

Approved: January 14, 2021

**TOWN OF KENT PLANNING BOARD
December 10, 2020
FINAL ADOPTED MINUTES**

Due to the Corona virus the Planning Board held their December 10, 2020 meeting via Zoom.

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

The following Planning Board members participated from their respective homes, as did the Planning Board consultants, for the December Monthly meeting via Zoom:

Planning Board Members

| | |
|-----------------------------|--------------------|
| Philip Tolmach, Chairman | Giancarlo Gattucci |
| Simon Carey | Stephen Wilhelm |
| Dennis Lowes, Vice Chairman | Charles Sisto |

Absent:

| | |
|--------------------------|------------------------|
| Jamie McGlasson, Liaison | Chris Ruthven, Liaison |
| Nisim Sachakov | |

Others in Attendance:

| | |
|--|---------------------------------------|
| Liz Axelson, Planner | Julie Mangarillo, Engineer Consultant |
| Bruce Barber, Environmental Consultant | Bill Walters, Building Inspector |

- Mr. Tolmach opened the meeting with the Pledge of Allegiance.
- Mr. Tolmach asked each of the Board members to identify themselves to the audience and state that they were alone in their residences participating in the meeting, which they did.
- Mr. Tolmach asked for a motion to approve the Planning Board minutes from the November 12, 2020 meeting. The motion was made by Dennis Lowes and seconded by Stephen Wilhelm. Following were the roll call votes.

| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

• **Kent Development – Commercial Lot, N. Horsepound & Peckslip Rds., Kent, NY; TM: 12.-1-38 & 42**

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

| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

Ms. Jamie LoGuidice, of Insite Engineering, represented the applicant – Richard Esposito who also participated on the call. Ms. LoGuidice showed her drawings. Ms. LoGuidice pointed out that the majority of the remaining outstanding items had been addressed. Instead of the asphalt millings gravel over Item 4 would now be placed at the entrance from North Horsepound Road just past the buffer line and the remainder of the site would be asphalt with the outside storage being gravel. The Board of Health approved the plans for the well and septic on this property. A Wetland Functional Analysis was prepared by Mr. Jim Bates which confirmed that the wetlands will not be impacted by this project. A hydrological analysis was provided by Hydro Cat Modeling. When the SEQRA Determination is done this project can be wrapped up.

Ms. Axelson's Comments (memo attached)

Ms. Axelson said that the comments from the Consultants had been addressed that allowed them to go through a Short Environmental Assessment Form (EAF) Parts 2 and 3 and made revisions. All of the impacts on Part 2 are small or not applicable. The consultants felt that, at this time, it was appropriate to prepare a Resolution (attached) that allowed a SEQRA Negative Declaration to be prepared, to grant conditional site plan approval and other permits and closing the Public Hearing. Putnam County Planning Department were given the plans to review and approved them.

Ms. Axelson discussed the Resolution and said that the revised EAF Parts 2 and 3 had been revised. The first part discussed what was proposed to be approved. The recommendations made were to: Close the Public Hearing and grant waivers for sidewalks, retention of tree rows along the site frontage, requirement for pedestrian amenities and requiring that loading be done at the rear of the building.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo thanked the applicants for removing the asphalt millings from the steep part of the driveway near the wetlands. Ms. Mangarillo mentioned that Insite was going to install a gravel berm and a flush curb along the driveway to catch the sediment running down hill and she had no objection to doing that. Agreements were being drawn up by the Planning Board Attorney. Various bonds will also be required.

**Town of Kent Planning Board Minutes
December 10, 2020**

Mr. Barber's Comments (memo attached)

Mr. Barber said that there were four items to be looked at pertaining to the wetlands. The first item was to determine what the wetland was doing there in essence of functional analysis and determined that the wetlands functional was marginal and will be maintained during construction. The second item pertained to the hydrological analysis indicated that there was a balance between pre and post construction water getting into the wetlands and exacerbating existing flooding conditions. The third component was getting more data regarding the asphalt millings which was no longer a concern. The fourth item was the last section of the driveway was no longer a concern because of the berm and flush curb to be constructed. The hydrological analysis should be signed and sealed and a Plant and Invasive Species plan should be prepared.

Mr. Esposito had concerns about the separate timber harvest not being mentioned. Ms. Axelson said that this activity that it was part of the plan but was only being approved by the Board because of the erosion control plan. After conditions are met the timber harvest project could move forward.

Mr. Tolmach asked for a motion to approve this Resolution as written. Mr. Wilhelm made the motion and it was seconded by Mr. Carey. Following are the roll call votes:

| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

Mr. Lowes reiterated that all conditions would need to be met before the plans were signed. Mr. Lowes also noted that the consultants and Planning Board had worked very hard on this project and it was approved. Mr. Barber also thanked Ms. LoGuidice for her persistence and hard work.

Mr. Tolmach asked for a motion to accept the following bond recommendations and to forward them to the Town Board:

| | |
|--|-------------|
| - Erosion Control bond estimate | \$ 9,183.00 |
| - A long-term stormwater management facility bond estimate of | 78,800.00 |
| - An opinion of probable construction cost for wetland mitigation landscaping | 9,750.00 |
| - An opinion of probable construction for site landscaping for erosion Control landscaping | 7,355.00 |

**Town of Kent Planning Board Minutes
December 10, 2020**

The motion was made by Mr. Carey and seconded by Mr. Wilhelm. Following are the roll call votes:

| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

- **Alexander Othmer Property, 1087 N. Horsepound Rd., Kent, NY; TM: 12.-1-28**

Mr. Richard Othmer participated on the call representing his son.

Ms. Mangarillo said that the first 30' of the driveway was originally planned to slope down on the property and away from the road as dictated by the Town Code. During construction Mr. Othmer found that this could not be done so the first 30' of the driveway now slopes toward the road so a waiver was requested. Ms. Mangarillo and Mr. Barber said that they had inspected the property and there is an existing ditch along the shoulder which will absorb any water and prevent icing on the road. A waiver was requested and Ms. Mangarillo and Mr. Barber recommended granting the requested waiver.

Mr. Tolmach asked for a motion to grant the driveway waiver. The waiver was made by Mr. Sisto and seconded by Mr. Gattucci. Following are the roll call votes:

| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

Mr. Walters asked Ms. Mangarillo if he could issue the Certificate of Occupancy to Mr. Othmer and she replied that he could.

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

Mr. Joseph Rina of Site Design Consultants represented the applicant and requested re-approval of a site plan. The Planning Board granted approval in November of 2019, but due to the Corona virus plans to develop the property have been put on hold. Approval for another year was requested.

Ms. Axelson's Comments (memo attached)

Ms. Axelson said that she had created a Resolution with the same information as the previous one. There were no changes to any of the plans. The approvals granted at this time would expire in 12 months and construction must be completed within two years.

Mr. Tolmach asked for a motion to adopt this Resolution. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. Following are the roll call votes:

| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

- **52 Kent Corp., 1100 Rte 52, Kent, NY; TM: 12.-1-54 & 55**

Mr. Alex Mazzotta, owner of this property, participated on the call. This was a change of use in his plaza. The office was previously used for retail and vacated the property recently. NYSDOT has been using space on the second floor as an office while working on Rte. 84 and asked to have their lease extended for another year and to move the first floor.

Ms Axelson's Comments (Memo Attached)

Ms. Axelson prepared a Resolution (attached) and the plan submitted from 2006 and it indicated this property was considered it was in a commercial district, but since that time the zone was changed to an IOC district. Insite updated the plan. This was a Type II action under SEQRA and no environmental review is required. Putnam County Planning also approved the plan. A waiver of a Public Hearing was recommended.

**Town of Kent Planning Board Minutes
December 10, 2020**

Mr. Tolmach asked for a motion to adopt this Resolution. The motion was made by Mr. Sisto and seconded by Mr. Gattucci. Following are the roll call votes:

| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

• **Putnam Nursing & Rehabilitation Center, 404 Ludingtonville Road, Holmes, NY; TM: 12.-3-40 & 41**

Mr. Schlosser, of Schopfer Architects, represented the applicant. Approval from the Planning Board was due to expire 12/12/20. Due to the pandemic this project has not moved forward so the applicant requested an extension. There have been no changes to the project and a additional 3-5 month moratorium is expected. Mr. Lowes asked if the shrubbery had been removed and Mr. Schlosser said they had been removed and the bonds have been submitted.

