

Approved: February 13, 2020

Minutes
Town of Kent Planning Board Meeting
January 9, 2020
FINAL ADOPTED JANUARY 2020 MINUTES

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

In attendance were the following Planning Board members:

Phil Tolmach, Chairman
Dennis Lowes, Vice Chairman
Simon Carey
Giancarlo Gattucci
Nichim Sachakov
Stephen Wilhelm

Absent:

Julie Mangarillo, Engineer Consultant
Charles Sisto
Bill Walters, Kent Building Inspector

Others in Attendance:

Liz Axelson, Planner
Bruce Barber, Environmental Consultant

• **Approve Planning Board Minutes from December 12, 2019**

Mr. Tolmach asked for a motion to approve the minutes from the December 12, 2019 meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Dennis Lowes, Vice Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Abstained</u> _____
Nisim Sachakov	<u>Aye</u> _____
Charles Sisto	<u>Absent</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

• **Patterson Crossing, Route 311, Kent, NY; TM: 22.-2-48**

Mr. Jeffrey Contelmo, of Insite Engineering, represented Mr. Paul Camarda – the owner of this property. Mr. Contelmo said that he is requesting a reapproval or an extension for this project. A number of stormwater improvements have been constructed, some assigned stormwater maintenance agreements are in place and some bonds are required in order to begin construction and the applicant is not ready to do that at this time. Therefore an extension for six months is requested. Mr. Tolmach said that he and other Board members are concerned because some of them were not on the Board when this project began. Ms. Axelson said that the last time this was approved was 2017 and the expiration was January of 2020. Ms. Axelson said that Ms. Mangarillo and Mr. Barber has been working with Mr. Contelmo and the applicant's attorney has been working diligently to meet the conditions of approval. She stated that the Resolution provided updates on the conditions and the status of the conditions. Most have been addressed and draft agreements have been provided to Jeff Battistoni, the Planning Board Attorney. Ms. Axelson suggested that the Planning Board may want to consider adopting the Resolution she provided at the meeting. The Resolution (attached) states that construction should begin within one year of Planning Board approval (January 2021) and completed no later than two years after Planning Board approval (January 2022). Two ninety day approvals may also be granted. Mr. Wilhelm asked when the construction would start. Mr. Contelmo said that he did not know the answer to the question. The reason he was seeking approvals was in order to allow the applicant to begin construction when everything is in place.

Mr. Barber confirmed that part of the process of review was to install stormwater improvements, which have been done with the help of East of Hudson Watershed and Insite Engineering. Phosphorous has been reduced along with sediment loading into Lake Carmel. Mr. Contelmo said that drainage improvements have been made along Route 311. The plans and conditions on the site have not changed. 90% of the conditions of approval have been met. The bond and surety money will be submitted at a later date.

Mr. Tolmach asked for a motion to adopt the Resolution as written by Ms. Axelson. The motion was made by Mr. Sachakov and seconded by Mr. Lowes. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Dennis Lowes, Vice Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Abstained</u> _____
Nisim Sachakov	<u>Aye</u> _____
Charles Sisto	<u>Absent</u> _____
Stephen Wilhelm	<u>Aye</u> _____

Mr. Gattucci abstained because he was not on the Board when the project first began and did not know enough about the project.

The motion carried.

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

- | | | |
|--|--|---------------|
| • Putnam Nursing & Rehabilitation
Center Addition
404 Ludingtonville Road, Holmes, NY
TM: 12.-3-40 & 41 | Erosion Control/Site Plan/
Wetland Permit/Bond Estimate | Status Report |
|--|--|---------------|

Nothing new has been submitted.

- | | | |
|--|-------|---------------|
| • Route 52 Development/
Peder Scott Project
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
|--|-------|---------------|

Awaiting a revised submittal and a Draft Environmental Impact Statement (DEIS).

- | | | |
|--|--------------|---------------|
| • Rodriguez Property
104 Smalley Corners Road, Kent, NY
TM: 21.-1-10 | Sub-Division | Status Report |
|--|--------------|---------------|

Waiting for a new submittal.

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

Waiting for a re-submittal and escrow.

- | | | |
|--|----------------------|---------------|
| • Kent Development/Hilltop Estates
Timber Harvest
Peckslip Road, Kent, NY
TM: 12.-1-38 & 42 | Erosion Control Plan | Status Report |
|--|----------------------|---------------|

Waiting for additional material and escrow.

- | | | |
|--|--|---------------|
| • Gierer (Cargain) Property
43 Marie Road, Kent, NY 10512
TM: 22.-1-42 | Erosion Control Plan/
Bond Recommendation | Status Report |
|--|--|---------------|

The applicant wants to withdraw application; waiting for notification in writing of withdrawal.

**Town of Kent Planning Board Minutes
January 9, 2020**

- | | | |
|---|-------------------------|---------------|
| • Kent Materials
NYS Rte. 52, Kent, NY
TM: 12.-1-44 | Request to Release Bond | Status Report |
|---|-------------------------|---------------|

Waiting for additional material and escrow.

- | | | |
|--|----------------------|---------------|
| • Fregosi/Marinelli Property
Miller Hill Road, Kent, NY
TM: 10.-1-17 | Erosion Control Plan | Status Report |
|--|----------------------|---------------|

A re-submittal is due.

- | | | |
|---|---------------------------|---------------|
| • Realbuto
49 Tiger Trail, Kent, NY
TM: 21.8-1-39 | Erosion Control Plan/Bond | Status Report |
|---|---------------------------|---------------|

A bond estimate is due for this project..

- | | | |
|---|----------------------|---------------|
| • O'Mara
Lhasa Ct., Kent, NY
TM: 31.9-1-6 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Planning Board Chairman signed the applicant's drawings and the Planning Board is done with this project and it has been forwarded to the Building Department.

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|---|---|---------------|
| • DiSanza Property
381 Ludingtonville Rd., Holmes, NY
TM: 12.-3-63 & 64 | Erosion Control Plan/
Wetland Permit | Status Report |
|---|---|---------------|

This matter is still pending and escrow is needed. Received a letter from the applicant's Attorney (attached). No action to be taken until escrow is submitted.

- | | | |
|---|----------------------|---------------|
| • Cabrera Property
126 Hortontown Road, Kent, NY
TM: 19.-1-35 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

A re-submittal is due.

Town of Kent Planning Board Minutes
January 9, 2020

Mr. Tolmach asked for a motion to close the January meeting at 08:00, The motion was made Mr. Wilhelm and seconded by Mr. Lowes. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Charles Sisto	<u>Absent</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

JANUARY 2020
KENT PLANNING BOARD AGENDA

Workshop: January 02, 2020 (Thursday, 7:30 PM) CANCELLED

Meeting: January 09, 2020 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from December 2019

- | | | |
|---|---|--------|
| • Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48 | Request for a Time Extension of
Site Plan/Erosion Control Plan/
SWPPP | Review |
|---|---|--------|

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

- | | | |
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Rehabilitation Center Addition
404 Ludingtonville Road, Holmes, NY
TM: 12.-3-40 & 41 | Erosion Control/Site Plan/
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| • Route 52 Development/Peder Scott
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
| • Rodriguez
104 Smalley Corners Rd., Kent, NY
TM: 21.-1-10 | Sub-Division | Status Report |
| • Raneri Property
Hillside Paper Rd., Kent., NY
TM: 44.24-1-3 | Erosion Control Plan/ | Status Report |
| • Kent Development /Hilltop Estates
Timber Harvest
Peckslip Rd., Kent, NY
TM: 12.-1-38 & 42 | Erosion Control | Status Report |
| • Gierer (Cargain) Property
43 Marie Road, Kent, NY 10512
TM: 22.-1-42 | Erosion Control Plan/
Bond Recommendation
Withdrawal pending | Status Report |
| • Kent Materials
NYS Rte. 52, Kent, NY
TM: 12.-1-44 | Request to Release Bond | Status Report |
| • Fregosi Marinelli Property
Miller Hill Road, Kent, NY
TM: 10.-1-17 | Erosion Control Plan | Status Report |
| • Realbuto
49 Tiger Trail, Kent, NY
TM: 21.8-1-39 | Erosion Control Plan/Bond | Status Report |
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Town of Kent Planning Board
Resolution of Re-Approval Of An Amended Site Plan
Amended Steep Slope and Erosion Control Permit
and Amended Freshwater Wetland Permit
FINAL ADOPTED RESOLUTON OF APPROVAL - JANUARY 9, 2020

Matter of Patterson Crossing Retail Development
Town of Kent / Town of Patterson

Whereas, the Town of Kent Planning Board had received an application from Patterson Crossing Realty, LLC, 1699 Route 6, Suite 1, Patterson, New York 10512 for re-approval of an Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit approvals that were approved on January 12, 2017 to allow the development of a 382,560 square-foot retail center for a project known as Patterson Crossing Retail Development ("Project"); and

Whereas, the Planning Board originally granted Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit approvals for the Project on September 9, 2010; and

Whereas, due to the complexity of the project and the number of other agency approvals that were necessary for work to commence, including poor economic conditions that have prevailed since 2008, the Planning Board re-approved all of the project permits and approvals on May 10, 2012, May 9, 2013, and October 9, 2014, along with several time extensions, including a re-approval granted on March 10, 2016 that extended all of the approvals forward to March 10, 2017, and re-approval of amended plans and permits for the Project that were granted on January 12, 2017 forward to July 8, 2018; and

Whereas, on November 9, 2017, pursuant to §77-60 and §77-61 of the Town Code, the Planning Board granted re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development, forward from July 9, 2018 including, pursuant to §77-61(C) of the Town Code, two additional 90-day extensions to the re-approvals so that all approvals granted on that date would expire on January 5, 2020; and

Whereas, the adopted November 9, 2017 re-approval resolution also included the following decisions:

1. Pursuant to §66-6 of the Town Code, the Planning Board waived the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by the Planning Board's Professional Engineer, and granted re-approval of the Steep Slope and Erosion Control Permit for the project as described herein;

2. Pursuant to §39A-7(D)(1) of the Town Code, the Planning Board granted re-approval of the Freshwater Wetland Permit for the regulated herein; and
3. The Amended Site Plan, Steep Slope and Erosion Control Permit and Freshwater Wetland Permit re-approvals granted were expressly conditioned completion of , and compliance with, 19 conditions as set forth in the adopted resolution as attached hereto;

Whereas, the Town of Kent Planning Board recently received a letter from Jeffrey Contelmo, PE, Insite Engineering, dated December 19, 2019 and application fees on behalf of Patterson Realty Company,, LLC, 1699 Route 6, Suite 1, Carmel, New York 10512 for extension of an Amended Site Plan , Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit approvals that were re-approved on November 9, 2017, which were to expire on January 5, 2020 to allow the Project to move forward; and

