

Approved: September 17, 2015

Minutes
Town of Kent Planning Board Meeting
August 13, 2015

Following the Pledge of Allegiance, the meeting was called to order at 7:30 PM by Mr. Michael McDermott, Chair of the Town of Kent Planning Board.

In attendance were the following Planning Board members:

| | |
|--------------------------|----------------------------|
| Michael McDermott, Chair | Janis Bolbrock, Vice Chair |
| George Brunner | Charles Sisto |
| Philip Tolmach | Glenna Wright |

Others in Attendance:

| | |
|--|---------------------------------------|
| Bruce Barber, Environmental Consultant | Bill Walters, Kent Building Inspector |
| Bill Rohde, Engineering Consultant | Neil Wilson, Planner |

Absent:

| | |
|--|--------------|
| Julie Mangarillo, Engineering Consultant | Dennis Lowes |
|--|--------------|

• **Approve Planning Board Minutes from June 11, 2015**

Mr. McDermott asked for a motion to approve the Planning Board minutes for June 11, 2015. Ms. Bolbrock asked that the June minutes reflect that her name should be changed from Mr. to Ms. Mr. McDermott asked that the minutes be changed and for a motion to accept them with the change. Mr. Brunner made the motion and it was seconded by Ms. Wright. The roll call vote was as follows:

| | |
|----------------|---------------|
| Mike McDermott | <u>Aye</u> |
| Janis Bolbrock | <u>Aye</u> |
| George Brunner | <u>Aye</u> |
| Dennis Lowes | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Aye</u> |
| Glenna Wright | <u>Aye</u> |

The motion carried.

• **Hilltop Estates (Kent development), Peckslip Road, Kent, NY; TM: 12.-1-38 & 42**

The applicant requested an extension for a subdivision and erosion control bond application.

Mr. Watson, of Insite Engineering, represented Mr. Esposito, the owner of the property. They previously requested an extension of 90 days and were granted one on May 14, 2015, which has expired. The applicant would like another extension of 90 days. They have continued efforts to procure outside agency approvals. Final mylars have been submitted to the Health Department and they have received DEP stormwater approvals. All the legal documents are being finalized as well. Mr. Watson advised the Planning Board that he will be submitting final drawings and agreements with responses to Mr. Wilson's comments to the Planning Board in the near future.

Neil Wilson's Comments (memo attached)

Mr. Wilson circulated a draft Resolution prior to the meeting to grant another 90 day extension effective September 1, 2015 with an expiration date of November 29, 2015 since the current one will expire September 1, 2015. He agreed with Mr. Watson that the applicant has been diligent about moving forward with the project and recommended that the extension be granted.

Mr. McDermott asked for a motion to adopt the Resolution prepared by Mr. Wilson to grant a 90 day time extension pertaining to final approvals of a subdivision, lot line adjustment, steep slope and erosion control plan and a freshwater wetland permit. Mr. Tolmach made the motion and it was seconded by Mr. Brunner. The roll call vote was as follows:

| | |
|----------------|---------------|
| Mike McDermott | <u>Aye</u> |
| Janis Bolbrock | <u>Aye</u> |
| George Brunner | <u>Aye</u> |
| Dennis Lowes | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Aye</u> |
| Glenna Wright | <u>Aye</u> |

The motion carried.

• **Lema Property, Route 52, Kent, NY; TM: 33.18-1-6,7,8 & 9**

This project involves a request for approvals of a site plan and a freshwater wetlands permit for construction of a contractor's warehouse. Mr. Jack Karell represented the applicant. This matter was before the Planning Board in 2015. The only change to the plan is that now instead of having a septic system the applicant will be connected the town sewer system. The wetlands have been re-flagged and remain the same. The building is outside of the wetlands within the buffer. Part of the driveway will be situated within the buffer, but the applicant proposes impervious pavers and a connection to the sewer system. The owner also gave the Town permission to construct a pumping station on the corner of his property.

Mr. Wilson's Commens (memo attached)

Mr. Wilson said that there are a lot of things missing from the plan as presented. This is a Type II action about construction of new non-residential of 4,000 square feet facilities and he noted that the plans submitted are for construction of 3,500 square feet warehouse and falls within that category. He noted that the applicant needs site plan and special use approvals. The following items are missing from the plans:

- Attribution of the baseline survey prepared in February of 2012 does not indicate who prepared the survey and whether the topography boundary was included;
- There was no note from the DEC verifying the boundaries flagged in 2014

In his memo Mr. Wilson provided a list to the Planning Board out of code Chapter §77-60 Paragraph F showing all the items needed which are missing. He said that this application is not ready for setting a Public Hearing and won't be until more details are provided.

Mr. Barber's Comments (memo attached)

Mr. Barber said that he agreed that more information is needed regarding environmental concerns, especially the wetlands. A DEC wetland validation block is required on the plans and there are also Kent jurisdictional wetlands also involved. Mr. Barber said he will go out to inspect them shortly. The wetland impacts need to be more quantified with respect to the area, square feet and functional aspects of what's happening during pre and post-construction as well as the type of mitigation necessary in order to not reduce any functions presently on site. There is always an effort made to reduce as much impact as possible. There were some storage tanks and construction equipment located on the property previously and Mr. Barber asked for a history of the site as to whether there were any spills or remediation reported to the DEC on the property. He suggested that a Phase II Environmental may be necessary to ensure that there is no soil contamination on the site. He also noted that there was a need for a steep slope and erosion control plan, which was not reflected in the combined application. Mr. Barber requested that a notation be placed on the plans regarding a flood zone consideration and a NYS National Heritage report regarding endangered species.

Mr. Rohde's Comments (memo attached)

Mr. Rohde said that he wanted the applicant to ensure that the stormwater conforms with the latest general permit (GP-1502) and that steep slope and erosion control notes are placed on the drawings. Well water service lines and a profile of the Santori sewer line connection to the sewer should also be shown on the drawings.

Mr. Karell said that he would work on the plans and respond to the comments made at the meeting for the September meeting. He was advised to provide a list of the waivers he requested before the September meeting.

• **Gipsy Trail Paddle & Tennis Court, Kent, NY; TM: 32.-1-25**

Mr. Jack Karell represented the applicant, who was requesting an amended site plan to relocate an existing tennis court and install a new paddle court in the former location of the existing tennis court. This would involve taking the paddle court apart and pulling up 10" piers, take it apart, reinstall 16 piers and put it back together and then build another one next to it. Mr. Karell asked for a waiver of the site plan, which was denied. He also asked to waive the Public Hearing.

Mr. Wilson's Comments

Mr. Wilson said that Mr. Karell should submit the list of waivers he was requesting at the September meeting and that he felt that a Public Hearing was not necessary, but that also should be addressed at the September meeting at which time the project could proceed administratively.

Ms. Bolbrock asked if the courts would be heated. Mr. Karell said that it was a wood based court with wire mesh on the sides and was not presently heated. There was also lighting on the court. Mr. Steven Silverstein, the owner of the property, said that the court is a pre-fabricated aluminum system with a simple propane heating system under the court, which is 4' above ground. There are existing tanks already on site.

Mr. Barber's Comments (memo attached)

Mr. Barber said he will inspect the property to ensure that there are no areas of wetlands involved.

- Towners Road Mart (Sclafani Property), 2 Towners Road, Kent, NY; TM: 33.64-1-6

Mr. Robert Cameron, Putnam Engineering, represented the applicant who was requesting an amended site plan and a change of use permit.

This property has been a garage with an area inside where you pay for services provided and the property was recently sold. The new owners want to remove the doors to the garage bay and replace it with a convenience store. There will be coolers and a small coffee bar with no seating. There will be a series of gridded windows where the aluminum garage door was and the front door will be moved to the middle of the front. There is an apartment upstairs with an entrance on the side and a parking lot in the rear where a dumpster will be placed. There is also a ramp, which will be replaced. Employee and the parking for the apartment will be in the rear. The applicant will also continue to sell gas, but not provide mechanical service to cars. There are two islands with 8 spots to pump gas – one in front and one on the side of the property along Route 52.

Mr. Wilson's Comments (memo attached)

Mr. Wilson agreed that the conversion on this property makes sense. He suggested that site plan and special use permit approvals for the proposed conversion plan would be appropriate. Mr. Wilson said that this is a Type II action and that he'd like a couple of notes added to the plan. The applicant requested several information waivers, which were noted on the site plan, and he felt that the Planning Board should discuss and vote on them at the meeting. Mr. Wilson said that, because of the nature of the site, the waivers were reasonable and should be considered. Mr. Wilson asked for a better description of the proposed renovations. Mr. Wilson advised the Board that this project also needed to be forwarded to the Putnam County Planning Department for recommendation pursuant to General Municipal Law 239-M and that a Public Hearing should be scheduled for the September meeting.

