

Approved: May 18, 2020

**Town of Kent Planning Board Meeting
MARCH 2020
FINAL ADOPTED MINUTES**

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

In attendance were the following Planning Board members:

| | |
|-----------------------------|--------------------|
| Phil Tolmach, Chairman | Giancarlo Gattucci |
| Dennis Lowes, Vice Chairman | Nisim Sachakov |
| Simon Carey | Charles Sisto |

Absent:

Julie Mangarillo, Engineering Consultant
Chris Ruthven, Liason
Steven Wilhelm

Others in Attendance:

Liz Axelson, Planner
Bruce Barber, Environmental Consultant
Jamie McGlasson, Liason
Bill Walters, Building Inspector

• **Approve Planning Board Minutes from February 13, 2020**

Mr. Tolmach asked for a motion to approve the minutes from the February 13, 2020 meeting. The motion was made by Mr. Carey and seconded by Mr. Gattucci. The roll call votes were as follows:

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

The motion carried.

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

The applicant did not attend the meeting.

Ms. Mangarillo was unable to attend the Planning Board meeting. Mr. Barber stated that the applicant had submitted new material and that Ms. Mangarillo asked that this matter be held over until the next meeting in order for her to review this material.

- **NYCDEP Bailey Brook Forest Management Project, Nimham Rd. & Cole Shears Ct., Kent, NY; TM: 20.-1-57; 20.-1-48, 50, 57, 73 & 81**

Mr. Dan Lawrence, a Forester with NYCDEP, attended the meeting. Mr. Lawrence explained that this was a new timber harvest project and consisted of “crown thinning” 85 acres of NY City watershed property.

Mr. Barber’s Comments (memo attached)

Mr. Barber advised the audience and Planning Board that this property had been abandoned by the Town and that NYCDEP had acquired it. The parcel size is 138 acres and the timber harvest will be on approximately 85 acres. This procedure is a “moderate intensity civil cultural crown thinning”. The goal is to remove 25-30% of existing tree basal area or 73 of existing 244 trees per acre. They will also be clearing an additional 4 one acre parcels with the intent to see if there can be a regenerative forest community which is extremely lacking in this area. The duration of this project is estimated to be 3-5 months, which may be split into two phases due to the presence of Indiana bats and it may be 18-24 months in two periods between November 1st and March 31st. Landing areas will be disturbed and the applicant will stabilize the areas and access and an erosion control permit will be necessary. There are also wetlands on this property and two streams – one is a perennial stream (Bailey Brook). One stream will be crossed and Mr. Barber and Mr. Lawrence will visit the site to determine if there are Town of Kent jurisdictional wetlands and whether or not a wetland permit will be required. The applicant does not plan on cutting any trees in the wetlands and will be reducing the density of the cutting within 100’ of the wetlands as well of adjacent roadways. Mr. Tolmach asked how they determine what trees are cut. Mr. Lawrence said that the trees that are the healthiest will not be cut and they will let “nature take its course” with the others. Then the spacing of the trees will be done. The top of the ridge is Ash and Cherry trees and will be left alone. Mr. Lowes asked if there had been any deterioration of the Ash trees due to the borer disease. Mr. Lawrence said that there are some trees damaged and he will be cutting them. Mr. Barber said that the applicant had contacted the NY City Office of Parks & Recreation and Historic Preservation and it was determined that there will not be any impact to cultural resources near or on the site. Estimated truck traffic will be approximately five trips per day including four tri-axle trucks to transport the logs and one pickup truck during normal business hours. Harvest activities will take place from 7:00 AM to 6:00 PM on weekdays and 8:00 AM to 6:00 PM on Saturdays. Mr. Barber said this was a very thorough and complete application and site visits would be conducted. This project is a SEQRA project and the Planning Board would be considered an Involved Agency and NYCDEP would be Lead Agency. The applicant will meet with the Kent Highway Superintendent to discuss baseline

conditions and existing road and traffic design. There is an indicated Article 15 permit required by the DEC for the stream crossing which is pending. The Town Engineer will review the plans. Mr. Lawrence said that he thought he needed an Article 15 but that was not necessary because the stream was not a trout bearing stream and the permit was not needed. Mr. Barber agreed with him and said there was no action for the Board to take at the March meeting and that this matter would be discussed with the Town Engineer at the next meeting. Ms. Susan Kotzur asked to be heard pertaining to what routes would be taken. Mr. Lawrence said that he thought they would be going out Nimham Road to Route 301.

- **Realbuto, 49 Tiger Trail, Kent, NY; TM: 21.8-1-39**

Mr. Steve Realbuto, the owner of the property, attended the meeting.

Mr. Barber's Comments (memo attached)

Mr. Barber advised everyone that the Public Hearing for this property had been closed previously and is now on the administrative track. The Town Engineer suggested that the bond estimates be increased to \$5,300.00 for an erosion control plan rather than the \$4,300.00 and the Maintenance Plan be \$3,300.00. An email was received earlier in the day from a neighbor with some other concerns about a swale which may have been addressed previously but time was needed for the Town Engineer to investigate further. Mr. Barber recommended that this matter be held over until the next meeting in order for Julie Mangarill to review the neighbor's memo to see if any changes needed to be made to the plans and/or the bond amount.

Mr. Tolmach recommended that this matter be held over.

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

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

Ms. Axelson said that she, Mr. Jeff Battistoni (Planning Board Attorney, Mr. Barber and Ms. Mangarill had been reviewing material, agreements and easements. She went over the conditions and confirmed which ones had been addressed and said that Ms. Mangarillo would need to sign the drawings at the next meeting of the Planning Board. The approvals from NYCDEP had been submitted dated January 30, 2020. A letter from Putnam County Highway had been received on March 12, 2020. Approval of an Article 24 from NY State DEC had also been received in late January. Condition 8 pertained to Stormwater Management Facility Maintenance and Access Easement Agreements and bond agreements as well as deed amendments. All of these documents have been finalized and need to be executed. Ms. Axelson will speak to the Planning Board Counsel regarding the status. The Town Board accepted the bond agreements. An additional fee will be requested to continue review of material submitted. The applicant has concerns about cutting trees and asked to be allowed to cut as soon as possible. Trees will only be cut to the ground and will not be removing roots. Ms. Axelson asked the Planning Board to allow the applicant to cut trees at the recommendation of the consultants. The plans should be signed as soon as Ms. Mangarillo is able to return to work.

