

Approved: October 8, 2020

**MINUTES**  
**TOWN OF KENT PLANNING BOARD**  
**SEPTEMBER 10, 2020**  
**FINAL ADOPTED MINUTES**

Due to the Corona virus the Planning Board held their September 10, 2020 meeting via Zoom.

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

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

**Planning Board Members:**

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

**Absent:**

Nisim Sachakov  
Jamie McGlasson, Liaison  
Chris Ruthven, Liaison

**Others in Attendance:**

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

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

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- Mr. Tolmach asked for a motion to approve the Planning Board minutes from the September 10, 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. Sisto and seconded by Mr. Lowes. Following were the roll call votes.

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

The motion carried.

Mark and Brianna Marinelli participated on the call along with Joe Fregosi. Mr. Marinelli said that revised drawings had been submitted for this meeting and most comments from the consultants had been addressed.

Comments from Ms. Mangarillo (memo attached)

Ms. Mangarillo agreed that many comments had been addressed. She requested a full copy of the deed and a copy of the complete application changed to reflect the ownership of the property to Marinelli from Fregosi. Mr. Marinelli said he had sent the application that day with the bill of sale. Ms. Mangarillo asked for updated Board of Health documents and Mr. Fregosi said he would send them. Ms. Mangarillo said that SWPPP drawing submitted by Mr. Frederiksen still had the 1984 topo on it not the 2019 topo. The driveway is in a different location and the grading is different. If Mr. Frederiksen is not willing to change the drawing Ms. Mangarillo requested a note from him stating that he is using the old topo but refers the reader to the updated survey it would suffice. Ms. Mangarillo was sending an email with the drawing indicating the discrepancies. Mr. Fregosi said that two sets were dropped off and one was correct the other was not. Mr. Fregosi was going to contact Mr. Frederiksen and arrange a conference call with him for the next Consultants meeting on 9/22/20. The NOI needs to be updated reflecting that the Marinelli's own the property. Soil testing for the dry wells also needs to be done during construction and asked that a note be added stating that the dry wells need to be relocated and get town approval before installing them. Mr. Fregosi said that the dry wells were noted on the Board of Health sheets.

Mr. Barber's Comments (memo attached)

Responses to memos sent to Mr. Frederiksen had not been received to date. Mr. Barber said that the wetlands on site and a letter from DEC 4/6/18 indicates that there are no state wetlands on the property, however, if you look at their website and review documents there it appears that there are wetlands and a check zone 500 feet away from a wetland boundary. Mr. Barber asked Mr. Frederiksen to verify with the DEC that wetlands have been delineated and accurate. Limits of disturbance on the septic is close to the wetland buffer. A waiver for a tree survey is appropriate if the Planning Board agrees.

Ms. Axelson's Comments

Ms. Axelson had no comments.

Mr. Tolmach asked if anyone from the public wished to be heard regarding this project. There were no comments from the public.

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Mr. Tolmach asked for a motion to adjourn the Public Hearing for this project to the October 8, 2020 meeting. 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.

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

Mr. Eric Schlobohm, of Insite Engineering represented the applicant as did Ms. Carol Kurtz of Kurtz Engineering. Mr. Vitiello was also on the call.

Mr. Schlobohm shared drawings submitted prior to the meeting. The applicant has a 32 acre parcel where the changes are to be made and adjoining lots total over 100 acres. Currently the driveway comes off of pudding street and there is a house, pool and tennis courts on the property. There will be an addition to the house as well as a detached garage with a 3 bedroom apartment on top. There will be improvements made to driveway and the current septic system will serve the new apartment over the garage and a new septic system will be installed for the house. No trees along Pudding Street will be removed. The septic system will be approximately 250' away from the well and the Board of Health only requires that it be 110' away from a well. Ms. Mangarillo and Mr. Barber visited the site earlier in the week and confirmed that there were no wetlands on the site. Recently there had been some downed trees due to storm damage and topsoil had been placed to stabilize this area. Since the last Planning Board meeting the plans had been revised and the garage will now be moved 10' to the north to move it further out of the steep slopes.

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

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

The motion carried.

Mr. Robert Vigdor, who resides at 466 Pudding Street, asked to be heard. Mr. Vigdor said his three concerns were:

- The distance from the applicant's septic system and Mr. Vigdor's well;
- The tree preservation for privacy; and
- The character of the driveway. His is opposite the proposed driveway and not paved with asphalt. He would like to have the proposed driveway also not be paved.

Mr. Schlobohm said the Board of Health requires that septic systems be 100' feet from wells. The proposed septic system should be approximately 400' from Mr. Vigdor's well. Also, no trees on Pudding Street will be removed. Mr. Vitiello addressed the paving of the driveway and said that he would like to pave the road to simplify maintenance in the winter. He also said that he also wants to maintain the character of all of his property and to keep it rustic. Mr. Vigdor said he appreciated that and did recognize the issues of maintaining the road. Ms. Kurtz suggested that the first 20' not be paved. Ms. Mangarillo said that the Town Code for driveways states that if a driveway abuts a paved road the first 30' must be paved. However, a waiver may be requested from the Planning Board.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo discussed the site visit she and Mr. Barber had made to the site and said the total area of disturbance will be .99 acres and if the applicant goes over 1 acre of disturbance there would have to be long term stormwater management. Therefore, a note must be added to the drawing that says if there is any increase in the area of disturbance they would have to go to the next level of permitting with the DEC. Mr. Vitiello said that he is in the process of stabilizing the property and by spring when construction is to begin it will be completed. Ms. Mangarillo said that was a good idea. Ms. Mangarillo requested previously for some basic language from the DEC permit and documents that remain on site and how to terminate coverage in an MS4 community. She said it was very important that this information be on the drawings. Mr. Schlobohm said a construction log book is created and given to the contractor. Ms. Mangarillo said that was good, but that it still needed to be noted on drawings. Ms. Mangarillo said that all of her other comments had been addressed. Ms. Mangarillo said she approved the Erosion Control Bond estimate received the day of the meeting in the amount of \$6,124.00 and, if the Planning Board agreed, was to be forwarded to the Town Board when the bond and agreement was delivered to the Planning Board office.

Mr. Barber's Comments (memo attached)

Mr. Barber verified that a Town of Kent wetland permit was not required as there were no wetlands on this property. A short EAF Part 1 form was submitted and this project was classified as a Type II action under SEQRA. Pertaining to tree removal Mr. Barber said that the area where septic is proposed trees should be identified and limits of disturbance and there should not be any additional trees cut. The other trees are marked on the plan which are to be cut. A note should be placed on OP1 stating that trees could only be cut from November 1<sup>st</sup> and March 31<sup>st</sup> of the following year. Mr. Barber said there may be some rock chipping (about 10 days) and no blasting. Mr. Barber asked Ms. Kurtz to summarize the use of the garage as explained to the Zoning Board of Appeals. Ms. Kurtz said that the applicant has a very extended family and they are very close. The apartment will not have a kitchen and there is no intent to ever use it as a rental property. The garage will be used mainly for automobiles and/or storage. The second floor has access to the property due to the topography. Mr. Schlobohm said the ZBA did add a note that this property could never be used as an Air B and B or commercial enterprise. Ms. Axelson said that she had concerns about a note pertaining to rock removal which she would discuss with Mr. Barber.

