

Approved: January 13, 2022

**TOWN OF KENT PLANNING BOARD
December 9, 2021
FINAL ADOPTED MINUTES**

The Planning Board held their December 9, 2021 meeting at Kent Town Hall.

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

The following Planning Board members and Planning Board consultants participated in the meeting via Zoom:

Members:

Phil Tolmach, Chairman
Simon Carey
Sabrina Cruz

Dennis Lowes, Vice Chairman
Hugo German
Stephen Wilhelm

Absent:

Giancarlo Gattucci
Julie Mangarillo, Rohde, Soyka & Andrews/Consultant
Jamie McGlasson, Liaison
Chris Ruthven, Liaison
Bill Walters, Kent Building Inspector

Others in Attendance:

John Andrews, Rohde, Soyka & Andrews
Liz Axelson, Clark, Patterson & Lee, Planner
Bruce Barber, Environmental Consultant
Bill Walters, Building Inspector

- Mr. Tolmach asked for a motion to approve the Planning Board minutes from the November 18, 2021 meeting. 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>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

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Mr. Tolmach asked the Planning Board members to identify themselves and to state that they were alone in a room during the meeting. All of the members did so.

• **Brigman Property, Hortontown Road, Kent, NY; TM: 19.-1-31**

This was a continuation of a Public Hearing. Mr. Barber advised the Planning Board that Mr. Paul Lynch, of Putnam Engineering, who represented the applicant, had attended the Planning Board workshop and some recommendations were made pertaining to changes to the plans for this project. Mr. Lynch said, at the workshop, that he would submit new plans for the January meeting. Mr. Barber suggested that Mr. Tolmach re-open the Public Hearing for this project and then to adjourn it to the January 13, 2022 meeting.

Mr. Tolmach asked for a motion to open the Public Hearing for this project to January 13, 2022. The motion was made by Hugo German and seconded by Dennis 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>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

No one asked to be heard so Mr. Tolmach asked for a motion to adjourn this Public Hearing until the January 13, 2022 meeting. The motion was made by Stephen Wilhelm and seconded by Simon 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>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

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• **Kent Self Storage, Route 311, Kent, NY; TM: 22.-2-17**

Mr. Joseph Riina, of Site Designs, who represents the applicant, was unable to attend the meeting.

Ms. Axelson advised the Planning Board that she had prepared a Draft Resolution and memorandums. Ms. Axelson sent the Draft Resolution (Attached) to the planning board members prior to the meeting. Ms. Axelson said the Draft Resolution was for two 90-day extensions of reapprovals with conditions for Site Plan and Erosion and Sediment Control permits, SEQRA Review was done and it was determined on November 14, 2019 that this project would not have any significant impacts. Public Hearings were held in October and November of 2019 and final approval with conditions was granted on November 14, 2019. Site Plan conditional approval expired twelve months after final approval. A request was sent to the Planning Board to grant re-approval of this project and on December 10, 2020, the Planning Board adopted a Resolution re-affirming its SEQRA determination and re-approval of the final approval with conditions to the Site Plan and Erosion and Sediment Control Steep Slope approvals, which was to expire shortly. Another letter was sent requesting two 90-day extensions of the prior re-approval. Ms. Axelson read a new Resolution (attached) granting the two 90-day extensions of the prior approvals with conditions requested at the November 2021 meeting and a Public Hearing was waived because one was done previously. The following procedural conditions were new (suggested by Mr. Andrews):

- Prior to the expiration date of the first 90-day extension the applicant and/or his representatives shall return to the Planning Board at a regularly scheduled meeting and by means of written documentation demonstrate and substantiate good faith progress satisfying any remaining conditions of approval; and
- The Planning Board, in its discretion, retains the right to rescind the second 90-day extension in the event the applicant has made unsuitable progress, or in the opinion of the Planning Board fails to demonstrate a good faith effort to advance this project.

Mr. Tolmach asked for a motion to adopt the Resolution prepared by Ms. Axelson. The motion was made by Mr. Wilhelm and seconded by Mr. German. Following were the roll call votes:

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Lowes complimented Ms. Axelson on her diligence and hard work pertaining to this comprehensive Resolution.

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- **Holly Property, Winkler's Farm Court, Kent, NY; TM: 33.16-1-8**

Mr. Robert Bradley represented the applicant at the meeting. Mr. Bradley advised the Planning Board that he, Messrs. Andrews, Barber, and Mr. Steve Marino had visited the site and Mr. Marino flagged one area by the stream that was identified as wetlands and did soil tests. Mr. Bradley said he was not sure if this would affect the location of the septic system, but when Mr. Marino submitted his report, he would forward it to the Board. Handouts were prepared which included a copy of the court judgement and floor plans and would be distributed at the next meeting. There will be 12 new units and there are seven existing units, which will bring the total to 19. Mr. Bradley said that he had received Ms. Axelson's memo earlier in the evening and that a response would be submitted at the next meeting. Mr. Lowe advised Mr. Bradley that an updated survey map was needed showing the watercourse, the delineation of the wetland, all the flag numbers, and the 100' wetland buffer so that there will be a current record of the effect the wetlands influence have on the development, especially the location of the septic disposal system and the secondary area. Mr. Bradley said he would submit the report when he received it and would submit the material requested by Mr. Lowes. Mr. Barber said he had questions about Ridgebury soils, which are identified as hydric or wetland soils, and would like to speak to Mr. Marino because it may not be necessary to have a surveyor go to the site and flag them. Mr. Bradley said that there would be no problem with Mr. Barber speaking to Mr. Marino. Mr. Bradley confirmed that he had also received a memo from Mr. Barber (attached) regarding this project and would respond to it. Mr. Andrews said that material submitted to date regarding this project met the general requirements of a concept plan and that he would not be submitting a memo until the next meeting. Ms. Axelson noted that off-line consultations could be done with Mr. Bradley and the consultants.

- **Maniatis Property, 250 East Boyd's Lake Road, Kent, NY; TM: 31.2-51**

Ms. Jamie LoGuidice, of Insite Engineering, represented the applicants. Ms. LoGuidice said that she felt that most of the comments from the consultants and the Planning Board had been addressed and that the only outstanding item was the bond estimate.

Mr. Andrews Comments (memo attached)

Mr. Andrews said that he had prepared a document, dated November 29, 2021, and that an updated report had been submitted earlier in the day regarding Health Department approvals, but he had not had a chance to look at it yet because he was in the field. Mr. Andrews agreed with Ms. LoGuidice that most of the comments had been addressed. Mr. Andrews recommended that the Planning Board accept the bond amount of \$13,432.00 and forward it to the Town Board when the bond agreement and fees were submitted. The second recommendation from Mr. Andrews was that, if the Planning Board was satisfied that all concerns discussed at the Public Hearing were resolved and he, Ms. Axelson and Mr. Barber felt that they were, this project be moved to an administrative track to finalize the details and get it ready for Chairman's signature.

Mr. Barber's Comments (memo attached)

Mr. Barber stated that his comments to date had been satisfied and that he had no additional comments.

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Mr. Tolmach asked for a motion to accept the Erosion Control Bond for \$14,432.00 and to forward it to the Town Board and move this project to an administrative track. The motion was made by Mr. Wilhelm and seconded by Mr. German. Following were the roll call votes:

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **Annunziata/Smalley Corners, Smalley Corners Rd., Kent, NY; TM: 21.-1-11**

Mr. Jack Karell represented the applicant at the meeting. Mr. Karell said that this project is for construction of a single-family residence in a sub-division approved and created in 1987. The Health Department gave their approvals previously and they were just renewed. Mr. Karell met with Messrs. Andrews and Barber and they made some recommendations pertaining to the driveway. Revised plans were submitted. One item was that this property's frontage does not meet today's standards and, Mr. Walters confirmed this, and Mr. Karell was told that he needed to go the Zoning Board of Appeals to get a variance. Mr. Karell did not agree with that recommendation and Mr. Walters advised him that the subdivision was created in 1987, but this property was not developed to date and that, if it was not developed within three years it needed to go the Zoning Board of Appeals for a variance.

Mr. Andrews' Comments (memo attached)

Mr. Andrews advised Mr. Karell that he had prepared a memo, dated November 29, 2021, and was advised by Mr. Karell that he had not received it. Mr. Andrews said he would resend it to Mr. Karell. Mr. Andrews said that a sheet was missing from the submittal and that the retaining walls should be removed and some of the drainage along the road should be addressed. There is a discrepancy in ownership and that needed to be clarified.

Mr. Karell asked if the easement was sufficient. Mr. Andrews said that, since it was not shown on any maps, it was a moot point.

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Mr. Barber's Comments (memo attached)

Mr. Barber prepared a memo, dated December 9, 2021, and Mr. Karell had not seen it so Mr. Barber said he would resend it the next day. Mr. Barber said that the deed, dated September 8, 2021, was submitted and it confirmed that the applicant was transferring the property to a new owner. However, there is no application or letter of authorization so that needed to be cleared up. Regarding a tree waiver, Mr. Barber said that due to the steepness of the property and rock outcroppings he did not recommend that a tree waiver should be granted. Other comments in the memo needed to be addressed. A map and information regarding sun soils was pending. Mr. Karell said he thought he had submitted that information. Mr. Karell said that there were not many trees to be cut and since the disturbance was only about one acre out of nine acres, he felt the waiver would be a good idea. Mr. Barber suggested that the Board members may wish to visit the site. Mr. Wilhelm said that he felt the tree waiver should not be granted and Mr. Tolmach asked if anyone disagreed with Mr. Wilhelm and no one spoke up. Mr. Lowes asked Mr. Karell about the easement discussed earlier and mentioned that the filed map did not show an easement and said that he wondered if there was any concern regarding any water discharge under the driveway through the culvert onto the neighbor's property. Mr. Karell said that there is a drainage ditch channel, which is well defined, and that he does not see that it should be an issue. Mr. Andrews said that he needed to have a reasonable basis for ignoring the note regarding the easement. Mr. Karell said that he would look into the matter. Mr. Lowes suggested that the surveyor be contacted and asked to explain it.

- **White/Vernon Property, Horsepound Rd., Kent, NY; TM: 33.-1-58.2**

Mr. Jack Karell represented the applicants at the meeting and Madeline White, one of the owners, also participated on this call. This project was for construction of a single-family in a two-lot sub-division created in 2001. One lot consists of 39 acres and there is a right-of-way from the property to Horsepound Road. There was also an easement across NY City property and there is some concern about a common driveway, which is owned by NY City DEP and will never be developed. Mr. Karell said he had walked the property and that the stream was not near the area to be developed. Mr. Karell requested a tree plan waiver because the driveway is already built and there will only be about 10 trees cut in the septic area. He also requested a Public Hearing Waiver because one was conducted in 2001 and nothing has changed since that time. The driveway will be used as-is.

Mr. Andrews Comments (memo attached)

Mr. Andrews prepared a memo, dated December 2, 2021, which Mr. Karell said he had not seen. Mr. Andrews said he had received a package the day before the meeting and that he had not had a chance to review the material. Mr. Andrews suggested that, if DEP does not need to share the existing driveway and can send a note stating that it would resolve that matter. Messrs. Andrews and Barber visited this site earlier in the day but there was a locked gate so they could not access the property. Mr. Karell said there was a combination lot, which the consultants could open, and that he would give them a new code.

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Mr. Barber's Comments (memo attached)

Mr. Barber said that there appeared to be a watercourse on the property and that the DEP needed to be contacted regarding what if anything they would like to do. Mr. Barber said if the location of the house was outside of the 100' buffer, as shown on the maps, the DEP may not require a biologist to come out. Mr. Barber will look at the trees on the site regarding the waiver Mr. Karell requested. Mr. Barber asked Mr. Karell if there was road frontage on a town road because he noticed a piece that goes onto Nichols Street and one that goes onto Horsepound Road. Ms. White said that the part of the property, which adjoins Nichols Road, was on the far side of the 39 acres on the house site, crosses a lot of undeveloped land, and was not a reasonable place to enter the property, which was why the easement from Horsepound Road was created when the property was sub-divided. Mr. Karell said that there was a 51.3-foot strip of property, which was on Nichols Street and approximately ½ mile away from the property, and there are wetlands in the corner and a right-of-way goes to Horsepound Road because of that. Mr. Barber said that there are approximately 50' of road frontage on Nichols Road (a town road) and asked Mr. Walters about the need for the applicant to obtain a variance from the Zoning Board of Appeals. Mr. Walters said that the property looked like a "flag lot" and that he had sent a letter with information about flag lots and said Mr. Karell needs to verify that it was a flag lot. Mr. Karell disagreed again with the recommendation to go to the Zoning Board of Appeals for a variance. Mr. Barber also asked for a copy of the easement and Ms. White said it is being discussed with the DEP and that it did not make it into the deed until this time and that due to the Covid pandemic it was taking longer to clear this matter up. Mr. Barber said he and Mr. Andrews would visit the site again. Mr. Lowes said that updated mapping showing the actual location of the driveway from Horsepound Road into the property should be provided and was told by Mr. Andrews that it was shown on the plans. Mr. Lowes said that there was a note about a right-of-way but there was nothing showing where the existing driveway was. Mr. Karell said this material was shown on sheets S1 and S2. Mr. Lowes said that he did see it after all. Mr. Carey asked if there was a right-of-way or an easement on the property because they were two different things. Mr. Andrews said the note was very unclear. Mr. Walters advised Mr. Karell that the deadline for the Zoning Board of Appeals for submittals was December 27, 2021 and that he would send the application to him.

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• **Freidland (was Schulhof), 8 Cat Brier Rd., Carmel, NY; TM: 21.19-1-10**

Ms. Ann Manning and Jack Karell represented the applicant on this project. This project was for an Erosion Control Permit to construct an addition to an existing single-family residence. This project was before the Planning Board in 2015, but there were different owners at that time. A bond estimate also needed to be submitted. Mr. Karell said Board of Health approvals had expired and was in the process of being renewed. This is on Gypsy Trail Club property and that they have their own rules. Mr. Andrews said that this project never reached final approval. Messrs. Andrews and Barber had visited the site and Mr. Andrews said that additional clarifications needed to be made. Mr. Andrews said that it should be easy to pick up where they left off on the previous project. A Public Hearing would also have to be scheduled for the January meeting, unless Gypsy Trail approved the project, and then a Public Hearing would not be necessary. Mr. Barber sent memos to Ms. Manning and Mr. Karell. Mr. Barber said that there was a retaining wall by a pond, but that it was not shown on the plans nor were the soils and they needed to be added. Grading also needed to be shown on the plans to determine where the wetlands were situated. Ms. Manning asked about a waiver of a tree plan and said that there were only two trees that would be affected. Mr. Barber said that a letter needed to be submitted requesting a tree waiver and justifying why it was requested. Mr. Andrews recommended that a Public Hearing be scheduled for the January 13, 2022 meeting unless information from the Gypsy Trail Club was provided and in that case, the Public Hearing would not be necessary.