Ms. Wright expressed her concern about the impact on traffic on Towners Road and Route 52 when customers of the convenience store pull in and out of the site. She asked if something could be done in terms of the entrance to the site. Mr. Wilson said that the pump islands are close to the property line and that he didn't think there was anything that could be done to the site plan. Ms. Wright asked if the property line had been re-evaluated because there had been some issues regarding that. Mr. Cameron said that had been remedied and that the survey was accurate. Mr. Cameron said that previously that some of the gas tanks had to be replaced and the owner of the property had to go before the NYSDOT and they made them close one of the curb openings on the site to prevent drivers from pulling out directly onto Route 52. He said that there was not anything else that could be done. Mr. Brunner said he had concerns about additional signage going up on the site. Mr. Cameron assured him that if that happened the applicant would receive violations. Mr. Brunner also had concerns about the types of products the applicant would be selling.

Mr. Barber's Comments (memo attached)

Mr. Barber asked Mr. Cameron about existing wells on the property and prior ground contamination and whether or not there had been any spills on the property, and if so, the Spill and Closure numbers. He mentioned that Item 9 on the checklist reflected that there was a wetland stream within 100 feet of the site. Mr. Barber inspected the area in question and said that there were some fragmites and a small section of wetlands. He asked for clarification whether this was a wetland buffer or not. If it is he recommended resurfacing the asphalt area. He also asked for confirmation that the sewage flow allocation would remain within the acceptable limits set. Mr. McDermott reminded Mr. Barber that the sewer connections needed to be shown on the drawings. Mr. Cameron said that the sewer connection is shown on the drawing and that he would clarify it better. Mr. Barber asked that the applicant to consider installing an oil and grease separator within a catch basin on the site to prevent any future spills.

Mr. Rhode's Comments (memo attached)

Mr. Rhode asked that the contour elevations be shown on the drawing and indicate the use of the lower level of the building. He asked that a note about the gravel ramp being previously paved for DEP's benefit listing it as a repair. He said there were no objections to the waivers.

Mr. Brunner asked where the tenant's parking would be and was told in the rear. Mr. Sisto asked where the delivery truck drivers would park and what would be done with the garage on the lower level. Mr. Cameron said that the garage would only be used to park a car. Mr. Cameron advised Mr. Sisto that the trucks would park where the gas island in the front of the building was. The driver would enter the site from Towners Road and exit onto Route 52.

Mr. McDermott asked for a motion to grant the waiver request on this application. The motion was made by Ms. Bolbrock and seconded by Mr. Tolmach. The roll call vote was as follows:

| | |
|----------------|------------------|
| Mike McDermott | <u>Aye</u> |
| Janis Bolbrock | <u>Aye</u> |
| George Brunner | <u>Abstained</u> |
| Dennis Lowes | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Aye</u> |
| Glenna Wright | <u>Aye</u> |

The motion carried.

Mr. McDermott asked for a motion to schedule a Public Hearing for the September meeting. The motion was made by Ms. Bolbrock and seconded by Mr. Tolmach. The roll call vote was as follows:

| | |
|----------------|---------------|
| Mike McDermott | <u>Aye</u> |
| Janis Bolbrock | <u>Aye</u> |
| George Brunner | <u>Nay</u> |
| Dennis Lowes | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Aye</u> |
| Glenna Wright | <u>Aye</u> |

The motion carried.

• **Route 311 Plaza, Route 311, Kent, NY; TM: 22.-2-17**

Mr. Joseph Riina, of Site Design, represented the applicant, Mr. Andrew Suozzi, who requested reapproval of this project. The original approvals for a 15,000 square foot two-story retail/office building on Route 311 were granted in 2011. DEP, Health Department, DOT approvals were given in 2012 and the map was signed. The applicant applied for a building permit in 2012 and became a victim of the economy and the project never proceeded and Mr. Suozzi requested reapproval of his plans, which have expired and would now like to proceed with his project. Mr. Riina said the Health Department approval and the DEC stormwater SPDES permit are in place. DOT permit for the driveway access is pending until an insurance policy is delivered. He assured the Planning Board that the plans for this project have not changed since they approved in 2011.

Mr. Barber's Comments (memo attached)

Mr. Barber reviewed the plans and concurred that the plans have not changed. However, he recommended that certification from the design engineer be submitted stating that fact. Mr. Barber noted that stormwater regulations have changed since 2011.

Mr. Rohde's comments (see memo attached)

Ms. Bolbrock asked Mr. Riina to provide the certificate stating that no changes had been made to the plans.

Mr. McDermott advised Mr. Riina that loud music outside has become an issue in the Town of Kent and asked if the applicant would be willing to put a note on the drawings that there would be no outside music on the premises and he agreed to do so.

Mr. Wilson's Comments (memo attached)

Mr. Wilson suggested the note about music also include a note that no outdoor public address system would be installed. Prior to the meeting Mr. Wilson circulated a Resolution to reapprove the project because it had remained unchanged when the originals were submitted in April 2011 and reapproved in July 2012. Mr. Wilson said he would modify it and add a clause about the outdoor music.

Mr. McDermott asked for a motion to adopt the Resolution to reapprove the Site Plan for Route 311 Plaza. The motion was made by Mr. Brunner and seconded by Mr. Tolmach. The roll call vote was as follows:

| | |
|----------------|---------------|
| Mike McDermott | <u>Aye</u> |
| Janis Bolbrock | <u>Aye</u> |
| George Brunner | <u>Aye</u> |
| Dennis Lowes | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Aye</u> |
| Glenna Wright | <u>Aye</u> |

The motion carried.

• **Hartshorn Professional Park, Ludingtonville Road, Kent, NY; TM: 12.-1-88**

Mr. John Watson, of Insite Engineering, represented the owners of this property and requested reapproval of a site plan for construction of a 9,000 square foot contractor office/contractor storage building in the IOC zone approved in 2012. Mr. Hartshorn has begun construction on the site and the stormwater basins, parking area and driveway were installed. They have been looking for a tenant before beginning construction on the building. At this time they are requesting reapproval of all of the plans previously submitted.

Mr. Sisto asked about a lean-to in the rear of the building where there was some stone and was told that there is a septic system behind it within the limits of what was previously approved. Mr. Sisto asked where the run-off went and was told that it all goes back into the stormwater basin where the driveway was re-graded.

Mr. Barber's Comments (memo attached)

Mr. Barber recommended that this applicant also provide a letter certifying that the site plan had not changed since they were approved in 2012. He said the Board may request an update on the status of the construction in the present state and to show that the erosion control plan is moving forward and stable. He said that Mr. Walters and Mr. Rohde should inspect the property and he would also go out. Mr. Watson asked to go with the consultants and they assured him that they would let him know when they were going out.

Mr. Wilson's Comments (memo attached)

Mr. Wilson told the Planning Board that he prepared a Resolution regarding the site plan, erosion control plan, wetlands permit and special use permit and agreed that the previous plans remained unchanged as did the conditions of approval.

Mr. McDermott asked for a motion to adopt the Resolution prepared by Mr. Wilson for a site plan, erosion control plan, wetlands permit and special use permit approvals with a notation about the consultants inspecting the site. The motion was made by Mr. Tolmach and seconded by Mr. Brunner. The roll call vote was as follows:

| | |
|----------------|---------------|
| Mike McDermott | <u>Aye</u> |
| Janis Bolbrock | <u>Aye</u> |
| George Brunner | <u>Aye</u> |
| Dennis Lowes | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Aye</u> |
| Glenna Wright | <u>Aye</u> |

The motion carried.

• **Alou Construction, Bowen Road, Kent, NY; TM: 22.-1-24**

This matter pertained to a request from Mr. Scott Frey, President of Alou Corporation, to have his erosion control plan bond in the amount of \$5,600.00 be released.

Mr. McDermott advised the applicant that he had misinterpreted a letter from the Planning Board engineer about releasing the bond. He said that the town code about holding residential bonds for two years after the completion of the construction is being looked at and may be changed in the future. He advised Mr. Frey that our consultants and the building inspector had inspected his property and agreed that it was stabilized.

Mr. Barber's Comments

Mr. Barber told the Board that he had inspected the property and found it to be stabilized. He also told them that in the past similar projects had also received their bond back before the two years were up when the property was stabilized.

Mr. McDermott asked the Planning Board for a motion to ask the Town Board to release Mr. Frey's erosion control bond. . The motion was made by Mr. Tolmach and seconded by Ms. Wright. The roll call vote was as follows:

| | |
|----------------|---------------|
| Mike McDermott | <u>Aye</u> |
| Janis Bolbrock | <u>Aye</u> |
| George Brunner | <u>Aye</u> |
| Dennis Lowes | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Aye</u> |
| Glenna Wright | <u>Aye</u> |

The motion carried.