Ms. Axelson's Comments

Ms. Axelson deferred to Ms. Mangarillo and Mr. Barber.

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Mr. Barber asked Mr. Vigdor if all of his concerns had been addressed and resolved and Mr. Vigdor said that they had been.

Mr. Barber recommended that the Public Hearing be closed and that this project be moved to an administrative track.

Ms. Mangarillo said that the Planning Board had to take action pertaining to the erosion control bond.

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

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

The motion carried.

Mr. Tolmach asked for a motion to move this project to the administrative track. 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.

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Mr. Tolmach asked for a motion to accept the Erosion Control Bond recommendation of \$6,124.00 and a final inspection fee of \$1,000.00 and to forward it to the Town Board. The motion was made by Mr. Carey and seconded by Mr. Sisto. . Following were the roll call votes.

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

The motion carried.

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

Ms Jamie LoGuidice represented the applicant, Mr. Richard Esposito, who was also on the call.

Ms. LoGuidice said that after comments were received at the last meeting the project had been overhauled and new plans had been submitted. The building and parking had been moved outside of the 15' buffer adjacent to the residential zones that the IOC parcel is being developed on. The IOC parcel and timber harvest parcel are shown on the plans with a lot line adjustment between the two lots. A wetland boundary validation block was added, as requested. The wetland boundary was demarcated with 3' boulders positioned 25' on center. The retaining walls were shifted and minimized to be 3' maximum height. Vegetation was also shown along the buffer adjacent to the residential property. There was a comment about existing trees and a note will be added indicating that vegetation within the buffers should remain to the greatest extent possible to preserve screening on the parcel. The infiltrators were moved under the parking to allow the parking to be moved over. The detail on the grading plan needs to be adjusted and will be done in the next submission. Hay bales were added to the back side leading to the wetland buffers to keep the silt fence intact and upright in order to disallow sediment to break free and go into the wetlands and hinder them. Zeros are shown around the entire parcel except around the building on the Lighting Plan and they will be on from dusk until closing of business and on motion sensors for security purposes. Since there is not an actual user a generic location 10' off of the property line was noted.



Mr. Barber's Comments (memo attached)

Due to recent discussions some changes had been done to the plans for this project. The setback requirements have been met by the changes made by shifting the building and installing the infiltration system underneath the parking. There is landscaping and screening proposed along the common boundary of the IOC property and the neighboring residential property. The Town Code requires that the remaining 15' which adjoins residential properties also needs to be maintained in terms of vegetation or augmented with shrubs and trees. Mr. Barber said that a site visit would be appropriate in order to make a recommendation as to whether or not additional trees and/or shrubs are necessary. Notes should be added to the plans. The applicant requested a waiver of Section 76.26 (A) (8) to cut trees on the lower portion of the property adjoining North Horsepound in order to allow access to the property and to avoid the wetlands in close proximity to the driveway. Mr. Barber said granting that waiver was appropriate. With respect to the wetlands there is 18,920 square feet of wetland buffer disturbance and some type of wetland buffer mitigation is recommended to ensure that the buffer function is maintained. DEC permit is needed for this application and is pending pursuant to a SEQRA determination by the Kent Planning Board. The timber harvest will only be done on the residential parcel only. The septic system appears to be within a 15% slope. Ms. LoGuidice advised Mr. Barber that in commercial properties you can go up to 20% so they are ok and can't be moved because it needs to be 50' away from the building. Mr. Barber said to document that and a waiver can be granted. Mr. Barber suggested that a water quality swale be installed near the wetlands and that water bars be installed in the driveway to break up the velocity and a sediment trap at the entrance of the swale. Mr. Barber said the applicant has come a long way from an environmental perspective.

Ms. Mangarillo's Comments (memo attached)

There were comments pertaining to notes on the drawing. The timber harvest is not subject to the SWPPP for the DEC permit, but the access road and how it gets to a public road and where logs are staged and loaded onto trucks necessitates the need for a Town of Kent Erosion Control Permit and Ms. Mangarillo asked that this be clarified in the SWPPP. A note pertaining to tree removal near the septic stating that the trees were already there and some would be removed should be added to the drawings. There were concerns about how the applicant will ensure sediment does not get into the infiltration system and the water quality swale during construction. A long-term Stormwater Management Facility Construction Guarantee bond will need to be provided in addition to the Erosion Control bond. Some of the boulders in the wetland buffer along the driveway need to be extended. If the water quality swale area will be used a sediment control trap during construction additional notes will need to be placed on the drawings. A berm or swale along the uphill side of septic system would also be needed to be installed temporarily during construction. Some notes regarding the use of the building were included in Ms. Mangarillo's memo. A driveway waiver was requested by the applicant to provide the driveway As-Built prior to the issuance of occupancy rather than during construction. Ms. Mangarillo discussed this matter with Mr. Walters, Kent Building Inspector, and felt that the waiver should not be granted because the site is so constricted and there is a lot going on.

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Ms. Axelson's Comments (memo attached)

Ms. Axelson was pleased to see the changes the applicant made to their plans. Providing an inset plan showing the landing area related to the timber harvest was requested by Ms. Axelson as was done in the previous timber harvest plan. A rock removal note was also requested. In order to take credit for existing vegetation notes should be placed on the plans. Ms. Axelson noted her recommendations pertaining to the waivers were included in her memo. Ms. Axelson suggested the waivers be considered/granted when the Board is ready to approve the plans. Pertaining to the sign the text needs to be provided for a two-sided sign with 20 square feet on each side. Ms. Axelson recommended that the Planning Board could declare its intent to be Lead Agency in SEQRA review of the proposed action and circulate to involved agencies and make 239LNM referral to the Department of Planning for review and comments and set a Public Hearing for the several applications for this project. A draft Resolution was submitted to the Planning Board at this meeting (attached).

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

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

The motion carried.

Mr. Tolmach asked for a motion to adopt the Resolution proposed by Ms. Axelson. 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.

• **Goldfine/Rynn, Daffodil Lane, Kent, NY; TM: 11.12-1-21**

Ms. Mangarillo's Comments (memo attached)

The Town has an erosion control bond in the amount of \$17,401.00 since April of 2017, which was to be held for two years after the date of acceptance. The property has been stabilized since November of 2019. Ms. Mangarillo visited the site to confirm this and said some grass seed was established recently. Ms. Mangarillo recommended the town hold \$5,000.00 to cover the cost of a diversion swale and the bio filter basins, which are the most critical aspects of erosion control, and release \$12,401.00 at this time to Mr. Goldfine.

Mr. Tolmach asked for a motion to return \$12,401.00 to Mr. Goldfine and retain \$5,000.00 of the erosion control bond submitted in 2017. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. Following were the roll call votes.

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

The motion carried.

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

- NYCDEP Bailey Brook Forest Mgmt Project      Erosion Control/Timber Harvest      Status Report  
Nimham Rd. & Cole Shears Ct., Kent, NY  
TM: 20.-1-57; 20.-1-48, 50, 57,73 thru 81

Ready for Chairman's signature. Wetland Permit needs to be done.

- Sun Property      Erosion Control Plan      Status Report  
3 Westwood Dr., Kent, NY  
TM: 19.12-1-20

Waiting for re-submittal

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

Ms. Axelson will send conditions to Mr. Battistoni.

