

Approved: August 13, 2020

**MINUTES  
TOWN OF KENT PLANNING BOARD  
JULY 9, 2020  
DRAFT**

Due to the Corona virus the Planning Board held their July 9, 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 July 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, Liason  
Chris Ruthven, Liason

**Others in Attendance:**

Liz Axelson, Planner  
Bruce Barber, Environmental Consultant  
Julie Mangarillo, Engineer Consultant  
Bill Walters, Building 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.

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

- Mr. Tolmach asked for a motion to approve the Planning Board meetings from the June 11, 2020 meeting. 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.

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

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. 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.

Mr. Joseph Castiglione, a relative of the neighbor across the street, participated on the call and had some questions regarding the property. Mr. Castiglione said he had received material from the Planning Board office and was very grateful.

Ms. Mangarillo gave a brief update for this single-family residence, wuth a septic system, well and driveway. Updated drawings are expected in August

Mr. Tolmach asked for a motion to adjourn this Public Hearing to the August meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. Following were the roll call votes.

|                             |               |
|-----------------------------|---------------|
| Philip Tolmach, Chairman    | <u>Aye</u>    |
| Dennis Lowes, Vice Chairman | <u>Aye</u>    |
| Simon Carey                 | <u>Aye</u>    |
| 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 Court Forest Management Project, Nimhan Rd. & Cole Shears Ct., Kent, NY; TM: 20.-1-57, 20.-1-48; 50, 57, 73 thru 81**

Mr. Tolmach asked for a motion to re-open the Public Hearing for this project. 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.

There was no one to represent the applicant on the call and there were no questions from the public regarding this matter.

Mr. Tolmach asked for a motion to adjourn this Public Hearing to the August meeting. The motion was made by Mr. Lowes and seconded by Mr. Gattucci. Following were the roll call votes.

|                             |               |
|-----------------------------|---------------|
| Philip Tolmach, Chairman    | <u>Aye</u>    |
| Dennis Lowes, Vice Chairman | <u>Aye</u>    |
| Simon Carey                 | <u>Aye</u>    |
| 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, N. Horsepound Rd., Kent, NY; TM: 12.-1-38 & 42**

Ms. Jaimie LoGuidice, of Insite Engineering, represented the applicant, Mr. Esposito – who also participated on the call. Ms. LoGuidice shared some drawings during the call which were sent to the Planning Board and consultants prior to the meeting. This is not a new project, but the applicant is now requesting a lot line adjustment for this commercial lot on North Horsepound Road with single access off of North Horsepound Road into a parking area for a proposed contractors' office and warehouse. The subdivision previously proposed is no longer part of this project. There are wetlands on this site as well. Stormwater management is also proposed along North Horsepound Road in the lower end of this parcel. Erosion control measures are also in place. A variance from the ZBA has been granted to allow the zone line change to the new property line so the application is now fully compliant in the IOC zone. Ms. LoGuidice said that the applicant does plan to move ahead with the separate timber harvest project and will be included in the next application. Applications have also been submitted to the DEC and BOH. Ms. LoGuidice expressed the applicant's and her frustration that no memos were done for the meeting since the project was submitted in a timely matter.

Ms. Axelson said that communications had been done previously whether the projects would be submitted separately and the applicant had stated that the timber harvest would be removed. Ultimately the applicant has now decided to move forward with the commercial lot line adjustment and the timber harvest at the same time. The consultants felt that, in order to start to do the review at this time, things needed to be clarified. An updated narrative and EAF acknowledging that everything is being submitted together as well as a SWPPP and a wetland permit would be greatly appreciated. Mr. Wilhelm said that the Board agreed with Ms. Axelson's comments that more information was needed. Mr. Esposito said that his last conversation with Mr. Heller was 10 days ago and he advised Mr. Esposito that Mr. Barber and Ms. Mangarillo had signed off on the timber harvest project and that he was going to apply for the permit to begin logging and that was the reason this was not included in the submittal. Mr. Barber said that presently there are two different applications for the one lot and that more clarification needs to be done. Ms. LoGuidice said that if there had been a workshop this all could have been sorted out prior to this meeting. Ms. Axelson said that the Board felt there was

no reason to have a workshop and that the consultants were not aware that the timber harvest project was going to be part of this project and apologized for their frustration. Ms. LoGuidice said that she would submit a revised full application which would include the timber harvest material as soon as possible (by July 20, 2020) in order to get it onto the August agenda. Ms. Mangarillo referred to an April 3<sup>rd</sup> memo with some outstanding items regarding the timber harvest. Ms. LoGuidice and Ms. Axelson requested information pertaining to the logging information from the Planning Board office.

- **GADF LLC, 1088 Route 52, Kent, NY; TM: 12.17-1-9**

Mr. Alex Mazzotta participated on the Zoom call. This application was for an amended site plan and change of use. This property was purchased in November of 2019 and a realtor, Coldwell Banker, is the present tenant. In the rear of the building there is a two bedroom apartment which the applicant would like to rent out again. The building always had a commercial property in the front and a rental apartment in the rear. It was suggested that Mr. Mazzotta get Planning Board approval. Ms. Axelson said that she thought the application was just for sign approval, but was confused why site plan approval was also necessary. Ms. Axelson said she would discuss this with Mr. Walters because she wasn't sure that anything needed to be done regarding the change of use on this property. A CO was issued to Coldwell Banker in March of 2020. Ms. Axelson said that the sign looked fine. There was a question pertaining to lighting of the sign and it was recommended that the lights would have to point down to the sign if there was lighting on it. The sign will be blue aluminum with white lettering. There will not be any changes made to the property. Ms. Mangarillo reminded Ms. Axelson that there were questions about additional parking. Mr. Mazzotta said that there is a second driveway with a garage and parking in the rear part of the property for the residential tenants and they would not use the front parking lot at all.

Ms. Axelson said that she would discuss with Mr. Walters whether or not site plan approval was required on this project and advise the Planning Board what his response would be. Ms. Axelson recommended approval of the sign at this time. An EAF was requested. this project is a Type II action and SEQRA is not necessary. If a site plan was needed a Public Hearing would be scheduled for the August meeting. Mr. Wilhelm disagreed with scheduling a public hearing. Mr. Gattucci and the other Board members said that they wanted to wait until Ms. Axelson had a discussion with Mr. Walters and just wanted to approve the sign.

