



Received March 30, 2022  
mo/date/year

APR - 5 2022

Planning Department  
Town of Kent

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 March of 2021. The Resolution of Extension of Approval, dated March 13, 2021 states that *"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"*. 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 two ninety-day extensions of the approval from the Board due to the continuing obstacles. This would extend the approval until January 4, 2023.


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. Contorno, 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](http://www.insite-eng.com)

Z:\E\01124100 PX\Correspondence\Admin\2022\033022kpb.docx

**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  
FINAL ADOPTED  
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  $\pm 2850$  square feet, or  $\pm 0.065$  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.

**Town of Kent Planning Board  
Resolution of Extension of Re-Approval of An Amended Site Plan  
Amended Steep Slope and Erosion Control Permit  
and Amended Freshwater Wetland Permit  
ADOPTED RESOLUTION OF EXTENSION OF APPROVAL –  
NOVEMBER 12, 2020**

---

**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;

**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, 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**, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants 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

**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 two 90-day extensions of the January 9, 2020 re-approval 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 grants two 90-day extensions of the January 9, 2020 re-approval of the Freshwater Wetland Permit for the regulated activities as described herein; 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:*

- b) 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.***
- c) 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.***
- d) 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.***
- e) 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.***
- f) 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.***
- g) 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.***

- h) 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.***
- i) Any required approvals from the NYC Department of Environmental Protection. **This condition has been addressed.***
- j) Any required approvals from the Putnam County Department of Health. **This condition has been addressed.***
- k) 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: Simon Carey

Phil Tolmach, Chairman

Aye

Dennis Lowes, Vice Chairman

Aye

Simon Carey

Aye

Giancarlo Gattucci

Aye

Nisim Sachakov

Absent

Charles Sisto

Absent

Stephen Wilhelm

Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board on **November 12, 2020** at a regular meeting of the Board.



Vera Patterson, Clerk  
Town of Kent Planning Board

#### ATTACHMENTS:

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.

**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  
FINAL ADOPTED RESOLUTON OF APPROVAL - JANUARY 9, 2020**

---

**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 recently 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 this Resolution.

**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 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**, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants 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.”; and all approvals granted herein shall accordingly expire unless construction is started no later than January 8, 2021 and completed no later than January 8, 2022; and

**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 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 grants re-approval of the Freshwater Wetland Permit for the regulated activities as described herein; 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.*

- 2) *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.*
- 3) *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.*
  - 4) *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.*
  - 5) *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.*
  - 6) *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.*
  - 7) *There shall be no vehicles parked and offered for sale on the site. This is an ongoing compliance requirement.*

- 8) *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.*
- 9) *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.*
- 10) *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.*
- 11) *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*
- 12) *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.*
- 13) *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.*



- 14) 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 pocedures for approval of "field changes".**
- 15) 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.**
- 16) 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.**
- 17) 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 f bonds and execution by the Town Supervisor. This is an ongoing compliance requirement.**
- 18) 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.**

19) *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: <u>Nisim Sachakov</u>	Second: <u>Dennis Lowes</u>
Phil Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Abstained</u>
Nisim Sachakov	<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 January 9, 2020 at a regular meeting of the Board.

Vera Patterson  
Vera Patterson, Clerk  
Town of Kent Planning Board

**ATTACHMENTS:**

Adopted, certified November 9, 2017 Planning Board Approval

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

RECEIVED  
KENT TOWN CLERK  
16 PM 12/02  
2017 NOV 15 AM 9:45

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

---

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

Whereas, the Town of Kent Planning Board has 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 are 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 approval of amended plans and permits for the Project that were granted on January 12, 2017 forward to July 8, 2018; and

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 determinations; and

Whereas, the Board's consideration of potentially significant environmental issues also takes into account any changes to the project site 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, 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 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

Whereas, the Board 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 Town's 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).

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, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein, 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 herein shall expire on January 5, 2020; and

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 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 grants re-approval of the Freshwater Wetland Permit for the regulated activities as described herein; 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.

- 2) Prior to the obtaining 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.
  - 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).
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.



- h) Any required approvals from the NYC Department of Environmental Protection.
- i) Any required approvals from the Putnam County Department of Health.
- j) Any required U.S. Army Corps of Engineers (ACOE) permit(s).
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) There shall be no vehicles parked and offered for sale on the site.
- 8) 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.
- 9) Payment to the Town of Kent the following fees:
  - a) Any unpaid or outstanding application fees.
  - b) Any review fees accrued by the Planning Board and the Town Board during the review of the application.
  - 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.

