

Approved: May 13, 2021

**TOWN OF KENT PLANNING BOARD
April 08, 2021
FINAL ADOPTED MINUTES**

Due to the Corona virus the Planning Board held their April 08, 2021 meeting via Zoom.

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

The following Board members participated from their respective homes, as did the Planning Board consultants, for the April 2021 monthly meeting via Zoom:

Planning Board Members

Philip Tolmach, Chairman
Simon Carey
Giancarlo Gattucci

Dennis Lowes, Vice Chairman
Hugo German
Stephen Wilhelm

Absent:

Jamie McGlasson, Liaison
Julie Mangarillo
Chris Ruthven, Liaison

Charles Sisto
Bill Walters, Building Inspector

Others in Attendance:

John Andrews, Rohde, Soyka & Andrews
Liz Axelson, Planner
Bruce Barber, Environmental Consultant

- Mr. Tolmach opened the meeting with the Pledge of Allegiance.
- Mr. Tolmach asked each of the Board members to identify themselves to the audience and state that they were alone in their residences participating in the meeting, which they did.
- Mr. Tolmach advised the Planning Board that the approval for the March minutes would be held over until the May meeting.

Mr. Tolmach advised the Board that since there was nothing above the line requiring action the meeting could have been suspended, but that he felt it was too short notice to cancel. Ms. Axelson reiterated this fact and said she'd give a brief status report of the items below the line.

Town of Kent Planning Board Minutes
April 08, 2021

Permit Applications Updates (Applicants attendance not required/Workshop Discussion): **Comments to be updated

- | | | |
|--|----------------------|---------------|
| <ul style="list-style-type: none"> • Sun Property
3 Westwood Drive, Kent, NY
TM: 19.12-1-20 | Erosion Control Plan | Status Report |
|--|----------------------|---------------|

Noone was present representing the applicant and this was moved to the administrative track. The revised bond had to be approved which was \$19,700.00.

Mr. Tolmach asked s for a motion to accept this bond. The motion was made by Mr. Gattucci and seconded by Mr. Lowes. Following were the roll call votes.

Mr. Tolmach	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Charles Sisto	<u>Absent</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- | | | |
|---|----------------------|---------------|
| <ul style="list-style-type: none"> Holly Property
Winkler Farm Court, Kent, NY
TM: 31.16-1-8 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Mr. Robert Bradley represented Mr. Holly, the owner of this property. Ms. Axelson said that there was no action to be taken at this time.

Mr. Bradley asked how the applicant should proceed and was told by Ms. Axelson that Mr. Battistoni needed to contact Mr. Tolmach which instructions as to how to proceed. No other details could be provided because this was discussed at a client-privileged session. Ms. Axelson would remind Mr. Battistoni to contact Mr. Tolmach.

- | | | |
|---|----------------------|---------------|
| <ul style="list-style-type: none"> • P Zavgarodni
71 Bowen Rd., Kent, NY
TM: 12.18-1-6 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Nothing new was submitted. No action to be taken on this project. Mr. Karell advised the Planning Board that he had submitted new material which would be presented for the May meeting. An environmental consultant needed to be hired. Mr. Barber visited the site, but due to inclement weather needed to go out again. Ms. Patterson advised the Board that some of the Planning Board members may want to visit the site as well.

Town of Kent Planning Board Minutes
April 08, 2021

- | | | |
|---|-------------------------|---------------|
| • Best Discount Depot
86 Towners Rd., Kent, NY
TM: 33.73-1-60 | Sign Approval/Site Plan | Status Report |
|---|-------------------------|---------------|

Waiting for a new submittal. No action was necessary at this time.

- | | | |
|--|---------------|---------------|
| • Patel Laundrymatt
270 Route t2, Kent, NY
TM: 33.56-1-5 | Change of Use | Status Report |
|--|---------------|---------------|

Ms. Axelson said that she thought that additional escrow was required and was told that there was money in the escrow account. Ms. Patterson said that additional information regarding the sewage flow so no additional review was done. Mr. Karell said he checked with the Health Department about seating in the restaurant and was told that there was a discrepancy. The new material submitted by Mr. Karell would be sent out on Monday for the May meeting.

- | | | |
|---|--------------|---------------|
| • Vitiello Property
475 Pudding Street, Kent, NY
TM: 31.-1-32 | Field Change | Status Report |
|---|--------------|---------------|

No further action to be taken on this project.

- | | | |
|--|--|---------------|
| • Holmes Presbyterian
60 Denton Lake Rd., Holmes, NY
TM: 2.-1-47-1 | Site Plan/Field Change
Erosion Control Plan | Status Report |
|--|--|---------------|

Submittal received 4/1/21 to be discussed at the May meeting.

- | | | |
|---|---|---------------|
| • Putnam Nursing Home
& Rehabilitation Center
404 Ludingtonville rd., Kent, NY
TM: 12.-3-40 & 41 | Erosion Control/Site Plan
Wetland Permit/Bond Estimate | Status Report |
|---|---|---------------|

Nothing new submitted.

- | | | |
|---|--|---------------|
| • Kent Development – Commercial Lot
& Timber Harvest
N. Horsepound & Peck slip Rds, Kent, NY
TM: 12.-1-38 & 42 | Site Plan/Steep Slopes/
Freshwater Wetlands Permit
& Lot Line Adjustment | Status Report |
|---|--|---------------|

Nothing new submitted.

- | | | |
|--|-------------|---------------|
| • Kent Self Storage
Route 311, Kent, NY
TM: 22.-2-17 | Re-Approval | Status Report |
|--|-------------|---------------|

Awaiting a new submittal.

Town of Kent Planning Board Minutes
April 08, 2021

- | | | |
|--|---------------|---------------|
| • 52 Kent Corp. (Mazzotta)
1100 Rte 52, Kent, NY
TM: 12.-1-54 & 55 | Change of Use | Status Report |
|--|---------------|---------------|

A memo to be sent to applicant to address outstanding conditions of approval. Trees need to be replaced.
Waiting for submittal of conditions of approval.

