

**OWN OF KENT PLANNING BOARD
MAY 11, 2023
FINAL ADOPTED MINUTES**

The Planning Board held their May 11, 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
Jacky Beshar	Giancarlo Gattucci
Thomas Faraone	

Absent:

Sabrina Cruz
Chris Ruthven, Planning Board Liaison

Others in Attendance:

John Andrews, Rohde, Soyka & Andrews, Engineer
Bruce Barber, Environmental Consultant
Mr. Daniel Theobald, Planner, Barton & LoGuidice
Mr... William Walters, Building Inspector

• **Approve Kent Planning Board Minutes from the April 13, 2023 meeting**

Mr. German asked the Planning Board members if they had read the Minutes from the April 13, 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. German. Following were the roll call votes:

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

The motion carried.

- **Doherty Electric, 81 Lincoln Dr., Carmel, NY; TM: 33.48-1-28**

Mr. Andrews' Comments

Mr. Andrews advised the Planning Board that a Draft Resolution had been prepared and distributed earlier in the day, which he discussed with the Planning Board at the meeting. This project was a simple straightforward application for a lot line revision pertaining to the transference of one parcel to another parcel and consolidating a third parcel with one of the parcels. When approved, both parcels will now comply with the Town Code. A deed conveying one lot to another is required and another one consolidating the lots. Mr. Andrews recommended that the Town Board approve the Resolution with the aforementioned conditions.

Mr. German asked for a motion to approve the Draft Resolution with the conditions noted. Mr. Faraone made the motion and Mr. German seconded it. Following were the roll call votes:

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

The motion carried.

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

Mr. Barber's Comments

Mr. Barber reminded the Planning Board that Mr. Dorman attended the Planning Board workshop held on May 4, 2023. Mr. Dorman discussed his application and shared a PowerPoint presentation describing a proposed gazebo, recreation room and walkway adjacent to his house, which is situated in the Town of Kent jurisdictional wetlands and buffer. The gazebo was moved back 5' and lines up with an existing deck. The Town chapter which is jurisdictional to the wetlands is Town Code 39(a). There may be some revisions to the plan for this property because there is a beach on the property and a hot tub. The Planning Board may also ask for an amended application in order to address the revised plans. Mr. Barber suggested that, if the Planning Board felt this application has merit as it exists, they might want to schedule a Public Hearing for the June meeting. Mr. Barber also suggested that the application be circulated to the DEC and DEP in the event they have jurisdiction over the wetlands because this property is so close to the lake. The Lake Carmel Park District may also be interested in seeing this application. Mr. Barber thought it would be a good idea for the applicant to participate on the next monthly Zoom Call to discuss a mitigation plan. He also had some concerns about the septic and discussed some options.

Mr. Carey asked if architectural drawings with dimensions had been submitted. Mr. Barber said that the applicant still needed to provide additional drawings with dimensions and other details. Mr. Andrews said that, because this project is primarily a wetland issue he did not want to submit a review in an attempt to save the applicant some time and money. Mr. Andrews will conduct his review when a site plan is submitted. When a Wetland Permit is required on a project an Erosion Control Permit is also required, so the applicant will have to apply for both permits. Mr. Barber asked the Board to make a determination to ask for more details or, if they want to hear from the public regarding this project to schedule a Public Hearing in June. Simon Carey said that he did not feel the Board had enough information to schedule a Public Hearing. Mr. Donald Fletcher, of Barton & LoGuidice said that he agreed with Mr. Barber that more details needed to be provided to the Board and that the applicant's participation on the Zoom call was a good idea. Mr. Andrews asked the Planning Board if they still needed more information or were happy with the progress, which had been made to date. The Planning Board said that they felt they needed more information and that updated plans needed to be submitted. Mr. Barber said that the applicants would be notified to provide more details and that they should join the Zoom Call. The Planning Board secretary would arrange the zoom call and notify them of the details. No further action would be taken at this time regarding this project.

- **Old 17 LLC, Old Horsepound Rd., Kent, NY; TM:12.-1-38 & 42**

Ms. LoGuidice, of Insite Engineering, represented the applicant and said that she would like to turn the discussion over to Mr. Andrews at this time.

Mr. Andrews' Comments

Mr. Andrews said that Rocky Ridge and Old 17 were being treated as One project at this meeting and that he had prepared a Resolution (dated May 11, 2023), which was distributed, to the Planning Board members prior to the meeting. This Resolution was prepared by Messrs. Andrew, Barber and Battistoni and reaffirms the previous SEQRA work, issues approvals with conditions for a Special Use Permit, Site Plan, Wetland and Erosion Control Permits for DNC, LLC 1993, otherwise known as Rocky's Ridge, because they are acquiring ownership of Old 17 LLC. This Resolution sets forth what happened with this project and is factual. This one parcel, owned by Old 17 was a commercial development, which began in December of 2021 and then stopped for a while. Construction on the site began in February of 2022. When DNC filed an application, Messrs. Andrews, Barber and Walters, the Building Inspector visited the site and discovered that Old 17 had gone beyond some of the limits of disturbance and the Building Inspector issued a Stop Work Order to Old 17. They also discovered that the Town Code regarding a Special Use Permit was awkward and expired at the same time as the other permits. Old 17 submitted an As-Built Plan, which reflected all the deviations on the plans and proposed a Remediation Plan, which the Planning Board reviewed, and Mr. Andrews believed that they are comfortable with it. On April 13, 2023 the Planning Board accepted the Mitigation Plan, the Special Use Permit and waived the Public Hearing because nothing will have changed by the new owners. The Planning Board Counsel, Mr. Battistoni, reviewed the bond agreements and recommended some