At the workshop it was decided that, when Mr. Wilson finished his document regarding proposed code changes, it should be sent to the Town Board. He asked for a motion to send the recommended changes to the Town Board. The motion was made by Mr. Brunner and seconded by Ms. Wright. The roll call vote was as follows:

| | |
|----------------|---------------|
| Mike McDermott | <u>Aye</u> |
| Janis Bolbrock | <u>Aye</u> |
| George Brunner | <u>Aye</u> |
| Dennis Lowes | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Nay</u> |
| Glenna Wright | <u>Aye</u> |

The motion carried.

Ms. Bolbrock asked and was allowed to speak regarding speeding in the Town of Kent. She mentioned that there had been many serious accidents and asked that people slow down because our roads are very narrow, curvy and that she was very concerned about this.

Mr. McDermott asked for a motion to adjourn the meeting at 8:45. The motion was made by Ms. Wright and seconded by Mr. Brunner. The roll call vote was as follows:

| | |
|----------------|---------------|
| Mike McDermott | <u>Aye</u> |
| Janis Bolbrock | <u>Aye</u> |
| George Brunner | <u>Aye</u> |
| Dennis Lowes | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Philip Tolmach | <u>Aye</u> |
| Glenna Wright | <u>Aye</u> |

The motion carried.

Respectfully Submitted,

Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

AUGUST 2015 AGENDA

Workshop: August 6, 2015 (Thursday, 7:30 PM)

Meeting: August 13, 2015 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from June 2015
- Hilltop Estates (Kent Development Corp)
Peckslip Road, Kent, NY
TM: 12.-1-38 & 42
Subdivision/Erosion Control Bond/
Extension
Review
Bond/Pending
- Lema/Rte 52 Corp
Route 52, Kent, NY
TM: 33.18-1-6, 7, 8, 9
Site Plan /Wetland Permit
Review
- Gipsy Trail/Paddle & Tennis Court
Kent, NY
TM: 32.-1-25
Amended Site Plan
Review
- Towners Road Mart (Sclafani Property)
2 Towners Road, Carmel, NY
TM: 33.64-1-6
Amended Site Plan/
Change of Use
Review
- Route 311 Plaza
Route 311, Kent, NY
TM: 22.-2-17
Site Plan Re-Approval
Review
- Hartshorn Professional Park
Ludingtonville Road, Kent, NY
TM: 12.-1-88
Site Plan Re-Approval
Review
- Alou Construction
Bowen Road, Kent, NY
TM: 22.-1-24
Release Erosion Control Bond
Review

Permit Applications Review (Applicants attendance not required/Workshop Discussion):

- Biben Property
146 South Knapp Court, Kent Lakes, NY
TM: 10.-1-1
Erosion Control/Site Plan/
Wetland permit
Status Report
(Requested to be moved to
September)
- Patrick O'Mara Property
Woodland Road/Nimham Circle
TM: 20.20-1-3
Erosion Control/Site Plan
Review
- Kent Materials (Mountain View)
Route 52, Kent, NY
TM: 12.-1-44 & 12.-1-48
Amended Site Plan
Status Report
Bond/pending
- Staley Company
5 Bowen Court, Kent, NY
TM: 12.-1-69
Erosion Control/Site Plan
Status Report
Bond/Pending
- Schulhof-Kravits
8 Cat Briar Road/Gipsy Trail, Kent, NY
TM: 21.19-1-10
Erosion Control
Status Report
- Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48
Site Plan
Status Report
Bond/pending
- Term Limit (GW)
Discussion/Notification
to Town Board
- Code Changes
Discussion

Revision 2

**Town of Kent Planning Board
Resolution Of Time Extension Pertaining To
Final Subdivision Approval
Revised Lot Line Approval
Steep Slope and Erosion Control Permit Approval
Freshwater Wetland Permit Approval**

Matter of Hilltop Estates Subdivision

Whereas, on September 11, 2014 the Town of Kent Planning Board granted conditional Final Subdivision, Revised Lot Line, Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit approvals for the Hilltop Estates Subdivision; and

Whereas, said final approvals are valid for 180 days and pursuant to Town Law §279(7)(c) the Board may extend for periods of ninety days each, the time in which a conditionally approved final plat must be submitted for Chairman's signature if, in the Board's opinion, such extension is warranted by the particular circumstances of the matter; and

Whereas, the Planning Board has previously granted 90 day extensions for the project forward from March 10, 2015 to June 4, 2015, and forward from June 4, 2015 to September 1, 2015; and

Whereas, the Board has been advised that the applicant continues to make substantial progress in completing the conditions of the approvals, including obtaining other agency permits and approvals, although some work has yet to be completed including town and acceptance of the various agreements and easements pertaining to the proposed storm water facilities, dedication of the road as a town highway, obtaining bond security for completion of the proposed town highway, and the formation of a homeowner's association; and

Now Therefore Be It Resolved, that the Planning Board grants a ninety (90) day extension of the Final Subdivision, Revised Lot Line, Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit approvals for the Hilltop Estates Subdivision forward from September 1, 2015 to November 29, 2015; and

Be It Further Resolved, that this resolution is an extension of time only to allow completion of the conditions of the original approvals as set forth in the Board's resolution of September 11, 2014, said conditions remaining unchanged and in force and effect.

Motion: Mr. Tolmach

Second: Mr. Brunner

Michael McDermott, Chairman Aye

Janis Bolbrock, Vice Chair Aye

George Brunner Aye

Dennis Lowes Absent

Phil Tolmach Aye

Charles Sisto Aye

Glenna Wright Aye

Date: August 13, 2015

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on the date set forth above.



Vera Patterson, Clerk
Town of Kent Planning Board



Cornerstone Associates

Environmental Consultants
1770 Central Street
Yorktown Heights, NY 10598
Phone: (914)-299-5293

August 13, 2015

To: Planning Board

From: Bruce Barber
Town Environmental Consultant

RE: Lema Application
Section 33.18 Block 1 Lots 6,7,8,9
329 Route 52

Please be advised that I have conducted a review of the following pertinent documents submitted with respect to the above referenced project. My comments are as follows:

Documents Reviewed:

- Plans entitled; "Site Plan-Jose Lema, President 329 Route 52 Properties" prepared by John Karell, Jr., P.E., dated 04/21/15 (rev.), 2 sheets: S-1, S-2.
- Town of Kent Planning Combined Application Form executed by Jose Lema dated 04/20/15.
- Stormwater Pollution Prevention Plan and Infiltration Study prepared by John Karell, Jr., P.E., dated February 9, 2015.
- NYSDEC Notice of Intent dated 04/20/15, unsigned.
- Letter executed by Ruth L. Pierpont of NYS Office of Parks, Recreation and Historic Preservation dated 02/11/15.
- Short-form EAF dated 04/20/15, unsigned.

Summary of Project:

Application is to construct a 50' x 70' contractors warehouse with associated site improvements and remove four abandoned fuel tanks and a wooden platform. Parcel is reported to be 1.008 acres in size. A sewer connection is proposed.

Review Comments:

The proposed activity is located within the check zone of NYSDEC wetland LC-57 which is a Type I wetland. As a result, the NYSDEC must be notified of the proposed action. The NYSDEC wetland validation block must be properly executed and a wetland permit must be obtained from that office. There are also Town of Kent jurisdictional wetlands on the site. The wetland delineation must be verified by this office and a Town of Kent wetland permit must be obtained (Correct Section 13b of EAF).

The applicant is required to obtain a steep slope and erosion control permit. The combined application should be modified accordingly (Section D).

Applicant must provide a complete erosion and sediment control plan including details of wetland crossings, stabilization and restoration of disturbed areas.

The total area (square feet) of temporary and permanent wetland and wetland buffer disturbance must be provided. A mitigation plan for lost area and function must be provided (Correct EAF Part 2, Question 9 to "Moderate to Large Impact May Occur").

Indicate flood zone location and elevations.

As the prior use of the site included fuel storage, the applicant is requested to provide all historic spill and clean-up information. In addition, the Board may request a Phase II environmental study be conducted at the site to ensure that it is free contaminant levels requiring remediation.

This office defers review of the stormwater pollution prevention plan to the Planning Board Engineer.

Please provide NYS Natural Heritage Report.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', written in a cursive style.

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

From: Wilfred A. Rohde, P.E.

