

Approved: December 9, 2021

**TOWN OF KENT PLANNING BOARD
November 18, 2021
FINAL ADOPTED MINUTES**

The Planning Board held their November 18, 2021 meeting at Kent Town Hall.

Following the Pledge of Allegiance, Mr. Phil Tolmach, Chairman of the Town of Kent Planning Board, called the meeting to order at 7:30 PM.

The following Planning Board members and Planning Board consultants participated in the meeting at the Kent Town Hall:

Members:

Phil Tolmach, Chairman
Simon Carey
Sabrina Cruz
Giancarlo Gattucci

Dennis Lowes, Vice Chairman
Hugo German
Stephen Wilhelm

Absent:

Julie Mangarillo, Rohde, Soyka & Andrews/Consultant
Jamie McGlasson, Liaison
Chris Ruthven, Liaison
Bill Walters, Kent Building Inspector

Others in Attendance:

John Andrews, Rohde, Soyka & Andrews
Liz Axelson, Clark, Patterson & Lee, Planner
Bruce Barber, Environmental Consultant
Bill Walters, Building Inspector

- Mr. Tolmach asked for a motion to approve the Planning Board minutes from the October 14, 2021 meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Abstained</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

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• **Maniatis Property, 250 East Boyd's Lake Rd., Kent, NY; TM: 31.-2-511**

Mr. Tolmach asked for a motion to re-open the Public Hearing for this project. The motion was made by Mr. Gattucci and seconded by Mr. German. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Eric Schlobohm, Surveyor and Landscape Architect at Insite Engineering, represented the applicants. This project involves the demolition of an existing house and the construction of a six-bedroom single-family residence. This project is co-compliant and meets all zoning requirements and setbacks. A letter from Mr. William Walters, Town of Kent Building Inspector, was provided to the Planning Board. The applicant was seeking a Steep Slope and Erosion Control and Sediment Control Permit, as required by Town of Kent Code. This project also required an Erosion Control Permit from NYSDEC for construction activity. The house location was selected to keep any disturbance on steep slopes at a minimum. The house footprint is 5,323 square feet with a total floor area of 8,938 square feet. The existing driveway accesses the house and everything except the last portion adjacent to the house will be re-used. Neighbors to the left had raised concerns about stormwater run-off and there is a large area to the west and part of the existing house runs in that direction, but most of that area is and will remain undeveloped. All of the areas of the new house will run-off to the east and away from the neighbor's property. There is an existing collection system, which includes swales, concrete drainage structures and pipes that run along the driveway and that is where the stormwater from the house will be directed to and conveyed down to the reservoir. There were also concerns from the public about bridges. There have been discussions with the Highway Superintendent, which disclosed the fact that there is not a weight limit on the bridges, however, the Highway Superintendent requested that construction equipment traveling across the bridges be limited to 20 tons. A note has been placed on the new plans stating that construction vehicles over 20 tons may not access the site over the bridge. Mr. Schlobohm acknowledged the fact that the Public Hearing was still open, but that he felt that all of the concerns raised had been addressed and that the applicants hoped that the project was allowed to move forward. Mr. Wilhelm asked to see a drawing showing the view and was shown a chart which showed that the proposed house will sit behind a significant number of trees and will not be visible to the neighbors.

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Mr. Andrews' Comments (memo attached)

Mr. Andrews reiterated that several submissions had been made and that he and Mr. Barber (who could not attend this meeting) had issued memos previously. A submittal had been made earlier in the week, which would be distributed for the December meeting. Mr. Andrews said that the new submittal was in response to the previous memos he and Mr. Barber had distributed and that most of the issues of concern were resolved. Mr. Andrews said that there remain a couple of minor issues from a November 2, 2021 memo, which need to be resolved and that he felt that concerns discussed during the Public Hearing held in October were resolved or embodied in the new submittal. Mr. Andrews reminded everyone that the applicants are applying for an Erosion and Sediment Control Permit and that they are approaching it as is required by the Town of Kent Town Code and that there are no provisions under the Erosion and Sediment Control Code regarding house size. Site disturbance, tree removal and impacts to slopes are things that are regulated. Mr. Andrews also said that, as long as this structure is in compliance with the Uniform Code, the Energy Code, other applicable provisions of the Town Code and no variances are necessary the Planning Board is provided with the information necessary to properly evaluate and make the necessary findings on the Erosion and Sediment Control Permit and it must be issued regardless of the house size. Mr. Andrews mentioned that a major concern raised by the public was that once the house was constructed additional trees would be removed. Mr. Andrews pointed out that the area where the trees are to be cut meets all the criteria for protection and that the only trees that can be cut are the ones identified in this plan. If the applicants want to remove additional trees on the slope heading towards the neighboring properties after the house is completed they must go back to the Planning Board for approval.

Mr. Tolmach asked if anyone from the Public wished to speak and advised them that if, they have already voiced their concerns they do not need to repeat them. Transcripts for the first three speakers were submitted to the Planning Board (attached).

Mr. Richard Harrison, the neighbor whose property was flooded when the current house was built in 2005, spoke. Mr. Harrison said he did not understand everything Mr. Schlobohm said earlier and wasn't aware of what conditions had changed since the October meeting. Mr. Tolmach advised Mr. Harrison that a submission was delivered earlier and that the consultants had not had an opportunity to go over them at the present time and that they would review them and discuss their findings at the December meeting so any questions the public had could be heard at that time and answered. Mr. Chris Hill, who was unable to attend the meeting due to a business trip, asked Mr. Harrison to speak for him and to discuss a chart showing size displayed at the meeting. Mr. Tolmach reiterated that the Planning Board had nothing to say about the size of the proposed house and that it would be a waste of time to bring that up. Mr. Harrison skipped notes/comments Mr. Hill had asked him to discuss regarding the size of the house in question. Mr. Harrison quoted Mr. Hill's comment that Insite Engineering had made previously stating that this was a minor project, did not warrant a Public Hearing, and said that the residents were grateful that a Public Hearing was held and disagreed with Insite engineering's opinion. Mr. Hill's note stated that a similar situation where a rubber stamp was granted passed solely on metrics came to mind and Mr. Hill referred to a movie called Jurassic Park from the 1990's. A rich, English, eccentric guy decided to bring a collection of dinosaurs to life and to show them off on a large island. Jeff Goldblum played the part of a chaotic mathematician, who was there to comment on whether a dinosaur theme park was a good idea, spoiler, it was not a good idea. Mr. Goldblum was not a scientist, a designer or even a planning engineer, but he played the voice of common sense. Goldblum's famous line in the movie was "You were so preoccupied with

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whether you could you didn't stop to think if you should". The rich, eccentric guy got the rubber stamp and the boxes ticked, but the project was very ill advised. Mr. Harrison continued to read Mr. Hill's note and said that on to common sense, there is no greater beacon of common sense than the only access road to where this structure is planned -- East Boyd's Road -- is 5 yards wide and a crumbling strip of asphalt dug into the side of a precious reservoir. We are lucky we are allowed to live there. It is pristine. Mr. Harrison closed Mr. Hill's note and stated that this project would see countless 60,000-pound trucks, over 30,000 tons fully loaded with concrete traveling over this windy road. Mr. Harrison said that if anyone could guarantee that there would not be an incident involving the public, a worker or a resident that they are a wiser person than he is and that he shuddered to think of one of those trucks going into the water after a tight squeeze as two vehicles tried to pass on this road with no barrier or precipitous drop into the reservoir. Mr. Harrison invited the Planning Board to ride on East Boyd's Road and see what the residents are talking about because when you experience that the reality will be there. He continued on to say that if a building the size of an airport terminal is approved in this location there might be a monumental environmental disaster. Mr. Harrison asked that everyone look at his first sentence on town planning "Balancing the demands for growth with the need to protect the environment", asked if anyone really thinks that those two things are balanced in this situation, and said that he thought not. Mr. Harrison said that those were the reasons Mr. Hill objected to this project and urged the Planning Board to carefully consider what was laid before them and that he was leaving a diagram of LaGuardia Airport's fifth terminal for the Planning Board to enjoy.

Ms. Jane Garbo, who resides at 336 East Boyd's Road, spoke next. Ms. Garbo said she could not hear Mr. Schlobohm very well when he discussed the neighbors and was not sure if he was referring to her property. Ms. Garbo said she would like the name of the insurance company who would cover claims for damage done by blasting and said that it seems now that blasting will not be done and asked when that happened. Mr. Schlobohm was asked if blasting would be done and he said that rock hammering would be done and not blasting. Ms. Garbo then asked for the name of the insurance company who would cover claims for damage done by rock hammering. Ms. Garbo asked the Planning Board what sort of protection they would suggest in order to protect the resident's land, water and homes from any affects of the rock hammering and digging. Ms. Garbo asked what input the residents would have regarding the timing and sounds of the rock hammering and what protection would the Board provide for damages not covered by insurance. Another question Ms. Garbo raised was how the residents could be sure their water quality would not be impacted, that their trees would not be affected and that the large boulders on the hill behind their property are not disturbed in any way and would not damage their homes. Ms. Garbo said that all of these questions must be addressed before this project is allowed to proceed.

Mr. Gattucci said that, according to the third page of material submitted, the ground surface at the top of the hill is a giant sponge and allows trees to grow and that nothing is mentioned about rock and that you should not have to worry much about too much rock hammering or blasting.

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Mr. Randall Stuart asked to be heard. Mr. Stuart said that he and the other residents on East Boyd's Road strongly believed that allowing this project to proceed would have a negative impact on the environment, their homes, their health and safety, the street, the neighborhood and the Town. Mr. Stuart said that he believed that if this project proceeds it will significantly increase run-off and that drainage will be severely impacted during construction. Mr. Stuart noted that the slide shown did not reflect how steep the slope is and that the existing structure sits directly on top of the slope. Mr. Stuart doubts that all of the drainage will go in an easterly direction because he walks the slope all of the time and he cannot see how the run-off will not go to the west. Mr. Stuart questioned the motives of the owners of this property and did not see why a family of three, who reside in New York City, really need a 9,000 square foot house with six bedrooms, four bathrooms and an indoor pool. Mr. Stuart noted that Mr. Maniatis has been involved with several large pharmaceutical companies and he wondered if the house were to be sold later and used as a spa getaway by the pharmaceutical companies. Mr. Wilhelm advised Mr. Stuart that the property could not be used as a commercially because the property was zoned residential and if used commercially it would be a change of use. Mr. Tolmach and Mr. Wilhelm stated that the personal life of the applicant is not relevant to this application. Mr. Stuart also brought up the matter of the traffic and danger to pedestrians. Mr. Wilhelm and Mr. Tolmach responded that the Highway Superintendent has also been contacted regarding this project and that safeguards are being included in the plans. Mr. Stuart asked about the five criteria the New York State Planning Federation follow and was told that they apply to cases before the Zoning Board of Appeals. Mr. Stuart asked what other steps the residents could take to stop this project and was told that he could sue the applicant. Mr. Lowes spoke and said that during the previous workshop he worked extensively with Jamie LoGuidice and asked how the roof runoff would be handled because there would be no gutters on the westerly side of the roof. He was told that there would be a sub-surface trench drain with perforated pipe and crushed stone installed along the west side of the house, which would intercept the rooftop drainage. Mr. Stuart again discussed the fact that East Boyd's Road is a very dangerous road and the Board agreed that it was and said that the legislature were the only people who could post caution signs on the road.

Mr. Garbo advised the Planning Board that Richard Othmer, the Highway Superintendent, had put a 6-ton weight limit on a bridge, which goes from Nimham Road to East Boyd's Road. Mr. Garbo said that he has the largest abutment to this property, approximately 300 yards, and that he was concerned that whatever soil erosion occurs will run onto his property and into his house and was also concerned about boulders coming loose and destroying his house. Mr. Wilhelm said that Mr. Walters would be inspecting the property, as will the consultants, during construction to ensure that the erosion control plan is being followed. Mr. Garbo said that he would give anyone on the Planning Board \$100.00 if they would go to his house on East Boyd's Road and walk up his property.

Ms. Axelson, Planning Board Consultant from CPL, stated that she understood, from conversing with Messrs. Andrews, Barber, Schlobohm and Walters, that all of the zoning setbacks for this property had been met.

Mr. Andrews said that Rich Othmer has been contacted and that he can limit who can use the bridge, and will do so, but reminded everyone that East Boyd's Road is a public road and is open for public use. Mr. Andrews said that the only body who can regulate what can occur on a town road is the Town Board. Mr. Andrews also said that the best thing that can be done is to ensure that notice is given to the contractors on this job not to use the bridge.

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Mr. Schlobohm said that this was not the first house to be constructed on East Boyd's Road and that the construction vehicles used for this project will be similar to ones used previously on other projects. It is beneficial that there is already an existing well, driveway and the septic system, which will be expanded on this property because there would be fewer construction vehicles. Mr. Schlobohm said that Insite Engineering had worked diligently with the Planning Board and their consultants to address everyone's concerns and have provided a code-compliant project and asked that the Planning Board close the Public Hearing at this time and move it to an administrative track. Mr. Lowes said he noticed a "washout basin" on the plans and asked Mr. Schlobohm about it. Mr. Schlobohm said that was a concrete washout area, which is a state requirement, because they do not want concrete trucks to washout onto the ground when they are finished pouring concrete and that when they are the washout basin will be removed.

Mr. Andrews said that he and Mr. Barber had discussed closing the Public Hearing and felt that, if the Planning Board agreed, it was appropriate to do so but that they felt that the project was not quite ready to move to an administrative track. Mr. Wilhelm said that he did not think it was fair to delay the approval process any longer on this project. Mr. Andrews said that the project would be ready to move to an administrative track next month and that there were still a few items to be handled within the next month anyway.

Ms. Garbo asked for a written guarantee that there would not be any blasting on this project. She also asked how the noise and hours of operation could be controlled during construction. Mr. Andrews said that the Town Code has certain hours and days of operation for construction. Mr. Lowes said that could be incorporated into the Resolution of approval. Mr. Schlobohm said that only rock hammering will be done and that if blasting were required a separate permit would be required.

Mr. Stuart asked what the residents' next step was and Mr. Wilhelm told him that they could go to the Town Board.

Mr. Tolmach asked for a motion to close the Public Hearing. The motion was made by Mr. Lowes and seconded by Mr. Wilhelm. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

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- **Brigman Property, Hortontown Rd., Kent, NY; TM: 19.-1-31**

Mr. William Brigman, owner of the above-mentioned property, attended the meeting along with his wife, Michelle.

Mr. Andrews' Comments

Mr. Andrews advised the Board that this is an application for approval of a single-family residence on an existing lot. The construction of a driveway is being modified, with wetland impacts and other issues. Mr. Andrews and Mr. Barber visited the site and met with Mr. Brigman and his engineer, Mr. Paul Lynch, of Putnam Engineering. An initial submission was made and some changes were made to the plans, however no new material had been submitted since October. Mr. Andrews recommended that the Public Hearing be opened and that, if there were no comments from the public, it be adjourned until the December 9, 2021 meeting in order to allow Mr. Lynch time to make a re-submittal.

- Mr. Tolmach asked for a motion to open the Public Hearing. The motion was made by Mr. Gattucci and seconded by Mr. German. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u> _____
Dennis Lowes, Vice Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Sabrina Cruz	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Hugo German	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Mr. Tolmach asked if there were any comments from the public. No one wished to be heard.

- Mr. Tolmach asked for a motion to adjourn the Public Hearing for this project to December 9, 2021. The motion was made by Mr. Gattucci and seconded by Mr. Wilhelm. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u> _____
Dennis Lowes, Vice Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Sabrina Cruz	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Hugo German	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

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• **JPE Auto Repair, 333 Route 52, Kent, NY; TM: 33.18-1-11**

Ms. Axelson's Comments

Ms. Axelson advised the Planning Board that Messrs. Andrews and Barber had conducted a site visit to this property and had issued a joint memorandum (attached). Based on this memo, Ms. Axelson re-wrote a Draft Resolution of Approval for this project. The changes made to the Draft Resolution stated that there was a site visit to this property on September 16, 2021 and November 3, 2021 and that there was a write-up about that. The first two conditions on Page 2 reiterated the memorandum prepared by Messrs. Andrews and Barber and Ms. Axelson recommended that the Resolution of Approval she prepared for the November 18, 2021 meeting be accepted after the Public Hearing was re-opened and closed if there were no comments from the public made.

Mr. Joseph Rina, of Site Design Consultants, represented the applicant and attended the meeting as did Mr. Josh Ramos, the applicant. Mr. Riina said that there was some testing done at this site and Messrs. Andrews and Barber were present when the testing was done. Recommendations from Messrs. Andrews and Barber were followed by Mr. Ramos. Yesterday some elevations at the site were shot and were added to the site plan, which clearly showed that the slope/grade heads away from the property owned by Chris Automotive. Some material was removed from JPE Automotive property and it was agreed that organic material on this site would be moved to the area where the material had been removed and that the area would be restored with a seed mix recommended by Mr. Barber. A 6 to 8 inch berm would also be installed near the fence to ensure that no water traveled towards the Chris Automotive property.

Mr. Tolmach asked for a motion to re-open the Public Hearing for JPE Auto Repair. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Andrews' Comments (memo attached)

Mr. Andrews confirmed that he and Mr. Barber visited the site and that test holes were done. Mr. Andrews said that the existing soil was located and that the surface was miscellaneous fill and old gravel. It was determined that the vegetation line along the fence was not disturbed by the work done for JPE Automotive. A plan prepared by Messrs. Andrews and Barber to restore the wetlands by pulling back some of the gravel, raking it away from the fence, and putting organic material down and reestablishing a grass area. This should ensure that water from this site would not travel to Chris Automotive property. It also will loosen up the soils because they were compacted for a long time. The updated drawing provided by Mr. Rini showed site elevations and reinvented the notes pertaining to what will take place in this area. The elevations confirm that any water on the site travels away from Chris Automotive's site. There is approximately a 6-inch drop and that is before the berm is put in.

Mr. Michael Dunn, a 30-year resident of Kent and Operations Manager of Chris Automotive, asked to speak. Mr. Dunn commended the applicant and confirmed that fill and material which had been added to the property was removed on November 3, 2021. Mr. Dunn said that he had pictures, which he distributed to the Board, showing that water was still coming onto Chris Automotive property. Concerns are that the compaction of the area is causing this problem, which is damaging a building and stormwater management on the site. Mr. Dunn said that he, as a taxpayer for 30 years, wanted to go on public record and said that he brought this matter to the Board's attention as a resident and not an employee at Chris Automotive. Mr. Dunn said he does not understand how an auto repair shop could conduct business on 1.34 acres of dirt. Mr. Dunn asked how stormwater management would be handled if this property was paved. The pictures showed flooding in JPE's parking lot and that he had observed the manager of JPE taking pictures and videos and saw the water flooding on this site. Mr. Dunn said that if the Planning Board approved this project without the proper site approvals, he as a taxpayer, would contact Mr. Walters and file a complaint.

Mr. Rini, owner of Chris Automotive, asked to be heard. Mr. Rini said that, for the past three months, everyone who lives in Kent had seen the flooding that we used to occur on Route 52 in the 1990's. Mr. Rini said that he did not care who did what or where the water came from but he did care that now it was a consistent problem on his property. Mr. Rini reminded the Board that at the last meeting one of the Planning Board members stated that we had horrendous rainstorms and that he felt that every storm was horrendous and caused flooding on Route 52. Mr. Rini contacted the person who had installed his oil/water separator because it is not working properly. It consists of baffles and filters and when the water comes down onto Mr. Rini's property it goes into the curtain drain along the building, which goes into the oil/water separator. That water flows into the stream to Route 52, then to a culvert pipe in front of JPE's site, then to Anthony's Jewelers and then to Hill and Dale Association property. Mr. Rini said he spent seven years working with the DOT to install a new culvert pipe. The water coming from a stream next to his property goes into the culvert pipe parallel to Route 52 and does not cross the road. The culvert pipe is only 12-14 inches and cannot handle the water and when the stream rises, the oil/water separator does not work. Mr. Rini said, if the Planning Board approves this project public, safety would be affected. Mr. Rini said that he respected the work the Planning Board does and understood that everyone's opinion should not dictate code and what people did on their property. He also said that he would prefer to have someone on the JPE property rather than to have it vacant and that he did not care what type of business it was. Mr. Rini's only concern was the deterioration of his property and that, if this project were approved, he would have to raise his property approximate-

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ly 12 inches. Mr. Rini said that the Planning Board could not tell him he could not raise his property because they did not tell Mr. Ramos that he could not. Mr. Wilhelm told Mr. Rini that water flows down hill and was not coming from JPE's property. Mr. Wilhelm said that if NY State causes the problem they needed to fix the problem. Another recommendation made by Mr. Wilhelm to Mr. Rini was to contact the Kent Town Board. Mr. Lowes asked Mr. Rini how the flooding on the opposite side of Route 52 affected his property; Mr. Rini said that the water on the other side of Route 52 did not affect his property. Mr. Riini said the problem he experienced previously was due to the old culvert pipe and that, since the new culvert pipe was installed in 2012, he has had no problems and that there is no crossover pipe on Route 52. Mr. Riini asked the Planning Board what they thought had changed since 2012 to cause the flooding. Mr. Rini said the water on the other side of the road is stagnant water from Palmer Lake. Mr. Wilhelm said that anything could be done on properties along as they comply with the Kent Town Code.

Mr. Josh Ramos, the owner of JPE Automotive Repair, asked to be heard. Mr. Ramos confirmed that he had taken picture during a rainstorm recently and that they confirmed that there was no water flowing from his property to that of Mr. Rini. He said that there was a gutter that's filled up on Mr. Riini's property, which may be the cause for the flooding on property. Mr. Ramos also said that there is a little opening in the rear of the property that goes into the wetlands and that you could see water going there behind the property. Mr. Ramos suggested that Mr. Rini contact the property owner rather than him regarding this matter. Mr. Gattucci asked Mr. Ramos where he would be working on cars. Mr. Ramos said all repairs would be done inside the building.

Mr. Andrews said there are a series of notes on the applicant's plans specifying safeguards in place. Mr. Andrews said he was at a loss and did not know what the issue on Chris Automotive's property was. Everything that could be done to resolve the issues pertaining to work done by JPE Automotive was done. Mr. Andrews said that he would suggest that maybe additional tree coverage and landscaping could be done, but that would defer to Mr. Barber and the Planning to decide what to do.

Ms. Axelson acknowledged, as did Mr. Andrews, the fact that there was an areawide drainage issue on Route 52. Site plans were submitted and additional information was requested and provided so that she, Messrs. Andrews, Barber and the Planning Board could better understand the conditions of the property. A notation was requested as to how the property was going to be used as well as signage on the property. There was an area next to the building with a few parking spaces; one was to be paved for handicapped people. There is also a compacted soil and gravel area where cars can be stored waiting for pickup, dropped off or waiting for service. The area in the rear has been remediated and grass will be planted there and, if Mr. Barber felt it would help, also plant some trees in that area. Mr. Wilhelm asked the other Board members if they wanted to ask the applicant to plant additional trees and they did not want to do so. Mr. Rina reminded the Planning Board that the seed mix is a mix of grasses and woody plants and that it will establish itself. In conclusion, Ms. Axelson stated that everyone has seen the existing and proposed conditions of the site and code reviews have been done. The comments from the Public have been heard and discussed. If there are existing areawide drainage issues Ms. Axelson said that they cannot be resolved by not approving this site plan and recommended closing the Public Hearing.

