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**Town of Denning**  
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## Town of Denning - Planning Board Meeting

December 9, 2010

### Public Hearing on Subdivision of SBL 50.2-2-1 (Old Dinch Property)

The public hearing on the subdivision of the Old Dinch Property began at 7:14 p.m. called to order by Chairman Carl Landon. Members of the planning board present are Mr. Landon, Mrs. Ackerley, Mr. Sibiga, Mrs. Snyder, and Mr. Bobik. Absent are Mr. Krickhahn and Mr. Van Aken

Members of the public present are Mr. and Mrs. Michael Ellsworth, Mr. Lee Fischer, Mr. Archie Ackerley, Councilman Mike Dean, and Mr. Jerry Huncosky of Frost Valley YMCA.

The Frost Valley YMCA will be dividing the Old Dinch Farm Property into 4 parcels. This will be known as the "Old Farm Subdivision". Access to the parcels will be off Dinch Road through a new private drive on a right of way proposed on the subdivision. A plow turnaround will be created on the east side of Dinch road and the Town of Denning Highway Department will plow the road to the turnaround.

The previously proposed access road location was of concern to Mr. Fisher. He agrees that the new road location which was moved 150 feet farther, and now cuts through the rock wall closer to the corner, and its curve being at least 200 feet from the Fischer property, is acceptable.

Mr. Ellsworth had a question on the distance of the right of way from property lines. Mr. Landon responded that the right of way can go to the property line as long as the setback of the road surface is 15 feet from the property line. The right of way is at least 50 feet for the new road and was plotted correctly on this preliminary subdivision map.

There will be a lot line adjustment with the landowner to the east (Heron) at a later date. So the boundaries of the a lot will align with the center of Dinch Road. Currently it crosses over the road. With respect to this subdivision either boundary line is acceptable.

Mr. Ellsworth asked why the land is being subdivided into 4 parcels and not 2. Mr. Huncosky responded that the person interested in buying a portion of the property requested 2 parcels an upper and lower. These parcels in this subdivision as proposed have not been sold nor are there any formal agreements to buy these parcels. Mr. Landon responded that the planning board does not consider who will buy what parcels while considering the subdivision.

Mr. Landon asked Mr. Jerry Huncosky about the old farmhouse that was on the site. Mr. Huncosky responded that it was knocked down and will be hauled away off site. There will be no structures on the property being subdivided.

Mr. Landon said the Frost Valley is just subdividing, not developing. Mr. Huncosky said that was correct. Mr. Ellsworth asked if this is the final subdivision that can be done on this property. Mr. Landon explained that under current zoning the land could be divided into 3 acre parcels. It is our understanding that any parcel under 5 acres requires a perk test, by Ulster County. It would be difficult to perk that many parcels on this old farm due to terrain and soil conditions. A future proposed revised zoning law, if enacted, will allow 10 acre parcels in this rural district. However, there will be a time differential built in to keep from dividing again, this being at least one generation. New owners could subdivide the land, based on current Denning zoning.

A 5 lot subdivision would need referral to the Ulster County Planning Board and probably require perk tests on each lot per Ulster County. Our Planning Board has signed a land use referral agreement with the Ulster County Planning Board exempting some decisions and this Subdivision falls under those

exemptions. Ulster County Planning Board has this property flagged and requested a referral prior to approving the subdivision. A copy will be sent to them for their review.

The DEP does not require site plans or perk tests according to the MOA as we understand the agreement, after speaking to the lawyer at the CWC for guidance.

Again, Mr. Ellsworth and Mr. Fischer are concerned with the potential further subdivision of this property. Mr. Ellsworth is concerned about the town getting overrun with shacks and cabins.

Mr. Ackerley asked if they could have a sewer or each required to have a septic. Mr. Landon said that as the properties are developed they would be required to have their own septic.

Prior to this meeting some of the planning board members visited the property and Mr. Landon walked the proposed road as staked and noted on the subdivision plat. The road is less than 8% grade and a long curve switchback poses no obstacle for the local fire company or emergency services. At the end of the ROW/road will be a turn around. At the entrance of the property will be a large enough turnaround for the town trucks, plows and grader.

Mr. Ackerley asked if there was a requirement for a water source for fire protection. Mr. Landon that is a consideration for the building site plans.

Mr. Ellsworth wanted noted that the current small access road crossing his property is a right of passage. It cannot be improved or altered in any way. He does not want to see a rake or shovel brought to it. No one can touch it without his permission. It is his property. Mr. Huncosky said it was noted as "right to use the private road" in the deed and the proposed new road should eliminate the need to use it.

Mr. Fisher does not want to change the location of gate because people come on his property looking for the fire tower.

Utility poles go through Mr. Ellsworth's property on "the right to use the private road."

No Environmental Impact Statement is needed to satisfy SEQR, however an Environmental Assessment Review will be conducted. For the SEQR review, the Town of Denning Planning Board is the lead agency. The road will be gravel so there will be little runoff and as long as the old demolished farmhouse buildings and debris is removed, Mr. Landon noted that there will most likely be no impact. The SEQR and Declaration will be posted on the Town Website.

We will send a copy to the Ulster County Planning Board as requested for their review and they will forward comments back to us by our next meeting by January 13, 2011. By then the SEQR public comment period will be completed.

Mr. Landon asked if the measurements on the map are in line with all the surrounding deeds. Mr. Ellsworth and Mr. Fischer both said it looked correct. There may be notes added to the final map.

Frost Valley will submit a letter of intent with the map to be filed that includes the section, lot and block. They would also have to document that the house debris was removed for the SEQR review.

Mr. Huncosky left 7 copies of the map with the Planning Board which we will consider as the Preliminary Subdivision Plat. This will most likely become the Final and signed at our next Planning Board Meeting in January 13, 2011.

The public meeting concluded and we thanked all those who attended.

# Regular Planning Board Meeting

## **New Business**

The first new item is a notice that the DEP is purchasing a parcel in Sundown (Parcel #1173). The board has no comments at this time and Mr. Bobik will look at the parcel.

The next item is a logging notification for SBL 50-1-4. It is 63,000 board feet, 410 trees. It will start January 1, 2011. It falls within the 75,000 board foot limit so no special permit is needed.

Mr. Mike Dean had a question about logging. Cliff Asdale marked 200,000 board feet of timber in 480A. Do they have to go through a special permit on 480A property? The board concluded that yes they did. Mr. Dean will send them the Special Permit Application.

## **Old Business**

Mr. Landon reviewed with the other board members the answers to the Planning Board Land Use Training Course. Discussion followed and those present completed the course. There are still three members needing to complete this course and they will by next meeting.

There was a motion to accept the "Old Farm Subdivision" presented by Frost Valley YMCA on December 9, 2010 after the public hearing, as the official preliminary plat. Then after the completion of SEQR and review by Ulster County Planning Board at their January 5, 2011 meeting, it will become the final plat if no modifications are needed or required.

Yea - 4 Nay - 0

Jennie Snyder recused herself.

Mr. Bobik motioned to adjourn at 9:20 pm. Mr. Sibiga seconded. All in favor.  
Next meeting is scheduled for January 13, 2011.

Respectfully submitted,  
Jennie Snyder