alternations to them and the Surety Bond company agreed to the changes, but asked for a Resolution (attached). Because there will be no changes to the project the Negative Declaration will not need to be rescinded and will be reaffirmed. No Environmental Impact Statement (EIS) is required. Waivers, Terms, and Conditions of prior approvals, granted in December 2020 and February 2023 were incorporated into this document and remain in full force and effect unless modified. Ms. Beshar asked Mr. Andrews why the Special Use Permit was required for this project. Mr. Andrews said that he thought it was necessary because this project was for a contractors' yard with storage and is a use permitted in the IOC district, which this is. Mr. Andrews said that he and Mr. Barber would recommend that the Planning Board make a motion to adopt this Resolution as written.

Mr. German asked for a motion to adopt the Resolution as written. Mr. Carey made the motion and Mr. German seconded it. . Following were the roll call votes:

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

The motion carried.

- **Rocky Ridge (New Owners of Old 17), Old Horsepound d., Kent, NY; TM: 38 & 42**

This project was incorporated into the discussion regarding Old 17 noted above.

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

Mr. Joseph Rina, the Principal at Site Designs, represented the applicants. Mr. Rina said this project was previously approved and has since changed hands. There will be a reduction in the site impact because the rear one-story building has been eliminated, there will be less parking required and there is no rear access to the building, and there will be less impacts to the retaining wall and slope. However, the original site plan had a two-story building, which is now proposed to be a three-story building. The height of the building will remain the same because the third story is hidden in the roof.

Mf. Andrews' Comments

Mr. Andrews told the Planning Board that he had prepared a Draft Conditional approval, which was granted in May of 2022 and would have been void if construction had not commenced within one year and was to have been completed within two years. The property was sold to new owners, who filed an application for Amended Site Plan approval. The project is to substantially remain the same. A written request for a Time Extension was not sent in, so the Resolution recommended that the Planning Board reapprove the Site Plan with Conditions for one 90-day period to allow time for the review and consideration of the application. If necessary, a second 90-day extension could be granted later.

Mr. Walters' Comments

Mr. Walters said that this building is almost the same as previously approved. The new proposal is for a higher three-story instead of a two-story building. 40' is the height limit in the IOC and this building is 45'. There is no rear access to the building. Mr. Walters suggested that the applicant contact Mr. Russell Fleming, a consultant who worked on other projects for the Town of Kent, to address fire sprinkler issues.

Mr. German asked for a motion for one 90-day period to allow time for the review and consideration of the previously approved Site Plan with Conditions. Mr. Gattucci made the motion and Mr. German seconded it. . Following were the roll call votes:

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

The motion carried.

• **Benitez Property, 12 Barrett Hill, Kent, NY; TM: 33;-164**

This project encompassed the construction of a swimming pool and was before the Planning Board approximately two years ago. An Erosion Control Bond for \$1,200.00 was posted as well as a Final Inspection fee of \$1,000.00. This property was inspected last fall, at which time grass was growing. The site was again inspected recently and was found to have been stabilized. Although bonds are usually held for two years, on occasion the Planning Board has released bonds earlier, provided the property is inspected and found to have been stabilized. Messrs. Andrews and Barber recommended that the Erosion Control Bond in the amount of \$1,200.00 be returned to Ms. Benitez.

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In addition, Mr. German asked for a motion to return the \$1,200.00 Erosion Control bond and to return funds remaining in the escrow account to Ms. Benitez. The motion was made by Mr. Faraone and seconded by Mr. Gernan. Following were the roll call votes:

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

The motion carried

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

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

Plans were submitted, which need to be amended with a revised application and EAF reflective of the plans. The concept plan and stipulation were approved previously. Some additional details still need to be submitted.

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|---|-----------------|---------------|
| <ul style="list-style-type: none"> Ahler Property
769 Gipsy Tr. Rd./2 O'Brien Ct
Kent, NY
TM: 21.-1-19 | Erosion Control | Status Report |
|---|-----------------|---------------|

The applicants' Engineer attended the workshop and after discussing this project, proposed to reduce the limits of disturbance below 5,000 square feet. However, 1,670 squares feet slopes greater than 15% will be disturbed and importing approximately 700 cubic yards, which is over the threshold. An Erosion Control Permit is required and a new submittal should be delivered to the Planning Board prior to the June meeting. Mr. Barber said the applicant will e submitting soil tickets from Lawton Adams in Somers verifying for Mr. Walters that the soil meets the unrestricted residential standards set by the DEC.

- Friel & Pure Property Erosion Control Status Report
Gipsy Trail Rd., Carmel, NY
TM: 21.-1-27

This project is completed and the drawings may be signed at this time.

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

This project is also completed and the drawings may be signed at this time.