Mr. Tolmach asked for a motion to schedule a Public Hearing on January 13, 2022 unless Gypsy Trail sent a letter that they would approve the addition to the house. The motion was made by Mr. Wilhelm and seconded by Mr. German. Following were the roll call votes:

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

• **Friel & Pure, Gypsy Trail Rd., Carmel, NY; TM: i 21.-1-27**

Mr. Jason Snyder, of Badey and Wason, represented the applicants. This project was for proposed construction of a single-family residence on a 47-acre parcel on Gypsy Trail Road. There is an approximately 700' gravel driveway proposed. Approvals from the Board of Health for a well and septic system have been granted. There will be about 1.5 acres of disturbance where a full Stormwater Pollution Prevention Plan with enhanced phosphorous removal is required and infiltrators are proposed. There were some watercourses, wetlands and 100' buffers shown on the plans. All efforts have been taken to eliminate disturbances within the wetland buffers. Messrs. Andrews and Barber had concerns about the foundation being close to the wetland buffers so the house will be rotated slightly to remedy that situation.

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Mr. Andrews' Comments (memo attached)

Mr. Andrews thanked Mr. Snyder for modifying the location of the house and said that he and Mr. Barber had visited the site earlier in the day. He noted a peculiarity near the existing driveway. There is a utility pole, which is not shown, on the map, and there is a notation that the driveway will slide to the north to square it up. The poles on that road are to be replaced. The utility pole will then be right on the edges and he suggested that Mr. Snyder look at that issue. Mr. Snyder said he would look into this matter.

Mr. Barber's Comments (memo attached)

Mr. Barber advises Mr. Snyder that he may not meet site distance requirements to the north because of a hill and that he may want to swing it to the south to improve sight distance. Mr. Barber referred to his memo dated 12/9/21, suggested Mr. Snyder apply for a Wetland Permit because there are so many wetlands, and the property is so tight. Mr. Snyder asked for a waiver of an updated boundary survey because the construction is so far from the property line and the sub-division plat was approved in 1981 and that there was a boundary survey associated with that it would cost several thousand dollars to get an updated boundary survey. Mr. Barber said that he and Mr. Andrews had discussed that waiver and agreed that Mr. Snyder should submit the request in the next submittal. Mr. Snyder questioned the need for a tree survey and Mr. Barber advised him that each lot was different and sometimes it may be waived, so Mr. Barber suggested that Mr. Snyder should also request a tree waiver if he wanted one. Mr. Andrews commented that the property had previously been logged and most of the area proposed for construction had already been cleared. Mr. Snyder said he would respond to all comments with his new submittal. Mr. Walters said a neighbor had requested a copy of the plan.

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

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| <ul style="list-style-type: none">• JPE Auto Repair
333 Route 52, Kent, NY
TM: 33.-18-1-11 | Site Plan | Status Report |
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Ms. Axelson said that the Planning Board did an approval with conditions and that new architectural floor layout plans needed to be re-submitted. Most of the remaining comments were from Messrs. Barber and Andrews so they would need to discuss it. Mr. Barber said that he and Mr. Andrews had visited the site earlier in the day and noted that the wetland mitigation project in the back corner near the storage tank had been completed and Mr. Riina needed to verify in writing that this work had been completed. Mr. Andrews said that he had sent a memo dated 12/2/21 via email stating that the project was completed and the only item pending was the certification from Mr. Riina. Mr. Barber said he would send another memo the next day. A new set of plans needed to be submitted to be signed before the Building Permit could be issued. Ms. Axelson reviewed comments from Messrs. Barber and Andrews and when the owners' consent was submitted along with new plans she would issue a sign-off memo. Ms. Axelson would contact Mr. Riina's office the next day.

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|---|------------------------------|----------------------|
| <ul style="list-style-type: none">• Friedman & Crossman Property
5 China Circle Ct., Kent, NY
TM: 42.7-1-27 | Erosion Control Plan/ | Status Report |
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The recommendation to the Town Board to accept the bond was sent to the Town Board and when the Resolution from the Town Board is sent back to the Planning Board, the drawings may be signed.

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| <ul style="list-style-type: none">• Fregosi Marinelli
48 Miller Hill Rd., Carmel, NY
TM: 10.-1-7 | Stop Work Order | Status Report |
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Mr. Walters advised the Planning Board that the applicant had met with the Board of Health and are in the process of modifying the plans to show where the new location for the septic system will be and it should not take very long to get Board of Health approvals. Windows and doors were delivered and Mr. Walters said he had lifted the Stop Work Order so that they could be installed in order to weatherproof the house. Mr. Walters advised Mr. Fregosi that he needed to return to the Planning Board to show the differences in the plans and to get their approval.

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| <ul style="list-style-type: none">• Clearpool Maintenance Bldg.
33 Clear pool Rd., Kent, NY
TM: 32.-1-9.1 | Erosion Control Plan | Status Report |
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A final set of revised plans needs to be submitted. The bond has been accepted by the Town Board.

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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 |
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This property has been staked out and the recommendation was made to the Planning Board that they should visit the site to see what the property looks like. The drawing showing where the stakes have been placed was distributed to the Planning Board.

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| <ul style="list-style-type: none">• Vitiello
475 Pudding Street, Kent, NY
TM: 32.-1-32 | Erosion Control Plan/
Field Change | Status Report |
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This project has been completed and is ready for Chairman's signature.

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| <ul style="list-style-type: none">• Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
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Ms. Axelson received an email earlier in the day from Patrick Cleary, which stated that a packet was being sent to Ms. Axelson and she will have a consultation with Mr. Cleary, Mr. Andrews and Mr. Barber to determine if it is appropriate for a new submittal to be made. Ms. Axelson refreshed the Board's memory that at the end of the Scoping Session the applicant's attorney said that they were going to ask for a Zoning Amendment and as a result, the Scoping Session was re-opened. The Scoping Outline and the SEQRA Positive Declaration were revamped by Mr. Barber, Ms. Mangarillo and Mx. Axelson and presented to the Planning Board and the project was again opened to the public and the Scoping outline was adopted as if there was a Zoning Amendment. Ms. Axelson wants to have clarification that the truck stop is not part of the development and to be sure as to whether or not there will be a Zoning Amendment regarding building height.

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- Executive Session to Discuss Miscellaneous items pertaining to Organization 2022

Mr. Tolmach asked for a motion to close the meeting and adjourn it at 9:00 PM for the Planning Board to go into Executive Session. The motion was made by Mr. Carey and seconded by Mr. German. Following were the roll call votes:

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<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

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DECEMBER 2021
KENT PLANNING BOARD MEETING AGENDA

Workshop: December 02, 2021 (Thursday, 7:30 PM)

Meeting: December 09, 2021 (Thursday, 7:30 PM)

The Kent Planning Board workshop is scheduled for Thursday, December 02, 2021 at 7:30 P.M. to be held at the Kent Town Hall. The Town of Kent Planning Board's regularly scheduled monthly meeting is on Thursday, December 09, 2021 at 7:30 P.M. at the Kent Town Hall

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| <ul style="list-style-type: none"> • Approve Planning Board Minutes from November 18, 2021 | | |
| <ul style="list-style-type: none"> • Brigman Property
Hortontown Road, Kent, NY
TM: 19.-1-31 | Erosion Control Permit/
Wetland Permit – No New Submittal
Public Hearing (Continued) | Review |
| <ul style="list-style-type: none"> • Kent Self Storage
Route 311, Kent, NY
TM: 22.-2-17 | Site Plan | Review |
| <ul style="list-style-type: none"> • Holly Property
Winkler’s Farm Court Property, Kent, NY
TM: 33.16-1-8 | Erosion Control Plan | Review |
| <ul style="list-style-type: none"> • Maniatis Property
250 East Boyd’s Lake Road, Kent, NY
TM: 31.-2-51 | Erosion Control | Review |
| <ul style="list-style-type: none"> • Annunziata/Smalley Corners
Smalley Corners Rd., Kent, NY
TM: 21.-1-11 | Erosion Control | Review |
| <ul style="list-style-type: none"> • White_Vernon Property
Horsepound Rd., Kent, NY
TM: 33.-1-58.2 | Erosion Control | Review |
| <ul style="list-style-type: none"> • Freidland (was Schulhof)
8 Cat Brier Rd., Carmel, NY
TM: 21.19-1-10 | Erosion Control | Review |
| <ul style="list-style-type: none"> • Friel & Pure
Gipsy Trail Rd., Carmel, NY
TM: 21.-1-27 | Erosion Control | Review |
| Permit Applications Updates (Applicants attendance not required/Workshop Discussion): | | |
| <ul style="list-style-type: none"> • JPE Auto Repair
333 Route 52, Kent, NY
TM: 33.-18-1-11 | Site Plan | Status Report |
| <ul style="list-style-type: none"> • Friedman & Crossman Property
5 China Circle Ct., Kent, NY
TM: 42.7-1-27 | Erosion Control Plan/ | Status Report |

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- | | | |
|--|---------------------------------------|---------------|
| • Fregosi Marinelli
48 Miller Hill Rd., Carmel, NY
TM: 10.-1-7 | Stop Work Order | Status Report |
| • Clearpool Maintenance Bldg.
33 Clearpool Rd., Kent, NY
TM: 32.-1-9.1 | Erosion Control Plan | Status Report |
| • Raneri Property
Hillside Paper Rd., Kent,, NY
TM: 44.24-1-3 | Erosion Control Plan | Status Report |
| • Vitiello
475 Pudding Street, Kent, NY
TM: 32.-1-32 | Erosion Control Plan/
Field Change | Status Report |
| • Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
| • Town of Kent Mining Law | | Status Report |
| • Discuss Miscellaneous items pertaining to Organization 2022 | | |

Site Design Consultants

Civil Engineers • Land Planners

December 2, 2021

Chairman Phil Tolmach
Members of the Planning Board
Planning Board Town of Kent
25 Sybil's Crossing
Kent Lakes, NY 10512

Re: Kent Self-Storage of Putnam Inc. / Richard Viebrock
Route 311 – Town of Kent
Tax Map # Section 22 Block 2 Lot 17

Dear Chairman Tolmach and Members of the Planning Board:

The approval for the above referenced project was granted with Conditional Approval on December 10, 2020 and will expire December 9, 2021. We have provided responses to recent review/comment letters which have been reviewed by Town representatives; however there are still some open items to be addressed.

Therefore we request that this project be discussed at the December 9 Planning Board Meeting; and we respectfully request that the Planning Board grant two 90-day extensions of the Approval for this project. Unfortunately, I will not be able to attend the meeting, but will be available anytime in my office for discussion. Thank you.

Yours Truly,



Joseph C. Riina, P.E.

Cc: L. Axelson
V. Patterson
B. Barber
J. Mangarillo
R. Viebrock

JCR / cm / sdc 17-72

251-F Underhill Avenue • Yorktown Heights, New York 10598

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Cornerstone Associates

Environmental Planning Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

December 9, 2021

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

Re: **Kent Self Storage of Putnam Inc. Application**

Route 311

Section 22 Block 2 Lot 17

Please be advised that I have conducted a review of the following pertinent documents relative to the above referenced project:

- Comment response memo executed by Joseph Riina, PE of Site Design Consultants dated 11/11/19 3 pages.
- Plans entitled; "Proposed Improvement Plan-Kent Self Storage of Putnam Inc." prepared by Site Design Consultants dated 11/10/21 (rev.), 12 total sheets: V-1, C-101, C-102, C-103, C-105, C-107, C-301, C-302, C-303, C-501, C-502, C-504. Additional sheets dated 10/19 Sheet T-1, dated 07/21/20 Sheet C-104, 10/16/19 Sheet C-106, 07/21/21 Sheet C-503.

Summary of Application:

The applicant proposes to construct 32,308 two-story self-storage buildings which shall include a 2,500 square foot management office and dry retail space and a separate 2,400 storage building on a 2.705 acre parcel in an IOC (industrial-office-commercial) zoning district on the northwest corner of Route 311 and Ludington Court. Associated site improvements consist of an on-site sewage disposal system, well, required parking (23 spaces), utilities, retaining walls and stormwater structures.

Review Summary:

The following items are pending as per the above referenced comment response memo:

- Business plan which describes materials to be stored on site, hours of operation, retail operations has not been provided
- NYSDOT approval has been obtained but subsequently has expired.
- Cross sections to the adjoining residential property as requested by the neighbor to evaluate view shed impacts have not been provided. It is unclear if the photo simulations provide the requested information. The vantage points should be included in the information provided.

This office will conduct additional review upon receipt of responses to the above review. Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS Certified Ecologist
Town of Kent Environmental Consultant



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

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

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

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

From: John V. Andrews, Jr., P.E.

Subject: Site Plan - Revised Submittal

Date: November 30, 2021

Project: Kent Self Storage of Putnam, Inc
TM # 22.-2-17, Rt 311
(Formerly Route 311 Plaza)

The following materials were reviewed:

- Letter to Town of Kent Planning Board from Site Designs Consultants-Kent Self-Storage, dated November 11, 2021.
- Letter from New York State Dept of Environmental Conservation-Acknowledgment of Notice of Intent-Kent Self-Storage dated October 20, 2020.
- Putnam County Recoding Page-Viebrock dated August 12, 2002.
- Quitclaim Deed-Viebrock dated June 21, 2002.
- Stewart Title
- NYSDOT Work Permit-Kent Self-Storage dated March 15, 2021.
- Letter from Insite Engineering Surveying & Landscape Architecture, P.C.-Kent Self Storage-Sidewalk Easement dated February 9, 2021.
- Putnam County Dept of Environmental Health Services-Construction Permit for Sewage Treatment System dated October 6, 2020.
- Disclosure of Business Interest-Viebrock.
- Survey of Property-Kent Self Storage prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated October 16, 2020, scale 1" = 20'.
- Drawing T-1 Title Sheet-Kent Self Storage, prepared by Site Design Consultants, dated January 2019, last revised October 2019.
- Drawing-Title Sheet- Proposed Improvement Plan-Kent Self Storage prepared by Site Designs Consultants, dated January 2019 last revised November 2021.
- Drawing V-1-Vicinity Pan and Topographic Map-Kent Self Storage, prepared by Site Design Consultants dated November 27, 2018, last revised November 10, 2021, scale 1" = 40'.
- Drawing C-101- Site Plan-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised November 10, 2021, scale 1" = 20'.
- Drawing C-102- Existing Conditions Plan & Slope Map-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised November 10, 2021, scale 1" = 20'.
- Drawing C-103- Grading & Utility Plan-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised November 10, 2021, scale 1" = 20'.
- Drawing C-104- Septic Plan, Profile & Notes-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised July 21, 2020, scale 1" = 20'.


