

Approved: March 9, 2023

TOWN OF KENT PLANNING BOARD
February 9, 2023
FINAL ADOPTED MINUTES

The Planning Board held their February 9, 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	Thomas Faraone
Giancarlo Gattucci	

Absent:

Sabrina Cruz
 Phil Tolmach
 Chris Ruthven, Planning Board Liaison

Others in Attendance:

John Andrews, Rohde, Soyka & Andrews, Engineer
 Liz Axelson, Clark, Lee & Patterson, Planner
 Bruce Barber, Environmental Consultant
 Bill Walters, Building Inspector

• **Approve Kent Planning Board Minutes from the December 8, 2022 meeting**

Mr. German asked the Planning Board members if they had read the Minutes from the December 8, 2022 meeting. The Board members stated that they had reviewed the December 8, 2022 minutes. Mr. German asked for a motion to approve the Planning Board minutes from the December 8, 2022 meeting. Ms. Beshar made the motion to accept the December 8, 2022 minutes and Mr. Carey seconded the motion. Following were the roll call votes:

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

The motion carried.

- **Friel & Pure Property, Gipsy Trail Rd., Carmel, NY; TM: 21.-1-27**

Mr. Jason Snyder, of Badey and Watson, represented the applicant, this evening a Public Hearing was held for this project. A proposed new construction of a single-family 5-bedroom home on 47 acres on Gipsy Trail Road in an R-80 zone. There is also proposed a 675 foot long gravel driveway; pavement at first 30 feet and the last 125 feet. The Board of Health just renewed the well and septic permits for another two years. A SWPPP was prepared for the general permit with New York State. There are wetlands and buffers on the site, which the applicant and their engineers have avoided at all costs. Waivers were granted for a tree and boundary survey; a waiver for 15% grading at the end of the driveway will be requested at this meeting. Referrals for the driveway were sent to the Fire Department and Highway Department, but they have not responded to date.

Bruce Barber Comments

Mr. Barber said that he and Mr. Andrews had been working with Mr. Snyder to minimize the impact to the environment. There is a pond on or adjacent to the property, however there will not be any disturbance to it. A logging operation was done on this property several years ago and an erosion control plan has been filed with the Planning Department. Mr. Barber had two remaining comments. The first comment regarded whether there would be rock chipping or blasting and the second question pertained to whether or not there would be a full basement. Pending the responses to Mr. Barber's comments and, if the Planning Board finds it is appropriate to close the Public Hearing, Mr. Barber recommended that this project be moved to an administrative track.

Mr. Andrews' Comments

Mr. Andrews provided a draft memo and said that most of his concerns have been resolved and the bond estimate has been provided and Mr. Andrews said that it is reasonable. A waiver for the boundary survey was granted at the last meeting. Some modifications have been made to the plans. A small portion of the driveway near the top exceeds the 15% grade. Ordinarily the Highway Superintendent would not comment on this because it is so far away from the road. Mr. Andrews agreed with Mr. Barber that, if the Planning Board felt it appropriate to close the Public Hearing and no substantive issues were raised, he would recommend that the driveway waiver be granted, the Planning Board accept the erosion control bond estimate and refer it to the Town Board approval, and move this project to an administrative track.

Mr. Snyder addressed the question regarding rock removal and advised the Planning Board that he had cut a section through the center of the foundation on the drawing, which shows the existing grade and the proposed floor elevations. There will be a full walkout basement. The garage floor and basement floor are at existing grades.

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Mr. Barber asked how many days it would take to complete the earthwork. Mr. Snyder estimated the earthwork would take approximately 3 days. Rock will be hammered out and there is no blasting proposed.

Mr. German asked for a motion to open the Public Hearing for this project. The motion was made by Ms. Beshar 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, Alternate	<u>Aye</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Philip Tolmach	<u>Absent</u>

The motion carried.

Ms. Kotzur, a resident of Kent, asked which Fire Department had been contacted regarding this project and was told that this project was under the Lake Carmel Fire Department's jurisdiction.

Mr. German asked if there were any other questions regarding this matter and there were none.

Mr. German asked for a motion to close the Public Hearing. The motion was made by Ms. Beshar 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, Alternate	<u>Aye</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Philip Tolmach	<u>Absent</u>

The motion carried.

Since no substantive issues were raised during the Public Hearing, Messrs. Andrews and Barber recommended that a 15% driveway waiver be granted for a limited area of the driveway.

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Mr. German asked for a motion to grant the 15% waiver of a limited area of the driveway. Ms. Beshar 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, Alternate	<u>Aye</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Philip Tolmach	<u>Absent</u>

The motion carried.

Messrs. Andrews and Barber recommended that the erosion control bond estimate for \$9,803.00 be accepted and forwarded to the Kent Town Board for their approval.

Mr. German asked for a motion to accept the bond amount of \$9,803.00 and forward it to the Town Board for their approval. 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, Alternate	<u>Aye</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Philip Tolmach	<u>Absent</u>

The motion carried.

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

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

The motion carried.

- **Doherty Electric, 81 Lincoln Dr., Carmel, NY; TM: 33.48-1-23**

Mr. Robert Doherty and Mrs. Kathy Doherty appeared before the Planning Board.

Mrs. Doherty advised the Planning Board that she hoped to have all the material requested by the Planning Board and their consultants by the next Planning Board workshop on March 2, 2023.

- **Flintlock Storage, 1030 Route 52, Kent, NY; TM: 12.18-1-14**

Ms. LoGuidice, of Insite Engineering represented the applicants, Mr. & Mrs. Frank Vasi, who also attended the meeting.

Ms. LoGuidice said that she and the applicants were tasked with three things to be accomplished before the next workshop, Ms. LoGuidice said that 2.5 things were accomplished. The first item was to get Board of Health approvals for the well and septic holding tank. Ms. LoGuidice provided an email from the Board of Health approving the Well and septic holding tank without fields to the Planning Board consultants and the Planning Board secretary for filing purposes. The second item pertained to the DOT concerns about the culvert and there will be a pipe going around the property. In addition, documentation will be provided stating that sidewalks may be constructed if necessary. The third item pertained to an agreement regarding improvements and maintenance of the right-of-way, which the Planning Board Attorney, Mr. Battistoni, and the applicants' attorney have been working on. Ms. LoGuidice said she had not seen it and could not comment on it at this time. Ms. LoGuidice asked that a Public Hearing be scheduled for this project at the March meeting. She also said that the applicants' would prefer to not have to put fake windows on the outside of the building.

Ms. Axelson's Comments

Ms. Axelson said that she, Messrs. Andrews, and Barber felt that this project was in good shape and that they were anxious to help move this project along.

Ms. Axelson read into the record the code relating to false windows on the building as discussed previously. After reading the Code relating to windowless buildings, Ms. Axelson recommended adding simulated windows to the west facade of the 1200 square foot building facing Route 52. Ms. Axelson said it would be helpful for the applicants if the Planning Board could give them their opinion about adding simulated windows to the building. Ms. Axelson also said that, if Messrs. Andrews and Barber agreed, this project could be declared an Unlisted Action. Under SEQRA this project does not need to be circulated and could be referred to Putnam County Planning. Ms. Axelson also agreed with Messrs. Andrews and Barber that a Public Hearing could be scheduled for the March 9, 2023 meeting.

Mr. Barber's Comments

Mr. Barber said that most of his comments had been addressed. Wetland issues have been addressed through mitigation. Mr. Barber asked the applicant to could provide a description of what would be stored on this property, which the Planning Board has requested from other applicants. Mr. Barber agreed with Ms. Axelson that it would be prudent to schedule a Public Hearing for March 9, 2023.

Mr. Andrews' Comments

Mr. Andrews referred to a memo he distributed on January 3, 2023. Putnam County has approved a holding tank on January 6, 2023. DOT advised the applicants what they wanted and DOT's requests were incorporated into the plans for this project, the sidewalk easement is shown, but there is a little conflict, which needs to be addressed. The applicant is proposing to access their property over an existing 50' right-of-way, The Planning Board Attorney and the applicants' Attorney agreed that the applicants have the right to use, improve, and maintain it to protect their interests in the right-of-way. The neighboring property owner was not willing to modify the easement. The Planning Board wrote an agreement with the Town and Kent and the applicant, which memorializes what the applicant incorporated into their proposal regarding the applicants; use, maintenance of the right-of-way (Copy attached). Mr. Andrews suggested that the Planning Board accept the agreement prepared by the Planning Board Attorney and that a Public Hearing be scheduled on March 9, 2023. Mr., Andrews said that Insite had prepared bond estimates, which he has modified. Once the Public Hearing has been held and all issues have been resolved, he would recommend the bonds be accepted.

Ms. Axelson's Comments

Ms. Axelson asked the Planning Board how they felt about adding the simulated windows to the design for this project. Mr. Carey asked Ms. LoGuidice why she does not want to add the windows and she deferred to Mr. Vasi, the applicant. Mr. Vasi said that the buildings are prefabricated and he has little control over the design. Mr. Vasi said that the manufacturer does not offer windows or fake windows. Mr. Carey suggested that, since the applicant had to appear before the Planning Board in March for the Public Hearing, it would be helpful if the applicant could look into having simulated windows added to the building facing Route 52 because it would look better. Mr. Vasi agreed to look into the installation of simulated windows being added to the pre-fabricated building facing Route 52.

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The three recommendations Ms. Axelson would make regarding this project were:

- To declare the proposed application to be an Unlisted Action under SEQRA. Also, does not need to be circulated to be Lead Agency
- Make the required referral to the Putnam County Planning Department; and
- Schedule a Public Hearing for March 9, 2023

Mr. German asked for a motion to declare the proposed application to be an Unlisted Action under SEQRA.

Mr. German made the motion and Mr. Carey 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

Mr. German asked for a motion to refer this project to the Putnam County Planning Department.

Mr. German made the motion and Ms. Beshar 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

Mr. German asked for a motion to schedule a Public Hearing for this project on March 9, 2023.

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Mr. German made the motion and Mr. Gattucci 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

- **George & Sally Marriott Property, 189 Mooney Hill Rd. Kent, NY; TM: 12.-3-3**

Dan Collins, of Hudson Engineering, represented the applicants.

Mr. Collins said that the majority of comments from the consultants, which were made in December of 2022, have been addressed and that the consultants met with the owners of the property at the site. The limits of disturbance have been minimized. Architectural plans were submitted which verified that the three bedroom count remains the same. Mr. Collins stated that new comments would be addressed. Because of this meeting, Mr. Collins said that he and the applicants hoped that the Planning Board would waive the need for a Public Hearing and move this project to an administrative track.

