

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

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

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

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: September 9, 2020

Project: Marinelli-Fregosi
Miller Hill Woods Ct
TM # 10.-1-17

The following materials were submitted via email & reviewed:

- Response letter from Roy Fredriksen, P.E., dated August 19, 2020
- Notice of Intent (NOI), signed 12/3/2018 (Previous NOI was signed 12/3/2019)
- Putnam County Department of Health Permit to Construct a water well – Date illegible
- Putnam County Department of Health Construction Permit for Sewage Treatment System, date illegible, possibly 2010.
- Drawing prepared by Roy Fredriksen, PE "Stormwater Pollution Prevention Plan (Erosion & Sediment Control)" Sheet 1 of 2, dated 12/3/2018, revised 8/19/2020
- Drawing prepared by Roy A. Fredriksen, PE, "Stormwater Pollution Prevention Plan (Erosion & Sediment Control)" Sheet 2 of 2, dated 8/19/2020, revised 8/24/2020
- Boundary & Topographic Survey of Property Known as Lot 4 'Miller Hill Woods,' prepared by Baxter Land Surveying, P.C., revised 10/7/2019
- Email from Marc Marinelli, dated August 24, 2020 with Schedule A from the deed regarding "common drives", information on road association dues and Disclosure of Business Interest form.

The project proposes construction of a single family house with well, septic, and driveway. The lot is a flag lot with frontage on Miller Hill Road, but will derive access from a shared driveway from Miller Hill Woods Ct. Previous questions regarding potentially historic structures have been answered with a "No adverse impact" letter from NYS OPRHP dated July 18, 2019. No protections of the structures are required.

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

Please note, this review was done with pdfs of reduced size 11"x17" drawings. As a result, some of the text was illegible.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated January 9, 2019:

Memorandum
Marinelli-Fregosi – Miller Hill Rd/ Miller Hill Woods Ct ECP
TM # 10.-1-17
September 9, 2020
Page 2 of 4

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001. - Acknowledged.
2. Refer to Combined Application Form
 - a. Page 3, #14 – Provide copy of the deed. Currently Putnam County Image Mate Online shows the property is owned by Doria. It is acknowledged that there is a delay for the Putnam County website to show new sales.
 - i. 4/3/2020 - Putnam County Image Mate shows the property is owned by Marc and Brianna Marinelli. The Combined Application Form, drawings and other submittal documents are to be revised to show them as the owners. Provide a copy of the current deed.
 - ii. 9/9/2020 - We have not received a complete copy of the new deed. We have not received a revised Combined Application Form with the Marinellis listed as the owners.

Drawing "Stormwater Pollution Prevention Plan" appears to show Marc and Brianna Marinelli as the owners, however it is difficult to read.
 - b. Provide required affidavits, including Disclosure of Business Interest.
 - i. 4/3/2020 - Provide required affidavits by the current owners.
 - ii. 9/9/2020 - We have received the Disclosure of Business Interest Form via email dated 8/24/2020. The other affidavits, including the Owner's affidavit, Agent of Owner's affidavit if the owners choose someone to represent them at meetings and the Certification of Professional Engineer have not been received with the new owners' names.
3. Provide approvals from Putnam County Department of Health for well and septic.
 - a. 9/9/2020 - Response letter indicates approvals will be submitted by the owners. Permits were submitted, however the dates are illegible. The sewage treatment system permit might have a 2010 date. If so, it is very out of date. Provide updated approvals from Putnam County Department of Health.
4. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. §66-6.B.2.e – Provide "a soils and slopes map ..."
 - i. 4/3/2020 - Source of soils information has been provided. Source of topographic base map is provided as Baxter Land Surveying, dated 3/25/2019, rev 10/7/2019. However, the topo on the Stormwater Pollution Prevention Plan drawing still appears to show the topo from 1984. Updated information from the revised survey, such as the location and grading of the shared driveway and existing structures are not shown on the Stormwater Pollution Prevention Plan drawing. Update the drawing to reflect current information provided in the updated survey.
 - ii. 9/9/2020 - The Stormwater Pollution Prevention Plan drawing still appears to show the outdated 1984 topo instead of the new 2019 survey topo. This is most apparent for the location and grading of the shared

ROHDE, SOYKA & ANDREWS CONSULTING ENGINEERS, P.C.

Memorandum
 Marinelli-Fregosi – Miller Hill Rd/ Miller Hill Woods Ct ECP
 TM # 10.-1-17
 September 9, 2020
 Page 3 of 4

driveway and existing structures that are not shown on the Stormwater Pollution Prevention Plan drawing. Update the Stormwater Pollution Prevention Plan drawing to reflect current information provided in the updated 2019 survey.

- b. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:
 - i. [5] Include a **timetable and schedule** for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
 1. **9/9/2020** - include "timetable and schedule" for the Construction Sequence.
 - ii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
 1. **4/3/2020** - This information has not been provided.
 2. **9/9/2020** - This information has not been provided. This is needed for preparation of the erosion control bond. An erosion control bond is a requirement of the erosion control permit.
6. Refer to the Notice of Intent (NOI).
- f. **4/3/2020** - New comment: Putnam County Image Mate shows the property is owned by Marc and Brianna Marinelli. Owner/Operator information and signature to be updated with current owner information.
 - i. **9/9/2020** - An NOI, signed 12/3/2018 was provided with the owner still listed as Joseph Fregosi. A previous, revised NOI was signed 12/3/2019. Provide an NOI with the Marinellis as owners and signed by one of the Marinellis.
7. Refer to the Drawings:
- e. Provide soil testing for dry well locations.
 - i. **4/3/2020** - This information has not been provided. Depth to water table and/or rock needs to be provided.
 - ii. **9/9/2020** - The response letter states "Dry well soil testing will be done during construction. If soil conditions are a problem the dry wells will be relocated with the Town's approval."

Soil testing results are reviewed as part of the approval process. The dry wells are a benefit and help offset environmental impacts that result from development of the lot. Since long term stormwater management treatment (dry well) is not required for this project per the NYSDEC general construction permit, GP-0-20-001, soil testing can be delayed. However, add notes to the drawing requiring testing prior to installation of

ROHDE, SOYKA & ANDREWS CONSULTING ENGINEERS, P.C.

Memorandum
 Marinelli-Fregosi – Miller Hill Rd/ Miller Hill Woods Ct ECP
 TM # 10.-1-17
 September 9, 2020
 Page 4 of 4

the dry wells. If soil conditions require the dry wells to be relocated, Town approval must be received prior to installation of the dry wells.

- g. Provide notes on operation, maintenance and inspection of catchbasins and dry wells for future homeowners.

- i. 9/9/2020 - The response letter states "Catch basin and dry well maintenance inspections are provided on page 2 of the SWPPP".

Sheet 2 of the SWPPP drawing has a "Maintenance Schedule" table. Catchbasin has "remove" under "after approval of inspector". Does this refer to the catch basin or catch basin inlet protection? Dry well has "clean yearly" under "Necessary to Maintain Function" and no information under "After approval of inspector".

Provide clearer information for future homeowners to operate, maintain and inspect the catchbasins and dry wells.

8. Provide additional information and agreements on use of existing common driveway.
- a. 9/9/2020 - Additional information has been submitted by the owner, via email on 8/24/2020. This comment is addressed.
9. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule. - Acknowledged.
10. We defer to the Planning Board's environmental consultant regarding wetland issues.

New Comments:

1. On Sheet 1 of the SWPPP drawing, there is a "Maintenance Schedule" on the right side of the drawing with only 2 items. This has been superseded by a more complete "Maintenance Schedule" on Sheet 2. To avoid confusion, add a note to the "Maintenance Schedule" on Sheet 1 to refer to Sheet 2 for additional information. Or remove the "Maintenance Schedule" from Sheet 1.

Please continue to provide written response with future submittals.

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
 Bill Walters via email
 19-261-999-164

Bruce Barber via email
 Liz Axelson via email

ROHDE, SOYKA & ANDREWS CONSULTING ENGINEERS, P.C.

Fregosi Landscaping Inc
82 Anton Dr
Carmel, NY 10512

Estimate

ADDRESS
Marinelli
Miller Hill Woods Court
Kent, NY

ESTIMATE # DATE
1247 10/05/2020

ACTIVITY	QTY	RATE	AMOUNT
Stormwater Control			
Footing Drains (linear ft.)	210	15.00	3,150.00
Stormwater Control			
Leader (linear ft.)	150	10.00	1,500.00
Stormwater Control			
Silt Fence (linear ft.)	310	5.00	1,550.00
Stormwater Control			
Drainage along driveway (linear ft.)	120	15.00	1,800.00
Stormwater Control			
Precast Concrete Leaching pit	2	1,800.00	3,600.00
Stormwater Control			
Overflow pipe with rip rap (linear ft.)	70	15.00	1,050.00

Time estimate for work:
Install Footing Drains, leaders and tar foundation - 2
days
Erect Silt fence - 1 day
Complete Drainage along driveway - 1 day
Install Precast Concrete Leach pit with overflow pipe - 1
1/2 days

TOTAL

\$12,650.00

Accepted By

Accepted Date

Fregosi Landscaping Inc
e-mail- jfregosi1957@gmail.com
phone- 845-621-9367

FINAL ADOPTED
November 12, 2020
Town of Kent Planning Board Resolution of
Approval with Conditions for: Site Plan Amendment for
GADF Office and Accessory Apartment 1088 Route 52
TM: 12.17-1-9

Whereas, the Town of Kent Planning Board has received an application from Alex Mazzotta, GADF, LLC, for approval of a site plan amendment for the use of an existing building, driveway and parking area for office space and use of a pre-existing accessory apartment, including a single building with two office spaces, existing utilities, electric and stormwater management systems on a 0.9-acre site in the C (Commercial) zoning district located at 1088 Route 52, in the Town of Kent, Putnam County, New York (tax parcel identification number 12.17-1-9); and

Whereas, the proposed action involves a site plan amendment on an existing developed site for offices, which is a principal permitted use in the C zoning district; and a residential unit located above a nonresidential use, which is a permitted accessory use in the C district; and

Whereas, the project is depicted on a site plan, prepared by Jeffrey J. Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 18, 2020, revised October 13, 2020; and a floor plan illustration; and

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

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), on October 8, 2020 the Planning Board classified 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; and

Whereas, on October 8, 2020 the Planning Board made a 239-l&m Referral to the Putnam County Department of Planning, Development & Public Transportation; and obtained a response therefrom dated October 20, 2020 indicating approval;

Now Therefore Be It Resolved, that the public hearing for this project, which was held on November 12, 2020 is hereby closed; 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:

- Floor plan illustration entitled 1088 Route 52 Floor Plan, preparer not indicated, undated; and
- Plan sheet SP-1 entitled GADF, LLC Site Plan, prepared by Jeffrey J. Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 18, 2020, revised October 13, 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 October 15, 2020.
2. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.

