

Approved: July 14, 2022

TOWN OF KENT PLANNING BOARD
June 9, 2022
FINAL ADOPTED MINUTES

The Planning Board held their June 9, 2022 meeting at the Kent Town Hall.

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

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

Members:

Phil Tolmach, Chairman	Giancarlo Gattucci
Dennis Lowes, Vice Chairman	Hugo German
Simon Carey	Stephen Wilhelm
Jacky Beshar, Alternate	

Absent:

Julie Mangarillo, Rohde, Soyka & Andrews/Consultant
Bruce Barber, Environmental Consultant
Chris Ruthven, Liaison
Sabrina Cruz

Others in Attendance:

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

• **Approve Kent Planning Board Minutes from the May 12, 2022 meeting**

Mr. Tolmach asked the Planning Board members if they had read the Minutes from the May 12, 2022 meeting. The Board members stated that they had reviewed the minutes. Mr. Tolmach asked for a motion to approve the Planning Board minutes from the May 12, 2022 meeting. The motion was made by Mr. Lowes and seconded by Mr. Gattucci. Following were the roll call votes.

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

The motion carried.

- **T & M Rustic Home, 1100 Route 52, Kent, NY; TM: 12.-1-55**

Mr. Tolmach asked if anyone was in the audience for this project and there were no representatives for the applicant.

Ms. Axelson's Comments (memo attached)

Ms. Axelson advised the Planning Board that she had notified the applicants that they did not need to be on the agenda. Ms. Axelson advised the Planning Board that she had prepared a DeMinimis Letter and that the sign was approved.

- **Holly-Winkler Farm Ct. Property, Winkler Farm Ct., Kent, NY; TM: 33.16-1-**

Mr. Robert Bradley represented the applicants at the meeting. Mr. Bradley said that a Draft Stipulation (attached) from the Planning Board Attorney, Jeff Battistoni, had been forwarded to the applicant and him and that they approved the Stipulation. Mr. Bradley said that some minor corrections had to be made to the Stipulation, and that the applicant would sign it when the corrections were made and returned to him. Plans were submitted for the July meeting.

Mr. Andrews' Comments (memo attached)

Mr. Andrews advised the Planning Board that the Stipulation was circulated prior to this meeting. For the record, Mr. Andrews said that, if there were no comments from the Planning Board, he would follow-up with Mr. Battistoni to put the Stipulation in its final form. When the Stipulation is sent back to Mr. Andrews in its final form Mr. Andrews said that he would ask the Planning Board to forward it to the Town Board for their opinion.

Ma. Axelson's Comments

Ms. Axelson said that she began to look at the submitted plans to see what information she still needed. She did not find the coverage numbers, which she was looking for, did her own calculations, discussed them with Messrs. Andrews, Barber and Battistoni, and felt that the maximum building and impervious coverage for the site was 35% and that the applicant would never get anywhere near that.

Mr. Lowes said that the site plan had a chart that said proposed building layout #1-8 and then apartments 25 and 28. Numbers 25-29 appear to be parking spaces on the left side of the access road. Ms. Axelson said the building and parking numbers were out of sequence. Mr. Andrews agreed with Ms. Axelson that the numbers were out of sequence. Mr. Bradley said that he would see that the parking spaces were numbered differently than the apartment numbering. Ms. Axelson suggested that an off-line conference call be arranged with Mr. Paul Lynch, of Putnam Engineering.

- **NYCDEP & 7 Hills Lake Property Owners Assn. Dam Lot Line Adjustment;
TM: 12.1-6 & 12.-1-29.2**

Mr. Tom Boland, Forester for NYCDEP, represented the applicants.

Mr. Andrews Comments (memo attached)

Mr. Andrews said that the NYCDEP is giving some property to Seven Hills Lake Property Owners Association. The DEP starts with three parcels and ends with three parcel. This is a Type II action under SEQRA and a waiver of the Public Hearing was requested. According to Mr. Andrews, any comments he had could be addressed by conditions of a Resolution. He recommended that the Planning Board move this forward, since the Public Hearing was waived and a copy of the SHLHOA minutes had been submitting verifying that they approved the lot line revision and that Ms. Axelson could discuss her Resolution of Approval.

Ms. Axelson's Comments (memo attached)

Ms. Axelson advised the Planning Board that her comments were based on the Town Code. Ms. Axelson said that a mylar should be submitted eventually and that when the map was filed with Putnam County a copy should be submitted to the Planning Board for their files. Ms. Axelson prepared a draft Resolution (attached), discussed it with the Planning Board, and recommended that, if appropriate, the Planning Board approve it with conditions. A short EAF was also submitted. No further SEQRA review was required.

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

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

The motion carried.

Mr. Boland said that he had received the comment memos from the consultants, the plans had been updated and would be submitted in a few days. Mr. Boland asked Ms. Axelson about 2-c a nursery parcel and Ms. Axelson said that was incorrect and that she would correct it.

Town of Kent Planning Board Minutes

June 9, 2022

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

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|--|---|---------------|
| <ul style="list-style-type: none"> Flintlock Storage
1030 Route 52, Kent, NY
TM; 12.18-1-14 | Erosion Control/Wetland Permit
Site Plan | Status Report |
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Mr. Andrews said that the plans were being modified, that a new submittal would be submitted in July and that this project should be wrapped up in the near future.

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| <ul style="list-style-type: none"> NYCDEP Church Hill Rd.
Forest Management Project
Church Hill Rd., Kent, NY
TM: 12.-1-6 & 12.-1-29.2 | Erosion Control Permit/ | Status Report |
|---|-------------------------|---------------|

Mr. Andrews said that he is reviewing a final submittal and this should be ready for Chairman's signature in the near future.

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| <ul style="list-style-type: none"> White_Vernon Property
Horsepound Rd., Kent, NY
TM: 33.-1-58.2 | Erosion Control | Status Report |
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We are awaiting a new submittal addressing the NYCDEP Easement issue.

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| <ul style="list-style-type: none"> • Pink Sugar Pastries
Route 52, Ste. 107, Kent, NY
TM: 12.-1-55 | Request to return
Escrow from Sign Approval
Application | Status Report |
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This matter was discussed at the workshop and Ms. Axelson said that she followed the code with this application and that it was a Deminimus project. A recommendation will be made to the Town Board to refund money remaining in the escrow account. Ms. Axelson said that she had followed the same procedure with T& M Rustic Homes.

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| <ul style="list-style-type: none"> Kent Self Storage
Route 311, Kent, NY
TM: 22.-2-17 | Site Plan Re-approval | Status Report |
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Ms. Axelson said that a renewal had been granted for one year.

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| <ul style="list-style-type: none"> Kent Manor
 Nichols Rd., Kent, NY
 TM: 33.-1-79 | Site Plan | Status Report |
|---|-----------|---------------|

Mr. Andrews said that he and Mr. Barber had been communicating with attorneys and this was being worked on to get a clear picture of what could be done.

June 9, 2022

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

Ms. Axelson said that she had received an email from Patrick Cleary, but she had not looked at it yet.

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| <ul style="list-style-type: none"> Annunziata/Smalley Corners
Smalley Corners Rd., Kent, NY
TM: 21.-1-11 | Erosion Control | Status Report |
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Mr. Andrews said that he was waiting for a resubmittal and a tree survey. In addition, Mr. Annunziata has requested a variance from the Zoning Board of Appeals and is on their July agenda.

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| <ul style="list-style-type: none"> Friel & Pure
Gipsy Trail Rd., Carmel, NY
TM: 21.-1-27 | Erosion Control | Status Report |
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The plan is being revised and a new submittal is expected.

- Fregosi Marinelli
48 Miller Hill Rd., Carmel, NY
TM: 10.-1-7

A couple of submittals have been delivered along with some photographs. This may be on the July meeting.

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

Awaiting a new submittal and escrow from the applicant.

- Town of Kent Mining Law

Mr. Andrews said that a meeting with Chris Ruthven had been conducted after the workshop last week and that a clear direction from the Town Board was provided along with a timeline. Messrs. Barber and Andrews are working on beginning the work next week with Ms. Axelson's help. They are charged with putting this into local law and ensuring that there are no conflicts with other local laws.

Town of Kent Planning Board Minutes
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Mr. Tolmach asked for a motion to close the meeting at 8:00 PM. The motion was made by Mr. Wilhelm and seconded by Ms. Beshar. Following were the roll call votes.

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

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

**Town of Kent Planning Board Minutes
June 9, 2022**

• Kent Self Storage Route 311, Kent, NY TM: 22.-2-17	Site Plan Re-approval	Status Report
• Kent Manor Nichols Rd., Kent, NY TM: 33.-1-79	Site Plan	Status Report
• Route 52 Development/ Kent Country Square Route 52, Kent, NY TM: 12.-1-52	SEQRA	Status Report
• Annunziata/Smalley Corners Smalley Corners Rd., Kent, NY TM: 21.-1-11	Erosion Control	Status Report
• Friel & Pure Gipsy Trail Rd., Carmel, NY TM: 21.-1-27	Erosion Control	Status Report
• Fregosi Marinelli 48 Miller Hill Rd., Carmel, NY TM: 10.-1-7	Updated As-Built Site Plan	Status Report
• Raneri Property Hillside Paper Rd., Kent,, NY TM: 44.24-1-3	Erosion Control Plan	Status Report
• Town of Kent Mining Law		Status Report



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

June 9, 2022

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

and

William Walters, Building Inspector
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, NY 10512

RE: T&M Rustic Home De Minimis Determination
1100 Route 52, Suite 103, Kent Center / Tax Map ID # 12.-1-55
CPL Project # 16570.08

Dear Chairman Tolmach:

We have received an application and materials for a sign approval for a sign located at 1100 Route 52, Suite 103, also known as the Kent Center, on property tax map identification number 12.-1-55, which is located in the C (Commercial) zoning district. The facade length of the plaza occupancy where T&M Rustic Home and the proposed wall sign would be located is twenty feet (20').

We have reviewed the following materials submitted sign plan approval application, in accordance with all pertinent regulations, requirements and standards of the Code of the town of Kent, Chapter 77, Zoning, including the following:

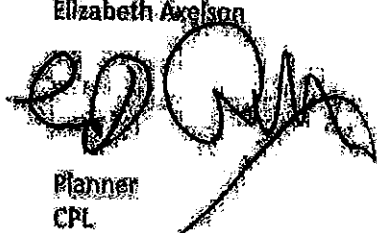
- combined application and documents sign or dated May 11, 2022; and received May 12, 2022;
- originally submitted detailed specifications of the proposed wall sign, dimensions and location on a photographic representation of the proposed eight foot by two-foot (8' X 2') sign, or sixteen square feet (16 SF), submitted by the Applicant, Michelle Rezza, apparently prepared by the sign creator, Extreme, screen shot 2022-04-28; and
- revised and resubmitted detailed specifications of the proposed wall sign, dimensions and location on a photographic representation of the proposed 5' X 2' sign, or 10 SF, submitted by the Applicant, Michelle Rezza, apparently prepared by the sign creator, Extreme, screen shot emailed on 6/3/22.