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Mr. Tolmach asked for a motion to close the Public Hearing for this project. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Ms. Axelson said she had prepared a revised Draft Resolution of Approval regarding this project for the November 18, 2021 meeting.

Mr. Tolmach asked for a motion to adopt the revised Draft Resolution of Approval. The motion was made by Mr. Wilhelm and seconded by Mr. German. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **Friedman/Crossman Property, 5 China Circle Ct., Kent, NY; TM: 42.7-1-27**

Mr. Karl Hansen, an employee at River Architects, represented the applicants. The applicant proposes to demolish an existing single-family residence and to have a new one built on this property with a detached garage. The new house will be a passive/low energy house, which will utilize solar and battery back up. Mr. Hansen said that he had responded to several memos from Messrs. Andrews and Barber and that he believed that all but one comment had been satisfied and hoped that this project could be moved to an administrative track in the near future.

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Mr. Andrews' Comments (memo attached)

Mr. Andrews mentioned that Mr. Barber issued a memo (attached) dated November 18, 2021 which stated that his review was complete and that he had no further comments. Mr. Andrews issued a memo dated November 17, 2021 (attached) stating that all of his comments had been satisfactorily resolved. Mr. Andrews said that Board of Health approvals had recently been granted. Mr. Andrews said that the decision had been made that there would not be a concrete washout station on the property because the site is not conducive to that. Mr. Andrews said that there were some notes on the plan pertaining to this matter, which were not clear and need to be clarified. Mr. Andrews recommended that his bond estimate of \$28,700.00 be accepted and forwarded to the Town Board when the bond agreement was signed and returned along with the cash or surety bond and inspection fee of \$1,000.00. Mr. Andrews suggested that the Public Hearing be opened for this project and that, if there were no comments from the public, the bond be accepted as noted above and that this project be moved to an administrative track,

Mr. Tolmach asked for a motion to open the Public Hearing for this project. The motion was made by Mr. Gattucci and seconded by Mr. German. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Tolmach asked the audience if anyone wished to speak and no one did. Mr. Tolmach then asked for a motion to close the Public Hearing. Mr. Wilhelm made the motion and it was seconded by Mr. German. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Town of Kent Planning Board Minutes
November 18, 2021

Mr. Tolmach asked for a motion to accept the bond estimate of \$28,700.00 and inspection fee of \$1,000.00 and forward it to the Town Board when signed and returned to the Planning Board office. Mr. Wilhelm made the motion and it was seconded by Mr. German. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Tolmach asked for a motion to move this project to an administrative track. The motion was made by Mr. Wilhelm and it was seconded by Mr. German. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **Holly Property, Winkler's Farm Ct., Kent, NY; TM: 33.16-1-8**

Mr. Bob Bradley represented Mr. Holly, the owner of this property. Mr. Bradley reminded the Planning Board that this project was the result of a Supreme Court decision which was done several years ago. A Stipulation was prepared by the Planning Board Attorney, Mr. Jeffrey Battistoni, of Van DeWater & Van DeWater. The Planning Board consultants advised Mr. Holly to do this project all at once, rather than doing it piece-meal. Because of this advice, the original Stipulation was no longer applicable and had to be changed. Mr. Battistoni also suggested that a site plan be submitted indicating exactly what was to be done on the property. This was done and submitted recently, and Messrs. Andrew and Barber along with Mr. Bradley conducted a site visit this week. Mr. Bradley requested a revised Stipulation based on the new plan. Mr. Bradley said the septic can hold about 3,400 feet of fields and the plan is to combine all of the septic systems and improving them by putting them all together. There is one septic system, which is in the 100' buffer to the stream, will also be moved. The existing parking will be moved to the area where the septic, which was moved, was located. The stream is now labeled on the plans in the direction of the flow. The stream flows from the outflow for Lake Carmel into the reservoir. This project will not affect the stream in any way and the construction will be 100' away from it. There is no flooding on this property because the stream is far below the land. The new plan shows a Zoning Table, the existing building, the proposed buildings, the number of units in each building, the bedroom count and a soil legend. Mr. Bradley said that he and Mr. Holly would like

November 18, 2021

to get comments from the consultants and to move forward with the Stipulation as soon as possible. Mr. Bradley reiterated that this was the total and final plan. The original stipulation was for construction of one building and one house. The plan now is to put a small addition on an existing house and to build the four buildings as described in the plan. There will be 19 units.

Mr. Andrews' Comments

Mr. Andrews said that he and Mr. Barber had visited this property with Mr. Bradley on November 16, 2021 and that they had advised Mr. Bradley that they would have a preliminary review of the plan shortly and that it was important to move the Stipulation ahead in order to really get into the meat of the site plan. Mr. Andrews said that the property was not what he expected and that he was very impressed with it. Mr. Andrews noted that the property does sit above the stream, as Mr. Bradley mentioned. Mr. Andrews said that Mr. Barber had recommended that it would be beneficial to have someone delineate the wetlands now in order to see if they would affect the proposed plan. Mr. Andrews also said that the property had a very interesting microtopography and that there are undulations as you walk from the road towards the creek. Mr. Barber pointed out that, when you walk the undulations, the vegetation changes so the dip appears to be wetlands but that as you get closer to the stream there are none. Mr. Andrews said that he thought this project should be able to move forward in a reasonable fashion. Mr. Wilhelm asked if the soils discussed were identified in the Town Code when the judgement was placed. Mr. Andrews said that that question was out of his purview and that he could not answer it. Mr. Bradley said he would go through his files to see if he could answer Mr. Wilhelm's question and that this project had been before the Planning Board three times.

Mr. Tolmach said that it was the time of year to re-elect him. Mr. Wilhelm made the motion to re-appoint Mr. Tolmach as Chairman of the Planning Board. The Planning Board all agreed to re-appoint Mr. Tolmach. Mr. Wilhelm made the motion to re-appoint Mr. Lowes as Vice Chairman. The Planning Board all agreed to re-appoint Mr. Lowes as Vice-Chairman.

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

- | | | |
|--|--|---------------|
| <ul style="list-style-type: none"> Discuss Miscellaneous items pertaining to Organization 2022 | | |
| <ul style="list-style-type: none"> Clearpool Maintenance Bldg.
33 Clearpool Rd., Kent, NY
TM: 32.-1-9.1 | Erosion Control Plan
Recommend that bond amount
be accepted and forwarded to
the Town Board | Status Report |

We are waiting for one final submittal from Insite Engineering and when it is submitted this project is ready for Chairman's signature.

**Town of Kent Planning Board Minutes
November 18, 2021**

- | | | |
|--|----------------------|---------------|
| • Raneri Property
Hillside Paper Rd., Kent, NY
TM: 44.24-1-3 | Erosion Control Plan | Status Report |
|--|----------------------|---------------|

We are waiting for additional escrow and material from the applicant. Mr. Raneri was advised to stake out the various property lines and Mr. Karell had seen that it was done. Mr. Andrews advised the Planning Board that he and Mr. Barber had visited the site and said that the property was a “rude awakening” and not what anyone expected. Mr. Andrews suggested that the Planning Board members get a copy of the numbered sketch of the stake plan provided to the Planning Board and visit the site. Mr. Andrews said that when you compare the sketch versus what is proposed and then look at it in the field it is not the same thing. Mr. Lowes reminded everyone that a title search also needed to be provided. Mr. Andrews also mentioned that Mr. Barber, Ms. Mangarillo and Ms. Axelson had previously noted that some of the properties the existing driveway cuts across and some of the properties the proposed improvements touch upon were thought to be town properties, but really are Lake Carmel Park District properties. Mr. Andrews said that Lake Carmel Park Districts and Park Districts in general are controlled under a whole different scheme of things. Mr. Lowes said that he thought that they were under the State Constitution jurisdiction and Mr. Andrews agreed that it was. Mr. Andrews said that you cannot just “borrow” Park District properties for various uses because there are a series of approvals, steps and financial transactions, which must occur, and that this project needs to be straightened out in order to move it forward properly. Mr. Lowes mentioned that he had visited this site previously when a lower property was cleared and asked where the drainage was because of the way the proposed driveway was to cut into it.

- | | | |
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| • Annunziata/Smalley Corners
Smalley Corners Rd., Kent, NY
TM: 21.-1-11 | Erosion Control | Status Report |
|---|-----------------|---------------|

A new submittal was submitted a few days ago, which will be distributed for the December 9, 2021 meeting.

- | | | |
|--|---------------------------------------|---------------|
| • Vitiello
475 Pudding Street, Kent, NY
TM: 32.-1-32 | Erosion Control Plan/
Field Change | Status Report |
|--|---------------------------------------|---------------|

Mr. Andrews said that he had heard from Mr. Schlobohm this week and was told that he had overlooked a memo sent by Mr. Andrews regarding the retaining wall note, which was to be added to the plans for this project. However, the drawings were already submitted to the Planning Board. Mr. Andrews suggested that, rather than reprinting the plans, Mr. Schlobohm send a letter on Insite’s letterhead which states that the note is understood and that, if the condition occurs it would be handled during construction. When this letter is submitted to the Planning Board the Chairman may sign the plans.

- | | | |
|--|-------|---------------|
| • Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
|--|-------|---------------|

Nothing new has been submitted.

Town of Kent Planning Board Minutes
November 18, 2021

- Kent Self Storage
Route 311, Kent, NY
TM: 22.-2-17

Re-Approval

Status Report

A new submittal was received last week, which will be distributed for the December 9, 2021 meeting.

- Town Rev of Kent Mining Law

Status Report

Mr. Andrews advised the Planning Board that he, Mr. Barber and Ms. Axelson had appeared before the Town Board on November 16, 2021. The Town Board is going to provide suggested modifications to the conceptual law he, Mr. Barber and Ms. Axelson had presented to them. The Town Board also asked that he, Mr. Barber and Ms. Axelson draft a "No Mining Law". Mr. Andrews said that it is not as easy as it sounds, but that, within certain limits, the law can be crafted but that there will be exemptions that not everyone may be comfortable with and that you still need to be able to develop property in the town. Mr. Andrews said that the Town Board would ultimately have to choose the conceptual law as modified per their requirements or a "No Mining Concept". The Town Board would like to have this Project completed by March 3, 2022. Mr. Andrews said that he felt that was a very optimistic deadline, which they would try to meet and if not, it would be done in April. The "Mining Concept" presented to the Town Board was also distributed to the Planning Board members and Mr. Andrews asked that they look it over and send any comments they may have to him. Mr. Andrews explained that if we go with a Conceptual Law it would be a "Special Use Permit" issued by the Town Board, but only after referral and recommendations from the Planning Board as well as control of the SEQRA process. Mr. Wilhelm said that he had a comment pertaining to making sure there is a provision to allow utilities to do work in town right-of-ways in respect to work because restrictions would go against the Public Service law. Mr. Andrews said that he understood.

Mr. Tolmach asked for a motion to adjourn the November 18, 2021 meeting at 9:30 PM. The motion was made by Mr. Gattucci and seconded by Mr. German. Following were the roll call votes.

Mr. Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

**Town of Kent Planning Board Minutes
November 18, 2021**

NOVEMBER 2021
KENT PLANNING BOARD MEETING AGENDA

Workshop: November 04, 2021 (Thursday, 7:30 PM)

Meeting: November 18, 2021 (Thursday, 7:30 PM)

The Kent Planning Board workshop is scheduled for Thursday, November 04, 2021 at 7:30 P.M. to be held at the Kent Town Hall. The Town of Kent Planning Board's regularly scheduled monthly meeting is on Thursday, November 18, 2021 at 7:30 P.M. at the Kent Town Hall

- Approve Planning Board Minutes from October 14, 2021
- Maniatis Property
250 East Boyd's Lake Road, Kent, NY
TM: 31.-2-51 Erosion Control
Public Hearing
(Continued) Review
- Brigman Property
Hortontown Road, Kent, NY
TM: 19.-1-31 Erosion Control Permit/
Wetland Permit
Public Hearing Review
- JPE Auto Repair
333 Route 52, Kent, NY
TM: 33.-18-1-11 Site Plan/
Public Hearing
(Continued) Review
- Friedman & Crossman Property
5 China Circle Ct., Kent, NY
TM: 42.7-1-27 Erosion Control Plan/
Public Hearing
(Continued) Review
- Holly Property
Winkler's Farm Court Property, Kent, NY
TM: 33.16-1-8 Erosion Control Plan Review

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

- Discuss Miscellaneous items pertaining to Organization 2022
- Clearpool Maintenance Bldg.
33 Clearpool Rd., Kent, NY
TM: 32.-1-9.1 Erosion Control Plan Status Report
Recommend that bond amount
be accepted and forwarded to the Town Board
- Raneri Property
Hillside Paper Rd., Kent,, NY
TM: 44.24-1-3 Erosion Control Plan Status Report
- Annunziata/Smalley Corners
Smalley Corners Rd., Kent, NY
TM: 21.-1-11 Erosion Control Status Report
- Vitiello
475 Pudding Street, Kent, NY
TM: 32.-1-32 Erosion Control Plan/
Field Change Status Report
- Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 SEQRA Status Report

**Town of Kent Planning Board Minutes
November 18, 2021**

- | | | |
|--|-------------|---------------|
| <ul style="list-style-type: none">• Kent Self Storage
Route 311, Kent, NY
TM: 22.-2-17 | Re-Approval | Status Report |
| <ul style="list-style-type: none">• Town of Kent Mining Law | | Status Report |

Rev. 1



Cornerstone Associates

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

December 9, 2021

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: **Kent Self Storage of Putnam Inc. Application**
Route 311
Section 22 Block 2 Lot 17

Please be advised that I have conducted a review of the following pertinent documents relative to the above referenced project:

- Comment response memo executed by Joseph Riina, PE of Site Design Consultants dated 11/11/19 3 pages.
- Plans entitled; "Proposed Improvement Plan-Kent Self Storage of Putnam Inc." prepared by Site Design Consultants dated 11/10/21 (rev.), 12 total sheets: V-1, C-101, C-102, C-103, C-105, C-107, C-301, C-302, C-303, C-501, C-502, C-504. Additional sheets dated 10/19 Sheet T-1, dated 07/21/20 Sheet C-104, 10/16/19 Sheet C-106, 07/21/21 Sheet C-503.

Summary of Application:

The applicant proposes to construct 32,308 two-story self-storage buildings which shall include a 2,500 square foot management office and dry retail space and a separate 2,400 storage building on a 2.705 acre parcel in an IOC (industrial-office-commercial) zoning district on the northwest corner of Route 311 and Ludington Court. Associated site improvements consist of an on-site sewage disposal system, well, required parking (23 spaces), utilities, retaining walls and stormwater structures.

Review Summary:

The following items are pending as per the above referenced comment response memo:

- Business plan which describes materials to be stored on site, hours of operation, retail operations has not been provided
- NYSDOT approval has been obtained but subsequently has expired.
- Cross sections to the adjoining residential property as requested by the neighbor to evaluate view shed impacts have not been provided. It is unclear if the photo simulations provide the requested information. The vantage points should be included in the information provided.

This office will conduct additional review upon receipt of responses to the above review. Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS Certified Ecologist
Town of Kent Environmental Consultant

ADOPTED
November 18, 2021
Town of Kent Planning Board Resolution of
Approval with Conditions for: Special Use Permit and Site Plan for
JPE Auto Repair Site Plan Approval
333 Route 52, TM: 33.18-1-11

Whereas, the Town of Kent Planning Board has received an application from Juan Pablo Barros-Pan, for approval of a special use permit and site plan to change the use of an existing one-story structure, access, driveway, which has entrance leading into a gated, fenced area, and parking areas to a motor vehicle repair shop. The site is an 61,613 square foot (SF), or 1.4414-acre parcel in the Commercial (C) Zoning District. The existing building has an approximately 3,700 SF building footprint, with 3 overhead doors, leading into a proposed mechanics shop with 3 hydraulic lifts, which would be a repair shop with no other automobile services. The rest of the interior of the building would be used as a reception area, office space, storage, and utility rooms. The developed site has existing utilities, electric and other existing site improvements and is located at 333 Route 52, in the Town of Kent, Putnam County, New York (tax parcel identification numbers 33.-18-1-11); and

Whereas, the proposed action involves special use permit and site plan approval on an existing developed site for the use of the existing building, driveway, and parking area for a motor vehicle repair shop, which is a special use permitted in the C zoning district; and

Whereas, the project is depicted on a site plan set with site plan, floor plan and detail sheets, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised November 17, 2021; and

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the proposed action would be a Type 2 Action under SEQRA as per 6 NYCRR part 617, section 617.5 (c)(18); and accordingly, no SEQRA review would be required; and

Whereas, the Planning Board sent a 239-l&m Referral to the Putnam County Department of Planning, Development & Public Transportation for this application and obtained a response on August 23, 2021, indicating "Approved as Submitted"; and

Whereas, as a result of commentary at the public hearing opened on September 9, 2021, the Planning Board's consultants agreed to conduct site visits to examine the site's conditions, including any fill area, and whether site restoration or wetland mitigation measures would be needed, as follows:

- On September 16, 2021, an initial site visit was conducted resulting in recommendations for soil testing and restoration depending on the result of the testing; and
- On November 3, 2021, a second site visit was conducted, the results of which are documented in a joint review memorandum by John Andrews, PE, the Board's Consulting Engineer, and Bruce Barber, the Board's Wetland and Environmental Consultant, dated November 4, 2021, with recommendations for restoration and wetland mitigation; and an attached Sketch of the Field observation visit, noting the need for plan revisions to document same;

Now Therefore Be It Resolved, the Planning Board hereby classifies the proposed action as a Type 2 Action under SEQRA as per 6 NYCRR part 617, section 617.5 (c)(18); and accordingly, no SEQRA review is required; and

Be It Further Resolved, that the Planning Board hereby grants special use permit and site plan approval with conditions to the proposed use, as depicted on the following plans:

- Plan entitled Site Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised November 17, 2021; and

***Town of Kent Planning Board Resolution of
Approval with Conditions for: Special Permit and Site Plan Approval for
JPE Auto Repair Site Plan Approval, 333 Route 52
November 18, 2021***

- Plan entitled Floor Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants dated June 16, 2021, last revised November 17, 2021;
- Plan entitled Site Plan, JPE Auto Repair, Details, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised November 17, 2021; and

Be It Further Resolved, that the applicant has addressed nearly all of the previous comments of the Planning Board, the Planning Board's Planning Consultant, the Planning Board's Environmental Consultant, and the Planning Board's Consulting Engineer;

Be It Further Resolved, that the site plan approval is expressly conditioned on the completion of the compliance with the following:

1. Address the following remaining comment of the Planning Board's Consulting Engineer as set forth in a memorandum, originally dated July 30, 2021, which was later updated and annotated August 25, 2021: "... the Owner's Consent note will need to be signed and dated by both the Owner and the Applicant following the date of last revision. ”.
2. Revise the site plan set to address the comments as set forth in the joint review memorandum by John Andrews, PE, the Planning Board's Consulting Engineer, and Bruce Barber, the Planning Board's Wetland and Environmental Consultant, dated November 4, 2021, with recommendations for restoration and wetland mitigation; and an attached Sketch of the Field observation visit, noting the need for plan revisions to document same, specifically:
 - a. comments 1 through 5 at the bottom of page 1 and top of page 2, and
 - b. the 2 paragraphs following comment 5 on page 2.
3. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.
4. The conditional special use permit approval shall "... become null and void unless the holder thereof shall obtain within one year following the effective date for the resolution granting the same a certificate of occupancy or an extension of time, upon presentation of evidence sufficient for a determination by the Planning Board that extenuating circumstances warrant such extension", as set forth in the Code of the Town of Kent section 77-59 D. The special use permit approval may be extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.
5. The conditional site plan approval shall expire 12 months from the date of approval as set forth in the Code of the Town of Kent section 77-61 C., which states that the approval would be "... void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval."; and unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.
6. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Site Plan Approval have

***Town of Kent Planning Board Resolution of
Approval with Conditions for: Special Permit and Site Plan Approval for
JPE Auto Repair Site Plan Approval, 333 Route 52
November 18, 2021***

been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Planning Consultant verifying that each of the conditions of this approval have been completed. The final drawings shall not be accepted by the Planning Board without submission of proof of completion.

Motion:	<u>Stephen Wilhelm</u>
Second:	<u>Hugo German</u>
Phil Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on November 18, 2021.

