

Town of Denning – Town Board Meeting

Called to order at 6:05 p.m. by Supervisor Brooks. Held on Tuesday, February 11, 2025 at the Denning Town Hall.

Pledge of Allegiance

PUBLIC HEARING: The Public Hearing for Local Law #1 of 2025 is opened at 6:07 pm

Present: Supervisor David Brooks, Councilmen Gregory Vurckio, Scott Mickelson, Mike Dean and Kevin Smith. Highway Superintendent Leonard Johnson

Public Present: Mark McLewin, Anthony Carminati, Stephen Bobik, Jr., Stephen Bobik, Sr., Nora Dorste, Mary Plank, Branden Plank, Joe Sibiga, Travis Coddington

Supervisor Brooks opens Public Hearing Discussion regarding Local Law #1 of 2025 – A local Law providing for a Moratorium on Actions Subject to Special Use Permit Review for Applications Related to Short-Term Rental Uses for a Period of Twelve (12) Months. Supervisor Brooks discusses need for review of current STR application procedure, upcoming changes to NYS regulations regarding STRs, researching the actual number of and a possible cap on the number of STRs operating in Denning, and review and possible amendments of Denning Zoning Law regarding STRs, the code enforcement for same and also law enforcement. The Planning Board requested the Moratorium from the Town Board. Supervisor Brooks confirms that any STRs currently operating that are registered with Ulster County can continue to operate during the Moratorium. They will be required to apply for a Special Use Permit for Short-Term Rental through the Town when the Moratorium is lifted.

Discussion continues regarding Ulster County registration and Town permits and involvement of Code Enforcement Officer, Town Board, Planning Board and Ulster County Planning Board. Supervisor Brooks reports that there are six (6) Special Use permits issued for STRs by the Town of Denning currently. A list was recently received from Ulster County that notes approximately 26 that are currently operating. Supervisor Brooks confirms that everyone currently on the Ulster County list will be included if Denning caps the number of operating STRs in Town. General discussion regarding current zoning law and possible amendments and the impact of the upcoming NYS regulations in April of this year. Public comment indicates enforcement seems to be a major issue. Discussion follows regarding income for the Town. Supervisor Brooks reports that Denning does receive a portion of the taxes collected by Ulster County. The Town will also receive income through the Permit Application process and through the fee for annual inspections and renewals. Issues regarding possible amendments to zoning law for STRs and enforcement of same regarding lighting, trash, noise, trespassing, and Town and NYS fire safety rules and regulations. Discussion continues regarding which matters are code enforcement and which are law enforcement.

Supervisor Brooks reiterates that the Town will use the Moratorium to “take a step back” and gather all the necessary information, do the research necessary, and if amendments to the zoning are needed to get them put into place, determine a cap, and to put updated procedures into place for the expected surge in STR Special Use Permit applications.

Supervisor Brooks reads emails received regarding comments for this Public Hearing for Local Law #1 of 2025 from Joy Monforte, Jenny Lee and David White, and Dasha Sienitsky. (Copies of which are made a part of these minutes attached).

After more questions and comments from the members of the Public present Supervisor Brooks notes that documentation from the Denning Assessor indicates that there are 137 seasonal residences in Denning. 333 year-round residences totaling 470 total residential properties.

Discussion continues regarding confusion from members of the Public present about the Moratorium. Supervisor Brooks states that STRs operating with Ulster County registration can continue to do so. The upcoming NYS regulations being put into place in April of 2025 and the expected quarterly reporting from the booking platforms to the State are briefly discussed.

Supervisor Brooks asks if there are any further questions or comments from the Public regarding this matter. There are none. Supervisor Brooks asks if there are any further questions or comments from the Town Board Members. There are none.

Supervisor Brooks requests a motion to close the Public Hearing. Motion made by Councilman Mike Dean and seconded by Councilman Gregory Vurckio. All in Favor. Public Hearing closed at 6:43 pm.

To the Honorable Town of Denning Supervisor and Town Board
PO Box 277
Claryville, NY 12725

February 11th, 2025

Dear Honorable Supervisor Brooks and Town Board,

I am writing in support of the proposed STR Moratorium. I believe the Town of Denning must get a handle on all of the STR's in our town. The over exposure of STR's in town will cause a lack of permanent housing for residents wishing to reside here. Which in turn will cause permanent harm to our community. We will lose our identity. Without permanent residents, families, we will cease to be a community and a town.

Respectfully yours,

Joy Monforte

①

Hello fellow neighbors! I am writing to the board for the meeting this evening regarding short term rental restrictions.

I am opposed to the restriction for the next year to stop the special use permits as I believe it will greatly impact the economy and tourism in Denning. There are a lot of people who come to our area for vacation, which most of our local business here rely on that income of tourism. There is not enough available lodging as it is so people who want to come need places to stay. It is unfair to have a total restriction, if people own their home or are about to invest in a home in our area they should be able to rent it out and make income, they just need to go through the necessary steps to do so.