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

Mr. Tolmach asked for a motion to approve the sign with external lighting on top of the sign, schedule a Public Hearing if needed and a referral to the Building Department. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. Following were the roll call votes.

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

The motion carried.

• **Sun Property, 3 Westwood Dr., Kent, NY; TM: 19.12-1-20**

Mr. Lehto, of Westchester Modular, and Anthony Pissari represented the applicant. This project was for construction of a single-family residence, which has Board of Health approval. The applicant also purchased the adjoining property. A variance was granted on the first lot and Mr. Lehto said that he assumed it would carry over.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that during the consultants' meeting several months ago the applicant mentioned that he had purchased the adjoining property and that both lots were undersized for the R-80 zone and would be merged automatically. The property where the construction of the house and septic systems is proposed is quite steep and Westwood Drive is subject to flooding and erosion during rain events. Ms. Mangarillo suggested that, if the parcels are merged as they should be, that the applicant review the second lot to see if there is a more suitable location on it for the septic system and house. Mr. Lehto said the applicant had thought of that but decided not to move the house since BOH had already approved it and he had a variance. Ms. Mangarillo said that some mitigation would have to be done to prevent runoff to the road and neighboring properties. There were also questions about an easement on the property just purchased and who would benefit from it. Ms. Mangarillo said copies of the deed and the complete application was needed.

Mr. Barber's Comments (memo attached)

Mr. Barber said that the parcel size is approximately  $\frac{3}{4}$  acre in an R-80 zone on the northerly section of Westwood Drive. A wetland permit was to be determined after the site was inspected by Mr. Barber. There is a DEC wetland check zone on part of the property, so further information from the state would be required. A note on the plans should indicate that there would be no tree cutting from November 1<sup>st</sup> through March 31<sup>st</sup> of the following year unless a variance was granted.

Mr. Barber was not sure whether or not blasting or rock-chipping would need to be done on the property. Mr. Barber said the applicant would also need to contact the Lake Sagamore Board of Directors and submit plans to them for them to review and approve. Mr. Barber suggested that this matter be held over until the August meeting.

Ms. Axelson's Comments

Ms. Axelson had no comments.

• **Annunziata Property, Kentview Dr., Kent, NY; TM: 10.20-1-71 (memo attached)**

The applicant submitted an erosion control bond in the same amount as the previous owners (Baillargeon) for the following amounts:

- An Erosion Control Bond in the amount of: \$12,798.00; and
- A Plantings Bond in the amount of: \$ 2,700.00

Mr. Tolmach asked for a motion to accept the bonds as noted above and forward it to the Town Board for their approval, if appropriate. 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>    |

Ms. Mangarillo said the BOH requested a swale around the septic system and will check the property out to confirm where it should be and where it will discharge. She was not sure whether or not an amended approval would be necessary or if it should be considered a field change. The Planning Board approved the field change inspection.

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

- Alexander Othmer Property                      Erosion Control Plan                      Status Report  
1087 N. Horsepound Rd., Kent, NY  
TM: 12.-1-28

The drawings were signed and this project is completed.

**July 9, 2020**

- |   |                           |               |
|---|---------------------------|---------------|
| <ul style="list-style-type: none"> <li>Realbuto<br/>49 Tiger Trail, Kent, NY<br/>TM: 21.8-1-39</li> </ul> | Erosion Control Plan/Bond | Status Report |
|---|---------------------------|---------------|

A bond has been submitted and has been forwarded to the Town Board for their approval and an appeal from the neighbor has been delivered and should be forwarded to the Planning Board attorney for him to review it.

- Goldfine/Rynn  
Daffodil Ln., Kent, NY  
TM: 11.12-1-21

Mr. Barber checked out the plantings and basins and he offered advice. There is still an issue with the driveway.

- |   |                         |               |
|---|-------------------------|---------------|
| <ul style="list-style-type: none"> <li>Ryder Property<br/>170 Waywayanda Ct., Kent, NY<br/>TM: 41.-1-8</li> </ul> | Requesting Bond Release | Status Report |
|---|-------------------------|---------------|

The applicant requested a bond release, but it has not been two years and the property needs to be inspected.

- |   |  |               |
|---|--|---------------|
| <ul style="list-style-type: none"> <li>Putnam Nursing &amp; Rehabilitation Center Addition<br/>404 Ludingtonville Road, Holmes, NY<br/>TM: 12.-3-40 &amp; 41</li> </ul> | Erosion Control/Site Plan/<br>Wetland Permit/Bond Estimate | Status Report |
|---|--|---------------|

Ms. Axelson said the applicants are close to receiving approval, but all invoices need to be submitted prior to signing off on this application.

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

Nothing new submitted and no action to be taken at this time.

- |   |              |               |
|---|--------------|---------------|
| <ul style="list-style-type: none"> <li>Rodriguez</li> </ul> | Sub-Division | Status Report |
| 104 Smalley Corners Rd., Kent, NY                           |              |               |
| TM: 21.-1-10  |              |               |

Waiting for re-submittal.

- |   |                       |               |
|---|-----------------------|---------------|
| <ul style="list-style-type: none"> <li>Raneri Property<br/>Hillside Paper Rd., Kent., NY<br/>TM: 44.24-1-3</li> </ul> | Erosion Control Plan/ | Status Report |
|---|-----------------------|---------------|

Escrow needs to be replenished and awaiting full re-submittal.



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

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

A new submittal on commercial property will be submitted by Insite Engineering.

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

Waiting for letter of withdrawal

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

This matter is pending in Kent Court and no decision has been made. Court recommended that Mr. DiSanza meet with the town to resolve this matter. There is no escrow in this account.

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

Nothing new has been submitted. Building permit has expired.