Ms. Axelson's Comments (memo attached)

Ms. Axelson said that most of the conditions of approval had been addressed. Ms. Axelson said that the only outstanding items were some tax forms which needed to be submitted. A draft Resolution was prepared by Ms. Axelson (attached) which she discussed with the Planning Board.

Mr. Tolmach asked for a motion to adopt this Resolution. The motion was made by Mr. Carey and seconded by Mr. Sisto. Following are the roll call votes:

| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

**Town of Kent Planning Board Minutes
December 10, 2020**

• **Rich Property, 1 Long Mountain Ct., Kent, NY; TM: 8.-1-7**

Ms. Mangarillo's Comments

This was an erosion control project from approximately 10 years ago. The property has been stabilized for a long time. Ms. Mangarillo recommended that the erosion control bond in the amount of \$1,872.00 and \$406.15 remaining in the escrow account.

Mr. Tolmach asked for a motion return the bond and escrow noted above to the property owners. The motion was made by Mr. Sisto and seconded by Mr. Gattucci. Following are the roll call votes:

| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

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

- | | | |
|---|-------------------------|---------------|
| • Best Discount Depot 86 Towners Rd., Kent, NY TM: 33.73-1-60 | Sign Approval/Site Plan | Status Report |
|---|-------------------------|---------------|

Awaiting a site plan for this project.

- | | | |
|--|----------------------|---------------|
| • Sun Property 3 Westwood Dr., Kent, NY TM: 19.12-1-20 | Erosion Control Plan | Status Report |
|--|----------------------|---------------|

Awaiting a re-submittal justification why the applicant wants to build a house on the more difficult site.

- | | | |
|---|----------------------|---------------|
| • Annunziata Smalley Corners Rd., Kent, NY TM: 21.-1-11 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Awaiting re-submittal and a bond estimate and an updated survey.

- | | | |
|--|-----------------------|---------------|
| • Fregosi/Marinelli Property Miller Hill Road, Kent, NY TM: 10.-1-17 | Erosion Control Plan/ | Status Report |
|--|-----------------------|---------------|

The surety bond and inspection fee was submitted and will be forwarded to the Town Board for them to approve. The plans are ready for Chairman's signature.

**Town of Kent Planning Board Minutes
December 10, 2020**

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

No new material has been submitted for this project.

- | | | |
|--|--------------|---------------|
| <ul style="list-style-type: none"> Rodriguez 104 Smalley Corners Rd., Kent, NY TM: 21.-1-10 | Sub-Division | Status Report |
|--|--------------|---------------|

No new material has been submitted.

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

No new material has been submitted. Escrow needs to be replenished

- | | | |
|--|--|---------------|
| <ul style="list-style-type: none"> Gierer (Cargain) Property 43 Marie Road, Kent, NY 10512 TM: 22.-1-42 | Erosion Control Plan/ Bond Recommendation | Status Report |
|--|--|---------------|

Withdrawal pending

- | | | |
|---|---|---------------|
| <ul style="list-style-type: none"> DiSanza Property 381 Ludingtonville Rd., Holmes, NY TM: 12.-3-63 & 64 | Erosion Control Plan/ Wetland Permit | Status Report |
|---|---|---------------|

This matter is still before the Kent Court. Mr. Barber will, at the Court's request, inspect the property when a fee of \$1,250.00 is submitted along with the Wetland Verification form. An appointment has been set up for a site inspection by Messrs. Walters and Barber.

- | | | |
|---|----------------------|---------------|
| <ul style="list-style-type: none"> • Cabrera Property 126 Hortontown Road, Kent, NY TM: 19.-1-35 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Nothing new submitted.

- Mr. Tolmach thanked the Board for all the hard work and wished everyone a happy holiday.
- Mr. Tolmach asked for a motion to adjourn the December 10, 2020 meeting at 09:30 P.M.

The motion was made by Mr. Wilhelm and seconded by Mr. Carey. Permit Applications Updates (Applicants attendance not required/Workshop Discussion):

**Town of Kent Planning Board Minutes
December 10, 2020**

- Mr. Tolmach asked for a motion to adjourn the December 10, 2020 meeting at 09:30.

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

| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

**Town of Kent Planning Board Minutes
December 10, 2020**

- | | | |
|---|--|--------|
| • Alexander Othmer Property 1087 N. Horsepound Rd., Kent, NY TM: 12.-1-28 | Driveway Waiver | Review |
| • Kent Self Storage Route 311, Kent, NY TM: 22.-2-17 | Extension of Approvals | Review |
| • 52 Kent Corp. 1100 Rte 52, Kent, NY TM: 12.-1-54 & 55 | Change of Use | Review |
| • Rich Property 1 Long Mountain Ct., Kent, NY TM: 8.-1-7 | Return Erosion Control Bond/ Escrow | Review |

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

- | | | |
|--|--|---------------|
| • Best Discount Depot 86 Towners Rd., Kent, NY TM: 33.73-1-60 | Sign Approval/Site Plan | Status Report |
| • Sun Property 3 Westwood Dr., Kent, NY TM: 19.12-1-20 | Erosion Control Plan | Status Report |
| • Annunziata Smalley Corners Rd., Kent, NY TM: 21.-1-11 | Erosion Control Plan | Status Report |
| • Fregosi/Marinelli Property Miller Hill Road, Kent, NY TM: 10.-1-17 | Erosion Control Plan/ | Status Report |
| • Putnam Nursing & Rehabilitation Center Addition 404 Ludingtonville Road, Holmes, NY TM: 12.-3-40 & 41 | Erosion Control/Site Plan/ Wetland Permit/Bond Estimate | Status Report |
| • Route 52 Development/ Kent Country Square Route 52, Kent, NY TM: 12.-1-52 | SEQRA | Status Report |
| • Rodriguez 104 Smalley Corners Rd., Kent, NY TM: 21.-1-10 | Sub-Division | Status Report |

**Town of Kent Planning Board Minutes
December 10, 2020**

- | | | |
|---|--|---------------|
| <ul style="list-style-type: none">• Raneri Property Hillside Paper Rd., Kent,, NY TM: 44.24-1-3 | Erosion Control Plan/ | Status Report |
| <ul style="list-style-type: none">• Gierer (Cargain) Property 43 Marie Road, Kent, NY 10512 TM: 22.-1-42 | Erosion Control Plan/ Bond Recommendation Withdrawal pending | Status Report |
| <ul style="list-style-type: none">• DiSanza Property 381 Ludingtonville Rd., Holmes, NY TM: 12.-3-63 & 64 | Erosion Control Plan/ Wetland Permit | Status Report |
| <ul style="list-style-type: none">• Cabrera Property 126 Hortontown Road, Kent, NY TM: 19.-1-35 | Erosion Control Plan | Status Report |

LEGAL NOTICE OF PUBLIC HEARING/ THE KENT PLANNING BOARD #14
FOR THE KENT DEVELOPMENT PROPERTY
FOR CONSTRUCTION OF A CONTRACTOR'S OFFICE & WAREHOUSE
ON NORTH HORSEPOUND ROAD & PECKSLIP ROAD
KENT, NY 10512
TAX MAP: 12.-1-1-38 & 12.-1-42
(CONTINUED)

NOTICE IS HEREBY GIVEN that a Public Hearing pertaining to the property noted above was held before the **Town of Kent Planning Board** on **Thursday, November 12, 2020 at 7:30 PM via Zoom** and adjourned to **December 14, 2020 via Zoom**, or as soon thereafter as the matter may come to be heard.

This Public Hearing pertains to an application from Kent Development Associates, c/o Richard Esposito for approval of a Special Use Permit; Site Plan; Lot Line Revision; Timber Harvest; and Wetland; Steep Slope and Erosion Control Permits for development of a 3.263-acre parcel in the IOC (Industrial-Office-Commercial) zoning district and an 0.837-acre portion of the adjoining 48.456-acre parcel in the R-40 (Residential) zoning district to create a 11,200 square foot (SF) contractor's office and warehouse building (10,000 SF footprint and a 1,200 SF second floor mezzanine) located at **North Horsepound Road and Peckslip Road**, in the Town of Kent, Putnam County, New York (tax parcel identification numbers **12.1-1-38 & 12.-1-42**). At this hearing all persons speaking in favor or in opposition shall be heard. If there are any questions or comments pertaining to this project please send them to: planningkent@townofkentny.gov.