Whereas, the Applicant and his Representatives have provided information to address the 19 conditions of approval , which materials are on file at the Planning Board office and engaged in off-line consultation with the Planning Board's Consulting Engineer, Environmental Engineer and Planner since the November 8, 2017 approval, in the end of 2018 and throughout 2019;'

Whereas, the Board is required to consider whether re-approval of the previously granted permits and approvals raise new or previously unanticipated planning impacts or concerns and whether such impacts or concerns necessitate reconsideration of the Board's prior SEQRA Determination; and

Whereas, the Board's consideration of potentially significant environmental issues also takes into account any changes to the project size or to the neighborhood surrounding the project site such that the Board might otherwise be compelled to re-consider the Findings Statement that was adopted on September 9, 2010; and

Whereas, after such re-consideration the Board finds that there has been no substantive or material change to the proposed project design from the plans that were originally approved on September 9, 2010, as amended and approved on January 12, 2017, and re-approved on November 9, 2017 that raise new or previously unanticipated environmental concerns that might warrant re-opening the Board's previous environmental review; and

Whereas, the Board has examined the project site and the character of the neighborhood adjacent to the project site and finds that, with the exception of storm water improvements installed by the New York State Department of Transportation along the adjacent state highway, and the work performed on the site by the East of Hudson Corporation to remediate a large gulley near Brentwood Road and Greenridge Court which had been a significant source of erosion and degradation of surface water quality including landscaping and a new gate at the entrance at Brentwood Road and Greenridge Court used by East of Hudson Corporation to access the gulley work site, there have been no material change to the project site or to the neighborhood that might warrant a full site plan review; and

Whereas, because the Project has not materially changed from the one approved on January 12, 2017 when the Planning Board considered re-approval in November 2017, the Planning Board waived a public hearing on the application for re-approval of the Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit applications; and

Whereas, the Board had previously referred the applications to the Putnam County Department of Planning for review and recommendation pursuant to GML 239-m, and said Department has previously recommended approval of the project without change; and

Whereas, the Planning Board has reviewed the application for re-approval of the Amended Site Plan approval and has determined that the requirements of §77-60 and §77-61 of the Town Zoning Law have been met; and

Whereas, pursuant to §77-61(B) and §66-6 of the Town Code the Planning Board finds that the proposed Amended Site Plan meets the requirements of the Zoning Law, specifically:

1. The layout of the proposed driveway access and storm water management facilities of the Project in Kent would have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods. As noted in the adopted Findings Statement, the Board's review of the project plans indicates that proper provisions have been made for the capture and treatment of storm water runoff so that flooding of adjacent properties would be avoided. In addition, the project plans include landscaping of the access driveway and in certain areas of the storm water management facilities to reduce the visual impact of the improvements to adjacent and nearby properties.

2. The proposed access driveway and storm water management facilities would have no material adverse effect upon the desirability of such neighborhoods for the uses contemplated by this Chapter. As noted in the adopted Findings Statement, the Project must, as a condition of those findings and of this resolution of approval, comply with Chapter 66 of the Town Code in regard to the construction, operation and maintenance of storm water management facilities, including the posting of securities sufficient to ensure the completion of any required improvements, and the providing of such agreements, remedies and security as the Town shall require for the continued maintenance and repair of such facilities. In addition, any required blasting would be subject to the permit requirements of Chapter 38 of the Town Code, and construction activities shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM as set forth in Chapter 48 of the Town Code.
3. The proposed access driveway and storm water management facilities would be properly related to the uses, goals and policies for land development as expressed in the Town Comprehensive Plan.
4. Pedestrian and vehicular access, traffic circulation and the general layout of the site would be properly planned with regard to the safety of vehicles and pedestrians using the site, as well as those on neighboring properties and streets.
5. The improvements proposed for the Kent portion of the project are properly oriented so as to take advantage of solar access with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.
6. The location of the access driveway and storm water management facilities reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and shall, to the maximum extent practical, preserve and enlarge upon these assets for recreation, scenic or conservation purposes.
7. The proposed use and improvements conform to the requirements of the Chapter 77 of the Town of Kent Code.

Whereas, pursuant to §39A-7(D)(1) of the Town Code the Planning Board has reviewed the application for re-approval of the Freshwater Wetland Permit and has determined that the requirements of Chapter §39A, "Freshwater Wetlands" of the Town Code have been met as noted in the Findings Statement adopted by the Involved Agency:

"Under Chapter 39A of the Town Code the Town of Kent regulates certain discharges and other activities into wetlands, water bodies, and water courses and their "controlled areas". For purposes of wetlands the "controlled area" extends 100 feet outward from the edge of the wetland boundary, and for water bodies and water courses the "controlled area" extends 100 feet outward from the bank of the watercourse an elevation of less than three feet above the normal waterline, whichever is greater. Chapter 39A prohibits the draining, dredging, excavation, and removal of material, the depositing or storing of any material, and the erection of buildings, roads and structures within regulated wetlands, water bodies, and water courses, and their controlled areas without a permit."

"As previously noted, the applicant proposes to undertake the repair and replacement of an aged and deteriorated section of 30 inch pipe along the south side of NYS Route 311 that is corroded through and is causing sink holes above the pipe and erosion under the pipe, resulting in the deposition of sediment and material (including phosphorus) into the Middle Branch that eventually finds its way to Lake Carmel. This work would also include the placement of certain road improvements within the Route 311 right of way that extends into the "controlled area" of the Middle Branch, which is a regulated water body under Chapter 39A of the Town Code. This work will therefore require a permit from the Planning Board and may also require permits or approvals from the NYCDEP and/or the USACOE. The amount of land area within the controlled area that would be disturbed is ± 2850 square feet, or ± 0.065 acres." The proposed storm water retrofits and improvements would serve as mitigation for disturbance to the Town's jurisdictional watercourse controlled area.

"The work proposed would result in the elimination of a condition under which the corroded pipe is allowing erosion and sediment to enter the Middle Branch and Lake Carmel. This work would therefore correct a latent and adverse environmental condition, meaning that the work to be performed under the Chapter 39A permit from the Town would be a repair of a condition not caused by or otherwise contributed to by the Project. The work is therefore not a mitigation measure as such, but is a repair that the applicant has agreed to perform as part of the installation of the storm water management facilities for the Project. In return the Town would realize an important benefit in the water quality of the Middle Branch and Lake Carmel."

Whereas, pursuant to §39A-8(C) of the Town Code the Planning Board hereby finds that the application for re-approval of the Amended Site Plan meets the requirements for issuance of a Freshwater Wetland Permit, specifically:

1. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the policy of this chapter.
2. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
3. The proposed disturbance to the controlled area of the Middle Branch surface waters is compatible with the public health and welfare.
4. There is no practicable alternative to the loss of the controlled area function.
5. The proposed disturbance would minimize the degradation to the Towns surface water bodies and adverse impacts on the functions and benefits that the surface waters provide.
6. The proposed disturbance would be in compliance with the standards set forth in the New York State Freshwater Wetland Regulations, 6 NYCRR 665.7(e) and (g).

Whereas, pursuant to condition number 19 of the November 9, 2017 Planning Board approval, at the regular meeting on March 14, 2019 the Planning Board reviewed and approved the International Blasting Pamphlet, which is attached to this Resolution.

Now Therefore Be It Resolved, the Planning Board hereby affirms its September 9, 2010 Findings Statement for the Patterson Crossing Retail Development in its entirety; and

Be it Further Resolved, because the project has not materially changed from the one approved on January 12, 2017 and re-approved on November 9, 2017 the Planning Board hereby waives a Public Hearing on the application for re-approval of the Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit applications; and

Be it Further Resolved, that the Planning Board hereby reaffirms the assertions of the November 9, 2017 re-approval that the application meets the requirements of Chapter 39A, "Freshwater Wetlands"; Chapter 66 "Steep Slope Protection and Stormwater Management" and Chapter 77 "Zoning";

Be It Further Resolved, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein and pursuant to §77-61(C) of the Town Code, the “site plan approval shall 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. Prior to its expiration, the site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods.”; and all approvals granted herein shall accordingly expire unless construction is started no later than January 8, 2021 and completed no later than January 8, 2022; and

Be It Further Resolved, pursuant to §66-6 of the Town Code the Planning Board waives the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by the Planning Board’s Professional Engineer, and grants re-approval of the Steep Slope and Erosion Control Permit for the project as described herein; and

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

Be It Further Resolved, the Amended Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit re-approvals granted herein are expressly conditioned completion of, and compliance with, the following:

- 1) The Project shall be developed in accordance with the plans and specifications that have been reviewed by the Planning Board, specifically:*
 - a) Site plan map set prepared by Insite Engineering, Surveying & Landscape Architecture, P.C, consisting of the following drawings:*
 - i) VM-1K, Vicinity Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - ii) EX-1K, Existing Conditions Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - iii) SS-1K, Soils & Slopes Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - iv) SP-1K, Overall Site Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - v) SP-2K, Layout & Landscape Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*

- vi) SP-3K, Grading & Utilities Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- vii) SP-4.1K, Overall Phasing Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- viii) SP-4.2K, Sediment & Erosion Control Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- ix) SP-4.3K, Sediment & Erosion Control Plan, dated January 21, 2016, revised February 18, 2016 and bearing a latest revision date of December 15, 2016.*
- x) SP-5K, Kent Watercourse Controlled Area Improvement Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xi) PR-1K, Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xii) PR-2K, Drainage Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xiii) L-1K, Lighting Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xiv) DA-1K, Site Drainage Areas Contributing to the Middle Branch of the Croton River, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xv) D-1K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xvi) D-2K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xvii) D-3K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xviii) D-4K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*

2) *Prior to obtaining the Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:*

