

TOWN OF LUMBERLAND
RESOLUTION NO. 107, OF 2012
SCHEDULING A PUBLIC HEARING WITH RESPECT TO
PROPOSED LOCAL LAW 4 OF 2012 ENTITLED
“ROAD PRESERVATION”

WHEREAS, the Town of Lumberland is a participating member of The Multi-Municipal Task Force, which Task Force consists of the Towns of Tusten, Cochecton, Bethel, Callicoon, Delaware, Highland, Lumberland and Rockland (collectively, “the MMTF”), all being located in Sullivan County, New York; and

WHEREAS, the MMTF has engaged Delta Engineers & Architects, P.C. (“Delta”) and Whiteman, Osterman & Hanna, LLP (“WOH”) to develop a proposed local law and permitting program to be considered for enactment and administration in each of the MMTF member Towns for the purpose of preserving local roads; and

WHEREAS, enactment and administration of any such local law would be considered an Unlisted Action for purposes of the State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. § 617 et seq.; and

WHEREAS, the member Towns previously determined to act as Co-Lead Agencies for the SEQRA review of the proposed road preservation and restoration program and determined that the adoption of laws for the preservation and restoration of roads may have a significant effect on the environment requiring the preparation of a DGEIS and, thereafter, published notice of its positive declaration in the Environmental News Bulletin; and

WHEREAS, the member Towns intended to assess the potentially adverse environmental impacts which may be attributable to any such law through the preparation of a Draft Generic Environmental Impact Statement (“DGEIS”); and

WHEREAS, the MMTF, with the assistance of Delta and WOH prepared and submitted to each of the MMTF and each member Towns a draft Scope to guide the preparation of the DGEIS; and

WHEREAS, notice of scoping was published in The River Reporter, the Sullivan County Democrat and the Environmental Notice Bulletin, and public comment on the draft Scope was accepted in person at a public scoping session held on July 22, 2010, and in written form through August 2, 2010; and

WHEREAS, no involved or interested agency comments, or public comments were received by the MMTF or member Towns on the draft Scope; and

WHEREAS, each of the member Towns of the MMTF received a copy of the Final Scope for the DGEIS and adopted the same; and

WHEREAS, the MMTF and the member Towns have been advised by Delta and WOH that the DGEIS has been prepared and is adequate with respect to its scope and content for the purpose of commencing public review, pursuant to 6 NYCRR §617.9;

WHEREAS, the member Towns as Co- Lead agencies accepted the DGEIS as complete in June 2011 and held a public hearing thereon on June 30, 2011 to hear comments from all members of the public for and against the proposed Local Road Preservation Program;

WHEREAS, the member Town Boards and their experts Delta and WOH, based on the comments from the public and involved and interested agencies, prepared a Final Generic Environmental Impact Statement (“FGEIS”); and

WHEREAS, the member Town Board have also reviewed the FGEIS and found it to be complete, accepting same by resolution on June 13, 2012;

WHEREAS, the Town Board of the Town of Lumberland is considering the adoption of proposed Local Law 4 of 2012 entitled “Road Preservation”; and

WHEREAS that Town Board has been provided with proposed Local Law 4 of 2012 entitled “Road Preservation”; and

WHEREAS, the Town Board of the Town of Lumberland has also determined that the proposed action is subject to review by the Sullivan County Division of Planning and Environmental Management pursuant to General Municipal Law 239-m.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Lumberland:

1. That a public hearing be held by the Town Board of the Town of Lumberland with respect to the aforesaid proposed Local Law at 7:15 p.m., on September 10, 2012, at Town of Lumberland Town Hall, 1054 Proctor Rd., Glen Spey, New York;
2. That the Town Board of the Town of Lumberland hereby refers the proposed adoption of the proposed Local Law 4 of 2012 entitled “Road Preservation”, to the Sullivan County Division of Planning and Environmental Management for 30-day review pursuant to General Municipal Law 239-m; and it is further
3. That the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided for by law.

MOTION BY: Councilman Jay Shafer
SECOND BY: Councilman Joseph Carr
VOTE: 5 - 0

BY ORDER OF THE TOWN BOARD OF THE TOWN OF LUMBERLAND,
NY.
VIRGINIA V. HORN
TOWN CLERK
JULY 11, 2012