Vera Patterson, Clerk
Town of Kent Planning Board

REVISED DRAFT FOR
November 18, 2021
Town of Kent Planning Board Resolution of
Approval with Conditions for: Special Use Permit and Site Plan for
JPE Auto Repair Site Plan Approval
333 Route 52, TM: 33.18-1-11

Whereas, the Town of Kent Planning Board has received an application from Juan Pablo Barros-Pan, for approval of a special use permit and site plan to change the use of an existing one-story structure, access, driveway, which has entrance leading into a gated, fenced area, and parking areas to a motor vehicle repair shop. The site is an 61,613 square foot (SF), or 1.4414-acre parcel in the Commercial (C) Zoning District. The existing building has an approximately 3,700 SF building footprint, with 3 overhead doors, leading into a proposed mechanics shop with 3 hydraulic lifts, which would be a repair shop with no other automobile services. The rest of the interior of the building would be used as a reception area, office space, storage, and utility rooms. The developed site has existing utilities, electric and other existing site improvements and is located at 333 Route 52, in the Town of Kent, Putnam County, New York (tax parcel identification numbers 33.-18-1-11); and

Whereas, the proposed action involves special use permit and site plan approval on an existing developed site for the use of the existing building, driveway, and parking area for a motor vehicle repair shop, which is a special use permitted in the C zoning district; and

Whereas, the project is depicted on a site plan set with site plan, floor plan and detail sheets, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised November, 2021; and

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the proposed action would be a Type 2 Action under SEQRA as per 6 NYCRR part 617, section 617.5 (c)(18); and accordingly, no SEQRA review would be required; and

Whereas, the Planning Board sent a 239-l&m Referral to the Putnam County Department of Planning, Development & Public Transportation for this application and obtained a response on August 23, 2021, indicating "Approved as Submitted"; and

Whereas, as a result of commentary at the public hearing opened on September 9, 2021, the Planning Board's consultants agreed to conduct site visits to examine the site's conditions, including any fill area, and whether site restoration or wetland mitigation measures would be needed, as follows:

- On September 16, 2021, an initial site visit was conducted resulting in recommendations for soil testing and restoration depending on the result of the testing; and
- On November 3, 2021, a second site visit was conducted, the results of which are documented in a joint review memorandum by John Andrews, PE, the Board's Consulting Engineer, and Bruce Barber, the Board's Wetland and Environmental Consultant, dated November 4, 2021, with recommendations for restoration and wetland mitigation; and an attached Sketch of the Field observation visit, noting the need for plan revisions to document same;

Now Therefore Be It Resolved, the Planning Board hereby classifies the proposed action as a Type 2 Action under SEQRA as per 6 NYCRR part 617, section 617.5 (c)(18); and accordingly, no SEQRA review is required; and

Be It Further Resolved, that the Planning Board hereby grants special use permit and site plan approval with conditions to the proposed use, as depicted on the following plans:

- Plan entitled Site Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised November, 2021; and

***Town of Kent Planning Board Resolution of
Approval with Conditions for: Special Permit and Site Plan Approval for
JPE Auto Repair Site Plan Approval, 333 Route 52
November 18, 2021***

- Plan entitled Floor Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants dated June 16, 2021, last revised ?? November ?? ~~August 31~~, 2021;
- Plan entitled Site Plan, JPE Auto Repair, Details, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised November; and

Be It Further Resolved, that the applicant has addressed nearly all of the previous comments of the Planning Board, the Planning Board's Planning Consultant, the Planning Board's Environmental Consultant, and the Planning Board's Consulting Engineer;

Be It Further Resolved, that the site plan approval is expressly conditioned on the completion of the compliance with the following:

1. Address the following remaining comment of the Planning Board's Consulting Engineer as set forth in a memorandum, originally dated July 30, 2021, which was later updated and annotated August 25, 2021: "... the Owner's Consent note will need to be signed and dated by both the Owner and the Applicant following the date of last revision. ".
2. Revise the site plan set to address the comments as set forth in the joint review memorandum by John Andrews, PE, the Planning Board's Consulting Engineer, and Bruce Barber, the Planning Board's Wetland and Environmental Consultant, dated November 4, 2021 with recommendations for restoration and wetland mitigation; and an attached Sketch of the Field observation visit, noting the need for plan revisions to document same, specifically:
 - a. comments 1 through 5 at the bottom of page 1 and top of page 2, and
 - b. the 2 paragraphs following comment 5 on page 2.
3. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.
4. The conditional special use permit approval shall "... become null and void unless the holder thereof shall obtain within one year following the effective date for the resolution granting the same a certificate of occupancy or an extension of time, upon presentation of evidence sufficient for a determination by the Planning Board that extenuating circumstances warrant such extension", as set forth in the Code of the Town of Kent section 77-59 D. The special use permit approval may be extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.
5. The conditional site plan approval shall expire 12 months from the date of approval as set forth in the Code of the Town of Kent section 77-61 C., which states that the approval would be "... void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval."; and unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.
6. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Site Plan Approval have

***Town of Kent Planning Board Resolution of
Approval with Conditions for: Special Permit and Site Plan Approval for
JPE Auto Repair Site Plan Approval, 333 Route 52
November 18, 2021***

been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Planning Consultant verifying that each of the conditions of this approval have been completed. The final drawings shall not be accepted by the Planning Board without submission of proof of completion.

Motion:

Second:

Phil Tolmach, Chairman

Dennis Lowes

Charles Sisto

Stephen Wilhelm

Giancarlo Gattucci

Simon Carey

Hugo German

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on September 9, 2021.

Vera Patterson, Clerk
Town of Kent Planning Board



Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Erosion Control Plan - Revised Submittal IV
Date:	November 17, 2021	Project:	Friedman-Crossman TM # 42.7-1-27

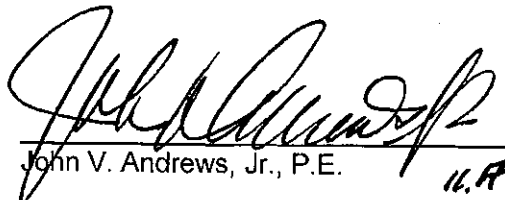
The following materials were reviewed:

- Transmittal Letter to John Andrews-Friedman-Crossman PB from River Architects dated November 9, 2021.
- Letter to Town of Kent Planning Board-Friedman-Crossman Application from River Architects dated November 8, 2021.
- Construction Estimate for Bond Calculation-Friedman-Crossman Residence prepared by Design Concepts Engineering, PC dated November 8, 2021.
- Putnam County-Proposal for Sewage Treatment System Repair-Friedman-Crossman dated October 28, 2021.
- Drawing-Unmarked
- Topography Survey-5 China Circle- prepared by Rowan Land Surveying, PLLC dated March 15, 2021, scale 1" =30'.
- Drawing Sheet- 1 - Erosion & Sediment Control Plan- Friedman Crossman Residence, prepared by D.C. Engineering, PC, dated June 10, 2021, last revised August 25, 2021, scale 1" =40'.
- Drawing Sheet- 2 - Erosion & Sediment Control Details- Friedman Crossman Residence, prepared by D.C. Engineering, PC, dated June 10, 2021, last revised November 8, 2021, scale as noted.
- Drawing Site-101 - Site Plan-Friedman Crossman prepared by River Architects, dated May 20, 2021, last revised November 8, 2021, scale as indicated.
- Drawing Site-102 -Enlarged Site Plan-Friedman Crossman prepared by River Architects, dated May 20, 2021, last revised November 8, 2021, scale 1" =10'-0".

The project proposes the demolition of the existing single-family dwelling with the construction of a new single-family dwelling on basically the same footprint and a new detached garage with office and full bath above. The proposal includes the protection and re-use of the existing well and onsite wastewater treatment system for the new dwelling and a new onsite wastewater treatment system for the detached garage. Putnam County Health Department approval is required for the new onsite wastewater treatment system. The total proposed land disturbance associated with the proposed action is 10,876 square feet (SF).

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration based on our July 8, 2021, July 15, 2021, August 12, 2021, and September 8, 2021, memoranda. Comments from those memoranda not included herein have been satisfactorily resolved. New or supplementary comments are shown in **bold**.

1. Putnam County Department of Health for the proposed modifications was granted on October 28, 2021.
2. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed. Previously provided. **Will be completed and signed following the close of the public hearing so long as all other matters are resolved.**
3. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
4. Provide a location and detail for a concrete washout station. **The response letter indicates that concrete washout will not be permitted on site. Notes to that effect have been added to the plan set. The notes are not clear. The notes should be in clear, plain language stating explicitly that concrete wash out will not be permitted on site.**
5. **An erosion control bond estimate was provided. Per Town Code Section 66.24 the bond is considered a performance guarantee covering all land development activities. Based on this most recent submittal, we have prepared a revised bond amount. The revised bond amount is \$28,700.00. A copy is attached hereto. Once the public hearing is closed and provided there are no substantive issues, we recommend this bond amount of \$28,700.00 be accepted by the Planning Board as the bond amount and recommended for approval to the Town Board.**
6. Upon the close of the public hearing, provided there are no substantive issues raised, we recommend the remaining project review be referred to the Planning Board consultants to be handled administratively.


John V. Andrews, Jr., P.E. 11.17.2021

Attachment

cc: Planning Board via email
Bill Walters via email
21-261-999-173

Bruce Barber via email
Liz Axelson via email



**ROHDE, SOYKA
& ANDREWS**
Consulting Engineers, P.C.

40 Garden Street
Poughkeepsie, NY 12601
Phone: (845) 452-7515 Fax: (845) 452-8335
E-Mail Address: info@rsaengrs.com

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

To: Planning Board Town of Kent

From: John V. Andrews, Jr., P.E.

Date: November 17, 2021

Attn: Phillip Tolmach, Chairman

Subject: Erosion Control Bond Amount

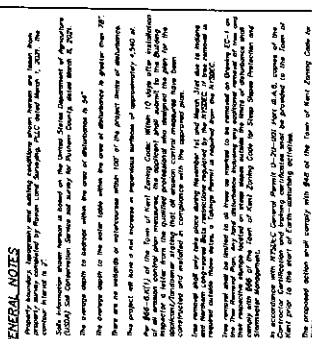
Project: Friedman-Crossman

Tax Map: TM# 42.7-1-27

The erosion control bond is as follows.

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Soil stockpiles	3	EA	\$ 500.00	\$ 1,500.00
Underground stormwater storage	1	LS	\$ 6,000.00	\$ 6,000.00
Underground stormwater storage	1	LS	\$ 9,000.00	\$ 9,000.00
End sections w/ riprap pads	4	EA	\$ 500.00	\$ 2,000.00
Roof drain pipe	1,000	LF	\$ 7.50	\$ 7,500.00
Seed and mulch	3,600	SF	\$ 0.06	\$ 216.00
Stabilized construction entrance	1	EA	\$ 750.00	\$ 750.00
Filtex Siltsoxx	225	LF	\$ 3.25	\$ 731.25
Silt Fence	250	LF	\$ 4.00	\$ 1,000.00
			TOTAL:	\$ 28,697.25

SAY \$ 28,700.00

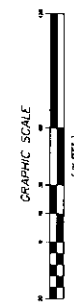
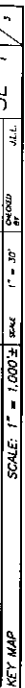
[illegible]

R-30 ZONE REQUIREMENTS			MINIMUM	MAXIMUM
	MINIMUM	MAXIMUM		
Minimum Lot Area	8000 sq. ft.	17110 sq. ft.	40277.5	171100 sq. ft.
Minimum Lot Width	50'	50'	50'	50'
Minimum Front/Back Yards	25'	25'	25'	25'
Minimum Side/Rear Yards	25'	25'	25'	25'
Minimum Depth	50'	50'	50'	50'
Front Yard	25'	25'	25'	25'
Side Yard	25'	25'	25'	25'
Minimum Building Height	10'	30'	10'	30'

NO.	DATE	REASON	BY
1	11-19-97	REQUEST FOR PLANNING BOARD SUBMISSION	AL
2	12-21-97	REQUEST FOR PLANNING BOARD SUBMISSION	AL
3	1-19-98	REQUEST FOR PLANNING BOARD SUBMISSION	AL

3 Council Members
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PROJECT C/L:	MANATIS RESERVE PRELIMINARY SITE PLAN, 20000 S. HWY. 1, PUEBLO, COLORADO 81001	DRAWING NO.	SHEET	1 5
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REMOVAL NOTES:

1. Landing metric look ahead be needed prior to the start of demolition of the existing structure. The existing landing look ahead will be furnished by a licensee and will include all relevant information and observations of all relevant regulations. The look ahead that is required was addressed in place.

TOWN OF KENT STEEP SLOPE & EROSION CONTROL NOTES

[illegible]

2. The location of the next address to be determined is on the field with the project number of the last address. The location of the next address is determined by the value of the field number in the address and not necessarily increase the field or decrease.

[illegible]

There is an existing tree located along the existing driveway that will also need to be removed as part of this project to allow the construction to proceed. Self insurance is not shown on this tree removal.

#1	MESSAGE	DATE	NO.
75	NOCCSABO DAVON DAWYD PAUL CESZCZAK	9-16-21	1
76	NOCCSABO DAVON DAWYD PAUL CESZCZAK	10-12-21	2
77	NOCCSABO DAVON DAWYD PAUL CESZCZAK	12-18-21	3

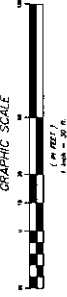
INSITE
ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, P.C.

3 Cornell Plaza
Carmel, NY 12012
(518) 223-8880
(518) 223-9717 fax
www.insite-pc.com

MANIATIS RESIDENCE

6. EROSION AND SEDIMENT

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PROJECT MURDER	21133.100	PROJECT MURDER	JAN. W.	DRAWING NO.	1	SHEET	3
DATE	8-19-21	DATE	P. J. M.	EC-1	2		
SCALE	1" = 30'	ENCLD	J. L. L.				

[illegible][illegible]

Notes.

A. 1) It is anticipated that construction duration for the proposed project will be approximately eight (8) months from installation of erosion control to final stabilization. The following items are estimated, and may overlap between objective transitions, may follow parallel, their eight (8) months.

B. All construction vehicles weighing 20 tons or more shall be restricted to

CONCRETE

BRICK

6'-2"

Fig. 3.1-2

1	J	11-16-27	RE-USED FOR PLANNING BOARD SUBMISSION	AL
2	J	10-21-27	RE-USED FOR PLANNING BOARD SUBMISSION	AL
3	J	11-16-27	RE-USED FOR PLANNING BOARD SUBMISSION	AL
4	NO	DATE	RE-USED FOR PLANNING BOARD SUBMISSION	BY

AT 1:00 PM

1. County Office
 County #F 100-2
 (943) 375-8650
 (943) 375-8650
 FAX (943) 375-8650
 FAX (943) 375-8650
 FAX (943) 375-8650

INSITE

ENGINEERING, SURVEYING &
 LANDSCAPE ARCHITECTURE, P.C.

2000 S. 10th Street, Suite 100
 Tallahassee, FL 32309-3000
 Phone: (904) 241-1111
 Fax: (904) 241-1112
 Email: info@insite.com

DRAWINGS	DETAILS AND NOTES		DRAWING NO.	SHEET
	DESIGNED BY DATE	CHECKED BY DATE		
	DESIGNED BY DATE	CHECKED BY DATE		

DATE	8-19-27	ORIGIN	BY	REMARKS
				P.J.M.

LEVEL SPREADER DETAIL
(N.E.S.)

(μ, λ, γ)

THE AIRBORNE FORCE
(NFS)

(N.T.S.)

MCR

1001 100th Road, Canby, OR 97001

OWNER

ВЕРСИЯ

WIKI/ARCHIVE

THE UNIVERSITY OF CHICAGO

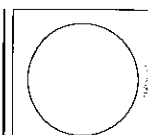
RESEARCH DESIGN

LANDSCAPE ARCHITECT

2010年10月10日

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

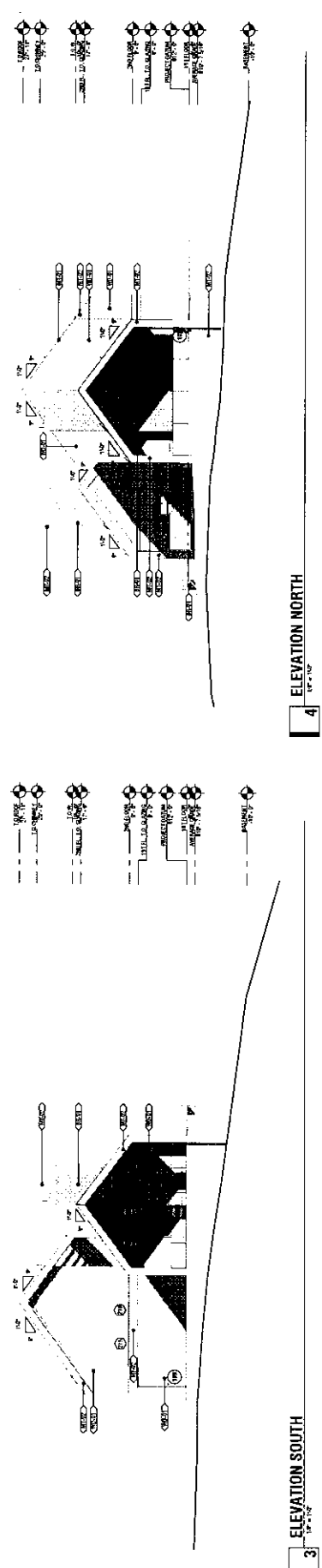
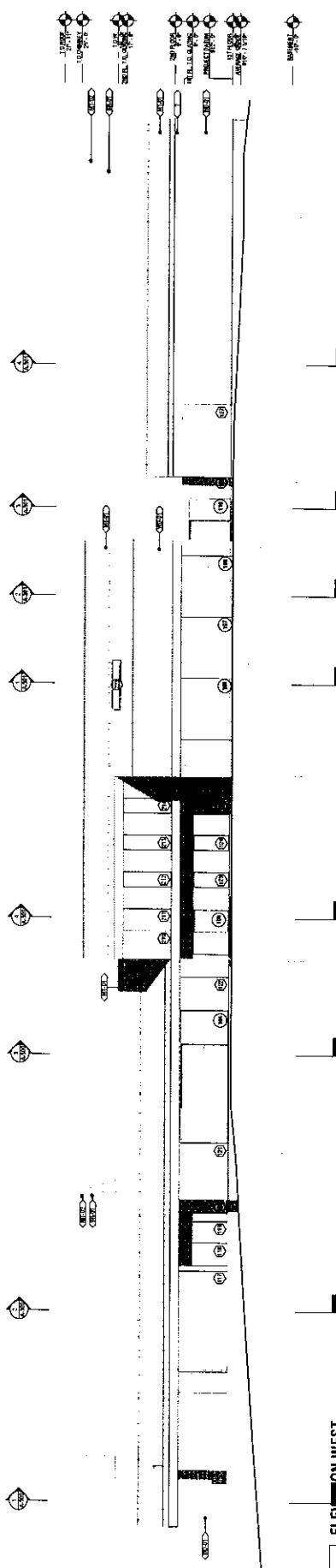
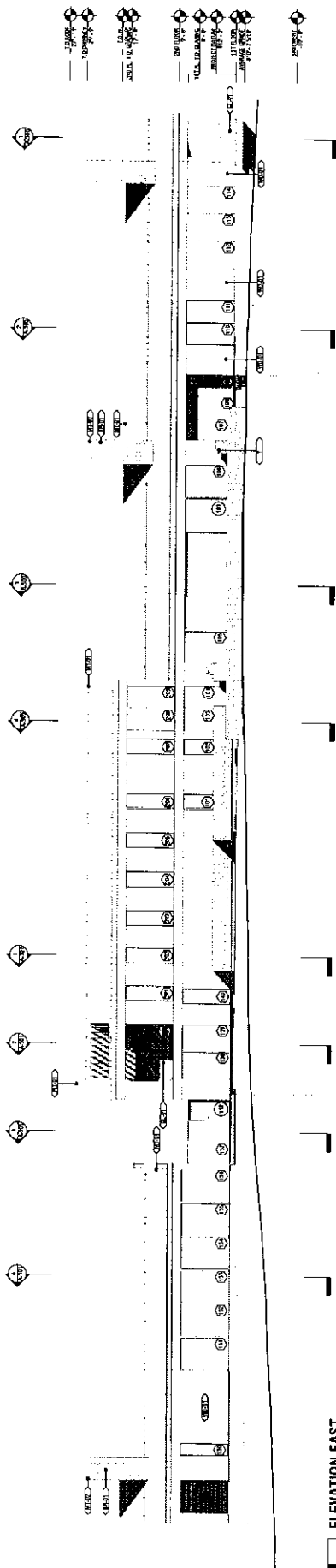
IMPLICATIONS FOR THE FUEL FIELD CONDITIONS

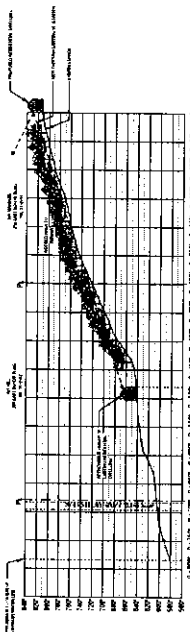
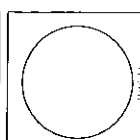


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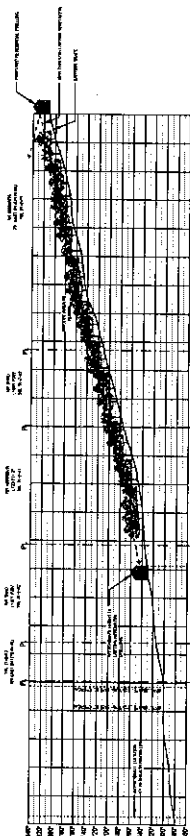
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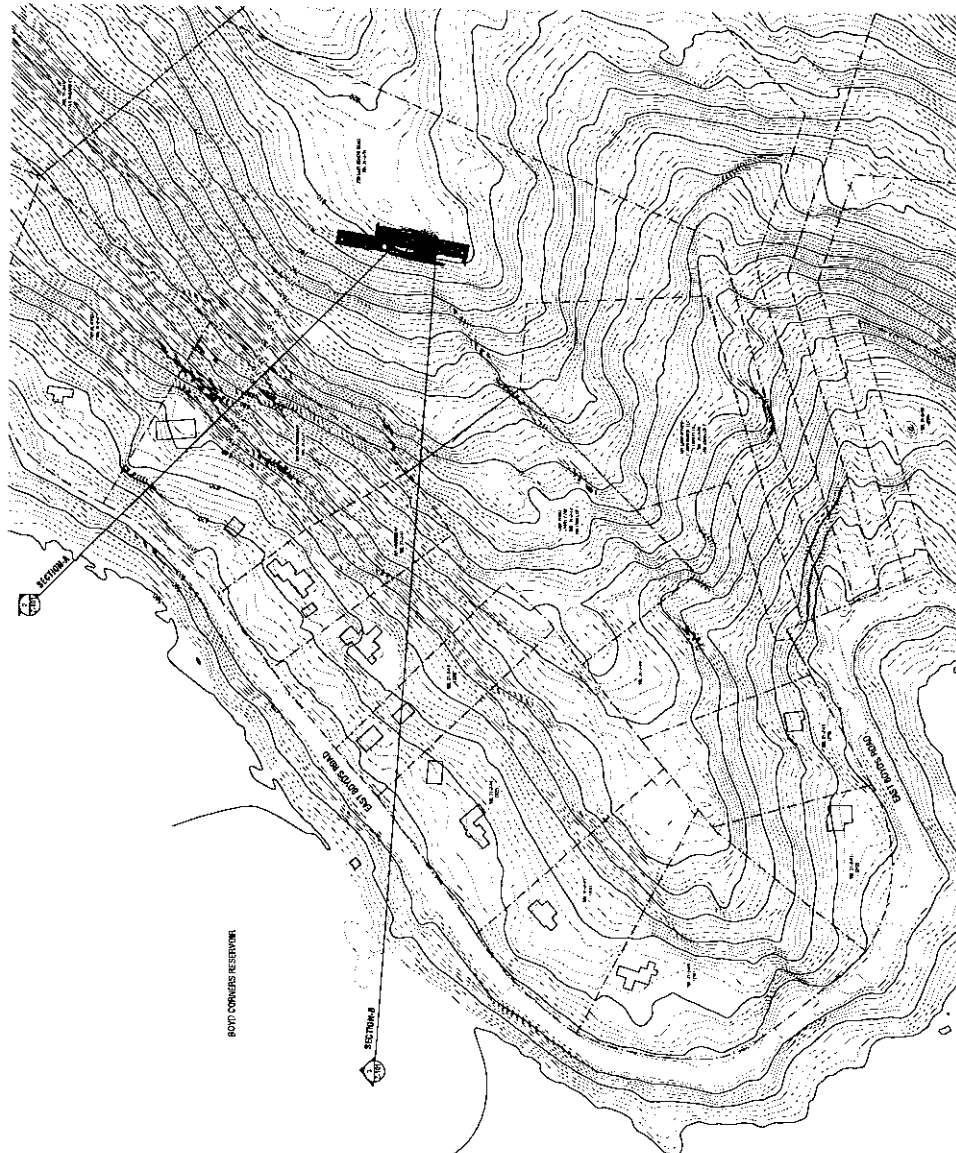