- a) *The site plan set shall be amended to include the location and a design detail for the security gate to be installed at the Brentwood Road and Greenridge Court entrance as previously described herein. **This gate has been installed. This condition has been addressed.***
- b) *Planning Board Professional Engineer and Wetland Consultant approval of the Storm Water Pollution Prevention Plan and Steep Slope Permit (Chapter 66 of the Town Code). **This condition has been addressed.***
- c) *Planning Board Professional Engineer, Attorney, and Wetland Consultant approval of any agreements required under Chapter 66 of the Town Code to ensure the performance of the Project obligations regarding that Chapter, and any Storm Water Pollution Prevention Plan and Steep Slope Permit issued thereunder. **This condition is nearly addressed, yet proof of collateral must be provided, in a form acceptable to the Town Attorney, before the plans are signed.***
- d) *Town Board approval of the agreement(s), as set forth in §E(1) of the Involved Agency's Findings Statement, to address the establishment of tax liens by either host municipality upon the portion of the project in its jurisdiction to remedy default by the Project in future maintenance of storm water facilities situated in either of the two municipalities, and acceptance and execution of said agreement(s) by the Town Board of the Town of Kent, the Town Board of the Town of Patterson, and the applicant/owner, unless the Town Board elects to pursue other or alternative forms of security. **This condition is nearly addressed, yet proof of collateral must be provided, in a form acceptable to the Town Attorney, before the plans are signed.***
- e) *NYS Department of Transportation approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement. **This condition has been addressed.***
- f) *Putnam County DPW approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement. **This condition has been addressed.***

- g) *Town of Kent Highway Department approval for the specific traffic mitigation improvements within town highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement. This condition has been addressed.*
 - h) *Any required approvals from the NYC Department of Environmental Protection. This condition has been addressed.*
 - i) *Any required approvals from the Putnam County Department of Health. This condition has been addressed.*
 - j) *Any required U.S. Army Corps of Engineers (ACOE) permit(s). This condition has been addressed.*
- 3) *Implementation, maintenance, and/or completion, as may be the case, of any mitigation and conditions set forth in sections "C", "D", and "E" of the Involved Agency's Findings Statement adopted September 9, 2010 is an express condition of the Site Plan Approval, the Steep Slope and Erosion Control Permit Approval, and the Freshwater Wetland Permit Approval granted herein. This is an ongoing compliance requirement.*
 - 4) *During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required mitigation as set forth in the Lead Agency's Findings Statement and the Involved Agency's Findings Statement. This is an ongoing compliance requirement.*
 - 5) *During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required conditions of this approval and the Town of Patterson Planning Board's Site Plan Approval. This is an ongoing compliance requirement.*
 - 6) *At all times the applicant shall maintain the site in accordance with the approved Site Plan and any on-going conditions of Site Plan Approval as set forth herein or as required by any other permitting or approving agency, including the MS4 approved SWPPP. This is an ongoing compliance requirement.*
 - 7) *There shall be no vehicles parked and offered for sale on the site. This is an ongoing compliance requirement.*

- 8) *At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification sealed and signed by a New York State Licensed Professional Engineer to the Town Building Inspector and the Planning Board that all site work has been carried out and completed in compliance with the approved Site Plan for the project, and shall also provide to the Planning Board and the Town Building Inspector an "as built" survey of the completed improvements. **This is an ongoing compliance requirement.***
- 9) *Payment to the Town of Kent the following fees:*
 - a) *Any unpaid or outstanding application fees. **This condition has been addressed.***
 - b) *Any review fees accrued by the Planning Board and the Town Board during the review of the application. **The status of review fees shall be provided by the Planning Board Secretary..***
 - c) *An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer, Wetland Consultant, and Planning Consultant. **The applicant must deposit \$2,000 into an escrow account with the Town to be replenished when the account balance is reduced to \$500.***
- 10) *Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated September 9, 2010 and March 10, 2016. **This condition has been addressed.***
- 11) *Address to the satisfaction of the Planning Board the comments of the Planning Board Wetland Consultant as set forth in a memorandum dated August 2010 and February 11, 2016. **This condition ha been addressed***
- 12) *It is the responsibility of the owner/applicant to submit to the Planning Board proof that the conditions of this Site Plan Approval have been completed, and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board Planning Consultant verifying that the conditions of this approval have been completed. **This is an ongoing compliance requirement.***
- 13) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans for the development and shall be maintained in a good and functional condition during the course of site work and construction. **This is an ongoing compliance requirement.***

- 14) Except for "field changes" as may be approved by the Planning Board Professional Engineer or Wetland Consultant, the project shall be constructed in accordance with the project plans as set forth above. Any changes to the Site Plan and any changes to the Freshwater Wetland Permit shall be subject to the prior approval of the Planning Board before any such changes are implemented. **This is an ongoing compliance requirement, except for "field changes" as per the Code of the Town of Kent, Chapter 66A, Subdivision of Land; and Chapter 77, Zoning definitions of "field change" and related procedures for approval of "field changes".**
- 15) Pursuant to Chapter 38, Article II of the Town of Kent Code any blasting activity within the Town of Kent will require a permit from the Town Fire Inspector. In accordance with Section 38-13.3 of the Town Code blasting may be conducted when authorized by permit Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m., and shall be prohibited Saturdays, Sundays and legal holidays. For blasting operations in the Town of Patterson the Applicant shall adhere to the requirements set forth in the Lead Agency's Findings Statement subject to the review and approval of the Town of Patterson. **This is an ongoing compliance requirement.**
- 16) Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM. **This is an ongoing compliance requirement.**
- 17) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance and repair of the storm water management facilities located in the Town of Kent portion of the Project. **These arrangements are subject to Attorney review and approval and require provision of bonds and execution by the Town Supervisor. This is an ongoing compliance requirement.**
- 18) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance, repair, and replacement of water and wastewater facilities situated within the Town of Kent portion of the Project. **This condition has been addressed.**

19) *The applicant will prepare and submit for approval of the Planning Board a handout for nearby residents which addresses the process of blasting, scheduling, monitoring and all significant pre-blast and post-blast matters, and including a municipal contact name and telephone number in both the Town of Kent and Town of Patterson. The applicant will distribute the approved handout to all residents within a 1,000 foot radius of the point of blasting. An Informational Blasting Pamphlet was approved by simple resolution of the Planning Board on March 14, 2019. This is an ongoing compliance requirement.*

Motion: Nisim Sachakov Second: Dennis Lowes

Phil Tolmach, Chairman Aye

Dennis Lowes, Vice Chairman Aye

Simon Carey Aye

Giancarlo Gattucci Abstained

Nisim Sachakov Aye

Charles Sisto Absent

Stephen Wilhelm Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board on January 9, 2020 at a regular meeting of the Board.

Vera Patterson
Vera Patterson, Clerk
Town of Kent Planning Board

ATTACHMENTS:

Adopted, certified November 9, 2017 Planning Board Approval

Information Blasting Pamphlet approved by simple resolution of the Planning Board on March 14, 2019.

RECEIVED
TOWN OF KENT
16 PM 12/02
2017 NOV 15 AM 9:46

Town of Kent Planning Board
Resolution of Re-Approval Of An Amended Site Plan
Amended Steep Slope and Erosion Control Permit
and Amended Freshwater Wetland Permit

Matter of Patterson Crossing Retail Development
Town of Kent / Town of Patterson

Whereas, the Town of Kent Planning Board has received an application from Patterson Crossing Realty, LLC, 1699 Route 6, Suite 1, Patterson, New York 10512 for re-approval of an Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit approvals that were approved on January 12, 2017 to allow the development of a 382,560 square-foot retail center for a project known as Patterson Crossing Retail Development ("Project"); and

Whereas, the Planning Board originally granted Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit approvals for the Project on September 9, 2010; and

Whereas, due to the complexity of the project and the number of other agency approvals that are necessary for work to commence, including poor economic conditions that have prevailed since 2008, the Planning Board re-approved all of the project permits and approvals on May 10, 2012, May 9, 2013, and October 9, 2014, along with several time extensions, including a re-approval granted on March 10, 2016 that extended all of the approvals forward to March 10, 2017, and approval of amended plans and permits for the Project that were granted on January 12, 2017 forward to July 8, 2018; and

Whereas, the Board is required to consider whether re-approval of the previously granted permits and approvals raise new or previously unanticipated planning impacts or concerns and whether such impacts or concerns necessitate reconsideration of the Board's prior SEQRA determinations; and

Whereas, the Board's consideration of potentially significant environmental issues also takes into account any changes to the project site or to the neighborhood surrounding the project site such that the Board might otherwise be compelled to re-consider the Findings Statement that was adopted on September 9, 2010; and

Whereas, after such re-consideration the Board finds that there has been no substantive or material change to the proposed project design from the plans that were originally approved on September 9, 2010, as amended and approved on January 12, 2017, that raise new or previously unanticipated environmental concerns that might warrant re-opening the Board's previous environmental review; and

Whereas, the Board has examined the project site and the character of the neighborhood adjacent to the project site and finds that, with the exception of storm water improvements installed by the New York State Department of Transportation along the adjacent state highway, and the work performed on the site by the East of Hudson Corporation to remediate a large gully near Brentwood Road and Greenridge Court which had been a significant source of erosion and

degradation of surface water quality including landscaping and a new gate at the entrance at Brentwood Road and Greenridge Court used by East of Hudson Corporation to access the gully work site, there have been no material change to the project site or to the neighborhood that might warrant a full site plan review; and

Whereas, because the Project has not materially changed from the one approved on January 12, 2017 the Planning Board hereby waives a public hearing on the application for re-approval of the Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit applications; and

Whereas, the Board previously referred the applications to the Putnam County Department of Planning for review and recommendation pursuant to GML 239-m, and said Department has previously recommended approval of the project without change; and

Whereas, the Planning Board has reviewed the application for re-approval of the Amended Site Plan approval and has determined that the requirements of §77-60 and §77-61 of the Town Zoning Law have been met; and

Whereas, pursuant to §77-61(B) and §66-6 of the Town Code the Planning Board finds that the proposed Amended Site Plan meets the requirements of the Zoning Law, specifically:

1. The layout of the proposed driveway access and storm water management facilities of the Project in Kent would have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods. As noted in the adopted Findings Statement the Board's review of the project plans indicates that proper provisions have been made for the capture and treatment of storm water runoff so that flooding of adjacent properties would be avoided. In addition, the project plans include landscaping of the access driveway and in certain areas of the storm water management facilities to reduce the visual impact of the improvements to adjacent and nearby properties.
2. The proposed access driveway and storm water management facilities would have no material adverse effect upon the desirability of such neighborhoods for the uses contemplated by this Chapter. As noted in the adopted Findings Statement the Project must, as a condition of those findings and of this resolution of approval, comply with Chapter 66 of the Town Code in regard to the construction, operation and maintenance of storm water management facilities, including the posting of securities sufficient to ensure the completion of any required improvements, and the providing of such agreements, remedies and security as the Town shall require for the continued maintenance and repair of such facilities. In addition, any required blasting would be subject to the permit requirements of Chapter 38 of the Town Code, and construction activities shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM as set forth in Chapter 48 of the Town Code.
3. The proposed access driveway and storm water management facilities would be properly related to the uses, goals and policies for land development as expressed in the Town Comprehensive Plan.

