



Denning Town Board Meeting Agenda

October 2, 2007

Call Meeting to Order.

Pledge of Allegiance.

Reading of Last Month's Minutes.

CORRESPONDENCE.

COMMITTEE REPORTS:

- ⇒ Highway – Supt. of Highways Daniel Van Sadars.
- ⇒ Code Enforcement Officer.
- ⇒ Refuse & Recycling Planning.
- ⇒ Highway Equipment Planning.
- ⇒ Planning Board.

ORDER OF BUSINESS

- Resolution #44 (Establishing Qualifying Training, Planning and ZBA Boards)
- Resolution #45 (Closing of SEQRA)
- Resolution #46 (Adoption of the Comprehensive Plan)

SUPERVISOR COMMENTS

BOARD COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

Next Meetings: Monthly Audit Meeting at the Denning Town Hall
7:00 PM Tuesday, October 9, 2007.

Budget Workshop to be held on October 9, 2007
Immediately following the regular Audit Meeting.

Regular Board Monthly Meeting at the Denning Town Hall
7:00 PM Wednesday, November 7, 2007.

The public may now correspond with the Town of Denning at www.denning.us
The e-mail addresses are: TownHall@Denning.us and Highway@Denning.us

Town of Denning
Town Board Meeting
October 2, 2007
Resolution # 44

WHEREAS, the Town of Denning has primary responsibility to regulate private land use through citizen planning and zoning boards and their actions have a profound impact on State and local land use policies and individual land owners, and

WHEREAS, effective January 1, 2007, New York State Law, chapter 662 of the Laws of 2006, Mandatory Training for Planning and Zoning Board of Appeals Members, requires a minimum of four hours of training to be received by municipal planning and zoning board members and their alternates each year, and

WHEREAS, New York State Law, Chapter 662 of the Laws of 2006, provides that a planning and zoning board of appeals members and their alternates shall not be eligible for reappointment to such board if they have not completed the required training; and

WHEREAS, training received by planning and zoning board members in excess of 4 hours in any one year may be carried over by the member into succeeding years; and

WHEREAS, Town Law Sections 267 and 271, provides that the legislative body of the Town specify which activities qualify as training to satisfy State requirements;

NOW THEREFORE BE IT RESOLVED, that the following list of agencies, commissions, associations, other organizations and private firms or individuals are approved to provide training to meet the requirements of New York State Law, Chapter 662 of the laws of 2006 when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local or count government functions and practices:

- 1) State Agencies including: the NYS Department of State, Department of Agriculture and Markets, Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental conservation; Office of Parks and Recreation and Historic Preservation; Hudson River Valley Greenway, and other State Agencies; and
- 2) Associations and Professional Organizations: as offered by the NYS Association of Towns, the NY Planning Federation, and the Association of State Wetland Managers; and
- 3) NYS Regional Planning Commission and Boards including: the Southern Tier West Regional Planning and Development Board and the Hudson Valley Regional Council, and

- 4) County Planning Boards and Federations including: any county planning board, regional council, or county planning federation established pursuant to Article 12 of New York State General Municipal Law; and
- 5) Approved Local Municipal Training: any training that has been approved by resolution for planning board members by a legislative body of a municipality in Ulster County
- 6) Private Firms and Individuals where such training is sponsored by any of the above
- 7) On-line Planning and Zoning Training Programs: as offered by the NY Municipal Insurance Reciprocal, and
- 8) Other Approved Training: as offered by NYS Soil and Water Conservation District and that portion of any meeting of the local planning and zoning board designed to provide training on issues consistent with the above including updates on land use laws, environmental statutes and programs, and in case law as documented in minutes and agendas of the Board,

FURTHER BE IT RESOLVED, that except where the Town of Denning itself provides the training, it is the responsibility of the planning and zoning board of appeals members to submit written confirmation of training attended to the Town Clerk to receive credit.

FURTHER BE IT RESOLVED, that any new planning or zoning board of appeals member appointed to fill the last three months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with municipal training policy as provided elsewhere herein; and

FURTHER BE IT RESOLVED, that the Town Clerk shall create and maintain a system of tracking the training of individual members complete annually. Such information shall be reported to the Town Board on an annual basis and an individual's training records shall be presented to the Town board prior to considering a member for reappointment.

Motion to adopt and approve by Councilman Paul Schoonmaker 2nd by Councilman Scott Mickelson, All in favor.

**RESOLUTION No. 45 of 2007
TOWN OF DENNING BOARD MEETING
OCTOBER 2, 2007**

**Town of Denning Town Board State Environmental Quality Review Act
(SEQR) Review of the Proposed Comprehensive Plan**

Whereas, the Town of Denning Town Board is considering adopting a Proposed Comprehensive Plan pursuant to §272-a of Town Law;

Whereas, the Proposed Comprehensive Plan covers the entire Town;

Whereas the Town Board has determined that the action of adopting a comprehensive plan is a Type I Action under SEQR and that the proposed adoption of a comprehensive plan is a direct action: one planned and proposed for implementation by the Town (See 6 NYCRR 617.2(k));

Whereas, this is a local land use plan, there is a single involved agency, the Town of Denning Town Board, and on August 8, 2007 the Town Board determined that it is the Lead Agency for purposes of SEQR review;

Whereas, the Town Board has determined that the Type I action is not located in an agricultural district;

Whereas, the action of adopting the comprehensive plan does not involve a federal agency;

Whereas, as a Type I action, a full Environmental Assessment Form (EAF) was prepared and reviewed by the Town Board, along with other relevant supporting documentation, in order to evaluate the potential significance of such action;