We also examined the site via Putnam County Parcel mapping, GoogleEarth Pro aerial photography and street views and the Town of Kent Zoning map, showing the existing commercial plaza and noting the proposed location of the sign and required setback from the subject property's front lot line.

No lighting is proposed for the 10 SF wall sign, which is consistent with the general design and placement of other wall signs for other occupancies in the Kent Center commercial plaza. Based on the length of the occupancy's facade of 20 feet, where the proposed business and sign would be located, and zoning subsection 77-87, A (2), and the requirement that a wall sign "shall not exceed one square foot for every two linear feet of the front building facade", then the proposed wall sign would be allowed a maximum size of 10 square feet. Following initial review of a larger sign, I emailed the Applicant about the need for a smaller sign for compliance and a revised sign was then submitted, so, the proposed 10 SF revised sign complies with the pertinent zoning requirements.

As per the provisions of zoning section 77-80, a site plan approval before the Town of Kent Planning Board would ordinarily be required for the proposed sign. However, as per section 77-80, D, Exemptions and Waivers for De Minimis Activities, subsection (2) De Minimis Waivers, it is my opinion that that this proposed sign is a de minimis construction activity for which site plan approval is not necessary. Under this zoning provision, I recommend that the Building Inspector issue a building permit.

Sincerely,
Elizabeth Axelson



Planner
CPL

STIPULATION Draft Revised 8/4/2021 JVA 6/2/22 JSB

THIS STIPULATION is made this _____ day of _____, 2022 by and between DOUGLAS HOLLY and LAUREL HOLLY, residing at 23 Winklers Farm Court, Carmel, NY 10512, the TOWN OF KENT, maintaining an office at 25 Sybil's Crossing, Kent Lakes, NY 10512, and the TOWN OF KENT PLANNING BOARD, maintaining an office at 25 Sybil's Crossing, Kent Lakes, NY 10512.

WHEREAS, DOUGLAS HOLLY and LAUREL HOLLY are the owners of real property known as 18-26 Winklers Farm Court and identified by Tax Map ID # 33.16-1-8 consisting of approximately 11.00 acres of land located in the R-10 Residential zoning district (10,000 square foot [SF] lot area minimum) in the Town of Kent (herein, the "Property"); and

WHEREAS, there has been a history of litigation related to the Property involving prior owners, as petitioners, and the Town of Kent, the Planning Board of the Town of Kent, and the individual members of the Town of Kent Planning Board (as then serving), as respondents, said litigation occurring in the Supreme Court of the State of New York, County of Putnam, identified by Index No. 1127/79; and

WHEREAS, said litigation involved a dispute about the proper zoning for and use of the Property and resulted in a Judgment from

the Court dated January 30, 1985, consented to in writing by the attorney for the respondents; and

WHEREAS, said Judgment ordered, adjudged, and decreed that the petitioners "shall have the right to construct upon the subject property twenty-seven (27) dwelling units, in addition to the six (6) dwelling units existing thereon"; and

WHEREAS, the Judgment further ordered, adjudged, and decreed that the "petitioners shall submit to the Planning Board the necessary site plan for the approval in accordance with the Rules & Regulations of the said Planning Board"; and

WHEREAS, a long history then ensued of applications and submissions to the Planning Board, and related motions being made by the Town Board, none of which resulted in a complete review of an application for site plan approval, nor in an approval of any such application; and

WHEREAS, as per the Town of Kent's Image Mate Online, which provides current real property tax information, the existing developed multiple residence site referenced above (TM # 33.16-1-8) includes a total of seven (7) dwelling units with a total of eleven (11) bedrooms and eight (8) bathrooms in four (4) "sites" (residential structures) with the following dwelling units and bedrooms:

1. A 3-family, 2,127 SF cape cod style building with 3 dwelling units, including 5 bedrooms and 3 full bathrooms;
2. A 1-family, 608 SF cottage style building, which is 1 dwelling unit with 2 bedrooms and 1 full bathroom;
3. A 1-family, 1,080 SF cape cod style building, which is 1 dwelling unit with 1 bedroom and 2 full bathrooms;
4. A 2-family, 1,568 SF old style building with 2 dwelling units, including 3 bedrooms and 2 full bathrooms;

WHEREAS, DOUGLAS HOLLY and LAUREL HOLLY (the "Applicants") submitted to the Planning Board an Application for site plan approval dated January 20, 2021, which seeks the addition of two (2) residential structures to the Property, one of which would be a multiple residence site with four (4) dwelling units, each having two (2) bedrooms and (2) two full bathrooms, and the other being a single family home having two (2) bedrooms and (2) two full bathrooms (the "Application"), which would add a total of five (5) dwelling units with a total of ten (10) bedrooms and ten (10) bathrooms in two (2) "sites" (residential structures); and

WHEREAS, Robert Bradley for and on behalf of Douglas and Lauren Holly (Applicants) by letter dated July 5, 2021 updated and modified the Application to consist of three (3) residential structures each with four (4) units each having two (2) bedrooms and two (2) full bathrooms and an addition to an existing one

(1)bedroom two (2) bathroom unit (Unit 23) which would add a total of twelve (12) dwelling units with a total of twenty four (24) bedrooms and twenty four (24) bathrooms in three (3) sites (residential structures; and

WHEREAS, the resulting site development including 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 seven (7) sites (residential structures); and

WHEREAS, the Applicant submitted the following updated materials, which were considered by the Planning Board on May 12, 2022:

1. Full Environmental Assessment Form, Part I, Winkler Farm, dated March 14, 2022 (unsigned) .
2. Drawing Number C-020-Existing Conditions Plan-Winkler Farm, prepared by Putnam Engineering, PLLC, September 8, 2021, scale as noted.
3. Drawing Number C-120-Site Layout Plan-Winkler Farm, prepared by Putnam Engineering, PLLC September 8, 2021, scale as noted.
4. Drawing Number C-130-Grading and Drainage Plan-Winkler Farm, prepared by Putnam Engineering, PLLC, September 8, 2021, scale as noted.

5. Drawing C-140-Utilities and SSDS Plan-Winkler Farm,
prepared by Putnam Engineering, PLLC, September 8, 2021,
scale as noted.

6. Drawing Number C-160-Trees, Slopes, and Limits of
Disturbance Plan-Winkler Farm, prepared by Putnam
Engineering, PPLC, September 8, 2021, scale as noted. and

WHEREAS, instead of having disputes about the density and construction permitted on the Property and possible future applications for additional residential structures, the Applicants, the Town of Kent, and the Town of Kent Planning Board all desire and intend that the Application, if approved in terms of number of residential structures and bedrooms, would be the final one related to the development of this Property and would constitute a full settlement of the issue of the number of dwelling units and bedroom count allowed on the Property;

NOW, THEREFORE, in consideration of the premises, covenants and agreements stated herein, and in consideration of one dollar actual consideration, receipt of which is hereby acknowledged, the parties agree and stipulate as follows:

1. The Application, if approved, shall constitute the final approval for the property in terms of dwelling units and number of bedrooms per dwelling unit. Specifically, the total site development shall not exceed a total of nineteen

(19) dwelling units with thirty-six (36) bedrooms and thirty-two 32 bathrooms in seven (7) sites (residential structures) in the existing and proposed configuration described herein. Existing structures that are not existing residential structures (non-residential structures) may not be converted for future residential use. In other words, the Applicants shall not be entitled to any additional residential structures, dwelling units, bedrooms, or bathrooms per dwelling unit as part of any future application related to the Property. The parties acknowledge that the above described unit counts and bedroom and bathroom counts are maximum counts which are not guaranteed and which could be modified downward based upon other approvals needed by the Applicant.

2. Drawing Number C-120-Site Layout Plan-Winkler Farm, prepared by Putnam Engineering, PLLC, September 8, 2021, scale as noted, clearly identifies existing residential structures, existing non-residential structures, including their types and uses, and proposed residential structures. The site plan also identifies existing and proposed required improvements such as roads, driveways, parking, water supply, wastewater disposal, stormwater management and other improvements required by the Code of the Town of Kent for site development plans. HOWEVER, the plans above

described shall be updated to show the details of the wetland delineation noted on the plans and the actual parking calculations for both existing and proposed structures and uses.

3. The Planning Board shall review the Application as though the dwelling units and bedrooms per dwelling unit meet applicable zoning regardless of the actual designation of the Property pursuant to the current Zoning Code and Zoning Map. The proposed development shall comply with the lot area and bulk requirements of the underlying R-10 zoning district in all respects other than density.
4. The Planning Board shall review the Application in full accordance with the State Environmental Quality Review Act (SEQRA) process and in compliance with all applicable chapters and provisions of the Code of the Town of Kent, including zoning, freshwater wetlands, steep slopes, and stormwater management.
5. The Planning Board review shall require certification that existing facilities including electric, water and sewer are adequate, functioning and are not in violation of any standard or regulation and if such violation exists, correction and or repair shall be able to be accommodated as part of the current development proposal.

6. The Applicants, in order to obtain approval, must meet all requirements related to Board of Health Approval for water supply and septic systems, roadway access and sight distance, soil erosion and sediment control (including any required Stormwater Pollution Prevention Plan and related permits), recommendations from the Putnam County Department of Planning, requirements of jurisdictional fire and emergency departments or agencies, and requirements of any other agency or board having jurisdiction over the Application. The Applicants shall also comply with any conditions for approval related to utility easements, any common driveway easement and maintenance agreement required, and any performance bonds and related security required.
7. The parties covenant that they will each proceed with due diligence and in good faith to accomplish the objectives of this Stipulation.
8. Each party has had the opportunity to be represented by counsel of its own choosing in the negotiation and execution of this Stipulation and executes this Stipulation knowingly and voluntarily with due authority.
9. This Stipulation shall be binding upon the heirs, successors and/or assigns of each party.

10. This Stipulation shall "run with the land", shall be binding upon all successive owners of the Property and may be recorded with the Putnam County Clerk be either party.

IN WITNESS WHEREOF, the parties have executed this Stipulation as of the date first above written.