- |   |                      |               |
|---|----------------------|---------------|
| • Zavgorodni<br>71 Bowen Road, Kent, NY<br>TM: 12.18-1-16 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Mr. Walters submitted a violation on 71 Bowen Road property. Mr. Tolmach said that this property is across the street from his house and he will not vote on this matter. Mr. Walters advised the owners to submit an erosion control permit, but there has not been an application submitted to date. The owners already have disturbed more than 5,000 square feet and cut numerous trees and there are wetlands nearby. The owners are asking permission to bring in approximately 1,000 square feet of topsoil and then to seed and mulch on the property and then they will file an application. This has never been done before and Ms. Mangarillo as well as Mr. Barber did not recommend the Board give them permission. The Planning Board voted against granting this request. Mr. Lowes said that the Board should ask for a complete application along with drawings and a narrative as to what the applicant intends to do with this property. Mr. Barber said that erosion control measures and mulch should be installed immediately.

Mr. Fleming, the former Planning Board Chairman, was also on the call and commended the Planning Board for doing a great job on the Zoom meeting.

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

Mr. Tolmach asked for a motion to close the July 9, 2020 meeting at 09:30 P.M.. The motion was made by Mr. Gattucci and seconded by Mr. Lowes. 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

JULY 2020  
KENT PLANNING BOARD MEETING AGENDA

Workshop: July 02, 2020 (Thursday, 7:30 PM) ZOOM MEETING - CANCELLED

Meeting: July 09, 2020 (Thursday, 7:30 PM) ZOOM MEETING

THIS MEETING WILL BE CONDUCTED VIRTUALLY The Town of Kent Planning Board will be holding its regularly scheduled monthly meeting on Thursday, July 09, 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.

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

Topic: Town of Kent, N.Y. Planning Board Meeting July 9, 2020

Time: Jul 9, 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 Meeting July 9, 2020

**Town of Kent, N.Y. Planning Board Meeting July 09, 2020**

AGENDA

- Approve Planning Board Minutes from June 2020
- Fregosi/Marinelli Property                      Erosion Control Plan                      Review  
  Miller Hill Road, Kent, NY                      Public Hearing  
  TM: 10.-1-17    (Continued)
- 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)

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

- |   |  |        |
|---|--|--------|
| <ul style="list-style-type: none"> <li>• Kent Development - Commercial Lot<br/>N. Horsepound Rd., Kent, NY<br/>TM: 12.-1-38 &amp; 42</li> </ul> | Site Plan/Steep Slopes/<br>Freshwater Wetlands Permit &<br>Lot Line Adjustment                         | Review |
| <ul style="list-style-type: none"> <li>• GADF LLC<br/>1088 Route 52, Kent, NY<br/>TM: 12.17-1-9</li> </ul>                                      | Amended Site Plan/<br>Change of Use  | Review |
| <ul style="list-style-type: none"> <li>• Sun Property<br/>3 Westwood Dr., Kent, NY<br/>TM: 19.12-1-20</li> </ul>                                | Erosion Control Plan   | Review |
| <ul style="list-style-type: none"> <li>• Annunziata Property (former Baillargeon Site)<br/>Kentview Dr., Kent, NY<br/>TM: 10.20-1-71</li> </ul> | Erosion Control Plan/<br>Wetland Permit<br>Accept Erosion Control/Landscaping Bond &<br>Inspection Fee | Review |

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

- |   |  |               |
|---|--|---------------|
| <ul style="list-style-type: none"> <li>• Alexander Othmer Property<br/>1087 N. Horsepound Rd., Kent, NY<br/>TM: 12.-1-28</li> </ul> | Erosion Control Plan                     | Status Report |
| <ul style="list-style-type: none"> <li>• Realbuto<br/>49 Tiger Trail, Kent, NY<br/>TM: 21.8-1-39</li> </ul>                         | Erosion Control Plan/Bond                | Status Report |
| <ul style="list-style-type: none"> <li>• Goldfine/Rynn<br/>Daffodil Lane, Kent, NY<br/>TM: 11.12-1-21</li> </ul>                    | Erosion Control Plan/<br>Driveway Waiver | Status Report |
| <ul style="list-style-type: none"> <li>• Ryder Property<br/>170 Waywayanda Ct., Kent, NY<br/>TM: 41.-1-8</li> </ul>                 | Requesting Bond Release                  | Status Report |



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. Murin  
Chief Financial Officer

59-17 Junction Boulevard  
Flushing NY 11373  
Tel: (718) 595-6936  
Fax: (718) 595-3525  
jmurin@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.

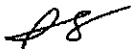
Thank you for your consideration in this matter.

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 #2059*

*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 examinations thereafter, and the City will make a determination of volume and value.



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

email: [planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)  
Tel: 845-225-7802 (O)  
Fax: 845-306-5283

Resolution #6  
Year 2020

Date: July 13, 2020  
From: The Kent Planning Board  
To: The Kent Town Board:  
Maureen Fleming, Supervisor - w/Att Paul Denbaum  
Bill Huestis, Deputy Supervisor Jaimie McGlasson  
Chris Ruthven  
CC: W. Walters, Building Inspector - w/Att T. Harrison - w/Att.  
L. Cappelli, Town Clerk - w/Att Finance Department - w/Att.  
Re: Accept Erosion Control & Sediment Control Bond  
Landscaping Bond &  
Inspection Fee  
Richard Annunziata  
777 Austin Road  
Mahopac, NY 10541 for Property located on:  
Kentview Drive  
Kent, NY 10512  
TM: 10.20-1-71

Resolved: On July 9, 2020 Kent Planning Board reviewed material pertaining to the recommendation noted above (attached) and agreed that it was appropriate to forward it to the Town Board for their action.

Mr. Tolmach asked for a motion to forward this recommendation to the Kent Town Board to accept the attached surety bonds for the following bonds:

Mr. Tolmach asked for a motion to accept the Erosion Control Bond in the amount of \$12,798.00; the Landscaping Maintenance Bond in the amount of \$2,700.00; and the Inspection fee of \$1,000.00. The motion was made by Mr. Carey and seconded by Mr. Lowes. 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.

The Planning Board respectfully asks that, if the Town Board is in agreement, they approve these recommendations.