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

Status Report

Nothing new submitted.
- Rodriguez  
104 Smalley Corners Rd., Kent, NY  
TM: 21.-1-10

Sub-Division  
Status Report

Nothing received in two years a letter will be sent regarding status.
- Raneri Property  
Hillside Paper Rd., Kent., NY  
TM: 44.24-1-3

Erosion Control Plan/  
Status Report

Nothing new. Need escrow from Mr. Raneri.
- Gierer (Cargain) Property  
43 Marie Road, Kent, NY 10512  
TM: 22.-1-42

Erosion Control Plan/  
Bond Recommendation  
Withdrawal pending  
Status Report

Withdrawal letter not received. A letter to be sent.
- DiSanza Property  
381 Ludingtonville Rd., Holmes, NY  
TM: 12.-3-63 & 64

Erosion Control Plan/  
Wetland Permit  
Status Report

In Court. Mr. Walters said court was held that night and Mr. DiSanza did not appear. Held over to October 2, 2020. Prosecutor to contact Mr. DiSanza's attorney. Mr. DiSanza is to contact Planning Board to inspect the property. The applicant requested fees paid to Planning Board be returned.
- Cabrera Property  
126 Hortontown Road, Kent, NY  
TM: 19.-1-35

Erosion Control Plan  
Status Report

Waiting for update.

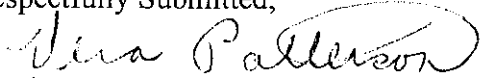
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Mr. Tolmach asked for a motion to close the September 10, 2020 meeting at 9:15 PM. The motion was made by Mr. Carey and seconded by Mr. Lowes. The roll call votes were as follows:

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.

Respectfully Submitted,



Vera Patterson  
Planning Board Secretary

cc: Planning Board Members  
Building Inspector  
Town Clerk

SEPTEMBER 2020

KENT PLANNING BOARD AGENDA

Workshop: September 03, 2020 (Thursday, 7:30 PM)

Meeting: September 10, 2020 (Thursday, 7:30 PM)

THIS MEETING WILL BE CONDUCTED VIRTUALLY The Town of Kent Planning Board will be holding its regularly scheduled monthly workshop on Thursday, September 3, 2020 and the monthly meeting on Thursday, September 10, 2020 at 7:30 p.m. via ZOOM. The meeting will be televised live on the Town of Kent cable channel as well as live-streamed on YouTube. The public can participate via ZOOM. Please identify yourself when participating just as you would if you came to the microphone during a regular meeting. Thank you for your cooperation.

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

***Topic: Town of Kent, N.Y. Planning Board Work Session Meeting September 3, 2020***  
***Time: September 3, 2020 07:30 PM Eastern Time (US and Canada)***

***Topic: Town of Kent, N.Y. Planning Board Meeting September 10, 2020***  
***Time: September 10, 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>***

SEPTEMBER 2020  
KENT PLANNING BOARD AGENDA

Workshop: September 03, 2020 (Thursday, 7:30 PM)

Meeting: September 10, 2020 (Thursday, 7:30 PM)

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

***Topic: Town of Kent, N.Y. Planning Board Work Session Meeting September 3, 2020***

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***Topic: Town of Kent, N.Y. Planning Board Meeting September 10, 2020***

***Time: September 10, 2020 07:30 PM Eastern Time (US and Canada)***

***Join Zoom Meeting***

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

***Meeting ID: 587 708 3251***

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***+19292056099,,5877083251# US (New York)***

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***+1 929 205 6099 US (New York)***

***Meeting ID: 587 708 3251***

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

## SEPTEMBER 2020 AGENDA

- |  |  |        |
|--|--|--------|
| <ul style="list-style-type: none"> <li>• Approve Planning Board Minutes from August 13, 2020</li> </ul>  |  |        |
| <ul style="list-style-type: none"> <li>• Fregosi/Marinelli Property<br/>Miller Hill Road, Kent, NY<br/>TM: 10.-1-17</li> </ul>   | Erosion Control Plan<br>Public Hearing<br>(Continued)                          | Review |
| <ul style="list-style-type: none"> <li>• Vitiello<br/>475 Pudding Street, Kent, NY<br/>TM: 31.-1-32</li> </ul>   | Erosion Control Plan<br>Public Hearing   | Review |
| <ul style="list-style-type: none"> <li>• Kent Development - Commercial Lot<br/>&amp; Timber Harvest<br/>N. Horsepound &amp; Peckslip Rds.<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>• Goldfine/Rynn<br/>Daffodil Lane, Kent, NY<br/>TM: 11.12-1-21</li> </ul>   | Erosion Control Plan/<br>Bond Reduction  | Review |



**Town of Kent Planning Board Minutes  
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Permit Applications Updates (Applicants attendance not required/Workshop Discussion):

- |  |  |               |
|--|--|---------------|
| • NYCDEP Bailey Brook Forest Mgmt Project<br>Nimham Rd. & Cole Shears Ct., Kent, NY<br>TM: 20.-1-57; 20.-1-48, 50, 57,73 thru 81 | Erosion Control/Timber Harvest                                     | Status Report |
| • Sun Property<br>3 Westwood Dr., Kent, NY<br>TM: 19.12-1-20   | Erosion Control Plan   | Status Report |
| • Putnam Nursing &<br>Rehabilitation Center Addition<br>404 Ludingtonville Road, Holmes, NY<br>TM: 12.-3-40 & 41                 | Erosion Control/Site Plan/<br>Wetland Permit/Bond Estimate         | Status Report |
| • Route 52 Development/Kent Country Square<br>Route 52, Kent, NY<br>TM: 12.-1-52   | SEQRA  | Status Report |
| • Rodriguez<br>104 Smalley Corners Rd., Kent, NY<br>TM: 21.-1-10   | Sub-Division   | Status Report |
| • Raneri Property<br>Hillside Paper Rd., Kent,, NY<br>TM: 44.24-1-3  | Erosion Control Plan/  | Status Report |
| • 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 |
| • DiSanza Property<br>381 Ludingtonville Rd., Holmes, NY<br>TM: 12.-3-63 & 64  | Erosion Control Plan/<br>Wetland Permit                            | Status Report |
| • Cabrera Property<br>126 Hortontown Road, Kent, NY<br>TM: 19.-1-35  | Erosion Control Plan   | Status Report |

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September 10, 2020**



## Cornerstone Associates

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

s

September 9, 2020

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Fregosi Application**  
Miller Hill Road  
Section 10 Block 1 Lot 17

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

1. Plan entitled; "Stormwater Pollution Prevention Plan-Joseph Fregosi" prepared by Roy Fredriksen, P.E. dated 08/19/20 (rev.), 1 sheet: 1 of 2.
2. Plan entitled; "Stormwater Pollution Prevention Plan-Joseph Fregosi" prepared by Roy Fredriksen, P.E. dated 08/24/20 (rev.) , 1 sheet: 2 of 2.
3. Property Survey prepared by Baxter Land Surveying dated 10/7/19, 1 sheet.
4. Architectural Plan prepared by Roy Fredriksen, P.E. dated 04/13/20, 1 sheet.
5. Comment response memo executed by Roy Fredriksen, PE dated 08/19/20.
6. Email dated 8/24/20 from Marc Marinelli providing Schedule A of the property and maintenance agreement information.
7. Letter executed by Victoria Lawrence of NYSDEC dated 04/06/18, 3 pages.
8. PCDOH Well and Septic System approvals (dates were not legible).

