

Resolution # 113, 2012

**RESOLUTION – APPROVING ALTERATION OF
BOUNDARIES OF LUMBERLAND FIRE PROTECTION DISTRICT
PURSUANT TO TOWN LAW §172-c**

AUGUST 8, 2012

WHEREAS, the Town of Lumberland Planning Board, as Lead Agency, pursuant to the New York State Environmental Conservation Law (Article 8) and its implementing regulations (6 NYCRR 617, et seq.) (collectively “SEQRA”) adopted a negative declaration of significance finding that the proposed 43-lot residential subdivision (“Woodstone Trail” or “Project”) would not have a significant adverse impact on the environment, and granted conditional preliminary subdivision approval for the Project, as proposed by the applicant, Chapin Lumberland, LLC (“Chapin”); and

WHEREAS, Chapin filed a written Petition with the Town Board of the Town of Lumberland, pursuant to Town Law §170 and §171, requesting the extension of the Smallwood-Mongaup Valley Fire District (“Fire District”) to include ±242.17 acres of real property constituting the Project area, as more fully set forth in the Petition, being generally Tax Map Parcel No.: 1-1-1; and

WHEREAS, Chapin filed an Engineer’s Map, Plan and Report in support of the Petition and these documents have been on file in the Town Clerk’s Office for public inspection; and

WHEREAS, pursuant to Town Law §170 and §172-c, on July 11, 2012, the Lumberland Town Board, on its own motion, determined to conduct a public hearing to consider alteration of the boundaries of the Lumberland Fire Protection District to exclude the same ±242.17 acres of real property from said Lumberland Fire Protection District, and the real property is described in Exhibit 1 and the boundaries of the area shown on Exhibit 2 attached hereto; and

WHEREAS, on July 26, 2012, the Notice of Public Hearing was duly published in the River Reporter, a newspaper of general circulation in the territory affected, and posted on the Town’s Sign Board; and

WHEREAS, a copy of the Resolution and Notice of Public Hearing was provided to the Town Board of the Town of Bethel, the Smallwood-Mongaup Valley Fire District Commissioners and the Lumberland Fire Protection District; and

WHEREAS, the Town Clerk filed a certified copy of the Resolution of the Lumberland Town Board and Notice of Public Hearing with the New York State Comptroller; and

WHEREAS, on August 1, 2012, the Smallwood-Mongaup Valley Fire District Commissioners adopted a resolution consenting to the extension of the Fire District to include the ±242.17 acres of real property within the Town of Lumberland; and

WHEREAS, on August 8, 2012, the Town Board conducted a public hearing to consider the alteration of the boundaries of the Lumberland Fire Protection District to exclude the ±242.17

acres of real property from said Fire Protection District, and allowed all persons interested in the subject to be heard.

NOW, THEREFORE, BE IT RESOLVED, that all proceedings as required pursuant to SEQRA have been completed with a negative declaration having been issued by the Lumberland Planning Board;

BE IT FURTHER RESOLVED, that the Town Board of the Town of Lumberland after a public hearing held on notice as prescribed by the statute and upon the evidence given thereat, determines that it is in the public interest to exclude the ±242.17 acres of real property constituting the Project area from the Lumberland Fire Protection District.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Lumberland, on its own motion, hereby approves the alteration of the boundaries of the Lumberland Fire Protection District to exclude the ±242.17 acres of real property as contained in Exhibits 1 and 2 attached hereto.

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to file a certified copy of this Resolution in the office of the State Department of Audit and Control, at Albany, New York, and record same in the Office of the Sullivan County Clerk, within the next 10 days.

BE IT FURTHER RESOLVED, that, pursuant to Town Law §172-c and Town Law §91, this resolution is subject to a permissive referendum.

MOTION BY: Councilman James Akt
SECOND BY: Councilman Joseph Carr
VOTE: 5 - 0

	YES	NO	ABSTAIN
Nadia Rajsasz, Supervisor	<u> X </u>	_____	_____
Joseph Carr, Councilman / Deputy Supervisor	<u> X </u>	_____	_____
Jay Shafer	<u> X </u>	_____	_____
James Akt	<u> X </u>	_____	_____
Ron Thiele	<u> X </u>	_____	_____

ADOPTED BY THE TOWN BOARD OF THE TOWN OF LUMBERLAND

CERTIFIED _____ DATE _____

VIRGINIA V. HORN, TOWN CLERK

COPY

EXHIBIT 1

REAL PROPERTY DESCRIPTION OF AREA TO BE EXCLUDED FROM
LUMBERLAND FIRE PROTECTION DISTRICT

COPY

PLAN SHOWING BOUNDARIES TO BE EXCLUDED FROM
LUMBERLAND FIRE PROTECTION DISTRICT

COPY