

Approved: October 14, 2021

**TOWN OF KENT PLANNING BOARD  
September 9, 2021  
FINAL MINUTES**

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

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

The following Planning Board members and Planning Board consultants participated in the meeting at the Kent Town Hall:

**Members:**

Phil Tolmach, Chairman  
Simon Carey  
Giancarlo Gattucci

Dennis Lowes, Vice Chairman  
Stephen Wilhelm

**Absent:**

Hugo German  
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

- Mr. Tolmach asked for a motion to approve the Planning Board minutes from the August 12, 2021 meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. Following were the roll call votes.

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

The motion carried.

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• **JPE Auto Repair, 333 Route 52, Kent, NY; TM: 33.18-1-11**

Mr. Kerrigan, an engineer with Site Design Consultants, represented the applicant, who also attended the meeting. Mr. Kerrigan advised the Planning Board that the applicant is leasing an existing building on Route 52 and he proposes to open an auto repair shop. The only change to the property is paving an area in the rear of the building. All comments received in August have been addressed.

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

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

The motion carried.

Mr. Tolmach asked if anyone in the audience wished to be heard. Mr. Chris Rini, the owner of Chris Automotive, and the property adjacent to this property asked to speak. Mr. Rini mentioned that he had a project before the Planning Board from 2012 through 2014 when a fire destroyed his building and he rebuilt it. There were a lot of stormwater issues on his property and he made many changes to remedy the situation. Mr. Rini advised the Board that the previous tenants of 333 Route 52 filled in much of the wetlands and natural habitats and removed a great deal of brush and trees and had encroached onto the wetlands. Mr. Rini said he has a water problem as a result of this. Mr. Rini said he had been instructed to construct a swale, to have stormwater engineering plans in place and to have water offset plans for any impervious areas. Mr. Rini said he had any watched the previous Planning Board meeting and didn't see that anything was discussed pertaining to protecting the wetlands as had been discussed during his project. Mr. Kerrigan stated that the applicant should not be responsible for the issues discussed and that the property owner should be responsible. Mr. Michael Dunn, a 30-year resident and employee at Chris Automotive, asked to be heard. Mr. Dunn claimed that he had sent a letter on July 20, 2021 to Maureen Fleming, Vera Patterson and the Fire Inspector and that the only response he had received was from Mr. Walters. For the record, the Planning Department Secretary did not receive the letter Mr. Dunn discussed and asked to make a copy of it for the Planning Board members, which she did. The letter was distributed to the Planning Board at the meeting and will be attached to the September Minutes. Mr. Dunn said that he also called the Supervisors' office three times and did not get a call back. Mr. Dunn said he had cameras which showed the applicant had gravel put in the rear parking lot and that the Building Inspector had made the applicant stop. The wetland fill did not come from the owner; it was done in June by Michael's Contracting with the applicant's knowledge. Mr. Dunn's wife took videos of the actions taken. Ms. Kotzur said at 6:00 PM on the evening of the meeting she saw Michael's Contracting truck on the property. Ms. Kotzur said that Chris Automotive had been working on their property for several years and that this was an opportunity to make the whole area look better and correct this error.

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- Mr. Tolmach asked for a motion to adjourn this Public Hearing until the October 14, 2021 meeting. The motion was made by Mr. Lowes and seconded by Mr. Carey. The motion was made by Mr. Gattucci and seconded by Mr. Lowes. Following were the roll call votes.

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

The vote was three to two and the motion to adjourn the meeting to October carried.

Ms. Axelson advised the Planning Board that the Board had conducted SEQRA review, that this was a Type II action and that the consultants had done a full code review in the past few months pertaining to this application.

A site visit was scheduled for the following Thursday and Messrs. Andrews, Barber, Walters and Ms. Axelson would be meeting the applicant at the site. Some of the members of the Board also wanted to visit the site.

- Ms. Axelson had to leave the meeting early and had some things she wanted to discuss before she left. Following are the items she wanted to discuss.

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

Ms. Axelson advised the Planning Board that she, Messrs. Andrews and Barber had reviewed the letter Mr. Battistoni, Planning Board Counsel, had prepared and made minor comments. Mr. Battistoni was now authorized to finalize the letter and send it to the applicant's attorney. Mr. Tolmach asked for a motion to authorize Mr. Battistoni to finalize the letter prepared previously and send it to the attorney for Mr. Holly. The motion was made by Mr. Gattucci and seconded by Mr. Wilhelm. Following were the roll call votes.

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

The motion carried.

- **Raneri Property, Hillside Paper Road, Kent, NY; TM: 44.24-1-3**

Ms. Axelson said more information was needed pertaining to this project and no action was to be taken at this meeting. Messrs. Andrews and Barber would further discuss this project.

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- **Friedman/Crossman Property, 5 China Circle Ct., Kent, NY; TM: 42.7-1-27**

Mr. James Hartford, Principal at River Architects, and Mr. Karl Hansen represented the applicants. This application was a request for permission to demolish an existing residence and replace it with a new passive house on the same footprint of the old house. No fossil fuels would be used when construction of the new house was completed.

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

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

The motion carried.

Mr. Tolmach asked if anyone wished to be heard regarding this project. Ms. Susan Kotzur asked what entrance would be used during construction and stated that if the bridge would be used the weight limit should be investigated. Mr. Hartford said that he would look into this matter.

Mr. Andrews Comments (Memo attached)

Mr. Andrews said that he had prepared a memo earlier in the day and that an estimate for the erosion control measures needed to be submitted. An NOI (Notice of Intent) was submitted prior to field testing and Mr. Andrews requested verification from the Engineer of this project that the conditions remain the same. Once everything is satisfied, Mr. Andrews will sign the MS4 Acceptance Form and return it to River Architects. River Architects modified the plans for the bathroom over the garage and now it will just have a sink and toilet in it and the shower has been eliminated. An email from the applicant was received earlier in the day stating that the Putnam County Board of Health approved the new plan, but wanted to see it on paper and until the Board of Health gave final approval this project could not be considered finished. Mr. Andrews recommended that the Public Hearing be closed and have the applicant respond to comments from the Consultants. Mr. Andrews said that, if the Putnam County Board of Health granted final approval prior to the October meeting, this project could be moved to the administrative track.

Mr. Barber's Comments (Memo attached)

Mr. Barber echoed what Mr. Andrews said regarding the Board of Health's approval of the septic system. Mr. Barber said that he was certain that any improvements to the septic system would not encroach into the wetland buffer, but until the plans were submitted showing the amended limits of disturbance. Mr. Barber said that he did not object to closing the Public Hearing, but if anything changed and a wetland permit was required, he asked that this matter be revisited by the Planning Board. The Planning Board decided that, since the bond estimate needed to be submitted, this Public Hearing be adjourned until the October 14, 2021 meeting.

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Mr. Hartford said that the plan to replace the 750-gallon tank with a 1,000-gallon tank was discussed previously and that the Putnam County Board of Health opinion was that this was acceptable. Mr. Hansen said that the limits of disturbance included the septic tank location, but not the leach field, which would not be expanded.

Mr. Tolmach asked for a motion to adjourn this Public Hearing to 7:30 PM on October 14, 2021 at the Kent Town Hall. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. Following were the roll call votes.

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

The motion carried.

Mr. Andrews reiterated that he did not feel there would be any complications, but was being very cautious.

• **Maniatis Property, 250 East Boyd's Lake Rd., Kent, NY; TM: 31.-2-51**

Ms. Jamie LoGuidice, of Insite Engineering, represented the applicant. This project involves construction of a single-family 6-bedroom residence on an 11.19 acre property in the R-80 district in the same location as the existing 4-bedroom dwelling (to be demolished) and a small studio outbuilding (also to be demolished). There is also a paved driveway with pull-offs that become a gravel driveway which leads up to the existing house. There is an existing well and septic system. There are also steep slopes which exist throughout the property but there are no wetlands on the property. A portion of the gravel driveway will be relocated and there are plans to install a parking and turn-around area as well as some terraces and patios. The existing well will be maintained with a new service line to the house. Because there will be an additional two bedrooms in the new house the septic system will need to be expanded and one new trench will be added. Plans were submitted to the Board of Health last week, which will be provided to the Planning Board. This application was for an Erosion Control and Steep Slope Permit. There are already some erosion control measures, which include 10% stockpiles, concrete washout areas, silt fencing, the limit of disturbance is less than one acre in the steep slope area, which will be more than 5,000 square feet between the 15-25% range, and 2,800 square feet will be over 25% range. Ms. LoGuidice said she had received the comments from the Consultants and would address them at the October 14, 2021 meeting and requested that the Public Hearing be waived because the closest resident was over 500' away from the property.

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Mr. Barber's Comments (memo attached)

Mr. Barber agreed with Ms. LoGuidice that this property is extremely steep. Mr. Barber said that the total construction will be approximately 9,000 square feet. The relocation of part of the driveway will be re-aligned with the new attached garage. Mr. Barber confirmed that the existing well will be utilized and that the septic system will be expanded. Zoning variances are not required for this project. This is a Type II action under SEQRA and Mr. Barber is not sure yet if there are issues involving wetlands. Mr. Barber said that the Fire Department would need to be contacted regarding the widths of columns at the end of the driveway and stonewalls to ensure emergency vehicles could access the property. Trees on the property were marked and Mr. Barber asked that they be marked and shown on the plans. Mr. Tolmach asked if new trees would be planted at the end of the construction to replace the ones cut and Mr. Barber said at the present time there was no tree mitigation plan submitted. Mr. Barber said that there were no cultural resources or endangered species involved at this time. Mr. Barber requested a copy of the deed for this property. Mr. Barber reminded everyone that any trees to be cut needed to be cut between November 1<sup>st</sup> and March 31<sup>st</sup> per Fish & Wildlife guidelines. Mr. Barber also asked the applicant to be careful of any trees pruned along the hillside.

Mr. Andrews' Comments (memo attached)

Mr. Andrews commented that the Erosion Control Plan was very good and that most of his comments were minor. Mr. Andrews said that the electric service for the generator are shown on the site and are outside of the limits of disturbance and asked for details about the and electric service for the new structure. Putnam County Board of Health approvals need to be confirmed. Mr. Andrews said that the plan was to use the existing well, but that there was a note on the plan indicating a new well would be drilled so that needed to be corrected. The bond estimate needs to be agreed upon. Some footing drains and discharge points needed to be shown on the plans. Mr. Andrews said that he concurred with Ms. LoGuidice that a Public Hearing could be waived pursuant to the Town Code, but would defer to the Planning Board on that matter. Mr. Andrews said that, at the close of the Public Hearing he would recommend that this project be moved to the administrative track, if there were no open issues.

Mr. Wilhelm said that he felt that, in order to be consistent, a Public Hearing should be held.

Mr. Tolmach asked for a motion to schedule a Public Hearing on October 14, 2021 at 7:30 PM for this project. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. Following were the roll call votes.

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

The motion carried.

## September 9, 2021

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

- |   |   |               |
|---|---|---------------|
| <ul style="list-style-type: none"> <li>Brigman Property<br/>Hortontown Road, Kent, NY<br/>TM: 19,-1-31</li> </ul> | Erosion Control Plan/<br>Wetland Permit | Status Report |
|---|---|---------------|

Mr. Andrews said that this matter will be discussed at the October 14, 2921 meeting.

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|--|----------------------|---------------|
| <ul style="list-style-type: none"> <li>Holly Property<br/>Winkler's Farm Court Property, Kent, NY<br/>TM: 33.16-1-8</li> </ul> | Erosion Control Plan | Status report |
|--|----------------------|---------------|

Mr. Andrews confirmed with the Planning Board that the question about the number of units had been resolved and that Mr. Battiston was to be notified that the Planning Board was authorizing him to send the letter he prepared to Mr. Holly's attorney.

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

Mr. Andrews met with Messrs. Raneri, Bradley, Karrell and Richard Othmer, Town of Kent Highway Superintendent at the site. Mr. Andrews received a followup email from Mr. Karrell regarding what needed to be staked in the field. Once the stakes are in place, Mr. Andrews and Superintendent Othmer would check it out. He also suggested that it might be a good idea for the Planning Board members visit the site while the property is staked. Additional information is pending.

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|---|-----------------|---------------|
| <ul style="list-style-type: none"> <li>Annunziata/Smalley Corners<br/>Smalley Corners Rd., Kent, NY<br/>TM: 21.-1-11</li> </ul> | Erosion Control | Status Report |
|---|-----------------|---------------|

Mr. Andrews said he had also visited this site with Mr. Karrell and Superintendent Othmer and some issues were raised and some suggestions were made. Mr. Karrell sent a followup memo with a profile and some questions to which Mr. Andrews responded. An update from Mr. Karrell is pending.

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| <ul style="list-style-type: none"> <li>Clearpool Maintenance Bldg.<br/>33 Clearpool Rd., Kent, NY<br/>TM: 32.-1-9.1</li> </ul> | Erosion Control Plan | Status Report |
|--|----------------------|---------------|

This was on an administrative track. Ms. LoGuidice made a submittal, which is being reviewed. An open item was Putnam County Board of Health approvals.

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|--|---------------------------------------|---------------|
| <ul style="list-style-type: none"> <li>Vitiello<br/>475 Pudding Street, Kent, NY<br/>TM: 32.-1-32</li> </ul> | Erosion Control Plan/<br>Field Change | Status Report |
|--|---------------------------------------|---------------|

This project was also placed on the administrative track. Mr. Andrews received an email from Mr. Eric Schlobohm, of Insite Engineering asking what the next step was. Mr. Andrews advised Mr. Schlobohm that the only outstanding item was the Putnam County Board of Health sign-off on the modifications made to the plans. Mr. Barber said he was waiting for a bond estimate pertaining to the tree removal near the garage from Mr. Vitiello.

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- |  |                                      |               |
|--|--------------------------------------|---------------|
| • 52 Kent Corp./Mazzotta<br>1100 Rte 52, Kent, NY<br>TM: 12.-1-54 & 55 | Change of Use<br>Ready for signature | Status Report |
|--|--------------------------------------|---------------|

The plans are ready to be signed by the Chairman.

- |   |   |               |
|---|---|---------------|
| • GADF LLC<br>1088 Rte. 52, Kent, NY<br>TM: 12.17-1-9 | Public Hearing/<br>Site Plan<br>Ready for signature | Status Report |
|---|---|---------------|

The plans are ready to be signed by the Chairman.

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

Nothing new has been submitted

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

Nothing new has been submitted.

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

A resubmittal is required.

- |                           |               |
|---------------------------|---------------|
| • Town of Kent Mining Law | Status Report |
|---------------------------|---------------|

The consultants have been authorized to proceed with this project. Mr. Andrews had worked with Ms. Axelson and Mr. Barber prepared a discussion outline which will be sent to the Town of Kent Supervisor in the near future.



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Mr. Tolmach asked for a motion to adjourn the September 9, 2021 meeting at 9:30 PM. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. Following were the roll call votes.

