

Town of Kent Planning Board
Application Forms and Description of Procedures

Subdivision Sketch Approval
Subdivision Preliminary Approval
Subdivision Final Approval
Site Plan Approval
Conditional Use Permit Approval
Freshwater Wetland Permit Approval

1) Meetings

- a) The Town of Kent Planning Board meets in regular session on the second Thursday of each month starting at 7:30 PM.
- b) The Planning Board meets in a workshop session on the first Thursday of each month starting at 7:30 PM. The workshop meeting is an open meeting. The public may attend but may not speak except by invitation of the Planning Board.
- c) Special meetings may be called by the Planning Board Chair and shall be noticed pursuant to the Open Meetings Law.
- d) If the date of any meeting is cancelled due to inclement weather, lack of quorum, or other conflict, the meeting will be scheduled for another night and the new meeting day and time will be posted and made public pursuant to the Open Meetings Law.

2) Deadlines

- a) All submittals are due no later than 12:00 PM (noon) on the Thursday prior (21 days) prior to the regular meeting. There shall be no exceptions.

3) Application Submittals

- a) All applications shall include the following:
 - i) Original and fifteen (15) copies of the completed application forms, affidavits, and EAF.
 - ii) Six (6) full-size sets of maps and nine (9) reduced size (24" x 18" / "C" size sheet) sets of maps depicting the proposed activity and prepared in accordance with the requirements of the Town Code. **All maps shall be folded. Maps that are not folded will not be accepted.**
 - iii) Application fee in the amount established by the Town Board. Applicants are advised to consult the Planning Board Clerk.
 - iv) Review fee in an amount required by the Planning Board. Applicants are advised to consult the Planning Board Clerk.
 - v) Survey information shall be recent or recently re-certified by a New York State Licensed Surveyor so as to accurately depict topographic and site conditions as of the date the application is submitted.
 - vi) Short Form Environmental Assessment Form. Applicants are advised that the Planning Board may require the applicant to provide a Long Form Environmental Assessment Form where the Board determines that the Short Form does not provide sufficient information about the application.
 - vii) Agricultural date statement, if applicable.
 - viii) Recent aerial photo at a scale of 1:200 or less with tax parcels delineated.
- b) Applicants are advised to consult the following Town Code sections:
 - i) Subdivision Sketch Plan - §A81-7 of the Subdivision Regulations
 - ii) Subdivision Preliminary Plat - §A81-8 of the Subdivision Regulations

- iii) Subdivision Final Plat - §A81-9 of the Subdivision Regulations
- iv) Site Plan- §77-60 of the Town Zoning Law
- v) Conditional Use Permit Application - §77-59 of the Town Zoning Law
- vi) Freshwater Wetland Permit - §39A-7 of the Town Code.

4) Application Procedures

- a) All applications and submittals are formally received as of the date of the next regular meeting of the Planning Board.
- b) Upon receipt of an application, including all application and escrow fees, the maps and supporting documentation will be forwarded by the Town to the Planning Board's Planner and the Planning Board's Engineer. All communication(s) must be directed to the Planning Board Office and not directly to the Planning Board's consultants.
- c) All maps must comply with the Town requirements for preliminary plats and site plans. In addition, all submissions must contain enough engineering data to enable a proper engineering and planning review in accordance with the Zoning Law. If maps either fail to comply with the code requirements or are insufficient to support a proper engineering and planning review, the result may be the denial of approval and the requirement of a new application and applicable fees. The adequacy of all submissions will be determined by the Planning Board after recommendation of the Planning Board Engineer and the Planning Board Planner.
- d) If a public hearing is required the hearing will be set only after the Board is satisfied that the applicant has addressed all comments and questions to the satisfaction of the Board.
- e) An application is not complete until a Negative Declaration has been issued or a DEIS has been received and declared complete.

5) Notes

- a) In addition to other notes as may be required by the Board, the applicant shall include as notes on the map the following:
 - i) Driveway Construction notes. (See attached)
 - ii) Erosion Control notes. (See attached)

6) Actions of the Planning Board

- a) Prior to making a decision on the application, the Planning Board shall make a determination of significance under the State Environmental Quality Review Act. The Planning Board may open the public hearing prior to the determination of significance in order to obtain public comment on the issues of environmental concern. An application is not considered complete until a SEQRA determination has been made.
- b) Decisions of approval or disapproval will be made no more than sixty two (62) days after the close of a public hearing on a complete application unless extended by agreement of the Planning Board and the applicant. The decision of the Planning Board will be filed with the Town Clerk within five (5) business days of the date of the decision.
- c) Disapproval of an application will require the resubmission of a preliminary application if the applicant wishes to pursue further consideration of the plan.
- d) The Plat will be void if it is revised after Planning Board signature. No changes, erasures, modifications or revisions shall be made on any plat after the plat has been signed by the Board. If the recorded plan contains any changes, the plat shall be considered void, and the Planning Board shall take action to remove the plat from county records.