Town of Kent Planning Board Minutes
March 12, 2020

Mr. Tolmach asked for a motion to accept the Consultants' recommendation to authorize the applicant to begin cutting trees on this property. The recommendation was made by Mr. Lowes and seconded by Mr. Gattucci.

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

The motion carried.

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

Ms. Axelson said a narrative dated January 2020 and a set of plans had been submitted. An amended Scoping Outline may need to be done at a later date. The plans don't show a truck stop, but the Narrative was unclear and needed to be clarified. No action was recommended at this time. Mr. Tolmach asked if the Mining Moratorium would affect this and Ms. Axelson said she did not think it would because this project did not come under the law that the Moratorium did. The zone change or variance issue needed to be discussed. Ms. Doherty asked to be heard and asked about the amount of cubic yards to be removed as discussed previously with Mr. Scott. Ms. Doherty asked if the Planning Board would be meeting with the Town Board regarding the Mining Moratorium and Mr. Tolmach said he did not know the answer to that question. Ms. McGlasson said that she and Mr. Ruthven would be discussing the Moratorium with the Planning Board at future meetings. Mr. Sisto said he had concerns because the Kent Materials property had done strip mining, and despite a site plan that had been submitted they excavated deeper than proposed on their property and he wanted to ensure that this issue did not repeat itself. Ms. Axelson recommended that a phasing plan be submitted on this project. Mr. Barber agreed with her that this would be an excellent way of monitoring this project. Mr. Barber recommended that a summary of the changes be submitted by the applicant.

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

Awaiting a submittal.

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

Waiting for additional information. Wetlands were delineated and an updated wetland boundary in the field is pending.

Town of Kent Planning Board Minutes
March 12, 2020

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|---|-----------------------|---------------|
| <ul style="list-style-type: none"> Raneri Property Hillside Paper Rd., Kent,, NY TM: 44,24-1-3 | Erosion Control Plan/ | Status Report |
|---|-----------------------|---------------|

Waiting for additional information regarding soil testing and access.

- | | | |
|---|-----------------|---------------|
| <ul style="list-style-type: none"> • Kent Development /Hilltop Estates Timber Harvest Peckslip Rd., Kent, NY TM: 12.-1-38 & 42 | Erosion Control | Status Report |
|---|-----------------|---------------|

Mr. Barber met with Jordan Heller at the site to verify wetlands and they have been meeting with the Highway Superintendent. Potential permits will be issued shortly.

- | | | |
|--|--|---------------|
| <ul style="list-style-type: none"> Gierer (Cargain) Property 43 Marie Road, Kent, NY 10512 TM: 22.-1-42 | Erosion Control Plan/ Bond Recommendation Withdrawal pending | Status Report |
|--|--|---------------|

Awaiting a formal letter of withdrawal.

- | | | |
|---|-------------------------|---------------|
| <ul style="list-style-type: none"> Kent Materials NYS Rte. 52, Kent, NY TM: 12.-1-44 | Request to Release Bond | Status Report |
|---|-------------------------|---------------|

Conversations have been on-going with the Town Attorney regarding returning bonds to the previous owner.

- | | | |
|---|---|---------------|
| <ul style="list-style-type: none"> DiSanza Property 381 Ludingtonville Rd., Holmes, NY TM: 12.-3-63 & 64 | Erosion Control Plan/ Wetland Permit | Status Report |
|---|---|---------------|

Mr. DiSanza is to go to court in April.regarding removal of wood chips from wetlands on this property. The owner has not submitted fees incurred by the Planning Board consultants and the Town Finance Officer is involved as to how to resolve this issue.

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|---|----------------------|---------------|
| <ul style="list-style-type: none"> • Cabrera Property 126 Hortontown Road, Kent, NY TM: 19.-1-35 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Awaiting additional information from the applicant.

Town of Kent Planning Board Minutes
March 12, 2020

Mr. Tolmach asked for a motion to close the March 12, 2020 meeting at 08:00, The motion was made by Mr. Carey and seconded by Mr. Gattucci. The roll call votes were as follows:

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

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

**MARCH 2020
KENT PLANNING BOARD AGENDA**

Workshop: March 05, 2020 (Thursday, 7:30 PM) - Cancelled

Meeting: March 12, 2020 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from February 2020
- NYCDEP Bailey Brook Forest Mgmt Project Erosion Control/Timber Harvest Review
Nimham Rd. & Cole Shears Ct., Kent, NY
TM: 20.-1-57; 20.-1-48, 50, 57,73 thru 81
- Realbuto Erosion Control Plan/Bond Review
49 Tiger Trail, Kent, NY
TM: 21.8-1-39
- Permit Applications Updates (Applicants attendance not required/Workshop Discussion):
- Fregosi/Marinelli Property move below line Erosion Control Plan Status Report
Miller Hill Road, Kent, NY
TM: 10.-1-17
- 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
- Route 52 Development/Kent Country Square SEQRA Status Report
Route 52, Kent, NY
TM: 12.-1-52
- Annunziata Property (former Baillargeon Site) Erosion Control Plan/ Status Report
Kentview Dr., Kent, NY Wetland Permit
TM: 10.20-1-71
- Rodriguez Sub-Division Status Report
104 Smalley Corners Rd., Kent, NY
TM: 21.-1-10
- Raneri Property Erosion Control Plan/ Status Report
Hillside Paper Rd., Kent,, NY
TM: 44.24-1-3
- Kent Development /Hilltop Estates Erosion Control Status Report
Timber Harvest
Peckslip Rd., Kent, NY
TM: 12.-1-38 & 42
- Gierer (Cargain) Property Erosion Control Plan/ Status Report
43 Marie Road, Kent, NY 10512 Bond Recommendation
TM: 22.-1-42 Withdrawal pending

**Town of Kent Planning Board Minutes
March 12, 2020**

- | | | |
|---|--|--|
| <ul style="list-style-type: none">• Kent Materials NYS Rte. 52, Kent, NY TM: 12.-1-44• DiSanza Property 381 Ludingtonville Rd., Holmes, NY TM: 12.-3-63 & 64• Cabrera Property 126 Hortontown Road, Kent, NY TM: 19.-1-35 | <p>Request to Release Bond</p> <p>Erosion Control Plan/ Wetland Permit</p> <p>Erosion Control Plan</p> | <p>Status Report</p> <p>Status Report</p> <p>Status Report</p> |
|---|--|--|