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- Realbuto Property Erosion Control Status Report
49 Tiger Trail, Kent, NY
TM: 21.8-1-39

Messrs; Andrews, Barber and Walters witnessed the removal of the contaminated soil on this property; At the Planning Board's request an email was sent to the applicant's engineer asking for an As-Built plan in order to verify if the changes are sufficient to require an amended site plan. The engineer said that he understood so we are waiting for him to submit the As-Built.

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

This plan is finished and the Bond Agreements are being worked on by the Planning Board Attorney.

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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.

- | 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 |
|---|---------------------|---------------|
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Nothing new has been submitted

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| <ul style="list-style-type: none"> Kent Manor
 Nichols Rd., Kent, NY
 TM: 33.-1-79 | Site Plan | Status Report |
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A letter was sent to Kent Manor from the Planning Board Attorney, but we have not had a response.

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| <ul style="list-style-type: none"> Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
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The Planning Board invited the applicants for this project to attend the June workshop and to give a presentation about this project to the Board, since some members may not be aware of the previous proposal and the one being proposed now.

- Town of Kent Excavation Law

Messrs. Andrews and Barber met with the Town Board and were asked to develop a timeline for this project and to review a few items in the law. The timeline was done and delivered to the Town Board, but there has been no response to date. Mr. Andrews was asked to contact Mr. Battistoni, Planning Board Attorney, to share the draft law with him and ask him to sit down with Messrs. Andrews and Barber after he's looked it over.

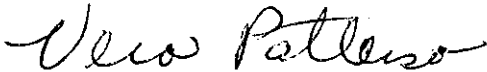
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Town Kent Planning Board Minutes
May 11, 2023

Mr. German asked for a motion to close the meeting at 8:00 PM. The motion was made by Mr. Faraone and seconded by Mr. German. 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>

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

Town Kent Planning Board Minutes
May 11, 2023

MAY 2023
KENT PLANNING BOARD MEETING
FINAL AGENDA

Workshop: May 04, 2023 (Thursday, 7:30 PM)

Meeting: May 11, 2023 (Thursday, 7:30 PM)

The Kent Planning Board workshop is scheduled for Thursday, May 04, 2023 and The Town of Kent Planning Board meeting will be held on Thursday, May 11, 2023 at 7:30 P.M. at the Kent Town Hall.

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| • Approve Planning Board Minutes from April 13, 2023 | | |
| • Doherty Electric
81 Lincoln Dr., Carmel, NY
TM: 33.48-1-23 | Lot Line Revision
Draft Resolution | Review |
| • Dorman Property
26 Grey Oaks Court, Kent, NY
TM: 33.41-1-14 | Erosion Control | Review |
| • Old 17 LLC
Old Horsepound Road, Kent, NY
TM: 12.-1-38 & 42 | Site Plan/Time Extension/
New Owner | Review |
| • 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 | Review |
| • Kent Self Storage
Route 311, Kent, NY
TM: 22.-2-17 | Site Plan | Review |
| • Benitez Property
12 Barrett Hill, Kent, NY
TM: 33.24-1-64 | Return Erosion Control Bond
And Escrow | Review |

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-Ahler Property | Concept Plan | Status Report |
|--|--------------|---------------|

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Town Kent Planning Board Minutes
May 11, 2023

- | | | |
|--|--|---------------|
| • Ahler Property
769 Gipsy Tr. Rd./2 O'Brien Ct
Kent, NY
TM: 21.-1-19 | Erosion Control | Status Report |
| • Friel & Pure Property
Gipsy Trail Rd., Carmel, NY
TM: 21.-1-27 | Erosion Control | Status Report |
| • Annunziata/Smalley Corners
Smalley Corners Rd., Kent, NY
TM: 21.-1-11 | Erosion Control/
Town Board Approved Bond | Status Report |
| • Realbuto Property
49 Tiger Trail, Kent, NY
TM: 21.8-1-39 | Erosion Control | Status Report |
| • Raneri Property
Hillside Paper Rd., Kent,, NY
TM: 44.24-1-3 | Erosion Control Plan
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 |

Rev. 1 - 5/8/23



Cornerstone Associates

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

May 11, 2023

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:

1. Power point presentation entitled; "Dorman Family Room" prepared by the applicant, Dean Dorman, dated May, 2023.
2. Plan entitled; "Dean and Marybeth Dorman" prepared by John Karell, JR. PE dated 03/17/23 (rev.0, 1 sheet: S-1.
3. Plan entitled; "Dean and Marybeth Dorman" prepared by John Karell, JR. PE dated 04/26/23 (rev), 1 sheet: S-1.
4. Plan entitled; "Additions for Dorman Residence" prepared by TM Designs, 1 sheet: A.4 (unsigned and unsealed.

A: Summary of Application:

Application is to construct a breezeway and recreation room overlooking Lake Carmel

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:

A bulk zoning table and setback information has not been provided. The Town Building Inspector should be consulted to determine if there are any proposed improvements which would require zoning review.

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 revised earlier plans by moving the proposed room approximately five feet further from the edge of Lake Carmel and has raised the structure. The room is proposed to be constructed on piers with the exception of the fireplace foundation.

The breezeway has been modified to be located a greater distance than originally proposed from the existing septic system.