Mr. Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<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

SEPTEMBER 2021  
KENT PLANNING BOARD MEETING AGENDA

**Town of Kent Planning Board Minutes  
September 9, 2021**

- |   |   |               |
|---|---|---------------|
| <ul style="list-style-type: none"> <li>• 52 Kent Corp./Mazzotta<br/>1100 Rte 52, Kent, NY<br/>TM: 12.-1-54 &amp; 55</li> </ul>            | Change of Use<br>Ready for signature                | Status Report |
| <ul style="list-style-type: none"> <li>• GADF LLC<br/>1088 Rte. 52, Kent, NY<br/>TM: 12.17-1-9</li> </ul>                                 | Public Hearing/<br>Site Plan<br>Ready for signature | Status Report |
| <ul style="list-style-type: none"> <li>• Route 52 Development/<br/>Kent Country Square<br/>Route 52, Kent, NY<br/>TM: 12.-1-52</li> </ul> | SEQRA   | Status Report |
| <ul style="list-style-type: none"> <li>• Kent Self Storage<br/>Route 311, Kent, NY<br/>TM: 22.-2-17</li> </ul>                            | Re-Approval   | Status Report |
| <ul style="list-style-type: none"> <li>• Rodriguez<br/>104 Smalley Corners Rd., Kent, NY<br/>TM: 21.-1-10</li> </ul>                      | Sub-Division  | Status Report |
| <ul style="list-style-type: none"> <li>• Town of Kent Mining Law</li> </ul>   |   | Status Report |

July 20 2021

Town of Kent Planning Board

Cc: Maureen Fleming, Vera Patterson, William Walters, William Looney, Nick Cecere

RE: Planning Board meeting for site approval, JPE Auto Repair 333 Rt 52 Carmel

I had the pleasure of watching the meeting last week. As a resident of Lake Carmel, I have some questions and or concern pertaining to another automotive repair facility located along the rt 52 business district;

- Has a completed site plan been reviewed by EPA, DEC, Building Dept, Fire Dept.
- Environmental impact review process
- ADA Compliant interior and exterior
- Any wetland issues
- Can automotive repair take place on dirt? Is blacktop required
- Palmer Lake exposure
- Lighting and signage review
- Any landscaping being done
- Sublet of space to other vendors outside storage
- Loading space, parking detail, site access
- Septic/sewer hook up
- Trash bin storage
- Storm water management

Thank You

Michael & Francesca Dunne

1 Woodland Drive, Carmel

845-225-4137



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## MEMORANDUM

**TO:** Town of Kent Planning Board  
**CC:** Bill Walters  
John Andrews  
Julie Mangarillo  
Bruce Barber  
**FROM:** Liz Axelson, AICP  
**DATE:** September 2, 2021  
**RE:** JPE Auto Repair Special Use Permit & Site Plan, 333 Route 52, Tax Parcel No. 33.18-1-11 / CPL#15998.00-00007

I reviewed the materials listed at the end of this memorandum; online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning. Based on my review I offer the following comments for the Board's consideration:

### Summary

1. The proposal is to change the use of the existing building, access, driveway, and parking areas to a motor vehicle repair shop. Specifically, the existing building appears to be a large one-story structure that is either vacant or was used as an equipment rental business with an undefined entrance leading into a gated, fenced area. The site is an 61,613 square foot (SF), or 1.4414-acre parcel in the Commercial (C) Zoning District. As per the submitted plans, the existing building has approximately 3,700 SF of gross floor area. The building has 3 overhead doors, which would lead into a proposed mechanics shop with 3 hydraulic lifts. Based on the submittal, a repair shop is proposed with no other automobile services.
2. The project will result in little or no physical site changes or disturbance.

### SEQRA

3. The proposal is a Type 2 Action as per the SEQRA regulations.

### Zoning Requirements

4. Prior zoning requirements comments have been addressed.

### Recommendation

5. The Planning Board may consider taking the following actions:



- a. Declare that the proposed action is a Type 2 Action as per the SEQRA regulations, section 617.5 (c)(18), so it is not subject to SEQRA review;
- b. Consider closing the public hearing; and
- c. Consider granting site plan approval with conditions.

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

Materials Reviewed

- Response letter from Joseph Riina, PE, Site Design Consultants, dated August 31, 2021;
- Plan entitled Site Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised August 31, 2021;
- Plan entitled Floor Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated August 31, 2021;
- Plan entitled Site Plan, JPE Auto Repair, Details, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised August 31, 2021;

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- Response letter from Joseph Riina, PE, Site Design Consultants, dated August 24, 2021;
- Plan entitled Site Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised August 24, 2021;
- Plan entitled Floor Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated August 24, 2021;
- Plan entitled Site Plan, JPE Auto Repair, Details, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised August 24, 2021;
- Deed;
- Affidavit of Authorization by R. Genine Heiser revised July 19, 2021; and
- Short EAF signed by Joseph Riina, June 16, 2021, revised July 19, 2021.

Materials Previously Reviewed

- Response letter from Joseph Riina, PE, Site Design Consultants, dated July 19, 2021;
- Plan entitled Site Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021, last revised July 20, 2021;
- Plan entitled Floor Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated June 16, 2021;
- Combine (Site Plan) Application, prepared by Juan Pablo Barros Pani, JPE Auto Repair, revised July 19, 2021; and
- Short EAF signed by Joseph Riina, June 16, 2021, revised July 19, 2021.

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- Cover letter from Joseph Riina, PE, Site Design Consultants, dated June 16, 2021;
- Plan entitled Site Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated June 15, 2021;
- Plan entitled Floor Plan, JPE Auto Repair, prepared by Joseph Riina, PE, Site Design Consultants, dated June 16, 2021;
- Survey of Property, prepared by Robert Baxter, LS, Baxter Land Surveying, PC, dated July 17, 2009, revised July 24, 2009;
- Combine (Site Plan) Application, prepared by Juan Pablo Barros Pani, JPE Auto Repair, signed and dated June 16, 2021; and
- Short EAF signed by Joseph Riina, June 16, 2021.

⏪ Reply all ⏩ Delete ⓧ Junk Block ...

## JPE Auto Repair Corp - Special Use permit/Site Plan Review - Comments Revised Submittal

J jandrews@rsaengrs.com

Wed 8/25/2021 3:12 PM

To: Planning Kent; bestscapes@hotmail.com

Cc: eaxelson@cplteam.com; barberbruce@yahoo.com

👍 ⏪ ⏩ ...

2021-08-25 Review Mem...

1 MB



### TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!

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

We reviewed the most recent submittal from Site Design Consultants received via email dated August 24, 2021, concerning the above-described project. We compared this submittal to our review memorandum dated July 30, 2021. Attached hereto for your consideration is a hand notated copy of that memorandum. The hand notations reflect the current status of each of the comments contained therein.

Overall, our concerns have been substantially resolved with the material that comprises this most recent submittal. The last remaining item is that the Owner's Consent note will need to be signed and dated by both the Owner and the Applicant following the date of last revision. Provided there are no substantive matters raised during the course of the public hearing, we take no exception to the Board moving toward a Resolution of Approval if they are inclined to do so.

We trust the comments contained herein are satisfactory for your purposes. If we can be of additional assistance, please advise.

John V. Andrews, Jr., P.E.  
ROHDE, SOYKA & ANDREWS  
Consulting Engineers, P.C.  
40 Garden Street  
Poughkeepsie, NY 12601  
845-452-7515  
Fax 845-452-8335

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# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

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

Subject: Special Use Permit/Site Plan Review  
Memorandum - Revised Submittal  
*2nd Revised Submittal*

Date: ~~July 30, 2021~~ **8.25.2021**

Project: JPE Auto Repair Corp.  
TM # 33.18-1-11

The following materials were reviewed:

- *PERMIT - OWNER AUTHORIZATION - CHANGED*
- Letter to Town of Kent Planning Board-JPE Auto Repair Corp., from Site Designs Consultants dated ~~July 10, 2021~~ **8.24.2021**
- Letter to Liz Axelson, AICP, Architecture Engineering Planning, from Site Design Consultants dated ~~July 10, 2021~~ **8.24.2021**
- Letter to Bruce Barber, Cornerstone Associates, from Site Design Consultants dated ~~July 10, 2021~~ **8.24.2021**
- Short Environmental Assessment Form-JPE Auto Repair Corp. dated June 16, 2021, last revised July 19, 2021
- Environmental Remediation Database Details, from Department of Environmental Conservation -King Transmission & Auto Repair
- Environmental Remediation Database Details, from Department of Environmental Conservation -Chris' Automotive Center Inc.
- FIRM Map Portion **DEED 6.15.21 P 162**
- Drawing Sheet 1-Site Plan-JPE Auto Repair Corp., prepared by Site Design Consultants, dated June 15, 2021, last revised ~~July 20, 2021~~ **8.24.2021**

The project involves a Special Use Permit and Site Plan approval for a change in use and establishment of an auto repair facility in an existing structure previously used as a rental center. The site will be used basically as is except for the establishment pavement markings and signage for two (2) handicap parking spaces. The action further includes the installation of three (3) vehicle lifts on the interior of the building.

Revised or supplementary comments are indicated in **bold**.

The following comments are provided for the Planning Board's consideration from memorandum dated ~~July 7, 2021~~ **July 20 2021**

2. Refer to the Combined Application Form and the Site Plan Checklist:
  - b. JPE Auto Repair Corp is the applicant but not the Owner of the subject property. Provide documentation of the Owner's authorization to act on their behalf in the

Sheet 2/3 - HAZARDOUS PLAN - Last revised 8.24.2021  
 Sheet 3/3 - PERMITS " " " "  
 By Site Design Consultants



*Comment  
Resolved  
Approved*

pursuit of the application. Response letter indicates that the requested information was included in the submittal. It was not included in the information submitted for our review. Comment remains valid.

*Comment  
Resolved  
Deed provided*

- c. Provide a copy of the deed and any easements affecting the property. The site plan and the survey indicate that there is use of a portion at the rear of the project site by an adjacent property owner. The Planning Board may want some additional information and or a clarification concerning this encroachment. At a minimum, the Planning Board may want some notes added to the site plan addressing this matter and applying some limitations or conditions related thereto. **Comment remains valid. Response letter indicated that the information would be provided at a later date. Please see new comment below**

*Comment  
Resolved  
Monitoring  
info provided*

A review of the Environmental Remediation Data base indicates that there was a closed in place aboveground petroleum bulk storage tank on this site. Additionally, there are a number of monitoring wells and other features on the site for which there is no information provided, including a metal storage tank and an abandoned pumping station. SEAF Item 20 should probably be checked "YES", and additional information provided. SEAF amended. Some explanatory information provided which applies to adjacent properties. Additional response required.

*Well shown  
Municipal  
sewer  
provalde  
shown*

The location and details of the existing water supply and wastewater disposal facilities should be indicated on the plan set. **Comment remains valid. Response letter indicates that the development of this information is in process and will be provided when it becomes available.** *Resolved*

8. There are no provisions for refuse handling indicated on the plan. A dumpster is indicated on the current plans. It is located at the rear of the structure and is somewhat screened from the street. We take no exception to its location. *Resolved*
9. Two (2) handicap parking spaces are proposed including signage and pavement markings. Only one (1) space would normally be required. The location of the spaces appears to impede proper access to the gate and the substantial rear gravel storage area. The engineer may want to adjust this area and provide proper access to the gate. **Parking spaces have been relocated to the rear of the structure. We consider the comment adequately addressed. See also new comment below.** *No Comment*
11. Provide a written response with future submittals stating how the comments have been addressed.

**New Comments:**

*Resolved  
NOTE ADDED  
AS #7 under  
NOTES*

Please see Comment 1C above. We recommend that the following note be added to the plan set to address the current unapproved use of the rear portion of the property by an adjacent owner. "The facilities and land use on Deed Parcels C and D currently noted as being used by Rini are existing and not part of this current application. The JPE Auto Repair Corp. application and the approval related thereto apply to Deed Parcel B only. No approval has been sought nor is any approval granted for Deed Parcels C and D. The current use of these parcels is not approved. Any changes to Deed Parcels C and D or the current Rini use shall be subject to future application and the receipt of the appropriate land use approval related to that action."

Memorandum

JPE Auto Repair Corp.

TM # 33.18-1-11

July 30, 2021

Page 3 of 3

8.25.2021

2. Please see Comment 9 above. Moving the handicap parking spaces to the rear requires that the existing gravel be paved with asphalt. The existing gravel surface is well compacted and well worn, acting for all intents and purposes as an impervious surface. We take no exception to the addition of paving in this small area. We do not consider it a significant disturbance as it is merely a substitution of impervious surfaces.

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

cc: Planning Board via email  
Bill Walters via email  
21-261-258

Bruce Barber via email  
Liz Axelson via email



Sandra M. Fusco  
Commissioner

Putnam County  
Department of Planning, Development,  
and Public Transportation

www.putnamcountyny.com

2 Route 164, Suite 1  
Patterson, NY 12563

Received  
mo/date/year

AUG 23 2021

Planning Department  
Town of Kent  
Phone: (845) 878-3480  
Fax: (845) 808-1948

SECTION 239 CASE REFERRAL

Case Received: 8-13-21 Report Required: 9-13-21 Completed: 8/17/2021

Application Name: JPE Auto Repair Corporation Referral #: 21-PC-77

TOWN: Carmel: ☐ Philipstown: ☐ VILLAGE: Brewster: ☐  
Kent: ☒ Putnam Valley: ☐ Cold Spring: ☐  
Patterson: ☐ Southeast: ☐ Nelsonville: ☐

Referred by: PB: ☒ ZBA: ☐ Town Board: ☐ Historic District Review Board: ☐

Location of Project: 333 Route 52, Kent Lakes, NY 10512

Present Zone: Commercial Tax Map #: 74.42-1-26

Type of action: Variance: ☐ Zoning Ordinance: ☐ Master Plan: ☐  
Subdivision: ☐ Special Use Permit: ☒ Subdivision Regulations: ☐  
Site Plan: ☐ Rezoning: ☐ Certificate of Appropriateness: ☐  
Zoning Amendment/Interpretation: ☐

DECISION BY COUNTY:

Approved as Submitted: ☒ Modification: ☐ Disapproved: ☐

Basis for Decision Other than Approval:

Reviewed by: Barbara Barosa Barbara Barosa, Senior Planner

(Signature)

(Title)

⏮ Reply all ⌵ 🗑 Delete 🚫 Junk 🚫 Block ⋮

## JPE Auto Repair Corp - Special Use permit/Site Plan Review - Comments Revised Submittal

J jandrews@rsaengrs.com  
Wed 8/25/2021 3:12 PM  
To: Planning Kent; bestscapes@hotmail.com  
Cc: eaxelson@cplteam.com; barberbruce@yahoo.com

👍 ↶ ⏮ → ⋮

2021-08-25 Review Mem...

1 MB

### TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!

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

We reviewed the most recent submittal from Site Design Consultants received via email dated August 24, 2021, concerning the above-described project. We compared this submittal to our review memorandum dated July 30, 2021. Attached hereto for your consideration is a hand notated copy of that memorandum. The hand notations reflect the current status of each of the comments contained therein.

Overall, our concerns have been substantially resolved with the material that comprises this most recent submittal. The last remaining item is that the Owner's Consent note will need to be signed and dated by both the Owner and the Applicant following the date of last revision. Provided there are no substantive matters raised during the course of the public hearing, we take no exception to the Board moving toward a Resolution of Approval if they are inclined to do so.

We trust the comments contained herein are satisfactory for your purposes. If we can be of additional assistance, please advise.

John V. Andrews, Jr., P.E.  
ROHDE, SOYKA & ANDREWS  
Consulting Engineers, P.C.  
40 Garden Street  
Poughkeepsie, NY 12601  
845-452-7515  
Fax 845-452-8335

Reply | Reply all | Forward



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

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

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

## Memorandum

To: Planning Board  
Town of Kent

Attr: Philip Tolmach  
Chairman

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

Subject: Special Use Permit/Site Plan Review  
Memorandum - Revised Submittal  
*2nd Revised Submittal*

Date: ~~July 30, 2021~~ *8.25.2021*

Project: JPE Auto Repair Corp.  
TM #33.18-1-11

The following materials were reviewed:

- Affidavit - owner Authorization - Checked.*
- Letter to Town of Kent Planning Board-JPE Auto Repair Corp., from Site Design Consultants dated ~~July 19, 2021~~ *8.24.2021*
- Letter to Liz Axelson, AICP, Architecture Engineering Planning, from Site Design Consultants dated ~~July 19, 2021~~ *8.24.2021*
- Letter to Bruce Barber, Cornerstone Associates, from Site Design Consultants dated ~~July 19, 2021~~ *8.24.2021*
- Short Environmental Assessment Form-JPE Auto Repair Corp. dated June 16, 2021, last revised July 19, 2021.
- ✓ Environmental Remediation Database Details, from Department of Environmental Conservation -King Transmission & Auto Repair
- ✓ Environmental Remediation Database Details, from Department of Environmental Conservation -Chris' Automotive Center Inc.
- FIRM Map Portion *DEED 6.13.20 P 102*
- Drawing Sheet 1-Site Plan-JPE Auto Repair Corp., prepared by Site Design Consultants, dated June 15, 2021, last revised ~~July 20, 2021~~ *8.24.2021*, scale 1" = 20'.

The project involves a Special Use Permit and Site Plan approval for a change in use and establishment of an auto repair facility in an existing structure previously used as a rental center. The site will be used basically as is except for the establishment pavement markings and signage for two (2) handicap parking spaces. The action further includes the installation of three (3) vehicle lifts on the interior of the building.

Revised or supplementary comments are indicated in **bold**.