*Town of Kent Planning Board Resolution of
Approval with Conditions for: Site Plan Amendment for
GADF Office and Accessory Apartment 1088 Route 52
November 12, 2020*

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>Simon Carey</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>Absent</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 November 12, 2020.



Vera Patterson, Clerk
Town of Kent Planning Board



October 13, 2020

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

RE: 1088 Rt 52
Kent, NY
Tax Map No. 12.17-1-9

Dear Chairman Tolmach and Members of the Board:

The applicant in the above-mentioned matter seeks waivers for the following code requirements of Approval of Site Plans. §77-60(F-1) Applications.


- (b) *The architectural design of all existing buildings and structures*
- (c) *Thestructures within 200 feet of the property boundary, with topography extending 50 feet outward from the site property boundary and 200 feet along existing roads.*
- (e) *Existing topography and proposed grade elevations at a contour interval of not more than two feet, unless waived by the Planning Board, soil types, wetlands and watercourses, one-hundred-year floodplains, bedrock outcrops, slopes in excess of 10%, and the location of trees with a diameter of eight inches dbh and greater.*
- (k) *The location, design and description of stormwater management facilities, including proposed grading plan.*
- (m) *The location, height, and species of landscape plantings on a landscape plan.*
- (n) *The location and design of lighting and communication facilities.*
- (s) *Adequate provisions for the handling of stormwater runoff, including retention/detention, piping or channeling to existing or proposed drainage systems during and after construction.*

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

Very truly yours,

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

By:


Jeffrey J. Contelmo, PE
Senior Principal Engineer

JMW/adT
Enclosures:
cc: Dino Mazzatta
Insite File No. 20167.100

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

Z:\E\20167100 Mazzotta\Correspondence\2020



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: November 27, 2020
RE: Mazzotta Kent Center Retail/Office Site Plan Amendment, 1100 Route 52, Tax Parcels No. 12.-1-54 & 55 / CPL#15488.00-00003

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

Summary

1. The proposal does not involve any proposed physical site changes or site disturbance, yet the proposal is to use a portion of the 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. The existing building has an 18,000 square foot (SF) first floor and footprint with an 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.

SEQRA

2. The proposal is a Type 2 Action as per the SEQRA regulations, section 617.5 (c)(18), so no SEQRA review is required.

Zoning Requirements

3. The project does not involve any proposed physical changes or site disturbance and most of the existing conforming uses will remain. The proposed office use on the ground floor, is a change from prior retail use, so a site plan is required as per Chapter 77 Zoning, section 77-60. C. The submitted site plan shows existing conditions as per a plan dated May 12, 2006, last revised October 18, 2006. Provide a basic floor plan illustration for both floors to show the existing layout and the type of use and approximate area in SF of each occupancy.
4. The submitted 2006 plan is based on the C (Commercial) zoning district, which was the correct zoning designation for site at that time. The current Town of Kent Zoning map, apparently in effect as of November 24, 2008, indicates the current zoning designation of the site is IOC as described above. The existing and proposed uses: retail, bakery, deli, personal service businesses, shopping center and office, are all principal permitted uses as per zoning section 77-24. A. and additional uses are permitted in the IOC. Please refer to 77-24.
5. Since the site is now in the IOC, all aspects of the plan must be updated regarding the lot and bulk requirements in zoning section 77-25. Please refer to 77-47. Nonconforming buildings

and uses, which provide for continuation of the site, its layout generally and uses. Revise the zoning table on sheet SP-1 to address the following:

- a. The table header should be "IOC (Industrial-Office-Commercial) Zoning Requirements".
- b. The "Required" column must be updated to reflect all lot and bulk requirements in section 77-25. A. through H.
- c. Revise the label of the "Provided" column to be "Existing/Proposed".
- d. Revise the row labeled "Max. Lot Coverage" to be "Max. Building Coverage", corresponding to 77-25, D. There is no need to change the 14% "Existing/Proposed" value, which is based on the building footprint, which will remain as is.
- e. Add a row for "Max. Impervious Surface Coverage" corresponding to 77-25. E.
- f. Add a footnote symbol next to the "Existing/Proposed" minimum front, side and rear yard values.
- g. Add a footnote to the bottom of the table, which should occur before the variance footnote, to indicate "These are existing noncomplying values since the former C (Commercial) zoning of the site was changed to IOC (Industrial-Office-Commercial) zoning as per the Town's Zoning Map dated November 24, 2008."
- h. Change the footnote item (2 asterisks instead of one) for the variance note in the table for the parking/accessory use value of 4' and change the footnote item below the table corresponding to the note.
- i. Confirm that the building height value of 23' is accurate given it is a 2-story structure.
6. Update the Site Data table to reflect the "IOC (Industrial-Office-Commercial)" zone.
7. Revise the plan view to reflect the minimum front, side and rear yard setback requirements of 40', 20' and 40', respectively. Specifically, revise the setback lines in the plan view; and their corresponding labels.
8. Review the parking table, which appears to assume primarily retail for most of the site resulting in a higher parking requirement of 158 spaces, yet the site plan shows 118 spaces. Existing uses are a mix of restaurant, retail, personal services and offices. The parking calculations are based on a small restaurant (1,200 square feet) and the rest of the space as retail (29,285 SF). If the second floor (11,515 SF) is all or mostly office, then fewer spaces would be required. Given a history of site use, it may be appropriate for the Planning Board to consider a lower total number of required parking spaces and the note under the parking table could be revised.
9. Provide narrative about the condition of approved landscaping on the site as per the plant list thereon, noting:
 - a. whether the types and numbers of actual plantings are consistent with the table; and/or
 - b. whether the table must be amended to reflect necessary changes.
10. Revise the site plan and plant list to show any proposed changes.
11. Discuss a timeline for replacement of any approved planted areas that require maintenance; or replanting to reflect changes.
12. Add plan notation indicating that all landscaping shown on the plans shall be maintained for the life of the site.
13. Revise the plan to address the following:
 - a. List the property address under site data.
 - b. Add a plan sheet with diagrams showing the existing/proposed floor plan and the uses and areas of each retail/bakery, delicatessen, personal service businesses, restaurant and office occupancy in SF based on the basic floor plan requested above.
14. As per zoning section 77-47. C. *"Merger of lots. Any substandard plot of land owned by or acquired under any circumstances by an adjoining landowner shall, for the purposes of this*



Code, be considered as having merged into one plot, and the plots so merged shall be considered as one plot in its entirety.” Add notation to the site plan to reflect this merger clause.

15. Address any comments by the Putnam County Department of Planning in response to the Planning Board’s referral, if needed.

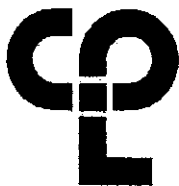
Recommendation

16. The Planning Board should direct the applicant to address the comments above.
17. Since the application is for a change to an existing developed site and is fairly complete, the Planning Board may consider taking the following actions:
- a. Declare that the proposed action is a Type 2 Action as per the SEQRA regulations, section 617.5 (c)(18), so it is not subject to SEQRA review;
 - b. Make a 239-I&M Referral to the Putnam County Department of Planning;
 - c. Consider granting of waiver of the public hearing on the Site Plan; and
 - d. Consider granting site plan approval with conditions.

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

Materials Reviewed

- Cover letter from Alex Mazzotta, 52 Kent Corp, dated November 20, 2020;
- Combine (Site Plan) Application, prepared by Alessandro Mazzotta, undated, received November 23, 2020;
- Floor plan illustration entitled First floor-Kent Center, preparer not indicated, undated; and
- Plan sheet SP-1 entitled 52 Kent Corp, Amended Site Plan, preparer NOT INDICATED, Insite Engineering, Surveying & Landscape Architecture, PC, dated May 12, 2006, last revised October 18, 2006.



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: November 27, 2020
RE: Mazzotta Kent Center Retail/Office Site Plan Amendment, 1100 Route 52, Tax Parcels No. 12,-1-54 & 55 / CPL#15488.00-00003

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

Summary

1. The proposal does not involve any proposed physical site changes or site disturbance, yet the proposal is to use a portion of the 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. The existing building has an 18,000 square foot (SF) first floor and footprint with an 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.

SEQRA

2. The proposal is a Type 2 Action as per the SEQRA regulations, section 617.5 (c)(18), so no SEQRA review is required.

Zoning Requirements

3. The project does not involve any proposed physical changes or site disturbance and most of the existing conforming uses will remain. The proposed office use on the ground floor, is a change from prior retail use, so a site plan is required as per Chapter 77 Zoning, section 77-60. C. The submitted site plan shows existing conditions as per a plan dated May 12, 2006, last revised October 18, 2006. Provide a basic floor plan illustration for both floors to show the existing layout and the type of use and approximate area in SF of each occupancy.
4. The submitted 2006 plan is based on the C (Commercial) zoning district, which was the correct zoning designation for site at that time. The current Town of Kent Zoning map, apparently in effect as of November 24, 2008, indicates the current zoning designation of the site is IOC as described above. The existing and proposed uses: retail, bakery, deli, personal service businesses, shopping center and office, are all principal permitted uses as per zoning section 77-24. A. and additional uses are permitted in the IOC. Please refer to 77-24.
5. Since the site is now in the IOC, all aspects of the plan must be updated regarding the lot and bulk requirements in zoning section 77-25. Please refer to 77-47. Nonconforming buildings

and uses, which provide for continuation of the site, its layout generally and uses. Revise the zoning table on sheet SP-1 to address the following:

- a. The table header should be "IOC (Industrial-Office-Commercial) Zoning Requirements".
- b. The "Required" column must be updated to reflect all lot and bulk requirements in section 77-25. A. through H.
- c. Revise the label of the "Provided" column to be "Existing/Proposed".
- d. Revise the row labeled "Max. Lot Coverage" to be "Max. Building Coverage", corresponding to 77-25. D. There is no need to change the 14% "Existing/Proposed" value, which is based on the building footprint, which will remain as is.
- e. Add a row for "Max. Impervious Surface Coverage" corresponding to 77-25. E.
- f. Add a footnote symbol next to the "Existing/Proposed" minimum front, side and rear yard values.
- g. Add a footnote to the bottom of the table, which should occur before the variance footnote, to indicate "These are existing noncomplying values since the former C (Commercial) zoning of the site was changed to IOC (Industrial-Office-Commercial) zoning as per the Town's Zoning Map dated November 24, 2008."
- h. Change the footnote item (2 asterisks instead of one) for the variance note in the table for the parking/accessory use value of 4' and change the footnote item below the table corresponding to the note.
- i. Confirm that the building height value of 23' is accurate given it is a 2-story structure.
6. Update the Site Data table to reflect the "IOC (Industrial-Office-Commercial)" zone.
7. Revise the plan view to reflect the minimum front, side and rear yard setback requirements of 40', 20' and 40', respectively. Specifically, revise the setback lines in the plan view; and their corresponding labels.
8. Review the parking table, which appears to assume primarily retail for most of the site resulting in a higher parking requirement of 158 spaces, yet the site plan shows 118 spaces. Existing uses are a mix of restaurant, retail, personal services and offices. The parking calculations are based on a small restaurant (1,200 square feet) and the rest of the space as retail (29,285 SF). If the second floor (11,515 SF) is all or mostly office, then fewer spaces would be required. Given a history of site use, it may be appropriate for the Planning Board to consider a lower total number of required parking spaces and the note under the parking table could be revised.
9. Provide narrative about the condition of approved landscaping on the site as per the plant list thereon, noting:
 - a. whether the types and numbers of actual plantings are consistent with the table; and/or
 - b. whether the table must be amended to reflect necessary changes.
10. Revise the site plan and plant list to show any proposed changes.
11. Discuss a timeline for replacement of any approved planted areas that require maintenance; or replanting to reflect changes.
12. Add plan notation indicating that all landscaping shown on the plans shall be maintained for the life of the site.
13. Revise the plan to address the following:
 - a. List the property address under site data.
 - b. Add a plan sheet with diagrams showing the existing/proposed floor plan and the uses and areas of each retail/bakery, delicatessen, personal service businesses, restaurant and office occupancy in SF based on the basic floor plan requested above.
14. As per zoning section 77-47. C. *"Merger of lots. Any substandard plot of land owned by or acquired under any circumstances by an adjoining landowner shall, for the purposes of this*



Code, be considered as having merged into one plot, and the plots so merged shall be considered as one plot in its entirety.” Add notation to the site plan to reflect this merger clause.

15. Address any comments by the Putnam County Department of Planning in response to the Planning Board’s referral, if needed.

Recommendation

16. The Planning Board should direct the applicant to address the comments above.
17. Since the application is for a change to an existing developed site and is fairly complete, the Planning Board may consider taking the following actions:
 - a. Declare that the proposed action is a Type 2 Action as per the SEQRA regulations, section 617.5 (c)(18), so it is not subject to SEQRA review;
 - b. Make a 239-I&M Referral to the Putnam County Department of Planning;
 - c. Consider granting of waiver of the public hearing on the Site Plan; and
 - d. Consider granting site plan approval with conditions.

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

Materials Reviewed

- Cover letter from Alex Mazzotta, 52 Kent Corp, dated November 20, 2020;
- Combine (Site Plan) Application, prepared by Alessandro Mazzotta, undated, received November 23, 2020;
- Floor plan illustration entitled First floor-Kent Center, preparer not indicated, undated; and
- Plan sheet SP-1 entitled 52 Kent Corp, Amended Site Plan, preparer NOT INDICATED, Insite Engineering, Surveying & Landscape Architecture, PC, dated May 12, 2006, last revised October 18, 2006.



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

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

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

Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	Julie S. Mangarillo, P.E., CPESC	Subject:	Site Plan, Lot Line Adjustment Erosion Control Permit Wetland Permit
Date:	November 11, 2020	Project:	Kent Development Associates – IOC Property & Timber Harvest TM # 12.-1-38 & 42

The following materials were reviewed:

- Refer to Appendix A for list.

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

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

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

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 1 acre of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, including long term stormwater management. - **acknowledged**

7. Refer to the Drawings:

- b. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Provide a note on the drawing.

- i. 9/9/2020: The response letter requests a waiver from §57-26.A(5)(c). The applicant wishes to provide the as-built survey of the driveway prior to issuance of certificate of occupancy instead of issuance of building permit.

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

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

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

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

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

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

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

The following comments are provided for the Planning Board's consideration from a memo dated October 6, 2020:

2. The applicant is proposing the use of asphalt millings for the driveway surface instead of asphalt pavement. This is not an approved surface per the Town of Kent driveway code, Chapter 57. Per note #7 on Drawing SP-1 NYCDEP requires a pervious surface within the 100 foot adjacent area of the wetland. Provide a letter or other documentation from NYCDEP requiring the pervious surface and accepting asphalt millings as a pervious surface allowed in a wetland buffer.
 - a. Consider alternative pervious driveway surfaces within the 100 ft wetland buffer that may contribute less sediment/particulates to the wetland.
 - i. **11/11/2020:** Applicant's representatives have indicated that other surfaces, such as pervious pavement and porous concrete can't be used without a full SWPPP. However, a Full SWPPP has already been prepared. Please elaborate.
 - ii. **11/11/2020:** Consider another alternative to catch sediment/particulates before entering the wetland. A structure like a trench drain with a sufficient sump and other modifications to trap the millings could be used between the inlet to the Water Quality Swale and the property line, with a stabilized outlet to the wetland buffer. The trench drain would require modifications to prevent clogging, minimize discharge of millings and frequent inspection and maintenance. The trench drain would also minimize the amount of runoff discharged to North Horsepound Rd and reduce icing concerns in winter.

- iii. **11/20/2020** – The driveway profile on drawing D-2 shows a low-point at station 0+31. Mark the location of the low point on the SP-1 or SP-2.
 - b. For the driveway beyond the 100 foot wetland buffer, consider traditional asphalt pavement due to the steep slope of the driveway and the potential for the millings to be washed into the stormwater management area or into the wetlands.
 - i. **11/11/2020**: The 10/15/2020 response letter indicates that the millings detail on drawing D-2 "has been revised to indicate either asphalt millings or asphalt pavement." The asphalt pavement part of the detail could not be located.
 - c. A letter has been provided by Richard Othmer, Jr, Town of Kent Highway Superintendent dated September 8, 2020, accepting the alternative pavement of asphalt millings. The Planning Board will ultimately have to grant a waiver for alternative driving surface that is not included in the Code. – **Acknowledged.**
5. An erosion control bond estimate of \$9,183.00 was provided. A long-term stormwater management bond estimate of \$78,800 was provided in this submittal. These will be evaluated as the project moves further along in the review process. **Will need to review landscaping bond as well.**

New Comments:

1. Regarding the gate in the wetland buffer, near the entrance to driveway – provide conduit under the driveway for future electrical connection to prevent future disturbance of swale along driveway.
2. Drawing OP-1, Note #10 – Typographical error. Note states "LOC" instead of "IOC" in reference to the zoning district.
3. Drawing SP-1, General Note #2 – Revise to add that if the owner wants to make changes to the Landscaping Plan in the future, the owner will have to apply for Site Plan Amendment and receive approval from the Planning Board.

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


Julie S. Mangarillo, P.E., CPESC

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

Bruce Barber via email
Liz Axelson via email

APPENDIX A

List of Documents Reviewed

1. Letter to Town of Kent Planning Board-Kent Development Associates-Commercial Lot & Timber Harvest Project, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated October 15, 2020.
2. Drawing VMP-1- Vehicle Maneuvering Plan-Kent Development Associates & Timber Harvest dated October 15, 2020 scale 1"=50'.
3. Opinion of Probable Construction Cost—Kent Development Associates, Inc., prepared by Insite Engineering, Surveying & Landscape Architecture, PC dated October 15, 2020.
4. Letter to Insite Engineering, Surveying & Landscape Architecture, PC from Terry Bergendorff Collins Land Surveying PLLC dated October 14, 2020.
5. Email Documents from Jamie LoGiudice RLA-Kent Development Associates dated October 6, 2020.
6. Drawing VS-1 Visual Sections Plan-Kent Development Associates Commercial Lot, prepared by Insite Engineering, Surveying & Landscape Architecture, PC dated October 14, 2020 scale As Shown.
7. Survey of Property-Kent Development Associates, prepared by Terry Bergendorff Collins dated November 14, 2006 scale 1"=50'.
8. Survey Map of Property of John and Edna Riley, prepared by Burgess & Behr Professional Engineering & Land Surveying dated November 3, 1969 scale 1"=30'.
9. Survey Map of Lands of Fuchs and Fuchs prepared by Raymond Kihlmire, LLS, PC dated June 14, 1999 scale 1"=60'.
10. Stormwater Pollution Prevention Plan-Kent Development Associates, prepared by Insite Engineering, Surveying & Landscape Architecture, PC dated October 15, 2020.
11. Drawing OP-1 Overall Plan- Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, PC, dated August 24, 2020 last revised October 15, 2020 scale 1"=100'.
12. Drawing SP-1-Layout & Landscape Plan -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated July 19, 2018 last revised October 15, 2020 scale As Noted.
13. Drawing SP-2-Grading, Drainage & Utilities Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised October 15, 2020 scale 1"= 40'.

14. Drawing SP-3-Erosion & Sediment Control Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised October 15, 2020 scale 1" = 40'.
15. Drawing SP-4-Timber Harvest Erosion & Sediment Control Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated September 16, 2020 last revised October 15, 2020 scale 1" = 100'.
16. Drawing LP-1-Lighting Plan -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised October 15, 2020 scale 1"=30'.
17. Drawing D-1-Details -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised October 15, 2020 scale As Noted.
18. Drawing D-2-Details & Profile -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised October 15, 2020 scale As Noted.
19. Drawing D-3-Details & Profile -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated September 16, 2020 last revised October 15, 2020 scale As Noted.
20. Email from Sarah Pawliczak, Biologist of NYSDEC, dated 11/3/2020 regarding use of asphalt millings in wetland buffer.



