

June 8, 2023

**TOWN OF KENT PLANNING BOARD
JUNE 8, 2023
DRAFT MINUTES**

The Planning Board held their June 8, 2023 meeting at the Kent Town Hall.

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

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

Members in Attendance:

Hugo German, Chairman
Simon Carey, Vice Chairman
Thomas Faraone
Giancarlo Gattucci
Richard Morini

Absent:

Jacky Beshar
Sabrina Cruz
Chris Ruthven, Planning Board Liaison

Others in Attendance:

John Andrews, Rohde, Soyka & Andrews, Engineer
Bruce Barber, Environmental Consultant
Donald Fletcher,, Planner, Barton & LoGuidice
William Walters, Building Inspector

• **Approve Kent Planning Board Minutes from the May 8, 2023 meeting**

Mr. German asked the Planning Board members if they had read the Minutes from the May 8, 2023 meeting. The Board members replied that they had read the minutes.

Mr. German asked for a motion to approve the Planning Board draft minutes. The motion was made by Mr. Faraone and seconded by Mr. Gattucci . Following were the roll call votes:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Richard Morini	<u>Aye</u>

The motion carried.

- **Ahler Property 769 Gipsy Tr. Rd./2 O'Brien Ct., Kent, NY; TM: 21.-1-19**

Mr. Mark Morrison represented the applicant.

Me. Andrews' Comments

Mr. Andrews advised the Planning Board members, Consultants and the audience that a revised submittal has been received and the project has been modified. Now the placement of fill against a retaining wall is the only issue. The pool was handled by the Building Inspector and /the land disturbance will be less than 5,000 square feet. The applicant will need a Town of Kent Erosion Control Permit because they will be disturbing 1,650 square feet. 700 cubic yards of fill will be brought onto the site and 1,760 square feet of steep feet of steep slopes are to be disturbed. The applicant needs a Short Environmental Assessment Form (SEAF) and most other matters have been resolved. Documentation was provided showing that the fill was procured from a reputable distributor. Mr. Andrews recommended that a Public Hearing for this project be waived because it is a relatively simple project and is totally encapsulated into the site. A bond estimate of \$4,700.00 and Final Inspection Fee of \$1,000.00 was submitted and Mr. Andrews said that was appropriate and recommended that the Planning Board accept this estimate and forward it to the Town Board for their approval and that this project be moved to an administrative track.

Mr. German asked for a motion to waive a Public Hearing. Following were the roll call votes:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Richard Morini	<u>Aye</u>

The motion carried.

Mr. German asked for a motion to accept the bond estimate of \$4,700.00 and final inspection fee of \$1,000.00 and to forward it to the Town Board for approval. The motion was made by Mr. German and seconded by Mr. Faraone. Following were the roll call votes:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Richard Morini	<u>Aye</u>

The motion carried.

Mr. German asked for a motion to move this project to an administrative track. The motion was made by Mr. German and seconded by Mr. Faraone. Following were the roll call votes:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Ricnard Morini	<u>Aye</u>

The motion carried.

• **Dorman Property, 26 Grey Oaks Ct., Kent, NY; TM: 33.41-1-14**

Mr. John Karell represented the applicant. Mr. Karell said that he had received comments from the consultants pertaining to lighting, a Tibetan Curtain and core logs. All of these items were shown on the revised drawing. Mr. Karell asked if a Public Hearing could be scheduled in July for this project.

Mr. Andrews' Comments

Mr. Andrews advised the Board that he and Mr. Barber had sent memos regarding this project and that they had enough material to allow them to recommend that a Public Hearing be scheduled in July, but that no decisions should be made at the June meeting. Mr. Carey asked about Item #4 on the architectural plan, which showed a bathroom where the breezeway was. Mr. Carey showed the drawing in question and Mr. Karell said that the drawing was not his so he could not address this matter.

Mr. German made a motion to schedule a Public Hearing in July 2023. The motion was made by Mr. German and seconded by Mr. Gattucci. Following were the roll call votes:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Ricnard Morini	<u>Aye</u>

The motion carried.