4. Pedestrian and vehicular access, traffic circulation and the general layout of the site would be properly planned with regard to the safety of vehicles and pedestrians using the site, as well as those on neighboring properties and streets.
5. The improvements proposed for the Kent portion of the project are properly oriented so as to take advantage of solar access with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.
6. The location of the access driveway and storm water management facilities reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and shall, to the maximum extent practical, preserve and enlarge upon these assets for recreation, scenic or conservation purposes.
7. The proposed use and improvements conform to the requirements of the Chapter 77 of the Town of Kent Code.

Whereas, pursuant to §39A-7(D)(1) of the Town Code the Planning Board has reviewed the application for re-approval of the Freshwater Wetland Permit and has determined that the requirements of Chapter §39A, "Freshwater Wetlands" of the Town Code have been met as noted in the Findings Statement adopted by the Involved Agency:

"Under Chapter 39A of the Town Code the Town of Kent regulates certain discharges and other activities into wetlands, water bodies, and water courses and their 'controlled areas'. For purposes of wetlands the 'controlled area' extends 100 feet outward from the edge of the wetland boundary, and for water bodies and water courses the 'controlled area' extends 100 feet outward from the bank of the watercourse an elevation of less than three feet above the normal waterline, whichever is greater. Chapter 39A prohibits the draining, dredging, excavation, and removal of material, the depositing or storing of any material, and the erection of buildings, roads and structures within regulated wetlands, water bodies, and water courses, and their controlled areas without a permit."

"As previously noted, the applicant proposes to undertake the repair and replacement of an aged and deteriorated section of 30 inch pipe along the south side of NYS Route 311 that is corroded through and is causing sink holes above the pipe and erosion under the pipe, resulting in the deposition of sediment and material (including phosphorus) into the Middle Branch that eventually finds its way to Lake Carmel. This work would also include the placement of certain road improvements within the Route 311 right of way that extends into the 'controlled area' of the Middle Branch, which is a regulated water body under Chapter 39A of the Town Code. This work will therefore require a permit from the Planning Board and may also require permits or approvals from the NYCDEP and/or the USACOE. The amount of land area within the controlled area that would be disturbed is ±2850 square feet, or ±0.065 acres." The proposed storm water retrofits and improvements would serve as mitigation for disturbance to the Town's jurisdictional watercourse controlled area.

"The work proposed would result in the elimination of a condition under which the corroded pipe is allowing erosion and sediment to enter the Middle Branch and Lake Carmel. This work would therefore correct a latent and adverse environmental condition, meaning that the work to be performed under the Chapter 39A permit from the Town would be a repair of a condition not caused by or otherwise contributed to by the Project. The work is therefore not a mitigation measure as such, but is a repair that the applicant has agreed to perform as part of the installation of the storm water management facilities for the Project. In return the Town would realize an important benefit in the water quality of the Middle Branch and Lake Carmel."

Whereas, pursuant to §39A-8(C) of the Town Code the Planning Board hereby finds that the application for re-approval of the Amended Site Plan meets the requirements for issuance of a Freshwater Wetland Permit, specifically:

1. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the policy of this chapter.
2. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
3. The proposed disturbance to the controlled area of the Middle Branch surface waters is compatible with the public health and welfare.
4. There is no practicable alternative to the loss of the controlled area function.
5. The proposed disturbance would minimize the degradation to the Towns surface water bodies and adverse impacts on the functions and benefits that the surface waters provide.
6. The proposed disturbance would be in compliance with the standards set forth in the New York State Freshwater Wetland Regulations, 6 NYCRR 665.7(e) and (g).

Now Therefore Be It Resolved, the Planning Board hereby affirms its September 9, 2010 Findings Statement for the Patterson Crossing Retail Development in its entirety; and

Be It Further Resolved, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein, forward from July 9, 2018 including, pursuant to §77-61(C) of the Town Code, two additional 90-day extensions to the re-approvals so that all approvals granted herein shall expire on January 5, 2020; and

Be It Further Resolved, pursuant to §66-6 of the Town Code the Planning Board waives the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by the Planning Board's Professional Engineer, and grants re-approval of the Steep Slope and Erosion Control Permit for the project as described herein; and

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

Be It Further Resolved, the Amended Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit re-approvals granted herein are expressly conditioned completion of, and compliance with, the following:

- 1) The Project shall be developed in accordance with the plans and specifications that have been reviewed by the Planning Board, specifically:
 - a) Site plan map set prepared by Insite Engineering, Surveying & Landscape Architecture, P.C, consisting of the following drawings:
 - i) VM-1K, Vicinity Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - ii) EX-1K, Existing Conditions Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - iii) SS-1K, Soils & Slopes Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - iv) SP-1K, Overall Site Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - v) SP-2K, Layout & Landscape Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - vi) SP-3K, Grading & Utilities Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - vii) SP-4.1K, Overall Phasing Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - viii) SP-4.2K, Sediment & Erosion Control Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - ix) SP-4.3K, Sediment & Erosion Control Plan, dated January 21, 2016, revised February 18, 2016 and bearing a latest revision date of December 15, 2016.
 - x) SP-5K, Kent Watercourse Controlled Area Improvement Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - xi) PR-1K, Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - xii) PR-2K, Drainage Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - xiii) L-1K, Lighting Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - xiv) DA-1K, Site Drainage Areas Contributing to the Middle Branch of the Croton River, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - xv) D-1K, Site Details, dated January 21, 2016 and bearing a latest revision date of

December 15, 2016.

xvi) D-2K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.

xvii) D-3K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.

xviii) D-4K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.

- 2) Prior to the obtaining Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:
- a) The site plan set shall be amended to include the location and a design detail for the security gate to be installed at the Brentwood Road and Greenridge Court entrance as previously described herein.
 - b) Planning Board Professional Engineer and Wetland Consultant approval of the Storm Water Pollution Prevention Plan and Steep Slope Permit (Chapter 66 of the Town Code).
 - c) Planning Board Professional Engineer, Attorney, and Wetland Consultant approval of any agreements required under Chapter 66 of the Town Code to ensure the performance of the Project obligations regarding that Chapter, and any Storm Water Pollution Prevention Plan and Steep Slope Permit issued thereunder.
 - d) Town Board approval of the agreement(s), as set forth in §E(1) of the Involved Agency's Findings Statement, to address the establishment of tax liens by either host municipality upon the portion of the project in its jurisdiction to remedy default by the Project in future maintenance of storm water facilities situated in either of the two municipalities, and acceptance and execution of said agreement(s) by the Town Board of the Town of Kent, the Town Board of the Town of Patterson, and the applicant/owner, unless the Town Board elects to pursue other or alternative forms of security.
 - e) NYS Department of Transportation approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.
 - f) Putnam County DPW approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.
 - g) Town of Kent Highway Department approval for the specific traffic mitigation improvements within town highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.

- h) Any required approvals from the NYC Department of Environmental Protection.
 - i) Any required approvals from the Putnam County Department of Health.
 - j) Any required U.S. Army Corps of Engineers (ACOE) permit(s).
- 3) Implementation, maintenance, and/or completion, as may be the case, of any mitigation and conditions set forth in sections "C", "D", and "E" of the Involved Agency's Findings Statement adopted September 9, 2010 is an express condition of the Site Plan Approval, the Steep Slope and Erosion Control Permit Approval, and the Freshwater Wetland Permit Approval granted herein.
- 4) During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required mitigation as set forth in the Lead Agency's Findings Statement and the Involved Agency's Findings Statement.
- 5) During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required conditions of this approval and the Town of Patterson Planning Board's Site Plan Approval.
- 6) At all times the applicant shall maintain the site in accordance with the approved Site Plan and any on-going conditions of Site Plan Approval as set forth herein or as required by any other permitting or approving agency, including the MS4 approved SWPPP.
- 7) There shall be no vehicles parked and offered for sale on the site.
- 8) At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification sealed and signed by a New York State Licensed Professional Engineer to the Town Building Inspector and the Planning Board that all site work has been carried out and completed in compliance with the approved Site Plan for the project, and shall also provide to the Planning Board and the Town Building Inspector an "as built" survey of the completed improvements.
- 9) Payment to the Town of Kent the following fees:
- a) Any unpaid or outstanding application fees.
 - b) Any review fees accrued by the Planning Board and the Town Board during the review of the application.
 - c) An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer, Wetland Consultant, and Planning Consultant.

- 10) Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated September 9, 2010 and March 10, 2016.
- 11) Address to the satisfaction of the Planning Board the comments of the Planning Board Wetland Consultant as set forth in a memorandum dated August 2010 and February 11, 2016.
- 12) It is the responsibility of the owner/applicant to submit to the Planning Board proof that the conditions of this Site Plan Approval have been completed, and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board Planning Consultant verifying that the conditions of this approval have been completed.
- 13) Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans for the development and shall be maintained in a good and functional condition during the course of site work and construction.
- 14) Except for "field changes" as may be approved by the Planning Board Professional Engineer or Wetland Consultant, the project shall be constructed in accordance with the project plans as set forth above. Any changes to the Site Plan and any changes to the Freshwater Wetland Permit shall be subject to the prior approval of the Planning Board before any such changes are implemented.
- 15) Pursuant to Chapter 38, Article II of the Town of Kent Code any blasting activity within the Town of Kent will require a permit from the Town Fire Inspector. In accordance with Section 38-13.3 of the Town Code blasting may be conducted when authorized by permit Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m., and shall be prohibited Saturdays, Sundays and legal holidays. For blasting operations in the Town of Patterson the Applicant shall adhere to the requirements set forth in the Lead Agency's Findings Statement subject to the review and approval of the Town of Patterson.
- 16) Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.
- 17) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance and repair of the storm water management facilities located in the Town of Kent portion of the Project.
- 18) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance, repair, and replacement of water and wastewater facilities situated within the Town of Kent portion of the Project.
- 19) The applicant will prepare and submit for approval of the Planning Board a handout for nearby residents which addresses the process of blasting, scheduling, monitoring and all significant pre-blast and post-blast matters, and including a municipal contact name and telephone number in

both the Town of Kent and Town of Patterson. The applicant will distribute the approved handout to all residents within a 1,000 foot radius of the point of blasting.

Motion: Michael McDermott Second: Dennis Lowes

Michael McDermott, Chairman Aye

Dennis Lowes, Vice Chairman Aye

Charles Sisto Abstained

Phil Tolmach Aye

Stephen Wilhelm Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board on November 9, 2017 at a regular meeting of the Board.