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

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

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

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: November 11, 2020

Project: Sun ECP Westwood Drive
TM # 19.12-1-20 & 19.12-1-23

The following materials were reviewed:

- Refer to Appendix A

The project proposes construction of a single-family home with driveway, detached garage, individual septic and well. The parcel received variance for lot area in 2014, which has since expired. We believe the current owner has re-applied for the lot area variance but have not seen documentation that the ZBA has granted the variance.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated July 7, 2020:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001. - **Acknowledged.**
2. Provide a complete Combined Application Form with required information.
 - a. **11/11/2020** - On Site Plan Checklist, include parcel 19.12-1-23
 - b. Combined Application 1st sheet (page 12) - Site Plan approval is not required. Only Steep Slope & Erosion Control.
 - c. Specify that Vincenzo Leto works for Westchester Modular.
 - d. Include Tax Map # of other lot, 19.12-1-23.
 - e. A.5 - Provide total square footage of new construction.
 - f. A.6 - Provide estimated value of new construction.
 - g. 2nd sheet (page 13) - #11 – Previously the ZBA has granted area variance for lot 19.12-1-20. Is that variance still valid?
 - h. #12 – Provide copies of Health Department approvals.

- i. #14 – Provide copies of deeds for both lots and any legal documents for the driveway easement that provides access to TM 19.12-1-21.
 - j. 4th sheet (page 15), D.3 - Provide tax map #s relative to the dates of the survey.
- 3. It is our understanding that the adjacent parcel, TM 19.12-1-23 is also owned by the same owner. Per Town Code Chapter 77-47.C "Merger of lots. Any substandard plot of land owned by or acquired under any circumstances by an adjoining landowner shall, for the purposes of this Code, be considered as having merged into one plot, and the plots so merged shall be considered as one plot in its entirety." Both of the lots are less than 80,000 SF required in R-80 zoning district. With the merging of the two lots, the combined lot will be less non-conforming. This needs to be addressed and a different lot area variance may need to be requested from the ZBA.
 - a. **11/11/2020** - The applicant's representatives have indicated that the two (2) lots will be merged.
- 4. The adjacent lot, TM 19.12-1-23 has an existing gravel drive and existing easement. Provide additional information on which parcels benefit from this access. Does it provide legal access to TM 19.12-1-21?
 - a. **11/11/2020** - Provide response in writing. Provide copy of easement or other legal document.
- 5. The proposed house and septic area are proposed on steep slopes. With the expected merger with lot TM 19.12-1-23, consideration should be given to locating the area of disturbance in a location with flatter slopes to minimize environmental impacts.
 - a. **11/11/2020** - Survey and topography have been provided for the 2nd lot, TM 19.12-1-23. It shows a significant area of land that has less than 15% slope. This lot is to be investigated for the potential to be used for the house and septic site. Building on less steep slope minimizes environmental impacts. However, if the 2nd lot, TM 19.12-1-23 is unsuitable, then construction on the 1st lot, TM 19.12-1-20 will be considered. Provide technical justification if the house and septic cannot be constructed on the less steep, 2nd lot.
- 6. **11/11/2020 - Completed.**
- 7. Westwood Drive is a gravel road with a history of erosion and wash-outs. New impervious surfaces can increase runoff. Provide stormwater mitigation to help offset any potential increases in runoff to Westwood Drive.
 - a. **11/11/2020** - Stormwater mitigation of infiltrators is proposed. Provide additional information such as soil testing, and sizing calculations. Indicate how much runoff will be diverted away from Westwood Dr. Provide information on the drawings for homeowners to operate, inspect, and maintain the infiltrators and associated drainage for the long-term.
- 8. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - d. §66-6.B.2.e – Provide "a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (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.**"

- i. **11/11/2020** - The date and source of the soils and steep slope data could not be located on the drawings. For the soils information, also include the 3-letter map unit symbol, in addition to the soil name.

e. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"

- v. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.

- i. **11/11/2020** - Include time estimate for each step in the construction schedule, such as number of days, weeks or months.

- vii. [7] Provide a maintenance schedule for erosion control measures.

- i. **11/11/2020** - Maintenance schedule could not be located.

10. Provide an erosion and sediment control only SWPPP in accordance with GP-0-20-001. Provide required information from Part III.B including:

e. Part III.B.1.e – "A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;" - **11/11/2020 - could not be located.**

f. Part III.B.1.f – "A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;" - **11/11/2020 - could not be located.**

g. Part III.B.1.i – "A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;" - **11/11/2020 - could not be located.**

h. Part III.B.1.j – "A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;" - **11/11/2020 - could not be located.**

i. The Applicant and Applicant's design professional are expected to be familiar with the provisions of the NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.C.2), provisions for modifying the SWPPP (Part II.C.5), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP.

i. **11/11/2020 - could not be located. These provisions can also be added as notes on the drawings.**

j. Please note – Per NYSDEC General Permit GP-0-20-001, per Part I.B.1.b 'Soil Stabilization' "In areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days* from the date the current soil disturbance activity ceased..." (emphasis added).

i. **11/11/2020 - Add as note on the drawings.**

13. Provide additional information on the proposed driveway, such as driveway profile and construction details. The driveway is to be in conformance with Town Code Chapter 57-26.A.

a. **11/11/2020 - could not be located.**

14. Refer to the Drawings:

c. Provide detail and location for concrete truck wash-out.

i. **11/11/2020- The detail is provided but it is not legible.**

15. We defer to the Planning Board's environmental consultant regarding wetland issues.

16. Provide written response with future submittals stating how the comments have been addressed. - **11/11/2020 - Provide written responses in future submittals.**

New Comments:

1. Refer to the Notice of Intent:

- a. Page 1 – Owner/Operator is listed as Westchester Modular. Per GP-0-20-001, the "owner/operator" is defined as "means the person, persons or legal entity which owns or leases the property on which the construction activity is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions." Provide written confirmation that Westchester Modular meets this definition for this project. Otherwise, provide the information Roger Sun as the owner/operator.
- b. Page 2 – Include the tax map number for the 2nd parcel.
- c. Page 4, #9a – Recommend selecting "Lake Off Site" instead of "Lake On Site". The property is not directly adjacent to the lake.
- d. Page 4, #9b – Does not have to be answered.

- e. Page 4, #12 – The properties are located in AA or AA-S classified watersheds. Select “yes”. For #13, select “no” as the soil slope phases are not identified as E or F.
 - f. Page 7, #26 – Review the lists for any other applicable erosion and sediment control practices. For example, stabilized construction entrance.
 - g. Page 14 – Again, confirm that Westchester Modular is eligible to sign as owner/operator instead of the property owner.
2. Refer to MS4 SWPPP Acceptance Form – Again, confirm that Westchester Modular is eligible to act as owner/operator instead of the property owner.
 3. Show proposed limits of disturbance on the Existing Conditions/Slope Map in addition to Proposed Site Plan.
 4. Add a note that states “No tree removal outside limits of disturbance.”
 5. On the drawings, specify both tax map lot #s, in addition to referring to them as “Lot 1” and “Lot 2.”
 6. On the Location Map, highlight the second lot. Also, make it easier to read the road names on the Location Map.
 7. Specify that the Zoning Schedule includes both lots. The Zoning Schedule has a double asterisk for “Legal non-conforming.” Previously the ZBA has granted area variance for lot 19.12-1-20. Confirm an updated variance from the ZBA is not required. At a minimum, indicate that it is a “Pre-existing non-conforming” and that merging the two lots will reduce the non-conformity.
 8. An erosion control bond estimate has been provided. This will be reviewed when the project is further along in the review process.

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
20-261-999-169

Bruce Barber via email
Liz Axelson via email

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Be It Further Resolved, pursuant to §77-60 and §77-61 of the Town Code the Planning Board grants two 90-day extensions of the January 9, 2020 re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein and pursuant to §77-61(C) of the Town Code, the "site plan approval shall be void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval. Prior to its expiration, the site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods.";

noting that, for the expiration date of January 8, 2021, the subsequent 180-day period would end Wednesday, July 7, 2021; the next regular Planning Board meeting date of July 8, 2021, 1 day later; and the extensions granted herein shall accordingly expire unless construction is started no later than July 8, 2021 and completed no later than July 8, 2022; and

Be It Further Resolved, pursuant to §66-6 of the Town Code the Planning Board waives the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by the Planning Board's Professional Engineer, and grants two 90-day extensions of the January 9, 2020 re-approval of the Steep Slope and Erosion Control Permit for the project as described herein; and

Be It Further Resolved, pursuant to §39A-7(D)(1) of the Town Code the Planning Board grants two 90-day extensions of the January 9, 2020 re-approval of the Freshwater Wetland Permit for the regulated activities as described herein; and

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

- 1) The Project shall be developed in accordance with the plans and specifications that have been reviewed by the Planning Board, specifically:*
 - a) Site plan map set prepared by Insite Engineering, Surveying & Landscape Architecture, P.C, consisting of the following drawings:*
 - i) VM-1K, Vicinity Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - ii) EX-1K, Existing Conditions Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - iii) SS-1K, Soils & Slopes Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - iv) SP-1K, Overall Site Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - v) SP-2K, Layout & Landscape Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - vi) SP-3K, Grading & Utilities Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - vii) SP-4.1K, Overall Phasing Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - viii) SP-4.2K, Sediment & Erosion Control Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - ix) SP-4.3K, Sediment & Erosion Control Plan, dated January 21, 2016, revised February 18, 2016 and bearing a latest revision date of December 15, 2016.*
 - x) SP-5K, Kent Watercourse Controlled Area Improvement Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xi) PR-1K, Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - xii) PR-2K, Drainage Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*

- xiii) L-1K, Lighting Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xiv) DA-1K, Site Drainage Areas Contributing to the Middle Branch of the Croton River, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xv) D-1K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xvi) D-2K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xvii) D-3K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xviii) D-4K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*

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

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

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

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

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

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

Motion: Stephen Wilhelm Second: Simon Carey

Phil Tolmach, Chairman Aye

Dennis Lowes, Vice Chairman Aye

Simon Carey Aye

Giancarlo Gattucci Aye

Nisim Sachakov Absent

Charles Sisto Absent

Stephen Wilhelm Aye

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



Vera Patterson, Clerk
Town of Kent Planning Board

ATTACHMENTS:

Adopted Certified January 9, 2020 Planning Board Re-Approval

Adopted, certified November 9, 2017 Planning Board Approval

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



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

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

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

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan
Completeness Review

Date: November 4, 2020

Project: Marinelli
Miller Hill Woods Ct
TM # 10.-1-17

The following materials were submitted via email & reviewed:

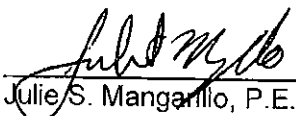
- Drawing prepared by Roy Fredriksen, PE "Stormwater Pollution Prevention Plan (Erosion & Sediment Control)" Sheet 1 of 2, dated 12/3/2018, revised 10/31/2020
- Drawing prepared by Roy A. Fredriksen, PE, "Stormwater Pollution Prevention Plan (Erosion & Sediment Control)" Sheet 2 of 2, dated 8/19/2020, revised 10/31/2020

The project proposes construction of a single family house with well, septic, and driveway. The lot is a flag lot with frontage on Miller Hill Road, but will derive access from a shared driveway from Miller Hill Woods Ct. Previous questions regarding potentially historic structures have been answered with a "No adverse impact" letter from NYS OPRHP dated July 18, 2019. No protections of the structures are required. Health Department approval has been provided.

