

Approved: May 12, 2022

TOWN OF KENT PLANNING BOARD
April 14, 2022
FINAL MINUTES

The Planning Board held their April 14, 2022 meeting at 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	Sabrina Cruz
Jacky Beshar, Alternate	Dennis Lowes, Vice Chairman
Simon Carey	Hugo German

Absent:

Giancarlo Gattucci
Stephen Wilhelm
Julie Mangarillo, Rohde, Soyka & Andrews/Consultant
Chris Ruthven, Liaison

Others in Attendance:

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

• **Conservation Advisory Committee Discussion**

Mr. Tolmach asked Mr. Bill Volckmann, Chairman of the Conservation Advisory Committee, to speak to the Planning Board. When Mr. Volckmann came forward everyone sang happy birthday to him. Mr. Volckmann mentioned that the CAC had won a grant in October 2021 for creating a natural resources inventory project and the Committee is going through the process of acquiring the money from the State. He had a meeting last week with the State, who advised him that it was advisable to have someone from the Planning Board join the NRI Steering Committee as well as others from the Town. Mr. Volckmann said asked if anyone on the Planning Board would be interested in joining the NRI Steering Committee. Mr. Volckmann said that the Committee would like at least one or two Planning Board members to participate on the NRI Steering Committee and he could be reached via email at: CAC@townofkentny.gov. Mr. Volckmann said that the NRI would be a large, complex document and, ultimately, it will become part of the Planning Board's network of tools. Ms. Beshar asked Mr. Volckmann what the time estimate would be for participation. Mr. Volckmann said he was not sure, but he would check with the State to see if they new and he would get back to her.

- **Patterson Crossing, Route 311, Kent, NY; TM: 22.-2-48**

Mr. Barber's Comments (memo attached)

Mr. Barber said that he had no objection to granting a time extension because the property remains stable and there is no activity to report.

Mr. Paul Camarda, the property owner, asked to be heard and said he appreciated every extension he had been granted and that he would be happy to answer any questions anyone had at any time. Mr. Camarda said that a joint venture with the East of Hudson Corporation was very successful and also worked with the DOT to create a better traffic flow on Route 311 and ripped up the drainage pipes and replaced them with new ones. Mr. Camarda advised the Planning Board that he had received approvals in 2008 and then the recession hit. In 2014, the economy got a little bit better, but then the internet online shopping became very popular and took the bottom out of retail stores and many stores went out of business.

Ms. Axelson's Comments (memo attached)

Ms. Axelson sent a Resolution of Approval to Mr. Battistoni, the Planning Board Attorney, and he suggested that two paragraphs on Page 7 pertaining to the letter requesting the extension be moved to the beginning of the Resolution as the introduction. Page 7 will have a recap of what is happening. Ms. Axelson advised the Planning Board that the rest of the Resolution remains the same and that the Board could vote on the Resolution at this meeting.

Mr. Tolmach asked for a motion to approve the Resolution granting two 90-day extensions as written by Ms. Axelson. The motion was made by Mr. German and seconded by Mr. Lowes. 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>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Absent</u>

The motion carried.

- **NYCDEP Church Hill Road Forest Management Project, Church Hill Road, Kent, NY;**
TM: 12.-1-6 & 12.-1-29.2

Mr. Bart Caterino, a New York State Forester, represented the NYCDEP for this project. This project involves obtaining an Erosion Control Permit for a timber-thinning program because more than 5,000 square feet of 55 acres owned by NYCDEP will be disturbed. Mr. Caterino said that there is a two-year contract for this project and logging will only be done from November 1st to March 31st.

Mr. Barber's Comments (memo attached)

Mr. Barber advised the Planning Board that this plan pertains to removing trees from approximately six acres of the property that was damaged by the tornado two years ago and thinning of approximately 55 acres. Mr. Andrews and Mr. Barber visited the site twice and a vernal pool was discovered on the property, which has some species of concern. The NYCDEP agreed to take precautionary measures to protect this area. Mr. Barber suggested that a Public Hearing be scheduled for the May 12, 2022 meeting.

Mr. Andrews' Comments (memo attached)

Mr. Andrews agreed that an Erosion Control Permit was required for this project. Comments were sent to Mr. Caterino in January and full and complete responses were sent back. A recommendation had been made to have flaggers in place when the logging truckers were entering or exiting the property. Mr. Caterino said that there will only be two trucks a day entering and exiting the site and asked that he reconsider this recommendation. Mr. Andrews felt that it would be appropriate to not have flaggers on site unless there is an incident. Mr. Andrews had discussed this matter with the Highway Superintendent and he had no objection to reconsidering the recommendation to requiring flaggers on site. Previously NYCDEP provided GIS maps when doing timber harvests rather than survey maps and they requested permission to do this again on this project. Mr. Andrews said he did not object to this and asked the Planning Board to grant a verbal waiver pertaining to the applicant providing 8"x11" or 11"x17" GIS maps instead of survey maps and to eliminate property dimension notes. In addition, on other NYCDEP projects a Letter of Assurance was submitted to the Planning Board rather than a cash or surety bond for the Erosion Control Permit. The Letter of Assurance was sent to Mr. Battistoni, the Planning Board Attorney, who found no issues with it. Mr. Andrews recommended that, when the time comes to approve a bond, the Letter of Assurance be accepted by the Planning Board and that it be forwarded to the Town Board for their approval. Mr. Andrews said that he agreed with Mr. Barber that, if the Planning Board agreed, a Public Hearing could be scheduled for the May 12, 2022 Planning Board meeting. Once the Public Hearing was resolved Mr. Andrews said it would be appropriate to move this project to the Administrative track.

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Mr. Tolmach asked for a motion to schedule a Public Hearing for this project for the May 12, 2022 Planning Board meeting. The motion was made by Mr. Carey and seconded by Mr. Lowes. 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>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Absent</u>

The motion carried.