2 SITE SECTION-A
1" = 100'-0"



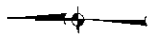
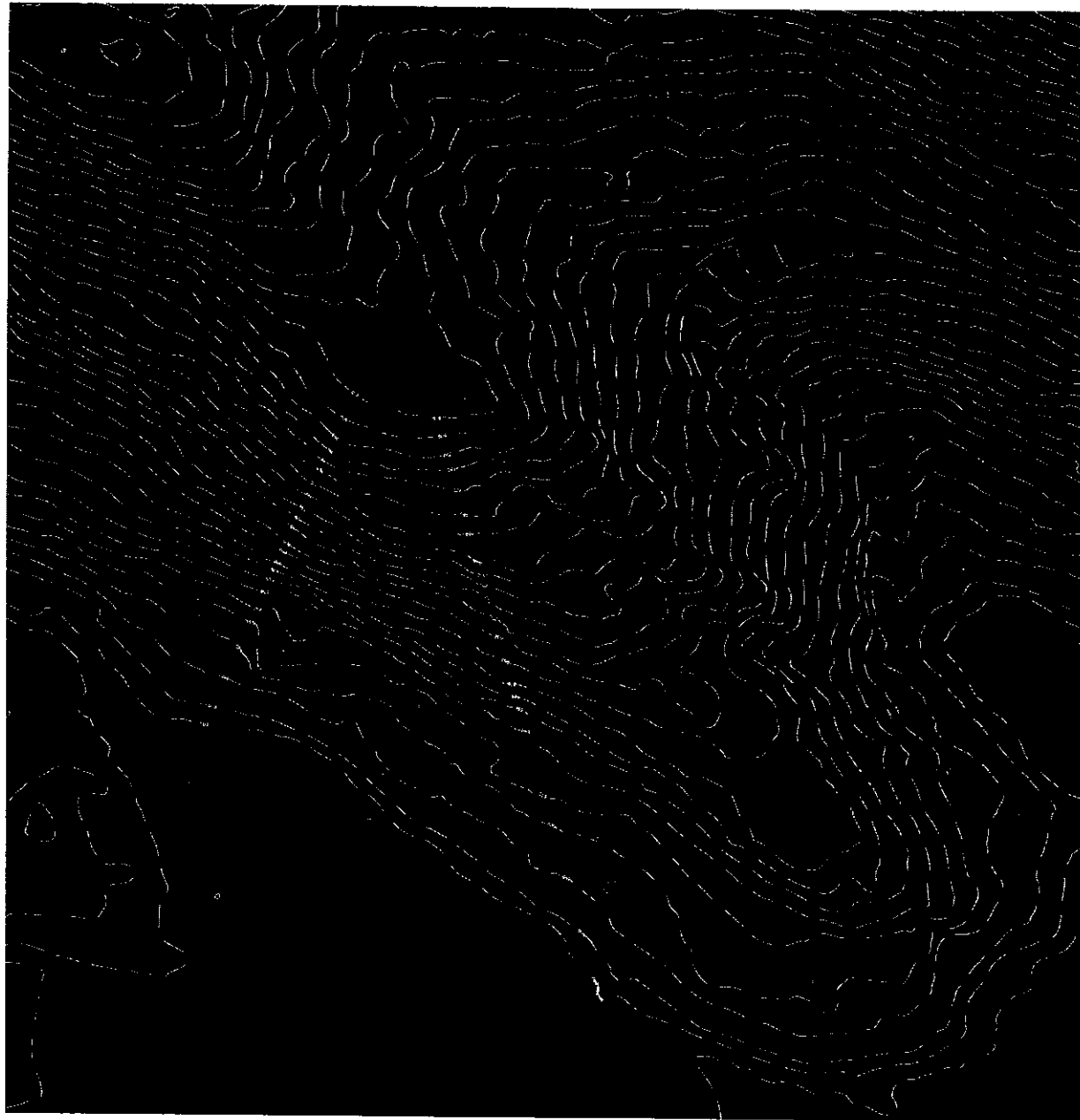
3 SITE SECTION-B
1" = 100'-0"



1 SITE PLAN
1" = 100'-0"

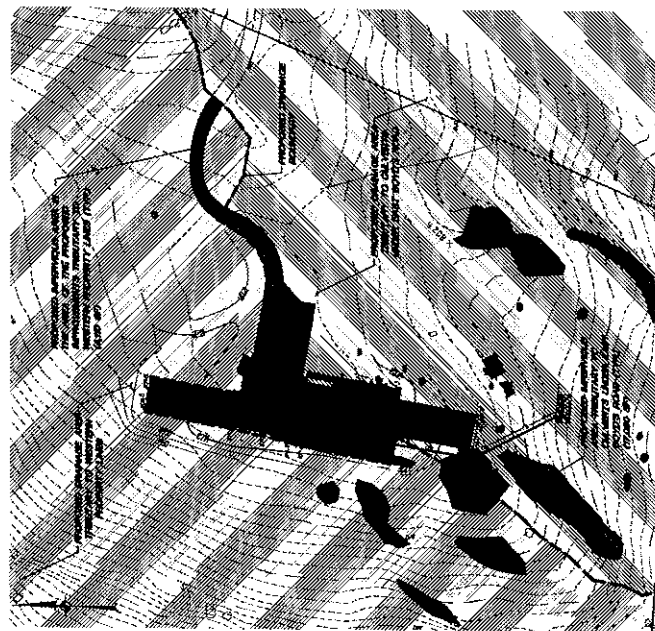
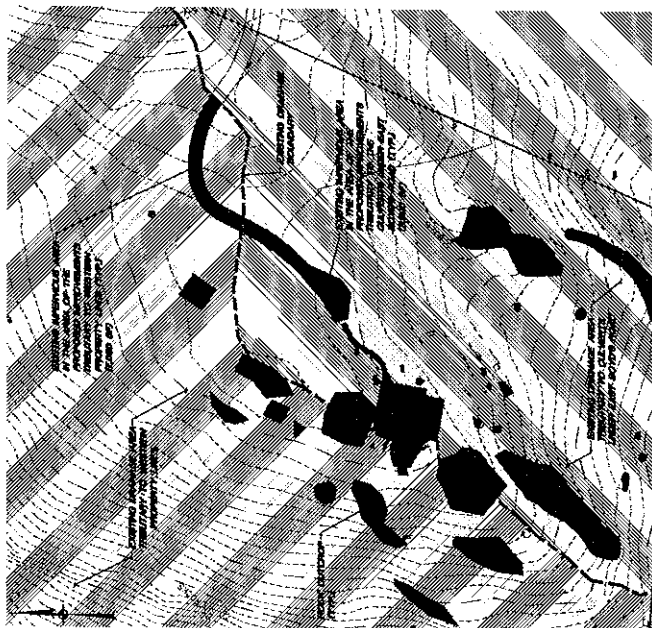
GENERAL NOTES:

1. Aerial photography taken from 1975 US Department, dated 1976.
2. Property lines shown herein were taken from Aerial Digital File Maps.
3. Topography shown herein was taken from Puget Sound County GIS. Contours are shown at 2 foot intervals.



NO.	DATE	REVISION	BY
PROJECT		WIN SITE WINNERS CLIPPING LANDSCAPE ARCHITECTURE P.C.	
PROJECT		MANAITS RESIDENCE AERIAL MAP	
PROJECT	2/13/10	PROJECT	JAN
DATE	10-21-17	DATE	JUL
SCALE	1" = 100'	SCALE	JUL
DRAWING		DRAWING NO. AM-1	

THIS DRAWING IS THE PROPERTY OF LANDSCAPE ARCHITECTURE P.C. AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF LANDSCAPE ARCHITECTURE P.C.



CENTRAL NOTES

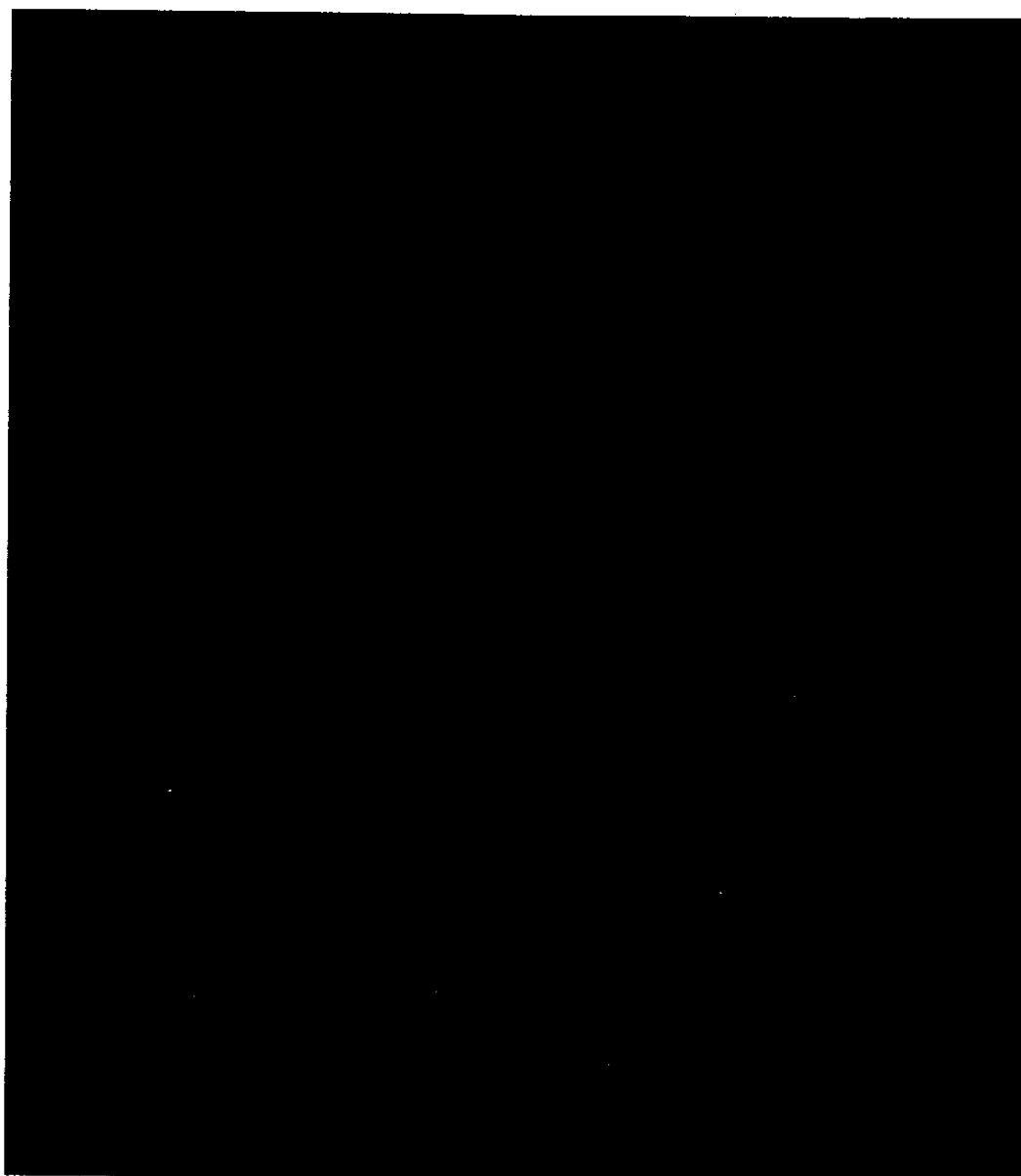
1. The drainage area shown on this map is the area that contributes runoff to the outlet point shown on the map.
2. The drainage area shown on this map is the area that contributes runoff to the outlet point shown on the map.
3. The drainage area shown on this map is the area that contributes runoff to the outlet point shown on the map.
4. The drainage area shown on this map is the area that contributes runoff to the outlet point shown on the map.
5. The drainage area shown on this map is the area that contributes runoff to the outlet point shown on the map.

DRAINAGE AREA TABLE - WESTERN PROPERTY LINES

DRAINAGE AREA	AREA	PERCENTAGE
1	100	100
2	100	100
3	100	100
4	100	100
5	100	100
6	100	100
7	100	100
8	100	100
9	100	100
10	100	100

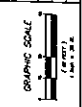
LEGEND

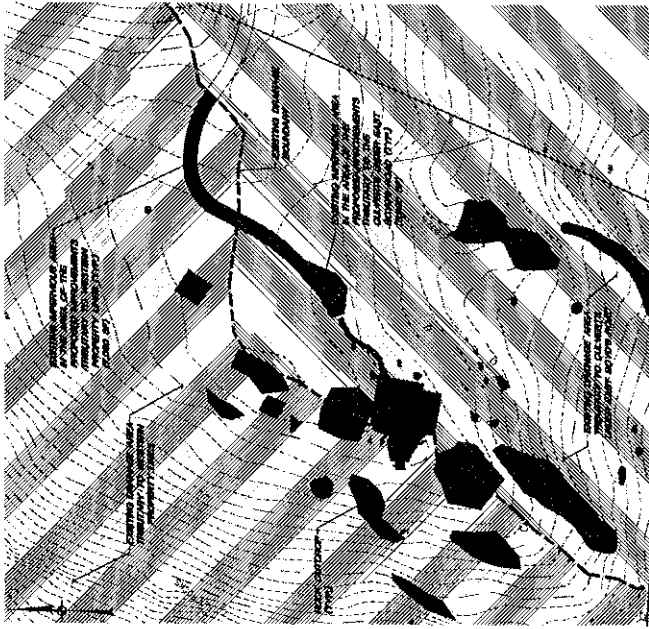
→	DIRECTION OF RUNOFF
○	WATER BODIES
□	WETLANDS
—	BOUNDARY LINES
—	PROPERTY LINES
—	ROADS
—	RAILROADS
—	POWER LINES
—	WATER LINES
—	SEWER LINES
—	TELEPHONE LINES
—	UTILITY LINES



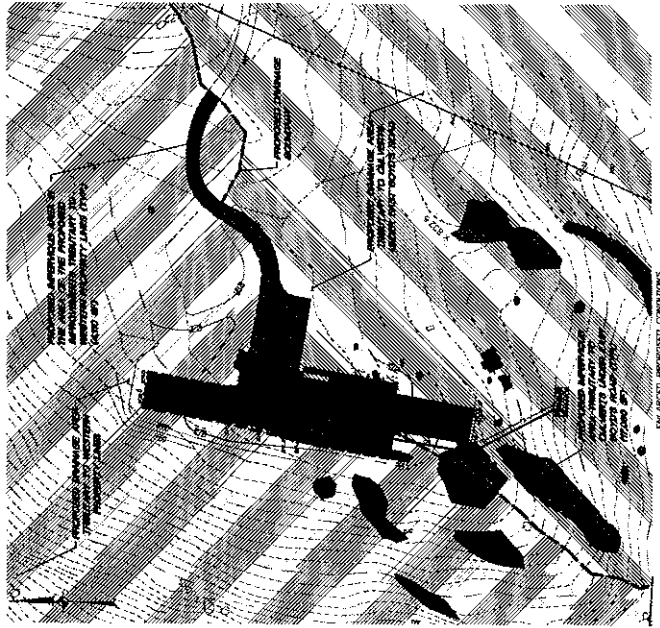
OVERALL PRE-CONSTRUCTION DRAINAGE AREA MAP

PROJECT	MANHATTAN EXHIBITION
DATE	10-21-77
BY	J.M.B.
CHECKED	J.M.B.
SCALE	1" = 100'
FILE	DA-1





ENLARGED EXISTING CONDITIONS
SCALE: 1" = 40'



ENLARGED PROPOSED CONDITIONS
SCALE: 1" = 40'



DISTAL POST-CONSTRUCTION DRAINAGE AREA MAP
SCALE: 1" = 40'

LEGEND

→	DIRECTION OF DRAINAGE FLOW
—	EXISTING DRAINAGE DITCH
○	EXISTING DRAINAGE STRUCTURE
—	DRAINAGE AREA BOUNDARY

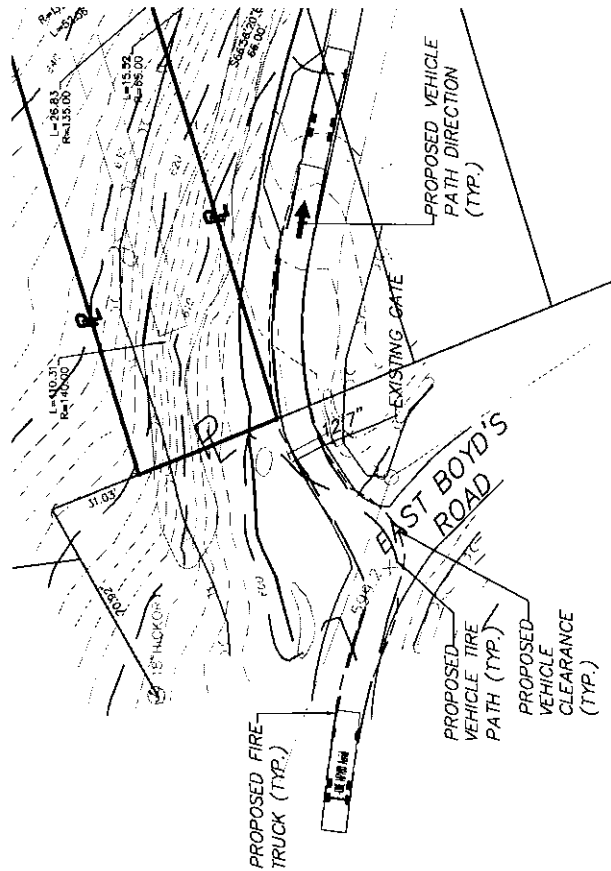
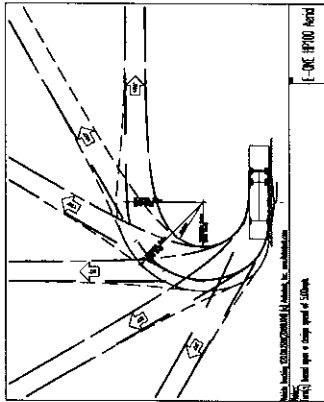
DRAINAGE AREA TABLE - WESTERN PROPERTY LINES

AREA	PERCENTAGE	PERCENTAGE
AREA 1	75%	75%
AREA 2	25%	25%

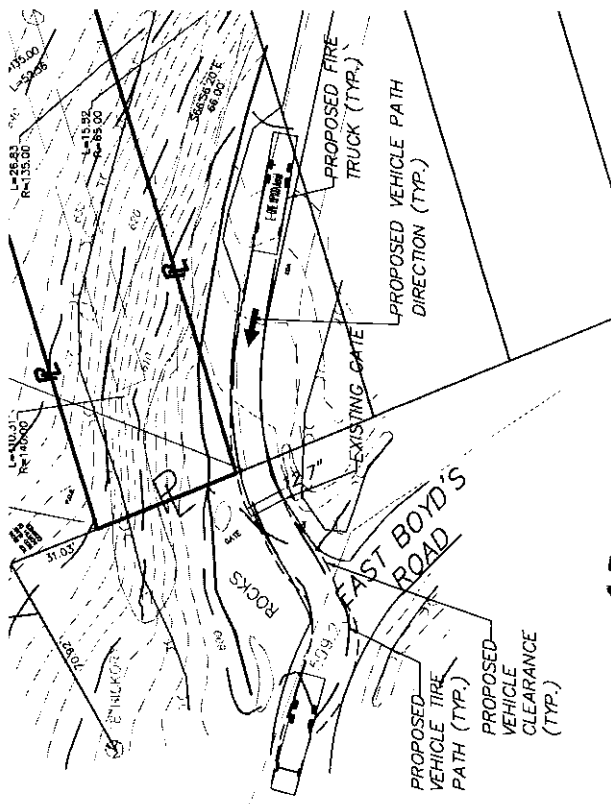
GENERAL NOTES:
1. THE DRAINAGE AREA BOUNDARY IS BASED ON THE EXISTING DRAINAGE DITCH AND THE PROPOSED DRAINAGE DITCH.
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PROJECT	WESTERN PROPERTY LINES
CLIENT	WESTERN PROPERTY LINES
DATE	10-10-19
SCALE	1" = 40'
BY	AS NOTED
CHECKED BY	AS NOTED
APPROVED BY	AS NOTED
PROJECT	WESTERN PROPERTY LINES
CLIENT	WESTERN PROPERTY LINES
DATE	10-10-19
SCALE	1" = 40'
BY	AS NOTED
CHECKED BY	AS NOTED
APPROVED BY	AS NOTED





ENTRY MANEUVERS



EXIT MANEUVERS

<p>PROJECT: MANIATIS RESIDENCE 250 EAST BOYD'S ROAD, TOWN OF KENT, PUTNAM COUNTY, NEW YORK</p>	<p>PREPARED BY: IN SITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. 3 Garrett Place • Carmel, New York 10512 Phone (845) 225-9690 • Fax (845) 225-9717 www.insite-eng.com</p>	<p>DATE: 11-16-21 SCALE: 1" = 40' PROJECT NO: 21133.100 FIGURE: VM-1</p>	<p>GRAPHIC SCALE 0 20 40 60 (IN FEET) 1 inch = 40 ft.</p>
<p>DRAWING: VEHICLE MANEUVERING PLAN</p>			



**ROHDE, SOYKA
& ANDREWS**
Consulting Engineers, P.C.

40 Garden Street
Poughkeepsie, NY 12601
Phone: (845) 452-7515 Fax: (845) 452-8335
E-Mail Address: jmangarillo@rsaengrs.com

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

Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Erosion Control Plan – Garage Modification – Completeness Review
Date:	October 15, 2021	Project:	Vitiello, 475 Pudding St TM # 31.-1-32

The following materials were reviewed:

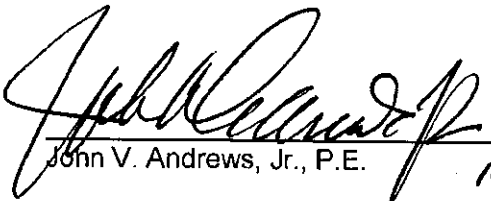
- Putnam County Department of Health-Construction Permit for Sewage Treatment-475 Pudding Street-Vitiello, dated September 30, 2021.
- Drawing SK-2- Field Change Sketch-Vitiello Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated June 16, 2021, last revised August 11, 2021, scale as shown.
- Drawing SK-3- Planting Plan-Vitiello Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated August 11, 2021, scale 1" =40'.
- Drawing CD-1- Construction Drawing- SSTS For Vitiello Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated June 5, 2020, last revised August 26, 2021, scale 1" =60'.
- Drawing CD-2- Construction Drawing- SSTS For Vitiello Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated June 5, 2020, last revised August 26, 2021, scale As Shown.
- Drawing CD-3- Construction Details- SSTS For Vitiello Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated June 5, 2020, last revised August 26, 2021, scale As Shown.
- Drawing A-100-Garage Proposed Plans- Vitiello Residence prepared by Carol Kurth Architecture P.C., dated May 26, 2020.
- Drawing A-100-Proposed Lower Level/Foundation Plan- Vitiello Residence prepared by Carol Kurth Architecture P.C., dated September 1, 2020.
- Drawing A-101-Proposed First Floor- Vitiello Residence prepared by Carol Kurth Architecture P.C., dated September 1, 2020.
- Drawing A-102- Second Floor Plan- Vitiello Residence prepared by Carol Kurth Architecture P.C., dated September 1, 2020.