- Drawing C-105- Erosion & Sediment Control Plan & Notes-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised November 10, 2021, scale 1" =20'.
- Drawing C-106- Landscape Plan-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised October 16, 2019, scale 1" =20'.
- Drawing C-107- Site Lighting Plan, Photometrics & Specifications-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised November 10, 2021, scale 1" =30'.
- Drawing C-301- Intersection Site Distance Plan & Road Profiles-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised November 10, 2021, scale As Noted.
- Drawing C-302- Storm Sewer Profiles-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised November 10, 2021, scale As Noted.
- Drawing C-303- Development Area Profiles-Kent Self Storage, prepared by Site Design Consultants, dated May 6, 2019, last revised November 10, 2021, scale As Noted.
- Drawing-Unmarked.
- Drawing C-501-Site Improvement Details- Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised November 10, 2021, scale N.T.S.
- Drawing C-502-Stormwater Management Details-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2108, last revised November 10, 2021, scale N.T.S.
- Drawing C-503- Septic Details-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised July 21, 2021, scale N.T.S.
- Drawing C-504- Erosion & Sediment Control Details-Kent Self Storage, prepared by Site Design Consultants, dated November 27, 2018, last revised November 10, 2021, scale N.T.S.

The project proposes construction of two self-storage buildings along with parking areas, water, wastewater, and stormwater treatment. Development of this lot was previously approved as Route 311 Plaza.

The following comments are provided for the Planning Board's consideration based on our March 13, 2019, July 3, 2019, September 12, 2019, and November 14, 2019, memoranda. Comments from those memoranda not included herein have been satisfactorily resolved. New or supplementary comments are shown in **bold**.

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 1 acre of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, **GP-0-20-001. SPDES Permit coverage has been obtained. The Permit Identification No.is NYR11H310**
2. We defer to the Planning Board's environmental consultant regarding wetland issues.
3. We defer to the Planning Board's planning consultant regarding planning and zoning issues.
4. **Putnam County Health Department Approval has been issued, dated 10.06.2020.**

5. **A NYSDOT Permit has been issued with a copy provided. The submitted permit has an expiration date of 11.15.2021. Proof/verification of a permit extension is required.**
6. Stormwater maintenance and access agreements with the Town will have to be prepared and approved by the Planning Board's attorney.
7. **We recommend an erosion control bond estimate of \$34,414.00 and long-term stormwater management facilities bond estimate of \$48,740.00. Please see attached calculation sheet prepared by Julie Mangarillo, P.E., CPESC dated November 14, 2019, for additional details. We recommend these bond amounts be accepted by the Planning Board and recommended to the Town Board for approval. The form and content of the bond or security must be acceptable to the Planning Board Attorney.**
8. **We were not previously involved with this matter. We note the offer of an easement for future sidewalk development. Appropriate legal instruments covering the future acceptance and use of this easement, including a written metes and bounds description suitable for use in a deed, shall be prepared and submitted. The final instrument(s) must be acceptable in form and content to the Planning Board Attorney.**


John V. Andrews, Jr., P.E. 11.30.2021

cc: Planning Board via email
Bill Walters via email
19-261-250

Bruce Barber via email
Liz Axelson via email



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

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Phone: (845) 452-7515 Fax: (845) 452-8335
E-Mail Address: info@rsaengrs.com

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

To: Planning Board Town of Kent
From: Julie S. Mangarillo, P.E., CPESC
Date: November 14, 2019

Attn: Philip Tolmach, Chairman
Subject: Erosion Control & Stormwater Bond Amounts
Project: Kent Self Storage, Route 311
Tax Map: 22.-2-17

The erosion control bond is as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Temp. sediment trap	3	EA	\$ 5,000.00	\$ 15,000.00
Inlet protection	13	EA	\$ 500.00	\$ 6,500.00
Concrete truck washout pit	1	EA	\$ 500.00	\$ 500.00
Erosion blanket	140	SY	\$ 2.00	\$ 280.00
Soil stockpiles	2	EA	\$ 500.00	\$ 1,000.00
Seed and mulch	10,000	SF	\$ 0.06	\$ 600.00
Stabilized construction entrance	1	EA	\$ 750.00	\$ 750.00
Silt Fence	2,446	LF	\$ 4.00	\$ 9,784.00
			TOTAL:	\$ 34,414.00

The long term stormwater management facilities bond is as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Infiltration Practice	2	EA	\$ 8,000.00	\$ 16,000.00
Grass swale	360	LF	\$ 4.50	\$ 1,620.00
End sections w/ riprap pads	2	EA	\$ 500.00	\$ 1,000.00
15" dia drainage pipe	906	LF	\$ 20.00	\$ 18,120.00
Catchbasins/drain inlets	12	EA	\$ 1,000.00	\$ 12,000.00
			TOTAL:	\$ 48,740.00

EC Bond:	\$	34,414.00
SW Bond:	\$	48,740.00
Total Bond:	\$	83,154.00

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
John Andrews
Bruce Barber
FROM: Liz Axelson, AICP
DATE: December 7, 2021
RE: Kent Self Storage, Site and Erosion Control Plan, Route 311, Tax Parcels No. 22.-2-17 /
CPL# 60248.00

I reviewed the materials listed at the end of this memorandum; and the Code of the Town of Kent, Chapter 77, Zoning; and per the corresponding conditions of Re-Approval of December 10, 2020. Based on my review I offer the following comments for the Board's consideration:

Summary

1. The proposal involves site plan; erosion control; and steep slope permit approvals for the construction of a self-storage facility and other uses. The plan shows two self-storage buildings with office (management) and retail spaces, parking areas, drive, utilities, electric and stormwater management systems on a 2.7-acre site in the IOC (Industrial Office Commercial) zoning district.
2. My review is limited to the Zoning comments below. My prior comments of November 11, 2019 are updated to reflect what remains to be addressed, items that have been addressed are deleted. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for all other aspects of the project.

SEQRA

3. The Planning Board made a SEQR Determination of Non-Significance (Negative Declaration) on November 14, 2019. The Planning Board's SEQR Negative Declaration was re-affirmed in their Re-Approval of December 10, 2020.

Zoning & Site Plan

4. As per prior comments, clarify all aspects of the proposed business by revising the site plan to clearly delineate and label floor areas in square feet (SF) for office and retail areas; and truck rental in the 2-story building.
5. As per Chapter 77-25.5, the code requires sidewalks with a four-foot (4') tree lawn be installed on every public street. The Planning Board expressed support for the sidewalk and tree lawn at



their June 13, 2019 meeting, yet agreed that a sidewalk easement would suffice to provide for future sidewalk development. Prior site plans showed a "Proposed Future Sidewalk Easement Reserved For the Town of Kent". Address the following:

- a. In response to prior comments, the label stating: "Proposed Future Sidewalk Easement Reserved for the Town of Kent" was added back, yet it overlaps other text (metes and bounds) on the plan sheet. Please revise so all plan text is readable and center the easement label within the easement area.
 - b. As per prior comments, reference was added to an easement referring to an "easement agreement". Revise the notation to specifically refer to the legal instrument that will govern the use of this area and prohibiting other improvements in this area that would prevent future sidewalk development;
 - c. In response to prior comments, a metes and bounds description of the sidewalk easement was provided. Address the following:
 - i. Revise "Ludingtonville Court" in 2 lines of the description to read "Ludington Court"; and
 - ii. Correct the adjoining owners name to include Harold.
 - d. Revise the metes and bounds labelling on site plan sheet C-101 as follows:
 - i. Add metes and bounds description to the north and south ends of the easement to be 10.07' and 11.45', respectively; and
 - ii. Correct the length of the line along Route 311 from 24.16' to 244.16'.
 - e. As per prior comments, provide draft legal instruments for review by the Planning Board's Attorney describing the use of the easement for future sidewalk development, including any necessary agreements and a metes and bounds description.
6. Extensive lengths of retaining walls are proposed (~210' and 80'+), which will be visible from the site's frontage; and from the adjoining residential property to the northeast (N/F Schaefer). Revise the plans regarding retaining walls as follows:
- a. As per prior comments, revise the Wall Profiles sheet, Wall D, to note that the more decorative stone/brick veneer will be provided for the portion of the wall facing the adjoining residential property to the northeast (N/F Schaefer).
 - b. As per prior comments, provide samples and colors of the stone or brick veneer for consideration by the Planning Board. After review, the plan notation should specify the colors; and stone or brick veneer selections.
 - c. As per prior comments regarding the detail for the type of fence that will be on top of the wall, provide samples of color and finish; and add notation specifying same.
 - d. I defer to the Planning Board's consulting engineer regarding the potential for failure of the walls close to adjoining properties.
7. As per prior comments regarding the architectural plans, which should be part of the next submittal, address the following:
- a. Label areas in square feet (SF) for all uses, including storage spaces.
 - b. Clarify whether the office and retail space will have a counter area.



8. In response to prior comments requesting that the plans show all aspects of proposed signs, a freestanding sign is shown in the plan view and with a detail. Refer to the supplementary sign regulations, Zoning, Article X generally; and specifically, the requirements in section 77-37., Signs in nonresidential districts. Address the following comments:
 - a. Revise the note in the plan view about the freestanding sign to delete the word “sandwich” as the sign depicted in the sign detail is not a “sandwich” sign as set forth in Kent’s zoning.
 - b. Revise the freestanding sign detail to show the sign mounted on a “landscaped monument of stone, brick or other natural material” as per zoning section 77-37. A. (2).
 - c. Relocate the sentence “There shall be no wall mounted sign.” from the freestanding sign location callout to another area on this sheet.
 - d. Alternatively, delete this note entirely, since the applicant may wish to come back at a later date, after the plans are finalized and signed, as one wall sign is permitted per tenant in addition to the proposed freestanding sign. Any future wall sign should be consistent with the proposed freestanding sign and comply with the supplementary sign regulations, Zoning, Article X generally; and specifically, the requirements in section 77-37., Signs in nonresidential districts.
9. As per prior comments, provide a tabular summary of permitted and proposed sign areas per section 77-37 A. (2) and (3) requirements. Signage will be reviewed in detail later.
10. Revise the plan set so that all plan sheets have the same revision date.

Recommendation

11. The Planning Board may consider taking the actions described below, which are set forth in a draft resolution:
 - a. Re-affirm the prior SEQRA Determination of Non-significance; and
 - b. Adopt a resolution of two 90-day extensions of re-approval with conditions on the Site Plan; Steep Slope; and Erosion Control Plan Applications, including demonstration of progress before the end of the first 90 days as will be spelled out in a draft resolution.

If you have any questions, please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at eaxelson@CPLteam.com.

Materials Reviewed

- Letter requesting two 90-day extensions, prepared by Joseph C. Riina, P.E., Site Design Consultants, dated December 2, 2021;
- Email with attached submittal items from Site Design Consultants, dated November 23, 2021;
- Response letter prepared by Joseph C. Riina, P.E., Site Design Consultants, dated November 11, 2021;



- Survey of Property Prepared For Kent Self Storage, prepared by Jeffrey DeRosa, LS, Insite Engineering, Surveying & Landscape Architecture, PC, dated October 16, 2020;
- Attachments to submittal including
 - o NYSDEC Acknowledgment of Notice of Intent (NOI), dated October 20, 2020;
 - o Putnam County Recording pages to Linda Viebrock, recorded August 14, 2002, with quit claim deed;
 - o NYSDOT Highway Work Permit issued 3/15/21, expired 11/15/21, with attachments;
 - o 10' Wide Sidewalk Easement (metes and bounds description) Prepared for Kent Self Storage, dated February 9, 2021;
 - o Putnam County Department of Health Construction Permit for Sewage Treatment System approval, signed 10/6/20; and
 - o Town of Kent Disclosure of Business Interest, signed, undated; and
- Plans prepared by Joseph C. Riina, P.E., entitled Kent Self Storage of Putnam, Inc., dated November 27, 2018, revised November 10, 2021, except as noted below, including the following:
 - o Title Sheet, dated January 2019, revised November 2021;
 - o Vicinity Plan and Topographic Map;
 - o Site Plan;
 - o Existing Conditions and Slope Map;
 - o Grading and Utility Plan;
 - o Septic Plan, Profile and Notes, revised July 12, 2020;
 - o Erosion and Sediment Control Plan and Notes;
 - o Landscape Plan, by Frank Guiliano, Landscape Architect, revised October 16, 2019;
 - o Site Lighting Plan, Photometrics and Specification;
 - o Intersection Site Distance Plan and Road Profiles;
 - o Storm Sewer Profiles;
 - o Development Area Profiles, dated 5/16/19, revised November 10, 2021;
 - o Wall Profiles, dated 5/16/19, revised November 10, 2021;
 - o Site Improvement Details;
 - o Stormwater Management Details;
 - o Septic Details, revised 7/21/20; and
 - o Erosion and Sediment Control Details.

Materials Previously Reviewed

- Response letter prepared by Joseph C. Riina, P.E., dated October 16, 2019;
- Renderings of views from Route 311, the site's frontage, preparer not indicated, undated;
- Plans prepared by Joseph C. Riina, P.E., entitled Kent Self Storage of Putnam, Inc., dated November 27, 2018, revised October 16, 2019, except as noted below, including the following:
 - o Title Sheet, dated January 2019, revised October 2019;
 - o Vicinity Plan and Topographic Map;
 - o Site Plan;



- Existing Conditions and Slope Map;
- Grading and Utility Plan;
- Septic Plan, Profile and Notes;
- Erosion and Sediment Control Plan and Notes;
- Landscape Plan;
- Site Lighting Plan, Photometrics and Specification;
- Intersection Site Distance Plan and Road Profiles;
- Storm Sewer Profiles;
- Development Area Profiles;
- Wall Profiles;
- Site Improvement Details;
- Stormwater Management Details;
- Septic Details; and
- Erosion and Sediment Control Details.