- | | | |
|--|------------------------------|---------------|
| • GADF LLC (Mazzotta)
1088 Rte. 52, Kent, NY
TM: 12.17-1-9 | Public Hearing/
Site Plan | Status Report |
|--|------------------------------|---------------|

Waiting for a revised site plan.

Mr. Lowes asked what it would take to finalize the GADF and 52 Kent Corp projects because they needed to move forward.
Ms. Axelson said she had sent out memos as to what was required along with a draft Resolution.

- | | | |
|---|----------------------|---------------|
| • Annunziata
Smalley Corners Rd., Kent, NY
TM: 21.-1-11 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Waiting for an updated survey of entire lot.

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

Mr. Cleary sent a note asking to be on the agenda and Ms. Axelson advised him that there were several items outstanding.

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

Nothing New. Rodriguez responded to note sent that they want to stay on the agenda.

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

Raneri responded to letter regarding status of project that he does want to proceed with it, but is away and when he returns at the end of the month will submit review fees.

Ms. Axelson advised the Planning Board that the Mining Law would be discussed at an upcoming joint meeting between the Town and Planning Boards on April 19, 2021. Further details would be distributed shortly by the Town Board.

Town of Kent Planning Board Minutes
April 08, 2021

Mr. Tolmach asked for a motion to adjourn the April 08, 2021 meeting at 08:30 PM. The motion was made by Mr. Lowes and seconded by Mr. German. Following were the roll call votes.

Mr. Tolmach	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Charles Sisto	<u>Absent</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

APRIL 2021

KENT PLANNING BOARD AGENDA

FINAL

Workshop: April 01, 2021 (Thursday, 7:30 PM) VIA ZOOM

Meeting: April 08, 2021 (Thursday, 7:30 PM) VIA ZOOM

THIS MEETING WILL BE CONDUCTED VIRTUALLY The Town of Kent Planning Board will be holding its regularly scheduled monthly workshop on Thursday, April 01, 2021 at 7:30 P.M. and the monthly meeting on Thursday, April 08, 2021 at 7:30 P.M. via ZOOM. The meeting will be televised live on the Town of Kent cable channel as well as live-streamed on YouTube. The public can participate via ZOOM. Please identify yourself when participating just as you would if you came to the microphone during a regular meeting. Thank you for your cooperation.

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

Topic: Town of Kent, N.Y. Planning Board Work Session

Time: April 01, 2021 at 07:30 PM Eastern Time (US and Canada)

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

Time: April 08, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

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

Meeting ID: 587 708 3251

One tap mobile

+19292056099,,5877083251# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 587 708 3251

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

To view the video live on YouTube click the link below. To make a public comment, please sign in to a Gmail account on YouTube.

<https://www.youtube.com/watch?v=L2mrLNH3I2Q&feature=youtu.be>

APRIL 2021 AGENDA

- “Attorney- Client privileged Session” w/Jeff Battistoni & Planning Board via Zoom
- Approve Planning Board Minutes from March 11, 2021

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

- | | | |
|--|-----------------------|---------------|
| • Sun Property
3 Westwood Dr., Kent, NY
TM: 19.12-1-20 | Erosion Control Plan/ | Status Report |
| • Holly Property
Winkler’s Farm Court Property, Kent, NY
TM: 33.16-1-8 | Erosion Control Plan | Status Report |
| • Zavgarodni
71 Bowen Road, Kent, NY
TM: 12.18-1-16 | Erosion Control Plan | Status Report |

**Town of Kent Planning Board Minutes
April 08, 2021**

• Best Discount Depot 86 Towners Rd., Kent, NY TM: 33.73-1-60	Sign Approval/Site Plan	Status Report
• Patel Laundrymatt 270 Route 52, Kent, NY TM: 33.56-1-5	Change of Use	Status Report
• Vitiello 475 Pudding Street, Kent, NY TM: 31.-1-32	Erosion Control Plan/ Field Change	Status Report
• Holmes Presbyterian 60 Denton Lake Road, Holmes, NY TM: 2.-1-47-1	Site Plan/ Erosion Control Plan	Status Report
• Putnam Nursing & Rehabilitation Center Addition 404 Ludingtonville Road, Holmes, NY TM: 12.-3-40 & 41	Erosion Control/Site Plan/ Wetland Permit/Bond Estimate	Status Report
• Kent Development – Commercial Lot & Timber Harvest N. Horsepound & Peck slip Rds., Kent, NY TM: 12.-1-38 & 42	Site Plan/Steep Slopes/ Freshwater Wetlands Permit & Lot Line Adjustment	Status Report
• Kent Self Storage Route 311, Kent, NY TM: 22.-2-17	Re-Approval	Status Report
• 52 Kent Corp. 1100 Rte 52, Kent, NY TM: 12.-1-54 & 55	Change of Use	Status Report
• GADF LLC 1088 Rte. 52, Kent, NY TM: 12.17-1-9	Public Hearing/ Site Plan	Status Report
• Annunziata Smalley Corners Rd., Kent, NY TM: 21.-1-11	Erosion Control Plan	Status Report
• Route 52 Development/ Kent Country Square Route 52, Kent, NY TM: 12.-1-52	SEQRA	Status Report
• Rodriguez 104 Smalley Corners Rd., Kent, NY TM: 21.-1-10	Sub-Division	Status Report
• Raneri Property Hillside Paper Rd., Kent,, NY TM: 44.24-1-3	Erosion Control Plan	Status Report
• Town of Kent Mining Law		Discussion
• Rev. 1 3/30/21		

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

email: planningkent@townofkentny.gov
Kent, NY 10512
Fax: 845-306-5283

Resolution #4
Year 2021

Date: March 26, 2021
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att Bill Huestis, Deputy Supervisor
Paul Denbaum Jamie McGlasson
Chris Ruthven
CC: W. Walters, Building Inspector - w/Att T. Harrison - w/Att.
L. Cappelli, Town Clerk - w/Att Finance Department - w/Att.
Re: Recommendation to move this project to the Administrative Track,
And Forward Erosion Control Bond Agreement to the Town Board
Roger Sun
1601 Briarwood Lane
Danbury, CT 06810
For Property Located at:
3 Westwood Drive
Kent, NY 10512
TM: 19.12-1-20

Resolved: On March 11, 2021 Kent Planning Board reviewed material pertaining to the recommendation noted above (attached) and agreed that it was appropriate to forward it to the Town Board for their action.

