



Department of Transportation

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

LANCE MacMILLAN, P.E.
Regional Director

June 25, 2020

Joseph C. Riina, P.E.
Site Design Consultants
251-F Underhill Ave.
Yorktown Heights, NY 10598

**Re: SEQRA# 19-203 Kent Self Storage
Putnam County**

Dear Mr. Riina:

The New York State Department of Transportation (NYSDOT) is in receipt of the site plan for the proposed project above. At this time, the NYSDOT does not have any further comments and is ready for permitting. Below are the required documents needed for permitting. Please send all documents too the below address.

Cassandra Bibbo
NYS Department of Transportation
106 Ludingtonville Road
Holmes, NY 12531

Permit Documents (Completed – NO BLANKS - Original, signed/dated documents) - write name of person authorized to bind applicant on each document requiring a signature

- 4 sets of plans
- Perm 33-com Highway Work Permit Application for Non-Utility Work.
- Perm 36-Attachment to Highway Work Permit (Consultant Inspection Attachment) if required by NYSDOT Engineer.
- Submit NYSDOT approved Engineer's Estimate.
- Perm 44 Surety Bond (Performance) in applicant's name (not applicable for municipalities with an undertaking on file). Generally, the bond shall be written for 75% of approved estimate. Please round to the nearest thousand.
- Cash deposit (bank check) in the amount of 25% of Engineer's Estimate. Please round to the nearest thousand. The Guarantee Deposit must be in a certified bank check, official bank check or a money order. It cannot be drawn from the applicant account unless certified.
- Perm 50-Inspection and/or Supervision Payment Agreement (not applicable for municipalities with an Undertaking on file).
- Completed Smart Growth Tool
- Work Zone Traffic Control Plan in satisfaction of the NYS Drivers First Initiative.
- Submit Lead Agency approval documentation.

INSURANCE

- ACORD 25 - Certificate of Insurance, NYSDOT named as additional insured (See Insurance Requirements below);
- ACORD 855 - New York Construction Certificate of Liability Insurance Addendum

Site Design Consultants

Civil Engineers • Land Planners

October 19, 2020

Fedex Overnight

Cassandra Bibbo
NYS Department of Transportation
106 Ludingtonville Road
Holmes, NY 12531

Re: SEQRA # 19-203 Kent Self-Storage of Putnam Inc.
Route 311 – Town of Kent
Tax Map # Section 22 Block 2 Lot 17

Dear Ms. Bibbo:

Jason Brenner has reviewed and approved our plans and details for Kent Self-Storage, and at his direction (see enclosed letter), we have prepared our submission to you for a NYS DOT Highway Work Permit for the above referenced project. Enclosed please find the following items:

- Perm 33-com Highway Work Permit Application for Non-Utility Work;
- Perm 36-Attachment to Highway Work Permit - Consultant Inspection Attachment;
- Perm 50 Inspection and/or Supervision Payment Agreement
- Engineer's Estimate prepared for NYS DOT;
- Perm 44 Surety Bond (Performance application);
- Bond no. 65230036 for \$17,000.00 (75%) based on the Engineer's Estimate;
- Cash Deposit *Cashier's Check* no. 334101 – Guarantee Deposit for \$6,000.00 (25%) of the Engineer's Estimate;
- Completed Smart Growth Tool;
- Work Zone Traffic Control Plan (see plan set);
- Lead Agency (Town of Kent) approval documentation;
- Required Certificates of Insurance;
- Four sets of plans titled "Proposed Retail Building Prepared for Kent Self-Storage of Putnam, Inc., Maintenance & Protection of Traffic Plan," dated November 27, 2018, last revised 6/8/20, Sheets 1-3 of 3.

We understand that the Surety Bond and Deposit will be returned to the property owner upon completion of the work in the NYS DOT ROW. Please review our submission for approval or contact our office if you have any questions. Thank you.

Yours Truly,


Joseph C. Riina, P.E.

Cc: Jason Brenner, Assistant Engineer
Richard Viebrock
Town of Kent

/ cm / Enc. / sdc 17-72

251-F Underhill Avenue • Yorktown Heights, New York 10598

80 Walnut Grove Road • Ridgefield, Connecticut 06877

(914) 962-4488

(203) 431-9504

Fax (914) 962-7388



- Proof of Worker's Compensation Insurance (Form C-105.2, U-26.3 or SI-12), or proof of exemption (Form CE-200)
- Proof of Disability Benefits Coverage (Form DB-120.1 or DB-155), or proof of exemption (Form CE-200)

Insurance Requirements

- ACORD 25 with ACORD 855 (New York Construction Addendum) shall be submitted as acceptable proof of liability coverage. New York State Department of Transportation should be named as Additional Insured and as the Certificate Holder at the mailing address of the Regional Office who will be issuing the permit.
- In most cases, Permittee must provide proof of **Commercial General Liability** insurance coverage with limits of liability not less than \$1,000,000 per claim/occurrence, unless any of the following circumstances exist, in which case the limits of liability shall not be less than \$5,000,000 per claim/occurrence:
 - The estimated value of permitted work in state right-of-way is \$250,000 or more;
 - The permitted work requires or includes the construction, alteration or maintenance of underground features at any depth five feet or more below grade;
 - The permitted work requires or includes the construction, alteration or maintenance of overhead features that include, but are not limited to, traffic signals, overhead sign structures, retaining walls or other grade separation structures.
 - When the estimated cost of work being performed in the right-of-way equals or exceeds \$250,000, Permittee must additionally provide proof of a **Protective Liability (OCP)** insurance policy with a minimum liability limit of \$1,000,000 per occurrence, with New York State Department of Transportation as Named Insured.

Very truly yours,



Jason Brenner,
Assistant Engineer

cc: Cassandra Bibbo, Permit Engineer, Residency 8-3
Kent Self-Storage of Putnam, Inc
Town of Kent Planning Board

STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION
HIGHWAY WORK PERMIT APPLICATION FOR NON-UTILITY WORK

Application is hereby made for a highway work permit:

Name Kent Self-Storage of Putnam, Inc.

Address 164 Route 311

City Carmel State NY Zip 10512

Applicant Phone (914) 447-0022

Applicant Email Address _____

Emergency Contact Richard Viebrock

Emergency Contact Phone (914) 447-0022

For Joint application, name and address of Applicant 2 below:

Name _____

Address _____

City _____ State _____ Zip _____

(To be completed by NYSDOT Issuing office)

Project Identification No. _____

Highway Work Permit No. _____

RETURN PERMIT TO (if different than above):

Name Site Design Consultants

Address 251-F Underhill Ave

City Yortown Heights State NY Zip 10598

RETURN OF DEPOSIT/BOND TO (if different from Permittee):

Name _____

Address _____

City _____ State _____ Zip _____

- 1) Estimated cost of work being performed in highway right-of-way: \$ 9,500
- 2) Anticipated duration of work: From Jan 2020 to Oct 2020 (applies to the operations indicated on the reverse side)
- 3) Insurance (check one): ☐ General Liability Ins. ☐ Undertaking ☐ Insurance Fee (residential driveways only)

DESCRIPTION OF PROPOSED WORK: To construct a commercial driveway entrance requiring the installation of a precast concrete drainage structure and replace and extend existing culvert with 24" HDPE to existing inlet structure

WILL OVERHEAD OR UNDERGROUND (5'+) OPERATIONS BE INVOLVED IN THE PROPOSED WORK? YES ☐ NO ☒

ATTACHED: Plans ☒ Specifications ☐

LOCATION: State Route: 311 Between Reference Markers 311-3401-1006 and 311-3401-1007

City/Town/Village of Kent County of Putnam

SEQR REVIEW (select one)

[] Type II [] Type I ☒ Unlisted

LEAD AGENCY: Town of Kent DATE OF DETERMINATION: 11-14-19

NOTE: PERMIT IS ISSUED CONTINGENT UPON ALL LOCAL REQUIREMENTS BEING SATISFIED

ACKNOWLEDGMENT: ON BEHALF OF THE APPLICANT, I HEREBY REQUEST A HIGHWAY WORK PERMIT, AND DO ACKNOWLEDGE AND AGREE TO THE RESPONSIBILITIES OF PERMITTEE AND THE OTHER OBLIGATIONS SET FORTH IN THIS PERMIT AND WARRANT COMPLIANCE THEREWITH.

Applicant Signature [Signature]

Date 12/19/19

Applicant 2 Signature _____

Date _____

Approval recommended by Resident Engineer _____ Res No _____ Date _____

Approved by Regional Traffic Engineer _____ Reg No _____ Date _____

ATTACHMENT TO HIGHWAY WORK PERMIT

at any time during normal business hours or while work is actually being performed. Upon acceptance of the work by the Department, all records shall become the property of the Department. The Permittee may make or retain copies of such records at their own expense. The purpose of these requirements is to document compliance by the Permittee (and all contractors or sub-contractors employed by the Permittee) with the quality and workmanship requirements shown in the Plans and required by the Standard Specifications,

C. Obtaining all necessary material samples and conducting all necessary material tests in accordance with the Department's Materials methods. If the Department determines that plant inspections for asphalt concrete and portland cement concrete will be required, the Permittee shall make arrangements with a reputable testing laboratory (which shall be approved by the Department) to perform such inspections according to the Department's Standards. The Permittee will be responsible for all costs associated with obtaining and testing of samples.

D. Conducting an inventory of all existing highway features including, but not limited to, signs, signals, structures, equipment, etc. in coordination with the Department's Engineer and the Permittee.

E. Preparation of all drawings, sketches, and plans necessary for changes to meet actual field conditions.

F. Providing three sets of Record (As-Built) Plans upon completion of the work.

G. Reviewing and inspecting compliance with all aspects of the Maintenance & Protection of Traffic provisions of the Plans, the Permit, NYCRR Title 17, Volume B (a.k.a. NYSMUTCD) and NYSDOT Standard Specifications and notifying the Department of any non-compliance issues.

H. The Consultant must notify the Department, Permittee and Contractor of a circumstance or condition of the work observed by and known to the Consultant per required training to be a violation of a Federal, State or local law, ordinance or regulation. The Consultant shall inform the Department of any violations in the performance of the work on this permit which are not immediately corrected. In the event the Consultant recognizes a Contractor's oversight or a Contractor's disregard of project safety requirements which poses an immediate risk of serious personal injury and/or property damage, the Consultant shall have the authority to notify the Contractor to stop work immediately; issuing a stop-work order, and then the Consultant shall promptly notify the Department and the Permittee of such stop-work order. Notification and/or issuance of a stop-work order by the Consultant shall not relieve the Contractor from sole responsibility for job site safety and compliance with all applicable Federal, State or local laws, ordinances and regulations.

The Department reserves the right to inspect the work for compliance with Federal, State or local laws, ordinances and regulations, but is under no obligation to perform such inspections and assumes no responsibility for lack of any compliance on the part of the Contractor. If the Department determines that there are serious or persistent violations of applicable Federal, State or local laws, ordinances and regulations in the work of this Permit, the Department may issue a stop-work order and all Permit work will cease immediately. In addition, the Permit may be revoked if the safety issues are not resolved to the Department's satisfaction.

The Consultant is responsible for monitoring the Contractor's efforts to maintain traffic and protect the public from damage to person or property in accordance with plans and specifications, within the limits of, and for the duration of, the permit work.