The project is a modification to a previously approved project which involved a 2-bedroom addition to an existing single-family house including a detached garage with a 3-bedroom accessory apartment above. The modification involves relocating the garage to an entirely new location on the site, changing parking, drainage, and elements of the wastewater disposal system to accommodate the garage location change as well as the original addition to the main house.

The following comments are provided for the Planning Board's consideration:

1. The project has received Putnam County Health Department approval for the modifications associated with the garage relocation. The approval consists of a signed permit and Health Department stamped plans dated September 30, 2021. The plans are fully consistent with the plans submitted to the Planning Board for their review and consideration.
2. The following note should be added to the plan set, "**Retaining walls over 3 feet in height require a building permit per Town Code Chapter 27, §27-8.B(5).**" We realize that the wall detail is shown and noted to be an alternative to be implemented based on actual field conditions encountered at the time of construction. The note provides notice of the requirement should the alternative need to be implemented.
3. All other engineering concerns have been addressed.
4. The project previously obtained coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity(GP-0-20-001) The Permit No. is **NYR11H309**. No permit modification appears necessary.
5. There is a Performance Bond for Erosion and Sediment Control dated September 23, 2020, in the amount of \$6124.00 in place with the Town of Kent. No modifications to the form or amount of this bond appear necessary to accommodate the proposed garage modification.
6. Prior to Planning Board Chairman's signature, confirm all comments from Bruce Barber, Planning Board Environmental Consultant, have been addressed.
7. If not already done so, prior to Planning Board Chairman's signature of plans, all Planning Board costs and fees including the erosion control bond, initial inspection fee deposit and professional review fees incurred during the review and approval of the application must be paid.
8. The Engineer shall submit enough copies of the final drawings to Vera Patterson, Planning Board clerk for the Chairman's signature.
9. The bond is in place, SPDES coverage is in place. What remains is satisfaction of all consultant comments before the Planning Board Chairman can sign the modified plans. The signed modified plans together with the previously signed and approved plans will serve as the final Erosion Control Permit.

We trust the comments contained herein satisfy your requirements. If you require anything further, please advise.


John V. Andrews, Jr., P.E. 10.15.2021

cc: Planning Board via email
Bill Walters via email
20-261-999-170

Bruce Barber via email
Liz Axelson via email



Cornerstone Associates

Environmental Planning Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

November 18, 2021

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: JPE Auto Repair Corp.
333 Route 52
Section 33 Block 1 Lot 58.2

Please be advised the following pertinent documents have been reviewed relative to the above referenced application:

1. Letter executed by Joseph Riina of Site Design Consultants dated 11/10/21, 1 page. .

Review Summary:

The applicant has indicated in the above reference letter, agreement with the wetland mitigation plan detailed in the letter prepared by the Town Engineer, John Andrews dated November 4, 2021.

The applicant will submit a revised site plan detailing the wetland mitigation including spot elevations, grading and proposed plantings to the Town Engineer and this office for final review.

It is recommended that the Planning Board require a date of completion from the applicant.

This office defers to the Town Planner for preparation of a draft resolution. .

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

Sincerely,

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



Cornerstone Associates

Environmental Planning Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

November 18, 2021

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

Re: Friedman/Crossman Application

5 China Circle Court

Section 47.7 Block 1 Lot 27

Please be advised the following pertinent documents have been reviewed relative to the above referenced application:

1. Comment response memo prepared by River Architects dated 11/08/21, 4 pages.
2. CRIS file (Cultural Resource Review) map.
3. Erosion and Sediment Control Bond estimate. .
4. Plans entitled; "Erosion and Sediment Control Details" prepared by DC Engineering dated 08/25/21 (rev), 2 sheets
5. Plans entitled; "Friedman-Crossman PH" prepared by River Architects dated 11/08/21 (rev.), 2 sheets: Site-101, Site-102,

A: Summary of Application:

Application is to demolish an existing single-family home and construct a new single-family three-bedroom, 5,127 square-foot residence with an exterior deck and a detached garage (858 square feet) with office, full bathroom, and closet above the garage space (718 square feet). The applicant is proposing to use the existing septic and well systems for the proposed residence and construct a new septic system for the proposed office above the garage. The total proposed land disturbance is 10,876 square feet.

The subject property is 2.20+/- acres and is located on the easterly side of China Circle Court in the R-80 zoning district.

B: Review:

Review complete. This office has no further comments

This office defers to the Town Engineer regarding review of the SWPPP/erosion and sediment control plan.

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

Sincerely,

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

REVISED DRAFT FOR
November 18, 2021
Town of Kent Planning Board Resolution of
Approval with Conditions for: Special Use Permit and Site Plan for
JPE Auto Repair Site Plan Approval
333 Route 52, TM: 33.18-1-11

Whereas, the Town of Kent Planning Board has received an application from Juan Pablo Barros-Pan, for approval of a special use permit and site plan to change the use of an existing one-story structure, access, driveway, which has entrance leading into a gated, fenced area, and parking areas to a motor vehicle repair shop. The site is an 61,613 square foot (SF), or 1.4414-acre parcel in the Commercial (C) Zoning District. The existing building has an approximately 3,700 SF building footprint, with 3 overhead doors, leading into a proposed mechanics shop with 3 hydraulic lifts, which would be a repair shop with no other automobile services. The rest of the interior of the building would be used as a reception area, office space, storage, and utility rooms. The developed site has existing utilities, electric and other existing site improvements and is located at 333 Route 52, in the Town of Kent, Putnam County, New York (tax parcel identification numbers 33.-18-1-11); and

Whereas, the proposed action involves special use permit and site plan approval on an existing developed site for the use of the existing building, driveway, and parking area for a motor vehicle repair shop, which is a special use permitted in the C zoning district; and

Whereas, the project is depicted on a site plan set with site plan, floor plan and detail sheets, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised November, 2021; and

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the proposed action would be a Type 2 Action under SEQRA as per 6 NYCRR part 617, section 617.5 (c)(18); and accordingly, no SEQRA review would be required; and

Whereas, the Planning Board sent a 239-l&m Referral to the Putnam County Department of Planning, Development & Public Transportation for this application and obtained a response on August 23, 2021, indicating "Approved as Submitted"; and

Whereas, as a result of commentary at the public hearing opened on September 9, 2021, the Planning Board's consultants agreed to conduct site visits to examine the site's conditions, including any fill area, and whether site restoration or wetland mitigation measures would be needed, as follows:

- On September 16, 2021, an initial site visit was conducted resulting in recommendations for soil testing and restoration depending on the result of the testing; and
- On November 3, 2021, a second site visit was conducted, the results of which are documented in a joint review memorandum by John Andrews, PE, the Board's Consulting Engineer, and Bruce Barber, the Board's Wetland and Environmental Consultant, dated November 4, 2021, with recommendations for restoration and wetland mitigation; and an attached Sketch of the Field observation visit, noting the need for plan revisions to document same;

Now Therefore Be It Resolved, the Planning Board hereby classifies the proposed action as a Type 2 Action under SEQRA as per 6 NYCRR part 617, section 617.5 (c)(18); and accordingly, no SEQRA review is required; and

Be It Further Resolved, that the Planning Board hereby grants special use permit and site plan approval with conditions to the proposed use, as depicted on the following plans:

- Plan entitled Site Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised November, 2021; and

***Town of Kent Planning Board Resolution of
Approval with Conditions for: Special Permit and Site Plan Approval for
JPE Auto Repair Site Plan Approval, 333 Route 52
November 18, 2021***

- Plan entitled Floor Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants dated June 16, 2021, last revised ?? November ?? ~~August 31~~, 2021;
- Plan entitled Site Plan, JPE Auto Repair, Details, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised November; and

Be It Further Resolved, that the applicant has addressed nearly all of the previous comments of the Planning Board, the Planning Board's Planning Consultant, the Planning Board's Environmental Consultant, and the Planning Board's Consulting Engineer;

Be It Further Resolved, that the site plan approval is expressly conditioned on the completion of the compliance with the following:

1. Address the following remaining comment of the Planning Board's Consulting Engineer as set forth in a memorandum, originally dated July 30, 2021, which was later updated and annotated August 25, 2021: "... the Owner's Consent note will need to be signed and dated by both the Owner and the Applicant following the date of last revision. ".
2. Revise the site plan set to address the comments as set forth in the joint review memorandum by John Andrews, PE, the Planning Board's Consulting Engineer, and Bruce Barber, the Planning Board's Wetland and Environmental Consultant, dated November 4, 2021 with recommendations for restoration and wetland mitigation; and an attached Sketch of the Field observation visit, noting the need for plan revisions to document same, specifically:
 - a. comments 1 through 5 at the bottom of page 1 and top of page 2, and
 - b. the 2 paragraphs following comment 5 on page 2.
3. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.
4. The conditional special use permit approval shall "... become null and void unless the holder thereof shall obtain within one year following the effective date for the resolution granting the same a certificate of occupancy or an extension of time, upon presentation of evidence sufficient for a determination by the Planning Board that extenuating circumstances warrant such extension", as set forth in the Code of the Town of Kent section 77-59 D. The special use permit approval may be extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.
5. The conditional site plan approval shall expire 12 months from the date of approval as set forth in the Code of the Town of Kent section 77-61 C., which states that the approval would be "... void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval."; and unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.
6. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Site Plan Approval have

***Town of Kent Planning Board Resolution of
Approval with Conditions for: Special Permit and Site Plan Approval for
JPE Auto Repair Site Plan Approval, 333 Route 52
November 18, 2021***

been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Planning Consultant verifying that each of the conditions of this approval have been completed. The final drawings shall not be accepted by the Planning Board without submission of proof of completion.

Motion:

Second:

Phil Tolmach, Chairman

Dennis Lowes

Charles Sisto

Stephen Wilhelm

Giancarlo Gattucci

Simon Carey

Hugo German

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on September 9, 2021.

Vera Patterson, Clerk
Town of Kent Planning Board

Neighbors Question Erection of Jumbo-Sized House in Kent

How much is too much? How big is too big? 9,000 sq. ft. for Husband, Wife & Young Child. Randall Stuart, Chris Hill & Dr. Renee Richards address planning board.

By ERIC GROSS

A Kent family's desire to replace a two-bedroom, 1,042-square-foot home with a nearly 9,000-square-foot, six-bedroom structure that includes a pool and garage has raised the ire of residents living along a narrow stretch of East Boyds Road overlooking the East Boyds Reservoir.

The Maniatis family has contracted with Insite Engineering, which presented the plans to members of the Kent Planning Board late last month, since erosion control and steep slope permits are required.

Jamie LoGuidice from Insite Engineering explained the Maniatis own almost 100 acres of land and the actual size of the planned blueprint is 5,300 square feet plus additional square footage for a second story. The project also includes an enclosed pool and a garage.

The property at 250 East Boyds Road is located atop a steep driveway along the narrow and winding road where neighbors such as Randall Stuart, Chris Hill and Dr. Renee Richards reside.

Stuart charged while the Maniatis have the right to build their new home "their desires should not have the right to impact the needs of many nearby families."

Stuart forecast the construction would "significantly increase runoff while drainage will be negatively impacted over the construction area. The recent spate of naturally occurring fallen trees has accelerated the already considerable runoff to the homes downhill of the proposed project. In the event of increased flooding and related damage, who will



This graphic depicts comparable sizes. Illustration courtesy of Chris Hill.

compensate us for this?"

Stuart also expressed concern regarding the danger of large construction vehicles traversing East Boyds Road: "Massive trucks would have to enter East Boyds Road from Route 301—a small town road not safe for large trucks with its blind corners."

Hill predicted such vehicular activity will result in certain catastrophe: "People walk, run, hike, exercise their dogs and push strollers containing young children along East Boyds Road. Imagine what will occur when they meet large trucks containing steel and concrete?"

Hill also expressed concern that an enlarged septic system planned for the six-bedroom, four-bathroom home would "negatively impact neighbors' water table and properties."

Dr. Richards reiterated that she and her neighbors were

concerned about "potential flooding, runoff and erosion. Should the house be built, it will occur. It happened in the Sedgewood Club years ago. What about septic issues? Septic systems are so sensitive up here to the point where New York City paid for our septic fields to be constructed allowing for the protection of the city's watershed contained in the East Boyds Reservoir."

Finally, added Dr. Richards "why is an elderly gentleman—a professor, his young wife and a small child building such a large home? What if they decide after the home is built, it is not ideal for them? What will this residence turn into?"

Hill put the project into scale: "The proposed home is larger than a 747 jumbo-jet and the Statue of Liberty. The new structure will also be one and one half times the size of

our Kent Town Hall, the finest building in all of Kent."

Other concerns expressed by neighbors revolve around "quiet peaceful enjoyment."

Stuart described residents of East Boyds Road as "senior citizens who are home most of the time. Many of us have health issues. We have every right to quiet peaceful enjoyment of our road but most of all the project is not keeping with our neighborhood. It would likely set a precedent for structures of this scope in close proximity to homes all over Kent."

Kent Planning Board Clerk Vera Patterson explained the board adjourned last month's public hearing on the application for erosion control and steep slope permits and will reconvene the hearing next Thursday, November 11, at 7:30 pm at Kent Town Hall.



Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Special Use Permit/Site Plan Review Memorandum – Field Observation Visit
Date:	November 4, 2021	Project:	JPE Auto Repair Corp. TM # 33.18-1-11

A field observation visit was made to the above project site with Bruce Barber on Wednesday, November 3, 2021. Also present at the time of this visit were Josh and Pedro, the Applicants, and a crew with track excavator from Michael A Contracting Inc. The weather at the time of the visit was 52° and partly cloudy.

A series of four (4) shallow test holes were dug by machine. The holes varied in depth from 24" to 12". All the test holes were terminated in what appears to be the native soil, a tan sandy silt with stone/cobbles. The material above that regardless of the depth was similar in all holes, what varied was the thickness of the layers. No real topsoil or indication of the former ground surface was visible in any of the holes. A root mass was apparent in a few of the test varying from 4 to 6" down from the surface. The soils were generally a dark brown to black loam with gravel, cobbles, and miscellaneous debris fill. It appeared that a former asphalt surface, long since deteriorated down to its constituent gravel was evident in all the holes within the top 4 to 6".

The representations of the Applicants were that they placed a thin layer, less than 2" of gravel, over the surface, as well as generally cleaned up surface vegetation and debris. They have since, after the last visit by the Planning Board, pulled that material off, restoring what they believed to be the former surface and re-spread the removed gravel over the balance of the lot. Along the existing fence line and between the tank and the fence line, a line of vegetation, scrub grass, weeds and other similar vegetation and the former ground surface remains. The edge of this is approximately 24-36" off the fence. Visually the former surface appears to be above the surface of the asphalt on the adjacent property. It seems visually that there is a slight slope away from the fence line. This line of vegetation seems to support the representations of the Applicant.

Based on the test holes and our visual observations, the following recommendations were made to the Applicant at the conclusion of this visit.

1. Spot elevations should be taken from the top of the asphalt through the disturbed area to the low point to confirm conditions.
2. A 6 to 8" soil berm should be constructed along the fence line at the end of the existing vegetation line which is to remain. The organic soil being removed from the area pushed into the wood line is suitable for that purpose.

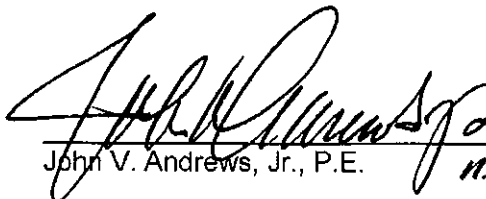
Memorandum
JPE Auto Repair Corp.
Field Observation
TM # 33.18-1-11
November 4, 2021
Page 2 of 2

3. The disturbed area should then be scarified and raked back from a depth of approximately 2" at the bottom of the berm working to about 4" at the low point.
4. A thin layer ranging from 2 to 4" of organic soil should be spread over the surface.
5. Once all work is completed the entire repaired area should be seeded and mulched. This is not intended to be a manicured lawn area but should mimic the existing vegetation.

The limits of the area to be restored run from the fence line on a diagonal line roughly established by the former tank fill line and the large multi-trunk tree at the limits of the gravel area. We attach a Sketch which generally reflects the test hole locations, our observations and defines the proposed work area.

The applicant's engineer should review and approve the recommendations contained in this report. Further, the applicant's engineer should amend the existing site plan to reflect the wetland mitigation described herein. Lastly, he will need to observe construction and the finished product and issue a letter of construction compliance for the completed work.

The comments contained herein represent our understanding of the discussion during this visit. We defer to Bruce Barber for the final recommendations as this is a wetland related matter. If there are any questions, please advise.

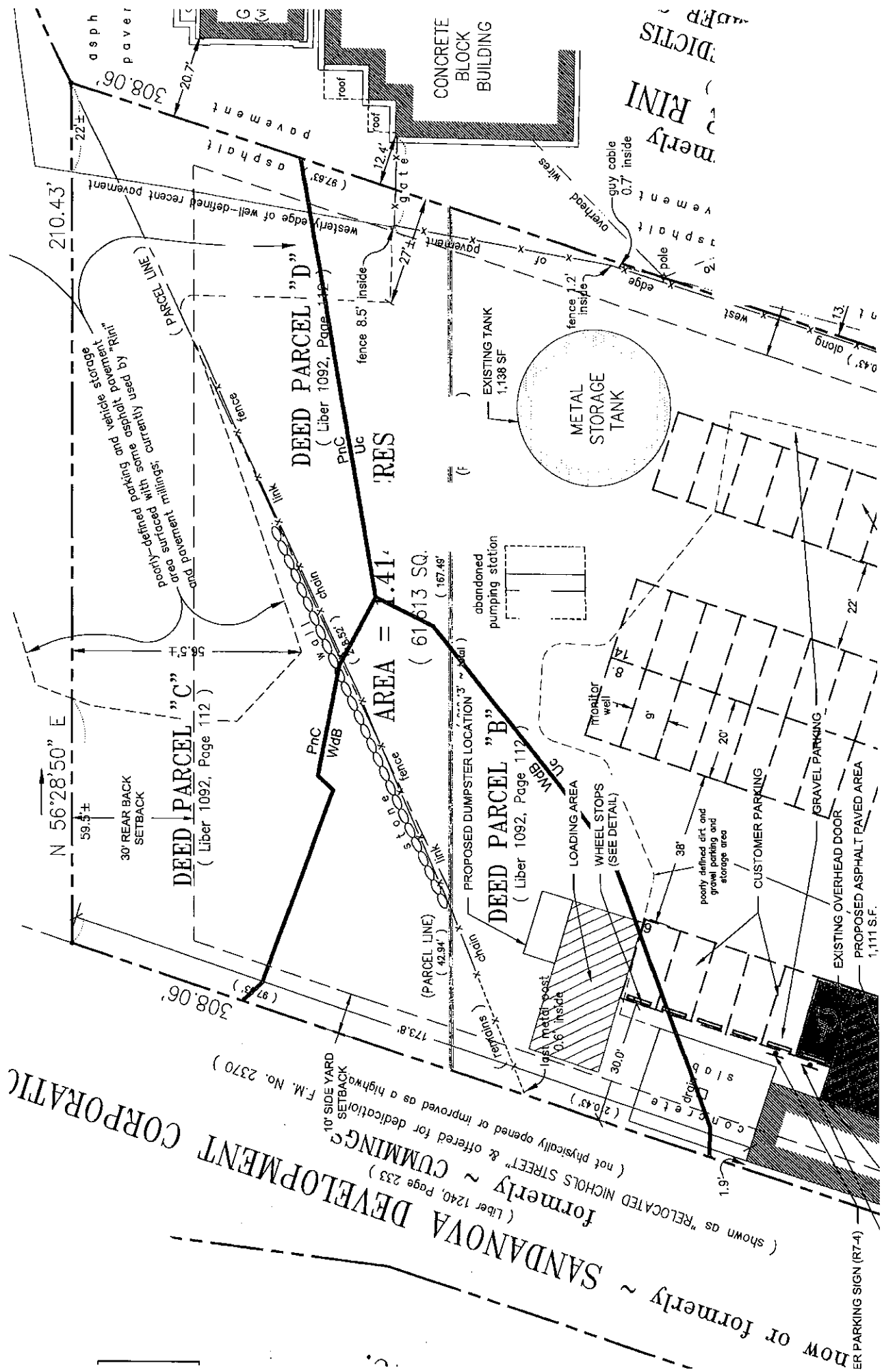


John V. Andrews, Jr., P.E. 11.4.2021

Attachment

cc: Planning Board via email
Bill Walters via email
21-261-258

Bruce Barber via email
Liz Axelson via email





**ROHDE, SOYKA
& ANDREWS**
Consulting Engineers, P.C.

40 Garden Street
Poughkeepsie, NY 12601
Phone: (845) 452-7515 Fax: (845) 452-8335
E-Mail Address: jandrews@rsaengrs.com

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

Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Erosion Control Plan – 2 nd Revised Submittal
Date:	November 2, 2021	Project:	Maniatitis Residence TM # 31.-2-51

The following materials were reviewed:

- Letter to Town of Kent Planning Board-Maniatitis Residence from Insite Engineering, Surveying & Landscape Architecture, P.C. dated October 21, 2021.
- Email from Town of Kent Building Inspector to Jamie LoGiudice-Maniatitis-Erosion Control and Steep Slopes Permit dated October 14, 2021.
- Deed- 2076-259-Putnam County, New York.
- Drawing DA-1-Drainage Area Map-Maniatitis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated October 21, 2021, scale As Noted.
- Drawing AM-1-Aerial Map-Maniatitis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated October 21, 2021, scale 1" =100'.
- Drawing SL-1-Steep Slopes and Soils Map-Maniatitis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 19, 2021, last revised October 21, 2021, scale 1" =30'.
- Drawing EC-1-Erosion and Sediment Control Plan-Maniatitis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 19, 2021, last revised October 21, 2021, scale 1" =30'.
- Drawing D-1-Details and Noted -Maniatitis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 19, 2021, last revised October 21, 2021, scale As Shown.
- Drawing Z-101-Site Plan and Sections-Maniatitis Residence prepared by Workshop/APD Architecture DPC dated October 21, 2021, scale 1" = 100'.
- Drawing A-001-Key Plan-Maniatitis Residence prepared by Workshop/APD Architecture DPC dated September 2, 2021, scale 1/8" =1'-0".
- Drawing A-002.00-Key Plan-Maniatitis Residence prepared by Workshop/APD Architecture DPC dated September 2, 2021, scale 1/8" =1'-0".
- Drawing A-200-Building Elevations-Maniatitis Residence prepared by Workshop/APD Architecture DPC dated May 13, 2021, scale 1/8" =1'-0".