### **Review:**

The applicant has not provided a response to the prior memos prepared by this office dated:

January 6, 2019  
February 13, 2019  
June 11, 2020

Based upon review of the above referenced materials, the following items in the prior memos remain to be addressed:

### Wetlands:

Site inspection revealed that the wetland boundaries as indicated on the above referenced map may not comport with requirements as indicated in Chapter 39A of the Town of Kent Town Code. As a result, it is recommended that the Planning Board request the

applicant to provide an accurate, recent wetland boundary in compliance with Town Code.

A New York State Department of Environmental Conservation (NYSDEC) jurisdictional wetland and wetland buffer are indicated to be located on the site. The property is also located within a NYSDEC check zone. A NYSDEC wetland validation block has not been provided. This office will conduct a site inspection to verify the boundaries of the Town of Kent wetland/watercourse and buffer areas on the site.

Trees:

The applicant has requested a tree survey waiver. Site inspection revealed that there are no specimen trees or forested areas of significance within the proposed limits of disturbance. Applicant has not indicated that tree cutting will not occur between November 1 and March 31 of the following year due to US Fish and Wildlife bat restrictions.

Well and Septic System:

Well and septic system approvals from the Putnam County Department of Health have been provided but it could not be determined if the approvals are current and that they comport with the current site plan.

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

**Additional:**

This review was conducted based on PDF copies of the plans and supporting materials. Upon receipt of hardcopies, modifications to these comments and additional comments may be provided.

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



CAROL KURTH\*

ARCHITECTURE PC

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August 20, 2020

Planning Board  
Town of Kent  
Kent Lakes, NY 10512

Re: Application for Planning Board  
Frank and Juli Vitiello  
475 Pudding Street  
Kent, NY 10512

Tax Identification: 31.-1-32  
Zoning: R- 80 Residential

Dear Chair and members of the Planning Board,

Per the request of the Planning Board, please find a narrative description of the proposed project with respect to the use of the home, proposed bedrooms and garage placement as well as the garage apartment.

**House:**

The home is a weekend and vacation home for the owners, which during COVID has become more of a full time residence.

The owners are very family oriented with all four grandparents alive, healthy and living regionally. They also have a large extended family both regionally and in Italy that often join them at the house for extended weekends and vacations. They also frequently host friends in combinations with family.

The proposed additions provide additional bedrooms for the nuclear family as well as expanded living space and a larger kitchen for the family and guests.

**Garage and Garage Bedrooms**

There is currently no garage in proximity to the house. The existing garage is a notable distance the house down a secondary driveway. It is both far and inaccessible during winter.

The owner has several cars, and wants protection from the elements and convenience of a garage in proximity to the house.

The family is also seeking more bedrooms than can be practically accommodated in the main structure.

Our concept is to use the hillside to tuck the garage into, while adding 3 bedrooms above that nestled into the grade/topography. Thus, from the top of the hill and at the back of the garage, the second story bedrooms are effectively at ground level. Frank Lloyd Wright said of this concept that a structure should be "of the hill", not "on the hill".

We explored numerous positions and locations for the garage structure, and although the property is large acreage, the actual buildable areas around the house is quite limited given the properties severe grades, undulations and existing driveway. Thus, having the garage not block windows from the new addition requires tucking it into the hillside. We also explored angled versus straight, and came to the conclusion that from a



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design perspective, the garage made the most sense at a roughly 90 degree angle to the main house. Any more of an angle made the garage doors more visible from within the house. Any less of an angle made the back of the garage more visible from inside the house. And either more or less made for awkward parking and turning situations in the driveway.

The rooms over the garage are to be used for family members and friends and their children when visiting. Neither the rooms over the garage nor any aspect of the property will be used for any type of Airbnb, B&B or rental income.

The owners are seeking a private home for their private enjoyment.

The Zoning Board gave their approval with condition of a 5 year renewal, and that the space is not to be used as an Airbnb.

Please further note that home and garage will sit on 3 contiguous parcels of over 100 acres in total, and even after the planned expansion will be extremely difficult to see from Pudding Street or Gordon Road.

Thank you for your consideration in this matter.

Sincerely,

Carol Kurth, FAIA ASID



August 24, 2020

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

RE: Vitiello Residence  
475 Pudding Street  
Kent, NY  
Tax Map No. 31.-1-32

Dear Chairman Tolmach and Members of the Board:

Enclosed please find fourteen (14) copies of the following:

- Drawing OP-1, "Overall Plan", last revised August 20, 2020. (5 Full Scales and 9 Reduced Scale)
- Drawing SL-1, "Existing Conditions, Steep Slopes and Soils Plan", dated August 20, 2020. (5 Full Scales and 9 Reduced Scale)
- Drawing SP-1, "Layout and Landscape Plan", dated August 20, 2020. (5 Full Scales and 9 Reduced Scale)
- Drawing SP-2, "Grading, Utilities, and Erosion and Sediment Control Plan", dated August 20, 2020. (5 Full Scales and 9 Reduced Scale)
- Drawing SP-103, "Site Plan / Exterior Lights", dated August 21, 2020, prepared by Carol Kurth Architecture, P.C. (5 Full Scales and 9 Reduced Scale)
- Revised Steep Slope and Erosion Control Permit Application.
- NYSDEC Notice of Intent (NOI).
- Property Survey prepared by Terry Bergendorff Collins.
- Short Environmental Assessment Form (EAF), dated June 11, 2020.
- August 20, 2020 Letter from Carol Kurth, FAIA ASID.
- Proposed Building Section Diagram, dated August 24, 2020, prepared by Carol Kurth Architecture, P.C.
- Lighting Cut Sheets.

In response to the August 12, 2020 comment memo from Julie S. Mangarillo, P.E., we offer the following:

1. A NOI has been provided for the required coverage under NYSDEC General Permit GP-0-20-001.
2. The duration of each step in the Construction Sequence has been added to Drawing SP-2.
3. The requested note has been added as step three of the Construction Sequence on Drawing SP-2.