The following comments are provided for the Planning Board's consideration from memorandum dated ~~July 7, 2021~~ *July 20 2021*

2. Refer to the Combined Application Form and the Site Plan Checklist:
  - a. JPE Auto Repair Corp is the applicant but not the Owner of the subject property. Provide documentation of the Owner's authorization to act on their behalf in the

*Sheet 2/3 - House Plan - last revised 8.24.2021  
Sheet 3/3 - Permits  
By Site Design Consultants*

*Comment  
Resolved  
Approved  
Received*

pursuit of the application. Response letter indicates that the requested information was included in the submittal. It was not included in the information submitted for our review. Comment remains valid.

*Comment  
Resolved  
Deed provided*

c. Provide a copy of the deed and any easements affecting the property. The site plan and the survey indicate that there is use of a portion at the rear of the project site by an adjacent property owner. The Planning Board may want some additional information and or a clarification concerning this encroachment. At a minimum, the Planning Board may want some notes added to the site plan addressing this matter and applying some limitations or conditions related thereto. Comment remains valid. Response letter indicated that the information would be provided at a later date. Please see new comment below

*Comment  
Resolved  
Not from  
info provided*

A review of the Environmental Remediation Data base indicates that there was a closed in place aboveground petroleum bulk storage tank on this site. Additionally, there are a number of monitoring wells and other features on the site for which there is no information provided, including a metal storage tank and an abandoned pumping station. SEAF Item 20 should probably be checked "YES", and additional information provided. SEAF amended. Some explanatory information provided which applies to adjacent properties. Additional response required.

*Well show  
Municipal  
sewer  
provide  
shown*

The location and details of the existing water supply and wastewater disposal facilities should be indicated on the plan set. Comment remains valid. Response letter indicates that the development of this information is in process and will be provided when it becomes available. *Resolved*

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Comment  
Vg.*

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

**New Comments:**

*Resolved  
NOTE ADDED  
AS #7 UNDER  
NOTES.*


Please see Comment 1C above. We recommend that the following note be added to the plan set to address the current unapproved use of the rear portion of the property by an adjacent owner. "The facilities and land use on Deed Parcels C and D currently noted as being used by Rini are existing and not part of this current application. The JPE Auto Repair Corp. application and the approval related thereto apply to Deed Parcel B only. No approval has been sought nor is any approval granted for Deed Parcels C and D. The current use of these parcels is not approved. Any changes to Deed Parcels C and D or the current Rini use shall be subject to future application and the receipt of the appropriate land use approval related to that action."

2. Please see Comment 9 above. Moving the handicap parking spaces to the rear requires that the existing gravel be paved with asphalt. The existing gravel surface is well compacted and well worn, acting for all intents and purposes as an impervious surface. We take no exception to the addition of paving in this small area. We do not consider it a significant disturbance as it is merely a substitution of impervious surfaces.

*No comment  
Log - property  
captured in  
Balk 177K*

  
John V. Andrews, Jr., P.E. 8.9.2021

cc: Planning Board via email  
Bill Walters via email  
21-261-258

  
Bruce Barber via email  
Liz Axelson via email

*New Comment*  
1. Owners Consent  
Note to be signed & dated  
following Date of last  
Review.

# Site Design Consultants

Civil Engineers • Land Planners

August 23, 2021

Chairman Phil Tolmach  
Members of the Planning Board  
Planning Board Town of Kent

c/o Vera Patterson  
Planning Board Secretary  
25 Sybil's Crossing  
Kent Lakes, NY 10512

Re: JPE Auto Repair Corp.  
333 Route 52  
SBL 33.-1-58.2

Dear Chairman Tolmach and Members of the Planning Board:

As required by the Town of Kent, we have sent copies of the attached "Legal Notice of Public Hearing/The Kent Planning Board", provided by your Office, to the adjoining property owners for the above referenced project.

These Notices are regarding the Planning Board Public Hearing scheduled for September 9, 2021.

Enclosed please find the following items regarding this submission:

- Sample of the "Notice" which reflect the project's information as detailed in the Town of Kent's Public Notice;
- List of adjoining property owners;
- Copies of the Certified Mail Receipt for the Notices mailed.

Thank you.

Yours Truly,

  
Joseph C. Rina, P.E.

cc: JPE Auto Repair Corp.

JCR / cm / Enc./ sdc 21-46

---

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

60 Walnut Grove Road • Ridgefield, Connecticut 06877

(914) 962-4488

(203) 431-9504

Fax (914) 962-7386





**LEGAL NOTICE OF PUBLIC HEARING/ THE KENT PLANNING BOARD**

**#4 YEAR 2021**

**JPE AUTO REPAIR CORPORATION**

**333 ROUTE 52**

**KENT, NY 10512**

**TAX MAP NO 33.-18-1-11**

**NOTICE IS HEREBY GIVEN** that a Public Hearing pertaining to the property noted above will be held on **Thursday, September 9, 2021, at 7:30 PM** or as soon thereafter as the matter may come to be heard at:

The Kent Town Hall  
25 Sybil's Crossing  
Kent, NY 10512

This Public Hearing pertains to an application for *Special Use and Change of Use Permit*. JPE Auto Repair Corporation is leasing this space from the property owner, Crystal Property Management LLC. The property will remain as is. Three car-lifts will be installed inside the existing building. The property is serviced by Town water and sewer. The total acreage of this property is 1.4144 acres.

At this hearing all persons speaking in favor or in opposition shall be heard.

Files on the subject may be inspected at the Planning Board office Mondays, Tuesdays and Thursdays from 9:00 - 4:00 PM prior to the meeting. The telephone number for the Kent Planning Board is: 845-225-7802. If there are any questions or comments pertaining to this project, please send them to: [planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov).

Date: August 13, 2021

By order of:

The Kent Planning Board

Contact:

Vera Patterson, Secretary for

The Town of Kent Planning Board

County of Putnam

State of New York

25 Sybil's Crossing

Kent, NY 10512

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

P. August 16, 2021 thru September 9, 2021

Kent Planning Board Public Hearing Notice #4 2021

Crystal Prop. Management LLC  
Tax Map #: 33.18-1-11  
128 Lakeview Dr  
Mahopac, NY 10541

Hill & Dale Prop Own  
Tax Map #: 33.18-1-57  
PO BOX 411  
Carmel, NY 10512

Rini Land Develop., LLC  
Tax Map #: 33.18-1-12  
339-349 Route 52  
Carmel, NY 10512

Gordon Moccio  
Tax Map #: 44.6-1-11  
12 Lake Tr  
Carmel, NY 10512

329 Route 52 Properties Inc  
Tax Map #: 33.18-1-9  
PO BOX 693  
Chappaqua, NY 10514

329 Route 52 Properties Inc  
Tax Map #: 33.18-1-8  
PO BOX 693  
Chappaqua, NY 10514

329 Route 52 Properties Inc  
Tax Map #: 33.18-1-7  
PO BOX 693  
Chappaqua, NY 10514

JJC Realty Corp  
Tax Map #: 33.18-1-5  
325 Route 52  
Carmel, NY 10512

Juan A Leal  
Tax Map #: 33.18-1-58  
1505 Mount Curve Ave  
Minneapolis, MN 55403

Triple Sea, LLC  
Tax Map #: 33.18-1-6  
1085 Route 6  
Mahopac, NY 10541

Corey McLaughlin  
Tax Map #: 44.6-1-10  
8 Lake Tr  
Carmel, NY 10512

Leggitt Realty, LLC  
Tax Map #: 33.18-1-4  
PO BOX 861  
Mahopac, NY 10541

9896 6996 1000 0897 9702

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
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Mahopac, NY 10541	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$3.60	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$0.00	
<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.55	
Total Postage and Fees \$7.00	08/23/2021
Sent To	Leggitt Realty, LLC
Street and Apt	P.O. Box 861
City, State, ZIP	Mahopac, NY 10541
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

6266 6996 1000 0897 9702

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Carmel, NY 10512	
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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$0.00	
<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.55	
Total Postage and Fees \$7.00	08/23/2021
Sent To	Corey McLaughlin
Street and Apt	8 Lake Tr
City, State, ZIP	Carmel, NY 10512
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

6026 6996 1000 0897 9702

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Certified Mail Fee \$3.60	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$0.00	
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<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.55	
Total Postage and Fees \$7.00	08/23/2021
Sent To	Gordon Moccio
Street and Apt	12 Lake Tr
City, State, ZIP	Carmel, NY 10512
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

6266 6996 1000 0897 9702

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Certified Mail Fee \$3.60	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.55	
Total Postage and Fees \$7.00	08/23/2021
Sent To	Hill & Dale Prop Own
Street and Apt	P.O. Box 411
City, State, ZIP	Carmel, NY 10512
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$7.00

Sent To  
Rini Land Develop., LLC  
339-349 Route 52  
Carmel, NY 10512

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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Carmel, NY 10512

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Extra Services & Fees (check box, add fee as appropriate)  
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☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$7.00

Sent To  
JJC Realty Corp  
325 Route 52  
Carmel, NY 10512

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

Mahopac, NY 10541

Certified Mail Fee \$3.60  
Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$7.00

Sent To  
Triple Sea, LLC  
1085 Route 6  
Mahopac, NY 10541

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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Mahopac, NY 10541

Certified Mail Fee \$3.60  
Extra Services & Fees (check box, add fee as appropriate)  
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☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$7.00

Sent To  
Crystal Prop. Management LLC  
128 Lakeview Drive  
Mahopac, NY 10541

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

Chappaqua, NY 10514

Certified Mail Fee \$3.60  
Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$7.00

Sent To  
329 Route 52 Properties Inc.  
P.O. Box 693  
Chappaqua, NY 10514

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

Minneapolis, MN 55403

Certified Mail Fee \$3.60  
Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55  
Total Postage and Fees \$7.00

Sent To  
Juan A. Leal  
1505 Mount Curve Avenue  
Minneapolis, MN 55403

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



DOCUMENT # 1501395

DEED - COMM/VACANT

RETT: 77 \$950.00  
CONSIDERATION: \$237,500.0008/18/2009 11:39:49 A.M.  
RECEIPT: 12405 FEE: \$320.00  
DENNIS J. SANT  
PUTNAM COUNTY CLERK  
LIBER: 1836 PAGE: 162

RESERVE FOR RECORDING INFORMATION



## PUTNAM COUNTY RECORDING PAGE

PAGE 1 OF RECORDED DOCUMENT

RECORD &amp; RETURN TO:

HOGAN & ROSSI  
1441 ROUTE 22  
SUITE 204 B  
DREWSTER, NY 10509

TYPE OR PRINT

GRANTOR/MORTGAGOR  
JOSEPH P. MISCIOSIA,  
AS TRUSTEE UNDER WILLS  
OF JOSEPH MISCIOSIA  
AND VINCENZA MISCIOSIA

DO NOT WRITE BELOW THIS LINE

DEED ☒ MTG ☐ SAT ☐ ASMT ☐ CEM ☐ POA ☐ ESE ☐  
OTHERRECORDING FEES # OF  
PAGES5  
C/R

RESERVE FOR CERTIFICATION

RCD FEE 25.00

STAT CHG 20.00

REC MGMT 20.00

CROSS REF

TOTAL 65.00

THIS DOCUMENT WAS EXAMINED, PURSUANT TO §315 REAL PROPERTY LAW

DENNIS J. SANT  
PUTNAM COUNTY CLERK

RESERVE FOR CLERK'S NOTES

08/13/09 15:51 FAX 3433886

McVEAN LEWIS SHERWIN

0003

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 13<sup>TH</sup> day of August, 2009

BETWEEN

JOSEPH P. MISCIOSCIA, 14 Sutherland Drive, Highland Mills, New York 10930, as Trustee under the Marital Deduction Trust under the will of Joseph Miscioscia, deceased; and as Trustee of the Trust created by the Last Will and Testament of Vincanza Miscioscia, deceased.

party of the first part, and

CRYSTAL PROPERTY MANAGEMENT, LLC  
128 Lakeview Drive  
Mahopac, New York 10541

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN

dollars,

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE PART HEREOF.

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, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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 any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this Indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

SCHEDULE A CLP-5479

REVISED 7/24/09

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, bounded and described as follows:

BEGINNING at a point on the northerly side of New York State Route No. 52 at the southeasterly corner of land now or formerly of Sandanova Development Corporation as described in Liber 1240 cp 233, and shown as "Relocated Nichols Street" on Filed Map No. 2370, and the southwesterly corner of the herein described parcel, said point being distant 103.33 feet as measured along the northerly side of New York State Route No. 52 on a bearing of North 59° 28' 00" East from the southeasterly corner of land formerly of the Eli Townsend Estate;

Thence along land shown on Filed Map No. 2370, being land now or formerly of Sandanova Development Corporation, North 15° 24' 30" West 308.06 feet to the northwesterly corner of the herein described parcel;

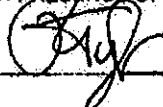
Thence continuing along land shown on Filed Map No. 2370 North 56° 28' 50" East 210.43 feet to land now or formerly of Christopher Rini as described in Liber 1469 cp 421;

Thence along said land now or formerly of Christopher Rini South 15° 24' 30" East 308.06 feet to the northerly side of New York State Route No. 52;

Thence along the northerly side of New York State Route No. 52 South 56° 28' 50" West 210.43 feet to the point and place of BEGINNING.

BEING AND INTENDED TO BE THE SAME PREMISES AS  
PARCELS B, C AND D AS SET FORTH IN DEED DATED  
MAY 1, 1990, RECORDED MAY 17, 1990 IN LIBER  
1092 of 112.

IN PRESENCE OF:

  
\_\_\_\_\_  
JOSEPH P. MISCIOSCIA, Trustee

Standard N.Y.B.T.U. Form 8002 - Bargain and Sale Deed, with Covenant against Grantor's Acts - Uniform Acknowledgment



08/13/09 15:52 FAX 3433808

MCVEAN LEWIS SHERWIN

2004

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of ss:

State of New York, County of ss:

On the day of in the year  
before me, the undersigned, personally appearedOn the day of in the year  
before me, the undersigned, personally appeared

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.

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.

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of ss:

On the 13<sup>th</sup> day of August  
personally appeared

In the year 2008 before me, the undersigned,

Joseph P. Miscloscia

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, and that such individual made such appearance before the undersigned in the City of

Myrtle Beach  
(Insert the City or other political subdivision)

Horry Co., S.C.  
(and Insert the State or Country or other place the acknowledgment was taken)

Charles Moody 3/12/2018  
(signature and office of individual taking acknowledgment)

Expiration

**BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No.

SECTION 33.18

BLOCK

LOT

COUNTY OR TOWN KENT

STREET ADDRESS 333 ROUTE 52

Recorded at Request of  
RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

Hogan & Ross  
1441 Route 22, Suite 204B  
Brewster, New York 10509

RECORDING OFFICE

⏮ Reply all ▼ 🗑 Delete 🚫 Junk 🚫 Block ...

## Complaint from Michael Dunn of Chris Automotive

PK

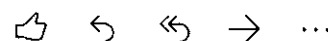
Planning Kent

Mon 9/13/2021 3:21 PM

To: Maureen Fleming

Cc: Tamara Harrison; bestscapes@hotmail.com

Bcc: eaxelson@cplteam.com; Lana Cappelli; Planning Kent



Phil asked me to forward this note to you, which relates to a discussion at the meeting on September 9, 2021 regarding JPE Automotive's application which is before the Planning Board at this time.

Vera Patterson  
Town of Kent  
Planning Board Secretary  
25 Sybil's Crossing  
Kent, NY 10512  
planningkent@townofkentny.gov  
845-225-7802 (T)  
845-306-5283 (F)

**From:** Contact form at Kent NY <cmsmailer@civicplus.com>

**Sent:** Friday, September 10, 2021 10:36 AM

**To:** Planning Kent <planningkent@townofkentny.gov>

**Subject:** [Kent NY] Formal Complaint (Sent by Michael Dunne, Michael@chrisautomotive.com)

### TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!

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

Hello planning,

Michael Dunne ([Michael@chrisautomotive.com](mailto:Michael@chrisautomotive.com)) has sent you a message via your contact form (<https://www.townofkentny.gov/users/planning/contact>) at Kent NY.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofkentny.gov/user/221/edit>.

Message:

Greetings Vera. Please forward this to the chair along with the town supervisor.