- **Pye Property, 32 Ticonderoga Rd., Kent, NY; TM: 23.80-1-14**

Mr. Ford Pye attended the meeting.

Mr. Andrews' Comments

Mr. Andrews said that a violation was issued to the applicant by the Building Department in October 2022 because more than 5,000 square feet was disturbed when the applicant began construction of an addition to his single-family residence and a swimming pool. The applicant needed an Erosion Control Permit and is complying with that recommendation at the present time. A site visit was made on June 1, 2023 and work has continued. A large portion of the property has been stabilized and grass is present. The pool is substantially complete and the fence has been installed. This project is almost completed, but restoration needs to continue. The applicant has continued to work with the Building Inspector. Mr. Andrews recommended that the Planning Board waive the requirements of Section 66-6(b), which is the Erosion Control requirement. In lieu of that a hand-noted survey submitted by the applicant be modified to show the final areas to be stabilized and show the final fence location. The applicant will have to pay the erosion control inspections. Mr. Andrews recommended that the Public Hearing be waived and that the project be moved to an administrative track.

Mr. German asked for a motion to waive Section 66-6(b) of the Town Code. The motion was made by Mr. German and seconded by Mr. Gattucci. Following were the roll call votes:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Ricnard Morini	<u>Aye</u>

The motion carried.

Mr. German asked for a motion to waive a Public Hearing. The motion was made by Mr. German and seconded by Mr. Faraone. Following were the roll call votes:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Ricnard Morini	<u>Aye</u>

The motion carried.

Mr. German asked for a motion to move this project to an administrative track. The motion was made by Mr. German and seconded by Mr. Faraone. Following were the roll call votes:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Ricnard Morini	<u>Aye</u>

The motion carried.

- Rte 52 Development/Kent Country Square, Rte 52, Kent, NY; TM: 12-1-5

Mr. Andrews told the Planning Board that this presentation should be moved to July 13, 2023 workshop to ensure that the entire Planning Board would be present.

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

- | | | |
|---|-----------|---------------|
| <ul style="list-style-type: none"> Holly Property
Winkler's Farm Ct Property, Kent, NY
TM: 33.16-1-8 | Site Plan | Status Report |
|---|-----------|---------------|

A submittal is expected in July. A site visit was also performed, which answered some outstanding questions.

- | | | |
|--|---------------------------------------|---------------|
| <ul style="list-style-type: none"> • Doherty Electric
81 Lincoln Dr., Carmel, NY
TM: 33.48-1-23 | Lot Line Revision
Draft Resolution | Status Report |
|--|---------------------------------------|---------------|

The applicant attempted to submit some documents electronically, which did not come through, so a paper copy is to be submitted. A judge also needs to complete some documents for this project.

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

The Planning Board's legal Counsel has completed the Bond Agreements for Old 17 and Rocky's Ridge and is working on the bonds

- | | | |
|---|--|---------------|
| <ul style="list-style-type: none"> Rocky Ridge (new owners of Old 17 Old Horsepound Road, Kent, NY TM: 12.-1-38 & 42 | Site Plan/Time Extension Approvals to be transferred from Old 17 to new owners | Status Report |
|---|--|---------------|

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Town Kent Planning Board Minutes
June 08, 2023

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

A revised submittal will be submitted in July.

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|--|-----------------|---------------|
| <ul style="list-style-type: none"> Realbuto Property
49 Tiger Trail, Kent, NY
TM: 21.8-1-39 | Erosion Control | Status Report |
|--|-----------------|---------------|

An As-Built Plan needs to be submitted.

- | | | |
|---|--|---------------|
| <ul style="list-style-type: none"> • Raneri Property
Hillside Paper Rd., Kent,, NY
TM: 44.24-1-3 | Erosion Control Plan
Public Hearing | Status Report |
|---|--|---------------|

Bond Agreements have been completed and delivered to the applicant and they need to be submitted to the Planning Board.

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|---|--|---------------|
| <ul style="list-style-type: none"> Guylazaca/Mayet
24 Sol Dr., Kent, NY
TM: 33.17-1-48 | Erosion Control Plan
Alteration/
2 Car Garage Addition | Status Report |
|---|--|---------------|

Nothing new has been submitted.