Vera Patterson
Vera Patterson, Clerk
Town of Kent Planning Board

Informational Blasting Pamphlet

Prepared For
Patterson Crossing Retail Center
NYS Route 311

Background Information - Town of Kent Blasting Regulations:

Commercial explosives and blasting operations are regulated by a number of regulatory agencies on the local, state and federal level. The Fire Prevention section of the Town Code, specifically Article II Sections 38-10 thru 38-19 provide comprehensive information relative to all Town regulations that apply to the licensing, permitting, storage, sales, use and transportation of explosives typically used in blasting operations in the Town of Kent.

These sections of the Town Code are administered by the both Town Fire Inspector and the Building Department. Per the Town Code the applicant is responsible to fulfill all of the requirements of the permit application including proper noticing of all activities prior to procurement of the blasting permit for blasting in the Town of Kent.

For anyone interested in the details of the blasting permit approval procedures please review Section 38 of the Town Code (Specifically Section 38-10 thru 39-19). A link to Section 38 of the Town of Kent Town Code is as follows: <http://ecode360.com/12700547>

Useful Contact Information:

Town of Kent Fire Inspector 25 Sybil's Crossing Kent Lakes NY, 10512 (845)-225-3900	Town of Kent Building Department 25 Sybil's Crossing Kent Lakes NY, 10512 (845)-225-3900	Camarda Realty Investments LLC 1699 Route 6, Suite 1 Carmel NY, 10512 (845)-228-1400
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A Few Key Questions Answered About Blasting:

What precautions can be taken before blasting starts?

If a blasting project is planned near your property, take a close look at your home or business. You may be surprised at how many cracks in walls, floors and ceilings already exist within your structure from a number of factors including seasonal changes in humidity, age, and normal wear and tear. Most property owners do not notice these imperfections until after blasting has commenced and may mistake them for blasting damage. The limits set forth in the Town Code set for noise and vibrations are conservative and are below the threshold of where any damage is typically known to occur.

If a preblast survey is offered, homeowners are encouraged to accept the offer. The survey is simply an inventory of the existing conditions of your property. It is an opportunity for homeowners to ask questions of the blasting company prior to the start of blasting operations. The blasting company should be willing and able to answer any and all questions pertaining to the blasting operations and address any addition concerns of the adjacent homeowners.

Will you hear or feel the blast?

Homeowners may feel the blast depending on the proximity to the blast site. Humans are fairly sensitive to noise and sound. What you feel does not necessarily mean that damage is occurring. Let the Town and blasting company know if you have other concerns about the blasting procedure.

What if I feel that blasting damage has occurred?

If you feel that damage may have occurred to your property, you contact the Town Fire Inspector and Building Department immediately report your concern. If requested by the Town, the blasting company will submit to the Fire Inspector the record of all blast(s) believed to have caused the damage. The Fire Inspector and Building Department will review those records for any violations of the Town Regulations. Additionally the blasting company or its insurance agency is required to respond to the claimant and to investigate the claim. Should personal injury occur from blasting operations, the Fire Inspector will follow the procedures specifically prescribed in the Section 38 of the Town Code.

Town of Kent Planning Board
25 Sybil's Crossing
Tel: 845-225-7802

email: planningkent@townofkentny.gov
Kent, NY 10512
Fax: 845-306-5283

Memorandum

Date: December 19, 2019

From: The Kent Planning Board

To: The Finance Dept.

CC:

Re: Patterson Crossing – TM: 22.-2-48 – Extension of approvals

Please find attached Tompkins Mahopac Bank Check 1653, dated December 19, 2019 in the amount of \$1,250.00 which is broken down as noted below:

- Site Plan Application Fee - \$150.00
- Erosion/Sediment Control Application Fee - 500.00
- Wetland Permit Application Fee - 500.00
- SWPPP Review - - -

Please handle appropriately.

Thanks very much.

RECEIPT

TOWN OF KENT-PLANNING BOARD
25 SYBILS CROSSING
KENT LAKES, NY 10512
(845) 225-7802

3292

DATE Dec. 19, 2019

RECEIVED FROM P. Camardo
One Thousand Two Hundred fifty and 00/100 \$ 1,250.00
FOR Patterson Crossing Extension TM: 22.-2-48 DOLLARS
1653

AMOUNT OF ACCOUNT		<input type="checkbox"/> CASH
THIS PAYMENT		<input checked="" type="checkbox"/> CHECK
BALANCE DUE		<input type="checkbox"/> M.O.

BY V. Pallares

THANK YOU

PATTERSON CROSSING REALTY CO., LLC

1699 ROUTE 6, STE. 1
CARMEL, NY 10512

TOMPKINS

Mahopac Bank

50-1139/219

12/19/2019

PAY TO THE
ORDER OF Town of Kent

\$ **1,250.00

One Thousand Two Hundred Fifty and 00/100 ***** DOLLARS

Town of Kent
25 Sybil's Crossing
Kent, NY 10512

MEMO

Planning Board -Extension Fee

AUTHORIZED SIGNATURE



Received
mo/date/year

December 19, 2019

DEC 19 2019

Planning Department
Town of Kent

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

RE: Patterson Crossing Retail Center
NYS Route 311
Tax Map No. 22-2-48

Dear Chairman Tolmach and Members of the Board:

With regard to the above-referenced project, enclosed are the fourteen (14) copies of the Summary of Approvals, dated December 19, 2019.

Also enclosed is a check in the amount of \$1,250.00 to cover the associated fees:

- Site Plan Application Fee in the amount of \$150.00.
- Erosion and Sediment Control Application Fee in the amount of \$500.00.
- Wetland Permit Application Fee in the amount of \$500.00.
- SWPPP Review Fee in the amount of \$100.00.

The applicant, Patterson Crossing Realty Company LLC is requesting a 6-month extension of approval for the subject project with no changes to the previously approved application materials or project drawings. As you are aware, the project obtained the Amended Site Plan Approval, Wetland Permit Approval and Steep Slopes and Erosion Control Permit Approval which expires on January 5, 2020.


As the Board may be aware, the applicant's attorney has finalized all required legal documents in consultation with the Board's attorney. We believe the only outstanding requirement is to post the required bonds to allow for the signing of the site plan. Also note, the applicant has fulfilled their stormwater maintenance and reporting obligations on the stormwater infrastructure already installed on the site.

We respectfully request that this project be placed on the January 9, 2020 Planning Board agenda to discuss the extension of approval. Should you have any questions or comments regarding the above information, please do not hesitate to contact me.

Very truly yours,

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

By:


Jeffrey J. Contelmo, P.E.
Senior Principal Engineer

JJC/jll/amk

Enclosures

cc: Paul Camarda, CRI

Insite File No. 01124.100

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



**PATTERSON CROSSING RETAIL CENTER
SUMMARY OF APPROVALS**

December 19, 2019

APPROVAL

Town of Kent: Site Plan, Steep Slopes, Erosion Control
and Wetlands Permit

Town of Patterson: Amended Site Plan Approval

Putnam County Department of Health: SSTS and Sewer
System Permits (Renewal in Process)

New York City Department of Environmental Protection:
SWPPP Approval

New York State Department of Environmental Conservation:
Sewer SPDES Permit

New York State Department of Environmental Conservation:
Stormwater SPDES Permit

EXPIRATION

January 5, 2020

May 30, 2020

May 17, 2021

November 2, 2024

February 28, 2025

Coverage Acknowledged
Permit # NYR10T365



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PATTERSON CROSSING REALTY, LLC

1699 Route 6, Suite 1 Carmel, New York 10512 (845) 228-1400 FAX: (845) 228-5400

November 12, 2019

Vera Patterson, Planning Board Secretary
Town of Kent
25 Sybil's Crossing
Kent, New York 10512

Received
mo/date/year

DEC 19 2019

Planning Department
Town of Kent

Re: Patterson Crossing Retail Center

Dear Ms. Patterson:

Pursuant to the review by the Town of Kent Planning Board and its consultants, I enclose the following set of replacement instruments executed by Paul Camarda on behalf of the Patterson Crossing Realty Company, LLC as the Developer of the Patterson Crossing Retail Center:

1. The Original Performance Bond for Erosion and Sedimentation Control executed before a notary public. The Developer will submit the cash collateral of \$24,703.00 at least forty five days before the start of construction; and
2. The Original Performance Bond for Stormwater Management Facilities executed by the Developer before a notary public. The Developer will submit the cash collateral of \$83,543.00 at least forty five days before the start of construction.

These Bonds replace the Bonds sent to you by letter to you dated August 18, 2015 (copy enclosed). The other documents described in that August 18, 2015 letter to you were modified and sent to Jeffrey Battistoni, Esq at his request.

Please call me if you have any questions.

Regards,



Fred Koelsch

Vera
The original
set of fully
executed documents
are being ^{delivered} ~~sent~~
via overnight mail
today to Jeffrey
Battistoni as he
has requested

PATTERSON CROSSING REALTY, LLC

1699 Route 6, Suite 1 Carmel, New York 10512 (845) 228-1400 FAX: (845) 228-5400

August 18, 2015

Vera Patterson, Planning Board Secretary
Town of Kent
25 Sybil's Crossing
Kent, New York 10512

Re: Patterson Crossing Retail Center

Dear Ms. Patterson:

Pursuant to the enclosed letter from Ronald Blass, I enclose the following set of instruments relating to the Patterson Crossing Retail Center:

1. Three original copies of the Stormwater Management Facilities Inspection and Maintenance Agreement each executed by the Developer before a notary public, together with the TP-584 executed by the Developer;
2. Three original copies of the Stormwater Management Facilities Inspection and Maintenance Easement each executed by the Developer before a notary public, together with the TP-584 executed by the Developer;
3. A copy of the Stormwater Management Facilities Maintenance Agreement executed by the Developer before a notary public. We sent three original copies of this Agreement and the TP-584, each executed by the Developer, to the Town of Patterson for signature. Once they are signed and returned to us by the Town of Patterson, we will forward all three original copies to the Town of Kent;
4. The Original Performance Bond for Erosion and Sedimentation Control executed before a notary public. The Developer will submit the cash collateral of \$24,703.00 at least forty five days before the start of construction; and
5. The Original Performance Bond for Stormwater Management Facilities executed by the Developer before a notary public. The Developer will submit the cash collateral of \$83,543.00 at least forty five days before the start of construction.

Please call me if you have any questions.

Regards,



Fred Koelsch

PERFORMANCE BOND FOR EROSION AND SEDIMENTATION CONTROL

Bond given by Patterson Crossing Realty Company, LLC, a New York limited liability company, its principal place of business located at 1699 Route 6, Suite 1, Carmel, New York 10512 ("Obligor") to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Obligee"), dated October 30, 2019.