7) Fees

All application fees and review fees are due at the time an application is submitted. Application fees are not refundable. Unexpended review fees are returnable upon completion of the Planning Board's review of

the application and the receipt of final invoice(s) from all professionals retained by the Planning Board to review the application. At the time an application is submitted to the Planning Board fees shall be paid with separate checks to cover the following: (1) Application Fee; and (2) Review Fee. Checks shall be made payable to the "Town of Kent". Recreation Fees are due and payable prior to the Chairman signing the approved residential subdivision or site plan map. Approval of any application is expressly conditioned on the payment of all application fees, review fees, and recreation fees, and the signature of the Chairman on the final plat or site plan shall be withheld pending payment of all fees.

Pursuant to §55 of the Town of Kent Code an applicant is responsible to pay the cost of services of consulting attorneys, engineers, planners, architects, and other professionals retained by the Planning Board to review an application. At the time an application is submitted the applicant shall pay to the Planning Board an initial deposit in an amount set by the Planning Board for the Review Fee. The fee will be used to pay the cost of consultant fees incurred by the Planning Board to review the application. The deposit amount may be adjusted up or down by the Planning Board based upon the type, size and complexity of the application. The applicant may be periodically advised as to the need to replenish the review fee fund, and the Planning Board may cease its review of an application pending such replenishment. Any unexpended deposit amounts will be returned to the applicant.

Applicants are advised to contact the Planning Board Clerk to determine the amount of the application fee and the amount of the initial deposit for the review fee that must be submitted with the application.

Town of Kent Planning Board
Application Forms and Description of Procedures

Steep Slope & Erosion Control Approval

1) Deadlines

- a) None. Applications are accepted on an on-going basis.

2) Application Submittals

- a) All applications shall include the following:
 - i) Original of the completed application form with affidavits.
 - ii) Five (5) full-size sets of maps prepared and sealed by a New York State licensed professional depicting the proposed activity and prepared in accordance with the requirements of the Town Code. **All maps shall be folded. Maps that are not folded will not be accepted.** The applicable sections of the Town Code are as follows:
 - (1) Steep Slope and Erosion Control Permit - §66 of the Town Code.
 - iii) Survey information shall be recent or recently re-certified by a New York State Licensed Surveyor so as to accurately depict topographic and site conditions as of the date the application is submitted.

3) Application Procedures

- a) Within five (5) days of receipt an application, including payment of all fees, the maps and supporting documentation will be forwarded by the Town to the Planning Board's Engineer. All communication(s) must be directed to the Planning Board Office and not directly to the Planning Board Engineer.
- b) All maps must comply with the Town requirements for Steep Slope and Erosion Control Permit as set forth in §66 of the Town Code. If maps either fail to comply with the code requirements or are insufficient to support a proper engineering review, the result may be the denial of approval and the requirement of a new application and applicable fees. The adequacy of all submissions will be determined by the Planning Board Engineer.

4) Notes

- a) In addition to other notes as may be required by the Board, the applicant shall include as notes on the map the following:
 - i) Driveway Construction notes. (See attached)
 - ii) Erosion Control notes. (See attached)

5) Actions of the Planning Board

- a) The Planning Board will only approve the application based on the recommendation of the Planning Board Engineer.

6) Fees

All application fees and review fees are due at the time an application is submitted. Application fees are not refundable. Unexpended review fees are returnable upon completion of the Planning Board's review of the application and the receipt of final invoice(s) from all professionals retained by the Planning Board to review the application. At the time an application is submitted to the Planning Board fees shall be paid with separate checks to cover the following: (1) Application Fee; and (2) Review Fee. Checks shall be made payable to the "Town of Kent". Approval of any application is expressly conditioned on the payment of all application fees, review fees, and recreation fees, and the signature of the Planning Board Engineer and the Chairman on the final plans shall be withheld pending payment of all fees.