DRAFT RESOLUTION

December 9, 2021

Town of Kent Planning Board Resolution of Re-Affirmation of SEQRA Determination of Non-Significance (Negative Declaration)

and

Extension of Re-Approvals with Conditions for: Site Plan; and Steep Slope and Erosion Control Permit for Viebrock / Kent Self Storage Route 311

TM: 22.-2-17

Whereas, the Town of Kent Planning Board had previously received an application from Richard Viebrock, Kent Self-Storage of Putnam, Inc., for approval of a site plan for the construction of a self-storage facility and truck rental services and other uses, including two self-storage buildings with office (management) and retail spaces, parking areas, driveway, utilities, electric and stormwater management systems on a 2.7-acre site in the IOC (Industrial Office Commercial) zoning district located at 164 Route 311, Carmel, in the Town of Kent, Putnam County, New York (tax parcel identification number 22.-2-17); and

Whereas, the Town of Kent Planning Board had conducted a review of the previous application in beginning in April 2019, which involved site development of vacant land for the proposed storage facility, which is a principal permitted use in the IOC zoning district; and

Whereas, the project was depicted on a detailed set of site plans, including erosion and sediment control plans, prepared by Site Design Consultants, Civil Engineers & Land Planners, dated May 14, 2019, last revised October 16, 2019; and a Full EAF, dated January 22, 2019 was submitted, which was revised in May 2019; and

Whereas, the proposal also involved a Steep Slopes and Erosion Control Permit approval; and

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board took the following actions to initiate review on September 12, 2019:

- classified the proposed action as an Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5;
- declared its intent to serve as Lead Agency in a coordinated review of the Project and circulated a notice of its intent to all other involved and interested agencies; and
- referred the application to the Putnam County Department of Planning, Development and Public Transportation pursuant to Section 239-l, m, and n of the General Municipal Law; and

Whereas, the Town of Kent Planning Board, as lead agency under SEQRA, concluded its SEQRA review and determined on November 14, 2019, that the proposed action described in the plans, Full EAF and other application materials would not have any significant adverse environmental impacts and an Environmental Impact Statement would not be required; and

Whereas, the Town of Kent Planning Board, had originally held a public hearing on October 10, 2019, which was adjourned and continued to November 14, 2019, and was then closed; and

Whereas, on November 14, 2019, the Town of Kent Planning Board pursuant to Kent Code Chapter 66, Article III the Planning Board granted Steep Slope and Erosion Control Permit approval; and pursuant to Kent Chapter 77, Zoning, granted final approval with conditions to the proposed site plan and steep slope and erosion control plan approvals based on the plans and materials described herein; and

Whereas, the Town of Kent Planning Board conditional site plan approval of November 14, 2019 expired 12 months from the date of approval as set forth in the Code of the Town of Kent section 77-61 C., which would be November 13, 2020; and

***Town of Kent Planning Board Resolution of
Re-affirmation of SEQRA Negative Declaration; and
Extension of Re-Approvals with Conditions for Site Plan; and Erosion Control
for Kent Self Storage Route 311
December 9, 2021***

Whereas, the Town of Kent Planning Board had received a letter dated December 4, 2020, requesting re-approval from Joseph C. Riina, P.E., Site Design Consultants, an updated application form and other materials on behalf of the Applicant, Richard Viebrock, Kent Self-Storage of Putnam, Inc., for re-approval of a Site Plan, which also involves a Steep Slope and Erosion Control Permit; and

Whereas, the submitted re-approval request letter stated that there had been no change to the project; that progress was made in pursuing other required approvals; and that the proposed project and plans remain the same as those granted a SEQRA Determination of Non-Significance (Negative Declaration) and conditional site plan and steep slope and erosion control plan approvals;

Whereas, on December 10, 2020, the Town of Kent Planning Board adopted a resolution reaffirming its prior determination that the proposed action described therein would not have any significant adverse environmental impacts and an Environmental Impact Statement would not be required; and granted renewed final approval with conditions to the proposed Site Plan and Steep Slope and Erosion Control plan approvals (Re-Approvals); and

Whereas, a letter was submitted requesting two 90-day extensions of the prior re-approval, which request letter stated that responses have been made to prior comments, but that some items remain to be address; and review by the Planning Board and its consultants confirms that the proposed project and plans remain the same as those granted a SEQRA Determination of Non-Significance (Negative Declaration) and conditional site plan and steep slope and erosion control plan approvals;

Now Therefore Be It Resolved, the Town of Kent Planning Board, as lead agency under SEQRA, and given there has been no change to the proposed action, hereby reaffirms its prior determination that the proposed action described herein will not have any significant adverse environmental impacts and an Environmental Impact Statement will not be required; and

Be It Further Resolved, that the Planning Board relies on the following supporting reasons in reaffirming this determination of non-significance (Negative Declaration):

1. The proposal will involve land disturbance on a vacant, vegetated site. Impervious coverage of developed site would be about thirty-five percent (34.8%). Land disturbance and construction activities will occur on just under 2 acres of the 2.7-acre site. Proposed grading, stormwater management practices and erosion and sedimentation control measures will be implemented to manage runoff and potential erosion effects. The site development includes extensive landscaping, which would serve to stabilize the site after construction.
2. The proposed action also involves an application for a Town Erosion Control Permit. The proposed limits of disturbance are defined on the site plans with corresponding erosion and sedimentation control measures.
3. The proposed site plan is consistent with the IOC zoning district's principal uses; lot and bulk requirements and design standards. The commercial use would be visible from Route 311, which is both a rural and suburban road leading to nearby recreational uses (Powerline Trail and Wonder Lake State Park); and nearby residences. Any effects on aesthetic resources or community character would be

***Town of Kent Planning Board Resolution of
Re-affirmation of SEQRA Negative Declaration; and
Extension of Re-Approvals with Conditions for Site Plan; and Erosion Control
for Kent Self Storage Route 311
December 9, 2021***

mitigated by the proposed architecture, including decorative veneer on retaining walls; and landscaping. Additionally, a proposed sidewalk easement provides for future potential development of pedestrian facilities; and

Be It Further Resolved, as per the waiver request from the Applicant and in accordance with zoning provisions for site plan procedures, the public hearing for this project is hereby waived; and

Be It Further Resolved, that pursuant to Kent Code Chapter 66, Article III the Planning Board hereby grants extensions of the Steep Slope and Erosion Control Permit re-approval; and

Be It Further Resolved, that the Planning Board hereby grants two 90-day extensions of the prior re-approval of final approval with conditions to the proposed Site Plan and Steep Slope and Erosion Control plan approvals, as depicted on the following maps:

- Plans prepared by Joseph C. Riina, P.E., entitled Kent Self Storage of Putnam, Inc., dated November 27, 2018, revised November 10, 2021, except as noted below, including the following:
 - o Title Sheet, dated January 2019, revised November 2021;
 - o Vicinity Plan and Topographic Map;
 - o Site Plan;
 - o Existing Conditions and Slope Map;
 - o Grading and Utility Plan;
 - o Septic Plan, Profile and Notes, revised July 12, 2020;
 - o Erosion and Sediment Control Plan and Notes;
 - o Landscape Plan, by Frank Guiliano, Landscape Architect, revised October 16, 2019;
 - o Site Lighting Plan, Photometrics and Specification;
 - o Intersection Site Distance Plan and Road Profiles;
 - o Storm Sewer Profiles;
 - o Development Area Profiles, dated 5/16/19, revised November 10, 2021;
 - o Wall Profiles, dated 5/16/19, revised November 10, 2021;
 - o Site Improvement Details;
 - o Stormwater Management Details;
 - o Septic Details, revised 7/21/20; and
 - o Erosion and Sediment Control Details; and

Be It Further Resolved, that the Planning Board grants the two 90-day extensions of the prior re-approval of final approval with conditions to the proposed Site Plan and Steep Slope and Erosion Control plan approvals, subject to the following procedural conditions:

1. Prior to the expiration date of the first 90-day extension, the Applicant and/or their Representatives shall return to the Planning Board at a regularly scheduled meeting and by means of written documentation demonstrate and substantiate good faith progress in satisfying any remaining conditions of approval; and
2. The Planning Board, in its discretion, retains the right to rescind the second 90-day extension in the event the Applicant has made unsuitable progress or fails to demonstrate, in the opinion of the Planning Board, a good faith effort to advance the project; and

***Town of Kent Planning Board Resolution of
Re-affirmation of SEQRA Negative Declaration; and
Extension of Re-Approvals with Conditions for Site Plan; and Erosion Control
for Kent Self Storage Route 311
December 9, 2021***

Be It Further Resolved, that these site plan and steep slope and erosion control plan approvals, including the two 90-day extensions of the prior re-approval, are expressly conditioned on the completion of the compliance with the following:

1. Address the comments of the Planning Board's Professional Engineer as set forth in a memorandum dated November 30, 2021, or any later review memorandum.
2. Address the comments of the Planning Board's Environmental Consultant as set forth in a memorandum dated September 12, 2019, or any later review memorandum.
3. Address the comments of the Planning Board's Planning Consultant as set forth in a memorandum dated December 7, 2021, or any later review memorandum.
4. Obtain the approval of the Planning Board's Consulting Professional Engineer in regard to the final Steep Slope and Erosion Control Permit plan.
5. Obtain the approval of the Putnam County Department of Health for the individual sewage disposal and water supply system.
6. Obtain all required approvals from the New York City Department of Environmental Protection.
7. Obtain all required approvals from the New York State Department of Transportation.
8. Certification by the Planning Board's Attorney that the forthcoming easements and agreements, noted in the above review memorandums, are acceptable as to form and sufficiency, including but not limited to:
 - a. Stormwater maintenance and access agreements with the Town; and
 - b. Legal instruments for review by the Planning Board's Attorney describing the use of the easement for future sidewalk development, including any necessary agreements and a metes and bounds description.
9. Approval of the amount of the performance bond or security for the Steep Slope and Erosion Control Permit required per Kent Code section 66-6 D.(4) by the Planning Board's Consulting Professional Engineer; approval of the form of the bond or security by the Planning Board Attorney; and acceptance of the bond or security by the Town Board.
10. Payment of an inspection fee for the Steep Slope and Erosion Control Permit.
11. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.

***Town of Kent Planning Board Resolution of
Re-affirmation of SEQRA Negative Declaration; and
Extension of Re-Approvals with Conditions for Site Plan; and Erosion Control
for Kent Self Storage Route 311
December 9, 2021***

12. The extensions of the prior re-approval granted in this resolution shall be subject to the procedural conditions stated herein above. From last day of the second 90-day extension, the conditional site plan approval shall expire 12 months from the date of the extended approval as set forth in the Code of the Town of Kent section 77-61 C., which states that the approval would be "... void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval."; and unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.
13. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Site Plan Approval; and Steep Slope and Erosion Control permit approvals have been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Planning Consultant verifying that each of the conditions of this approval have been completed. The final drawings shall not be accepted by the Planning Board without submission of proof of completion.

Motion: _____

Second: _____

Phil Tolmach, Chairman _____

Dennis Lowes, Vice Chairman _____

Simon Carey _____

Giancarlo Gattucci _____

Hugo German _____

Sabrina Cruz _____

Stephen Wilhelm _____

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on December 9, 2021.

Vera Patterson, Clerk
Town of Kent Planning Board

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
John Andrews
Bruce Barber
FROM: Liz Axelson, AICP
DATE: December 9, 2021
RE: Holly Property/Winkler Farm Site Plan Review for possible Stipulation, 18-26 Winkler's Farm Court, Tax Parcel No. 33.16-1-8/ CPL#15998.00-00006

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning; and 66A. Subdivision of Land. This review is also based on the September 16, 2021 letter from Planning Board Attorney Jeffrey Battistoni to Robert Bradley agent for Douglas and Lauren Holly, property owners, and several Planning Board discussions. Based on my review I offer the following comments for the Board's consideration:

Summary

1. The proposal is to review site plan materials for the purpose of negotiating a stipulation between the Planning Board and Town Board and the property owners to toward a resulting site development with a total of nineteen (19) dwelling units with thirty-six (36) bedrooms and thirty-two (32) bathrooms in ten (10) 'sites' (residential structures). This would be an increase over the existing site development consisting of 4 residential buildings. The site is located in the R-10 Residential District.
2. The basis for considering a stipulation is due to prior litigation resulting in a judgement dated January 30, 1985, which is described in the September 16, 2021 letter from Planning Board Attorney Jeffrey Battistoni.
3. Following consideration, review, and execution of a possible stipulation by the Town, the project will require full SEQRA review, site development plan approval and possibly other approvals by the Town of Kent Planning Board and other related approvals and permits by other agencies.

Review Pertaining to Consideration of a Stipulation

4. On November 4, 2021, in response to a sketch submittal on October 28, 2021, I had sent an email intended to provide guidance to the Applicant and their Representatives, with attached code excerpts with the following message:

"Based on the materials submitted by the Holly/Winkler representatives, I believe it would help to provide them some guidance on the site plan that they must submit. Based on the letter prepared by Planning Board Attorney, Jeff Battistoni, dated September 16, 2021, wherein he states, 'the site plan must be a formal one, prepared by an engineering firm, which complies with the definition of a conceptual plan and resource analysis as described in Chapter 66A-6 of the Town Code which includes all information typically shown on a site plan.', the submittal is insufficient.



I had expected a more detailed response than the plan sheet and table we received. More information is needed to move along in the Planning Board's review.

By way of Guidance, attached are the following excerpts of the Code of the Town of Kent:

- Chapter 77, section 77-60 Approval of site plans;
- Chapter 66A-6, sections 66A-6, 66A-8, 66A-16, regarding definitions, resource analysis for pre-application, and conceptual plans; and
- Chapter 77, section 77-15 to 77-18 regarding R-10 zoning district requirements and standards.

Jeff's letter of September 16, 2021 is also attached for reference. Let's discuss at the workshop tonight. Then I would like to forward this email and attachments to the Applicant's Representative Robert Bradley and Paul Lynch."

5. On November 12, 2021, in response to a sketch submittal received on November 12, 2021, I re-sent the November 4, 2021 email with attached code excerpts with the following update message:
"On November 12, 2021, Vera forwarded a message with an attached sketch plan for the Holly/Winkler project about a week after I sent the 11/4/21 email and attachments, re-attached hereto.

Vera's email noting the late submittal, indicated it would be reviewed for the December 2021 Planning Board workshop/regular meetings. However, upon comparison with the previously submitted sketch, and review per the guidance from Planning Board Attorney, Jeff Battistoni's letter, dated September 16, 2021, and the email and code excerpts attached to my 11/4/21 email, I found that there were minor clarifications, yet very little was revised compared to the sketch submitted on or about September 16, 2021.

Perhaps it was not intended to be a formal submittal. So, there is no reason to prepare a formal review.

A submittal must be provided as per the guidance in my email of 11/4/21, please see the email below and the items re-attached hereto."

6. Based on the discussion at the Planning Board's November 2, 2021 Workshop meeting, it was agreed that a formal review memorandum would be needed.

Zoning Requirements and Standards

7. Regarding the R-10 zoning district lot and bulk requirements in Zoning section 77-16, with the proposal being reviewed as a single lot, address the following:
 - a. If the entire site is considered as a single lot with multifamily dwellings and the proposal does not propose separate lots per unit or building, based on the prior litigation and pending stipulation, then it is not clear whether zoning section 77-16. A. or H., regarding minimum lot area, would not be applicable. I defer to the Planning Board Attorney.