8. The Permittee shall reimburse the State for all reasonable Permit engineering review costs, and for any Department completed inspections which may be necessary due to negligence on the part of the Permittee, its Contractors, or the Consultant. These costs shall include, but not be limited to, salaries and fringe benefits for the Department's Engineers and for material inspectors, travel costs, etc. All work performed by the Permittee shall be at no cost to the State. If costs are incurred by the Department, the Department will bill the Permittee monthly, and the Permittee agrees to pay all such bills within 30 calendar days of the billing date. Failure to pay such bills promptly shall be deemed a breach of the Permit.

9. Prior to the intended commencement of work, the Permittee shall develop a schedule from the contractors' work programs for the accomplishment of all work authorized by the Permit and shall submit this schedule to the Consultant and the Department for informational purposes. The Permittee shall promptly notify the Consultant and the Department of any changes to the schedule.

10. The Permittee shall designate in writing to the Department the Contractor's on-site person who will be responsible for all construction activities covered by this Permit, and shall immediately notify the Consultant and the Department in writing if there is any change of the person so designated. The Permittee shall also designate one or more persons as emergency contacts and shall establish an emergency telephone list. This list shall be kept current by the Permittee and shall be provided to the Consultant, to the Department, and to local public safety agencies.

11. Prior to the commencement of work the Permittee shall arrange a pre-construction meeting with Department staff, the Consultant, the Permittee, and the Permittee's contractors. The purpose of this meeting is to ensure that there is a clear understanding, especially on the part of the Contractors and Consultant, of the requirements imposed by the terms and conditions of the Permit. The Permittee shall notify the Regional Permit Engineer a minimum of ten days prior to the meeting date.

Consultant Authorized Signature *

Title

Consulting Firm

Permittee Signature

Title

Corporation

* Consultant authorized signature must be by person who can legally commit the consulting firm to the requirements of this agreement.

**New York State Department of Transportation
Highway Work Permit Application Agreements**

Inspection and/or Supervision Payment Agreement

As a condition of the attached permit application and in consideration of the issuance of the attached permit, Richard Viebrock, Kent Self-Storage of Putnam Inc. as permittee, hereby agrees as follows: The permittee will reimburse the New York State Department of Transportation for inspection and/or supervision of the permit work by Department employees which exceeds four work hours.

If the Department determines that the proposed work on a specific permit project will exceed five (5) workdays of inspection, the permittee will be required to secure the services of a reputable consulting engineering firm. This firm, upon approval by the Department, will be responsible for all inspection and/or supervision of the permit work.

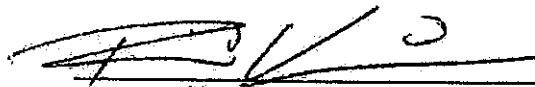
It is estimated that 3 Work Days of inspection time will be required and that the cost per Work Day to be reimbursed, will be \$370.00. These estimates are not intended to be final and the permittee agrees to pay reimbursement for all reasonable expenses incurred by the Department of Transportation in necessary inspection and/or supervision of work performed pursuant to this permit, including supervising work inspected by consultants. The Department of Transportation shall be the sole judge of whether such inspection and/or supervision are necessary.

The permittee will be billed on a monthly basis and the permittee agrees to pay the charges as billed within thirty days of the date of billing. Failure to pay as billed within the specified time limit may result in the revocation of this permit.

Indemnity Agreement

In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations; whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of any claim, including but not limited to claims for personal-injuries, property damage or wrongful death and/or environmental claims, in any way associated with the Permittee's, activities or operations, no matter how caused.

By signing you have read and agree to abide by the above requirements and conditions.



Signature of Permittee or Authorized Representative

Richard Viebrock

Print name, if a corporation or business include position/title

12/19/19
Date

CONSTRUCTION COST ESTIMATE FOR PROPOSED NYS DOT R.O.W. IMPROVEMENTS

Kent Self Storage of Putnam Inc
Route 311

July 20, 202

Category	Item Description	Quantity	Unit	Unit Cost (\$)	Extended Total (\$)
Site Preparation	Clearing & Grubbing	1	LS	\$1,800.00	\$1,800.00
	MPT	1	LS	\$1,500.00	\$1,500.00
Erosion and Sediment Control	Silt Fence	150	LF	\$3.50	\$525.00
	Construction Entrance	1000	SF	\$1.00	\$1,000.00
	Rock Outlet Protection	2	EA	\$50.00	\$100.00
	Stone Inlet Protection	1	EA	\$50.00	\$50.00
Drainage	Catch Basins	1	EA	\$2,500.00	\$2,500.00
	RipRap Swale	20	LF	\$30.00	\$600.00
	24" HDPE Pipe	95	LF	\$55.00	\$5,225.00
	15" HDPE Pipe	130	LF	\$35.00	\$4,550.00
Roadway	Concrete Curb	75	LF	\$16.00	\$1,200.00
	Asphalt Pavement Section	1450	SF	\$5.00	\$7,250.00
Landscaping	Restoration	1200	SF	\$4.00	\$4,800.00
Miscellaneous	Stop Sign & Markings	1	LS	\$1,250.00	\$1,250.00
	Underground Utility	1	LS	\$175.00	\$175.00
TOTAL					\$32,525.00

SURETY BOND (PERFORMANCE)

For the benefit of

The New York State Department of Transportation

In connection with work affecting state highways

Western Surety Company

(SURETY-INSURANCE AND INDEMNITY COMPANY NAME)

BOND NO. 65230036 AMOUNT: \$ 17,000.00

KNOWN ALL BY THESE PRESENTS, That we, Richard Vlebrock (PRINCIPAL'S

NAME), having its principal place of business at 164 Route 311, Town of Kent New York, as

Principal, and Western Surety Company (INSURANCE AND INDEMNITY

COMPANY), as Surety, having an office and usual place of business at Sioux Falls, South Dakota

are held and firmly bound unto the NEW YORK STATE DEPARTMENT OF TRANSPORTATION ("NYSDOT"), in the full and just sum of Seventeen Thousand and no cents Dollars (\$ 17,000.00) to the payment of which, well

and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, to jointly and severally, firmly by these presents.

WHEREAS, said Principal will submit and has submitted plans and specifications for work, within a State highway, deemed necessary by the Commissioner of Transportation, or his duly authorized delegate, and

WHEREAS, said Principal has received and will apply from time to time for permits for the purpose of constructing or maintaining drive entrances, sewer lines, water mains, gas mains, utility lines and poles, street intersections, curb, sidewalk, drainage and excavating for miscellaneous structures, etc., on or within the right of way of highways under the jurisdiction of the State of New York, Department of Transportation,

WHEREAS, this obligation is for the purpose of insuring and guaranteeing the timely and workmanlike completion of such work as reasonably determined by the Commissioner of Transportation or his duly authorized delegate,

IT IS AGREED and understood among the parties hereto that upon the reasonable determination that such work is not being timely performed or is not being or has not been performed in a workmanlike manner by said Principal, the Commissioner of Transportation or his duly authorized delegate may require said Surety to promptly complete said work in a timely and workmanlike manner, or the Commissioner of Transportation or his duly authorized delegate may direct completion of said work with forces chosen by the Commissioner, the

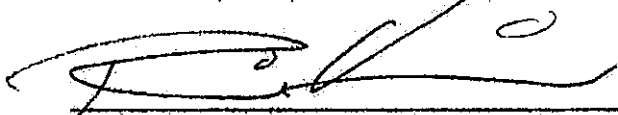
costs of which work will be reimbursed by said Surety up the amount designated above, all of which determinations shall be within the sole and exclusive discretion of the Commissioner of Transportation or his duly authorized delegate.

IT IS FURTHER AGREED that said Principal and said Surety shall indemnify and save harmless the State of New York, Department of Transportation, from all liability, damages and expenses of every kind and nature, resulting directly or indirectly to persons or property and arising from and in consequence of any license or permit, and shall well, truly and faithfully perform the duties and privileges pertaining to any license or permit and shall restore such State highways to their original conditions.

IT IS FURTHER AGREED that said Principal and said Surety shall further indemnify, save harmless and pay the New York State Department of Transportation, any damages, loss, charges or expenses which shall, in any way, be sustained or incurred by it in relation to or in connection with any and all such claims, actions, suits or proceedings at law or in equity.

IN TESTIMONY WHEREOF, said Principal has hereunto set his hand and seal and said Surety has caused this instrument of writing to be executed. SIGNED, sealed and dated this 22 Day of September (month), 2020 (year).

This Bond takes effect 9.29.2020 (date) and shall remain in full force until the work is satisfactorily completed and accepted.



PRINCIPAL

(NOTE: If DBA also provide Name of Legal Entity and Copy of "Certificate of Conducting Business under an assumed Name" that was filed in County Clerk's Office, e.g. John Jones dba Jones Trucking)

BY: R. Viebrook

KENT SELF STORAGE (Company Seal)

Address: 164 RTE 311

CARMEI, NY 10512

Telephone No.: 914-447-0022

SURETY

BY: _____

Attorney-in-Fact

Address: _____

Note: Attach Power of Attorney, Financial Statement and acknowledgement by representative of the Surety showing his/her powers to execute such instrument.

Telephone No.: _____

STATE OF NEW YORK
County of Putnam

Sworn this 22nd day of September 2020
NYS DOT PERM 44 By Richard Viebrook (only)



Susan M. Mucci
Notary Public, State of New York
Registration no. 01MU6072775
Qualified in Putnam County
Commission Expires April 15, 2022 (rev. 9/10)



Western Surety Company

SURETY BOND (PERFORMANCE)

For the benefit of

The New York State Department of Transportation

In connection with work affecting state highways

BOND NO. 65230036

AMOUNT: \$ \$17,000.00

KNOWN ALL BY THESE PRESENTS, That we, Kent Self Storage of Putnam Inc. DBA Kent Self Storage, having its principal place of

business at 164 Route 311, Carmel, NY 10512, as Principal, and WESTERN SURETY COMPANY, as Surety, having an office and usual place of business at P.O. Box 5077, Sioux Falls, South Dakota 57117-5077 are held and firmly bound unto the NEW YORK STATE DEPARTMENT OF TRANSPORTATION ("NYSDOT"), in the full and just sum of

Seventeen Thousand and 00/100 DOLLARS (\$ 17,000.00) to the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, to jointly and severally, firmly by these presents.

WHEREAS, said Principal will submit and has submitted plans and specifications for work, within a State highway, deemed necessary by the Commissioner of Transportation, or his duly authorized delegate, and

WHEREAS, said Principal has received and will apply from time to time for permits for the purpose of constructing or maintaining drive entrances, sewer lines, water mains, gas mains, utility lines and poles, street intersections, curb, sidewalk, drainage and excavating for miscellaneous structures, etc., on or within the right of way of highways under the jurisdiction of the State of New York, Department of Transportation,

WHEREAS, this obligation is for the purpose of insuring and guaranteeing the timely and workmanlike completion of such work as reasonably determined by the Commissioner of Transportation or his duly authorized delegate,

IT IS AGREED and understood among the parties hereto that upon the reasonable determination that such work is not being timely performed or is not being or has not been performed in a workmanlike manner by said Principal, the Commissioner of Transportation or his duly authorized delegate may require said Surety to promptly complete said work in a timely and workmanlike manner, or the Commissioner of Transportation or his duly authorized delegate may direct completion of said work with forces chosen by the Commissioner, the costs of which work will be reimbursed by said Surety up the amount designated above, all of which determinations shall be within the sole and exclusive discretion of the Commissioner of Transportation or his duly authorized delegate.

IT IS FURTHER AGREED that said Principal and said Surety shall indemnify and save harmless the State of New York, Department of Transportation, from all liability, damages and expenses of every kind and nature, resulting directly or indirectly to persons or property and arising from and in consequence of any license or permit, and shall well, truly and faithfully perform the duties and privileges pertaining to any license or permit and shall restore such State highways to their original conditions.

