison	Mr. John Fuller, Civil Engineer
Mr. Ed Ridley, Citizen	Mr. Jack Flynn, Sparrowbush Fire Chief
Mr. Norman Gerke, Adjoiner	Mr. Jason Vicchiariello, Citizen

The secretary read the public hearing notice: "Notice is hereby given of a Public Hearing to be held by the Planning Board of the Town of Deerpark, Orange County, New York, pursuant to Article 7 of the Town of Deerpark Zoning Law on the application of Eddy Farm Resort for a two lot subdivision. The application effects the following premises: Record Owner: True Warrior Ministries, Inc., Tax Map Designation: Section 44, Block 4, Lot 46; Zone Designation: HMU. Located off of Sleepy Hollow Road, Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:00 o'clock P.M. on the 13th day of March, 2013 at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time."

Al Schock: All right, John?

John Fuller: Good evening again, for the record, my name is John Fuller, and I'm a civil engineer representing this application before the board and the public this evening. All certified mailings were given to Barbara for the public hearing. The application is the Eddy Farm subdivision, and most of the public knows the Eddy Farm parcel runs along the Delaware River and is currently about 86 acres of land, and is an associated resort and golf course, that has been in private ownership for about a decade now. The proposal before the board tonight is for a simple two lot subdivision of the parcel, where the applicant wants to break off ten acres of land, which involves the southeast portion of the land, which is currently all vacant, just a vegetative, grassy area, which at present, the owners, True Warriors Ministry, do not utilize that area of the property. The ten acres will be subdivided off of the balance of the parcel, along the existing run-off brook, which meanders along the southern portion of the property, which is about 9.2 acres of land. For the record, at present, they are not in any kind of contract for sale, for that portion of the property, although there are interested parties in that piece of land. At present, it will just be a simple two lot subdivision, we've demonstrated in the engineering, which complies with the New York State law, which is the septic and well is shown on the site plans, and accommodated on the parcel for a residential house, which can be built there. The area does lie in a flood plan, and the location of the septic is just

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outside the floodplain on the property. It does have access off of Sleepy Hollow Road, which runs along the southeastern portion of the property as well. As part of the application, the board has asked that they maintain an access easement, over the existing driveway which comes off of Sleepy Hollow and goes back to the buildings of the resort area. At present, the only other access to the property is off of Darraugh Lane, which comes off of Route 42 in Sparrowbush, that is the primary access into the resort. In order for emergency response and access, as part of this subdivision approval, they will perpetually be given easement of access rights, across the existing driveway, which goes along the river, so that the fire personnel and the emergency personnel will always have access to the resort if necessary. Also, as part of the application, there is a current boat launch for the Sparrowbush Fire Department, and for the record, we would grant a perpetual easement for that access off of Sleepy Hollow, through the parcel, to that portion of the river. With that introduction, I'll turn it back to the board.

Al Schock: Thank you John. Al, would you like to address your comments?

Al Fusco: Yes, thank you Mr. Chairman. What we had done is, we had also sent this to Orange County Planning and also across the river to the municipalities across, under 239, the General Municipal Law. We did not receive any reviews from them back, unless Barbara did?

Secretary: No, nothing.

Al Fusco: No, okay. The only other comment I had, was to re-emphasize the need for a dedicated right-of-way for the fire department river rescue. That needs to be memorialized, a little bit more than just the record of this meeting. Something suitable to the Town Planning Board attorney.

Derek Wilson: On that, you're talking essentially about two right-of-ways, with two separate uses. In other words, the main right-of-way was going to be for access to the resort if there's an emergency situation, and the other one would be used for whatever the fire department wants to use it for. So, we'll be covering two separate right-of-ways?

Al Fusco: Yes.

Derek Wilson: Well, I looked on the map, and I didn't see any wording for any separate right-of-way, other than the existing one.

Al Fusco: Well, there isn't, and that's why we're asking for it. The other thing is also, it's our understanding that there is a possible pending application coming forth, at a future date, for a more particular use, and at that time we will need more detailed septic information, based on that use, and we'll also need to witness the deeps and percs then, for this unused, quote, un-quote subdivision, they don't have a use for it, I'm fine with that, but when the next application comes in, I do want to witness the soils.