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

Mr. Andrews' Comments (memo attached)

Mr. Andrews told the Planning Board that a sidewalk easement had been prepared which needed to be amended, and that was done. Mr. Wilhelm and Mr. Battistoni have seen it and have no problems with the amended easement. When the Planning Board is comfortable with the language of the easement Mr. Battistoni will send the amended easement to the applicants' attorney. Mr. Andrews asked the Planning Board if anyone had any comments regarding the easement. Mr. Lowes asked who had prepared the easement and Mr. Andrews said he thought that Insite had prepared it. The Planning Board authorized Mr. Andrews to contact Mr. Battistoni and ask him to move forward with this project.

- **Flintlock Storage, 1030 Route 52, Kent, NY; TM: 12.18-1-14**

Ms. Jamie LoGuidice, of Insite Engineering, represented the applicant, Mr. Vasi, at the meeting. This proposal is for the construction of four self-storage buildings and one office building on a 1.67-acre parcel in a commercial zone on Route 52. There is an existing well that the applicant will be using. There will also be an access drive, a septic holding tank, outside lighting, stormwater management and landscaping on the property. Ms. LoGuidice noted that there are existing Town of Kent wetlands located along the northern property line and a DEP watercourse, which runs through the wetlands. The four storage buildings will be approximately 8,200 square feet in size. Stormwater management areas shown on the drawings are in the wetland buffer zone and additional details will be provided addressing that. Gravel will be used on the property.

Mr. Barber's Comments (memo attached)

Mr. Barber confirmed that this project consists of four two-story self-storage buildings (8,200 square feet) and one two-story office/maintenance building (760 square feet), a sewage holding tank, an existing well, stormwater management systems, retention systems, lighting and landscaping. The property is approximately 1 2/3 acres on the east side of Route 52 in a commercial zone. There are a variety of soils on the site and there are hydric-wetland soils. Based on the soils shown on the map, it looks like the entire site are wetlands and/or wetland buffers. Soil maps are only planning tools and the applicant needs to do is hire a soil scientist to determine if what is shown on the map is accurate. If the scientist determines that the map submitted is accurate, the applicant will need to submit plans as to how the project will move forward.

Mr. Andrews' Comments (memo attached)

Mr. Andrews he was pleased to hear that Ms. LoGuidice decided not to use millings adjacent to the wetlands on the site and that Board of Health had given approval to install a holding tank on the property. Although the project is on Route 52, the access is on an existing 50' right-of-way that runs along the property line and Mr. Andrews requested additional details regarding the right-of-way. Mr. Andrews said that he would recommend that a uniform drive should be paved and there are discrepancies on the survey, which needs to be clarified.

Ms. Axelson's Comments (memo attached)

Ms. Axelson said she had done a review of this project, but because of the issues of the wetlands and the road, she limited her review to use and the bulk design standards in the zoning district. Ms. Axelson was glad to see buildings near the front of the site with access and parking behind the buildings. Ms. Axelson had questions about the right-of-way and why there are medians in the right-of-way and what is allowed there. The right-of-way should also serve the other two lots. A "Special Use Permit" is required, so an amended application needs to be submitted. A floor plan layout would be helpful. Ms. Axelson said that in the commercial district an apartment on the second floor for business use is permitted. There was a notation that some larger storage units are for automobile storage and Ms. Axelson required more details as to how that would be handled. Ms. Axelson also requested details about the hours/days of operation. Ms. Axelson said peaked roofs on the buildings would be nice. More landscaping in the front of the storage buildings, in the front of the office building, screening in the parking area and retaining vegetation where the stormwater management system is. Another concern was whether or not it was necessary to have access all the way around the buildings. Mr. Lowes asked if there were any records about what was on the property previously because of some drainage installed. Ms. LoGuidice said she thought that the NYSDOT installed them to divert drainage from Route 52. Ms. Doherty said an ice-cream stand had been conducting business on the property. Ms. LoGuidice said that there is a proposal to mitigate some of the brush with additional wetland-scaping, which will be shown on the next submission. Additional information about the building design will also be provided. Mr. Barber said a site visit would be scheduled for the consultants to visit the site. Mr. Walters said that the Fire Department wants access around the buildings to answer Ms. Axelson's question about access.

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

Mr. Jack Karell represented the applicant who wants to have a single-family residence constructed in a 40-acre parcel, lot number two in a two-lot subdivision. Lot number one is owned by NYCDEP. There is Board of Health approval for a well and septic system. Mr. Shilling, the applicant's Attorney, is working with the NYSDEC and NYCDEP regarding language for an easement for access. An alternative driveway is proposed to replace the existing driveway.

Mr. Andrews' Comments (memo attached)

Mr. Andrews said that Mr. Karell had submitted some responses to comments between the workshop and the meeting and that he had reviewed them and that most of the items had been resolved. The issue with the driveway and the easement needs to be clarified. Some technical issues need to be resolved. Most open items are minor and the application is ready for a Public Hearing on May 12, 2022, if the Planning Board agreed, although Mr. Karell requested a waiver.

Mr. Barber's Comments (memo attached)

Mr. Barber advised the Planning Board that a tree waiver had also been requested. Mr. Barber said there were very few trees to be cut and he had no objection to granting the tree waiver. Mr. Barber agreed with Mr. Andrews that it would be appropriate to schedule a Public Hearing for this project on May 12, 2022 if the Planning Board felt it was appropriate.

Mr. Tolmach asked for a motion to schedule a Public Hearing for this project at the May 12, 2022 meeting. The motion was made by Mr. German and seconded by Mr. Carey. 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>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Absent</u>

The motion carried.

- **Kent Manor, Nichols Road, Kent, NY; TM: 33.-1-79**

Ms. Axelson's Comments

Ms. Axelson said that Mr. Battistoni, the Planning Board Attorney, had prepared a Resolution, which Ms. Axelson said must be signed and authorized, which she read to the Planning Board. The Planning Board Chairman was also required by law to sign a Sub-Division Plat and Site Plan, which he had concerns about because the applicant was going to build this project according to standards from many years ago and not today's standards. Ms. Axelson said that none of the consultants had reviewed the material submitted. Ms. Axelson said the plan reduced the number of units from 303 to no more than 160 dwelling units and reduced the number of bedrooms to not more than 400 bedrooms. The document was executed April 8, 2019 confirming and acknowledging the Town and Planning Board's agreement about the modified project being consistent with the original project. . The modified project requires no further discretionary approvals from the Town or Planning Board. The Planning Board Chairman is expected to sign the amended sub-division plat and Site Plan or filing with the County, the Building Inspector is expected to issue building permits for the amended project upon submission of full building permit applications. The Resolution authorizes the Planning Board Chairman to sign the Sub-Division Plat and Site Plan. Mr. Tolmach explained that because this matter was litigated and that by law he must do as instructed.