The town can benefit financially from short term rentals, I believe people would rather pay whatever fees are necessary instead of being restricted. If there are just rules in place for registration and permitting that should be enough of regulation. I understand the town would like to review the rentals and assess the situation but why does the moratorium need to be in place for that to happen.

I am against the STR restrictions. I hope the town board will realize the impact this will bring to not only our second home community but our local community as well.

Thank you for your time!

Dasha Sienitsky
Associate Broker
Resort Realty

②

Jenny Lee – David White
64 Round Pond Road
Claryville, NY 12725

February 11, 2025

RE. Moratorium re Denning Short Term Rentals

Dear Town of Denning Supervisor Brooks and Board members:

We are residents at 64 Round Pond Rd. We write to support issuing a moratorium on Short-Term Rentals. The merits and consequences of short-term rentals are mixed. Among other things, STRs provide income to residents; however, the case can be made that an abundance of STRs affect community coherence by adversely affecting long term tenants. Sorting out the details calls for a moratorium.

Jenny Lee and David White

③

REGULAR TOWN BOARD MEETING

February 11, 2025

Called to order at 6:44 pm by Supervisor Brooks

Present: Supervisor David Brooks, Councilmen Gregory Vurckio, Scott Mickelson, Mike Dean and Kevin Smith. Highway Superintendent Leonard Johnson.

Public Present: Mark McLewin, Anthony Carminati, Stephen Bobik, Jr., Stephen Bobik, Sr.

The Town Clerk Minute Book was signed prior to the meeting commencement. The Town Clerk gave the Board members their copy of the Agenda and Resolution Nos. 29, 30, 31 and 32 of 2025, and the Budget vs. Actual for January 2025.

Supervisor Brooks inquires if all Councilmen have read the January 2025 Town Board Meeting Minutes and asks if there are any amendments. All respond that the Minutes have been read and that there are no amendments.

Motion to adopt last months' minutes by Councilman Scott Mickelson, seconded by Councilman Mike Dean. Councilman Gregory Vurckio Abstains as he was Absent from the January meeting.

Councilman Mike Dean AYE

Councilman Kevin Smith AYE

Councilman Gregory Vurckio ABSTAIN

Councilman Scott Mickelson AYE

Supervisor David Brooks AYE

Motion carried following roll call vote.

Correspondence – by Supervisor David Brooks.

- Denning Justice Court 2024 Annual Audit completion documents received from Auditor Teri Lockhart.
- Letter from NYS received regarding the approval of the Hudson Valley Credit Union's Application to designate the communities of Neversink and Denning as a Banking Development District (BDD) through the New York State Department of Financial Services.
- Broadband Project Update dated 12-23-24 received regarding Margaretville Telephone Company Grant award of \$145,000.00 for engineering and pre-construction activities. Supervisor Brooks is unsure if the freeze on federal funds at this time will affect this.
- CWC Board of Election Ballot received regarding Ulster County nominee James Sofranko. Supervisor Brooks reminds the Town Board members that this matter was discussed at a previous meeting and re-confirms Jim's nomination by the Denning Town Board.
- FEMA Flood Insurance Policy Renewal received. Town Board approval is needed for renewal. All Board members confirm approval.
- Renewal of Town Insurance Policy through Mike Price Insurance received. An increase of \$1,800.00 annually with new truck and tractor. It is noted that this is quite reasonable. Renewal approved.
- Invitation received for the April 1, 2025 CWC Annual Meeting. Supervisor Brooks is attending and asks the Town Board members if they would like to attend. Members will review.
- New Tax Program Contract received from Ulster County. Supervisor Brooks questioned many aspects of the contract and sent it to Denning attorney Rod Futerfas for review. Discussion follows.

Highway Report: by Highway Superintendent Leonard Johnson.

- Highway Dept. has been maintaining roads during daily snow squalls and road ice issues.

- Road maintenance also included cutting brush and dead trees.
- Worked in shop on maintaining trucks and plows.
- Cleaned ditches on Sugarloaf Road due to water runoff creating dangerous ice issues.
- Discussion regarding constant small storms sometimes using more materials than big storms.
- Salt and Sand use is very expensive, as are delivery prices on winter maintenance products. Discussion regarding finding a better product and continued discussion regarding delivery of product prices versus self-hauling prices.
- Reported that we have 100 tons of salt and have ordered another 100 tons to hopefully get Denning through the rest of the Winter.

Planning Board Report - by Liaison Councilman Kevin Smith.

- Public Hearing was held on 53 Kawlija Road, Tomina LLC, for STR Special Use Permit application. No Public was present at the Public Hearing. The Planning Board will vote on this application at its February 20th meeting.
- The Planning Board continues its discussions on Short-Term Rental issues.