- | | | |
|--|---------------------|---------------|
| <ul style="list-style-type: none"> NYCDEP & Seven Hills
Lake Property Owners Assn
(SHLPOA), Kent, NY
TM: 66.-1-43.1 & 20.11-1-3 (NYC) &
66.-1-43.2 (SHLPOA) | Lot Line Adjustment | Status Report |
|--|---------------------|---------------|

“The ball is in the applicants’ court”. Ms. Axelson had some discussions with the applicants prior to her departure.

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

A response to Mr. Battistoni's letter was delivered on June 8, 2023. Mr. Battistoni will review and respond to it.

Town Kent Planning Board Minutes
June 08, 2023

JUNE 2023
KENT PLANNING BOARD MEETING
FINAL AGENDA

JUNE 2023
KENT PLANNING BOARD MEETING
FINAL AGENDA

Workshop: JUNE 01, 2023 (Thursday, 7:30 PM)

Meeting: JUNE 08, 2023 (Thursday, 7:30 PM)

The Kent Planning Board workshop is scheduled for Thursday, June 01, 2023 and The Town of Kent Planning Board meeting will be held on Thursday, June 08, 2023 at 7:30 P.M. at the Kent Town Hall.

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|--|---|--------------|
| • Approve Planning Board Minutes from May 11, 2023 | | |
| • Ahler Property
769 Gipsy Tr. Rd./2 O'Brien Ct
Kent, NY
TM: 21.-1-19 | Erosion Control | Review |
| • Dorman Property
26 Grey Oaks Court, Kent, NY
TM: 33.41-1-14 | Erosion Control | Review |
| • Pye Property
32 Ticonderoga Rd., Kent, NY
TM: 23.80-1-14 | Erosion Control
For an Existing
Swimming Pool | Review |
| • Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Presentation |

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

- | | | |
|---|--|---------------|
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Winkler's Farm Ct Property, Kent, NY
TM: 33.16-1-8 | Site Plan | Status Report |
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81 Lincoln Dr., Carmel, NY
TM: 33.48-1-23 | Lot Line Revision
Draft Resolution | Status Report |
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Old Horsepound Road, Kent, NY
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new owner | Status Report |

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Town Kent Planning Board Minutes
June 08, 2023

- | | | |
|--|--|---------------|
| • Rocky Ridge (new owners of Old 17
Old Horsepound Road, Kent, NY
TM: 12.-1-38 & 42 | Site Plan/Time Extension
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from Old 17 to new owners | Status Report |
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| • Raneri Property
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Public Hearing | Status Report |
| • Guylazaca/Mayet
24 Sol Dr., Kent, NY
TM: 33.17-1-48 | Erosion Control Plan
Alteration/
2 Car Garage Addition | Status Report |
| • NYCDEP & Seven Hills
Lake Property Owners Assn
(SHLPOA), Kent, NY
TM: 66.-1-43.1 & 20.11-1-3 (NYC) &
66.-1-43.2 (SHLPOA) | Lot Line Adjustment | Status Report |
| • Kent Manor
Nichols Rd., Kent, NY
TM: 33.-1-79 | Site Plan | Status Report |
| • Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
| • Town of Kent Excavation Law | | Status Report |



Memorandum

To: Planning Board
Town of Kent

Attn: Hugo German
Chairman

From: John V. Andrews, Jr., P.E.