The applicant represents that the proposed changes will allow the existing wetland buffer plantings to remain and that disturbance to the native wetland buffer will be minimized.

This wetland buffer has a strong functional value as it filters pollutants from surface and ground water before they can enter Lake Carmel which is a NYSDEC listed impaired waterbody. It is noted that the subject septic system is located on the site immediately above the wetland buffer area in question. A Lake Carmel study (TMDL) indicated that septic systems are one of the major sources of pollutants to the lake.

In reviewing this application, it is recommended that the Planning Board consult the Town Code Chapter 39A- 8 "Standards for Granting Permits in order to determine code of the present application

If the Board determines that the proposed action is feasible, then a mitigation plan which specifically addresses septic system discharge should be submitted by the applicant

Trees:

The applicant has indicated that trees and shrubs are not proposed to be cut or pruned.

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%). An erosion and sediment control plan has been prepared by a qualified professional. This office defers to review by the Planning Board Engineer.

The proposed action will create 650 square feet of impervious surface. There is no proposed treatment.

Well and Septic System: The applicant has identified the locations of the well and septic systems. No disturbance to these areas is indicated.

F: Other:

- Please provide a bulk zoning table and site plan setbacks to determine zoning compliance.
- Provide a copy of a current property survey.
- Provide plan details of how support columns will be installed and associated ground disturbance.
- Provide proposed building cross sections to determine visual impacts.
- Indicate clear limits of disturbance line on the plans.
- Indicate if all work can be done by hand (rather than requiring machinery).
- Indicate if rock removal will be required.
- Provide all utility connections to the proposed recreation room. Will there be any plumbing and/or heating in this area?
- Architectural plans should be signed and sealed by a NYS Licensed Design Professional.

Further comments will be provided based on the applicant's response to comments.

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



Cornerstone Associates

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

May 11, 2023

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Holly-Winkler Farm Review
Winkler Farm Court
Section 33.16 Block 1 Lot 8

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

1. Plans entitled; "Plans Prepared for Douglas and Laurel Holly" prepared by Putnam Engineering dated 04/20/23 (rev.), 12 sheets: C-020, C-110, C-120, C-130, C-131, C-140, C-141, C-142, C-160, C-310, C-320, DR-110, DR-120.

Summary of Proposed Action:

The subject property is presently improved with seven existing dwelling units with a total of eleven bedrooms.

As described in the EAF, the applicant proposes to construct three, four-unit buildings in which each unit will contain two bedrooms. In addition, it is proposed to construct one additional bedroom as part of an existing dwelling unit on the site.

The subject property is 11.0+/- acres in size and is located on the southerly side of Towners Road in the R-10 (single family residential) zoning district.

A stipulation of settlement agreement has been previously executed and the above referenced plans are in response to the settlement and approval of a concept plan by the Planning Board.

A: Required Permits:

Planning Board:
Site Development
Steep Slope and Erosion Control (site disturbance: 2.48 acres)
Wetlands
Highway Department
Road

Town Board
Bond Acceptance
Road Dedication (as applicable)
NYSDEC/NYCDEP
Wetland/Watercourse (to be determined)
Putnam County Department of Health
Septic System (with NYSDEC jurisdiction)
Well Water system.

B: Zoning

Information provided by the applicant indicates that zoning variances are not required. This information should be confirmed by the Town Building Inspector.

C: SEQRA:

As per 6NYCRR Chapter 617 of the NY Codes and Regulations, the proposed action is an Unlisted Action. A determination of environmental significance will be required to be made by the lead agency.

D: Review:

1: Wetlands:

A wetland delineation has been completed. There is proposed encroachment into the Town of Kent jurisdictional wetland/watercourse buffer. A wetland permit applicant should be submitted by the applicant.

The applicant is requested to provide information if a NYSDEC streambank disturbance permit and/or a NYCEP wetland permit is required as impervious surface is potentially located with jurisdictional setbacks.

Is recommended that the applicant consider relocating the cul de sac situated in the wetland buffer or if infeasible to utilize pervious material in this area. The applicant is also requested to find an alternate location for the proposed dumpster outside the wetland buffer.

2: Floodways/Flood Plain:

The applicant has indicated that there are no proposed improvements within a FEMA designated flood plain or flood way.

3: Additional Review:

Applicant requested to provide an updated Planning Board application which shall include the wetland permit application.

The applicant is requested to provide an updated long-form EAF (Part I) reflection of the current action.

Please provide turning radii and access information regarding emergency vehicle access to the buildings. Please confirm sprinklers and a storage tank are not required. Consultation with the Town Fire Chief is recommended.

See comments above regarding wetland impacts. If impacts cannot be avoided, please provide a wetland buffer mitigation plan.

Please provide PCDOH septic system and well approvals.

Please provide NYSDEC and NYCDEP wetland/watercourse permits or written certification that permits are not required for the proposed action.

Please indicate trees that are proposed to be cut and a clear limit of disturbance.

This office defers to the Planning Board Engineer regarding review of the above referenced applicant's stormwater/erosion control plan and road design requirements.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', with a stylized, cursive-like script.

