

Approved: November 13, 2014

Minutes
Town of Kent Planning Board Meeting
October 9, 2014

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

In attendance were the following Planning Board members:

Michael McDermott, Chairman	Anthony Mastrangelo (Alternate)
Janis Bolbrock, Vice Chairman	Arthur Singer (Alternate)
George Brunner	Charles Sisto
Dennis Lowes	Philip Tolmach

Others in Attendance:

Bruce Barber, Environmental Consultant	Julie Mangarillo, Engineering Consultant
Bill Walters, Town of Kent Building Inspector	Neil Wilson, Planner

Absent:

Glenna Wright

• **Approve Planning Board Minutes from September 11, 2014**

Mr. McDermott asked for a motion to approve the Planning Board minutes from September 11, 2014. The motion to approve the minutes was made by Mr. Lowes and seconded by Ms. Bolbrock. 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>Aye</u>
Anthony Mastrangelo (Alternate)	<u>Aye</u>
Arthur Singer (Alternate)	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Absent</u>

The motion carried.

- **LaFamiglia, 110 Route 311, Kent, NY; TM: 22.-2-14**

This project pertains to an amended site plan for LaFamiglia Restaurant on Route 311, town of Kent. Mr. William Basharat represented the applicant, Ms. Margherite Morocho, at the meeting. Mr. Basharat discussed the site plan to introduce/legalize a handicapped ramp and new front porch to accommodate the ramp and wheelchair. It also encompasses an addition to the building in the rear to be used as another entrance for employees and customers, but not as the main entrance/exit.

Mr. Wilson's Comments (memo attached)

Mr. Neil Wilson, Town Planner, advised the Planning Board that this matter had been discussed previously at Review meetings and workshops. There are some modifications that were delivered, but there are additional notes that he would like to see on the plans which he said could be noted in the Resolution as conditions of approval. He said that the site plan was related to steps near the kitchen area at the rear of the restaurant and the handicapped ramp in the front. Per the workshop conversation, Mr. Wilson requested a written executed agreement from Holly Real Estate allowing the applicant to utilize their parking area. Ms. Bolbrock asked if the rear entrance was only for employees. Mr. Wilson said that he had asked for a label to be placed on the drawings indicating that it was for employees only and that if that was not the case a redesign and reconstruction would have to be done. He deferred to Mr. Walters in regards to this matter. Mr. Wilson said that the applicant had been instructed to provide information as to the location and components of the on-site disposal/septic system, which was available through the Board of Health. He also asked that notes be placed on the plans as to the number of seats and items 4B & C are typical site plan conditions. He said that at the completion of the project an as-built survey would need to be submitted. This is a Type II SEQR action and no environmental review is necessary.

Mr. Basharat presented Mr. Wilson with the agreement (attached) from Holly Realty regarding parking. He said that a small percentage of customers would like to use the rear door to pick up their pizzas. He said that the sewage system is very old and that he will do his best to get a copy of it.

Mr. Walters said that if the rear entrance was to be used by anyone other than employees the door swings in the wrong direction and would have to be modified. He also said that the landing would have to be extended to accommodate patrons leaving the building. Mr. Basharat said the applicant would make the necessary changes.

Mr. McDermott asked Mr. Wilson if an amended resolution would be necessary and he said that one would not be required. He did say that the applicant would have to submit a new plan with the changes to the door and landing noted on it.

Mr. Sisto said that he thought there would be a problem with customers exiting the Holly property because of traffic and the Holly sign obstructing the view. Mr. Basharat said that the parking at Holly is just an extra option and there would be no problem exiting the parking lot. Mr. Lowes suggested that an annotation be put on the plans that the Holly parking lot was for overflow parking.

Mr. McDermott asked Mr. Wilson for the wording of the motion for conditional approval. Mr. Wilson agreed that that a note should be placed on the drawing that the parking on Holly property is for overflow parking. He said that the plans should be modified to show a proper public entrance on the side of the building.

Mr. McDermott asked for a motion to grant conditional approval of the LaFamiglia site plan with the two additional items Mr. Wilson noted for the record. Mr. Brunner made the motion and it was 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>Aye</u>
Anthony Mastrangelo (Alternate)	<u>Aye</u>
Arthur Singer (Alternate)	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Absent</u>

The motion carried.

- **Kent Materials, Route 52, Kent, NY; TM: 22.-2-14**

Mr. John Watson represented the applicant, Mr. Steve Caruso, of G3 Aggregates who also attended the meeting. Mr. Watson noted that Phase 2 of this project was completed in April of this year and that the applicant had begun Phase 3 approximately one month ago. This included clearing and some earth moving activities. The applicant submitted an amended site plan for a 40' by 60' heated temporary pole barn to be constructed on the site in order for him to be able to continue work throughout the winter and to keep the water tanks in. Heat would be provided by an outdoor wood boiler (specs were provided). He said by next winter the barn would be moved to the rear of the property for the next phase and when the project was completed the pole barn would be removed.