Mr. Barber's Comments

Mr. Barber described this project as construction of a one-story addition, three-car garage, and driveway. The total area involved will be 5,300 square feet; the total land disturbance is estimated to be approximately 18,300 square feet. The subject property is 3.93 acres in an R-80 zoning district. The site visit ascertained that there are no wetlands or buffers associated with the limits of disturbance. Only one tree is to be removed; this property is not located in a flood plain, there are no cultural resources and Mr. Barber said that this is a very simple application. Mr. Barber appreciated verification that the bedroom account will remain at three bedrooms. Mr. Barber requested a copy of the deed for this property. Mr. Barber noted that, in the past, the Planning Board has waived a Public Hearing for small projects such as this, but he said it was the Planning Board's decision as to whether or not they wanted to waive the Public Hearing.

Mr. Andrews' Comments

Mr. Andrews referred to his memo of January 12, 2023. This is a well-developed property and the house is in good condition. A brand new driveway is on the property, which will be left as is. A small garage will be constructed at the bottom of the driveway and put a small addition on the house. A bond estimate needs to be prepared. A driveway profile was submitted and it is steep between 15 and 17%, however, the driveway is pre-re-existing and no changes will be made to it. The house is down and away from the road. The Highway Superintendent had some concerns about run-off flowing into the house. However, incorporated into the design there is a trench drain so the Highway Superintendent has no more concerns. Mr. Andrews advised the Planning Board that they could waive a Public Hearing at their discretion. Mr. Andrews agreed with Mr. Barber that they would support their decision, if they chose to, waive the Public Hearing for this project. Mr. Andrews also recommended granting a driveway waiver.

Mr. German asked for a motion to grant a driveway waiver for an existing driveway not requiring strict compliance and allowing the driveway to remain at 15-17% grade.

Mr. German made the motion and Ms. Beshar 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

Mr. German asked for a motion to waive a Public Hearing.

Mr. German made the motion and it was seconded by Ms. Beshar. 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

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Mr. German asked for a motion to move this project to an administrative track.

Mr. German made the motion and Ms. Beshar 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

• **Annunziata/Smalley Corners, Smalley Corners Rd., Kent, NY; TM: 21.-1-11**

Mr. Karell was unable to attend the meeting.

Mr. Andrews Comments

Mr. Andrews advised the Planning Board that this project was moved to an administrative track because there are some outstanding items, which need to be addressed. However, the Bond Estimate was prepared and is \$11,500.00 and \$1,000.00 Final Inspection fee. Mr. Andrews recommended that the bond be accepted and that, when the bond agreement is submitted with the fees noted above, it should be forwarded to the Kent Town Board for their approval.

Mr. German asked for a motion to accept the bond estimate of \$11,500.00 and \$1,000.00 inspection fee and that, when the bond agreement is submitted to the Planning Board along with the fees noted above, it be forwarded to the Kent Town Board.

Mr. German made the motion and Mr. Gattucci 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

Mr. German asked for a motion to move this project to an administrative track.

Mr. German made the motion and Ms. Beshar 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

- **Realbuto Property, 49 Tiger Trail, Kent, NY; TM: 21.8-1-39**

Mr. Barber's Comments

Mr. Karell also represented this applicant, but was unavailable the night of the Planning Board meeting. This project involved demolition of an existing residence and construction of a new house.

Mr. Barber told the Planning Board that this site had undergone soil testing previously without permits or following protocol. The soil, at that time, was found to be acceptable and construction was allowed to continue. Since that time, the applicant brought in additional untested soil, which did not comply with the site plan. The Planning Board asked that Messrs. Andrews and Barber work with the applicant's engineer to develop a protocol to test the new soil to determine if it was acceptable under "unrestricted residential standards" pursuant to DEC requirements. A protocol was developed, an agreement was reached and a site visit was conducted. Messrs. Andrews, Barber and German witnessed the testing. There were five different tests performed and one of them revealed that acetone was found in the soil. It was then determined that the best way to proceed was to remove the soil where the acetone was found. Messrs. Andrews and Barber recommended that the Planning Board allow the applicant to remove a 12' x 12' square section of soil down to the original soil safely pursuant to NY State standards. There is currently a Stop Work Order in effect; however, if the Planning Board authorized the applicant to remove the designated soil the Building Inspector could lift the Stop Work order in order to do so.

Mr. Andrews' Comments

The purpose of the site visit was to observe the testing and to observe the conditions because the Building Inspector had received complaints in October and Messrs. Andrews and Barber visited the site with Mr. Walters. At that time, the site was completely out of compliance. After that visit, Mr. Karell and the owner tried to resolve the issue. Mr. Andrews said that. When the site visit was conducted recently, the property did not look very bad. However, when you talk to the owner his plans for the property bears no resemblance to the approved plans. The Town Code says that you may not change plans without the approval of the Planning Board. Mr. Andrews and Mr. Barber strongly recommended that the Planning Board require the applicant to develop an amended site plan and return to the Planning Board for re-approval. The plan needs to incorporate the applicant's vision of what he wants to do with this property and needs to reflect what was built. We need a good As Built plan and the applicant needs to return to the Planning Board for re-approval. This was a contentious matter with the neighbor, so the Planning Board, their consultants and the Building Inspector feel that it is prudent to follow the strict letter of the law in this case. A letter written by the Chairman should be sent to the applicant instructing him to return to the Planning Board. Mr. Andrews said he would work with the Planning Board secretary to compose this letter.

Mr. German asked for a motion to ask the Building Inspector to lift the Stop Work Order on this property to allow the owner to remove the 12' by 12' square of contaminated soil.

The motion was made by Mr. German and seconded by Ms. Beshar. 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

Mr. Andrews will, as discussed earlier in the meeting, work with the Planning Board secretary to draft a letter requiring the applicant to develop an amended site plan and to return to the Planning Board for consideration of re-approval of an amended site plan.

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

Ms. / Axelson discussed this project

Ms. Deana Kay, Administrator and an employee for 35 years at the Putnam Nursing Home, represented the nursing home. Mr. Felix Santiago, Maintenance Director, accompanied Ms. Kay.

Ms. Kay explained that she and Mr. Santiago were requesting an extension of approvals for the proposed construction on their property and that, due to the pandemic, New York State continues to be uncooperative to nursing home facilities. The owner of the facility is very anxious to move forward with his plans for the nursing home once the opportunity presents itself.

Ms. Axelson's Comments

Ms. Axelson said that she is familiar with this kind of situation where nursing homes need to expand to allow more space and improve conditions at their facilities.

Ms. Axelson paraphrased her Draft Resolution for this project (attached) which noted that the facility consists of 10 acres situated on a 10-acre parcel in an R-80 zoning district. The Draft Resolution described the history of this project along with the dates of approvals. Mr. Schlosser sent a letter to the Planning Board December regarding the status of this project. The Resolution carries the whole history of this project, which began in 2019. In conclusion, this Resolution is drafted to grant reapprovals from December 5, 2022 and ending December 5, 2023. For Site Plan Approval the applicant must have a Building Permit and construction must have begun by December 5, 2023 and must be completed by December 5, 2024, as expressed in Conditions 12 and 13. Ms. Axelson instructed Mr. German to adopt the Draft Resolution as prepared for reapproval.

Mr. German asked for a motion to adopt the Draft Resolution as prepared for reapproval. 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, Alternate	<u>Aye</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Philip Tolmach	<u>Absent</u>

The motion carried.

- **Rocky Ridge (new owners of Old 17 LLC), Old Horsepound Road, Kent, NY;
TM: 12.-1-38 & 42**

Ms. Jamie LoGuidice, of Insite Engineering, represented the applicant, Mr. Nunzio Cassesse, and his family, who also attended the meeting.

Ms. LoGuidice reminded the Planning Board that this project was approved for Kent Development in December of 2020; and then reapproved in February of 2022 for Old 17 LLC. There have been absolutely no changes to this plan since December of 2020 when it was first proposed. Ms. LoGuidice noted that the only change since the last approval is the contract vendee shown on the plans. The current owner began construction on site in December of 2021. The current owner (Old 17) is selling this property to Rocky Ridge. Ms. LoGuidice and the applicants are requesting consideration of all of the material submitted, which has the new owner's name on it. Mr. Carey asked what the use of the property would be. Ms. LoGuidice said the use was a contractors' warehouse with outside storage, which the current owner planned to do. Mr. Gattucci asked what type of contractors would be using the warehouse. Mr. Cassesse advised the Planning Board that the use would be for his paving and excavating company (he company is a fourth generation company).

Ms Axelson's Comments

Ms. Axelson prepared a review and memorandum, which included a side-by-side comparison of the current approved plans with plans submitted recently for Rocky Ridge. Ms. Axelson felt that the plans were mostly identical. She did notice a couple of things, which are not difficult to address. It involves several Planning Board actions such as a Special Use Permit, a Site Plan, a Steep Slope & Erosion Control Permit and a Freshwater Wetlands Permit. Ms. Axelson pointed out that that the Lot Line Revision requested was approved previously and had been filed so that part of the project is finished.

Md. Axelson mentioned that the owners of Rocky Ridge had been in contact with the consultants and had participated on a Monthly Consultants Zoom call.

Mr. Andrews' Comments

Mr. Andrews said that this is a simple name change, but is a little more completed. For example, there were a series of bonds approved and accepted by the Town of Kent that will need to be substituted. Previously the Planning Board Attorney reviewed the Bond Agreements and once everything was in order authorized the Planning Board to endorse them and forward them to the Town Board. Mr. Andrews said that he felt that the Planning Board Attorney should also review the new documents. Mr. Andrews said he would contact Mr. Battistoni regarding this matter. Therefore, the first thing to be addressed was the substitution of the bonds. Mr. Andrews agreed that, since there have been no changes to the proposed plans and Insite has been sending regular reports on the on-going construction. He felt that this should be a simple Resolution and transfer of bonds because most of the conditions of approval have been addressed. However, Mr. Andrews said that he and Mr. Barber should visit the site again. Mr. Andrews said that he would recommend that the Planning Board authorize the consultants to prepare an Amended Resolution for the next meeting, provided Mr. Battistoni has provided his input.

Mt. German made a motion to authorize the consultants to visit the site, discuss the bond agreements with the Planning Board Attorney and to prepare a new Resolution. The motion was made by Mr. German and seconded by Ms. Beshar. 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

Mr. Barber's Comment

Mt. Barber asked Ms. LoGuidice to meet him and Mr. Andrews at the site on the following Tuesday.