TOWN OF KENT

By: Jaime McGlasson, Supervisor

TOWN OF KENT PLANNING BOARD

By: Phil Tolmach, Chairman

DOUGLAS HOLLY, Property Owner and Applicant

LAUREL HOLLY, Property Owner and Applicant

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

On _____, 2022 before me, the undersigned, a notary public in and for said state, personally appeared DOUGLAS HOLLY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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

On _____, 2022 before me, the undersigned, a notary public in and for said state, personally appeared LAUREL HOLLY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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

On _____, 2022 before me, the undersigned, a notary public in and for said state, personally appeared JAIME McGLASSON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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

On _____, 2022 before me, the undersigned, a notary public in and for said state, personally appeared PHIL TOLMACH, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public



MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
John Andrews
Bruce Barber
FROM: Liz Axelson, AICP
DATE: June 6, 2022
RE: NYCDEP & NYCDEP Lot Line Revision Review, Seven Hills Lake Drive, and Ninham Road,
Tax Parcels No. 20.-1-43.1; 20.-1-43.2; & 20.11-1-3 / CPL#16570.07

I have reviewed the materials listed at the end of this memorandum per online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning; and 66A. Subdivision of Land. Based on my review I offer the following comments for the Board's consideration:

Zoning Requirements and Standards

1. Regarding the R-80 (Residential) zoning district lot and bulk requirements in Zoning section 77-8. Lot and bulk requirements., and Subdivision of Land regulations section 66A-10., with the proposal being reviewed as a revised lot line application, on lots with no buildings, and no land development proposed, the lot and bulk requirements table on the plat is sufficient.

Subdivision of Land / Revised Lot Line Requirements and Standards

2. The Lot Line Change map must be revised to provide the elements defined in subdivision section 66A-17. Revised lot line plat., as follows:
 - a. Add notation clearly stating that the subject properties consist of vacant land and that no land development is proposed as part of the lot line revision.
 - b. List site data, including:
 - i. The name of any school, fire, or special districts;
 - ii. Provide the Surveyor's address; and
 - iii. The names and addresses for the applicants' properties.
 - c. Show the name, address and tax identification numbers for all property owners adjacent to the nursery parcel.
 - d. *Based on discussion at the June 2, 2022 Planning Board Workshop, it is my understanding that the Applicant's Representatives are asking that the Planning Board grant a waiver of the requirement to show existing contours at intervals of five feet (5') or less. This requirement is set forth in 66A-17, D., (4)(c), and waiver may be considered given no land disturbance is proposed.*
3. Address the following requirements of section 66A-17, D., (5) and (6):
 - a. #5) The grantor of lands shall submit a proposed deed conveying the portion of land to the adjoining lot or parcel owner. Said deed must contain a clause stating that: "This parcel of land is conveyed pursuant to a revised lot line approved by the Planning Board of the Town of Kent, on (date) and does not create any new or additional building lots or parcels."
 - b. #6) The owner of the adjoining lot or parcel shall submit a proposed deed describing, as a single parcel, the existing adjoining lot or parcel along with the property to be



conveyed, conveying said increased lot or parcel as a single unified lot or parcel, to himself or herself, or such entity as the owner desires. Said deed shall contain a clause as follows:

“This deed of conveyance is for the sole purpose of unifying into a single lot or parcel lands previously owned by the grantor with lands conveyed to the grantee as a result of a revised lot line approved by the Planning Board of the Town of Kent, on (date).”

4. Per section 66A-10, F., upon approval, the proposed deeds of conveyance shall be reviewed and approved by the Planning Board Attorney. Upon notification by the Planning Board Attorney the deeds are in conformity with the provisions of Chapter 66A, the applicant shall submit the Mylar for signature by the Planning Board Chairman.
5. When the map is filed, submit a copy of the map filing data to the Planning Board.
6. Please refer to sections 66A-10, G., and H., regarding conditions of any approval and the timeline for filing, respectively.

Recommendation

7. Please provide written responses to the above comments.
8. The proposed action appears to be a Type II action under the New York State Environmental Quality Review Act (SEQRA) and would not require any determination under the SEQRA.
9. The submittal is fairly complete as per the pertinent code requirements and standards. Given the discussion at the June 2, 2022 Planning Board Workshop, a draft resolution of approval with conditions will be prepared for consideration at the regular meeting.

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

Materials Reviewed

- Combined Application Form for Lot Line Change, signed May 17, 2022;
- Short Environmental Assessment Form, signed March 11, 2022;
- Copy of Deed between Seven Hills Lake Development Corporation and City of New York, recorded February 8, 2006; and
- Plan entitled City of New York Department of Environmental Protection Revised Lot line Plat, prepared by Adolf Jonietz, LS, NYC Department of Environmental Protection, dated April 26, 2022.

ADOPTED RESOLUTION

June 9, 2022

**Town of Kent Planning Board
Resolution of SEQRA Type II Action for:
Revised Lot Line; and**

**Approval with Conditions for Revised Lot Line
For NYCDEP & Seven Hills Lake Property Association Lot Line Revision Review,
Seven Hills Lake Drive, Tax Parcels No. 20.-1-43.1; 20.-1-43.2; & 20.11-1-3**

Whereas, the Town of Kent Planning Board has received an application from the New York City Department of Environmental Protection (hereinafter the NYCDEP) and the Seven Hills Lake Property Association (hereinafter Seven Hills), c/o Thomas M. Boland Jr., NYCDEP, for approval of a Lot Line Revision, to accommodate all existing improvements, and other vacant and open areas on each parcel with the 142.92 total acres (83.56, 3.06, and 56.30 acres), including 86.62 on the two (2) existing NYCDEP lots and 56.30 acres on the existing Seven Hills lot. All three properties are located in the R-80 (Residential) zoning district, Town of Kent, Putnam County, New York; and

Whereas, the proposal is for the transfer of net 1.24 acres, by subtracting 1.12 and 0.12 acres from Tax Parcels No. 20.-1-43.1; and 20.11-1-3, respectively (NYCDEP parcels) and adding the sum of 1.24 acres to Tax Parcel No. 20.-1-43.2 (Seven Hills); and subtracting 0.09 acres from Tax Parcel No. 20.-1-43.1 (NYCDEP) to add to Tax Parcel No. 20.11-1-3 (NYCDEP); and the resulting lot sizes would be:

- 82.35 acres on the NYCDEP Tax Parcel No. 20.-1-43.1;
- 3.03 acres on the NYCDEP Tax Parcel No. 20.11-1-3; and
- 57.54 acres on the Seven Hills Tax Parcel No. 20.-1-43.2; and

Whereas, the proposed action involves transfers of land area from “one lot to another”, yet does not involve any land development activities, or any changes in use; and

Whereas, the proposed Revised Lot Line is depicted on the plan entitled City of New York Department of Environmental Protection Revised Lot line Plat, prepared by Adolf Jonietz, LS, NYC Department of Environmental Protection, dated April 26, 2022; and other materials were submitted in support of the application as listed in the review memorandums prepared by the Planning Board’s engineering, environmental and planning consultants, with some listed at the end of this resolution; and

Whereas, a Short Environmental Assessment was submitted for the proposed lot line revision application, dated March 11, 2022;

Now Therefore Be It Resolved, that the Town of Kent Planning Board, acknowledges that the proposed lot line revision is a Type II Action under SEQRA, as per section 617.5 (c)(16), and requires no further SEQRA review or any determination of non-significance or significance; and

Be It Further Resolved, that pursuant to Kent Code Chapter 66A, Subdivision of Land, Article III, Section 66A-10, the Planning Board hereby grants approval with conditions to the proposed Revised Lot Line as depicted on the plan entitled City of New York Department of Environmental Protection Revised Lot line Plat, prepared by Adolf Jonietz, LS, NYC Department of Environmental Protection, dated April 26, 2022; and

*Town of Kent Planning Board Resolution of SEQRA Type II Action and
Approval with Conditions for Lot Line Revision
for NYCDEP & Seven Hills Lake Property Association Lot Line Revision
ADOPTED RESOLUTION
June 9, 2022*

Be It Further Resolved, that this Revised Lot Line approval is expressly conditioned on the completion of and the compliance with the following:

1. Address the comments of the Planning Board's Professional Engineer as set forth in a memorandum dated June 6, 2022.
2. Address the comments of the Planning Board's Planning Consultant as set forth in the CPL review memorandum dated June 6, 2022.
3. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.
4. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Revised Lot Line approval have been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Planning Consultant verifying that each of the conditions of this approval have been completed. The final drawings shall not be accepted by the Planning Board without submission of proof of completion.

Motion: Giancarlo Gattucci

Second: Hugo German

Phil Tolmach, Chairman Aye

Dennis Lowes, Vice Chairman Aye

Jacki Beshar (Alternate) Aye

Simon Carey Aye

Sabrina Cruz Absent

Giancarlo Gattucci Aye

Hugo German Aye

Stephen Wilhelm Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on June 9, 2022.



Vera Patterson, Clerk

Town of Kent Planning Board

*Town of Kent Planning Board Resolution of SEQRA Type II Action and
Approval with Conditions for Lot Line Revision
for NYCDEP & Seven Hills Lake Property Association Lot Line Revision
ADOPTED RESOLUTION
June 9, 2022*

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Materials Reviewed

- Combined Application Form for Lot Line Change, signed May 17, 2022;
- Short Environmental Assessment Form, signed March 11, 2022;
- Copy of Deed between Seven Hills Lake Development Corporation and City of New York, recorded February 8, 2006; and
- Plan entitled City of New York Department of Environmental Protection Revised Lot line Plat, prepared by Adolf Jonietz, LS, NYC Department of Environmental Protection, dated April 26, 2022.



Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Revised Lot Line Approval - Review

Date: June 6, 2022

Project: NYCDEP-SHLPOA
TM# 20.-1-43.1, 20.-1-43.2
& 20.11-1-3

The following materials were reviewed:

- Town of Kent Planning Board- Site Plan Checklist-NYCDEP-SHLPOA.
- Town of Kent Planning Board -Application Forms and Description of Procedures-Steep Slope & Erosion Control Approval.
- Town of Kent Planning Board- Combined Application Form- NYCDEP-SHLPOA, dated May 19, 2022.
- Short Environmental Assessment Form-NYCDEP-SHLPOA, dated March 11, 2022
- Putnam County Deed-Seven Hills Lake

The project proposes a property transfer between the City of New York as represented by the New York City Department of Environmental Protection (NYCDEP) and the Seven Hills Lake Property Owners Association Inc. (SHLPOA) involving three (3) separate parcels, two (2) being owned by New York City (TM# 20.-1-43.1 & 20.11-1-3) the other by the SHLPOA (TM# 20.-1-43.1). Under this proposal, 20.-1-43.1 will convey 0.12 acres to the SHLPOA and 0.09 acres to 20.11-1-3; 20.11-1-3 will convey 0.12 acres to the SHLPOA and receive 0.09 acres from 20.-1-43.1 and; 20.-1-43.1 (SHLPOA) will receive a total of 0.024 acres. The completed action will result in the same three parcels but with differing acreages. The intent of the overall action is to convey the full ownership of the Seven Hills Lake Dam to the SHLPOA thereby relieving the City of any future maintenance responsibilities for the dam.


