

Approved: September 10, 2020

MINUTES
TOWN OF KENT PLANNING BOARD
AUGUST 13, 2020
DRAFT

Due to the Corona virus the Planning Board held their August 13, 2020 meeting via Zoom.

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.

The following Planning Board members participated from their respective homes, as did the Planning Board consultants, for the August Monthly meeting via Zoom:

Planning Board Members:

Philip Tolmach, Chairman	Dennis Lowes, Vice Chairman
Simon Carey	Giancarlo Gattucci
Charles Sisto	Stephen Wilhelm

Absent:

Nisim Sachakov
Jamie McGlasson, Liaison
Chris Ruthven, Liaison

Others in Attendance:

Liz Axelson, Planner
Bruce Barber, Environmental Consultant
Julie Mangarillo, Engineer Consultant
Bill Walters, Buildig Inspector

- Mr. Tolmach asked each of the Board members to identify themselves to the audience and state that they were alone in their residences participating in the meeting, which they did.

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- Mr. Tolmach asked for a motion to approve the Planning Board meetings from the July 9, 2020 meeting. The motion was made by Mr. Carey and seconded by Mr. Sisto. Following were the roll call votes.

Philip 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>Absent</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **NYCDEP Bailey Brook Forest Mgmt Timber Harvest Project, Nimham Rd. & Cole Shears Ct., Kent, NY; TM: 20.-1-57; 20.-1-48, 50, 57,73 thru 81**
Public Hearing (Continued)

Mr. Dan Lawrence represented NYCDEP. This timber harvest encompasses 80 acres of NYCDEP property and requires an erosion control permit as well as a wetlands permit. This project is a crown thinning project.

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

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

The motion carried.

Mr. Barber's Comments (memo attached)

Mr. Barber said that he and Mr. Lawrence inspected the property and that a wetland permit is needed as a safety precaution to avoid any runoff. The project is northwest of Boyd's reservoir.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo reviewed the letter from the DEP (attached) requesting a waiver of an erosion control bond and recommends accepting the letter and forwarding it to the Town Board. A request was also made to waive the requirement to use GIS maps rather than survey maps and not to have to show dimensions of property lines, as was done previously. Ms. Mangarillo recommended that this waiver be granted. Ms. Mangarillo recommended closing the Public Hearing.

- Mr. Tolmach asked for a motion to accept the Letter requesting a waiver of an erosion control bond, grant the waiver to view GIS maps rather than survey maps and to not show dimensions of property lines. The motion was made by Mr. Wilhelm and seconded by Mr. Sisto. Following were the roll call votes.

Philip 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>Absent</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

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

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

The motion carried.

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- Mr. Barber suggested that any open items pertaining to this project should be handled administratively. Mr. Tolmach asked for a motion to move this project to the administrative track. The motion was made by Mr. Carey and seconded by Mr. Lowes. Following were the roll call votes.

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

The motion carried.

Ms. Axelson's Comments

Ms. Axelson had no comments regarding this project.

- **Fregosi/Marinelli Property, Miller Hill Road, Kent, NY; TM: 10.-1-17**

There was no one present for this project and the applicant had asked to be taken off of the agenda. Ms. Mangarillo recommended opening the Public Hearing and then be closed and adjourned until the September meeting.

Mr. Tolmach asked for a motion to re-open the Public Hearing for this project and adjourn this matter until September. The motion was made by Mr. Sisto and seconded by Mr. Lowes. Following were the roll call votes.

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

The motion carried.

• **Vitiello, 475 Pudding Street, Kent, NY; TM: 31.-1-32**

This project pertained to construction of an addition (2 bedrooms) to a residence and a garage with a 3 bedroom apartment on top of the garage. This matter was also before the Zoning Board of Appeals last month for a variance. Mr. Eric Schlobohm of Insite Engineering and Ms. Carol Kurth represented the applicant. Mr. Schlobohm shared his drawings with the participants. The property is 32 acres with an addition lot to the south and the total acreage is 103 acres. The driveway is off of Pudding Street. There are tennis courts and a pool on the property. The garage will be the same level as the existing house and the apartment on the second level will be a walkout apartment. Septic improvements are being reviewed by the Board of Health. There will be a new septic area installed for the existing house and the old septic system will be used by the apartment over the garage. The existing driveway will have an overlay, but there will not be any additional limits of disturbance. An Erosion Control Permit is being requested. This is a Type II SEQRA project. Mr. Carey asked if the addition will have a basement and Mr. Schlobohm said it would have a basement. Mr. Carey reiterated that another five bedrooms will be added to the property (3 bedrooms over the garage and two in the existing residence). Mr. Schlobohm asked if this matter could be moved to the administrative track and asked for comments from the consultants.

Mr. Barber's Comments (memo attached)

The parcel in question is 32.5 acres and an erosion control is requested and it is not verified whether or not a wetland permit will be necessary. Mr. Barber will arrange a site visit in the near future. Mr. Schlobohm said there are DEC wetlands, but not in the area where the house and the proposed garage are situated. Mr. Barber asked if trees will be cut and the soil is considered to be rock and it is not evident whether or not blasting will need to be done. There is a pre-existing well on the property which will not require any changes. Mr. Schlobohm said they will consider the tree cutting regulations. Mr. Barber said the Board had concerns about how the apartment will be used. The apartment will not be rented out on a full-time basis. Mr. Barber asked about restrictions from the ZBA. The ZBA said this property could not be used for an Air B & B and the permit for the apartment would expire in 5 years and an application for renewing it would need to be filed in five years.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said her main concern was how the applicant is going to get through 0.9 acres of disturbance because if they go over an acre water quality control needs to be provided. Where are the contractors parking, where are construction materials going to be stored, etc. Mr. Schlobohm said that in addition to the driveway there is a dirt trail where parking and storage could be done. A staging area should be identified. Are there going to need to be improvements made to the driveway on Pudding Street? Mr. Schlobohm said that he didn't foresee any changes would need to be made. Ms. Mangarillo suggested that additional grading on the steep slope should be minimized. Ms. Mangarillo asked that a proposed spot elevation plan be submitted to show that the apartment over the garage would be a walk-out. The code specified the maximum apartments allowed was two and Ms. Mangarillo asked if the ZBA discussed this.

Ms. Kurth, the architect for this project, stated the ZBA said they approved the apartment as long as it was not used as a rental. The second floor was going to walk out to a patio. The garage was going to be coordinated with the elevation of the house.

Ms. Mangarillo asked the Board if they wanted to hold a Public Hearing since the ZBA had held a Public Hearing. Mr. Carey asked what the existing square footage was with and without the changes. Mr. Schlobohm said the addition to the house would be 3,100 Square feet and the garage would be 1,620 square feet. Mr. Sisto asked if there are two wells on the property and are they existing. Ms. Kurth said that there are.

Mr. Tolmach asked for a motion to hold a Public Hearing in September. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. Following were the roll call votes.

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

The motion carried.

• **Kent Development Commercial Lot & Timber Harvest, N. Horsepound & Peckslip Rds., Kent, NY; TM: 12.-1-38 & 42**

Ms. Jamie LoGuidice represented the applicant, Mr. Esposito, who also participated on the call. Ms. LoGuidice stated that there were two parts to this application. The first parcel consists of 3.26 commercial acres on North Horsepound Road and a parcel on Peckslip Road. .8 acres will be conveyed from the larger parcel to the commercial lot as a lot line adjustment. A variance was granted by the Kent Zoning Board of Appeals in 2018 and it was granted again in October. A contractors' office and warehouse is proposed to be built on this property. Parking spaces were increased (14) and an access drive off of Horsepound Road will be constructed. The driveway width was minimized to 18' and as much disturbance to the wetland buffers and steep slopes have been minimized. A tree plan will be submitted pertaining to the proposed tree harvest. There will be stormwater management proposed and underground filtration units will be installed. Outside storage was shown on the plans as well. The timber harvest will be harvesting selective trees on both parcels. Mr. Jordan Heller, also participated on the call and was available for questions. Responses to the consultants memos will be submitted for the September meeting.

Ms. Axelson's Comments (attached)

Ms. Axelson's memo (attached) said that a special use permit was required. A revised lot line, wetland permit and an erosion control permit were also required. This project was submitted in 2018 originally and the proposed configuration at that time she recommended that the proposed development should fit into the IOC district line or go to the Town Board for a Zoning Amendment. A decision was made by the Zoning Board of Appeals in July 2020 allowed the regulations of the IOC zoning district to be extended approximately 140' into the site but the zoning district boundary was not changed. In looking at this decision the consultants determined that when there was a commercial use in a commercial district with an adjoining residential district there must be an additional setback and buffer, but in this case it did not work. Ms. Axelson still recommended that a petition be submitted to the Town Board to rezone some of this land. The area where IOC is permitted is partially there, but not extended enough to allow for the setbacks.

Ms. Mangarillo's Comments (memo attached)

Ms. Manarillo's main concerns regarding this project were that the site is tight and wondered how construction was going to be done while maintaining limits of disturbance. The stormwater management (the swale and infiltration system) can't accept runoff until the surrounding areas are stabilized. How is the stormwater going to be managed during construction – the silt fencing won't be adequate? Ms. Mangarillo requested soil and infiltration tests for the infiltration system, steep slope map and the signoff to address requirements of historic and archaeological sensitive areas. The driveway will have to meet code requirements for slopes and for fire access to confirm with the Fire Inspector that there is enough width and turn-around access and whether storage tanks or sprinklers will need to be installed.