Highway Pre-Pay Vouchers presented by Hwy. Super. Johnson.
(See Warrant #2 Pre-Pay, Voucher Nos. 2 - 5)

Health Care Reimbursement Account	2PP-2	DA90608 · Health Ins.	-5,000.00
MVP Health Care, Inc.	2PP-3	DA90608 · Health Ins.	-11,776.22
Trust & Agency Account - FICA	2PP-4	DA90308 · Social Security/Medicare	-1,070.04
Trust & Agency Account - FICA	2PP-5	DA90308 · Social Security/Medicare	-864.63
		Grand Total:	-18,710.89

Highway Vouchers presented by Hwy. Super. Johnson.
(See Warrant #2 Voucher Nos. 4 - 19)

Advance Auto Parts	4	DA51304 · Machinery Contr	-239.12
ALL GAS & WELDING	5	DA51304 · Machinery Contr	-71.35
Big State Industrial Supply	6	DA51304 · Machinery Contr	-681.70
Bottini Fuel Corporation	7	DA51424 · Snow Removal-Contractual	-4,193.99
Campbell Freightliner of OCTy	8	DA51304 · Machinery Contr	-211.76
Cargill Inc.	9	DA51424 · Snow Removal-Contractual	-6,721.59
PD Donohue Trucking, LLC	10	DA51424 · Snow Removal-Contractual	-4,573.65
Home Depot Credit Services	11	DA51304 · Machinery Contr	-219.74
Hudson River Truck & Trailer	12	DA51304 · Machinery Contr	-139.50
Mombaccus Excavating, Inc.	13	DA51424 · Snow Removal-Contractual	-1,696.08
North East Parts Group	14	DA51304 · Machinery Contr	-701.02
River Valley Radio Inc.	15	DA51304 · Machinery Contr	-1,525.75
Robert Green Auto & Truck Inc.	16	DA51304 · Machinery Contr	-2,280.25
Romeo Ford	17	DA51304 · Machinery Contr	-75.84
Schmidt's Rentals	18	DA51304 · Machinery Contr	-2.88
Tractor Supply Credit Plan	19	DA51304 · Machinery Contr	-44.99
		Grand Total:	-23,379.21

General Pre-Pay Vouchers presented by Supervisor Brooks.
(See Warrant #2 Pre-Pay, Vouchers Nos. 1 - 10)

Central Hudson-1	2PP-2	A8160.4 · Refuse & Garbage-Contractual	-60.77
Central Hudson-2	2PP-3	A5132.4 · Highway Garage-Contractual	-648.10
	2PP-4	A1620.4 · Buildings-Contractual	-414.54
		Central Hudson -2 Total:	-1,062.64
Charter Communications	2PP-5	A1620.4 · Buildings-Contractual	-235.11
Elan Financial Services	2PP-6	A8020.4 · Planning-Contractual	-67.76
HealthCare Reimbursement Acct	2PP-7	A9060.8 · Health Insurance	-5,000.00

MVP Health Care Inc.	2PP-8	A9060.8 · Health Insurance	-11,776.21
TRUST & AGENCY ACCT - FICA	2PP-9	A9030.8 · Social Security	-739.06
TRUST & AGENCY ACCT - FICA	2PP-10	A9030.8 · Social Security	-284.91
Grand Total:			(19,226.46)

General Vouchers, presented by Supervisor Brooks.
(See Warrant #1, Voucher Nos. 7 - 26)

Alleyomor Inc. DBA Pestmaster	7	A1620.4 · Buildings-Contractual	-4,572.00
Association of Towns	8	A1920.4 · Municipal Association Dues	-899.00
Bottini Fuel	9	A5132.4 · Highway Garage-Contractual	-945.79
Central Hudson	10	A5182.4 · Street Lighting - Contractual	-181.66
Charter Communications	11	A5132.4 · Highway Garage-Contractual	-267.94
e-Nable Business Solutions	12	A1670.4 · Central Data Processing Contrac	-98.00
Jonathan Follender, Reim.	13	A9060.8 · Health Insurance	-1,076.95
Grahamsville First Aid Squad	14	A4540.4 · Emergency Services-Contractual	-2,405.75
Richard Lowe	15	A5132.4 · Highway Garage-Contractual	-300.00
Cindy Mickelson, Reim.	16	A1220.4 · Town Supervisor-Contractual	-244.37
Mike Preis, Inc.	17	A1910.4 · Unallocated Insurance	-103.00
	18	A1910.4 · Unallocated Insurance	-28,511.61
Mike Preis Total:			-28,614.61
NYS Magistrates Association	19	A1110.4 · Town Justice-Contractual	-120.00
NYSAMCC, Inc.	20	A1110.4 · Town Justice-Contractual	-60.00
QUILL CORP	21	A1220.4 · Town Supervisor-Contractual	-87.99
	22	A1620.4 · Buildings-Contractual	-107.74
Quill Corp Total:			-195.73
U.C. ASSESSORS ASSOC.	23	A1355.4 · Tax Assessor-Contractual	-85.00
Ulster County Information Svcs	24	A1410.4 · Town Clerk-Contractual	-100.00
UCRRA	25	A8160.4 · Refuse & Garbage-Contractual	-1,232.88
VEO Energy Systems	26	A5132.4 · Highway Garage-Contractual	-249.95
Grand Total:			(41,649.63)

Resolution No. 29 of 2025

Local Law No. 1 of the Year 2025, Town of Denning, County of Ulster.