KNOW ALL PEOPLE BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the initial sum of \$24,703.00 for the payment whereof to Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor has obtained one or more approvals from the Obligee for a land development activity, as that term is defined in Town of Kent Town Code Chapter 66 (the "Code"), on certain real property located in the Town of Kent, in connection with which sedimentation and erosion controls (the "Controls") are required; and

WHEREAS, on October 9, 2014, and subsequently on November 9, 2017 the Kent Planning Board adopted resolutions of conditional approval of land development activity for development of a \pm 16.4 acre site located at NYS Route 311 in the Town of Kent, County of Putnam and State of New York, for use as a retail center covering tax parcels 22.-2-48 and 22.-2-50 (also referred to as Parcel 63 on Map 56-C of the Project Plans, *infra*); and

WHEREAS, in conjunction with such approvals, the Obligor submitted plans and specifications ("Project Plans") for the land development activity, and in furtherance of the approvals of the Planning Board, as follows:

The facility shall be constructed in accordance with the plans and specifications prepared by Insite Engineering, Surveying & Landscape Architectures, P. C. ("Insite"), dated and bearing a latest revision date as follows:

- 1) VM- 1K, Vicinity Map, dated January 21, 2016, last revised December 15, 2016;
- 2) EX-I K, Existing Conditions Plan, dated January 21, 2016, last revised December 15, 2016;
- 3) SS-IK, Soils and Slopes Map, dated January 21, 2016, last revised December 15, 2016;

- 4) SP-IK, Overall Site Plan, dated January 21, 2016, last revised December 15, 2016;
- 5) SP-2K, Layout & Landscape Plan, dated January 21, 2016, last revised December 15, 2016;
- 6) SP-3K, Grading and Utilities Plan, dated January 21, 2016, last revised December 15, 2016;
- 7) SP-4.1K, Overall Phasing Plan, dated January 21, 2016, last revised December 15, 2016;
- 8) SP-4.2K, Sediment & Erosion Control Plan, dated January 21, 2016, last revised December 15, 2016;
- 9) SP-4.3K, Sediment & Erosion Control Plan, dated January 21, 2016, last revised December 15, 2016;
- 10) SP-5K, Kent Watercourse Controlled Area Improvement Plan, dated January 21, 2016, last revised December 15, 2016;
- 11) PR-IK, Profiles, dated January 21, 2016, last revised December 15, 2016;
- 12) PR-2K, Drainage Profiles, dated January 21, 2016, last revised December 15, 2016;
- 13) DA-IK, Site Drainage Areas Contributing to the Middle Branch of the Croton River, dated January 21, 2016, last revised December 15, 2016;
- 14) L-IK, Lighting Plan, dated January 21, 2016, last revised December 15, 2016;
- 15) D-IK, Site Details, dated January 21, 2016, last revised December 15, 2016;
- 16) D-2K, Site Details, dated January 21, 2016, last revised December 15, 2016;
- 17) D-3K, Site Details, dated January 21, 2016, last revised December 15, 2016;
- 18) D-4K, Site Details, dated January 21, 2016, last revised December 15, 2016;

WHEREAS, Obligor submitted to the Town Erosion and Sedimentation Control plans forming a part of the Project Plans; and

WHEREAS, the Planning Board has recommended that the Town allow phased and sequential performance bonding of the installation of the Controls, in accordance with the Project Plans for each of Phases 1, 2, 7a, 8, 10a, 10b, 11a and 12 as identified on Insite's Sediment and Erosion Control & Phasing Plan described above; and

WHEREAS, the amount of this bond is based upon a recommendation by the Planning Board Consulting Engineer to the Town dated May 13, 2015; and

WHEREAS, as a condition to the issuance of approval of a land development activity, the Obligor, prior to construction, provides the Obligee with a cash escrow of \$24,703.00 which guarantees satisfactory completion of the Controls, which security shall remain in full force and effect until the Obligor is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the SWPPP Controls in their entirety for all phases have been completed in accordance with all plans and specifications forming the basis of the approved Project Plans and the SWPPP.

NOW, THEREFORE, the condition of this performance obligation is such that, if the Obligor shall well and truly construct the aforesaid Controls identified for Phases 1, 2, 7a, 8, 10a, 10b, 11a and 12 of land development activity in the Town of Kent in accordance with the Project Plans approved by the Town of Kent, and if said improvements are deemed complete by the Town of Kent, and if Obligor is released from liability by the Obligee, then this obligation shall be null and void; otherwise, the obligation shall remain in full force and effect.

The Obligor shall at all times provide the Obligee with such security as the Obligee shall deem sufficient. In furtherance of this covenant, the Obligor has obtained and hereby delivers to the Town of Kent the following security for faithful performance of this obligation: Cash deposit in the sum of \$24,703.00

In the event the Controls for Phase 1 are not constructed and completed according to the Project Plans by June 30 2020, the Controls for Phase 2 are not constructed and completed according to the Project Plans by July 31, 2020, the Controls for Phase 7a are not constructed and completed according to the Project Plans by March 31, 2021, the Controls for Phase 8 are not constructed and completed according to the Project Plans by April 30, 2021, the Controls for Phase 10a and 10b are not constructed and completed according to the Project Plans by August 31, 2021, the Controls for Phase 11a are not constructed and completed according to the Project Plans by October 31, 2021, or the Controls for Phase 12 are not constructed and completed according to the Project Plans by December 31, 2021, the Obligee shall have the right to apply the aforesaid security and complete the work with full use of said sums as the Obligee requires, or in the alternative at its exclusive option, Obligee shall have the right to use the security to restore and render stable and environmentally sound the Project site.

The amount of this bond shall remain in place with respect to acceptable completion of the Controls for each of the aforesaid phases in the aforesaid sequence, and work on the Controls of any phase shall not commence by the Obligor until acceptance by the Obligee of the construction and completion of any preceding phase.

The Obligor agrees to execute and/or endorse and deliver to the Town any documents required for the Town to call upon the security.

The Obligee and its agents, employees, engineers, consultants and/or planners are hereby expressly authorized to enter upon the property for the purpose of inspecting the Controls and the site work being performed in accordance with the approved Project Plans and to complete the work in the event the Obligee fails to do so, or to restore the project site. This right of the Obligee shall run with the land.

In the event that Obligor interferes with the Obligee's exercise of its rights under this instrument, the Obligee shall be entitled to recover of Obligor the Obligee's attorney's fees, other consultant costs, and expenses resulting from or arising out of Obligor's interference. This right of the Obligee shall run with the land.

The obligations of Obligor in this performance bond may not be assigned or assumed by a third party without the prior written approval of the Town Board of the Town of Kent.

Dated: October 30, 2019

Patterson Cross Realty Company, LLC

By: 

Paul A. Camarda
Managing Member

COUNTY OF PUTNAM)

Antwone Baxter
NOTARY PUBLIC

CHRISTINE BAXTER
History Public, State of New York
No. 01BA6190411
Qualified in Dutchess County
Commission Expires 07/28/2022

PERFORMANCE BOND FOR STORMWATER MANAGEMENT FACILITIES

Bond given by Patterson Crossing Realty Company, LLC, a New York limited liability company, with its principal place of business located at 1699 Route 6 , Suite 1, Carmel, New York 10512 ("Obligor") to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Obligee"), dated October 30 2019.

KNOW ALL PEOPLE BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the initial sum of \$83,543.00 for the payment whereof to Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor has obtained one or more approvals from the Obligee for a land development activity, as that term is defined in Town of Kent Town Code Chapter 66 (the "Code"), on certain real property located in the Town of Kent, in connection with which stormwater management facilities (the "Facilities") are required; and

WHEREAS, on October 9, 2014 and subsequently on November 9, 2017, the Kent Planning Board adopted resolutions of conditional approval of land development activity for development of a \pm 16.4 acre site located at NYS Route 311 in the Town of Kent, County of Putnam and State of New York, for use as a retail center covering tax parcels 22.-2-48 and 22.-2-50 (also referred to as Parcel 63 on Map 56-C of the Project Plans, *infra*); and

WHEREAS, in conjunction with such approvals, the Obligor submitted plans and specifications ("Project Plans") for the land development activity, and in furtherance of the approvals of the Planning Board, as follows:

The facility shall be constructed in accordance with the plans and specifications prepared by Insite Engineering, Surveying & Landscape Architectures, P. C. ("Insite"), dated and bearing a latest revision date as follows:

- 1) VM-IK, Vicinity Map, dated January 21, 2016, last revised December 15, 2016;
- 2) EX-IK, Existing Conditions Plan, dated January 21, 2016, last revised December 15, 2016;
- 3) SS-I K, Soils and Slopes Map, dated January 21, 2016, last revised December 15, 2016;

- 4) SP-IK, Overall Site Plan, dated January 21, 2016, last revised December 15, 2016;
- 5) SP-2K, Layout & Landscape Plan, dated January 21, 2016, last revised December 15, 2016;
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- 16) D-2K, Site Details, dated January 21, 2016, last revised December 15, 2016;
- 17) D-3K, Site Details, dated January 21, 2016, last revised December 15, 2016;
- 18) D-4K, Site Details, dated January 21, 2016, last revised December 15, 2016;

WHEREAS, Obligor submitted to the Town a Stormwater Pollution Prevention Plan prepared by Insite and last revised July 22, 2010 with Amendment dated July 12, 2016 (the "SWPPP"), which identify the Facilities for this land development activity; and

WHEREAS, the Planning Board recommended that the Town allow phased and sequential performance bonding of the installation of the Facilities in the Town of Kent, in

accordance with the Project Plans and the SWPPP, for each of Phases 1, 2, 7a, 8, 10a, 10b, 11a and 12 as identified on bond estimates, last revised April 10, 2015; and

WHEREAS, the sequential amounts set forth in this phased bond obligation are based upon a recommendation by the Planning Board Consulting Engineer to the Town dated May 13, 2015.

WHEREAS, as a condition to the issuance of approval of a land development activity, the Obligor, prior to construction, provides the Obligees with a cash escrow of \$83,543.00 which shall remain in place to guarantee satisfactory completion of the aforesaid phases of the land development activity, which security in its entirety shall remain in full force and effect until the Obligor is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the Facilities in their entirety for all phases have been completed in accordance with all plans and specifications forming the basis of the approved Project Plans and the SWPPP.

NOW, THEREFORE, the condition of this performance obligation is such that, if the Obligor shall well and truly construct the aforesaid Facilities identified for each of the aforesaid phases of land development activity in accordance with the Project Plans approved by the Town of Kent and in accordance with the SWPPP, and if said improvements are deemed complete by the Town of Kent, and if Obligor is released from liability by the Obligees, then this obligation shall be null and void; otherwise, the obligation shall remain in full force and effect.