• **Patterson Crossing, Route 311, Kent, NY; TM: 22.-2-48**

Md. Axelson said this project was approved in 2020 and a Resolution was adopted on 12/8/22. When the Resolution was drafted and adopted the expiration date should have been different from shown on the Resolution. The expiration date of December 8, 2022 was wrong and it should have been January 4, 2023. Reapproval was granted on December 8, 2022, but the expiration date will be January 4, 2023. Construction must begin by January 4, 2024 and completed by January 4, 2025.

Mr. German asked for a motion to adopt this Amended Resolution. The motion was made by Mr. German and seconded by Ms. Beshar. 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>
Philip Tolmach	<u>Absent</u>

The motion carried.

Permit Applications Updates (Applicants attendance not required at Workshop):

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

We are awaiting a resubmittal.

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|----------------------|-------------------------|---------------|
| • Guylazaca/Mayet | Erosion Control Plan/ | Status Report |
| 24 Sol Dr., Kent, NY | Alteration/2 Car Garage | |
| TM: 33.17-1-48 | Addition | |

A site visit was conducted and Mr. Andrews said that the conditions were "peculiar". An updated submittal is required in order for this project to proceed.

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|-------------------------------|-----------------|---------------|
| • Old 17 LLC | Site Plan/ | Status Report |
| Old Horsepound Road, Kent, NY | Time Extension/ | |
| TM: 12.-1-38 & 42 | New Owner | |

This project was already discussed.

**Town of Kent Planning Board Minutes
February 2, 2023**

- White_Vernon Property Erosion Control Status Report
Horsepound Rd., Kent, NY
TM: 33.-1-58.2

This project has been completed and the drawings are ready for the Chairman's signature and then this project may come off the agenda.

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

Ms. Axelson said that she needed to discuss this matter with Vera Patterson, the Planning Board secretary and Lana Cappelli, the Town Clerk, that the Stipulation and final plans for this property were merged.

- | | | |
|--|---------------------|---------------|
| <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 |
|--|---------------------|---------------|

Final maps need to be submitted.

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

Mr./ Andrews said that he had not been contacted regarding this project and had no information regarding the status.

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

A new proposal was discussed during a meeting with the Town and some members of the Planning Board. The applicant was to submit a new application.

- Town of Kent Excavation Law
- Status Report

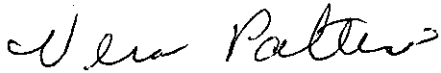
Mr. Andrews said he was waiting final instructions from the Town Board. Ms. Axelson said she had prepared a draft Full Environmental Assessment form in the event anyone wanted to move forward on this project.

Town of Kent Planning Board Minutes
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Mr. German asked for a motion to close the meeting at 9:30 PM. The motion was made by Mr. Carey and seconded by Ms. Beshar. Following were the roll call votes:

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

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

**Town of Kent Planning Board Minutes
February 2, 2023**

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

- | | | |
|---|--|---------------|
| • Raneri Property
Hillside Paper Rd., Kent,, NY
TM: 44.24-1-3 | Erosion Control Plan
Public Hearing | Status Report |
| • Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48 | Update | Status Report |
| • Guylazaca/Mayet
24 Sol Dr., Kent, NY
TM: 33.17-1-48 | Erosion Control Plan
Alteration/
2 Car Garage Addition | Status Report |
| • Old 17 LLC
Old Horsepound Road, Kent, NY
TM: 12.-1-38 & 42 | Site Plan/Time Extension/
New Owner | Status Report |
| • White _Vernon Property
Horsepound Rd., Kent, NY
TM: 33.-1-58.2 | Erosion Control | Status Report |
| • Holly Property
Winkler's Farm Ct Property, Kent, NY
TM: 33.16-1-8 | Concept Plan | 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 |

RESOLUTION
PUTNAM NURSING & REHABILITATION CENTER

ADOPTED February 9, 2023

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

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

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

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

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

- classified the proposed action as an Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5;
- declared its intent to serve as Lead Agency in a coordinated review of the Project and circulated a notice of its intent to all other involved and interested agencies; and
- referred the application to the Putnam County Department of Planning, Development and Public Transportation pursuant to Section 239-l, m, and n of the General Municipal Law; and

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

1. The proposal will involve land disturbance on a previously developed site. The resulting impervious coverage of the redeveloped site would be about twenty-three percent (22.7%), which complies with the zoning requirement of 30%. Land disturbance and construction activities will occur on just under 2 acres of the 10.9-acre site. Proposed grading, stormwater management practices and erosion and sedimentation control measures will be implemented to manage runoff and potential erosion effects. The site development includes extensive landscaping, which would serve to stabilize the site after construction.

2. The proposed action involves an application for a Wetland Permit from the Town of Kent for disturbance within the adjacent area (buffer) of a wetland. However, no disturbance is proposed within the wetland itself. The proposal includes wetland buffer plantings and preservation of existing meadows as mitigation for disturbance within portions of the adjacent area. Additionally, the limits of disturbance are defined on the site plans with corresponding erosion and sedimentation control measures. An article 24 permit from the New York State Department of Environmental Conservation (NYSDEC) will also be required.
3. The proposed action also involves an application for a Town Erosion Control Permit. The proposed limits of disturbance are defined on the site plans with corresponding erosion and sedimentation control measures.
4. The proposed site plan is consistent with the R-80 zoning district's principal uses; lot and bulk requirements and design standards. The continued institutional use and site redevelopment includes additional landscaping to enhance views of the site from Ludingtonville Road; and

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

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

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

- Plans prepared by David A. Getz, P.E., Lehman & Getz, PC, entitled Renovations and Additions Putnam Nursing and Rehabilitation Center, dated February 21, 2018, revised October 22, 2019, except as noted below, including the following:
 - o Layout Plan;
 - o Grading and Utility Plan; and
 - o Erosion and Sediment Control Plan; and

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

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

Whereas, on December 10, 2020, in response to a written request, the Planning Board granted two 90-day extensions of the December 12, 2019 final approval with conditions to the proposed Site plan; wetland permit; and steep slope and erosion control plan approvals, as depicted on the plans and maps listed above, which extensions would have expired on June 8, 2021; and

Whereas, the Applicant's Architect, David Schlosser of Schopfer Architects, sent an email on April 16, 2021, with an attached letter dated April 15, 2021 requesting a re-approval of the previously extended December 12, 2019 approvals noting difficulties in proceeding "... Due to the pandemic, NYS Department of Health has placed an unofficial moratorium on nursing home expansions until all COVID transmission and resident occupancy issues get back to normal. ... "; and

Whereas, on May 13, 2021, the Planning Board granted the requested reapproval since the previously granted two 90-day extensions of the December 12, 2019 final approval with conditions would have expired on June 8, 2021, 2 days before the Planning Board's regular meeting on June 10, 2021;

Whereas, the May 13, 2021 re-approval would have expired on June 8, 2022, the applicant's architect submitted a later dated April 28, 2022 requesting two ninety-day (2 90-day) extensions of the re-approval;

Whereas, the Planning Board is mindful of the stated reasons for delays in fulfilling the conditions; and understands that there have not been any project changes since the December 12, 2019 approvals with conditions; or the December 10, 2020 extensions were granted; or since the May 13, 2021 re-approvals were granted; and

Whereas, the December 12, 2019 approvals indicated that the site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods, two 90-day extensions (180 days), which extensions were granted on December 10, 2020; and a condition of the extensions in 2020 indicated that an application may be submitted to the Planning Board for renewed approvals, which re-approval was requested and subsequently granted on May 13, 2021; and

Whereas, on May 12, 2022, the Planning Board granted the above-described two ninety-day (2 90-day) extensions of the May 13, 2021 re-approvals with conditions, effective and running forward from June 8, 2022, so that any future expirations would occur one-hundred and eighty (180) days from June 8, 2022, noting the previously granted two 90-day extensions of the December 12, 2019 final approval with conditions, granted on December 10, 2020, and re-approval of May 13, 2021, would have expired on June 8, 2022; and

Whereas, a letter was submitted, and representatives of Putnam Nursing and Rehabilitation Center attended the September 8, 2022 Planning Board meeting for a "90-day check In" to report about the status of the project as required in the May 12, 2022 resolution; and

Whereas, the previously granted two 90-day extensions would have expired on December 5, 2022, which was 3 days before the Planning Board meeting on December 8, 2022; and

Whereas, A letter prepared by David Schlosser, RA, Schopfer Architects, LLP, dated December 21, 2022 was submitted noting the delay in moving the project forward was the result of the Department of Health delays in granting a required approval, acknowledging the expiration of the approvals, and requesting re-approval; and

Whereas, the Planning Board meeting scheduled to be held on Thursday, January 12, 2023, was cancelled due to scheduling conflicts resulting in the lack of a quorum for that meeting date, which was rescheduled to be held on the next available date, which is Thursday, January 19, 2023, and the January 19, 2023 meeting was subsequently cancelled; and

Now Therefore Be It Resolved, that pursuant to Kent Code Chapter 39A, Freshwater Wetlands the Planning Board hereby grants re-approval noting the two ninety-day (2 90-day) extensions of the May 13, 2021 re-approval, noting the previously granted two 90-day extensions of the December 12, 2019 Wetland Permit approval, granted on December 10, 2020, and re-approvals of May 13, 2021, which would have expired on June 8, 2022; and

Be It Further Resolved, that pursuant to Kent Code Chapter 66, Article III the Planning Board hereby grants re-approval, noting the previously granted two 90-day extensions of the December 12, 2019 Steep Slope and Erosion Control Permit approval, granted on December 10, 2020, and re-approval of May 13, 2021, which expired on December 5, 2022; and
not

Be It Further Resolved, that the Planning Board hereby grants re-approval noting the two ninety-day (2 90-day) extensions of the May 13, 2021 re-approval with conditions, to the proposed Site plan; wetland permit; and steep slope and erosion control plan approvals, as depicted on the plans and maps listed above, noting the previously granted two 90-day extensions of the December 12, 2019 final approval with conditions, granted on December 10, 2020, and re-approval of May 13, 2021, would have expired on June 8, 2022; and noting the two ninety-day (2 90-day) extensions granted on May 12, 2022, which expired on December 5, 2022; and

Be It Further Resolved, that the Planning Board grants re-approval noting the above-described two ninety-day (2 90-day) extensions of the May 13, 2021 re-approvals with conditions, effective and running forward from June 8, 2022, so that any future expiration would occur one-hundred and eighty (180) days from June 8, 2022, noting the previously granted two 90-day extensions of the December 12, 2019 final approval with conditions, granted on December 10, 2020, and re-approval of May 13, 2021, would have expired on June 8, 2022; and noting the two ninety-day (2 90-day) extensions granted on May 12, 2022, which expired on December 5, 2022; and

