

Approved: June 9, 2022

TOWN OF KENT PLANNING BOARD

May 12, 2022

FINAL ADOPTED MINUTES

The Planning Board held their May 12, 2022 meeting at the Kent Town Hall.

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

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

Members:

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

Absent:

Julie Mangarillo, Rohde, Soyka & Andrews/Consultant
Chris Ruthven, Liaison
Simon Carey

Others in Attendance:

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

• **Approve Kent Planning Board Minutes from the April 14, 2022 meeting**

Mr. Tolmach asked the Planning Board members if they had read the Minutes from the April 14, 2022 meeting. The Board members stated that they had reviewed the minutes. Mr. Tolmach asked for a motion to approve the Planning Board minutes from the April 14, 2022 meeting. The motion was made by Mr. Lowes and seconded by Ms. Cruz. Following were the roll call votes.

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

The motion carried.

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

Mr. Bart Caterino, of the NYCDEP, attended the meeting. Mr. Caterino explained that approximately 55 acres would be thinned out with the purpose of removing trees of poor form and vigor and retaining the best trees on the site.

Mr. Tolmach asked for a motion to open the Public Hearing for this project. The motion was made by Mr. Lowes and seconded by Ms. Cruz

Mr. William Frohm, 103 Church Hill Road, asked to be heard. Mr. Frohm said that he had concerns that the applicant would clear the property and then leave a mess behind. He also had concerns about the noise and traffic. Mr. Caterino said the timber harvest would occur during the winter months. The log landing will be at the top of the site. A 12' foot road will be constructed on the site and it will come out on Church Hill Road. There is an existing entrance there already. During the project there will be intermittent heavy equipment used for about 4 weeks. Most of the site is far downhill from Mr. Frohm's house. Work hours will be 8:00 AM to 6:00 PM. The impacts should be minimal. The DEP as well as the Town will inspect the property frequently. Mr. Caterino said that he had personally marked the trees to be cut. Mr. Frohm asked if some trees, which were already down, would be removed. Mr. Caterino said a vernal pool is there and that it would not be disturbed. Mr. Caterino said that trees on the property, which were down, would be removed if it was on the DEP property and he said that he would try to get the downed trees removed. Mr. Frohm said that there are already potholes on Church Hill Road and that additional traffic would cause more damage. Mr. Caterino said that the loggers would not be traveling the entire length of Church Hill Road. Mr. Caterino said that he had discussed travel on Church Hill Road with the Kent Highway Supervisor and they will be traveling approximately 600' on Church Hill Road towards Peckslip Road. They will be coming in and going out Peckslip Road. Mr. Caterino said that there will be about two trucks per day which would total 20 trucks for the whole project. Mr. Seraculo of 120 Church Hill asked who would be maintaining the road while the project was going on. Mr. Caterino said that loggers pay a security bond to the DEP and that the road would be maintained. Mr. Andrews said that there were two levels of the project and Mr. Caterino was following instructions from the Highway Supervisor. NYCDEP posts a letter of assurance for most of their projects and one was posted for this project. Mr. Andrews said that the Town of Kent had worked with NYCDEP on other projects and that he was certain that everything would be done correctly. Mr. Barber said that previously the Town had asked for pictures of the existing road before the project began and after it was completed. Mrs. Frohm asked where the entrance would be. Mr. Caterino shared a drawing and explained where the entrance would be. Mrs. Frohm had some concerns if the downed trees would be a fire hazard. Mr. Caterino said that the loggers would mill downed trees if they determined the trees had sound wood and had value. Mrs. Frohm said she was opposed to the project if all the junk would remain on the road.

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Mr. Tolmach asked for a motion to close the Public Hearing. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. Following were the roll call votes.

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

The motion carried.

Mr. Andrews' Comments (memo attached)

Mr. Andrews said that if the Planning Board was satisfied he would recommend that this project should be handled administratively moving forward. Mr. Andrews also suggested that the Letter of Assurance, which was forwarded to the Planning Board Attorney and approved by him, should be forwarded to the Town Board to accept it. Ms. Cruz asked how to handle the pictures of the project at the start and end of the project. Mr. Barber and Mr. Andrews said that the plans would not be signed until everything was resolved including inspections of the property and receipt of pictures of the property.

Mr. Tolmach asked for a motion to move this project to the administrative track and to forward the Letter of Assurance to the Town Board for them to approve it. The motion was made by Mr. Gattucci and seconded by Mr. German. Following were the roll call votes.

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

The motion carried.

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

Mr. Jack Karell represented the applicant, Mr. Vernon, who also attended the meeting. Mr. William Shilling, the applicants' attorney, also attended the meeting. Mr. Karell said that this project pertained to the construction of a single-family residence on a 39 acre parcel.

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

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

The motion carried.

Mr. Tolmach asked if anyone in the audience wished to speak and there was no one who wished to be heard.

Mr. Andrews' Comments (memo attached)

Mr. Andrews said that he and Mr. Barber had concerns about the easement from the NYCDEP for this project and recommended that the Public Hearing be adjourned until the June meeting.

