

Resolution # 114, 2012

**RESOLUTION – APPROVING EXTENSION OF
SMALLWOOD-MONGAUP VALLEY FIRE DISTRICT
PURSUANT TO TOWN LAW §170 AND §171**

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 the real property described in Exhibit 1 and the boundaries of the area shown on Exhibit 2 attached hereto; 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, the Town Board examined the Petition, and supporting documentation, and determined that it was sufficient and in proper form for purposes of scheduling a public hearing thereon; and

WHEREAS, pursuant to Town Law §171(2)(a), prior to publication of the notice of public hearing, the Town Board caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how the estimated rates of assessment for the extended district was computed; and

WHEREAS, pursuant to Town Law §171(2)(a), on July 26, 2012, the Notice of Public Hearing was duly published at least once 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 Petition and Engineer’s Map, Plan and Report was provided to the Town Board of the Town of Bethel, the Smallwood-Mongaup Valley Fire District Commissioners and Lumberland Fire Protection District; and

WHEREAS, in accordance with Town Law §171(2)(b)(1), on or about July 26, 2012, the Town Clerk filed a certified copy of the Notice of Public Hearing with the New York State Comptroller; and

WHEREAS, on August 1, 2012, pursuant to Town Law §170(1), the Board of Commissioners of the Smallwood-Mongaup Valley Fire District adopted a resolution consenting to the extension of the Fire District and provided same to the Town Board; and

WHEREAS, on August 8, 2012, the Town Board conducted a public hearing to consider the Petition and allowed all persons interested in the subject concerning the Petition to be heard; and

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:

- A. The Petition is signed, and acknowledged or proved, or authenticated as required by law and is otherwise sufficient;
- B. That all the property and property owners within the proposed extension of said Fire District are benefited thereby;
- C. That all the property and property owners benefited are included within the limits of the proposed extension of said Fire District;
- D. It is in the public interest to grant in whole the relief sought in the Petition to extend the existing Fire District to include the territory as described herein.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Lumberland, after determining in the affirmative all the questions set forth in Town Law 171(3), hereby approves the extension of the Smallwood-Mongaup Valley Fire District as the boundaries are finally determined to be as set forth on Exhibit 1 and Exhibit 2, attached hereto and said Fire District is hereby extended to include said territory.

BE IT FURTHER RESOLVED, that the Town Board adopts the attached Order extending the Smallwood-Mongaup Valley Fire District as attached hereto.

BE IT FURTHER RESOLVED, that the Town Clerk be and he hereby is authorized and directed to file a certified copy of this Resolution, with Exhibits, and attached Order with Exhibits 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.

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

	YES	NO	ABSTAIN
Nadia Rajs, 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

EXHIBIT 1

REAL PROPERTY BOUNDARY DESCRIPTION FOR EXTENSION DISTRICT

COPY

EXHIBIT 2

FINAL PLAN FOR BOUNDARIES FOR EXTENSION OF
SMALLWOOD-MONGAUP VALLEY FIRE DISTRICT

COPY