Be It Further Resolved, that these site plan; wetland permit; and steep slope and erosion control plan re-approvals, which shall run from expiration date of December 5, 2022, are expressly conditioned on the completion of and the compliance with the following:

1. Address the comments of the Planning Board's Professional Engineer as set forth in a memorandum dated December 11, 2019.
2. Address the comments of the Planning Board's Environmental Consultant as set forth in a memorandum dated December 9, 2019.
3. Address the comments of the Planning Board's Planning Consultant as set forth in a memorandum dated December 5, 2019.
4. Obtain the approval of the Planning Board's Consulting Professional Engineer in regard to the final Steep Slope and Erosion Control Permit plan.
5. Obtain all required approvals from the New York City Department of Environmental Protection.
6. Obtain any and all required approvals from the Putnam County Highways and Facilities.
7. Obtain the approval of the Article 24 permit from the NYSDEC.
8. Certification by the Planning Board's Attorney that the forthcoming easements and agreements, noted in the above review memorandums, are acceptable as to form and sufficiency, including but not limited to:
 - a. Stormwater management facility maintenance agreements; access easements and agreements; and bond documents with the Town; and
 - b. Deed amendments to include reciprocal cross easements and access rights of way for the two separate parcels that make up the project site, including the Applicant's submitted draft declaration of easement, which describes an easement for use for construction; maintenance; and access, which would address certain aspects of the combined use of 2 lots as a single land development.
9. Approval of the amount of the performance bond or security for the Steep Slope and Erosion Control Permit required per Kent Code section 66-6 D.(4) by the Planning Board's Consulting Professional Engineer; approval of the form of the bond or security by the Planning Board Attorney; and acceptance of the bond or security by the Town Board.
10. Payment of an inspection fee for the Steep Slope and Erosion Control Permit.
11. Payment of all consultant fees accrued by the Planning Board to review the project plans and the application.

12. The extended conditional site plan approval shall be void if construction is not started within 180 days of the date of Planning Board extended approval; and completed within one year of the date of Planning Board re-approval; and completed within two years of the date of such approval. Said conditional approval shall thereafter expire; and an application may be submitted to the Planning Board for renewed approvals.
13. It is the responsibility of the application/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Site Plan Approval; Wetland Permit; and Steep Slope and Erosion Control permit approvals have been completed; and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Planning Consultant verifying that each of the conditions of this approval have been completed. The final drawings shall not be accepted by the Planning Board without submission of proof of completion.

Motion:	<u>Hugo German</u>
Second:	<u>Giancarlo Gattucci</u>
Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar	<u>Aye</u>
Sabrina Cruz	<u>Absent</u>
Tom Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Phil Tolmach	<u>Absent</u>

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on February 9, 2023.



Vera Patterson, Clerk
Town of Kent Planning Board



Memorandum

To: Planning Board
Town of Kent

Attn: Hugo German
Chairman

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

Subject: Revised Lot Line Approval - Review

Date: February 1, 2023

Project: Doherty
81 Lincoln Dr & 38 Chauncey Rd
TM # 33.48-1-23 & 33.48-1-18

The following materials were 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.
- Certification of Professional Engineer/Licensed Land Surveyor/Architect-unsigned
- Drawing- A1-Site Plan-Lot Line Adjustment-81 Lincoln Drive
- Drawing -A2-Site Plan-Lot Line Adjustment-38 Chauncey Road.

The project proposes a property transfer between the parcel at 81 Lincoln Dr.(TM # 33.48-1-23) and the parcel at 38 Chauncey Rd. (TM# 33.48-1-18), reducing the Lincoln Dr parcel by approximately 2628 SF and increasing the Chauncey Rd. parcel by that same amount.


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

1. There are no proposed improvements associated with this action. This is merely a property transfer and perhaps including a lot merger between consenting parties requiring a revised lot line approval from the Town of Kent Planning Board. The matter is handled as a revised lot line approval. There is no public hearing requirement associated with this action.
2. There are some inconsistencies in the application. It appears that three (3) tax parcels are involved, TM # 33.48-1-23 (81 Lincoln), TM # 33.38-1-18(38 Chauncey) and TM # 33.48-1-19. A portion of TM # 33.48-1-23 is being conveyed to TM # 33.48-1-18 reducing the acreage of TM # 33.48-1-23 to the minimum required of 10,000 square feet and increasing TM # 33.48-1-18 to greater than 15,000 square feet and apparently including its merger with TM # 33.48-1-19. The Planning Board should discuss the intent of the Applicant and confirm the intended outcome.

Memorandum
Revised Lot Line Approval
Doherty
TM # 33.48-1-23 & 33.48-1-18
February 1, 2023
Page 2 of 2

3. A completed, signed and dated Short Environmental Assessment Form (SEAF) should be submitted as part of the Application. Per 6 NYCRR 617-§ 617.5(c)(5) "granting of individual setback and lot line variances and adjustments" is considered a Type II action, requiring no further environmental review. We recommend that the Planning Board make such a determination but require the SEAF for record purposes
4. The zoning designations for the involved parcels are not clear. It appears that TM # 33.48-1-23 is in the R-10 Zoning District and that TM 3 33.48-1-18 is in the C Zoning District. We cannot confirm that based on the Town Zoning Map. If this in fact the case, both lots to be created as part of this action would conform with respect to lot size.
5. Conceptually we take no exception to the proposed action. It appears that it is consistent with the subdivision regulations. Future submittals shall include the information required by Town Code Section 66A-17.

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


John V. Andrews, Jr., P.E. 2.1.2023

cc: Planning Board via email
Bill Walters via email
22-261-216-05

Bruce Barber via email
Liz Axelson via email



Memorandum

To: Planning Board
Town of Kent

Attn: Hugo German
Chairman

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

Subject: Erosion Control Plan –
Completeness

Date: January 27, 2023

Project: White-Vernon Residence
TM # 33.-1-58.2

The following materials were reviewed:

- Stormwater Pollution Prevention Plan-Horsepound Road, dated December 1, 2021, last revised November 10, 2022, **UNSIGNED/UNSEALED**
- Drawing S-1 - Site Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised December 16, 2022, scale 1" =30'.
- Drawing S-2 – Overall Site Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale 1" =100'.
- Drawing S-3 Alternative Driveway Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale 1" =30'.
- Drawing D-1 – Details- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale - As Shown.
- Drawing P-1 – Profiles- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale - As Shown.
- Drawing EC-1 – Erosion Control & Steep Slope Details/Notes -Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 27, 2021, last revised August 10, 2022, scale - As Shown. **SIGNED BY THE OWNERS ON 01.11.2023.**

The project proposes the construction of single-family residence including a driveway, individual well and onsite wastewater disposal system.

The subject Erosion and Sediment Control Plan is approved, subject to the following comments:

1. Engineering comments have been satisfied. Prior to the release of signed plans, the licensed professional responsible for its preparation shall sign, seal and date the final written SWPPP assembled with all attachments and fully complete. **Final signed plans will not be released without a signed and sealed COMPLETE SWPPP**
2. Driveway construction shall utilize the alternative route as shown on Sheet S-3- Alternative Driveway Plan unless or until a revised easement instrument is negotiated with the adjacent owner to allow the driveway to remain and be completed in its existing location.
3. A Wetland Permit is required for alternate utility route. A copy of that permit is attached hereto. The Wetland Permit has been signed.

Memorandum
White-Vernon ECP – Completeness
TM # 33.-1-58.2
January 27, 2023
Page 2 of 2

4. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule. This fee may have already been paid. The comment remains as a reminder only.
5. If not already done, prior to the Planning Board Chairman's signature on plans, all Planning Board costs and fees including the erosion control bond, initial inspection fee deposit and all professional review fees incurred during the review and approval of the application must be paid in full.
6. Vera Patterson, Planning Board Clerk should verify that there are sufficient copies of the final drawings in the Planning Office for the Chairman's signature. Multiple submittals have been made over time on this project. The drawings listed above represent the final set. We received them via mail from Vera Patterson, Planning Board Clerk on January 24, 2023.
7. The project requires coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001. A signed MS4 SWPPP Acceptance Form is attached. The Owner/Applicant shall forward a copy of the NYSDEC Letter of acknowledgement of the Notice of Intent upon its receipt.

We trust the comments contained herein are satisfactory for your purposes. If we can be of additional assistance, please advise.

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

Attachment – Wetland Permit
MS4 SWPPP Acceptance Form

cc: Planning Board via email
Bill Walters via email
21-261-999-177

Bruce Barber via email
Liz Axelson via email



**TOWN OF KENT
WETLAND, WATER BODY, WATERCOURSE PERMIT**

- Owner/Applicant:** Madeline White & Tristan Vernon
16 Colonel Sheldon Drive, Poundridge, NY 10576
- Location:** White/Vernon Residence, Horsepound Road and Nichols Street
Tax Map No. 33-1-58. The site is located on the northerly side of Nichols Street, with access to the site via an easement from the easterly side of Horsepound Road.
- Project Description:** The activity involves the construction of new single-family house on a vacant lot with a new driveway, well and onsite wastewater treatment system. Access to the house site is via an existing right-of-way that does not permit installation of utilities into the site. Utilities are available off Nichols Street. Bringing utilities in from Nichols Street involves disturbing the 100-foot controlled area associated with a Town regulated wetland and watercourse. To minimize such disturbance, the Building Inspector is willing to allow utility poles with overhead lines.

Documents reviewed:

- Stormwater Pollution Prevention Plan-Horsepound Road, dated December 1, 2021, last revised November 10, 2022.
- Short Environmental Assessment Form-White House Construction dated November 10, 2022.
- Drawing S-1 - Site Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised December 16, 2022, scale 1"=30'.
- Drawing S-2 - Overall Site Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale 1"=100'.
- Drawing S-3 Alternative Driveway Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale 1"=30'.
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- Drawing P-1 - Profiles- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale - As Shown.
- Drawing EC-1 - Erosion Control & Steep Slope Details/Notes -Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 27, 2021, last revised August 10, 2022, scale - As Shown **SIGNED BY THE OWNERS ON 01.11.2023.**

Findings

1. Under the State Environmental Quality Review Act (SEQR), this project has been determined to be a Type II Action and therefore is not subject to further procedures under this law.
2. A portion of the subject parcel in the vicinity of its frontage on Nichols Road is encumbered by the 100-foot controlled area of Town of Kent regulated water body. The main house site and the access off Horsepound Road are away from and well outside any Town controlled water body or buffer area.
3. No work is proposed within the locally regulated water body. All proposed regulated activities occur within the 100-foot controlled area.