Mr. Barber's Comments (memo attached)

Mr. Barber said that one question he had was that the commercial property in question pertained to the logging be done first and then construct a commercial building. The site has wetlands and there are a lot of steep slopes and rock on the property. Mr. Barber said he needed to have a conversation with the Kent Planning Board Counsel, Jeff Battistoni of Van DeWater and Van DeWater. Mr. Barber believed that if this was simply a commercial construction project the Board would not be discussing the tree removal outside of the limits of disturbance and a wetland permit would not be required. He was concerned about the cumulative impact on the property. Mr. Barber asked previously that logging not be done to the property borders and provide a buffer. The Highway Superintendent also needed to be consulted regarding truck moving and conditions of roads.

Ms. LoGuidice supplied an additional plan pertaining to what surrounds the site and how close it is to everything else. The nearest building to the southeast is 390' and through woods. The next nearest is 460'. Then there is still 920' of mature wooded forest which will not be touched. The building will be completely screened. There are also steep slopes that will not be impacted in any way. Mr. Lowes asked about two retention basins on the plat for the sub-division. Ms. LoGuidice said that they were proposed previously and would have to be reworked. Mr. Barber reiterated that the logging operation may need to be modified so that old trees would not be cut down and then need to be replanted. Ms. LoGuidice said that she was working with Mr. Heller regarding that aspect. Mr. Barber suggested that other options would be to have a strip of residential land be placed into a conservation easement and held into perpetuity to not allow tree cutting or to rotate the building slightly. Ms. LoGuidice said that the building could not be pushed further down the site due to the infiltration buffers locations. Mr. Esposito said that phasing was no longer part of this project and that the property was under contract to be sold at this time. Ms. Mangarillo said that retaining walls over 3' high would need a variance. Mr. Barber suggested that Ms. LoGuidice participate on the Monthly Consultants Review Zoom meeting on August 25, 2020 to discuss this more and Ms. LoGuidice said she would call in. No action was recommended at this meeting.

Mr. Heller suggested that he go out to the property and to mark the boundaries for the small parcel and remove it from the timber harvest project to allow the commercial project to move forward. Mr. Barber said it would help, but that it would not solve the problem of the building location.

Mr. Esposito said that the logging operation would not impact the commercial parcel in any way. Mr. Esposito said that participating in the workshops was very beneficial and in the future he would be requesting information from the consultants in order to move forward at the meetings. Ms. Axelson said that the policy was to go over material at workshops, but comments were not provided until the week of the meeting.

• **O'Mara, Peekskill Hollow Rd., Kent, NY; TM: 42.7-1-17**

Mr. O'Mara requested that his Erosion Control Bond in the amount of \$9,235.00 submitted in 2006 and a surety bond in the amount of \$13,000.00 posted in 2018 be returned. He also requested that a bond for property on Nimham Road be returned.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said she issued a report that some cleanup still needs to be done on the Peekskill Hollow Road property before the bond can be released. Nimham Road has been stabilized.

• **Bourgeois, 100 Lakeshore Rd., Kent, NY; TM: 33.38-1-9**

Ms. Mangarillo said she inspected the property and that it had been stabilized. Although the bonds are usually held for two years, in the past the Planning Board has allowed bonds to be released early as long as the property has been stabilized. In this case Ms. Mangarillo recommended that the Planning Board ask the Town Board to release the Erosion Control bond in the amount of \$500.00 and the money remaining in the Escrow/Review fund in the amount of \$896.38 be returned to Mr. Bourgeois.

Mr. Tolmach asked for a motion to return the Erosion Control Bond and Review/Escrow fees to Mr. Bourgeois. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. Following were the roll call votes.

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

The motion carried.

• **Ryder, 170 Waywayonda Court, Kent, NY; TM: 41.-1-8**

Ms. Mangarillo's Comments (memo attached)

Mr. Ryder requested that his erosion control bond be returned. Ms. Mangarillo inspected the property and found that it was not stabilized. She recommended that the bond be held until next spring and then that it be reinspected.

Mr. Barber's Comments (memo attached)

Mr. Barber inspected the property with Ms. Mangarillo and said that additional boulders needed to be placed on the property delineating the wetlands and that he would reinspect the property in the spring. Additional topsoil is also needed.

• **Sun, 3 Westwood Drive, Kent, NY; TM: 19.12-1-20**

There was nothing new submitted. Mr. Barber inspected the property and said that there were no wetlands on the property.

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

- Annunziata Property (former Baillargeon Site) Erosion Control Plan/ Status Report
Kentview Dr., Kent, NY Wetland Permit
TM: 10.20-1-71

The property is stabilized, but quite a bit of landscaping was required, not done and additional stock has been planted, but there is a question about what was planted. More work needs to be done on this property.

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

Ready for signature. Mr. Tolmach signed the drawings, but Ms. Mangarillo needs to sign them as well.

- Goldfine/Rynn Erosion Control Plan/ Status Report
Daffodil Lane, Kent, NY Driveway Waiver
TM: 11.12-1-21

Can be taken off of the agenda. Two driveway pull-offs were required, but could not be located. A letter was requested about the status of the pull-offs and the property would be re-inspected.

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

Ms. Axelson would be sending a sign-off letter shortly.

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

Nothing new has been submitted.

- Rodriguez Sub-Division Status Report
104 Smalley Corners Rd., Kent, NY
TM: 21.-1-10

Nothing new submitted

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

Nothing new – escrow needs to be replenished

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

Nothing new has been submitted

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

Working through the court.

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

Architect will inspect the property and get back to Ms. Mangarillo.

Mr. Tolmach asked for a motion to close the August 13, 2020 meeting at 9:00 PM. The motion was made by Mr. Carey and seconded by Mr. Sosto. The roll call votes were as follows:

Philip 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>Absent</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

AUGUST 2020
KENT PLANNING BOARD AGENDA

Workshop: August 06, 2020 (Thursday, 7:30 PM)

Meeting: August 13, 2020 (Thursday, 7:30 PM)

THIS MEETING WILL BE CONDUCTED VIRTUALLY The Town of Kent Planning Board will be holding its regularly scheduled monthly workshop on Thursday, August 6, 2020 and the monthly meeting on Thursday, August 13, 2020 at 7:30 p.m. via ZOOM. The meeting will be televised live on the Town of Kent cable channel as well as live-streamed on YouTube. The public can participate via ZOOM. Please identify yourself when participating just as you would if you came to the microphone during a regular meeting. Thank you for your cooperation.

Town of Kent, N.Y. is inviting you to a scheduled Zoom meeting.

Topic: Town of Kent, N.Y. Planning Board Work Session Meeting August 6, 2020

Time: Aug 6, 2020 07:30 PM Eastern Time (US and Canada)

Topic: Town of Kent, N.Y. Planning Board Meeting August 13, 2020

Time: Aug 13, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/5877083251>

Meeting ID: 587 708 3251

One tap mobile

+19292056099,,5877083251# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 587 708 3251

Find your local number: <https://us02web.zoom.us/u/kH6X5CXoW>

Town of Kent, N.Y. Planning Board

AUGUST AGENDA

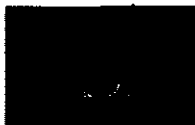
- Approve Planning Board Minutes from July 2020
- NYCDEP Bailey Brook Forest Mgmt Project Erosion Control/Timber Harvest Review
Nimham Rd. & Cole Shears Ct., Kent, NY Public Hearing
TM: 20.-1-57; 20.-1-48, 50, 57,73 thru 81 (Continued)
- Fregosi/Marinelli Property Erosion Control Plan Review
Miller Hill Road, Kent, NY Public Hearing
TM: 10.-1-17 (Continued)
- Vitiello Erosion Control Plan Review
475 Pudding Street, Kent, NY
TM: 31.-1-32
- Kent Development - Commercial Lot Site Plan/Steep Slopes/ Review
& Timber Harvest Freshwater Wetlands Permit &
N. Horsepound & Peckslip Rds. Lot Line Adjustment
TM: 12.-1-38 & 42
- O'Mara Request Erosion Control Bond Review
Peekskill Hollow Road Be returned
TM: 42.7-1-17
- Bourgeois Request that Erosion Control Bond Review
100 Lakeshore Dr. & Escrow be returned
TM: 33.58-1-9
- Ryder Property Requesting Bond Release Review
170 Waywayanda Ct., Kent, NY
TM: 41.-1-8

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

- Sun Property Erosion Control Plan Status Report
3 Westwood Dr., Kent, NY
TM: 19.12-1-20
- Annunziata Property (former Baillargeon Site) Erosion Control Plan/ Status Report
Kentview Dr., Kent, NY Wetland Permit
TM: 10.20-1-71
- Realbuto Erosion Control Plan/Bond Status Report
49 Tiger Trail, Kent, NY
TM: 21.8-1-39

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| • Goldfine/Rynn
Daffodil Lane, Kent, NY
TM: 11.12-1-21 | Erosion Control Plan/
Driveway Waiver | Status Report |
| • 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 |
| • Route 52 Development/Kent Country Square
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 |
| • Geirer (Cargain) Property
43 Marie Road, Kent, NY 10512
TM: 22.-1-42 | Erosion Control Plan/
Bond Recommendation
Withdrawal pending | Status Report |
| • DiSanza Property
381 Ludingtonville Rd., Holmes, NY
TM: 12.-3-63 & 64 | Erosion Control Plan/
Wetland Permit | Status Report |
| • Cabrera Property
126 Hortontown Road, Kent, NY
TM: 19.-1-35 | Erosion Control Plan | Status Report |



Memorandum

To: Planning Board
Town of Kent

Attn: Phillip Tolmach
Chairman

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

Subject: Stabilization Inspection

Date: August 10, 2020

Project: Ryder ECP 170 Waywayanda Ct
TM # 41.-1-8

The project previously proposed construction of a single family house, detached garage, well and septic. There was an existing driveway. The lot has Putnam County Health Department approval for well and septic. During the course of construction, unsuitable fill was discovered in the location of the proposed house. The revised proposal included a single family home with attached garage, to avoid the area of unsuitable fill. The revised proposal had no change to the limits of disturbance. There are wetland and wetland buffers on the site.