The telephone number for the Kent Planning Board is: 845-225-7802.

THIS MEETING WILL BE CONDUCTED VIRTUALLY The Town of Kent will be holding its regularly scheduled Planning Board meeting on Thursday, December 14, 2020 at 7:30 p.m. via ZOOM. The meeting will be televised live on the Town of Kent cable channel as well as live-streamed on YouTube. The public can participate via ZOOM. Please identify yourself when participating just as you would if you came to the microphone during a regular meeting. Thank you for your cooperation.

The Town of Kent, N.Y. is inviting you to a scheduled Zoom meeting.

Topic: Town of Kent, N.Y. Planning Board Meeting for December 2020

Time: December 14, 2020 at 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/5877083251>

Meeting ID: 587 708 3251

One tap mobile

+19292056099,,5877083251# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 587 708 3251

Find your local number: <https://us02web.zoom.us/u/kH6X5CXoW>

Town of Kent, N.Y. Planning Board Meeting November 12, 2020

Date: November 16, 2020

By order of:

Vera Patterson, Secretary for

The Town of Kent Planning Board

County of Putnam

State of New York

25 Sybil's Crossing

Kent, NY 10512

planningkent@townofkentny.gov

P. November 16, 2020 thru December 14, 2020

Kent Planning Board Public Hearing Notice #14 2020



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: December 8, 2020
RE: Kent Development Associates Contractor Office/Warehouse Special Use Permit, Site Plan, Revised Lot Line & Timber Harvest, Wetland & Erosion Control; North Horsepound Road & Peckslip Road, Tax Parcels No. 12.1-1-38 & 12.-1-42 / CPL#60247.00-00003

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

Summary

1. The proposal involves site development of a 3.263-acre parcel in the IOC (Industrial-Office-Commercial) zoning district and an 0.837-acre portion of the adjoining 48.456-acre parcel in the R-40 (Residential) zoning district to create a 4.1-acre site for an 11,200 square foot (SF) contractor's office and warehouse building with a 10,000 SF footprint and a 1,200 SF second floor (mezzanine). The proposal also involves a lot line revision and other approvals and permits, noted in the comments below. The existing site is mostly vacant, wooded, rocky, wet and steeply sloped with apparent disturbance and apparent improvements made by an adjoining lot owner on the subject properties.
2. The project involves several Planning Board actions on 2 adjoining parcels in the IOC (Industrial-Office-Commercial) and the R-40 (Residential) zoning districts, including:
 - a. Special Use Permit is required for the contractor business office portion of the project site;
 - b. Site Plan is required for the contractor business office, warehouse and related improvements as well as improvements for the proposed timber harvest;
 - c. Revised Lot Line by the Planning Board is required to expand an existing lot for the contractor/warehouse resulting in remaining lands for the timber harvest;
 - d. Freshwater wetland permitting is required for land disturbance and improvements within the wetland buffer (100-foot adjacent area) related to the proposed contractor/warehouse use; and
 - e. Steep Slope and Erosion Control permitting is required for construction, land disturbance and improvements on the proposed contractor/warehouse lot and timber harvest lot.
3. My review is limited to the Zoning, Special Permit, Site Plan and Lot Line Revision comments below. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for all other aspects of the project.

SEQRA

4. The proposal is an Unlisted Action as per the SEQRA regulations, sections 617.4 and 617.5.
5. A draft of Short Environmental Assessment Form (Short EAF) Parts 2 and 3 was prepared and revised for the Planning Board's consideration, which is attached to the end of the draft resolution.

Zoning Requirements

6. Add the following as a general note to plan sheets OP-1 and SP-1:
"No repairs to or services on motor vehicles, their mechanical systems or their body structure shall be performed on the site. No facilities for repairs, lubricating or otherwise servicing motor vehicles shall be present on the site."
7. Although sidewalks are required per as per zoning section 77-26. A.(5), frontage along what appears to be a rural town road is limited and the proposed driveway is about 500' from a nearby office. It is recommended that the Planning Board discuss and consider the requested waiver.
8. As per prior comments, regarding zoning section 77-26. A.(7), the requirement for pedestrian amenities may not be pertinent to the building location, which is back from the road and the proposed contractor/warehouse use. It is recommended that the Planning Board discuss and consider the requested waiver.
9. Regarding zoning section 77-26. A.(21), prior comment requested that the building and loading areas be reversed so that loading is located to the rear of the building. However, given site design relative to the site's constraints, it is recommended that the Planning Board consider the requested waiver.
10. Provide a response letter with the next submittal.

Special Permit and Site Plan Application

Prior special permit and site plan comments have been addressed.

Lot Line Revision

11. Revise the Lot Line Adjustment Map and provide required materials to address code section 66A-17D. (5) and (6) regarding deeds.
12. The submitted proposed deeds shall be reviewed by the Planning Board's Attorney.

Recommendation

13. The Planning Board should direct the applicant to address the comments above.
14. Additional information has been provided about traffic, the newly proposed driveway surface and architectural design and building color. Responses were received from agencies based on the SEQRA circulation after September 10, 2020, including an approval from the Putnam County Department of Planning. Accordingly, it is recommended that the Planning Board review a draft of the Short Environmental Assessment Form (Short EAF) Parts 2 and 3.
15. The Planning Board may consider taking the actions described below, which are set forth in a single draft resolution:
 - a. Make a SEQRA Determination of Non-significance (Negative Declaration);
 - b. Close the concurrent public hearings on the Special Use Permit; Site Plan; Freshwater Wetlands; Steep Slope; and Erosion Control Plan Applications; and Lot Line Revision;
 - c. Grant several waivers related to zoning and other pertinent code chapters; and
 - d. Grant approval with conditions on the Special Use Permit; Site Plan; Freshwater Wetlands; Steep Slope; and Erosion Control Plan Applications; and Lot Line Revision.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at eaxelson@CPLteam.com.

Materials Reviewed

- Response letter prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated November 19, 2020; and Short EAF Part 3 narrative dated November 11, 2020;
- Opinion of Probable Construction Cost for Mitigation Landscaping, preparer not indicated, Insite Engineering, Surveying & Landscape Architecture, PC, dated November 19, 2020;
- Opinion of Probable Construction Cost for Site Landscaping, preparer not indicated, Insite Engineering, Surveying & Landscape Architecture, PC, dated November 19, 2020;
- Copy of email dialogue between Jamie LoGiudice, RLA, Insite Engineering and Sarah Pawliczak, NYSDEC, dated November 18, 2020;
- Copy of PVDF Cool Coatings color samples from American Buildings, NUCOR Company;
- Letter from Town of Kent Highway Department Superintendent to Jamie LoGiudice, RLA, Insite Engineering dated November 18, 2020;
- Wetlands Report letter prepared by James Bates, CPESC, CPSWQ, Ecological Analysis, LLC, dated November 19, 2020;
- Report about 10-year Back-to-back Storm Even Analysis, preparer not indicated, Insite Engineering, Surveying & Landscape Architecture, PC, dated November 19, 2020;
- Plans entitled Kent Development Associates & Timber Harvest, prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated August 15, 2019, last revised November 19, 2020, except as noted below, including the following:
 - o OP-1 Overall Plan, dated August 24, 2020, last revised November 19, 2020;
 - o SP-1 Layout Plan, dated July 19, 2018, last revised November 19, 2020;
 - o SP-2 Grading, Drainage & Utilities Plan;
 - o SP-3 Erosion & Sediment Control Plan;
 - o SP-4 Timber Harvest Erosion & Sediment Control Plan, dated September 16, 2020, last revised November 19, 2020;
 - o LP-1 Lighting Plan, dated August 24, 2020, last revised November 19, 2020;
 - o D-1 Details;
 - o D-2 Details and Profile, dated August 24, 2020, last revised November 19, 2020;
 - o D-3 Details, dated September 16, 2020, last revised November 19, 2020; and
- Plan entitled Lot Line Adjustment Map, Kent Development Associates, Inc., preparer by Terry Bergendorff Collins, LS, Terry Bergendorff Collins, Professional Land Surveyors, dated February 11, 2020, based on a survey dated July 11, 2005, last revised November 11, 2020; and
- Architectural plans prepared by Herbert Lackner, dated October 14, 2020, revised October 24, 2020, including the following 3 sheets:
 - o Foundation and Footing Plan;
 - o First floor plan; and
 - o Prefab Building Plans.