The following comments are provided for the Planning Board's consideration:

1. Provide Certification of Professional Engineer affidavit. It must be signed and notarized by the Professional Engineer. A copy of the form is included. If this has been previously submitted, please provide another copy.
2. Refer to the October 8, 2020 memo prepared by Bruce Barber, Town of Kent Wetland Consultant:
 - a. Prior to issuance of certificate of occupancy, mark the wetland buffer line in the field with boulders to reduce the potential for future encroachments into the wetland buffer.
 - b. Note that trees shall be cut only between November 1 and March 31 of the following year.
3. Other engineering comments have been satisfied.
4. If not already done so, prior to Planning Board Chairman's signature of plans, all Planning Board costs and fees including the erosion control bond, initial inspection fee deposit and professional review fees incurred during the review and approval of the application must be paid.

5. Check with Vera Patterson, Planning Board clerk, that there are enough copies of the final drawings in the Planning office for Chairman's signature. Drawing sets must include the following three (3) drawings:
 - a. Drawing prepared by Roy Fredriksen, PE "Stormwater Pollution Prevention Plan (Erosion & Sediment Control)" Sheet 1 of 2, dated 12/3/2018, revised 10/31/2020
 - b. Drawing prepared by Roy A. Fredriksen, PE, "Stormwater Pollution Prevention Plan (Erosion & Sediment Control)" Sheet 2 of 2, dated 8/19/2020, revised 10/31/2020
 - c. Boundary & Topographic Survey of Property Known as Lot 4 'Miller Hill Woods,' prepared by Baxter Land Surveying, P.C., revised 10/7/2019
6. Attached hereto is the signed MS4 SWPPP Acceptance Form. Forward a copy of NYSDEC letter of acknowledgment of Notice of Intent upon its receipt. The DEC letter of acknowledgement needs to be received before the start of earth disturbing activities.
 - a. It is the property owner's responsibility to ensure the Notice of Intent and MS4 SWPPP Acceptance Form are submitted to NYSDEC. We do not believe the NYSDEC requires original signatures. However, if anyone would like the hardcopy with original signatures, please let us know to arrange mailing of the original MS4 SWPPP Acceptance Form. The property owner can designate the engineer to mail or upload the documents to NYSDEC on the property owner's behalf.


Julie S. Mangano, P.E., CPESC

Encl.: Certification of Professional Engineer/Licensed Land Surveyor/Architect
MS4 SWPPP Acceptance Form

cc: Planning Board via email
Bill Walters via email
19-261-999-164

Bruce Barber via email
Liz Axelson via email



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

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

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

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

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

Subject: Erosion Control Plan

Date: November 11, 2020

Project: Sun ECP Westwood Drive
TM # 19.12-1-20 & 19.12-1-23

The following materials were reviewed:

- Refer to Appendix A

The project proposes construction of a single-family home with driveway, detached garage, individual septic and well. The parcel received variance for lot area in 2014, which has since expired. We believe the current owner has re-applied for the lot area variance but have not seen documentation that the ZBA has granted the variance.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated July 7, 2020:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001. - **Acknowledged.**
2. Provide a complete Combined Application Form with required information.
 - a. **11/11/2020** - On Site Plan Checklist, include parcel 19.12-1-23
 - b. Combined Application 1st sheet (page 12) - Site Plan approval is not required. Only Steep Slope & Erosion Control.
 - c. Specify that Vincenzo Leto works for Westchester Modular.
 - d. Include Tax Map # of other lot, 19.12-1-23.
 - e. A.5 - Provide total square footage of new construction.
 - f. A.6 - Provide estimated value of new construction.
 - g. 2nd sheet (page 13) - #11 – Previously the ZBA has granted area variance for lot 19.12-1-20. Is that variance still valid?
 - h. #12 – Provide copies of Health Department approvals.

- i. #14 – Provide copies of deeds for both lots and any legal documents for the driveway easement that provides access to TM 19.12-1-21.
 - j. 4th sheet (page 15), D.3 - Provide tax map #s relative to the dates of the survey.
- 3. It is our understanding that the adjacent parcel, TM 19.12-1-23 is also owned by the same owner. Per Town Code Chapter 77-47.C "Merger of lots. Any substandard plot of land owned by or acquired under any circumstances by an adjoining landowner shall, for the purposes of this Code, be considered as having merged into one plot, and the plots so merged shall be considered as one plot in its entirety." Both of the lots are less than 80,000 SF required in R-80 zoning district. With the merging of the two lots, the combined lot will be less non-conforming. This needs to be addressed and a different lot area variance may need to be requested from the ZBA.
 - a. **11/11/2020** - The applicant's representatives have indicated that the two (2) lots will be merged.
- 4. The adjacent lot, TM 19.12-1-23 has an existing gravel drive and existing easement. Provide additional information on which parcels benefit from this access. Does it provide legal access to TM 19.12-1-21?
 - a. **11/11/2020** - Provide response in writing. Provide copy of easement or other legal document.
- 5. The proposed house and septic area are proposed on steep slopes. With the expected merger with lot TM 19.12-1-23, consideration should be given to locating the area of disturbance in a location with flatter slopes to minimize environmental impacts.
 - a. **11/11/2020** - Survey and topography have been provided for the 2nd lot, TM 19.12-1-23. It shows a significant area of land that has less than 15% slope. This lot is to be investigated for the potential to be used for the house and septic site. Building on less steep slope minimizes environmental impacts. However, if the 2nd lot, TM 19.12-1-23 is unsuitable, then construction on the 1st lot, TM 19.12-1-20 will be considered. Provide technical justification if the house and septic cannot be constructed on the less steep, 2nd lot.
- 6. **11/11/2020 - Completed.**
- 7. Westwood Drive is a gravel road with a history of erosion and wash-outs. New impervious surfaces can increase runoff. Provide stormwater mitigation to help offset any potential increases in runoff to Westwood Drive.
 - a. **11/11/2020** - Stormwater mitigation of infiltrators is proposed. Provide additional information such as soil testing, and sizing calculations. Indicate how much runoff will be diverted away from Westwood Dr. Provide information on the drawings for homeowners to operate, inspect, and maintain the infiltrators and associated drainage for the long-term.
- 8. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - d. §66-6.B.2.e – Provide "a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (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.**"

- i. **11/11/2020** - The date and source of the soils and steep slope data could not be located on the drawings. For the soils information, also include the 3-letter map unit symbol, in addition to the soil name.

e. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"

- v. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.

- i. **11/11/2020** - Include time estimate for each step in the construction schedule, such as number of days, weeks or months.

- vii. [7] Provide a maintenance schedule for erosion control measures.

- i. **11/11/2020** - Maintenance schedule could not be located.

10. Provide an erosion and sediment control only SWPPP in accordance with GP-0-20-001. Provide required information from Part III.B including:

e. Part III.B.1.e – "A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;" - **11/11/2020 - could not be located.**

f. Part III.B.1.f – "A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;" - **11/11/2020 - could not be located.**

g. Part III.B.1.i – "A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;" - **11/11/2020 - could not be located.**

h. Part III.B.1.j – "A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;" - **11/11/2020 - could not be located.**

i. The Applicant and Applicant's design professional are expected to be familiar with the provisions of the NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.C.2), provisions for modifying the SWPPP (Part II.C.5), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP.

i. **11/11/2020 - could not be located. These provisions can also be added as notes on the drawings.**

j. Please note – Per NYSDEC General Permit GP-0-20-001, per Part I.B.1.b 'Soil Stabilization' "In areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days* from the date the current soil disturbance activity ceased..." (emphasis added).

i. **11/11/2020 - Add as note on the drawings.**

13. Provide additional information on the proposed driveway, such as driveway profile and construction details. The driveway is to be in conformance with Town Code Chapter 57-26.A.

a. **11/11/2020 - could not be located.**

14. Refer to the Drawings:

c. Provide detail and location for concrete truck wash-out.

i. **11/11/2020- The detail is provided but it is not legible.**

15. We defer to the Planning Board's environmental consultant regarding wetland issues.

16. Provide written response with future submittals stating how the comments have been addressed. - **11/11/2020 - Provide written responses in future submittals.**

New Comments:

1. Refer to the Notice of Intent:

- a. Page 1 – Owner/Operator is listed as Westchester Modular. Per GP-0-20-001, the "owner/operator" is defined as "means the person, persons or legal entity which owns or leases the property on which the construction activity is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions." Provide written confirmation that Westchester Modular meets this definition for this project. Otherwise, provide the information Roger Sun as the owner/operator.
- b. Page 2 – Include the tax map number for the 2nd parcel.
- c. Page 4, #9a – Recommend selecting "Lake Off Site" instead of "Lake On Site". The property is not directly adjacent to the lake.
- d. Page 4, #9b – Does not have to be answered.

- e. Page 4, #12 – The properties are located in AA or AA-S classified watersheds. Select "yes". For #13, select "no" as the soil slope phases are not identified as E or F.
 - f. Page 7, #26 – Review the lists for any other applicable erosion and sediment control practices. For example, stabilized construction entrance.
 - g. Page 14 – Again, confirm that Westchester Modular is eligible to sign as owner/operator instead of the property owner.
2. Refer to MS4 SWPPP Acceptance Form – Again, confirm that Westchester Modular is eligible to act as owner/operator instead of the property owner.
 3. Show proposed limits of disturbance on the Existing Conditions/Slope Map in addition to Proposed Site Plan.
 4. Add a note that states "No tree removal outside limits of disturbance."
 5. On the drawings, specify both tax map lot #s, in addition to referring to them as "Lot 1" and "Lot 2."
 6. On the Location Map, highlight the second lot. Also, make it easier to read the road names on the Location Map.
 7. Specify that the Zoning Schedule includes both lots. The Zoning Schedule has a double asterisk for "Legal non-conforming." Previously the ZBA has granted area variance for lot 19.12-1-20. Confirm an updated variance from the ZBA is not required. At a minimum, indicate that it is a "Pre-existing non-conforming" and that merging the two lots will reduce the non-conformity.
 8. An erosion control bond estimate has been provided. This will be reviewed when the project is further along in the review process.