Pursuant to §55 of the Town of Kent Code an applicant is responsible to pay the cost of services of consulting attorneys, engineers, planners, architects, and other professionals retained by the Planning Board to review an application. At the time an application is submitted the applicant shall pay to the Planning Board an initial deposit in an amount set by the Planning Board for the Review Fee. The fee will be used to pay the cost of consultant fees incurred by the Planning Board to review the application. The deposit amount may be adjusted up or down by the Planning Board based upon the type, size and complexity of the application. The applicant may be periodically advised as to the need to replenish the review fee fund, and the Planning Board may cease its review of an application pending such replenishment. Any unexpended deposit amounts will be returned to the applicant.

Applicants are advised to contact the Planning Board Clerk to determine the amount of the application fee and the amount of the initial deposit for the review fee that must be submitted with the application.

**Town of Kent Planning Board
Combined Application Form**

APPROVAL REQUESTED FOR: (Check all that apply)

Sketch Plan (subdivision)	_____	Preliminary Subdivision	_____
Final Subdivision	_____	Lot Line Change	_____
Site Plan	_____	Conditional Use Permit	_____
Freshwater Wetland	_____	Steep Slope & Erosion Ctrl	_____

Name of Project: _____

Description of Proposed Activity:

Name of Applicant(s): _____

Address: _____

Telephone: _____

Name and Address of Record Owner(s): _____

Tax Map Number of all parcels: _____

A) For All Applications:

1) Total acreage involved in application: _____

2) Total contiguous acreage controlled by applicant/owner¹: _____

3) Total number of existing structures: _____

1. Shall include lands owned by family members of the applicant, and any corporation(s), partnership(s), limited liability company(ies) or other entities in which the applicant has an interest.

4) Type of existing structures: _____

5) Total square footage of all new construction: _____

6) Estimated value of new construction or addition: _____

7) Type of construction or activity proposed: (Check all that apply)

New Construction: Residential _____ Commercial _____ Institutional _____

Expansion: Residential _____ Commercial _____ Institutional _____

Home Occupation: _____ Change in use: _____ Other: _____

8) Zoning District: _____

9) Does applicant intend to request any information waivers?

No _____ Yes _____. If yes, please list all waivers (attach separate pages if necessary):

10) Are there agricultural and/or forestry exemptions affecting the property?

No _____ Yes _____. If yes, please list in detail (attach separate pages if necessary):

11) Have any area or use variances affecting the property been granted?

No _____ Yes _____. If yes, please list in detail (attach separate pages if necessary):

12) Have any permits affecting the property been issued by any other governmental agency?

No _____ Yes _____. If yes, please list in detail (attach separate pages if necessary):

13) Has any application(s) for any other permit(s) for any activity affecting the property been submitted to any other governmental agency?

No _____ Yes _____. If yes, please list in detail (attach separate pages if necessary):

14) Attach a copy of the current deed and any easements affecting the property.

Name and Address of Professional Engineer: _____

Telephone: _____

Name and Address of Licensed Land Surveyor: _____

Telephone: _____

Name and Address of Attorney: _____

Telephone: _____

Name and Address of Wetland Consultant: _____

Telephone: _____

B) For Subdivision and Lot Line Change Applications Only:

1) Total number of lots proposed: _____

2) What is the size of the smallest lot proposed? _____

3) What is the size of the largest lot proposed? _____

4) Number of private driveways proposed: _____

5) Number of common driveways proposed: _____

6) Maximum number of lots serviced by a common driveway: _____

7) Number of private roads proposed: _____

8) Number of lots serviced by a private road: _____

- 9) Preliminary Plat includes _____ acres and tentatively includes _____ future lots. The amount of area shown on this Preliminary Plat proposed to be dedicated for future public use, (exclusive of roads) is _____ (define measure: acres/square feet).
- 10) Does subdivider intend to submit a single subdivision plat for filing with County Clerk for all property in the Preliminary Plat? Yes _____ No _____. If no, state the number of sections to be filed _____.

C) For Freshwater Wetland Permit Applications Only:

- 1) A map of the site, prepared using a recent boundary and topographic survey of the property showing conditions on the site as of the date of application, shall be submitted.
- 2) The survey map shall show the location of the all federal, state, and local jurisdictional wetland boundaries as delineated by the applicant's consultant, and the location of proposed disturbance to wetlands and wetland buffers. The survey map shall also show the location of all regulated water bodies on the site and within 200 feet of the boundary of the site.
- 3) What is the date of the boundary and topographic survey used as the base map for the application?