Mr. Tolmach asked for a motion to forward this recommendation to the Kent Town Board to accept the attached Erosion Control Surety Bond:

Erosion Control Bond in the amount of \$4,500.00
Final Inspection Fee in the amount of \$1,000.00

Mr. Tolmach asked for a motion to accept the Erosion Control Bond in the amount of \$4,500.00 and an inspection fee of \$1,000.00. The motion was made by Mr. Carey and seconded by Mr. Lowes. The roll call votes were as follows:

Philip Tolmach, Chairman	Aye
Dennis Lowes, Vice Chairman	Aye
Simon Carey	Aye
Giancarlo Gattucci	Aye
Hugo German	Aye
Charles Sisto	Absent
Stephen Wilhelm	Absent

The motion carried.

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

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on March 11, 2021.



Vera Patterson
Planning Board Secretary

Dated: March 11, 2021

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

citibank
Citibank, N.A.

FC# 00059 FA# 037 \$10.00 ONL PIC DATE 03/27/21
028-03 Ck. Ser. # 115938161

115938161 82-20 311

PAY *****ONE THOUSAND DOLLARS***** **\$1,000.00**

TO THE ORDER OF *****TOWN OF KENT*****

NAME OF REMITTER ADDRESS ROGER TAO SUN TM 19-1-20
Citibank, N.A. One Penn's Way New Castle, DE 19720 Erosion Control Bond

Drawer: Citibank, N.A. BY AUTHORIZED SIGNATURE *[Signature]*

Security Feature Details on Back

⑈115938161⑈ ⑆031100209⑆ 38762924⑈

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

citibank
Citibank, N.A.

FC# 00059 FA# 037 \$10.00 ONL PIC DATE 03/27/21
028-02 Ck. Ser. # 115938160

115938160 82-20 311

PAY *****FOUR THOUSAND FIVE HUNDRED DOLLARS***** **\$4,500.00**

TO THE ORDER OF *****TOWN OF KENT*****

NAME OF REMITTER ADDRESS ROGER TAO SUN TM 19-1-20
Citibank, N.A. One Penn's Way New Castle, DE 19720 E.C. Inspection

Drawer: Citibank, N.A. BY AUTHORIZED SIGNATURE *[Signature]*

Security Feature Details on Back

⑈115938160⑈ ⑆031100209⑆ 38762924⑈

RECEIPT		DATE <u>3/29/21</u>	No. <u>537157</u>
RECEIVED FROM _____		\$ _____	
		DOLLARS	
<input type="radio"/> FOR RENT <input type="radio"/> FOR _____			
ACCOUNT		<input type="radio"/> CASH <input type="radio"/> CHECK <input type="radio"/> MONEY ORDER <input type="radio"/> CREDIT CARD	FROM _____ TO _____
PAYMENT			
BAL. DUE			BY _____
			3-11

RECEIPT		DATE <u>3/29/21</u>	No. <u>537158</u>
RECEIVED FROM <u>Roger Sun</u>		\$ <u>4,500.00</u>	
		DOLLARS	
<input type="radio"/> FOR RENT <input checked="" type="radio"/> FOR <u>Erosion Cont rollment TM: 19-1-20</u>			
ACCOUNT		<input type="radio"/> CASH <input checked="" type="radio"/> CHECK <input type="radio"/> MONEY ORDER <input type="radio"/> CREDIT CARD	Citibank 115938160 FROM <u>V. Patterson</u> TO <u>Roger Sun</u>
PAYMENT			
BAL. DUE			BY _____
			3-11

RECEIPT		DATE <u>3/29/21</u>	No. <u>537159</u>
RECEIVED FROM <u>Roger Sun</u>		\$ <u>1,000.00</u>	
		DOLLARS	
<input type="radio"/> FOR RENT <input checked="" type="radio"/> FOR <u>Final Inspection Fee - TM 19-1-20</u>			
ACCOUNT		<input type="radio"/> CASH <input checked="" type="radio"/> CHECK <input type="radio"/> MONEY ORDER <input type="radio"/> CREDIT CARD	Citibank 115938161 FROM <u>V. Patterson</u> TO <u>Roger Sun</u>
PAYMENT			
BAL. DUE			BY _____
			3-11

RECEIPT		DATE <u>3/29/21</u>	No. <u>537160</u>
RECEIVED FROM <u>Holmes Presbyterian</u>		\$ <u>1,000.00</u>	
		DOLLARS	
<input type="radio"/> FOR RENT <input checked="" type="radio"/> FOR <u>Review Fee/Encow TM: 2-1-47.1</u>			
ACCOUNT		<input type="radio"/> CASH <input checked="" type="radio"/> CHECK <input type="radio"/> MONEY ORDER <input type="radio"/> CREDIT CARD	JPM CL 1084 FROM <u>V. Patterson</u> TO <u>Holmes Presb.</u>
PAYMENT			
BAL. DUE			BY _____
			3-11

Anthony S. Pisarri, P.E., P.C.
CONSULTING ENGINEER
3 Rosalind Drive
Cortlandt Manor, New York 10567

(914) 739-6580
(914) 734-9121 Fax

October 9, 2020

To Whom It May Concern,

The estimated cost of the erosion and sediment control for the Sun site on Westwood Drive is as follows:

1. Work and materials to install the stabilized construction entrance
and the concrete washout basin\$ 2,500
2. Work and materials to install approximately 400 L.F. of silt fence \$ 2,000
- Total estimated cost\$ 4,500

Respectfully submitted,

Anthony S. Pisarri, P.E.

PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL

**Roger Sun
3 Westwood Drive
Kent, NY 10512
TM: 19.-1-20**

Bond given by Roger Sun, _____, whose property is located at 3 Westwood Drive, Kent, NY 10512/Tax Map: 19.-1-20 ("Obligor") to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Obligee"), dated Mar 29 2021

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$4,500.00, along with an initial inspection fee deposit of \$1,000.00 for the payment whereof to the Obligee the said Obligor binds itself, its successors and assigns.

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

WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit Applications, the Obligor has submitted to the Obligee, plans and specifications for the land development activity known as the Roger Sun Property ("Project Plans") and the Erosion and Sediment Control Plan, prepared by Anthony Pisarri, PE, Consulting Engineer, 3 Rosalind Drive, Cortlandt Manor, NY 10567. All these plans were reviewed and approved on 3/11/21, 2021, by the Obligee. A Resolution of Approval of land development activity in the nature of a Steep Slope and Erosion Control Permit of plans to construct a 2,275 square foot single family house, with driveway, septic system and a well on a vacant lot in zoning district R-80 at 3 Westwood Drive, Kent, NY 10512. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.

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

WHEREAS, the Planning Board of the Town of Kent has granted the Erosion Control Permit subject to the posting of two checks made out to the Town of Kent, one in the amount of \$4,500.00 as a performance guarantee to be deposited into an escrow account pending the completion of the project for which the erosion control measures are necessary; and a second in the amount of \$1,000.00 as the final inspection fee, and delivered to:

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

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

Upon full completion of the work allowed pursuant to the conditions and specifications heretofore imposed by the **Planning Board of The Town of Kent**, the said escrow monies shall be returned to **Roger Sun, 3 Westwood Drive, Kent, NY 10512**.

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

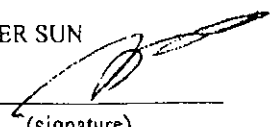
When the work shall have been fully completed as required by the conditions and specifications of the **PLANNING BOARD** either by **ROGER SUN**, or by the **Town of Kent**, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned or refunded to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

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

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

Dated: Mar 27, 2021

ROGER SUN

By: 
(signature)

By: _____
(signature)

ROGER SUN

(print/type signatory's name)

Roger Sun

Owner/Obligee, Roger Sun

(print/type signatory's title)

STATE OF New York)

) ss.:

COUNTY OF Westchester)

On the 27 day of March, 2021, before me, the undersigned, a notary public in and for said state, personally appeared Roger Tao Sun, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


NOTARY PUBLIC

3/13/21

Anthony S. Pisarri, P.E., P.C.
CONSULTING ENGINEER
3 Rosalind Drive
Cortlandt Manor, New York 10567

(914) 739-6580
(914) 734-9121 Fax

Received
mo/date/year

MAR 22 2021

Planning Department
Town of Kent

March 18, 2021

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

Re: Sun Property – 19.12-1-20
3 Westwood Drive
Response To Engineer's Comments

Honorable Members,

The following are my responses to the comment letter from John Andrews, P.E., dated 3-10-2021:

New Comments:

1. A revised driveway easement has been sent to the surveyor for description and mapping to be filed with the County Clerk.
2. A note has been added to the plans indicating no development or disturbance to take place one lot 23.

Please do not hesitate to call if you have any questions or require any additional information.

Yours truly,



Anthony S. Pisarri, P.E., P.C.
CONSULTING ENGINEER
3 Rosalind Drive
Cortlandt Manor, New York 10567

(914) 739-6580
(914) 734-9121 Fax

Received
mo/date year

MAR 22 2021

Planning
Town of I tment

March 18, 2021

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

Re: Sun Property - 19.12-1-20
3 Westwood Drive
Response To Environmental Planner's Comments

Honorable Members,

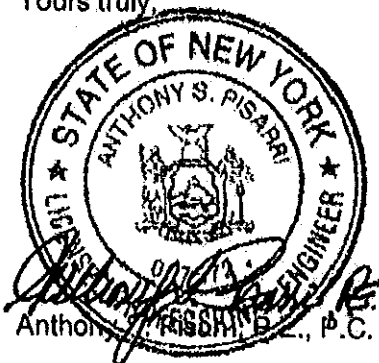
The following is my response to the comment letter from Bruce Barber, dated 3-11-2021:

Regarding the issue of rock removal on the site, it is anticipated that in the location of the proposed house, some rock will be encountered and need to be removed mechanically. A small area may need to be chipped for the creation of the driveway.

It is a hit and miss operation. A recent test hole done in the area of the proposed cultec field for the house was done to a depth of 7' with no rock or water encountered.

Please do not hesitate to call if you have any questions or require any additional information.

Yours truly,



WINKLER FARM APPLICATION
FEB 2021

December 14, 1978—Planning Board meeting, Doug Koburger Chair
Planning board to permit 2/3 of the units to be 2 brs, 1/3 to be 1 bedrooms.
Minutes were to continue on pg 4, I do not have that page minutes attached

1979

September—Zoning of the property was changed from Multi family to single family
An Article 78 was taken out by Sam and Rita Winkler

1980

Judge Cerrato orders the matter to go to trial see attachment.

1982

Trial was held January 19th before Judge Hickman a decision and Judgement was entered
on January 30th 1985. This was submitted to the planning board and allowed 27 dwelling
units in addition to the 6 that were existing.

March `14, 1985 planning board minutes show an application for 33 units of which 6 are
preexisting. Minutes attached.

April 2, 1986 Rudy landward sent a letter to Supervisor Cazzari to determine under
what zoning code shall the property be developed.

May 5th 1986 the matter came up before the Town Board, Supervisor Cazzari stated
that the court has ordered an override of the zoning to allow multifamily. It was
decided that the land would be under a PRD Zone. Motion by Councilman Ireland,
Second by Illuminate motion carried. See minutes of May 5, 1986 Attached.

November 20th letter from Baldwin and Cornelius PC to Mr Landwaard
Attached.

1987 Pollak submitted a plan for 20 bedrooms, Jan he submitted a well plan

July 7th a septic plan

July 25th he filed for a SPDES permit

July 25th he filed to the Putnam County Dept of Health a plan for septic for 30
Bedrooms.