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
20-261-999-169

Bruce Barber via email
Liz Axelson via email



Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	Julie S. Mangarillo, P.E., CPESC	Subject:	Site Plan, Lot Line Adjustment Erosion Control Permit Wetland Permit
Date:	November 11, 2020	Project:	Kent Development Associates – IOC Property & Timber Harvest TM # 12.-1-38 & 42

The following materials were reviewed:

- Refer to Appendix A for list.

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

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

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

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 1 acre of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, including long term stormwater management. - **acknowledged**

7. Refer to the Drawings:

- b. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Provide a note on the drawing.

- i. 9/9/2020: The response letter requests a waiver from §57-26.A(5)(c). The applicant wishes to provide the as-built survey of the driveway prior to issuance of certificate of occupancy instead of issuance of building permit.

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

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

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

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

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

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

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

The following comments are provided for the Planning Board's consideration from a memo dated October 6, 2020:

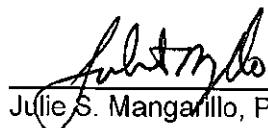
2. The applicant is proposing the use of asphalt millings for the driveway surface instead of asphalt pavement. This is not an approved surface per the Town of Kent driveway code, Chapter 57. Per note #7 on Drawing SP-1 NYCDEP requires a pervious surface within the 100 foot adjacent area of the wetland. Provide a letter or other documentation from NYCDEP requiring the pervious surface and accepting asphalt millings as a pervious surface allowed in a wetland buffer.
 - a. Consider alternative pervious driveway surfaces within the 100 ft wetland buffer that may contribute less sediment/particulates to the wetland.
 - i. **11/11/2020:** Applicant's representatives have indicated that other surfaces, such as pervious pavement and porous concrete can't be used without a full SWPPP. However, a Full SWPPP has already been prepared. Please elaborate.
 - ii. **11/11/2020:** Consider another alternative to catch sediment/particulates before entering the wetland. A structure like a trench drain with a sufficient sump and other modifications to trap the millings could be used between the inlet to the Water Quality Swale and the property line, with a stabilized outlet to the wetland buffer. The trench drain would require modifications to prevent clogging, minimize discharge of millings and frequent inspection and maintenance. The trench drain would also minimize the amount of runoff discharged to North Horsepound Rd and reduce icing concerns in winter.

- iii. **11/20/2020** – The driveway profile on drawing D-2 shows a low-point at station 0+31. Mark the location of the low point on the SP-1 or SP-2.
 - b. For the driveway beyond the 100 foot wetland buffer, consider traditional asphalt pavement due to the steep slope of the driveway and the potential for the millings to be washed into the stormwater management area or into the wetlands.
 - i. **11/11/2020**: The 10/15/2020 response letter indicates that the millings detail on drawing D-2 "has been revised to indicate either asphalt millings or asphalt pavement." The asphalt pavement part of the detail could not be located.
 - c. A letter has been provided by Richard Othmer, Jr, Town of Kent Highway Superintendent dated September 8, 2020, accepting the alternative pavement of asphalt millings. The Planning Board will ultimately have to grant a waiver for alternative driving surface that is not included in the Code. – **Acknowledged.**
5. An erosion control bond estimate of \$9,183.00 was provided. A long-term stormwater management bond estimate of \$78,800 was provided in this submittal. These will be evaluated as the project moves further along in the review process. **Will need to review landscaping bond as well.**

New Comments:

- 1. Regarding the gate in the wetland buffer, near the entrance to driveway – provide conduit under the driveway for future electrical connection to prevent future disturbance of swale along driveway.
- 2. Drawing OP-1, Note #10 – Typographical error. Note states "LOC" instead of "IOC" in reference to the zoning district.
- 3. Drawing SP-1, General Note #2 – Revise to add that if the owner wants to make changes to the Landscaping Plan in the future, the owner will have to apply for Site Plan Amendment and receive approval from the Planning Board.

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



Julie S. Mangarillo, P.E., CPESC

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

Bruce Barber via email
Liz Axelson via email

APPENDIX A

List of Documents Reviewed

1. Letter to Town of Kent Planning Board-Kent Development Associates-Commercial Lot & Timber Harvest Project, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated October 15, 2020.
2. Drawing VMP-1- Vehicle Maneuvering Plan-Kent Development Associates & Timber Harvest dated October 15, 2020 scale 1"=50'.
3. Opinion of Probable Construction Cost—Kent Development Associates, Inc., prepared by Insite Engineering, Surveying & Landscape Architecture, PC dated October 15, 2020.
4. Letter to Insite Engineering, Surveying & Landscape Architecture, PC from Terry Bergendorff Collins Land Surveying PLLC dated October 14, 2020.
5. Email Documents from Jamie LoGiudice RLA-Kent Development Associates dated October 6, 2020.
6. Drawing VS-1 Visual Sections Plan-Kent Development Associates Commercial Lot, prepared by Insite Engineering, Surveying & Landscape Architecture, PC dated October 14, 2020 scale As Shown.
7. Survey of Property-Kent Development Associates, prepared by Terry Bergendorff Collins dated November 14, 2006 scale 1"=50'.
8. Survey Map of Property of John and Edna Riley, prepared by Burgess & Behr Professional Engineering & Land Surveying dated November 3, 1969 scale 1"=30'.
9. Survey Map of Lands of Fuchs and Fuchs prepared by Raymond Kihlmire, LLS, PC dated June 14, 1999 scale 1"=60'.
10. Stormwater Pollution Prevention Plan-Kent Development Associates, prepared by Insite Engineering, Surveying & Landscape Architecture, PC dated October 15, 2020.
11. Drawing OP-1 Overall Plan- Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, PC, dated August 24, 2020 last revised October 15, 2020 scale 1"=100'.
12. Drawing SP-1-Layout & Landscape Plan -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated July 19, 2018 last revised October 15, 2020 scale As Noted.
13. Drawing SP-2-Grading, Drainage & Utilities Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised October 15, 2020 scale 1"=40'.

14. Drawing SP-3-Erosion & Sediment Control Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised October 15, 2020 scale 1" = 40'.
15. Drawing SP-4-Timber Harvest Erosion & Sediment Control Plan-Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated September 16, 2020 last revised October 15, 2020 scale 1" = 100'.
16. Drawing LP-1-Lighting Plan -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised October 15, 2020 scale 1"=30'.
17. Drawing D-1-Details -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 15, 2019 last revised October 15, 2020 scale As Noted.
18. Drawing D-2-Details & Profile -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 24, 2020 last revised October 15, 2020 scale As Noted.
19. Drawing D-3-Details & Profile -Kent Development Associates & Timber Harvest, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated September 16, 2020 last revised October 15, 2020 scale As Noted.
20. Email from Sarah Pawliczak, Biologist of NYSDEC, dated 11/3/2020 regarding use of asphalt millings in wetland buffer.



Cornerstone Associates

Environmental Planning Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

November 12, 2020

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

Re: Kent Development Associates Application

North Horsepound and Peckslip Roads

Section 12 Block 1 Lots 38, 42

Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

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

1. Comment response memo dated 10/15/20 executed by John Watson of Insite Engineering, 8 pages.
2. Plan entitled; "Kent Development Associates and Timber Harvest" prepared by Insite Engineering dated 10-5-20, 1 sheet: VMP-1.
3. Plan entitled; "Visual Sections Plan" prepared by Insite Engineering dated 10-14-20, 1 sheet: VS-1.
4. Memo entitled; "Opinion of Probable Construction Cost for Landscaping" prepared by Insite Engineering dated 10-15-20, 1 page.
5. Letter executed by Terry Bergendorff Collins dated 10-14-20, 1 page.
6. Property survey entitled; "Survey of Property prepared for Richard Esposito and Charles Pateman" prepared by Terry Bergendorff Collins dated 11-14-06, 1 sheet (not sealed).
7. Copy of property survey entitled; "Survey Map of Property of John H. Riley and Edna W. Riley" prepared by Burgess and Behr, dated 11-3-69, 1 sheet.
8. Copy of property survey entitled; "Survey Map of the lands of Andrew Karmin and Heather Milniker to be conveyed to Kurt Fuchs and Sigrid Fuchs" prepared by Raymond J. Kihlmire dated 06-14-99, 1 sheet.
9. Copy of an email send from Matthew Giannetta of NYCDEP dated 10-6-20,
10. Report entitled; "Stormwater Pollution Prevention Plan" prepared by Insite Engineering dated 10-15-20 (rev.).
11. Plans entitled' "Kent Development Associates & Timber Harvest" prepared by Insite Engineering dated 10-15-20 (rev.), 9 sheets: OP-1, SP-1, SP-2, SP-3, SP-4, LP-1, D-1, D-2, D-3.
- 12.

1: Project Summary:

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

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

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

2: Environmental Questions Relative to Zoning:

Pursuant to site inspections conducted by members of the Planning Board, additional landscaping/screening has been added in the area of the proposed storage area.

The applicant has provided a sectional visual analysis from adjoining residential properties. A sectional view from Horsepound Road has not been included.

The applicant has not responded to the recommendation that the proposed vegetation screening buffer be marked in the field with large boulders.

The applicant has provided an opinion of probable landscaping costs. This estimate should be broken down to include plantings to be utilized for wetland mitigation (See Section 39A-9(A) of the Town of Kent Town Code) and the remaining plantings to be utilized on the site (as part of the erosion and sediment control estimate).

The applicant has not responded to the recommendation that a deed restriction be placed in the area of the landscape screening.

The applicant has not maintained the entire tree corridor-along Horsepound Road (See 77-26(A)(8) of the Town Code) and has requested a waiver to such requirement due to the need to locate the driveway curb cut outside the wetlands to the degree possible.

3.: Environmental and Cultural Resource Comments:

Wetlands: The applicant has provided an opinion that pre- and post-construction hydrological changes to the on-site wetlands will be minimal. This opinion does not include a supportive analysis required under the town code (See 39A-9(A)(5 and 6). Please consider using accepted methodology for the analysis. One example may be found in Pearce, Gary "Planning Hydrology of Constructed Wetlands".