The following comments are provided for the Planning Board's consideration:

1. This action is a property transfer between willing parties requiring a revised lot line approval from the Town of Kent Planning Board. The matter is handled as a revised lot line approval. There is no public hearing requirement associated with this action.
2. A completed, signed and dated Short Environmental Assessment Form (SEAF) was submitted as part of the Application. Per 6 NYCRR 617-§ 617.5(c)(5) "granting of individual setback and lot line variances and adjustments" is considered a Type II action, requiring no further environmental review. The SEAF notes a deficiency involving the Seven Hills Lake Dam which will require a future action which is not part of this current

action. No details for that future work have yet been identified. The action solely involves the lot line revision. Based on that, we recommend that the Planning Board determine the action to be a Type II requiring no further environmental review.

3. One waiver has been requested. The Applicants are requesting that topographic information not be required on the survey. (Reference - Town Code Section 66A-17.D(4)(c) – existing contours with intervals of five feet or less). We take no exception to the request. The topographic information is not necessary nor does the lack of such information hinder a proper review of the matter. We recommend the Planning Board consider granting the requested waiver.
4. The following items required by Town Code Section 66A-17 should be provided in future submittals.:
 - Site data table listing the name of any school, fire or special districts, zoning designations of parcels, required and proposed lot area, required and proposed lot width, and required and proposed road frontage. Lot sizes must be shown in square feet or acres. A table has been provided but it is incomplete.
 - The grantor of lands shall submit a proposed deed conveying the portion of land to the adjoining lot or parcel owner. Said deed must contain a clause stating that: "This parcel of land is conveyed pursuant to a revised lot line approved by the Planning Board of the Town of Kent, on (date) and does not create any new or additional building lots or parcels."
 - The owner of the adjoining lot or parcel shall submit a proposed deed describing, as a single parcel, the existing adjoining lot or parcel along with the property to be conveyed, conveying said increased lot or parcel as a single unified lot or parcel, to himself or herself, or such entity as the owner desires. Said deed shall contain a clause as follows: "This deed of conveyance is for the sole purpose of unifying into a single lot or parcel lands previously owned by the grantor with lands conveyed to the grantee as a result of a revised lot line approved by the Planning Board of the Town of Kent on (date)."
5. Proposed descriptions, describing each new parcel as a complete single parcel, shall be submitted for review and acceptance prior to signature on the plat.
6. The Tax parcel numbers referenced in different manners throughout the material including the Plat for example Section 66, Block 1, Lot 43.1 versus 20.-1-43.1)

We trust the comments are useful in your review. Please let us know if we can be of additional assistance.


John V. Andrews, Jr., P.E. 6.4.2022

cc: Planning Board via email
Bill Walters via email
22-261-263

Bruce Barber via email
Liz Axelson via email



Memorandum-DRAFT

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Revised Lot Line Approval - Review

Date: June 2, 2022

Project: NYCDEP-SHLPOA
TM# 20.-1-43.1, 20.-1-43.2
& 20.11-1-3

The following materials were reviewed:

- Town of Kent Planning Board- Site Plan Checklist-NYCDEP-SHLPOA.
- Town of Kent Planning Board -Application Forms and Description of Procedures-Steep Slope & Erosion Control Approval.
- Town of Kent Planning Board- Combined Application Form- NYCDEP-SHLPOA, dated May 19, 2022.
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We trust the comments are helpful in your review. Please let us know if we can be of additional assistance.

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

cc: Planning Board via email
Bill Walters via email
22-261-263

Bruce Barber via email
Liz Axelson via email



June 2, 2022

To: Town of Kent, NY – Planning Board

Rohit Aggarwala,
Commissioner

Re: NYCDEP-Church Hill Road Management Project
Church Hill Road
Section 12 Block 1 Lots 6 and 29.2
Town of Kent, New York

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

Dear Chairman Tolmach and Members of the Planning Board:

71 Smith Avenue
Kingston, NY 12401
T: (845) 340-7800
F: (845) 334-7175

Please accept the included responses to comments issued by John Andrews, P.E. (Rhode, Soyka & Andrews) in review of the subject project. Thank you for your consideration of the responses and attached documentation. Should you require further information, I can be reached at (917) 763-2779 or bcaterino@dep.nyc.gov

Sincerely,

Bart Caterino
Watershed Forester
DEP Bureau of Water Supply

c: John Andrews, P.E., Rhode Soyka & Andrews, P.C.
Bruce Barber, Cornerstone Associates
Vera Patterson, Planning Board, Town of Kent
Amanda Locke, NYCDEP

Responses to comments dated 4/11/2022:

1. A field observation visit was made to the project site with Bruce Barber, the Town environmental consultant and Bart Caterino, Watershed Forester. Observations were limited due to snow cover, but the haul road and the landing area are generally suitable for the intended use. The areas are considered generally flat, reasonably open and present no issues with respect to their preparation for and intended use as part of this timber harvest operation. It was noted that the line of sight exiting the site is somewhat less than satisfactory looking left or to the west. We recommend that the Planning Board require a flagger for traffic control during truck exits. A note to that effect should be placed on the project plan. **[The response to comments provided indicates that for several reasons, the project sponsor believes that with posted signs and the slow speeds through this section of road flaggers are not necessary. We take no exception to that position and recommend that the Planning Board not impose the condition. The project sponsor should be prepared to provide flaggers at the direction of the Town Highway Superintendent or the Engineer if required.]**

We agree to be prepared to provide flaggers at the direction of the Highway Superintendent or the Engineer if required. Language to this effect will be included in the timber sale contract.

2. The set of drawings for the erosion control permit is to include:
 - a. Watershed Protection Programs Natural Resources Division - Forestry, Church Hill Road Forest Management Project (FMP) - Project Map
 - b. Watershed Protection Programs Natural Resources Division - Forestry, Church Hill Road FMP - Landing Map
 - c. **Watershed Protection Programs Natural Resources Division - Forestry, Church Hill Road FMP - Stand Map**
 - d. **Watershed Protection Programs Natural Resources Division - Forestry, Church Hill Road FMP - Tax Parcel Map**

When it comes time for signature by the Chairman, all four (4) identified maps should be submitted as a set.

A set of all four (4) maps is attached.

3. Refer to the Combined Application Form:
 - a. Provide required affidavits. **[Vera Patterson, Planning Board Secretary should provide confirmation of receipt.]**
 - b. 2nd Page, #9 includes the waiver request "Because this is a timber harvest rather than a development project, request waiver to provide GIS maps rather than survey maps at 8.5" x 11" or 11" x 17" and to eliminate dimensions of property lines."

- i. We have no objection to this waiver request. This is similar to what was done for previous DEP forest management projects. **[The planning Board should be verbal Resolution grant and confirm the waiver request.]**

Affidavits sent on 4/5/2022.

4. An erosion control bond is required. For other projects by NYCDEP in Kent, the Town of Kent has accepted a letter of assurance from NYCDEP in lieu of a cash bond. This was done for the Seven Hills Lake Dam Repair, Horsepound Ridge Forest Management, and the more recent Baily Brook Forest Management project. Please have NYCDEP provide a similar letter for the Planning Board to consider. **[Letter provided. We forwarded the letter to Jeff Battistoni, Esq. for his review and acceptance.]**

Noted.

5. Richard Othmer, Jr, Highway Superintendent should also be consulted regarding road condition and truck routes. Provide a summary of conversations with Highway Superintendent. The Highway Superintendent has been copied on various emails and his responses indicate that he will accept right turns only for trucks exiting the site with use of the most direct route from the site to Route 52 via Horsepound Road. He is looking for a \$25,000.00 bond as well. It is unclear whether that bond can be handled in a similar matter as the Erosion Control Bond, by means of a letter of assurance from the NYCDEP as noted above. **[The Highway Superintendent has reputedly been contacted by the Forester. He should be contacted by the Planning Board to provide has approval prior to signature by the Chairman]**

The highway superintendent was contacted previously, and again on May 27, 2022 as indicated by response 10, below.

6. We recommend the public hearing be held, as has been done for other forestry projects. [The record is sufficient to permit scheduling of the public hearing should the Planning Board chose to do so. **[Once the public hearing has been satisfactorily resolved, provided there are no substantive issues raised, we recommend the remaining project review be referred to the Planning Board consultants to be handled administratively.]**

Public hearing attended.

7. 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. **[Response noted - We defer to Vera Patterson, Planning Board Secretary with respect to the handling of fees]**

Noted. (Previous Response: "Inspection fee deposit should be covered by the escrow account for NYCDEP Forestry Permitting. All actual costs of inspection should also be charged to that account.")

Responses to comments following public hearing (from e-mail correspondence with John Andrews on 5/23/22):

8. The Planning Board also requested existing conditions photos of Church Hill Road.

Per the agreement reached at the public hearing:

Prior to the project, the DEP forester will record photo-documentation of the surface condition of the travelled segment of Church Hill Rd. In the event that the timber contractor's equipment damages the road, damage will be repaired to the pre-project condition.

This note is included in the updated Project Plan (attached).

9. You should verify that our comments and those of Bruce Barber are adequately addressed.

With the submission of this response, we believe that all comments from Rhode, Soyka and Andrews have been addressed. Based on the memo from Cornerstone Associates dated April 14, 2022, we believe that all comments from Bruce Barber have been addressed.

10. You should have one final conversation with the Highway Superintendent to ensure that his concerns have been addressed.

Richard Othmer was contacted via e-mail on May 24, 2022, and subsequently via phone on May 27, 2022. He stated that his concerns regarding truck routing, and damage to Church Hill Rd. have been addressed.

11. You should submit a final plan set with a fully executed Letter of assurance to Vera, Bruce and I with any supporting documents that may be appropriate. We will perform a final review and advise you of its acceptability.

Attachments:

Final plan set

Letter of assurance

Project plan. (Additions as a result of Planning Board review are highlighted in grey in the document.).

Church Hill Road Forest Management Project Plan and Environmental Assessment

Introduction

The Church Hill Road Forest Management Project was initiated in response to a tornado event that caused timber blowdown in May 2018. The project will salvage downed timber, perform a crown thinning, and remove overstory in two patches, each approximately 0.5 acre (ac.), to release established dense oak regeneration. The harvest area is approximately 55 ac. of New York City-owned forest land in the West Branch Reservoir basin. It is part of an 84 ac. tract of contiguous land, made up of two parcels purchased under the Memorandum of Agreement in 1998 and 2002. During the May 2018 tornado event, approximately 3 ac. of forest were affected by scattered blowdown and 6 ac. of timber were completely blown down. Downed timber will be salvaged as part of the harvesting operation. The remaining harvest will reduce competition between dominant and codominant trees in the canopy, improving growth and vigor of the residual stand. Improvements in growth and vigor increase resistance and resilience to disturbance and help to ensure long-term forest cover on the site. The project area, located in the Town of Kent, Putnam County, New York, is bounded on the east by a 23 ac. wetland and on the west by a mapped pond, stream and wetland on private property. The northern boundary is the shoreline of two mapped ponds and the southern boundary is wetland and private properties. Existing access to the project site is from Church Hill Rd. at the northwest. More detail about the project area can be found in the attached Church Hill Road Forest Management Project Map. The project will be overseen by a New York City Department of Environmental Protection (DEP) Forester.