Fred Pena
COMMISSIONER



John Tully
DEPUTY COMMISSIONER

DEPARTMENT OF
HIGHWAYS & FACILITIES

March 12, 2020

Daniel Getz
Lehman & Getz, P.C.
17 River Street
Warwick, NY 10990

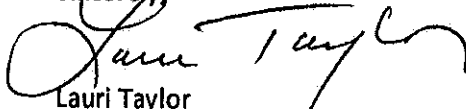
Re: Putnam County Highway Permit for the Putnam Nursing Home Project

Dear Mr. Getz,

We have received your Putnam County Highway Permit Application, reviewed all documents and the Commissioner has approved your Permit. This letter shall serve as confirmation of such approval.

Once you have selected a contractor for the project you will need to provide their Insurance Certificate and a security bond of \$2,000.00 in order to receive the Putnam County Highway Permit. Security bond will be returned once the completion of the project has been certified by this Department. Please let me know if you need anything further or have additional questions.

Sincerely,


Lauri Taylor
Senior Environmental Planner

842 FAIR STREET - CARMEL, NEW YORK 10512
Tel. No.: 845-878-6331 Fax No.: 845-878-3260

RE: DiSanza Project

Building Inspector <buildinginspector@townofkentny.gov>

Wed 3/4/2020 8:45 AM

To: Robert Firriolo <rfirriolo@altierilaw.net>; Planning Kent <planningkent@townofkentny.gov>
Cc: jbattistoni@vanderwater.com <jbattistoni@vanderwater.com>; josterhoudt@vanderwater.com
<josterhoudt@vanderwater.com>; Laura@Robertsatt.com <Laura@Robertsatt.com>

Dear Mr. . Firriolo,

Thank you for your letter, I've forward all information to both lawyers for the planning board and courts. The court clerk informed me that our court date was in April 9th. I can assume by your letter that no conversation was been done between your office and the planning board Lawyer Mr. Battastoni. I've sent everything to them and Ms. Roberts.

I've had no direction on having the wet-lands inspected by Mr. Barber, to indicate where the Town wet-lands are actually located. I'd like to come out to the property this week if possible and look the site over just confirm the action you've taken.

If you or Mr. DiSanza could call to setup a site visit at 845-225-3900 would be appreciated.

Respectfully

Wm. Walters
Building Inspector
Town of Kent
845-225-3900

From: Robert Firriolo <rfirriolo@altierilaw.net>
Sent: Tuesday, March 03, 2020 2:07 PM
To: Planning Kent <planningkent@townofkentny.gov>; Building Inspector <buildinginspector@townofkentny.gov>
Subject: DiSanza Project

TOWN OF KENT NOTICE

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

Please see the attached correspondence.

Robert P. Firriolo
Attorney at Law*



**Altieri
& Firriolo** N.J.

P.O. Box 630 Carmel, New York 10512

P: (845) 306-7076 F: (866) 585-9604

RFirriolo@altierilaw.net

<https://altierilaw.net/robert-p-firriolo>

*Admitted in NY, NH & NJ

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Altieri
& Firriolo PLLC

ROBERT P. FIRRIOLO
ADMITTED IN NY, NH & NJ

March 3, 2020

VIA FACSIMILE

Hon. Timothy J. Curtiss, Town Justice
Town of Kent Justice Court
25 Sybil's Crossing
Kent Lakes, NY 10512
Fax: (845) 306-5280

**Re: DiSanza Project – 381 Ludingtonville Rd. (TM # 12.-3-63 & 64) and
People. v. DiSanza, Case No. 19080082**

Dear Justice Curtiss:

This firm represents Robert DiSanza in the above-captioned matter. I write to request an adjournment of the court appearance scheduled for Thursday, March 5th, which was adjourned from the February 6th control date set by Your Honor.

As set forth in our letter to you of February 3, 2020, you set the February 6th control date to give the Town Planning Board time to verify if the remedial work being done by Mr. DiSanza according to NYSDEC directives also satisfies the Town's delineation of the wetland boundaries on his property. Having not heard from the Planning Board or its counsel, we requested an adjournment in our February 3rd letter.

A February 4th email from Kent Town Building Inspector William Walters stated that he contacted the Planning Board's attorney, Jeff Battistoni, and sent him all of the information on this case. The next day, Mr. Walters sent us another email stating that he spoke with Mr. Battistoni and the Court Clerk, adjourning the next appearance until March 5th so that the parties would have time to discuss the case. I replied that I looked forward to hearing from Mr. Battistoni. To date, we have not heard from the Planning Board or its counsel.

Again, it would be an undue burden and expense for Mr. DiSanza to appear with counsel at yet another hearing when the Planning Board still has not responded to our inquiries or evaluated the wetland boundaries issue. Further, I am unable to attend a hearing in Kent Town Court on March 5th. I serve as Legislative Counsel to the Putnam County Legislature. The March regular meeting of the full Legislature is this Thursday evening, March 5th, and I am obligated to attend. Such meetings are normally held on the first Tuesday of the month, but had to be rescheduled this month due to special circumstances.

P.O. BOX 630 • CARMEL, NEW YORK 10512
TEL: 845.306.7076 • FAX: 866.585.9604 • RFIRRIOLO@ALTIERILAW.NET

With offices in Litchfield, New Hampshire and Fairfield, Connecticut

Hon. Timothy J. Curtiss, Town Justice
Town of Kent Justice Court
March 3, 2020
Page 2



Altieri
& Firriolo LLC

At the last hearing, Your Honor set a compliance date of April 9th. Mr. DiSanza is continuing to perform the remedial work on his property according to the NYSDEC directives as weather and ground conditions allow. We respectfully request adjourning the March 5th appearance to April 9th. We are hopeful that the work will be substantially complete prior to the April 9th compliance hearing, and that the Planning Board will have evaluated the wetlands boundary issue and considered the application of permit fees issue by that time.

Thank you for your consideration of this request.