The project involves the demolition of an existing 4-bedroom single family residential unit and a small office/studio and the construction of a new 6-bedroom single family residential unit in the

same general location as the structures to be demolished. The project further includes the expansion and reuse of an existing onsite wastewater disposal system, and reuse of an existing well to supply the new dwelling unit. The project also includes the removal and relocation of a portion of the existing driveway to access the new attached garage. The project will require Putnam County Health Department approval for the expansion and reuse of the existing onsite wastewater treatment system.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration **from the memos dated September 9, 2021, and September 23, 2021**. New or supplementary comments are shown in **Bold**.

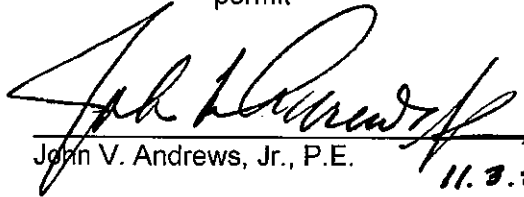
1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001. Acknowledged - **Same**
2. §66-6.B.6 – Provide “copies of all applications, permits and approvals required by any other local, state or federal agency associated with the construction and site work/disturbance proposed by the applicant.” Putnam County Health Department approval is required for the proposed modifications to the onsite wastewater disposal system to support the expanded dwelling. PCHD approval required/ Application in process. **Comment remains valid.**
5. Refer to the Drawings:
 - a. General Note No. 6 indicates a decrease in impervious surfaces. The Zoning Table reflects an increase in impervious surface. Future submittals shall correct the inconsistency. General Note No. 6, Dwg SL-1 has been revised to reflect an increase. The increase in impervious surface is left blank and should be filled in. **Resolved**
 - c. The scope of work associated with the removal and replacement of the septic tanks and the expansion of the SSTs are unclear on the plan set. Additional detail and/or explanatory notes should be provided to justify the limits of disturbance shown. Partially resolved – Information references a “Removal Note #1” which cannot be located. **Resolved**
 - f. General Note No. 1, Dwg EC-1 Should be expanded to include language covering limitations on the adjust so as not to substantially increase the limits of disturbance. **Resolved**
 - g. Construction fence (CF) is proposed around the existing OWTS. The symbol should be added to the legend. A note should be provided indicating that the installation shall not increase the overall limits of disturbance or require any tree removal or substantive site disturbance. **Resolved**
6. A bond estimate in amount of \$4675.00 dated August 19, 2021, was prepared by Insite Engineering and included in the submittal. We prepared our own bond estimate in the amount of \$6980.00 based on our review of the information and notes in this submittal. A copy is attached hereto for your consideration. We do not have a recommendation on

the bond amount at this time as additional information is required. Based on this most recent submittal, we have prepared a copy of a revised bond amount. The revised bond amount is \$13,432.00. A copy is attached hereto. We recommend this bond amount of \$13,432.00 be accepted by the Planning Board as the bond amount and recommended for approval to the Town Board. **Comment remains valid.**

7. We received a draft Notice of Intent (NOI) and an MS4 Acceptance Form, partially completed, with this submittal. We take no exception to the material as submitted. Revisions to the NOI are possible until the SWPPP is accepted. Once the SWPPP is accepted we will complete and return the MS4 Acceptance Form to the Project Sponsor for filing. Completed NOI provided – No exception taken. MS4 acceptance will be signed and returned when appropriate. **Comment continues**
8. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule. **Comment Continues**
9. Per §66-6.F, we recommend the public hearing be waived as this is a minor project for the demolition of an existing single-family house with its replacement by a new single-family dwelling of larger size but generally occupying the same area on the site. **Public hearing opened and continued. Public identified issues to be addressed**
10. Upon the close of the public hearing, when conducted, provided there are no substantive issues raised, we recommend the remaining project review be referred to the Planning Board consultants to be handled administratively. **Comment remains appropriate. Once the public concerns have been addressed to the satisfaction of the Planning Board, we recommend the project be referred to the consultants to be handled administratively.**
11. Provide a written response with future submittals stating how the comments have been addressed.
12. **New comments:**
 - a. The level spreader (velocity dissipater?) detail is at variance with the plan view. The elevations should be reconciled, and the locations of the discharge pipes indicated.
 - b. Minor adjustments/clarifications should be added to the erosion control plan particularly at the driveway approach to the new structure to ensure that the final grading and runoff patterns are consistent with the drainage area map
 - c. There are no provisions under the regulations associated with issuance of an erosion control permit to regulate house size. So long as the structure proposed is in compliance with the Uniform Code, the energy code, the applicable provisions of the Town of Kent Code and the Planning Board is provided with such information as they deem necessary to make the necessary findings required for issuance of an erosion control permit, a permit can be issued regardless of the size of the structure.
 - d. The Planning Board may want to consider strengthening the language regarding tree removal and the limits thereof. Any tree removal beyond the limits identified

Memorandum
Maniatis Residence
TM # 31.-2-51
November 2, 2021
Page 4 of 4

in this application should trigger a return to the Planning Board for an additional permit



John V. Andrews, Jr., P.E. 11.2.2021

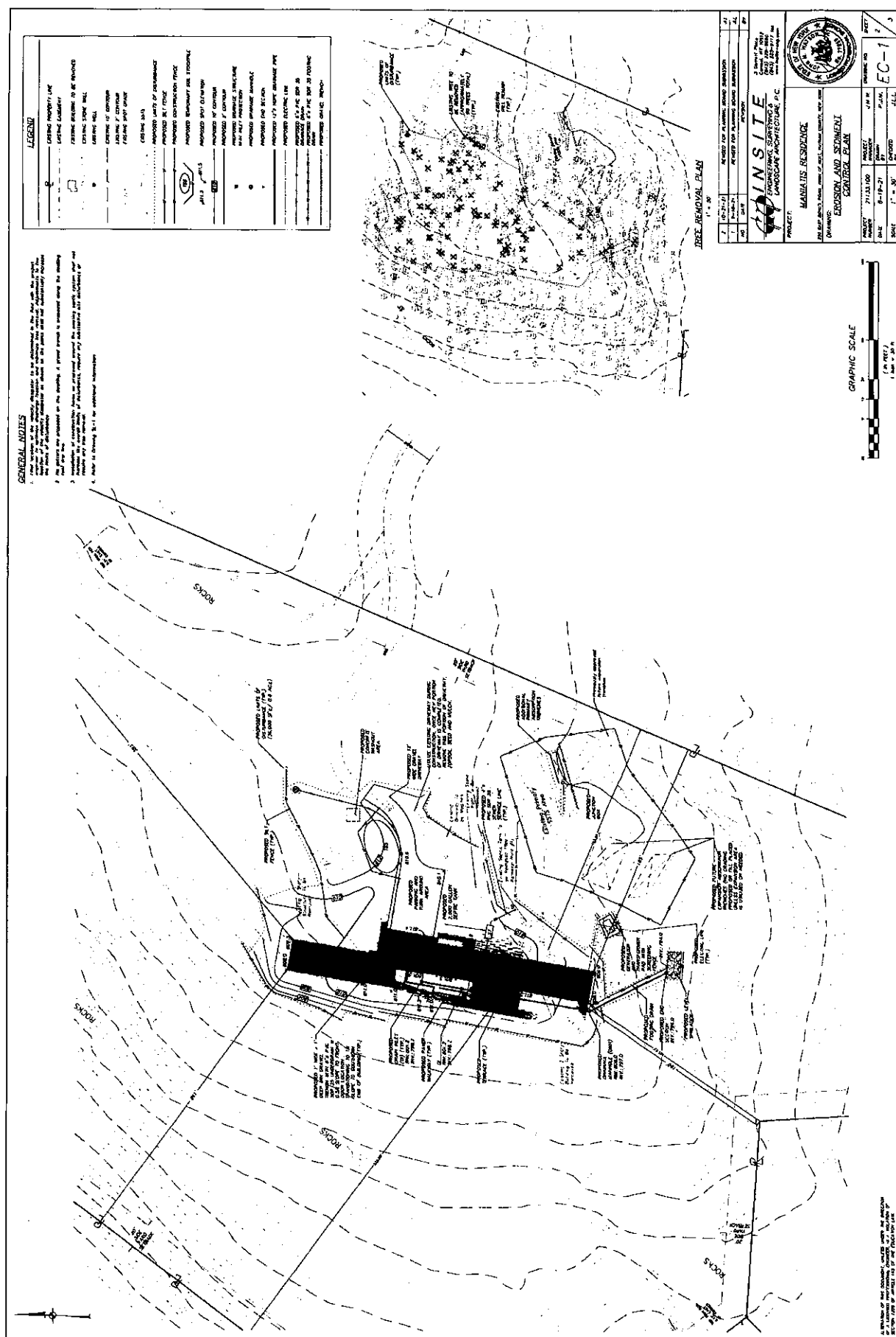
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cc: Planning Board via email
Bill Walters via email
21-261-999-176

Bruce Barber via email
Liz Axelson via email



DATE	8-19-21	CONTRACT NO.	175
PROJECT NAME	21333.100	DATE	8-24-21
PROJECT NO.	21333.100	DATE	8-24-21



REQUIRED EROSION CONTROL SWPPP CONTENTS:

REQUIRED EROSION CONTROL SWPPP CONTENTS:

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CONSTRUCTION SEQUENCE:

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DRY AIR, M.
CIRCUIT

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Copyright © 1999 by John Wiley & Sons, Inc.

S&F FENCE DETAIL
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GRAVEL TRENCH DRAIN DETAIL

(S'10)

GRAVEL PAVEMENT DETAIL

(1830)

- AD 4000-3000 = 7th millennium
4000-3000 = 7th millennium

EROSION AND SEDIMENT CONTROL MAINTENANCE SCHEDULE

DATE FOR ORDER	DATE FOR ORDER
----------------	----------------

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1

-

✓ **EMERGENCY RESPONSE**

FOR SALE

-

— 2 —

- 24" X 24" DRAIN INLET DETAILS
(P. 12)

- LEVEL SPREADER DETAIL
(NYS)

FROM: [REDACTED]
TO: [REDACTED]
SUBJECT: [REDACTED]

-

NOTED LATER

-

Figure 1. A graph showing the relationship between the number of days of exposure to the virus and the number of days of illness. The x-axis is labeled 'Days of exposure' and the y-axis is labeled 'Days of illness'. The graph shows a positive linear relationship, with a line starting at the origin (0,0) and extending upwards and to the right. The line is labeled with the equation $y = 1.5x$.

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| 2 | 10-21-21 | APPROVED FOR PLANNING BOARD | RETURN |
| 1 | 9-18-21 | APPROVED FOR PLANNING BOARD | |
- APPLIN SITE**
SACRAMENTO, CALIFORNIA

004 100000

DETAILS AND NOTES

- | | | | |
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| DATE | 8-19-21 | CREATED BY | P.242 |

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MCR

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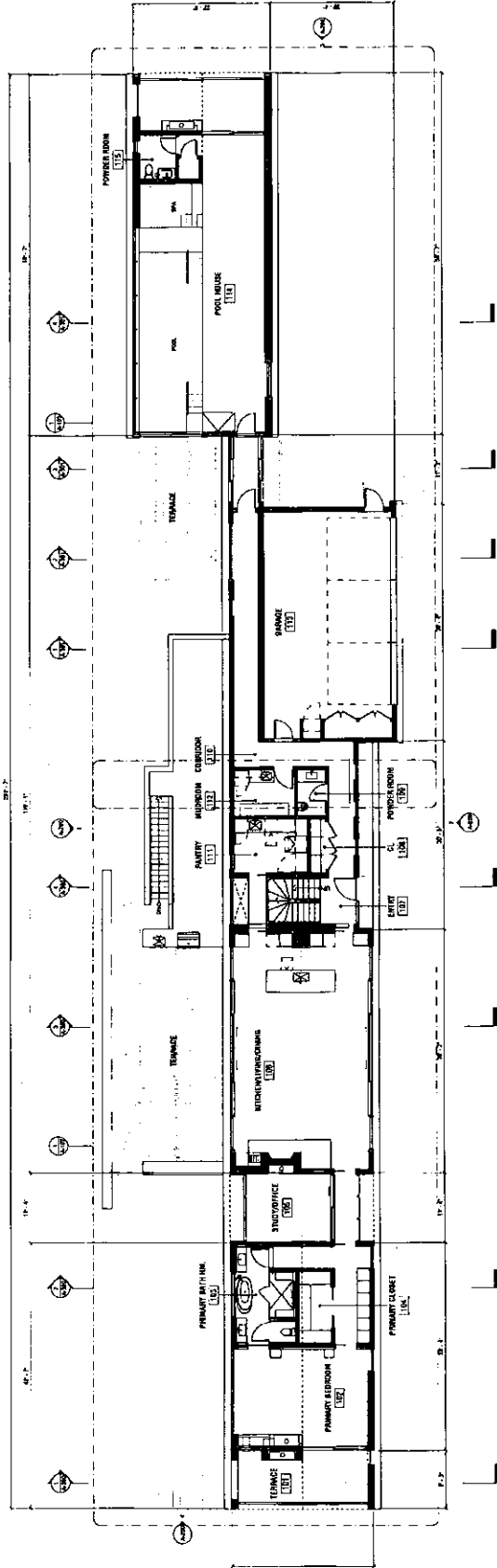
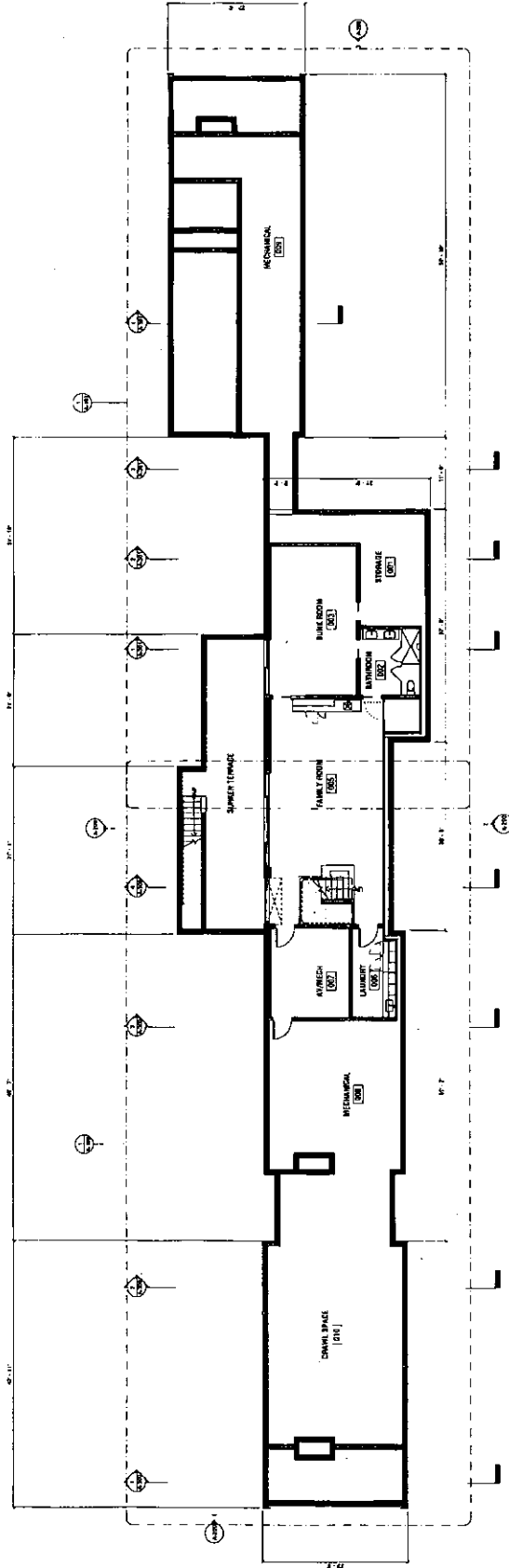
ARCHITECT
WORKSHOP/APD
WORKSHOP/APD ARCHITECTURAL INC.
39 W 54TH STREET, 7TH FL, NEW YORK, NY 10019
T 212 213-0124 www.workshopapd.com

CONTRACTOR

STRUCTURAL ENGINEER

LANDSCAPE ARCHITECT

SURVEYOR



ALL REVIEWS & COMMENTS ARE SUBJECT TO
APPROVAL BY THE BOARD OF DIRECTORS

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NOT FOR CONSTRUCTION

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DRAWING INFO	
COMPANY PROJECTS	
SHEET NO.	00000000
PROJECT NO.	00000000
DATE	00000000
BY	00000000
CHECKED BY	00000000
APPROVED BY	00000000
SCALE	1:1
KEY PLAN	00000000

A-001

MCR

FOR EXHIBIT ONLY - NOT TO SCALE

OWNER

ARCHITECT

WORKSHOP/APP

CONTRACTOR

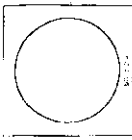
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LANDSCAPE ARCHITECT

SURVEYOR

REVISIONS

NOT FOR CONSTRUCTION



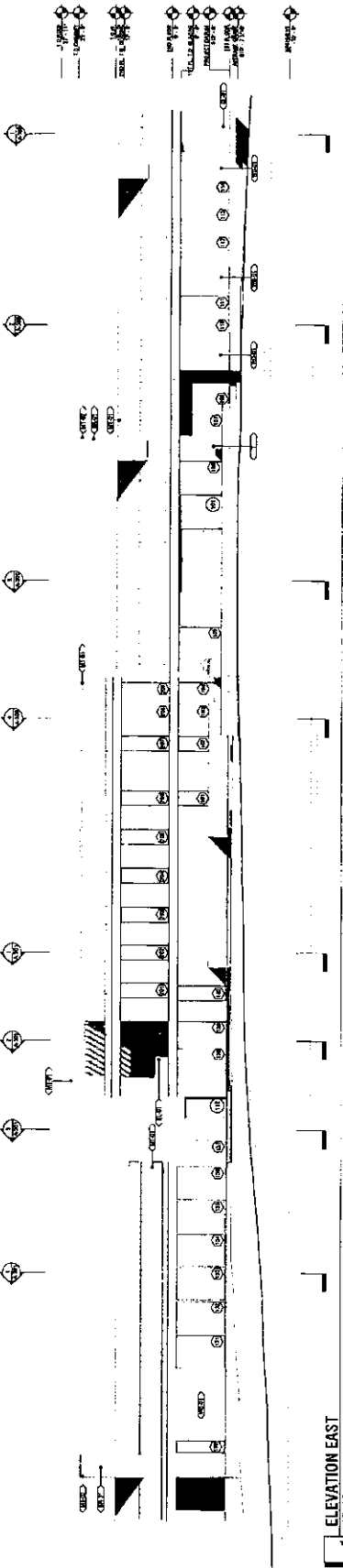
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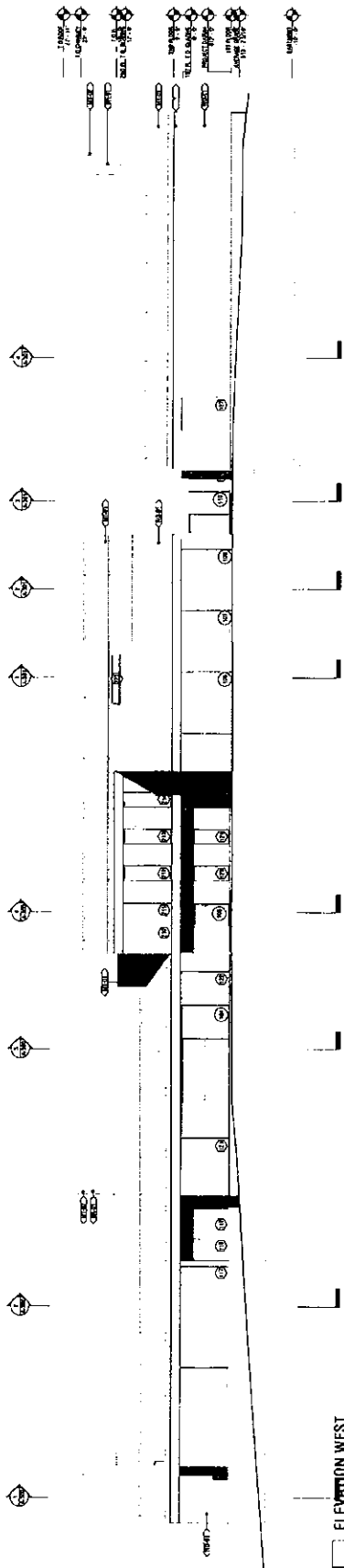
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BUILDING ELEVATIONS

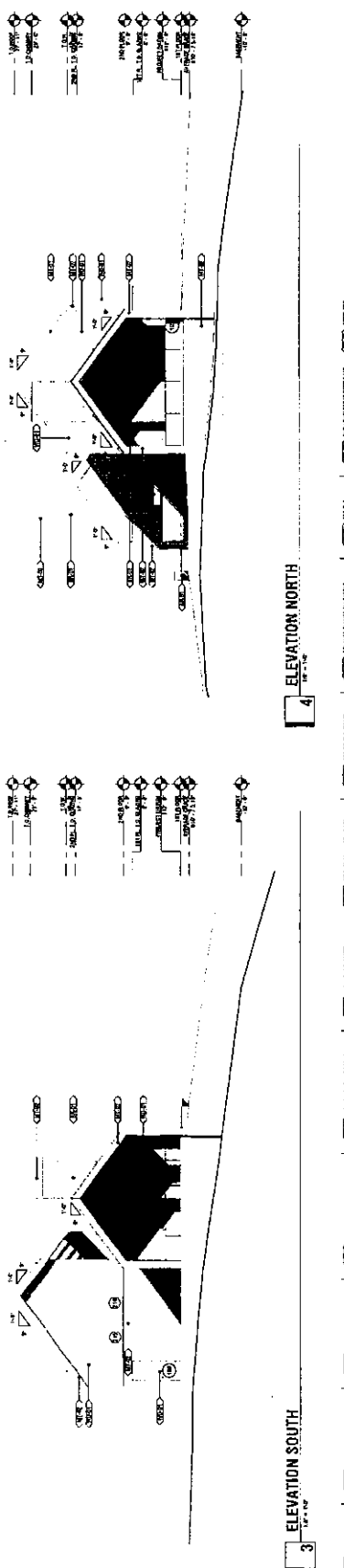
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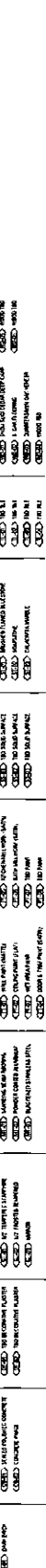
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1/8" = 1'-0"