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on

Dated: July 13, 2020



Vera Patterson  
Planning Board Secretary



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

email: [planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)  
Kent, NY 10512  
Fax: 845-306-5283

# Memorandum

**DATE:** June 23, 2020  
**TO:** Finance Department  
**CC:** [richannunziata@aol.com](mailto:richannunziata@aol.com)  
[Jack4911@aol.com](mailto:Jack4911@aol.com)  
**FROM:** Vera Patterson  
**RE:** Annunziata Property (former Baillargeon/Arell Property)  
TM: 10.20-1-71  
Bond Agreements

Please find attached the following documents and checks:

A copy of an Erosion Control Bond Agreement in the amount of \$12,798.00 – Mahopac Tompkins Bank Check 145

A copy of a Landscaping Maintenance Bond Agreement in the amount of \$2,700.00 – Mahopac Tompkins Bank Check 146

An Inspection fee of \$1,000.00 – Mahopac Tompkins Bank Check 148 to be deposited into the escrow account

Please hold these checks until the Town Board reviews the documents and, if appropriate, approves them

| Annunziata Property (former Baillargeon/Arell) |                                    | TM: 10.20-1-71 |          |          |
|--|------------------------------------|----------------|----------|----------|
| Date   |                                    | Deposits       | Fees     | Balance  |
| 07/07/20                                       | Ck. 145 EC Bond                    | 12,798.00      |          |          |
| 07/07/20                                       | Ck. 148 Landscape Bond             | 2,700.00       |          |          |
| 05/05/20                                       | Mahopac Nat. Bk Ck 124 review acct | 1,200.00       |          | 1,200.00 |
| 03/23/20                                       | Rohde 29857-2207                   |                | (210.00) | 990.00   |
| 03/23/20                                       | Rohde 29857-2257                   |                | (14.00)  | 976.00   |
| 03/23/20                                       | Rohde - 29857-2289                 |                | (58.00)  | 920.00   |
| 04/23/20                                       | Rohde-29857-2320 Mar 2020          |                | (58.00)  | 864.00   |
| 06/16/20                                       | Rohde-29857-2381 May 2020          |                | (198.00) | 666.00   |
| 07/07/20                                       | Ck. 148 - Inspection fee           | 1,000.00       |          | 1,668.00 |

RECEIPT

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

3334

DATE 7/7/20

RECEIVED FROM R. Annunziata

One Thousand Dollars

\$ 1,000.00

FOR Inspection Fee T.M. 10.20-1-71

DOLLARS

|                   |  |  |
|-------------------|--|--|
| AMOUNT OF ACCOUNT |  |  |
| THIS PAYMENT      |  |  |
| BALANCE DUE       |  |  |

☐ CASH

☒ CHECK

☐ M.O.

BY U. Rattuso

THANK YOU

RICHARD ANNUNZIATA  
RICHMOND CONSTRUCTION  
177 AUSTIN RD.  
MAHOPAC, NY 10541

60-1130/219

148

T.M. 10.20-1-71

PAY TO THE  
ORDER OF

Town of Kent  
One Thousand

DATE 6-7-20

\$ 1,000

DOLLARS

TOMPKINS

Mahopac Bank Inspection Fee  
16 Kent New DR

MEMO

021911398 8320045053 0148

RECEIPT

TOWN OF KENT-PLANNING BOARD

25 SYBILS CROSSING  
KENT LAKES, NY 10512  
(845) 228-7802

3337

DATE 7/1/20

RECEIVED FROM

R. Annunziata

Twelve Thousand Seven Hundred Ninety Eight

\$ 12,798.00  
DOLLARS

FOR

S.C. Bond

|                   |  |  |
|-------------------|--|--|
| AMOUNT OF ACCOUNT |  |  |
| THIS PAYMENT      |  |  |
| BALANCE DUE       |  |  |

☐ CASH  
☒ CHECK  
☐ M.O.

BY V. Paltrow

THANK YOU

RICHARD ANNUNZIATA  
RICHMOND CONSTRUCTION

777 AUSTIN RD.  
MAHOPAC, NY 10541

80-1138/219

145

DATE 7-01-20

PAY TO THE  
ORDER OF

Town of Kent

\$ 12,798



twelve thousand seven hundred ninety eight DOLLARS

TOMPKINS  
Mahopac Bank

MEMO EC Bond TM: 10.20.1-71

*[Signature]*

⑆021911398⑆ 8320015053⑈ 0145

**PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL**

**Richard Annunziata  
777 Austin Road  
Mahopac, NY 10541  
For Property Located on:  
Kentview Drive  
Kent, NY 10512  
TM: 10.20-1-71**

Bond given by Richard Annunziata, 777 Austin Road, Mahopac, NY 10541 whose property is located on Kentview Drive, Kent, NY 10512/Tax Map: 10.20-1-71 ("Obligor") to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Obligee"), dated July 1, 2020.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$12,798.00, along with an initial inspection fee deposit of \$1,000.00 for the payment whereof to the Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor has obtained the approvals from the Obligee for land disturbance activity, as that term is defined in Town of Kent Town Code Chapter 66 (the "Code"), on certain real property located in the Town of Kent, in connection with which erosion and sedimentation controls ("Controls") are required; and the Erosion and Sediment Control Plan documents shall be required in accordance with the Code in effect as of the date of this Bond; and

WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit Applications, the Obligor has submitted to the Obligee, plans and specifications for the land development activity known as the Annunziata Property ("Project Plans") and the Erosion and Sediment Control Plan, prepared John Karell, Jr., P.E., 121 Cushman Road, Patterson, NY 12563. All these plans were reviewed on May 9, 2019, by the Obligee. A Resolution of Approval of land development activity in the nature of a Steep Slope and Erosion Control Permit of plans to construct a 1,000 square foot single family house, with driveway, septic system and a well on a vacant lot in zoning district R-80 on Kentview Drive, Kent, NY 10512. 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-0-15-002.

WHEREAS, as condition to the issuance and approval of an Erosion Control Permit, the Code requires the owner or applicant, prior to construction, to provide the Obligee with a cash escrow, an irrevocable letter of credit or a certified check drawn upon a national or state bank or other cash equivalent, which guarantees satisfactory completion of the Erosion and Sediment Control Plan, which security shall remain in full force and effect until the Obligor is released from liability by the Town.