IT IS FURTHER AGREED that said Principal and said Surety shall further indemnify, save harmless and pay the New York State Department of Transportation, any damages, loss, charges or expenses which shall, in any way, be sustained or incurred by it in relation to or in connection with any and all such claims, actions, suits or proceedings at law or in equity.

IN TESTIMONY WHEREOF, said Principal has hereunto set his hand and seal and said Surety has caused this instrument of writing to be executed. SIGNED, sealed and dated this 29th Day of September (month), 2020 (year).

This Bond takes effect September 23rd, 2020 (date) and shall remain in full force until the work is satisfactorily completed and accepted.

Kent Self Storage of Putnam Inc. DBA
Kent Self Storage
PRINCIPAL

(NOTE: If DBA also provide Name of Legal Entity and Copy of "Certificate of Conducting Business under an assumed Name" that was filed in County Clerk's Office, e.g. John Jones dba Jones Trucking)

BY: [Signature]

(Company Seal)

Address: 164 Route 311

Carmel, NY 10512

Telephone No.: (914) 447-0022

WESTERN SURETY COMPANY
SURETY

BY: [Signature]
Paul T. Bruflat, Vice President

Address: P.O. Box 5077

Sioux Falls, South Dakota 57117-5077

Note: Attach Power of Attorney, Financial Statement and acknowledgement by representative of the Surety showing his/her powers to execute such instrument.

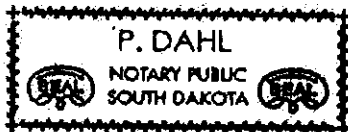
Telephone No.: (800) 381-6053

ACKNOWLEDGMENT OF SURETY

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 29th day of September, 2020, before me, the undersigned officer, personally appeared Paul T. Bruflat, who acknowledged himself to be the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



My Commission Expires June 18, 2025

[Signature]
Notary Public, South Dakota

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Highway Permit

bond with bond number 65230036

for Kent Self Storage of Putnam Inc. DBA Kent Self Storage
as Principal in the penalty amount not to exceed: \$ 17,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its
Vice President with the corporate seal affixed this 29th day of September,
2020.

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By

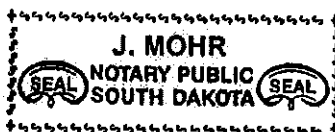
Paul T. Bruflat

Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss.

On this 29th day of September, 2020, before me, a Notary Public, personally appeared
Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President
and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the
voluntary act and deed of said Corporation.



My Commission Expires June 23, 2021

J. Mohr

Notary Public

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.



WESTERN SURETY COMPANY
Sioux Falls, South Dakota
Statement of Net Admitted Assets and Liabilities
December 31, 2019

ASSETS

Bonds	\$ 1,943,152,245
Stocks	27,166,227
Cash, cash equivalents, and short-term investments	27,903,793
Receivables for securities	-
Investment income due and accrued	17,854,019
Premiums and considerations	56,706,652
Amounts recoverable from reinsurers	1,307,522
Current federal and foreign income tax recoverable and interest hereon	2,678,469
Net deferred tax asset	11,798,536
Receivable from parent, subsidiaries, and affiliates	12,821,583
Other assets	601
Total Assets	<u>\$ 2,101,389,646</u>

LIABILITIES AND SURPLUS

Losses	\$ 206,051,147
Loss adjustment expense	52,124,445
Commissions payable, contingent commissions and other similar charges	9,862,381
Other expenses (excluding taxes, license and fees)	3,624
Taxes, License and fees (excluding federal and foreign income taxes)	3,875,999
Federal and foreign income taxes payable	-
Unearned premiums	248,521,840
Advance premiums	6,112,006
Ceded reinsurance premiums payable (net of ceding commissions)	1,673,524
Amounts withheld or retained by company for account of others	5,332,206
Provision for reinsurance	290,516
Payable to parent, subsidiaries and affiliates	2905
Payable on security transactions	-
Other liabilities	97,836
Total Liabilities	<u>\$ 533,948,430</u>

Surplus Account:

Common stock	\$ 4,000,000
Gross paid in and contributed surplus	280,071,837
Unassigned funds	<u>1,283,369,380</u>
Surplus as regards policyholders	<u>\$ 1,567,441,217</u>
Total Liabilities and Capital	<u>\$ 2,101,389,646</u>

I, Amy Smith, Senior Vice President of Western Surety Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2019, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western Surety Company as of that date.

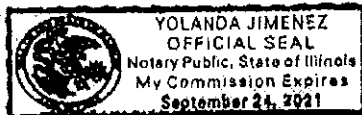


Western Surety Company

By Amy Smith Senior Vice President

Subscribed and sworn to me this 11th day of March, 2020.

My commission expires:



By Yolanda Jimenez Notary Public

THE ORIGINAL CHECK IS PRINTED ON CHEMICAL REACTIVE PAPER.

SECURITY VOID BACKGROUND PATTERN - DO NOT CASH IF THE WORD VOID IS VISIBLE.

TOMPKINS
Mahopac Bank

Cashiers Check 334101

Date: 09/22/2020

Branch: 3008

REMITTER: RICHARD H VIEBROCK

PAY: **EXACTLY** 6,000 AND 00/100 DOLLARS \$6,000.00
TO THE
ORDER OF NYS DEPARTMENT OF TRANSPORTATION

Comment:

⑈334101⑈ ⑈021911398⑈ 101018533⑈

THE ORIGINAL DOCUMENT HAS A WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

PIN# _____

Smart Growth Screening Tool (STEP 1)

NYSDOT & Local Sponsors –Fill out the Smart Growth Screening Tool until the directions indicate to STOP for the project type under consideration. For all other projects, complete answering the questions. For any questions, refer to Smart Growth Guidance document.

Title Of Proposed Project:	Kent Self Storage of Putnam Inc.
Location of Project:	164 Route 311 Carmel, NY 10512
Brief Description:	The proposed building is a self storage facility with a proposed driveway off of Route 311 in Carmel, NY

A. Infrastructure:

(Addresses SG Law criterion a. - To advance projects for the use, maintenance or improvement of existing infrastructure)

1. Does this project use, maintain, or improve existing infrastructure?

Yes ☒

No ☐

N/A ☐

Explain: (use this space to expand on your answers above – the form has no limitations on the length of your narrative)

There is an existing culvert along Route 311 that will be replaced and extended to install the access driveway.

Maintenance Projects:

- a. Continue with screening tool for the four (4) types of maintenance projects listed below, as defined in **NYSDOT PDM Exhibit 7-1 and described in 7-4:**
<https://www.dot.ny.gov/divisions/engineering/design/dgab/pdm>
 - Shoulder rehabilitation and/or repair;
 - Upgrade sign(s) and/or traffic signals;
 - Park & ride lot rehabilitation;
 - 1R projects that include single course surfacing (inlay or overlay), per Chapter 7 of the NYSDOT Highway Design Manual.
- b. For all other maintenance projects, STOP here. Attach this document to the programmatic Smart Growth Impact Statement and signed Attestation for Maintenance projects (located in Appendix 2, page 13 in Guidance document).

B. Sustainability:

NYSDOT defines Sustainability as follows: A sustainable society manages resources in a way that fulfills the community/social, economic and environmental needs of the present without compromising the needs and opportunities of future generations. A transportation system that supports a sustainable society is one that:

- Allows individual and societal transportation needs to be met in a manner consistent with human and ecosystem health and with equity within and between generations.
- Is safe, affordable, and accessible, operates efficiently, offers choice of transport mode, and supports a vibrant economy.
- Protects and preserves the environment by limiting transportation emissions and wastes, minimizes the consumption of resources and enhances the existing environment as practicable.

For more information on the Department's Sustainability strategy, refer to Appendix 1 of the Guidance and the NYSDOT web site. www.dot.ny.gov/programs/greenlites/sustainability

(Addresses SG Law criterion j : to promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain and implement.)

1. Will this project promote sustainability by strengthening existing communities?
Yes ☐ No ☐ N/A ☒
2. Will the project reduce greenhouse gas emissions?
Yes ☐ No ☐ N/A ☒

Explain: (use this space to expand on your answers above)

The work performed is to allow drainage to flow unhindered into the existing storm sewer.

C. Smart Growth Location:

Plans and investments should preserve our communities by promoting its distinct identity through a local vision created by its citizens.

(Addresses SG Law criteria b and c: to advance projects located in municipal centers; to advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area plan.)

1. Is this project located in a developed area?

Yes ☐

No ☒

N/A ☐

2. Is the project located in a municipal center?

Yes ☐

No ☒

N/A ☐

3. Will this project foster downtown revitalization?

Yes ☐

No ☐

N/A ☒

4. Is this project located in an area designated for concentrated infill development in a municipally approved comprehensive land use plan, waterfront revitalization plan, or Brownfield Opportunity Area plan?

Yes ☐

No ☒

N/A ☐

Explain: (use this space to expand on your answers above)

D. Mixed Use Compact Development:

Future planning and development should assure the availability of a range of choices in housing and affordability, employment, education transportation and other essential services to encourage a jobs/housing balance and vibrant community-based workforce.

(Addresses SG Law criteria e and i: to foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income groups; to ensure predictability in building and land use codes.)

1. Will this project foster mixed land uses?

Yes ☐

No ☐

N/A ☒

2. Will the project foster brownfield redevelopment?

Yes ☐

No ☐

N/A ☒

3. Will this project foster enhancement of beauty in public spaces?

Yes ☐

No ☐

N/A ☒

4. Will the project foster a diversity of housing in proximity to places of employment and/or recreation?

Yes ☐

No ☐

N/A ☒

5. Will the project foster a diversity of housing in proximity to places of commercial development and/or compact development?

Yes ☐ No ☐ N/A ☒

6. Will this project foster integration of all income groups and/or age groups?

Yes ☐ No ☐ N/A ☒

7. Will the project ensure predictability in land use codes?

Yes ☐ No ☐ N/A ☒

8. Will the project ensure predictability in building codes?

Yes ☐ No ☐ N/A ☒

Explain: (use this space to expand on your answers above)

The project is a self storage facility and none of the above questions apply. The work performed in the ROW is limited to creating an access point for the site and allowing drainage to flow unhindered to the existing storm sewer.

E. Transportation and Access:

NYSDOT recognizes that Smart Growth encourages communities to offer a wide range of transportation options, from walking and biking to transit and automobiles, which increase people's access to jobs, goods, services, and recreation.

(Addresses SG Law criterion f: to provide mobility through transportation choices including improved public transportation and reduced automobile dependency.)

1. Will this project provide public transit?

Yes ☐ No ☒ N/A ☐

2. Will this project enable reduced automobile dependency?

Yes ☐ No ☒ N/A ☐

3. Will this project improve bicycle and pedestrian facilities (such as shoulder widening to provide for on-road bike lanes, lane striping, crosswalks, new or expanded sidewalks or new/improved pedestrian signals)?

Yes ☐ No ☒ N/A ☐

(Note: Question 3 is an expansion on question 2. The recently passed Complete Streets legislation requires that consideration be given to complete street design features in the planning, design, construction, reconstruction and rehabilitation, but not including resurfacing, maintenance, or pavement recycling of such projects.)

Explain: (use this space to expand on your answers above)

The project is a self storage facility and none of the above questions apply. The work performed in the ROW is limited to creating an access point for the site and allowing drainage to flow unhindered to the existing storm sewer.