ELEVATION WEST
1/8" = 1'-0"



ELEVATION SOUTH
1/8" = 1'-0"



ELEVATION NORTH
1/8" = 1'-0"

REVISIONS

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MCR

FOR E. JERRY LAMP, CHAIRMAN, MCR
OWNER

ARCHITECT
WORKSHOP/APD
1111 UNIVERSITY AVENUE, SUITE 100
ANN ARBOR, MI 48106-1500
TEL: 734/763-1111 FAX: 734/763-1112

CONTRACTOR

STRUCTURAL ENGINEER

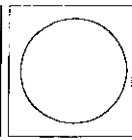
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ALL DIMENSIONS ARE IN FEET AND INCHES
UNLESS OTHERWISE SPECIFIED

REVISIONS

NOT FOR CONSTRUCTION



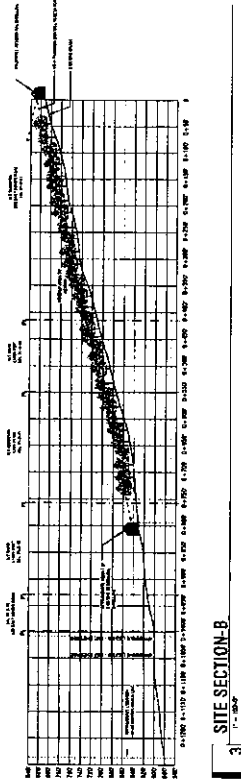
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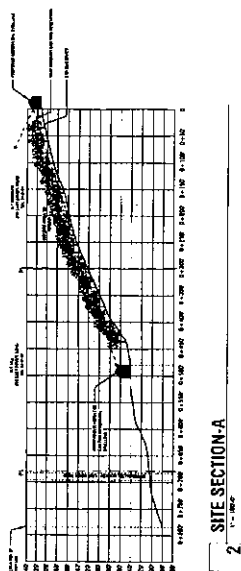
DATE: 10/1/01
DRAWN BY: J. LAMP
CHECKED BY: J. LAMP
DATE: 10/1/01
SCALE: 1"=100'

SITE PLAN & SECTIONS

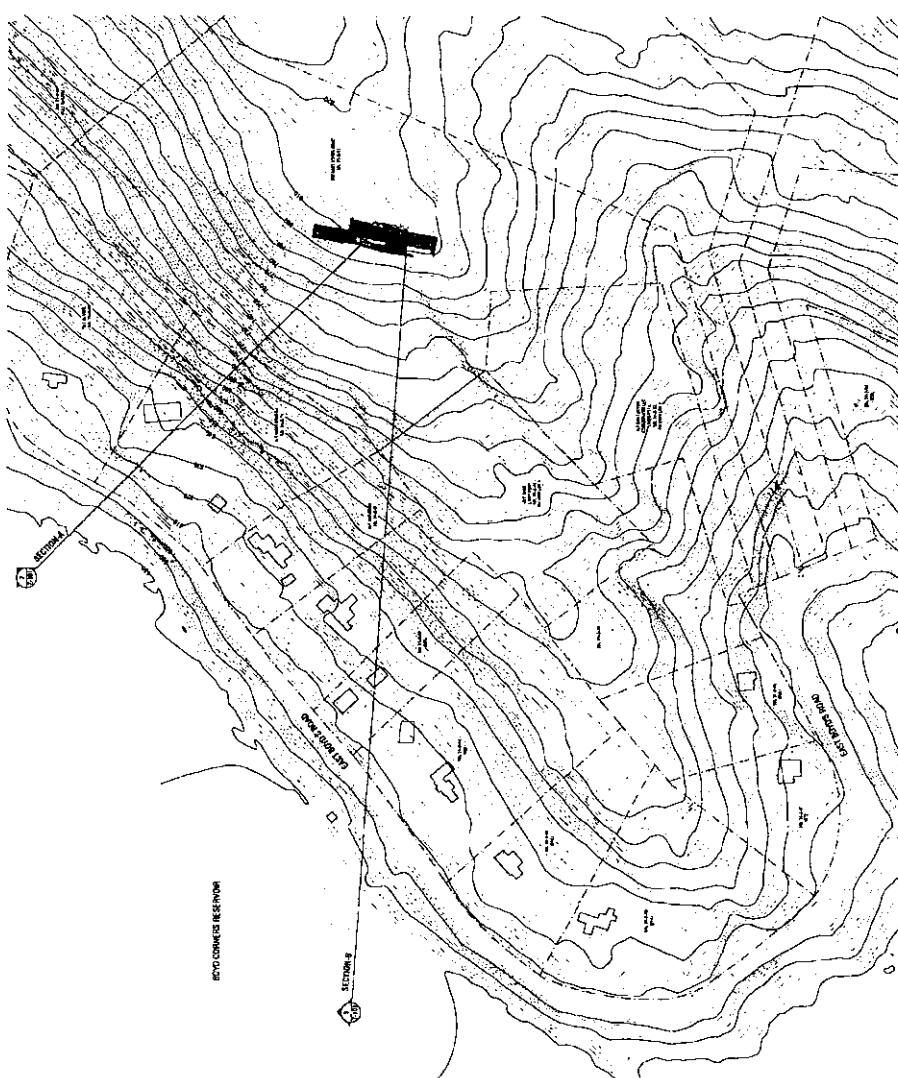
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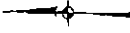
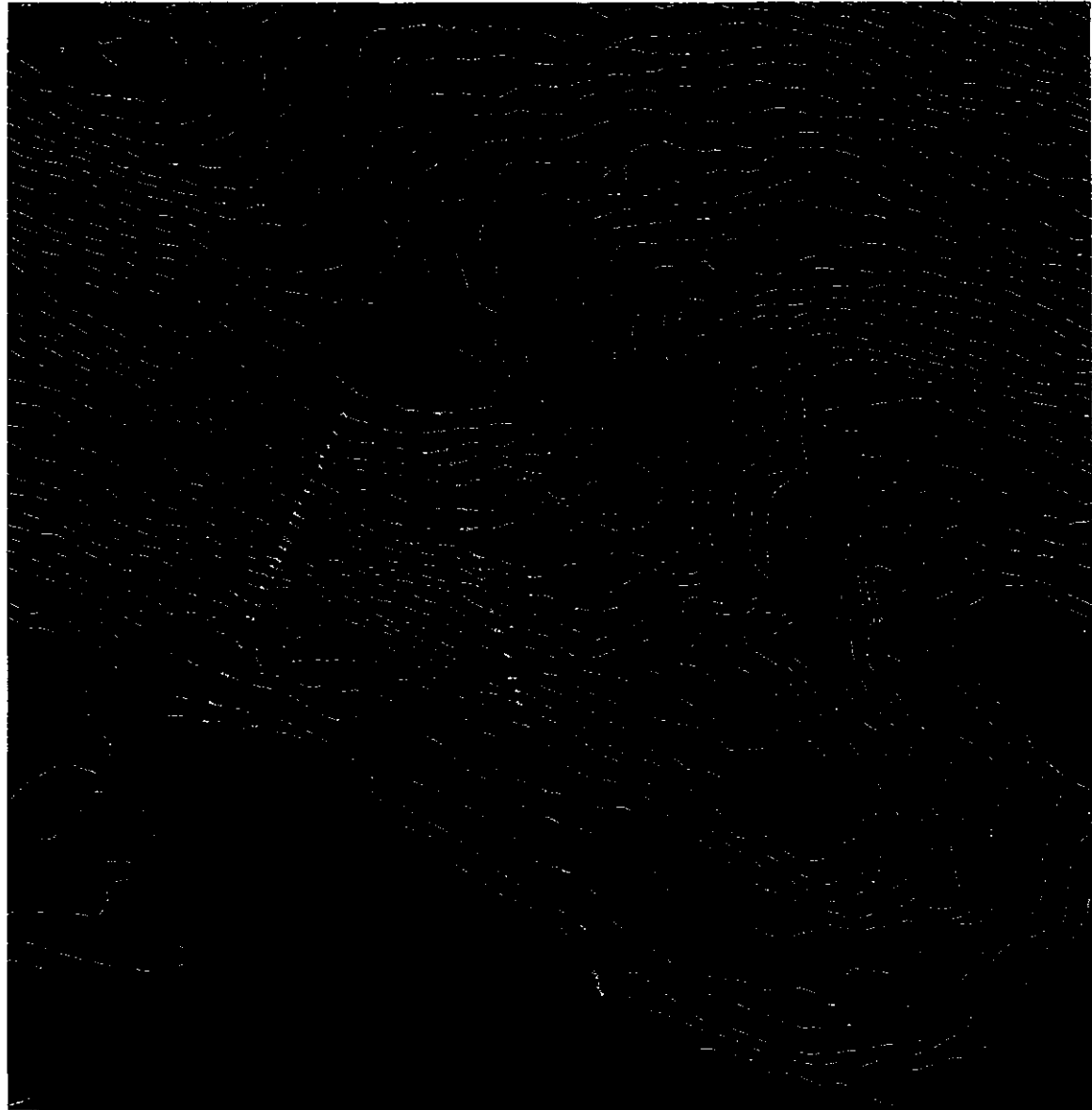
3 SITE SECTION-B
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2 SITE SECTION-A
1"=100'



1 SITE PLAN
1"=100'

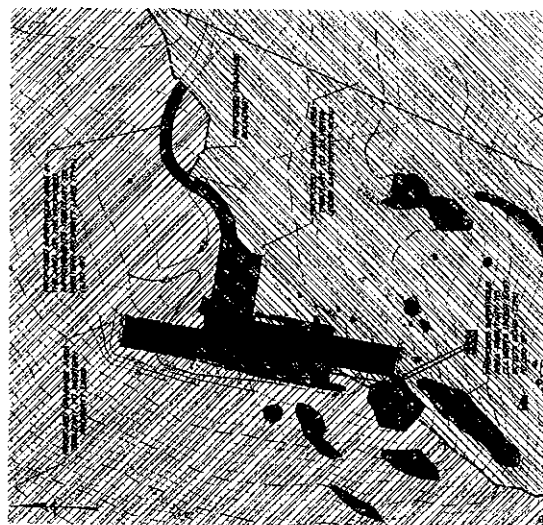
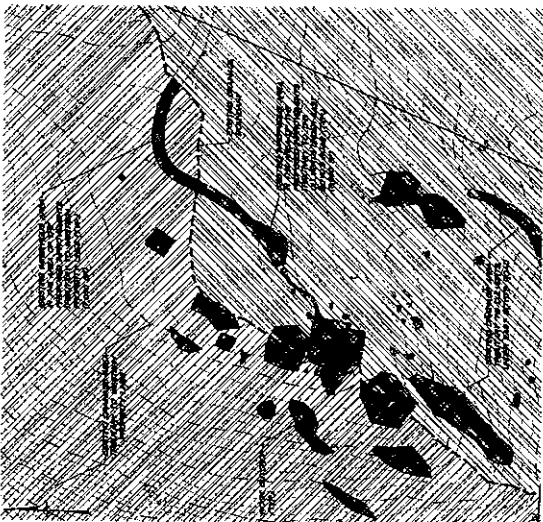


GENERAL NOTES

- 1. This map was prepared from 1:25,000 scale aerial photography, dated 1998.
- 2. Property lines shown are based on the 1998 aerial photography. The owner is responsible for verifying the accuracy of the property lines.
- 3. The map was prepared by the owner and is not a legal document. It is for informational purposes only.

NO.	DATE	REVISION	BY
1	10-21-21		
GRIN SITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. 10000 N. 10th Ave., Suite 100 Denver, CO 80231 303.755.1000 www.grinsite.com			
PROJECT		MANHATTAN RESIDENCE	
DRAWING		AERIAL MAP	
THIS AERIAL MAP WAS MADE FROM A 1:25,000 SCALE AERIAL PHOTOGRAPH, DATED 1998.			
PROJECT NUMBER	21111100	PROJECT DATE	10-21-21
DRAWN BY	J.M.W.	CHECKED BY	J.M.W.
DATE	10-21-21	SCALE	1" = 100'
SHEET		1	
OF		1	

THIS AERIAL MAP WAS MADE FROM A 1:25,000 SCALE AERIAL PHOTOGRAPH, DATED 1998.



CENTRAL INDICES

[illegible]

INTERNAL SECURITY AREA MAP

[illegible]

GRAPHIC SCALE



Received
mo/date/year

OCT 21 2021

Planning Department
Town of Kent
October 21, 2021

Town of Kent Planning Board
Kent Town Centre
25 Sybil's Crossing
Kent Lakes, New York 10512

RE: Maniatis Residence
Steep Slopes and Erosion Control Permit
250 East Boyd's Road
Kent, NY 10512
Tax Map No. 31.-2-51

Dear Chairman Tolmach and Members of the Board:

Enclosed please find three (3) copies of the following:

- Drawing Set (3 Sheets Total), dated October 21, 2021.
- Architectural Drawings (3 Sheets Total), as prepared by Workshop/APD, dated September 2, 2021.
- Drawing Z-101, "Site Plan & Sections", as prepared by Workshop/APD, dated October 21, 2021.
- Drawing AM-1, "Aerial Map", dated October 21, 2021.
- Drawing DA-1, "Drainage Area Map", dated October 21, 2021.
- Correspondence from William Walters, Town of Kent Building Inspector, dated October 14, 2021.
- Property Deed.

Based on comments received at the Planning Board meeting and from Town Consultants, the plans have been revised as follows:

1. Size of the proposed development:

The applicant is proposing a Town of Kent code compliant project outside any building or structure setbacks and under any maximum coverage calculations. No variances from any agency are required as part of this project.

The applicant is seeking Putnam County Department of Health (PCDOH) approval due to the increase in bedroom count from the existing 4-bedrooms to 6-bedrooms. The PCDOH will provide initial comments shortly, of which we will provide a copy to the town upon receipt.

This project is similar to any other large residential project proposed in the Town of Kent on rocky terrain that will require tree removal and rock hammering and removal. The proposed dwelling has a footprint of 5,323 SF (8,938 SF total floors including the indoor pool and garage). The basement is proposed as a full basement with areas designated as crawl space under the first-floor master bedroom and indoor pool which is designated as storage and mechanical. The dwelling proposes a partial second floor as well. As stated earlier, this project meets all zoning requirements. Addressing comments from the neighbors at the last Planning Board meeting, the size, shape and type of the proposed dwelling is not within the purview of the Planning Board with regards to the Erosion Control and Steep Slopes Permit Application before the board. This project is an as of right project within the Town of Kent Zoning Code, and therefore cannot be

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

denied based on the opinions of the neighbors regarding the size, shape, and type of proposed dwelling.

2. Stormwater runoff:

All stormwater runoff from the proposed dwelling has been directed via a velocity dissipator to the existing stormwater management conveyance system that flows on either side of the existing driveway and eventually discharges to Boyd Corners Reservoir. No runoff from new impervious is directed to flow toward any existing residences. The nearest residence is located approximately 400 feet in horizontal distance and approximately 160 feet in vertical elevation lower than the proposed development (elevations provided by Putnam County Department of Planning). Based on the current stormwater design, reduced impervious area and total contributing area will be directed to the west, so there will be a decrease to stormwater runoff to the adjoining western properties along East Boyd's Road as a result.

The original development would have had no stormwater impact to the residential properties to the west along East Boyd's Road. Stormwater runoff from insignificant portions of the house and driveway of the original development discharge to the west when compared to the predevelopment area and rock outcroppings on the site. Almost all of the original development discharged to the east and does not impact the adjoiners to the west.

3. Viewsheds:

Project sections have been provided with available topography from the property lines to the proposed development. Further information will be provided extending the section lines downhill toward the reservoir utilizing topography provided by Putnam County Department of Planning under separate cover. However, it should be noted based on the sections provided that there are no views from the neighbors' property lines to the proposed development due to the topography of the existing land, and the dense forest between the existing and proposed dwellings.

Tree removal is also limited to within the proposed limits of disturbance as shown on Drawing EC-1 on the Tree Removal Plan.

The Maniatis's want to enjoy their secluded 11.19+/- acre property surrounded by trees with glimpses of views to the reservoir. The existing forest will not be clear-cut to gain additional views.

4. Construction Traffic:

The project does propose temporary traffic due to typical construction vehicles coming and going to the site with materials and labor, similar to any residential project. It is anticipated that construction vehicles will travel both directions on East Boyd's Road similar to when the original house, and all neighboring houses, were constructed. The bridge referenced at the October Planning Board meeting does not have a vehicle weight limit assigned to it that is posted. The applicant will not limit the number of construction vehicles per day or the direction of travel as this varies due to the materials being delivered or removed and when they are available. Limiting construction traffic will most likely delay the process and cause the construction schedule to lengthen.

5. Construction Noise:

As part of any construction project, noise is a temporary component of site development. Noise is regulated by the Town of Kent and is an enforcement issue with the Town Code Enforcement Officer if noise exceeds the limits permitted within the town code. As required in the Town of Kent Code for Noise under §48-6.D. construction noise prohibited between the hours of 9:00 PM to 7:00 AM the following day, and between the hours of 9:00 PM Saturday and 8:00 AM Sunday, to operate or use any tools, pile driver, pneumatic hammer, tractor, derrick, electrical hoist, gasoline or electric powered saw or other mechanical apparatus or equipment the use of which is attended by noise. The hours of construction operation have been added to the site plans.

With respect to comments received from the town consultants, we offer the following:

Memorandum from John V. Andrews, Jr. PE, of Rhode, Soyka & Andrews Consulting Engineers, P.C. dated September 23, 2021:

1. *Comment acknowledged.*

We acknowledge that the proposed project is within the NYCDEP East of Hudson Watershed, will disturb more than 5,000 SF of land, requires a Town of Kent Erosion & Sediment Control Permit and coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001).

2. *Comment acknowledged.*

Per §66-6.B.6 of the Town of Kent Code, copies of all applications, permits, and approvals required by any other local, state, or federal agency associated with the construction and site work/disturbance proposed by the applicant shall be submitted to the Board. The applicant has made a submission to the Putnam County Department of Health. The PCDOH will provide initial comments shortly, of which we will provide a copy to the town upon receipt.

3. *Comment acknowledged and resolved.*

We acknowledge that the applicant and the applicant's design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001.

a. *Comment acknowledged.*

In accordance with Part III.A.6, copies of the Contractor's Certifications and the training certifications will be provided to the town prior to the start of earth-disturbing activities associated with the proposed project.

b. *Comment resolved.*

It is acknowledged that per Part I.B.1.b, areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River], the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased...". Erosion Control Note #5 was previously revised.

4. *Comment resolved.*

Question 12 of the submitted Short Environmental Assessment Form was autocompleted by the online NYSDEC EAF Mapper stating that the project site does not contain, or is substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places or that has been determined by the Commissioner of the NYSOPRHP to be eligible for listing on the State Register of Historic Places. Our office confirmed per the CRIS website that there is only an Archaeology Survey within contiguous area of the project (Survey 19SR00645). The Archaeology Survey is titled Surface Survey of NYCDEP Lands in the Town of Kent - Survey Number 19SR00645) by the CRIS website for SHPO; as such, no further action is necessary.

5. The Drawings have been revised based on the following:

- a. General Note #6 on Drawing SL-1 has been revised to indicate there will be an increase in impervious surfaces as proposed on Drawing EC-1. After further review based on comments received at the last Planning Board meeting, the difference in impervious surfaces was calculated based on the existing house and existing rock outcrops within the limits of disturbance versus the new house and rock outcrops to remain within the limits of disturbance.

- b. *Comment resolved.*
The limits of disturbance have been revised to include the proposed electric service to the existing generator and the new service connection to the house (which utilizes the existing electric service onsite).
- c. The project proposes the replacement of the existing septic tank with a new tank and the installation of two additional absorption trenches to accommodate the increase in bedroom count as required by Putnam County Health Department regulations. Removal Note #1 has been included on Drawing SL-1 for clarification.
- d. *Comment resolved.*
The Erosion and Sediment Control Notes on Drawing EC-1 have been revised to indicate the existing well will be utilized as part of this project. The new water service to the proposed dwelling has been indicated on Drawing EC-1.
- e. *Comment resolved.*
Roof and footing drains with their associated discharges have been shown on Drawing EC-1.
- f. General Note #1 on Drawing EC-1 has been revised to state, "... Adjustments to the location of the velocity dissipator as shown on the plans shall not substantially increase the limits of disturbance."
- g. General Note #3 has been added on Drawing EC-1 stating, "Installation of construction fence as proposed around the existing septic system shall not increase the limits of disturbance, require any substantive site disturbance or require any tree removal."
6. We understand that a Performance Bond for Erosion and Sediment Control was provided, and we take no exception to the estimate as submitted by the Town Consulting Engineer. We acknowledge the Town Consulting Engineer's recommendation for the Planning Board to recommend the amount to the Town Board for approval.
7. *Comment Acknowledged.*
The Notice of Intent has been finalized and We acknowledge that the MS4 Acceptance will be signed and returned when appropriate.
8. The applicant submitted the initial inspection fee deposit of \$1,000.00 with the previous submission, as such, said fee is considered to be paid.
9. The Planning Board conducted a public hearing at the October 14, 2021 meeting for which the public hearing was adjourned to the November 11, 2021 meeting.
10. Upon closing the public hearing, we respectfully request, if the Planning Board Members and Consultants agree, that the remaining project review be referred to the Planning Board consultants to be handled administratively.
11. This letter acts as the written response to the before addressed comments.

Memorandum from Bruce Barber, of Cornerstone Environmental Planning Consultants, dated October 14, 2021:

B. Planning Board Permits Required:

- We acknowledge that a Steep Slope and Erosion and Sediment Control Permit is required.

C. Zoning:

- It is our understanding that the bulk zoning table indicates compliance with all applicable zoning requirements; therefore, no variances are required. We have received

confirmation from the Building Inspector that no variances are required as part of this application (see attached correspondence from William Walters).

D. SEQRA:

- We acknowledge the determination that the project is a Type II action under the SEQRA process as defined in NYSDEC 6 Part 617.5(c)(11) & (13) Type II Actions as the construction or expansion of a single-family, two-family or three-family residence on an approved lot including the provision of necessary utility connections as provided in paragraph (13) if this subdivision and the installation, maintenance or upgrade of a drinking well or septic system, or both, and conveyances of land in connection therewith. NYSDEC 6 Part 617.5(c)(13) states the extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list.

E. Environmental Review:

Wetlands:

We acknowledge that a site visit was conducted on August 27, 2021. There are no jurisdictional Town of Kent wetlands or wetland buffers located within 100 feet of the proposed limits of disturbance; therefore, a wetland permit is not required.

No improvements are proposed to the entry piers or adjacent walls as part of this project. The gate is proposed to be automated. No improvements are required to the existing driveway other than those shown within the vicinity of the proposed dwelling.