WHEREAS, the Planning Board of the Town of Kent has granted the Erosion Control Permit subject to the posting of two checks made out to the Town of Kent, one in the amount of \$12,798.00 as a performance guarantee to be deposited into an escrow account pending the completion of the project for which the erosion control measures are necessary; and a second in the amount of \$1,000.00 as the initial inspection fee, and delivered to:

The Kent Planning Board  
25 Sybil's Crossing  
Kent, NY 10512

No funds may be withdrawn from the said escrow account until a resolution has been duly made by the **Town Board of The Town of Kent**, authorizing such surrender or cashing.

Upon full completion of the work allowed pursuant to the conditions and specifications heretofore imposed by the **Planning Board of The Town of Kent**, the said escrow monies shall be returned to **Richard Annunziata,**  
**, Mahopac, New York 10541.**

In the event the erosion control work allowed shall not have been duly completed by **RICHARD ANNUNZIATA**, as per the conditions and specifications of the **Planning Board of The Town of Kent**, the **Town Board** shall have the right to withdraw the aforesaid escrow monies and complete the required work for **RICHARD ANNUNZIATA**; with full use of said sums as the Town requires;

When the work shall have been fully completed as required by the conditions and specifications of the **Planning Board** either by **RICHARD ANNUNZIATA**, or by the **Town of Kent**, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned or refunded to **RICHARD ANNUNZIATA** ;

This bond may not be assigned or transferred without the prior written approval of the **Planning Board and Town Board of The Town of Kent.**

Obligee or its agents or contractors shall have a right to entry onto the premises of Obligor's to execute Obligee's rights hereunder. This license to enter shall be non-terminable until and unless this performance bond is released by the Town.

This undertaking shall be recorded with the Clerk of Putnam County. A memorandum of this bond shall be signed by the parties and recorded with the County Clerk.

Dated: July 1, 2020

RICHARD ANNUNZIATA

By: 

(signature)

By: \_\_\_\_\_

(signature)

RICHARD ANNUNZIATA

(print/type signatory's name)

Richard Annunziata

Owner/Obligee, Richard Annunziata

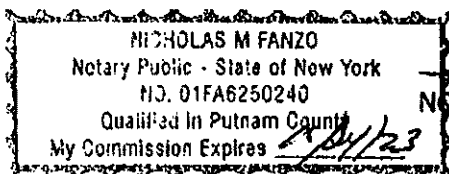
(print/type signatory's title)

STATE OF New York

) ss.:

COUNTY OF Putnam

On the 1 day of July, 2020, before me, the undersigned, a notary public in and for said state, personally appeared Richard Annunziata, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



  
NOTARY PUBLIC

RECEIPT

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

3335  
DATE 7/7/20

RECEIVED FROM R. Annunziata

Two Thousand Seven Hundred and no \$ 2,700.00  
FOR Landscape Bond T.M. 10.20.1-71 DOLLARS

|                   |  |  |
|-------------------|--|--|
| AMOUNT OF ACCOUNT |  |  |
| THIS PAYMENT      |  |  |
| BALANCE DUE       |  |  |

☐ CASH  
☒ CHECK  
☐ M.O.

BY U. Pantano

THANK YOU

RICHARD ANNUNZIATA  
RICHMOND CONSTRUCTION  
777 AUSTIN RD.  
MAHOPAC, NY 10541

50-1136/210

146

PAY TO THE  
ORDER OF

Town of Kent

DATE

7-01-20

TOMPKINS  
Mahopac Bank

Two thousand Seven Hundred and no \$ 2,700.00  
DOLLARS

MEMO Landscape Bond T.M. 10.20.1-71

⑆021911398⑆ 8320045053 0146



# **LANDSCAPE MAINTENANCE BOND**

**Richard Annunziata  
777 Austin Road  
Mahopac, NY 10541  
For Property Located on:  
Kentview Drive  
Kent, NY 10512  
TM: 10.20-1-71**

Bond given by Richard Annunziata having an address of 777 Austin Road, Town of Mahopac, County of Putnam, State of New York ("Obligor") 10541 to the TOWN OF KENT, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, County of Putnam, and State of New York, as Oblige, dated July 1, 2020.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Town of Kent in the sum of \$2,700.00 for the payment whereof the Obligor binds itself, its heirs, legal representatives, successors and assigns to the Town of Kent.

WHEREAS, the Obligor was granted conditional approval of an erosion and sediment control permit pursuant to Chapter 66 of the Town Code; and

WHEREAS, pursuant to specifications approved by the Planning Board in connection with the conditional approval, consisting of plans entitled; "Richard Annunziata prepared by John Karrel, P.E., dated 2020, 1 sheet: S-1 as to the installation of landscape plantings;

NOW, THEREFORE, the condition of the obligation is that Obligor will, at its own expense install all landscaping plantings prior to the issuance of a certificate of occupancy and will maintain and replace as necessary the landscape plantings which are part of the approved permit for a period of thirty six (36) months expiring on the third anniversary of the Town's issuance of a certificate of occupancy.

The Obligor shall for the period of thirty six (36) months established hereinabove provide the Town of Kent with such security or surety as the Town of Kent in the amount of \$2,700.00. The Obligor covenants and warrants to the Town of Kent that, in the event the Obligor fails to fully perform its obligations as required herein, then upon notice or demand of the Town of Kent, in writing, delivered or posted by mail to Obligor the Town of Kent may take the security and use same for the purpose of maintenance and/or replacement of the landscaping.