Mr. Andrews advised the Planning Board that he had contacted Mr. Battistoni regarding a request from the applicant for a 5-acre waiver under the SPDES Stormwater Permit. Mr. Andrews said that only the Planning Board may grant that waiver and that it is a discretionary approval. Mr. Andrews said he and Mr. Barber could not make a decision regarding this at this time and no action should be taken at the meeting.

Ms. Beshar asked Ms. Axelson if she had any information regarding traffic on Nichols Street because she lives on Nichols Road and has concerns. Mr. Lowes asked what the purpose of the 5-acre waiver was. Mr. Andrews said that if more than 5 acres are disturbed, under the SPDES permit, you must get authorization and there are procedures that must be in place and inspections are done frequently.

Ms. Axelson said Mr. Barber had suggested that Mr. Battistoni be contacted via telephone to have a conference call with the Planning Board later in the evening. Ms. Axelson said she had texted Mr. Battistoni had responded and agreed to call later in the meeting when he was available.

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Mr. Battistoni's Comments via telephone

Mr. Battistoni, of Van DeWater and Van DeWater, advised the Planning Board that he had a meeting in the Supervisor's office at Kent Town Hall on Wednesday, April 13, 2022 with Ms. Tagliaferro, of Hogan and Rossi who is the Town Board Attorney, another attorney from Van DeWater and Van DeWater and the Planning Board Chairman. There was a lawsuit between the developer of this project and the Town of Kent many years ago and the Town lost the lawsuit. The Town appealed the decision with the Appellate court and again lost. The Court decreed that the Town had to grant the approvals to the developer and had to issue building permits for the project and could not even charge fees for the building permits. The town also had to pay the developer \$1.5 million. \$1.25 million came from the Town's insurance company and the Town paid \$250,000 to the developer. The developer came back to the Town later and advised them that with the economy they never started the project and had a new proposal, which was a much less intense development. They also said that it fell within the parameters of the court decision and they were entitled to proceed and to have everything approved as previously ordered. In 2019 the developer again approached the Town and the Town signed a Stipulation agreed that the project did fall within the parameter of the court order and they agreed to sign it. One of the conditions in the Stipulation was that the Planning Board Chairman would sign the Sub-Division Plat and Site Plan. Recently the developer submitted the Sub-Division Plat and Site Plan for signature. Mr. Battistoni said that, in his opinion, he felt that the developer was entitled to have the plans approved because of the court order and Stipulation prepared in 2019. Mr. There was a note on the drawings that a Resolution also needed to be signed, which is why Mr. Battistoni prepared the Resolution. Mr. Andrews discussed the 5-acre waiver with Mr. Battistoni and asked him what his opinion would be regarding it. He had concerns that if the drawings were signed it could have a negative effect on the waiver. Mr. Battistoni said that the Planning Board had to sign the drawings by law. Mr. Battustoni suggested that the Planning Board prepare a letter to accompany the signed Sub-Division Plat and Site Plan, but the Planning Board needed to meet with them to discuss the 5-acre waiver. Mr. Andrews agreed to do that. Mr. Walters asked if it was true that he could not collect any fees and Mr. Battistoni said it was clearly stated in the court order

Mr. Tolmach asked for a motion to adopt the Resolution authorizing him to sign the Sub-Division Plat and Site Plan for the Kent Manor project. The motion was made by Ms. Cruz and seconded by Mr. German. Following were the roll call votes.

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

The motion carried.

Mr. Carey wanted it put on the record that the Planning Board was obligated due to a court order to adopt the Resolution and that he was doing so, but under protest. Mr. Lowes said he felt like he was blind-sighted, which was why he abstained.

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Mr. Lowes advised the Planning Board Secretary that a transmittal letter to the developer should be delivered to the developer that, when the approved Sub-Division Plat and Site Plan are filed with Putnam County Clerk's office, the Planning Board/Town of Kent needs copies of the filed maps bearing the County Clerk filing data for the project file.

Ms. Doherty asked if anyone, other than the people at the meeting held on Wednesday, had seen the Sub-Division Plat and Site Plan. Ms. Doherty also said there was a discrepancy in the number of units, which needed to be addressed and that although there would be less units there would be more bedrooms in the new plans. The issue about the roadway was never settled, according to Ms. Doherty.

- **CAREERS Support Solutions, 208 Route 52, Kent, NY; TM: 44.9-2-23**

Ms. Axelson's Comments (memo attached)

Ms. Axelson informed the Planning Board that she had reviewed the material submitted and that the sign was the same size as others on the site and recommended approving the sign. Ms. Axelson also looked at what was existing on the site and what is allowed per zoning. The free-standing 11.5 square foot sign is well below the allowed signage allowed and the existing internally lit wall size is also well within the allowed signage. She recommended that the Planning Board approve the 11.5 square foot freestanding sign in an existing frame and the 18.7 square foot illuminated sign on top of the existing internally lit sign on the building.

Mr. Tolmach asked for a motion to approve the signs submitted by the applicant. The motion was made by Ms. Beshar 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>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Absent</u>

The motion carried.

- **Heritage Auto School, 480 Route 52, Kent, NY; TM: 33.56-1-14**

Mr. Rieper said that the plans for this project was amended and a small structure would be put on the site. A 10' x 30' paved area would also be constructed along Dunwoody Road in order to get the trucks in and out of the property. The trucks would be hidden from the residences on Chauncey Road. Only one vehicle will be maneuvering at a time. The drivers would have to practice parallel parking, and backing up on the property. A soil test would be done, as recommended by Mr. Barber. A hand-out was distributed at the meeting explaining maneuvering techniques.