Currently, the house, well and septic are complete. It is our understanding a certificate of occupancy has been issued.

1. Stabilization Inspection

A stabilization inspection was conducted for this project on July 23, 2020. The property owner, Mr. Ryder was in attendance.

While a majority of the lawn areas have grass germination, there are still significant bare areas that need to be addressed before the site can be considered fully stabilized. All bare soil must be covered with vegetation, mulch, or stone.

A portion of the driveway has bare soil. The owner indicated additional crushed stone will be brought in to stabilize that section of driveway.

Silt fence can be removed, except along the wetland buffer where wood chips are being spread.

2. Wetlands and wetland buffer

The approved drawings call for boulders to be placed at 5 foot on center along the length of the wetland buffer to delineate the wetland buffer. Boulders were located along some sections, but not others.

Currently there are stakes and string marking the wetland buffer along some sections. The boulders are required as a more permanent marking for the wetland buffer.

Memorandum
Ryder ECP
TM # 41.-1-8
August 10, 2020
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We defer to Bruce Barber, Planning Board Environmental Consultant, regarding wetlands and wetland buffers.

3. Erosion Control Bond:

Per Chapter 86, §86-7.A(2) regarding return of the erosion control bond: "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance..."

For other single-family home projects, the Planning Board has reduced the two year waiting period for bond return. However, this was construction of an entire house, driveway, septic system and related site work as opposed to just an addition or swimming pool. If the Planning Board is interested in reducing the two year bond return waiting period, we recommend the erosion control bond be held for at least one year to ensure the vegetation survives at least one winter.

However, final stabilization has not been achieved. After the bare areas are stabilized and additional boulders have been placed along the wetland buffer, the owner should contact the Planning Board to schedule a follow up inspection.

At this time, we recommend the Planning Board take no action.

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


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email

Bruce Barber via email
18-261-999-155



Memorandum

To: Planning Board
Town of Kent

Attn: Phillip Tolmach
Chairman

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

Subject: Erosion Control Plan
Permit Close-out

Date: August 10, 2020

Project: Bourgeois ECP 100 Lakeshore Dr E
TM # 33.58-1-9

The project included construction of a single family home to replace a previous single family home. The project also included reconstruction of the septic system. The property has since been sold.

The following is offered for consideration by the Planning Board:

1. Stabilization Inspection:

A final stabilization inspection was conducted for this project on July 23, 2020.

The previously disturbed area is now considered fully stabilized in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001 and the Town of Kent Town Code, Chapter 66.

The only minor disturbance observed appeared to be for installation of a new fence by the current owner.

2. Erosion Control Bond:

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

The date of final acceptance is the 7/23/2020 inspection. The two-year waiting period began on 7/23/2020.

For other single-family home projects, the Planning Board has reduced the two year waiting period for bond return. However, this was construction of an entire house, driveway, septic system and related site work as opposed to just an addition or swimming pool. If the Planning Board is interested in reducing the two year bond return waiting period, we recommend the erosion control bond be held for at least one year to ensure the vegetation survives at least one winter.

Memorandum
Bourgeois ECP – 100 Lakeshore Drive East
TM # 33.58-1-9
August 10, 2020
Page 2 of 2

William Walters, the Building Inspector, has provided photographs from May 2019 showing that the property was generally stabilized. Based on those photographs, the vegetation has survived a winter. We have no objection if the Planning Board chooses to release the \$500 erosion control bond at this time.

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


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
18-261-999-163

Bruce Barber via email
Liz Axelson via email



Vincent Sapienza, P.E.,
Commissioner

July 7, 2020

Chairman
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, NY 10512

Re: Bailey Brook Forest Management Project Performance Bond

Joseph P. Murlin
Chief Financial Officer

59-17 Junction Boulevard
Flushing NY 11373
Tel: (718) 595-6936
Fax: (718) 595-3525
jmurlin@dep.nyc.gov

The New York City Department of Environmental Protection (City) appreciates the Town of Kent Planning Board's willingness to consider this letter in lieu of an erosion control bond, to assure the completion of the Bailey Brook Forest Management Project in accordance with the attached Erosion Control Plan (the "Erosion Control Plan").

Please accept this letter in lieu of the aforementioned bond as the City's guarantee that all of the work described in the Erosion Control Plan will be strictly adhered to and satisfied. When the contractor is awarded the project, the City requires that they provide a performance deposit in the amount of four thousand dollars (\$4,000.00) or 10% of the bid price, whichever is greater, as a guarantee to the City that all work will be completed including all best management practices associated with the project. This requirement can be found in *The City of New York Department of Environmental Protection Bid Package for the Sale of Timber and Firewood at the Bailey Brook Forest Management Project (Project #5083)*, Section 2, paragraph 1. In the event there is a dispute between the City and the Town of Kent, and it is resolved in the Town of Kent's favor, the City will reimburse the Town's reasonable attorney fees, said fees to be at the same rate as are then charged to the Town by the attorney then serving. The City recognizes that despite the waiver of the Erosion Control Bond, the City remains responsible for the inspection fee, which covers the costs for representatives of the Town to perform site inspections.

Additionally, the City has committed to paying the cost of the stone aggregate necessary to make the improvements specified in the Erosion Control Plan, as made evident in the attached purchase order with Thalle Materials Inc.

The City of New York hereby warrants, represents and guarantees that it will perform and satisfy all of the work described in the Erosion Control Plan. This guarantee is made in lieu of placing a bond with the Town of Kent, as required by the Town pursuant to Section 66-7 of the Town Code. It is the intent of this document that the City of New York shall be fully responsible for completing said work satisfactorily. This guarantee shall be valid through and until the expiration of two years from the date on which the Town provides written confirmation of final acceptance of the work in accordance with the approved permit and all plans and specifications forming the basis of the approved permit.

Site improvements the City is performing include, but are not limited to: access road and landing improvements, the implementation of best management practices for these areas, final stabilization and restoration of disturbed areas, and the removal of temporary erosion and sediment control measures. All site improvements and erosion control measures have been developed in accordance with the *2018 New York State Forestry Voluntary Best Management Practices for Water Quality Field Guide*.

Please contact Dan Lawrence at 917-763-7109 should you have any questions or concerns regarding this project.

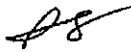
Thank you for your consideration in this matter.

Sincerely,



Joseph Murin
Chief Financial Officer

Approved as to form



Acting Corporation Counsel, City of New York
Date: 6/19/2020

c: Dan Lawrence, Amanda Locke, Charles Laing

**Example of a standard NYCDEP Bid Package*

1

Turkey Mountain Forest Management Project #3059

October 2018

Page 4 of 28

3. Final payment comprising the remaining balance, FIFTY PERCENT (50%) of the lump sum bid amount, is to be paid upon completion of one-half of project work as determined by DEP FORESTER or by March 1, 2019, whichever is sooner.
- G. All payments will be in the form of a cashier's check, certified check, or money order (NO CASH) and made payable to The City of New York, Department of Environmental Protection, and hand-delivered to the DEP FORESTER.
- H. The SUCCESSFUL BIDDER will cut all of the trees and remove wood products as specified in ATTACHMENT D - HARVEST CONDITIONS, and as directed by the DEP FORESTER.
- I. Following receipt of a written Notice of Award, the SUCCESSFUL BIDDER will provide a Performance Deposit to the CITY, a penal sum that is equal to TEN percent (10%) of the total bid amount or four thousand dollars (\$4000.00), whichever is higher, to guarantee the faithful performance of the terms and conditions, herein described. The aforementioned sum shall be deposited in an account selected by DEP, at a financial institution selected by DEP, to be held in DEP's name. This Performance Deposit will not be used as credit for wood products cut and removed, but shall instead be held as security for the full and faithful performance by the SUCCESSFUL BIDDER of the terms and conditions hereof. Upon the occurrence of any Event of Default (as hereinafter defined), the CITY may, as provided in Section 9.0 of the Harvest Conditions, retain the Performance Deposit, in whole or in part, and apply the same towards the cost of curing any breach or default by the SUCCESSFUL BIDDER hereunder. Upon a determination by the DEP FORESTER that all work hereunder has been completed and the terms and conditions fulfilled, the balance of the amount in such account, less any amounts applied by the CITY pursuant to Sections 5.1 and 9.0 and any other penalties deducted pursuant to the Harvest Conditions (ATTACHMENT D) shall be returned to the SUCCESSFUL BIDDER.
- J. The Harvest Conditions attached hereto as ATTACHMENT D, contain specific conditions that apply to the Turkey Mountain Forest Management Project. Please read these conditions thoroughly because compliance with them will undoubtedly impact the amount of your bid. A signature on the Bid Proposal Sheet (Attachment A) constitutes acknowledgment and acceptance of the Harvest Conditions and other terms and conditions as described herein.