- 10) 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.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) 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 38-13.9 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.
- 16) 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.
- 17) 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.
- 18) 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.
- 19) 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.

Motion: Michael McDermott

Second: Dennis Lowes

Michael McDermott, Chairman

Aye

Dennis Lowes, Vice Chairman

Aye

Charles Sisto

Abstained

Phil Tolmach

Aye

Stephen Wilhelm

Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board on November 9, 2017 at a regular meeting of the Board.

Vera Patterson  
Vera Patterson, Clerk  
Town of Kent Planning Board

# **Informational Blasting Pamphlet**

Prepared For  
Patterson Crossing Retail Center  
NYS Route 311

## **Background Information - Town of Kent Blasting Regulations:**

Commercial explosives and blasting operations are regulated by a number of regulatory agencies on the local, state and federal level. The Fire Prevention section of the Town Code, specifically Article II Sections 38-10 thru 38-19 provide comprehensive information relative to all Town regulations that apply to the licensing, permitting, storage, sales, use and transportation of explosives typically used in blasting operations in the Town of Kent.

These sections of the Town Code are administered by the both Town Fire Inspector and the Building Department. Per the Town Code the applicant is responsible to fulfill all of the requirements of the permit application including proper noticing of all activities prior to procurement of the blasting permit for blasting in the Town of Kent.

For anyone interested in the details of the blasting permit approval procedures please review Section 38 of the Town Code (Specifically Section 38-10 thru 39-19). A link to Section 38 of the Town of Kent Town Code is as follows: <http://ecode360.com/12700547>

## **Useful Contact Information:**

Town of Kent Fire Inspector  
25 Sybil's Crossing  
Kent Lakes NY, 10512  
(845)-225-3900

Town of Kent Building Department  
25 Sybil's Crossing  
Kent Lakes NY, 10512  
(845)-225-3900

Camarda Realty Investments LLC  
1699 Route 6, Suite 1  
Carmel NY, 10512  
(845)-228-1400

## **A Few Key Questions Answered About Blasting:**

### **What precautions can be taken before blasting starts?**

If a blasting project is planned near your property, take a close look at your home or business. You may be surprised at how many cracks in walls, floors and ceilings already exist within your structure from a number of factors including seasonal changes in humidity, age, and normal wear and tear. Most property owners do not notice these imperfections until after blasting has commenced and may mistake them for blasting damage. The limits set forth in the Town Code set for noise and vibrations are conservative and are below the threshold of where any damage is typically known to occur.

If a preblast survey is offered, homeowners are encouraged to accept the offer. The survey is simply an inventory of the existing conditions of your property. It is an opportunity for homeowners to ask questions of the blasting company prior to the start of blasting operations. The blasting company should be willing and able to answer any and all questions pertaining to the blasting operations and address any addition concerns of the adjacent homeowners.

### **Will you hear or feel the blast?**

Homeowners may feel the blast depending on the proximity to the blast site. Humans are fairly sensitive to noise and sound. What you feel does not necessarily mean that damage is occurring. Let the Town and blasting company know if you have other concerns about the blasting procedure.

### **What if I feel that blasting damage has occurred?**

If you feel that damage may have occurred to your property, you contact the Town Fire Inspector and Building Department immediately report your concern. If requested by the Town, the blasting company will submit to the Fire Inspector the record of all blast(s) believed to have caused the damage. The Fire Inspector and Building Department will review those records for any violations of the Town Regulations. Additionally the blasting company or its insurance agency is required to respond to the claimant and to investigate the claim. Should personal injury occur from blasting operations, the Fire Inspector will follow the procedures specifically prescribed in the Section 38 of the Town Code.

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Permits, Region 3

21 South Platt Corners Road, New Paltz, NY 12561-1620

P: (845) 256-3054 | F: (845) 255-4659

[www.dec.ny.gov](http://www.dec.ny.gov)

### IMPORTANT NOTICE TO ALL PERMITTEES

The permit transfer you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit extension should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator electronically via email to [dep.r3@dec.ny.gov](mailto:dep.r3@dec.ny.gov). Submission of hard copies is optional.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If you have any questions on the extent of work authorized or your obligations under the permit, please feel free to contact me.