Ms. Axelson's Comments

Ms. Axelson said the new material discussed at the meeting would be reviewed for the May meeting.

Ms. Andrews' Comments

Mr. Andrews agreed with Ms. Axelson and said that the new material would be reviewed at the May meeting and that, as Ms. Axelson stated, it didn't make sense to review the material until the wetland issue was resolved. There were also other issues of concern. Ms. Beshar asked if there was a preference regarding surface. Mr. Andrews said that his preference would be asphalt. The question about this project being an accepted use was addressed when the applicant decided to take Mr. Walters' advice and put a structure on the property rather than gravel.

Mr. Lowes asked the applicants if they were working on grading and drainage plans. The applicant responded that the site is flat and item 14 will be used. There are five catch basins on the property, which will help with the drainage. Mr. Lowes said that additional measures would need to be taken regarding the drainage due to the heavy trucks maneuvering on the property and compacting the surface. Mr. Barber said that parts of Route 52 are considered a designated Main-street area with respect to the NYCDEP and if paving is to be done stormwater attenuation must be addressed by post-construction stormwater practices. Mr. Lowes asked if the Kent Highway Superintendent had been consulted regarding the trucks possibly making a right-hand turn onto Dunwoody Road with the long vehicles and the damage to be done to the road. The applicant said he would contact the Highway Superintendent. The applicants said the trucks would be empty and not as heavy as fully loaded trucks. Mr. Lowes said that notes should be placed on the plans describing the material on Dunwoody Road is and the weight rating. This matter was held over until the May meeting.

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

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

Ms. Axelson sent an email to the applicants requesting a response to a memo sent on March 20, 2022, but she had not heard from them.

- | | | |
|--|-----------|---------------|
| • Old 17 LLC
Old Horsepound Road, Kent, NY
TM: 12.-1-38 & 42 | Site Plan | Status Report |
|--|-----------|---------------|

Ms. Axelson needs to do a sign-off letter, however the bond was submitted and the plans were already signed.

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- Holly Property
Winkler's Farm Ct Property, Kent, NY
TM: 33.16-1-8

A submittal was delivered to the Planning Board office, but it was too late to be placed on the agenda for the April meeting. The material will be reviewed at the May meeting.

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

A new submittal is needed in response to comments from the Planning Board consultants.

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

A new submittal is pending.

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

Board of Health approvals have been resolved. Mr. Marinelli was to have submitted new material for the April meeting but it had not been delivered. The house is almost finished and Mr. Marinelli needs to submit new material comparing the old plans with the new plans for an Amended Site Plan. Mr. Andrews expected Mr. Marinelli to attend the April meeting

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

A new submittal is pending.

- Raneri Property
Hillside Paper Rd., Kent,, NY
TM: 44.24-1-3

A new submittal and escrow is required for this project.

- Town of Kent Mining Law
- Status Report

The Town Board returned this document; however, the consultants have not had a chance to review it, but will do so and would get back to the Planning Board with their responses. The Town Board has not authorized the consultants to review the document.

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• **Approve Planning Board Minutes from March 10, 2022 Meeting**

Mr. Tolmach asked for a motion to approve the Planning Board minutes from the March 10, 2022 meeting. The motion was made by Mr. Lowes 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>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Absent</u>


The motion carried.

Mr. Tolmach asked for a motion to close the meeting at 9:30 PM. The motion was made by Mr. Carey 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>Aye</u>
Giancarlo Gattucci	<u>Absent</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Absent</u>

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

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APRIL 2022
KENT PLANNING BOARD MEETING AGENDA

Workshop: April 07, 2022 (Thursday, 7:30 PM)

Meeting: April 14, 2022 (Thursday, 7:30 PM)

The Kent Planning Board workshop is scheduled for Thursday, April 7, 2022 at 7:30 P.M. to be held at the Kent Town Hall. The Town of Kent Planning Board will be holding its regularly scheduled monthly meeting on Thursday, April 14, 2022 at 7:30 P.M. at the Kent Town Hall

- Approve Planning Board Minutes from March 10, 2022.
- Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48
Time Extension
Review
- NYCDEP Church Hill Rd.
Forest Management Project
Church Hill Rd., Kent, NY
TM: 12.-1-6 & 12.-1-29.2
Erosion Control Permit
Review
- Kent Self Storage
Route 311, Kent, NY
TM: 22.-2-17
Site Plan
Review
- Flintlock Storage
1030 Route 52, Kent, NY
TM; 12.18-1-14
Erosion Control/
Wetland Permit/Site Plan
Review
- White _Vernon Property
Horsepound Rd., Kent, NY
TM: 33.-1-58.2
Erosion Control
Review
- CAREERS Support Solutions
208 Route 52, Kent, NY
TM: 44.9-2-23
Sign Approval
Review
- Heritage Auto School
480 Route 52, Kent, NY
TM: 33.56-1-14
Site Plan
Review
- Kent Manor
Nichols Rd., Kent, NY
TM: 33.-1-79
Site Plan
Review

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

- | | | |
|--|----------------------|---------------|
| • Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
| • Old 17 LLC
Old Horsepound Road, Kent, NY
TM: 12.-1-38 & 42 | Site Plan | Status Report |
| • Holly Property
Winkler's Farm Ct Property, Kent, NY
TM: 33.16-1-8 | Erosion Control Plan | 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 | Amended Site Plan | Status Report |
| • Clearpool Maintenance Bldg.
33 Clearpool Rd., Kent, NY
TM: 32.-1-9.1 | Erosion Control Plan | Status Report |
| • Raneri Property
Hillside Paper Rd., Kent,, NY
TM: 44.24-1-3 | Erosion Control Plan | Status Report |
| • Town of Kent Mining Law | | Status Report |



March 17, 2022

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

RE: Patterson Crossing Retail Center
NYS Route 311
Tax Map No. 22-2-48

Dear Chairman Tolmach and Members of the Board:

The applicant had best intentions to try to break ground on the project this year when the Planning Board granted the previous extension in November of 2020. Unfortunately, current events continue to hamper commercial development. The banks and financial institutions are not willing to fund large construction projects until there is a clear path ahead regarding the economy.