November 12, 1987 there was a site plan submitted and answers to the planning
Board questions.

2001—Property was purchased by Holly

October 12, 2006 Doug Holly appeared before the planning board for a pre-
submission hearing.

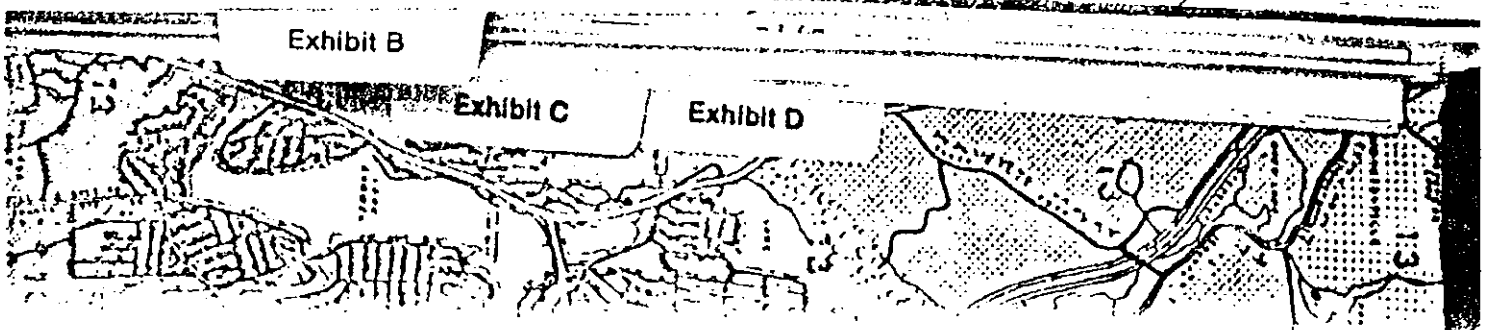
4. KANE SUBDIVISION: Mr. Kane and Mr. Haughney were present as

representatives. A 45 day waiver was signed by Mr. Eugene Kane and was presented to the Board. A public hearing was held previously. This application consists of a seven lot subdivision with six lots to be buildable lots. Mr. Haughney has been into the Health Department and the sewage disposal areas have been tested and found favorable. The Planning Board requires an environmental assessment. Mr. Haughney said no new roads or drainage requirements are necessary. This matter will appear before the Putnam County Planning Board. Mr. Koberger said that the question was raised about the existing dwelling being too close to the front lot line which is an existing condition. The question was raised that now the land is being subdivided, it may require a variance from the Zoning Board. The Planning Board will refer this matter to the Town Attorney for his opinion. Motion to grant sketch plan subject to Town Attorney's opinion was made by Mr. Brett, seconded by Mr. Glum; with all in favor, so carried.

WINKLER FARM CONTINUED: Mr. Silverstein and George Haughney entered the meeting at this point and asked what had transpired concerning the bedroom mix. Mr. Koberger repeated the Planning Board's decision to Mr. Silverstein and then Mr. Haughney requested to appear on the January 11th agenda for site plan approval. By January an environmental assessment will be done.

5. W.E.M. Projects: The final map was signed at the November 3, 1978

12/14/78



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM

X

SAM WINKLER and RITA WINKLER,

Petitioners,

-against-

THE TOWN OF KENT, a municipal corporation
of the State of New York, THE PLANNING
BOARD OF THE TOWN OF KENT, and DOUGLAS
KOBBERGER, Chairman, GERTRUDE BELVEDERE,
WILLIAM BRETT, FRANCIS REBUELTA, ED PLUMEAU,
DANIEL GLUM, HENRY SCHMIDT, RICHARD LEWISOHN,
constituting the PLANNING BOARD OF THE
TOWN OF KENT,

Index #1127/79

Respondents

X

CERRATO, J.

This is a proceeding pursuant to Article 78 of
the CPLR to review and thereupon annul the actions of the respondents
as arbitrary, capricious and contrary to law. The petitioners further
seek a direction that the May 12, 1979 ordinance be declared null and
void, and thereupon a direction that respondents continue processing
a site plan application for a multi-family residential dwelling.

BACKGROUND

Petitioners are owners of a certain parcel of
property in the town of Kent. In July of 1977, when the aforementioned
property was zoned CD-2 residential district (a district which per-
mitted multi-family residential dwellings) the petitioners made an
initial application for site plan approval for a multi-family 72-unit

complex. This application was made one month after the petitioners entered into a contract of sale of the premises for \$200,000 conditioned upon the Winklers obtaining approval of 60 dwelling units on the land. The CD-2 zone permitted, among other uses, multiple dwellings, with the conditional language that "acreage, location and number of units shall be permitted only at the discretion of the Planning Board and conforming to standards in §77-16 of this Article". Section 77-16 set forth the area, yard and bulk standards for various commercial districts. Article VIII section 77-26 of the ordinance provides that the maximum height of multi-family structures "shall be thirty-five (35) feet or two (2) stories, whichever is less." Subdivision D of this latter section provides that the "maximum density of total number of living rooms, as defined by the New York State Multiple Dwelling Law, shall not be more than the area of the parcel, in square feet, divided by two thousand(2,000)."

On September 8, 1977, the respondent planning board noting that the number of units in a CD-2 zone is left to the discretion of the Planning Board granted "concept approval" subject to the determination of the number of units to be built.

From September 1977 until January 11, 1979 when the respondent board granted to petitioners preliminary approval for a multi-family dwelling with a density of 36 units, no determination was made with respect to petitioner's application and the number of units that would be approved. It should be pointed out that the zoning board did, at various meetings, discuss the issue of the units to be permitted in the proposed application and the minutes

of the various meetings during the aforementioned times reflects that the board members were trying to arrive at a consensus of a certain number of units that would be acceptable to them and hopefully also to the applicant's contract vendee.

On July 12, 1979 the applicants were advised by the planning board that their proposed site plan, for which they only received preliminary approval, did not conform to the newly enacted May 12, 1979 zoning ordinance - which precluded multi-residential units in the area where the petitioner's property was located.