SECTION 3 - WOOD VOLUME

ATTACHMENT G is the Timber Volume Report listing: tree species; size class; estimated timber volume in board feet; total number of trees marked; and total number of cull trees. It is the responsibility of each prospective bidder to determine the amount of timber, firewood, pulpwood, or other wood products that are included in this sale. The CITY does not guarantee the timber volumes. Time will be given to prospective bidders at the public showings and at approved examination therefor to enter the site and to make a determination of volume and extent.



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

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

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

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: August 12, 2020

Project: DEP Bailey Brook Forest Mgmt
TM # 20.-1-57, 20.-1-48, 50, 57, 73,
74, 76, 77, 78, 79, 80, 81

The following materials were reviewed:

- Drawing - Watershed Protection Programs Natural Resources – Forestry, Bailey Brook Forest Management Project, prepared by DEP, revised 7/20/2020
- Drawing - Watershed Protection Programs Natural Resources – Forestry, Bailey Brook Forest Management Project – Eastern Landing, prepared by DEP, revised 5/19/2020
- Drawing - Watershed Protection Programs Natural Resources – Forestry, Bailey Brook Forest Management Project – Western Landing, prepared by DEP, revised 7/20/2020
- Drawing - Watershed Protection Programs Natural Resources – Forestry, Bailey Brook Forest Management Project – Tax Parcel, prepared by DEP, revised 5/19/2020
- Letter from NYCDEP regarding Bailey Brook Forest Management Project Performance Bond, dated July 7, 2020

The project proposes timber harvest of NYCDEP lands located along Nimham Road and Cole Shears Ct. There are 138 acres, of which tree removal will occur on 85 acres. Tree removal will only occur between November 1st and March 31 in accordance with bat habitat protection. There are two (2) proposed access roads with landing areas, one from Coles Shears Ct (Eastern Landing) and one from Nimham Road (Western Landing). The project will be managed by NYCDEP forester.

The following comments are provided for the Planning Board's consideration from a memo dated April 3, 2020:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. NYSDEC exempts all silviculture activities, including access roads and landing areas from stormwater regulations and permitting, therefore coverage under GP-0-20-001 is not required. A Town of Kent Erosion & Sediment Control Permit is required for access roads and landing areas.
6. Refer to the Combined Application Form:
 - b. 2nd Page, #9 includes the waiver request "Because this is a timber harvest rather than a development project, request waiver to provide GIS maps rather than

survey maps at 8.5" x 11" or 11" x 17" and to eliminate dimensions of property lines."

- i. We have no objection to this waiver request. This is similar to what was done for the previous DEP forest management project at Horsepound Ridge.
8. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
9. We defer to the Planning Board's environmental consultant regarding wetland issues.

New Comments:

1. Engineering comments have been addressed.
2. An erosion control bond is required. For other projects by NYCDEP in Kent, the Town of Kent has accepted a letter of assurance from NYCDEP in lieu of a cash bond. This was done for the Seven Hills Lake Dam Repair and the more recent Horsepound Ridge Forest Management. A letter dated July 7, 2020 was provided and is similar in form and content to the one accepted for the Horsepound Ridge Forest Management Project.

Our recommendation is for the Planning Board to accept this letter in lieu of the erosion control bond and to recommend to the Town Board to accept this letter in lieu of the erosion control bond.


Julia S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
20-261-252

Bruce Barber via email
Liz Axelson via email



Memorandum

To: Planning Board
Town of Kent

Attn: Phillip Tolmach
Chairman

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

Subject: Site Plan, Lot Line Adjustment
Erosion Control Permit
Wetland Permit

Date: August 12, 2020

Project: Kent Development Associates –
Commercial Property & Timber
Harvest
TM # 12.-1-38 & 42

The following materials were reviewed:

- Refer to Appendix A for list.

The project proposes construction of a commercial building in addition to the open application for erosion control permit for timber harvest.

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

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 1 acre of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, including long term stormwater management.
2. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. §66-6.B.2.e – Provide "a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map."
 - i. Steep slope map could not be located.
 - b. §66-6.B.2.f – Provide "the depth to bedrock and depth to water table shall be identified in all areas of disturbance" (Except for applications involving one single-family dwelling).
3. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."

4. Provide a SWPPP with post-construction stormwater management practice component in accordance with GP-0-20-001. Provide required information from Part III.B.2 including:
 - a. Part III.B.2.d – “Soil testing results and locations (test pits, borings);”
 - b. Part III.B.2.e – “Infiltration test results, when required;”
 - i. The notes on drawing SP-3 “Required SWPPP Contents Per GP-0-20-001”, Part 2, d. and e. refer to soil test and infiltration test results are located in the amended SWPPP for Kent Materials. Soil and infiltration test results could not be located in the SWPPP for Kent Development Associates. Provide soil and infiltration test results. Kent Materials is also referenced in Part 2, c.
 - c. The Applicant and Applicant's design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP.
 - d. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
5. SWPPP – GP-0-20-001 Part 1.F.8 - Provide documentation that the project complies with the requirements for historic or archeological sensitive locations.
6. Refer to the SWPPP
 - a. Incorporate or refer to the relevant information regarding erosion control for the Timber Harvest portion of the project.
 - b. Page 3, near the top, “Flow Splitters/Infiltration Basin” – Revise Infiltration Basin to Underground Infiltration System. Include a section on the swale.
 - c. Page 6, 4.1 “Temporary Erosion and Sediment Control Facilities”, include concrete truck wash-out.
 - d. Page 7, 5.1 – Remove references to the Town of Southeast.
 - e. Page 8, End of Section 5.1 – Reference to Infiltration Basin should be changed to Underground Infiltration System. Include additional long term stormwater management facilities such as the hydrodynamic separator, level spreaders and underground piping.
 - f. Page 10, Section 5.3 “Long Term Maintenance Plan” Include information on all long term stormwater management facilities including the water quality swale and level spreaders.
 - g. Appendix E Construction Site Log Book – Include requirement for copy of the permit to be maintained on site. Include information on Contractor Certifications.
 - h. Appendix F NYSDEC Construction and Maintenance Inspection Checklist – Includes the checklist for Infiltration Trench. Provide additional information or direction for the underground infiltration system.

- i. Drawing 3 "Post Development Drainage Map" – The area for the septic system is not included in the drainage areas that were modeled. It appears as if the runoff from the area is being collected in catchbasins and piped directly to the wetland/wetland buffer. There will be a change in hydrology from existing conditions to proposed conditions with the removal of trees, excavation, backfill, and new lawn cover that may increase runoff in proposed conditions. Include treatment for this area or otherwise show that there will be no increase in runoff.
- j. Provide sizing calculations for the multiple level spreaders proposed. The level spreaders will be crucial to prevent erosion of the slopes towards the wetlands.

7. Refer to the Drawings:

- a. Per Town Code Chapter 57, §57-26.A(2)(a): "Finished grades for all parts of any proposed driveway shall not exceed 10% and shall not be less than 1 ½% nor exceed 5% within 30 feet of the intersection of the driveway with the Town road...and shall be paved for a distance of 30 feet from said intersection. The driveway shall slope down and away from the Town road... in this thirty-foot-long segment, except in the case of a driveway with a culvert (Figures 15 and 25). The slope shall not exceed 3% within 30 feet of a garage or parking pad. The Planning Board may grant a waiver for a driveway slope of up to 15% upon a showing by the applicant of practical difficulty in meeting these standards. The Board shall seek the input of the Town Highway Superintendent and Fire Department in such cases."
 - i. Provide a driveway profile. For driveways longer than 500 feet, pull-offs are required per §57-26.A(4)(b).
- b. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Provide a note on the drawing.
- c. Per letter from Richard Othmer, Jr, Highway Superintendent, dated April 1, 2019, to the Planning Board regarding final approvals, add a note to the drawing that reads, "The Owner will make modifications to the driveway as required by the Highway Superintendent."
- d. Provide sight distance measurements for the driveway intersection with North Horsepound Road.
- e. Label curb and provide detail.
- f. Show the boundary between the paved driveway and proposed gravel outdoor storage area.
- g. Consult with the NYS Fire Code to ensure the proposed driveway is wide enough and provides an acceptable fire truck turnaround.
- h. Consult with the Town of Kent Fire Inspector regarding the need for sprinklers.
- i. Parking spaces are to be 20 feet deep per Town Code 77-38.C.
- j. Per Town Code 77-38.F, show that the maximum slope of the parking lot does not exceed 5%.