Materials Previously Reviewed

- Response letter prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated October 15, 2020;
- Opinion of Probable Construction Cost for Landscaping, preparer not indicated, Insite Engineering, Surveying & Landscape Architecture, PC, dated October 15, 2020;
- Letter about site and adjoining property boundaries from Terry Bergendorff Collins, Terry Bergendorff Collins Land surveying PLLC, dated October 14, 2020 with attached maps, including:
 - o Survey of Property Prepared for Richard Esposito and Charles Pateman, prepared by Terry Bergendorff Collins, dated November 14, 2006;
 - o Excerpt of a Survey Map of Property of John H. Riley and Edna W. Riley, by Burgess & Behr Professional Engineering & Land Surveying, Map Completed on November 3, 1969;
 - o Excerpt of a Survey Map of the lands of Andrew Karmin & Heather Milniker to be conveyed to Kurt & Sigrid Fuchs, by Raymond Kihlmire, LLS, PC, dated June 14, 1999, certified to Kurt and Sigrid Fuchs;
- Copy of email dialogue between John Watson, PE, Insite Engineering and Matthew Gianetta, NYSDEC, dated October 6, 2020;
- Plans entitled Kent Development Associates & Timber Harvest, prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated August 15, 2019, last revised October 15, 2020, except as noted below, including the following:
 - o OP-1 Overall Plan, dated August 24, 2020, last revised October 15, 2020;
 - o SP-1 Layout Plan, dated July 19, 2018, last revised October 15, 2020;
 - o SP-2 Grading, Drainage & Utilities Plan;
 - o SP-3 Erosion & Sediment Control Plan;
 - o SP-4 Timber Harvest Erosion & Sediment Control Plan, dated September 16, 2020, last revised October 15, 2020;
 - o LP-1 Lighting Plan, dated August 24, 2020, last revised October 15, 2020;
 - o D-1 Details;
 - o D-2 Details and Profile, dated August 24, 2020, last revised October 15, 2020;
 - o D-3 Details, dated September 16, 2020, last revised October 15, 2020;
 - o VS-1 Visual Sections Plan, dated October 14, 2020; and
 - o VMP-1 Vehicle Maneuvering Plan, dated October 15, 2020.

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- Response letter prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated September 16, 2020;

- Copies of email correspondence from the Cultural Resource Information System (CRIS) dated 9/4/20, 9/14/20 and 9/16/20;
 - Copy of NYS OPRHP aka SHPO signoff letter dated September 22, 2020;
 - Plan sheet SS-1, entitled Kent Development Associates & Timber Harvest, Steep Slope & Soils Map, prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated August 24, 2020, revised September 16, 2020;
 - Plans entitled Kent Development Associates & Timber Harvest, prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated August 15, 2019, last revised September 16, 2020, except as noted below, including the following:
 - o OP-1 Overall Plan, dated August 24, 2020, last revised September 16, 2020;
 - o SP-1 Layout Plan, dated July 19, 2018, last revised September 16, 2020;
 - o SP-2 Grading, Drainage & Utilities Plan;
 - o SP-3 Erosion & Sediment Control Plan;
 - o SP-4 Timber Harvest Erosion & Sediment Control Plan, dated September 16, 2020;
 - o LP-1 Lighting Plan, dated August 24, 2020, last revised September 16, 2020;
 - o D-1 Details;
 - o D-2 Details and Profile, dated August 24, 2020, last revised September 16, 2020;
 - o D-3 Details, dated September 16, 2020; and
 - Plan entitled Lot Line Adjustment Map, Kent Development Associates, Inc., preparer by Terry Bergendorff Collins, LS, Terry Bergendorff Collins, Professional Land Surveyors, dated February 11, 2020, based on a survey dated July 11, 2005, last revised September 3, 2020; and
 - Architectural plans prepared by Herbert Lackner, dated July 29, 2015, revised March 8, 2017, including the following 3 sheets:
 - o Cellar plan;
 - o First floor plan; and
 - o Plans and elevations.
- *****
- Response letter prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated August 24, 2020;
 - Copy of submittal to the Town of Kent Zoning Board of Appeals including the following:
 - o Letter prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated August 27, 2018, regarding commercial lot, with list of attached plans and other materials;
 - o Application to ZBA for variance dated 8/27/18 with copy of decision from 2003;
 - o Copy of ZBA minutes of September 17, 2018;
 - o Letter prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated September 25, 2018, regarding commercial lot, with list of attached plan and other materials;
 - o Application to ZBA for variance dated 8/27/18, revised September 25, 2018;
 - o Copy of email from Richard Othmer, Town Highway, dated September 24, 2018;
 - o Copy of Town of Kent Zoning Board of Appeals, October 15, 2018 Minutes;
 - Short Environmental Assessment Form (Short EAF), prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, last revised 8/24/20;
 - Phase 1A Literature Review & Sensitivity Analysis and Phase 1B Archaeological Field Reconnaissance Survey, Hilltop Estates, prepared by CITY/SCAPE: Cultural Resource Consultants, dated January 2007;
 - Plan sheet SS-1, entitled Kent Development Associates & Timber Harvest, Steep Slope & Soils Map, prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated August 24, 2020;
 - Plans entitled Kent Development Associates & Timber Harvest, prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated August 15, 2019, last revised August 24, 2020, except as noted below, including the following:
 - o OP-1 Overall Plan, dated August 24, 2020;
 - o SP-1 Layout Plan, dated July 19, 2018, last revised August 24, 2020;
 - o SP-2 Grading, Drainage & Utilities Plan;
 - o SP-3 Erosion & Sediment Control Plan;
 - o LP-1 Lighting Plan, dated August 24, 2020;
 - o D-1 Details;
 - o DD-2 Details and Profile; and
 - Plan entitled Lot Line Adjustment Map, Kent Development Associates, Inc., preparer by Terry Bergendorff Collins, LS, Terry Bergendorff Collins, Professional Land Surveyors, dated February 11, 2020, based on a survey dated July 11, 2005, last revised September 3, 2020.
- *****
- Letter prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated July 28, 2020, regarding aerial map and adjoining residential;
 - Plan sheet AM-1, entitled Kent Development Associates Commercial Lot, Aerial Map, prepared by preparer not indicated, Insite Engineering, Surveying & Landscape Architecture, PC, dated July 24, 2020;
 - Letter prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated July 20, 2020, regarding commercial lot, timber harvest, site plan, steep slopes/stormwater, wetlands and lot line adjustment;
 - Town of Kent Site Plan checklist, prepared/signed by Jamie LoGiudice, RLA, dated 6/10/20, revised 7/15/20;
 - Town of Kent Combined Application Form, signed by Richard Esposito 5/9/20, revised 7/20/20, with attached affidavit, certification, disclosure and Agricultural Data Statement;
 - Short Environmental Assessment Form (Short EAF), prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, last revised 7/16/20;
 - Copy of Town of Kent Zoning Board of Appeals, October 15, 2018 Minutes;
 - Copies of Timber Harvest information, including the following:
 - o Affidavit for Agent of Owner, notarized February 26, 2019;
 - o Application narrative, illustrations, maps (soils, harvest area, and landing), responses to consultant reviews, prepared by Jordan Heller, Forester for Greene Lumber Co, LP, undated;
 - Plans entitled Kent Development Associates Commercial Lot, prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated August 15, 2019, last revised July 20, 2020, except as noted below, including the following:
 - o SP-1 Layout Plan, dated July 19, 2018, last revised July 20, 2020;
 - o SP-2 Grading, Drainage & Utilities Plan;
 - o SP-3 Erosion & Sediment Control Plan;
 - o D-1 Details; and
 - Plan entitled Lot Line Adjustment Map, Kent Development Associates, Inc., preparer not indicated, Terry Bergendorff Collins, Professional Land Surveyors, dated February 11, 2020, based on a survey dated July 11, 2005.