Very truly yours,

Robert P. Firriolo

cc: Building Inspector William Walters (via email)
Town of Kent Planning Board (via email)



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



Environmental
Protection

mo/date/year

FEB 10 2019

Planning Department
TOWN of Kent

February 3, 2020

Mr. John M. Watson, P.E.
Senior Principal Engineer
Insite Engineering, Surveying & Landscape Architecture, P.C.
3 Garrett Place
Carmel, NY 10512

Via email: jwatson@insite-eng.com

Re: Carmel Central School District Bus Garage - SWPPP
N.Y.S. Route 52
(T) Kent, (C) Putnam
Tax Map ID: 12.-1-44
Middle Branch Reservoir Basin
DEP Log #2008-MB-1945-SP.3

Dear Mr. Watson:

The New York City Environmental Protection (DEP) has received your December 29, 2020 letter with enclosures concerning the above-referenced application for approval of a Stormwater Pollution Prevention Plan (SWPPP). Upon review of the submitted documentation and the associated drawings, DEP has determined that the application is *incomplete*. The following information is required before review of the application may commence:

1. For completeness, a New York State Department of Environmental Conservation General Permit for Stormwater Discharges Notice of Intent (NOI) is required as the proposed land disturbance since the project is greater than 5,000 square feet and is located in the East of Hudson Watershed (EOH). Please provide a draft of the NOI to be filed.
2. Due to the nature of the site and the length of time since the soils testing was performed, re-testing (in accordance with the infiltration testing procedure specified in the *Design Manual*, Appendix D) of the areas where infiltration is proposed is required and must be witnessed by DEP.

Vincent Sapienza P.E.
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

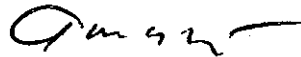
465 Columbus Avenue
Valhalla, New York 10595

T: (845) 340-7800
F: (845) 334-7175

The review of your application will not commence until DEP receives the requested information and determines that the application is complete. DEP will notify you within 10 days of its receipt of the requested information as to the completeness of your application. Please be advised that failure to submit information to DEP or to follow the DEP procedures is sufficient grounds to deny approval, pursuant to Section §18-23(b)(3).

If you have any questions, please do not hesitate to contact me at (914) 749-5356.

Sincerely,



Andreea A. Oncioiu
Associate Project Manager
EOH, Project Review
Regulatory & Engineering Programs

c: Town of Kent Planning Board
Patrick M. Palmer, NYSDOH - patrick.palmer@health.ny.gov
Jason Coppola, P.E., NYCDEP - jcoppola@dep.nyc.gov

and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner
Received
m. near

July 18, 2019

FEB 18 2019

Mr. Marc Marinelli
82 Anton Dr
Carmel, NY 10509

Planning Department
Town of Kent

Re: SEQRA
Marinelli Single Family Home Construction Project
4 Miller Hill Woods Ct., Kent, Putnam County, NY
19PR04407.003

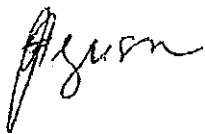
Dear Mr. Marinelli:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

Based information currently available to our office, OPRHP has determined that the J. Lee Historic Site (USN 07902.000079) is located on lands currently owned by Marc Marinelli, in and adjacent to the above noted project's Area of Potential Effects (APE). However, the J. Lee Historic Site has been determined by OPRHP to *not* be eligible for the State or National Registers of Historic Places. Upon our review of the above noted project, it is OPRHP's opinion that this project will have a **No Adverse Impact** on properties, including archaeological and/or historic resources, listed in or eligible for the New York State or National Registers of Historic Places. This recommendation pertains only to the Project Area examined during the above-referenced investigation. It is not applicable to any other portion of the project property. Should the project design be changed OPRHP recommends further consultation with this office.

If further correspondence is required regarding this project, please refer to the project number (PR) noted above. If you have any questions, I can be reached at 518-268-2218 or via email at Josalyn.Ferguson@parks.ny.gov.

Sincerely,



Josalyn Ferguson, Ph.D.
Scientist Archaeology

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

NYR

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(for DEC use only)

(for DEC use only)

- IMPORTANT -

RETURN THIS FORM TO THE ADDRESS ABOVE

OWNER/OPERATOR MUST SIGN FORM

| Owner/Operator (Company Name/Private Owner Name/Municipality Name) | | | | | | | | | | | | |
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| J | O | S | E | P | H | | | | | | | |

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| Owner/Operator Contact Person Last Name (NOT CONSULTANT) | | | | | | | | | |
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| J | O | S | E | P | H |
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Phone (Owner/Operator)

914 - 447 - 0220

Fax (Owner/Operator)

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|------------------------|--|
| Email (Owner/Operator) | |
| | |

[illegible]

FED TAX ID

- (not required for individuals)

Project Site Information

Project/Site Name

JOSEPH FREGOSI - SWPPP

Street Address (NOT P.O. BOX)

MILLER HILL WOODS COURT, CARMEL, NY 10512

Side of Street

☒ North ☐ South ☐ East ☐ West

City/Town/Village (THAT ISSUES BUILDING PERMIT)

TOWN OF KENT

State Zip

NY

10512

County

PUTNAM

DEC Region

3

Name of Nearest Cross Street

MILLER HILL ROAD

Distance to Nearest Cross Street (Feet)

1000

Project In Relation to Cross Street

☐ North ☐ South ☐ East ☒ WestTax Map Numbers
Section-Block-Parcel

10-1-17

Tax Map Numbers

1. Provide the Geographic Coordinates for the project site in NYTM Units. To do this you must go to the NYSDEC Stormwater Interactive Map on the DEC website at:

www.dec.ny.gov/insmaps/stormwater/viewer.htm

Zoom into your Project Location such that you can accurately click on the centroid of your site. Once you have located your project site, go to the tool boxes on the top and choose "i" (identify). Then click on the center of your site and a new window containing the X, Y coordinates in UTM will pop up. Transcribe these coordinates into the boxes below. For problems with the interactive map use the help function.

X Coordinates (Easting)

602231

Y Coordinates (Northing)

4595254

2. What is the nature of this construction project?

☒ New Construction☐ Redevelopment with increase in impervious area☐ Redevelopment with no increase in impervious area

9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.

Name _____

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| H | S | - | 7 | 8 | | |

9a. Type of waterbody identified in Question 9?