- k. Provide dimensions for the loading space to show it complies with Town Code 77-39.B.
- l. Zoning Code 77-60.N (1) states "Parking shall not be located within a front, side or rear yard setback." It appears part of 2 parking spaces and the turn around are within the rear yard setback. However, the Code goes on to state per 77-60.N(4) "The Planning Board may allow parking spaces within a yard setback line if it finds that such parking will not detract from the aesthetic character of the area and is otherwise consistent with the purposes of this section."
- m. Zoning Code 77-60.N (2) states "Parking areas, access aisles, and parking spaces facing or adjacent to property located in a residential district shall be set back an additional 15 feet from the minimum yard setback to provide a visual and noise buffer to such residentially zone property. The fifteen-foot buffer shall be planted... In the case of practical difficulty, or where the Planning Board determines that the additional fifteen-foot buffer strip is unnecessary due to site conditions, the Board may reduce the depth of the buffer provided that the Board finds that such reduction will be at least as protective of property located in the residential district as the full-depth buffer. The...landscaping shall be subject to the approval of the Planning Board." The end of the parking lot is adjacent to residentially zoned property.
- n. Zoning Code 77-60.O – Provide additional details on the proposed dumpster enclosure that comply with this section.
- o. Show snow storage areas.
- p. Provide information on site lighting.
- q. On SP-1 "Site Layout Plan" – show the outline of the Underground Infiltration System.
- r. Refer to SP-1 "Tree Removal Plan" – Include the area of the proposed septic area and that section of the property.
- s. Refer to drawing SP-3 "Erosion & Sediment Control Plan"
 - i. Provide additional notes and details as to how the Underground Infiltration System and Swale will be protected from disturbance or storage of construction materials during construction. Stormwater runoff cannot be directed to the Underground Infiltration System and Swale until contributing areas are stabilized. How will runoff be managed from the disturbed construction area before the swale and Underground Infiltration System can accept the runoff? How will sediment-laden runoff from the disturbed construction area be prevented from entering wetlands? With the slopes, silt fence alone is not likely to be sufficient.
 - ii. Silt fence is shown outside the limits of disturbance. Expand the limits of disturbance to incorporate the silt fence or relocate the silt fence within the limits of disturbance.
 - iii. Include concrete truck washout on the Erosion and Sediment Control Maintenance Schedule table.

- iv. Provide additional information on construction staging or phasing to show how this project can be constructed within the tight constraints of this site.
- t. Refer to drawing SP-4 "Details"
 - i. Provide detail on concrete truck wash-out.
 - ii. Provide detail on driveway construction.
 - iii. Provide detail for gravel storage area cross-section.
 - iv. Provide detail for refuse enclosure.
 - v. Provide detail for curb.
- 8. Retaining walls over 3 feet in height require a building permit per Town Code Chapter 27, §27-8.B(5). If a retaining wall is over 3 feet in height and proposed within a yard setback, a variance may be needed from the ZBA. Consult with the Building Inspector.
- 9. The Planning Board has required boulders, fencing or other permanent or semi-permanent demarcation along the wetland buffer line for other projects with disturbance within or close to wetland buffer areas. We recommend a similar delineation for this project.
- 10. An erosion control bond estimate of \$9,183.00 was included in the submittal. A long term stormwater management bond estimate will also need to be provided which is to include the underground infiltration system, swale, hydrodynamic separator, level spreaders and required piping.
- 11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
- 12. We defer to the Planning Board's environmental consultant regarding wetland issues.
- 13. We defer to the Planning Board's planning consultant regarding planning, zoning and lot line adjustment issues.

We trust the comments are useful in your review. As further information is provided, additional comments may be offered. Please let us know if we can be of additional assistance.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
20-261-209-02

Bruce Barber via email
Liz Axelson via email

APPENDIX A

List of Documents Reviewed

1. Letter to Town of Kent Planning Board-Kent Development Associates from Insite Engineering, Surveying & Landscape Architecture, P.C. dated July 28, 2020.
2. Letter to Town of Kent Planning Board-Kent Development Associates from Insite Engineering, Surveying & Landscape Architecture, P.C. dated July 20, 2020.
3. Town of Kent Planning Board Site Plan Checklist -Kent Development Associates.
4. Town of Kent Planning Board Combined Application Form, revised July 20, 2020, with affidavits – Kent Development Associates.
5. Short Environmental Assessment Form-Kent Development Associates-Commercial Lot.
6. Town of Kent Board of Appeals Final Minutes dated October 15, 2018.
7. Unnamed Documents-Kent Development Assoc. Inc.
8. Town of Kent Highway Department Memorandum to Town of Kent Planning Board dated July 20, 2020.
9. Erosion Control Bond Estimate-Kent Development Associates, Inc. from Insite Engineering, Surveying & Landscape Architecture, P.C., dated June 18, 2020.
10. Preliminary Stormwater Pollution Prevention Plan-Kent Development Associates prepared by Insite Engineering, Surveying & Landscaping, P.C. dated May 15, 2020.
11. Notice of Intent, signed May 19, 2020.
12. MS4 SWPPP Acceptance Form, with Sections I and II completed.
13. Drawing-Lot Line Adjustment- Kent Development Associates, Inc., prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated February 11, 2020, scale 1" = 60'.
14. Drawing SP-1 Layout Plan- Kent Development Associates Commercial Lot, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated July 19, 2018 last revised July 20, 2020, scale As Noted.
15. Drawing SP-2 Grading, Drainage & Utilities Plan- Kent Development Associates Commercial Lot, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated August 15, 2019 last revised July 20, 2020, scale 1"=40'.
16. Drawing SP-3 Erosion & Sediment Control Plan- Kent Development Associates Commercial Lot, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated August 15, 2019 last revised July 20, 2020, scale 1"=40'.
17. Drawing D-1 Details- Kent Development Associates Commercial Lot, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated August 15, 2019 last revised July 20, 2020, scale As Noted.



Cornerstone Associates

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

August 13, 2020

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Vitiello Application
475 Pudding Street
Section 33 Block 1 Lot 32

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

1. Town of Kent Planning Board Application executed by Frank and Juli Vitiello dated 6/9/20.
2. Letter executed by John Watson of Insite Engineering dated 06/23/20, 1 page.
3. Deed dated 08/08/13.
4. Plans entitled; "Vitiello Residence" prepared by Insite Engineering dated 06/19/20, 4 sheets: OP-1, SL-1, SP-1, SP-2.

A: Summary of Application:

Application is to construct a two-bedroom addition to an existing single-family residence, a garage with a three-bedroom apartment, an expanded septic system, a proposed parking area and an expansion to the existing asphalt driveway on a 32.5+/- acre parcel in an R-80 zoning district. The parcel is situated on the easterly side of the intersection of Pudding Street.

B: Planning Board Permits Required:

Steep slope/erosion and sediment control permit
Wetland permit (to be determined).

C: Zoning:

A determination was made by the Town of Kent Zoning Board of Appeals to grant the construction of a three-bedroom apartment. Further information is requested.

D: SEQRA:

The applicant has not provided an Environmental Assessment form.

E: Environmental Review:

Wetlands:

The applicant has indicated that the site or areas adjacent to the site contains wetlands or waterbodies.

A site inspection will be conducted by this office to determine if there are jurisdictional Town of Kent wetlands or wetland buffers located within the proposed limits of disturbance.

The applicant has indicated that NYSDEC jurisdictional wetlands/waterbodies are on or adjoin the project site (NYSDEC wetland OL-51). If valid, further information from NYSDEC is required.

Trees:

The applicant has not indicated if trees are proposed to be cut. The site is located with the US Fish and Wildlife bat recovery zone which mandates that trees may only be cut between November 1 and March 31 of the following year unless a variance is first obtained.

Soils, Steep Slopes and Rock Outcrop:

Soils in the proposed area of disturbance are indicated as Chatfield-Hollis Rock (HSG B). The applicant should indicate if any rock chipping or blasting is required.

It appears that the proposed garage/apartment is located in an area of steep slopes. The applicant should indicate why this impact cannot be avoided.

Land Disturbance:

The applicant proposes to disturb 0.9 acres. Calculations regarding cut and fill have not been provided.

Flood Plain:

Information not provided.

Cultural Resources:

Information not provided.

Threatened or Endangered Species:

NYSDEC resources indicate that the site is located in an area of rare plants/rare animals. Further information is required.

Well and Septic System: Septic system approval from the Putnam County Department of Health is pending. It is not clear if any well water improvements will be required.

F: Other:

- A copy of a property survey has not been provided.
- A copy of an EAF has not been provided.
- Indicate areas of potential blasting or rock chipping.
- Please indicate how runoff from the increased impervious surface areas will be addressed.
- Please provide statement of use of the property including the house and garage apartment.
- Show all utility connections to the proposed garage.
- Indicate exterior lighting to be installed.
- Plans which were reviewed were downloaded from an attachment. Additional review and clarification of information will be provided as necessary upon receipt of full-size plans.

This office defers to the Town Engineer regarding review of the SWPPP/erosion and sediment control plan. Further comments will be provided based on the site inspection and applicant response to comments.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'R' followed by a stylized flourish.

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



Cornerstone Associates

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

August 13, 2020

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Kent Development Associates Application
North Horsepound and Peckslip Roads
Section 12 Block 1 Lots 38, 42
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

As per your request, I have reviewed the following pertinent documents submitted relative to the above referenced application:

1. Transmittal letter dated 6/18/20 executed by John Watson of Insite Engineering, 3 pages.
2. Town of Kent Combined Planning Board Application dated 5/9/20 executed by Richard Esposito.
3. Short-form EAF (Part I) dated 6/18/20, executed by John Watson of Insite Engineering.
4. Map entitled; "Lot Line Adjustment Map prepared for Kent Development Associates, LLC" prepared by Terry Bergendorff Collins, LS dated 2/11/20, 1 sheet.
5. Plans entitled; "Kent Development Associates-Commercial Lot" prepared by Insite Engineering dated 6/8/20, 4 sheets: SP-1, SP-2, SP-3, D-1.
6. Report entitled; "Preliminary Stormwater Pollution Prevention Plan" prepared by Insite Engineering dated 5/15/20.
7. Preliminary MS4 Acceptance Form
8. Preliminary NYSDEC NOI dated 5/19/20
9. Erosion and Control Bond Estimated dated 6/18/20.
10. Meeting minutes of Town of Kent Zoning Board of Appeals dated 11/18/19.
11. Letter executed by John Watson of Insite Engineering dated 7/28/20, 2 pages.
12. Plan sheet entitled "Kent Development Associates-Aerial Map" dated 07/24/20, 1 sheet.