**FINAL ADOPTED RESOLUTION
December 10, 2020**

**Town of Kent Planning Board
Resolution of SEQRA Determination of Non-Significance (Negative Declaration) for:
Special Use Permit; Site Plan Approval; Revised Lot Line; and Wetland; Steep Slope and Erosion
Control Permits, including Timber Harvest;
and
Approval with Conditions for Special Use Permit; Site Plan; Revised Lot Line; and Wetland;
Steep Slope and Erosion Control Permits
For
Kent Development Associates, North Horsepound Road & Peckslip Road, Tax Parcels No. 12.1-1-38 & 12.-1-42**

Whereas, the Town of Kent Planning Board has received an application from Kent Development Associates, c/o Richard Esposito for approval of a Special Use Permit; Site Plan; Lot Line Revision; and Wetland; Steep Slope and Erosion Control Permits, including a Timber Harvest, for development of a 3.263-acre parcel in the IOC (Industrial-Office-Commercial) zoning district and an 0.837-acre portion of the adjoining 48.456-acre parcel in the R-40 (Residential) zoning district to create an 11,200 square foot (SF) contractor's office and warehouse building with a 10,000 SF footprint and a 1,200 SF second floor (mezzanine) on a site located at North Horsepound Road and Peckslip Road, in the Town of Kent, Putnam County, New York (tax parcel identification numbers 12.1-1-38 & 12.-1-42); and

Whereas, the proposed Revised Lot Line aspect of the project involves:

- the combination of an 0.837-acre portion of the adjoining 48.456-acre parcel in the R-40 zoning district to be combined with a 3.263-acre parcel in the IOC zoning district, resulting in a 4.1-acre site for the proposed contractor's office and warehouse building and related improvements; and
- the timber harvest will be done on the remainder of the parcel in the R-40 zone, which as a result of the Revised Lot Line will be 47.619 acres; and

Whereas, the proposed action involves the development of a single building and parking areas, driveway to North Horsepound Road, utilities, and electric and stormwater management systems, noting that the contractor's office is a permitted special use in the IOC zoning district; and the warehouse is a principally permitted use in the IOC zone; and

Whereas, the timber harvesting aspect of the overall proposed action, with access onto Peckslip Road, is considered generally as part of SEQRA and planning review, however, while the Code of the Town of Kent does not regulate this activity specifically, the code does regulate erosion and sedimentation control related to the access and landing areas for the timber harvesting activities;

Whereas, the project is depicted on site plans, prepared by Insite Engineering, Surveying & Landscape Architecture, PC, dated August 15, 2019, last revised November 19, 2020; a lot line revision map prepared by Terry Bergendorff Collins, Professional Land Surveyors, dated February 11, 2020, based on a survey dated July 11, 2005, last revised November 11, 2020; and a Short EAF, last revised August 24, 2020 and a Short EAF Part 3 narrative, dated November 11, 2020; and other materials were submitted in support of the application as listed in the review memorandums prepared by the Planning Board's engineering, environmental and planning consultants; and

*Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan; Lot Line Revision; Wetland; and Erosion Control for Kent Development Associates
December 10, 2020*

Whereas, on October 15, 2018, the Applicant and their Representatives requested and obtained a decision from the Town of Kent Zoning Board of Appeals (ZBA), which resulted in an extension of the IOC zoning district regulations 140' beyond the IOC zoning district line into the adjoining R-40 zoning district portion of the overall project site;

Whereas, on September 10, 2020, the Planning Board initiated the New York State Environmental Quality Review Act ("SEQRA") review of the proposed action including the following steps:

- classified the proposed project as an Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5;
- declared its intent to serve as Lead Agency in a coordinated review of the Project; and
- directed its secretary to circulate notice of its intent, copies of the Short EAF and project materials to all other involved and interested agencies; and

Whereas, on September 10, 2020, the Planning Board referred the application to the Putnam County Department of Planning, Development and Public Transportation (PCDPD&PT) pursuant to Section 239-l, m and n of the General Municipal Law and a response therefrom dated November 2, 2020 indicated approval by the PCDPD&PT; and

Whereas, on September 10, 2020, the Planning Board pursuant to Section 239-nn of the General Municipal Law, sent a notice of a public hearing to the Town Clerk of the adjacent municipality, which is Town of East Fishkill, and no comments were received in response to the notice; and

Whereas, the Planning Board held concurrent public hearings on the Special Use Permit; Site Plan; Lot Line Revision; and Wetland; Steep Slope and Erosion Control Permits on October 8, 2020, which were adjourned and continued on November 12, 2020 and December 10, 2020; and

Whereas, the Planning Board has considered the comments of agencies and the public;

Now Therefore Be It Resolved, that the Town of Kent Planning Board, as Lead Agency under SEQRA, hereby makes a Determination of Non-Significance (Negative Declaration) indicating that the proposed action will not result in any significant adverse environmental impacts and that an environmental impact statement will not be required based on the supportive reasoning set forth below and in Short Environmental Assessment Form Parts 2 and 3 attached hereto:

1. The proposed development is consistent with special use and principal use requirements in the IOC zoning district, including proposed building and impervious coverage values of six percent (6%) and 17%, respectively, which are less than 25% of the maximum requirements;
2. The site design incorporates retained vegetation, landscaping and muted building colors to make the development less visible from the road frontage and surrounding properties and more consistent with the character of nearby development in the IOC and R-40 zones;
3. The proposed development layout is focused on the western and central area of the site to minimize disturbance within the one-hundred-foot (100') New York State Department of Environmental Conservation (NYSDEC) Adjacent Area and Town of Kent Wetland Buffer.

*Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan; Lot Line Revision; Wetland; and Erosion Control for Kent Development Associates
December 10, 2020*

Stormwater Management Practices located within the 100'-adjacent area/buffer include plantings compatible with buffer vegetation; and

4. The formerly proposed asphalt millings driveway surface has been changed to gravel within the wetland 100'-adjacent area/buffer, in response to concerns about potential pollutants from the use asphalt millings; and

Be It Further Resolved, that the Planning Board hereby closes the concurrent public hearings on the Special Use Permit; Site Plan; Lot Line Revision; and Wetland; Steep Slope and Erosion Control Permits; and

Be It Further Resolved, that as authorized in the Code of the Town of Kent Chapter 77 Zoning, the Planning Board hereby grants waivers of the following zoning requirements and standards:

1. The requirement for sidewalks per zoning section 77-26. A.(5), is waived as the project's frontage along a rural town road is: limited by wetlands and wetland 100'-adjacent area/buffer; the proposed driveway is about 500' from a single nearby office; and no other businesses or homes are within a reasonable walking distance.
2. The requirement for retention of tree rows per zoning section 77-26. A.(8), is waived due to the need to locate the driveway curb cut outside the wetlands to the degree possible.
3. Regarding zoning section 77-26. A.(7), the requirement for pedestrian amenities, such as a plaza, is waived as it is not pertinent to the building location, which is back from the road and the proposed contractor/warehouse is not a business that would generate pedestrian activity.
4. Regarding zoning section 77-26. A.(21), the requirement that the loading and material storage area be located to the rear of the building is waived, given site was designed relative to the site's constraints, configuration of the driveway, parking and turnaround area.

Be It Further Resolved, that the Planning Board hereby grants variances (waivers or modifications) from the Code of the Town of Kent Chapter 57 Roads and Driveways, as authorized per section 57-29, of the following driveway requirements and standards:

1. The requirement for submittal of a driveway as-built survey prior to issuance of Building Permit as per Code Chapter 57, section 57-26. A.(5)(c), is hereby waived as the submittal of a driveway as-built survey would instead be provided prior to the Building Inspector's foundation inspection.
2. The requirement for the first 30' of a driveway to be paved as per Chapter 57, section 57-26. (A)(2)(a), is waived because the proposed gravel and crushed stone surface in the wetland adjacent area (buffer), which corresponds to the first 30' of the driveway, is deemed to be a more suitable surface according to the New York City Department of Environmental Protection (NYCDEP).
3. The requirement for the driveway to have an eight-inch (8") gravel foundation course and 4" Item 4 or processed gravel final course as per sections 57-26 A.(4)(f) and (g), respectively, is waived as per the November 18, 2020 Memorandum from the Town of Kent Highway Superintendent finds that the proposed 2" thick layer of 1-1/2" – 2" crushed stone, not gravel, 16" subbase of Item 4 (NYSDOT 304.2) set on Tensar 1100 Biaxial Geo-Grid or an equal product is acceptable for approval; and

*Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan; Lot Line Revision; Wetland; and Erosion Control for Kent Development Associates
December 10, 2020*