4. The application was referred to the Town's Consulting Wetlands Inspector who verified the location of the Town regulated water body.
5. Adequate soil erosion and sediment control measures are proposed to protect against damage by erosion during construction. An erosion and sediment control only Stormwater Pollution Prevention Plan (SWPPP) has been developed in accordance with Chapter 66 of the Town Code and NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-0-15-002.
6. The proposed regulated activity is consistent with the policy of Chapter 39A, Freshwater Wetlands.
7. The proposed regulated activity is consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
8. The proposed regulated activity is compatible with the public health and welfare.
9. There is no practicable alternative for the proposed regulated activity. The access easement on Horsepound Road does not include the rights for utility installation, merely ingress and egress. There is no other practicable alternative to bring utilities into the proposed house site other than from the owned access out to Nichols Road. The Owner/Applicant is continuing negotiations with the adjacent landowner to allow for the expansion of the easement to accommodate utilities. If successful, the alternate overhead route from Nichols will not be used and this wetland permit will not be necessary.
10. The proposed regulated activity minimizes the degradation to the wetland regulated area.
11. The proposed activities are in compliance with the standards set forth in the New York State Freshwater Wetlands Regulations, 6 NYCRR 665.7(e) and (g) as demonstrated in paragraphs 8 through 10, above.

Permit

By the authority granted in Chapter 39A, § 39A-7.D.(4), and § 39A-8.D, a Wetlands Disturbance Permit is hereby issued, subject to the following:

- A. All activities authorized by this permit shall be in strict conformance with the plans submitted by the applicant. Such plans were prepared by John Karell, Jr., PE, last revised November 8, 2022.
- B. All activities authorized by this permit shall be in strict conformance with the Stormwater Pollution Prevention Plan (SWPPP) submitted by the applicant and under terms and conditions of New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No GP-0-15-002. Such SWPPP was prepared by John Karell, Jr., PE, with required information in the SWPPP dated LAST revised November 10, 2022 and the drawing set, last revised December 16, 2022, signed by the Owners on 01.11.2023.
- C. The poles will be installed by means of a track mounted auger along the edge of 100 controlled area with minimal tree removal. All temporary erosion controls must be installed prior to the commencement of any land disturbance. All exposed soils shall be immediately raked smooth and seeded with a native seed mix. The erosion control bond will not be released until the Town confirms that all disturbed areas have been stabilized.
- D. The approving authority, or its designated agent, may inspect the premises in question from time to time. The approving authority shall suspend or revoke a permit if it finds that the applicant has not complied with one or more of the conditions or limitations set forth in this permit or has exceeded the scope of the permitted activity. An immediate stop-work order may be issued by the Town of Kent Code Enforcement Officer where in his/her reasonable judgment, additional damage may be done to the wetland, water body, watercourse, or regulated area. (§ 39A-9A)

- E. Within 10 days after completion of all work allowed under this permit the applicant shall notify the approval authority of such completion. Within 30 days of such notification, the Town Engineer and Town Consulting Wetland Inspector shall inspect the work for compliance with all conditions of this permit. (§ 39A-9B)
- F. When all work allowed under this permit is deemed acceptable, the Town Engineer shall issue a certificate of completion. (§ 39A-9C)
- G. This permit shall be valid for as long as the steep slope and erosion control permit is valid. (§ 39A-9D) The steep slope and erosion control permit shall expire on the earlier of the completion of the work specified or one year from the date the permit is issued. (§ 66-6K (4))
- H. A copy of this permit shall, prior to the exercise of any rights granted under this permit, be posted in a conspicuous location on the parcel to which this permit is applicable in a manner such that the permit shall be visible from the roadway directly accessing said parcel. (§ 39A-9E)

This permit is subject to the following special conditions as set forth in Town Code (§ 39A-11 and 12):

- A. Inspections: The Town Consulting Wetlands Inspector, the approval authority, the Town Engineer and any other expert retained or delegated by the Town may enter upon land or waters for the purpose of inspection to determine compliance with this permit and for the purpose of undertaking any investigation, examination, survey or other activity necessary for the purpose of this permit.
- B. Enforcement: This permit shall be enforced by the Town of Kent Code Enforcement Officer.
 - i. Any person, firm, corporation or entity found violating any provision of this permit or conditions imposed by an approval authority upon an approved permit shall be served with a written notice by the Town of Kent Code Enforcement Officer. This notice shall state the nature of the violation and shall provide a specified time within which the violation shall cease, and satisfactory corrective action be taken by the violator.
 - ii. The Town of Kent Code Enforcement Officer shall also be authorized to issue and serve appearance tickets to violators of this permit.
- C. Penalties for Offense: Any person who violates, disobeys or disregards any provision of this permit shall be subject to civil and criminal penalties.

This permit shall take effect upon the signing of the drawing set by the Chairman of the Planning Board for the steep slope and erosion control permit and wetland disturbance permit or the signing of this permit by the approval authority, whichever is later.

Date: January 27, 2023

John V. Andrews, Jr., P.E., Planning Board Engineer

cc: Planning Board
Building Inspector
Bruce Barber, Wetlands Inspector
John Karell, Jr., P.E.
22-261-199-177



New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form
for

Construction Activities Seeking Authorization Under SPDES General Permit

*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information

1. Owner/Operator Name: MADELINE WHITE & TRISTAN VERNON
2. Contact Person: MADELINE WHITE
3. Street Address: 16 COLONEL SHELDON DRIVE
4. City/State/Zip: POUND RIDGE, NY, 10576

II. Project Site Information

5. Project/Site Name: WHITE & VERNON HOUSE CONSTRUCTION
6. Street Address: HORSEPOUND ROAD
7. City/State/Zip: KENT KY 10512

III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information

8. SWPPP Reviewed by:
9. Title/Position:
10. Date Final SWPPP Reviewed and Accepted:

IV. Regulated MS4 Information

11. Name of MS4:
12. MS4 SPDES Permit Identification Number: NYR20A
13. Contact Person:
14. Street Address:
15. City/State/Zip:
16. Telephone Number:

MS4 SWPPP Acceptance Form - continued**V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative**

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

VI. Additional Information



Cornerstone Associates

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

February 9, 2023

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Realbuto Application
49 Tiger Trail East
Section 21.8 Block 1 Lot 39
Town of Kent, New York

Please be advised that the following materials were reviewed with respect to the above referenced application:

- Memorandum entitled; "Soil Sampling Protocol: Realbuto 49 Tiger Trail East TM 21.8-1-39" executed by John Karell, Jr PE originally dated 11.3022 with most recent revision date 12/19/22, 2 pages.
- Report entitled; "Technical Report Prepared for Karell Engineering Client Project ID: Realbuto Tiger Trail #49" prepared by York Laboratories dated 12/30/22.

Summary:

The applicant was found to have deposited fill on the site which was not previously approved by the Planning Board or tested to determine if contaminants were present. The Board directed this office and the Town Engineer to work with the applicant's engineer and develop a soil testing protocol and recommend remediation if soil contaminants were found the soil samples. The testing protocol was established and is memorialized in the memorandum indicated above.

A site inspection was conducted by the undersigned, the town engineer, the applicant's engineer, the applicant and a member of the Planning Board on December 20, 2022. The soil samples were collected on site by the applicant's engineer in accordance with the protocols and were submitted to a certified laboratory for analysis based on NYSDEC unrestricted residential standards.

Results:

Laboratory analysis found all soil samples with, one exception, to meet unrestricted residential standards. At test hole #5 levels of acetone were found to exceed standards. The fill in this area was found to be very shallow and had been placed in an area of the property in which fill had been previously deposited and tested.

Recommendation:

It is recommended that the shallow area of recently deposited fill located between test hole #4 and #5 as indicated on the approved protocol map be removed down to the elevation of the former fill level. This represents a surface area of approximately 12' x 12'. All soil removed from the site must be accomplished in strict compliance with all applicable NYSDEC, ASTM and Board of Health standards. Written certification of compliance must be submitted to the Town of Kent Building Inspector's office by the applicant's engineer upon completion.

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, Registered Soil Scientist
Town of Kent Environmental Consultant



Cornerstone Associates

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

February 9, 2023

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Planning Consultant

Re: Marriott Application
189 Mooney Hill Road
Section 12 Block 3 Lot 3

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

1. Comment response memos prepared by Abdulazeez Yusuf or Hudson Engineering dated 12/15/22, 5 total pages.
2. Short-form EAF (rev-Part I) prepared by Hudson Engineering dated 12/14/22.
3. As-built map of the septic system, 1 page.
4. Report entitled "Stormwater Management Plan and Drainage Analysis" prepared by Hudson Engineering dated 12/15/22 (rev.).
5. Plan entitled; "Proposed Alterations and Additions to 189 Mooney Hill Road" prepared by Hudson Engineering dated 12/08/22, 2 sheets: C-1, C-2.
6. Architectural Plans entitled; "Addition and Renovation Marriott Residence" prepared by Dimovski Architects dated 10/18/22, SP-1, A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9

A: Summary of Application:

Application is to construct a one-story addition, three-car garage, driveway, patio (total area of 5,355 square feet) and construct stormwater management structures to an existing single-family residence. The total proposed land disturbance is 18,339 square feet.

The subject property is 3.93+/- acres and is located on the westerly side of Mooney Hill Road in the R-80 zoning district.

B: Planning Board Permits Required:

Steep slope/erosion and sediment control permit

C: Zoning:

The applicant has a zoning bulk table indicating compliance with zoning requirements.

D: SEQRA:

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

E: Environmental Review:

Wetlands:

A site inspection was conducted by this office. There are no wetland or wetland buffer areas within the proposed limits of disturbance and a wetland permit is not required for the proposed action. .

Trees:

One tree is proposed to be cut.

Soils, Steep Slopes and Rock Outcrop:

Construction proposed in areas of steep slopes (greater than 15%). An erosion and sediment control plan has been provided.

Land Disturbance:

The applicant proposes to disturb 18,339 square feet (0.42+/- acres).

Flood Plain:

Not in flood plain as per EAF.

Cultural Resources:

None indicated in EAF.

Threatened or Endangered Species:

None indicated in EAF.

Well and Septic System: Architectural plans should be reviewed by the town building inspector to determine the adequacy of the existing septic system

F: Other:

- Please provide a copy of the deed.
- Please provide conformation from the Town Building Inspector/Putnam County Department of Health regarding the bedroom count and septic system adequacy.

This office defers to the Town Engineer regarding review of the SWPPP/erosion and sediment control plan. Further comments will be provided based on the site inspection

and applicant response to comments.