Mr. Shilling said that there was a slight deviation between the travel road and the written right-of-way. ZBA granted a variance for the road frontage necessary. A Metes and Bounds description for the traveled way done by David O'Dell, the surveyor for this project was part of the Planning Board record. Mr. Shilling said that the DEC as well as the NYCDEP were both involved in this project and agreed that the traveled way would be approved.

Mr. Barber's Comments (memo attached)

Mr. Barber advised the Planning Board that, if the DEP or DEC denied access or utility use for the traveled way there is another small access around the corner. If this happened there would need to be another discussion because of wetlands.

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Mr. Tolmach asked for a motion to adjourn the Public Hearing to the June meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. Following were the roll call votes.

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

The motion carried.

Mr. Lowes said that he would like to see on the plan all the adjoiners lying between Horsepound Road and the westerly boundaries of the 39 acre parcel. He also asked for any documentation about the DEP conservation easement and a way of determining the limits of the easement on the plan. The proposed descriptions pertaining to the easement needed to be submitted. Mr. Karell said he would supply the requested material for the June meeting. Mr. Lowes asked who owns the Right-of-Way and was told that the DEP owned it.

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

Mr. Robert Bradley represented the applicant at the meeting. Mr. Bradley referred to a Stipulation regarding this property. Plans were submitted and comments were distributed, but not responded to yet. Mr. Bradley said that 19 units were proposed but not guaranteed because NY City and the Town of Kent need to approve it. Mr. Bradley said that he hoped the Stipulation would be sent to the Kent Planning Board attorney and be returned to the applicant for his signature.

Mr. Andrews' Comments

Mr. Andrews said that plans submitted to date are satisfactory for determining the unit count. He suggested that the information supplied is for 7 existing residential units with 11 bedrooms and an additional 12 2-bedroom units are proposed as well as an addition of 1 bedroom to an existing house with a total 36 bedrooms. He said that the consultants suggested that the Stipulation be sent to the Planning Board to complete the Stipulation and put it in a final form. The plans would be attached to the Stipulation at the June meeting and be signed and forwarded to the Town Board.

Mr. Barber's Comments

Mr. Barber said that the applicant requested a certain number of units and that the amount may change due to permitting requirements, site plan, etc.

Ms. Axelson's Comments

Ms. Axelson suggested that a off-line consultation with the consultants and the applicant's engineer would be helpful.

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Mr. Tolmach asked for a motion to authorize the Planning Board Attorney to finalize the Stipulation and that it be forwarded to the Kent Town Board. The motion was made by Mr. Wilhelm and seconded by Ms. Cruz. Following were the roll call votes.

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

The motion carried.

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

Mr. Thomas Kerrigan, of Site Design, represented the applicant.

Mr. Andrews' Comments

Mr. Andrews said the sidewalk Easement was fully executed by the applicant the day of the meeting and was forwarded to his attorney. The Easement was then forwarded to the Planning Board and Town Board attorneys. The next step was for the Town Board to approve it. The language was as the Planning Board requested it to be.

Mr. Kerrigan was seeking re-approval of the plans, which were to expire June 6, 2022.

Ms. Axelson's Comments (memo attached)

Ms. Axelson said that she had prepared a Resolution of Re-affirmation of SEQR Determination and re-approvals of conditions for Site Plan, Steep Slope and Erosion Control Permit (attached). In 2020, a Resolution of Reapproval was granted in 2020 and then two 90-day extensions were granted on 12/9/21. A Public Hearing was waived in this Resolution. This reapproval will expire in 12 months.

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

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

The motion carried.

- **Putnam Nursing Home, Ludingtonville Rd., Kent, NY; TM: 12.-3-40 & 41**

Mr. Josevich, The owner of the Nursing Home since 2013 attended the meeting. Ms. Deanna Kay, the current administrator, has been an employee since 1988 also attended the meeting.

Ms. Axelson's Comments (Resolution Attached)

Ms. Axelson reviewed the Resolution for the record and the Negative Declaration. Public Hearings were held regarding this project.

Mr. Wilhelm asked what the status of this project is. Mr. Josevich said that, due to the pandemic, the project did not progress. Mr. Wilhelm said that the Board of Health had been accepting applications. Mr. Josevich said that no one was looking at applications at the Board of Health. He hoped to be able to proceed now and that when the project was completed the nursing home would be greatly improved and that there would be additional jobs.

Mr. Tolmach asked for a motion to approve the Resolution as prepared by Ms. Axelson. The motion was made by Mr. Wilhelm and seconded by Mr. German. Following were the roll call votes.

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

The motion carried.

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

The applicant requested that any funds remaining in the escrow account.

Mr. Tolmach asked for a motion to return the funds remaining in this applicant's escrow account after all fees have been paid.

The motion was made by Mr. German and seconded by Mr. Wilhelm. Following were the roll call votes.

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

The motion carried.

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

The applicants request requested that, if there are any funds remaining in the escrow account after all fees have been paid, the funds be returned to them. This application was withdrawn by the applicants.