The applicant has indicated his willingness to move forward once the financial / retail worlds are back to some level of normalcy. Based on the applicant's tremendous investment, it is critical to maintain all of the project's approvals. Therefore, we are requesting a one-year extension/reapproval from the Board due to the continuing obstacles.

We look forward to meeting with the Board at their April meeting for consideration of our request. Please let us know if any fees are involved, and the applicant will bring checks to the Planning office.

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

Very truly yours,

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

By:


Jeffrey J. Contelmo, P.E.
Senior Principal Engineer

JJC/jll

Enclosures

cc: Paul Camarda, CRI

Insite File No. 01124.100

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

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APR 15 2021

Planning Department
Town of Kent

April 15, 2021



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

RE: Patterson Crossing Retail Center
NYS Route 311
Tax Map No. 22-2-46

Dear Chairman Tolmach and Members of the Board:

The applicant had best intentions to try to break ground on the project this year when the Planning Board granted the previous extension in November of 2020. Unfortunately, COVID-19 is still very tenuous with alarming spikes and continued uncertainty. The devastating effects of COVID could be felt until this time next year. The banks and financial institutions are not willing to fund large construction projects until there is a clear path ahead regarding the virus and the fragile economy.

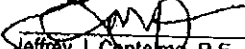
The applicant has indicated his willingness to move forward once the virus is fully under control and the financial / retail worlds are back to some level of normalcy. Based on the applicant's tremendous investment, it is critical to maintain all of the project's approvals. Therefore, we are requesting a one-year extension/reapproval from the Board due to the continuing devastating widespread effects of COVID-19.

We look forward to meeting with the Board at their May meeting for consideration of our request. Please let us know if any fees are involved, and the applicant will bring checks to the Planning office.

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

Very truly yours,

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

By: 
Jeffrey J. Contino, P.E.
Senior Principal Engineer

JJC/jll

Enclosures

cc: Paul Camarda, CRI

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Town of Kent Planning Board
Resolution of Re-Approval of An Amended Site Plan
Amended Steep Slope and Erosion Control Permit
and Amended Freshwater Wetland Permit
DRAFT RESOLUTON OF EXTENSION OF APPROVAL –
MAY 13, 2021

Matter of Patterson Crossing Retail Development
Town of Kent / Town of Patterson

Whereas, the Town of Kent Planning Board had received an application from Patterson Crossing Realty, LLC, 1699 Route 6, Suite 1, Patterson, New York 10512 for re-approval of an Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit approvals that were approved on January 12, 2017 to allow the development of a 382,560 square-foot retail center for a project known as Patterson Crossing Retail Development ("Project"); and

Whereas, the Planning Board originally granted Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit approvals for the Project on September 9, 2010; and

Whereas, due to the complexity of the project and the number of other agency approvals that were necessary for work to commence, including poor economic conditions that have prevailed since 2008, the Planning Board re-approved all of the project permits and approvals on May 10, 2012, May 9, 2013, and October 9, 2014, along with several time extensions, including a re-approval granted on March 10, 2016 that extended all of the approvals forward to March 10, 2017, and re-approval of amended plans and permits for the Project that were granted on January 12, 2017 forward to July 8, 2018; and

Whereas, on November 9, 2017, pursuant to §77-60 and §77-61 of the Town Code, the Planning Board granted re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development, forward from July 9, 2018 including, pursuant to §77-61(C) of the Town Code, two additional 90-day extensions to the re-approvals so that all approvals granted on that date would expire on January 5, 2020; and

Whereas, the adopted November 9, 2017 re-approval resolution also included the following decisions:

1. Pursuant to §66-6 of the Town Code, the Planning Board waived the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by the Planning Board's Professional Engineer, and granted re-approval of the Steep Slope and Erosion Control Permit for the project as described herein;

2. Pursuant to §39A-7(D)(1) of the Town Code, the Planning Board granted re-approval of the Freshwater Wetland Permit for the regulated herein; and
3. The Amended Site Plan, Steep Slope and Erosion Control Permit and Freshwater Wetland Permit re-approvals granted were expressly conditioned completion of, and compliance with, 19 conditions as set forth in the adopted resolution as attached hereto;

Whereas, the Town of Kent Planning Board had received a letter from Jeffrey Contelmo, PE, Insite Engineering, dated December 19, 2019 and application fees on behalf of Patterson Realty Company,, LLC, 1699 Route 6, Suite 1, Carmel, New York 10512 for extension of an Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit approvals that were re-approved on November 9, 2017, which were to expire on January 5, 2020 to allow the Project to move forward; and

Whereas, the Applicant and his Representatives have provided information to address the 19 conditions of approval, which materials are on file at the Planning Board office and engaged in off-line consultation with the Planning Board's Consulting Engineer, Environmental Engineer and Planner since the November 8, 2017 approval, in the end of 2018 and throughout 2019;

Whereas, the Board is required to consider whether re-approval of the previously granted permits and approvals raise new or previously unanticipated planning impacts or concerns and whether such impacts or concerns necessitate reconsideration of the Board's prior SEQRA Determination; and

Whereas, the Board's consideration of potentially significant environmental issues also takes into account any changes to the project size or to the neighborhood surrounding the project site such that the Board might otherwise be compelled to re-consider the Findings Statement that was adopted on September 9, 2010; and

Whereas, after such re-consideration the Board finds that there has been no substantive or material change to the proposed project design from the plans that were originally approved on September 9, 2010, as amended, and approved on January 12, 2017, and re-approved on November 9, 2017 that raise new or previously unanticipated environmental concerns that might warrant re-opening the Board's previous environmental review; and

Whereas, the Board has examined the project site and the character of the neighborhood adjacent to the project site and finds that, with the exception of storm water improvements installed by the New York State Department of Transportation along the adjacent state highway, and the work performed on the site by the East of Hudson Corporation to remediate a large gulley near Brentwood Road and Greenridge Court which had been a significant source of erosion and degradation of surface water quality including landscaping and a new gate at the entrance at Brentwood Road and Greenridge Court used by East of Hudson Corporation to access the gulley work site, there have been no material change to the project site or to the neighborhood that might warrant a full site plan review; and