Current Forest Conditions

The harvest area (55 ac.) encompasses 3 forest stands, 3066, 3071 and 3075, listed from north to south. Land slopes downward from the northwest to southeast across the harvest area. The harvest area is bordered by Church Hill Rd. to the northwest and two ponds to the north. A stream and New York State Department of Environmental Conservation (NYSDEC) freshwater wetland L-39 are adjacent to the western border. NYSDEC freshwater wetland L-37 forms the border to the east and south. A prominent ridge runs southward from the center of stand 3066, adjacent to the western harvest boundary. Areas of timber damage, totaling approximately 6 ac., are located along this ridge, the most extensive of which affect timber in stand 3071. Northern red oak (*Quercus rubra*), scarlet oak (*Quercus coccinea*), black oak (*Quercus velutina*), and black birch (*Betula lenta*) are the predominant tree species affected by blowdown.

The forest type across the harvest area is oak-northern hardwoods, dominated by northern red oak, scarlet oak, black birch and red maple (*Acer rubrum*). A number of stone walls, wire fences, and historic gates suggest a history of agricultural use. An existing network of linear cleared paths and areas of trail building suggest previous timber harvesting. However, remnants of recent management (e.g. stumps) are not conspicuous. Although the stands are the same forest type, they differ in proportion of each species, as well as average board footage per ac. and tree

diameter.

Stand 3066 is 18% (10 ac.) of the harvest area and has topography that rises from Church Hill Rd. to the main ridge at the center of the stand then descends toward the southeast. Overstory trees here are primarily red oak, white oak and black birch with lesser components of red maple and hickory (*Carya spp.*). Saplings of black birch, red maple and sugar maple grow in the understory. The average timber volume of the stand is approximately 9 thousand board feet (Mbf) per acre. Approximately 3.9 ac. of stand 3066 is affected by scattered blown down timber with 1.3 ac. completely blown down.

Stand 3071 is 45% (25 ac.) of the harvest area. The northern half of the stand has rocky, benched topography that steps downward towards the southeast from the western ridge. Approximately 1.3 ac. is affected by scattered blow down and 4.8 ac. is completely blown down in seven patches along the western ridge. Species composition includes scarlet oak as a main component of the overstory along with black birch, red oak and red maple. Black birch, red maple and sassafras (*Sassafras albidum*) saplings populate the understory. A notable area (approximately 1 ac.) of dense oak seedlings exists in the understory along the ridge at the western portion of the stand.

Stand 3075, 36% (20 ac.) of the harvest area, has the lowest elevations, and least rocky topography on the site. DEP-mapped wetland 4 and exclusion area 7 occupy 2 ac. of stand 3075. Overstory species composition is primarily black birch, sugar maple, and hickory with an average timber volume of 7 Mbf per acre. Sugar maple, black birch, and hickory saplings occupy the understory.

Stand #	3066	3071	3075
Stand Acres	15 (10 treated)	25 (25 treated)	30 (20 treated)
Basal Area	125	114	100
Trees/Acre	244	255	232
Species of >Basal Area	northern red oak	black birch	black birch
Quadratic Mean Diameter	9.7	9.1	8.9
Relative Density	79%	78%	65%

Forest Stand Data (from field inventory)

Silvicultural Prescription & Desired Forest Conditions

The desired condition is a forest that retains the most dominant, healthy canopy trees, encourages the growth of existing shade-tolerant saplings and poles, and encourages the growth of existing oak seedlings and saplings. Growing a younger cohort of trees enhances the forest's resilience to storm events that cause blow down of mature canopy trees and mitigates the loss of trees from age-based or disease mortality. Similarly, maintaining the current species diversity on the site will help protect the canopy from loss of one tree species due to disease or forest pest outbreak. To meet those goals, the silvicultural prescription includes forest thinning as well as the salvage

of merchantable blowdown. Thinning and salvage operations will maintain a forested cover comprised of trees in at least two age classes while retaining a canopy of the most vigorous, healthy standing trees.

Thinning will remove 25-30% of the standing basal area. Removals will focus on trees in subordinate canopy positions, that exhibit poor growth form, small crown, disease or weather-induced defect. Trees that exhibit the best form and fullest crowns will be retained because of their high potential to respond to the increased light, growing space, and nutrient resources available after thinning. Thinning will also favor release of the existing stock of sugar maple and black birch saplings and poles in order to grow a second age class of canopy trees and increase species diversity.

Two patches, totaling 1 ac., that thin 50% of the standing overstory basal area and remove the interfering midstory will be utilized to release dense oak seedlings that exist along the ridge in the northwestern half of the project area. The higher levels of light produced by increased basal area removal will stimulate the growth of oak seedlings to render an established young oak cohort that will shade the forest floor and produce individuals that will occupy canopy positions in the future.

Areas of blowdown have created sites with high light levels, suitable for growth of young forest habitat. Salvage of downed timber will increase light levels on the forest floor to encourage the growth of seedlings and saplings that occupied the understory. Standing trees in blowdown areas will be retained as seed trees. Large woody debris that will be left on the site will deter deer from browsing in the salvage area and will decompose to increase soil nutrient availability. The salvage effort additionally provides an opportunity to recoup value for the City and utilize merchantable wood that will otherwise degrade.

Harvest Plan

Harvesting work will be managed under a DEP timber sale contract. Harvesting will take 2-3 months and may occur intermittently depending on weather conditions. Due to presence of potential habitat for the endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*), harvesting will only occur between November 1 and March 31. Because of this restriction, harvesting may occur over two harvesting windows. If more than one harvesting window is required, the harvest area will be fully stabilized while suspended for the intervening spring and summer. Equipment operation will only occur when soils are dry or frozen to minimize the likelihood of erosion or significant rutting.

Access to the project area is via an existing access from Church Hill Rd. A landing will be established east of Church Hill Rd. in a flat area 200 feet (ft.) from the access point. The landing will be 375 ft. from the nearest occupied dwelling. The haul road, skid trails and landing cover approximately 2.0 ac. of the 55 ac. harvest area, or approximately 3.6%. Skid trails total 9490 ft., with 7956 ft. following existing skid trails and 1534 ft. of new skid trail that will be utilized to route skidders around sensitive wetland areas and minimize slopes.

	Haul roads	Skid trails	Landings
Average Width (ft.)	12	10	56
Total Length (ft.)	204	9,490	102
Surface Area (sq. ft.)	2,040	94,900	3,820

No equipment restrictions for transporting cut trees from the stump to the landing will be necessary. Felled trees will be topped and de-limbed where they are felled to help maintain soil fertility. Slash will be lopped to a height of 3 ft. within 100 ft. of project boundaries that border adjacent residential properties. Limbs and tops will be used to stabilize skid trails as necessary.

All trees cut on the site will be selected and marked by a DEP Forester. To ensure that only marked trees are cut, trees will be marked with paint in two places: 4.5 ft. up the stem and where the stem meets the ground. When trees are cut, the latter mark will remain on the stump, and the DEP Forester will check for those marks during inspections. The contract will establish penalties for any theft of or damage to unmarked trees.

No phasing is necessary for this harvest.

Resource Protection Plan

Resource protections implemented during this project will comply with the requirements of the *Conservation Practices and Process for DEP Forest Management Projects* (CPs).

Waterbodies, Wetlands and Watercourses

The project was designed to minimize impacts to waterbodies, wetlands and watercourses. The harvest area includes five vegetated wetlands (numbered 2, 4, 5, 6, and 7) and one woodland pool (numbered as wetland 1). DEP wetland scientists delineated and mapped all six wetlands using methods of 1987 U.S. Army Corps of Engineers Manual for Wetland Determination and Northeast/North Central Regional Supplemental Manual. A Phase 1 bog turtle habitat survey was conducted on Wetland 2 (NYSDEC freshwater wetland LC-37). The other five wetlands were inspected but did not have features triggering the need for a Phase 1 survey. Waterbodies, wetlands and stream channels, encompassing all area of the bed and banks, are exclusion zones (EZs) that will not be disturbed during the project. A 50 ft. wide EZ will also be implemented around a woodland pool (wetland 1). No equipment will enter these areas at any time except on the existing portion of skid trail that passes above the woodland pool. Hand lopping and winching of previously downed timber from the woodland pool and the EZ will be allowed outside of the amphibian breeding period (March █ – June 30). No wetland crossings will occur.

One hundred foot-wide special management zones (SMZs) that restrict forest management activities will be implemented around wetlands and waterbodies. Restrictions in the SMZs vary based on the feature being protected as follows:

1. Wetlands and Waterbodies (other than reservoirs): Basal area removal limited to 25%; machine entry into SMZ only during dry or frozen soil conditions; trees will be winched out where necessary; trees will not be felled into wetlands or waterbodies; compaction and disturbance will be minimized.
2. Streams: Basal area removal limited to 50%; no work will occur within the bed or banks except to install planned crossings; no tops or slash will be left in streams.
3. Woodland Pools: Basal area removal limited to 25%; machine entry into SMZ only during dry or frozen soil conditions; trees will be winched out where necessary; trees will not be felled into wetlands or waterbodies; compaction and disturbance will be minimized.

The woodland pool (wetland 1) at the border of stands 3066 and 3071 occupies 0.1 ac. with an EZ of 0.6 ac. and SMZ of 2.3 ac. The woodland pool occurs within the timber salvage area. Salvageable trees that impact the woodland pool and EZ may be severed in a way that does not disturb the pool, and winched away from the pool for removal outside of the amphibian breeding period (March 15 – June 30). Three hundred ninety linear ft. of existing skid trail runs through the wetland 1 SMZ, 60 linear ft. of which fall in the EZ. The skid trail is on top of a knob that is elevated approximately 20 ft. above the woodland pool. The trail surface is rocky and is expected to pose no erosion hazard. The trail will be lined with ~~new wildflower seedlings~~ to protect the pool. A 145 ft. long skid trail will also run south of the woodland pool, within the SMZ. This trail will use 41ft. of existing trail and will require 105 ft. of new trail in order to skid over a rocky surface and avoid the low-lying area adjacent to the woodland pool. Due to the topography, these skid trails are not expected to influence the ingress and egress of amphibians in the woodland pool.

Wetland 2 (NYSDEC freshwater wetland LC-37) is largely outside of the harvest area to the east, except for a 0.4 ac. patch at the north and a 0.4 ac. patch at the south. SMZs for wetland 2 total 5.6 ac. within the project area and do not contain any skid trails.