F. Coordinated, Community-Based Planning:

Past experience has shown that early and continuing input in the transportation planning process leads to better decisions and more effective use of limited resources. For information on community based planning efforts, the MPO may be a good resource if the project is located within the MPO planning area.

(Addresses SG Law criteria g and h: to coordinate between state and local government and inter-municipal and regional planning; to participate in community based planning and collaboration.)

1. Has there been participation in community-based planning and collaboration on the project?
Yes ☐ No ☐ N/A ☒
2. Is the project consistent with local plans?
Yes ☐ No ☐ N/A ☒
3. Is the project consistent with county, regional, and state plans?
Yes ☐ No ☐ N/A ☒
4. Has there been coordination between inter-municipal and regional planning on the project?
Yes ☐ No ☐ N/A ☒

Explain: (use this space to expand on your answers above)

The project is a self storage facility and none of the above questions apply. The work performed in the ROW is limited to creating an access point for the site and allowing drainage to flow unhindered to the existing storm sewer.

G. Stewardship of Natural and Cultural Resources:

Clean water, clean air and natural open land are essential elements of public health and quality of life for New York State residents, visitors, and future generations. Restoring and protecting

Smart Growth Screening Tool (October, 2012)

natural assets, and open space, promoting energy efficiency, and green building, should be incorporated into all land use and infrastructure planning decisions.

(Addresses SG Law criterion d :To protect, preserve and enhance the State's resources, including agricultural land, forests surface and ground water, air quality, recreation and open space, scenic areas and significant historic and archeological resources.)

1. Will the project protect, preserve, and/or enhance agricultural land and/or forests?
Yes ☐ No ☐ N/A ☒
2. Will the project ~~protect~~, preserve, and/or enhance surface water and/or groundwater?
Yes ☐ No ☐ N/A ☒
3. Will the project protect, preserve, and/or enhance air quality?
Yes ☐ No ☐ N/A ☒
4. Will the project protect, preserve, and/or enhance recreation and/or open space?
Yes ☐ No ☐ N/A ☒
5. Will the project protect, preserve, and/or enhance scenic areas?
Yes ☐ No ☐ N/A ☒
6. Will the project protect, preserve, and/or enhance historic and/or archeological resources?
Yes ☐ No ☐ N/A ☒

Explain: (use this space to expand on your answers above)

The project is a self storage facility and none of the above questions apply. The work performed in the ROW is limited to creating an access point for the site and allowing drainage to flow unhindered to the existing storm sewer.

Smart Growth Impact Statement (STEP 2)

NYSDOT: Complete a Smart Growth Impact Statement (SGIS) below using the information from the Screening Tool.

Local Sponsors: The local sponsors are **not** responsible for completing a Smart Growth Impact Statement. Proceed to Step 3.

Smart Growth Impact Statement

PIN:

Project Name:

Pursuant to ECL Article 6, this project is compliant with the New York State Smart Growth Public Infrastructure Policy Act. This project has been determined to meet the relevant criteria, to the extent practicable, described in ECL Sec. 6-0107. Specifically, the project:

-
-
-
-
-
-
-

This publically supported infrastructure project complies with the state policy of maximizing the social, economic and environmental benefits from public infrastructure development. The project will not contribute to the unnecessary costs of sprawl development, including environmental degradation, disinvestment in urban and suburban communities, or loss of open space induced by sprawl.

Review & Attestation Instructions (STEP 3)

Local Sponsors: Once the Smart Growth Screening Tool is completed, the next step is to submit the project certification statement (Section A) to Responsible Local Official for signature. After signing the document, the completed Screening Tool and Certification statement should be sent to NYSDOT for review as noted below.

NYSDOT: For state-let projects, the Screening Tool and SGIS is forwarded to Regional Director/ RPPM/Main Office Program Director or designee for review, and upon approval, the attestation is signed (Section B.2). For locally administered projects, the sponsor's submission and certification statement is reviewed by NYSDOT staff, the appropriate box (Section B.1) is checked, and the attestation is signed (Section B.2).

A. CERTIFICATION (LOCAL PROJECT)

I HEREBY CERTIFY, to the best of my knowledge, all of the above to be true and correct.

Preparer of this document:

Signature

Design Engineer
Title

9-22-2020
Date

Joseph C. Rina, P.E.
Printed Name

Responsible Local Official (for local projects):

Signature

Date

Title

Printed Name

B. ATTESTATION (NYSDOT)

1. I HEREBY:

☐ Concur with the above certification, thereby attesting that this project is in compliance with the State Smart Growth Public Infrastructure Policy Act

☐ Concur with the above certification, with the following conditions (information requests, confirming studies, project modifications, etc.):

(Attach additional sheets as needed)

☐ do not concur with the above certification, thereby deeming this project ineligible to be a recipient of State funding or a subrecipient of Federal funding in accordance with the State Smart Growth Public Infrastructure Policy Act.

2. NOW THEREFORE, pursuant to ECL Article 6, this project is compliant with the New York State Smart Growth Public Infrastructure Policy Act, to the extent practicable, as described in the attached Smart Growth Impact Statement.

NYSDOT Commissioner, Regional Director, MO Program Director,
Regional Planning & Programming Manager (or official designee):

Signature

Date

Title

Printed Name

DRAFT September 12, 2019

Town of Kent Planning Board

**Resolution of SEQRA Classification; Lead Agency Intent; Circulation; and Referrals for:
Site Plan Approval; and Steep Slope; and Erosion Control Permit for
Kent Self Storage, Site and Erosion Control Plan, Route 311, Tax Parcels No. 22.-2-17**

Whereas, the Town of Kent Planning Board has received an application from Richard Viebrock for approval of a Site plan for development of a 2.7-acre parcel to create a self-storage facility and truck rental service in the IOC (Industrial Office Commercial) zoning district located at 164 Route 311, Carmel, in the Town of Kent, Putnam County, New York (tax parcel identification number 22.-2-17); and

Whereas, the proposed action involves the development of two self-storage buildings with office (management) and retail spaces, as well as parking areas, drive, utilities, and electric and stormwater management systems which is a principal permitted use in the IOC zoning district; and

Whereas, the project is depicted on site and erosion and sediment control plans, prepared by Site Design Consultants, Civil Engineers & Land Planners, dated May 14, 2019, last revised August 14, 2019; and a Full EAF, dated January 22, 2019 was submitted; and

Whereas, the proposal will also involve Steep Slopes and Erosion Control Permit approvals;

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board is required to determine the classification of the proposed action; and

Whereas, pursuant to 6 NYCRR § 617.4 and 617.5, the proposed action is neither a Type I or a Type II action under SEQRA; and

Whereas, the Project is located within 500 feet of NYS Route 311, a New York State Highway; and

Whereas, pursuant to Section 239-l, m and n of the General Municipal Law, projects located within 500 feet of a state or county highway must be referred to the Putnam County Department of Planning, Development and Public Transportation for a report and recommendation thereon;

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as an Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5; and

Be It Further Resolved, that the Planning Board hereby declares its intent to serve as Lead Agency in a coordinated review of the Project and directs its secretary to circulate notice of its intent to all other involved and interested agencies; and

Be It Further Resolved, that the Planning Board hereby directs its secretary to refer the application to the Putnam County Department of Planning, Development and Public Transportation pursuant to Section 239-l, m and n of the General Municipal Law.

Motion: _____

*Town of Kent Planning Board Resolution of
SEQRA Classification; Lead Agency Intent; Circulation; and
Referrals for Site Plan; Steep Slope; and Erosion Control
for Kent Self Storage Site Plan
September 12, 2019*

Motion: Giancarlo Gattucci

Second: Dennis Lowes

Phil Tolmach, Chairman Aye

Dennis Lowes, Vice Chairman Aye

Simon Carey Aye

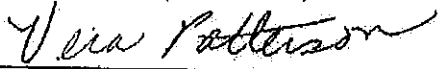
Giancarlo Gattucci Aye

Nisim Sachakov Aye

Charles Sisto Absent

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 September 12, 2019.



Vera Patterson, Clerk
Town of Kent Planning Board

~~*~*

Involved and Interested Agencies

New York State Department of Environmental Conservation

New York State Department of Transportation

Putnam County Department of Planning, Development and Public Transportation

Putnam County Department of Health

Putnam County Department of Highways and Facilities

New York City Department of Environmental Protection

Town of Kent Building Department

Town of Patterson Town Clerk's office



Workers'
Compensation
Board

CERTIFICATE OF INSURANCE COVERAGE DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)
KENT SELF STORAGE OF PUTNAM, INC

164 ROUTE 311
CARMEL, NY 10512

Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)

1b. Business Telephone Number of Insured

845-230-3331

1c. Federal Employer Identification Number of Insured
or Social Security Number

200909494

2. Name and Address of Entity Requesting Proof of Coverage
(Entity Being Listed as the Certificate Holder)

NYS Department of Transportation

Cassandra Bibbo

106 Ludingtonville Road

Holmes, NY 12531

3a. Name of Insurance Carrier

ShelterPoint Life Insurance Company

3b. Policy Number of Entity Listed in Box "1a"

DBL537828

3c. Policy effective period

08/01/2020

to

07/31/2021

4. Policy provides the following benefits:

☒ A. Both disability and paid family leave benefits.

☐ B. Disability benefits only.

☐ C. Paid family leave benefits only.

5. Policy covers:

☒ A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.

☐ B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 8/27/2020

By

(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100

Name and Title Richard White, Chief Executive Officer

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed

By

(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number

Name and Title

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.

DB-120.1 (10-17)





NEW YORK CONSTRUCTION CERTIFICATE OF LIABILITY INSURANCE ADDENDUM

 DATE (MM/DD/YYYY)
8/27/2020

THIS ADDENDUM SUMMARIZES SOME OF THE POLICY PROVISIONS IN THE REFERENCED INSURANCE POLICIES AND IS ISSUED AS A MATTER OF INFORMATION ONLY; IT CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. ALL TERMS, EXCLUSIONS AND CONDITIONS IN THE ACTUAL POLICY SHOULD BE CONSULTED FOR A MORE DETAILED ANALYSIS OF COVERAGE, AS THIS ADDENDUM DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES.