I would like to file a formal complaint against planning board member Stephen Wilhelm.

Please review the meeting video from last nights meeting (9/9/2021) for details. Mr Wilhelm made public comments directed to Mr Christopher Rini about the way he is conducting his complaint during a public meeting and the statement of how he runs his business and "He would never do business with Chris or Chris' Automotive".

I find Mr Wilhelm's statement very offensive and disrespectful. Mr Rini is a well respected businessman and tax payer. Mr Wilhelm is a public servant and represents myself and other

August 19, 2021

Mr. John Andrews, Jr P.E.  
Rohde, Soyka & Andrews  
40 Garden Street,  
Poughkeepsie, NY 12601

Re: JPE Auto Repair Corp.  
333 Route 52  
Section 33.18 Block 1 Lot 11  
Special Use Permit/Site Plan Review Memorandum

Dear Mr. Andrews:

We are in receipt of the Review memorandum dated July 7, 2021 to the Planning Board for the JPE Auto Repair project. We have provided a comment-by-comment response to each of the review items in your letter.

1. No response required. The project is not in a Main Street Designated Area.
2. Application documents:
  - a) The SEAF was revised to show the correct tax parcel identification number.
  - b) Please find attached documentation from the owner authorizing the applicant for the proposed use on the subject property.
  - c) This information is to be provided at a later date.
3. No response required.
4. No response required.
5. The SEAF has been revised to show the information provided on the Environmental Remediation Date base. A copy of the tank closure report is attached.
6. The building is currently connected to the public sewer system. It is reported to be served by a private well. The Health Department has no records. We believe the well may be located in a pit which we could not access surrounded by the three monitoring wells.
7. The site plan has been revised to show the location for all the doors within the existing building.
8. The site plan sheet has been revised to show the location for the proposed dumpster.
9. The plan set was revised and the handicapped parking space has been relocated by the office entrance for easier access.
10. The plan has been revised to show the existing curbing and asphalt perimeter accordingly.
11. No response required.

Enclosed please find the following items for review:

- Copy of your letter dated July 7, 2021 for reference;
- Revised Short EAF;
- One full size plan of the "Site Plan Prepared for JPE Auto Repair Corp., Sheet 1 of 1, dated 6-15-21, last revised 8-19-2021;

If you should have any questions regarding the above or require any additional information, do not hesitate to contact this office.

Sincerely,

Joseph C. Riina, P.E.

Cc: JPE Auto Repair Corp.  
Kent Planning Board

JCR/cm / Enc. / sdc 21-46

August 19, 2021

Liz Axelson, AICP  
Architecture Engineering Planning  
9 Elks Lane  
Poughkeepsie, NY 12601

Re: JPE Auto Repair Special Use Permit & Site Plan, 333 Route 52  
Tax Parcel No. 33.18-1-11/CPL#15998.00-00007

Dear Ms. Axelson;

We are in receipt of the Review memorandum dated July 29, 2021 to the Planning Board for the JPE Auto Repair project. We are providing a comment-by-comment response to each of the review items in your letter.

Summary

1. No response required.
2. No response required.

SEQRA

3. Comment noted.

Zoning Requirements

4. Proposed use and development
  - a. No response required.
  - b. Only 1 ADA parking is proposed. The note under the schedule has been removed as it was not correct.
  - c. Plan sheet "Site Plan" has been revised to label the proposed wheel stops.
  - d. Plan sheet "Site Plan" has been revised to include "see detail" for wheel stops.
  - e. Wheel stop detail has been added to the plan set.
  - f. The plan set has been revised to add the sign detail corresponding to the signs proposed in the project site.
5. To be provided.
6. Areas:
  - a. Calculations.
    - i. The asphalt area in front of the building by the three gates
    - ii. The proposed asphalt area has been added to the table with the impervious calculations.
    - iii. This parking space area is used by "Christopher Rini" for the existing building use in the adjacent lot.

Liz Axelson  
August 19, 2021  
Page 3 of 3

Parcel no. 33.18-1-11

JCR/cm / Enc. / sdc 21-46

August 19, 2021

Mr. John Andrews, Jr P.E.  
Rohde, Soyka & Andrews  
40 Garden Street,  
Poughkeepsie, NY 12601

Re: JPE Auto Repair Corp.  
333 Route 52  
Section 33.18 Block 1 Lot 11  
Special Use Permit/Site Plan Review Memorandum

Dear Mr. Andrews:

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1. No response required. The project is not in a Main Street Designated Area.
2. Application documents:
  - a) The SEAF was revised to show the correct tax parcel identification number.
  - b) Please find attached documentation from the owner authorizing the applicant for the proposed use on the subject property.
  - c) This information is to be provided at a later date.
3. No response required.
4. No response required.
5. The SEAF has been revised to show the information provided on the Environmental Remediation Date base. A copy of the tank closure report is attached.
6. The building is currently connected to the public sewer system. It is reported to be served by a private well. The Health Department has no records. We believe the well may be located in a pit which we could not access surrounded by the three monitoring wells.
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9. The plan set was revised and the handicapped parking space has been relocated by the office entrance for easier access.
10. The plan has been revised to show the existing curbing and asphalt perimeter accordingly.
11. No response required.

Enclosed please find the following items for review:

- Copy of your letter dated July 7, 2021 for reference;
- Revised Short EAF;
- One full size plan of the "Site Plan Prepared for JPE Auto Repair Corp., Sheet 1 of 1, dated 6-15-21, last revised 8-19-2021;

If you should have any questions regarding the above or require any additional information, do not hesitate to contact this office.

Sincerely,

Joseph C. Riina, P.E.

Cc: JPE Auto Repair Corp.  
Kent Planning Board

JCR/cm / Enc. / sdc 21-46





# Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Erosion Control Plan - Revised Submittal III
Date:	September 8, 2021	Project:	Friedman-Crossman TM # 42.7-1-27

The following materials were reviewed:

- Email Correspondence to Kent Planning Board from Karl Hansen, dated August 27, 2021.
- Email Correspondence to Karl Hansen from River Architects PLLC, dated August 25, 2021.
- Letter to Town of Kent Planning Board-Friedman-Crossman Application from River Architects PLLC, dated August 27, 2021.
- Short Environmental Assessment Form-Friedman-Crossman Residence dated August 25, 2021.
- Copies of Certified Mail Receipts.
- SWPPP Engineering Report-Friedman Crossman Residence, prepared by Design Concepts Engineering P.C., dated June 2021; revised August 26, 2021.
- Drawing Sheet- 1 - Erosion & Sediment Control Plan- Friedman Crossman Residence, prepared by D.C. Engineering, PC, dated June 10, 2021, last revised August 25, 2021, scale 1" =40'.
- Drawing Sheet- 2 - Erosion & Sediment Control Details- Friedman Crossman Residence, prepared by D.C. Engineering, PC, dated June 10, 2021, last revised August 25, 2021, scale as noted.
- Drawing Site-101 - Site Plan-Friedman Crossman prepared by River Architects, dated May 20, 2021, last revised August 25, 2021, scale as indicated.
- Drawing Site-102 -Enlarged Site Plan-Friedman Crossman prepared by River Architects, dated May 20, 2021, last revised August 25, 2021, scale 1" =10'-0".
- Drawing A-105-Garage Plans- Friedman Crossman Residence, prepared by River Architects, dated May 20, 2021, last revised September 3, 2021, scale ¼" =1'-0".
- Drawing Site-101 - Site Plan- Friedman Crossman Residence, by River Architects, dated May 20, 2021, last revised September 3, 2021, scale 1" =10'-0".
- Drawing Site-102 -Enlarged Site Plans- Friedman Crossman Residence, by River Architects, dated May 20, 2021, last revised September 3, 2021, scale 1" =10'-0".

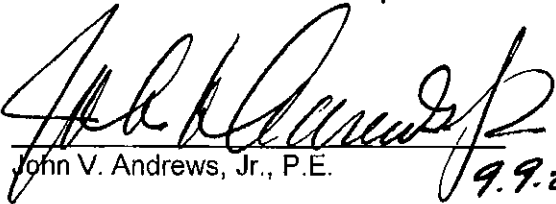
The project proposes the demolition of the existing single-family dwelling with the construction of a new single-family dwelling on basically the same footprint and a new detached garage with office and full bath above. The proposal includes the protection and re-use of the existing well and onsite wastewater treatment system for the new dwelling and a new onsite wastewater treatment system for the detached garage. Putnam County Health Department approval is required for the new onsite wastewater treatment system. The total proposed land disturbance associated with the proposed action is 10,876 square feet (SF).

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration based on our July 8, 2021, July 15, 2021, and August 12, 2021, hand notated memoranda. Comments from those memoranda not included herein have been satisfactorily resolved.

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001. **No further comment required.**
3. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - b. §66-6.B.2.g – Provide “a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance, and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:”
    - vi. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
7. §66-6.B.6 – Provide “copies of all applications, permits and approvals required by any other local, state or federal agency associated with the construction and site work/disturbance proposed by the applicant.” Putnam County Department of Health approval for garage facilities (water and sewer) is required. **Garage bathroom revised per PCHD comments. No modifications to existing system required. PCHD confirmation pending.**
10. SWPPP – GP-0-20-001 Part 1.F.8 - Provide documentation that the project complies with the requirements for historic or archeological sensitive locations.
11. Provide a Notice of Intent (NOI) for review. **NOI provided prior to completion of the SWPPP. Engineer should verify contents based on completion of field work**
12. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed. **Previously provided. Will be completed and signed following the close of the public hearing so long as all other matters are resolved.**
13. 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.

14. Provide a written response with future submittals stating how the comments have been addressed.
15. **New comments, refer to the Drawings:**
  - a. Provide a location and detail for a concrete washout station
16. **Please see Item 3.b.vi above. An erosion control bond estimate needs to be provided for review upon the close of the public hearing. We will review the bond estimate and either recommend it for approval or indicate necessary revisions. Typically, the Erosion Control Plan is not approved, or the matter moved to the Consultants to be handled administratively until the Public Hearing is closed, all final revisions are in place and a bond amount accepted.**

  
John V. Andrews, Jr., P.E. 9.9.2021

cc: Planning Board via email  
Bill Walters via email  
21-261-999-173

Bruce Barber via email  
Liz Axelson via email

**LEGAL NOTICE #7**  
**YEAR 2021**  
**OF A PUBLIC HEARING**  
**THE KENT PLANNING BOARD**  
**FRIEDMAN-CROSSMAN PROPERTY**  
**FOR CONSTRUCTION OF A RESIDENCE AT**  
**5 CHINA CIRCLE COURT**  
**KENT, NY 10512**  
**TAX MAP: 42.7-1-27**

**NOTICE IS HEREBY GIVEN** that a Public Hearing pertaining to the property noted above was held on **Thursday, September 9, 2021, at 7:30 PM** and was adjourned until **Thursday, October 14, 2021 at 7:30 PM** or as soon thereafter as the matter may come to be heard at:

The Kent Town Hall  
25 Sybil's Crossing  
Kent, NY 10512

This Public Hearing pertains to an application for approval of Steep Slope and Erosion Control permit approval for the construction of a 5,401 square foot single family residence with well, septic and driveway and a garage on a 2.2089 acre parcel in a R-80 zoning district. At this hearing all persons speaking in favor or in opposition shall be heard. The telephone number for the Kent Planning Board is: 845-225-7802. If there are any questions or comments pertaining to this project please send them to: [planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov).

Date: September 13, 2021

By order of:  
Vera Patterson, Secretary for  
The Town of Kent Planning Board  
County of Putnam  
State of New York  
25 Sybil's Crossing  
Kent, NY 10512  
[planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)

P. September 16, 2021 thru October 9, 2021  
Kent Planning Board Public Hearing Notice #7 2021

## **Brigman Residence**

This property is Lot 3 of the Woods At Hortontown Subdivision which was approved and filed in November, 1986 as File Map 2187. This is a flag lot and development was shown to occur in the rear of the lot. Laurel Mountain Court was constructed and the common driveway completed. The common driveway ends just past the existing watercourse which is found of Lot 3.

The proposal is to construct a single family residence which will be located on a knoll. The property has site constraints such as steep slopes, watercourse and surrounding wetland area. An Erosion Control Plan has been developed which shows soil classification and leicester loam which is present around the existing common driveway and watercourse.

The one hundred foot buffer has been shown outside the Leicester loam soil limit. The subsurface sanitary treatment system will be revised from what was originally approved by Putnam County Health Department and shifted so it is 100 feet away from the Leicester loam.

The house site is within the buffer area but has been placed based on the location of surrounding rock outcrops. The driveway extension will be approximately 235 feet long.

### **Proposed Mitigation**

Since the house and driveway will be in the buffer area it is proposed that the rainfall runoff from the house and upper 135 feet of driveway be captured and directed to an onsite rain garden. The rain garden has been sized for the one year storm event. It is also proposed to plant (install) live stake tree saplings to enhance the remaining buffer area.

### **Maintenance**

It is proposed to replace the existing corrugated metal culvert that passes under the existing driveway. This work would be performed in the fall when the watercourse is dry. The driveway would be sawcut, pipe excavated and removed with new HDPE pipe installed. The driveway asphalt would be placed when the driveway to the residence is paved in the spring. Millings will be used as a temporary wearing course.



## Cornerstone Associates

---

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

October 14, 2021

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Brigman Application**  
Hortontown Road  
Section 19 Block 1 Lot 31  
Town of Kent, New York 10512

Dear Chairman Tolmach and Members of the Planning Board:

As per your request, I have reviewed the following pertinent documents submitted relative to the above referenced application:

1. Short-form EAF (Part I) dated Transmittal letter dated 06/17/21 executed by Paul Lynch. PE dated 09/16/21.
2. Narrative report pertaining to the proposed wetland mitigation, 1 page. .
3. Rain garden and stormwater hydrologic calculations.
4. Plans entitled' "Site Plan prepared for Michelle and William Brigman" prepared by Putnam Engineering dated 09/16/21, 2 sheets: SL-1, EC-1.

### **A: Project Summary:**

The applicant proposes construct a detached single-home, driveway, well and septic systems as well as a stormwater structure, pipe replacement and wetland mitigation

The subject property is a flag lot, 6.349+/- acres in size and is located on the northerly side of Hortontown Road in an R-80 zoning district.

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

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

### **C: Zoning:**

The applicant has not provided a bulk zoning table. Please include a bulk zoning table and indicate any variances that may be required.

**D: SEQRA:**

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

**E: Environmental Review:**Wetlands:

Town of Kent jurisdictional wetlands and wetland buffer areas are on the subject site as per a site inspection and review of soils information. The applicant proposes to replace an existing culvert as well as to disturb wetland and wetland buffer area to construct the proposed driveway and house. The septic system is located entirely outside of the wetland and wetland buffer area.

The applicant has proposed the construction of a wetland rain garden as well as the installation of live planting stakes (bioengineering) as proposed mitigation for the temporary and permanent encroachments into the wetland and wetland buffer areas.

Trees:

The applicant has not provided information regarding tree cutting requirements. The EAF indicates the subject site is located within a possible location of Northern Long-Eared bats. As a result, tree restrictions limiting cutting to the months of November 1 through March 31 of the following year may apply.

Soils, Steep Slopes and Rock Outcrop:

Soils are indicated as Charlton Chatfield (HSG B), Charlton-Hollis Rock complex (HSG B) and Leicester Loam (HSG C). The applicant has indicated that the total site disturbance will be 0.973 acres but has not included the proposed planting locations in the disturbance calculations.

A steep slopes map has not been provided. Additionally, it is unclear if blasting or rock chipping will be required.

Cultural Resources:

None as per EAF.

Threatened or Endangered Species:

Northern Long-Eared Bat as per EAF. .

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

**F: Other:**

- A Combined Town of Kent Planning Board Application was not included in the packet provided to this office.
- A copy of a property survey has not been provided.
- A copy of the deed has not been provided.
- There is no zoning bulk table information.

- Please provide PCDOH approvals as required
- Architectural elevations/floor plans of the proposed building(s) have not been provided.
- Information regarding tree cutting has not been provided.
- Please provide a steep slope map and quantify (square feet) indicate areas of disturbance.
- Total area of disturbance should include the pipe replacement and wetland mitigation planting areas.
- Please indicate total area of disturbance (square feet) of wetland and wetland buffer areas. It is suggested that some of the proposed live stakes be installed along the edge of the existing watercourse to provide a riparian area.
- Provide site specific soils information in the area of the proposed rain garden.
- Please indicate if blasting and/or rock chipping will be required.
- Please provide documentation that the subject property is or is not located within the NYCDEP East of Hudson watershed.