Thereafter, this proceeding was commenced. As a result of a number of adjournments it came on before the undersigned in April.

DISCUSSION

At the outset, the Court notes that there is serious doubt as to the constitutional validity of an ordinance which leaves to the discretion of the planning board the number of units to be permitted in a multi-residential zone. It is well-settled that a municipality may not delegate to a board of zoning appeals unrestricted power to act on a particular application. As has been noted by Professor Anderson in his treatise entitled "New York Zoning Law and Practice", Second Edition, section 19.11, power, such as that to approve a site plan proposal, must be limited by a standard sufficient to define and contain the discretion of the board and provide the courts with a reasonable basis for judicial review of board decisions. Aloe v. Dassler, 278 AD 975, aff'd 303 NY 878; cf. Ehret v. Bates,

18 AD 2d 938. In Tandem Holding Corp. v. Board of Zoning Appeals, 43 NY 2d 801, the Court indicated that the standards governing the zoning board's actions must not be so general as to allow (as here) unchecked discretion by the Board.

In addition to the broad delegation of power to the zoning board, the Court notes the extremely long period of time the board held the application without passing upon it. Section 267 subdivision 5 of the Town Law requires a zoning board to fix a time for hearing within a reasonable time and to render a decision within 60 days after the final hearing. At bar, 16 months passed between submission of the proposal and the final determination that was rendered. True, discussions were held between the applicant and the board in an attempt to gain approval by a consensus of the board as to how many units they would permit in the multi-residential unit proposed by the applicant, but no determinations were rendered until January of 1979 - some 16 months after the original proposal to the board. One can only conjecture whether the extended delay in reaching a final determination was in part because of the overly broad delegation of power to it by the Town Board.

It is unclear from the record whether or not the extended delay in approving a certain number of units for the preliminary proposal for the multi-residential complex prevented the submission of a final proposal before the enactment of the May 12, 1979 ordinance which placed petitioner's property in one family residential zone.

Finally, the petitioner has raised some question as to whether or not the May 12, 1979 ordinance is in conformity with the Town's Master Plan. Petitioner points to a report from the Town's

own zoning consultants to the effect that they intended to recognize the Winkler farm as a multi-family area.

PROCEDURAL QUESTIONS

There is some question as to whether or not petitioner should have commenced a Declaratory Judgment action rather than an Article 78 proceeding. However, in the suit at bar, the petitioner has sought differing relief. On the one hand petitioners seek to annul the action of respondents as being arbitrary and capricious - properly the subject of an Article 78 proceeding; on the other hand petitioners seek to declare the Zoning Ordinance as null and void as it pertains to the subject property - more properly the subject of a declaratory judgment action. Courts, however, are loathe to dismiss suits on technicalities. It has been held that where an attempt to commence an Article 78 proceeding is ill-conceived, but the petition states a cause of action for a declaratory judgment, the Court will treat the former as one for declaratory judgment and proceed to determine the merits of petitioner's claims. National Merritt, Inc. v. Weist, 50 AD 2d 817; aff'd 41 NY 2d 438; Jewish Reconstructionist Synagogue Inc. v. Levitan, 41 AD 2d 537; Schaus v. Town Board of Clifton Park, 83 Misc. 2d 726. At bar, the petitioners have made the Town Board a party to the instant action and thus a final obstacle to the granting of declaratory relief has been overcome.

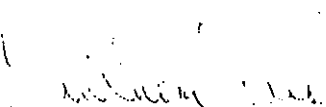
CONCLUSION

In the opinion of the Court a trial should be had to resolve some of the unanswered questions presented in the

record before the Court. Thus, for example, the overly long period of deliberation (some 16 months) may well bring into play some equitable notions of estoppel, unless the respondents can come forward with proof of a waiver thereof. In addition, before any consideration of the doctrine of estoppel, the petitioners may well have to explain their failure to act from January of 1979 when they received preliminary approval and May 12, 1979 when the new ordinance became effective. Assuming arguendo that there is no basis for the application of the doctrine of estoppel, there is further issues as to whether the May 12, 1979 ordinance is violative of the Town's Master Plan. These, as well as other issues, are best resolved after a trial where each party has had the opportunity to present such evidence as is in their respective favor.

SUBMIT ORDER ON NOTICE.

Dated: White Plains, New York
June 2, 1980



Anthony J. Gerrato, J.S.C.

PLANNING BOARD OF THE TOWN OF KENT

-----X
In the Matter of Application of

ROBERT POLLAK

For Site Plan Approval of Hidden
Valley, Tax Map Nos. 90-1-2 and
91-4-1
-----X

MEMORANDUM OF LAW IN SUPPORT OF
APPLICATION

POINT I

THE ARGUMENT BY THOSE IN OPPOSITION TO THE
PROPOSED SITE PLAN APPROVAL TO THE EFFECT
THAT ZONING OF THIS PROPERTY WAS PERSONAL
TO THE WINKLER'S, THE FORMER OWNERS OF THE
PROPERTY, IS LUDICROUS

The Winkler's were the former owners of the subject property and the present owner is the purchaser therefrom.

In 1979 the then owners of the property, Sam and Rita Winkler, brought on an Article 78 Proceeding against the Planning Board of the Town of Kent for their refusal to approve their site plan and attacked the Zoning Ordinance of the Town of Kent as it applied to this parcel as being unconstitutional.

The change of zoning which took place shortly before September of 1979 precluded multi-family residential dwellings

from the Winkler property.

As a result of the Article 78 Proceeding, a compromise was entered into between the Winkler's and the Town of Kent, which permitted multi-family residential dwellings on the subject property and limited the number thereby. To argue that this was personal to the Winkler's is totally without legal merit, because what in fact occurred was that the Town entered into a compromise of a law suit setting a special zoning for this particular property. As a result that special zoning is without limitation and continues ad infinitum. A copy of Judge Cerrato's interim decision is attached hereto.

POINT II

TOWNERS PLACE IS IN FACT A TOWN ROAD.