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

The applicant hereby expressly authorizes the Town of Kent, its agents, employees, engineer or planner to enter upon the Owner's/Applicant's property for the purpose of inspecting the erosion control system installed and the site work being performed in accordance with the approved plans, provided that the Town of Kent provides at least 24 hours notice to **RICHARD ANNUNZIATA**;

Dated: \_\_\_\_\_, 2020

**RICHARD ANNUNZIATA**

By: \_\_\_\_\_

(signature)

By: \_\_\_\_\_

(signature)

**RICHARD ANNUNZIATA**

(print/type signatory's name)

Richard Annunziata

Owner/Obligee, Richard Annunziata

(print/type signatory's title)

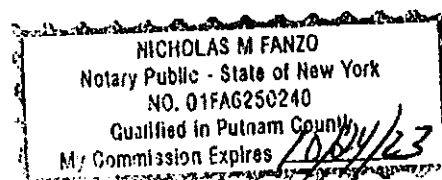
STATE OF New York

) ss.:

COUNTY OF Putnam

On the 1<sup>st</sup> day of July, 2020, before me, the undersigned, a notary public in and for said state, personally appeared Richard Annunziata, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Nicholas M Fanzo  
NOTARY PUBLIC





**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](mailto: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: July 7, 2020

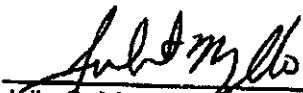
Project: Annunziata ECP – Kentview Drive  
TM # 10.20-1-71  
Formerly Arell, Baillargeon

The development of this lot received an erosion control permit under the previous owners, the Baillargeons. The property was sold to Mr. Annunziata, who is proceeding with construction. In order to abide by the conditions of the erosion control permit, an erosion control bond must be provided by the new owner.

At the May 9, 2019 Planning Board meeting, the Planning Board approved the following for the Baillargeons:

1. \$12,798.00 Erosion Control Bond
2. \$2,700 Planting Bond

We recommend the same bond amounts for the current owner, Mr. Annunziata.

  
Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
05-261-999-95

Bruce Barber via email  
Liz Axelson via email

FYI

Lana Cappelli

Wed 5/22/2019 11:48 AM

To: Planning Kent <planningkent@townofkentny.gov>; Accountant <accountant@townofkentny.gov>

**RESOLUTION # - Accept Erosion Control Surety Bond & Landscaping Plan Bond TM#10.20-1-71 Baillargeon, Kenview Drive**

On the motion by Councilwoman McGlasson  
Seconded by Councilman Ruthven

**WHEREAS**, the Planning Board, by Resolution dated May 15, 2019 has recommended that the Town Board accept: (i) an Erosion Control Bond in the amount of \$12,798; and (ii) a Landscaping Plan Bond in the amount of \$2,700 from the owner of the property located at Kentview Drive, Kent, New York, Identified as Tax Map No. 10.20-1-71; and

**WHEREAS**, the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and approves the posting of: (i) an Erosion Control Bond in the amount of \$12,798, and (ii) a Landscaping Plan Bond in the amount of \$2,700.  
Motion carried unanimously

*Yolanda "Lana" Cappelli*

Kent Town Clerk

25 Sybil's Crossing

Kent Lakes, NY 10512

845/225-2067 Telephone

845/306-5282 Fax

[lcappelli@townofkentny.gov](mailto:lcappelli@townofkentny.gov)

[www.townofkentny.gov](http://www.townofkentny.gov)



# Memorandum

**To:** Planning Board  
Town of Kent

**Attn:** Philip Tolmach  
Chairman

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

**Subject:** Erosion Control Plan

**Date:** July 7, 2020

**Project:** Sun ECP Westwood Drive  
TM # 19.12-1-20

The following materials were reviewed:

- Site Plan Checklist, Owner's Affidavit
- Short Environmental Assessment Form (EAF)
- Drawing "Proposed Site Plan for Roger Sun" prepared by Anthony S. Pisani, P.E., P.C., dated 6/8/2020

The project proposes construction of a single-family home with driveway, detached garage, individual septic and well. The parcel received variance for lot area in 2014, which has since expired. We believe the current owner has re-applied for the lot area variance but have not seen documentation that the ZBA has granted the variance.

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 a complete Combined Application Form with required information.
3. It is our understanding that the adjacent parcel, TM 19.12-1-23 is also owned by the same owner. Per Town Code Chapter 77-47.C "Merger of lots. Any substandard plot of land owned by or acquired under any circumstances by an adjoining landowner shall, for the purposes of this Code, be considered as having merged into one plot, and the plots so merged shall be considered as one plot in its entirety." Both of the lots are less than 80,000 SF required in R-80 zoning district. With the merging of the two lots, the combined lot will be less non-conforming. This needs to be addressed and a different lot area variance may need to be requested from the ZBA.
4. The adjacent lot, TM 19.12-1-23 has an existing gravel drive and existing easement. Provide additional information on which parcels benefit from this access. Does it provide legal access to TM 19.12-1-21?

5. The proposed house and septic area are proposed on steep slopes. With the expected merger with lot TM 19.12-1-23, consideration should be given to locating the area of disturbance in a location with flatter slopes to minimize environmental impacts.
6. Show how roof and footing drainage will be handled.
7. Westwood Drive is a gravel road with a history of erosion and wash-outs. New impervious surfaces can increase runoff. Provide stormwater mitigation to help offset any potential increases in runoff to Westwood Drive.
8. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - a. §66-6.B.2.a – Provide “the location of the proposed area of disturbance and its relationship to property lines, easements, buildings, roads, walls and wetlands, if any, within 50 feet of the boundaries of said area.”
    - i. A limits of disturbance line could not be located. With the expected lot merger, show existing conditions of the adjacent lot TM 19.12-1-23.
  - b. §66-6.B.2.b – Provide “existing topography of the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet beyond the limits of the proposed area of disturbance, or greater than 50 feet if determined necessary by the Planning Board Engineer...”
    - i. With the expected merger, show existing conditions of the adjacent lot TM 19.12-1-23.
  - c. §66-6.B.2.c – Provide “proposed final contours at a maximum contour interval of two feet, locations of proposed structures, underground improvements, proposed surface materials or treatment, and dimensional details of proposed erosion and sediment facilities, as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversion and other similar structures.”
    - i. Proposed contours could not be located.
  - d. §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.”
  - e. §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. [1] Describe or depict the temporary and/or permanent structural and vegetative measures that will be used to control erosion and sedimentation for each stage of the project, from land clearing to the finished stage.