The Obligor shall at all times provide the Obligees with such security as the Obligees shall deem sufficient. In furtherance of this covenant, the Obligor has obtained and hereby delivers to the Town of Kent the following security for faithful performance of this obligation: Cash deposit in the sum of \$83,543.00 as of the making of this performance bond.

In the event the Controls for Phase 1 are not constructed and completed according to the Project Plans by June 30 2020, the Controls for Phase 2 are not constructed and completed according to the Project Plans by July 31, 2020, the Controls for Phase 7a are not constructed and completed according to the Project Plans by March 31, 2021, the Controls for Phase 8 are not constructed and completed according to the Project Plans by April 30, 2021, the Controls for Phase 10a and 10b are not constructed and completed according to the Project Plans by August 31, 2021, the Controls for Phase 11a are not constructed and completed according to the Project Plans by October 31, 2021, or the Controls for Phase 12 are not constructed and completed

according to the Project Plans by December 31, 2021, the Obligee shall have the right to apply the aforesaid security and complete the work with full use of said sums as the Obligee requires, or in the alternative at its exclusive option, Obligee shall have the right to use the security to restore and render stable and environmentally sound the Project site.

The amount of this bond shall remain in place with respect to acceptable completion of the Facilities for each of the aforesaid phases in the aforesaid sequence, and work on the facilities of any phase shall not commence by the Obligor until acceptance by the Obligee of the construction and completion of any preceding phase.

The Obligor agrees to execute and/or endorse and deliver to the Town required for the Town to call upon the security.

The Obligee and its agents, employees, engineers, consultants and/or planners are hereby expressly authorized to enter upon the property for the purpose of inspecting the Facilities and the site work being performed in accordance with the approved project plans and SWPPP and to complete the work in the event the Obligee fails to do so. This right of the Obligee shall run with the land.

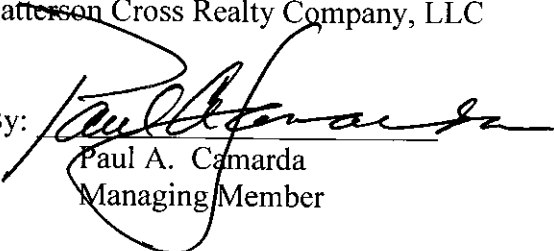
In the event that Obligor interferes with the Obligee's exercise of its rights under this instrument, the Obligee shall be entitled to recover of Obligor the Obligee's attorneys fees, other consultant costs, and expenses resulting from or arising out of Obligor's interference. This right of the Obligee shall run with the land.

The obligations of Obligor in this performance bond may not be assigned or assumed by a third party without the prior written approval of the Town Board of the Town of Kent.

Dated: October 30, 2019

Patterson Cross Realty Company, LLC

By:


Paul A. Camarda
Managing Member

STATE OF NEW YORK)

) ss.:

COUNTY OF PUTNAM)

On the 30th day of October, 2019, before me, the undersigned, a notary public in and for said state, personally appeared **PAUL A. CAMARDA**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC

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CHRISTINE BAXTER
Notary Public, State of New York
No. 01BA6190411
Qualified in Dutchess County
Commission Expires 07/28/2022

Informational Blasting Pamphlet

Prepared For
Patterson Crossing Retail Center
NYS Route 311

Background Information - Town of Kent Blasting Regulations:

Commercial explosives and blasting operations are regulated by a number of regulatory agencies on the local, state and federal level. The Fire Prevention section of the Town Code, specifically Article II Sections 38-10 thru 38-19 provide comprehensive information relative to all Town regulations that apply to the licensing, permitting, storage, sales, use and transportation of explosives typically used in blasting operations in the Town of Kent.

These sections of the Town Code are administered by the both Town Fire Inspector and the Building Department. Per the Town Code the applicant is responsible to fulfill all of the requirements of the permit application including proper noticing of all activities prior to procurement of the blasting permit for blasting in the Town of Kent.

For anyone interested in the details of the blasting permit approval procedures please review Section 38 of the Town Code (Specifically Section 38-10 thru 39-19). A link to Section 38 of the Town of Kent Town Code is as follows: <http://ecode360.com/12700547>

Useful Contact Information:

Town of Kent Fire Inspector
25 Sybil's Crossing
Kent Lakes NY, 10512
(845)-225-3900

Town of Kent Building Department
25 Sybil's Crossing
Kent Lakes NY, 10512
(845)-225-3900

Camarda Realty Investments LLC
1699 Route 6, Suite 1
Carmel NY, 10512
(845)-228-1400

A Few Key Questions Answered About Blasting:

What precautions can be taken before blasting starts?

If a blasting project is planned near your property, take a close look at your home or business. You may be surprised at how many cracks in walls, floors and ceilings already exist within your structure from a number of factors including seasonal changes in humidity, age, and normal wear and tear. Most property owners do not notice these imperfections until after blasting has commenced and may mistake them for blasting damage. The limits set forth in the Town Code set for noise and vibrations are conservative and are below the threshold of where any damage is typically known to occur.

If a preblast survey is offered, homeowners are encouraged to accept the offer. The survey is simply an inventory of the existing conditions of your property. It is an opportunity for homeowners to ask questions of the blasting company prior to the start of blasting operations. The blasting company should be willing and able to answer any and all questions pertaining to the blasting operations and address any addition concerns of the adjacent homeowners.

Will you hear or feel the blast?

Homeowners may feel the blast depending on the proximity to the blast site. Humans are fairly sensitive to noise and sound. What you feel does not necessarily mean that damage is occurring. Let the Town and blasting company know if you have other concerns about the blasting procedure.

What if I feel that blasting damage has occurred?

If you feel that damage may have occurred to your property, you contact the Town Fire Inspector and Building Department immediately report your concern. If requested by the Town, the blasting company will submit to the Fire Inspector the record of all blast(s) believed to have caused the damage. The Fire Inspector and Building Department will review those records for any violations of the Town Regulations. Additionally the blasting company or its insurance agency is required to respond to the claimant and to investigate the claim. Should personal injury occur from blasting operations, the Fire Inspector will follow the procedures specifically prescribed in the Section 38 of the Town Code.

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Town of Kent Planning Board
Resolution of Re-Approval Of An Amended Site Plan
Amended Steep Slope and Erosion Control Permit
and Amended Freshwater Wetland Permit

Matter of Patterson Crossing Retail Development
Town of Kent / Town of Patterson

Whereas, the Town of Kent Planning Board has received an application from Patterson Crossing Realty, LLC, 1699 Route 6, Suite 1, Patterson, New York 10512 for re-approval of an Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit approvals that were approved on January 12, 2017 to allow the development of a 382,560 square-foot retail center for a project known as Patterson Crossing Retail Development ("Project"); and

Whereas, the Planning Board originally granted Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit approvals for the Project on September 9, 2010; and

Whereas, due to the complexity of the project and the number of other agency approvals that are necessary for work to commence, including poor economic conditions that have prevailed since 2008, the Planning Board re-approved all of the project permits and approvals on May 10, 2012, May 9, 2013, and October 9, 2014, along with several time extensions, including a re-approval granted on March 10, 2016 that extended all of the approvals forward to March 10, 2017, and approval of amended plans and permits for the Project that were granted on January 12, 2017 forward to July 8, 2018; and

Whereas, the Board is required to consider whether re-approval of the previously granted permits and approvals raise new or previously unanticipated planning impacts or concerns and whether such impacts or concerns necessitate reconsideration of the Board's prior SEQRA determinations; and

Whereas, the Board's consideration of potentially significant environmental issues also takes into account any changes to the project site or to the neighborhood surrounding the project site such that the Board might otherwise be compelled to re-consider the Findings Statement that was adopted on September 9, 2010; and

Whereas, after such re-consideration the Board finds that there has been no substantive or material change to the proposed project design from the plans that were originally approved on September 9, 2010, as amended and approved on January 12, 2017, that raise new or previously unanticipated environmental concerns that might warrant re-opening the Board's previous environmental review; and

Whereas, the Board has examined the project site and the character of the neighborhood adjacent to the project site and finds that, with the exception of storm water improvements installed by the New York State Department of Transportation along the adjacent state highway, and the work performed on the site by the East of Hudson Corporation to remediate a large gulley near Brentwood Road and Greenridge Court which had been a significant source of erosion and

degradation of surface water quality including landscaping and a new gate at the entrance at Brentwood Road and Greenridge Court used by East of Hudson Corporation to access the gulley work site, there have been no material change to the project site or to the neighborhood that might warrant a full site plan review; and

Whereas, because the Project has not materially changed from the one approved on January 12, 2017 the Planning Board hereby waives a public hearing on the application for re-approval of the Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit applications; and

Whereas, the Board previously referred the applications to the Putnam County Department of Planning for review and recommendation pursuant to GML 239-m, and said Department has previously recommended approval of the project without change; and

Whereas, the Planning Board has reviewed the application for re-approval of the Amended Site Plan approval and has determined that the requirements of §77-60 and §77-61 of the Town Zoning Law have been met; and

Whereas, pursuant to §77-61(B) and §66-6 of the Town Code the Planning Board finds that the proposed Amended Site Plan meets the requirements of the Zoning Law, specifically:

1. The layout of the proposed driveway access and storm water management facilities of the Project in Kent would have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods. As noted in the adopted Findings Statement the Board's review of the project plans indicates that proper provisions have been made for the capture and treatment of storm water runoff so that flooding of adjacent properties would be avoided. In addition, the project plans include landscaping of the access driveway and in certain areas of the storm water management facilities to reduce the visual impact of the improvements to adjacent and nearby properties.
2. The proposed access driveway and storm water management facilities would have no material adverse effect upon the desirability of such neighborhoods for the uses contemplated by this Chapter. As noted in the adopted Findings Statement the Project must, as a condition of those findings and of this resolution of approval, comply with Chapter 66 of the Town Code in regard to the construction, operation and maintenance of storm water management facilities, including the posting of securities sufficient to ensure the completion of any required improvements, and the providing of such agreements, remedies and security as the Town shall require for the continued maintenance and repair of such facilities. In addition, any required blasting would be subject to the permit requirements of Chapter 38 of the Town Code, and construction activities shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM as set forth in Chapter 48 of the Town Code.
3. The proposed access driveway and storm water management facilities would be properly related to the uses, goals and policies for land development as expressed in the Town Comprehensive Plan.

