

Town of Denning - Planning Board Meeting

December 20, 2007



Planning Board Regular Meeting

(rescheduled from December 13, due to inclement weather – heavy snows)

The meeting of the Town of Denning Planning Board was called to order by Chairman Alden Thayer at 7:38 PM. Members present were Mr. Thayer, Mr. Van Aken, Mr. Brooks, Mr. Landon, and Mr. Larison. Mr. Krickhahn and Mr. Bobik were absent. Mike Dean was present from the Town Board. Surveyor Anthony Siciliano was also in attendance.

Mr. Thayer read the minutes from the last meeting of November 8 th. Misspelling of Tepelides was corrected before printing. Motion to accept the minutes as corrected was made by Mr. Brooks, seconded by Mr. Landon, all in favor.

Old Business:

Mr Thayer informed up that he received the Red Hill Survey of the Tepelides property subdivision which he signed and returned.

Mr. Thayer also mentioned that Mr. Brooks has not yet attended any planning training (seminar) required for the year to be a member of the planning board. Mr. Brooks said that Joy (town clerk) was looking for another program for him to attend.

New Business:

Anthony Siciliano presented the board with a survey of the property of Jeffery McKean (Denning Road LTD) being split into 2 parcels in the Claryville Hamlet 50.1-1-8 including some engineering surveys from Kelly Engineering PC, Liberty NY. This showed the approved septic, well locations, neighbors access on a 50 right-of-way, and lot width on the town road.

Mr. Thayer talked to Mr. Siciliano about Sub-Division fees, application fees of \$25 plus \$10 per lot and \$50 for each lot for the Denning Recreation Fund – totaling \$145. Mr. Siciliano said he would pass the information along to the property owner.

Mr. Landon asked about the existing driveway entrance to the neighbor's property which has been in use for 20 years or so, being "prescriptive access". Mr. Siciliano said he would have the property owner communicate with the neighbor and make some notation in the newly formed deeds so there is no confusion in the future. Either access will continue (in writing) or be denied.

Mr. Thayer motioned to approve "pending notification of the neighbor's access (so he has time react with regard to continued use of the existing driveway entrance – Mr. Thayer will call). Mr. Brooks seconded, all in favor.

Discussion followed with regard to the Denning Recreation Fees (park fees) and weather they apply to this division being only 2 lots and not 3 or more as defined in our current Sub-Division Law. Mr. Landon said probably not but receive the check and reimburse

the property owner later if the fees do not apply. Mr Thayer agreed.
Mr Thayer informed the Board of some Timber Harvesting currently in process:

First, an application (notification) from Frost Valley for harvesting 5,850 board feet 8.63 acres Section M in their Model Forest SBL 33-1-32.

Second, an application from Frost Valley to harvest under the ongoing CWC Forest Management Plan at 1790 Frost Valley Road - SBL 34-1-17 – 1042 trees on 48 acres – approx. 96,000 board feet and 50 cords of wood. No permit required as stated in our current timber harvest law with the harvesting being part of the ongoing Forest Management Plan presented a few years ago.

Third, a notification to harvest 82 trees, approximately 35,000 board feet on the property of Bertha Witthamm SBL 50.1-3-3

Forth, another notification to harvest 20 trees on Taylor Road on the property of Robert Beswick – SBL 50-1-3.111.

Fifth, an in-progress timber harvest without permit (should have one) originally submitted November 29th 2007, property owner Seitz at 1814 Frost Valley Road – SBL 34-1-53 being done by Paul Krickhann Jr.

Discussion about this situation of logging before the permit is issued followed. Mr. Landon suggested that we call Paul at home and talk to him about his logging job. Mr. Thayer made the call and we found out that he had received a cover letter with the permit from the clerk's office that had the wrong information. (information prior to the enactment of the Timber Harvest Law). Paul Krickhann Jr., doing the logging, thought he was within his allowable harvest parameters and applied for notification only.

More discussion followed and we decided that he should have waited until the planning board meeting before beginning so we could determine the validity of the permit being submitted, This has been the case since the Timber Harvest Law was adopted by the Town Board. This should be stated clearly in the revised Timber Harvest Law being proposed.

Mr Brooks suggested we let him continue. With further investigation we found that Section 17 in the Timber Harvest Law states he can continue as long as he makes his best effort to comply with the law.

Mr Thayer moves to allow him to continue as long as he complies with the law including having the public hearing and notification of neighboring property owners, surety bond, etc. Mr Brooks seconded, all in favor. Public hearing should be scheduled for the next planning board meeting in January. Mr. Krickhann will make sure that he gives Alden the surety check and finish filling out the permit application.

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Mr. Thayer informed the board that the Tepelides property division on Red Hill was approved by the Ulster County Planning Board.

Mr Thayer discussed his conversation with Bill Bruning about the \$2 million dollar surety bond being proposed as we revise the Timber Harvest Law. Mr. Bruning suggested \$5,000 was adequate or some measure of the towns infrastructure. Mr. Van Aken expressed concern about how one determines weather the logging trucks are doing damage or some other vehicles. Mr. Landon expressed his opinion that the Timber Harvest Law apply to the landing sites and entrances to the town roads not the extended distance through the town. The trucks should not be on the road (legally) if they weren't properly licensed, inspected, and insured. The town is also supposed to be named on the loggers insurance policy. No amount has been set at this time and needs to be reconsidered, as the current \$1500 isn't sufficient or effective.

Mr. Larison motions to adjourn at 9:55 PM and Mr. Van Aken seconded, all in favor.

The next meeting will be held on January 10, 2008.

Respectfully submitted,  
Carl Landon