Wetland 4 is completely within the harvest area and comprises 2.0 ac. of stand 3075. The SMZ for wetland 4 occupies 5.0 ac. and 100 linear ft. of existing skid trail passes through the SMZ to the north of the wetland. To the south of the wetland and downslope, 85 ft. of new skid trail will cross the SMZ over rocky terrain. Within the SMZ, the skid trail will be armored with slash and lined with ~~wood mulch or water repellent mulch~~ to prevent rutting and erosion.

A perennial pond (wetland 5) and outlet stream are adjacent to the western border of stand 3071. The SMZ encompasses 0.8 ac. of the project area and is crossed by 235 ft. of existing skid trail. The stream SMZ runs north to south along the western border and occupies 1.3 ac. of stand 3071. Six hundred seventy linear ft. of existing skid trail runs through this SMZ. Within the SMZs, the skid trail will be armored with slash and ~~heavy rubber mulch~~ will be employed on the downslope side if wet conditions are encountered to prevent rutting and erosion.

Wetland 6 (NYSDEC freshwater wetland LC-39) is located adjacent to the western border of the project area. One acre of the SMZ falls into the project area. No skid trails run through the SMZ and little to no harvesting is anticipated within the SMZ due to the steep, rocky topography along this portion of the western border.

Wetland 7 is a small 0.1 ac. wetland located within the harvest area. It is characterized by cobbly soils containing small pockets of hydrophytic vegetation. Given the small size and rocky soil types, the wetland ecologist deemed that no SMZ is required for this wetland. The wetland was flagged so that no heavy equipment will enter it during the harvest.

A stream that drains from wetland 4 to wetland 2 (NYSDEC wetland LC-37) will be crossed to access the southwest extent of the harvest area. The stream SMZ occupies 0.8 ac. of the harvest area and 75 ft. of existing skid trail passes through the SMZ. The stream is not assigned a State Waters Index Number and classification but assumes a C classification because the outflow of wetland 2 is a class C stream with Waters Index Number H-31-P44-23-P67-8-2-7. Because the stream is class C, the crossing will not require a NYSDEC Article 15 Permit. The stream will be crossed by installation of a temporary skidder bridge and use of this crossing will be limited to dry or frozen periods. Approaches to the crossing will be armored with corduroy during use and stabilized with water bars, seeding, and mulching when the crossing is removed. Skid trails within the SMZ will be armored with slash and lined with ~~newly installed slash and mulch~~ where they run parallel to, and uphill of, the stream to prevent rutting and erosion.

Use of skid trails within the SMZs of wetlands and watercourses will be restricted during wet or unfrozen soil conditions. Trees may be hand felled in SMZs during trail closures, but machine entry and skidding will only occur during dry or frozen conditions. The closure of trail sections within SMZs will not entirely close the harvest area served by the trail, nor preclude the use of other sections of skid trail that are outside of SMZs provided they are dry enough to prevent rutting. The proposed protection measures will be implemented to prevent adverse impacts to waterbodies, wetlands, or watercourses as a result of the project.

Sediment & Erosion Control

The harvest area is moderately sloping with elevations ranging from 860 ft. at the landing to 660 ft. at the southern harvest boundary. Soil types in the harvest area consist primarily of Charlton-Chatfield complex (58.0%) and Chatfield-Charlton complex (21.9%). Other soil types present include Chatfield-Hollis Rock outcrop complex (15.9%) and Sun loam (3.5%).

The Charlton, Chatfield, and Hollis soils are moderately to very deep, and moderately to somewhat excessively well-drained sandy loam soils. Sun loam soils in and adjacent to wetlands 2 and 4 are nearly level and poorly drained or very poorly drained sandy loam. The woodland management and productivity table (9), found in the *USDA Soil Survey of Putnam and Westchester Counties, NY*, classifies Charlton, Chatfield, and Hollis soils as moderately- to well-suited for harvest equipment operability. Sun soils are also considered moderately suited for equipment operability but will not be crossed by skid trails because of their wetland locations. Erosion hazard is classified as moderate to severe depending on slope. The harvest area will be carefully monitored for the development of seeps along the hillside. Skidding and forwarding of

wood will be limited to periods of frozen or dry conditions.

Sixty five percent of the harvest area has slopes less than 15%. Thirty five percent of the harvest area has slopes greater than 15%. Skid trails will be oriented cross slope to minimize grade, and water bars will be installed on steep sections of trail as per the project map to slow the flow of water and divert it off of the trail surface. In the event skid trails are cut in with a bulldozer, they will be out-sloped to provide surface drainage. Off-trail soil disturbance will be limited to the extent possible.

Best Management Practices (BMPs) to prevent erosion and sedimentation will be implemented according to the CPs and the *New York State Forestry Best Management Practices for Water Quality BMP Field Guide* wherever necessary to prevent erosion and sedimentation. Locations of specific practices that will be used in the project can be found on the attached project map. The practices that will be implemented include the following:

1. Pre-planning and flagging the landing area and skid trail network to limit the total land area occupied to the minimum necessary to access the site, to minimize trail slope, and to avoid poorly-suited soils.
2. Armoring skid trails with slash where necessary and suspending use during saturated, unfrozen soil conditions to minimize rutting.
3. Closing skid trails as areas of the harvest are completed rather than closing them all at the end of the harvest. Skid trail closure will include smoothing rutted portions of trails to prevent channelization of runoff, removing corduroy, installing permanent water bars to divert flow from trail surfaces, and seeding with a native seed mix and mulching as required.
4. Installing temporary water bars prior to significant storm events.
5. Installing a 50 ft. tracking pad of clean stone on the haul road entrance.
6. Installing ~~wood mulch or wood chip mulch~~ on the skid trail where it passes above the woodland pool and along sections of skid trail in wetland and stream SMZs if wet conditions are encountered.
7. Installing water bars to divert storm water away from the woodland pool where the skid trail descends towards the western harvest boundary.
8. Installing corduroy where the skid trail crosses the drainage area down slope of and to the southwest of the woodland pool.
9. Installing a skidder bridge with corduroy approaches where the skid trail crosses a stream to access the southwest corner of the harvest area.
10. Seeding, with a native seed mix, mulching, and installation of water bars on stream crossing approaches after removal of the intermittent stream crossing.
11. Smoothing, seeding with a native seed mix, and mulching the landing area at harvest completion to ensure adequate drainage and to rapidly stabilize exposed soil.

Additional BMPs will be installed, if necessary, during the harvest to prevent erosion. With the implementation of the proposed protection measures, no significant adverse impacts to soils are anticipated as a result of the project.

Closure Plan

To close the project area, any rutted sections of skid trails or the landing will be smoothed. BMPs will be implemented as per the attached map and description above, including water bars, corduroy removal, and seeding and mulching of the landing using a native seed mix and straw.

Threatened and Endangered Species

Consultation with the New York Natural Heritage Program (NHP) indicated the absence of records for rare or state-listed animals, plants, or significant natural communities at the project site or in the immediate vicinity.

The U.S. Fish and Wildlife Service (USFWS) species list, as obtained from their Information for Planning and Consulting (IPaC) search tool, indicated three Endangered/Threatened species that may be present in the project area. The species requiring consideration, and the measures that will be implemented to protect them are as follows:

1. Indiana bat (*Myotis sodalis*) Federal Endangered/State Endangered: The project area consists of upland and lowland forest below 900 ft. in elevation. Although no known Indiana bat roost trees have been identified in the project area, suitable habitat for Indiana bat exists on site. To avoid direct impacts to Indiana bats, all work will take place between November 1 and March 31 when bats are hibernating. The closest hibernaculum known to DEP is over 9 (miles) mi. from the project site at the Fahnestock Mine in Putnam Valley, NY.

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

2. Northern long-eared bat (*Myotis septentrionalis*) Federal Threatened/State (Pre-proposal list for Threatened): Suitable habitat for northern long-eared bat occurs within the project area. To avoid impacts to individual bats, comply with U.S. Fish and Wildlife Service (USFWS) regulations, and comply with NYSDEC restrictions, all work will take place between November 1 and March 31 when bats are hibernating. No forest management activity will occur within 0.25 mi. of a known northern long-eared bat hibernaculum. No known maternity roost trees exist within the project area and the closest known northern long-eared bat hibernaculum to the project site is over 8.5 mi. away at the Brewster Mine in Southeast, NY which is suspected to be sealed. The next nearest known hibernaculum

is the Fahnestock Mine, over 9 mi. to the southwest. Additional conservation measures to be employed in the case of northern long-eared bat presence include avoiding clear-cutting and similar harvest methods that remove or fragment bat habitat, and leaving standing dead trees where they do not pose a safety hazard to workers. As a result of the seasonal restrictions on work and the limited nature of removal of potential roost trees, the project is not likely to adversely affect northern long-eared bat.

3. Bog turtle (*Glyptemys muhlenbergii*) Federal Threatened/State Endangered: All wetlands in the project area were delineated using guidelines from the U.S. Army Corps of Engineers 1987 Wetland Determination Manual and Northcentral/ Northeast Regional Supplemental Manual. Wetland 2 (NYSDEC freshwater wetland LC-37) is an approximately 15 ac. red maple swamp bordering the project area of the Church Hill Road Forest Management Project. During delineations, features of this wetland were identified as requiring a phase 1 bog turtle survey. DEP ecologist Frank Parisio conducted a phase 1 survey on June 18th, 2019. Approximately 12.9 ac. of the wetland were examined on foot. The survey revealed positive indicators for potential suitable bog turtle habitat. Wetland 2 had deep mucky soils, numerous sedges and other plants suitable for habitat, and shallow surface water. In addition, wetland 2 is large enough to potentially support a population of turtles.

Harvesting operations will follow the standard DEP conservation practices for wetland protection. No equipment shall enter the limits of the wetland at any time. Haul roads and landings will be located at least 200 ft. from the wetland edge. There will be no tree harvesting in the wetland and all activity within the SMZ will occur during dry or frozen conditions. Therefore, the project is not likely to adversely affect bog turtle.

For additional information regarding assessment of impacts to threatened and endangered fauna species, please see the *Church Hill Road Forest Management Project Biological Assessment* dated January 2020. With the implementation of the proposed protection measures, no significant adverse impacts to threatened or endangered fauna species are anticipated as a result of the project.

Protected Plants

No protected plants are known to exist within the project area or were identified by the NYSDEC Natural Resources Mapper or through consultation with the state. If protected plants are encountered during harvesting, DEP's Ecological Research and Assessment Group will be contacted, and protection measures implemented. No significant adverse impacts to protected plant species are anticipated as a result of the project.

Invasive Species

To minimize the spread of invasive species to or from the project area, the contractor will clean logging equipment by sweeping or scraping visible soil, woody debris, vegetation, and seeds from exterior surfaces prior to transporting equipment to or from the site.