- b. Based on the submitted sketch plan's zoning table, the proposal appears to generally meet the lot and bulk requirements in 77-16., B. through C. and F. and G. (width, frontage, setbacks, etc.), as long as the entire site is considered as a single lot with multifamily dwellings and the proposal does not propose separate lots per unit or building.
 - c. The listed proposed setbacks are larger than the individual lot requirements, which is appropriate. It would make sense to consider the need for such reasonably larger setbacks than required in the R-10 district for appropriate buffering of the site, possibly as part of the stipulation.
 - d. Regarding the building coverage and impervious coverage requirements in 77-16., D. and E., provide a table with a detailed breakdown of the values that were used to come up with the existing and proposed building and impervious coverage values.
 - e. Support the breakdown of coverage values with the individual building footprint square footage for all buildings, and impervious calculations for parking spaces, driveways, roads, sidewalks, and any other impervious features.
 - f. Consider adding any additional needed sidewalks, driveways, and parking spaces to create a navigable development.
 - g. Accordingly, a parking table should be added to the plan to approximate parking needs at 2 spaces per dwelling unit, areas, and access thereto.
 - h. There are buildings labelled "2 car garage" and "3 car garage". Are any other garages proposed? If so, the sketch should show the location and number of garages.
 - i. Sections 77-17 and 77-18 regarding standards and encroachments would be addressed later.
8. Certain aspects of a site plan should be added to the plan as per zoning section 77-6-, F. (1), including the following:
- a. A location map at a more convenient scale that would show the outline of nearby parcels.
 - b. Label the size in square footage of the existing and proposed buildings' footprints in the plan view and whether they would be one- or two-story.
 - c. Add a callout to indicate the proposed 4-dwelling-unit buildings.
 - d. Number the proposed buildings consistent with the numbering of the existing buildings.
 - e. Add a table of Proposed Building Bedroom Count consistent with the "Existing Building Bedroom Count" table with columns for apartment #, number of bedrooms, number of bathrooms.
 - f. Show and label any:
 - i. wetlands, on-site watercourses, one-hundred-year floodplains;
 - ii. areas of exposed bedrock or rock outcrops;
 - iii. slopes in excess of ten percent (10%); and
 - iv. wooded areas, and individual large trees.
 - g. Label the square footage of the existing building in the plan view.
 - h. Label all existing and proposed site surfaces, such as lawn and planted areas, paved or concrete areas, etc.
 - i. Label the existing and proposed width of the central access road.
 - j. It is recommended that a five-foot (5') wide sidewalk be shown as a proposed improvement along the main access road.
 - k. Show any generalized proposed grading.
 - l. Show generalized proposed drainageways and stormwater management practices' locations.
 - m. Show proposed wells, labelling which buildings would be served.



- n. Clarify whether the proposed septic would serve all of the proposed buildings and show the reserve (100% expansion) area.
 - o. Show the location and approximate size of refuse areas.
 - p. Show and label any proposed maintenance building.
 - q. Will there be any storage area for residents? If so, show and label.
9. If the entire site is considered as a single lot with multifamily dwellings and the proposal does not propose separate lots per unit or building, based on the prior litigation and pending stipulation, then it is not clear whether zoning sections 77-71 through 77-73, regarding Environmentally Sensitive Lands would be applicable. I defer to the Planning Board Attorney.
10. Following the process of negotiating and potentially executing a stipulation, the plans will be reviewed in more detail during actual site plan review in accordance with SEQRA and pertinent zoning standards, regulations, and requirements; and any other pertinent Chapters of the Town's code.

Subdivision of Land Requirements and Standards

11. The site plan should provide the elements defined in subdivision section 66A-6, Definitions, for Resource Analysis, including items noted above, such as wetlands, water bodies, rock outcrops, vegetation, and slopes.
12. A resource analysis is required for a conceptual plan in section 66A-8.
13. Regarding section 66A-16, confirm whether the proposal would be a single lot development or whether a conservation subdivision is contemplated.
14. Address the following aspects of 66A-16 A.:
 - a. If any parks or recreation areas are proposed, show, and label these areas.
 - b. Provide a soils map as set forth in 66A-16, A. (2).
 - c. It is recommended that a resource analysis map be shown initially as a separate sheet of existing conditions without showing any proposed development or improvements.

Recommendation

15. The Planning Board should direct the applicant to address the comments above.
16. The sketch plan submitted as a basis for considering a stipulation is insufficient and additional information is needed for further review. Accordingly, no Planning Board action is recommended at this time.
17. Please provide written responses to the above comments.

If you have any questions, please do not hesitate to contact me at 845-686-2309, or e-mail at eaxelson@CPLteam.com.

Materials Reviewed

- Plan entitled Sketch Plan Layout, Winkler Farm, prepared by Paul Lynch, Putnam Engineering, dated September 8, 2021, no revision date, received November 12, 2021;
- Plan entitled Sketch Plan Layout, Winkler Farm, prepared by Paul Lynch, Putnam Engineering, dated September 8, 2021, no revision date, received October 28, 2021;
- Plan entitled Sketch Plan Layout, Winkler Farm, prepared by Paul Lynch, Putnam Engineering, dated September 8, 2021, no revision date, received September 16, 2021.



Cornerstone Associates

Environmental Planning Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

December 9, 2021

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Holly-Winkler Farm Review
Winkler Farm Court
Section 33.16 Block 1 Lot 8

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

1. Plan entitled; "Sketch Plan Layout-Winkler Farm" prepared by Putnam Engineering dated 09/08/21, 1 sheet.

Review:

The purpose of this review is to determine if the above referenced plan contains sufficient information relative to resource analysis information.

Chapter 66A-6(C) of the Town of Kent Town Code defines "Resource Analysis" as follows:

"A map depicting the environmental conditions of a lot, including but limited to the location of soils, wetlands, waterbodies, rock outcrops, vegetation, slopes, cultural resources and man-made improvements on a lot displayed as part of a concept plan."

Review of the plan reveals the following items, as defined in the town code, have not been included:

- 1: A Wetland. Waterbody or Watercourse Determination in accordance with Chapter 39A-4(B) "Definitions" is required as defined as follows:

BOUNDARIES OF A WETLAND, WATER BODY OR WATERCOURSE

The outer limit of the vegetation specified in Subsection (1) of the definition of "wetlands" below, or of the land and waters specified in Subsections (2), (3) and (4) of the definition of "wetlands" below, or of the waters specified in the definitions of "water body" and "watercourse" below, or of soils specified in Subsections (5) and (6) of the definition of "wetlands" below.

Once the wetland, waterbody or watercourse boundaries are determined and shown on the plan, the controlled area, as defined in Chapter 39A-49(B) should be included:

CONTROLLED AREA

An additional buffer area surrounding a wetland that is also subject to the regulations for wetlands as defined in this chapter. The exact size of the "controlled area" shall be determined as follows:

(1) For all wetlands, the "controlled area" shall extend 100 feet away from the edge of the wetland.

(2) The "controlled area" of natural drainage systems includes all adjacent surfaces for 100 feet as measured from the bank of the watercourse or has an elevation of less than three feet above the normal waterline, whichever is greater.

2: Information regarding the presence of vegetation and the potential for clear cutting as defined by Chapter 39A-4(B) (below) or clearing as defined by Chapter 66-4(B) (below) has not been provided:

CLEAR CUTTING

The cutting of more than 1/2 of the existing living trees measuring more than six inches in diameter at a height of five feet in an area of 1/4 acre or more over the period of two consecutive years within a specified area.

CLEARING

Any activity that removes the vegetative surface cover.

3: Steep Slopes: the topography of the site is shown on the plan, but areas of steep slopes as defined in Chapter 66-4(B) and rock outcrops defined below have not been identified:

STEEP SLOPES

All ground areas having a topographical gradient equal to or greater than 15% measured by utilizing two-foot contours.

ROCK OUTCROPS (as defined by Miriam Webster Dictionary):

The part of a rock formation that appears at the surface of the ground

4: Cultural Resources: if applicable, have not been identified on the plan. Cultural resources are identified by the following parameters in Question 12 of the Short-Form Environmental Assessment form as follows:

*Does the project site contain, or is it substantially contiguous to, a building, archeological site, or district which is listed on the National or State Historic Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?
Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archeological sites on the NY Historic Preservation Office (SHPO) archeological site inventory?*

This office defers to the Planning Board Engineer and Town Planner regarding additional review of the above referenced applicant's concept plan. Please do not hesitate to contact me should you have any questions.

Sincerely,



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



Cornerstone Associates

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

December 9, 2021

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Maniatis Application
250 East Boyd's Road
Section 31 Block 2 Lot 51

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

1. Comment response letter executed by John Watson of Insite Engineering dated 11/16/21, 5 pages.
2. Plans entitled; "Maniatis Residence" prepared by Insite Engineering dated 11/16/21 (rev.), 3 sheets: SL-1, EC-1, D-1.

A: Summary of Application:

Application is to demolish an existing 4-bedroom single-family home and office studio and construct a new single-family 6-bedroom single-family home in the same general location on a 11.186+/- acre parcel. The total proposed construction is 9,044 square feet. A portion of the driveway will be removed and realigned with the new attached garage. The existing well and septic system shall be utilized with an expansion to the existing septic system proposed due to the increased bedroom count. The subject property is located in the R-80 zoning district.

The total proposed land disturbance is 0.8 acres.

.B: Planning Board Permits Required:

Steep slope/erosion and sediment control permit

C: Zoning:

The Town Building Inspector has confirmed that zoning variances are not required for the proposed action.

D: SEQRA:

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

E: Environmental Review:

The applicant has provided responses to the previous review memos. This office has no further comments.

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

Sincerely,

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

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



Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Erosion Control Plan – 3 rd Revised Submittal
Date:	November 29, 2021	Project:	Maniatis Residence TM # 31.-2-51

The following materials were reviewed:

- Letter to Town of Kent Planning Board-Maniatis Residence from Insite Engineering, Surveying & Landscape Architecture, P.C. dated November 16, 2021.
- Email from Town of Kent Building Inspector to Jamie LoGiudice-Maniatis-Erosion Control and Steep Slopes Permit dated October 22, 2021.
- Drawing VM-1-Vehicle Maneuvering Plan-Maniatis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated November 16, 2021, scale 1" = 40'.
- Drawing SL-1-Steep Slopes and Soils Map-Maniatis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 19, 2021, last revised November 16, 2021, scale 1" = 30'.
- Drawing EC-1-Erosion and Sediment Control Plan-Maniatis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 19, 2021, last revised November 16, 2021, scale 1" = 30'.
- Drawing D-1-Details and Noted -Maniatis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 19, 2021, last revised November 16, 2021, scale As Shown.
- Drawing DA-1-Pre-Constuction Drainage Area Map -Maniatis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated October 21, 2021, last revised November 16, 2021, scale As Noted.
- Drawing DA-2-Post-Constuction Drainage Area Map -Maniatis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated October 21, 2021, last revised November 16, 2021, scale As Noted.

The project involves the demolition of an existing 4-bedroom single family residential unit and a small office/studio and the construction of a new 6-bedroom single family residential unit in the same general location as the structures to be demolished. The project further includes the expansion and reuse of an existing onsite wastewater disposal system, and reuse of an existing well to supply the new dwelling unit. The project also includes the removal and relocation of a portion of the existing driveway to access the new attached garage. The project will require

Putnam County Health Department approval for the expansion and reuse of the existing onsite wastewater treatment system.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from the memos dated September 9, 2021, September 23, 2021 and November 2, 2021. Comments from those memoranda not included herein have been satisfactorily resolved. New or supplementary comments are shown in **Bold**.

1. Putnam County Health Department approval is required for the proposed modifications to the onsite wastewater disposal system to support the expanded dwelling.
2. We have prepared a revised bond amount. The revised bond amount is \$13,432.00. A copy is attached hereto. We recommend this bond amount of \$13,432.00 be accepted by the Planning Board as the bond amount and recommended for approval to the Town Board.
3. We previously received a draft Notice of Intent (NOI) and an MS4 Acceptance Form, partially completed. We take no exception to the material as submitted. The MS4 acceptance will be signed and returned when appropriate.
4. 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.
5. The public hearing has been opened and closed. Substantive comments raised by the public appear to have been satisfactorily addressed.
6. **So long as the Planning Board is satisfied that the public hearing concerns have been satisfactorily addressed, we recommend the project be referred to the consultants to be handled administratively.**
7. Provide a written response with future submittals stating how the comments have been addressed.
8. **New comments:**
 - a. The plan incorporates a gravel trench drain. The pipe is noted as perforated in the detail but not on the plan view. The limits of proposed perforated pipe and solid pipe should be shown and noted on the plan view.


John V. Andrews, Jr., P.E.

11.29.2021

Attachment

cc: Planning Board via email
Bill Walters via email

Bruce Barber via email
Liz Axelson via email



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

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

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

To: Planning Board Town of Kent

From: John V. Andrews, Jr., P.E.

Date: November 29, 2021

Attn: Phillip Tolmach, Chairman

Subject: Erosion Control Bond Amount - REVISED

Project: Maniatis Residence

Tax Map: 31.-2-51

The erosion control bond is as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Concrete truck washout pit	1	EA	\$ 500.00	\$ 500.00
Soil stockpiles	1	EA	\$ 500.00	\$ 500.00
End sections w/ riprap pads	1	EA	\$ 500.00	\$ 500.00
12" dia drainage pipe	140	LF	\$ 18.00	\$ 2,520.00
Roof drain pipe	45	LF	\$ 7.50	\$ 337.50
Catchbasins/drain inlets	2	EA	\$ 1,500.00	\$ 3,000.00
Seed and mulch	39,900	SF	\$ 0.06	\$ 2,394.00
Silt Fence	920	LF	\$ 4.00	\$ 3,680.00
			TOTAL:	\$ 13,431.50

Say: \$13,432.00

File / Doc.

JOHN KARELL, JR., P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK, 12563
845-878-7894 FAX 845 878 4939

Noted.

Received
mo/date/year

NOV 16 2021

Planning Department
Town of Kent

November 11, 2021

RESPONSE TO COMMENTS ANNUNZIATA, SMALLEY CORNERS ROAD, KENT (T)
TM # 21.-1-11

JOHN ANDREWS, P.E., AUGUST 9, 2020

1. Noted
2. a. name and address of the record owner has been provided as well as the estimated value of the new construction.
b. Noted.
c. Filled map 2248A is attached.
3. c. EC-1 was inadvertently not submitted. It is attached and contains the construction sequence.
4. Note added.
5. a. Vicinity map provided. Adjacent property owners table provided.
c. The maintenance schedule has been restored.
d. Litter control measures are found in the SWPPP and added to the plan.
e. these requirements are in the SWPPP.
f. These requirements are in the SWPPP
6. Noted.
7. Noted.
- 8.b. Driveway note revised.
c. Profile revised
d. Driveway drainage will be conveyed to the drainage course in a grass swale with rip rap outlet.
e. Note added
f. Note added.
h. A detail of the crossing of the drainage ditch has been added to the plans. Rip rap is shown on the outlet.
i. Area of disturbance revised.
j. The outlet of the footing and leader drains have been relocated.
9. The building inspector was contacted regarding the pre existing non conformance. As of the writing of this letter a response has not been received. Upon receipt, the response will be forwarded to all parties. Regarding the walls, the building inspector was requested to respond. It is noted that the walls do not exceed 3 feet in height.
10. see response in item A.5. of Mr. Barbers comments.
11. Payment of fees are noted.
12. Noted.

NEW COMMENTS

- a. The limit of disturbance has been revised to include the well.
- b. The driveway profile has been revised.
- c. (a) A waiver relative to driveway slopes has been requested from 10-15%. Construction of the driveway at 10 % will result in significant grading in rock requiring blasting and increased disturbance. Compared to a 15% driveway slope.
- d. (b) The driveway grading at the road has been revised in accordance with the field conference with Mssrs. Andrews and Othmer.
- e. (c) Cross section added.
- f. The Town engineering consultant previously requested additional topography along Smalley Corners Road which was provided by Richard Domato, L.S. dated April 15, 2021. The survey map submitted contained a note, "property subject to an easement in favor of the seller and his heirs and assigns for construction, installation and maintenance of pipe and swales for drainage purposes as indicated on the subdivision map no 2248A, said easement to be 25 feet in width".