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Glen Plotsky: John, do you have a metes and bounds on the two rights-of-way?

John Fuller: Yes.

Glen Plotsky: Okay, because I think, as much as I really don't want to cost your client a lot, but I think it's going to have to be a recorded rights-of-way I think it's going to be appropriate for them to be recorded rights-of-way.

John Fuller: Okay.

Willard Schadt: I've been thinking about that, and as you know in the town, there are rights-of-ways that are not passable. Is there any obligation to maintain it, as well, because it's open for emergency access. You can have an open right-of-way that can become impassable.

Derek Wilson: That's my thought too, because if there's a gate structure, it needs to be written, because I assume that they're not going to want people coming in there all the time, so they'll want to put a gate up.

Willard Schadt: Admittedly, it's in their best interest, to have it maintainable, if they have a fire.

Al Fusco: What I think we could do, I assume they'll have some kind of gate of some sort, is to have a fire department knox box on it.

Bob Vicaretti: Just note it on the plan.

Willard Schadt: But do you think it's necessary to require that they maintain it.

Al Fusco: I think that that is adequate, if they have the right-of-way and access via the knox box, that's sufficient, because the fire department will be using it, and they'll make sure that it's adequate for their use.

Derek Wilson: Okay, the concrete ramp down the river is more than likely to be destroyed every other flood, so the owner of the property is probably not want to rebuild the ramp, because he doesn't use it, so the fire department will have the right then to re-gravel or whatever.

Glen Plotsky: I believe that there is probably someone here right now, who would have the answer to who maintains it right now, so maybe we can get that answer to satisfy.

Al Schock: John, one thing is that now there is a gate on Sleepy Hollow Road, and if that property is bought and developed, that gate is going to be gone. So, we're talking about the gate on the other end, probably, that's going to be access to the other property.

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John Fuller: Yes, probably once that property when it is sold, there will be a gate at the other end of the parcel. Currently there's a gate here, and at the other end of the subdivided piece, there will be a gate there, to separate this parcel from the Eddy Farm Resort.

Glen Plotsky: So, I'm assuming that the Knox box will only be on the one in the interior, the one on the left?

John Fuller: Well, I don't know the full development of that 9.2 acres at this point in time. At some point, if it does get developed and comes before this board as a site plan, then those items will be addressed. But if it's the pleasure of the board that we could put on the subdivision map, that any gate that is put at that entrance, into the balance of Eddy Farm, that a gate with a Knox box be placed there.

Glen Plotsky: Well, yes, we'll need that, and candidly that's even more reason to have the right-of-way recorded, because presuming that someone else is going to own that, at some point, we want it binding on that new owner, not that I think that that's a problem, but let's get it recorded, because that way, it binds any purchaser.

Al Schock: Okay, Glen, but what if they don't want to use that right-of-way, could they remove, if you write it down, if they want to move it over, it still gives them a right-of-way, how would you address that?

Glen Plotsky: They would have to come to the board, I mean it's do-able, but it's complicated, because basically you revoke one right-of-way, but grant another. But right now we're talking about a very specific path that has historically been used as a second entrance. I don't know what the likelihood of a new owner changing that path would be, but at the end it's got to connect up with what is there now.

John Fuller: Yes. It's an existing roadway that has been historically there.

Al Fusco: If that's going to change, that can be handled with a specific site.

Glen Plotsky: Yeah, that can be done with a new purchaser, a new plan.

Al Schock: Okay, any board comments? No, okay, then we'll open the public hearing up now for public comment. If you will confine your comments to four minutes, and keep your comments about the two lot subdivision only. Again the board is not required to answer questions. State your name please.

Norman Gerke: My name is Norman Gerke, G-E-R-K-E. I own the adjoining lot up-river from the golf course. Up-river from where the golf course extends, from the end of the original golf course. If I understand this correctly, the property that is being separated, has not been sold.

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Glen Plotsky: Correct.

Norman Gerke: And that will occur at some point?