Subject: Amended Site Plan Comments

Date: August 12, 2015

Project: **Lema/ Rt 52 Corp**
TM #33.18-1-6,7,8 & 9

The following materials were reviewed:

- Combined Application Forms including:
 - Application form
 - Request for Wetland Delineation Confirmation
 - Stormwater Pollution Prevention Plan & Infiltration Study, dated 2/9/15
 - Short-form EAF
 - Notice of Intent NYSDEC (NOI)

The applicant wishes to construct a contractor's warehouse. Site is served by municipal sewer. Water is from a proposed well on-site

This following is offered for consideration to the Planning Board:

1. Total area of disturbance as indicated on the amended site plan 19,829 SF. It is critical that the total disturbance area does not exceed this amount.
2. Steep Slope and Erosion Control Notes should be added to the drawing, complete with reference to compliance with the project's Stormwater Pollution Prevention Plan and with SPDES Permit No. GP-0-15-002.
3. Stabilized Construction Entrance Detail is shown twice on Sheet No. S-2.
4. Building sanitary sewer profile to municipal sewer connection should be shown.
5. Well water service line to building should be shown.
6. It appears that about 7,200 SF of wetland is to be eliminated on site and be replaced with porous pavement. Is this correct?

Memorandum
Lema/Route 52 Corp
TM #33.18-1-6,7,8 & 9
August 12, 2015
Page 2 of 2



Wilfred A. Rohde, P.E.

cc: Planning Board via email
Bill Walters via email
Bruce Barber via email
Neil Wilson via email
15-261-224



Cornerstone Associates

Environmental Consultants
1770 Central Street
Yorktown Heights, NY 10598
Phone: (914)-299-5293

August 13, 2015

To: Planning Board

From: Bruce Barber
Town Environmental Consultant

RE: Lema Application
Section 33.18 Block 1 Lots 6,7,8,9
329 Route 52

Please be advised that I have conducted a review of the following pertinent documents submitted with respect to the above referenced project. My comments are as follows:

Documents Reviewed:

- Plans entitled; "Site Plan-Jose Lema, President 329 Route 52 Properties" prepared by John Karell, Jr., P.E., dated 04/21/15 (rev.), 2 sheets: S-1, S-2.
- Town of Kent Planning Combined Application Form executed by Jose Lema dated 04/20/15.
- Stormwater Pollution Prevention Plan and Infiltration Study prepared by John Karell, Jr., P.E., dated February 9, 2015.
- NYSDEC Notice of Intent dated 04/20/15, unsigned.
- Letter executed by Ruth L. Pierpont of NYS Office of Parks, Recreation and Historic Preservation dated 02/11/15.
- Short-form EAF dated 04/20/15, unsigned.

Summary of Project:

Application is to construct a 50' x 70' contractors warehouse with associated site improvements and remove four abandoned fuel tanks and a wooden platform. Parcel is reported to be 1.008 acres in size. A sewer connection is proposed.

Review Comments:

The proposed activity is located within the check zone of NYSDEC wetland LC-57 which is a Type I wetland. As a result, the NYSDEC must be notified of the proposed action. The NYSDEC wetland validation block must be properly executed and a wetland permit must be obtained from that office. There are also Town of Kent jurisdictional wetlands on the site. The wetland delineation must be verified by this office and a Town of Kent wetland permit must be obtained (Correct Section 13b of EAF).

The applicant is required to obtain a steep slope and erosion control permit. The combined application should be modified accordingly (Section D).

Applicant must provide a complete erosion and sediment control plan including details of wetland crossings, stabilization and restoration of disturbed areas.

The total area (square feet) of temporary and permanent wetland and wetland buffer disturbance must be provided. A mitigation plan for lost area and function must be provided (Correct EAF Part 2, Question 9 to "Moderate to Large Impact May Occur").

Indicate flood zone location and elevations.

As the prior use of the site included fuel storage, the applicant is requested to provide all historic spill and clean-up information. In addition, the Board may request a Phase II environmental study be conducted at the site to ensure that it is free contaminant levels requiring remediation.

This office defers review of the stormwater pollution prevention plan to the Planning Board Engineer.

Please provide NYS Natural Heritage Report.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Barber", written in a cursive style.

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant



Cornerstone Associates

Environmental Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

August 13, 2015

To: Planning Board

From: Bruce Barber
Town Environmental Consultant

RE: Gipsy Trail Site Plan
Section 32. Block 1 Lot 25
Gipsy Trail Club

Please be advised that I have conducted a review of the following pertinent documents submitted with respect to the above referenced project. My comments are as follows:

Documents Reviewed:

- Plans entitled; "Amended Site Plan Paddle Tennis Courts" prepared by John Karell Jr., P.E., dated 07/11/15, 1 sheet.
- Town of Kent Planning Combined Application Form dated 07/15/15.
- Short-form EAF executed dated 07/16/15.

Summary of Project:

Application is relocate an existing tennis court and construct a new paddle tennis court in the same area as the existing court.

Review Comments:

This office will conduct a site inspection to verify and report to the Board the proposed limit of disturbance does not encroach on any Town of Kent jurisdictional wetland or wetland buffer area.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant

LRC PLANNING SERVICES, LLC

LAND USE/REAL ESTATE/ENVIRONMENTAL CONSULTING

**8 MOREHOUSE ROAD
POUGHKEEPSIE, NEW YORK 12603-4010
TELE: 845-452-3822
FAX: 845-452-3346**

MEMORANDUM

To: Town of Kent Planning Board
From: Neil A. Wilson, AICP
Date: August 13, 2015
Re: Gypsy Trail Club Tennis Court Site Plan
Parcel #32.-1-25

With reference to the above matter, we have reviewed the site plan application submitted by the applicant's consulting engineer by letter dated July 16, 2015 and offer the following for the Board's consideration:

Overview

1. The project is the relocation of an existing tennis court and the addition of a new tennis court within an existing recreation area.

SEQRA

1. A short form EAF has been provided. We have no further comments on the EAF except to note that the project qualifies as a Type II Action for which no additional environmental review is required.

Site Plan Review

1. Although the project is for a minor site plan change the application does not include the information normally required under §77-60(F) of the Town Code. The proposed site plan depicts only the post-construction conditions and fails to provide any depiction or information as to current conditions. The applicant should either provide the information required under §77-60(F) or should present a request for a waiver of the normally required information, stating the reasons for such waiver.
2. The application raises no significant planning or zoning issues.
3. We defer to Bruce Barber with respect to wetland, stream, and steep slope impact issues.
4. We defer to Julie Mangarillo with respect to site engineering, sewer, water supply, and storm water management issues.

Recommendation

1. The Board should direct the applicant to either provide the information required under §77-60(F) or direct the applicant to present a list of information waivers along with the reasons in support of such a waiver.
2. A public hearing is at the option of the Planning Board. The decision to hold a public hearing, or not, should be discussed.



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

From: Wilfred A. Rohde, P.E.

Subject: Amended Site Plan Comments

Date: August 12, 2015

Project: **Gipsy Trail Paddle Tennis Courts
TM #32.-1-25**

The following materials were reviewed:

- Combined Application Forms including:
 - Application form
 - Short-form EAF
- Amended Site Plan Paddle Tennis Courts, sheet 1 of 1, dated 7/11/2015.

The applicant wishes to relocate the existing Paddle Tennis Court and construct a second Paddle Tennis Court.

This following is offered for consideration to the Planning Board:

1. Total area of disturbance as indicated on the amended site plan is 4,910 SF. It is critical that the total disturbance area does not exceed this amount.
2. Contour elevations should be indicated on plan.
3. Under Steep Slope and Erosion Control note C), reference should be made to SPDES general permit GP-0-15-002.

Wilfred A. Rohde, P.E.

cc: Planning Board via email
Bill Walters via email
Bruce Barber via email
Neil Wilson via email
15-261-223



Cornerstone Associates

Environmental Consultants
1770 Central Street
Yorktown Heights, NY 10598
Phone: (914)-299-5293

August 13, 2015

To: Planning Board

From: Bruce Barber
Town Environmental Consultant

RE: Gipsy Trail Site Plan
Section 32. Block 1 Lot 25
Gipsy Trail Club

Please be advised that I have conducted a review of the following pertinent documents submitted with respect to the above referenced project. My comments are as follows:

Documents Reviewed:

- Plans entitled; "Amended Site Plan Paddle Tennis Courts" prepared by John Karell Jr., P.E., dated 07/11/15, 1 sheet.
- Town of Kent Planning Combined Application Form dated 07/15/15.
- Short-form EAF executed dated 07/16/15.

Summary of Project:

Application is relocate an existing tennis court and construct a new paddle tennis court in the same area as the existing court.

Review Comments:

This office will conduct a site inspection to verify and report to the Board the proposed limit of disturbance does not encroach on any Town of Kent jurisdictional wetland or wetland buffer area.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant

Vera Patterson

From: Vera Patterson [planning@townofkentny.gov]
Sent: Friday, August 07, 2015 12:02 PM
To: Charles Sisto; Dennis Lowes; George Brunner; Glenna Wright; Janis Bolbrock; Michael McDermott; Phillip Tolmach; Vera Patterson
Subject: FW: Gypsy Trail Lower Lodge - Permit Close-out TM 32.-1-25
Attachments: 2015-05-15 stabilization insp_Gypsy Trail Lower Lodge.pdf; 2015-06-26 stabilization insp_Gypsy Trail Lower Lodge.pdf; 2015-07-31 permit closeout_Lower Lodge.pdf; NYSDEC NOT_signed_Gypsy Trail Lower Lodge.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Fyi.