Invasive species populations in the harvest area are low. Primary invaders are Japanese barberry (*Berberis thunbergii*), multiflora rose (*Rosa multiflora*), winged euonymus (*Euonymus alata*) and garlic mustard (*Alliaria petiolata*). Patches of these invasive species occur in the vicinity of wetlands and low-lying moist woods in the southern half of the harvest area. Before harvesting, invasive species will be spot treated by foliar spray with a 2% solution of Accord XRT II (glyphosate) herbicide to prevent spread. Winged euonymus shrubs with stems measuring greater than 1 in. diameter will be treated by basal bark application of Pathfinder II (triclopyr) herbicide. Efforts will be made to minimize transport, including timing harvest for winter months when plants are dormant and harvesting non-infested areas before infested areas to the extent practicable.

There is post-harvest concern for colonization of invasive species from land outside the harvest area. Wetland 2 hosts a population of Japanese barberry, multiflora rose, and winged euonymus. A population of Japanese knotweed exists across the western border that has not yet spread to city land and the harvest area. Limiting canopy removals adjacent to invasive species populations will be the first defense against spread into the harvest area. The occurrences of SMZs along the western and eastern harvest boundaries will aid in the retention of a closed canopy as a buffer to invasive species colonization.

The harvest area will be monitored annually in early summer for five years after completion of the harvest for invasive species colonization. Monitoring will focus in and around the canopy openings created by blowdown and those created by patch cutting for oak seedling release. Increasing populations that interfere with forest management objectives will be identified and treated with an herbicide and application method that is appropriate to control the problem species.

Recreation and Open Space

The harvest area is closed to recreation and no development is planned after the harvest; it will remain as forest land. The open space will be altered temporarily by skid trails and more permanently by the establishment of the landing and haul road. Utilizing the existing network of trails will minimize effects on the site and reduce the need to remove mature trees for skid trail establishment. The landing and haul road will be obscured from Church Hill Rd. by a no-cut buffer. Site access will be blocked and posted against public entry after harvest. Timber harvesting will alter the open space by removing canopy trees. However, the effects of tree removal will be temporary and ameliorated as the remaining mature trees increase in crown size, released midstory trees reach the canopy, and released seedlings enter the sapling stage. Due to no change to land use, no adverse impacts to recreation or open space are anticipated as a result of the project.

Historic and Archaeological Resources

The Division for Historic Preservation at the New York State Office of Parks, Recreation and Historic Preservation was consulted. Their response indicated that they have no concerns regarding the effect of the project on historic/cultural resources.

The southern portion of the project area is crossed by several intersecting stone walls. In order to preserve the still-intact portions of walls, the project will utilize existing skid trails that cross through existing breaks and historic gates. However, one new section of skid trail that routes skidding up a gentler slope will require creating one new opening in a stone wall. The contractor will be instructed to minimize damage to stone walls during work, and to cross them with motorized equipment only at identified crossing locations.

With the implementation of the proposed protection measures, no significant adverse impacts to historic and archaeological resources are anticipated as a result of the project.

Notification Contacts

Notification contacts will be according to the Notification Plan Appendix in the most recent version of the CPs.

Permitting

No federal or state permits are required for this project. A Town of Kent erosion control permit will be necessary for the haul road and landing.

DEP permits for herbicide application on watershed lands will be obtained from the Ecotoxicologist in the Division of Water Quality prior to invasive species control treatments.

Conservation Practices Variances

The use of an existing skid trail within the EZ of the woodland pool is a variance from the CPs. The variance and the associated mitigation measures are discussed in the Resource Protection Plan, *Waterbodies, Wetlands, and Watercourses* section above.

Additional Relevant Project Information

Additional information related to environmental review of this project under the State and City Environmental Quality Review programs (SEQRA/CEQR) is as follows:

Traffic and Noise

The project will generate a minor and temporary increase in traffic and noise in the area during operation. An estimated maximum of 4 truck trips per day, including 1 pick-up truck to transport workers and 3 tri-axle trucks to transport logs and equipment will be utilized during the project. Trucks will access Church Hill Rd. from I-84 via [REDACTED]. Loaded trucks will turn right out of the site and travel east on Church Hill Rd. and then north on [REDACTED] to reach NY-52 and I-84. [REDACTED] will avoid any adverse impacts to the environment by limiting truck trips to normal business days and hours. Traffic will return to pre-project levels upon completion of the work. Therefore, no significant adverse impacts to traffic are anticipated as a result of the project.

Noise will increase in the project area due to the intermittent use of chainsaws, logging equipment, and trucks. However, all noise increases will be temporary and of short duration. The nearest residence is located approximately 100 ft. from the closest point of the harvest area and approximately 375 ft. from the landing. Skid trails will be placed as far from the neighboring residences as topography and property boundaries will allow.

To minimize potential impacts from noise, harvest activities will be limited to the hours of 7:00 AM to 6:00 PM Monday through Saturday, and 8:00 AM to 6:00 PM Sunday. Work outside these hours will be authorized by DEP only in emergency situations, such as for installing temporary soil stabilization measures in anticipation of a storm event. Short-term impacts to some neighbors may occur but will be partially alleviated by the short duration and temporary and intermittent nature of the noise. No permanent adverse impacts to noise levels in the area are anticipated as a result of the project.

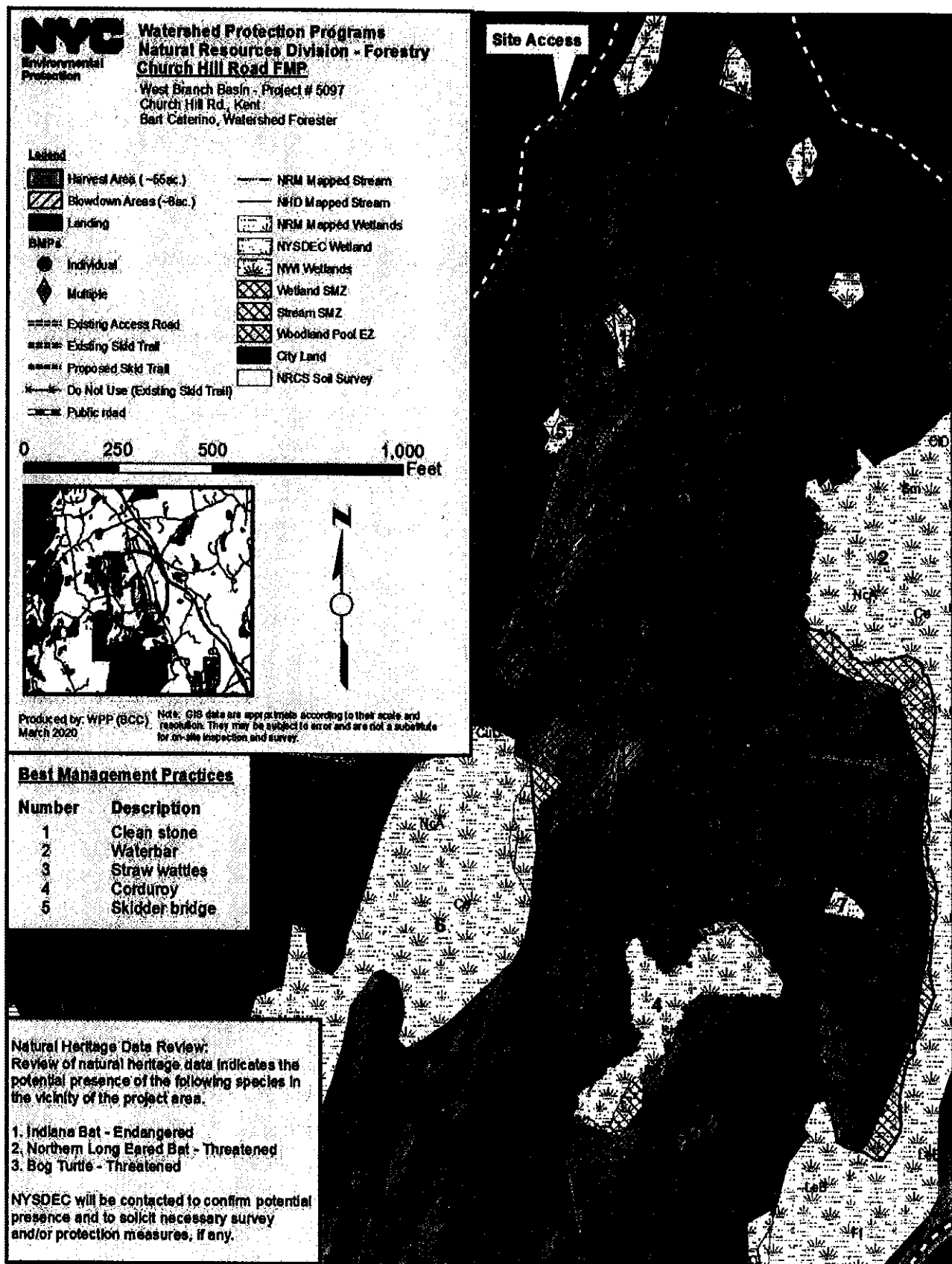
Visual Character

The project area is separated from Church Hill Rd. by a forested buffer and due to topography, the majority of the harvest area cannot be viewed from Church Hill Rd. or from abutting properties. The closest residences on Church Hill Rd. currently view the blowdown area in stands 3066 and 3071. Aesthetics of these areas will be improved by salvage operations and will continue to improve as regenerative growth occupies the site. The thinning work will increase light filtering into the forest and will result in an increased quantity of woody debris on the forest floor. Eventually, existing trees will grow to occupy the area exposed by tree removals. A maximum slash height of 3 ft. within 100 ft. of adjacent properties and Church Hill Rd. will help expedite the breakdown of the residual coarse woody material left on site. Local residents will notice the work, but regeneration and tree growth over time will provide a diverse forest habitat with desirable aesthetics. As a result, no permanent significant adverse impacts to visual character are anticipated as a result of the project.

Conclusion

Based on the foregoing discussion, the project will not result in significant environmental impacts, and no further analysis is necessary.

Project Map





Rohit Aggarwala
Commissioner

Joseph P. Murin
Chief Financial Officer

59-17 Junction Boulevard
Flushing NY 11373
Tel: (718) 595-6936
Fax: (718) 595-3525
jmurin@dep.nyc.gov

March 28, 2022

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

Re: Church Hill Road Forest Management Project Performance Bond

The New York City Department of Environmental Protection ("DEP") appreciates the Town of Kent Planning Board's willingness to consider this letter in lieu of an erosion control bond to assure the completion of the Church Hill Road Forest Management Project in accordance with the attached Erosion Control Plan (the "Erosion Control Plan").