Subject: Erosion Control Plan

Date: June 7, 2023

Project: Dorman
TM # 33.41-1-14

The following materials were reviewed:

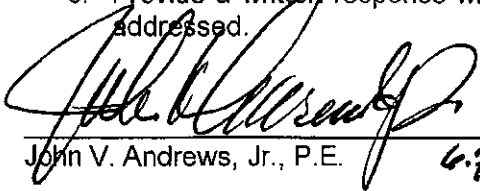
- Letter to Town of Kent Planning Board-Dorman Recreation Room and Breezeway-from John Karell, Jr., P.E. dated June 4, 2023.
- Town of Kent Planning Board Approval Request-Dorman Addition.
- Erosion Control Cost Estimate-Dorman prepared by John Karell, Jr., P.E. dated March 10, 2023, last revised June 4, 2023.
- Site Plan Notes.
- Zoning Schedule-Dorman.
- Attachment to Wetland Permit Application, Item # 5.
- Stormwater Pollution Prevention Plan Erosion and Sediment Control-Dorman, Gazebo and Breezeway Construction, prepared by John Karell, Jr., P.E. dated March 15, 2023, last revised June 4, 2023.
- Drawing sheet S-1- Site Plan-Dorman, prepared by John Karell, Jr., P.E. dated March 10, 2023, last revised June 1, 2020, scale 1" =30'.
- Survey of Property-Dorman, prepared by Badley & Watson Surveying & Engineering, D.P.C. dated November 9, 2010, last revised January 5, 2023, scale 1" =30'.

The project proposes construction of a gazebo with a covered breeze connecting the gazebo to the existing house. The gazebo will essentially be a three-season family room overlooking the lake.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb less than 5,000 SF of land. The project proposes disturbance within 100' of a wetland or watercourse. The project requires a Town of Kent Wetland Permit as well as a Steep Slope and Erosion Control Permit. Coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001 is not required.
2. We defer to the Planning Board's environmental consultant regarding wetland issues.

3. The written SWPPP should be signed and sealed by the licensed professional responsible for its preparation. The information associated with the SWPPP should be assembled into a complete document with the pages numbered and identified. The piecemeal nature of the submittal makes it difficult to review.
4. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."
5. Refer to the Drawings:
 - a. Extend the limits of disturbance to include the removal of the existing septic tank and its replacement with the alternate system, adjust the disturbance amount as appropriate.
 - b. Provide finished floor elevations on the Breezeway and gazebo.
 - c. Provide a NYSDOT, Type 1, light duty turbidity curtain in the lake downstream of the gazebo work, minimum length 50 feet.
 - d. In lieu of the silt fence, provide and install 12-inch erosion control logs, Siltox by Filtrexx or similar equal. Installation to be per manufacturers recommendations. Adjust installation to site conditions and to avoid rock. Confine length to the minimum necessary based on the projected disturbance.
 - e. Add an Owner's Consent Note to the plan set to be signed and dated following the date of last revision.
6. A bond estimate of \$2,640.00 was included with this most recent submittal. We cannot recommend this bond estimate be accepted for the bond amount at this time. The estimate will need to be amended to address the recommendations reflected herein.
7. 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.
8. Provide a written response with future submittals stating how the comments have been addressed.


John V. Andrews, Jr., P.E.

6.7.2023

cc: Planning Board via email
Bill Walters via email
23-261-999-182

Bruce Barber via email



Cornerstone Associates

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

June 8, 2023
(Updated)

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Dorman Application
26 Grey Oaks Court
Section 33.41 Block 1 Lot 14

Dear Chairman German and Members of the Planning Board:

Please be advised the following pertinent documents have been reviewed relative to the above referenced application:

Comment response memo executed by John Karell, Jr. PE dated 06/04/23, 1 page.
Erosion and Sediment Control Bond Estimate prepared by John Karell, Jr. PE dated 06/04/23, 1 page (unsigned).
Memo indicating attachment to Wetland Permit Application , Item #5, 1 page (unsigned and undated).
Memo indicating Site Plan Notes, 1 page (unsigned and undated).
Zoning Schedule table, 1 page (unsigned and undated).
Memo entitled; "Dean Dorman, 26 Grey Oaks Court, Stormwater Pollution Prevention Plan, Sequence of Construction" (unsigned and undated).
Report entitled; "Stormwater Pollution Prevention Plan-Erosion and Sediment Control Plan" prepared by John Karell, Jr. PE dated 06/04/23 (rev.).
Plan entitled; "Dean and MaryBeth Dorman" prepared by John Karell, Jr. PE dated 06/03/23 (rev.), 1 page: S1
Email sent by Mr. Dorman dated May 25, 2023 (see below).