- 4) Proposed activity is located in:
 - a) Lake/pond [_____] Control area of lake/pond [_____]
 - b) Stream/River/Brook [_____] Control area of stream/river/brook [_____]
 - c) Wetland [_____] Control area of wetland [_____]
 - d) Not located in wetland/wetland buffer [_____]
- 5) Attach a description of the proposed activity in the controlled area including the following: i.e. maintenance, construction of dwelling, addition, driveway, culverts, including size and location.
- 6) Attach a statement of compliance with §39A-8 of the Town Code.

D) For Steep Slopes and Erosion Control Permit Applications Only:

- 1) A map of the site, prepared using a recent boundary and topographic survey of the property showing conditions on the site as of the date of application, shall be submitted.
- 2) Does the project involve any of the following:
 - a) Any disturbance involving one (1) or more acres of land? Yes _____ No _____.
 - b) Any disturbance on ground areas having a topographical gradient equal to or greater than fifteen percent (15%) measured by utilizing two (2) foot contours? Yes _____ No _____.
- 3) What is the date of the boundary and topographic survey used as the base map for the application?

4) Refer to Chapter 66 of the Town Code for the application requirements.

By His/Her signature the Applicant avows that: 1) He/She has read this application and is familiar with its content; and 2) He/She has read, is familiar with, and understands the requirements of the Town Kent Code provision(s) affecting or regulating the project for which this application is made; and 3) He/She agrees to comply with the requirements of the Town Kent Code provision(s) affecting or regulating the project for which this application is made including any general or special conditions of any permits or approvals granted by any board, agency, or department of the Town of Kent; and 4) He/She has read this statement and understands its meaning and its terms.

Applicant Signature: _____

Print Name: _____

Date: _____

**Town of Kent Planning Board
Agricultural Data Statement**

In accordance with §283-a of the New York State Town Law and §305-a of the Agriculture and Markets Law, this Data Statement will be used to evaluate the potential impacts of a proposed development on farm operations in agricultural districts.

Name of Applicant(s): _____

Address: _____

Telephone: _____

Description of the Project: _____

APPROVAL REQUESTED FOR: (Check all that apply)

Sketch Plan (subdivision) _____ Preliminary Subdivision _____

Final Subdivision _____ Lot Line Revision _____

Site Plan _____ Conditional Use Permit _____

Project Location: _____

Tax Map Number of all parcels: _____

Is any portion of the project site currently being farmed? _____

Is the project site located in an Agricultural District? Yes _____ No _____

Who is farming the site? _____

Does the person farming the site: Rent _____ Own _____ the land?

Attach a list of the names and addresses of the owners of land within an agricultural district containing a farm operation located within 500 feet of the boundary of the project property, and the tax parcel number of the farm parcels. Attach a copy of the tax map and indicate with an "X" the farm parcels within 500 feet of the project property.

I hereby confirm that the information provided herein is true and accurate.

Signature of Applicant: _____ Date: _____

**Town of Kent Planning Board
Standards for Private and Common Driveways**

The following notes must be placed on the plan for development approval as applicable.

- A) *The driveway for any lot shall provide vehicular access to within 150 feet of the exterior wall of each habitable structure.*
- B) *For lots legally in existence as of the date of adoption of this local law, driveways proposed to serve three or fewer single family residential lots shall meet the following standards:*
 - 1) *Finished grades for all parts of any proposed driveway shall not exceed ten (10%) percent, and shall not exceed three (3%) percent within thirty (30) feet of the intersection of the driveway with the public highway, private road, or garage or parking pad, and shall be paved for a distance of thirty (30) feet from said intersection. The Planning Board may grant a waiver for a driveway slope of up to fifteen (15%) percent upon a showing by the applicant of practical difficulty in meeting these standards. Any section of a proposed driveway that exceeds 10% finished grade shall be paved.*
- C) *For lots created after the date of adoption of this local law, driveways proposed to serve three or fewer single family residential lots shall meet the following standards:*
 - 1) *Finished grades for all parts of any proposed driveway shall not exceed ten (10%) percent, and shall not exceed three (3%) percent within thirty (30) feet of the intersection of the driveway with the public highway, private road, or garage or parking pad, and shall be paved for a distance of thirty (30) feet from said intersection. No waiver or variance from these standards shall be permitted.*
- D) *For all driveways:*
 - 1) *The minimum driveway width shall not be less than 16 feet with a travel way width of not less than 12 feet and a shoulder width of not less than 2 feet on each side. For driveways in excess of 300 feet the Planning Board shall require pull-offs to provide safe passage for users of the road and shall require designation of area(s) along the driveway for snow storage. Passing turnouts shall be placed at not more than two hundred foot intervals along the length of the driveway. The passing turnouts shall have an additional 4 feet of shoulder width. The minimum dimension of a turn-out shall be 10 feet in width and 50 feet in length.*
 - 2) *Shoulders shall be top soiled, seeded with an appropriate grass or grass blend, and mulched.*
 - 3) *All roots and stumps shall be grubbed, excavated and removed from the travel way and shoulders.*
 - 4) *All unsuitable and unstable materials shall be completely excavated and removed and all rocks or boulders larger than 6 inches across shall be excavated to at least 8 inches below finished grade.*
 - 5) *The foundation course of the driveway shall be a minimum of 6 inches of clean, run of bank gravel.*
 - 6) *Final course of the driveway shall be a minimum of 4 inches of item 4 or processed gravel. Pavement, where required, shall be a minimum of two and one-half inches (2 ½") compacted thickness.*
 - 7) *The paved and unpaved travel-way, passing turnouts, shoulders and flow line of drainage ditches and swales shall be maintained in satisfactory condition to assure safe and continuous year-round access for all vehicles.*
 - 8) *Trees and shrubs shall be trimmed and maintained so as not to hang into or obstruct the travel way, passing turnouts and shoulders. Overhead branches shall be trimmed and maintained to a height of not less than 13 feet.*