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

Sincerely,



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

February 9, 2023

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Planning Consultant

Re: Friel/Pure Application
Gipsy Trail Road
Section 21 Block 1 Lot 27

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

1. Comment response letters executed by Jason Snyder of Badey and Watson dated, 12/22/22, 8 total pages.
2. Erosion and Sediment Control estimate prepared by Margaret McManus dated 12/22/22.
3. Architectural Plans prepared by Rayex dated 12/22/22, 2 sheets.
4. Plans entitled; "Plans prepared for Alison Friel and Samuel Pure" prepared by Badey and Watson dated 12/22/22 (rev.), 3 sheets.

A: Summary of Application:

Application is to construct a 4,500 square foot, five bedroom, single-family residence, well and septic system and a driveway on a 47.8+/- acre parcel. The total proposed disturbance is 0.99+/- acres. The subject property is located in the R-80 zoning district.

.B: Planning Board Permits Required:

Steep slope/erosion and sediment control permit

C: Zoning:

Applicant indicates that the proposed action is in compliance with zoning requirements

D: SEQRA:

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

E: Environmental Review:

Wetlands:

The applicant does not propose to disturb Town of Kent jurisdictional wetland or wetland buffer areas. A loose stone wall is proposed to mark the wetland buffer in the field. It is recommended that prior to construction, the indicated limits of disturbance be marked in the field by orange construction fencing as located by a NYS Licensed Land Surveyor. .

Trees:

A tree survey has not been provided. The applicant has requested a waiver of requirements which was granted by the Planning Board at the December 2022 meeting.

Soils, Steep Slopes and Rock Outcrop:

A soils map has been provided. The soils are predominately Chatfield series. The applicant shas indicated that rock ripping and/or hammering will be required but blasting is not anticipated.

Given the substantial areas of rock on the site, it is recommended that the applicant should determine the anticipated duration (days) of rock removal necessary to construct the home (full basement/slab).

Well and Septic System: Amended well and septic system approvals from the Putnam County Department of Health are pending.

F: Other:

- Indicate the duration of rock removal (days).
- Provide PCDOH approvals (well and septic systems).

This office defers to the Town Engineer regarding review of the SWPPP/erosion and sediment control plan. 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,



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

February 9, 2023

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Flintlock Storage Application
1030 NYS Route 22
Section 12.18 Block 1 Lot 14
Town of Kent, New York

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

1. Comment response memo executed by John Watson of Insite Engineering dated 12/15/22, 5 pages.
2. Report entitled; "Stormwater Pollution Prevention Plan for Flintlock Storage" prepared by Insite Engineering dated 10/20/22
3. Wetland Buffer Monitoring and Maintenance Plan prepared by Insite Engineering dated 10/20/22, 4 pages.
4. Statement of Use prepared by Insite Engineering dated 11/2/22 (rev), 1 page. .
5. Document entitled; "Easement Agreement," unsigned/undated.
6. Document entitled; "Sidewalk Easement Agreement," unsigned/undated.
7. Letter from Lina Balaj dated 07/12/22, 1 page.
8. Plans entitled; "Flintlock Storage;" prepared by Insite Engineering dated 12/15/22 (rev.), 8 sheets: EX-1, SP-1, SP-2, SP-3, SS-1, LP-1, D-1, D-2.

Summary of Application:

The subject application is to construct four, two-story self-storage buildings (8,200 SF total footprint) and one, two-story office/maintenance building (760 SF footprint), an outdoor storage area, a subsurface septic tank and water well systems, stormwater management practices, detention basin, conveyance treatment measures, lighting, and landscaping on a 1.67 +/- acre site located on the easterly side of Route 52 in a C (Commercial) zone.

A: Environmental Review:

Wetlands: The applicant has provided a wetland mitigation planting plan and a long-term monitoring and maintenance plan.

The applicant has modified the design of the outside storage area to capture and treat stormwater from this area prior to discharge to the wetlands.

The applicant has provided an Opinion of Probable Cost for Mitigation Landscaping and an Opinion of Cost for Site Landscaping. This office finds these probable costs to be reasonable and it is recommended that the Planning Board accept these probable costs.

and indicate that the bonds shall be released after a three-year period measured from the date of issuance of the certificate of occupancy when it is verified by the Town that at least 80% of the planted species are viable.

Threatened and Endangered Species: The applicant has provided a plan noted indicating that tree cutting on the site shall be conducted only between October 31 and March 31.

B: Review Comments:

The application is incomplete. We offer the following comments:

The applicant has provided should provide a Statement of Use document:

The Planning Board may request that the design of the outdoor storage area demonstrate the maximum of vehicle or other storage in the area.

Approval from the Putnam County Department of Health (PCDOH) for the use of a septic tank only on the site is pending. If a leaching area is required, it should be located outside the wetland and wetland buffer.

Please indicate if the proposed pipe discharge from Route 52 may be modified to a stabilized open channel to reduce pollutant impacts to the wetland area.

The access easement agreement to the site is pending.

This office defers to the Town Planning Consultant regarding planning issues.

This office defers to the Planning Board Engineer regarding stormwater (SWPPP) and engineering issues.

The applicant is encouraged to provide annotated responses to this review memo. Upon receipt of additional information further review will be conducted. 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, S-PWS
Town of Kent Environmental Consultant



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

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

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

Memorandum

To:	Planning Board Town of Kent	Attn:	Hugo German Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Erosion Control Plan -- Field Observation Visit
Date:	January 31, 2023	Project:	Realbuto 49 Tiger Trail East TM # 21.8-1-39

A field observation visit was made to the above-described project site on December 20, 2022. Present during the course of this visit were the Owner, Jack Karell, P.E., his engineer, Planning Board Member (now Chairman) Hugo German, Town Environmental Consultant Bruce Barber and John V. Andrews, Jr., P.E., engineer to the Planning Board. The purpose of this site visit was to observe current site conditions and to witness the taking of soil samples from fill placed on the site without prior approvals. For a discussion and the results of the soil samples please see the January 19, 2023 letter from Bruce Barber.

A prior site visit was made to this same site back in October with Bruce Barber and the Building Inspector Bill Walters as a result of complaints received by the Building Dept. and as part of an enforcement action by the Building Inspector. The site was substantially out of compliance at that time, was in a state of disarray, none of the approved erosion and sediment control measures were implemented properly or completely.

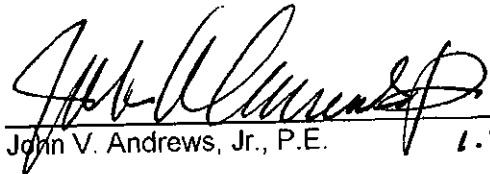
The site has been improved and is in general compliance with measures identified on the approved plan set. The site is a work in process, only portions of the house foundation and some of the site improvements have been completed to date. There are clearly variations in the as built condition from the approved plan set.

The owner described in limited detail his plans for development of the lot. Based on his description, the completed work will likely result in even more variations between the approved plan set and the final as built conditions. The changes contemplated are more than just simple field changes to correct for differences in condition.

Per Town Code Section 66.6.K(7) - "No changes, modifications, or alterations in the location or configuration of proposed structures or improvements are permitted after approval of the plan without the prior approval of the Town Planning Board. Prior to undertaking any change, modification, alteration, or deviation from the approved plan, the applicant shall submit to the Planning Board a revised plan showing the proposed changes, which shall then determine whether the proposed changes are substantial or minor, and whether the changes should be subject to a public hearing on the permit modification"

Memorandum
Realbuto ECP – Field Observation Visit
TM # 21.8-1-39
January 31, 2023
Page 2 of 2

We recommend that the Planning Board require the applicant to develop an amended site plan and return to the Planning Board for consideration of a reapproval. The revised site plan shall incorporate an interim as built plan complete with updated elevations which accurately depicts what has been constructed to date and detail the proposed improvements desired by the Owner.


John V. Andrews, Jr., P.E. 1.31.2023

cc: Planning Board via email
Bill Walters via email

Bruce Barber via email
17-261-999-154



Memorandum-DRAFT

To: Planning Board
Town of Kent

Attn: Hugo German
Chairman

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

Subject: Erosion Control Plan – **2nd Revised Submittal**

Date: January 27, 2023,

Project: Friel & Pure Residence
TM # 21.-1-27

The following materials were reviewed:

- Letter to Town of Kent Planning Board -Steep Slope & Erosion Control Permit from Badey & Watson Surveying & Engineering, P.C. dated December 22, 2022.
- Erosion Control Bond Estimate, prepared by Badey & Watson Surveying & Engineering, P.C. dated December 22, 2022
- Sheet 1 of 3, Stormwater Pollution Prevention Plan (Full) Grading Drainage Utilities and Driveway Profile, Steep Slope & Erosion Control Permit-Friel & Pure, prepared by Badey & Watson, Surveying & Engineering, P.C. dated November 22, 2021 last revised December 22, 2022, scale 1" =30'.
- Sheet 2 of 3, Stormwater Pollution Prevention Plan (Full) Erosion & Sediment Control Plan, Steep Slope & Erosion Control Permit- Friel & Pure, prepared by Badey & Watson, Surveying & Engineering, P.C. dated November 22, 2021 last revised December 22, 2022, scale 1" =30'.
- Sheet 3 of 3, Stormwater Pollution Prevention Plan (Full) Construction Details & Notations-Steep Slope & Erosion Control Permit -Friel & Pure, prepared by Badey & Watson, Surveying & Engineering, P.C. dated November 22, 2021 last revised December 22, 2022, scale 1" =30'

The project proposes the construction of single-family residence including a driveway, individual well and onsite wastewater disposal system.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration based on our December 2, 2021, and December 7, 2022, memoranda. Comments from those memoranda not included herein have been satisfactorily resolved. New or supplementary comments are shown in **bold**.