WHEREAS, the Town of Denning has determined that it is in the best interest of the Town to update its Zoning Law to better provide for the permitting and operation of Short-Term Rentals (STRs); and

WHEREAS, a Local Law No. 1 to place a moratorium on such permitting, entitled **"A Local Law providing for a Moratorium on Actions Subject to Special Use Permit Review for Applications Related to Short-Term Rental Uses for a Period of Twelve (12) Months"** was presented to the Town Board at a Town Board meeting held on January 14, 2025; and

WHEREAS, this is a Type 2 action pursuant to SEQRA (6NYCRR 617) resulting in no Environmental Review being required; and

WHEREAS, the Town Board forwarded the proposed local law to the Town of Denning Planning Board for recommendations; and

WHEREAS, the Town Planning Board had no recommendations and advised that the local law had no County impacts; and

WHEREAS, a duly noticed public hearing was held on February 11, 2025.

NOW THEREFORE BE IT RESOLVED, that Local Law No. 1 of 2025 annexed hereto and entitled **"A Local Law providing for a Moratorium on Actions**

Subject to Special Use Permit Review for Applications Related to Short-Term Rental Uses for a Period of Twelve (12) Months” is hereby adopted by the Town Board of the Town of Denning; and

BE IT FURTHER RESOLVED that the Town Clerk be directed to file this Local Law No. 1 of 2025 with the New York State Secretary of State.

Whereupon, the Resolution was put to a vote, and recorded as follows:
Motion to adopt and approve by Councilman Gregory Vurckio and Seconded by Councilman Mike Dean.

Roll Call Vote:

Councilman Mike Dean AYE Councilman Scott Mickelson AYE

Councilman Kevin Smith AYE Councilman Gregory Vurckio AYE

Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.

LOCAL LAW No. 1 of 2025 - A Local Law providing for a Moratorium on Actions Subject to Special Use Permit Review for Applications Related to Short-Term Rental Uses for a Period of Twelve (12) Months.

Be it enacted by the Town Board of the Town of Denning as follows:

Section 1: TITLE

This Local Law shall be known as “A Local Law providing for a Moratorium on Actions Subject to Special Use Permit Review for Applications Related to Short-Term Rental Uses, or herein variably as just the “local law” or “moratorium” each as the context thereof so admits or requires.

Section 2: AUTHORITY AND INTENT:

- A. This local law is a police power and land use regulation. It is intended and is hereby declared to address matters of local concern.
- B. This local law is intended to be consistent with and adopted pursuant to the authority granted to the Town Board under the New York State Constitution and the laws of the State of New York, including but not limited to Town Law §§ 13- and 261, et seq., the New York State Constitution Article IX, Municipal Home Rule Law §10, and the Statute of Local Governments §10.
- C. Specifically, this local law is intended to supersede New York State Town Law §§ 267, 267-A, 267-B, 274-A, 274-B, 276, 277, 278 and 279.
- D. This local law shall supersede and suspend those provisions of the Town Code which require the Planning Board and the Town Code Enforcement Officer to accept, process, and approve applications relating to Short-Term Rentals within certain statutory time periods.

Section 3: PURPOSE

- E. The Town Board of the Town of Denning, Ulster county, New York, is vitally concerned with the effect of its present Zoning Laws related to Short-Term Rentals, environmental sensitivity, health, safety, and general welfare of the Town.
- F. The Town Board wishes to place a Moratorium on consideration and approval of residential and commercial projects subject to Special Use Permit review relating to Short-Term Rental uses pending the completion and adoption of amendments to §§530 of the Code of the Town of Denning, which code does and will have further recommendations from the Town Planning Board and Ulster County Planning Board pertaining to land use and development within the Town for Short-Term Rental uses. The Town Board duly finds and declares that it is crucial to maintain the status quo relative to such land use development while drafting, finalizing and adopting the final updated sections of the Zoning Code particularly for the resource and land use planning that is central and vital to public health, safety, land values, and rural character of this small town in upstate New York.
- G. The Town desires to consider any recommended land use regulations that guide

future Short-Term Rental uses in order to ensure that all projects are allowed, sited, and reviewed in congruence with the Town's vision of the community, and to ensure that impacts are managed by appropriate regulations and resource protection laws and requirements.