- ☒ Wetland / State Jurisdiction On Site (Answer 9b)
- ☐ Wetland / State Jurisdiction Off Site
- ☐ Wetland / Federal Jurisdiction On Site (Answer 9b)
- ☐ Wetland / Federal Jurisdiction Off Site
- ☐ Stream / Creek On Site
- ☐ Stream / Creek Off Site
- ☐ River On Site
- ☐ River Off Site
- ☐ Lake On Site
- ☐ Lake Off Site
- ☐ Other Type On Site
- ☐ Other Type Off Site

9b. How was the wetland identified?

- Regulatory Map
- Delineated by Consultant
- Delineated by Army Corps of Engineers
- Other (identify)

10. Has the surface waterbody(ies) in question 9 been identified as a 303(d) segment in Appendix E of GP-0-15-002?

☐ Yes ☒ No

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-15-002?

☒ Yes ☐ No

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters?

If no, skip question 13.

☒ Yes ☐ No

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey?
If Yes, what is the acreage to be disturbed?

☐ Yes ☒ No

If Yes, what is the acreage to be disturbed?

| | | | | |
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14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area?

☐ Yes ☒ No

6403089820

15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)?

☐ Yes ☒ No ☐ Unknown

16. What is the name of the municipality/entity that owns the separate storm sewer system?

TOWN OF KENT

17. Does any runoff from the site enter a sewer classified as a Combined Sewer?

☐ Yes ☒ No ☐ Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law?

☐ Yes ☒ No

19. Is this property owned by a state authority, state agency, federal government or local government?

☐ Yes ☒ No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.)

☐ Yes ☒ No

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)?

☒ Yes ☐ No

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)?
If No, skip questions 23 and 27-39.

☐ Yes ☒ No

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual?

☐ Yes ☐ No

- Professional Engineer (P.E.)
- Soil and Water Conservation District (SWCD)
- Registered Landscape Architect (R.L.A.)
- Certified Professional in Erosion and Sediment Control (CPESC)
- Owner/Operator
- Other

ROY A FREDRIKSEN

NAME (Last, Space, First)
FREDRIKSEN ROY

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МАНОРАС

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10541 -

518 - 928 - 0265
Email

The diagram illustrates the multiplication of two 2x2 grids. The first grid is a 2x2 square, and the second grid is also a 2x2 square. These are multiplied to produce a 4x4 grid, which is the result of the multiplication.

RAFREORIKSENPE@GMAIL.COM

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-15-002. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

| | | |
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FREORIKSEN

Ray G. Friedman

A

12/03/2019

☒ Yes ☐ No

Temporary Structural

- Biotechnical

- Other

Permanent Structural

- Debris Basin
- Diversion
- Grade Stabilization Structure
- Land Grading
- Lined Waterway (Rock)
- Paved Channel (Concrete)
- Paved Flume
- Retaining Wall
- Riprap Slope Protection
- Rock Outlet Protection
- Streambank Protection

[illegible]

Important: Completion of Questions 27-39 is not required if response to Question 22 is No.

- Preservation of Undisturbed Areas
- Preservation of Buffers
- Reduction of Clearing and Grading
- Locating Development in Less Sensitive Areas
- Roadway Reduction
- Sidewalk Reduction
- Driveway Reduction
- Cul-de-sac Reduction
- Building Footprint Reduction
- Parking Reduction

- Compacted areas were considered as impervious cover when calculating the WQ_v Required, and the compacted areas were assigned a post-construction Hydrologic Soil Group (HSG) designation that is one level less permeable than existing conditions for the hydrology analysis.

- Total WQv Required: acre-feet

- Also, provide in Table 1 the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Page 8 of 14

7

Total Contributing
Impervious Area (acres)

- | | Area (acres) | Total Contribution | | | | | | | | |
|---|---|-------------------------|--|--|--|--|--|--|--|--|
| | | Impervious Area (acres) | | | | | | | | |
| ○ Conservation of Natural Areas (RR-1) ... | <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table> | | | | | and/or <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table> | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| ○ Sheetflow to Riparian Buffers/Filters Strips (RR-2) | <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table> | | | | | and/or <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table> | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| ○ Tree Planting/Tree Pit (RR-3) | <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table> | | | | | and/or <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table> | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| ○ Disconnection of Rooftop Runoff (RR-4) .. | <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table> | | | | | and/or <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table> | | | | |
| | | | | | | | | | | |
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| <u>Techniques (Volume Reduction)</u> | | | | | | | | | | |
| ○ Vegetated Swale (RR-5) | <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table> | | | | | and/or <table border="1"><tr><td></td><td></td><td></td><td></td></tr></table> | | | | |
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| | | | | | | | | | | |

and/or

- ☐ Vegetated Swale (RR-5)
☐ Rain Garden (RR-6)
☐ Stormwater Planter (RR-7)
☐ Rain Barrel/Cistern (RR-8)
☐ Porous Pavement (RR-9)
☐ Green Roof (RR-10)
Standard BMPs with RRV Capacity
☐ Infiltration Trench (RR-11)

- ☐ Infiltration Trench (I-1)
- ☐ Infiltration Basin (I-2)
- ☐ Dry Well (I-3)
- ☐ Underground Infiltration System (I-4)
- ☐ Bioretention (F-5)
- ☐ Dry Swale (O-1)

Two empty 10x4 grids for data entry, separated by a vertical line.

- Micropond Extended Detention (P-1)
- Wet Pond (P-2)
- Wet Extended Detention (P-3)
- Multiple Pond System (P-4)
- Pocket Pond (P-5)
- Surface Sand Filter (F-1)
- Underground Sand Filter (F-2)
- Perimeter Sand Filter (F-3)
- Organic Filter (F-4)
- Shallow Wetland (W-1)
- Extended Detention Wetland (W-2)
- Pond/Wetland System (W-3)
- Pocket Wetland (W-4)
- Wet Swale (O-2)

Total Contributing
Impervious Area (acres)

- [illegible]

Provide the name and manufacturer of the Alternative SMPs (i.e. proprietary practice(s)) being used for WQV treatment.

[illegible]

Manufacturer

Note: Redevelopment projects which do not use FF.

Note: Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQV required and total WQV provided for the project.