*Frank Benedetto*

Frank Benedetto  
Division of Environmental Permits,  
Region 3



Department of  
Environmental  
Conservation



Department of  
Environmental  
Conservation

Application For Permit Transfer  
and Application for Transfer of Pending Application

NOTE: Please read ALL instructions before completing  
this application. Please TYPE or PRINT clearly in ink.

PART 1 - TRANSFEREE (New Owner/Operator/Lessee/Applicant) Completes:

1. List Permit Number(s) And Their Effective And Expiration Dates:  
3-3722-00245/00001, Effective: 2/1/21, Expiration: 12/31/24

List Pending Application Number(s):

2. Name Of Transferee:

Old 17, LLC

Mailing Address:

1961 Route 6, Suite R-3

Post Office City, State, Zip Code:

Carmel, NY 10512

Telephone Number (Daytime):

(914) 906-3533

Email:

pcarino@contechconstruct.com

Transferee is a/an: (check all that apply)

☒ Owner

☐ Operator

☐ Lessee

☐ Applicant

If other than an individual, provide

Taxpayer ID Number:

86-1574638

3. Name Of Facility/Project:

N. Horsepound Road Lot

Location (or Street Address, P.O. City, State, Zip Code, if applicable):

N. Horsepound Road

Town / Village / City:

Kent

County:

Putnam

4. Facility Contact Name:

Pasquale Carino

Mailing Address:

1961 Route 6, Suite R-3

Post Office City, State, Zip Code:

Carmel, NY 10512

Telephone Number (Daytime):

(914) 906-3533

Email:

pcarino@contechconstruct.com

5. Has Work Begun On The Project?

Yes ☒ No ☐ If "No," proposed starting date: 01-18-2022

Approximate completion date: 07-01-2023

If there will be any modifications to the current or proposed operation or construction, the transferee must attach a statement specifying the details.

6. CERTIFICATION: This certifies that the Transferee seeks to be the legally responsible party for operations or project development either authorized by the permits identified above or proposed in applications identified above. The Transferee has a copy of the permit(s) and/or application(s) and understands and will comply with all conditions in the referenced permit(s) and supports the content of referenced application(s). Facility operations/project scope/discharges/emissions will remain the same as authorized or as proposed in pending applications. Further, I hereby affirm that under penalty of perjury that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Printed Name and Title of Transferee: Old 17, LLC c/o Pasquale Carino, Member/Owner

Signature of Transferee

Date 2-23-22

PART 2 - TRANSFEROR (Present or Former Owner/Operator/Lessee/Applicant) Completes:

1. Name Of Transferor:

Kent Development Associates, Inc.

Mailing Address:

3498 Lantern Bay Dr.

Post Office City, State, Zip Code:

Jupiter, FL 33477

Telephone Number (Daytime):

(914) 523-3683

Email:

dick@espositobuilders.com

If other than an individual, provide

Taxpayer ID Number: 04-3796569

2. Name Of Facility/Project, if different from Facility Name in Part 1: Kent Development Associates

3. CERTIFICATION: This certifies that ownership, operation, or a lease for the facility identified in Part 1 of this form ☐ will be / ☒ was conveyed to the party identified as the Transferee on 07-01-2021 (date). I affirm that this conveyance includes the rights and obligations of the permits, approvals, or applications identified above.

Printed Name and Title of Transferor: Kent Development Associates, Inc. c/o Richard Esposito, Managing Member

Signature of Transferor

Date 3/3/22

PART 3 - PERMIT TRANSFER VALIDATION SECTION: Department Of Environmental Conservation Completes:

- ☐ Transfer of permit approved, effective as of March 22, 2022. Transferee subject to conditions of original permit, without exception.  
☐ Transfer of permit approved, with the following modifications or contingencies related to this Permit Transfer:

- ☐ See attached revised permit page(s):  
☐ Transfer of application approved. See attached for additional information required.  
☐ Transfer denied, new application required. Please complete the enclosed permit application and return it to the undersigned Regional Permit Administrator at the address listed on the reverse side of this form.

Chris Lang, Deputy Regional Permit Administrator

NYSDEC PERMIT ADMINISTRATOR

copies to:

SIGNATURE

Chris Lang

Digitally signed by

Chris Lang

Date: 2022.03.22

March 22, 2022

DATE

16:01:30 -04'00'

FOR DEC USE ONLY

FOR DEC USE ONLY

# Application for Permit Transfer and Application for Transfer of Pending Application

## General Instructions

This form is to be used for transferring valid permits and pending applications for permit from a present permit holder or applicant (Transferor) to another party taking responsibility as a permittee or applicant (Transferee).