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.
3. The Combined Application indicates that a waiver from the preparation of an updated boundary survey is sought. We take no exception to the justification provided and recommend that the

Planning Board grant the requested waiver. *[Comment continues – Minutes suggest that the Planning Board did not make a final determination.]* **[Waiver granted at December 8, 2022, Planning Board meeting]**

5. We defer to the Planning Board's environmental consultant regarding wetland issues.
7. §66-6. B.6 – Provide "copies of all applications, permits and approvals required by any other local, state or federal agency associated with the construction and site work/disturbance proposed by the applicant." Putnam County Health Department approval is required for the onsite well and the onsite wastewater treatment system. The cover letter states that such systems have been approved. Written confirmation of that approval is required. *[Putnam County Health Dept. approval previously granted. Response letter indicates that a revised approval is necessary to address plan changes involving wetlands, and house, tankage, driveway and well locations. Written evidence of the amended approval is required.]* **[Can be considered condition of approval. Final Plans will not be signed by the Chairman without the amended approval.]**
10. Provide a draft eNotice of Intent (eNOI) for review. **[Resolved. Changes in the NOI are possible until the Final SWPPP is accepted.]**
11. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed. **[Form provided. The MS4 Acceptance Form will be signed and returned for filing once the ECP and SWPPP have been fully accepted]**
12. Refer to the Drawings:
 - d. The driveway appears to be proposed a gravel along its entire length as indicated by the legend. It should be clearly labelled on both the plan and profile as gravel. The limits of the paved apron should also be indicated on both the plan and profile. *[Paved portions indicated. The paved portion that extends out from the garage and encompasses the 15% driveway section should be extended such that the paving begins at the low point of the vertical curve that incorporates the transition to the 15% driveway slope section (at/about Sta 5+50. See also driveway comments below.)* **[Paved portion extended as requested. See also driveway comment below.]**
13. An erosion control bond estimate in amount of \$10,550.00 was prepared by Badey & Watson Surveying and Engineering, P.C. and incorporated into Sheet 1 of 2. We take no position on the estimate as submitted. We do not have a recommendation on the bond amount at this time as additional information is required. Future estimates will need to accommodate the infiltration system and other drainage elements reflected on the plan set. We respectfully request that the Estimate be removed from the Plan sheet and submitted as standard letter size/company letterhead sheet. *[The estimate has been removed from the plan set and submitted as a separate sheet. A DRAFT revised erosion control bond estimate in the amount of \$9,803.00 was prepared by Badey & Watson Surveying & Engineering P.C. We reviewed the estimate and take no exception to the proposed amount. A final estimate, signed by Badey & Watson should be submitted.]* **[A final bond estimate signed by Badey& Watson has been submitted. We recommend this bond estimate in the amount of \$9803.00 be accepted by the Planning Board as the bond amount and recommended for approval to the Town Board.]**
14. 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. **[Comment continues]**

15. Per §66-6. F, the public hearing can be waived as this is a minor project for an addition to a single-family house. We defer to the pleasure of the Planning Board in this regard. The Application in its current form is not ready for the scheduling of a public hearing should the Board chose to conduct a public hearing. *[The current form of the Application is acceptable for scheduling a public hearing should the Planning Board decide to hold a hearing.]* **[The public hearing is scheduled for the next regular Planning Board Meeting. Provided there are no substantive issues raised, we recommend the remaining project review be referred to the Planning Board consultants to be handled administratively after granting the waiver required below and pending acceptance of the bond amount and referral to the Town Board.]**
16. Provide a written response with future submittals stating how the comments have been addressed.
17. *The driveway now incorporates a section of 15% grade. The Planning Board may grant a waiver for a driveway slope of up to 15% upon a showing by the applicant of practical difficulty in meeting the standards. The Board shall seek the input of the Town Highway Superintendent and Fire Department in such cases. The applicant must request the waiver and provide information clearly demonstrating practical difficulty.* **[A formal waiver request was incorporated in the response letter. We take no exception to the request. The justification is somewhat lacking. Provided that there are no issues raised by the Fire District and/or the Highway Superintendent we take no exception to the Planning Board granting the waiver.]**
18. *The driveway intersection with Gipsy Trail Road has been adjusted to reflect the pole location previously noted. Please see the attached photograph. The current location still results in a somewhat awkward, but feasible, right turn out. It appears that placing the driveway north of the pole might result in a better turning motion and perhaps reduce the necessary cut. This is offered as a suggestion and not a requirement.* **[It appears that the driveway will remain as submitted. No exception taken. We hope that the engineer for the applicant considered the adjustment.]**

DRAFT

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

Attachment

cc: Planning Board via email
Bill Walters via email
21-261-999-178

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: jandrews@rsaengrs.com

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

Memorandum

To:	Planning Board Town of Kent	Attn:	Hugo German Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Erosion Control Plan – Completeness
Date:	January 27, 2023	Project:	White-Vernon Residence TM # 33.-1-58.2

The following materials were reviewed:

- Stormwater Pollution Prevention Plan-Horsepound Road, dated December 1, 2021, last revised November 10, 2022, **UNSIGNED/UNSEALED**
- Drawing S-1 - Site Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised December 16, 2022, scale 1" =30'.
- Drawing S-2 – Overall Site Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale 1" =100'.
- Drawing S-3 Alternative Driveway Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale 1" =30'.
- Drawing D-1 – Details- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale - As Shown.
- Drawing P-1 – Profiles- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale - As Shown.
- Drawing EC-1 – Erosion Control & Steep Slope Details/Notes -Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 27, 2021, last revised August 10, 2022, scale - As Shown. **SIGNED BY THE OWNERS ON 01.11.2023.**

The project proposes the construction of single-family residence including a driveway, individual well and onsite wastewater disposal system.

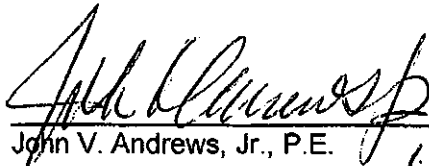
The subject Erosion and Sediment Control Plan is approved, subject to the following comments:

1. Engineering comments have been satisfied. Prior to the release of signed plans, the licensed professional responsible for its preparation shall sign, seal and date the final written SWPPP assembled with all attachments and fully complete. **Final signed plans will not be released without a signed and sealed COMPLETE SWPPP**
2. Driveway construction shall utilize the alternative route as shown on Sheet S-3- Alternative Driveway Plan unless or until a revised easement instrument is negotiated with the adjacent owner to allow the driveway to remain and be completed in its existing location.
3. A Wetland Permit is required for alternate utility route. A copy of that permit is attached hereto. The Wetland Permit has been signed.

Memorandum
White-Vernon ECP – Completeness
TM # 33.-1-58.2
January 27, 2023
Page 2 of 2

4. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule. This fee may have already been paid. The comment remains as a reminder only.
5. If not already done, prior to the Planning Board Chairman's signature on plans, all Planning Board costs and fees including the erosion control bond, initial inspection fee deposit and all professional review fees incurred during the review and approval of the application must be paid in full.
6. Vera Patterson, Planning Board Clerk should verify that there are sufficient copies of the final drawings in the Planning Office for the Chairman's signature. Multiple submittals have been made over time on this project. The drawings listed above represent the final set. We received them via mail from Vera Patterson, Planning Board Clerk on January 24, 2023.
7. The project requires coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001. A signed MS4 SWPPP Acceptance Form is attached. The Owner/Applicant shall forward a copy of the NYSDEC Letter of acknowledgement of the Notice of Intent upon its receipt.

We trust the comments contained herein are satisfactory for your purposes. If we can be of additional assistance, please advise.


John V. Andrews, Jr., P.E. 1.27.2023

Attachment – Wetland Permit
MS4 SWPPP Acceptance Form

cc: Planning Board via email
Bill Walters via email
21-261-999-177

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: info@rsaengrs.com

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

**TOWN OF KENT
WETLAND, WATER BODY, WATERCOURSE PERMIT**

- Owner/Applicant:** Madeline White & Tristan Vernon
16 Colonel Sheldon Drive, Poundridge, NY 10576
- Location:** White/Vernon Residence, Horsepound Road and Nichols Street
Tax Map No. 33-1-58. The site is located on the northerly side of Nichols Street, with access to the site via an easement from the easterly side of Horsepound Road.
- Project Description:** The activity involves the construction of new single-family house on a vacant lot with a new driveway, well and onsite wastewater treatment system. Access to the house site is via an existing right-of-way that does not permit installation of utilities into the site. Utilities are available off Nichols Street. Bringing utilities in from Nichols Street involves disturbing the 100-foot controlled area associated with a Town regulated wetland and watercourse. To minimize such disturbance, the Building Inspector is willing to allow utility poles with overhead lines.

Documents reviewed:

- Stormwater Pollution Prevention Plan-Horsepound Road, dated December 1, 2021, last revised November 10, 2022.
- Short Environmental Assessment Form-White House Construction dated November 10, 2022.
- Drawing S-1 - Site Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised December 16, 2022, scale 1" = 30'.
- Drawing S-2 - Overall Site Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale 1" = 100'.
- Drawing S-3 Alternative Driveway Plan- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale 1" = 30'.
- Drawing D-1 - Details- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale - As Shown.
- Drawing P-1 - Profiles- Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 26, 2021, last revised November 8, 2022, scale - As Shown.
- Drawing EC-1 - Erosion Control & Steep Slope Details/Notes - Madeline White & Tristan Vernon, prepared by John Karell, Jr. P.E. dated October 27, 2021, last revised August 10, 2022, scale - As Shown **SIGNED BY THE OWNERS ON 01.11.2023.**

Findings

1. Under the State Environmental Quality Review Act (SEQR), this project has been determined to be a Type II Action and therefore is not subject to further procedures under this law.
2. A portion of the subject parcel in the vicinity of its frontage on Nichols Road is encumbered by the 100-foot controlled area of Town of Kent regulated water body. The main house site and the access off Horsepound Road are away from and well outside any Town controlled water body or buffer area.
3. No work is proposed within the locally regulated water body. All proposed regulated activities occur within the 100-foot controlled area.

4. The application was referred to the Town's Consulting Wetlands Inspector who verified the location of the Town regulated water body.
5. Adequate soil erosion and sediment control measures are proposed to protect against damage by erosion during construction. An erosion and sediment control only Stormwater Pollution Prevention Plan (SWPPP) has been developed in accordance with Chapter 66 of the Town Code and NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-0-15-002.
6. The proposed regulated activity is consistent with the policy of Chapter 39A, Freshwater Wetlands.
7. The proposed regulated activity is consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
8. The proposed regulated activity is compatible with the public health and welfare.
9. There is no practicable alternative for the proposed regulated activity. The access easement on Horsepound Road does not include the rights for utility installation, merely ingress and egress. There is no other practicable alternative to bring utilities into the proposed house site other than from the owned access out to Nichols Road. The Owner/Applicant is continuing negotiations with the adjacent landowner to allow for the expansion of the easement to accommodate utilities. If successful, the alternate overhead route from Nichols will not be used and this wetland permit will not be necessary.
10. The proposed regulated activity minimizes the degradation to the wetland regulated area.
11. The proposed activities are in compliance with the standards set forth in the New York State Freshwater Wetlands Regulations, 6 NYCRR 665.7(e) and (g) as demonstrated in paragraphs 8 through 10, above.