Mr. Tolmach asked for a motion to return any funds remaining in the escrow account if there are any fund remaining in the escrow account. The motion was made by Mr. Wilhelm and seconded by Mr. German. Following were the roll call votes.

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

The motion carried.

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

- | | | |
|--|---|---------------|
| <ul style="list-style-type: none"> Flintlock Storage
1030 Route 52, Kent, NY
TM; 12.18-1-14 | Erosion Control/Wetland Permit
Site Plan | Status Report |
|--|---|---------------|

Messrs Andrews, Barber, and Jacky Beshar visited the site. There are some concerns about wetlands and a new submission will be submitted when this matter is resolved. There is a potential for this project to proceed. A soil scientist has also been hired to help with this project.

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

A meeting is proposed with the Kent Supervisor, the Town and Planning Board attorneys, Chris Ruthven, Messrs. Andrews, Barber, Walters and some Planning Board members if they are available. The meeting will be held on May 17, 2022 at 10:00 at Kent Town Hall. Mr. Andrews said he had obtained drawings from the applicants.

- | | | |
|---|-------|---------------|
| <ul style="list-style-type: none"> Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
|---|-------|---------------|

No responses have been submitted since the March 24, 2020 review memo.

- | | | |
|--|-----------|---------------|
| <ul style="list-style-type: none"> Old 17 LLC
Old Horsepound Road, Kent, NY
TM: 12.-1-38 & 42 | Site Plan | Status Report |
|--|-----------|---------------|

Ms. Axelson needs to do a sign-off letter. Mr. Andrews said this project is moving ahead and he has been getting weekly inspection reports.

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

Waiting for a new submittal.

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

Architectural drawings are being worked on and a new submittal is pending.

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

Waiting for a new submittal. The applicant said that he has a deadline in July, but nothing can be done until a new submittal is submitted.

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- Clearpool Maintenance Bldg. Erosion Control Plan Status Report
33 Clearpool Rd., Kent, NY
TM: 32.-1-9.1

This was signed off at the last meeting and the MS4 was completed. All DEC permits were applied for and when they are returned construction can begin.

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

Waiting for a new submittal and escrow.


- Town of Kent Mining Law Status Report

Mr. Tolmach asked for a motion to close the meeting at 9:30 PM. The motion was made by Mr. Gattucci and seconded by Mr. German. Following were the roll call votes.

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

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

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MAY 2022
KENT PLANNING BOARD MEETING AGENDA

Workshop: May 05, 2022 (Thursday, 7:30 PM)

Meeting: May 12, 2022 (Thursday, 7:30 PM)

The Kent Planning Board workshop is scheduled for Thursday, May 5, 2022 at 7:30 P.M. to be held at the Kent Town Hall. The Town of Kent Planning Board will be holding its regularly scheduled monthly meeting on Thursday, May 12, 2022 at 7:30 P.M. at the Kent Town Hall

- Approve Planning Board Minutes from April 14, 2022 Meeting
- NYCDEP Church Hill Rd.
Forest Management Project
Church Hill Rd., Kent, NY
TM: 12.-1-6 & 12.-1-29.2 Erosion Control Permit/
Public Hearing Review
- White _Vernon Property
Horsepound Rd., Kent, NY
TM: 33.-1-58.2 Erosion Control/
Public Hearing Review
- Holly Property
Winkler's Farm Ct Property, Kent, NY
TM: 33.16-1-8 Concept Plan Review
- Kent Self Storage
Route 311, Kent, NY
TM: 22.-2-17 Site Plan Re-approval Review
- CAREERS Support Solutions
208 Route 52, Kent, NY
TM: 44.9-2-23 Request for escrow refund Review
- Heritage Auto School
480 Route 52, Kent, NY
TM: 33.56-1-14 Site Plan Application Withdrawn
Request for escrow refund Review

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

- Flintlock Storage
1030 Route 52, Kent, NY
TM; 12.18-1-14 Erosion Control/Wetland Permit
Site Plan Status Report
- Kent Manor
Nichols Rd., Kent, NY
TM: 33.-1-79 Site Plan Status Report

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• Route 52 Development/ Kent Country Square Route 52, Kent, NY TM: 12.-1-52	SEQRA	Status Report
• Old 17 LLC Old Horsepound Road, Kent, NY TM: 12.-1-38 & 42	Site Plan	Status Report
• Annunziata/Smalley Corners Smalley Corners Rd., Kent, NY TM: 21.-1-11	Erosion Control	Status Report
• Friel & Pure Gipsy Trail Rd., Carmel, NY TM: 21.-1-27	Erosion Control	Status Report
• Fregosi Marinelli 48 Miller Hill Rd., Carmel, NY TM: 10.-1-7	Updated As-Built Site Plan	Status Report
• Clearpool Maintenance Bldg. 33 Clearpool Rd., Kent, NY TM: 32.-1-9.1	Erosion Control Plan	Status Report
• Raneri Property Hillside Paper Rd., Kent., NY TM: 44.24-1-3	Erosion Control Plan	Status Report
• Town of Kent Mining Law		Status Report