Legally Responsible Party means a permittee lawfully accountable for undertaking a permitted action in accordance with the provisions and conditions of a permit, or an applicant lawfully accountable for the content of an application.

The Transferee (New Owner/Operator/Lessee/Applicant) must:

1. Complete Part 1 of this application form.
2. Have Part 2 of this applicant form completed by the Transferor (former Owner/Operator/Lessee/Applicant). If the information requested in Part 2 cannot be obtained, the Transferee must attach a statement giving the reason(s).
3. Submit completed application form to the Regional Permit Administrator, Division of Environmental Permits, at the appropriate office of the department (see map below).

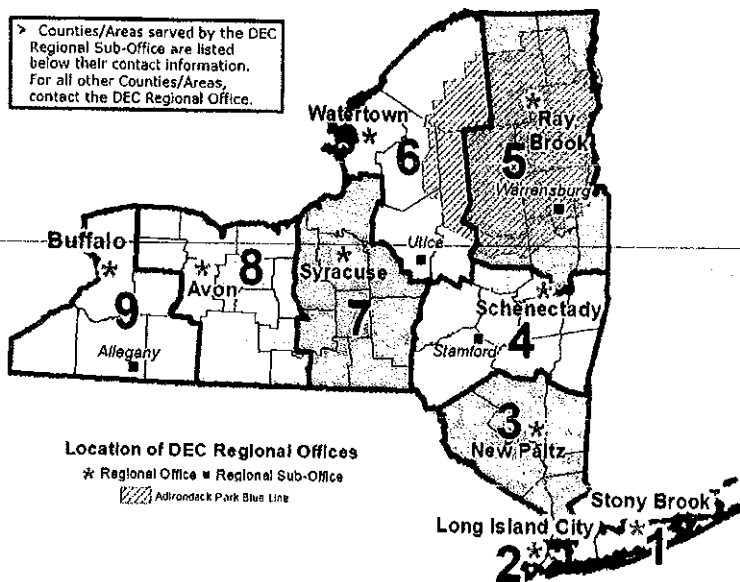
## Other Instructions

4. Applications by a Corporation shall be signed by a member of the board of directors or a "high managerial agent" of the corporation as that term is defined in the § 20.20 of the Penal Law; a Partnership by a general partner; a Sole Proprietorship by the proprietor; a Municipality or Public Corporation by the duly authorized principal executive officer; and a State Agency by a person duly designated by the commissioner or other agency head. Applications by a Limited Liability Company shall be signed by a member or manager in accordance with the LLC's articles of organization as filed with the Secretary of State.
5. If other than the owner makes application, written consent of the owner to use the property/facility must accompany the application.
6. The Transferee is responsible for obtaining any other required federal, state or local permits.
7. The department may request additional information in accordance with the Record of Compliance Enforcement Guidance Memorandum, or with regard to financial assurance guaranties.
8. If available, attach a copy of the first page of the permit(s) requested for transfer.

Contact the Regional Permit Administrator, Division of Environmental Permits, at the appropriate office of the department, as given below, for assistance regarding any of the above requirements.

NYS Department of Environmental Conservation  
[www.dec.ny.gov](http://www.dec.ny.gov)

> Counties/Areas served by the DEC Regional Sub-Office are listed below their contact information. For all other Counties/Areas, contact the DEC Regional Office.



Location of DEC Regional Offices

\* Regional Office ■ Regional Sub-Office

Adirondack Park Blue Line

### NYS DEC REGION 1

Regional Permit Administrator  
SUNY @ Stony Brook  
50 Circle Road  
Stony Brook, NY 11790-3409  
631-444-0365 fax: 631-444-0360  
email: [DEP.R1@dec.ny.gov](mailto:DEP.R1@dec.ny.gov)

### NYS DEC REGION 2

Regional Permit Administrator  
1 Hunter's Point Plaza  
47-40 21st Street  
Long Island City, NY 11101-5407  
718-482-4997 fax: 718-482-4975  
email: [DEP.R2@dec.ny.gov](mailto:DEP.R2@dec.ny.gov)

### NYS DEC REGION 3

Regional Permit Administrator  
21 South Putt Corners Road  
New Paltz, NY 12561-1620  
845-256-3054 fax: 845-255-4659  
email: [DEP.R3@dec.ny.gov](mailto:DEP.R3@dec.ny.gov)