1: Project Summary:

The applicant proposes a lot line adjustment in which 0.8+/- acres will be conveyed from parcel 12-1-38 (residentially zoned parcel on Peckslip Road) to parcel 12-1-42 (IOC zoned North Horsepound Road parcel).

In addition, the applicant proposes to construct a commercial building, driveway, parking area, stormwater management, exterior lighting, well and septic system on parcel 12-1-42 which is located on the northerly side of Baptist Church and North Horsepound Road.

Additionally, the applicant proposes to conduct a logging operation on the IOC property and the adjoining residential property (see comments in March 6, 2020 memo prepared by this office).

Property Size: 3.3 acres (IOC property)

Zoning District: IOC/R-40

Land Disturbance/Grading: 1.8 acres

Wetland/Wetland Buffer Disturbance: yes

Tree Removal: Approximately 110+/- Tree survey provided (IOC Site)

Proposed Subdivision/Lot line adjustment: yes

Violations: none indicated

2: Required Planning Board Permits/Approvals:

☒ Site development plan approval

☒ Wetland permit

☐ Steep Slope and Erosion Control Permit.

☒ Subdivision/lot line approval

3: SEQRA:

☒ Short-form EAF Submitted: Part I ☒ Part II ☒ Part III ☒
Date: 6/18/20.

☐ Long-form EAF Submitted: Part I ☐ Part II ☐ Part III ☐
Date:

☐ Other: _____

4: Environmental Questions Relative to Zoning:

The application does not appear to meet 77-26(A)(1) which applies when a property in the IOC zone immediately adjoins a residential property (front, rear and side yard minimum setbacks plus 15'). No landscaping or screening plan in this area has been provided.

The applicant has not maintained the tree corridor-along Horsepound Road and within the wetland buffer.

The applicant has requested a waiver of these requirements but has not provided a rationale or mitigation plan for granting the waiver

5.: Environmental and Cultural Resources:

Wetlands: The proposed action will disturb a Town of Kent regulated wetland buffer and therefore a wetland permit is required. Town of Kent wetland boundary line and wetland buffer should be indicated.

The subject property appears to be located within a NYSDEC wetland and wetland buffer area. A NYSDEC executed wetland validation block has been included on the plans. There is proposed disturbance to the NYSDEC 100' buffer. Please provide additional information from NYSDEC, including executed wetland validation block and Article 24 permit as/if required.

Trees: Tree survey has been provided. Please provide a table indicating the number, size and species of trees proposed to be cut. Please provide an overlay of the limits of the proposed logging operation on the IOC parcel.

Flood Hazard: Indicate if the property is located in a flood hazard area on the plans.

Slopes: Steep slope areas (greater than 15%) are not indicated. Will rock chipping or blasting be required in any areas of rock outcroppings located within the area of potential limit of disturbance? Quantify area (square feet) of steep slope disturbance.

Soils: Please provide soils map. Indicate all soils defined as wetland soils in Chapter 39A of the Town Code on the map as wetlands and provide 100' wetland buffers as applicable. Site specific soil testing information in the area of the proposed infiltration structures has not been provided.

Threatened/Endangered Species: Recovery zone for Indiana and Northern Long-Eared bats. Unless a variance is obtained, tree cutting restrictions apply.

Well/Septic Systems: Approvals from PCDOH have not been provided.

Cultural/Historical Resources: Positive response as per NYSDEC EAF Mapper Summary Report. Further information is required.

6: Review:

_____ Application Complete

___X___ Application Incomplete:

REVIEW ITEMS

1. Provide applicable materials submitted in support of all variances obtained from the ZBA.
2. Provide additional information and details regarding potential cultural resources on the site.

3. Provide size (square feet) and analysis of wetland and wetland buffer impacts. Indicate why wetland buffer impacts cannot be avoided or reduced. Provide complete mitigation plan to address all unavoidable impacts.
4. Please provide a clearly marked Town of Kent wetland and wetland buffer line (including hydric soils).
5. Indicate if rock chipping or blasting will be required and how much material (cubic yards) is to be cut/filled.
6. Provide complete erosion and sediment control plan including temporary parking and construction trailer, machine access and staging area(s), duration of work, steep slope stabilization plans, sanitary facilities, etc.
7. Provide site specific soil tests and site logs in the area of the proposed infiltration structures as required by NYS Stormwater Design Manual.
8. Provide steep slope (greater than 15%) map and quantify amount (square feet) of steep slope disturbance.
9. Indicate if there is any mitigation for the proposed tree cutting. Indicate why tree cutting in the wetland buffer other than that required to construct the driveway area is required.
10. Indicate if there is any proposed stockpiling, storage or use of any materials or the potential use of chemicals or fuels of any kind, vehicle or equipment repairs or washing or any use which will or potentially could contaminate the ground water supply.
11. Provide driveway profile. Indicate sight distances at road. Indicate if turnouts are required.
12. Please indicate if there shall be any water storage tanks/fire suppression.
13. Provide landscaping and screening plan.
14. Indicate all exterior lighting. Will there be any light pollution/spillover onto adjacent properties?
15. Provide PCDOH approvals for the well and septic systems.
16. Provide signage example.
17. Provide NYSDEC wetland permit as required.
18. Please complete missing sections of the Combined Planning Board application.
19. Please provide architectural elevations and floor plans.

20. Provide description of proposed use/business plan.
21. The applicant is referred to the comments regarding the logging operation found in the March 6, 2020 review memo prepared by this office.
22. Site Plan
- Provide NYSDEC executed wetland validation block.
 - Please indicate any work within steep slope areas and areas of rock outcropping or ledge.
 - Please indicate and provide details of any proposed exterior lighting.

ADDITIONAL REVIEW ITEMS

1: EAF:

Question 15, Page 3: Indicate area is located in US Fish and Wildlife bat Recovery zone.

General: The applicant is proposing two actions (logging and commercial development) on one of the parcels. Review of SEQRA requirements by the Planning Board Attorney is suggested.
Provide long-form EAF.

Please note that this review was conducting using copies of PDF materials and not full-size plans. Review of full-size plans, when received, may result in modification to this review.

The applicant is requested to provide annotated responses to the above questions. This office will conduct further review upon receipt of additional information provided by the applicant.

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

Sincerely,



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



Cornerstone Associates

Environmental Planning Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

March 6, 2020

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

Re: Kent Development-Logging Application
Peckslip Road and North Horsepound Road
Section 12 Block 1 Lots 38 and 42
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

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

- Responses to comments memo dated 08/02/19 prepared by Greene Lumber Co., dated 02/10/20 provided via email by Jordan Heller, Forester.

Summary of Application:

The subject property consist of a vacant 47.28 +/- acre parcel (lot 42) located on the southerly side of Peckslip Road in an R-40 zoning district and a vacant 3.26 +/- acre parcel (lot 38) located on the southerly side of North Horsepound Road in an IOC zoning district. Lot 42 had obtained conditional subdivision approval from the Planning Board which has expired.

The applicant proposes to conduct a logging operation on both parcels. The total area to be logged is 47 acres (of the total area of 50.5 acres) and construction of the access road (from Peckslip Road) and landing area will disturb approximately 0.25 acres of the site. As a result, the applicant is requesting approval of an erosion and sediment control permit from the Planning Board.

Environmental Review:

Wetlands:

A site inspection was conducted on March 4, 2020. The wetland boundaries as depicted on the materials submitted by the applicant's forester as well as the flagging found in the field was not consistent with prior wetland boundary determinations and field determination. In discussion with the applicant's forester on March 5, 2020, it was agreed that prior wetland mapping as shown on the 2014 map of the proposed residential

section of the site and the 2019 map of the proposed commercial section of the site would be utilized. The applicant's forester would locate the wetlands and wetland buffer in the field based on these maps. The Planning Board clerk sent copies of these maps to the applicant.

The applicant has indicated that the tree harvest will be located in wetland buffer areas only. A wetland permit is not required as per town code for the proposed action.

As per our phone conversation on March 5, 2020 the applicant's forester indicated he would contact the NYSDEC to obtain information regarding the proposed tree harvest relative to NYSDEC wetlands/wetland buffers.

Threatened and Endangered Species:

The applicant has indicated in the above referenced correspondence that tree cutting will occur between the months of November 1 and the following March 31 as per US Fish and Wildlife guidelines to avoid a potential take of the Indiana Bat

Other:

The applicant's forester indicated in our March 5, 2020 phone conversation that he would be in contact with the Town Highway Superintendent.

The applicant has not indicated if a buffer in which trees will not be cut will be maintained between the subject and adjoining properties. The applicant has indicated that down tree tops and other logging debris will be pulled back and cutting will not occur up to the property borders.

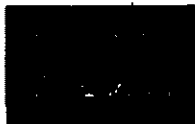
This office defers to the Town Engineer regarding review of the erosion and sediment control plan and proposed engineering issues.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'R' followed by a stylized flourish.

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



Memorandum

To: Planning Board
Town of Kent

Attn: Phillip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: August 12, 2020

Project: Vitiello, Pudding St
TM # 31.-1-32

The following materials were reviewed:

- Please see Appendix A

The project proposes construction of a 2 bedroom addition to an existing single family house. The project also includes construction of a detached garage with proposed 3 bedroom accessory apartment above. Information provided indicates Putnam County Health Department approval for septic expansion has been applied for.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001.
2. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"
 - i. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
 1. A "Construction Sequence" is provided on drawing SP-2. Include time frames for each item, such as number of days, weeks or months for each step.
3. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner

stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."