It is noted that the filed subdivision map contained two sheets, designated 1 of 2 and 2 of 2, maps 2248 and 2248A, copies of both are included in the submission. The lot that is the subject of this application is Lot # 7 on map 2248A.

Review of the filed maps indicates as follows:

Map 2248

This map does not contain any easement notes relative to Lot # 7 and does not include Lot # 7.

Map 2248A

This map shows lot # 7 but contains no easement notes at all, and no easements are shown on lot # 7.

The writer attempted to contact Mr. Domato but was advised that he is retired or semi retired. I spoke to a former coworker of Mr. Domato but he had no knowledge of the property. He indicated he would speak to Mr. Domata but never got back to me.

In reviewing the plats and the property, it does not appear that an easement on this property is warranted in that the intermittent stream is flowing across this property from the property to the north and flows in a substantial channel onto the property to the south. That property contains a driveway under which is a pipe conveying water under the driveway from and into an existing intermittent stream.

BRUCE BARBER, AUGUST 4, 2021

A. Environmental Review Comments

1. Bailey Brook has been located as well as the sun loam soils and 100 foot setback from the watercourse and Sun soils.
2. A waiver from the provision of a tree plan is requested. The area of disturbance, and trees within represent 0.8 acres. The entire property is 2 acres in size, therefore 1.5 acres of woodland will remain.
3. The applicant by law must and will comply with the Town code with respect to noise. The rock hammering will occur for approximately 3- 5 days to remove approximately 400 yards of rock.

4. Since the area of disturbance is less than one acre treatment of stormwater is not required for the DEC General Permit. Stormwater will sheet flow to the existing drainage course and lawn areas. The proposed project will not result in any changes in drainage patterns or affect any existing improved properties
5. Copies of the updated approval of the Health Department construction permit is attached.

Other

- An updated deed is attached.
- Noted. It is expected that the Building Inspector will comment on this aspect.
- This matter has been taken up with the Highway Superintendent and the Town Engineering Consultant. This property is heavily wooded and all drainage will sheet flow overland for infiltration in adjacent lawn areas. It is not expected that the proposal will result in any off site pollutant loading discharge.
- As aforesaid a waiver of the tree survey is requested.
- See response under A.1.
- See response under Mr. Andrews memo, New Comment (f)
- The EAF has been revised.

John Karell, Jr., P.E.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: ANNUNZIATA HOUSE CONSTRUCTION			
Project Location (describe, and attach a location map): SMALLEY'S CORNER ROAD, KENT CLIFFS NY			
Brief Description of Proposed Action: CONSTRUCTION OF A SINGLE FAMILY HOUSE, DRIVEWAY, SEPTIC SYSTEM AND WELL			
Name of Applicant or Sponsor: VMS PIZZA 1, LLC, RICHARD ANNUNZIATA		Telephone: 914 447 5902 E-Mail: RICHARDANNUNZIATA@AOL.COM	
Address: 77 AUSTIN ROAD			
City/PO: MAHOPAC		State: NY	Zip Code: 10541
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: PUTNAM COUNTY HEALTH DEPARTMENT SEPTIC AND WELL		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.8 acres	
b. Total acreage to be physically disturbed?		0.8 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.8 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

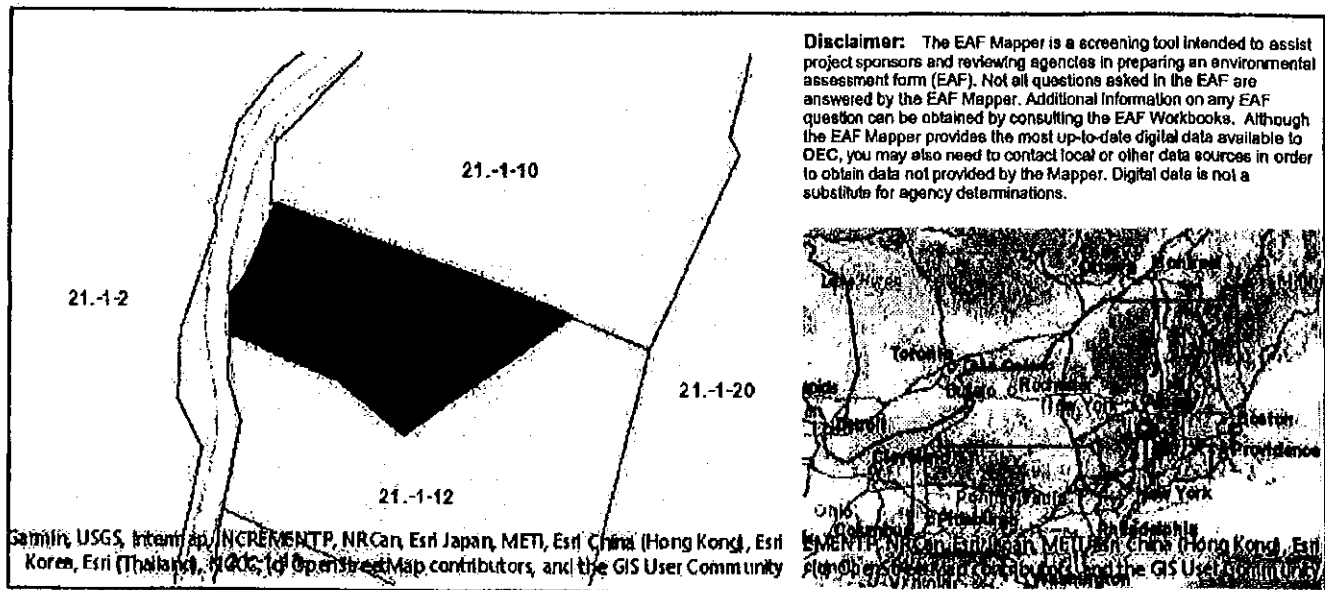
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ DRILLED WELL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ SEPTIC SYSTEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ An off site wetland exists to the north of this property. All disturbances are much greater than 100 feet from this wetland and the wetland is upgradient from this property. _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		
Stormwater will be directed to the existing drainage course on this property. Treatment of stormwater is not required since the area of disturbance is less than one acre.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>RICHARD ANNUNZIATA</u> Date: <u>JUNE 17, 2021</u> Signature: _____ Title: <u>OWNER</u>		

PRINT FORM

EAF Mapper Summary Report

Sunday, August 16, 2020 11:29 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Town of Kent Planning Board
Combined Application Form

APPROVAL REQUESTED FOR: (Check all that apply)

Sketch Plan (subdivision) _____	Preliminary Subdivision _____
Final Subdivision _____	Lot Line Change _____
Site Plan _____	Conditional Use Permit _____
Freshwater Wetland _____	Steep Slope & Erosion Ctrl <input checked="" type="checkbox"/>
Change of Use _____	

Name of Project: ANNUNZIATA HOUSE CONSTRUCTION
Description of Proposed Activity: CONSTRUCTION OF A SINGLE FAMILY HOUSE, DRIVEWAY, SEPTIC SYSTEM & WELL.

Name of Applicant(s): VMS PIZZA I, LLC
Address: 77 AUSTIN ROAD, MANHATTA, NY, 10541
Telephone: 914 - 447-5902
Name and Address of Record Owner(s): SAME AS APPLICANT

Tax Map Number of all parcels: 21.-1-11

A) For All Applications:

- 1) Total acreage involved in application: 1.8 AC
- 2) Total contiguous acreage controlled by applicant/owner (1): none
- 3) Total number of existing structures: none
- 4) Type of existing structures: —
- 5) Total square footage of all new construction: 6300 SF
- 6) Estimated value of new construction or addition: \$ 180,000.00
- 7) Type of construction or activity proposed: (Check all that apply)

New Construction: Residential <input checked="" type="checkbox"/>	Commercial _____	Institutional _____
Expansion: Residential _____	Commercial _____	Institutional _____
Home Occupation: _____	Change in use: _____	Other: _____

8) Zoning District: R-80

- 1) Shall include lands owned by family members of the applicant, and any corporation(s), partnership(s), limited liability company(ies) or other entities in which the applicant has an interest.

9) Does applicant intend to request any information waivers?

No _____ Yes X . If yes, please list all waivers (attach separate pages if necessary):

TREE PLAN - PROPERTY IS 1.8 AC with a total area
OF disturbance of 0.8 ACRES

10) Are there agricultural and/or forestry exemptions affecting the property?

No X Yes _____. If yes, please list in detail (attach separate pages if necessary):

11) Have any area or use variances affecting the property been granted?

No X Yes _____. If yes, please list in detail (attach separate pages if necessary):

12) Have any permits affecting the property been issued by any other governmental agency?

No _____ Yes X . If yes, please list in detail (attach separate pages if necessary):

PC HEALTH DEPT SEPTIC AND WELL

13) Has any application(s) for any other permit(s) for any activity affecting the property been submitted to any other governmental agency?

No X Yes _____. If yes, please list in detail (attach separate pages if necessary):

14) Attach a copy of the current deed and any easements affecting the property.

Name and Address of Professional Engineer: JOHN KARROLL, JR., P.E., 121 CUSHMAN
ROAD, PATTERSON, NY, 12563

Telephone:

845-721-0455

Name and Address of Licensed Land Surveyor: DAVID ODGILL, L.S.
123 CUSHMAN ROAD, PATTERSON, NY, 12563

Telephone:

914-469-5749

Name and Address of Attorney: _____

Telephone: _____

Name and Address of Wetland Consultant: _____

Telephone: _____

B) For Subdivision and Lot Line Change Applications Only: N/A

- 1) Total number of lots proposed: _____
- 2) What is the size of the smallest lot proposed? _____
- 3) What is the size of the largest lot proposed? _____
- 4) Number of private driveways proposed: _____
- 5) Number of common driveways proposed: _____
- 6) Maximum number of lots serviced by a common driveway: _____
- 7) Number of private roads proposed: _____
- 8) Number of lots serviced by a private road: _____
- 9) Preliminary Plat includes _____ acres and tentatively includes _____ future lots. The amount of area shown on this Preliminary Plat proposed to be dedicated for future public use, (exclusive of roads) is _____ (define measure; acres/square feet).
- 10) Does subdivider intend to submit a single subdivision plat for filing with County Clerk for all property in the Preliminary Plat? Yes _____ No _____. If no, state the number of sections to be filed _____.

C) For Freshwater Wetland Permit Applications Only: N/A

- 1) A map of the site, prepared using a recent boundary and topographic survey of the property showing conditions on the site as of the date of application, shall be submitted.
- 2) The survey map shall show the location of the all federal, state, and local jurisdictional wetland boundaries as delineated by the applicant's consultant, and the location of proposed disturbance to wetlands and wetland buffers. The survey map shall also show the location of all regulated water bodies on the site and within 200 feet of the boundary of the site.
- 3) What is the date of the boundary and topographic survey used as the base map for the application?

- 4) Proposed activity is located in:
 - a) Lake/pond [_____] Control area of lake/pond [_____]
 - b) Stream/River/Brook [_____] Control area of stream/river/brook [_____]
 - c) Wetland [_____] Control area of wetland [_____]
 - d) Not located in wetland/wetland buffer [_____]
- 5) Attach a description of the proposed activity in the controlled area including the following: i.e. maintenance, construction of dwelling, addition, driveway, culverts, including size and location.
- 6) Attach a statement of compliance with §39A-8 of the Town Code.

D) For Steep Slopes and Erosion Control Permit Applications Only:

- 1) A map of the site, prepared using a recent boundary and topographic survey of the property showing conditions on the site as of the date of application, shall be submitted.
- 2) Does the project involve any of the following:
 - a) Any disturbance involving 5,000 square feet or more of land? Yes X No _____
 - b) Any disturbance on ground areas having a topographical gradient equal to or greater than fifteen percent (15%) measured by utilizing two (2) foot contours?
Yes X No _____

- 3) What is the date of the boundary and topographic survey used as the base map for the application?

SURVEY UPDATED BY DEMATO 4/15/2021
JANUARY 15, 1987 FROM ORIGINAL SUBD. MAP BY CASHIN

- 4) Refer to Chapter 66 of the Town Code for the application requirements.

By His/Her signature the Applicant avows that: 1) He/She has read this application and is familiar with its content; and 2) He/She has read, is familiar with, and understands the requirements of the Town Kent Code provision(s) affecting or regulating the project for which this application is made; and 3) He/She agrees to comply with the requirements of the Town Kent Code provision(s) affecting or regulating the project for which this application is made including any general or special conditions of any permits or approvals granted by any board, agency, or department of the Town of Kent; and 4) He/She has read this statement and understands its meaning and its terms.

Applicant Signature: _____

Print Name: _____

Date: _____

Richard Annunziata (V.M.S. PIZZAZI LLC)
August 10, 2020

11/5/2021

Anacogata Pipe Calc - 18" pipe - Design Point

Rational Method

$$Q = A c i$$

$$A = 3 \text{ acres}$$

$$i = 2" / \text{hr} \quad 10 \text{ yr}$$

$$2.5" / \text{hr} \quad 25 \text{ yr} \quad \text{Per Setback}$$

$$7.2" / \text{hr} \quad 100 \text{ yr}$$

$$C_{\text{MAX}} = 0.25$$

$$Q = 3 (.25)(2) = 1.5 \text{ cfs}$$

$$3 (.25)(2.5) = 1.9 \text{ cfs}$$

$$3 (.25)(7.2) = 5.4 \text{ cfs}$$

$$\text{CAPACITY } 18" \text{ PIPE @ } 3.5\% \text{ } n = 0.013 = 20 \text{ cfs}$$

Therefore 18" pipe can easily handle 100 yr
STORM

DR

T.