- 9) *Each lot accessed by a common driveway shall be subject to a Driveway Maintenance and Improvement Agreement which shall run with the land and be binding on each owner of the lots so accessed and, and upon their heirs, successors and assigns. Such Agreement shall be recorded in the office of the County Clerk and shall be subject to the approval of the Planning Board prior to such recording.*
- 10) *A development plan for the driveway, together with driveway profiles and other information as may be required by the Town Building Inspector to show compliance with the section, shall accompany an application for a Steep Slope and Erosion Control Permit, and/or a highway work permit, prior to an application for a Building Permit being made.*
- 11) *The development plan shall use as a base map an accurate boundary and topographic survey of the property depicting all existing improvements and grades prepared by a New York State licensed land surveyor. The plan shall depict all proposed improvements shall be prepared by a professional engineer, a landscape architect, or an architect licensed by the State of New York. The development plan and profiles shall show conformity of the proposed driveway construction with these standards.*
- 12) *Upon completion of grading and placement of sub-base material, and prior to final paving, the applicant's New York State licensed land surveyor shall provide to the Town an "as-built" survey depicting the actual grades and dimensions to which the driveway has been constructed. Such as-built survey shall accompany the application for issuance of a Building Permit for construction of on-site improvements. Upon completion of construction the applicant's Professional Engineer shall certify to the Town that the driveway has been constructed in accordance with the approved plans and with these specifications.*
- 13) *The driveway construction requirements as shown on the final development plan or plat approved by the Planning Board shall be referenced in the deed for the property upon transfer.*

Town of Kent Planning Board
Steep Slope and Erosion Control Notes

In order to assure compliance of the project with both the Town Zoning Law and the NYSDEC regulations the following note shall be placed on all plat maps.

- A) *Any individual or entity proposing to develop land within the Town of Kent or to conduct construction activities on land within the Town of Kent shall prepare an application pursuant to §66-6 of the Town of Kent Code for a steep slope and erosion control permit when one or more the following criteria are met:*
- 1) *Any disturbance involving one (1) or more acres of land;*
 - 2) *Any disturbance on ground areas having a topographical gradient equal to or greater than fifteen percent (15%) measured by utilizing two (2) foot contours, except for:*
 - a) *Any planting of landscape materials or gardening which does not disturb the existing terrain in excess of a two-foot depth in two thousand (2,000) square feet;*
 - b) *Emergency situations as determined by the Town Engineer, where the disturbance of steep slopes is required to protect persons, animals or property from imminent danger;*
 - c) *Any routine road, highway or street maintenance; or*
 - d) *Ordinary maintenance and repair of existing structures or facilities.*
 - 3) *Disturbance within one hundred (100) feet of a wetland or watercourse as defined in Chapter 39A, "Wetlands and Watercourses", of the Town of Kent;*
 - 4) *Excavating or filling which exceeds a total of one hundred (100) cubic yards of material within any parcel or any contiguous parcels.*
- B) *Agricultural activities including household gardening shall be exempt from applying for a steep slope and erosion control permit.*
- C) *The discharger, owner or operator shall at all times comply with the New York State SPDES General Permit (GP-02-01) requirements. A copy of any completed Notice of Intent submitted to the New York State Department of Environmental Conservation pursuant to GP-02-01 shall be submitted to the Planning Board.*