- H. Having in place a 12-month window to finalize and to consider such zoning updates for Short-Term Rentals is deemed to be vital to the public health, safety and interests of the Town of Denning and its citizens, visitors, and surrounding communities and natural resources.

Section 4: FINDINGS

The Denning Town Board finds, determines and makes the following declarations:

- A. Actions of the types of subject to discretionary review in and under the Town of Denning's Zoning Laws and procedures (hereinafter "Actions") may affect the nature and patterns of development within the Town.
- B. Unchecked and non-regulated Actions create unreasonable risks pertaining to the loss of important local resources of value, as well as create potential conflicts between residences and other uses, and these potential losses and conflicts require consideration and mitigation to preserve desired characteristics, resources and harmonies between adjacent uses in a rural environment.
- C. The Town Board is concerned that protection of the Town's interests and the public health and welfare interests so implicated, could or would be damaged or subverted if Actions (as defined in Section 5 hereunder) were to be entertained or approved before the Codes are adopted and the Town Board is able to consider modifications of or additions to current regulatory measures reasonably necessary or desirable to address §§ 530 Short-Term Rental uses. Accordingly, to address these issues, and to protect the public health, safety and welfare; it is the intention of the Town Board to stay the review or approval of Actions during the limited time the Town needs to complete the update to the Town Zoning Law.
- D. In the period from January 2024 through current date the Town of Denning Building Department has experienced a significant increase in inquiries regarding the establishment of Short-Term Rentals. The Town Board has determined that the Town's Zoning Law does not provide adequate regulation for Short-Term Rental uses and this needs to be corrected to adequately provide responsible regulation.
- E. It is anticipated that the Town Board will complete adoption of local laws updating the Zoning Law within twelve (12) months of the effective date of this local law. This will allow the Town Board to assess whether existing regulations are sufficient or if further regulations need to be put into place.

Section 5: PROHIBITED ACTIONS

- A. For a period of twelve (12) months from the effective date of this local law, the Town board hereby declares a Moratorium prohibiting each of the following "Actions" in the Town, regardless of the submittal or receipt of any application prior to the effective date of this Local Law. Neither the Planning Board nor the Town's Code Enforcement Officer shall accept, process, review or approve of any Action, unless such Action is exempt under Section 6 hereunder.
- B. The time period set forth in this section may be reduced by the Town Board, by resolution, upon a determination that the intent and purpose of this Local Law has been satisfied.
- C. The time period set forth in this section may be extended by two additional periods of up to three (3) months each, by resolution of the Town Board.
- D. The consideration by the Planning Board of any Special Use Permit, or the review thereof, of any plan for the use of a property for Short-Term Rental is prohibited during this Moratorium time period.
- E. Acceptance, consideration, preliminary approval or final approval by the Town of Denning zoning Board of Appeals of any Action or any application for a waiver or variance in connection with any Actions prohibited herein (such

- authority being exclusively deleted to the Town Board under §7, below)
- F. For purposes of this Local Law the following definitions shall apply:
1. Short-Term Rental - Properties using short term transient rentals, under thirty (30) days; unoccupied by owner.

Section 6: EXEMPTIONS

- A. Notwithstanding the foregoing, this Local Law shall not apply to any Short-Term Rental for which an application was made and has been rendered a favorable decision by the Town of Denning Planning Board or Town of Denning Zoning Board of Appeals, on or before adoption of this local Law.
- B. Any permit approved by the Building Department on or before adoption of this Local Law.
- C. The following Actions are exempt from this Moratorium and the terms and requirements of this Local Law:
1. Any Action that has been presented, discussed, or reviewed on an agenda at a meeting of the Town of Denning Planning Board for review, prior to the effective date of this Local Law.
 2. Any application which is determined classified as an accessory use or accessory structure by the Code Enforcement Officer on an already existing approved Short-Term Rental.
 3. Any other ministerial building permit or other permit action made to the code enforcement Officer that does not trigger review under Town of Denning's special use or site plan review procedures and laws.
 4. Any appeal or review seeking a variance or waiver in relation to an Action that has already been approved and which meets the requirements of sections 6, and as applicable above.
 5. Any Action or matter for which a waiver is granted under Section 7 hereunder.