Whereas, because the Project has not materially changed from the one approved on January 12, 2017 when the Planning Board considered re-approval in November 2017, the Planning Board waived a public hearing on the application for re-approval of the Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit applications; and

Whereas, the Board had previously referred the applications to the Putnam County Department of Planning for review and recommendation pursuant to GML 239-m, and said Department has previously recommended approval of the project without change; and

Whereas, the Planning Board has reviewed the application for re-approval of the Amended Site Plan approval and has determined that the requirements of §77-60 and §77-61 of the Town Zoning Law have been met; and

Whereas, pursuant to §77-61(B) and §66-6 of the Town Code the Planning Board finds that the proposed Amended Site Plan meets the requirements of the Zoning Law, specifically:

1. The layout of the proposed driveway access and storm water management facilities of the Project in Kent would have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods. As noted in the adopted Findings Statement, the Board's review of the project plans indicates that proper provisions have been made for the capture and treatment of storm water runoff so that flooding of adjacent properties would be avoided. In addition, the project plans include landscaping of the access driveway and in certain areas of the storm water management facilities to reduce the visual impact of the improvements to adjacent and nearby properties.

2. The proposed access driveway and storm water management facilities would have no material adverse effect upon the desirability of such neighborhoods for the uses contemplated by this Chapter. As noted in the adopted Findings Statement, the Project must, as a condition of those findings and of this resolution of approval, comply with Chapter 66 of the Town Code in regard to the construction, operation and maintenance of storm water management facilities, including the posting of securities sufficient to ensure the completion of any required improvements, and the providing of such agreements, remedies and security as the Town shall require for the continued maintenance and repair of such facilities. In addition, any required blasting would be subject to the permit requirements of Chapter 38 of the Town Code, and construction activities shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM as set forth in Chapter 48 of the Town Code.
3. The proposed access driveway and storm water management facilities would be properly related to the uses, goals and policies for land development as expressed in the Town Comprehensive Plan.
4. Pedestrian and vehicular access, traffic circulation and the general layout of the site would be properly planned with regard to the safety of vehicles and pedestrians using the site, as well as those on neighboring properties and streets.
5. The improvements proposed for the Kent portion of the project are properly oriented so as to take advantage of solar access with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.
6. The location of the access driveway and storm water management facilities reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and shall, to the maximum extent practical, preserve and enlarge upon these assets for recreation, scenic or conservation purposes.
7. The proposed use and improvements conform to the requirements of the Chapter 77 of the Town of Kent Code.

Whereas, pursuant to §39A-7(D)(1) of the Town Code the Planning Board has reviewed the application for re-approval of the Freshwater Wetland Permit and has determined that the requirements of Chapter §39A, "Freshwater Wetlands" of the Town Code have been met as noted in the Findings Statement adopted by the Involved Agency:

"Under Chapter 39A of the Town Code the Town of Kent regulates certain discharges and other activities into wetlands, water bodies, and water courses and their "controlled areas". For purposes of wetlands the "controlled area" extends 100 feet outward from the edge of the wetland boundary, and for water bodies and water courses the "controlled area" extends 100 feet outward from the bank of the watercourse an elevation of less than three feet above the normal waterline, whichever is greater. Chapter 39A prohibits the draining, dredging, excavation, and removal of material, the depositing or storing of any material, and the erection of buildings, roads and structures within regulated wetlands, water bodies, and water courses, and their controlled areas without a permit."

"As previously noted, the applicant proposes to undertake the repair and replacement of an aged and deteriorated section of 30 inch pipe along the south side of NYS Route 311 that is corroded through and is causing sink holes above the pipe and erosion under the pipe, resulting in the deposition of sediment and material (including phosphorus) into the Middle Branch that eventually finds its way to Lake Carmel. This work would also include the placement of certain road improvements within the Route 311 right of way that extends into the "controlled area" of the Middle Branch, which is a regulated water body under Chapter 39A of the Town Code. This work will therefore require a permit from the Planning Board and may also require permits or approvals from the NYCDEP and/or the USACOE. The amount of land area within the controlled area that would be disturbed is ± 2850 square feet, or ± 0.065 acres." The proposed storm water retrofits and improvements would serve as mitigation for disturbance to the Town's jurisdictional watercourse controlled area.

"The work proposed would result in the elimination of a condition under which the corroded pipe is allowing erosion and sediment to enter the Middle Branch and Lake Carmel. This work would therefore correct a latent and adverse environmental condition, meaning that the work to be performed under the Chapter 39A permit from the Town would be a repair of a condition not caused by or otherwise contributed to by the Project. The work is therefore not a mitigation measure as such, but is a repair that the applicant has agreed to perform as part of the installation of the storm water management facilities for the Project. In return the Town would realize an important benefit in the water quality of the Middle Branch and Lake Carmel."

Whereas, pursuant to §39A-8(C) of the Town Code the Planning Board hereby finds that the application for re-approval of the Amended Site Plan meets the requirements for issuance of a Freshwater Wetland Permit, specifically:

1. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the policy of this chapter.
2. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
3. The proposed disturbance to the controlled area of the Middle Branch surface waters is compatible with the public health and welfare.
4. There is no practicable alternative to the loss of the controlled area function.
5. The proposed disturbance would minimize the degradation to the Towns surface water bodies and adverse impacts on the functions and benefits that the surface waters provide.
6. The proposed disturbance would be in compliance with the standards set forth in the New York State Freshwater Wetland Regulations, 6 NYCRR 665.7(e) and (g).