This office defers to the Town Engineer regarding review of the SWPPP/erosion and sediment control plan. Further comments will be provided based on the applicant's response to comments.

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

Sincerely,



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 (**DRAFT**)

Date: October 1, 2021

Project: Brigman  
TM # 19.-1-31

The following materials were reviewed:

- Town of Kent Planning Board Memorandum to Finance Department -Brigman Property dated August 22, 2021.
- Putnam County Department of Health -Construction Permit for Sewage Treatment system-Brigman Property dated April 12, 2021.
- Putnam County Department of Health -Application to Construct a Water Well -Brigman Property dated April 12, 2021.
- 2018 IECC Energy Efficiency Certificate.
- Compliance Certificate-Brigman Property dated March 5, 2021.
- Inspection Checklist.
- Narrative-Brigman Residence.
- Brigman Rain Garden Calculation.
- FEMA Flood Map Service Center.
- Short Environmental Assessment Form-Brigman Residence dated September 16, 2021.
- MS4 Stormwater Pollution Prevention Plan Acceptance Plan-Brigman Residence.
- Owner/Operator Certification Form-Brigman Residence.
- NOI- Brigman Residence.
- Drawing EC-1-Erosion Control Plan-Lot 3 of the Woods at Hortontown, Town of Kent, dated September 16, 2021, scale As Noted.
- Drawing EC-2-Details-Lot 3 of the Woods at Hortontown, Town of Kent, dated September 16, 2021, scale As Noted.

The project proposes construction of new single-family residence on an existing lot of record including an extension of an existing drive, new individual well and onsite wastewater disposal system. Information provided indicates the lot has Putnam County Health Department (PCHD) approval for well and septic, issued April 12, 2021. Modifications to the project required an adjustment to the location of the septic system and may require an amended PCHD approval. Portions of the proposed house and driveway fall within a wetland buffer as established by soil types. The total proposed land disturbance associated with the proposed action is 42,400 square feet (SF).

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration:

1. The proposed project is within the NYCDEP East of Hudson watershed (to be confirmed) and will disturb more than 5,000 SF of land possibly as much as one (1) acre. . A Town of Kent Erosion & Sediment Control Permit is required. Coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001 may be required depending upon the limits of disturbance and whether the project is in the watershed.
2. We defer to the Planning Board's environmental consultant regarding wetland issues. The project will require a Wetland Permit for the conduct of a regulated activity in the wetland or wetland buffer
3. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - e. §66-6.B.2.e – Provide “a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map.” A soils map has been provided. A slopes map needs to be provided
  - f. §66-6.B.2.f – Provide “the depth to bedrock and depth to water table shall be identified in all areas of disturbance” (Except for applications involving one single-family dwelling).
  - g. §66-6.B.2.g – Provide “a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance, and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall.”
    - iv. [4] Provide dimensional details of proposed erosion and sedimentation facilities as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversions, and other similar structures.
    - v. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
    - vi. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
    - vii. [7] Provide a maintenance schedule for erosion control measures.
  - h. §66-6.B.2.h – Provide “the details of any surface or subsurface drainage systems proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.” The narrative identifies the need to remove and replace an existing culvert. Full and complete details of the replacement should be provided including material, size, length, slope, and installation details

for the proposed replacement. A simple culvert analysis should be provided clearly establishing and substantiating the selected size.

4. §66-6.B.4 – “Provide for compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).”
5. §66-6.B.5 – “Provide for compliance with the New York City Department of Environmental Protection regulations for stormwater discharges.”
6. §66-6.B.6 – Provide “copies of all applications, permits and approvals required by any other local, state or federal agency associated with the construction and site work/disturbance proposed by the applicant.” It appears that an amended Putnam County Health Department (PCHD) approval is required to the relocation of the OWTS to avoid wetland impacts.
7. Provide a note on the drawing stating “Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s).”
8. Provide an erosion and sediment control only SWPPP in accordance with GP-0-20-001. Provide required information from Part III.B.1 including:
  - d. Part III.B.1.d – “A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;”
  - e. Part III.B.1.e – “A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;”
  - f. Part III.B.1.f – “A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;”
  - g. Part III.B.1.g – “A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;”
  - h. Part III.B.1.h – “The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;”
  - i. Part III.B.1.i – “A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;”

- j. Part III.B.1.j – “A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;”
- k. Part III.B.1.k – “A description and location of any stormwater discharges associated with industrial activity other than construction at the site, including, but not limited to, stormwater discharges from asphalt plants and concrete plants located on the construction site; and”
- l. Part III.B.1.l – “Identification of any elements of the design that are not in conformance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.”
- m. The Applicant and Applicant’s design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP.
- n. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
- o. Please note, per GP-0-20-001, a SWPPP must be prepared by qualified professional, including a licensed Professional Engineer, Registered Landscape Architect or other NYSDEC endorsed individual(s).
- p. Please note – With issuance of NYSDEC General Permit GP-0-15-002 and continuing in GP-0-20-001, per Part I.B.1.b ‘Soil Stabilization’ “In areas where soil disturbance activity has temporarily or permanently ceased...” and “...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days* from the date the current soil disturbance activity ceased...” (emphasis added).
- 9. SWPPP – GP-0-20-001 Part 1.F.8 - Provide documentation that the project complies with the requirements for historic or archeological sensitive locations.
- 10. We received a draft Notice of Intent (NOI) and an MS4 Acceptance Form, partially completed, with this submittal. We take no exception to the material as submitted. Revisions to the NOI are possible until the SWPPP is accepted. Once the SWPPP is accepted we will complete and return the MS4 Acceptance Form to the Project Sponsor for filing.
- 11. Refer to the Drawings:
  - a. As noted herein before above, the existing driveway culvert is noted to be replaced in the narrative. The proposed work is not shown or noted on the plan set. Full and complete details for this culvert replacement should be shown and detailed on the plan set. A simple culvert analysis should be provided justifying the proposed culvert size.

- b. The Limits of Disturbance (LOD) should be expanded to cover the live stakes installation on the west side of the proposed driveway. It is likely that this will push the level of disturbance over 1 acre. Further the LOD and silt fence installation should be switched on the north end of the line stakes installation on the east side of the driveway. The silt fence installation should be within the LOD.
  - c. Silt fence should be added commencing at the driveway and extending along the southerly side of the wetland boundary in a westerly direction terminating at the end of the live stake installation.
  - d. A detail should be provided for the discharge points of both the footing drains and the leader drains. The detail for the leader drain should detail how the discharge integrates with the Rain Garden.
  - e. The proposed retaining walls should be labeled with top of wall/bottom of wall elevations.
  - f. A cross section of the Rain Garden should be provided detailing its construction.
  - g. A cross section of the proposed driveway should be provided. The narrative suggests that driveway runoff, or at least a portion thereof will be channeled to the Rain Garden. It appears that a more defined swale with a defined cross slope is necessary to achieve that end, both of which should be reflected by the grading.
  - h. The detail sheet includes an erosion control blanket installation detail. It is not clear where this installation is proposed.
  - i. Note No. 7 under Slope Stabilization Notes should be revised to eliminate any reference to the Town of Yorktown.
12. 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.
13. Retaining walls over 3 feet in height require a building permit per Town Code Chapter 27, §27-8.B(5). If a retaining wall is over 3 feet in height and proposed within a yard setback, a variance may be needed from the ZBA. Consult with the Building Inspector.
14. Provide a written response with future submittals stating how the comments have been addressed.

**DRAFT**

---

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

cc: Planning Board via email  
Bill Walters via email  
**21-261-999-175**

Bruce Barber via email  
Liz Axelson via email



**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](mailto: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:	Erosion Control Plan – Revised Submittal
Date:	September 23, 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 September 16, 2021.
- New York State Department of Environmental Conservation Notice of Intent-Maniatis Residence dated September 17, 2021.
- 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 September 16, 2021, scale 1" = 30'.
- Drawing EC-1-Erosion & Sediment Control Plan-Maniatis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 19, 2021, last revised September 16, 2021, scale 1" = 30'.
- Drawing D-1-Details & Notes-Maniatis Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 19, 2021, last revised September 16, 2021, scale As Shown.
- Drawing A-001-Key Plan-Maniatis Residence prepared by Workshop/APD Architecture DPC dated September 2, 2021, scale 1/8" = 1'-0".
- Drawing A-002.00-Key Plan-Maniatis Residence prepared by Workshop/APD Architecture DPC dated September 2, 2021, scale 1/8" = 1'-0".
- Drawing A-200-Building Elevations-Maniatis Residence prepared by Workshop/APD Architecture DPC dated May 13, 2021, scale 1/8" = 1'-0".

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.

New or supplementary comments are shown in **Bold**.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration **from the memo dated September 9, 2021**:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001. **Acknowledged**
2. §66-6.B.6 – Provide "copies of all applications, permits and approvals required by any other local, state or federal agency associated with the construction and site work/disturbance proposed by the applicant." Putnam County Health Department approval is required for the proposed modifications to the onsite wastewater disposal system to support the expanded dwelling. **PCHD approval required/ Application in process**
3. The Applicant and Applicant's design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP.
  - a. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities. **Acknowledged**
  - b. Please note – With issuance of NYSDEC General Permit GP-0-15-002 and continuing in GP-0-20-001, per Part I.B.1.b 'Soil Stabilization' "In areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased...*" (emphasis added). **EC Note 5 modified - Resolved**
4. SWPPP – GP-0-20-001 Part 1.F.8 - Provide documentation that the project complies with the requirements for historic or archeological sensitive locations. The submitted SEAF indicates reflects a NO response to Question 12 concerning historic /archeological resources. A slight narrative expansion should be supplied to properly address the Permit requirements. **Resolved**
5. Refer to the Drawings:
  - a. General Note No. 6 indicates a decrease in impervious surfaces. The Zoning Table reflects an increase in impervious surface. Future submittals shall correct the inconsistency. **General Note No. 6, Dwg SL-1 has been revised to reflect an increase. The increase in impervious surface is left blank and should be filled in**
  - b. The electric service and existing generator are located outside the proposed limits of disturbance. Improvements to the electric service should be noted on the plan set. Details of the connection of this service to the new structure should

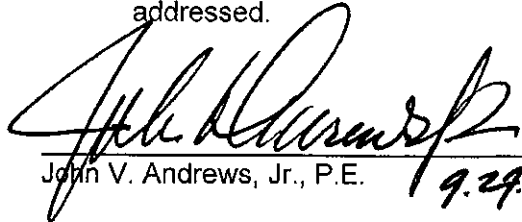
also be shown with any modifications to the limits of disturbance noted.

**Resolved**

- c. The scope of work associated with the removal and replacement of the septic tanks and the expansion of the SSTS are unclear on the plan set. Additional detail and/or explanatory notes should be provided to justify the limits of disturbance shown. **Partially resolved – Information references a “Removal Note #1” which cannot be located**
  - d. The EC notes suggest that a new well is being provided. The plan set indicates an existing well to remain. Details of the water service to the new structure should be indicated on the plan set. This can be in the form of simple plan notes. **Resolved – Existing well to remain and be re-used for the new structure.**
  - e. No locations and/or details are provided with respect to roof and footing drain discharges. Future submittals shall identify locations and include appropriate notes. **Resolved**
  - f. **General Note No. 1, Dwg EC-1 Should be expanded to include language covering limitations on the adjust so as not to substantially increase the limits of disturbance.**
  - g. **Construction fence (CF) is proposed around the existing OWTS. The symbol should be added to the legend. A note should be provided indicating that the installation shall not increase the overall limits of disturbance or require any tree removal or substantive site disturbance.**
6. A bond estimate in amount of \$4675.00 dated August 19, 2021, was prepared by Insite Engineering and included in the submittal. We prepared our own bond estimate in the amount of \$6980.00 based on our review of the information and notes in this submittal. A copy is attached hereto for your consideration. We do not have a recommendation on the bond amount at this time as additional information is required. **Based on this most recent submittal, we have prepared a copy of 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.**
7. We received a draft Notice of Intent (NOI) and an MS4 Acceptance Form, partially completed, with this submittal. We take no exception to the material as submitted. Revisions to the NOI are possible until the SWPPP is accepted. Once the SWPPP is accepted we will complete and return the MS4 Acceptance Form to the Project Sponsor for filing. **Completed NOI provided – No exception taken. MS4 acceptance will be signed and returned when appropriate.**
8. 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. **Comment Continues**
9. Per §66-6.F, we recommend the public hearing be waived as this is a minor project for the demolition of an existing single-family house with its replacement by a new single-family dwelling of larger size but generally occupying the same area on the site. **Public hearing scheduled and to be conducted at the October meeting**



10. Upon the close of the public hearing, when conducted, provided there are no substantive issues raised, we recommend the remaining project review be referred to the Planning Board consultants to be handled administratively. **Comment remains appropriate. So long as there are no substantive public hearing comments, we recommend the project be referred to the consultants to be handled administratively.**
11. Provide a written response with future submittals stating how the comments have been addressed.



John V. Andrews, Jr., P.E. 9.29.2021

Attachment

cc: Planning Board via email  
Bill Walters via email  
**21-261-999-176**

Bruce Barber via email  
Liz Axelson via email



**ROHDE, 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](mailto: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

Attn: Phillip Tolmach, Chairman

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

Subject: Erosion Control Bond Amount - REVISED

Date: September 23, 2021

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
			<b>TOTAL:</b>	<b>\$ 13,431.50</b>

Say: \$13,432.00



## Cornerstone Associates

---

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

October 14, 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 prepared by Insite Engineering dated 09/16/21, 4 pages.
2. Notice of Intent prepared by Insite Engineering dated 09/17/21.
3. Erosion and sediment control bond estimate prepared by Insite Engineering dated 08/19/21.
4. Property survey prepared by Rowan Land Surveying dated 03/01/21, 2 sheets.
5. Topographic Survey of the property prepared by Paul Rowan dated 03/15/21.
6. Plans prepared by MCR " dated 09/02/21, 3 sheets: A-001, A-002.00, A-200.
7. Plans entitled; "Maniatis Residence" prepared by Insite Engineering dated 09/16/21 (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 0.9 acres.

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

Steep slope/erosion and sediment control permit

### **C: Zoning:**

The applicant has indicated that variances from the Zoning Board of Appeals are not required. Conformation from the Building Inspector is required.

**D: SEQRA:**

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

**E: Environmental Review:**

Wetlands:

A site inspection was conducted by this office on August 27, 2021. The limits of disturbance as indicated on the above referenced plans are not clear. In addition, it is not apparent if improvements to the existing driveway gate or driveway will be required by the Town of Kent Fire Department (pending). Once additional information is submitted a determination may be made if a wetland permit is required for the proposed action.

Trees:

The applicant has marked trees in the field which appear to be located within the potential limits of disturbance. The applicant has indicated the trees proposed to be cut and also has indicate that there is no proposed pruning of trees any trees which greater than 20% of the existing crown. A plan note gas been added indicating that trees will only be cut between November 1 and March 31 of the following year unless a variance or exemption is obtained.

Soils, Steep Slopes and Rock Outcrop:

Soils are indicated as Charlton and Hollis series. There are steep slopes and rock outcropping on a substantial area of the site. The applicant has indicated that rock hammering and/or blasting will likely be required.

Land Disturbance:

The applicant proposes to disturb 0.9 acres.

Cultural Resources:

None indicated as per EAF.

Threatened or Endangered Species:

None indicated as per EAF

Well and Septic System: Well and septic system approvals from the Putnam County Department of Health have not been provided.

**F: Other:**

- Please provide a copy of the deed.

- Provide PCDOH approvals when available.
- Provide information from the Town of Kent Fire Chief regarding the adequacy of the gate and stonewall openings to serve emergency vehicles.
- The need for a wetland permit will be determined based on additional information provided.

This office defers to the Town Engineer regarding review of the SWPPP/erosion and sediment control plan. Further comments will be provided based on the applicant's response to comments.