4. The Town of Kent Steep Slope and Erosion Control Note C on Drawing SP-1 requires compliance with the General Permit. This serves as reference to the required record keeping, trained contractor inspection, and termination requirements of the General Permit. Note #4 of the Erosion and Sediment Control Notes has been modified to note stabilization measures within seven days as requested.
5. The Town of Kent ZBA has approved the accessory apartment over the garage. It is our understanding that the ZBA has shared their decision with the Planning Board.
- 6.a. A Driveway Profile has been added to Drawing SP-1 showing compliance with Town code.
- b. The driveway to the new garage and house addition is less than 500 feet. A pull off is not required. However, the proposed parking area on the plan could be utilized as a pull off area. The driveway intersection from the main driveway and the driveway to the existing shed is also less than 500 feet. No pull off is required.
- c. No improvements at the intersection of Pudding Street are proposed at this time. The existing driveway was used to construct the original house, so no improvements are anticipated.
- d. As noted on Drawing OP-1, the existing gravel driveway will be overlaid with asphalt. As this is an overlay of existing driveway no disturbance is anticipated.
- e. As discussed with the Planning Board at the August 13, 2020 meeting, the garage is designed to work with the existing topography as much as practical. The garage has been shifted 10' to the north to reduce the impacts to steep slopes. An Erosion Control Blanket has been added to the plan in steep slope areas. Additional information on the garage location is provided in the enclosed letter from Carol Kurth.
- f. As the project serves less than 1 acre no permanent stormwater management practices are required by code or regulation. However, additional trees adjacent to the garage are proposed to be saved which could be considered a runoff reduction practice if the project required permanent stormwater features. Several roof drains are also shown on plan as to discharge to a splash pad, which could be considered a rooftop disconnect green infrastructure practice if the project required permanent stormwater management.
- g. The proposed utility connection from the main house has been shown to the proposed garage on Drawing SP-2.
7. The 20-inch maple adjacent to the house addition will be protected in an attempt to save the tree during construction. The tree will be evaluated during construction to see if the construction has negatively impacted the tree. Tree protection has been added to Drawing SP-2 in this location.
- 8.a. Construction fence has been added around the well as requested.
- b. Some rock chipping may be required for the ledge to the west of the proposed garage. This will be minimized to the amount needed to provide a stable slope in this location.
- c. Construction fence has been added to Drawing SP-2 along critical areas of the limits of disturbance to limit construction creep and to maintain the 0.9 acres of disturbance shown on plan. The materials storage and construction staging area has also been added to Drawing SP-2. Access to the existing house can be maintained from the driveway serving the existing shed to the north east of the existing house.
- d. A Concrete Truck Washout Detail has been added to Drawing SP-2. The Concrete Truck Washout will be located in the staging area as noted on the detail.
- e. The stabilized construction entrance has been relocated to start at the edge of the limits of disturbance.
- f. Erosion and Sediment Control Note #9 has been revised as requested to require erosion control blanket on slopes steeper than 3:1.
9. A revised bond estimate is not required at this time.



10. A check for the \$500 application fee and \$1000 inspection coverage was provided in the initial submission.
11. It is understood that a Building Permit for the retaining wall over 3 feet tall is required.
12. See responses to Bruce Barbers comments below.


In response to the August 13, 2020 comment memo from Bruce Barber, we offer the following:

1. The Zoning Board of Appeals approved the 3-bedroom apartment over the garage. The conditions include that the apartment should not be used as an Air BnB and that the variance be reapproved on a five-year timeframe.
2. A Short EAF is enclosed herewith.
3. As discussed at the Planning Board meeting, the NYSDEC wetland is well off-site and the property is outside of the NYSDEC wetland check zone. No additional information is needed, and a Wetland Permit is not required.
4. The trees to be cut are shown on Drawing SP-1. General Note #4 has been added to Drawing OP-1 to limit the times that the trees can be cut as requested.
5. The location of potential rock chipping has been shown on Drawing SP-2. No blasting is proposed. The location of the garage is proposed to work with the existing terrain and must work with the existing house. The garage has been shifted 10' north to reduce impacts to steep slopes. An Erosion Control Blanket has been added to the plan in steep slope areas as mitigation for working within steep slopes. Additional information regarding the garage location is provided in the enclosed letter from Carol Kurth.
6. The project proposes approximately 2700 cubic yards of cut and 100 cubic yards of fill for a net cut of 2600 cubic yards. This information has been added to Drawing SP-2.
7. The project is not in the 100-year floodplain as noted on the Short EAF.
8. No cultural resources are impacted as indicated on the Short EAF.
9. The Short EAF indicates that the northern long eared bat may be present in the area. General Note #4 has been added to Drawing OP-1 to address the tree cutting limitations requested.
10. Approval of the septic system from the Putnam County Department of Health will be provided once it is received.
11. A copy of the property survey is enclosed herewith.
12. A copy of the Short EAF has been enclosed herewith.
13. The areas of potential rock chipping have been included on Drawing SP-2. No blasting is proposed.
14. As the project proposes less than 1 acre of disturbance, permanent stormwater management facilities are not required by code or regulation. Splash pads and rip rap stabilization have been proposed for roof drain downspout discharge and roof drain pipe discharge to prevent erosion from these discharges.
15. The use of the property is described in the enclosed letter from Carol Kurth.
16. The proposed utility connection from the house to the proposed garage has been shown on Drawing SP-2.
17. Locations of exterior lighting have been provided on Drawing SP-103. Cut sheets for the lights are enclosed herewith.
18. Hardcopy plans were provided for the initial submission and have been provided for the subject submission for review of the Planning Board and Consultants.

19. Please note that a typographical error on new construction square footage has been revised on the application to reflect the 4,520 s.f. proposed (3,520 was in error). Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

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

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

JMW/ems/tec

Enclosures:

cc: Carol Kurth

Insite File No. 19261.100



## Cornerstone Associates

*Environmental Planning Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

September 9, 2020

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

**Re: Vitiello Application-Second Review**

475 Pudding Street

Section 33 Block 1 Lot 32

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

1. Letter executed by John Watson of Insite Engineering dated 08/24/20, 4 pages.
2. Short-form EAF (Part I) executed by John Watson on Insite Engineering dated 06/11/20.
3. Letter from Carl Kurth, Architect dated 08/20/20, 1 page.
4. Proposed garage cross section plan prepared by Carol Kurth, Architect dated 08/24/20, 1 sheet (not signed/sealed).
5. Lighting Plan prepared by Carol Kurth, Architect dated 08/21/20, 1 sheet: SP-103.
6. Property Survey prepared by Terry Bergendorff Collins dated 6/16/20 (rev.), 1 sheet.
7. Plans entitled; "Vitiello Residence" prepared by Insite Engineering dated 08/20/20 (rev.), 4 sheets: OP-1, SL-1, SP-1, SP-2.

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

Application is to construct a 4,520 square foot two-bedroom addition to an existing single-family residence, a detached garage with a three-bedroom apartment, an expanded septic system, a proposed parking area and an expansion to the existing asphalt driveway on a 32.5+/- acre parcel in an R-80 zoning district. The parcel is situated on the easterly side of the intersection of Pudding Street. The applicant has indicated approximately 0.8 acres of land disturbance will be required.

### **B: Review:**

1. A site inspection was conducted on September 8, 2020. The inspection did not reveal any Town of Kent jurisdictional wetland or wetland buffer areas within the proposed limits of disturbance. A Town of Kent wetland permit is **not required** for the proposed action.
2. The applicant has provided a short-form EAF (Part I). The proposed action is found to be a Type II action under SEQRA.

3. The applicant has not indicated if trees are proposed to be cut within the proposed septic system areas. It is assumed that all trees are to be cut in the primary location of the septic fields. Please label the limits of disturbance for this area provide a plan note that no trees shall be cut outside of the limits of disturbance.
4. Please revise Plan Note #4 on Plan Sheet OP-1 to indicate that no tree cutting shall occur between November 1 and March 31 of the following year.
5. Please indicate the anticipated duration of the rock chipping.
6. Septic system approval from the Putnam County Department of Health is pending.
7. This office defers to the Town Engineer regarding review of the erosion and sediment control plan.