- ii. [2] Delineate the area of the site that will be disturbed and shall include a calculation of the acreage or square footage so disturbed.
  - iii. [3] Include a map drawn at a scale of not less than one inch equals 40 feet showing the location of erosion and sediment control measures, swales, grassed waterways, diversions and other similar structures.
  - iv. [4] Provide dimensional details of proposed erosion and sedimentation facilities as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversions and other similar structures.
  - v. [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.
  - vi. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
  - vii. [7] Provide a maintenance schedule for erosion control measures.
9. 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)."
10. Provide an erosion and sediment control only SWPPP in accordance with GP-0-20-001. Provide required information from Part III.B including:
- a. Part III.B.1.a – "Background information about the scope of the project, including the location, type and size of project;"
  - b. Part III.B.1.b – "A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; **areas of disturbance**; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s), floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the construction activity; existing and final contours; **locations of different soil types with boundaries**; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater discharge(s);"
  - c. Part III.B.1.c – "A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);"
  - d. Part III.B.1.d – "A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;"
  - e. Part III.B.1.e – "A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and

the minimum time frames that each practice should remain in place or be implemented;"

- f. Part III.B.1.f – "A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;"
  - g. Part III.B.1.i – "A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;"
  - h. Part III.B.1.j – "A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;"
  - i. The Applicant and Applicant's design professional are expected to be familiar with the provisions of the NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.C.2), provisions for modifying the SWPPP (Part II.C.5), 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.
  - j. Please note – Per NYSDEC General Permit 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).
- 11. Provide a Notice of Intent (NOI) for review.
  - 12. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
  - 13. Provide additional information on the proposed driveway, such as driveway profile and construction details. The driveway is to be in conformance with Town Code Chapter 57-26.A.
  - 14. Refer to the Drawings:
    - a. For the temporary construction access, a stabilized construction entrance in accordance with New York Standards and Specifications for Erosion and Sediment Control is to be specified instead of "anti-tracking pad". A note is to be added regarding removal of any sediment that is tracked onto the road.
    - b. The location of the proposed well could not be located.
    - c. Provide detail and location for concrete truck wash-out.
  - 15. We defer to the Planning Board's environmental consultant regarding wetland issues.



Memorandum  
Sun ECP  
TM # 19.12-1-20  
July 7, 2020  
Page 5 of 5

16. Provide written response with future submittals stating how the comments have been addressed.

  
\_\_\_\_\_  
Julie S. Manganillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
20-261-999-169

Bruce Barber via email  
Liz Axelson via email



## Cornerstone Associates

*Environmental Planning Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

July 9, 2020

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Planning Consultant

**Re: Roger Sun Application**

3 Westwood Road

Section 19.12 Block 1 Lot 20

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

1. Short-form EAF (Appendix B) executed by Vincent Leto dated 6/05/20.
2. Transmittal letter executed by Michael E. Gillespie, P.E., dated
3. Copy of Wetland Delineation Verification Form executed by Vincent Leto dated 06/15/20.
4. Agency letter executed by Roger Sun dated 02/28/20.
5. Plan entitled; "Proposed Site Plan for Roger Sun" prepared by Anthony S. Pisarri, P.E., dated 06/08/20, 1 sheet (not signed or sealed).

### **A: Summary of Application:**

Application is to construct a single -family residence with deck, driveway and parking area and well and septic systems on a 0.75+/- acre parcel in an R-80 zoning district. The parcel is situated on the northern side of the Westwood Road and is accessed through an indicated existing gravel drive easement.

### **B: Planning Board Permits Required:**

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

### **C: Zoning:**

The applicant has provided a zoning bulk table which indicated that variances from the Zoning Board of Appeals are not required. Conformation from the Building Inspector is required.

**D: SEQRA:**

The applicant has provided a short-form Environmental Assessment form. The proposed action is a Type II action.

**E: Environmental Review:**Wetlands:

The applicant has provided a wetland verification form. A site inspection will be conducted by this office will be conducted to determine if a Town of Kent wetland permit is required.

A review of NYSDEC materials indicates that a portion of the site may be located in a NYSDEC wetland checkzone. Further information from NYSDEC is required.

Trees:

The applicant has indicated on the site plan that few if any trees are proposed to be cut on the submitted site plan. 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 are indicated as Charlton Loam (15%-25% slopes, very stony) and Charlton-Chatfield complex (0%-15% slopes, very rocky). The applicant has not provided a steep slopes or soil map. Specific information regarding disturbance to steep slopes (if any) and areas of rock cropping (if any) that are proposed to be disturbed has not been provided.

Land Disturbance:

The applicant proposes to disturb 0.50 acres of land. Calculations regarding cut and fill have not been provided.

Flood Plain:

Applicant has not provided information.

Cultural Resources:

None indicated as per NYSDEC.

Threatened or Endangered Species:

NYSDEC indicates that the site is potentially located in an area of rare plants or animals. Further information from NYS Natural Heritage is required.

Well and Septic System:

Well and septic system approvals from the Putnam County Department of Health are required.

**F: Other:**

- A copy of the combined Town of Kent Planning Board application has not been provided.

- A copy of architectural plans (elevations and floor plans).
- A copy of a property survey has not been provided.
- A copy of the deed has not been provided.
- Steep slope/soils map is not provided.
- 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.
- Provide a copy of the driveway easement and maintenance agreement.
- Plans should be signed and sealed by a NYS Licensed Design Professional.
- How is post-construction stormwater to be controlled including any increases in phosphorous.
- Please provide sight distances and provide details on any proposed improvements required within the easement and along the road frontage.
- Please include a limit of disturbance line.
- EAF: Page 1: Brief Description: Please provide greater details including all proposed improvements.
- Referral to the Lake Sagamore Homeowner's Association for review may be required.

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 which are requested in annotated form.

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

Sincerely,



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



## Cornerstone Associates

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

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July 9, 2020

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: NYCDEP-Bailey Brook Forest Management Project**  
Ninham Road and Cole Shears Court  
Section 20 Block 1 Lots 48,50,57,73,74,76,77,78,79,80 and 81  
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:

- Email from Dan Lawrence of NYCDEP dated 07/02/20.

### **Summary of Application:**

The subject application is a moderate-intensity silvicultural crown thinning timber harvest of approximately 85 acres on a subject property consisting of a total of 138 contiguous acres in the Boyd Corners basin owned by the New York City Department of Environmental Protection (NYCDEP). Access to the property is from Cole Shears Road and Ninham Road and the site is bounded on all sides by private property. The project will be managed by a NYCDEP forester.