30. Indicate the Total RRV provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRV capacity identified in question 29.

Total RRV provided

. acre-feet

31. Is the Total RRV provided (#30) greater than or equal to the total WQV required (#28).

IF Yes, go to question 36.
IF No, go to question 32.

☐ Yes ☐ No

32. Provide the Minimum RRv required based on HSG.
 [Minimum RRv Required = $(P)(0.95)(A_i)/12$, $A_i = (S)(A_{ic})$]

Minimum RRv Required

 - acre-feet

- 32a. Is the Total RRV provided (#30) greater than or equal to the Minimum RRV Required (#32)?

☐ Yes ☐ No

If Yes, go to question 33.

Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQV required (#20). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WQV required (#28) must also be included in the SWPPP.

If No, sizing criteria has not been met, no NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

- Also, provide in Table 1 and 2 the total impervious area that contributes runoff to each practice selected.
- Note: Use Tables 1 and 2 to determine the total impervious area that contributes runoff to each practice selected.

Note: Use Tables 1 and 2 to identify the SMPs used on Redevelopment projects.

- WQV Provided
[] [] [] . [] [] [] sacra-foot

Note: For the standard SMPs with RRV capacity, the WQv provided by each practice = the WQv calculated using the contributing drainage area to the practice - RRV provided by the practice. (See Table 3.5 in Design Manual)

34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a).

35. Is the sum of the RRV provided (#30) and the WQV provided (#33a) greater than or equal to the total WQV required (#28)? ☐ Yes ☐ No
- If Yes, go to question 36.
- If No, assign criteria.

If Yes, go to question 36.
If No, go to question 37.

If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

36. Provide the total Channel Protection Storage Volume (CPV) required and provided or select waiver (36a), if applicable.

CPV Required

acre-feet

CPV Provided

. acre-feet

- 36a. The need to provide channel protection has been waived because:
- ☐ Site discharges directly to tidal waters or a fifth order or larger stream.
 - ☐ Reduction of the total CPv is achieved on site through runoff reduction techniques or infiltration systems.
37. Provide the Overhead

37. Provide the Overbank Flood (Op) and Extreme Flood (Of) control criteria or select waiver (37a), if applicable.

Total Overbank Flood Control Criteria (Op)
Development:

Pre-Development

☐ ☐ ☐ ☐ ☐

Post-development

development

CF\$

Total Extreme Flood Control Criteria (Of)
Development

Pre-Development

Development

| | |
|------------------|--|
| Post-development | |
|------------------|--|

[illegible]

41. Does this project require a US Army Corps of Engineers Wetland Permit?

If Yes, Indicate Size of Impact.

☐ Yes ☒ No

42. Is this project subject to the requirements of a regulated, traditional land use control MS4?
(If No, skip question 43)

☒ Yes ☐ No

43. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI?

☒ Yes ☐ No

44. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned.

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Owner/Operator Certification

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

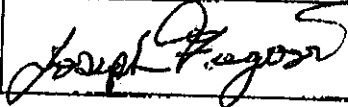
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JOSEPH

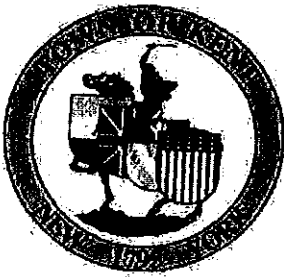
MI

Print Last Name

FREEDS

Owner/Operator Signature**Date**

12/03/2019



Town of Kent Highway Department
Richard T. Othmer, Jr., Highway Superintendent
62 Ludington Court
Kent Lakes, New York 10512
(845) 225-7172 Fax (845) 225-9464
E-mail: rothmer@townofkentny.gov

MEMORANDUM

Date: February 14, 2020

To: Town of Kent Planning Board / Quality Forestry Co.

From: Richard T. Othmer Jr, Highway Superintendent

Subject: Kent Development Assoc. Timber Harvest Peckslip Road

Honorable Members of the Planning Board & Officers of Quality Forestry Co.;

In the matter of the upcoming forestry logging harvest operation to take place off of Peckslip Road in Kent I request the following;

- 1) Due to the narrowness & dangerous curves of Churchill Road at the intersection of North Horsepound Road, I do not want the logging trucks entering from this direction. Additionally, the Kent Highway Department will be working on the whole length of Churchill Road from North Horsepound to Farmer's Mills Road this spring; tree trimming, widening & removing said curves as well as stabilizing the dirt section with millings. Any additional construction vehicles will cause a serious "Log Jam", no pun intended.
- 2) The logging trucks need to enter & exit Peckslip Road from NYS Route 52 on the Dutchess County / East Fishkill side crossing over to the Putnam County / Kent Town Line.
- 3) The Kent portion is approximately ½ mile of road so I would request a \$100,000.00 bond be posted if needed to repave the road & repair any drainage.
- 4) I would also like to do a field inspection with a representative of the Planning Board & the Contractor before operations begin in order to come to an agreement of the existing conditions.

Sincerely,


Richard T Othmer

NYCDEP Bailey Brook Forest Management Project Biological Assessment

Nimham Road & Cole Shears Court, Town of Kent, Putnam County, NY

General Project Scope

The proposed action, the Bailey Brook Forest Management Project, is an 85 acre timber harvest on approximately 138 contiguous acres of City-owned watershed forest land. The harvest has been designed and conducted in accordance with the *New York City Watershed Forest Management Plan* (2011), a long-term plan to protect water quality by enhancing the ecological integrity of forests within the NYC watershed. The primary objective is to reduce competition between dominant and codominant trees in order to promote forest resiliency and nutrient retention. The secondary objective is to diversify forest structure and introduce a young forest component to several stands. No new construction or change of land use is proposed in the project area.