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

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 Planning Consultant

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

Resolution #9

Year 2020

Date: September 25, 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**  
**Frank & Juli Vitiello**  
**475 Pudding Street**  
**Kent, NY 10512**  
**TM: 31.-1-32**

Resolved: On September 10, 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 Erosion Control Bond and Inspection fee as noted below:

Erosion Control Bond, Citibank check 115411350	-	\$6,124.00
Final Inspection Fee, Citibank check 372	-	\$1,500.00

Mr. Tolmach asked for a motion to accept the Erosion Control Bond in the amount of \$6,124.00. The motion was made by Mr. Carey and seconded by Mr. Sisto. 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 this 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 September 10, 2020.

Dated: September 10, 2020

  
\_\_\_\_\_  
Vera Patterson  
Planning Board Secretary



September 24, 2020

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

RE: Vitiello Residence  
475 Pudding Street  
Kent, NY  
Tax Map No. 31.-1-32

Dear Chairman Tolmach and Members of the Board:

Enclosed please find fourteen (14) copies of the following:

- Project Plans (4 sheets), last revised September 21, 2020. (5 full scale and 9 reduced scale)

~~Blank copy of the MS4 Acceptance Form for the MS4 Inspection Fee (1)~~

~~Blank copy of the MS4 Acceptance Form for the MS4 Inspection Fee (1)~~

- Check #376 for \$1,000.00 Inspection Fee (1).

~~Blank copy of the MS4 Acceptance Form for the MS4 Inspection Fee (1)~~

- NYSDEC Notice of Intent (NOI). (4)

- Geotechnical Report. (4)

In response to the September 9, 2020 comment memo from Julie S. Mangarillo, P.E., we offer the following:

1. A signed NOI and a MS4 Acceptance Form have been enclosed herewith for coverage under GP-0-20-001.
4. GP-0-20-001 notes have been added to Drawing SP-2.
10. A check for Inspection fees is enclosed herewith.
1. No response required.
2. The Town of Kent has been noted as the MS4 in the NOI.
3. A label has been added to the rip rap outlets for the roof drain and footing drain on Drawing SP-2.
4. The bond estimate has been revised to include an erosion control blanket and rip rap pipe outlets as requested. It was referred to the Town Board at the 9/10/20 Planning Board meeting.
5. The recent storm and its aftermath brought down many trees and branches. In the clean up afterwards, the applicant brought in new topsoil and intends to stabilize the area along with planting new specimen trees, commemorating loved ones in their family. This area and the new temporary dirt trail adjacent to the existing garage are approximately 0.18 acres and will

---

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717

[www.insite-eng.com](http://www.insite-eng.com)

be shown on the plan. The total disturbance remains less than 1 acre. The soil stockpile is to be used to repair pot holes in the driveway as a result of storm damage.

6. The existing tree line has been added to Drawing SL-1 and the proposed tree line has been added to Drawing SP-1. A note stating no tree shall be removed outside the limits of the disturbance has been added to Drawing SP-2.
7. Stabilization of the dirt road and landscape area has been noted on Drawing SP-2.
8. An email noting no objection to the septic plans from the Putnam County Department of Health was previously forwarded. The formal approval will be forwarded once received.

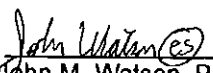
In response to the September 9, 2020 comment memo from Bruce Barber, we offer the following:

1. It is understood that no wetland permit is required.
2. It is understood that the action is a Type II action under SEQRA.
3. The existing tree line has been added to Drawing SL-1 and the proposed tree line has been added to Drawing SP-1. A note stating no tree shall be removed outside the limits of the disturbance has been added to Drawing SP-2.
4. General Note #4 on Drawing OP-1 has been revised as requested.
5. The project is anticipated to be built in two phases with the addition to the main house as the first phase of work. (They are to be filed as two separate Building Permits) The rock hammering for the addition foundation/footings and basement excavation is anticipated to take approximately 10 to 15 days of machine work, depending on the hardness of the rock encountered. The garage building has been moved 10 feet, thus the boring that was taken is now out of the building envelope. Based on the rocky conditions being more favorable as a result, as well as that the structure is slab on grade, this scope is anticipated to take approximately 10 days of rock hammering. Note there will be no rock hammering or excavation work on weekends. All work will be undertaken during normal business hours as allowed by the Building Department.
6. An email noting no objection to the septic plans from the Putnam County Department of Health was previously forwarded. The formal approval will be forwarded once received.
7. Comments from the Town Engineer are addressed above.

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

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

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

JMW/EMS/amk

Enclosures:  
cc: Carol Kurth

Insite File No. 19261.100

**PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL**

**Frank & Juli Vitiello  
475 Pudding Street  
Kent, NY 10512  
TM: 31.-1-32**

Bond given by Frank & Juli Vitiello, 475 Pudding Street, Kent, New York 10512/Tax Map 31.-1-32 ("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 9/23/20.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$6,124.00, 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 development activity, as that term is defined in Town of Kent Town Code Chapter 66 (the "Code"), on certain real property located in the Town of Kent, in connection with which 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 construction of an addition to a single family residence and a detached garage with an apartment on the second level known as the Vitiello Property ("Project Plans") and the Erosion and Sediment Control Plan, prepared by Insite Engineering, 3 Garrett Place, Carme, NY 10512.

All these plans were reviewed on September 10, 2020 by the Obligee. A conditional approval of land development activity in the nature of a Steep Slope and Erosion Control Permit of plans to construct a single family residence addition and detached garage in an R-80 zoning district. 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 Steep Slope and Erosion Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001.

WHEREAS, the amount of this bond is based upon a recommendation by the Planning Board Consulting Engineer to the Planning Board dated September 10, 2020; and

WHEREAS, as condition to the issuance and approval of a Steep Slope and 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, provided that such a period shall not be less than two years from the date of final acceptance or such other certification that the erosion and sedimentation controls have been completed in accordance with approved Project Plans.



The applicant hereby expressly authorizes the **Town of Kent**, its agents, employees, engineers, consultants and/or planners 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 **FRANK & JULI VITIELLO**;

Dated: 9/23/ 2020

FRANK VITIELLO

By: 

(signature)

(print/type signatory's name)

Frank Vitiello

JULI VITIELLO

By: 

(signature)

(print/type signatory's name)

Juli Vitiello

Owner/Obligee, Frank & Juli Vitiello

(print/type signatory's title)

STATE OF New York )

) ss.:

COUNTY OF New York )

On the 23rd day of September, 2020, before me, the undersigned, a notary public in and for said state, personally appeared Frank Vitiello and Juli Vitiello, 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

PATRICK L MCROBERTS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01MC6386533  
Qualified in New York County  
My Commission Expires 01-28-2023

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: September 25, 2020  
TO: Finance Department  
CC:  
FROM: Vera Patterson  
RE: Vitiello TM: 31.-1-32

Please find attached the following checks:

Citibank #372, dated 9/16/20 - \$1,500.00 - escrow/inspection fee

Citibank Bank Check #115411350, dated 9/16/20 - \$6,124.00 - Erosion Control Bond

I have forwarded the bond Agreement to the Town Board for them to approve. Please hold the checks until it is approved.

Thanks very much.