Be It Further Resolved, that pursuant to Kent Code Chapter 39A, Freshwater Wetlands the Planning Board hereby grants Wetland Permit approval with conditions; and

Be It Further Resolved, that pursuant to Kent Code Chapter 66, Article III the Planning Board hereby grants Steep Slope and Erosion Control Permit approval with conditions; and

Be It Further Resolved, that pursuant to Kent Code Chapter 66A, Subdivision of Land, Article III the Planning Board hereby grants Revised Lot Line approval with conditions; and

Be It Further Resolved, that the Planning Board hereby grants final approval with conditions to the proposed Special Use Permit; Site plan; Revised Lot Line; Wetland permit; and Steep Slope and Erosion Control plan approvals, as depicted on the following plans and maps:

- Plans entitled Kent Development Associates & Timber Harvest, prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated August 15, 2019, last revised November 19, 2020, except as noted below, including the following:
 - o OP-1 Overall Plan, dated August 24, 2020, last revised November 19, 2020;
 - o SP-1 Layout Plan, dated July 19, 2018, last revised November 19, 2020;
 - o SP-2 Grading, Drainage & Utilities Plan;
 - o SP-3 Erosion & Sediment Control Plan;
 - o SP-4 Timber Harvest Erosion & Sediment Control Plan, dated September 16, 2020, last revised November 19, 2020;
 - o LP-1 Lighting Plan, dated August 24, 2020, last revised November 19, 2020;
 - o D-1 Details;
 - o D-2 Details and Profile, dated August 24, 2020, last revised November 19, 2020;
 - o D-3 Details, dated September 16, 2020, last revised November 19, 2020; and
- Plan entitled Lot Line Adjustment Map, Kent Development Associates, Inc., preparer by Terry Bergendorff Collins, LS, Terry Bergendorff Collins, Professional Land Surveyors, dated February 11, 2020, based on a survey dated July 11, 2005, last revised November 11, 2020; and
- Architectural plans prepared by Herbert Lackner, dated October 14, 2020, revised October 24, 2020, including the following 3 sheets:
 - o Foundation and Footing Plan;
 - o First floor plan; and
 - o Prefab Building Plans; and

Be It Further Resolved, that these Special Use Permit; Site plan; Revised Lot Line; Wetland permit; and Steep Slope and Erosion Control plan approvals are expressly conditioned on the completion of and the compliance with the following:

1. Address the comments of the Planning Board's Professional Engineer as set forth in a memorandum dated December 8, 2020.
2. Address the comments of the Planning Board's Environmental Consultant as set forth in a memorandum dated December 8, 2020.

*Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan; Lot Line Revision; Wetland; and Erosion Control for Kent Development Associates
December 10, 2020*

3. Address the comments of the Planning Board's Planning Consultant as set forth in a memorandum dated December 8, 2020.
4. Obtain the approval of the Planning Board's Consulting Professional Engineer in regard to the final Steep Slope and Erosion Control Permit plan.
5. Obtain any and all required approvals from the Town of Kent Highway Department.
6. Obtain any and all required approvals from the New York City Department of Environmental Protection.
7. Obtain the approval of the Article 24 permit from the New York State Department of Environmental Conservation (NYSDEC).
8. Obtain the approval of the amount of the performance bond or security for the Steep Slope and Erosion Control Permit (Erosion Control Bond) required per Kent Code section 66-6 D.(4) by the Planning Board's Consulting Professional Engineer; the recommendation of the bond amount by the Planning Board to the Town Board; the approval of the form of the bond or security by the Planning Board Attorney; and the acceptance of the bond or security by the Town of Kent Town Board.
9. Obtain the approval of the amount of the performance bond or security for the Long-term stormwater management facility bond required per Kent Code section 66-6 D.(4) by the Planning Board's Consulting Professional Engineer; the recommendation of the bond amount by the Planning Board to the Town Board; the approval of the form of the bond or security by the Planning Board Attorney; and the acceptance of the bond or security by the Town Board.
10. Obtain the approval of the amount of the performance bond or security for the site erosion control landscaping bond required per Kent Code section 66-6 D.(4) by the Planning Board's Consulting Professional Engineer; the recommendation of the bond amount by the Planning Board to the Town Board; the approval of the form of the bond or security by the Planning Board Attorney; and the acceptance of the bond or security by the Town Board.
11. Obtain the approval of the amount of the performance bond or security for the wetland mitigation landscaping bond required per Kent Code Chapter 39A. Freshwater Wetlands, section 39A-9 A. by the Planning Board's Consulting Professional Engineer and Environmental Consultant; the recommendation of the bond amount by the Planning Board to the Town Board; the approval of the form of the bond or security by the Planning Board Attorney; and the acceptance of the bond or security by the Town Board.

*Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan; Lot Line Revision; Wetland; and Erosion Control for Kent Development Associates
December 10, 2020*

12. Obtain the approval of the form of the four (4) bond agreements listed below by the Planning Board Attorney; and these bond agreements must then be executed and accepted by the Town Board:
 - a. Steep Slope and Erosion Control Permit (Erosion Control Bond) agreement;
 - b. Long-term stormwater management facility bond agreement;
 - c. Site erosion control landscaping bond agreement; and
 - d. Wetland mitigation landscaping bond agreement
13. A Stormwater management agreement shall be prepared by the Planning Board Attorney; and shall be executed and accepted by the Town Board.
14. A Stormwater maintenance and easement agreement shall be prepared by the Planning Board Attorney; and shall be executed and accepted by the Town Board.
15. The wetland mitigation landscaping bond shall be returned after the end of a three-year period as measured from the date of the issuance of the certificate of occupancy and when the Town has determined that at least 80% of the wetland mitigation plants are viable at that time.
16. The site erosion control landscaping bond shall be returned after the end of a three-year period as measured from the date of the issuance of the certificate of occupancy and when the Town has determined that at least 80% of the erosion control plants are viable at that time.
17. Payment of an inspection fee for the Steep Slope and Erosion Control Permit.
18. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.
19. The conditional 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. Said conditional approval shall thereafter expire unless otherwise extended by the Planning Board after receipt of a written request of the applicant prior to the date of expiration. The site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods.
20. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Special Permit; Site Plan Approval; Revised Lot Line; Wetland Permit; and Steep Slope and Erosion Control permit approvals have been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Planning Consultant verifying that each of the conditions of this approval have been completed. The final drawings shall not be accepted by the Planning Board without submission of proof of completion.

*Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan; Lot Line Revision; Wetland; and Erosion Control for Kent Development Associates
December 10, 2020*

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 Aye

Stephen Wilhelm Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on December 10, 2020.


Vera Patterson, Clerk
Town of Kent Planning Board

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Attachment: Short Environmental Assessment Form Parts 2 and 3



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

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

Wilfred A. Rohde, P.E. • Michael W. Soyka, P.E. • John V. Andrews, Jr., P.E.

Memorandum

| | | | |
|-------|----------------------------------|----------|--|
| To: | Planning Board Town of Kent | Attn: | Philip Tolmach Chairman |
| From: | Julie S. Mangarillo, P.E., CPESC | Subject: | Site Plan, Lot Line Adjustment Erosion Control Permit Wetland Permit |
| Date: | December 8, 2020 | Project: | Kent Development Associates – IOC Property & Timber Harvest TM # 12.-1-38 & 42 |

The following materials were reviewed:

- Refer to Appendix A for list.

The project proposes construction of a commercial building in IOC zone in addition to the open application for Town of Kent Erosion Control Permit for timber harvest.

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

New Comments:

1. Per correspondence from the applicant's representatives, the asphalt millings are no longer proposed. For the section of driveway within the 100 foot buffer of the wetland, the driveway is proposed to be constructed of Item 4 with a surface of crushed stone. This has been approved by the Kent Highway Superintendent, Richard Othmer, Jr., per his letter dated November 18, 2020. The Planning Board will ultimately have to grant a waiver for alternative driving surface that is not included in the Code. The remainder of the driveway outside of the 100 foot wetland buffer will be traditional asphalt pavement. We appreciate this change in design.
2. In our previous comment memo, we had suggested a trench drain or alternative method to help catch driveway sediment downhill of the water quality swale inlet before it enters the wetland. Insite has proposed the use of a "Gravel Berm/Sediment Catchment" and flush curb along the edge of the gravel section of the driveway. We have no objection to using this method to trap sediment.
3. Include drawing SS-1 with the drawing set for future submittals.
4. Stormwater facility maintenance and access easement agreements will need to be approved by the Town Board. These are typically prepared by the Planning Board attorney and executed by the Applicant and Town Board.