There is no question about the fact that Towners Place is in fact a town road. The Highway Superintendant has advised the board and will advise the board, and the records so reflect, that the municipality has maintained Towners Place as a town road for a period in excess of ten years. It is in fact listed on the official map of Putnam County, which has been previously submitted to the board, as a town road.

The case law is quite clear that lands which have been used by the public as a highway for a period of ten years or more, shall be a highway with the same force

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM

-----X
SAM WINKLER and RITA WINKLER,

Petitioners

-against-

Index No. 1127/79

THE TOWN OF KENT, a municipal corpora-
tion of the State of New York, THE
PLANNING BOARD OF THE TOWN OF KENT,
DOUGLAS KOBERGER, Chairman, GERTRUDE
BELVEDERE, WILLIAM BRETT, FRANCIS
REBUELTA, ED PLUMEAU, DANIEL GLUM,
HENRY SCHMIDT, RICHARD LEWISOHN, con-
stituting the PLANNING BOARD OF THE
TOWN OF KENT,

JUDGMENT

Respondents.

-----X
The issues in the above-entitled action having duly
come on for trial before Mr. Justice Hickman at a Trial Term of
this Court held at the Courthouse thereof, located at Main Street,
Carmel, New York, on the 19th day of January, 1982, and the
petitioners having appeared by their attorney, RICHARD L. MAHER,
ESQ., and the defendants having appeared by their attorney, JOHN
A. PORCO, ESQ., and the parties and their attorneys having enter-
ed into a Stipulation in open court, and upon the approval of
the court,

NOW, on motion of RICHARD L. MAHER, ESQ., attorney
for the petitioners, it is

ORDERED, ADJUDGED AND DECREED, that the petitioners
shall have the right to construct upon the subject property

twenty-seven (27) dwelling units, in addition to the six (6) dwelling units existing thereon, and it is further

ORDERED, ADJUDGED AND DECREED that the number of bedrooms per unit shall be in accordance with the plan previously set in the minutes of the said Planning Board of the Town of Kent, the respondent herein, and it is further

ORDERED, ADJUDGED AND DECREED that the petitioners shall submit to the Planning Board the necessary site plan for the approval in accordance with the Rules & Regulations of the said Planning Board.

JUDGMENT SIGNED THIS 30th DAY OF JANUARY, 1985.

s/ S. BARRETT HIGMAN
Acting J.S.C.

APPROVED & CONSENTED TO:

Elliot Fidler
ELLIOT FIXLER, attorney for
respondents

March 14, 1985

27. WINKLER FARM - SITE PLAN - PRE-SUBMISSION (CONTINUED)

previous submission had been made in 1978 and there was a ruling from the court stating that the applicant should be allowed to construct a total of 33 rental units on this property, 6 of which are existing. The applicant had originally obtained preliminary approval and then the zoning changed. Then it went to court. Mr. Plumeau stated that the applicant will probably need a long form environmental impact statement. Mr. Wey explained that 27 one-bedroom units will be built. A stream is within 100 feet of the project, which means that a D.E.C. permit will be required. This stream is a tributary to the West Branch Reservoir so the City of New York Department of Water will have to be dealt with. Mr. Dennison stated that the traffic issue will have to be considered. The entrance is off Towners Road. There will be another submission next month. Mr. Koberger asked if the applicant will be asking for any Federal or state subsidies for the housing. Mr. Silverstein said no.

28. INFORMATIONAL ITEMS:

FAWN RIDGE - Mr. Gizzi of Fawn Ridge brought in a deed to explain the right of way. Mr. Gizzi wants to move the house location. The septic system and the lot lines, etc. will not be moved. Mr. Dennison asked if the filed map will be amended. Mr. Gizzi stated no. Mr. Ward suggested that the Board of Health re-approve this. The house must be shown on a subdivision map proper to set backs, etc.

GIPSY TRAIL CABINSITE #3 - Mr. Landwaard stated that he signed the map under orders from the court.

FLORENDO T. GRIECO - SITE II - This zoning change was referred to this Board by the Town Board last week. Based on this, the Planning Board has not had the time to review it so this matter will be held over until next month. It is a request for re-zoning to PRD.

TOWN OF KENT
Planning Board
280 Smadbeck Avenue
Carmel, New York 10512

Planning Board Clerk
(914) 225-5511

Town Hall
(914) 225-3943
225-3900

April 2, 1986

Supervisor Anthony Cazzari
Town Board, Town of Kent
280 Smadbeck Avenue
Carmel, N.Y., 10512

Subject: Winkler Farm

Dear Tony,

On February 20th 1986, the Planning Board received an application for site plan approval for the Winkler Farm property. At the March 13th meeting a lengthy discussion ensued as to the zoning and unit count. From old planning board records this site and the town were involved in a lawsuit. The court allowed the developer to develop the property with 27 new housing units in addition to the remaining 6 main house appartments.

Please determine under which zoning code they shall develop this property. The original zoning was superseded by a new Zoning Ordinance in 1979. If the original Zoning Ordinance is to be used, what enforcement power does the Planning Board and Building Inspector have?

I suggest that you require this project to use the PRD guidelines of the zoning code in their design.

Very Truly Yours,



Planning Board Chairman

cc: Town Engineer
Town Attorney
Planning Board Members
ZBA

tion Carried Unanimously.

Councilwoman McMahon asked if the job description is ready?. Supervisor Cazzari stated he spoke with Mr. Eldridge who will contact Mr. Ward. Councilwoman McMahon asked the minutes reflect he was correct when she said the code would have to be changed.

Clean Up Day

Supervisor Cazzari stated four times the amount of debris was collected than anticipated. He stated Mr. Illuminate and Mr. Underback were present the whole day. He stated the town anticipated using four roll offs, but used twelve. He stated the amount will change and he will have the correct figure for the workshop meeting. Councilman Illumiante stated this was better than having the rubbish thrown along the road. He stated he hopes to have another one in October.

Resolution # 191 - Medicare

Supervisor Cazzari stated all summer help will have to contribute to Medicare.