From: Julie Mangarillo - RSA [<mailto:JMangarillo@rsaengrs.com>]
Sent: Tuesday, August 04, 2015 5:20 PM
To: 'Vera Patterson'; 'Michael McDermott'; 'Michael McDermott'; 'William Walters'; 'Bruce Barber'; 'Neil Wilson'; 'Wilfred Bill Rohde'; snaglieri@rsaengrs.com
Cc: jack4911@yahoo.com; TLawson@ccs-architecture.com
Subject: Gypsy Trail Lower Lodge - Permit Close-out TM 32.-1-25

Please the following attached documents:

1. Stabilization inspection report, dated 5/15/2015
2. Final stabilization inspection report, dated 6/26/2015
3. Memo regarding Erosion Control Permit close-out, dated 7/31/2015
4. Notice of Termination (NOT) with MS4 sign-off.

Vera, please circulate to the Planning Board members. I do not think it is necessary to print out hardcopies for Planning Board members or consultants unless specifically requested. Please be sure a hardcopy of the attached documents is added to the project file.

Bill Walters – Please print out and keep a copy of the attached documents in the project file. Please include with 2015 MS4 stormwater documentation.

Jack Karell and/or Taylor Lawson – Please be sure to have the NOT mailed to NYSDEC. I don't believe the NYSDEC requires original signatures. However, if you would like the hardcopy with original signatures, please contact me, Sue Naglieri, to arrange mailing of the original NOT.

If anyone has any questions, please let me know.

Thank you,

Sent from the desk of Julie Mangarillo, by Susan Naglieri

Julie S. Mangarillo, P.E., CPESC
Rohde, Soyka & Andrews Consulting Engineers, P.C.
40 Garden Street Poughkeepsie NY 12601
845-452-7515 (phone) 845-452-8335 (fax)



FIELD REPORT

NO.: **DATE:** 5/15/2015
BY: Julie S. Mangarillo, P.E., CPESC **PRESENT AT SITE:**
PROJECT: Gipsy Trail – Lower Lodge **William Walters – Building Inspector**

JOB NO.: TM# 32.-1-25
12-261-200
WEATHER: Cloudy **TEMP** ° @ AM PM

This is to document a field visit conducted by me on the date indicated above. The following was noted:

This project included the construction of a new lodge building and site improvements.

A stabilization inspection was requested by the property owner's representative to close-out the Town of Kent Erosion Control Permit and the Notice of Termination (NOT) for the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-10-001/GP-0-15-002.

1. Most areas are stabilized with lawn generally grown in. All temporary erosion and sediment control measures (i.e. silt fence) have been removed.
 - a. There is an area on the west side (near paddle courts) that has not grown in well. It looks recently aerated and seeded. Will need to do a follow-up inspection for final stabilization.
2. A completed Notice of Termination (without MS4 sign-off) was provided in August 2014. Per the property owner's representative, the required as-built for site plan close-out was to be provided soon. The stabilization inspection was not scheduled at that time in anticipation of receipt of the as-built drawing. The as-built was received in January 2015. A site inspection could not be scheduled at that time due to winter weather conditions.
3. Discrepancies between approved site plan and as-built/field conditions are as noted:
 - a. A handicapped parking space and walkway was added on the west side of the lodge. This was done in consultation with the Building Inspector.
 - b. The driveway along the front of the building is currently gravel. The approved site plans labeled it as "Macadam Drive" with no notations about the change to gravel.
 - c. The former asphalt loop in front of the building labeled as "existing asphalt to be repaired and replaced as necessary" on the approved site plan has been replaced with landscaping.
 - d. The proposed gravel walk from the northeast corner of the Lower Lodge to the Upper Lodge has not been constructed.

- e. The changes noted above are to be addressed in a letter to the Planning Board to describe the changes between the approved site plan and the final as-built conditions.
4. Submitting the completed NOT (including completed MS4 sign-off on Page 2) to NYSDEC will close-out coverage under NYSDEC GP-0-10-001 and the Town of Kent Erosion Control Permit. Having the 'Qualified Professional' sign the Notice of Termination fulfills the requirement per Town of Kent Town Code, Chapter 66, §66-6.K(5) for a certification of completion of work.

Per Chapter 66, §66-7.A(2) regarding return of the erosion control bond: "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance..."
The date of final acceptance is to be determined.



Engineer

cc: Planning Board, via email
William Walters, Building Inspector, via email
Bruce Barber, via email
Jack Karell, PE, via email
Taylor Lawson, CCS Architecture, via email



Wilfred A. Rohde, P.E • Michael W. Soyka, P.E • John V. Andrews, Jr., P.E.

FIELD REPORT

NO.: **DATE:** 6/26/2015
BY: Julie S. Mangarillo, P.E., CPESC **PRESENT AT SITE:**
PROJECT: Gipsy Trail – Lower Lodge **William Walters – Building Inspector**

JOB NO.: TM# 32.-1-25
12-261-200
WEATHER: Sunny **TEMP** 75 ° @ 11 AM PM

This is to document a field visit conducted by me on the date indicated above. The following was noted:

A stabilization inspection was requested by the property owner's representative to close-out the Town of Kent Erosion Control Permit and the Notice of Termination (NOT) for the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-10-001/GP-0-15-002.

1. This is a follow-up stabilization inspection to one conducted on 5/15/2015.
 - a. The area on the west side (near paddle courts) that had not grown in well is now fully grown in. The site has achieved final stabilization in accordance with GP-0-10-001/ GP-0-15-002
2. Provide a letter to the Planning Board addressing the changes between the approved site plan and the final as-built conditions as outlined in the 5/15/2015 field report.
3. Submitting the completed NOT (including completed MS4 sign-off on Page 2) to NYSDEC will close-out coverage under NYSDEC GP-0-10-001/GP-0-15-002 and the Town of Kent Erosion Control Permit. Having the 'Qualified Professional' sign the Notice of Termination fulfills the requirement per Town of Kent Town Code, Chapter 66, §66-6.K(5) for a certification of completion of work.
4. The completed NOT with the MS4 sign-off on Page 2 will be provided under separate cover. It is the responsibility of the property owner to submit the fully signed NOT to NYSDEC.

Per Chapter 66, §66-7.A(2) regarding return of the erosion control bond: "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance..." The date of final acceptance is the date of the final stabilization inspection, 6/26/2015.


Engineer

cc: Planning Board, via email
William Walters, Building Inspector, via email
Taylor Lawson, CCS Architecture, via email
Bruce Barber, via email
Jack Karell, PE, via email



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Erosion Control Permit –
Permit close-out

Date: July 31, 2015

Project: Gipsy Trail – Lower Lodge
TM #32.-1-25

The following is offered for consideration by the Planning Board:

1. Stabilization Inspection:

A final stabilization inspection was conducted for this project on June 26, 2015. Please see attached Field Report.

The previously disturbed area is now considered fully stabilized in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-10-001 and the recently issued GP-0-15-002.

Previous stabilization inspection was conducted on 5/15/2015 inspection, however there was a specific area of concern on the west side of the Lower Lodge. That area of concern has been addressed as of the 6/26/2015 inspection.

2. Notice of Termination (NOT):

Submitting the completed NOT (including completed MS4 sign-off on Page 2) to NYSDEC will close-out coverage under NYSDEC GP-0-15-002 and the Town of Kent Erosion Control Permit. Having the 'Qualified Professional' sign the Notice of Termination fulfills the requirement per Town of Kent Town Code, Chapter 66, §66-6.K(5) for a certification of completion of work.

A NYSDEC Notice of Termination (NOT) form was submitted by the applicant to the Town. The 'Qualified Professional' signed the NOT to fulfill the requirements of §66-6.K(5).

The fully completed NOT with MS4 sign-off is attached hereto. It is the owner/operator's responsibility to submit this form to NYSDEC.

3. Erosion Control Bond:

Per Chapter 66, §66-7.A(2) regarding return of the erosion control bond: "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance..."

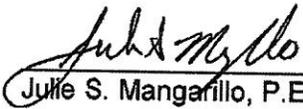
The site achieved final stabilization as of the 6/26/2015 inspection. The two-year waiting period began on 6/26/2015.

Memorandum
Gipsy Trail Lower Lodge – permit close-out
TM # 32.-1-25
July 31, 2015
Page 2 of 2

4. Site Plan close-out:

During the 5/15/2015 site visit, a number of changes to the project were noted, between the approved site plan and the as-built conditions. A letter is to be provided to the Planning Board from the owner/operator describing these changes. Refer to the 5/15/2015 field report for additional information.