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

RESOLUTION #6 2023

May 11, 2023

**Town of Kent Planning Board
Resolution of Time Extension for:
Site Plan Approval and Steep Slope and Erosion Control Permits,
For
Viebrock/Kent Self Storage (Kent Storage Partners 2, LLC),
311 Route 311, Tax Parcels No. 22.-2-17**

Whereas, the Town of Kent Planning Board granted re-approval of final approval with conditions to the proposed Site Plan and Steep Slope and Erosion Control Plan for Viebrock/Kent Self Storage on May 12, 2022; and

Whereas, this conditional site plan re-approval shall be void if construction is not started within one year of the date of the 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

Whereas, the Applicant has not satisfied all the conditions, construction has not commenced, and further the property has been sold to a new owner, Kent Storage Partners 2, LLC who has made application for modifications to the proposed approved plan; and

Whereas, the Town of Kent Planning Board made the determination that the proposed modifications are best made by means of an amended site plan approval since the project is substantially the same as that originally approved with less potential impacts; and

Whereas, during the course of the review application it was determined that the re-approval was due to expire, and the Planning Board received a timely request on behalf of the new owner to extend the re-approval for one (1) 90-day period.

Now Therefore Be It Resolved that the Town of Kent Planning Board renews the Site Plan approval with conditions and the Steep Slope and Erosion Control Permit for one (1) 90-day period to allow for the proper review and consideration of the application for amended site plan approval; and

Be It Further Resolved that the waivers, terms, and conditions of the prior re-approval dated May 22, 2022 are incorporated herein by reference and remain in full force and effect unless modified herein.

The conditional site plan approval shall be void if amended site plan approval is not obtained within the granted 90-day period. Said conditional approval shall thereafter expire unless otherwise extended from the Planning Board after receipt of a written request of the applicant prior to the date of expiration. The site plan approval may be renewed by written request of the applicant for one (1) additional ninety-day period.

*Town of Kent Planning Board Resolution of Time Extension
for Approval with Conditions for; Site Plan and Steep Slope and Erosion Control
for Viebrock/Kent Self Storage (Kent Storage Partners 2, LLC)
May 11, 2023*

It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Site Plan Approval, and Steep Slope and Erosion Control permit approvals have been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Engineering 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: Giancarlo Gattucci

Second: Simon Carey

Hugo German, Chairman AYE

Simon Carey, Vice Chairman AYE

Jacky Beshar AYE

Sabrina Cruz ABSENT

Thomas Faraone AYE

Giancarlo Gattucci AYE

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on May 11, 2023.

Vera Patterson
Vera Patterson, Clerk
Town of Kent Planning Board

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ROCKY'S RIDGE
May 11, 2023
FINAL ADOPTED RESOLUTION #4-2023

Town of Kent Planning Board
Resolution Re-Affirming the SEQRA Determination of Non-Significance (Negative Declaration)
for:
Special Use Permit, Site Plan Approval, Wetland, and Steep Slope and Erosion Control Permits,
And
Approval with Conditions for Special Use Permit, Site Plan, Wetland, and
Steep Slope and Erosion Control Permits
For
DNC 1993, LLC , Applicant, for project to be known as Rocky's Ridge,
North Horsepound Road & Peckslip Road, Tax Parcels No. 12.-1-38

Whereas, the Town of Kent Planning Board received an application from DNC 1993, LLC, c/o Nunzio Cassese, Jr. to assume ownership of, formally transfer all permits and approvals for, provide new security for existing bonds and otherwise assume full control and continue the construction of a project to be known as Rocky's Ridge, formerly known and approved as Old 17, LLC and also formerly known and approved as Kent Development Associates; and

Whereas, the Town of Kent Planning Board approved the project known as Kent Development Associates on December 10, 2020 and granted, with conditions, site plan approval, a steep slope and erosion and sediment control permit, a wetland permit, and a special use permit, which resulted in signed plans for the project on May 24, 2021; and

Whereas, the original Kent Development Associates project involved two (2) parcels, TM # 12.-1-38 and TM # 12.-1-42, the latter being a parcel to be subject to a Timber Harvest proposal with the former the subject of a commercial development proposal, which parcel Kent Development Associates subsequently sold to Old 17, LLC while retaining ownership of the Timber Harvest parcel; and

Whereas, the Town of Kent Planning Board issued a reapproval for both tax map parcels with a change in ownership for the commercial development parcel (TM # 12.-1-38) for that portion of the project then to be known as Old 17, LLC on February 10, 2022; and

Whereas, Old 17, LLC started construction in December, 2021 which was stopped for a short period due to the expiration of the prior approval which commenced again after the reapproval and the formal transfer of all permits and approvals, which construction is in process; and

Whereas, it is the intent of the new owner, DNC 1993, LLC to assume construction responsibility and complete the commercial development portion of the project (TM # 12.-1-38) per all prior approvals including providing surety bonds to secure the performance guarantees previously approved and accepted; and

Whereas, it was observed during a site inspection conducted by members of the Planning Board and their consultants as part of their evaluation of the Rocky's Ridge application that certain aspects of the work conducted by Old 17, LLC were not in compliance with the approved plans; and

Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan. Wetland; and Erosion Control for DNC 1993, LLC for the project to be known as Rocky's Ridge May 11, 2023