<b>RECEIPT</b>		DATE <u>Sept 25, 2020</u>	No. <u>537112</u>
RECEIVED FROM <u>Juli Frank Vitiello</u>		<u>\$6,124.00</u>	
<u>Six Thousand One Hundred Twenty Four</u>		DOLLARS	
<input type="radio"/> FOR RENT <u>Erosion Control Bond</u>			
<input checked="" type="radio"/> FOR			
ACCOUNT		<input type="radio"/> CASH	
PAYMENT		<input checked="" type="radio"/> CHECK	
BAL. DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	
		FROM <u>V. Patterson</u>	TO <u>J. Vitiello</u>
		BY	

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK		<b>OFFICIAL CHECK</b>		HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK	
<b>citibank</b>				115411350	
Citibank, N.A.				DATE 09/15/20	
FC# 00010 FA# 070		\$0.00 ONL PIC			
028-02 Ck. Ser. #		115411350			
PAY		*****SIX THOUSAND ONE HUNDRED TWENTY-FOUR DOLLARS*****		**\$6,124.00**	
TO THE ORDER OF		*****TOWN OF KENT*****			
NAME OF REMITTER		JULI VITIELLO		Drawer: Citibank, N.A.	
ADDRESS		Citibank, N.A. One Penn's Way		BY <u>[Signature]</u>	
New Castle, DE 19720				AUTHORIZED SIGNATURE	



## EROSION CONTROL BOND ESTIMATE

Prepared For  
Vitiello Residence  
475 Pudding Street  
Town of Kent, New York

September 9, 2020

Item	Quantity	Unit Price	Total
Stabilized Construction Entrance	1 Each	\$750.00 Each	\$750.00
Silt Fence	470 L.F.	\$2.00 / L.F.	\$940.00
Erosion Control Blanket	410 S.Y.	\$1.90 / S.Y.	\$779.00
Seeding & Mulching	28,000 S.F.	\$0.06 / S.F.	\$1,680.00
Temporary Soil Stockpile	3 Each	\$575.00 Each	\$1,725.00
Rip Rap Outlets and Splash Pads	Lump Sum	\$250.00	\$250.00
<b>TOTAL</b>			<b>\$6,124.00</b>

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: September 24, 2020  
TO: Accounting  
CC: [frank@vittello.com](mailto:frank@vittello.com)  
ESchlobohm@insite-eng.com  
FROM: Vera Patterson  
RE: Vittello Property TM: 31.-1-32

Please find attached Citibank Check 372 dated 9/16/20 in the amount of \$1,500.00 which is to be deposited into the escrow account for the property noted above.

<b>RECEIPT</b>		DATE <u>9/24/20</u>	No. <u>537110</u>
RECEIVED FROM <u>Julio/Frank Vittello</u>		<u>\$1,500.00</u>	
<u>Fifteen Hundred and 00/100</u>		DOLLARS	
<input type="radio"/> FOR RENT		<u>Review Fee/Escrow T.M. 31.-1-52</u>	
<input checked="" type="radio"/> FOR		<u>372</u>	
ACCOUNT		<input type="radio"/> CASH	
PAYMENT		<input checked="" type="radio"/> CHECK	FROM <u>V. Patterson</u> TO <u>J. Vittello</u>
BAL. DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	BY _____

**Town of Kent**  
One Thousand Five Hundred & 00/100 \$ 1,500.00  
citibank Citigold  
CITIBANK, N.A. Rev. 12-20  
For Vittello Property 31.-1-32  
⑆021000089⑆ 6796231599⑆ 0372

**Vitiello Property 31.-1-32**

Date		Deposits	Fees	Balance
7/30/2020	Check #315	1,000.00		1,000.00
08/25/20	Rohde-29657-2478		(28.00)	972.00
08/03/20	Comerstone - 20-0903 Aug 2020		(687.50)	284.50
09/03/20	Rohde-29657-2525		(840.00)	(555.50)
09/24/20	Citibank Ck 372 - escrow	1,500.00		944.50



**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: September 9, 2020

Project: Vitiello, 475 Pudding St  
TM # 31.-1-32

The following materials were reviewed:

- Please see Appendix A

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

New and supplementary comments are shown in **bold**.

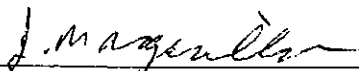
The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated August 12, 2020:

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.
4. The Applicant and Applicant's design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP or on the drawings.
  - a. **The response letter indicates a note requiring compliance with the General Permit, GP-0-20-001 is sufficient. However, there is generally better compliance from contractors when the requirements are included on the drawing.**
10. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.

- a. **Response letter indicates the inspection fee has already been paid. It is our understanding that the review fee of \$1000 has been paid, along with the \$500 application fee. The \$1000 initial inspection fee is separate and is intended to cover town inspections during construction. The initial inspection fee is required prior to Planning Board Chairman signature of the plans.**

**New Comments:**

1. It is noted that the garage has been shifted 10 feet to the north to reduce steep slope impacts.
2. Refer to the Notice of Intent:
  - a. Page 5, #16 – Include Town of Kent as the MS4.
3. Refer to drawing SP-2 – Include riprap outlet protection or other erosion protection at the outlet of the combined footing drain/roof drain.
4. A bond estimate of \$5,095.00 was prepared by Insite Engineering, dated June 30, 2020. As discussed at the Planning Board workshop, we recommend the bond estimate be revised to include the erosion control blanket and riprap outlet protection for the combined footing drain/roof drain.
5. During a site visit on September 8, 2020, it was noted there was an additional area of disturbance to the east of the proposed garage, between the tennis court and play area. There is also a soil stockpile on site. A new access trail has been cut in between an existing access trail by the existing septic field and the existing garage. This new access trail may cross the proposed expansion area for the apartment. These disturbances will need to be fully stabilized before the Erosion Control Permit is issued or they need to be incorporated into the permit application and drawings. It is noted that the current proposed area of disturbance is 0.81 acres. More than 1 acre of disturbance requires long term stormwater management treatment.
6. During the site visit it was noted that the area of proposed septic field for the house is wooded along with large portions of the property. Currently, the drawings only show individual trees near the house. Based on the drawing alone, it appeared the proposed septic field was located in a grassed area.
  - a. Provide a treeline for the property. Provide a note stating that trees outside the limits of disturbance will not be removed.
7. During the site visit it was also noted that existing dirt trails have been recently graded off, leaving exposed soil. These trails should be stabilized in some way, such as wood chips, gravel, or some grass cover.
8. Provide Putnam County Health Department permits when they have been received.