Whereas, pursuant to condition number 19 of the November 9, 2017 Planning Board approval, at the regular meeting on March 14, 2019 the Planning Board reviewed and approved the International Blasting Pamphlet, which is attached to a Resolution of Re-Approval adopted on January 9, 2020; and

Whereas, on January 9, 2020, pursuant to §77-60 and §77-61 of the Town Code the Planning Board granted re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described in that resolution and pursuant to §77-61(C) of the Town Code, the "site plan approval shall be void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval. Prior to its expiration, the site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods."; and all approvals granted January 9, 2020 would accordingly expire unless construction was started no later than January 8, 2021 and completed no later than January 8, 2022; and

Whereas, on January 9, 2020, the Planning Board granted Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit re-approvals as set forth in the adopted resolution; and

Whereas, a letter from the Applicant's Engineer, Jeffrey Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated October 15, 2020, was submitted on behalf of the Applicant, Paul Camarda, CRI, requesting extension of the January 9, 2020 Re-Approvals; and

Whereas, pursuant to §77-60 and §77-61 of the Town Code, on November 12, 2020, the Planning Board granted two 90-day extensions of the January 9, 2020 re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein and pursuant to §77-61(C) of the Town Code, the "site plan approval shall be void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval. Prior to its expiration, the site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods."; noting that for the expiration date of January 8, 2021, the subsequent 180-day period would end Wednesday, July 7, 2021; the next regular Planning Board meeting date of July 8, 2021, 1 day later; and the extensions granted herein shall accordingly expire unless construction is started no later than July 8, 2021 and completed no later than July 8, 2022; and

Whereas, a letter from the Applicant's Engineer, Jeffrey Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated April 15, 2021, was submitted on behalf of the Applicant, Paul Camarda, CRI, requesting reapproval of the Amended Site Plan Approval that was extended on November 12, 2020 citing the continuing effect of uncertainties related to COVID-19 on financial investments and funding for large construction projects; and

Whereas, the request was submitted well in advance of the expiration of the prior extensions on July 8, 2021; and the Planning Board is mindful of the considerable investment made by the applicant, the corresponding time and energy spent by the Town in its review of the project, and the need to maintain the project's approvals, so the Planning Board is considering the reapproval in advance of the pending expiration of prior extensions;

Now Therefore Be It Resolved, the Planning Board hereby affirms its September 9, 2010 Findings Statement for the Patterson Crossing Retail Development in its entirety; and

Be it Further Resolved, because the project has not materially changed from the one approved on January 12, 2017 and re-approved on November 9, 2017 and January 9, 2020, extended on November 12, 2020, the Planning Board hereby waives a Public Hearing on the application for re-approval of the Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit applications; and

Be it Further Resolved, that the Planning Board hereby reaffirms the assertions of the November 9, 2017 re-approval that the application meets the requirements of Chapter 39A, "Freshwater Wetlands"; Chapter 66 "Steep Slope Protection and Stormwater Management" and Chapter 77 "Zoning";

Be It Further Resolved, the Planning Board hereby grants re-approval with conditions of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein and pursuant to the Code of the Town of Kent Chapter 77 Zoning, Article XVII, Sections 77-60 and 77-61;

Be It Further Resolved, pursuant to §66-6 of the Town Code the Planning Board waives the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by the Planning Board's Professional Engineer, and grants re-approval with conditions of the Steep Slope and Erosion Control Permit for the project as described herein; and

Be It Further Resolved, pursuant to §39A-7(D)(1) of the Town Code the Planning Board re-approval with conditions of the Freshwater Wetland Permit for the regulated activities as described herein; and

Be It Further Resolved, that the Planning Board grants the above-described Amended Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit re-approvals with conditions, effective and running forward from July 8, 2021, so that any future expiration would occur one year from July 8, 2021, noting the previous two 90-day extensions granted on November 12, 2020;

Be It Further Resolved, that pursuant to §77-60 and §77-61 of the Town Code, the "site plan approval shall be void if construction is not started within one year of the date of Planning Board approval and completed within two years of the date of such approval. Prior to its expiration, the site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods."; and accordingly, the reapprovals with conditions granted herein shall expire unless construction is started no later than July 8, 2022 and completed no later than July 8, 2023; and

Be It Further Resolved, the Amended Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit re-approvals granted herein are expressly conditioned completion of, and compliance with, the following:

- 1) *The Project shall be developed in accordance with the plans and specifications that have been reviewed by the Planning Board, specifically:*
 - a) *Site plan map set prepared by Insite Engineering, Surveying & Landscape Architecture, P.C, consisting of the following drawings:*
 - i) *VM-1K, Vicinity Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - ii) *EX-1K, Existing Conditions Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*

- iii) SS-1K, Soils & Slopes Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- iv) SP-1K, Overall Site Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- v) SP-2K, Layout & Landscape Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- vi) SP-3K, Grading & Utilities Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- vii) SP-4.1K, Overall Phasing Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- viii) SP-4.2K, Sediment & Erosion Control Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- ix) SP-4.3K, Sediment & Erosion Control Plan, dated January 21, 2016, revised February 18, 2016 and bearing a latest revision date of December 15, 2016.*
- x) SP-5K, Kent Watercourse Controlled Area Improvement Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xi) PR-1K, Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xii) PR-2K, Drainage Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xiii) L-1K, Lighting Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xiv) DA-1K, Site Drainage Areas Contributing to the Middle Branch of the Croton River, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xv) D-1K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xvi) D-2K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xvii) D-3K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*

xviii) D-4K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.

Prior to obtaining the Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:

- a) The site plan set shall be amended to include the location and a design detail for the security gate to be installed at the Brentwood Road and Greenridge Court entrance as previously described herein. This gate has been installed. This condition has been addressed.
- b) Planning Board Professional Engineer and Wetland Consultant approval of the Storm Water Pollution Prevention Plan and Steep Slope Permit (Chapter 66 of the Town Code). This condition has been addressed.
- c) Planning Board Professional Engineer, Attorney, and Wetland Consultant approval of any agreements required under Chapter 66 of the Town Code to ensure the performance of the Project obligations regarding that Chapter, and any Storm Water Pollution Prevention Plan and Steep Slope Permit issued thereunder. This condition is nearly addressed, yet proof of collateral must be provided, in a form acceptable to the Town Attorney, before the plans are signed.
- d) Town Board approval of the agreement(s), as set forth in §E(1) of the Involved Agency's Findings Statement, to address the establishment of tax liens by either host municipality upon the portion of the project in its jurisdiction to remedy default by the Project in future maintenance of storm water facilities situated in either of the two municipalities, and acceptance and execution of said agreement(s) by the Town Board of the Town of Kent, the Town Board of the Town of Patterson, and the applicant/owner, unless the Town Board elects to pursue other or alternative forms of security. This condition is nearly addressed, yet proof of collateral must be provided, in a form acceptable to the Town Attorney, before the plans are signed.
- e) NYS Department of Transportation approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement. This condition has been addressed.
- f) Putnam County DPW approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement. This condition has been addressed.