Whereas, the Town of Kent Building Inspector issued an Order to Remedy Violation(s) to Old 17, LLC, dated March 2, 2023 which required Old 17, LLC to stop work and remedy the violations and return to the Planning Board to obtain any necessary approvals or permit modifications to implement such remedies; and

Whereas, it was also determined that the Special Use Permit issued to Old 17, LLC had expired and required a re-approval before the transfer to DNC 1993, LLC could occur; and

Whereas, in order to fully identify the deviations from the approved plans and permits, the applicant provided an as-built survey dated March 7, 2023 which was then compared to with the approved site plan and permits; and

Whereas, the deviations from the approved site plan and permits were identified as; vegetation removal in the jurisdictional wetland buffer and upland areas, installation of fill in the wetland buffer and upland areas and installation of unauthorized fill material in the driveway area; and

Whereas, Old 17, LLC, based on the identified deviations from the approved site plan and permits, developed mitigation plans to remedy the cited violations to be incorporated into the project and made an application for the reapproval of the Special Use Permit and other approvals; and

Whereas, The Town of Kent Planning Board at their regularly scheduled meeting on April 13, 2023 accepted the mitigation plans, accepted the Special Use Permit Application and waived the Public Hearing requirements for both the Old 17, LLC changes and the change in ownership to DNC 1993, LLC based on the facts that the mitigation plans do not negatively impact the site plan and that the site plan, when completed, will be substantially in compliance with the originally approved plans ; and

Whereas, the accepted mitigation plans include additional wetland plantings for which an updated Opinion of Probable Cost has been prepared by INSITE, Engineering, Surveying & Landscape Architecture, P.C., dated April 27, 2023, with a cover letter executed by John Watson, P.E., that establishes that the amount of the original mitigation bond is sufficient to cover the additional cost of the proposed mitigation plantings; and

Whereas, the Planning Board Attorney has reviewed the existing performance bonds and the surety associated therewith and has identified adjustments to be made thereto which have been accepted in concept by the applicant and their surety, with the surety withholding final acceptance and issuance of the amended bonds pending receipt of an adopted Resolution of Approval for the application of DNC 1993, LLC otherwise known as Rocky's Ridge;

Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan. Wetland; and Erosion Control for DNC 1993, LLC for the project to be known as Rocky's Ridge May 11, 2023

Now Therefore Be It Resolved, that the Town of Kent Planning Board finds that there have been no substantial changes made to the project, new information or changes in the circumstances resulting in any different or new environmental impacts from those reviewed in conjunction with the prior approvals, so as to require amendment or rescission of the Negative Declaration for the project issued on December 10, 2020 and hereby reaffirms that Negative Declaration indicating that the project will not result in any significant adverse environmental impacts and that an environmental impact statement is not required; and

Be It Further Resolved that the waivers, terms, and conditions of the prior approvals dated December 10, 2020 and February 10, 2022 are incorporated herein by reference and remain in full force and effect unless modified herein; and

Be It Further Resolved, that pursuant to Kent Code Chapter 39A, Freshwater Wetlands the Planning Board hereby grants Wetland Permit approval with conditions previously granted, except that such grant shall be in the name of DNC 1993, LLC; and

Be It Further Resolved, that pursuant to Kent Code Chapter 66, Article III the Planning Board hereby grants Steep Slope and Erosion Control Permit approval with conditions previously granted, except that such grant shall be in the name of DNC 1993, LLC; and

Be It Further Resolved that the Planning Board hereby grants final approval with conditions previously granted, except that such grant shall be in the name of DNC 1993, LLC to the proposed Special Use Permit; Site plan; Wetland Permit; and Steep Slope and Erosion Control plan approval, as depicted on the following plans and maps:

- Plans entitled Rocky's Ridge (formerly Kent Development Associates) & Timber Harvest, prepared by John Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated January 19, 2023 and March 22, 2023, with sheets last revised February 16, 2023 and March 23, 2023, including the following:
 - o OP-1 Overall Plan.
 - o SP-1 Layout & Landscape Plan.
 - o SP-2 Grading, Drainage & Utilities Plan.
 - o SP-3 Erosion & Sediment Control Plan.
 - o SP-4 Timber Harvest Erosion & Sediment Control Plan.
 - o LP-1 Lighting Plan.
 - o D-1 Details.
 - o D-2 Details and Profile.
 - o D-3 Details & Profile; and
 - o SS-1 Steep Slopes & Soils Map; and
 - o RM-1 Remediation Mitigation Plan, Landscape Plan; and
 - o RM-2 Remediation/Mitigation Plan, Grading Plan.

Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan. Wetland; and Erosion Control for DNC 1993, LLC for the project to be known as Rocky's Ridge May 11, 2023

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

1. A copy of a recorded deed indicating the transfer of property from Old 17, LLC to DNC 1993, LLC shall be provided.
2. An owner/applicant signature block or blocks shall be placed on Drawings RM-1 & RM-2, signed and dated following the date of last revision of the plan set.
3. Provide confirmation about whether all of the required bonds have been satisfactorily assigned by the prior owner to, and assumed by, the new owner, with the prior owner remaining liable until the Order to Remedy has been satisfied in full and until the prior owner (namely, Old 17, LLC) is expressly released from such Performance Bonds and security by the Town, and subject to confirmation from the Town that the new property owner has posted all of the required bonds and security/surety. The form and content of these bonds or securities/sureties shall be reviewed and revised to the satisfaction of the Planning Board Attorney. Confirmation shall be provided that all of these bonds or securities have been duly accepted by the Town of Kent Town Board, and have been filed with the Town, including bonds or securities/sureties for the following:
 - a. Steep Slope and Erosion Control Permit bond required per Kent Code section 66-6 D.(4).
 - b. Long-term stormwater management facility bond required per Kent Code section 66-6 D.(4).
 - c. Site erosion control landscaping bond required per Kent Code section 66-6 D.(4).

Wetland mitigation landscaping bond required per Kent Code Chapter 39A. Freshwater Wetlands, section 39A-9 A.

Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan. Wetland; and Erosion Control for DNC 1993, LLC for the project to be known as Rocky's Ridge May 11, 2023

4. Provide proof of the approval of the form of the four (4) bond agreements, revised as needed to address the change in ownership (as described in subparagraph 3 above), and listed below, by the Planning Board Attorney; and these bond agreements must then be executed and accepted by the Town Board:
 - a. Steep Slope and Erosion Control Permit (Erosion Control Bond) agreement.
 - b. Long-term stormwater management facility bond agreement.
 - c. Site erosion control landscaping bond agreement; and
 - d. Wetland mitigation landscaping bond agreement.
5. The wetland mitigation landscaping bond shall be returned after the end of a three-year period as measured from the date of the issuance of the certificate of occupancy and when the Town has determined that at least 80% of the wetland mitigation plants are viable at that time.
6. The site erosion control landscaping bond shall be returned after the end of a three-year period as measured from the date of the issuance of the certificate of occupancy and when the Town has determined that at least 80% of the erosion control plants are viable at that time.
7. Provide proof that all required outside agency permits and approvals have been properly transferred to the new owner; and provide proof of renewed and/or current agency approvals including the following:
 - a. Putnam County Department of Health Approval of Plans for a wastewater Treatment system.
 - b. Application for Permit to do Work on and Within a Town Road Area.
 - c. New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetland Permit.

Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan. Wetland; and Erosion Control for DNC 1993, LLC for the project to be known as Rocky's Ridge May 11, 2023

- d. Notice of Intent for the NYSDEC Division of Water Stormwater Discharges Associated with Construction Activity under the State Pollution Elimination System (SPDES) General Permit # GP-0-20-001; and
 - e. NYSDEC MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form.
8. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.
9. The site plan shall include the following note: "A Certificate of Occupancy shall not be granted until written certification has been provided to the Town Building Inspector by the applicant's design professional that the mitigation plantings have been installed in compliance with the approved mitigation plan. Plant substitutes may not be made without first obtaining written approval from the Building Inspector."

The Special Use Permit shall become null and void, unless the holder thereof shall obtain within one year following the effective date of the resolution granting the same, a certificate of occupancy or an extension of time, upon presentation of evidence sufficient for a determination by the Planning Board that extenuating circumstances warrant such extension.

The conditional site plan approval shall be void if construction is not started within one year of the date of Planning Board approval; and completed within two years of the date of such approval. Said conditional approval shall thereafter expire unless otherwise extended by the Planning Board after receipt of a written request of the applicant prior to the date of expiration. The site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods.

*Town of Kent Planning Board Resolution of SEQRA Determination of Non-significance (Negative Declaration) and Approval with Conditions for Special Use Permit; Site Plan. Wetland; and Erosion Control for DNC 1993, LLC for the project to be known as Rocky's Ridge
May 11, 2023*

It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Special Permit; Site Plan Approval; Wetland Permit; and Steep Slope and Erosion Control permit approvals have been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Engineering 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: Simon Carey

Second: Hugo German

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Aye</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<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 May 11, 2023.



Vera Patterson, Clerk
Town of Kent Planning Board

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CC: Building Inspector
KPB Members
L. Cappelli
J. LoGiudice, RLA
A. Carino
N. Cassesse

**RESOLUTION
May 11, 2023
ADOPTED**

**Town of Kent Planning Board
Resolution of SEQRA Type II Action for:
Revised Lot Line; and
Approval with Conditions for Revised Lot Line for the Lands of Robert and Katherine Doherty at
81 Lincoln Drive, TM # 33.48-1-23 and the parcel at 38 Chauncey Road, TM # 33.48-1-18**

Whereas, the Town of Kent Planning Board has received an application from Robert and Katherine Doherty, the owners of both involved parcels, for approval of a Lot Line Revision to transfer property between the two parcels, decreasing the size of one parcel while increasing the size of the other parcel the same amount to separate the existing uses, structures, and improvements having frontage on Lincoln Dr. from those having frontage on Chauncey Road; and

Whereas, the proposal involves the transfer of 2600 square feet from Tax Parcel 33.48-1-23 to Tax Parcel 33.48-1-18 and further includes the consolidation of Tax Parcel 33.48-1-19 with Tax Parcel 33.48-1-18 resulting in two (2) parcels, one 10,032 square feet in size and the other 16,600 square feet in size; and