Glen Plotsky: Well, it may, we don't know. There's no contract of sale, and right now, if they don't sell the whole lot, they can't sell any of it.

Norman Gerke: So, we will again be notified, if this sale takes place?

Glen Plotsky: You wouldn't necessarily be notified about the sale, but if they use that property, when they go to use that separate lot, then they have to come to the Planning Board, for permission, if they want to build anything on it.

Derek Wilson: Yeah, but his distance for an adjoiner, if they come in for a site plan, he might be too far away.

Glen Plotsky: That's true, you may not be notified.

Derek Wilson: You would have to follow the town's website for any notification.

Norman Gerke: The only reason that I'm pressing it, is that I would be very unhappy, if a hotel were built on that piece of property, being so close to the river, because the water would be affected, by such a large entity. Any that's basically my question, thank you.

Jack Flynn: Good evening, Jack Flynn, Deputy Fire Chief, Sparrowbush Engine Company. In regard to maintenance, of the right-of-way that the Sparrowbush Fire Company has, we would be glad to maintain it. The only thing I'm concerned about, we only have a lease, we wanted to purchase it, and they would not let us, and before we we put a lot of money into it, we would like to see if we can get a perpetual right-of-way.

Derek Wilson: One question, just to be clear. When you talk about the right-of-way, you're talking about the one on the river. We're talking about actually two. But you're talking about the one for the board launch?

Jack Flynn: Yes. I assume that this property is going to encompass that?

Glen Plotsky: Yes, and that's one of the two right-of-ways that I said is going to be recorded, and it's going to be a right-of-way to the Sparrowbush Fire Company, I believe, because they are okay with the Sparrowbush Fire Department using the ramp, but they don't want anyone else using the ramp.

Jack Flynn: Right, and the way we got permission too from the DEC, that's the way it is, we can't do anything else with it. We would like to make sure, that after the money we put into it, that the person who ends up buying it, is not going to shut us out.

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Glen Plotsky: That's why we're getting the recorded right-of-way before we grant the subdivision.

Jack Flynn: We appreciate that.

Derek Wilson: And under that right-of-way, they have the right to repair and maintain it.,

Glen Plotsky: Sure, it's their right-of-way.

Derek Wilson: I just wanted to make sure that that's clear.

Jack Flynn: Okay, thank you.

Ed Ridley: Hi, Ed Ridley again. Basically, I would support this, as most of you know, my family owned that property for many, many years, and we sold it, basically for the idea, that it would be on the tax rolls, but it's not now, so this would put at least some of it back on the tax rolls. The road accessing up through, somebody would be unlikely to change that, because there is a deep culvert pipe, which we put in, which forms the boundary, so it would be very expensive to change the road and highly unlikely that anybody would do that. As a kid, I walked this area much, and it's kind of swampy up in this area here. Maybe it wasn't when you did it, but most of the time it is. You would sink down, past your ankles in a lot of it, but it's widely held in the town, that it's going to be a canoe livery taking over the area, and it sounds like another chance for a business in Deerpark, and it sounds like a win-win situation.

Al Schock: Thank you, is there any other public comment?

Jason Vicchiariello: My name is Jason Vicchiariello, and I just have a question, as far as who gets notified, should a sale go through on this property, and they get a special use permit. What are the distances, of the people who would be notified? There's rumor mills going around about how this property will be used.

Glen Plotsky: I believe it's 500 feet from the property lines.

Al Schock: That's not at the time of sale, that's when you're notified about their site plan.

Jason Vicchiariello: And that would be advertised also?

Glen Plotsky: Absolutely, it would be in the newspaper and on the website.

Al Schock: Any more comments from the public?

Derek Wilson: If no one else has any comments, I'll make a motion to close the public hearing.

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Al Schock: We have a motion, and second?

Willard Schadt: Second.

Al Schock: All in favor?

Theresa Santiago: Aye.

Bob Vicaretti: Aye.

Craig Wagner: Aye.

Willard Schadt: Aye.

Mike Hunter: Aye.

Derek Wilson: Aye.

Al Schock: Aye.

Public hearing adjourned at 8:00 p.m.

Respectfully submitted,

Barbara Broliier, Secretary