Please accept this letter in lieu of the aforementioned bond as the City of New York's (the "City") guarantee that all of the work described in the Erosion Control Plan will be strictly adhered to and satisfied. When the contractor is awarded the project, the City requires that it provide a performance deposit in the amount of three thousand dollars (\$3,000.00) or 10% of the bid price, whichever is greater, as a guarantee to the City that all work will be completed, including all best management practices associated with the project. This requirement can be found in *The City of New York Department of Environmental Protection Bid Package for the Sale of Timber and Firewood at the Church Hill Road Forest Management Project (Project # 5097)*, Attachment D, Section 3, paragraph b.

In the event there is a dispute between the City and the Town of Kent, and it is resolved in the Town of Kent's favor, the City will reimburse the Town's reasonable attorney fees, said fees to be at the same rate as are then charged to the Town by the attorney then serving. The City recognizes that despite the waiver of the Erosion Control Bond, the City remains responsible for the inspection fee, which covers the costs for Town representatives to perform site inspections.

Additionally, the City has committed to paying the cost of the stone aggregate necessary to make the improvements specified in the Erosion Control Plan, as made evident in the attached purchase order with Thalle Materials Inc.

The City hereby warrants, represents and guarantees that it will perform and satisfy all of the work described in the Erosion Control Plan. This guarantee is made in lieu of placing a bond with the Town of Kent, as required by the Town pursuant to Section 66-7 of the Town Code. It is the intent of this document that the City shall be fully responsible for completing said work satisfactorily. This guarantee shall be valid through and until the expiration of two years from the date on which the Town provides written confirmation of final acceptance

of the work in accordance with the approved permit and all plans and specifications forming the basis of the approved permit.

Site improvements the City is performing include but are not limited to: access road and landing improvements, the implementation of best management practices for these areas, final stabilization and restoration of disturbed areas, and the removal of temporary erosion and sediment control measures. All site improvements and erosion control measures have been developed in accordance with the *2018 New York State Forestry Voluntary Best Management Practices for Water Quality Field Guide*.

Please contact Bart Caterino at 917-763-2779 should you have any questions or concerns regarding this project.

Thank you for your consideration in this matter.

Sincerely,



Joseph Murin
Chief Financial Officer

Approved as to form

Isabel Galis-Menendez CD
Acting Corporation Counsel, City of New York
Date: 3/21/2022


c: Bart Caterino, Amanda Locke, Charles Laing

**Example of a standard NYCDEP Bid Package*

Bailey Brook Forest Management Project #5083

Page 15 of 37

Final payment comprised of the remaining balance, FIFTY PERCENT (50%) of the Purchase Price, is to be paid upon completion of one-half of Project work as determined by the DEP Forester assigned to manage the Project or by [December 31, 2022], whichever is sooner.

-  The Parties acknowledge that the Harvester has supplied a performance deposit (the "Performance Deposit") in the amount of [10% OF BID AMOUNT OR \$3000, WHICHEVER IS HIGHER], to guarantee the Harvester's faithful performance of the terms of this Contract. The City shall deposit and maintain the Performance Deposit in a non-interest bearing account at a financial institution selected by the City in the name of the City. The Performance Deposit will not be credited towards the Purchase Price.
- c. All Purchase Price payments will be in the form of a cashier's check, certified check, or money order and made payable to the City of New York and hand-delivered or mailed to the DEP Forester at 1286 U.S. 6, Carmel, NY 10512.
 - d. If the City terminates the Contract early pursuant to Section 2, the City shall return the Performance Deposit previously paid by the Harvester to the City to the Harvester.
 - e. If the Harvester fails to remove all of the Wood Products from the Project Area within the Term of the Contract, it shall not be entitled to a refund of any amount of the Purchase Price already paid and shall pay the City any costs incurred by the City to remove the remainder of the Wood Products, which shall remain property of the City, in excess of the Performance Deposit, upon the City's written demand.
 - f. Upon a determination by the DEP Forester pursuant to Section 9c, that the Project has been completed, the balance of the Performance Deposit, less any amounts deducted by the City to cure any noncompliance with the Contract, shall be returned to the Harvester.
4. **Title.** The City will retain title to Wood Products remaining on City land until they are removed.
5. **Access.**
- a. The Harvester, along any of the Harvester's employees or subcontractors working on the Project ("Project Workers") approved by the DEP Forester, are hereby granted permission to access the Project Area in accordance with the terms and conditions of this Contract.
 - b. Prior to entering the Project Area, the Harvester shall provide proof of insurance as required by Section 11.

*Current NYCDEP Forestry Program purchase order for crushed stone aggregate.

THE CITY OF NEW YORK
FINANCIAL MANAGEMENT SYSTEM
NOTICE OF AWARD

DATE: 10/07/2021

PAGE: 1

FINAL BATCH ID: POD 826
TAXPAYER ID: *****7028 CONTRACT NUMBER: POD 826 20222009087
REFERENCED AGREEMENT:
AMENDMENT NUM: VERSION NUM: 1
VENDOR: VS00046874 VENDOR ADDR IND: 004 OCA NUMBER:
THALLE INDUSTRIES INC

CONTACT NAME: Tina Nolan
CONTACT PHONE #: 914-762-3415
ADDRESS: 51 Route 100

Briardliff Manor
NY
10510-1441

SOLICITATION NUMBER

CONTRACT TITLE: 2018324X CRUSHED STONE

PIN: 2018324X

DESCRIPTION : 2018324X CRUSHED STONE

ORIGINAL AMT:	\$ 15,000.00	ORIGINAL START:	10/06/2021	END:	06/30/2022
REVISED AMT:	\$ 15,000.00	REVISED START:	10/06/2021	END:	06/30/2022
ACTUAL AMT:	\$ 15,000.00	RESP AGENCY:	826		
		SUBMITTING AGCY:	826		

CONTRACT OFFICER: PHONE:

COMMENTS:
THIS IS NON MWBE VENDOR. APPROVED 10/6/21
ACCTG USERS FOR RR/INVOICE PLEASE CONTACT D.PETRAMALE
AUTHORIZED USERS D. LAWRENCE

DELIVERY DATE:

DELIVER TO: DEPT ENVIRONMENTAL PROTECTION

INVOICE TO: DEPT ENVIRONMENTAL PROTECTION

EAST DIV MECH CARMEL HDQ

PROCUREMENT ACCOUNTING

ROUTE 6 & BELDEN ROAD

59-17 JUNCTION BLVD.

17TH FLOOR

CARMEL

FLUSHING

NY 10512

NY 113735108

DEPT: 826 SHIP CODE: 826147

DEPT: 826 BILL CODE: 826466

THE CITY OF NEW YORK
FINANCIAL MANAGEMENT SYSTEM
NOTICE OF AWARD

DATE: 10/07/2021

PAGE: 2

FINAL BATCH ID: POD 826
TAXPAYER ID: *****7028 CONTRACT NUMBER: POD 826 20222009067
REFERENCED AGREEMENT:
AMENDMENT NUM: VERSION NUM: 1
VENDOR: VS00046674 VENDOR ADDR IND: 004 OCA NUMBER:
THALLE INDUSTRIES INC

CONTACT NAME: Tina Nolan
CONTACT PHONE #: 914-762-3415

COMMODITY INFORMATION					
LINE #	COMMODITY	QTY	UNIT	UNIT COST	TOTAL COST
1	74505000000	15000.00000	NTE	\$1.00	\$15,000.00

COMMODITY LINE DESCRIPTION: Asphalt, Aggregates

COMMODITY SPECS:

DESCRIPTION:

PURCHASE ORDER NEEDED TO ACQUIRE CRUSHED STONE TO SUPPORT THE FORESTRY PROGRAM AND ITS PROJECTS. STONE IS NEEDED FOR IMPROVEMENT OF ACCESS ROADS, STABILIZING DITCHES, HARDENING LANDINGS AND ROAD ENTRANCES.

PLEASE NOTE SAMPLE QUOTE ATTACHED FOR STONE AND PRICING OF EACH STONE AUTHORIZED FOR THIS PURCHASE ORDER. STONE ONLY TO BE SHIPPED WHEN REQUESTED BY DEP AUTHORIZED USER.

AUTHORIZED USERS: D. LAWRENCE.; ORDER TO BE CLOSED JUNE 30, 2022.

DEP CREATED A NEW ONLINE PROCESS TO HANDLE CURRENT MANDATED TELEWORKING CONDITIONS, A PLATFORM CALLED "DEP INVOICING PLATFORM" (DIP). IT ENSURES AVOIDANCE OF DISRUPTION OF THE INVOICING PROCESS BY SUPPORTING ELECTRONIC PAPERLESS PAYMENT; VENDORS WILL NOW NEED TO SUBMIT INVOICES ELECTRONICALLY. PLEASE SEE LINK BELOW TO SUBMIT FINAL INVOICES:

<https://a826-forms.dep.nyc.gov:8443/webclient/Login.xhtml>

*ORDER NUMBER (POD 826 20222009067) IS TO APPEAR ON ALL INVOICES, TICKETS, PACKING SLIPS, BILL OF LADING, ETC.***DO NOT SHIP ALL ITEMS ON SAMPLE QUOTE - AUTHORIZED USERS WILL PLACE ORDERS AS NEEDED

****ALL INQUIRIES REGARDING INVOICES SHOULD BE MADE DIRECTLY TO VENDOR PAYMENTS @ 718-595-3164*****ATTENTION VENDOR: IN ORDER TO EXPEDITE PAYMENT - PLEASE UPLOAD ORIGINAL INVOICES DIRECTLY INTO "DEP INVOICING PLATFORM" (DIP)*****

FOB DESTINATION DELIVERY:

DELIVER TO:

INVOICE TO:

THE CITY OF NEW YORK
FINANCIAL MANAGEMENT SYSTEM
NOTICE OF AWARD

DATE: 10/07/2021

PAGE: 3

FINAL
TAXPAYER ID: *****7028

VENDOR: VS00046674
THALLE INDUSTRIES INC

BATCH ID: POD 826
CONTRACT NUMBER: POD 826 20222009067
REFERENCED AGREEMENT:
AMENDMENT NUM:
VENDOR ADDR IND: 004
VERSION NUM: 1
OCA NUMBER:

CONTACT NAME: Tina Nolan
CONTACT PHONE #: 914-762-3415

ACCOUNTING INFORMATION

COMM LINE	ACTG LINE	EVENT TYPE	FUND	DEPT	APPR UNIT	BUDGET CD	DTL OBJ/ CD	REPT CAT/ QUICK	UNIT/ SUNIT	TASK	CAP PROJ	LINE AMT
1	1	PR05	001	826	004	6224	1000	401011				\$15,000.00

J. GUIDUCCI

PA

PREPARED BY

TITLE

J. FIGUEROA

PA

AUTHORIZED BY

TITLE