Our office has reached out to Nick Cecere, the Town of Kent Fire Inspector for review of the project.

Trees:

The applicant does not intend to cut the crowns of the surrounding trees adjacent to the proposed dwelling. Trees to be removed have been tagged in the field. General Note #8 has been added to Drawing SL-1 that indicates trees removal is restricted to between November 1st and March 31st due to the Northern Long-eared Bat tree removal restriction by the NYSDEC. If trees are to be removed between April 1st and October 31st, a Takings Permit is required from the NYSDEC. No variances from any agency are required to remove trees outside of the November 1st thru March 31st timeframe.

Soils, Steep Slopes and Rock Outcrop:

As steep slopes and rock outcropping are prevalent onsite, rock hammering will be required to construct the proposed dwelling. Rock blasting is not anticipated as the proposed method of rock removal for this project; however, if rock blasting is required, the applicant will obtain the required rock blasting permits from the Building Department prior to any blasting operations as required in the Town of Kent Code.

Land Disturbance:

Drawing EC-1 indicates land disturbance to be 0.9 AC.

Cultural Resources:

We acknowledge that none are indicated in the EAF previously provided.

Threatened or Endangered Species:

We acknowledge that no species were indicated by the NYSDEC as indicated in the EAF previously provided.

Well and Septic System:

Well and Septic system approvals are required by the PCDOH and will be provided upon receipt.

F. Other:

- A copy of the property deed is enclosed as required.
- PCDOH approvals will be provided upon receipt.
- A copy of the submission has been provided to the Town of Kent Fire inspector for review and comments regarding the adequacy of the gate and stonewall openings to serve emergency vehicles.
- It is our understanding that a Wetland Permit is not required as part of this application as there are no wetlands or watercourses within 100 feet of the limits of disturbance.

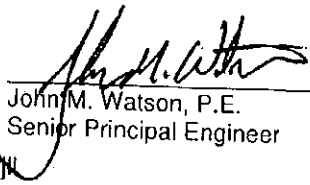
We acknowledge the deferral to the Consulting Engineer regarding review of the SWPPP/erosion and sediment control plan and further comments may be provided based on the site inspections and our responses to comments above.

We understand this project has been placed on the November 11, 2021 Planning Board meeting for continued review and a public hearing. We respectfully request the remaining project review be referred to the Planning Board consultants to be handled administratively. Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:


John M. Watson, P.E.
Senior Principal Engineer

JMW/JH

Enclosures

cc: Thomas Julliard Zoli, AIA, NCARB, Workshop/APD
John Andrews, Jr., PE, Rohde, Soyka & Andrews Consulting Engineers, P.C., with enclosures
Bruce Barber, Cornerstone Associates, Environmental Planning Consultant, with enclosures
Nick Cecere, Fire Inspector, with enclosures
Insite File No. 21133.100

Jamie LoGiudice

From: Building Inspector <buildinginspector@townofkentny.gov>
Sent: Thursday, October 14, 2021 11:41 AM
To: Jamie LoGiudice
Cc: barberbruce@yahoo.com
Subject: RE: Maniatitis - Erosion Control and Steep Slopes Permit

Hello Jamie,

After a review of the plans that were submitted , your project is not in the zoning setback for side yard of 20 ft.(just)
So with that said, you don't need a variance, I would reminded your contractor of the limitations prior to construction
and during.

Respectfully

Wm. Walters
Building Inspector
Town of Kent
845-306-5597 / 845-225-3900
buildinginspector@townofkentny.gov



IMPORTANT INFORMATION:

Office Hours are 8:00am – 9:00am & 1:00pm 4:00pm.
Field inspections will be conducted between 9:30am – 12:00pm
Monday, Tuesday, Thursday, Friday.

From: Jamie LoGiudice <jlogiudice@insite-eng.com>
Sent: Wednesday, October 13, 2021 10:13 AM
To: Building Inspector <buildinginspector@townofkentny.gov>
Cc: jwatson@insite-eng.com
Subject: Maniatitis - Erosion Control and Steep Slopes Permit

TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!

DO NOT click links, DO NOT open attachments, DO NOT forward if you were not expecting this email or if it
seems suspicious in any way! REMEMBER: NEVER provide your user ID or password to anyone for any
reason!

Bill,

In anticipation of the tomorrow night's meeting, can you review the plans submitted to confirm no variances are required as requested by Bruce in his memo? I've attached the latest submission package for convenience. Please let me know if you have any questions or concerns.

Thank you,
Jamie

Jamie L. LoGiudice, RLA, Associate
Project Landscape Architect

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

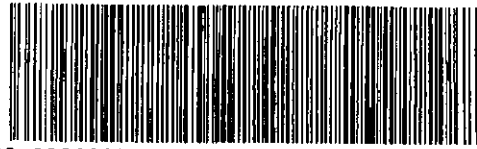
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Carmel, New York 10512
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Michael C Bartolotti, County Clerk
Putnam County Office Building
40 Glencida Avenue Room 100
Carmel, New York 10512



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Endorsement Page

Document # 1501066 Drawer # 02 Recorded Date: 04/19/2018
Document Type: DEED Book 2076 Page 259 Recorded Time: 3:21:33 PM
Document Page Count: 9 Receipt # 6637

PRESENTER:
STATEWIDE ABSTRACT CORPORATION
202 MAMARONECK AVENUE
WHITE PLAINS, NY 10601

RETURN TO:
ANDREW E. HERSHAFT, ESQ.
707 WESTCHESTER AVENUE
SUITE 307
WHITE PLAINS, NY 10604

PARTIES

GRANTOR
STEVEN C ROSENTHAL

GRANTEE
THOMAS PETER MANIATIS

FEE DETAILS

Consideration:		\$1,550,000.00
1501066		
DEED	9	65.00
TP-584	1	5.00
CULTURAL EDUCATION		15.00
RECORD MANAGEMENT		5.00
RP-5217 RESID/AGRIC		125.00
TRANSFER TAX		21,700.00
AMOUNT FOR THIS DOCUMENT:		21,915.00
RETT #	000001936	

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO S315
REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

Michael C. Bartolotti
Putnam County Clerk

SA-117176

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 12th day of April, 2018

BETWEEN

STEVEN C. ROSENTHAL, a/k/a Steven Rosenthal and CAROLINA B. ROSENTHAL, a/k/a Yenny Carolina Rosenthal, 186 Wilmot Road, New Rochelle, New York 10804
party of the first part, and

RACHEL CLARE MANIATIS and THOMAS PETER MANIATIS, husband and wife, 2828 Broadway, 7E, New York, New York 10025

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

Ten and 00/100 (\$10.00)----- dollars
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of Kent, County of Putnam, and State of New York, more fully described on the annexed Schedule "A" ("Premises").

BEING and intended to be the same premises conveyed to the grantor(s) herein by deed from East Boyds Conservation, LLC, dated 1/11/06, and recorded on 2/1/06 in Liber 1733 page 176 and by deed from Martha Bennett Moore, f/k/a Martha Bennett, as surviving tenant by the entirety, dated 10/14/09 recorded 11/16/09 in Liber 1842 page 46, in the Clerk's Office of Putnam County.

The Grantees have subscribed their names below for the purpose of expressing their consent to the Right of First Refusal set forth in Schedule "A" annexed hereto.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

clare
Rachel Maniatis
RACHEL CLARE MANIATIS, Grantee
Thomas Maniatis by Rachel Maniatis agent
THOMAS PETER MANIATIS, Grantee
Peter

SB
STEVEN C. ROSENTHAL, a/k/a
Steven Rosenthal, Grantor

Carol
CAROLINA B. ROSENTHAL, a/k/a
YENNY CAROLINA ROSENTHAL,
Grantor

Standard N.Y.B.T.U. Form 1602-1, 1999, and 2010, with amendments against Grantor's Acts - Uniform Acknowledgment Form 3290

POA TO BE RECORDED
SIMULTANEOUSLY

First American Title Insurance Company

Title Number: SA-117176-P

AMENDED 4/10/18
SCHEDULE A DESCRIPTION

AS TO TAX LOT 51:

ALL that certain plot piece or parcel of land, situate, lying and being in the Town of Kent, County of Putnam and State of New York, being known and designated as Lot 3 on a certain map entitled "Subdivision Plat prepared for the National Pension Service Plan Trust situate in the Town of Kent, Putnam, County, New York", made by Taconic Surveying & Engineering on 3/18/88 and filed in the Putnam County Clerk's Office on 12/1/88 as Map No. 2369, which property is bounded and described as follows:

BEGINNING at a point where the easterly side of East Boyds Road is intersected by the dividing line between Lot 3 and Lot 2 on filed Map No. 2369;

THENCE RUNNING along said dividing line N 73° 03' 40" E, 600.00 feet to a point

THENCE CONTINUING along the dividing line between Lot 3 and Lot 2 as shown on said filed Map N 3° 01' 41" W, 323.05 feet and N 86° 01' 37" W, 150.00 feet to the dividing line between Lot 3 and Lot 1;

THENCE RUNNING along said dividing line N 37° 07' 00" W, 250.00 feet to a point and the dividing line between Lot 3 and lands now or formerly of Montgomery;

THENCE RUNNING along said dividing line N 36° 40' 00" E, 437.44 feet to a point and the dividing line between Lot 3 and lands now or formerly of Alvord N 39° 31' 10" E, 394.50 feet to a point and the northeasterly line of the premises described herein;

THENCE RUNNING along same S 40° 14' 10" E, 430.00 feet to a point and the dividing line between Lot 3 and Lot 4 as shown on filed Map 2369;

THENCE RUNNING along said dividing line S 23° 08' 34" W, 959.53 feet and S 73° 03' 40" W, 680.00 feet to the easterly side of East Boyds Road;

THENCE RUNNING along said easterly side of East Boyds Road N 22° 05' 00" W, 50.00 feet to the point and place of BEGINNING.

First American Title Insurance Company

Title Number: SA-117176-P

AS TO TAX LOT 35:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Kent, County of Putnam and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Cole Shears Road where the same is intersected by the easterly line of lands now or formerly of PBU, Inc.;

RUNNING THENCE along Cole Shears Road and a stone wall, the following courses and distances:

North 71 degrees 33' 05" East 36.37 feet;
North 71 degrees 14' 14" East 49.13 feet;
North 71 degrees 57' 00" East 100.01 feet;
North 73 degrees 06' 37" East 50.46 feet;
North 85 degrees 22' 12" East 19.73 feet;
South 81 degrees 00' 15" East 13.19 feet;
South 53 degrees 27' 58" East 17.08 feet;
South 53 degrees 04' 33" East 36.16 feet;
South 54 degrees 58' 24" East 39.81 feet;
South 54 degrees 22' 26" East 47.29 feet;
South 56 degrees 48' 48" East 84.27 feet;
South 52 degrees 59' 12" East 52.45 feet;
South 55 degrees 25' 06" East 34.23 feet;
South 65 degrees 09' 20" East 84.20 feet;
South 67 degrees 38' 17" East 28.47 feet;
South 66 degrees 25' 13" East 22.24 feet;
North 61 degrees 42' 28" East 31.10 feet;
South 85 degrees 34' 38" East 26.73 feet;
South 88 degrees 20' 08" East 36.80 feet;

North 87 degrees 28' 24" East 24.76 feet to lands now or formerly of TO-D-DA-HO Corp.;

RUNNING THENCE along the same:

South 7 degrees 23' 55" East 325.72 feet;
South 40 degrees 16' 54" East 181.72 feet;
South 26 degrees 15' 03" West 1456.00 feet;

North 79 degrees 13' 04" West 150 and North 69 degrees 41' 53" West 182.76 feet;

RUNNING THENCE South 62 degrees 20' 02" West 667.83 feet and continuing along said last mentioned lands, South 13 degrees 10' West 144.08 feet and South 25 degrees 30' 50" West 200 feet to lands now or formerly of Zuckerman;

First American Title Insurance Company

Title Number: SA-117176-P

RUNNING THENCE along the same, North 40 degrees 14' 10" West 1400.18 feet to lands now or formerly of Bennett;

RUNNING THENCE along the same, North 48 degrees 24' 43" East 881.94 feet to said lands of PBU, Inc.;

RUNNING THENCE along the same, North 82 degrees 54' East 321.04 feet and North 42 degrees 09' East 1063.14 feet to the point and place of BEGINNING.

FOR CONVEYANCING ONLY: NOT FOR POLICY:

TOGETHER WITH all right, title and interest of the first party, if any, to the following described premises.

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Kent, County of Putnam and State of New York and more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Cole Shears Road where the same is intersected by the easterly line of lands now or formerly of PBU, Inc.;

RUNNING THENCE along Cole Shears Road and a stone wall, the following courses and distances:

North 71 degrees 33' 05" East 36.27 feet;
North 71 degrees 14' 14" East 49.13 feet;
North 71 degrees 57' 00" East 100.01 feet;
North 73 degrees 06' 37" East 50.46 feet;
North 85 degrees 22' 12" East 19.73 feet;
South 81 degrees 00' 15" East 13.19 feet;
South 53 degrees 27' 58" East 17.08 feet;
South 53 degrees 04' 33" East 36.16 feet;
South 54 degrees 58' 24" East 39.81 feet;
South 54 degrees 22' 26" East 47.29 feet;
South 56 degrees 48' 48" East 84.27 feet;
South 52 degrees 59' 12" East 52.45 feet;
South 55 degrees 25' 06" East 34.23 feet;
South 65 degrees 09' 20" East 84.20 feet;
South 67 degrees 38' 17" East 28.47 feet;
South 66 degrees 25' 13" East 22.24 feet;
North 61 degrees 42' 28" East 31.10 feet;
South 85 degrees 34' 38" East 26.73 feet;
North 88 degrees 20' 08" East 36.80 feet;
North 87 degrees 28' 34" East 24.76 feet to lands now or formerly of TO-D-DA-HO Corp.;

First American Title Insurance Company

Title Number: SA-117176-P

THENCE along the same, North 7 degrees 23' 55" West 10.28 feet to a point in Cole Shears Road;

THENCE:

South 89 degrees 26' 50" West 90.71 feet,
North 73 degrees 12' 06" West 110.73 feet,
North 63 degrees 26' 06" West 40.25 feet;
North 56 degrees 33' 20" West 194.15 feet;
North 49 degrees 30' 51" West 107.82 feet;
North 61 degrees 33' 26" West 27.30 feet;
South 87 degrees 16' 26" West 21.02 feet;
South 84 degrees 48' 20" West 22.09 feet;
South 74 degrees 28' 33" West 37.36 feet;
South 67 degrees 14' 32" West 157.78 feet and
South 42 degrees 09' 00" West 35 feet to the point or place of BEGINNING.

Grantors hereby retain and Grantees hereby grant to Grantors the irrevocable right to purchase the Premises ("Right of First Refusal") if and when Grantee hereafter receives a bona fide offer to purchase the Premises from a third party ("Offer"). Grantee shall provide written Notice of such Offer ("Notice of Offer") to Grantors by (1) overnight delivery service to Grantors' attorney at Daniels, Porco and Lusardi, LLP, Attn: Ian S. MacDonald, 1 Memorial Avenue, Pawling, New York 12564 and (3) e-mail to Grantors at stevencrossenthal@gmail.com. Such Notice of Offer shall include a copy of the Offer or a written description thereof. Notice of Offer shall be sufficient if sent as required herein even if delivery is not actually received by Grantors due to change of address or otherwise. Any third party purchaser of the Premises (and the title company of such purchaser) shall rely upon proof of mailing and not proof of delivery in determining whether Grantors' rights under this Right of First Refusal have been satisfied. Grantors shall have twelve (12) days from the date of receipt of such Notice of Offer, not counting the day of receipt, within which to provide written notice to Grantees (sent via overnight mail and email to the addresses from which Grantees sent its Notice of Offer) of Grantors' intent to purchase the Premises for the purchase price and the other terms as stated in the Notice of Offer ("Notice of Acceptance"). Grantors' failure to provide written Notice of Acceptance within such twelve (12) day period shall be considered a waiver of such Right of First Refusal. If Grantors provide Grantees with written Notice of Acceptance within such twelve (12) day period, Grantors and Grantees shall enter into a written Contract of Sale within twenty (20) days from the date of receipt by Grantors, not counting the day of receipt, of the Notice of Offer from Grantees, time being of the essence. Grantors' failure to enter into a contract of sale within such twenty (20) day period shall be considered a waiver of such Right of First Refusal. Grantees shall only be required to provide such Notice of Offer to Grantors once. Should the Offer described in Grantees' initial Notice of Offer to Grantors not close, this Right of First Refusal shall terminate and not apply to subsequent Offers to purchase the Premises. This Right of First Refusal shall not apply to transfers of the Premises made without consideration, including but not limited to transfers to members of Grantees' family, transfers occasioned by the death of one or both of the Grantees, transfers amongst the Grantees, transfers to trusts for the benefit of Grantees or their family members or transfers to other entities owned by Grantees, their family members or any such trusts. Any such transferee taking title to the Premises without consideration shall be bound by the provisions of this Right of First Refusal. This Right of First Refusal shall expire at 11:59 p.m. on the date twenty (20) years following the date of the Deed herein.

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of Dutchess

ss:

State of New York, County of Dutchess

ss:

On the 12th day of April in the year 2018
before me, the undersigned, personally appeared
Steven C. Rosenthal a/k/a Steven Rosenthal
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

IAN S MACDONALD
Notary Public, State of New York
Qualified in Dutchess County
No. 02MA6040623
Commission Expires April 24 2018

On the 12th day of April in the year 2018
before me, the undersigned, personally appeared
Carolina B. Rosenthal a/k/a Yenny Carolina Rosenthal
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

IAN S MACDONALD
Notary Public, State of New York
Qualified in Dutchess County
No. 02MA6040623
Commission Expires April 24 2018

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of

ss:

On the day of

in the year

before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are)
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and
that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument, and that such individual made such appearance before the undersigned in the

(insert the City or other political subdivision)

in (and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

SECTION 31

BLOCK 2

LOT 51 & 35

COUNTY OR TOWN Putnam / T/O Kent

STREET ADDRESS 250 East Boyds Road
Kent, New York 10512

BARGAIN AND SALE DEED

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No.

Steven C. Rosenthal & Carolina B. Rosenthal

TO

Rachel Clare Maniatis & Thomas Peter Maniatis

RETURN BY MAIL TO:

Andrew E. Hershaft, Esq.
707 Westchester Ave., Suite 307
White Plains, NY 10604

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

State of New York, County of Dutchess

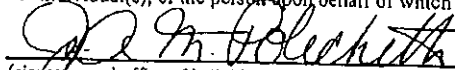
SS:

On the 12th day of May in the year 2018

Before me, the undersigned, personally appeared

RACHEL CLARE MANIATIS,

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(signature and office of individual taking acknowledgment)

JOANN M. POLICHETTI
Notary Public, State of New York
Qualified in Dutchess County
Registration No. 01PO6004037
Commission Expires March 18, 2022

State of New York, County of Dutchess

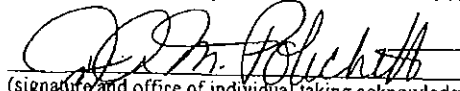
SS:

On the 12th day of April in the year 2018

Before me, the undersigned, personally appeared

~~THOMAS PETER MANIATIS~~ RACHEL CLARE MANIATIS

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(signature and office of individual taking acknowledgment)

JOANN M. POLICHETTI
Notary Public, State of New York
Qualified in Dutchess County
Registration No. 01PO6004037
Commission Expires March 18, 2022

FOR COUNTY USE ONLY

INSTRUCTIONS(RP-5217-PDF-INS): www.orps.state.ny.us

C1. SWIS Code

372200

C2. Date Deed Recorded

4/19/18

C3. Book

2076

C4. Page

254

New York State Department of
Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location 0 & 250 Cole Shears Ct. 6E. Boyd Rd
 * STREET NUMBER * STREET NAME
 Kent * CITY OR TOWN * VILLAGE 10512
 * ZIP CODE
 2. Buyer Name Maniatis Rachel Clare
 * LAST NAME/COMPANY * FIRST NAME
 Maniatis Thomas Peter
 * LAST NAME/COMPANY * FIRST NAME
 3. Tax Billing Address Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form)
 * LAST NAME/COMPANY * FIRST NAME
 * STREET NUMBER AND NAME * CITY OR TOWN * STATE * ZIP CODE
 4. Indicate the number of Assessment Roll parcels transferred on the deed 2 # of Parcels OR ☐ Part of a Parcel (Only if Part of a Parcel) Check as they apply:
 5. Deed Property Size * FRONT FEET * DEPTH * ACRES 86.36
 4A. Planning Board with Subdivision Authority Exists ☐
 4B. Subdivision Approval was Required for Transfer ☐
 4C. Parcel Approved for Subdivision with Map Provided ☐
 6. Seller Name Rosenthal Steven C. a/k/a Steven
 * LAST NAME/COMPANY * FIRST NAME
 Rosenthal Carolina B a/k/a Yenny
 * LAST NAME/COMPANY * FIRST NAME
 7. Select the description which most accurately describes the use of the property at the time of sale:
 A. One Family Residential
 Check the boxes below as they apply:
 8. Ownership Type is Condominium ☐
 9. New Construction on a Vacant Land ☐
 10A. Property Located within an Agricultural District ☐
 10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District ☐

SALE INFORMATION

11. Sale Contract Date 03/06/2018
 12. Date of Sale/Transfer 04/12/2018
 13. Full Sale Price 1,550,000.00
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.
 14. Indicate the value of personal property included in the sale 0.00
 15. Check one or more of these conditions as applicable to transfer:
☐ A. Sale Between Relatives or Former Relatives
☐ B. Sale between Related Companies or Partners in Business
☐ C. One of the Buyers is also a Seller
☐ D. Buyer or Seller is Government Agency or Lending Institution
☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)
☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)
☐ G. Significant Change in Property Between Taxable Status and Sale Dates
☐ H. Sale of Business is Included in Sale Price
☒ I. Other Unusual Factors Affecting Sale Price (Specify Below)
☐ J. None
 Comment(s) on Condition:

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY) 18
 17. Total Assessed Value 250,000
 18. Property Class 210
 19. School District Name Carmel School District
 20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))
 31-2-35 & 31-2-51

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE
 04.12.18
 4/12/18
 BUYER SIGNATURE
 Rachel Clare
 4/12/18
 DATE

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary then a name and contact information of an individual responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)
 Maniatis Rachel Clare/Thomas Peter
 * LAST NAME * FIRST NAME
 * AREA CODE * TELEPHONE NUMBER (EX: 999999)
 0 & 250 Cole Shears Ct. E. Boyds Rd
 * STREET NUMBER * STREET NAME
 Kent NY 10512
 * CITY OR TOWN * STATE * ZIP CODE
 BUYER'S ATTORNEY
 Herschaft Andrew E.
 * LAST NAME * FIRST NAME
 (814) 253-8600
 * AREA CODE * TELEPHONE NUMBER (EX: 999999)