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

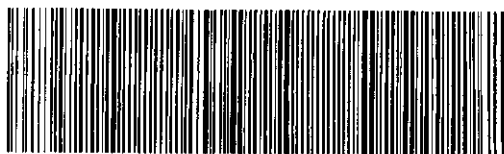
Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', written in a cursive style.

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



Michael C Bartolotti, County Clerk  
Putnam County Office Building  
40 Glencida Avenue Room 100  
Carmel, New York 10512



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Endorsement Page

Document # 1501066 Drawer # 02 Recorded Date: 04/19/2018  
Document Type: DEED Book 2076 Page 259 Recorded Time: 3:21:33 PM  
Document Page Count: 9 Receipt # 6637

PRESENTER:

STATEWIDE ABSTRACT CORPORATION  
202 MAMARONECK AVENUE  
WHITE PLAINS, NY 10601

RETURN TO:

ANDREW E. HERSHAFT, ESQ.  
707 WESTCHESTER AVENUE  
SUITE 307  
WHITE PLAINS, NY 10604

PARTIES

GRANTOR

STEVEN C ROSENTHAL

GRANTEE

THOMAS PETER MANIATIS

FEE DETAILS

Consideration:		\$1,550,000.00
1501066		
DEED	9	65.00
TP-584	1	5.00
CULTURAL EDUCATION		15.00
RECORD MANAGEMENT		5.00
RP-5217 RESID/AGRIC		125.00
TRANSFER TAX		21,700.00
AMOUNT FOR THIS DOCUMENT:		21,915.00
RETT #	000001936	

RESERVED FOR CERTIFICATION

THIS DOCUMENT WAS EXAMINED PURSUANT TO §315  
REAL PROPERTY LAW

EXEMPTIONS

RESERVED FOR CLERKS NOTES

Michael C. Bartolotti  
Putnam County Clerk

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT -THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY**

THIS INDENTURE, made the 12th day of April, 2018

**BETWEEN**

STEVEN C. ROSENTHAL, a/k/a Steven Rosenthal and CAROLINA B. ROSENTHAL, a/k/a Yenny Carolina Rosenthal, 186 Wilmot Road, New Rochelle, New York 10804  
party of the first part, and

RACHEL CLARE MANIATIS and THOMAS PETER MANIATIS, husband and wife, 2828 Broadway, 7E, New York, New York 10025

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of

Ten and 00/100 (\$10.00)----- dollars  
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs  
or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of Kent, County of Putnam, and State of New York, more fully described on the annexed Schedule "A" ("Premises").

BEING and intended to be the same premises conveyed to the grantor(s) herein by deed from East Boyds Conservation, LLC, dated 1/11/06, and recorded on 2/1/06 in Liber 1733 page 176 and by deed from Martha Bennett Moore, f/k/a Martha Bennett, as surviving tenant by the entirety, dated 10/14/09 recorded 11/16/09 in Liber 1842 page 46, in the Clerk's Office of Putnam County.

The Grantees have subscribed their names below for the purpose of expressing their consent to the Right of First Refusal set forth in Schedule "A" annexed hereto.

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, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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 any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*Clare*  
*Rachel Maniatis*  
RACHEL CLARE MANIATIS, Grantee

RACHEL CLARE MANIATIS, Grantee  
~~Thomas Maniatis~~ by Rachel Maniatis agent  
 THOMAS PETER MANIATIS, Grantee

STEVEN C. ROSENTHAL, a/k/a  
Steven Rosenthal, Grantor

CAROLINA B. ROSENTHAL, a/k/a  
YENNY CAROLINA ROSENTHAL,  
Grantor

Standard N.Y.B.T.U. Form 8802 - Pardon and Sale of Real Property with Covenant against Grantor's Acts - Uniform Acknowledgment Form 3290

POA TO BE RECORDED  
SIMULTANEOUSLY

*First American Title Insurance Company*

Title Number: SA-117176-P

AMENDED 4/10/18  
SCHEDULE A DESCRIPTION

AS TO TAX LOT 51:

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, being known and designated as Lot 3 on a certain map entitled "Subdivision Plat prepared for the National Pension Service Plan Trust situate in the Town of Kent, Putnam, County, New York", made by Taconic Surveying & Engineering on 3/18/88 and filed in the Putnam County Clerk's Office on 12/1/88 as Map No. 2369, which property is bounded and described as follows:

BEGINNING at a point where the easterly side of East Boyds Road is intersected by the dividing line between Lot 3 and Lot 2 on filed Map No. 2369;

THENCE RUNNING along said dividing line N 73° 03' 40" E, 600.00 feet to a point

THENCE CONTINUING along the dividing line between Lot 3 and Lot 2 as shown on said filed Map N 3° 01' 41" W, 323.05 feet and N 86° 01' 37" W, 150.00 feet to the dividing line between Lot 3 and Lot 1;

THENCE RUNNING along said dividing line N 37° 07' 00" W, 250.00 feet to a point and the dividing line between Lot 3 and lands now or formerly of Montgomery;

THENCE RUNNING along said dividing line N 36° 40' 00" E, 437.44 feet to a point and the dividing line between Lot 3 and lands now or formerly of Alvord N 39° 31' 10" E, 394.50 feet to a point and the northeasterly line of the premises described herein;

THENCE RUNNING along same S 40° 14' 10" E, 430.00 feet to a point and the dividing line between Lot 3 and Lot 4 as shown on filed Map 2369;

THENCE RUNNING along said dividing line S 23° 08' 34" W, 959.53 feet and S 73° 03' 40" W, 680.00 feet to the easterly side of East Boyds Road;

THENCE RUNNING along said easterly side of East Boyds Road N 22° 05' 00" W, 50.00 feet to the point and place of BEGINNING.



*First American Title Insurance Company*

Title Number: **SA-117176-P**

**AS TO TAX LOT 35:**

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, and more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Cole Shears Road where the same is intersected by the easterly line of lands now or formerly of PBU, Inc.;

RUNNING THENCE along Cole Shears Road and a stone wall, the following courses and distances:

North 71 degrees 33' 05" East 36.37 feet;  
North 71 degrees 14' 14" East 49.13 feet;  
North 71 degrees 57' 00" East 100.01 feet;  
North 73 degrees 06' 37" East 50.46 feet;  
North 85 degrees 22' 12" East 19.73 feet;  
South 81 degrees 00' 15" East 13.19 feet;  
South 53 degrees 27' 58" East 17.08 feet;  
South 53 degrees 04' 33" East 36.16 feet;  
South 54 degrees 58' 24" East 39.81 feet;  
South 54 degrees 22' 26" East 47.29 feet;  
South 56 degrees 48' 48" East 84.27 feet;  
South 52 degrees 59' 12" East 52.45 feet;  
South 55 degrees 25' 06" East 34.23 feet;  
South 65 degrees 09' 20" East 84.20 feet;  
South 67 degrees 38' 17" East 28.47 feet;  
South 66 degrees 25' 13" East 22.24 feet;  
North 61 degrees 42' 28" East 31.10 feet;  
South 85 degrees 34' 38" East 26.73 feet;  
South 88 degrees 20' 08" East 36.80 feet;

North 87 degrees 28' 24" East 24.76 feet to lands now or formerly of TO-D-DA-HO Corp.;

RUNNING THENCE along the same:

South 7 degrees 23' 55" East 325.72 feet;  
South 40 degrees 16' 54" East 181.72 feet;  
South 26 degrees 15' 03" West 1456.00 feet;

North 79 degrees 13' 04" West 150 and North 69 degrees 41' 53" West 182.76 feet;

RUNNING THENCE South 62 degrees 20' 02" West 667.83 feet and continuing along said last mentioned lands, South 13 degrees 10' West 144.08 feet and South 25 degrees 30' 50" West 200 feet to lands now or formerly of Zuckerman;

*First American Title Insurance Company*

Title Number: **SA-117176-P**

RUNNING THENCE along the same, North 40 degrees 14' 10" West 1400.18 feet to lands now or formerly of Bennett;

RUNNING THENCE along the same, North 48 degrees 24' 43" East 881.94 feet to said lands of PBU, Inc.;

RUNNING THENCE along the same, North 82 degrees 54' East 321.04 feet and North 42 degrees 09' East 1063.14 feet to the point and place of BEGINNING.

**FOR CONVEYANCING ONLY: NOT FOR POLICY:**

TOGETHER WITH all right, title and interest of the first party, if any, to the following described premises.

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 and more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Cole Shears Road where the same is intersected by the easterly line of lands now or formerly of PBU, Inc.;

RUNNING THENCE along Cole Shears Road and a stone wall, the following courses and distances:

North 71 degrees 33' 05" East 36.27 feet;  
North 71 degrees 14' 14" East 49.13 feet;  
North 71 degrees 57' 00" East 100.01 feet;  
North 73 degrees 06' 37" East 50.46 feet;  
North 85 degrees 22' 12" East 19.73 feet;  
South 81 degrees 00' 15" East 13.19 feet;  
South 53 degrees 27' 58" East 17.08 feet;  
South 53 degrees 04' 33" East 36.16 feet;  
South 54 degrees 58' 24" East 39.81 feet;  
South 54 degrees 22' 26" East 47.29 feet;  
South 56 degrees 48' 48" East 84.27 feet;  
South 52 degrees 59' 12" East 52.45 feet;  
South 55 degrees 25' 06" East 34.23 feet;  
South 65 degrees 09' 20" East 84.20 feet;  
South 67 degrees 38' 17" East 28.47 feet;  
South 66 degrees 25' 13" East 22.24 feet;  
North 61 degrees 42' 28" East 31.10 feet;  
South 85 degrees 34' 38" East 26.73 feet;  
North 88 degrees 20' 08" East 36.80 feet;  
North 87 degrees 28' 34" East 24.76 feet to lands now or formerly of TO-D-DA-HO Corp.;

*First American Title Insurance Company*

Title Number: SA-117176-P

THENCE along the same, North 7 degrees 23' 55" West 10.28 feet to a point in Cole Shears Road;

THENCE:

South 89 degrees 26' 50" West 90.71 feet,  
North 73 degrees 12' 06" West 110.73 feet,  
North 63 degrees 26' 06" West 40.25 feet;  
North 56 degrees 33' 20" West 194.15 feet;  
North 49 degrees 30' 51" West 107.82 feet;  
North 61 degrees 33' 26" West 27.30 feet;  
South 87 degrees 16' 26" West 21.02 feet;  
South 84 degrees 48' 20" West 22.09 feet;  
South 74 degrees 28' 33" West 37.36 feet;  
South 67 degrees 14' 32" West 157.78 feet and  
South 42 degrees 09' 00" West 35 feet to the point or place of BEGINNING.

Grantors hereby retain and Grantees hereby grant to Grantors the irrevocable right to purchase the Premises ("Right of First Refusal") if and when Grantee hereafter receives a bona fide offer to purchase the Premises from a third party ("Offer"). Grantee shall provide written Notice of such Offer ("Notice of Offer") to Grantors by (1) overnight delivery service to Grantors' attorney at Daniels, Porco and Lusardi, LLP, Attn: Ian S. MacDonald, 1 Memorial Avenue, Pawling, New York 12564 and (3) e-mail to Grantors at [stevencrosenthal@gmail.com](mailto:stevencrosenthal@gmail.com). Such Notice of Offer shall include a copy of the Offer or a written description thereof. Notice of Offer shall be sufficient if sent as required herein even if delivery is not actually received by Grantors due to change of address or otherwise. Any third party purchaser of the Premises (and the title company of such purchaser) shall rely upon proof of mailing and not proof of delivery in determining whether Grantors' rights under this Right of First Refusal have been satisfied. Grantors shall have twelve (12) days from the date of receipt of such Notice of Offer, not counting the day of receipt, within which to provide written notice to Grantees (sent via overnight mail and email to the addresses from which Grantees sent its Notice of Offer) of Grantors' intent to purchase the Premises for the purchase price and the other terms as stated in the Notice of Offer ("Notice of Acceptance"). Grantors' failure to provide written Notice of Acceptance within such twelve (12) day period shall be considered a waiver of such Right of First Refusal. If Grantors provide Grantees with written Notice of Acceptance within such twelve (12) day period, Grantors and Grantees shall enter into a written Contract of Sale within twenty (20) days from the date of receipt by Grantors, not counting the day of receipt, of the Notice of Offer from Grantees, time being of the essence. Grantors' failure to enter into a contract of sale within such twenty (20) day period shall be considered a waiver of such Right of First Refusal. Grantees shall only be required to provide such Notice of Offer to Grantors once. Should the Offer described in Grantees' initial Notice of Offer to Grantors not close, this Right of First Refusal shall terminate and not apply to subsequent Offers to purchase the Premises. This Right of First Refusal shall not apply to transfers of the Premises made without consideration, including but not limited to transfers to members of Grantees' family, transfers occasioned by the death of one or both of the Grantees, transfers amongst the Grantees, transfers to trusts for the benefit of Grantees or their family members or transfers to other entities owned by Grantees, their family members or any such trusts. Any such transferee taking title to the Premises without consideration shall be bound by the provisions of this Right of First Refusal. This Right of First Refusal shall expire at 11:59 p.m. on the date twenty (20) years following the date of the Deed herein.

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE**

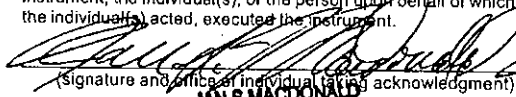
State of New York, County of Dutchess

ss:

State of New York, County of Dutchess

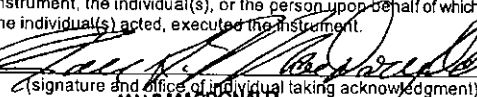
ss:

On the 12th day of April in the year 2018  
before me, the undersigned, personally appeared  
Steven C. Rosenthal a/k/a Steven Rosenthal  
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.

  
(signature and office of individual taking acknowledgment)

**IAN S. MACDONALD**  
Notary Public, State of New York  
Qualified in Dutchess County  
No. 02MA6040623  
Commission Expires April 24, 2018

On the 12th day of April in the year 2018  
before me, the undersigned, personally appeared  
Carolina B. Rosenthal a/k/a Yenny Carolina Rosenthal  
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.

  
(signature and office of individual taking acknowledgment)

**IAN S. MACDONALD**  
Notary Public, State of New York  
Qualified in Dutchess County  
No. 02MA6040623  
Commission Expires April 24, 2018

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE**

State (or District of Columbia, Territory, or Foreign Country) of

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, personally appeared

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, and that such individual made such appearance before the undersigned in the

\_\_\_\_\_ in \_\_\_\_\_  
(insert the City or other political subdivision)

\_\_\_\_\_ (and insert the State or Country or other place the acknowledgment was taken)

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

SECTION 31

BLOCK 2

LOT 51 & 35

COUNTY OR TOWN Putnam / T/O Kent

STREET ADDRESS 250 East Boyds Road  
Kent, New York 10512

**BARGAIN AND SALE DEED**

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. \_\_\_\_\_

Steven C. Rosenthal & Carolina B. Rosenthal

TO

Rachel Clare Maniatis & Thomas Peter Maniatis

RETURN BY MAIL TO:

Andrew E. Hershaft, Esq.  
707 Westchester Ave., Suite 307  
White Plains, NY 10604

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

State of New York, County of Dutchess

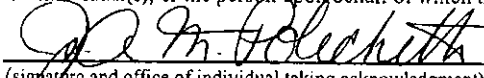
SS:

On the 12th day of May in the year 2018

Before me, the undersigned, personally appeared

RACHEL CLARE MANIATIS,

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.

  
(signature and office of individual taking acknowledgment)

JOANN M. POLICHETTI  
Notary Public, State of New York  
Qualified in Dutchess County  
Registration No. 01PO6004037  
Commission Expires March 18, 2022

State of New York, County of Dutchess

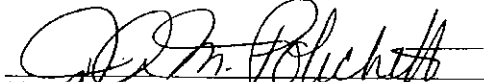
SS:

On the 12th day of April in the year 2018

Before me, the undersigned, personally appeared

~~THOMAS PETER MANIATIS~~ RACHEL CLARE MANIATIS

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.