AGENCY Bruen Deldin Didio Associates		NAMED INSURED(S) Kent Self Storage of Putnam Inc dba Kent Self Storage	
POLICY NUMBER SM7309403A	EFFECTIVE DATE 8/1/2020	CARRIER Safeco Insurance Company of America	NAIC CODE 24740

ADDENDUM INFORMATION

CERTIFICATE NUMBER:

REVISION NUMBER:

A. Insurer

- ☒ Admitted / authorized
- ☐ Excess line or free trade zone

B. General Liability (GL) policy form

- ☒ ISO / ISO modified
- ☐ Other

C. Specific operations excluded or restricted (GL policy)

- ☐ Location: _____
- ☐ Type of construction: _____
- ☐ Building height: _____
- ☐ Classifications [see attached declarations / endorsement]
- ☐ Designated work [see attached endorsement]

D. Additional insured endorsement (GL policy)

- ☐ CG 20 10 ☐ CG 20 26 ☐ CG 20 32 ☐ CG 20 33 ☐ CG 20 37 ☐ CG 20 38
- ☒ Other: # **BP8932** Title: **Blanket Additional Insureds-By Contract, Agreement or Permit**

E. According to the terms of this GL policy, the additional insured has primary and noncontributory coverage

- ☒ Yes ☐ No and ☐ no other option is available with this insurer

F. Additional insured will receive advance notice if insurer cancels (GL policy)

- ☐ Yes ☒ No and ☐ no other option is available with this insurer

G. Blanket contractual liability located in the "insured contract" definition (Section V, Number 9, Item f. in the ISO CGL policy) is removed or restricted

- ☐ Yes and ☐ no other option is available with this insurer ☒ No changes made

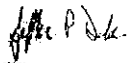
H. "Insured contract" exception to the employers liability exclusion is removed or modified (GL policy)

- ☐ Yes and ☐ no other option is available with this insurer ☒ No changes made

I. GL policy (including endorsements) does not cover the additional insured for claims involving injury to employees of the named insured or subcontractors (not workers' compensation)

- ☐ Yes and ☐ no other option is available with this insurer ☒ No changes made

- J. Earth movement, excavation or explosion / collapse / underground property damage is excluded or restricted (GL policy)
☐ Yes and ☐ no other option is available with this insurer ☒ No changes made
- K. Insured vs. insured suits (cross liability in the ISO CGL policy) are excluded or restricted (other than named insured vs. named insured)
☐ Yes and ☐ no other option is available with this insurer ☒ No changes made
- L. Property damage to work performed by subcontractors (exception to the "damage to your work" exclusion in the ISO CGL policy) is excluded or restricted
☐ Yes and ☐ no other option is available with this insurer ☒ No changes made
- M. Excess / umbrella policy is primary and non-contributory for additional insureds
☐ Yes, by specific policy provision ☐ Yes, by endorsement ☐ No and ☐ no other option is available with this insurer



AUTHORIZED REPRESENTATIVE SIGNATURE

08/27/2020

DATE (MM/DD/YYYY)



**Workers'
Compensation
Board**

**CERTIFICATE OF
NYS WORKERS' COMPENSATION INSURANCE COVERAGE**

<p>1a. Legal Name & Address of Insured (use street address only) Kent Self Storage of Putnam Inc 164 Route 311 Carmel, NY 10512</p> <p>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</p>	<p>1b. Business Telephone Number of Insured 914-447-0022</p> <p>1c. NYS Unemployment Insurance Employer Registration Number of Insured</p> <p>1d. Federal Employer Identification Number of Insured or Social Security Number 20-0909494</p>
<p>2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) NYS Department of Transportation Cassandra Bibbo 106 Ludingtonville Road Holmes, NY 12531</p>	<p>3a. Name of Insurance Carrier Ohio Security Insurance Company</p> <p>3b. Policy Number of Entity Listed in Box "1a" XWS59034958</p> <p>3c. Policy effective period 08/01/2020 to 08/01/2021</p> <p>3d. The Proprietor, Partners or Executive Officers are <input type="checkbox"/> included. (Only check box if all partners/officers included) <input checked="" type="checkbox"/> all excluded or certain partners/officers excluded. </p>

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under **Item 3A** on the **INFORMATION PAGE** of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) **Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the Insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Jeffrey P. Deldin

(Print name of authorized representative or licensed agent of insurance carrier)

Approved by:

Jeffrey P. Deldin 08/27/2020

(Signature)

(Date)

Title: Partner - World Insurance Associates, LLC

Telephone Number of authorized representative or licensed agent of insurance carrier: 845-279-5151

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are **NOT** authorized to issue it.

C-105.2 (9-17)

www.wcb.ny.gov

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.
2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.



CERTIFICATE OF INSURANCE COVERAGE DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)
KENT SELF STORAGE OF PUTNAM, INC

164 ROUTE 311
CARMEL, NY 10512

Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)

1b. Business Telephone Number of Insured
845-230-3331

1c. Federal Employer Identification Number of Insured
or Social Security Number
200909494

2. Name and Address of Entity Requesting Proof of Coverage
(Entity Being Listed as the Certificate Holder)

NYS Department of Transportation
Cassandra Bibbo
106 Ludingtonville Road
Holmes, NY 12531

3a. Name of Insurance Carrier

ShelterPoint Life Insurance Company

3b. Policy Number of Entity Listed in Box "1a"

DBL537828

3c. Policy effective period

08/01/2020 to 07/31/2021

4. Policy provides the following benefits:

- ☒ A. Both disability and paid family leave benefits.
☐ B. Disability benefits only.
☐ C. Paid family leave benefits only.

5. Policy covers:

- ☒ A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
☐ B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 8/27/2020

By

(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100

Name and Title Richard White, Chief Executive Officer

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

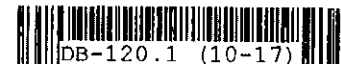
Date Signed _____ By _____

(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____

Name and Title _____

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.



FINAL ADOPTED RESOLUTION
December 10, 2020
Town of Kent Planning Board Resolution of Re-Affirmation of
SEQRA Determination of Non-Significance (Negative Declaration)
and
Re-Approvals with Conditions for: Site Plan; and
Steep Slope and Erosion Control Permit for
Viebrock / Kent Self Storage Route 311
TM: 22.-2-17

Whereas, the Town of Kent Planning Board had previously received an application from Richard Viebrock, Kent Self-Storage of Putnam, Inc., for approval of a site plan for the construction of a self-storage facility and truck rental services and other uses, including two self-storage buildings with office (management) and retail spaces, parking areas, driveway, utilities, electric and stormwater management systems on a 2.7-acre site in the IOC (Industrial Office Commercial) zoning district located at 164 Route 311, Carmel, in the Town of Kent, Putnam County, New York (tax parcel identification number 22.-2-17); and

Whereas, the Town of Kent Planning Board had conducted a review of the previous application in beginning in April 2019, which involved site development of vacant land for the proposed storage facility, which is a principal permitted use in the IOC zoning district; and

Whereas, the project was depicted on a detailed set of site plans, including erosion and sediment control plans, prepared by Site Design Consultants, Civil Engineers & Land Planners, dated May 14, 2019, last revised October 16, 2019; and a Full EAF, dated January 22, 2019 was submitted, which was revised in May 2019; and

Whereas, the proposal also involved a Steep Slopes and Erosion Control Permit approval; and

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board took the following actions to initiate review on September 12, 2019:

- classified the proposed action 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 circulated a notice of its intent to all other involved and interested agencies; and
- referred the application to the Putnam County Department of Planning, Development and Public Transportation pursuant to Section 239-l, m and n of the General Municipal Law; and

Whereas, the Town of Kent Planning Board, as lead agency under SEQRA, concluded its SEQRA review and determined on November 14, 2019, that the proposed action described in the plans, Full EAF and other application materials would not have any significant adverse environmental impacts and an Environmental Impact Statement would not be required; and

Whereas, the Town of Kent Planning Board, had originally held a public hearing on October 10, 2019, which was adjourned and continued to November 14, 2019 and was then closed; and

Whereas, on November 14, 2019, the Town of Kent Planning Board pursuant to Kent Code Chapter 66, Article III the Planning Board granted Steep Slope and Erosion Control Permit approval; and pursuant to Kent Chapter 77, Zoning, granted final approval with conditions to the proposed site plan and steep slope and erosion control plan approvals based on the plans and materials described herein; and

Whereas, the Town of Kent Planning Board conditional site plan approval of November 14, 2019 expired 12 months from the date of approval as set forth in the Code of the Town of Kent section 77-61 C., which would be November 13, 2020; and

***Town of Kent Planning Board Resolution of
Re-affirmation of SEQRA Negative Declaration; and
Re-Approvals with Conditions for Site Plan; and Erosion Control
for Kent Self Storage Route 311
December 10, 2020***

Whereas, the Town of Kent Planning Board has recently received a letter dated December 4, 2020, requesting re-approval from Joseph C. Riina, P.E., Site Design Consultants, an updated application form and other materials on behalf of the Applicant, Richard Viebrock, Kent Self-Storage of Putnam, Inc., for re-approval of a Site Plan, which also involves a Steep Slope and Erosion Control Permit; and

Whereas, the submitted re-approval request letter states that there has been no change to the project; that progress was made in pursuing other required approvals; and that the proposed project and plans remain the same as those granted a SEQRA Determination of Non-Significance (Negative Declaration) and conditional site plan and steep slope and erosion control plan approvals;

Now Therefore Be It Resolved, the Town of Kent Planning Board, as lead agency under SEQRA, and given there has been no change to the proposed action, hereby reaffirms its prior determination that the proposed action described herein will not have any significant adverse environmental impacts and an Environmental Impact Statement will not be required; and

Be It Further Resolved, that the Planning Board relies on the following supporting reasons in reaffirming this determination of non-significance (Negative Declaration):

1. The proposal will involve land disturbance on a vacant, vegetated site. Impervious coverage of developed site would be about thirty-five percent (34.8%). Land disturbance and construction activities will occur on just under 2 acres of the 2.7-acre site. Proposed grading, stormwater management practices and erosion and sedimentation control measures will be implemented to manage runoff and potential erosion effects. The site development includes extensive landscaping, which would serve to stabilize the site after construction.
2. The proposed action also involves an application for a Town Erosion Control Permit. The proposed limits of disturbance are defined on the site plans with corresponding erosion and sedimentation control measures.
3. The proposed site plan is consistent with the IOC zoning district's principal uses; lot and bulk requirements and design standards. The commercial use would be visible from Route 311, which is both a rural and suburban road leading to nearby recreational uses (Powerline Trail and Wonder Lake State Park); and nearby residences. Any effects on aesthetic resources or community character would be mitigated by the proposed architecture, including decorative veneer on retaining walls; and landscaping. Additionally, a proposed sidewalk easement provides for future potential development of pedestrian facilities; and

Be It Further Resolved, as per the waiver request from the Applicant and in accordance with zoning provisions for site plan procedures, the public hearing for this project is hereby waived; 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; and

***Town of Kent Planning Board Resolution of
Re-affirmation of SEQRA Negative Declaration; and
Re-Approvals with Conditions for Site Plan; and Erosion Control
for Kent Self Storage Route 311
December 10, 2020***

Be It Further Resolved, that the Planning Board hereby grants final approval with conditions to the proposed Site Plan and Steep Slope and Erosion Control plan approvals, as depicted on the following maps:

- Plans prepared by Joseph C. Riina, P.E., entitled Kent Self Storage of Putnam, Inc., dated November 27, 2018, revised October 16, 2019, except as noted below, including the following:
 - o Title Sheet, dated January 2019, revised October 2019;
 - o Vicinity Plan and Topographic Map;
 - o Site Plan;
 - o Existing Conditions and Slope Map;
 - o Grading and Utility Plan;
 - o Septic Plan, Profile and Notes;
 - o Erosion and Sediment Control Plan and Notes;
 - o Landscape Plan;
 - o Site Lighting Plan, Photometrics and Specification;
 - o Intersection Site Distance Plan and Road Profiles;
 - o Storm Sewer Profiles;
 - o Development Area Profiles;
 - o Wall Profiles;
 - o Site Improvement Details;
 - o Stormwater Management Details;
 - o Septic Details; and
 - o Erosion and Sediment Control Details.