5. The following bond estimates have been provided by Insite:
 - a. An erosion control bond estimate of \$9,183.00.
 - b. A long-term stormwater management facility bond estimate of \$78,800.
 - c. An opinion of probable construction cost for mitigation landscaping of \$9,750.00 for wetland mitigation
 - d. An opinion of probable construction cost for site landscaping of \$7,355.00 for erosion control landscaping.
 - e. We recommend the bond estimates listed above, prepared by Insite Engineering be accepted for the bond amounts and recommended for approval by the Town Board.

The following comments are provided for the Planning Board's consideration from a memo dated August 12, 2020:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 1 acre of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, including long term stormwater management. - **acknowledged**
7. Refer to the Drawings:
 - b. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Provide a note on the drawing.
 - i. 9/9/2020: The response letter requests a waiver from §57-26.A(5)(c). The applicant wishes to provide the as-built survey of the driveway prior to issuance of certificate of occupancy instead of issuance of building permit.

The driveway will need to be rough graded in order to achieve the elevations necessary for the other site improvements and building. Having the driveway rough graded at the start of construction is also beneficial for access by the construction crew, delivery vehicles and emergency vehicles if needed.

The requirement for the driveway as-built is first included in §57-23 "Driveway permit prerequisite to issuance of building permit".

§57-26.A(5)(c) calls for "upon completion of grading and placement of subbase material, and prior to final paving, the applicant's New York State licensed land surveyor shall provide to the Town an as-built survey depicting the actual grades and dimensions to which the driveway has been constructed. Such as-built survey shall accompany the application for issuance of a building permit for construction of on-site improvements."

With the tight construction envelope, between property lines, steep slopes, wetlands and associated buffers, it is in the applicant's interest to ensure grades and elevations are correct early in the construction schedule. Providing the driveway as-built survey at the time of issuance of Certificate of Occupancy is too late in the construction process.

At this time, we do not believe there is sufficient justification to delay the as-built of the driveway until the issuance of the certificate of occupancy. We recommend the driveway as-built be provided prior to issuance of building permit as required by Code.

10/6/2020: The applicant's representatives have requested a waiver to provide the driveway as-built at time of the issuance of the Foundation Permit. This request will have to be evaluated by the Building Inspector and Planning Board.

12/8/2020: Recent discussions with the Building Inspector have considered tying the submission of the driveway as-built to the foundation inspection, instead of to a separate foundation permit. This will have to be discussed at the Planning Board meeting.

11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule. – **Acknowledged.**

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

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
20-261-209-02

Bruce Barber via email
Liz Axelson via email

APPENDIX A

List of Documents Reviewed

1. Letter to Town of Kent Planning Board-Kent Development Associates-Commercial Lot & Timber Harvest Project, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated November 19, 2020.
2. Opinion of Probable Construction Cost for Mitigation Landscaping-Prepared for Kent Development Associates, Inc., prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated November 19, 2020.
3. Opinion of Probable Construction Cost for Site Landscaping-Prepared for Kent Development Associates, Inc., prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated November 19, 2020.
4. Email from Sarah Pawliczak, Biologist, NYSDEC regarding use of gravel and Item 4, dated November 18, 2020.
5. PVDF Cool Coatings – Proposed color chart for exterior of building
6. Wetlands Report, prepared by Ecological Analysis, dated November 19, 2020.
7. Wetland Inventory Data, prepared by James Bates, dated November 11, 2020.
8. Kent Development Associates, N. Horsepound Road 10-Year Back-to-Back Storm Event Analysis, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated November 19, 2020.
9. Town of Kent Highway Department Memorandum-Gravel Driveway Approval, North Horsepound Road, dated November 18, 2020.
10. Drawing-Lot Line Adjustment Map-Kent Development Associates, Inc. prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated February 11, 2020 last revised November 11, 2020 scale 1"=60'.
11. Drawing OP-1-Overall Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised November 19, 2020 scale 1"=100'.
12. Drawing SP-1-Layout & Landscape Plan -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated July 19, 2018, last revised November 19, 2020 scale As Noted.

13. Drawing SP-2-Grading, Drainage & Utilities Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised November 19, 2020 scale 1"=40'.
14. Drawing SP-3-Erosion & Sediment Control Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised November 19, 2020 scale 1"=40'.
15. Drawing SP-4-Timber Harvest Erosion & Sediment Control Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated November 19, 2020 scale 1"=100'.
16. Drawing LP-1-Lighting Plan -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised November 19, 2020 scale 1"=30'.
17. Drawing D-1-Details -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised November 19, 2020 scale As Noted.
18. Drawing D-2-Details & Profile -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised November 19, 2020 scale As Noted.
19. Drawing D-3-Details & Profile -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated November 19, 2020 scale As Noted.
20. Architectural floor plans and elevation, prepared by Herbert Lackner, Drawings 1-3, dated October 14, 2020, last revised October 24, 2020.



Cornerstone Associates

Environmental Planning Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

p

December 8, 2020

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

Re: Kent Development Associates Application

North Horsepound and Peckslip Roads

Section 12 Block 1 Lots 38, 42

Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

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

1. Comment response memo dated 11/19/20 executed by John Watson of Insite Engineering, 8 pages.
2. Document entitled; "Opinion of Probable Construction Cost for Mitigation Landscaping" prepared by Insite Engineering dated 11/19/20, 1 page.
3. Document entitled; "Opinion of Probable Construction Cost for Site Landscaping" prepared by Insite Engineering dated 11/19/20, 1 page.
4. Letter executed by the Town of Kent Highway Superintendent dated 11/18/20, 1 page.
5. Report prepared by Ecological Analysis dated 11/19/20, 2 pages (Wetland Inventory Data sheets attached-12 pages).
6. Copy of email from Sarah Pawliczak of NYSDEC dated 11/18/20.
7. Report entitled; "Kent Development Associated N. Horsepound Road 10-Year Back-to-Back Storm Event Analysis" prepared by Insite Engineering dated 11/19/20.
8. Plans entitled; "Horsepound Road, Kent NY-Contech" prepared by Herbert Lackner dated 10/24/20 (rev.), 3 sheets (not signed or sealed).
9. Lot Line Adjustment Map prepared by Terry Bergendorff Collins dated 11/11/20 (rev.), 1 sheet/
10. Plans entitled' "Kent Development Associates & Timber Harvest" prepared by Insite Engineering dated 11/19/20 (rev.), 9 sheets: OP-1, SP-1, SP-2, SP-3, SP-4, LP-1, D-1, D-2, D-3.

1: Project Summary:

The applicant proposes a lot line adjustment in which 0.837+/- acres will be conveyed from parcel 12-1-38 (residentially zoned parcel on Peckslip Road) to parcel 12-1-42 (IOC zoned North Horsepound Road parcel).

In addition, the applicant proposes to construct a commercial building, driveway, parking area, stormwater management, exterior lighting, well and septic system on parcel 12-1-42 which is located on the northerly side of Baptist Church and North Horsepound Road.

Additionally, the applicant proposes to conduct a logging operation on the Adjoining residential property (see comments in March 6, 2020 memo prepared by this office).

2.: Environmental and Cultural Resource Comments:

Wetlands: The on-site and adjacent wetland areas have been classified as a Type I wetlands by NYSDEC. Type I wetlands are considered by NYSDEC to be the most valuable and subject to the most stringent standards. Additionally, information has been provided by an area resident during the November public hearing as well as the applicant's environmental consultant that historical flooding conditions are present in this area. The proposed driveway curb cut is located in close proximity to the wetlands and disturbance to construct approximately 190'+/- of the driveway is located within the 100' wetland buffer.

Due to the above conditions, and in accordance with Town Code, the applicant was requested and has provided a functional wetland analysis. This analysis determined that the most significant functions of the on-site wetland were ground water recharge and flood attenuation. The applicant has designed a mitigation plan which includes stormwater management practices as well as wetland buffer plantings which will, with appropriate maintenance, preserve the identified significant wetland functions.