  
(signature and office of individual taking acknowledgment)

JOANN M. POLICHETTI  
Notary Public, State of New York  
Qualified in Dutchess County  
Registration No. 01PO6004037  
Commission Expires March 18, 2022

FOR COUNTY USE ONLY

INSTRUCTIONS(RP-5217-PDF-INS): www.orps.state.ny.us

C1. SWIS Code

C2. Date Deed Recorded

C3. Book

C4. Page

New York State Department of  
Taxation and Finance

Office of Real Property Tax Services

RP-5217-PDF

Real Property Transfer Report (8/10)

## PROPERTY INFORMATION

1. Property Location 0 & 250 Cole Shears Ct. E. Boyd Rd  
 \*STREET NUMBER \*STREET NAME  
 Kent \*CITY OR TOWN 10512 \*ZIP CODE  
 2. Buyer Name Maniatis Rachel Clare  
 \*LAST NAME/COMPANY \*FIRST NAME  
 Maniatis Thomas Peter  
 \*LAST NAME/COMPANY \*FIRST NAME  
 3. Tax Billing Address Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form)  
 \*STREET NUMBER AND NAME \*CITY OR TOWN \*STATE \*ZIP CODE  
 4. Indicate the number of Assessment Roll parcels transferred on the deed 2 # of Parcels OR ☐ Part of a Parcel (Only if Part of a Parcel) Check as they apply:  
 4A. Planning Board with Subdivision Authority Exists ☐  
 4B. Subdivision Approval was Required for Transfer ☐  
 4C. Parcel Approved for Subdivision with Map Provided ☐  
 5. Deed Property Size \*FRONT FEET X \*DEPTH OR 86.36 \*ACRES  
 6. Seller Name Rosenthal Steven C. a/k/a Steven  
 \*LAST NAME/COMPANY \*FIRST NAME  
 Rosenthal Carolina B a/k/a Yenny  
 \*LAST NAME/COMPANY \*FIRST NAME  
 \*7. Select the description which most accurately describes the use of the property at the time of sale:  
 A. One Family Residential  
 Check the boxes below as they apply:  
 8. Ownership Type is Condominium ☐  
 9. New Construction on a Vacant Land ☐  
 10A. Property Located within an Agricultural District ☐  
 10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District ☐

## SALE INFORMATION

11. Sale Contract Date 03/06/2018  
 \*12. Date of Sale/Transfer 04/12/2018  
 \*13. Full Sale Price 1,550,000.00  
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.  
 14. Indicate the value of personal property included in the sale 0.00  
 15. Check one or more of these conditions as applicable to transfer:  
☐ A. Sale Between Relatives or Former Relatives  
☐ B. Sale between Related Companies or Partners in Business.  
☐ C. One of the Buyers is also a Seller  
☐ D. Buyer or Seller is Government Agency or Lending Institution  
☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)  
☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)  
☐ G. Significant Change in Property Between Taxable Status and Sale Dates  
☐ H. Sale of Business is Included in Sale Price  
☒ I. Other Unusual Factors Affecting Sale Price (Specify Below)  
☐ J. None  
 Comment(s) on Condition:

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY) 18 \*17. Total Assessed Value 250,000  
 \*18. Property Class 210 \*19. School District Name Carmel School District  
 \*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional Identifier(s))  
 31-2-35 & 31-2-51

## CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE 04.12.18  
 BUYER SIGNATURE 4/13/18  
 BUYER CONTACT INFORMATION  
 Maniatis Rachel Clare & Thomas Peter  
 \*LAST NAME \*FIRST NAME  
 \*AREA CODE \*TELEPHONE NUMBER (EX: 9999997)  
 0 & 250 Cole Shears Ct. E. Boyds Rd  
 \*STREET NUMBER \*STREET NAME  
 Kent NY 10512  
 \*CITY OR TOWN \*STATE \*ZIP CODE  
 BUYER'S ATTORNEY  
 Herschaft Andrew E.  
 \*LAST NAME \*FIRST NAME  
 (814) 253-8600  
 \*AREA CODE \*TELEPHONE NUMBER (EX: 9999997)

## Jamie LoGiudice

---

**From:** Building Inspector <buildinginspector@townofkentny.gov>  
**Sent:** Thursday, October 14, 2021 11:41 AM  
**To:** Jamie LoGiudice  
**Cc:** barberbruce@yahoo.com  
**Subject:** RE: Maniatis - Erosion Control and Steep Slopes Permit

Hello Jamie,

After a review of the plans that were submitted , your project is not in the zoning setback for side yard of 20 ft.(just)  
So with that said, you don't need a variance, I would reminded your contractor of the limitations prior to construction and during.

Respectfully

Wm.Walters  
Building Inspector  
Town of Kent  
845-306-5597 / 845-225-3900  
[buildinginspector@townofkentny.gov](mailto:buildinginspector@townofkentny.gov)



### IMPORTANT INFORMATION:

Office Hours are 8:00am – 9:00am & 1:00pm 4:00pm.  
Field inspections will be conducted between 9:30am – 12:00pm  
Monday,Tuesday,Thursday,Friday.

---

**From:** Jamie LoGiudice <jlogiudice@insite-eng.com>  
**Sent:** Wednesday, October 13, 2021 10:13 AM  
**To:** Building Inspector <buildinginspector@townofkentny.gov>  
**Cc:** jwatson@insite-eng.com  
**Subject:** Maniatis - Erosion Control and Steep Slopes Permit

### TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!

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



Bill,

In anticipation of the tomorrow night's meeting, can you review the plans submitted to confirm no variances are required as requested by Bruce in his memo? I've attached the latest submission package for convenience. Please let me know if you have any questions or concerns.

Thank you,  
Jamie

---

**Jamie L. LoGiudice, RLA, Associate**  
Project Landscape Architect

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

3 Garrett Place  
Carmel, New York 10512  
(845) 225-9690 x124  
(845) 225-9717 Fax  
[www.insite-eng.com](http://www.insite-eng.com)



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---

**RE: Winkler - Bedroom Count**

Elizabeth Axelson &lt;EAxelson@CPLteam.com&gt;

Thu 9/9/2021 12:36 PM

To: jandrews@rsaengrs.com <jandrews@rsaengrs.com>; barberbruce@yahoo.com <barberbruce@yahoo.com>; bestscapes@hotmail.com <bestscapes@hotmail.com>; Planning Kent <planningkent@townofkentny.gov>  
Cc: jbattistoni@vandewaterlaw.com <jbattistoni@vandewaterlaw.com>

📎 1 attachments (22 KB)

Holly 26E4075-Correspondence to Bradley 082521 LA corex per JVA calcs.docx;

**TOWN OF KENT NOTICE****THIS EMAIL IS FROM AN EXTERNAL SENDER!**

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

Hello John – Thank you for your message and table. Attached is the letter I had sent out with tracked changes, which is consistent with your numbers.

Hopefully, we can go over the attached tonight with the Planning Board; and after discussing, the Planning Board could vote to authorize Jeff to finalize the letter as per the tracked changes and send it out.

Also I will call Phil and let him know the meeting 8:30 PM for 8:45 PM or as soon as possible after that. This will be the last time I will have to rush out of a Kent Planning Board meeting to go to another meeting as the project review in Fishkill will be done after tonight. Thanks for your patience with this situation.

Take care,  
Liz

**Elizabeth (Liz) Axelson, AICP**

Direct: 845.686.2309

ARCHITECTURE. ENGINEERING. PLANNING.

[CPLteam.com](http://CPLteam.com)

*CPL has moved! Our new location is:  
26 IBM Road  
Poughkeepsie NY 12601*

---

**From:** jandrews@rsaengrs.com <jandrews@rsaengrs.com>  
**Sent:** Friday, September 3, 2021 7:58 AM  
**To:** Elizabeth Axelson <eaxelson@cplteam.com>; 'Bruce Barber' <barberbruce@yahoo.com>; 'Phil Tolmach' <bestscapes@hotmail.com>; 'Planning Kent' <planningkent@townofkentny.gov>  
**Cc:** 'Jeffrey Battistoni' <JBattistoni@VanDeWaterLaw.com>  
**Subject:** Winkler - Bedroom Count

*CAUTION: This email originated from outside of the organization. Only open attachments and click links if you recognize the sender and are expecting this type of content. -CPL Helpdesk*

Per the discussion last evening we attach our worksheet used for the various unit counts in the draft stipulation. We did not independently verify existing conditions – We believe Liz did that earlier, we merely pulled the pertinent data and prepared this analysis. Please note the Bradley count in some of his modifications varied from that reflected on our worksheet. That may be why the attorney letter is framed the way it is. Jeff was merely quoting the Bradley revisions which included, what we believe, was an incorrect count. We believe the correct number of bedrooms at full development is intended to be 36.

Vera – Please circulate to the other Planning Board members

John V. Andrews, Jr., P.E.  
ROHDE, SOYKA & ANDREWS  
Consulting Engineers, P.C.  
40 Garden Street  
Poughkeepsie, NY 12601  
845-452-7515  
Fax 845-452-8335

# VAN DEWATER AND VAN DEWATER, LLP

COUNSELORS AT LAW

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Robert B. Van DeWater (1921-1990)  
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Noel deCordova, Jr. (1929-2013)  
Edward vK Cunningham, Jr. (1935-2018)  
Ronald C. Blass, Jr. (1951-2018)

John K. Gifford  
James E. Nelson  
Jeffrey S. Battistoni  
Counsel

September \_\_, 2021

Robert Bradley, Authorized Agent  
c/o Holly Real Estate  
Douglas and Lauren Holly  
102 Route 311  
Carmel, NY 10512

RE: Winkler Farm Project

Dear Mr. Bradley:

We represent the Town of Kent Planning Board.

As authorized agent for Douglas and Lauren Holly, you submitted an Application for site plan approval to the Town of Kent Planning Board dated January 20, 2021 related to property consisting of 11 acres of land located at Winkler Farm Court and identified as tax map number 33.16-1-8. The Application described existing structures as four residential buildings and 2 garages and sought to add a multiple dwelling with four units, each consisting of two bedrooms and 2 full bathrooms, and a single family home having two (2) bedrooms and two (2) full bathrooms.

Prior litigation related to the property resulted in a Judgment dated January 30, 1985 which provided that the then Petitioners, Sam Winkler and Rita Winkler, "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 that "the petitioners shall submit to the Planning Board the necessary site plan for the approval in accordance with the Rules and Regulations of the said Planning Board". Although a submittal was subsequently made, Sam and Rita Winkler did not proceed with the necessary site plan and obtain approval for it.

Instead of arguing over the effect of that Court decision and the Winklers' subsequent actions, it seemed worth considering a stipulation whereby the Town and the current property owners would stipulate to the intensity of the development of the property and avoid any further litigation. A draft Stipulation was prepared dated June 4, 2021, and circulated to the Kent Planning Board and Town Board based upon the Application which had been submitted. This draft Stipulation was discussed by the Planning Board at their meeting on June 10, 2021. This

draft Stipulation provided for a resulting site development scenario in which "... the existing and proposed 'sites' (residential structures) would be a total of twelve (12) dwelling units with twenty-one (21) bedrooms and 18 bathrooms in six (6) 'sites' (residential structures)". Since the draft Stipulation seemed to be acceptable to the Planning Board and its consultants, it was forwarded to you by email on June 17, 2021.

Subsequent thereto, you submitted a letter dated July 5<sup>th</sup> which indicated that site testing indicated that the property "will be able to hold 3-4 unit dwellings each with two bedrooms and 2 baths"... and that instead of constructing a home for Mr. Holly, "an addition will be constructed to one of the single bedroom units making it a 2 bedroom unit". On July 26, 2021, you provided a marked up version of the draft Stipulation by email to the Planning Board's planning consultant, which was forwarded to the Planning Board and other consultants. The July 26<sup>th</sup> marked up Stipulation you sent would have provided for a resulting site development scenario in which "... the existing and proposed 'sites' (residential structures) would be a total of nineteen (19) dwelling units with thirty-six (36) bedrooms and thirty-two (32) bathrooms in ten (10) 'sites' (residential structures)".

This deviation from what had been proposed (which formed the basis for the draft Stipulation) has caused concern among the Planning Board members. The Planning Board is unwilling to proceed with an amended Stipulation based solely on the written representations in your July 5<sup>th</sup> letter. The Planning Board may be willing to consider a revision to the draft Stipulation if a site plan is submitted showing what is actually proposed. The site plan must be a formal one, prepared by an engineering firm, which complies with the definition of 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. If such plan is found to be acceptable in concept to the Planning Board, a revised Stipulation could be prepared based upon that conceptual site plan and resource analysis.

If such a Stipulation were executed, the Application would proceed to full review. However, such review could result in decreased density if any other planning concerns or regulations required such a decrease (for example, a review based on soil erosion and sediment control).

If the Applicant is willing to proceed on this basis, please so indicate and submit a conceptual site plan and resource analysis as above described and in accordance with your letter of July 5<sup>th</sup> and the marked up Stipulation of July 26, 2021. The Planning Board will take no further action or conduct any further discussions on this matter until such a site plan and resource analysis are submitted.

Please contact me if you have any questions or concerns about this matter.

Very truly yours,

Van DeWater and Van DeWater, LLP

---

By: Jeffrey S. Battistoni

JSB/jsb

<< Reply all     Delete     Junk    Block    ...





## Fw: Winkler - Bedroom Count

PK

Planning Kent

Tue 9/7/2021 11:05 AM

To: Planning Kent; bestscapes@hotmail.com; dinothecat@yahoo.com; dmlls@verizon.net; gattucci76@gmail.com; spi

    ...

2021-09-03 Bdr Count W...

64 KB



fyi.

Vera Patterson  
Town of Kent  
Planning Board Secretary  
25 Sybil's Crossing  
Kent, NY 10512  
planningkent@townofkentny.gov  
845-225-7802 (T)  
845-306-5283 (F)

---

**From:** jandrews@rsaengrs.com <jandrews@rsaengrs.com>

**Sent:** Friday, September 3, 2021 7:57 AM

**To:** eaxelson@cplteam.com <eaxelson@cplteam.com>; barberbruce@yahoo.com  
<barberbruce@yahoo.com>; bestscapes@hotmail.com <bestscapes@hotmail.com>; Planning Kent  
<planningkent@townofkentny.gov>

**Cc:** jbattistoni@vandewaterlaw.com <jbattistoni@vandewaterlaw.com>

**Subject:** Winkler - Bedroom Count

### TOWN OF KENT NOTICE

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Per the discussion last evening we attach our worksheet used for the various unit counts in the draft stipulation. We did not independently verify existing conditions – We believe Liz did that earlier, we merely pulled the pertinent data and prepared this analysis. Please note the Bradley count in some of his modifications varied from that reflected on our worksheet. That may be why the attorney letter is framed the way it is. Jeff was merely quoting the Bradley revisions which included, what we believe, was an incorrect count. We believe the correct number of bedrooms at full development is intended to be 36.

Vera – Please circulate to the other Planning Board members

John V. Andrews, Jr., P.E.  
ROHDE, SOYKA & ANDREWS



ROHDE, SOYKA & ANDREWS  
CONSULTING ENGINEERS, P.C.  
40 Garden Street, Poughkeepsie, NY 12601  
(845) 452-7515 Fax: (845) 462-8335

JOB Winkler - Kent  
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
CALCULATED BY [Signature] DATE 8.4.2021  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE \_\_\_\_\_

EXISTING					
PAV <sup>TOP</sup> D.U.			BEDDINGS		
			PAV <sup>TOP</sup>		
(1)	3		5		3
(1)	1		2		1
(1)	1		1		2
(1)	2		3		2
(3)	12		24		24
(7)	420		1		0
TOTAL					
19			36		
			32		



102 Route 311 Carmel, New York 10512

225-8000 FAX #225-5290

Received  
mo/date/year

JUL -6 2021

Planning Department  
Town of Kent

To: Town of Kent Planning board:

Re: Winker Farm Project

July 5, 2021


When this project was first proposed a meeting was held with the consultants , who stated that it would be best to do the complete project and avoid segmentation. At that time we were not aware of what the septic system would be able to hold as per number of residences. Recently Engineering was done and deep holes were dug and perk test were completed. It has been learned that the Winkler farm project will be able to hold 3-4 unit dwellings each with 2 bedrooms and 2 baths. Also the one unit for a home for Mr Holly will not be constructed , but an addition will be constructed to one of the single bedroom units making it a 2 bedroom unit.

This action is within the court decision, and will be the final submission on this property. A new site plan will be submitted showing the location of the septic and the proposed units.

A new stipulation will have to be drawn reflecting the complete project.