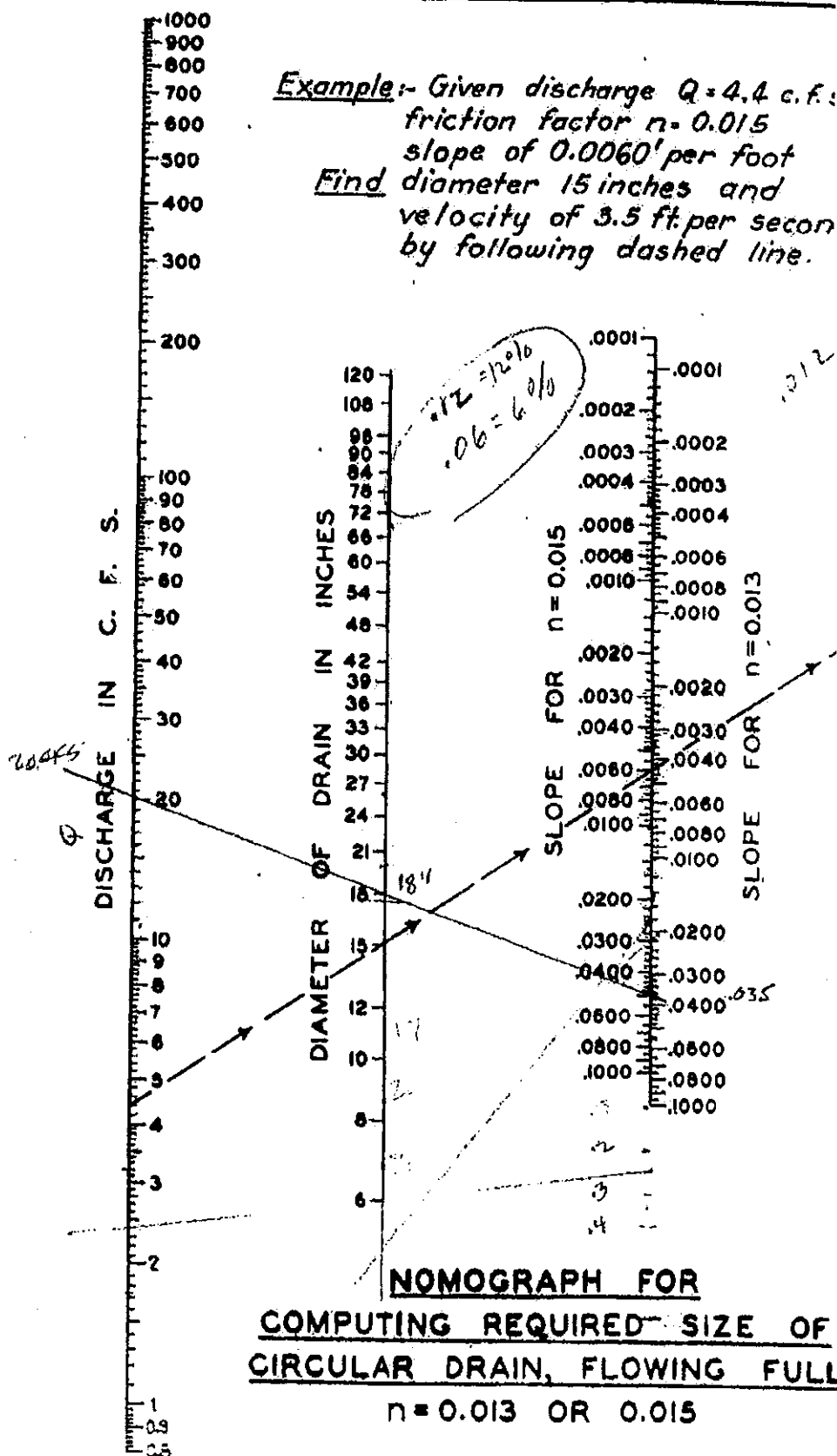
18-72

70 TO 18-02
Q2 ACI

higher in place -

DRAINAGE & SEWERAGE-HYDRAULIC CO

Example:- Given discharge $Q = 4.4$ c.f.s.
friction factor $n = 0.015$
slope of $0.0060'$ per foot
Find diameter 15 inches and
velocity of 3.5 ft. per second
by following dashed line.



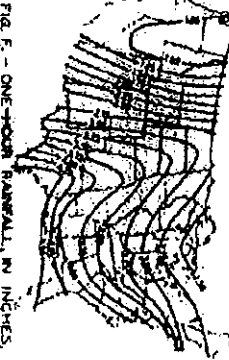
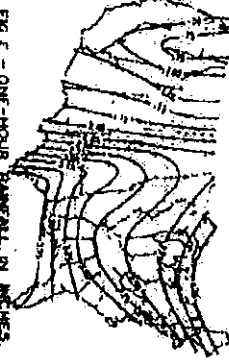
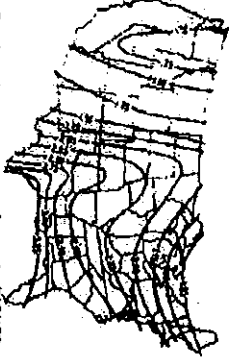
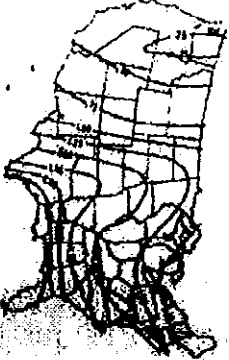
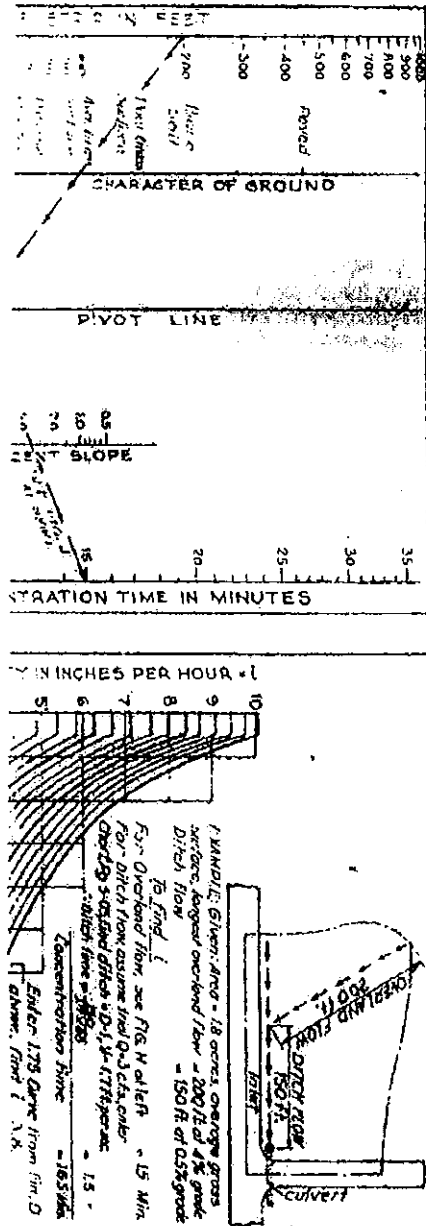
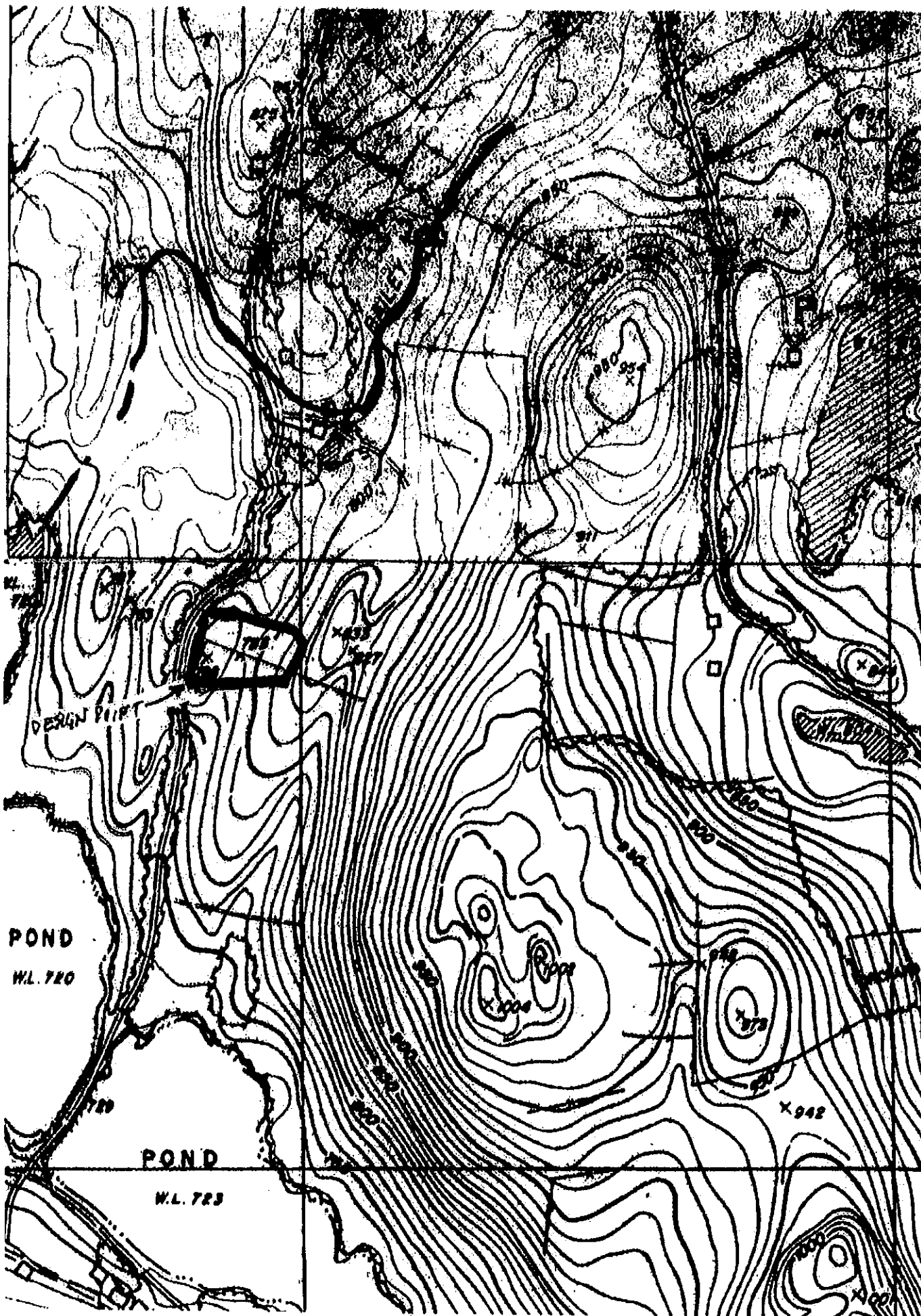


FIG. 5. INTENSITY EXPECTATION FOR ONE-HOUR RAINFALL.





**PUTNAM COUNTY DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH SERVICES**

APPLICATION TO CONSTRUCT A WATER WELL

Please print or type

PCHD Permit # K-12-92

Well Location	Street Address: <u>SMALLEY CORNERS RD</u>	Town/Village: <u>KENNY</u>	Tax Map #
Well Owner:	Name: <u>RICHARD ANNUNZIATA</u> <u>VMS PIZZELL, LLC</u>	Address: <u>77 ASTORIA</u> <u>MAHOPAC, NY 10541</u>	Phone # <u>914</u> <u>237 1693</u>
Use of Well	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Public Supply	<input type="checkbox"/> Irrigation
1- Primary	<input type="checkbox"/> Business	<input type="checkbox"/> Farm	<input type="checkbox"/> Test/Monitoring
2- Secondary	<input type="checkbox"/> Industrial	<input type="checkbox"/> Institutional	
Amount of Use	Yield Sought: <u>5</u> gpm	# People Served: <u>6</u>	Est. of Daily Usage: <u>200</u> gal.
Reason for Drilling	<input checked="" type="checkbox"/> Replace Existing Supply <input checked="" type="checkbox"/> New Supply (new dwelling) <input type="checkbox"/> Test/Observation <input type="checkbox"/> Deepen Existing Well <input type="checkbox"/> Additional Supply		
Detailed Reason for Drilling	<u>new well, New house</u>		
Well Type	<input checked="" type="checkbox"/> Drilled	<input type="checkbox"/> Driven	<input type="checkbox"/> Gravel <input type="checkbox"/> Other
Is well site subject to flooding?..... Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is well located in a realty subdivision?..... Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Name of subdivision: <u>UPPER NINHAM ESTATES</u>		Lot No. <u>7</u>	
Water Well Contractor: <u>BOYD</u>		Address: <u>Carmel NY</u>	
Is Public Water Supply available on site?..... Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Name of Public Water Supply: _____		Town/Village: _____	
Distance to property from nearest water main: _____			
Proposed well location & sources of contamination to be provided on separate sheet/plan.			
Date: <u>8/10/2021</u>		Applicant Signature: <u>[Signature]</u>	

PERMIT TO CONSTRUCT A WATER WELL

This permit to construct one water well as set forth above, is granted under provisions of Article 10 of the Putnam County Sanitary Code and Subpart 5-2 of Part 5 of the New York State Sanitary Code and provided that within thirty (30) days of the completion of water well construction, the applicant or their designated representative shall: 1) Pump the well until the water is clear. 2) Disinfect the well in accordance with the requirements of the Putnam County Health Department. 3) Submit a Well Completion Report on a form provided by the Putnam County Health Department. 4) The well driller shall abide by all conditions of the permit. 5) During all well drilling operations the well driller shall take appropriate action to assure that any and all water and waste products from such well drilling operations be contained on this property and in such a manner as not to degrade or otherwise contaminate surface or groundwater.

Additional Permit Requirements: _____

APPROVED FOR CONSTRUCTION: This approval expires two years from the date issued unless construction of the well has been completed and inspected by the PCDOH and is available for cause or may be amended or modified when considered necessary by the Commissioner of Health. Any revision or alteration of the approved plan requires a new permit. Well to be constructed by a water well driller licensed by Putnam County.

Date of Issue: 10/19/21
 Date of Expiration: 10/19/23
 Permit Issuing Official: [Signature]
 Permit is Non-Transferable

PUTNAM COUNTY DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH SERVICES

CONSTRUCTION PERMIT FOR SEWAGE TREATMENT SYSTEM

PERMIT # K-12-92

Located at SMALLEY CORNERS ROAD Town or Village Kent (T)

Subdivision name UPPER NINHAM LAKE ESTATES Subd. Lot # 7 Tax Map 21 Block 1 Lot 11

Date Subdivision Approved 5/22/87 Renewal X Revision

Owner/Applicant Name RICHARD ANNUNZIATA VMS PIZZA, LLC Date of Previous Approval 8/21/19

Mailing Address 77 AUSTIN ROAD, MAHOPAC, NY, Zip 10541

Amount of Fee Enclosed \$500

Building Type WOOD FRAME Lot Area 1.84 No. of Bedrooms 4 Design Flow GPD 600

Fill Section Only X Depth 3 Volume 1100 CY
PCHD NOTIFICATION IS REQUIRED WHEN FILL IS COMPLETED

Separate Sewerage System to consist of 1250 gallon septic tank and

Other Requirements:

To be constructed by JP NILSEN Address CARMEL, NY

Water Supply: Public Supply From Address

or: X Private Supply Drilled by BOYO Address Carmel, NY

I represent that I am wholly and completely responsible for the design and location of the proposed system(s) and that the separate sewage treatment system described above will be constructed as shown on the approved amendment thereto and in accordance with the standards, rules and regulations of the Putnam County Department of Health, and that on completion thereof a "Certificate of Construction Compliance" satisfactory to the Public Health Director will be submitted to the Department, and a written guarantee will be furnished the owner, his successors, heirs or assigns by the builder, that said builder will place in good operating condition any part of said sewage treatment system during the period of two (2) years immediately following the date of the issuance of the approval of the Certificate of Construction Compliance of the original system or any repairs thereto.

Signed: AK Kasey P.E. X R.A. Date 8/10/2021

Address 121 Cushman Road, Mahopac, NY 12562 License # 53277

APPROVED FOR CONSTRUCTION: This approval expires two years from the date issued unless construction of the sewage treatment system has been completed and inspected by the PCHD and is revocable for cause or may be amended or modified when considered necessary by the Public Health Director. Any revision or alteration of the approved plan requires a new permit. Approved for discharge of domestic sanitary sewage only.