Please let us know if you have any questions. Thank you.


Julie S. Mangarillo, P.E., CPESC

Enclosure: Field Report, dated 5/15/2015
Field Report, dated 6/26/2015
Notice of Termination including MS4 sign-off

cc: Planning Board via email
William Walters via email
Bruce Barber via email
Neil Wilson via email
Jack Karel, PE, via email
Taylor Lawson, CCS Architecture, via email
12-261-200



Cornerstone Associates

Environmental Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

August 13, 2015

To: Planning Board

From: Bruce Barber
Town Environmental Consultant

RE: Towners Road Mart, Inc.
Section 33.64 Block 1 Lot 6
2 Towners Road

Please be advised that I have conducted a review of the following pertinent documents submitted with respect to the above referenced project. My comments are as follows:

Documents Reviewed:

- Plans entitled; "Amended Site Plan Prepared for: Towners Road Mart" prepared by Putnam Engineering dated 07/15/15, 1 sheet: C-110.
- Town of Kent Planning Combined Application Form dated 07/01/15, signature not legible.
- Short-form EAF executed dated 07/22/15, signature not legible.

Summary of Project:

Application is modify the existing garage service area to a convenience store.

Review Comments:

The site plan checklist (#9) indicates the location of any wetland, stream, lake or body of water within 100' of the property line. This line could not be located on the above referenced plan. Site inspection revealed that a wetland area may be located within 100' of the proposed paved asphalt ramp. Clarification is required.

The applicant has represented that the area indicated as "new" paved asphalt ramp has been paved in the past. This should be clarified and it should be indicated, if applicable, that no new impervious surface area will be constructed.

The adequacy of the sewage flow allocation for this change to a convenience store should be verified.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

From: Wilfred A. Rohde, P.E.

Subject: Amended Site Plan Comments

Date: August 12, 2015

Project: **Towners Road/Route 52
TM #33.64-1-6**

The following materials were reviewed:

- Combined Application Forms including:
 - Site Plan checklist
 - Short-form EAF
- Drawing C110 – Amended Site Layout Plan, dated 7/25/2015.

The applicant wishes to convert the remainder of a garage, at the upper level, into a convenience store.

This following is offered for consideration to the Planning Board:

1. Contour elevations should be indicated on the layout plan.
2. Please indicate use of the lower level having the entry on the north side. Are there overhead doors to the lower level? How many will remain?
3. Gravel ramp, as indicated on the north side of the site, was previously asphalt in poor condition. Previous owner had resurfaced said ramp with gravel. Notes needed to be revised to specify that the ramp was previously paved with asphalt to avoid having NYC DEP considering it to be an additional area of impervious surface.
4. Will second floor apartment remain? Access?
5. A request for waivers per Chapter 77 "Site plan approval", Sub-section 77-60, are requested by the Applicant and are indicated on Drawing C-110. We have no objection in the granting of said waivers by the Planning Board.

Memorandum
Towners Road/Route 52
TM #33.64-1-6
August 12, 2015
Page 2 of 2



Wilfred A. Rohde, P.E.

cc: Planning Board via email
Bill Walters via email
Bruce Barber via email
Neil Wilson via email
15-261-225

LRC PLANNING SERVICES, LLC

LAND USE/REAL ESTATE/ENVIRONMENTAL CONSULTING

**8 MOREHOUSE ROAD
POUGHKEEPSIE, NEW YORK 12603-4010
TELE: 845-452-3822
FAX: 845-452-3346**

MEMORANDUM

To: Town of Kent Planning Board
From: Neil A. Wilson, AICP
Date: August 13, 2015
Re: Towners Road Mart Site Plan
2 Towners Road, Parcel #33.64-1.-6

With reference to the above matter, we have reviewed the site plan application submitted by the applicant's consulting engineer by letter dated July 22, 2015 and offer the following for the Board's consideration:

Overview

1. The project is the conversion of mechanic bays within an existing gas station building to create a full convenience store on the ground floor of the building. The gas station underwent remediation work under the direction of the NYS Department of Environmental Conservation several years ago, but has otherwise been operating as a gas station for many years.
2. The conversion of the mechanic bays to a convenience store is allowed subject to Site Plan and Special Use approvals from the Planning Board. The Special Use requirements of §77-21(C)(10) pertain to the motor vehicle service station aspect of the business, which as noted above has been in continuous operation for many years and pre-date the current zoning code requirements. Where the motor vehicle service station use fails to meet the minimum dimensional requirements of §77-21(C)(10), the use is and would continue to be a legal non-conforming use.

SEQRA

1. A short form EAF has been provided. We have no further comments on the EAF except to note that the conversion for the convenience store use qualifies as a Type II Action for which no additional environmental review is required.

Site Plan Review

1. The action is the conversion of the interior of the existing building to a full convenience store by eliminating the existing mechanic bays. The exterior changes to accommodate the conversion would be the addition of two parking spaces in front of the building where the

- overhead doors for the mechanic bays are currently situated, and providing employee and tenant parking at the rear of the site. The remainder of the site would remain unchanged.
2. The applicant has requested several waivers from the information typically required for site plan approval. These waivers are noted on the proposed site plan and appear reasonable in light of the long-term use and configuration of the property.
 3. The applicant should be asked to provide an elevation of the new building front along Towners Road that would depict how the convenience store façade in the area of the existing mechanic bay doors would appear with the remainder of the existing façade.
 4. The following notes should be added to the site plan the substance of which would also be express conditions of any approval:
 - a. *"There shall be no vehicles or equipment parked on the site where such vehicles or equipment are advertised for sale."*
 - b. *"There shall be no washing, cleaning or repair of vehicles or equipment on the site".*
 - c. *"The exterior storage of materials and equipment is prohibited unless depicted on the approved site plan."*
 5. We defer to Bruce Barber with respect to wetland, stream, and steep slope impact issues.
 6. We defer to Julie Mangarillo with respect to site engineering, sewer, water supply, and storm water management issues.

Recommendation

1. The Board should discuss and consider the applicant's waiver requests.
2. Because the project site is adjacent to a state highway the application must be referred to the Putnam County Planning Department for recommendation pursuant to GML 239-m.
3. A copy of the proposed plan should be sent to the Fire Marshall for review and comment.
4. It is recommended that the Board consider setting a public hearing for the September meeting.



Cornerstone Associates

Environmental Consultants
1770 Central Street
Yorktown Heights, NY 10598
Phone: (914)-299-5293

August 13, 2015

To: Planning Board

From: Bruce Barber
Town Environmental Consultant

RE: Route 311 Plaza, LLC
Section 22 Block 2 Lot 17
Route 311

Please be advised that I have conducted a review of the following pertinent documents submitted with respect to the above referenced project. My comments are as follows:

Documents Reviewed:

- Plans entitled; "Proposed Improvement Plan Prepared for Route 311 Plaza" prepared by Site Design Consultants, dated 07/01/15 (rev.), 16 sheets: T-1, C-101, C-102, C-103, C-104, C-105, C-106, C-107, C-108, C-301, C-302, C-401, C-501, C-502, C-503, C-504.
- Letter executed by Joseph C. Riina, P.E., date 07/22/15, 2 pages.

Summary of Project:

Application is re-approve the Route 311 Plaza, LLC project.

Review Comments:

There are no apparent changes to the plans when compared to those previously approved. The NYSDEC has promulgated a new construction stormwater permit since prior approval was granted and the applicant may be responsible for any required updates.

The Board may wish to require the applicant's engineer to certify that there are no changes to the previously approved plans. Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Certified Ecologist



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

From: Wilfred A. Rohde, P.E.

Subject: Amended Site Plan Comments

Date: August 12, 2015

Project: **Route 311 Plaza
TM #22.-2-17**

The following materials were reviewed:

- "Proposed Retail Building Prepared for Route 311 Plaza LLC" plan set dated 3/15/10, last revised 7/1/15

The applicant wishes to construct a two (2) story, 15,200 square foot office building on a 2.705 acre site. There will be sixty (60) parking spaces on impervious surface and sixteen (16) on porous surface. Water is served on site with a well. Sanitary sewage is treated on site with a subsurface treatment system.