### NYS DEC REGION 4

Regional Permit Administrator  
1130 North Westcott Road  
Schenectady, NY 12306-2014  
518-357-2069 fax: 518-357-2460  
email: [DEP.R4@dec.ny.gov](mailto:DEP.R4@dec.ny.gov)

### NYS DEC REGION 4 Sub-Office

Regional Permit Administrator 65561  
State Highway 10  
Stamford, NY 12167-9503  
607-652-7741 fax: 607-652-3672  
email: [DEP.R4@dec.ny.gov](mailto:DEP.R4@dec.ny.gov)  
• For Delaware and Otsego Counties

### NYS DEC REGION 5

Regional Permit Administrator  
PO Box 296  
1115 NYS Route 86  
Ray Brook, NY 12977-0296  
518-897-1234 fax: 518-897-1394  
email: [DEP.R5@dec.ny.gov](mailto:DEP.R5@dec.ny.gov)

### NYS DEC REGION 5 Sub-Office

Regional Permit Administrator 232  
Golf Course Rd  
Warrensburg, NY 12885-1172  
518-623-1282 fax: 518-623-3603  
email: [DEP.R5@dec.ny.gov](mailto:DEP.R5@dec.ny.gov)  
• For Fulton, Saratoga, Warren, and Washington Counties

### NYS DEC REGION 6

Regional Permit Administrator  
Dulles State Office Building  
317 Washington Street Watertown,  
NY 13601-3787  
315-785-2245 fax: 315-785-2242  
email: [DEP.R6@dec.ny.gov](mailto:DEP.R6@dec.ny.gov)

### NYS DEC REGION 6 Sub-Office

Regional Permit Administrator  
Utica State Office Building  
207 Genesee Street, Room 1404  
Utica, NY 13501-2885  
315-793-2555 fax: 315-793-2748  
email: [DEP.R6@dec.ny.gov](mailto:DEP.R6@dec.ny.gov)  
• For Herkimer, and Oneida Counties



Department of  
Environmental  
Conservation

### NYS DEC REGION 7

Regional Permit Administrator 615  
Erie Blvd West, Room 206  
Syracuse, NY 13204-2400  
315-426-7438 fax: 315-426-7425  
email: [DEP.R7@dec.ny.gov](mailto:DEP.R7@dec.ny.gov)

### NYS DEC REGION 8

Regional Permit Administrator 6274  
East Avon - Lima Road  
Avon, NY 14414-9519  
585-226-5400 fax: 585-226-2830  
email: [DEP.R8@dec.ny.gov](mailto:DEP.R8@dec.ny.gov)

### NYS DEC REGION 9

Regional Permit Administrator 270  
Michigan Avenue  
Buffalo, NY 14203-2915  
716-851-7165 fax: 716-851-7168  
email: [DEP.R9@dec.ny.gov](mailto:DEP.R9@dec.ny.gov)

### NYS DEC REGION 9 Sub-Office

Regional Permit Administrator 182  
East Union, Suite 3  
Allegany, NY 14706-1328  
716-372-0645 fax: 716-372-2113  
email: [DEP.R9@dec.ny.gov](mailto:DEP.R9@dec.ny.gov)  
• For Allegany, Cattaraugus, and  
Chautauqua Counties



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**

KENT DEVELOPMENT ASSOCIATES INC  
C/O RICHARD ESPOSITO  
3498 LANTERN BAY DR  
JUPITER, FL 33477  
(914) 523-3683

**Facility:**

KENT DEVELOPMENT ASSOCIATES  
N HORSEPOUND RD  
KENT, NY 14477

**Facility Location:** in KENT in PUTNAM COUNTY

**Facility Principal Reference Point:** NYTM-E: 609.684      NYTM-N: 4595.912  
Latitude: 41°30'26.4" Longitude: 73°41'08.5"

**Project Location:** North Horsepound Road approximately 400 feet from NYS Route 52

**Authorized Activity:** This permit authorizes disturbances to the 100-foot adjacent area of NYS Freshwater Wetland LC-38, Class I, for the installation of a driveway and stormwater management structures associated with the construction of a commercial building.

Please note, no disturbance to the wetland is authorized. All work must be conducted in strict accordance with plans referenced in Natural Resource Condition #2.