Permit

By the authority granted in Chapter 39A, § 39A-7.D.(4), and § 39A-8.D, a Wetlands Disturbance Permit is hereby issued, subject to the following:

- A. All activities authorized by this permit shall be in strict conformance with the plans submitted by the applicant. Such plans were prepared by John Karell, Jr., PE, last revised November 8, 2022.
- B. All activities authorized by this permit shall be in strict conformance with the Stormwater Pollution Prevention Plan (SWPPP) submitted by the applicant and under terms and conditions of New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No GP-0-15-002. Such SWPPP was prepared by John Karell, Jr., PE, with required information in the SWPPP dated LAST revised November 10, 2022 and the drawing set, last revised December 16, 2022, signed by the Owners on 01.11.2023.
- C. The poles will be installed by means of a track mounted auger along the edge of 100 controlled area with minimal tree removal. All temporary erosion controls must be installed prior to the commencement of any land disturbance. All exposed soils shall be immediately raked smooth and seeded with a native seed mix. The erosion control bond will not be released until the Town confirms that all disturbed areas have been stabilized.
- D. The approving authority, or its designated agent, may inspect the premises in question from time to time. The approving authority shall suspend or revoke a permit if it finds that the applicant has not complied with one or more of the conditions or limitations set forth in this permit or has exceeded the scope of the permitted activity. An immediate stop-work order may be issued by the Town of Kent Code Enforcement Officer where in his/her reasonable judgment, additional damage may be done to the wetland, water body, watercourse, or regulated area. (§ 39A-9A)

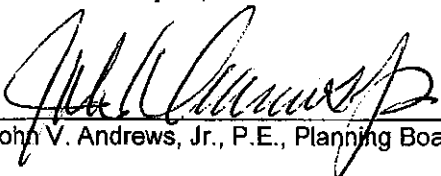
- E. Within 10 days after completion of all work allowed under this permit the applicant shall notify the approval authority of such completion. Within 30 days of such notification, the Town Engineer and Town Consulting Wetland Inspector shall inspect the work for compliance with all conditions of this permit. (§ 39A-9B)
- F. When all work allowed under this permit is deemed acceptable, the Town Engineer shall issue a certificate of completion. (§ 39A-9C)
- G. This permit shall be valid for as long as the steep slope and erosion control permit is valid. (§ 39A-9D) The steep slope and erosion control permit shall expire on the earlier of the completion of the work specified or one year from the date the permit is issued. (§ 66-6K (4))
- H. A copy of this permit shall, prior to the exercise of any rights granted under this permit, be posted in a conspicuous location on the parcel to which this permit is applicable in a manner such that the permit shall be visible from the roadway directly accessing said parcel. (§ 39A-9E)

This permit is subject to the following special conditions as set forth in Town Code (§ 39A-11 and 12):

- A. Inspections: The Town Consulting Wetlands Inspector, the approval authority, the Town Engineer and any other expert retained or delegated by the Town may enter upon land or waters for the purpose of inspection to determine compliance with this permit and for the purpose of undertaking any investigation, examination, survey or other activity necessary for the purpose of this permit.
- B. Enforcement: This permit shall be enforced by the Town of Kent Code Enforcement Officer.
 - i. Any person, firm, corporation or entity found violating any provision of this permit or conditions imposed by an approval authority upon an approved permit shall be served with a written notice by the Town of Kent Code Enforcement Officer. This notice shall state the nature of the violation and shall provide a specified time within which the violation shall cease, and satisfactory corrective action be taken by the violator.
 - ii. The Town of Kent Code Enforcement Officer shall also be authorized to issue and serve appearance tickets to violators of this permit.
- C. Penalties for Offense: Any person who violates, disobeys or disregards any provision of this permit shall be subject to civil and criminal penalties.

This permit shall take effect upon the signing of the drawing set by the Chairman of the Planning Board for the steep slope and erosion control permit and wetland disturbance permit or the signing of this permit by the approval authority, whichever is later.

Date: January 27, 2023


John V. Andrews, Jr., P.E., Planning Board Engineer

cc: Planning Board
Building Inspector
Bruce Barber, Wetlands Inspector
John Karell, Jr., P.E.
22-261-199-177

1.27.2023



New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form
for

Construction Activities Seeking Authorization Under SPDES General Permit

*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information

1. Owner/Operator Name: **MADLINE WHITE & TRISTAN VERNON**
2. Contact Person: **MADLINE WHITE**
3. Street Address: **16 COLONEL SHELDON DRIVE**
4. City/State/Zip: **POUNDRIE, NY, 10576**

II. Project Site Information

5. Project/Site Name: **WHITE & VERNON HOUSE CONSTRUCTION**
6. Street Address: **HORSEPOUND ROAD**
7. City/State/Zip: **KENT KY 10512**

III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information

8. SWPPP Reviewed by: **John V. Andrews, Jr., P.E.**
9. Title/Position: **Town of Kent Planning Board Engineer**
10. Date Final SWPPP Reviewed and Accepted: **January 27, 2023**

IV. Regulated MS4 Information

11. Name of MS4: **Town of Kent**
12. MS4 SPDES Permit Identification Number: **NYR20A 346**
13. Contact Person: **William Walters, Building Inspector**
14. Street Address: **25 Sybil's Crossing**
15. City/State/Zip: **Kent Lakes, NY 10512**
16. Telephone Number: **845-225-3900**

(NYS DEC - MS4 SWPPP Acceptance Form - January 2010)

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name: John V. Andrews, Jr., P.E.

Title/Position: Town of Kent Planning Board Engineer

Signature:  1.27.2023

Date: 01-27-2023

VI. Additional Information

TM# 33.-1-58.2

ADOPTED
Town of Kent Planning Board
Resolution of Re-Approval of An Amended Site Plan
Amended Steep Slope and Erosion Control Permit
and Amended Freshwater Wetland Permit

RESOLUTION OF RE-APPROVAL –
December 8, 2022

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

Whereas, a letter from Patterson Crossing LLC's, the Applicant's Engineer, Jeffrey Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated November 17, 2022, was submitted on behalf of the Applicant, Paul Camarda, CRI, requesting extension of the April 14, 2022 for two ninety-day (2 90-day) extensions of the reapproval of the Amended Site Plan Approval citing the continuing effect of uncertainties about the economy related to financial investments and funding for large construction projects, however, the Planning Board must instead consider reapproval of the Amended Site Plan Approval; and

Whereas, the request was submitted well in advance of the expiration of the prior two ninety-day (2 90-day) extensions on January 4, 2023, noting the regular Planning Board meeting on January 5, 2023 would have been a day past the expiration date; and the Planning Board is mindful of the considerable investment made by the applicant, the corresponding time and energy spent by the Town in its review of the project, and the need to maintain the project's approvals, so the Planning Board is considering the reapproval in advance of the pending expiration of prior extensions;

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, 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 extension of the January 9, 2020 Re-Approvals; and

Whereas, pursuant to §77-60 and §77-61 of the Town Code, on November 12, 2020, the Planning Board granted 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

Whereas, a letter from the Applicant's Engineer, Jeffrey Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated April 15, 2021, was submitted on behalf of the Applicant, Paul Camarda, CRI, requesting reapproval of the Amended Site Plan Approval that was extended on November 12, 2020 citing the continuing effect of uncertainties related to COVID-19 on financial investments and funding for large construction projects; and

Whereas, the request was submitted well in advance of the expiration of the prior extensions on July 8, 2021; and the Planning Board is mindful of the considerable investment made by the applicant, the corresponding time and energy spent by the Town in its review of the project, and the need to maintain the project's approvals, so the Planning Board is considering the reapproval in advance of the pending expiration of prior extensions;

Whereas, as noted above, a letter from the Applicant's Engineer, Jeffrey Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated March 30, 2022, was submitted on behalf of the Applicant, Paul Camarda, CRI, requesting extension of the May 13, 2021 reapproval, for two ninety-day (2 90-day) extensions of the reapproval of the Amended Site Plan Approval citing the continuing effect of uncertainties about the economy related to financial investments and funding for large construction projects; and

Whereas, as noted above, the extension request was submitted well in advance of the expiration of the prior extensions on July 8, 2022; and the Planning Board is mindful of the considerable investment made by the applicant, the corresponding time and energy spent by the Town in its review of the project, and the need to maintain the project's approvals, so the Planning Board is considering the reapproval in advance of the pending expiration of prior extensions;

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, extended on November 12, 2020, re-approved on May 13, 2021, and extended on April 14, 2022 from the July 8, 2022 expiration date, the Planning Board hereby waives a Public Hearing on the application for 2 90-day extensions of the 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, the Planning Board hereby grants re-approval with conditions of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein and pursuant to the Code of the Town of Kent Chapter 77 Zoning, Article XVII, Sections 77-60 and 77-61;

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 re-approval with conditions 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 re-approval with conditions of the Freshwater Wetland Permit for the regulated activities as described herein; and

Be It Further Resolved, that the Planning Board had granted the above-described Amended Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit extensions of re-approvals with conditions, effective and running forward from July 8, 2021, so that any future expiration would occur one year from July 8, 2021, noting the previous two 90-day extensions granted on November 12, 2020;

Be It Further Resolved, that pursuant to §77-60 and §77-61 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 accordingly, the reapprovals with conditions granted on May 13, 2021, herein would have expired unless construction had started no later than July 8, 2022 and been completed no later than July 8, 2023; and

Be It Further Resolved, the Amended Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit re-approvals granted herein, are subject to the following procedural conditions:

1. Prior to the expiration date of the first 90-day extension, the Applicant and/or their Representatives shall return to the Planning Board at a regularly scheduled meeting and by means of written documentation demonstrate and substantiate good faith progress in satisfying any remaining conditions of approval; and
2. The Planning Board, in its discretion, retains the right to rescind the second 90-day extension in the event the Applicant has made unsuitable progress or fails to demonstrate, in the opinion of the Planning Board, a good faith effort to advance the project; 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.*
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- 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: Jackie Beshar

Second: Hugo German

Phil Tolmach, Chairman

Aye

Hugo, Vice Chairman

Aye

Simon Carey

Aye

Giancarlo Gattucci

Absent

Jacky Beshar

Aye

Sabrina Cruz

Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board on **December 8, 2022** at a regular meeting of the Board.

Vera Patterson
Vera Patterson, Clerk
Town of Kent Planning Board

ATTACHMENTS:

- Adopted Certified April 14, 2022 Planning Board Extension of Re-Approval
- Adopted Certified May 13, 2021 Planning Board Re-Approval
- Adopted Certified November 12, 2020 Planning Board Extension of Re-Approval
- 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.