***Town of Kent Planning Board Resolution of
Re-affirmation of SEQRA Negative Declaration; and
Re-Approvals with Conditions for Site Plan; and Erosion Control
for Kent Self Storage Route 311
December 10, 2020***

Be It Further Resolved, that these site plan and steep slope and erosion control plan approvals are expressly conditioned on the completion of the compliance with the following:

1. Address the comments of the Planning Board's Professional Engineer as set forth in a memorandum dated September 12, 2019, or any later review memorandum.
2. Address the comments of the Planning Board's Environmental Consultant as set forth in a memorandum dated September 12, 2019, or any later review memorandum.
3. Address the comments of the Planning Board's Planning Consultant as set forth in a memorandum dated November 11, 2019.
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 the approval of the Putnam County Department of Health for the individual sewage disposal and water supply system.
6. Obtain all required approvals from the New York City Department of Environmental Protection.
7. Obtain all required approvals from the New York State Department of Transportation.
8. Certification by the Planning Board's Attorney that the forthcoming easements and agreements, noted in the above review memorandums, are acceptable as to form and sufficiency, including but not limited to:
 - a. Stormwater maintenance and access agreements with the Town; and
 - b. Legal instruments for review by the Planning Board's Attorney describing the use of the easement for future sidewalk development, including any necessary agreements and a metes and bounds description.
9. Approval of the amount of the performance bond or security for the Steep Slope and Erosion Control Permit required per Kent Code section 66-6 D.(4) by the Planning Board's Consulting Professional Engineer; approval of the form of the bond or security by the Planning Board Attorney; and acceptance of the bond or security by the Town Board.
10. Payment of an inspection fee for the Steep Slope and Erosion Control Permit.
11. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.
12. The conditional site plan approval shall expire 12 months from the date of approval as set forth in the Code of the Town of Kent section 77-61 C., which states that the approval would be "... void if construction is not started within one year of the date of

*Town of Kent Planning Board Resolution of
Re-affirmation of SEQRA Negative Declaration; and
Re-Approvals with Conditions for Site Plan; and Erosion Control
for Kent Self Storage Route 311
December 10, 2020*

Planning Board approval, and completed within two years of the date of such approval.”; and unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.

13. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Site Plan Approval; 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.

Motion:	<u>Stephen Wilhelm</u>
Second:	<u>Giancarlo Gattucci</u>
Phil 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>

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

52 Kent, Corp
1100 ROUTE 52
Carmel, New York 10512
(845) 797-6882
November 20, 2020

Town of Kent Planning Board,

We would like to request that 52 Kent, Corp be placed on the December 2020 Planning Board Agenda to discuss a change of use at the Kent Center.

The NYSDOT is currently renting an office on the second floor of the Kent Center. This lease is expiring on December 31, 2020. A new state roadway project in the Kent area is scheduled for 2021 and the NYSDOT has inquired whether they could extend their current lease for another year. The second floor space that the NYSDOT is currently occupying will be leased to a new tenant beginning on January 1, 2021. The NYSDOT has asked us if they could rent another vacant space on the first floor of the building for approximately 1 year.

We are proposing to rent Suite 103 to the NYSDOT. This space lies between the Deli and the Nail Salon. It is approximately 1200 square feet and is ready to rent. It does not require any fix up. Also, the NYSDOT occupancy would not have any impact on parking, water usage, traffic flows, steep slopes, etc. and therefore would not change the site plan in any way. The use of the office by the NYSDOT is a principal permitted use under Town Code Section 77-21(a)(3). I have provided a sketch of the location within the building where the space is located.

I am requesting that the Planning Board consider and approve the proposed occupancy as it is a permitted use under the Town Code. The COVID pandemic has frozen the commercial rental market dramatically. Until the market recovers, shopping centers such as the Kent Center, will struggle to meet operating expenses. Therefore, your prompt consideration of this request would be greatly appreciated as the tenant is requesting occupancy for January 1, 2021.

Thank you.

Very truly yours,



52 Kent, Corp.
Alex Mazzotta

First Floor - Kent Center

Kent Liquors		Suite 110	
Dunkin Donuts		Suite 113	
Ma tails Hair		Suite 109	
Chinese Restaurant		Suite 108	
Vacant		Suite 107	
Clemens		Suite 105	
Nail Salon		Suite 104	
Vacant		Suite 103 *	
Del.		Suite 102	
3 Brothers Pizza		Suite 101	

* Suite 103 - proposed Change of Use -> NYS DOT

FINAL ADOPTED
Town of Kent Planning Board Resolution of
Approval with Conditions for: Site Plan for
Mazzotta Kent Center Retail/Office Site Plan Amendment
1100 Route 52, TM: 12.-1-54 & 55
December 10, 2020

Whereas, the Town of Kent Planning Board has received an application from Alex Mazzotta, 52 Kent Corp, for approval of a site plan amendment for the use of a portion of an existing building, driveway and parking area for office space and continued use of existing primarily retail occupancies and office space. The site is a 3.13-acre parcel in the IOC (Industrial-Office-Commercial) zoning district with an existing single building, which has an approximately 18,000 square foot (SF) first floor and footprint with an approximately 11,515 SF second floor of office or other business space, with various sized occupancies on each floor. An existing retail/service space is proposed to be used as office space. The developed site has existing utilities, electric and stormwater management systems and is located at 1100 Route 52, in the Town of Kent, Putnam County, New York (tax parcel identification numbers 12.-1-54 and 55); and

Whereas, the proposed action involves a site plan amendment on an existing developed site for the use of a portion of an existing building, driveway and parking area for office space and continued use of existing primarily retail occupancies and office space, which are principal permitted uses in the IOC zoning district; and

Whereas, the project is depicted on a site plan, prepared by Insite Engineering, Surveying & Landscape Architecture, PC, dated May 12, 2006, last revised October 18, 2006; and a floor plan illustration; and

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the proposed action would be a Type 2 Action under SEQRA as per 6 NYCRR part 617, section 617.5 (c)(18); and accordingly, no SEQRA review would be required; and

Whereas, the Planning Board Secretary inquired about the necessity for a 239-l&m Referral to the Putnam County Department of Planning, Development & Public Transportation for this application and obtained an email response on December 7, 2020 indicating "... a 239 referral for this request is not required since no exterior modifications or changes are proposed."; and

Whereas, a letter submitted by the Applicant on December 3, 2020 requested a waiver of the site plan public hearing; and

Whereas, the proposed change in occupancy would not result in any land disturbance or changes to the existing building, driveway and parking areas, accordingly, as per zoning section 77-61 A.(4), the Planning Board may consider a waiver of the site plan public hearing;

Now Therefore Be It Resolved, the Planning Board hereby classifies the proposed action as a Type 2 Action under SEQRA as per 6 NYCRR part 617, section 617.5 (c)(18); and accordingly, no SEQRA review is required; ...

Be It Further Resolved, as per the waiver request from the Applicant and in accordance with zoning provisions for site plan procedures, the public hearing for this project is hereby waived; and

Be It Further Resolved, that the Planning Board hereby grants approval with conditions to the proposed site plan, as depicted on the following maps:

- Plan sheet SP-1, prepared by Insite Engineering, Surveying & Landscape Architecture, PC, dated May 12, 2006, last revised October 18, 2006; and
- Floor plan illustration entitled First Floor Ken Center 1088 Route 52 Floor Plan, preparer not indicated, undated, submitted by Alex Mazzotta November 23, 2020; and

***Town of Kent Planning Board Resolution of
Approval with Conditions for: Site Plan Amendment for
Mazzotta Kent Center Retail/Office Site Plan Amendment 1100 Route 52
December 10, 2020***

Be It Further Resolved, that the site plan approval is expressly conditioned on the completion of the compliance with the following:

1. Address the comments of the Planning Board's Planning Consultant as set forth in a memorandum dated November 27, 2020.
2. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.
3. The conditional site plan approval shall expire 12 months from the date of approval as set forth in the Code of the Town of Kent section 77-61 C., which states that the approval would 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."; and unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.
4. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Site Plan Approval have been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Planning Consultant verifying that each of the conditions of this approval have been completed. The final drawings shall not be accepted by the Planning Board without submission of proof of completion.

Motion:	<u>Stephen Wilhelm</u>
Second:	<u>Giancarlo Gattucci</u>
Phil 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>

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

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

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

RESOLUTION # 14

Year 2020

Memorandum

Date: December 10, 2020

From: The Kent Planning Board

To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att
Bill Huestis, Deputy Supervisor
Paul Denbaum
Jaimie McGlasson
Chris Ruthven

CC: W. Walters, Building Inspector - w/Att
L. Cappelli, Town Clerk - w/Att
T. Harrison - w/Att.
Finance Department - w/Att.

Re: **Recommendation to return Erosion Control Bond and escrow fees to:**
Aimee and Josh Rich
1 Long Mountain Court
Kent, NY 10512
TM: 8-1-7

Resolved: On December 10, 2020 Kent Planning Board reviewed material pertaining to the recommendation noted above and agreed that it was appropriate to forward it to the Town Board for their action.

Mr. Tolmach asked for a motion to forward this recommendation to the Kent Town Board to take the above action. The motion was made by Simon Carey and seconded by Charles Sisto. The roll call vote was as follows:

Phil Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<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 accept the recommendation of the Planning Board to return the erosion control bond in the amount of \$1,872.00 and \$406.15 which remains in the escrow account after Ms. Mangarillo and Mr. Barber conducted the final inspections.

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

Rich Property 8.-1-7

Date		Deposits	Fees	Balance
11/30/2012	Rohde, Soyka & Andrews		(267.00)	(267.00)
	check 243	1,000.00		733.00
12/1/2012	Cornerstone Nov 2012		(312.50)	420.50
12/31/2012	Rohde, Soyka & Andrews Dec 2012		(349.95)	70.55
3/5/2013	check 404	1,000.00		1,070.55
3/13/2013	March 2013 Rohde		(520.65)	549.90

2/28/2013 Feb 2013 Rohde

(143.75) 406 15
406 15
406 15
406 15

last line

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

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

Date: February 5, 2013

To: Kathy Doherty, Town of Kent Supervisor
Kent Town Board Members:
John Greene
Penny Ann Osborne
Louis Tartaro
Michael Tierney

From: Russell Fleming/Planning Board Chairman

CC: Lana Cappelli, Town Clerk
Tess de Leon-Connors
Finance

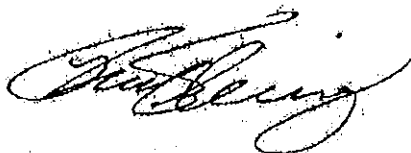
Re: Aimee & Josh Rich
Erosion Control Plan
1 Long Mountain Court
Kent, NY 10512
TM: 8.-1-7
RESOLUTION #3 YEAR 2013
Recommendation from the Kent Planning Board to approve an
Erosion Control Plan for:
Aimee & Josh Rich - Tax Map: 8.-1-7

Aimee and Josh Rich are requesting that the Town of Kent Planning Board approve their erosion control plan for construction of a garage and inground swimming pool.

Please note that the Planning Board and their consultants have inspected the plans and property and are in agreement to approve this request. Attached is the Resolution passed at the Kent Planning Board meeting on December 13, 2012. A motion was passed by Mr. McDermott and seconded by Mr. Rose and the motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they pass a resolution decreeing that this Erosion Control Plan be approved.

Very truly yours,



Russell P. Fleming, P.E.
Planning Board Chairman

RESOLUTION

Resolution #3 Year 2013 from the Kent Planning Board to Accept an Erosion Control Bond for:
Aimee and Josh Rich, 1 Long Mountain Court, Hopewell Junction, NY 12533 – TM: 8.-1-7

On a motion by: Mr. McDermott
Seconded by: Mr. Rose

Resolved: On the recommendation of Ms. Julie Mangarillo, Kent Planning Board Engineer, who attested that she has reviewed the plans and property noted above and recommended that the Erosion Control Bond accepted on **February 5, 2013**

The bond is in the amount of \$1,872.00 and an Initial Inspection Fee in the amount of \$1,000.00. The Kent Planning Board reviewed the attached documents at their December 13, 2013 meeting, which support this decision, and the motion was made by Mr. McDermott and seconded by Mr. Rose to accept the bond and forward it to the Town Board for their approval.