Section 7: WAIVERS

- A. Should any applicant or owner of property affected by this Moratorium suffer an extraordinary hardship as a result of the temporary requirements or limitations set forth in this local law, then said applicant or owner may apply to the Town Board in writing for relief from strict compliance with this Moratorium (a "Waiver") upon submission of proof of such extraordinary hardship and the meeting of the standards and requirements set forth in this Local Law. For the purpose of this Moratorium, an extraordinary hardship shall not be the mere delay in being able to apply for some determination or approval related to an action during the period of the Moratorium. Any applicant and any property owner may apply to the Town Board for a Waiver of or from any one or more of the requirements or restrictions set forth in this Local Law and, upon good cause shown, the Town Board may grant such relief, or so much relief as said Board may determine to be necessary and appropriate in accordance with the application and review criteria set forth in this Local Law.
- B. Substantive requirements: No Waiver seeking relief or partial relief from the requirements and restrictions of this Moratorium shall be granted unless the Town Board shall specifically find and determine, and set forth in its resolution granting such Waiver in whole or in part, that:
1. The failure to grant a Waiver will cause the petitioner extraordinary hardship, and such hardship is substantially greater than any harm to the general public welfare resulting from the Waiver (if granted in whole or in part). In considering this factor, the Town Board may consider the unique nature of the land in question, including whether the site of the proposed Action is affected by an exceptional topographic or other naturally occurring conditions as supports a Waiver.
 2. The granting of a Waiver will have no clear adverse effect upon the goals or objectives being now undertaken by Comprehensive Planning and community wide efforts to protect and preserve the essential character and important resources of the Town.

3. The Waiver is sought for an Action that is, or which by imposition of conditions or voluntary land covenants and restrictions can be, harmonious with neighboring uses and the community planning efforts currently underway.
4. The extraordinary hardship is not a result of any delay, action, or inaction by the applicant, the property owner, or any predecessors in interest, and that such alleged hardship has not been self-created. In considering this factor, the Town Board may consider whether the need for a Waiver is based in whole or in part upon a lack of maintenance or repair of the property or improvements thereupon, including consideration of the extent to which the existing improvements are aged, decrepit, obsolete, run-down, outmoded, or in a state of disrepair, and further including whether financial hardship has been materially promoted by such lack of maintenance, repair, or the property condition and causes thereof.
5. The application for a Waiver is and was substantially complete at the time of filing and at the time the notice of public hearing was posted, such that all parties and the Town Board had a full and fair opportunity to consider the facts, bases, and arguments upon which the Waiver application and any Waiver approval was based. In evaluating this factor, the Town Board may consider whether the applicant advanced new theories, facts or arguments not set forth in the application as may have unduly and adversely impacted the Town Board's ability to conduct a full and fair hearing, as well as the rights of participants and witnesses to prepare evidence and address the application and Waiver request as submitted.
6. No relief granted in respect of the Waiver is greater than the relief requested by the applicant in the petition, and no such relief is greater than the minimum amount of relief necessary to alleviate any extraordinary hardship, should a Waiver be granted in whole or in part.

c. Procedure:

1. Upon submission of a written application to the Town Clerk by any person seeking a Waiver, the Town Board shall schedule a public hearing within 45 days, upon 10-days published and posted notice, with due and similar notice to such applicant by personal service or by mailing notice thereof to the address of the applicant, which shall be set forth in such application.
2. An application shall consist of all general materials required for a general sketch plan meeting or, if desirable or beneficial in the opinion of the applicant, such materials as would be necessary to allow for a preliminary site plan or subdivision plan review, together with a description of the proposed land subdivision or proposed land uses. The applicant shall also include a delineation of the issues, facts, conditions, and features, or mitigation of impact features, as will be proposed in such Action as address the proofs and evidence needed to support the required findings supporting a full or partial Waiver. The applicant shall be solely responsible to determine the extent to which factual and evidentiary matters are alleged and relevantly explained in the application seeking a Waiver. All applications shall contain a subscribed certification of the applicant stating that the foregoing application and its exhibits constitute the applicants full and complete application and set forth all bases upon which applicant relies upon for a Waiver.
3. At said public hearing, applicant and all other persons shall be entitled to submit evidence and have an opportunity to be heard, and the Town board shall hear and adopt all evidence regardless of formal rules of evidence instead giving weight to such testimony and evidence as it deems worthy of relevance and reliability.
4. Within 30 days of the close of the public hearing, or 45 days of the date of the first public hearing, whichever shall arrive first, the Town Board shall issue its written findings and decision and grant the Waiver in whole or in part, with or without conditions, or deny the same. Denial without prejudice to re-applying is proper where the basis for

denial is based upon an incomplete application, or applicant advancing arguments and facts in support of the finding of a substantial hardship that were not summarily described in the application, which shall also be deemed an incomplete application. The fact that a hearing was conducted or concluded is not relevant to, or an acknowledgement that, any application was substantially complete at any time.

- D. All determinations as to the criteria and findings set forth for Waivers shall be and be deemed discretionary actions in respect of a legislative determination by the Town board, and all determinations shall be subject only to review in accord with Article 78 of the New York Civil Practice Law and Rules.
- E. Approving a Waiver in whole or in part is not an approval of the Action, which must still undergo formal review, including environmental reviews as required under Article 8 of the New York Environmental Conservation Law (including its implementing regulations).
- F. All applicants and other persons proceeding with and submitting applications, documents, surveys, site development designs, or other documents in support of applications, or evidence or testimony provided or planned to be submitted at any hearing(s), shall be incurred and undertaken at such applicant's or person's sole cost and expense, including all surveying, engineering, planning, and legal expenses, and other professional fees and expenses, together with all costs and other expenses generally. The results of any Waiver application entitle neither the Town nor any other applicant, party, or participant to recover any portion of such fees, costs or expenses.