This following is offered for consideration to the Planning Board:

1. Total land disturbance has been estimated at 1.91 acre. It is critical that the total disturbance area does not exceed this amount.
2. Erosion and Sedimentation Control (ESC) and Stormwater Pollution Prevention Plan (SWPPP) should be in accordance with the SPDES Permit No. GP-0-15-002

Wilfred A. Rohde, P.E.

cc: Planning Board via email
Bill Walters via email
Bruce Barber via email
Neil Wilson via email
15-261-224

**Town of Kent Planning Board
Resolution of Site Plan Approval**

Matter of Route 311 Plaza, LLC

Whereas, the Town of Kent Planning Board has received an application from Route 311 Plaza, LLC, of 4005 Danbury Road, Suite 10, Brewster, New York, 10509, for re-approval of an application for Site Plan Approval to allow the development of a ±2.705 acre parcel of undeveloped land for use as a 2-story 15,200 square foot retail/office building including parking for 76 vehicles, on-site water supply and sewage disposal systems, storm water management system, and landscaping along the state highway and the side yard boundaries for privacy screening for adjacent and nearby properties; and

Whereas, the Planning Board originally granted Site Plan Approval on April 14, 2011, and re-approved the project on July 12, 2012 after the original approvals expired; and

Whereas, the proposed project is identical to the one originally approved on April 14, 2011; and

Whereas, public hearings were originally held on February 9, 2011 and April 14, 2011; and

Whereas, pursuant to General Municipal Law §239-m the original and the re-approval applications were referred to the Putnam County Department of Planning for review which department recommended approval of the project without comment or modification; and

Whereas, because the project remains unchanged except as to the timing of commencement and completion of construction of the various phases of the project the Planning Board has determined that the County recommendations remain valid; and

Whereas, the Planning Board remains the established Lead Agency for the review of this action; and

Whereas, the Planning Board has examined the current application and current site conditions in light of the passage of time since the original approvals and has determined that the environmental issues examined by the Board in its April 14, 2011 Negative Declaration remain relevant and unchanged and that re-approval of the project raises no new or additional environmental issues; and

Whereas, the Planning Board has determined that a waiver of a public hearing on the application for re-approval is appropriate; and

Whereas, after review of the application and consideration of the criteria set forth in §77-60 and §77-61 of the Town Code, the Planning Board hereby determines that the findings of the Board in support of granting Site Plan approval for the project as set forth in the Board's resolutions of April 14, 2011 and July 12, 2012 remain valid and unchanged; and

Whereas, after review of the application and consideration of the criteria set forth in Chapter 66 of the Town Code the Planning Board hereby determines that the findings of the Board in support of granting Steep Slope and Erosion Control Permit approval for the project as set forth in the Board's resolutions of April 11, 2011 and July 12, 2012 remain valid and unchanged;

Now Therefore Be It Resolved, the Planning Board hereby waives a public hearing on the application for re-approval of the site plan; and

Be It Further Resolved, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants Site Plan Approval for the Route 311 Plaza project as described herein; and

Be It Further Resolved, pursuant to Chapter 66 of the Town Code the Planning Board grants Steep Slope and Erosion Control Permit approval subject to final plan review and approval by the Planning Board's Professional Engineer; and

Be It Further Resolved, the approvals granted herein are expressly conditioned on development and maintenance of the Route 311 Plaza in compliance with the plans and specifications that have been reviewed by the Planning Board, specifically:

- 1) *Site Plan Map Set prepared by Site Design Consultants of Yorktown Heights, New York entitled "Proposed Retail Building Prepared For Route 311 Plaza LLC" dated March 15, 2010 and bearing a latest revision date of July 1, 2015, consisting of the following:*
 - a) *Sheet T-1, "Title Sheet"*
 - b) *Sheet C-101, "Site Plan"*
 - c) *Sheet C-102, "Existing Conditions Plan and Slope Map"*
 - d) *Sheet C-103, "Vicinity Plan and Topographic Map"*
 - e) *Sheet C-104, "Grading and Utility Plan"*

- f) Sheet C-105, "Septic Plan, Profile and Notes"
- g) Sheet C-106, "Erosion and Sediment Control Plan and Notes"
- h) Sheet C-107, "Landscape Plan"
- i) Sheet C-108, "Site Lighting Plan, Photometrics and Specifications"
- j) Sheet C-301, "Intersection Site Distance Plan and Road Profiles"
- k) Sheet C-302, "Storm Sewer Profiles"
- l) Sheet C-401, "Water System Plan and Elevation"
- m) Sheet C-501, "Site Improvement Details"
- n) Sheet C-502, "Stormwater Management Details"
- o) Sheet C-503, "Septic Details"
- p) Sheet C-504, "Erosion and Sediment Control Details"
- q) Sheet 1 of 2, "Maintenance and Protection of Traffic Plan"
- r) Sheet 2 of 2, "Profiles and Details"
- s) Sheet A-101, "Proposed Floor Plan" (Prepared by Gemmola & Associates)
- t) Sheet A-102, "Proposed Exterior Elevations", (Prepared by Gemmola Associates)

Be It Further Resolved, that these approvals are expressly conditioned on the completion and/or adherence to following:

- 1) Address to the satisfaction of the Planning Board any comments of the Planning Board Professional Engineer.
- 2) Address to the satisfaction of the Planning Board any comments of the Planning Board Environmental Consultant.
- 3) Prior to obtaining the Chairman's signature on the project plans the following additional approvals and permits shall be obtained:
 - a) Town of Kent - Steep Slope Permit approval and approval of the Storm Water Pollution Prevention Plan by the Town Engineer and Town Environmental Consultant including any easement and maintenance agreements required under Chapter 66 of the Town Code; and

- b) *New York State DEC - approval of the Storm Water Pollution Prevention Plan.*
 - c) *NYS Department of Environmental Conservation and Putnam County Health Department – State Pollutant Discharge Elimination System (SPDES) permit for the sewage disposal system.*
 - d) *Putnam County Health Department – community water supply permit approval for the potable water supply system.*
 - e) *New York State DOT – highway work permit approval.*
- 4) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans. The erosion control may be changed or modified by order of the Planning Board Engineer or the Town Building Inspector based on field conditions.*
- 5) *Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.*
- 6) *At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification prepared and sealed by a New York State Licensed Professional Engineer to the Town Building Inspector and the Planning Board that all site work has been carried out and completed in substantial compliance with the approved Site Plan for the project, and shall also provide to the Planning Board and the Town Building Inspector an “as built” survey of the completed development prepared and sealed by a New York State Licensed Land Surveyor.*
- 7) *Payment to the Town of Kent the following fees:*
- a) *Any unpaid or outstanding application fees.*
 - b) *Any review fees accrued by the Planning Board during the review of the application.*
 - c) *An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board’s Professional Engineer, Environmental Consultant, and Planning Consultant.*

- 8) *It is the responsibility of the applicant/project sponsor to submit to the Planning Board proof that each of the conditions of this Approval have been completed and that the response to comments have been completed to the satisfaction of the Planning Board's Professional Engineer, the Planning Board's Environmental Consultant, and the Planning Boards Consulting Planner. The signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Consulting Planner verifying that each of the conditions of this Approval has been completed. The proposed final drawings shall not be accepted by the Planning Board without submission of proof of completion.*
- 9) *This site plan approval shall expire 12 months from the date of approval unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.*

Motion: Mr. Brunner

Second: Mr. Tolmach

Michael McDermott Aye

Janis Bolbrock Aye

George Brunner Aye

Dennis Lowes Absent

Phil Tolmach Aye

Charles Sisto Aye

Glenna Wright _____

Date: August 13, 2015

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on the date set forth above.



Vera Patterson, Clerk
Town of Kent Planning Board

**Town of Kent Planning Board
Special Use Permit and Site Plan Approval
Freshwater Wetland Permit Approval
Steep Slope and Erosion Control Permit Approval**

Matter of Hartshorn Professional Park

Whereas, the Town of Kent Planning Board has received an application from Hartshorn Professional Park, LLC (hereinafter “Hartshorn”) for re-approval of Special Use Permit, Site Plan, Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit approvals to allow the development of contractor’s yard with associated storage and a business office, including a ±9,600 square foot building on a ±3.17 acre site located on Luddingtonville Road on tax parcel number 12.1-88; and

Whereas, the Planning Board granted conditional approvals for the project on April 12, 2012, and although the plans received Chairman’s signature and site work was commenced, building permits were never issued and work ceased on the project due to financial reasons; and

Whereas, the current application is the same as that which was approved by the Planning Board on April 12, 2012 with the exception of plan amendments and additional information added to the proposed plan set as a result of other agency review requirements since the time of the original approval; and

Whereas, the lapse in the original approvals is related to financial hardship rather than a lack of diligence on the part of the applicant; and

Whereas, the Planning Board remains the established Lead Agency for the review of this action; and

Whereas, the Planning Board has examined the current application and current site conditions in light of the passage of time since original approvals and has determined that the environmental issues examined by the Board in its April 12, 2012 Negative Declaration remain relevant and unchanged and that re-approval of the project raises no new or additional environmental issues; and

Whereas, pursuant to General Municipal Law §239-m the re-application was referred to the Putnam County Department of Planning for review which recommended approval of the project without comment or modification; and

Whereas, the Planning Board has determined that a waiver of a public hearing on the application for re-approval is appropriate; and