The project area is located off of Nimham Rd and Cole Shears Court, in the Boyds corner basin in the Town of Kent, Putnam County. The project will entail harvesting between 25 and 30 percent of the existing basal area on ~80 acres of the project area. Currently the average basal area in this portion of the project area is 102 sq.ft./acre. Upon harvest completion, the basal area will be 72 sq.ft./acre. This will amount to removing approximately 73 of the 244 trees per acre currently present on the site. The project will also include four, small, one acre woodland openings located in four different stands across the site. In these areas all trees down to two inches in diameter will be harvested. The desired condition within these areas is to create openings in the canopy that will promote early successional habitat. This forest type is relatively uncommon in the East of Hudson watershed, which is primarily comprised of older, mid-successional forest. These openings will also provide an additional habitat component for forest dwelling birds and animals. Primary species to be harvested from this oak northern hardwood forest include red oak (*Quercus rubra*), sugar maple (*Acer saccharum*), scarlet oak (*Quercus coccinea*), sugar maple (*Acer saccharum*), black birch (*Betula lenta*) and red maple (*Acer rubrum*). The harvest will remove declining, diseased, and structurally unsound trees through application of a moderate crown thinning to reduce inter-tree competition, increasing overall forest vigor. Within areas being thinned, increased light availability will encourage growth of remaining overstory trees. Within the patch cuts, light availability will substantially increase and will promote the regeneration of shade intolerant species such as red oak, tulip poplar (*Liriodendron tulipifera*) and Bigtooth aspen (*Populus grandidentata*).

The project was reviewed by an interdisciplinary team of DEP employees as required by the internal guidance document *DEP Forest Management Projects and Conservation Practices*, including wetland scientists, wildlife biologists, and stormwater specialists to ensure adequate protections are implemented for coexisting resources. Standards from the *DEP Conservation Practices* and other practices have been or will be implemented to minimize the potential for negative impacts, including:

- GPS/GIS mapping of all wetlands and watercourses to ensure accurate location at an applicable scale;
- Pre-planning the skid trail network to minimize impacts to soils and the potential for erosion;
- Performing all work between November 1 and March 31 to avoid direct impacts to Indiana and northern long-eared bats;
- Harvesting no trees within wetland boundaries to avoid direct impacts to soils, hydrology, flora and fauna; and

- Restricting harvesting within 100 feet of wetland boundaries to no more than 25 percent of the existing basal area (~61 trees per acre) and minimizing equipment entries into this zone to protect water quality and habitat.
- Restricting harvesting within 100 feet of streams and public roads to no more than 50 percent of the existing basal area (~122 trees per acre) and prohibiting work within the bed or banks.

Harvesting is anticipated to take 3 to 5 months. The project may occur over two harvesting windows (November 1 to March 31) depending on weather and scheduling to ensure that operations only occur during appropriate conditions. If more than one harvesting window is required, the project area will be fully stabilized while suspended for the intervening spring and summer.

A presence-absence study using ultrasonic acoustic detection for Indiana and northern long-eared bats was conducted to determine whether seasonal cutting restrictions would be appropriate for this project. Suitable habitat for both species exists at this project location, including mixed forest with foraging corridors and edge habitat, trees with exfoliating bark, cracks, crevices, and/ or hollows. Geographic screening data from U.S. Fish and Wildlife Service (IPaC) and New York Natural Heritage Database indicates that both species may potentially be present based on historic information. The results of the acoustic monitoring study was that Indiana bat is likely to exist in the area. The data collected showed that 83 out of 561 *Myotis* bat calls were identified to be Indiana bat, with a significant MLE (Maximum Likelihood Estimator) value of 0.05 or less on five of the study nights. According to the NYCDEP Study Plan for Acoustic Detection, this level of activity constitutes assumption of likely presence for that species of bat. Therefore, this project will include seasonal cutting restrictions and plan for tree harvesting to occur from November 1 to March 31 as a conservation measure to avoid the possibility of take for the federally-endangered Indiana bat.

Species-specific Information

Indiana bat (*Myotis sodalis*)

The project area consists primarily of upland forest with elevations between 640 and 920 feet. Although no known Indiana bat roost trees have been identified in the project area, suitable habitat does exist on site and acoustic monitoring suggests that presence is likely. To avoid take or other direct impacts to Indiana bats, all work will take place between November 1 and March 31 when bats are hibernating, following conservation measures listed in the *Indiana Bat Project Review Fact Sheet – New York Field Office* (March 2018). The closest hibernaculum known to DEP is over 6 miles from the project site in Putnam Valley, NY.

Since the project involves removing declining, diseased, and structurally unsound trees from the project area, it is likely that some trees with suitable habitat for Indiana bat will be removed from the project area. However, many such trees exist in the project area and surrounding forest, the vast majority of which will be undisturbed by the work. Further, standing dead trees will be left in place wherever they do not pose a safety hazard to workers, and shagbark hickory (*Carya ovata*) will be retained wherever possible. The thinning treatment that will be applied will increase light infiltration beneath the forest canopy, which may cause warming of the bark of some potential roost trees, potentially improving habitat quality. As a result of the seasonal restrictions on work and the limited nature of removal of potential roost trees, the project is not likely to adversely affect (NLTA) Indiana bat.

Northern long-eared bat (*Myotis septentrionalis*)

Suitable habitat for northern long-eared bat is present within the project area. To avoid impacts to individual bats, all work will take place between November 1 and March 31 when bats are hibernating, following guidance from the *Northern long-eared Bat Project Review Fact Sheet – New York Field Office* (May 2016). In addition, the project strategy

will retain standing dead trees whenever they do not pose a safety hazard to workers. The closest active hibernaculum known to DEP is over 6 miles from the project site in Putnam Valley, NY. There are no known maternity roost trees in the vicinity of this forest management project.

As a result of the seasonal restrictions on work and the limited nature of removal of potential roost trees, the project is not likely to adversely affect (NLTA) Northern long-eared bat

Bog turtle (*Clemmys* [=*Glypsemys* *muhlenbergii*])

DEP wetland ecologists delineated and mapped seven freshwater wetlands totaling 1.91 acres. During the course of the delineations, no indicators were observed in the wetlands triggering the need for a Phase 1 survey. All mapped wetlands had shallow and compact mineral soils, lacked shallow flowing rivulets and were dominated by non-calciophytic vegetation like red maple (*Acer rubrum*), *Boehmeria cylindrica*, and Japanese stilt grass (*Microstegium vimineum*). No single wetland measured greater than an acre in area, so there was limited habitat for populations of turtles to exist.

Despite the lack of potential habitat for the bog turtle, all wetlands will be protected from direct or indirect impacts during forest management operations. Work will be conducted in dry or frozen only and no permanent structures such as landings or haul roads will be built within 100 feet of any wetland or watercourse.

