

Town of Denning - Planning Board Meeting

November 8, 2007



Planning Board Regular Meeting

The meeting of the Town of Denning Planning Board was called to order by Chairman Alden Thayer at 7:45 PM. Members present were Mr. Thayer, Mr. Brooks, Mr. Landon, Mr. Krickhahn, and Mr. Larison. Mr. Van Aken was absent. Only one audience participant, Mr. George Elias.

Mr. Thayer read the minutes from the last meeting of October 11 th. A few minor changes were suggested and corrections made before printing. Motion to accept the minutes as corrected was made by Mr. Landon, seconded by Mr. Bobik, all in favor.

New Business (first):

A new date was set for the planning training meeting held by the CWC in Margaretville, held on November 14 th and all those attending can meet at the town hall 8:30 AM to ride in the Frost Valley Bus, which Mr. Larison will coordinate. An alternative training session will be held at the Deyo Hall, 32 North on Broadhead in New Paltz, on November 17 th from 9 AM to 2:30PM. Everyone in the Planning Board is required to attend one of these meetings to fulfill the state required annual training to serve on the board.

Old Business (continued from last meeting):

The property on Wildcat (lot line adjustment, approved last meeting) was signed by Mr. Thayer and returned to Mr. Sicilliano.

The property on Red Hill (division, approved last meeting) belonging to Mr. Steven Tepelides, will be received and returned via FedEx signed by Mr. Thayer as soon as it arrives,

Discussed the internet webspace for use by the planning board as a discussion area between meetings. Mr. Landon is in the process of moving the towns internet assets and will make an attempt to set something up in the future.

Mr. Thayer began the discussion on the proposed changes to the Timber Harvest Law which he prepared last month for our review and approval. He broke it down into 8 parts.

#1 – Currently there are three levels of timber harvesting. Mr Thayer statted his case for eliminating the middle level by changing the wording of the law as follows:

Under Section 1 Purpose, eliminate subsection 2 in the second paragraph.
Under Section 6 – Exemptions, eliminate paragraph E.

Discussion followed:

Mr Landon suggested that there will be three levels no mater how you word the law. The first identifies the threshold of the what defines timber harvesting as applied to this law.

The second identifies the threshold when only town notification is required (small logging jobs). And the third, the threshold for required permits.

Mr. Larison suggested that the timber harvesting is basically when a commercial entity is involved and not differing levels of harvesting.

Mr. Thayer made the point that as written it is confusing to the logger, the town, and needs to be clarified. It is either a timber harvesting requiring permits or not. Only two levels. We will discuss this a little more later.

#2 – Definition of Logging Operation should be worded as follows:

“The cutting, skidding, staging or transportation of timber in the Town of Denning in quantities greateretc.”

Discussion followed and everyone on the board agrees. Mr Landon suggested we change the Logging Permit we created a few years ago to suit our needs.

#3 – Special Use Permit changed to Logging Permit. Mr. Thayer suggested we can change the term “Special Use Permit” for logging wherever it appears in the law to read simply “Logging Permit”. Also, under Section 4 – Registration to apply for a logging permit, the following wording should be inserted before the first paragraph: “Logging Permit is subject to the same regulations as is a Site Plan Review in the Zoning Law, Sec. 8.3 – Site Plan Approval”.

Discussion followed and we all agreed to the change.

#4 – White Board with list of active logging jobs, stages complete, and finish date.

Mr. Thayer suggested that under Section 3 – Notification, subsection A, we add the following wording:

“Notification also entails clearly printing the following information on a white board placed in the Town Hall (public viewed) labeled ‘Current Logging Operations’ including name of owner, property SBL, street address, and contact phone numbers. Also including name of logging company, contact person and phone numbers. Also including dates of operation, beginning and estimated end.”

Mr Thayer also suggested changing subsection C adding the following wording:

“... and provide public notice of the logging operation as set forth in Section 3, subsection A, above. Further, if the Town Clerk is not notified of the termination of logging operation and the Public Notice is not therefore erased by the Town Clerk from the ‘Current Logging Operation Board in the Town Hall, the Town Clerk may consider this grounds for forfeiture of up to 5% of surety placed with the Town.”

Discussion followed.

Mr. Larison suggested that the penalty of 5% of surety for not signing off the completion of the logging operation on the White Board was too excessive.

Mr. Landon suggested that they need some form or instruction on how to notify the Town Clerk when complete, something official rather than a visit to the town hall which is only open part time during the week. Perhaps a card to return in the mail. Also, instead of a penalty of 5% maybe a retainer of \$100 to be returned when the card is received (as an incentive). Perhaps calling it a "Notification Fee".

Mr Thayer said that the intent is to be notified so the 'White Board of Current Logging Operations' can be updated with some official procedure.

We all agreed on a "Notification Fee" large enough to be an incentive to notify the town when the operation is complete.

#5 – Loggers operating on old permits. Mr. Thayer suggested to further prevent loggers from operating on old permits, wording should be changed in Section 7 – Submission Procedure, adding subsection D as followed:

" Logging Permits should be valid for 12 months from the date of their approval by the Planning Board. The Code Enforcement Officer will terminate any logging operation taking place on an expired permit, and loggers will forfeit his or her surety on file with the Town."

Discussion followed.

Mr. Larison suggested that the Code Enforcement Officer needs to have the job description to enforce this code... Mr. Thayer will discuss this with the Town Supervisor Bill Bruning.

#6 – Registration to Apply... etc. Mr. Thayer suggested adding item 6. the under Section 4 as follows:

"6. A copy of the Timber Harvesting Law for the Town of Denning."

Discussion followed and we all agreed.

#7 – Exempt from applying for a logging permit. As there are several categories of loggers that are exempt from applying for a logging permit Mr. Thayer suggested removing all exemptions from the Law by "removing paragraphs F. and G. from Subsection 6 – Exempt."

Discussion followed and for clarity Mr. Landon asked if he meant all exemptions. Mr. Thayer restated only paragraphs F. and G. from Subsection 6.

We all agreed.

#8 – Surety of \$1,500 is not enough to make the town whole after major damage to the towns infrastructure. Mr Thayer suggested we change the wording under Section 12 – Access, subparagraph A, number 5 to read: "A cash bond, letter of credit, certified check or other form of financial surety in the amount no less than \$2 million shall be provided, payable to the Town... etc."

Discussion followed: \$2 Million?

Mr. Larison suggested that no cash bonds are needed as long as the Town of Denning is named on the required Insurance policy. Mr. Landon suggested that they include all of the "Towns Infrastructure".

Mr. Landon, is this just for commercial logging operations? What about the small logging jobs done by private property owners. It seems a little excessive and there are already laws in the state DMV that require liability insurance in order to register a vehicle. State Laws should apply and the current surety basically covers the access point from the property (landing/loading/etc.).

Mr. Thayer suggested that we need to revisit this as well as the confusing 3 levels of logging issue.

Mr. Larison suggested we table these issues until meeting.

Public Comments:

George Elias brought in some information on "Water Shed Homeowners Guide to Septic Systems". He also asked if the use of "portable sawmills" should be included in the logging Timber Harvest Law? Something to consider when making the updates.

Mr. Larison motioned to adjourn at 10:05 PM and Mr. Krickhahn seconded, all in favor.

The next meeting will be held on December 13, 2007.

Respectfully submitted,
Carl Landon