Whereas, the Proposed Comprehensive Plan is protective in nature: there is no intensification of land use proposed compared with the land use framework provided in the existing Master Plan;

Whereas, the Lead Agency must determine the significance of any Type I action in writing;

Therefore, be it resolved that in reviewing said EAF, the Town Board hereby determines that the adoption of the proposed comprehensive plan will not result in any significant adverse impacts, including as defined in 6 NYCRR Part 617.7(c):

Adoption of the Plan does not create reasonably related long-term, short-term, indirect and cumulative impacts, with the likelihood of occurrence assessed in connection with the setting, probability, duration, irreversibility, geographic scope, magnitude, and number of people affected; and

Adoption of the Plan does not, compared with the guidance provided in the existing local land use plan, provide an adverse change in natural resources qualities, and the adoption and implementation of the Plan, compared with the framework of the existing plan, would not cause destruction of habitat, not impair a ‘Critical Environmental Area’ pursuant to 617.14(g) of SEQR; and

Adoption of the Plan does not, compared with the guidance provided in the existing local land use plan, provide an adverse change in existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

Adoption of the Plan does not create material conflict with existing community plans or goals, and compared with practices proscribed in the existing plan, would not impair the character of historical or archeological resources; and

Adoption of the Plan, compared with the existing plan, would not promote change in the quality, quantity or type of energy expended, create hazard to human health, or provide for an increased intensity of use of open space or recreation resources, and adoption would not attract large numbers of people to a place or places for more than a few days, compared to the number which would come to such place absent the action;

Adoption of the Plan, compared with the existing plan, would not promote adverse change in the quality or quantity vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

And be it further resolved, that the Town Board classifies this action as a negative declaration. An environmental impact statement will not be caused for formulation.

And be it further resolved, that the Town Supervisor of the Town of Denning be and is hereby authorized to execute the “negative declaration” notice of determination of non-significance in this matter.

And be it further resolved, that the Town Clerk be and is hereby authorized and directed to file and/or publish notice of the SEQR Negative Declaration as required by law.

The question of the adoption of the foregoing notice of determination was duly put to a Roll Call Vote:

	AYE	NAY
Supervisor Bill Bruning	_X_	___
Councilman Mike Dean	_X_	___
Councilman Kevin Smith	_X_	___
Councilman Paul Schoonmaker	_X_	___
Councilman Scott Mickelson	_X_	___

This resolution is carried by a 5 to 0 vote.

RESOLUTION No. 46 of 2007
TOWN OF DENNING BOARD MEETING
OCTOBER 2, 2007

Adoption of Proposed Comprehensive Plan

Whereas, the Town of Denning Planning Board formulated a Proposed Comprehensive Plan pursuant to §272-a of Town Law and referred said plan to the Town Board on July 14, 2007;

Whereas the Town of Denning Town Board determined that the adoption of the Proposed Comprehensive Plan will not result in any significant adverse environmental impacts and authorized issuance of a SEQRA Negative Declaration;

Whereas, pursuant to §239-m of the General Municipal Law, the Town Board formally referred the Proposed Comprehensive Plan to the County Planning Board, with delivery of the Proposed Comprehensive Plan by hand on August 13, 2007;

Whereas, pursuant to §239-m of the General Municipal Law, the County Planning Board formally considered said plan on September 5, 2007. There were no binding comments by the County Planning Board according to an e-mail dated September 7, 2007 written by County Planner, Dennis Doyle, and no additional formal correspondence received subsequently from the County Planning Board;

Whereas, the Town Board conducted a dully noticed hearing on the proposed comprehensive plan on Saturday, September 8, 2007;

Whereas, the Proposed Comprehensive Plan is protective in nature: there is no intensification of land use proposed compared with the land use framework provided in the existing Master Plan;

Therefore, be it resolved that after considering the information gathered during the hearing, the Town Board causes three modifications of said plan as defined in a one page memorandum by David Gilmour, AICP, Town Comprehensive Planner, entitled 'Suggested Revisions In Town Of Denning Proposed Comprehensive Plan' and the Town Board finds that adopting these three modifications does not alter the intent of said plan, nor alter the negative declaration.

Therefore the following sections have been removed from SAID plan and are

- 1) Section 3.1.3 sub titled "Adopted Conservation Design" was deleted entirely. The following items where renumbered. The page numbering is altered somewhat and this has been corrected in the table of contents.
- 2) The last sentence of section 3.3.1 "Clarify / Refine Use Schedule, Standards & Site Plan Approval Process was deleted. This sentence discussed allowing three family structures in certain areas.
- 3) The reference to Fred Ahrent's telecommunications cable in section 3.7.2 (now page 36) was modified to show that it occurred near Wildcat Mountain (previously it wrongly identified the spot as on Red Hill).

The question of the adoption of the foregoing was duly put to a Roll Call vote:

Following a Roll Call Vote:

	AYE	NAY
Supervisor Bill Bruning	<u> X </u>	_____
Councilman Mike Dean	<u> X </u>	_____
Councilman Kevin Smith	<u> X </u>	_____
Councilman Paul Schoonmaker	<u> X </u>	_____
Councilman Scott Mickelson	<u> X </u>	_____

Therefore be it resolved that the Town Board hereby adopts the Town of Denning Proposed Comprehensive Plan, document dated October 2, 2007;
By a 5 to 0 vote.

And be it further resolved, that the Town Clerk be and is hereby authorized and directed to file a copy of the adopted plan with the County Planning Board as required by law, as well as the Department of State.

Documented and dated October 3, 2007;