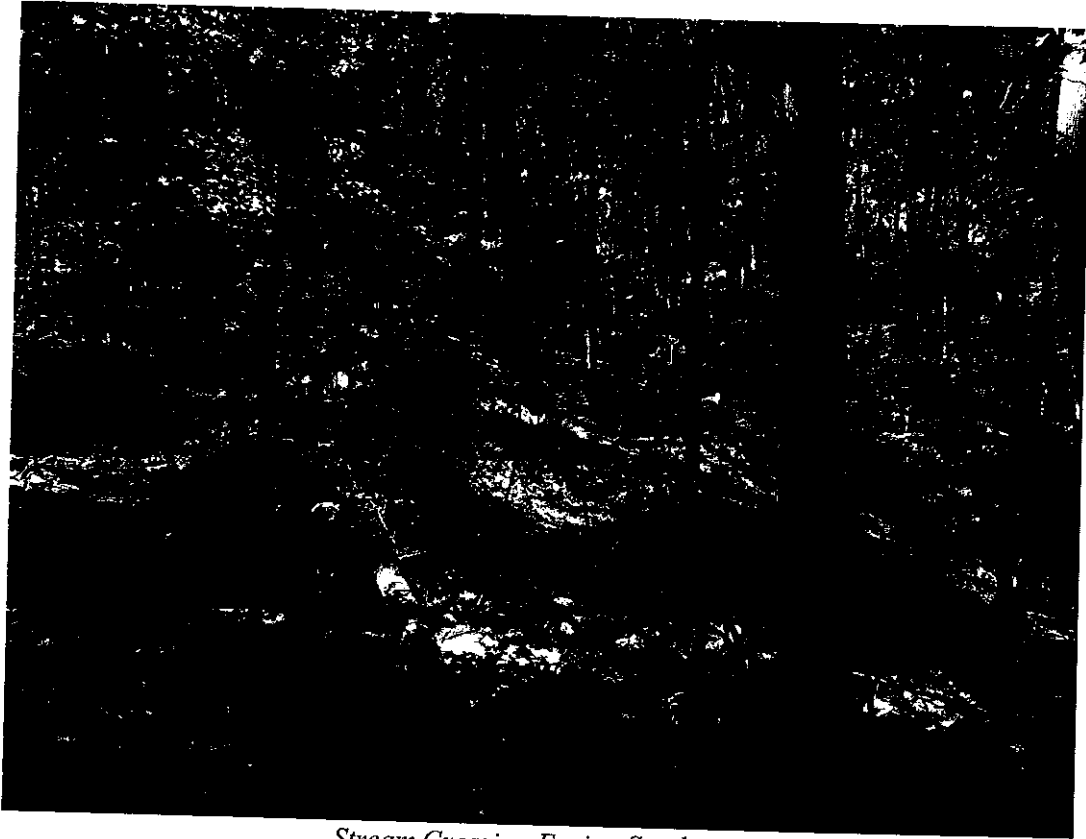
Species Conclusions Table

Project Name: Bailey Brook Forest Management Project #5083

Date: July 29, 2019

| Species Name | Potential Habitat Present? | Species Present? | Piping Plover Critical Habitat Present? | ESA / Eagle Act Determination (REQUIRED) (e.g. no effect, may affect but not likely to adversely affect, likely to adversely affect, no take, may affect but 4(d) rule). | Notes / Documentation Summary (include full rationale in your report) |
|-------------------------|----------------------------|------------------|---|--|--|
| Bog Turtle | N | N | N | No effect | There will be no direct or indirect impacts to any wetlands in the project area as a result of the timber harvest. |
| Indiana Bat | Y | Y | N | Not likely to adversely affect | The project does not contain any known roost trees and the nearest known hibernacula is over 6 miles away in Putnam Valley, NY. Acoustic monitoring suggests that presence is likely. Harvesting work will be limited to November 1 - March 31 and potential roost trees will be retained whenever possible. |
| Northern Long-Eared Bat | Y | N | N | Not likely to adversely affect | The project area does not contain any known roost trees and there are no known hibernacula within ~ 6 miles. Harvesting work will be limited to November 1 - March 31 and potential roost trees will be retained whenever possible. |

Project Area Photos



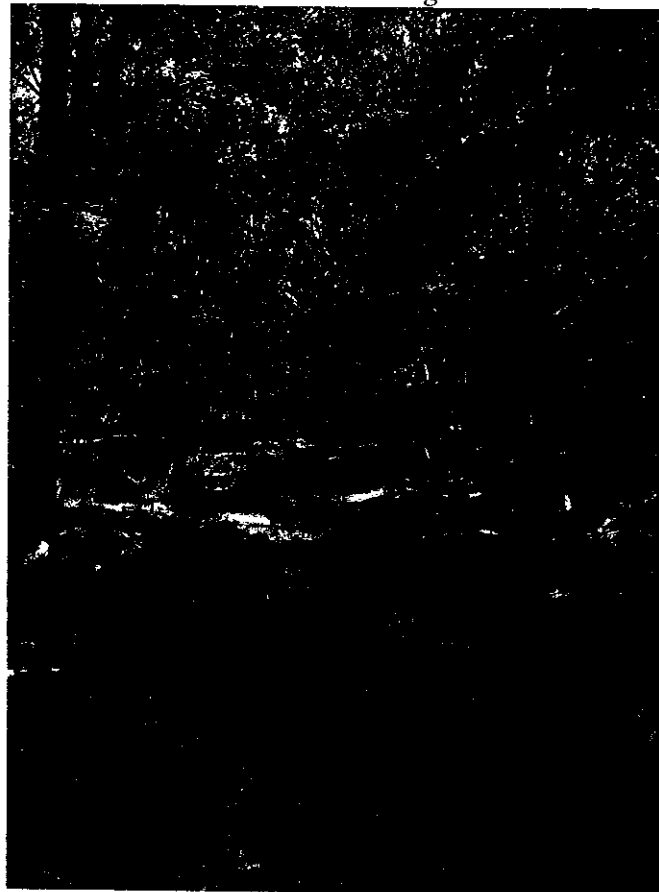
Stream Crossing Facing Southwest



Smalley Corners Rd (Abandoned)



Eastern Landing



Existing Access Road off of Nimham Rd



Western Landing