Mr. Brunner asked Mr. Watson about the dust problem, which affected the neighboring property. Mr. Watson said he had been notified by the Planning Board Secretary and Dr. Feldman. He said as soon as he was notified he arranged a meeting with Mr. Caruso, Dr. Feldman, his tenant and Bill Walters. Mr. Watson said the following three conditions were the cause of the problem.

- A very dry summer
- The haul road was not watered frequently
- Phase 3 had just begun and the applicant had spread out the process material, which also caused the dust problem

Mr. Watson said that the watering of the haul roads would be doubled and that the gravel cap would be put on the staging area in order to remedy the dust situation. He also said that it had rained quite a bit lately, which also helped alleviate the dust problem.

Mr. Walters said he had visited the site on October 9, 2014 and also talked to Dr. Feldman and confirmed that there was no dust.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that she had checked the DEC list of approved boilers and had not seen the one the applicant wanted to install on his property and asked that the applicant select one that was approved by the DEC. DEC also required setbacks from the property lines and asked the applicant to follow that guide. For the temporary building the applicant should follow the zoning setback lines. She requested more information regarding the height (should not exceed 53') of the shipping container building. Mr. McDermott asked if the plans were consistent with the setback requirements. Ms. Mangarillo said that the building does meet the property line setbacks and said that depending on the wood boiler selected it would need to be a 100' or 200' setback. Mr. McDermott asked Mr. Watson to address the wood boiler selection and Mr. Watson said that they would select a wood boiler that was on the list and would be cognizant of the setbacks. Ms. Bolbrock asked about a list of wood which would be burned. Ms. Mangarillo replied that when a wood boiler is purchased there should be a list accompanying the wood boiler which suggests the type of woods the DEC approves. Ms. Bolbrock asked to see a picture of the pole barn, which was included in the submittal.

Mr. Barber's Comments

Mr. Barber had no comments pertaining to this project.

Mr. Wilson's Comments (memo attached)

Mr. Wilson said that he had circulated a Draft Resolution for an Amended Site Plan to construct a 40' x 60' pole barn and an outside woodburning furnace intended to create a temporary space for storage of materials and equipment during the winter months. He said that because of the size of the pole barn this would normally qualify as a Type II action. However, the original action was a Type I action. So he had folded the amended site plan approval into the original approvals granted on February 28, 2014. Mr. Wilson said that the drawings would have to be amended to meet the setback for the furnace a minimum of 100' and maximum of 200' depending on which of the recommended furnaces is selected.

Mr. McDermott asked for a motion to grant conditional approval. The motion was made by Mr. Tolmach and it was seconded by Ms. Bolbrock. 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>Aye</u>
Anthony Mastrangelo (Alternate)	<u>Aye</u>
Arthur Singer (Alternate)	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Absent</u>

The motion carried.

• Patterson Crossing, Route 311, Kent, NY; TM: 22.-2-24

This project is for a site plan, erosion control and wetland reapprovals. Mr. Contelmo represented the applicant on this project. Mr. Sisto was recused from this discussion and Mr. Singer stepped in.

A response letter and revised plans were submitted as requested by the Planning Board. The piping and collection system consisting of drain inlets and catchbasins in the right-of-way will continue to be maintained by the NYSDOT. The new stormwater basin, which is partially on the Patterson Crossing property, will continue to be maintained by them. Mr. Contelmo said that he had also replied to questions raised by Mr. Barber. Mr. Contelmo said he had reached out to the East of Hudson Watershed relating to the drainage ditch which is planned to be constructed in 2015 and he had submitted their response to the letter he sent.

Mr. Wilson's Comments (memo attached)

Mr. Wilson said he had spoken to Mr. Contelmo regarding the trench on the property and was told that they are working on plans with the East of Hudson Watershed to be repaired in the spring of 2015. He said that this Board's role in regard to reapproval was to consider whether or not the plans had changed or there had been a change to the neighborhood that may cause them to re-open the record and examine some aspect of that change and what a reapproval may mean. He said that he had not identified any changes, with the exception of work done by the State on the highway, or the neighborhood. He provided a draft resolution that supported that along with some case laws. He recommended granting reapproval for all the permits previously granted for one year and after one year the applicant can ask for two 90 day estensions. He reiterated that the runoff coming from the property is not from the Patterson Crossing property.

Mr. Tolmach asked about the funding from the East of Hudson. Mr. Contelmo said Patterson Crossing has been funding this along with the East of Hudson and will continue to do so.

Mr. McDermott asked for a motion to grant:

- Reapproval of the Site Plan, Erosion Control and Wetland Permits for one year, with the possibility of granting two 90 day extensions at that time.
- Waiver of a Public Hearing.

The motion was made by Mr. Brunner and was seconded by Mr. Mastrangelo. 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>Aye</u>
Anthony Mastrangelo (Alternate)	<u>Aye</u>
Arthur Singer (Alternate)	<u>Aye</u>
Charles Sisto	<u>Recused</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Absent</u>

The motion carried.

