

Town of Denning - Planning Board Meeting

May 8, 2008



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. Larison, Mr. Van Aken, Mr. Krickhahn, and Mr. Bobik.

Mr. Thayer asked for a reading of the minutes from the meeting last month, April 10th. Mr. Landon said that the minutes were not transcribed from the audio file and will be during the month to follow. There are notes from the meeting that Mr. Landon read to give everyone an idea of our current agenda, which included Timber Harvest Law recommended changes still incomplete and our consideration of the creation of a wind generator ordinance.

Informational discussion:

Alden received an eMail from a company that turns organic garbage into Texas Sweet Crude with a device that fits on an 18 wheeler. "Perhaps we can use it in our town to create our own crude oil saving garbage fees". He said the system was about 85% efficient. Alden will follow up and get us some more info for our next meeting.

Old Business:

Mr. Thayer gave us copies of his Revised Timber Harvest Law for our approval. Upon review we found many new items that needed more discussion.

Mr. Larison commented that we did not discuss as written in this revision, the presentation to the planning board, prior to approval, a signed contract from the property owner to the logger.

Mr. Van Aken said that Sec 6.2 was out of align, quoting 2 million dollars of liability insurance. He said this was unreasonable and didn't remember the amount being so high. Mr. Thayer said that most loggers have at least that amount of insurance. Mr. Van Aken said that not property owners if they were doing their own logging. Mr. Thayer said that the Section only applies to the logger. Mr. Van Aken said we should make it clear. We all agreed.

Mr. Landon made more copies of the Revisions that Mr. Thayer brought to the board so we could all follow along instead of passing around the two.

Mr. Larison suggested that we don't need to name the town as co insured. After further discussion we all agreed, no co-insured.

Mr. Landon noted that after extensive discussion at our March meeting we took that out and only requested proof on liability insurance of at least 2 million dollars.

Mr. Larison explained liability insurance and how it would protect the town just like everyone else even if we were not co-insured, for Mr Thayer's benefit who maintains the need exist.

Mr. Van Aken talked about the inspection fee and whether it was required.

Mr. Larison read the part about the inspection fee and commented that we discussed, it was to be part of the application fee and not a separate (may or may not) fee determined by the planning board when the permit was issued.

More discussion followed and we decided the inspection fee's (depending on the size of the logging operation) would be a set amount \$125 per inspection and that it would come out of the application fees. No separate inspection fee.

Mr Landon stated that the fee structure should state (or as revised by the town board) since they are the ones establishing and setting the fee schedule each year. Mr. Thayer said it is included.

Mr. Van Aken and Mr. Larison spoke about the replanting of trees after the logging or in the forest management plans presented to the planning board. General discussion followed.

Mr. Thayer asked for additional changes. Mr. Larison asked, "What is this section 8 and what were we trying to require, with reference to forest management plans". He suggested that it should be referred to as a "Timber Harvesting Plan" instead. We all agreed. Also the removal of the reference to soil sampling, cleanup and reclamation etc...

Mr. Landon made more copies of the Timber Harvest Law for everyone's reference as we only had two of these and needed seven.

While making copies the rest of the board continued discussion on refining the "timber harvest plan". This all being part of Sec 8. Mr Larison led the discussion. All in favor of revisions.

Mr. Bobik brought up the fact that there was some unreported logging going on off Porcupine Road.

Mr. Thayer found the application and noted that the Town Clerk gave out the wrong info on permit requirements. We need to create a new form and get the Clerks office up to date. The Town Clerk has been giving out the only info they have. We discuss this later in the meeting. Mr Thayer red the application: Frank Maloy, Jim Brooks is the applicant and submitted it as logging notification (incorrectly) this should be a permit required application. Mr. Landon asked what were we going to do with this application? No answers? Yes it does require a permit but they were misinformed.

Mr. Landon looked up the property on the Ulster County Tax Map and found that SBL 51.1.10 is on Sundown Road and not on Porcupine Road. Discrepancies need to be resolved. What do we do, notify them or do nothing because they were given the wrong info? Mr Thayer will call and notify the applicant and tell them they need a permit or at least more information. Mr Thayer will get back to us next meeting.

Sec 3a Mr Brooks suggested that we decided that it was over 200 cords of wood and over 50,000 board feet. After discussion we refined that section and all agreed. "Between 50 cords and 25,000 board feet and 200 cords and 50,000 board feet needs to notify only."

Mr Thayer suggested that we define the applications for Notification vs. Permit.

We drew it up (listed all the things to be included) on the White Board and will type up a sample of the Permit Application as well as the Notification only application for next months meeting to be adopted and put to use.

More discussion followed on the determining factors for notification vs. permit required.

- under 50 cords and 25,000 board feet nothing required.

- 50 up to 200 cords and 25,000 up to 50,000 notification only.
- 200 cords and up 50,000 board feet and up Permit required. (Permit fee \$350 return \$100 after completion)

Sections updated: 3a, sec 6.7, sec 8, sec 7f, sec 8a, sec 8.2, sec 8.3, sec 8.6, sec 8.8, sec 9.

We decided that the application for permit or notification should be presented at the planning board so we can determine that it is valid – Before logging commences.

Mr Thayer asked if there were anymore updates? Mr. Larison asked if we really need a copy of the signed agreement (contract) between the logger and property owner? Mr. Landon stated that we were trying to protect the property owner. Mr. Larison asked “do we really need to require this for a permit?” Mr. Van Aken suggested that the signature on the application should suffice. Mr Larison stated that the contract will state a lot of information on the agreement between the logger and property owner but we don’t really need this. Mr. Thayer suggested that this contract is the actual legal document and all the rest of the information is just application information. Mr. Landon suggested just require proof of contract.

Mr Brooks stated that we also change sec 14 wording and adding words also taking out the co-insurer clause.

Final discussion followed before we all agreed on the revisions. (Sec 4 and Sec 8.3). No more Special Use permit for logging, only the adopted “Logging Permit”.

Mr Thayer asked for the last time... Any other changes? Mr Landon will change the words referencing the site plan approval and leave out the section numbering as this will be changed in the future with the revised zoning project currently in progress. We all agreed. Mr Brooks suggested we change sec 15 to add the assigned logging inspector to assist the code enforcement officer. (this is in mentioned section 7F)

Mr Brooks asked about the Tison split and whether that will be approved. Mr. Thayer said that they had to redo their survey and will get back to us in the future.

Mr. Thayer, last call for changes...

Mr. Thayer, Motion to approve the revisions as stated and submit them to the town board for their adoption? Mr. Brooks stated that we should wait until the revisions are actually in type.

Mr. Landon suggested one last change to sec 7 to include the “help and guidance of a qualified forester”. We all agreed.

Will approve the final revisions next months meeting on June 12 2008.

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

Respectfully submitted,
Carl Landon