The applicant also conducted a hydrological analysis to determine if existing wetland hydrology will be substantially altered due and is reported flooding conditions will be exacerbated due to the proposed improvements. The analysis was conducted by a NYS Licensed Professional Engineer in compliance with Town Code requirements and reviewed by the Town Engineer. A determination by the applicant was made that there will not be an appreciable change in pre- and post-construction wetland hydrology and reported flooding conditions will not be increased.

The applicant had previously indicated that asphalt millings would be used as the driveway surface. Concern had been expressed by the public, the Planning Board, and the Planning Board consultants regarding the need for further information to ensure that the millings would not pollute the immediately adjacent wetlands. The applicant has since modified the choice of materials and will be using Item 4 and crushed stone for the driveway which is routinely used as a material in wetland treatment construction. As a result, additional information requested regarding the use of asphalt millings is no longer necessary.

Stormwater runoff from the lower section of the proposed driveway (approximately 80') is now proposed to be treated with an engineered solution.

A New York State Department of Environmental Conservation (NYSDEC) wetland permit is pending. It is unclear if a New York City Department of Environmental Protection (NYCDEP) approval is required but should be provided as applicable.

This office defers the Town Engineer regarding review of the erosion and sediment control plan.

Well/Septic Systems: Approvals from PCDOH are pending.

3: Additional Comments:

The applicant has submitted an "Opinion of Probable Cost for Mitigation Landscaping in the amount of \$9,750 and an "Opinion of Probable Construction Cost for Site Landscaping" in the amount of \$7,355. These numbers are found to be reasonable. It is recommended that the Planning Board indicate that the bonds shall be released after a three-year period measured from the date of issuance of the certificate of occupancy when it is verified by the Town that at least 80% of the planted species are viable.

Report entitled; "Kent Development Associated N. Horsepound Road 10-Year Back-to-Back Storm Event Analysis" prepared by Insite Engineering dated 11/19/20 should be signed and sealed by a NYS Licensed Professional Engineer.

It is recommended that a plant inspection and invasive species removal plan be provided indicating that dead/diseased plants will be replaced, and all invasive species removed.

This office will conduct further review upon receipt of additional information provided by the applicant. Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'R' followed by a stylized flourish.

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



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

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

Wilfred A. Rohde, P.E. • Michael W. Soyka, P.E. • John V. Andrews, Jr., P.E.

Memorandum

| | | | |
|-------|----------------------------------|----------|--|
| To: | Planning Board Town of Kent | Attn: | Philip Tolmach Chairman |
| From: | Julie S. Mangarillo, P.E., CPESC | Subject: | Erosion Control– Site Inspection, Driveway Waiver |
| Date: | December 9, 2020 | Project: | Othmer – 189 Churchill Rd TM #12.-1-28 |

The following is offered for consideration by the Planning Board:

A site inspection was conducted for this project on November 18, 2020 with William Walters, Building Inspector and Bruce Barber, Environmental Consultant. Also in attendance was project representative, Richard Othmer, Jr.

Work is underway on construction of the house. The well and septic system have been installed, the house is nearly complete. Some site work is on-going at the rear of the house. The majority of disturbed areas have been stabilized. There is grass growing on most of the lawn area, with the exception of the back of the house and along the edges of the driveway.

There has been a change to the driveway from the approved drawings, prepared by D.C. Engineering, P.C, last revised 6/9/2020:

1. The approved drawings show the driveway in conformance with the driveway code. The first 30 feet of the driveway was to slope down and away from the road in conformance with Town Code Chapter 57, 57-26.A.(2)(a). During the site visit, we were informed that they could not make the grading work to have the driveway slope down and away from the road for the first 30 feet. It is instead graded to slope down and towards the road.
2. The possible need for a driveway waiver from the Planning Board was discussed during the approval process. At that time, the applicant chose to try to make the grading work. Since the site conditions did not allow them to grade the driveway down and away from the road, a driveway waiver is now needed from the Planning Board.
3. The applicant's representative was informed of the need for the driveway waiver via email on 11/23/2020.
4. The applicant's engineer, DC Engineering, P.C., submitted a letter dated November 24, 2020 requesting the waiver for the driveway to slope towards the road. The letter indicates that runoff from the driveway will be directed to the existing road shoulder.
5. Based upon our site inspection and review of the engineer's letter, we have no objection to the Planning Board granting the waiver for 57-26.A(2)(a). Runoff from the portion of the driveway that slopes towards the road will enter an existing ditch along the road. This will reduce or eliminate concerns regarding icing in the winter.

Memorandum
Othmer – 189 Churchill Rd
TM # 12.-1-28
December 9, 2020
Page 2 of 2

6. As a reminder, the first 30 feet of the driveway will have to be paved to be in conformance with the Code.

Please let us know if you have any questions. Thank you.

Julie S. Mangarillo, P.E., CPESC

Attachment: Letter from DC Engineering, P.C., dated November 24, 2020

cc: Planning Board via email
William Walters, Building Inspector, via email
Richard Othmer, via email
Bruce Barber via email
20-261-999-168

Town of Kent Planning Board
25 Sybil's Crossing
Tel: 845-225-7802

email: planningkent@townofkentny.gov
Kent, NY 10512
Fax: 845-306-5283

KENT PLANNING BOARD RESOLUTION 13
2020

Memorandum

Date: December 10, 2020
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att Paul Denbaum - w/Att.
Bill Huestis, Deputy Supervisor - w/Att. Jaimie McGlasson - w/Att.
Chris Ruthven - w/Att.
CC: T. Harrison - w/Att.
L. Cappelli, Town Clerk - w/Att.
Re: **DRIVEWAY WAIVER
OTHMER RESIDENCE
1 CHURCHILL ROAD
KENT, NY 10512
TM: 12.-1-28**

A waiver from DC Entineering, PC, representing Mr. Alexander Othmer – owner of the above mentioned property, requested a driveway waiver which is attached. The original plans showed the last 30' of the driveway sloped down and away from the Town Road and was in accordance with the Kent Town Code. However, as the construction progressed it was determined that this was not possible. The last 30' of the driveway now slopes toward the Town Road. This matter was discussed at the Kent Planning Board meeting on Thursday, December 10, 2020.

Ms. Mangarillo and Mr. Barber inspected the property and recommended that, if the Planning Board agreed, to grant this waiver. granting this waiver.

Mr. Tolmach asked for a motion to grant a driveway waiver allowing the last 30' to slope toward the Town road. The motion was made by Mr. Sisto and seconded by Mr. Lowes. The roll call votes were as follows:


| | |
|-----------------------------|---------------|
| Philip Tolmach, Chairman | <u>Aye</u> |
| Dennis Lowes, Vice Chairman | <u>Aye</u> |
| Simon Carey | <u>Aye</u> |
| Giancarlo Gattucci | <u>Aye</u> |
| Nisim Sachakov | <u>Absent</u> |
| Charles Sisto | <u>Aye</u> |
| Stephen Wilhelm | <u>Aye</u> |

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they approve this recommendation.

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on December 10, 2020.

Dated: December 10, 2020


Vera Patterson
Planning Board Secretary

DC ENGINEERING, PC

November 24, 2020

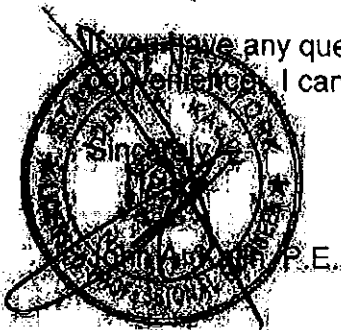
Chairman Tolmach & Kent Planning Board
Town of Kent
25 Sybil's Crossing
Kent Lakes, NY 10512

Re: Othmer Residence - SSTS
1 Church Hill Rd. (T) Kent
TM# 12.1-28

Dear Chairman Tolmach:

Please consider this a request for a waiver to slope the driveway toward the Town road. The location of driveway and the septic in conjunction with the immediate topography below the driveway prevent runoff from being directed into the property for the last 30 ft of the driveway. There is a shoulder below the driveway which will retain the stormwater that crosses the driveway.

If you have any questions regarding the revisions made, please feel free to call me at your convenience. I can be reached at (845) 855-2000.



DESIGN CONCEPTS ENGINEERING, PC
3 MEMORIAL AVE. SUITE 301, PAWLING, NY 12564
PH: 845-855-2000 • FX: 845-855-2605
E: JKAUNDO@COMCAST.NET