Section 8: SEQRA DETERMINATION

The Town Board hereby determines that the adoption of this Local Law is a Type II action under 6 NYCRR 617.5(c) {36} and that further environmental review under the NYS Environmental Quality Review act (SEQRA) is not required.

Section 9: VALIDITY AND CONFLICTS

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this Moratorium shall take precedence over and shall take control over any contradictory local law, ordinance, regulation or Code provision.

Section 10: LIMITATION UPON TOWN LIABILITY

The Town and its officers, employees and agents shall not be liable or responsible for any injuries to persons or damages to property due to the Town's actions, or failures to act under or pursuant to this local law unless it is proven to a reasonable degree of certainty that such alleged act of or failure to act by the Town was primary cause of such injury, loss or damage as was principally caused by a willful or intentional act of the Town, its officers and agents. This provision shall be construed and applied to the maximum extent permitted by law, does not waive any sovereign or governmental immunity of the Town, and does not create any theory or claim of liability where none exists at law or in equity.

Section 11: ARTICLE 78

Any person aggrieved by any decision or determination of the Town Board in respect of the application of this Local Law or the issuance or denial of a Waiver hereunder, may have said decision or determination viewed by the Supreme Court in the manner provided by article 78 of the Civil Practice Law and Rules. This provision shall not, however, expand the jurisdiction, scope, or applicability of said article 78, create a right of standing where such right does not otherwise exist, or waive any claims, rights, or defenses the Town may have regarding questions of law or fact pertaining to the judicial and legal concepts of ripeness, standing, timeliness, governmental immunities, or of any other matter. Further, all administrative remedies and appeals must be fully exhausted before any Person may commence any proceeding under said Article 78.

Section 12: ENFORCEMENT

This Local Law shall be enforced by the Code Enforcement Officer. It shall be the duty of said Officer to advise the Town Board of all matters pertaining to the enforcement of this Law and to keep all necessary records appropriate to same.

Section 13: VIOLATION

Any persons violating any provisions of this Local Law shall be guilty of an offense, and upon conviction thereof be punished by a fine not exceeding one-thousand dollars (\$1,000.00) or imprisonment not to exceed six (6) months, or both. For the purposes of conferring jurisdiction upon the Court, violations of this ordinance shall be deemed a misdemeanor, and for such purpose the laws relating to misdemeanors shall apply to such violations for procedural matters. Every day's continued violation after notice shall constitute a separate additional violation. In addition, the Town Board may also maintain an action or proceeding, in the name of the town Board, in a Court of competent Jurisdiction to compel compliance with or to restrain by Injunction the violation of this Local Law.

Section 14: EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York State Secretary of State.

Resolution No. 30 of 2025

WHEREAS New York State General Municipal Law Sections 103 and 104-4 permit the pre-audit function of vouchers, as a form of internal controls in the checking of claims and supporting documentation. And

WHEREAS the Sections 118 and 119 of New York State Municipal Law also authorize the auditing authority to approve of Said vouchers. And

WHEREAS the Office of the New York State Comptroller Division of Local Governments and Accountability: Budgets and Finances also approves of this method.

NOW THEREFORE BE IT RESOLVED that the Town of Denning Town Board HEREBY approves of and authorizes payment of the following Warrants:

- Highway Fund Pre-Pay Warrant No. 2PP Voucher Nos. 2 - 5.
- Highway Fund Warrant No. 2 Voucher Nos. 4 - 19.
- General Fund Pre-Pay Warrant No. 2PP Voucher Nos. 2 - 10.
- General Fund Warrant No. 2 Voucher Nos. 7 - 26.
- Capital Fund Sewage Disposal Warrant No. 2 voucher Nos. - None.

Whereupon, the Resolution was put to a vote, and recorded as follows:
Motion to adopt and approve by Councilman Scott Mickelson and seconded by Councilman Kevin Smith.

Roll Call Vote:

Councilman Mike Dean	AYE	Councilman Scott Mickelson	AYE
Councilman Kevin Smith	AYE	Councilman Gregory Vurckio	AYE
Supervisor David Brooks	AYE		

Motion carried following a unanimous roll call vote.

Resolution No. 31 of 2025

WHEREAS New York State Law §113 authorizes the Town Board by resolution to transfer surplus monies, contingent appropriations and unexpended fund balances.