The on-site and adjacent wetland areas have been classified as a Type I wetlands by NYSDEC. Type I wetlands are considered by NYSDEC to be the most valuable and subject to the most stringent standards. The applicant has provided the opinion that pre- and post-construction functional values of the on-site wetlands will be increased. Please provide the supportive analysis required under the town code (See Chapter 39A-8(C)(5)). One example of an adequate method of analysis may be found in Magee, Dennis; "A Rapid Procedure for Assessing Wetland Functional Capacity based on Hydrogeomorphic (HGM) Classification".

The applicant has indicated that the potential pollutant loading to the wetlands will be the same from asphalt pavement and the proposed asphalt millings. The applicant is encouraged to provide factual, scientific data to support this opinion as well as an analysis of the impacts of potential pollutants to the wetland functional values. Please see Chapter 39A-5(D) of the Town of Kent Town Code.

Stormwater runoff from the lower section of the proposed driveway (approximately 80') below the inlet to the proposed water quality swale will not be treated. It is recommended that the applicant provide information to determine if this will lead to erosion, millings accumulation and icing conditions on Horsepound Road and subsequent introduction of this material into the wetlands (both sides of the road).

A New York State Department of Environmental Conservation (NYSDEC) wetland permit is pending. It has been requested that the applicant provide a written determination from NYSDEC that millings may be used within the NYSDEC jurisdictional wetland and wetland buffer area.

The Town Highway Superintendent, in review of the use of millings, indicated that an 8" base will be required. This is the same depth of base that is typically required for alternative pervious surfaces such as pervious asphalt and concrete. It is requested that the applicant provide rationale that if the 8" base requirements for millings can be met why can't a more stable pervious driveway surface be used.

The applicant has a 3' high boulder wall, sign, driveway gate/fence and electrical connection from the building to the gate to be constructed in the wetland buffer. The description of the work within the wetland and wetland buffer in the applicant should be amended. This office defers the Town Engineer regarding review of the erosion and sediment control plan. The area between the wall and the property border are not proposed to be replanted. Installation of appropriate, native plants including small trees and shrubs in this area is recommended. The applicant is requested to provide an alternate location of the gate outside the wetland buffer area. A manual gate is suggested so that wetland buffer disturbance from the electrical connection may be avoided.

Well/Septic Systems: Approvals from PCDOH are pending.

4: Additional Comments:

1. With respect to SEQRA requirements additional information and potential impacts regarding truck traffic routes, trip generation and safety measures (bus stop locations, hours of traffic) as well as potential wetland/wetland buffer impacts from proposed construction including the use of asphalt millings should be provided so that Parts 2 and 3 of the Short-Form EAF may be considered and drafted by the Board and a determination of environmental significance may be made.

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

Sincerely,



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



Cornerstone Associates

Environmental Consultants
1770 Central Street
Yorktown Heights, NY 10598
Phone: (914)-299-5293

October 15, 2020

To: Planning Board

From: Bruce Barber, Town of Kent Environmental Consultant

Re: **Holmes Presbyterian Conference Center**
60 Denton Lake Road
Tax Map: 2-1-47.1

Dear Chairman Tolmach and Members of the Planning Board:

I have reviewed the following pertinent document relative to the above referenced project:

- Plan entitled; "Landscape Plan" prepared by Sloan Architects dated 12/02/17, 1 sheet: LP-1.

A site inspection was conducted on September 30, 2020.

Summary:

The above referenced plan detailed a hillside planting of Red Osier Dogwood, Ivory Halo Dogwood and Butterfly Bush. At the time of inspection these shrubs had not been installed and the hillside area in question was vegetated with mixed herbaceous material. The applicant has requested the approved planting plan be modified whereas the existing herbaceous material would substitute for the proposed shrubs.

Comments:

The intent of the originally approved hillside plantings as indicated on the above referenced plan was "slope stabilization". It has been determined that the existing herbaceous vegetation will adequately perform that same function. As a result, this office has no objection to the requested plant substitution.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Cert. Ecologist
Town of Kent Environmental Consultant



Cornerstone Associates

Environmental Planning Consultants

1770 Central Street

Yorktown Heights, NY 10598

Phone: (914)-299-5293

November 12, 2020

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

Re: Kent Development Associates Application

North Horsepound and Peckslip Roads

Section 12 Block 1 Lots 38, 42

Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

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

1. Comment response memo dated 10/15/20 executed by John Watson of Insite Engineering, 8 pages.
2. Plan entitled; "Kent Development Associates and Timber Harvest" prepared by Insite Engineering dated 10-5-20, 1 sheet: VMP-1.
3. Plan entitled; "Visual Sections Plan" prepared by Insite Engineering dated 10-14-20, 1 sheet: VS-1.
4. Memo entitled; "Opinion of Probable Construction Cost for Landscaping" prepared by Insite Engineering dated 10-15-20, 1 page.
5. Letter executed by Terry Bergendorff Collins dated 10-14-20, 1 page.
6. Property survey entitled; "Survey of Property prepared for Richard Esposito and Charles Pateman" prepared by Terry Bergendorff Collins dated 11-14-06, 1 sheet (not sealed).
7. Copy of property survey entitled; "Survey Map of Property of John H. Riley and Edna W. Riley" prepared by Burgess and Behr, dated 11-3-69, 1 sheet.
8. Copy of property survey entitled; "Survey Map of the lands of Andrew Karmin and Heather Milniker to be conveyed to Kurt Fuchs and Sigrid Fuchs" prepared by Raymond J. Kihlmire dated 06-14-99, 1 sheet.
9. Copy of an email send from Matthew Giannetta of NYCDEP dated 10-6-20,
10. Report entitled; "Stormwater Pollution Prevention Plan" prepared by Insite Engineering dated 10-15-20 (rev.).
11. Plans entitled' "Kent Development Associates & Timber Harvest" prepared by Insite Engineering dated 10-15-20 (rev.), 9 sheets: OP-1, SP-1, SP-2, SP-3, SP-4, LP-1, D-1, D-2, D-3.
- 12.

1: Project Summary:

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

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

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

2: Environmental Questions Relative to Zoning:

Pursuant to site inspections conducted by members of the Planning Board, additional landscaping/screening has been added in the area of the proposed storage area.

The applicant has provided a sectional visual analysis from adjoining residential properties. A sectional view from Horsepound Road has not been included.

The applicant has not responded to the recommendation that the proposed vegetation screening buffer be marked in the field with large boulders.

The applicant has provided an opinion of probable landscaping costs. This estimate should be broken down to include plantings to be utilized for wetland mitigation (See Section 39A-9(A) of the Town of Kent Town Code) and the remaining plantings to be utilized on the site (as part of the erosion and sediment control estimate).

The applicant has not responded to the recommendation that a deed restriction be placed in the area of the landscape screening.

The applicant has not maintained the entire tree corridor-along Horsepound Road (See 77-26(A)(8) of the Town Code) and has requested a waiver to such requirement due to the need to locate the driveway curb cut outside the wetlands to the degree possible.

3.: Environmental and Cultural Resource Comments:

Wetlands: The applicant has provided an opinion that pre- and post-construction hydrological changes to the on-site wetlands will be minimal. This opinion does not include a supportive analysis required under the town code (See 39A-9(A)(5 and 6). Please consider using accepted methodology for the analysis. One example may be found in Pearce, Gary "Planning Hydrology of Constructed Wetlands".

The on-site and adjacent wetland areas have been classified as a Type I wetlands by NYSDEC. Type I wetlands are considered by NYSDEC to be the most valuable and subject to the most stringent standards. The applicant has provided the opinion that pre- and post-construction functional values of the on-site wetlands will be increased. Please provide the supportive analysis required under the town code (See Chapter 39A-8(C)(5)). One example of an adequate method of analysis may be found in Magee, Dennis; "A Rapid Procedure for Assessing Wetland Functional Capacity based on Hydrogeomorphic (HGM) Classification".

The applicant has indicated that the potential pollutant loading to the wetlands will be the same from asphalt pavement and the proposed asphalt millings. The applicant is encouraged to provide factual, scientific data to support this opinion as well as an analysis of the impacts of potential pollutants to the wetland functional values. Please see Chapter 39A-5(D) of the Town of Kent Town Code.

Stormwater runoff from the lower section of the proposed driveway (approximately 80') below the inlet to the proposed water quality swale will not be treated. It is recommended that the applicant provide information to determine if this will lead to erosion, millings accumulation and icing conditions on Horsepound Road and subsequent introduction of this material into the wetlands (both sides of the road).

A New York State Department of Environmental Conservation (NYSDEC) wetland permit is pending. It has been requested that the applicant provide a written determination from NYSDEC that millings may be used within the NYSDEC jurisdictional wetland and wetland buffer area.

The Town Highway Superintendent, in review of the use of millings, indicated that an 8" base will be required. This is the same depth of base that is typically required for alternative pervious surfaces such as pervious asphalt and concrete. It is requested that the applicant provide rationale that if the 8" base requirements for millings can be met why can't a more stable pervious driveway surface be used.

The applicant has a 3' high boulder wall, sign, driveway gate/fence and electrical connection from the building to the gate to be constructed in the wetland buffer. The description of the work within the wetland and wetland buffer in the applicant should be amended. This office defers the Town Engineer regarding review of the erosion and sediment control plan. The area between the wall and the property border are not proposed to be replanted. Installation of appropriate, native plants including small trees and shrubs in this area is recommended. The applicant is requested to provide an alternate location of the gate outside the wetland buffer area. A manual gate is suggested so that wetland buffer disturbance from the electrical connection may be avoided.

Well/Septic Systems: Approvals from PCDOH are pending.

4: Additional Comments:

1. With respect to SEQRA requirements additional information and potential impacts regarding truck traffic routes, trip generation and safety measures (bus stop locations, hours of traffic) as well as potential wetland/wetland buffer impacts from proposed construction including the use of asphalt millings should be provided so that Parts 2 and 3 of the Short-Form EAF may be considered and drafted by the Board and a determination of environmental significance may be made.

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

Sincerely,



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



Cornerstone Associates

Environmental Consultants
1770 Central Street
Yorktown Heights, NY 10598
Phone: (914)-299-5293

October 15, 2020

To: Planning Board

From: Bruce Barber, Town of Kent Environmental Consultant

Re: **Holmes Presbyterian Conference Center**
60 Denton Lake Road
Tax Map: 2-1-47.1

Dear Chairman Tolmach and Members of the Planning Board:

I have reviewed the following pertinent document relative to the above referenced project:

- Plan entitled; "Landscape Plan" prepared by Sloan Architects dated 12/02/17, 1 sheet: LP-1.