By: [Signature] Title: APHE Date: 10/19/23

White copy - HD File; Yellow copy - Building Inspector; Pink copy - Owner; Orange copy - Design Professional
Form CP-97



PRE RECORDING COVER PAGE

Michael C. Bartolotti, Putnam Co Clerk
40 Gleneida Avenue, Room 100
Carmel, New York 10512

Supporting Documents:

(DEED)

TP-584 Combined Real Estate Transfer Tax Return

RP-5217 Real Property Transfer Report (ORIGINAL/NO COPIES)

IT-2663 Non-Resident Income Tax Return (PAYABLE TO NYS INCOME TAX) (USE ONLY WHEN APPLICABLE)

ALL PAYMENTS OVER \$1000 A CERTIFIED CHECK/MONEY ORDER/GUARANTEE LETTER

InboxID: 54535
Submitted Date: 08/12/2021 05:56 PM
Submitted By: CHRISTOPHER SAYEGH
65 GLENEIDA AVENUE
CARMEL, NEW YORK 10512
CSAYEGH@SAYEGHLAW.COM

Document Count: 1

Document 1: DEED
Party1: VMS PIZZA 1 LLC
Party2: 230 OAK WEST LLC
Recording Fee: \$210.00
Transfer Tax: \$0.00
Document Total: \$210.00

Recording Total:	\$210.00
Tax Total:	\$0.00
PROCESSING FEE:	\$1.00
Grand Total:	\$211.00

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR
(CORPORATION)**

STATUTORY FORM CC

THIS IS A LEGALLY BINDING INSTRUMENT. IF NOT FULLY UNDERSTOOD, WE
RECOMMEND ALL PARTIES TO THE INSTRUMENT CONSULT AN ATTORNEY BEFORE
SIGNING.

THIS INDENTURE, made the 8th day of September, 2021,

between VMS Pizza 1, LLC, of 77 Austin Road, Mahopac, NY 10541, a corporation organized under the
laws of New Jersey,

party of the first part, and

230 Oak Road West LLC, of 13 Concordia Road, Mahopac, New York 10541, a corporation organized
under the laws of New York,

party of the second part:

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other good
and valuable consideration, lawful money of the United States, paid by the party of the second part, does
hereby grant and release unto the party of the second part, Party of the first does hereby grant and release
unto the party of the second part, his heirs, successors and assigns forever, all that certain plot, piece or
parcel of land, lying and being in the Town of Kent, County of Putnam, State of New York, more
particularly described in Schedule A attached hereto.;

Subject to all covenants, easements and restrictions of record, if any, affecting said premises;

BEING and hereby intending to convey the same premises as conveyed to the parties of the first
part by Deed dated July 2, 2021, and recorded in the Putnam County Clerk's Office on July 14, 2021, in
Liber/Reel 2223 of Deeds, at page 4;

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any
streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in
and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, TO
HAVE AND TO HOLD the premises herein granted unto the party of the second part, his heirs,
successors and assigns forever. And the party of the first part covenants that it has not done or suffered
anything whereby the said premises have been encumbered in any way whatever.

AND the party of the first part/grantor, in compliance with Section 13 of the Lien Law, covenants
that the party of the first part/grantor will receive the consideration for this conveyance and will hold the
right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of
the improvement and will apply the same first to the payment of the cost of the improvement before using

District: Carmel CSD

SCHEDULE A DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Kent, County of Putnam and State of New York, known and designated as Lot No. 7, as shown on a certain map entitled, "Final Subdivision Plat, known as Upper Nimham Lake Estates", dated January 15, 1987 and revised April 23, 1987 and filed in the Office of the Putnam County Clerk on July 22, 1987 as Filed Map No. 2248A;

TOGETHER with an undivided 4.24% interest in Lot No. 9 as shown on the aforesaid map;

TOGETHER with and subject to such rights in common with others to the use of Upper Lake Nimham;

Said premises are more commonly known as 21.-1-11 and 21.13-1-19 on the Tax Map.

Deed

Title No. *Title Number TE*****

VMS Pizza 1, LLC

To

230 Oak Road West LLC

District Carmel CSD

Section ***Premises section TE***

Block ***Premises block TE***

Lot ***Premises lot TE***

County or Town Putnam, Kent

Street Address Smalley Corners Road and 22 Beach
Court

Carmel, New York 10512

Return By Mail To:

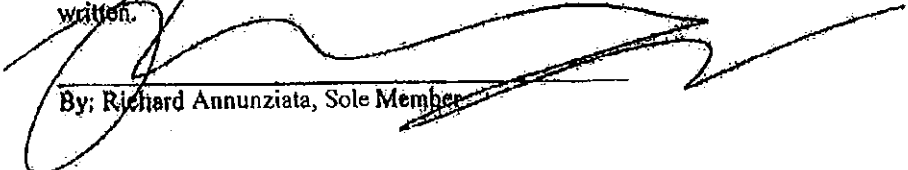
230 Oak Road West LLC,
13 Concordia Road,
Mahopac, New York 10541

Reserve This Space For Use Of Recording Office

District: Carmel CSD

any part of the total of the same for any other purpose. The word "party" or "grantor" shall be construed as if it read "parties" or "grantors" whenever the sense of this document so requires.

IN WITNESSETH WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer the day and year first above written.

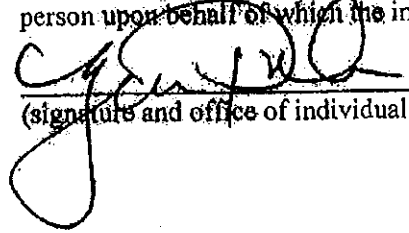

By: Richard Annunziata, Sole Member

IN PRESENCE OF:

Acknowledgment by a Person Within New York State (RPL § 309-a)

STATE OF NEW YORK)
) ss.:
COUNTY OF PUTNAM)

On the ~~14th day of August~~ ^{8th day of September} in the year 2021, before me, the undersigned, personally appeared Richard Annunziata, as Sole Member of VMS Pizza 1, LLC, 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 they executed the same in their capacity(ies), and that by their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(signature and office of individual taking acknowledgment)

Zena Dubas
Notary Public, State of New York
Registration No.: 02DU6314230
Qualified in Dutchess County
Commission Expires: November 3, 2022

District: Carmel CSD

CERTIFICATION OF PROFESSIONAL ENGINEER/LICENSED LAND SURVEYOR/ARCHITECT

State of New York)

) ss:

County of Putnam

_____ being duly sworn, deposes and says:

1. That I/we are the Engineer named in the foregoing application for Subdivision / Lot Line Change / Site Plan / Conditional Use Permit / Change in Use / Freshwater Wetland / Steep Slope and Erosion Control approval(s) and that I/we have been duly authorized by the owner in fee to make such application and that the foregoing statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we understand that the Town of Kent Planning Board intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we have examined this affidavit and that it is true and correct.

Leanna R. Farrell
Licensed Professional

4/15/2021
Licensed Professional

Leanna R. Farrell
Notary Public

LEANNA R. FARRELL
NOTARY PUBLIC-STATE OF NEW YORK
No. 01FA6147443
Qualified in Putnam County
My Commission Expires June 05, 2022

AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York }

} ss:

County of Putnam }

W/HITE

being duly sworn, deposes and says:

1. That I/we are the John Farrell, Jr. named in the foregoing application for Planning Board for Subdivision / Lot Line Change / Site Plan / Conditional Use Permit / Change in Use / Freshwater Wetland / Steep Slope and Erosion Control approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That he/she resides at 121 Cushman Road, Patterson in the County of Putnam and the State of NY.
3. That I/we understand that by submitting this application for Planning Board approval that I/we expressly grant permission to the Planning Board and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Planning Board action. That I/we understand that by submitting this application that I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Town related to this application.
4. That I/we understand that I/we, and our contractors shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with the approved application. I/we acknowledge that approval of the site plan and commencement of any work related to the approved application shall constitute express permission to the Planning Board, the Building Inspector, and their authorized representatives and designees, to enter the property for the purposes of inspection for compliance with the approved application, whether or not any other permits have been applied for or issued for the project. I/we acknowledge that approval of the application and the commencement of work related to the approved plan is an express waiver of any objection to authorized Town official(s) entering the property for the purpose of conducting inspections.
5. That I/we understand that the Town of Kent Planning Board intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we has examined this affidavit and that it is true and correct.

[Signature]
Applicant/Agent

11/15/2021
Applicant/Agent

Leanna R. Farrell
Notary Public

LEANNA R. FARRELL
NOTARY PUBLIC-STATE OF NEW YORK
No. 01FA6147443
Qualified in Putnam County
My Commission Expires June 05, 2022

9) Does applicant intend to request any information waivers?

No ☐ Yes ☒ If yes, please list all waivers (attach separate pages if necessary):

TREE PLAN - PROPERTY IS 1.8 AC WITH A TOTAL AREA
OF DISTURBANCE OF 0.8 ACRES

10) Are there agricultural and/or forestry exemptions affecting the property?

No ☒ Yes ☐ If yes, please list in detail (attach separate pages if necessary):

11) Have any area or use variances affecting the property been granted?

No ☒ Yes ☐ If yes, please list in detail (attach separate pages if necessary):

12) Have any permits affecting the property been issued by any other governmental agency?

No ☐ Yes ☒ If yes, please list in detail (attach separate pages if necessary):

PC HEALTH DEPT SEPTIC AND WELL

13) Has any application(s) for any other permit(s) for any activity affecting the property been submitted to any other governmental agency?

No ☒ Yes ☐ If yes, please list in detail (attach separate pages if necessary):

14) Attach a copy of the current deed and any easements affecting the property.

Name and Address of Professional Engineer: JOHN KAROLL, JR., P.E., 121 CUSHMAN
ROAD, PATTERSON, NY, 12563

Telephone:

845-721-0455

Name and Address of Licensed Land Surveyor: DAVID ODELL, L.S.

123 CUSHMAN ROAD, PATTERSON, NY, 12563

Telephone:

914-469-5749

Name and Address of Attorney: —

Telephone: —

Name and Address of Wetland Consultant: —

Telephone: —

B) For Subdivision and Lot Line Change Applications Only: N/A

- 1) Total number of lots proposed: _____
- 2) What is the size of the smallest lot proposed? _____
- 3) What is the size of the largest lot proposed? _____
- 4) Number of private driveways proposed: _____
- 5) Number of common driveways proposed: _____
- 6) Maximum number of lots serviced by a common driveway: _____
- 7) Number of private roads proposed: _____
- 8) Number of lots serviced by a private road: _____
- 9) Preliminary Plat includes _____ acres and tentatively includes _____ future lots. The amount of area shown on this Preliminary Plat proposed to be dedicated for future public use, (exclusive of roads) is _____ (define measure: acres/square feet).
- 10) Does subdivider intend to submit a single subdivision plat for filing with County Clerk for all property in the Preliminary Plat? Yes _____ No _____. If no, state the number of sections to be filed _____.

C) For Freshwater Wetland Permit Applications Only: N/A

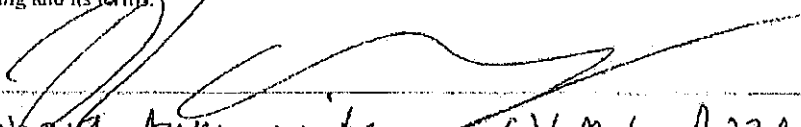
- 1) A map of the site, prepared using a recent boundary and topographic survey of the property showing conditions on the site as of the date of application, shall be submitted.
- 2) The survey map shall show the location of the all federal, state, and local jurisdictional wetland boundaries as delineated by the applicant's consultant, and the location of proposed disturbance to wetlands and wetland buffers. The survey map shall also show the location of all regulated water bodies on the site and within 200 feet of the boundary of the site.
- 3) What is the date of the boundary and topographic survey used as the base map for the application?

- 4) Proposed activity is located in:
 - a) Lake/pond [_____] Control area of lake/pond [_____]
 - b) Stream/River/Brook [_____] Control area of stream/river/brook [_____]
 - c) Wetland [_____] Control area of wetland [_____]
 - d) Not located in wetland/wetland buffer [_____]
- 5) Attach a description of the proposed activity in the controlled area including the following: i.e. maintenance, construction of dwelling, addition, driveway, culverts, including size and location.
- 6) Attach a statement of compliance with §39A-8 of the Town Code.

D) For Steep Slopes and Erosion Control Permit Applications Only:

- 1) A map of the site, prepared using a recent boundary and topographic survey of the property showing conditions on the site as of the date of application, shall be submitted.
- 2) Does the project involve any of the following:
 - a) Any disturbance involving 5,000 square feet or more of land? Yes X No
 - b) Any disturbance on ground areas having a topographical gradient equal to or greater than fifteen percent (15%) measured by utilizing two (2) foot contours?
Yes X No
- 3) What is the date of the boundary and topographic survey used as the base map for the application?
SURVEY UPDATED BY DEMATO 4/15/2021
JANUARY 15, 1987 FROM ORIGINAL SUBD. MAP BY CASH/N
- 4) Refer to Chapter 66 of the Town Code for the application requirements.

By His/Her signature the Applicant avows that: 1) He/She has read this application and is familiar with its content; and 2) He/She has read, is familiar with, and understands the requirements of the Town Kent Code provision(s) affecting or regulating the project for which this application is made; and 3) He/She agrees to comply with the requirements of the Town Kent Code provision(s) affecting or regulating the project for which this application is made including any general or special conditions of any permits or approvals granted by any board, agency, or department of the Town of Kent; and 4) He/She has read this statement and understands its meaning and its terms.

Applicant Signature: 

Print Name: Richard Annunziata

Date: August 10, 2020

(V.M.S. PIZZAZZ LLC)

11/5/2021

Aggregate Pipe Calc - 18" pipe - Design Point A

RATIONAL Method

$$Q = Aci$$

$$A = 3 \text{ ACRES}$$

$$i = 2" \text{ 1HR 10 YR}$$

$$2.5" \text{ 1HR 25 YR PER SETLEY}$$

$$7.2" \text{ 1HR 100 YR}$$

$$C_{MAX} = 0.25$$

$$Q = 3 (.25)(2) = 1.5 \text{ CFS}$$

$$3 (.25)(2.5) = 1.9 \text{ CFS}$$

$$3 (.25)(7.2) = 5.4 \text{ CFS}$$

$$CAPACITY 18" \text{ PIPE @ } 3.5\% \text{ } n = 0.013 = 20 \text{ CFS}$$

Therefore 18" pipe can easily handle 100 YR
STORM

18-6

DR

T.

18-72

170 TO 18-02
22 A C C

higher n value -

DRAINAGE & SEWERAGE-HYDRAULIC CO

Example:- Given discharge $Q = 4.4$ c.f.s.
friction factor $n = 0.015$
slope of $0.0060'$ per foot
Find diameter 15 inches and
velocity of 3.5 ft. per second
by following dashed line.