4. The Applicant and Applicant's design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP or on the drawings.
 - a. Please note – With issuance of NYSDEC General Permit GP-0-15-002 and continuing in GP-0-20-001, per Part I.B.1.b 'Soil Stabilization' "In areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days* from the date the current soil disturbance activity ceased..." (emphasis added).
 - i. Revise note # 4 under "Erosion & Sediment Control Notes" on drawing SP-2 to comply.
5. Regarding the accessory apartment:
 - a. Zoning Code chapter 77-70.B(7) states: "The accessory apartment shall contain at least 400 square feet and not more than 800 square feet of gross floor area but shall not exceed 25% of the total floor area of the principal residence structure unless, in the opinion of the Zoning Board of Appeals, a greater or lesser amount of floor area is warranted by the specific circumstances of the particular building. The number of bedrooms shall be determined by septic capacity but in no event shall exceed two bedrooms in the accessory apartment."
 - i. Provide documentation that the accessory apartment complies with the square footage or that the ZBA has allowed a different square footage.
 - ii. The plans show three bedrooms for the accessory apartment. Provide documentation that the ZBA will permit the increase to 3 bedrooms.
6. Refer to the Drawings:
 - a. For the reconstructed section of driveway, provide a driveway profile. The reconstructed section of the driveway will have to conform to the standards for driveway slopes in Town Code Chapter 57-26.
 - b. For new driveways longer than 500 ft, pull offs are required. As this is a major construction project, evaluate the existing driveways to determine if there is the opportunity to provide pull-offs for any sections longer than 500 feet.
 - c. Will any improvements be needed at the driveway intersection with Pudding Street to accommodate construction deliveries, concrete trucks or other large vehicles?
 - d. Is the asphalt overlay over the existing gravel driveway proposed for the entire length of the driveway to Pudding street? Disturbance along the edges of the proposed asphalt driveway will have to be stabilized.

- e. The proposed garage is located on steep slopes. The patio on the south side along with grading and a swale causes disturbance even further into steep slopes. Consider design changes to minimize disturbance on steep slopes.
 - f. Where feasible, provide some stormwater water quality treatment as an offset to the increase in impervious surface.
 - g. Show all utility connections for the proposed garage.
7. Refer to Drawing SP-1 – There is a tree labeled "20" maple" between the new driveway and the house. It is not shown as to be removed. There appears to be proposed grading in the vicinity. If this tree is proposed to be saved, provide tree protection during construction.
8. Refer to Drawing SP-2
- a. Provide protection for well located between proposed garage and proposed addition during construction.
 - b. Proposed grading is shown over ledge west of the proposed garage. Will the ledge be disturbed?
 - c. The limits of disturbance are shown as 0.9 acres. Provide additional information on how the area of disturbance will be held at 0.9 acres. Show construction staging areas, material storage, contractor parking, etc within the 0.9 acres. How will access be maintained to the house during construction?
 - d. Include concrete truck wash-out in the Erosion and Sediment Control Maintenance Schedule. Provide a detail for concrete truck wash-out.
 - e. Relocate the stabilized construction entrance to start at the edge of the limits of disturbance.
 - f. Erosion & Sediment Control Notes, #9 – Revise 2:1 slopes to 3:1 slopes for requiring additional stabilization.
9. A bond estimate of \$5,095.00 was prepared by Insite Engineering, dated June 30, 2020. At this time we do not have a recommendation on bond amount until additional information is provided.
10. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
11. Retaining walls over 3 feet in height require a building permit per Town Code Chapter 27, §27-8.B(5). If a retaining wall is over 3 feet in height and proposed within a yard setback, a variance may be needed from the ZBA. Consult with the Building Inspector.
12. We defer to the Planning Board's environmental consultant regarding wetland issues.


Julie S. Mangarillo, P.E., CPESC

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

Bruce Barber via email
Liz Axelson via email

APPENDIX A

List of Documents Reviewed

1. Letter to Town of Kent Planning Board-Vitiello Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated June 23, 2020.
2. Erosion Control Bond Estimate- Vitiello Residence prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C., dated June 30, 2020.
3. Town of Kent Planning Board Site Plan Checklist-Frank and Juli Vitiello, dated June 23, 2020.
4. Town of Kent Planning Board Combined Application Form, signed June 9, 2020, including affidavits.
5. Town of Kent Planning Board- Memorandum, dated July 16, 2020.
6. Putnam County Deed-Frank and Juli Vitiello dated August 21, 2013.
7. Notice of Intent-New York State Department of Environmental Conservation Division of Water- Draft-Frank and Juli Vitiello.
8. MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form- prepared by New York Department of Environmental Conservation- Frank Vitiello.
9. Drawing OP-1- Overall Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, scale 1"=60'.
10. Drawing SL-1- Existing Conditions and Steep Slopes Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, scale As Shown.
11. Drawing SP-1- Layout and Landscape Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, scale As Shown.
12. Drawing SP-2- Grading, Utilities, Erosion & Sediment Control Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, scale As Shown.
13. Drawings- 11x 17 of OP-1, SL-1, SP-1, SP-2.

Memorandum

To: Planning Board
Town of Kent

Attn: Phil Tolmach
Chairman

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

Subject: Erosion Control - Stabilization
Inspection

Date: August 10, 2020

Project: O'Mara - Peekskill Hollow Rd
TM # 42.07-1-17

A stabilization inspection was conducted on July 23, 2020. This was a follow up to the inspection conducted on December 18, 2019.

The following are noted:

1. General - Remove any remaining silt fence, haybales, piping, fabric or other construction debris. Re-seed any remaining bare spots in the lawn that did not grow in during the spring/summer or were covered by haybales and silt fence.
2. Connections on both sides of the driveway to the catch basins on Peekskill Hollow Road need to be cleaned up or repaired. On the south side of the driveway along Peekskill Hollow Road, remove old haybales and fabric. Re-seed bare spots. On the north side of the driveway, re-seed/stabilize slope at bottom of the swale before it meets the catch basin.
3. Remove drainage piping and miscellaneous construction debris from the edge of swale along north side of property.
4. On south side of the house, remove remaining silt fence and hay bales. Re-seed bare areas in grass.
5. On the south side of the house, the footing drain extends beyond the swale. Cut the footing drain pipe back so it discharges into the swale.

After the developer makes the corrections listed above, we will need to be contacted to schedule a follow up inspection.

If you have any questions, please do not hesitate to contact us. Thank you.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email

Bruce Barber via email
04-281-999-82

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control—
Stabilization Inspection

Date: August 10, 2020

Project: OMara ECP – Nimham Rd
TM #10.20-1-1

The following is offered for consideration by the Planning Board:

1. Stabilization Inspection:

A stabilization inspection was conducted for this project on July 23, 2020.

The previously disturbed area is now considered fully stabilized in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001 and Town of Kent Town Code Chapter 66.

2. Rain Garden

One of the features included in the approval to manage erosion control long-term was a rain garden. The approved drawings had a planting list of shrubs, including winterberry, arrowwood and red-osier dogwood, as well as herbaceous plants of cinnamon fern, woolgrass and New England aster.

While the rain garden appeared to be fully stabilized, we could not determine if the specified plants were present. It appeared as though the vegetative cover was mowed grass.

We defer to the Planning Board's Environmental Consultant, Bruce Barber, to determine if the rain garden as it is satisfies the requirements of the approved plan.

3. Notice of Termination (NOT):

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

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

The MS4 sign-off will not be provided until the rain garden is deemed acceptable.

4. Erosion Control Bond:

Per Chapter 88, §88-7.A(2) regarding return of the erosion control bond: "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance..."

The date of final acceptance is as of 7/23/2020 inspection. The two-year waiting period began on 7/23/2020. This assumes the rain garden is deemed acceptable as it is and does not require additional plantings.

For other single-family home projects, the Planning Board has reduced the two year waiting period for bond return. However, this was construction of an entire house, driveway, septic system and related site work as opposed to just an addition or swimming pool. If the Planning Board is interested in reducing the two year bond return waiting period, we recommend the erosion control bond be held for at least one year to ensure the vegetation survives at least one winter.

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

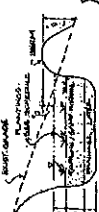

Julie S. Mangano, P.E., CPESC

Attachment: Drawing from 7/23/2020 inspection

cc: Planning Board via email
William Walters via email
Bruce Barber via email
04-281-999-83

RAIN GARDEN PLANTINGS

Species	Quantity
Shrub	1
Perennial	1
Annual	1
Grass	1
Groundcover	1
Water plant	1
Other	1



SECTION THRU RAIN GARDEN

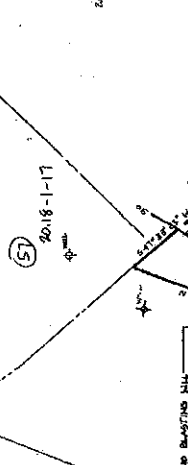
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PROBE LOCATION

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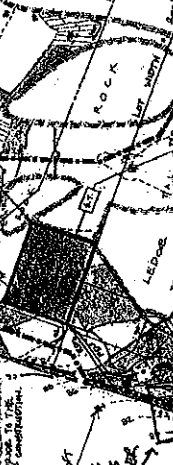
SPECIAL NOTES:

1. WITHIN 30 DAYS AFTER INSTALLATION OF ALL BOTTOM CONTROL PLAN MEASURES, THE CONTRACTOR SHALL SUBMIT A REPORT TO THE ENGINEER AND THE CITY ENGINEER, THE PROFESSIONAL WHO ISSUED THE PLAN FOR THE CONSTRUCTION OF THE BOTTOM CONTROL MEASURES. THE REPORT SHALL BE IN THE FORM OF A LETTER TO THE CITY ENGINEER AND THE ENGINEER, THE PROFESSIONAL WHO ISSUED THE PLAN FOR THE CONSTRUCTION OF THE BOTTOM CONTROL MEASURES. THE REPORT SHALL BE IN THE FORM OF A LETTER TO THE CITY ENGINEER AND THE ENGINEER, THE PROFESSIONAL WHO ISSUED THE PLAN FOR THE CONSTRUCTION OF THE BOTTOM CONTROL MEASURES.
2. REFERENCE IS MADE TO THE SWAMP PREPARED BY THE ENGINEER AND THE PHYSICAL STORMWATER PERMIT ISSUED FOR THIS PROPERTY.