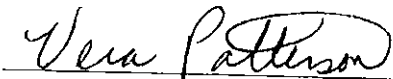
The foregoing resolution was duly put to a vote, which was as follows:

Russell Fleming, Chairman	<u>Aye</u>
Michael McDermott, Vice Chairman	<u>Aye</u>
Janis Bolbrock, Planning Board Member	<u>Aye</u>
Michael Rose, Planning Board Member	<u>Aye</u>
Charles Sisto, Planning Board Member	<u>Aye</u>
Phillip Tolmach, Planning Board Member	<u>Aye</u>
Glenna Wright, Planning Board Member	<u>Aye</u>

The motion carried.

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 13, 2012**.

Dated: **February 5, 2013**


Vera Patterson
Planning Board Secretary

cc: Building Inspector A. Rich
Finance Department D. Contelmo

Memorandum

To: Planning Board
Town of Kent

Attn: Russ Fleming
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Erosion Control Plan

Date: February 12, 2013

Project: Rich Property
TM #8.-1-7

The following materials were reviewed:

- Cover letter dated 1/28/2013 prepared by Daniel Contelmo Architects
- Drawings prepared by Daniel Contelmo Architects:
 - S-1 "New Garage and Pool for Rich Residence," revised 1/28/2013
 - S-2 "Site Documentation," dated 6/29/2012


New comments are in **bold**.

The following is offered for consideration by the Planning Board from a review memo dated 12/10/2012:

3. We recommend the bond estimate of \$1872.00 dated 12/10/2012, prepared by this office be accepted for the bond amount and recommended for approval by the Town Board.
 - a. **The bond estimate was accepted by the Planning Board. The bond and bond agreement must be received before they can be accepted at the Town Board meeting.**
4. 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.

New Comments:

1. Engineering comments have been addressed. Coordinate payment of bond, inspection fee and delivery of additional drawing sets (if needed) with Vera Patterson, Planning Board secretary.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board Secretary via email
Julie Butler via email
Aimee Rich, via email
12-261-999-135

Bruce Barber via email
Neil Wilson via email

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

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

DATE: March 5, 2013
TO: Finance Department
FROM: Vera Patterson
CC: L. Cappelli
RE: Aimee & Josh Rich/Erosion Control Bond
1 Long Mountain Court
Hopewell Junction, NY 12533
TM: 8.-1-7

The attached material supports an Erosion Control Bond and an Inspection fee for the property noted above.

Attached are the following items

- The Resolution passed at the Town Board meeting on February 26, 2013
- The Resolution passed at the Planning Board meeting on December 13, 2012
- Check #405 dated February 5, 2013/First Niagara Bank - \$1,872.00; which is the actual bond fee, which should be held until their swimming pool and garage are finished. When completed an inspection is done; and if the property is stabilized the bond is returned.
- Check #404 dated February 5, 2013/First Niagara Bank - \$1,000.00; This is an inspection fee which also goes into the Rich account and any money remaining in the account is returned if everything is satisfactory.
- The signed, notarized bond, dated February 4, 2013 for filing purposes.

TOWN OF KENT
25 Sybil's Crossing
Kent Lakes, New York 10512

Yolanda D. Cappelli
Town Clerk



Administrative Office
Tel. (845) 225-2067
Fax. (845) 306-5282

RESOLUTION

Planning - Accept Erosion Control Bond, Rich - Long Mt. Court - TM#8.-1-7

On a motion by Councilman Greene

Seconded by Councilwoman Osborn

Resolved: On the recommendation of the Planning Board, the erosion control bond from Aimee & Josh Rich, 1 Long Mountain Court TM#8.-1-7 in the amount of \$1,872.00 and inspection fee in the amount of \$1,000.00 was accepted.

Motion carried unanimously

Planning - Accept Erosion Control Bond - Lipkin - 85 Birch Point - TM#32.-1-35

On a motion by Councilman Greene

Seconded by Supervisor Doherty

Resolved: On the recommendation of the Planning Board, the erosion control bond from Walter Ian Lipkin, 85 Birch Point, TM#32.-1-35 in the amount of \$3,900.00 and inspection fee in the amount of \$1,000.00 was accepted.

Motion carried unanimously

Planning - Accept Erosion Control Bond, NYSEG, 1397 Peekskill Hollow Rd - TM#31.-1-16

On a motion by Councilman Greene

Seconded by Councilwoman Osborn

Resolved: On the recommendation of the Planning Board, the erosion control bond from NYSEG, 1397 Peekskill Hollow Road, TM#31.-1-16 in the amount of \$2,000.00 and inspection fee in the amount of \$1,000.00 was accepted.

Motion carried unanimously

I, Yolanda D. Cappelli, Town Clerk of the Town of Kent, do hereby certify that the above is a true and exact copy of a Resolution adopted by the town board of the town of Kent at a meeting of said Board on February 26, 2013.

March 1, 2013


Yolanda D. Cappelli

RECEIPT

TOWN OF KENT PLANNING BOARD
127 BILLS CROSSING
KENT LAKE, NY 10512
914-225-7802

3182
DATE Feb 5, 2013

1872.00 DOLLARS

AMOUNT OF ACCOUNT
THIS PAYMENT
BALANCE DUE

THANK YOU

CASH ONLY IF ALL CheckLock® SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

PAY TO THE
ORDER OF

Town Of Kent

\$ 1,872.00

One Thousand Eight Hundred Seventy-Two and 00/100 ***** DOLLARS

RECEIPT

TOWN OF KENT PLANNING BOARD
RAILS CROSSING
PO BOXES, NY 10512
516-780-7802

313

DATE Feb 5, 2001

1,000 00

DOLLARS

AMOUNT OF ACCOUNT		
THIS PAYMENT		
BALANCE DUE		

☐ CASH
☒ CHECK
TO

THANK YOU

CASH ONLY IF ALL CheckLock[®] SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

PAY TO THE
ORDER OF Town Of Kent

\$ 1,000.00

One Thousand and 00/100

DOLLARS

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

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

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

To: Planning Board Town of Kent
From: Julie S. Mangarillo, P.E., CPESC
Date: December 10, 2012

Attn: Russ Fleming, Chairman
Subject: Stormwater Bond Amount
Project: Rich Property
Tax Map: 8.-1-7

The stormwater bond is as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Soil stockpiles	1	EA	\$ 500.00	\$ 500.00
Seed and mulch	12,200	SF	\$ 0.06	\$ 732.00
Silt Fence	160	LF	\$ 4.00	\$ 640.00
			TOTAL:	\$ 1,872.00



Memorandum

To: Planning Board
Town of Kent

Attn: Russ Fleming
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: December Planning Board Agenda
Erosion Control Plan

Date: December 10, 2012

Project: Rich Property
TM #8.-1-7

The following materials were reviewed:

- Bond estimate prepared by Home Enrichment Company, Inc., dated 11/11/2012
- Drawing "New Garage and Pool for Rich Residence," prepared by Daniel Contelmo Architects, dated 5/7/2012, which includes the excavation calculation

New comments are in **bold**.

A Town of Kent Erosion Control Permit is required because the project will exceed the 100 cubic yard threshold for excavating or filling in Town Code Chapter 66, §66-5.A(4). The property is not located within the NYCDEP East of Hudson (EOH) watershed.

The following is offered for consideration by the Planning Board from a review memo dated 11/8/2012:

4. If an Erosion Control Permit is required based upon the excavation calculation, provide the following:
 - a. Information required in Town Code §66-6.B
 - i. **§66-6 B(2)(a) – Provide the location of property lines, easements, buildings, roads, walls, and wetlands, if any within 50' of boundaries of proposed area of disturbance, or request a waiver.**
 - ii. **§66-6 B(2)(b) – Provide contours for a distance of 50 feet beyond the limits of the proposed area of disturbance, or request a waiver.**
 - iii. **§66-6 B(2)(e) – Provide a soils and slopes map indicating existing soils on the property, based on the most recent USDA Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15 to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map.**
 - iv. **§66-6 B(2)(g)(1) – Describe or depict the temporary and/or permanent structural and vegetative measures that will be used to**

control erosion and sedimentation for each stage of the project, from land clearing to the finished stage.

1. Topsoil within the area of disturbance should be stockpiled during construction and re-used for establishment of lawn area. Provide a detail and location within the area of disturbance for a stabilized topsoil stockpile. Stockpile to be seeded & mulched and surrounded by silt fence.
2. Provide notes indicating that all disturbed areas will be stabilized within 14 days of inactivity. Seeded areas must be mulched with hay in order to be considered stabilized.
- v. §66-6 B(2)(g)(2) – Delineate the area of the site that will be disturbed and shall include a calculation of the acreage or square footage so disturbed.
- vi. §66-6 B(2)(g)(5) – Provide an estimated timetable and schedule for completion of construction.
- c. Add to the drawing the "Town of Kent Steep Slope and Erosion Control Notes" which are included in the application packet. Revise Note C to replace "GP-02-01" with the current permit "GP-0-10-001."

New Comments:

1. For revisions to the drawing, use the 10/15/2012 drawing as a base, which includes zoning data and the location of adjacent streets, as opposed to the 5/7/2012 drawing.
2. Include a note on the drawing referring to the requirement per Town Code §66-6.K(1) "Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."
3. We recommend the bond estimate of \$1872.00 dated 12/10/2012, prepared by this office be accepted for the bond amount and recommended for approval by the Town Board.
4. 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.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board Secretary via email
Julie Butler via email
Bruce Barber via email
Neil Wilson via email
Aimee Rich, via email
12-261-999-135

Aimee and Josh Rich
1 Long Mountain Court
Hopewell Junction, NY 12533
Tax Map: 8-1-7

Bond given by AIMEE and JOSH RICH, whose property is located at 1 Long Mountain Court, Hopewell Junction, NY 12533/Tax Map: 8-1-7 ("Obligor") to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Obligee"), dated February 4, 2013

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$1,872.00, along with an initial inspection fee deposit of \$1,000.00 for the payment whereof to the Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor is seeking a Steep Slope and Erosion Control Permit from the Obligee for the construction of a garage and inground pool entailing a disturbance on steep slopes, as that term is defined in Town of Kent Town Code (the "Code") Chapter 66, on certain real property located in the Town of Kent, in connection with which an erosion and sediment control plan (the "Erosion and Sediment Control Plan") shall be required in accordance with the Code in effect as of the date of this Bond; and

WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit application, the Obligor has submitted to the Obligee, plans and specifications for the project known as the "Rich Residence" ("Project Plans") and the Erosion and Sediment Control Plan, prepared by Daniel Contelmo Architects, 30 Croft Road, Poughkeepsie, New York 12603; and such Project Plans and Erosion and Sediment Control Plan have been reviewed and approved by the Obligee; and

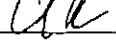
WHEREAS, as condition to the issuance and approval of a Steep Slope and Erosion Control Permit, the Code requires the owner or applicant, prior to construction, to provide the Obligee with a cash escrow an irrevocable letter of credit or a certified check drawn upon a national or state bank or other cash equivalent, which guarantees satisfactory completion of the Erosion and Sediment Control Plan, which security shall remain in full force and effect until the Obligor is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the work permitted by the Steep Slope and Erosion and Control Permit has been completed in accordance with such Permit and all plans and specifications forming the basis of such approved Permit.

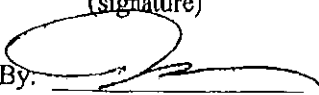
This performance bond may not be assigned or transferred without the prior written approval of the Town Board of the Town of Kent.

