

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

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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 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.

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.

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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 windws 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. Bartber 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.

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

- To declare the proposed application to be an Unlisted Action under SEQRA in addition, it 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

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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.

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-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.



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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.

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.

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• **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.

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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.

- **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 Cassese, 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. Cassese 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.

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

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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.

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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.

- |                      |                         |               |
|----------------------|-------------------------|---------------|
| • 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.

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

This project was already discussed.

- |                          |                 |               |
|--------------------------|-----------------|---------------|
| • 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

- |                                      |              |               |
|--------------------------------------|--------------|---------------|
| • Holly Property                     | Concept Plan | Status Report |
| Winkler’s Farm Ct Property, Kent, NY |              |               |
| TM: 33.16-1-8                        |              |               |

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.

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- NYCDEP & Seven Hills                      Lot Line Adjustment                      Status Report  
Lake Property Owners Assn  
(SHLPOA), Kent, NY  
TM: 66.-1-43.1 & 20.11-1-3 (NYC)  
& 66.-1-43.2 (SHLPOA)

Final maps need to be submitted.

- Kent Manor                                      Site Plan                                      Status Report  
Nichols Rd., Kent, NY  
TM: 33.-1-79

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

- Rute 52 Development/                      SEQRA                                      Status Report  
Kent Country Square  
Route 52, Kent, NY  
TM: 12.-1-52

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.

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





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

- |   |  |               |
|---|--|---------------|
| • Raneri Property<br>Hillside Paper Rd., Kent,, NY<br>TM: 44.24-1-3   | Erosion Control Plan<br>Public Hearing                       | Status Report |
| • Patterson Crossing<br>Route 311, Kent, NY<br>TM: 22.-2-48   | Update   | Status Report |
| • Guylazaca/Mayet<br>24 Sol Dr., Kent, NY<br>TM: 33.17-1-48   | Erosion Control Plan<br>Alteration/<br>2 Car Garage Addition | Status Report |
| • Old 17 LLC<br>Old Horsepound Road, Kent, NY<br>TM: 12.-1-38 & 42  | Site Plan/Time Extension/<br>New Owner                       | Status Report |
| • White _Vernon Property<br>Horsepound Rd., Kent, NY<br>TM: 33.-1-58.2  | Erosion Control  | Status Report |
| • Holly Property<br>Winkler's Farm Ct Property, Kent, NY<br>TM: 33.16-1-8   | Concept Plan   | Status Report |
| • NYCDEP & Seven Hills<br>Lake Property Owners Assn<br>(SHLPOA), Kent, NY<br>TM: 66.-1-43.1 & 20.11-1-3 (NYC) & 66.-1-43.2 (SHLPOA) | Lot Line Adjustment  | Status Report |
| • Kent Manor<br>Nichols Rd., Kent, NY<br>TM: 33.-1-79   | Site Plan  | Status Report |
| • Route 52 Development/<br>Kent Country Square<br>Route 52, Kent, NY<br>TM: 12.-1-52  | SEQRA  | Status Report |
| • Town of Kent Excavation Law   |  | Status Report |