Whereas, the Town of Kent Zoning map is unclear as to the zoning designation for parcel on Lincoln Drive, the Building Inspector issued a letter dated April 13, 2023 wherein he accepted the zoning for the parcel at 81 Lincoln Drive, TM # 33.48-1-23 as being in the R10 Zoning District and confirmed that the parcel at 38 Chauncey Road, TM # 33.48-1-18 is in the C commercial District, thereby confirming that the acreage of each lot following the lot line revisions will comply with the respective District requirements; and

Whereas, there are no proposed improvements associated with this action, this is a property transfer and a lot merger between consenting parties requiring a revised lot line approval from the Town of Kent Planning Board, there is no public hearing requirement associated with this action; and

Whereas, the Planning Board waived the requirement for topography as required by Town Code Section 66A-17.D(4)(c) – existing contours with intervals of five feet or less, at the meeting on April 13, 2023, based on the fact that the lots are developed, there are no improvements associated with this action and the topographic information is not necessary in order to conduct a proper review of the proposal.

Now Therefore Be It Resolved that the Town of Kent Planning Board, acknowledges that the proposed lot line revision is a Type II Action under SEQRA, pursuant section 617.5 (c)(16), and requires no further SEQRA review; and

Be It Further Resolved, that pursuant to Kent Code Chapter 66A, Subdivision of Land, Article III the Planning Board hereby grants revised lot line approval for the lands of Robert and Katherine Doherty subject to satisfactory compliance with the following conditions:

*Town of Kent Planning Board Resolution of SEQRA Type II Action and
Approval with Conditions for Lot Line Revision
for the Lands of Robert and Katherine Doherty
Draft 1*

1. Provide a site data table listing the name of any school, fire or special districts, zoning designations of parcels, required and proposed lot area, required and proposed lot width, and required and proposed road frontage. Lot sizes must be shown in square feet or acres.
2. The grantor of lands shall submit a proposed deed conveying the portion of land to the adjoining lot or parcel owner. Said deed must contain a clause stating that: "This parcel of land is conveyed pursuant to a revised lot line approved by the Planning Board of the Town of Kent, on (date) and does not create any new or additional building lots or parcels." Metes and bounds descriptions should be provided for review.
3. The owner of the adjoining lot or parcel shall submit a proposed deed describing, as a single parcel, the existing adjoining lot or parcel along with the property to be conveyed, conveying said increased lot or parcel as a single unified lot or parcel, to himself or herself, or such entity as the owner desires. Said deed shall contain a clause as follows:
"This deed of conveyance is for the sole purpose of unifying into a single lot or parcel lands previously owned by the grantor with lands conveyed to the grantee as a result of a revised lot line approved by the Planning Board of the Town of Kent on (date)." A complete metes and bounds description of the consolidated lot should be provided for review.
4. Address the comments of the Planning Board's Professional Engineer as set forth in a memorandum dated April 3, 2023.
5. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.

It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Revised Lot Line 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 Engineering 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.

The proposed deeds of conveyance as required by Town Code § 66A-17 and as described herein shall be subject to review and approval by the Planning Board Attorney. Upon notification by the Planning Board Attorney that the deeds are in conformity with the provisions of this chapter, the applicant shall submit the Mylar for the Planning Board Chairman's signature.

The approved survey map and deeds shall be filed within 62 days from the date of the Chairman's signature. In the event that the approved survey map and deeds are not filed in the office of the Putnam County Clerk within 62 days from the date of the Chairman's signature, the revised lot line approval shall become null and void as if it had never been approved. Upon request of the applicants, the Planning Board may extend this time period, provided that the request for extension has been received in writing and is signed by the owners of each lot within such original sixty-two-day period. The Planning Board may grant a single ninety-day extension.

*Town of Kent Planning Board Resolution of SEQRA Type II Action and
Approval with Conditions for Lot Line Revision
for the Lands of Robert and Katherine Doherty
Draft 1*

Motion: Thomas Faraone

Second: Hugo German

Hugo German, Chairman Aye

Simon Carey, Vice Chairman Aye

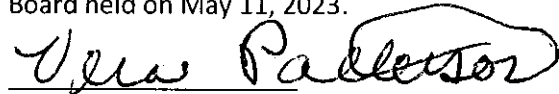
Giancarlo Gattucci Aye

Sabrina Cruz Absent

Jacky Beshar Aye

Thomas Faraone Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on May 11, 2023.



Vera Patterson, Clerk
Town of Kent Planning Board

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Materials Reviewed

- Town of Kent Planning Board Memorandum-Doherty Lot Line Revision.
- Town of Kent Planning Board- Site Plan Checklist-Doherty dated October 28, 2022.
- Town of Kent Planning Board – (2) Combined Application Form- Doherty.
- Disclosure of Business Interest- Doherty.
- Affidavit to be Completed by Agent of Owner-unsigned.
- Town of Kent Planning Board -Combined Application Form-Lot Line Revision for 81 Lincoln.
- Affidavit to be Completed by Owner-Doherty.
- Drawing-Lot Line Change-Doherty prepared by David L. Odell, PLS, dated March 22, 2023, scale 1' =20'