And WHEREAS the Town of Denning is in need of budgetary transfers for the 2024 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Town of Denning Town Board authorizes the Supervisor to do the following transfers in the General Fund and the Highway Fund:

General:

Increase A1220.4 - Town Supervisor Contractual in the amount of \$710.00
Increase A1989.4 - UDC Rep Contractual in the amount of \$500.00
Increase A5010.4 - Supt. of Highways Contractual in the amount of \$135.00
Increase A5182.4 - Street Lighting Contractual in the amount of \$260.00
Increase A8020.4 - Planning Contractual in the amount of \$140.00, and to

Decrease A1990.4 - Contingent Account in the amount of \$1,745.00

Highway:

Increase DA5140.4 - Brush and Weeds Contractual in the amount of \$550.00

Decrease DA5120.4 - Bridges Contractual in the amount of \$550.00

Whereupon, the Resolution was put to a vote, and recorded as follows:
Motion to adopt and approve by Councilman Mike Dean and seconded by Councilman Kevin Smith.

Roll Call Vote:

Councilman Mike Dean AYE Councilman Scott Mickelson AYE
Councilman Kevin Smith AYE Councilman Gregory Vurckio AYE
Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.

Resolution No. 32 of 2025

WHEREAS section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town auditing boards or appointed auditor and,

WHEREAS such records for the year 2024 were provided to and audited by the Town of Denning Auditor, Teri Lockhart, on Tuesday, February 11, 2025, and

WHEREAS the Town of Denning Town Board has HEREBY reviewed and accepts the Audit results submitted by the Auditor for the year 2024.

Whereupon, the Resolution was put to a vote, and recorded as follows:
Motion to adopt and approve by Councilman Kevin Smith and seconded by Councilman Scott Mickelson

Roll Call Vote:

Councilman Mike Dean AYE Councilman Scott Mickelson AYE
Councilman Kevin Smith AYE Councilman Gregory Vurckio AYE
Supervisor David Brooks AYE

Motion carried following a unanimous roll call vote.

Supervisor Comments:

- Supervisor Brooks confirmed that the Frost Valley YMCA's 2025 donation to Denning will be \$100,000.00. Supervisor Brooks and the Town Board express their thanks to CEO Riel Peerboom and the Frost Valley Board of Trustees for their continued commitment to support the Town through their monthly donations.
- Supervisor Brooks reports that he has still not heard back from Ulster County regarding the final report on the White House Fire in Sundown. He is told it will be completed soon.
- No further information received from Ulster County Emergency Services regarding towers -Sagendorf's is reportedly still in the running.
- No further information received on the Sundown Stream matter either.

Supervisor Brooks calls for Councilmen Comments:

- Councilman Gregory Vurckio renews discussion regarding the Moratorium. Town Board members agree that the Planning Board will vote on the Tomina LLC (Nicoletti) Special Use Permit at their February 20th meeting and since no other applications have been accepted at this time, the Tomina permit will be the last application concluded now that the Moratorium is in effect.
- Councilman Gregory Vurckio reports on the most recent CWT meeting.
 - Continued LAP/SAP negotiations. Proposed changes to core LAP would include a provision for Towns and Villages to propose specific parcels in priority areas 3 and 4 for acquisition by the City.
 - Towns and Villages will determine the parcel, not the City or the residents. Most likely a parcel that would benefit the Town or Village in some way. Parcels would have to be 10 acres or more. Towns would be able to set their own parameters if they opt in. Towns and Villages would have to opt in every 5 years to be able to do this. I believe that most Towns are OK with this, but Delaware County opposes the language, especially with non-profit organizations buying the property. Discussion follows. Supervisor Brooks and the Town Board want to review the paperwork regarding opting in or out.
 - The CWT proposed language says Towns and Villages can not opt in and can say No to any sales. Also, if a Town or Village wants to sell a parcel the City is **not** obligated to buy it.
 - The State Wetland Regulations have been finalized. CWT attorney Jeff Baker feels they are not as bad as we thought they would be. Matters still have to be worked out with NYC and NYS regulations.
- Councilman Vurckio initiates cell tower and Star Link discussion. Pricing and availability should be looked into. Discussion continues.
- Councilman Scott Mickelson reports that one case was heard at the last Court session on February 5th. The Landlord/Tenant case is ongoing. The case referred from Ellenville Court will be heard at next Court date of February 19th.
- Councilman Mike Dean has no further comments.
- Councilman Kevin Smith has no further comments.

Supervisor Brooks calls Public Comments:

- There are no further Public Comments.

Motion to adjourn the Town Board meeting at 7:58 pm made by Councilman Gregory Vurckio and seconded by Councilman Mike Dean. All in Favor. Motion Carried. Meeting Adjourned.

Respectfully submitted by Nancy Parrow, Town Clerk, February 18, 2025.

The next Town Board Meeting and Town Business Meeting will be held at the Denning Town Hall on Tuesday, March 11th, 2025 scheduled to begin at 6pm