  
Julie S. Mangarillo, P.E., CPESC

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

Bruce Barber via email  
Liz Axelson via email

# APPENDIX A

## List of Documents Reviewed

1. Letter to Town of Kent Planning Board-Vitiello Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated August 24, 2020.
2. Town of Kent Planning Board Combined Application-Frank and Juli Vitiello-dated June 23, 2020.
3. Notice of Intent-New York State Department of Environmental Conservation Division of Water--Frank and Juli Vitiello, dated June 11, 2020.
4. Short Environmental Assessment Form-Vitiello Residence dated June 11, 2020.
5. Letter to Kent Planning Board-Application Frank and Juli Vitiello, prepared by Carol Kurth Architecture dated August 20, 2020.
6. Drawing -Proposed Garage Section-prepared by Carol Kurth Architecture P.C., dated August 24, 2020, scale  $\frac{1}{4}" = 1'$ .
7. Exterior Lighting-475 Pudding Street, Carmel, NY.
8. Drawing SP-103- Proposed Site Plan/Exterior Lights- Vitiello Residence-prepared by Carol Kurth Architecture P.C., dated August 21, 2020, scale  $1" = 10'$ .
9. Survey of Property- Frank and Juli Vitiello-prepared by Terry Bergendorf Collins, dated January 7, 2020 last revised June 16, 2020, scale  $1" = 50'$ .
10. Drawing OP-1- Overall Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, last revised August 20, 2020 scale  $1" = 60'$ . And revised September 4, 2020, submitted via email.
11. Drawing SL-1- Existing Conditions and Steep Slopes Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, last revised August 20, 2020 scale As Shown.
12. Drawing SP-1- Layout and Landscape Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, last revised August 20, 2020 scale As Shown.
13. Drawing SP-2- Grading, Utilities, Erosion & Sediment Control Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, last revised August 20, 2020, scale As Shown.
14. Drawing -Vitiello - Proposed Garage 2<sup>nd</sup> Fl Plan - prepared by Carol Kurth Architecture P.C., dated September 4, 2020, scale  $\frac{3}{16}" = 1'$ , via email.





## Cornerstone Associates

*Environmental Planning Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

September 9, 2020

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

**Re: Vitiello Application-Second Review**

475 Pudding Street

Section 33 Block 1 Lot 32

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

1. Letter executed by John Watson of Insite Engineering dated 08/24/20, 4 pages.
2. Short-form EAF (Part I) executed by John Watson on Insite Engineering dated 06/11/20.
3. Letter from Carl Kurth, Architect dated 08/20/20, 1 page.
4. Proposed garage cross section plan prepared by Carol Kurth, Architect dated 08/24/20, 1 sheet (not signed/sealed).
5. Lighting Plan prepared by Carol Kurth, Architect dated 08/21/20, 1 sheet: SP-103.
6. Property Survey prepared by Terry Bergendorff Collins dated 6/16/20 (rev.), 1 sheet.
7. Plans entitled; "Vitiello Residence" prepared by Insite Engineering dated 08/20/20 (rev.), 4 sheets: OP-1, SL-1, SP-1, SP-2.

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

Application is to construct a 4,520 square foot two-bedroom addition to an existing single-family residence, a detached garage with a three-bedroom apartment, an expanded septic system, a proposed parking area and an expansion to the existing asphalt driveway on a 32.5+/- acre parcel in an R-80 zoning district. The parcel is situated on the easterly side of the intersection of Pudding Street. The applicant has indicated approximately 0.8 acres of land disturbance will be required.

### **B: Review:**

1. A site inspection was conducted on September 8, 2020. The inspection did not reveal any Town of Kent jurisdictional wetland or wetland buffer areas within the proposed limits of disturbance. A Town of Kent wetland permit is **not required** for the proposed action.
2. The applicant has provided a short-form EAF (Part I). The proposed action is found to be a Type II action under SEQRA.

3. The applicant has not indicated if trees are proposed to be cut within the proposed septic system areas. It is assumed that all trees are to be cut in the primary location of the septic fields. Please label the limits of disturbance for this area provide a plan note that no trees shall be cut outside of the limits of disturbance.
4. Please revise Plan Note #4 on Plan Sheet OP-1 to indicate that no tree cutting shall occur between November 1 and March 31 of the following year.
5. Please indicate the anticipated duration of the rock chipping.
6. Septic system approval from the Putnam County Department of Health is pending.
7. This office defers to the Town Engineer regarding review of the erosion and sediment control plan.

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

Sincerely,

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

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

County of Putnam  
State of New York

**ZONING BOARD OF APPEALS  
TOWN OF KENT**  
25 Sybil's Crossing  
Carmel, NY 10512

ZONING BOARD USE ONLY

Z.B.A. No. 2BA-20-13

Case Adv. \_\_\_\_\_

Meeting \_\_\_\_\_

**REQUEST FOR HEARING  
APPLICATION FOR VARIANCE**

- REQUIREMENTS:**
1. Application must be clearly printed or typed in triplicate.
  2. Application fee of \$ \$300 must accompany completed form.
  3. (7) Seven copies of survey must be submitted with Application.  
(Applicant's proposal, if any, must be shown)
  4. Applicant or representative must be present at Hearing.
  5. Applications should be submitted on the first day of the month in order to be reviewed the same month.
  6. It is the applicant's responsibility to notify all property owner(s) within 500 feet by certified, return receipt requested, letter of their intent to submit an Application for Variance.

**TO BE COMPLETED BY APPLICANT:**

Name and Mailing Address of Applicant:

( Carol Kurth Architecture, P.C.  
( 644 Old Post Road  
( Bedford, NY 10506

Date of Application: June 12, 2020

Location of Property: 475 Pudding St. Carmel, NY 10512

Lot No. or Acreage: 32.523 acres

Phone: Carol Kurth Architecture, P.C.

Tax Map No. 31.-1-32

Email: carol.kurth@carolkurtharchitects.com

1. State actual variance requested:

1. Request to have a guest apartment over the proposed detached garage per [Article III - R80 §77-7 (B) (8)]

(As an alternative: special use accessory apartment per [Article III - R80 §77-7 (D) (1)])

2. Request to have an apartment over garage and in an accessory structure per [Article XXI - Accessory Apartments §77-70 (B)]

3. Request to have a 1618.5 SF apartment (max. size is 800 SF) per [Article XXI - Accessory Apartments §77-70 (B) (7)]

2. Does the property meet the requirements of Municipal Law 239-m? (Is the property located within 500 ft. of any state or county highway, town boundary, or county, town, city or state properties, etc.?)  
Yes X No If so, please submit one (1) additional survey copy with application.

3. Has this request been presented to the Zoning Board prior to this date? Yes X No  
If so, supply date and decision of Board:

4. Signature & Address of Owner:

(Signature) Frank and Juli Vitello  
(Please Print Name of Owner)  
475 Pudding St.  
(Street)  
Carmel, NY 10512  
(City, Town, State, Zip Code)

5. Signature of Applicant if other than owner:

**ZONING BOARD USE ONLY: SUBJECT TO RENEWAL EVERY FIVE YEARS**

Decision of Board on above application: VARIANCE APPROVED WITH THE  
FOLLOWING CONDITIONS: USE OF PROPERTY IN QUESTION AS AN

APR 8+8, SIMILAR ENTERPRISE, OR OTHER COMMERCIAL OR CORPORATE  
ENDEAVOR OR USE WITHIN THE VARIANCE - RENEW EVERY FIVE YEARS

(Chairman's Signature)

7/20/2020

**In the Matter of 475 Pudding Street. Carmel, New York**

**Carol Kurth Architecture, P.C.**

**644 Old Post Road Bedford, NY 10506**

**Frank & Juli Vitello**

**475 Pudding Street, Carmel NY 10512**

**Variance is issued with the following conditions:**

**Use of property in question as an Air B&B, similar enterprise, or other commercial or corporate endeavor or use will void this variance.**

**Variance subject to renewal every five (5) years.**

 7/20/2020

**Gordon A. Moccio, Chairman**

**Town of Kent Zoning Board of Appeals**