1. The said bank checks shall be delivered to the **Town of Kent** and be deposited in an escrow account pending the completion of the project for which the erosion control measures are necessary;
2. No funds may be withdrawn from the said escrow account until a resolution has been duly made by the **Town Board of The Town of Kent**, authorizing such surrender or cashing.
3. Upon full completion of the work allowed pursuant to the conditions and specifications heretofore imposed by the **Planning Board of The Town of Kent**, the said escrow monies shall be returned to **AIMEE AND JOSH RICH**;
4. In the event the erosion control work allowed shall not have been duly completed by **Aimee and Josh Rich** as per the conditions and specifications of the **Planning Board of The Town of Kent**, the **Town Board** shall have the right to withdraw the aforesaid escrow monies and complete the required work for **AIMEE AND JOSH RICH** with full use of said sums as the Town requires;
5. When the work shall have been fully completed as required by the conditions and specifications of the **Planning Board** either by **Aimee and Josh Rich** or by the **Town of Kent**, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned or refunded to **Aimee and Josh Rich**.
6. This bond may not be assigned or transferred without the prior written approval of the **Planning Board of The Town of Kent**.
7. The applicant hereby expressly authorizes the **Town of Kent**, its agents, employees, engineer or planner to enter upon the Owner's/Applicant's property for the purpose of inspecting the erosion control system installed and the site work being performed in accordance with the approved plans, provided that the **Town of Kent** provides at least 24 hours notice to **Aimee and Josh Rich**.

Dated: February 4, 2013

AIMEE AND JOSH RICH

By: 
(signature)

By: 
(signature)

AIMEE AND JOSH RICH
(print/type signatory's name)

Aimee and Josh Rich

Owner/Obligee
(print/type signatory's title)

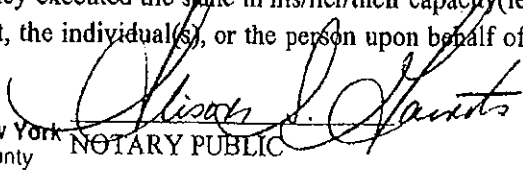
STATE OF New York)

) ss.:

COUNTY OF Dutchess)

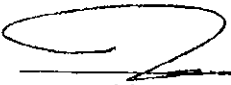
On the 4th day of February, 2013, before me, the undersigned, a notary public in and for said state, personally appeared Aimee & Josh Rich, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ALISON A. GARNOT
Notary Public, State of New York
Qualified in Dutchess County
No. 01GA6188032
Commission Expires June 2, 2016


Aimee Rich

(signature)

Josh Rich


(signature)

Owner
(print/type signatory's title)

STATE OF New York)

) ss.:

COUNTY OF Dutchess)

ALISON A. GARNOT
Notary Public, State of New York
Qualified in Dutchess County
No. 01GA6188032
Commission Expires June 2, 2016

FINAL ADOPTED RESOLUTION

December 10, 2020

Town of Kent Planning Board Resolution of Extension of Approvals with Conditions for: Site Plan; Wetland Permit; and Steep Slope and Erosion Control Permit for Putnam Nursing & Rehabilitation Center, TM: 12.-3-40 & 41

Whereas, the Town of Kent Planning Board had received an application from David Schlosser of Schopfer Architects, LLP, for approval of a site plan; erosion control; and wetland permits for the renovation of and addition to an existing nursing home and other improvements to be made on an approximately 10.9-acre developed and partially wooded lot (see tax parcels listed above) as a principal permitted use in the R-80 (One Family Residence) zoning district located at 404 Ludingtonville Road, Holmes, in the Town of Kent, Putnam County, New York; and

Whereas, the project was depicted on a detailed set of site plans, including erosion and sediment control plans, prepared by David Schlosser, RA, Schopfer Architects, LLP, entitled Renovations and Additions, Putnam Nursing and Rehabilitation Center, dated August 23, 2019, last revised November 21, 2019; and prepared by David A. Getz, P.E., Lehman & Getz, PC, entitled Renovations and Additions Putnam Nursing and Rehabilitation Center, dated February 21, 2018, revised October 22, 2019; and a Full EAF, dated October 22, 2019 was submitted; and

Whereas, the proposal will also involve Wetland; and Steep Slopes and Erosion Control Permit approvals; and

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board took the following actions to initiate review on October 10, 2019:

- classified the proposed action 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 circulated a notice of its intent to all other involved and interested agencies; and
- referred the application to the Putnam County Department of Planning, Development and Public Transportation pursuant to Section 239-l, m and n of the General Municipal Law; and

Whereas, on December 12, 2019, the Town of Kent Planning Board, as lead agency under SEQRA, determined that the proposed action described herein would not have any significant adverse environmental impacts (Determination of Non-significance, or Negative Declaration) and an Environmental Impact Statement would not be required, relying on the following supporting reasons:

1. The proposal will involve land disturbance on a previously developed site. The resulting impervious coverage of the redeveloped site would be about twenty-three percent (22.7%), which complies with the zoning requirement of 30%. Land disturbance and construction activities will occur on just under 2 acres of the 10.9-acre site. Proposed grading, stormwater management practices and erosion and sedimentation control measures will be implemented to manage runoff and potential erosion effects. The site development includes extensive landscaping, which would serve to stabilize the site after construction.
2. The proposed action involves an application for a Wetland Permit from the Town of Kent for disturbance within the adjacent area (buffer) of a wetland. However, no disturbance is proposed within the wetland itself. The proposal includes wetland buffer plantings and preservation of existing meadows as mitigation for disturbance within portions of the adjacent area. Additionally, the limits of disturbance are defined on the site plans with corresponding erosion and sedimentation control measures. An article 24 permit from the New York State Department of Environmental Conservation (NYSDEC) will also be required.

3. The proposed action also involves an application for a Town Erosion Control Permit. The proposed limits of disturbance are defined on the site plans with corresponding erosion and sedimentation control measures.
4. The proposed site plan is consistent with the R-80 zoning district's principal uses; lot and bulk requirements and design standards. The continued institutional use and site redevelopment includes additional landscaping to enhance views of the site from Ludingtonville Road; and

Whereas, that the public hearing for this project, which was originally held on November 14, 2019; and was adjourned and continued to December 12, 2019; and was then closed; and

Whereas, on December 12, 2019, the Town of Kent Planning Board, took the following actions in its approval of the project:

1. Pursuant to Kent Code Chapter 39A, Freshwater Wetlands, granted Wetland Permit approval;
2. Pursuant to Code Chapter 66, Article III, granted Steep Slope and Erosion Control Permit approval;
3. Granted final approval with conditions to the proposed Site plan; wetland permit; and steep slope and erosion control plan approvals, as depicted on the following plans and maps:
 - Partial plan set prepared by David Schlosser, RA, Schopfer Architects, LLP, entitled Renovations and Additions, Putnam Nursing and Rehabilitation Center, dated August 23, 2019, last revised as noted below, including the following;
 - o Sheet T1.0 Title Sheet, revised November 20, 2019; and
 - o Sheet L1.6 Proposed Landscape Plan and Details, revised November 21, 2019; and
 - Partial plan submittal prepared by David A. Getz, P.E., Lehman & Getz, PC, entitled Renovations and Additions Putnam Nursing and Rehabilitation Center, dated February 21, 2018, Erosion and Sediment Control Plan sheet, revised October 22, 2019; and
 - Plans prepared by David Schlosser, RA, Schopfer Architects, LLP, entitled Renovations and Additions, Putnam Nursing and Rehabilitation Center, dated August 23, 2019, last revised October 22, 2019, including the following;
 - o Title Sheet;
 - o Proposed Landscape Plan and Details;
 - o Photometrics Plan; and
 - o Miscellaneous Details.
 - Topographic Survey of Property Situate in the Town of Kent, Putnam County, New York, prepared by Eric J. Link, LS, Link Land Surveyors, P.C., dated July 11, 2013, revised October 15, 2019;
 - Plans prepared by David A. Getz, P.E., Lehman & Getz, PC, entitled Renovations and Additions Putnam Nursing and Rehabilitation Center, dated February 21, 2018, revised October 22, 2019, except as noted below, including the following;
 - o Layout Plan;
 - o Grading and Utility Plan; and
 - o Erosion and Sediment Control Plan; and

Whereas, on December 12, 2019, the Planning Board's site plan; wetland permit; and steep slope and erosion control plan approvals were expressly conditioned on the completion of and the compliance with the conditions numbered 1 through 13 set forth in that resolution; and

Whereas, several submittals were made to address a number of the conditions of the December 12, 2019 approvals and some conditions remain to be addressed; and

Whereas, the Applicant's Architect, David Schlosser of Schopfer Architects, sent an email on September 16, 2020, requesting an extension of the December 12, 2019 approvals noting difficulties in proceeding "... with the construction drawings due to NYSDOH delays in Project approvals, State nursing home restrictions, and the Facility's financial position all resulting from the Covid 19 Pandemic";

Now Therefore Be It Resolved, that the Planning Board is mindful of the stated reasons for delays in fulfilling the conditions; and understands that there have not been any project changes since the December 12, 2019 approvals with conditions were granted; and

Be It Further Resolved, that the December 12, 2019 approvals indicated that the site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods, two 90-day extensions (180 days);

Be It Further Resolved, that pursuant to Kent Code Chapter 39A, Freshwater Wetlands the Planning Board hereby grants two 90-day extensions of the December 12, 2019 Wetland Permit approval; and

Be It Further Resolved, that pursuant to Kent Code Chapter 66, Article III the Planning Board hereby grants two 90-day extensions of the December 12, 2019 Steep Slope and Erosion Control Permit approval; and

Be It Further Resolved, that the Planning Board hereby grants two 90-day extensions of the December 12, 2019 final approval with conditions to the proposed Site plan; wetland permit; and steep slope and erosion control plan approvals, as depicted on the plans and maps listed above; and

Be It Further Resolved, that these extended site plan; 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 11, 2019.
2. Address the comments of the Planning Board's Environmental Consultant as set forth in a memorandum dated December 9, 2019.
3. Address the comments of the Planning Board's Planning Consultant as set forth in a memorandum dated December 5, 2019.
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 all required approvals from the New York City Department of Environmental Protection.
6. Obtain any and all required approvals from the Putnam County Highways and Facilities.

7. Obtain the approval of the Article 24 permit from the NYSDEC.
8. Certification by the Planning Board's Attorney that the forthcoming easements and agreements, noted in the above review memorandums, are acceptable as to form and sufficiency, including but not limited to:
 - a. Stormwater management facility maintenance agreements; access easements and agreements; and bond documents with the Town; and
 - b. Deed amendments to include reciprocal cross easements and access rights of way for the two separate parcels that make up the project site, including the Applicant's submitted draft declaration of easement, which describes an easement for use for construction; maintenance; and access, which would address certain aspects of the combined use of 2 lots as a single land development.
9. Approval of the amount of the performance bond or security for the Steep Slope and Erosion Control Permit required per Kent Code section 66-6 D.(4) by the Planning Board's Consulting Professional Engineer; approval of the form of the bond or security by the Planning Board Attorney; and acceptance of the bond or security by the Town Board.
10. Payment of an inspection fee for the Steep Slope and Erosion Control Permit.
11. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.
12. The extended conditional site plan approval shall be void if construction is not started within 180 days of the date of Planning Board extended approval; and completed within two years of the date of such extended approval. Said conditional approval shall thereafter expire; and an application may be submitted to the Planning Board for renewed approvals.
13. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Site Plan Approval; 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.

Motion:	<u>Simon Carey</u>
Second:	<u>Charles Sisto</u>
Phil 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>

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