4. Pedestrian and vehicular access, traffic circulation and the general layout of the site would be properly planned with regard to the safety of vehicles and pedestrians using the site, as well as those on neighboring properties and streets.
5. The improvements proposed for the Kent portion of the project are properly oriented so as to take advantage of solar access with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.
6. The location of the access driveway and storm water management facilities reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and shall, to the maximum extent practical, preserve and enlarge upon these assets for recreation, scenic or conservation purposes.
7. The proposed use and improvements conform to the requirements of the Chapter 77 of the Town of Kent Code.

Whereas, pursuant to §39A-7(D)(1) of the Town Code the Planning Board has reviewed the application for re-approval of the Freshwater Wetland Permit and has determined that the requirements of Chapter §39A, "Freshwater Wetlands" of the Town Code have been met as noted in the Findings Statement adopted by the Involved Agency:

"Under Chapter 39A of the Town Code the Town of Kent regulates certain discharges and other activities into wetlands, water bodies, and water courses and their 'controlled areas'. For purposes of wetlands the 'controlled area' extends 100 feet outward from the edge of the wetland boundary, and for water bodies and water courses the 'controlled area' extends 100 feet outward from the bank of the watercourse an elevation of less than three feet above the normal waterline, whichever is greater. Chapter 39A prohibits the draining, dredging, excavation, and removal of material, the depositing or storing of any material, and the erection of buildings, roads and structures within regulated wetlands, water bodies, and water courses, and their controlled areas without a permit."

"As previously noted, the applicant proposes to undertake the repair and replacement of an aged and deteriorated section of 30 inch pipe along the south side of NYS Route 311 that is corroded through and is causing sink holes above the pipe and erosion under the pipe, resulting in the deposition of sediment and material (including phosphorus) into the Middle Branch that eventually finds its way to Lake Carmel. This work would also include the placement of certain road improvements within the Route 311 right of way that extends into the 'controlled area' of the Middle Branch, which is a regulated water body under Chapter 39A of the Town Code. This work will therefore require a permit from the Planning Board and may also require permits or approvals from the NYCDEP and/or the USACOE. The amount of land area within the controlled area that would be disturbed is ±2850 square feet, or ±0.065 acres." The proposed storm water retrofits and improvements would serve as mitigation for disturbance to the Town's jurisdictional watercourse controlled area.

"The work proposed would result in the elimination of a condition under which the corroded pipe is allowing erosion and sediment to enter the Middle Branch and Lake Carmel. This work would therefore correct a latent and adverse environmental condition, meaning that the work to be performed under the Chapter 39A permit from the Town would be a repair of a condition not caused by or otherwise contributed to by the Project. The work is therefore not a mitigation measure as such, but is a repair that the applicant has agreed to perform as part of the installation of the storm water management facilities for the Project. In return the Town would realize an important benefit in the water quality of the Middle Branch and Lake Carmel."

Whereas, pursuant to §39A-8(C) of the Town Code the Planning Board hereby finds that the application for re-approval of the Amended Site Plan meets the requirements for issuance of a Freshwater Wetland Permit, specifically:

1. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the policy of this chapter.
2. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
3. The proposed disturbance to the controlled area of the Middle Branch surface waters is compatible with the public health and welfare.
4. There is no practicable alternative to the loss of the controlled area function.
5. The proposed disturbance would minimize the degradation to the Towns surface water bodies and adverse impacts on the functions and benefits that the surface waters provide.
6. The proposed disturbance would be in compliance with the standards set forth in the New York State Freshwater Wetland Regulations, 6 NYCRR 665.7(e) and (g).

Now Therefore Be It Resolved, the Planning Board hereby affirms its September 9, 2010 Findings Statement for the Patterson Crossing Retail Development in its entirety; and

Be It Further Resolved, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein, forward from July 9, 2018 including, pursuant to §77-61(C) of the Town Code, two additional 90-day extensions to the re-approvals so that all approvals granted herein shall expire on January 5, 2020; and

Be It Further Resolved, pursuant to §66-6 of the Town Code the Planning Board waives the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by the Planning Board's Professional Engineer, and grants re-approval of the Steep Slope and Erosion Control Permit for the project as described herein; and

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

Be It Further Resolved, the Amended Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit re-approvals granted herein are expressly conditioned completion of, and compliance with, the following:

- 1) *The Project shall be developed in accordance with the plans and specifications that have been reviewed by the Planning Board, specifically:*
 - a) *Site plan map set prepared by Insite Engineering, Surveying & Landscape Architecture, P.C, consisting of the following drawings:*
 - i) *VM-1K, Vicinity Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - ii) *EX-1K, Existing Conditions Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - iii) *SS-1K, Soils & Slopes Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - iv) *SP-1K, Overall Site Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - v) *SP-2K, Layout & Landscape Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - vi) *SP-3K, Grading & Utilities Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - vii) *SP-4.1K, Overall Phasing Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - viii) *SP-4.2K, Sediment & Erosion Control Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - ix) *SP-4.3K, Sediment & Erosion Control Plan, dated January 21, 2016, revised February 18, 2016 and bearing a latest revision date of December 15, 2016.*
 - x) *SP-5K, Kent Watercourse Controlled Area Improvement Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xi) *PR-1K, Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xii) *PR-2K, Drainage Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xiii) *L-1K, Lighting Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xiv) *DA-1K, Site Drainage Areas Contributing to the Middle Branch of the Croton River, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xv) *D-1K, Site Details, dated January 21, 2016 and bearing a latest revision date of*

December 15, 2016.

- xvi) D-2K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - xvii) D-3K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
 - xviii) D-4K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.
- 2) Prior to the obtaining Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:
- a) The site plan set shall be amended to include the location and a design detail for the security gate to be installed at the Brentwood Road and Greenridge Court entrance as previously described herein.
 - b) Planning Board Professional Engineer and Wetland Consultant approval of the Storm Water Pollution Prevention Plan and Steep Slope Permit (Chapter 66 of the Town Code).
 - c) Planning Board Professional Engineer, Attorney, and Wetland Consultant approval of any agreements required under Chapter 66 of the Town Code to ensure the performance of the Project obligations regarding that Chapter, and any Storm Water Pollution Prevention Plan and Steep Slope Permit issued thereunder.
 - d) Town Board approval of the agreement(s), as set forth in §E(1) of the Involved Agency's Findings Statement, to address the establishment of tax liens by either host municipality upon the portion of the project in its jurisdiction to remedy default by the Project in future maintenance of storm water facilities situated in either of the two municipalities, and acceptance and execution of said agreement(s) by the Town Board of the Town of Kent, the Town Board of the Town of Patterson, and the applicant/owner, unless the Town Board elects to pursue other or alternative forms of security.
 - e) NYS Department of Transportation approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.
 - f) Putnam County DPW approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.
 - g) Town of Kent Highway Department approval for the specific traffic mitigation improvements within town highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement.

- h) Any required approvals from the NYC Department of Environmental Protection.
 - i) Any required approvals from the Putnam County Department of Health.
 - j) Any required U.S. Army Corps of Engineers (ACOE) permit(s).
- 3) Implementation, maintenance, and/or completion, as may be the case, of any mitigation and conditions set forth in sections "C", "D", and "E" of the Involved Agency's Findings Statement adopted September 9, 2010 is an express condition of the Site Plan Approval, the Steep Slope and Erosion Control Permit Approval, and the Freshwater Wetland Permit Approval granted herein.
- 4) During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required mitigation as set forth in the Lead Agency's Findings Statement and the Involved Agency's Findings Statement.
- 5) During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required conditions of this approval and the Town of Patterson Planning Board's Site Plan Approval.
- 6) At all times the applicant shall maintain the site in accordance with the approved Site Plan and any on-going conditions of Site Plan Approval as set forth herein or as required by any other permitting or approving agency, including the MS4 approved SWPPP.
- 7) There shall be no vehicles parked and offered for sale on the site.
- 8) At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification sealed and signed by a New York State Licensed Professional Engineer to the Town Building Inspector and the Planning Board that all site work has been carried out and completed in compliance with the approved Site Plan for the project, and shall also provide to the Planning Board and the Town Building Inspector an "as built" survey of the completed improvements.
- 9) Payment to the Town of Kent the following fees:
- a) Any unpaid or outstanding application fees.
 - b) Any review fees accrued by the Planning Board and the Town Board during the review of the application.
 - c) An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer, Wetland Consultant, and Planning Consultant.

- 10) Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated September 9, 2010 and March 10, 2016.
- 11) Address to the satisfaction of the Planning Board the comments of the Planning Board Wetland Consultant as set forth in a memorandum dated August 2010 and February 11, 2016.
- 12) It is the responsibility of the owner/applicant to submit to the Planning Board proof that the conditions of this Site Plan Approval have been completed, and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board Planning Consultant verifying that the conditions of this approval have been completed.
- 13) Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans for the development and shall be maintained in a good and functional condition during the course of site work and construction.
- 14) Except for "field changes" as may be approved by the Planning Board Professional Engineer or Wetland Consultant, the project shall be constructed in accordance with the project plans as set forth above. Any changes to the Site Plan and any changes to the Freshwater Wetland Permit shall be subject to the prior approval of the Planning Board before any such changes are implemented.
- 15) Pursuant to Chapter 38, Article II of the Town of Kent Code any blasting activity within the Town of Kent will require a permit from the Town Fire Inspector. In accordance with Section 38-13.3 of the Town Code blasting may be conducted when authorized by permit Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m., and shall be prohibited Saturdays, Sundays and legal holidays. For blasting operations in the Town of Patterson the Applicant shall adhere to the requirements set forth in the Lead Agency's Findings Statement subject to the review and approval of the Town of Patterson.
- 16) Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.
- 17) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance and repair of the storm water management facilities located in the Town of Kent portion of the Project.
- 18) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance, repair, and replacement of water and wastewater facilities situated within the Town of Kent portion of the Project.
- 19) The applicant will prepare and submit for approval of the Planning Board a handout for nearby residents which addresses the process of blasting, scheduling, monitoring and all significant pre-blast and post-blast matters, and including a municipal contact name and telephone number in

both the Town of Kent and Town of Patterson. The applicant will distribute the approved handout to all residents within a 1,000 foot radius of the point of blasting.

Motion: Michael McDermott

Second: Dennis Lowes

Michael McDermott, Chairman

Aye

Dennis Lowes, Vice Chairman

Aye

Charles Sisto

Abstained

Phil Tolmach

Aye

Stephen Wilhelm

Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board on November 9, 2017 at a regular meeting of the Board.

Vera Patterson

Vera Patterson, Clerk
Town of Kent Planning Board