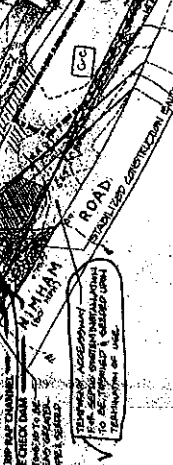
NOTES:

1. NO BUILT-UP SOIL SHALL BE USED IN THE RAIN GARDEN. THE SOIL SHALL BE A MIXTURE OF TOPSOIL AND COMPOST. THE COMPOST SHALL BE A MIXTURE OF TOPSOIL AND COMPOST. THE COMPOST SHALL BE A MIXTURE OF TOPSOIL AND COMPOST.
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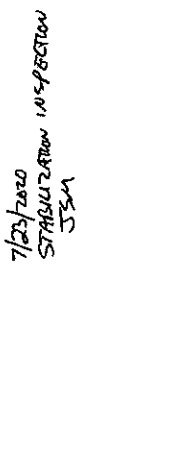
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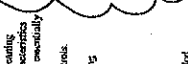
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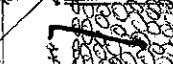
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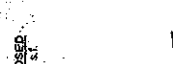
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7/23/2020
STABILIZATION INSPECTION
JSM

REV 8/19/2017
NOT TO SCALE

Memorandum

To: Planning Board
Town of Kent

Attn: Phillip Tolmach
Chairman

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

Subject: Erosion Control—
Site Inspection

Date: August 10, 2020

Project: OMara ECP – Lhasa Ave
TM #31.9-1-6

The following is offered for consideration by the Planning Board:

A site inspection was conducted for this project on July 23, 2020 with William Walters, Building Inspector.

It appears site work began with some rough excavation for the driveway and tree removal. Work then stopped with the COVID-19 shutdown.

When work shutdown, it does not appear temporary stabilization measures were put into place.

1. All exposed soil needs to be stabilized with seed and mulch. In particular, cut slopes and soil stockpiles need to be stabilized.
2. Silt fence needs to be repaired.
3. A proper stabilized construction entrance needs to be installed before any work re-starts.
4. When work re-starts, the drainage improvements at the bottom of the driveway required by the Highway Superintendent are to be a priority.

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


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
William Walters via email
Bruce Barber via email
04-261-999-81



Memorandum

To: Planning Board
Town of Kent

Attn: Phillip Tolmach
Chairman

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

Subject: Stabilization Inspection

Date: August 10, 2020

Project: Ryder ECP 170 Waywayanda Ct
TM # 41.-1-8

The project previously proposed construction of a single family house, detached garage, well and septic. There was an existing driveway. The lot has Putnam County Health Department approval for well and septic. During the course of construction, unsuitable fill was discovered in the location of the proposed house. The revised proposal included a single family home with attached garage, to avoid the area of unsuitable fill. The revised proposal had no change to the limits of disturbance. There are wetland and wetland buffers on the site.

Currently, the house, well and septic are complete. It is our understanding a certificate of occupancy has been issued.

1. Stabilization Inspection

A stabilization inspection was conducted for this project on July 23, 2020. The property owner, Mr. Ryder was in attendance.

While a majority of the lawn areas have grass germination, there are still significant bare areas that need to be addressed before the site can be considered fully stabilized. All bare soil must be covered with vegetation, mulch, or stone.

A portion of the driveway has bare soil. The owner indicated additional crushed stone will be brought in to stabilize that section of driveway.

Silt fence can be removed, except along the wetland buffer where wood chips are being spread.

2. Wetlands and wetland buffer

The approved drawings call for boulders to be placed at 5 foot on center along the length of the wetland buffer to delineate the wetland buffer. Boulders were located along some sections, but not others.

Currently there are stakes and string marking the wetland buffer along some sections. The boulders are required as a more permanent marking for the wetland buffer.

Memorandum
Ryder ECP
TM # 41.-1-8
August 10, 2020
Page 2 of 2

We defer to Bruce Barber, Planning Board Environmental Consultant, regarding wetlands and wetland buffers.

3. Erosion Control Bond:

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

For other single-family home projects, the Planning Board has reduced the two year waiting period for bond return. However, this was construction of an entire house, driveway, septic system and related site work as opposed to just an addition or swimming pool. If the Planning Board is interested in reducing the two year bond return waiting period, we recommend the erosion control bond be held for at least one year to ensure the vegetation survives at least one winter.

However, final stabilization has not been achieved. After the bare areas are stabilized and additional boulders have been placed along the wetland buffer, the owner should contact the Planning Board to schedule a follow up inspection.

At this time, we recommend the Planning Board take no action.

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


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email

Bruce Barber via email
18-261-999-155



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan – Stabilization
Inspection

Date: August 10, 2020

Project: Annunziata ECP – Kentview Drive
TM # 10.20-1-71
Formerly Arell, Baillargeon

The development of this lot received an erosion control permit under the previous owners, the Baillargeons. The property was sold to Mr. Annunziata, who proceeded with construction. It is our understanding the property has received a temporary certificate of occupancy. However, conditions of the erosion control permit have not been fully satisfied.

A site inspection was conducted on July 16, 2020 to inspect a swale that had been installed per the Health Department's request. The swale as requested by the Health Department was acceptable. However, the following items regarding lot stabilization and the erosion control permit were noted:

1. The required landscaping on the downhill side of the property was not planted, including trees, wildflower planting bed and pachysandra planting bed.
2. The main lawn areas were in good condition.
3. The boundaries of the lawn area, including along the uphill property line and well, along the downhill property line and edges in the back need to be cleaned up, topsoil, seed and mulch.
4. There was evidence of erosion downhill of the driveway, near the road. Large, bare stoney area at the start of the silt fence that requires more aggressive stabilization. There are rivulets down the slope visible beneath the erosion control matting.

These deficiencies were communicated to the project engineer in an email dated July 16, 2020.

A follow-up inspection was conducted July 23, 2020 with William Walters, Building Inspector. The following was noted:

1. Trees were planted along the downhill property line. The owner needs to provide confirmation that they are white pines, 6'-8' in height as required on the "Planting Legend" on drawing S-1 "Site Plan" prepared by John Karell, Jr., P.E., last revised 6/3/2019.
2. A pachysandra planting bed was observed however it is difficult to tell if it meets the size requirements of the approved drawing.

3. The required wildflower planting bed was not planted.
4. The uphill edge of lawn and around the well still needs to be cleaned up & stabilized (topsoil, seed and mulch). There is a bundle of silt fence by the well and other construction debris.
5. Additional stabilization was provided for the erosion from the driveway.

We defer to Bruce Barber, Planning Board Environmental Consultant regarding some of the landscaping requirements.

A copy of the NYSDEC Letter of acknowledgement of Notice of Intent has not been received to date.

The above items need to be addressed before the Town erosion control permit can be closed out and before the MS4 sign-off can be provided for the NYSDEC Notice of Termination.

Please let us know if there are any questions.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email

Bruce Barber via email
05-261-999-95



Memorandum

To: Planning Board
Town of Kent

Attn: Phillip Tolmach
Chairman

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

Subject: Erosion Control Plan
Permit Close-out

Date: August 10, 2020

Project: Bourgeois ECP 100 Lakeshore Dr E
TM # 33.58-1-9

The project included construction of a single family home to replace a previous single family home. The project also included reconstruction of the septic system. The property has since been sold.

The following is offered for consideration by the Planning Board:

1. Stabilization Inspection:

A final stabilization inspection was conducted for this project on July 23, 2020.

The previously disturbed area is now considered fully stabilized in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001 and the Town of Kent Town Code, Chapter 66.

The only minor disturbance observed appeared to be for installation of a new fence by the current owner.

2. Erosion Control Bond:

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

The date of final acceptance is the 7/23/2020 inspection. The two-year waiting period began on 7/23/2020.

For other single-family home projects, the Planning Board has reduced the two year waiting period for bond return. However, this was construction of an entire house, driveway, septic system and related site work as opposed to just an addition or swimming pool. If the Planning Board is interested in reducing the two year bond return waiting period, we recommend the erosion control bond be held for at least one year to ensure the vegetation survives at least one winter.

Memorandum
Bourgeois ECP – 100 Lakeshore Drive East
TM # 33.58-1-9
August 10, 2020
Page 2 of 2

William Walters, the Building Inspector, has provided photographs from May 2019 showing that the property was generally stabilized. Based on those photographs, the vegetation has survived a winter. We have no objection if the Planning Board chooses to release the \$500 erosion control bond at this time.

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


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
18-261-999-163

Bruce Barber via email
Liz Axelson via email