A: Summary of Application:

Application is to construct a breezeway and recreation room overlooking Lake Carmel. As indicated below, and as required under Town Code Chapter 39A-5(C), Mr. Dorman has amended the current application to include structures in the wetland buffer which were constructed prior to obtaining a wetland permit. This includes an existing deck and hot tub. The sandy beach is a previous, long-standing component of the site which was maintained by the applicant and therefore does not require a wetland permit pursuant to Town Code Chapter 39A-6(I).

The property is 1.65+/- acres in size and is improved with a residence and detached garage/office area. It is located on the southerly side of Grey Oaks Road in the R-10 (single-family residential) zoning district.

B: Planning Board Permits Required:

Steep slope/erosion and sediment control permit.
Wetland permit

C: Zoning:

The applicant has provided information indicating that the proposed and existing structures on the site meet zoning compliance standards and variances are not required. The property survey, site plan and bulk zoning table have been revised and submitted to document this information.

D: SEQRA:

The applicant has provided a short-form Environmental Assessment form. The proposed action is a Type II action.

E: Environmental Review:

Wetlands:

The applicant has indicated that the current proposed location of the gazebo is set back as far from the edge of Lake Carmel as desirable and has requested the Planning Board consider this location and the proposed mitigation for the permanent encroachment into the native wetland buffer area.

The applicant has proposed the installation of a Fajclean septic system retrofit which is a system designed to reduce septic system discharge (effluent) pollutant discharge to ground and receiving waters such as Lake Carmel (up to a cost of \$5,000). An existing model is moderately effective in specifically reducing phosphorus pollution (the pollution of concern in Lake Carmel) and an updated model will become available shortly which will provide a very substantial and significant phosphorous reduction. This updated model, when installed and maintained properly, could be expected to effectively mitigate the reduction or loss of the current native wetland plant function due to the proposed construction.

This mitigation (as well as other options) was discussed at the May 23, 2023 Planning Board Consultants zoom meeting with Mr. Dorman who then responded with the following email:

Trees:

The applicant has indicated that trees and shrubs are proposed to be trimmed. A plan note clarifying this action has been provided.

Soils, Steep Slopes and Land Disturbance:

The proposed action will disturb 0.1 acres (4,356 square feet) and will be conducted within an area of steep slopes (greater than 15%). Additionally, 650 square feet of

impervious surface (roof) will be created. The applicant has proposed a gravel trench and plantings to be installed at the roof of the addition drip line to reduce the potential for erosion and provide pollutant/nutrient uptake.

An erosion and sediment control plan has been prepared by the applicant's engineer. This office defers review to the Planning Board Engineer.

G: Additional Review Comments:

- All loose documents, notes and memos should be incorporated into a complete plan set with all sheets bearing the same revision date and signed and sealed by the NYS design professional. Plan set should include prior architectural design details and elevations.
- Site Plan Note #7 indicates that the Kent Planning Board will support Mr. Dorman in negotiations with Fujiclean as well as the installer. It is recommended that the Planning Board Attorney review and comment on this request.
- If the Fujiclean system is not found to be feasible, alternative mitigation measures will be required to be submitted as per Planning Board direction prior to application approval.
- A plan note should be added indicating that prior to the commencement of any work (including tree and shrub trimming) a pre-construction meeting will be held on the site with applicant, the applicant's contractor, the town building inspector, the town engineer and the town environmental consultant present. The applicant shall contact the town building inspector in schedule the meeting.
- Applicant has indicated that he would install Fujiclean system when the phosphorous enhanced system becomes available in 2024. The Planning Board Attorney should review how this may be documented.
- Please indicate any exterior lighting that is proposed. Provide night sky fixtures.

In reviewing this application, it is recommended that the Planning Board consult the Town Code Chapter 39A- 8 "Standards for Granting Permits" which provides guidance in the approval of wetland permit applications.

Further review and comments will be provided based on the applicant's responses.

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

Sincerely,

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

Bruce Barber, PWS, Registered Soil Scientist
Town of Kent Environmental Planning Consultant