Whereas, after review of the application and consideration of the criteria set forth in §77-59 of the Town Code, the Planning Board hereby determines that the findings of the Board in support of granting Special Use Permit approval for the project as set forth in the Board's resolution of April 12, 2012 remain valid and unchanged; and

Whereas, after review of the application and consideration of the criteria set forth in §77-60 and §77-61 of the Town Code, the Planning Board hereby determines finds that the findings of the Board in support of granting Site Plan approval for the project as set forth in the Board's resolution of April 12, 2012 remain valid and unchanged; and

Whereas, after review of the application and consideration of the criteria set forth in §39A-8(C) of the Town Code the Planning Board hereby determines that the findings of the Board in support of granting Freshwater Wetland Permit approval for the project as set forth in the Board's resolution of April 12, 2012 remain valid and unchanged; and

Whereas, after review of the application and consideration of the criteria set forth in Chapter 66 of the Town Code the Planning Board hereby determines that the findings of the Board in support of granting Steep Slope and Erosion Control Permit approval for the project as set forth in the Board's resolution of April 12, 2012 remain valid and unchanged;

Now Therefore Be It Resolved, the Planning Board hereby waives a public hearing on the application for re-approval of the site plan; and

Be It Resolved, pursuant to §77-59 of the Town Code the Planning Board grants Special Use Permit Approval for the Hartshorn Professional Park project as described herein; and

Be It Further Resolved, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants Site Plan Approval for the Hartshorn Professional Park project as described herein; and

Be It Further Resolved, pursuant to §39A-7(D)(1) of the Town Code the Planning Board grants Freshwater Wetland Permit approval for the regulated activities as described herein; and

Be It Further Resolved, pursuant to Chapter 66 of the Town Code the Planning Board grants Steep Slope and Erosion Control Permit approval subject to final plan review and approval by the Planning Board's Professional Engineer; and

Be It Further Resolved, the Special Use Permit, the Site Plan, the Steep Slope and Erosion Control Permit, and the Freshwater Wetland Permit approvals are expressly conditioned on development and maintenance of the Hartshorn Professional Park in compliance with the plans and details as depicted on a site plan map set entitled "Hartshorn Professional Park" prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated February 16, 2012 and bearing a latest revision date of August 7, 2012 consisting of the following drawings:

1. *SP-1, "Layout and Landscape Plan".*
2. *SP-2, "Grading and Utilities Plan".*
3. *SP-3, "Erosion and Sedimentation Control Plan".*
4. *D-1, "Site Details".*
5. *D-2, "Site Details".*
6. *D-3, "Site Details".*

Be It Further Resolved, that this Site Plan Approval is expressly conditioned on the completion and/or adherence to following:

- 1) *Address to the satisfaction of the Planning Board any comments of the Planning Board Professional Engineer.*
- 2) *Address to the satisfaction of the Planning Board any comments of the Planning Board Environmental Consultant.*
- 3) *Prior to the obtaining Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:*
 - a) *Planning Board Professional Engineer approval of the plans to implement the Steep Slope and Erosion Control Permit.*

- b) Planning Board Professional Engineer, Attorney, and Environmental Consultant approval of any agreements required under Chapter 66 of the Town Code.*
 - c) Approval of the Town Highway Superintendent of the access plan for the site.*
 - d) Any required approvals from the NYC Department of Environmental Protection.*
 - e) Any required approvals from the Putnam County Department of Health.*
 - f) Any required U.S. Army Corps of Engineers (ACOE) permit(s).*
- 4) With regard to the Freshwater Wetland Permit the applicant is to provide written documentation (certification) to the Town of Kent Planning Board that all planted material has been installed in accordance with the approved plans. The applicant is to perform annual inspections for five years following the date of completion of all work. All invasive plant species located within the limits of disturbance observed at the time of annual inspection are to be removed by hand and disposed of off- site and all dead or diseased planted material is to be replaced. An annual report which documents the conditions of the project at the time of inspection and all work conducted such as invasive plant removal and diseased or dead plants replaced must be submitted to the Planning Board no later than 30 days following the date of inspection. A security or other collateral acceptable to the Planning Board and in form acceptable to the Planning Board Attorney shall be submitted to the Planning Board Clerk. Said security shall be in the amount of \$6,000.00. This bond shall be released at the end of the five year period as measured by the date of certification submitted by the applicant and upon written verification by the Town Wetland Inspector that at least 85% of the plants as shown on the approved plans are viable. If it is determined by the Town Wetland Inspector at the end of the five year period that less than 85% of the plants and trees as shown on the as-built map are not viable, the Town may use the security to correct any noted deficiencies.*
- 5) Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans. The erosion control may be changed or modified by order of the Planning Board Engineer or the Town Building Inspector based on field conditions.*

- 6) *Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.*
- 7) *At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification prepared and sealed by a New York State Licensed Professional Engineer to the Town Building Inspector and the Planning Board that all site work has been carried out and completed in substantial compliance with the approved Site Plan for the project, and shall also provide to the Planning Board and the Town Building Inspector an “as built” survey of the completed development prepared and sealed by a New York State Licensed Land Surveyor.*
- 8) *Payment to the Town of Kent the following fees:*
 - a) *Any unpaid or outstanding application fees.*
 - b) *Any review fees accrued by the Planning Board during the review of the application.*
 - c) *An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board’s Professional Engineer, Wetland Consultant, and Planning Consultant.*
- 9) *It is the responsibility of the applicant/project sponsor to submit to the Planning Board proof that each of the conditions of this Approval have been completed and that the response to comments have been completed to the satisfaction of the Planning Board’s Professional Engineer, the Planning Board’s Environmental Consultant, and the Planning Boards Consulting Planner. The signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board’s Consulting Planner verifying that each of the conditions of this Approval has been completed. The proposed final drawings shall not be accepted by the Planning Board without submission of proof of completion.*
- 10) *Except for “field changes” as may be approved by the Planning Board’s Professional Engineer or the Environmental Consultant, the project shall be constructed in accordance with the project plans as set forth above. Any changes to the Site Plan and any changes to the Freshwater Wetland Permit shall be subject to the prior approval of the Planning Board before any such changes are implemented.*

11) This site plan approval shall expire 12 months from the date of approval unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.

Motion: Mr. Tolmach _____

Second: Mr. Brunner _____

Michael McDermott, Chairman Aye _____

Janis Bolbrock, Vice Chair Aye _____

George Brunner Aye _____

Dennis Lowes Absent _____

Phil Tolmach Aye _____

Charles Sisto Aye _____

Glenna Wright Aye _____

Date: August 13, 2015 _____

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on the date set forth above.



Vera Patterson, Clerk
Town of Kent Planning Board



Cornerstone Associates

Environmental Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

August 13, 2015

To: Planning Board

From: Bruce Barber
Town Environmental Consultant

RE: Biben Application
Section 10 Block 1 Lot 1
146 S. Knapp Court

Please be advised that this application was discussed with the applicant's design consultant at the July 24, 2015 town consultants meeting. The applicant's consultant indicated the intention to reduce the project scope which will result in no increase in the number of bedrooms in the guest house and thus remove the requirement to increase the size of the septic system.

The applicant's consultant has indicated that there is little information on the present septic system other than it is believed to be located in Town of Kent jurisdictional wetland buffer. It was recommended that the applicant utilize the services of local, licensed septic contractor to locate and inspect the septic tank and fields (as applicable) to the greatest extent possible using minimally destructive methods. It was also recommended that the applicant's engineer and the Town Planning Board engineer witness this inspection.

A report detailing the findings should then be presented to the Board which indicates the location, design/adequacy, condition and function of the system, any repairs that may be required, as well as a proposed 100% expansion area location which may be used in the event the current system fails.

Upon receipt of this information this office will review and comment on potential wetland impacts.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant

Vera Patterson

From: Vera Patterson [planning@townofkentny.gov]
Sent: Monday, August 10, 2015 12:16 PM
To: Maureen Fleming_Supervisor
Cc: 'Jasmine Ramos'
Subject: Reappointment of Glenna Wright to the Kent Planning Board

Memorandum

DATE: August 10, 2015

TO: The Kent Town Board

CC:

FROM: Michael McDermott & the Kent Planning Board

RE: Recommendation to reappoint Glenna Wright to the Planning Board

The Town Board requested that they receive a 90 day notice regarding reappointment of any of the Board members as to whether or not they would like to remain on the boards.

Glenna Wright's term on the Planning Board expires at the end of 2015. We have asked Glenna if she would like to remain on the Planning Board and she said that she would. The Planning Board discussed this at our workshop on August 6, 2015 and voted unanimously to reappoint Glenna to a new term beginning 2016 and ending 2022.

Vera Patterson
Planning Board Secretary
25 Sybil's Crossing
Kent, NY 10512
845-225-7802 (P)
845-306-5283 (F)
planning@townofkentny.gov