- g) Town of Kent Highway Department approval for the specific traffic mitigation improvements within town highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement. This condition has been addressed.*
 - h) Any required approvals from the NYC Department of Environmental Protection. This condition has been addressed.*
 - i) Any required approvals from the Putnam County Department of Health. This condition has been addressed.*
 - j) Any required U.S. Army Corps of Engineers (ACOE) permit(s). This condition has been addressed.*
-
- 2) Implementation, maintenance, and/or completion, as may be the case, of any mitigation and conditions set forth in sections "C", "D", and "E" of the Involved Agency's Findings Statement adopted September 9, 2010 is an express condition of the Site Plan Approval, the Steep Slope and Erosion Control Permit Approval, and the Freshwater Wetland Permit Approval granted herein. This is an ongoing compliance requirement.*
 - 3) During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required mitigation as set forth in the Lead Agency's Findings Statement and the Involved Agency's Findings Statement. This is an ongoing compliance requirement.*
 - 4) During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required conditions of this approval and the Town of Patterson Planning Board's Site Plan Approval. This is an ongoing compliance requirement.*
 - 5) At all times the applicant shall maintain the site in accordance with the approved Site Plan and any on-going conditions of Site Plan Approval as set forth herein or as required by any other permitting or approving agency, including the MS4 approved SWPPP. This is an ongoing compliance requirement.*
 - 6) There shall be no vehicles parked and offered for sale on the site. This is an ongoing compliance requirement.*

- 7) *At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification sealed and signed by a New York State Licensed Professional Engineer to the Town Building Inspector and the Planning Board that all site work has been carried out and completed in compliance with the approved Site Plan for the project, and shall also provide to the Planning Board and the Town Building Inspector an "as built" survey of the completed improvements. This is an ongoing compliance requirement.*
- 8) *Payment to the Town of Kent the following fees:*
 - a) *Any unpaid or outstanding application fees. This condition has been addressed.*
 - b) *Any review fees accrued by the Planning Board and the Town Board during the review of the application. The status of review fees shall be provided by the Planning Board Secretary.*
 - c) *An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer, Wetland Consultant, and Planning Consultant. The applicant must deposit \$2,000 into an escrow account with the Town to be replenished when the account balance is reduced to \$500.*
- 9) *Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated September 9, 2010 and March 10, 2016. This condition has been addressed.*
- 10) *Address to the satisfaction of the Planning Board the comments of the Planning Board Wetland Consultant as set forth in a memorandum dated August 2010 and February 11, 2016. This condition has been addressed.*
- 11) *It is the responsibility of the owner/applicant to submit to the Planning Board proof that the conditions of this Site Plan 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 Planning Consultant verifying that the conditions of this approval have been completed. This is an ongoing compliance requirement.*
- 12) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans for the development and shall be maintained in a good and functional condition during the course of site work and construction. This is an ongoing compliance requirement.*

- 13) Except for "field changes" as may be approved by the Planning Board Professional Engineer or Wetland Consultant, the project shall be constructed in accordance with the project plans as set forth above. Any changes to the Site Plan and any changes to the Freshwater Wetland Permit shall be subject to the prior approval of the Planning Board before any such changes are implemented. This is an ongoing compliance requirement, except for "field changes" as per the Code of the Town of Kent, Chapter 66A, Subdivision of Land; and Chapter 77, Zoning definitions of "field change" and related procedures for approval of "field changes".
- 14) Pursuant to Chapter 38, Article II of the Town of Kent Code any blasting activity within the Town of Kent will require a permit from the Town Fire Inspector. In accordance with Section 38-13.3 of the Town Code blasting may be conducted when authorized by permit Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m., and shall be prohibited Saturdays, Sundays and legal holidays. For blasting operations in the Town of Patterson the Applicant shall adhere to the requirements set forth in the Lead Agency's Findings Statement subject to the review and approval of the Town of Patterson. This is an ongoing compliance requirement.
- 15) Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM. This is an ongoing compliance requirement.
- 16) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance and repair of the storm water management facilities located in the Town of Kent portion of the Project. These arrangements are subject to Attorney review and approval and require provision of bonds and execution by the Town Supervisor, and any necessary updates to any bonds. This is an ongoing compliance requirement.
- 17) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance, repair, and replacement of water and wastewater facilities situated within the Town of Kent portion of the Project. This condition has been addressed.

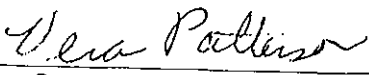
18) The applicant will prepare and submit for approval of the Planning Board a handout for nearby residents which addresses the process of blasting, scheduling, monitoring and all significant pre-blast and post-blast matters, and including a municipal contact name and telephone number in both the Town of Kent and Town of Patterson. The applicant will distribute the approved handout to all residents within a 1,000 foot radius of the point of blasting. An Informational Blasting Pamphlet was approved by simple resolution of the Planning Board on March 14, 2019. This is an ongoing compliance requirement.

Motion: Stephen Wilhelm

Second: Giancarlo Gattucci

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

I certify that the above resolution was adopted by the Town of Kent Planning Board on May 13, 2021 at a regular meeting of the Board.



Vera Patterson, Clerk
Town of Kent Planning Board

ATTACHMENTS:

Adopted Certified November 12, 2020 Planning Board Extension of Re-Approval

Adopted Certified January 9, 2020 Planning Board Re-Approval

Adopted, certified November 9, 2017 Planning Board Approval

Information Blasting Pamphlet approved by simple resolution of the Planning Board on March 14, 2019.