Thank you for your consideration,



For Douglas and Lauren Holly-Owners

  
Robert Bradley





Reply all   Delete  Junk Block ...

 Print  Cancel

## RE: Annunziata, Smalley Corners Road, Kent

jandrews@rsaengrs.com <jandrews@rsaengrs.com>

Wed 9/8/2021 1:39 PM

To: 'john karell' <jack4911@yahoo.com>

Cc: barberbruce@yahoo.com <barberbruce@yahoo.com>; Richard Othmer <rothmer@townofkentny.gov>; Planning Kent <planningkent@townofkentny.gov>

 1 attachments (490 KB)

2021-09-08 Trial Profile - JVA.pdf;

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Jack

Attached hereto is my thoughts on the profile – Please feel free to use as you see fit. In addition, we offer the following comments in response to your email:

1. I take no exception to the 18" – You will need to supply some simple calculations justifying that size. You will need some upstream contributory area, reasonable but simplified runoff calculations and a simple analysis indicating that driveway is not overtopped
2. In this case, given the rock to be removed and the relatively short distance involved, the 15% works so long as the Highway Super is good with it. I would be willing to support a waiver request to the Planning Board for this short section.

We trust this is sufficient for your purposes

John

---

**From:** john karell <jack4911@yahoo.com>

**Sent:** Saturday, September 4, 2021 9:27 AM

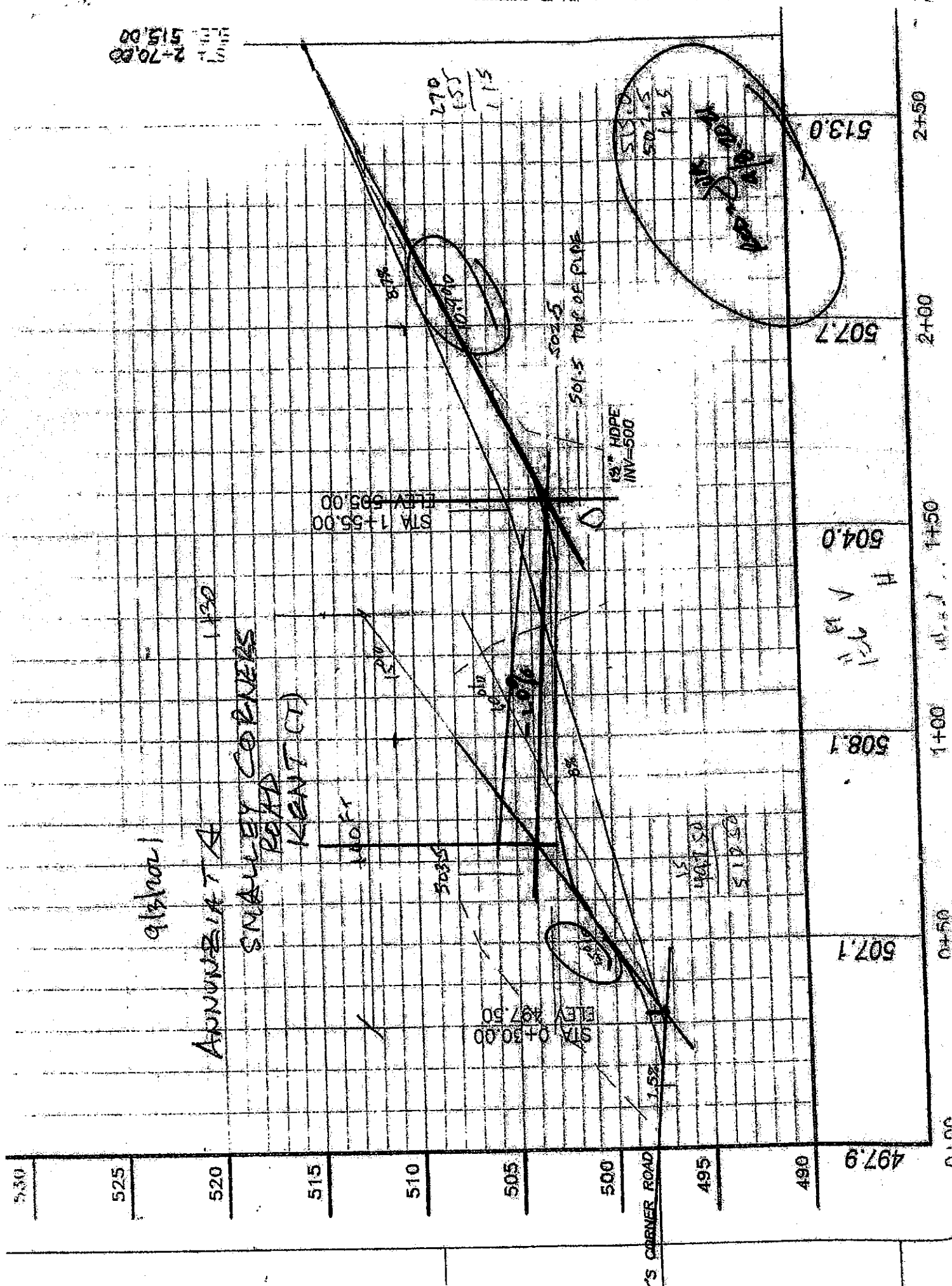
**To:** john andrews <jandrews@rsaengrs.com>

**Subject:** Annunziata, Smalley Corners Road, Kent

see attached sketch.

Few things

1. the pipe shown on the plan scaled to 30 inches, i am proposing an 18" pipe. It is noted that the pipe under the downgradient driveway is 15"
2. showed two scenarios for reprofiling the driveway, 15% and 10%. which do you prefer.



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

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

#### Trees:

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

#### Well and Septic System:

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

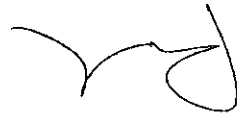
This office defers to the Town Engineer regarding review of the SWPPP/erosion and sediment control plan and the Town Planner regarding zoning review.

#### **Additional:**

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

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

Sincerely,



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



## Cornerstone Associates

*Environmental Planning Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

September 9, 2020

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

**Re: Fregosi Application**

Miller Hill Road

Section 10 Block 1 Lot 17

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

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

### **Review:**

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

January 6, 2019

February 13, 2019

June 11, 2020

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

### Wetlands:

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

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

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

Trees:

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

Well and Septic System:

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

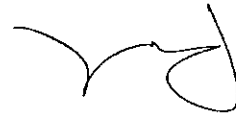
This office defers to the Town Engineer regarding review of the SWPPP/erosion and sediment control plan and the Town Planner regarding zoning review.

**Additional:**

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

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

Sincerely,



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

**RE: Site plan waiver information**

spwilhelm@gmail.com <spwilhelm@gmail.com>

Wed 9/8/2021 12:16 PM

To: barberbruce@yahoo.com <barberbruce@yahoo.com>

Cc: Planning Kent <planningkent@townofkentny.gov>; Building Inspector <buildinginspector@townofkentny.gov>; jandrews@rsaengrs.com <jandrews@rsaengrs.com>; jmangarillo@rsaengrs.com <jmangarillo@rsaengrs.com>; bestscapes@hotmail.com <bestscapes@hotmail.com>; csisto4004@comcast.net <csisto4004@comcast.net>; dmlls@verizon.net <dmlls@verizon.net>; gattucci76@gmail.com <gattucci76@gmail.com>; spmcarey@gmail.com <spmcarey@gmail.com>; dinothecat@yahoo.com <dinothecat@yahoo.com>; jbattistoni@vandewaterlaw.com <jbattistoni@vandewaterlaw.com>; Sarah Ryan <sryan@vandewaterlaw.com>; Christopher Ruthven <cruthven@townofkentny.gov>; Jamie McGlasson <jmcglasson@townofkentny.gov>; eaxelson@cplteam.com <eaxelson@cplteam.com>

📎 1 attachments (22 KB)

§ 77-60. Approval of site plans - SW DRAFT 1.docx;

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Team,

Attached is the revised draft amendment to section 77-60 (D). Please review and provide feedback. I would like to get this to the lawyers for review and changes were tracked from the last version.

Regards,

Stephen Wilhelm, PMP, SCPM  
(845) 705-9060  
spwilhelm@gmail.com

---

**From:** Stephen Wilhelm

**Sent:** Monday, August 23, 2021 11:11 AM

**To:** Bruce Barber

**Cc:** Planning Kent; Building Inspector; jandrews@rsaengrs.com; Julie Mangarillo; Phil Tolmach; csisto4004@comcast.net; dmlls@verizon.net; Giancarlo Gattucci; Simon Carey; dinothecat@yahoo.com; Jeffrey S. Battistoni, Esq. (JBattistoni@VanDeWaterLaw.com); Sarah Ryan; Christopher Ruthven; Jaime McGlasson; Elizabeth Axelson

**Subject:** Re: Site plan waiver information

Team,

Attached are a draft amendment to section 77-60 and the original code for reference. Please review and provide feedback. This amendment should help the Town's businesses and open the town for more development / use of our existing commercial structures.

Stephen

On Sat, Aug 14, 2021 at 8:55 AM Bruce Barber <[barberbruce@yahoo.com](mailto:barberbruce@yahoo.com)> wrote:

Hi All,

Thanks Liz for sending this along. I believe that the document is a good working start but needs to be more specific to the Town of Kent issues. For example, presently a KPB erosion and sediment control permit is required for land disturbance greater than 5,000 square feet or excavation of greater than 100 cubic yards. This is due to NYCDEP watershed requirements which are very costly and time consuming to the residents. In addition, every wetland permit automatically triggers the need for a erosion and sediment control permit from the KPB.

The Board may also wish to discuss thresholds as well as when public hearings may be waived. In addition, it is suggested that the ability of the KPB to refer an application to the Building Inspector (even it meets one or more of their thresholds) and the ability of the Building Inspector to refer an application to the KPB (even though it does not meet their threshold) may be considered.

As said, good working start for discussion. Have a great weekend!

Bruce

On Friday, August 13, 2021, 01:17:52 PM EDT, Elizabeth Axelson <[eaxelson@cplteam.com](mailto:eaxelson@cplteam.com)> wrote:

Hello Phil and everyone – As promised, attached please find the materials about site plan waiver zoning language as promised as a Word document; and as pdfs.

Take care,

Liz



**Elizabeth (Liz) Axelson, AICP**

Direct: 845.686.2309

ARCHITECTURE. ENGINEERING. PLANNING.

**[CPLteam.com](http://CPLteam.com)**

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*26 IBM Road*

*Poughkeepsie NY 12601*



§ 77-60 Approval of site plans.

D. Exemptions and Waivers for De Minimis Activities [Amended].

(1) Waiver Documentation Requirements.

- (a) Completed Waiver Request; and
- (b) Recent as-built site survey that details at a minimum property boundaries, property topography, roadway(s), parking lot(s), and structures. The as-built survey shall be not more than five (5) years old from the date of the waiver request; and
- (c) Recent as-built site survey redline markup that details the location and type of proposed change(s).

(2) De Minimis Waivers.

- (a) In the case of certain de minimis construction activities that would otherwise require site plan approval by the Planning Board, the Building Inspector is hereby authorized to issue building permits after review and recommendation by the Town Planner and without site plan approval by the Planning Board, provided:
  - (i) The activity involves the construction of not more than 200 gross square feet of new construction for a use that is permitted in the district in which the property is located; and
  - (ii) The existing use of the property is a conforming use; and
  - (iii) The property is located in a business or a commercial district; and
  - (iv) The lot and all existing and proposed structures comply with the minimum lot and bulk requirements for the district in which the lot is located, or area variances have been issued by the Zoning Board of Appeals; and
  - (v) Activity does not impact or occur in watercourses, wetlands or wetland setbacks
- (b) This recommendation shall be made to the Planning Board and Building Inspector, in writing, after review by the Town Planner

(3) Site Plan Approval Waiver.

- (a) In the case of a use conversion which does not require additional exterior construction or site modifications, or in the case of a site plan change involving less than 400 square feet of new construction, the Planning Board may determine that the site plan application procedures outlined herein are not applicable and may waive the requirement of a site plan review, in whole or in part, provided the Board determines:

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- (i) The proposed change in use or site plan change will not result in additional traffic generation, or wastewater flows, or water consumption beyond the existing system's capacity, or additional employees, and
- (ii) The proposed change in use or site plan change will not affect pedestrian and traffic circulation, eliminate parking, or alter the height of the exterior facade; and
- (iii) The lot and all existing and proposed structures comply with the minimum lot and bulk requirements for the district in which the lot is located, or area variances have been issued by the Zoning Board of Appeals.

(b) This determination shall be made to the Building Inspector, in writing, after decision of the Planning Board.

(a) (4) De Minimis Exemptions. The following activities are exempt from site plan approval:

- (a) Construction, extension or alteration of a single-family dwelling and accessory structures thereto on a lot legally in existence as of the date of this chapter, or on a lot approved by the Planning Board for single-family residential use pursuant to Chapter A81.
- (b) The seasonal planting, cultivation and harvesting of field crops, fruits, vegetables, and horticultural specialties, including nursery stock, ornamental shrubs, and ornamental trees and flowers, whether as part of an existing or a new or expanded agricultural operation, and not involving the construction or alteration of any structure.
- (c) Construction or alteration of the interior of a building or structure;
- (d) Routine property maintenance activities, including repainting, repair, and in-kind replacement.

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No bullets or numbering

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Gray-80%

Copy for  
DL

## Elizabeth Axelson

---

**From:** Richard Othmer <rothmer@townofkentny.gov>  
**Sent:** Wednesday, September 1, 2021 8:18 AM  
**To:** Maureen Fleming; Jamie McGlasson; Bill Huestis; William Huestis; Paul Denbaum; Paul E Denbaum; Christopher Ruthven; Planning Kent; jandrews@rsaengrs.com; barberbruce@yahoo.com; Elizabeth Axelson  
**Cc:** Lana Cappelli  
**Subject:** Confidential; Raneri property Hillside & Sunset

*CAUTION: This email originated from outside of the organization. Only open attachments and click links if you recognize the sender and are expecting this type of content. -CPL Helpdesk*

Good Morning All;

For the record; there is a application request working it's way through the Planning Board right now submitted by Mr. Jerry Raneri, the property owner, seeking Town approval to have the lower end of Hillside Court & Sunset Drive (part improved & paper roads) adopted as a Town Road connecting into his driveway as part of his construction package to build his new home on his 10 acre parcel. I have visited the site with both the Town & landowner's professional representatives. As the Highway Superintendent, my concerns are snow operations & proper drainage. Additionally, the existing road spur must be brought up to an acceptable condition in order for the Town to accept ownership. If these conditions are met, I am OK on my end.

The Planning Board needs (I agree with them) a more precise site plan highlighting the surrounding properties; ownership, boundaries etc... & how the proposed driveway will it into the site plan. Additionally, there is a fill portion on the property from years ago that needs to be defined & identified on the site plan & illustrated on what parcels does it actually encroach upon & its separation from the wetlands. This was clearly explained to the owners engineer by P.E. John Andrews, the Kent's consulting Engineer in my presence. It is a simple & reasonable request. Additionally, according to the owners engineer, there is a NYS DEC approval for how to encapsulate the fill, keeping it in place by either covering with pavement or soil depending on how the driveway & road lay out & I believe this is the main concern of the Planning Board. This all must plainly be illustrated in the site plan. The road, driveway, surrounding property owners & proposed encapsulated fill must all be defined on one site plan, common sense. The relationship between the adjoining properties must be clear in order to move forward.

My concern here is that I was told by Mr. Raneri a few years ago that the Kent Highway Department had dumped fill consisting of rocks, broken pavement & dirt during the 1960-1970's, a practice that was fairly common for the times. I verified this fact with some of the senior retired highway employees & former Highway Superintendent Tony Caravetta, my predecessor. This could possibly become an issue but it can be worked out if the all the proper procedures are followed. Mr. Raneri's Engineer essentially must provide to the Planning Board the information requested & illustrate how he will conform to the NYS DEC requirements for the fill.

Mr. Raneri is a life long well respected resident of Kent & wants to spend the rest of his days here. He is a resident taxpayer & not a developer & inherited this situation, hopefully this can be resolved to everyone's satisfaction all around. He is just frustrated because I truly believe he does not understand all of the modern day regulations in place in the NYC Watershed that we must adhere to.