A site inspection was conducted on September 30, 2020.

Summary:

The above referenced plan detailed a hillside planting of Red Osier Dogwood, Ivory Halo Dogwood and Butterfly Bush. At the time of inspection these shrubs had not been installed and the hillside area in question was vegetated with mixed herbaceous material. The applicant has requested the approved planting plan be modified whereas the existing herbaceous material would substitute for the proposed shrubs.

Comments:

The intent of the originally approved hillside plantings as indicated on the above referenced plan was "slope stabilization". It has been determined that the existing herbaceous vegetation will adequately perform that same function. As a result, this office has no objection to the requested plant substitution.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Cert. Ecologist
Town of Kent Environmental Consultant

Jamie LoGiudice, RLA

From: John Watson, PE
Sent: Tuesday, October 6, 2020 5:37 PM
To: Jamie LoGiudice, RLA
Subject: Fwd: Kent Development Associates
Attachments: CommercialDriveway_2020098.pdf; 03 SP-2.pdf

From: Giannetta, Matthew <MGiannetta@dep.nyc.gov>
Sent: Tuesday, October 6, 2020 5:25:51 PM
To: John Watson, PE <JWatson@insite-eng.com>
Cc: Oncioiu, Andreea <AOncioiu@dep.nyc.gov>; Coppola, Jason <JCoppola@dep.nyc.gov>; Garcia, Cynthia <CGarcia@dep.nyc.gov>
Subject: Re: Kent Development Associates

Hi, John.

That's correct, asphalt millings are considered pervious pursuant to the Watershed Regulations (WRR). As such, millings are permitted within the applicable limiting distances to watercourses and NYS wetlands noted in Section 18-39 of the WRR.

With regard to DEP SWPPP approval, DEP has asked, via recent SEQRA comments, that Insite Engineering provide a drawing that depicts the comprehensive, proposed limits of disturbance so that DEP may make a final determination on the Agency's regulatory authority in this regard.

Let me know if you have any questions.

Matt

Matt Giannetta
Regulatory & Engineering Programs
Mobile: (646) 438-0768

From: John Watson, PE <JWatson@insite-eng.com>
Sent: Tuesday, October 6, 2020 4:27 PM
To: Giannetta, Matthew <MGiannetta@dep.nyc.gov>
Subject: Kent Development Associates

Matt-

Based on our discussion today, attached is the site plan for the subject project. As you are aware, your department has recently reviewed this project as a SEQRA review. Your department will be reviewing the septic system, no other DEP permits are required.

There is a NYSDEC wetland adjacent to the driveway entrance. We have pushed the driveway as far away from the wetland as possible. We are close to receiving the NYSDEC wetland permit.

Based on your departments regulations, impervious surfaces are not allowed within 100 feet of a water course or NYSDEC wetland. The proposed driveway within 100 feet of the wetland is proposed to be asphalt millings. Asphalt millings are considered pervious by your department.

The town of Kent has requested your departments acceptance that our current proposal is acceptable to your department.

Also attached is a letter from the town highway superintendent accepting the asphalt millings.

Thank you Matt.

John



John M. Watson, PE

Senior Principal Engineer

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

3 Garrett Place
Carmel, New York 10512
(845) 225-9690 x131
(845) 225-9717 Fax
www.insite-eng.com

This email is intended for the sole use of the addressee(s). Any attached file(s) have been issued for convenience only and at the specific request of the client or their agent. It is specifically understood that any attached file(s) are not certified by Insite Engineering, Surveying, and Landscape Architecture, P.C. (Insite). No use or reproduction of the information provided is permitted without the written consent of Insite.



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: October 15, 2020
RE: GADF Office/Accessory Apartment Site Plan Amendment, 1088 Route 52, Tax Parcel No. 12.17-1-9/ CPL#15488.00-00002

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

Summary

1. The proposal does not involve any proposed changes or site disturbance and would use an existing building, driveway and parking area for office space and use of a pre-existing accessory apartment. The site is an 0.9-acre parcel in the C (Commercial) zoning district. Sign plan approval was already granted as new sign content will be added to an existing freestanding sign structure. The building includes 1,600 square foot (SF) of office space, in 2 office spaces of approximately 1,050 SF and 550 SF, and an approximately 950 SF apartment with a total building footprint of 2,550 SF.

SEQRA

2. The proposal is a Type 2 Action as per the SEQRA regulations, section 617.5 (c)(18), so no SEQRA review is required.

Zoning Requirements

3. While the proposal does not involve any proposed changes or site disturbance, and the existing conforming use is similar to the proposed conforming use, a site plan is required as per Chapter 77 Zoning, section 77-60. C. The updated submittal, including a site plan shows existing conditions with a few minor changes.
4. Revise the plan to add a diagram with the existing/proposed floor plan and areas of each office occupancy and the apartment in SF based on the submitted floor plan illustration.

Recommendation

1. The Planning Board should review the waiver request letter and consider granting the requested waivers.
2. The Planning Board took action on a 239-l&m Referral to the Putnam County Department of Planning, Development and Public Transportation (PC DPD&PT) at their October 8, 2020 meeting, however, revised materials were sent out on or about October 15, 2020. If received in

time, the Planning Board may consider PC PD&PT comments and direct the Applicant to address them as needed.

3. The Planning Board may consider taking the following actions:
 - a. Consider continuing or closing the public hearing on the Site Plan.
 - b. Consider granting Site Plan Approval with Conditions.

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

Materials Reviewed

- Memorandums about Responses to Comments and Waivers from Jeffrey J. Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated October 13, 2020;
- Site Plan Checklist and Application forms and attachments, prepared by Alessandro Mazzotta, GADF, dated October 14, 2020;
- Floor plan illustration entitled 1088 Route 52 Floor Plan, preparer not indicated, undated; and
- Plan sheet SP-1 entitled GADF, LLC Site Plan, prepared by Jeffrey J. Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 18, 2020, revised October 13, 2020.

Materials Previously Reviewed

- Cover letter from Alex Mazzotta, GADF LLC, dated June 18, 2020;
- Site Plan Checklist, prepared by Jeffrey J. Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 18, 2020 with attached Disclosure of Business Interest by Alessandro Mazzotta; and Certification by Jeffrey J. Contelmo, PE;
- Floor plan illustration entitled 1088 Route 52 Floor Plan, preparer not indicated, undated; and
- Plan sheet SP-1 entitled GADF, LLC Site Plan, prepared by Jeffrey J. Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 18, 2020.



October 15, 2020

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

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

Dear Chairman Tolmach and Members of the Board:

The applicant had best intentions to break ground on the project this year when the Planning Board granted the previous extension in January 2020. Unfortunately, COVID 19 hit New York and the nation very hard in March and has impacted many. As of today, 7 months later things are still very tenuous with alarming COVID spikes and continued uncertainty. The devastating effects of COVID could be felt until this time next year. The banks and financial institutions are not willing to fund large construction projects until there is a clear path ahead regarding the virus and the fragile economy.

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

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

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

Very truly yours,

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

By:


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

JJC/amk

Enclosures

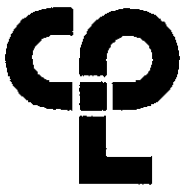
cc: Paul Camarda, CRI

Insite File No. 01124.100

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717

www.insite-eng.com

Z:\E\01124100 PX\Correspondence\Admin\2020\101520kpb.docx



ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: October 15, 2020
RE: GADF Office/Accessory Apartment Site Plan Amendment, 1088 Route 52, Tax Parcel No. 12,17-1-9 / CPL#15488.00-00002

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

Summary

1. The proposal does not involve any proposed changes or site disturbance and would use an existing building, driveway and parking area for office space and use of a pre-existing accessory apartment. The site is an 0.9-acre parcel in the C (Commercial) zoning district. Sign plan approval was already granted as new sign content will be added to an existing freestanding sign structure. The building includes 1,600 square foot (SF) of office space, in 2 office spaces of approximately 1,050 SF and 550 SF, and an approximately 950 SF apartment with a total building footprint of 2,550 SF.

SEQRA

2. The proposal is a Type 2 Action as per the SEQRA regulations, section 617.5 (c)(18), so no SEQRA review is required.

Zoning Requirements

3. While the proposal does not involve any proposed changes or site disturbance, and the existing conforming use is similar to the proposed conforming use, a site plan is required as per Chapter 77 Zoning, section 77-60. C. The updated submittal, including a site plan shows existing conditions with a few minor changes.
4. Revise the plan to add a diagram with the existing/proposed floor plan and areas of each office occupancy and the apartment in SF based on the submitted floor plan illustration.

Recommendation

1. The Planning Board should review the waiver request letter and consider granting the requested waivers.
2. The Planning Board took action on a 239-l&m Referral to the Putnam County Department of Planning, Development and Public Transportation (PC DPD&PT) at their October 8, 2020 meeting, however, revised materials were sent out on or about October 15, 2020. If received in

time, the Planning Board may consider PC PD&PT comments and direct the Applicant to address them as needed.

3. The Planning Board may consider taking the following actions:
 - a. Consider continuing or closing the public hearing on the Site Plan.
 - b. Consider granting Site Plan Approval with Conditions.

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

Materials Reviewed

- Memorandums about Responses to Comments and Waivers from Jeffrey J. Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated October 13, 2020;
- Site Plan Checklist and Application forms and attachments, prepared by Alessandro Mazzotta, GADF, dated October 14, 2020;
- Floor plan illustration entitled 1088 Route 52 Floor Plan, preparer not indicated, undated; and
- Plan sheet SP-1 entitled GADF, LLC Site Plan, prepared by Jeffrey J. Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 18, 2020, revised October 13, 2020.

Materials Previously Reviewed

- Cover letter from Alex Mazzotta, GADF LLC, dated June 18, 2020;
- Site Plan Checklist, prepared by Jeffrey J. Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 18, 2020 with attached Disclosure of Business Interest by Alessandro Mazzotta; and Certification by Jeffrey J. Contelmo, PE;
- Floor plan illustration entitled 1088 Route 52 Floor Plan, preparer not indicated, undated; and
- Plan sheet SP-1 entitled GADF, LLC Site Plan, prepared by Jeffrey J. Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 18, 2020.