On the motion by Councilman Illuminate
Seconded by Councilman Ireland

Resolved: As per Public Law 99-272, the town will supply Medicare coverage for all public employees hired on or after April 1, 1986, who are not covered by social security, which will be an equal contribution of .0145 by both employee and employer.

tion Carried Unanimously.

Bole Scout - Certificate of Merit

Town Board in agreement to invite Larry Schnaudigel to the Town Board meeting on June 2nd, to present him with a certificate of merit.

Resolution # 192 - Winkler Farm - PRD

Supervisor stated there was a court order overriding the

Town Board Meeting of May 5, 1986

Resolution # 192 - Continued

Planning Board in 79-80, stating the Planning Board could not deny them multiple housing at the Winkler Farm site. He stated the Planning Board would like to know what to place them under. He suggested they be governed under PRD under the present Zoning Ordinance. Councilwoman McMahon stated Mr. Porco, former town attorney did interpret the court proceedings. Town Attorney Stadler stated there was an Order by the Judge after an agreement to settle the case, which allowed for 27 units plus the existing house. He stated the matter is, what provision of zoning laws the town will use. He stated since the old zoning is no longer there, he suggests the Planning Board use the PRD in the present Zoning Ordinance. Mr. Ward stated under the old zoning it was under commercial and you could put them under that with the old zoning. Mr. Landwaard stated the developer is willing to go under the more stringent PRD zone to follow all rules.

On the motion by Councilman Ireland
Seconded by Councilman Illuminate

Resolved: On the recommendation of the Town Attorney, the Winkler Farm be subject to the P.R.D. Zone in the present Zoning Ordinance.

Motion Carried Unanimously.

Resolution # 193 - Accept Resignation James Dusenbury - Ethics Board

On the motion by Councilman Ulich
Seconded by Councilman Ireland

Resolved: Due to his moving out of town, the resignation submitted by James Dusenbury be accepted with much regret. A letter be sent thanking him for his outstanding job as chairman.

Motion Carried Unanimously.

Resolution # 194 - Advertise For New Member - Board of Ethics

On the motion by Councilman Ulich
Seconded by Councilman Ireland



BALDWIN & CORNELIUS, P.C.

CONSULTING ENGINEERS — LAND SURVEYORS

RD 6 - ROUTE 22, BREWSTER, N.Y. 10509 (914) 279-7115

November 20, 1986

Mr. Rudolph Landwaard, Chairman
Town of Kent Planning Board
280 Smadbeck Avenue
Carmel, New York 10512

Re: Towners Road Condominiums
B. P. Development Corporation
Winkler Farm Property

Dear Mr. Landwaard:

We represent B. P. Development Corporation who earlier this year submitted a Site Plan Application for a proposed 33 unit 55 bedroom condominium project. A revised plan is enclosed for your review. The same number of units is proposed and the present plan consists of 22 - 2 bedroom units and 11 - 1 bedroom units in 16 buildings. The estimated number of school age children generated from this development is 5.* A number of legal and engineering questions raised earlier have been resolved and the new plan and this letter illustrate and discuss these items.

Zoning

It is our understanding that the town has agreed to apply PRD (Planned Residential Standards) Zoning Standards to this lot. In light of the court decision therefore the only standard of PRD that this proposal does not comply with is the area requirement of 50 acres. The subject parcel is 11.086 acres, therefore 33 units are within the 3 unit/acre maximum.

As only one and two bedroom units are proposed the average number of bedrooms is obviously less than the PRD code requirement of two bedrooms per unit.

Parking is provided for sixty nine cars (sixty seven spaces are required). Access to Towners Road (a county road) is via a private 24' drive.

* Figures estimated from Urban Land Institute Report (1/74), using Urban Policy Research:

	Pupils/du		Du	
One Bedroom Unit	0	x	11	= -0-
Two Bedroom Unit	.22	x	22	= 4.84 Pup

**ALEX ZAVGORDONI
71 BOWEN ROAD
STORMWATER POLLUTION PREVENTION PLAN
SEQUENCE OF CONSTRUCTION**

The following are sequence and methods of placement of fill on property owned by Alex Zavgordoni at 71 Bowen Road, Town of Kent, Putnam County, New York. Erosion and sediment control measures are incorporated into the construction program. Construction of this project will be in one phase.

Proposed erosion and sediment control methods are found on the Site Plan. The erosion controls are designed in accordance with the State of New York, "Guidelines for Urban Erosion and Sediment Control" and the NYS Standards & Specifications for Erosion & Sediment per Town Code, Section 66-6.B.2.g.

The project is expected to start in the Spring of 2021 and continue over a four week period.

A. General Construction Notes

1. The site shall be disturbed only when and where necessary. Only the smallest practical area of land shall be exposed at any one time during development. When land is exposed, the exposure shall be kept to the shortest practical period of time by immediate stabilization per the stabilization notes, unless specified otherwise. All disturbed areas that are seeded with appropriate seed mixture and procedure are considered stabilized when 80% of the vegetation is achieved.
2. Where ever feasible, natural vegetation shall be retained and protected.
3. The contractor shall inspect all erosion and sediment control devices during all storm events, prior to weekends and prior to all forecasted storm events.
4. The Contractor shall grade and provide stabilization of newly graded and disturbed areas per item 7 of this sequence.

B. Construction Sequence

1. Install all erosion control measures. (3 days)
2. Construct fieldstone retaining walls (2 weeks)
3. Place fill (one month)
4. Topsoil, seed and mulch all disturbed areas in accordance with the stabilization notes. (4 days)
5. Remove all temporary erosion control measures. Restore/backfill to final grade and provide stabilization is necessary. (1 day)
6. Contractor to perform final site clean up and dispose of all debris properly.

Total construction time one month

7. STABILIZATION NOTES

- A. Grade to finished slopes
- B. Soils shall be scarified.
- C. Topsoil with not less than four inches of suitable topsoil material
- D. Seed as follows:

Spring/Fall Planting: Tall fescue	100	Kobe Gespedza	10
Bahi Grass	25	Rye Grass	40
Temporary Summer Planting:	German Millet	40	
All above units in lbs/sc			
- E. Mulch all disturbed areas.