The goal of the timber harvest is to remove approximately 25-30% of the existing tree basal area (or approximately 73 of the existing 244 trees per acre) as well as create four (4) one acre woodland openings in order to promote early successional habitat. Within the woodland openings, all trees down to two inches in diameter will be harvested.

The total duration of the harvest is estimated to be 3 -5 months and may occur intermittently over an 18 – 24 month period depending on weather conditions. Harvesting will take place between November 1 and March 31 of the following year due to the potential presence of the Indiana bat.

### **A: Wetland Permit Determination:**

Please be advised, that based upon materials submitted, a Town of Kent wetland permit is required as there shall be harvesting of crops and disturbance within 60' of the indicated wetland, watercourse or waterbody (Town of Kent Town Code Chapter 39A-6(C)).The

applicant is requested to submit a wetland permit application and required materials to the Planning Board Clerk to be reviewed by the Planning Board

The applicant has indicated that a New York State Department of Environmental Conservation Article 24 (wetland) permit is not required for the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', with a stylized, cursive-like script.

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



# Memorandum

**To:** Planning Board  
Town of Kent

**Attn:** Philip Tolmach  
Chairman

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

**Subject:** Erosion Control Plan –  
Completeness Review

**Date:** June 19, 2020

**Project:** Othmer ESC 189 Church Hill Rd  
TM # 12.-1-28

The following materials were reviewed:

- Response letter prepared by DC Engineering, P.C., dated June 9, 2020
- Notice of Intent, printed 6/12/2020
- Drawings prepared by Design Concepts Engineering, P.C., including:
  - Erosion & Sediment Control Plan, revised 6/9/2020
  - Erosion & Sediment Control Details, revised 6/9/2020

The project proposes construction of a new single family house, with well and septic. There is an existing driveway that will be improved.

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

1. At the 6/11/2020 Planning Board meeting held via zoom:
  - a. The waiver for the full extent of topography was granted.
  - b. The Planning Board attorney, Jeffrey Battistoni, Esq. provided an email dated June 9, 2020 indicating he is satisfied with the Disclosure of Business Interest Form.
  - c. The erosion control bond amount of \$8,930 was accepted by the Planning Board and recommended to the Town Board for acceptance.
  - d. The public hearing was opened. The public hearing was closed contingent upon written comments being allowed until 2:30pm on Thursday June 18, 2020.
2. Per email from Vera Patterson, Planning Board Clerk, on June 18, 2020 at 3:30pm, the public comment period was closed. Only one (1) public comment was received which was in support of the project. The comment did not require any additional discussion or evaluation.
3. It is our understanding the bond was accepted at the Town Board meeting on June 16, 2020.
  - a. Please note, per Town Code §66-7.A(2) "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 or such other certification that the work permitted by the steep slope and erosion control permit has been constructed and completed in accordance with the

approved permit and all plans and specifications forming the basis of the approved permit."

4. All engineering comments have been satisfactorily addressed.
5. If not already done so, prior to Planning Board Chairman's signature of plans, all Planning Board costs and fees including the initial inspection fee deposit and professional review fees incurred during the review and approval of the application must be paid.
6. The MS4 SWPPP Acceptance Form will be issued under separate cover.

Thank you,

---

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
20-261-999-168

Bruce Barber via email  
Liz Axelson via email



### **NYCDEP Bailey Brook Forest Management Project- Erosion Control Permit Comments**

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. 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.
2. Provide a map or drawing that shows all the involved parcels and their tax map numbers.
  - Please see the *Bailey Brook Forest Management Project-Tax Parcel Map*
3. The set of drawings for the erosion control permit is to include:
  - a. Watershed Protection Programs Natural Resources – Forestry, Bailey Brook Forest Management Project,
  - b. Watershed Protection Programs Natural Resources – Forestry, Bailey Brook Forest Management Project – Eastern Landing,
  - c. Watershed Protection Programs Natural Resources – Forestry, Bailey Brook Forest Management Project – Western Landing, and
  - d. Tax Map drawing from comment #2 above.
    - Please see attached *Bailey Brook Forest Management Project-Tax Parcel Map*
  - e. Please include these 4 drawings in all future submittals. Please add revision dates to the drawings.
4. On drawing “Watershed Protection Programs Natural Resources – Forestry, Bailey Brook Forest Management Project – Eastern Landing,” label the approximate location of the pipe culvert near the intersection with Cole Shears Rd.
  - Please see the Bailey Brook Forest Management Project-Eastern Landing Map, revised May 19, 2020
5. Refer to the “Bailey Brook Forest Management Project #5083 Project Plan and Environmental Assessment,” in the “Introduction” - “...The first access point is an abandoned town road located off of Cole Shears Court. The road was previously known as Smalley Corners Rd and was abandoned by the town of Kent in 1936...” What entity currently owns this abandoned Town road? Has DEP acquired this property? If not, has DEP obtained permission to cross this property? This is to be discussed with Richard Othmer, Jr, Highway Superintendent.
  - After reviewing the surveys and title documents for the properties owned by NYCDEP, the following information was obtained: Upon abandonment of this section of Smalley Corners Rd in 1936, ownership reverted to the mean centerline of the traveled way. Additionally, prescriptive rights of access over said road attach to parcel 21.17-1-51. This parcel is also owned by NYCDEP on the eastern side of the abandoned road and is considered to be contiguous to parcel 20.-1-57.1.
6. Refer to the Combined Application Form:
  - a. Provide required affidavits.
    - No affidavits were required

7. 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 more recent Horsepound Ridge Forest Management. Please have NYCDEP provide a similar letter for the Planning Board to consider.

- Please see the Bailey Brook Forest Management Project Bond Waiver Letter

8. Submittal materials indicate Richard Othmer, Jr. Highway Superintendent will be consulted regarding road condition and truck routes. Provide a summary of conversations with Highway Superintendent.

- I spoke with Mr. Othmer on May 28<sup>th</sup> regarding this project. He had no concerns over the use of the abandoned portion of Smalley Corners Rd or the use of Cole Shears Court for log truck access. We discussed that Nimham Rd had been repaved a few years ago and was still in very good condition. Rich requested that if the road surface is damaged where the trucks are entering from the haul road, that DEP provide the asphalt needed to make the necessary repairs.