**Permit Authorizations**

**Freshwater Wetlands - Under Article 24**

Permit ID 3-3722-00245/00001

New Permit

Effective Date: 2/1/2021

Expiration Date: 12/31/2024

**NYSDEC Approval**

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: TRACEY L O'MALLEY, Deputy Regional Permit Administrator  
Address: NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY 12561

Authorized Signature: \_\_\_\_\_

Tracey L. M. O'Malley

Digitally signed by Tracey L. M.  
O'Malley  
Date: 2021.02.02 09:55:05 -0500

Date 2 / 2 / 2021





### Distribution List

John Watson, Insite  
Sarah Pawliczak, NYSDEC  
Maria Tupper-Goebel, NYCDEP  
Town of Kent

### Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### Permit Attachments

Permit Sign

### NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS

1. **No Wetland Disturbance** No disturbance to the wetland is authorized.
2. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., and consist of the plans listed in Natural Resource Condition #3.
3. **Approved Plans** The approved plans, titled "Kent Development Associates Commercial Lot N. Horsepound Road, Town of Kent, Putnam County, New York", consist of the following items:
  1. Sheet 1 of 10, Overall Plan, dated 8/24/20, last revised 1/20/21;
  2. Sheet 2 of 10, Layout & Landscape Plan, dated 7/19/18, last revised 1/20/21;
  3. Sheet 3 of 10, Grading, Drainage & Utilities Plan, dated 8/15/19, last revised 1/20/21;
  4. Sheet 4 of 10, Erosion & Sediment Control Plan, dated 8/15/19, last revised 1/20/21;
  5. Sheet 5 of 10, Timber Harvest Erosion & Sediment Control Plan, dated 9/16/20, last revised 1/20/21;
  6. Sheet 6 of 10, Lighting Plan, dated 8/24/20, last revised 1/20/21;
  7. Sheet 7 of 10, Details, dated 8/15/19, last revised 1/20/21;
  8. Sheet 8 of 10, Details & Profile, dated 8/24/20, last revised 1/20/21;
  9. Sheet 9 of 10, Details & Profile, dated 9/16/20, last revised 1/20/21; and
  10. Sheet 10 of 10, Steep Slopes & Soils Map, dated 8/24/20, last revised 1/20/21.



4. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
5. **Notify DEC 48 Hrs Prior to Work** The permittee or a representative must contact by telephone Sarah Pawliczak, NYSDEC Bureau of Ecosystem Health, at 845-256-3050, or by email at Sarah.Pawliczak@dec.ny.gov at least 48 hours prior to the commencement of the project authorized herein.
6. **Work Within Area Depicted on Plans** All construction activity, including operation of machinery, excavation, filling, grading, clearing of vegetation, disposal of waste, street paving and stockpiling of material must take place within the project site as depicted on the project plans referenced by this permit. Construction activity is prohibited within areas to be left in a natural condition or areas not designated by the subject permit.
7. **No Equipment in Wetland** Heavy equipment, including bulldozers, backhoes, payloaders, etc., shall not be operated in the wetland.
8. **Install Controls as Shown on Plans** Prior to commencement of the activities authorized herein, the permittee shall install securely anchored silt fencing and/or continuous staked straw bales as shown on the plans or drawings referenced in this permit.
9. **Maintain Erosion Controls** These erosion control devices shall be maintained until all disturbed land is fully vegetated to prevent any silt or sediment from entering the freshwater wetland or its adjacent area. Silt fencing, hay bales and any accumulated silt or sediment shall be completely removed for disposal at an appropriate upland site.
10. **Clean Fill Only** All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.
11. **Minimize Adverse Impacts to Wetlands, Wildlife, Water** All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.
12. **Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
13. **Storage of Materials** Excavated materials and or fill materials shall be stockpiled more than 100 feet landward of the wetland or water body and shall be contained by straw bales or silt fencing to prevent erosion.
14. **Seed, Mulch Disturbed Soils** All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass seed and mulched with straw within one week of final grading.



**15. Disposal of Material** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated waterbody or wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area; and must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.

**16. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**17. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**18. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

#### **GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.



**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY 12561

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

### **Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**Item E: SEQR Unlisted Action, No Significant Impact** Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with Kent Town Planning Board designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.

New York State  
Department of Environmental Conservation



**NOTICE**



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department condition on it, contact the DEC at 845-256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: Kent Development Associates Inc.

Permit No. 3-3722-00245/00001

Effective Date: 02/01/2021

Expiration Date: 12/31/2024

☐ Applicable if checked. No instream work allowed between October 1 & April 30

**NOTE:** This notice is **NOT** a permit.