

Approved: February 2, 2023

**TOWN OF KENT PLANNING BOARD  
DECEMBER 8, 2022  
FINAL ADOPTED MINUTES**

The Planning Board held their December 8, 2022 meeting at the Kent Town Hall.

Following the Pledge of Allegiance, Mr. Phil Tolmach, 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:**

Phil Tolmach, Chairman	Sabrina Cruz
Jacky Beshar, Alternate Member	Hugo German
Simon Carey	

**Absent:**

Giancarlo Gattucci	Chris Ruthven, Planning Board Liaison
Bill Walters, Building Inspector	

**Others in Attendance:**

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

• **Approve Kent Planning Board Minutes from the November 10, 2022 meeting**

Mr. Tolmach asked the Planning Board members if they had read the Minutes from the November 10, 2022 meeting. The Board members stated that they had reviewed the October minutes. Mr. Tolmach asked for a motion to approve the Planning Board minutes from the November 10, 2022 meeting. Ms. Beshar made the motion to accept the November minutes and Mr. German seconded the motion. Following were the roll call votes:

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

The motion carried.

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• **Raneri Property, Hillside Paper Rd., Kent, NY TM: 44.2-1-3**

This property was the subject of a Public Hearing for an Erosion Control Plan for a single-family residence.

Mr. John Karell and Mr. Bradley represented the applicant. Mr. Karell advised the Planning Board that he had met with the consultants via a Zoom meeting and the plans were revised due to advice given by the consultants. Mr. Karell hopes that this project may be moved to an administrative track if there are no comments from the public at the end of this meeting.

Mr. Andrews' Comments (no memo attached)

Mr. Andrews confirmed that he and Mr. Barber had participated on a Zoom call with Mr. Karell and that most outstanding issues had been addressed. Provided there are no substantive comments at the end of the meeting, he agreed that, although there were still some items, which needed to be addressed, if the Planning Board agreed this project could be moved to an administrative track. No memo was issued because the response to comments was submitted on November 12, 2022. A bond estimate and agreement needs to be submitted in the near future.

Mr. Barber's Comments (No memo attached)

Mr. Barber noted that environmental issues were discussed wetland creation to mitigate for some filling of wetlands will be addressed and a wetlands maintenance inspection plan will be established. Contaminated soil will be mitigated in the future. Mr. Barber agreed with Mr. Andrews' opinion that if there were no more comments from the public that this project could be moved to an administrative track.

Ms. Axelson's Comments

Ms. Axelson did make some comments and agreed that this could be moved to an administrative track. She also noted that the Planning Board Attorney, Mr. Battistoni, had sent a memo on 11/3/22, which she referred to in her memo.

Mr. Tolmach asked for a motion to open the Public Hearing. The motion was made by Ms. Beshar and seconded by Mr. Carey. Following were the roll call votes:

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

The motion carried.

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Mt. Tolmach asked if anyone in the audience wished to be heard and there was no response from the public. Mr. Tolmach asked for a motion to close the Public Hearing. The motion was made by Mr. German and seconded by Ms. Cruz. Following were the roll call votes:

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

The motion carried.

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

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

The motion carried.

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

Ms. Jamie LoGuidice represented the applicants for this project and was seeking re-approval extensions and stated that nothing has changed regarding this project.

Ms. Axelson's Comments (Resolution attached)

Ms. Axelson said that she had prepared a Draft Resolution of Approval for this project. Two 90-day extensions were granted previously, which will expire on January 4, 2023, which means that the extension needs to be granted at this meeting. Ms. Axelson recommended that the Planning Board grant the Extension of Re-approval with conditions. One condition of approval is that the applicant has one year from this meeting (December 12, 2022) to have all conditions addressed, plans signed and begin construction for site approval unless the economy is still not going well. In that case, another extension would be requested. The next round two 90-day extensions would need to be granted and then a re-approval would be necessary. Ms. Axelson said she thought she had circulated her Resolution, but the Board members did not recall having received it. Ms. Axelson read the Resolution to the Planning Board.

Ms. Beshar suggested that, in the future, Ms. Axelson send a summary of the Resolution or the actual document prior to the meeting. Ms. Axelson said she understood and would do this in the future.

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Mr. Tolmach asked for a motion to adopt the draft Resolution with conditions. The motion was made by Mr. German and seconded by Ms. Beshar. Following were the roll call votes:

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

The motion carried.

Mr. Camarda, the Patterson Crossing applicant, thanked the Planning Board for their consideration and wished everyone happy holidays.

- **Guylazaca/Mayet, 24 Sol Dr., Kent, NY; TM: TM: 33.17-1-48**

Mr. Oscar represented the applicant, Mr. Guylazaca and the architect. Mr. Mayet, who submitted plans for an existing single-family house with a two-car garage addition, which was constructed earlier this year. Plans were submitted for a proposed driveway change which will increase the impervious surface by 1,341 square feet (a disturbance of 4,169 square and slopes greater than 50 percent). They are proposing a existing of feet to mitigate runoff. The average slope will be 15.7 per cent.

Mr. Barber;s Comments (Memo Attached)

Mr. Barber said confirmed the statistics stated above and confirmed that there are some steep slopes on the property and that he and Mr. Andrews planned a site visit. Mr. Barber stated that there are some wetlands adjacent to the site, which has a wetlands easement which is collecting water from the road area and bringing it to the wetlands area behind the property. Mr. Barber said that the Building Inspector, Mr. Walters, confirmed that there are no zoning variances required. The following items need to be submitted: a short-form EAF, full plan sheet, copy of the property survey and deed, setback zoning lines need to be shown on the plans, there is a rock outcropping on the property so details pertaining to whether or not blasting will need to be done, erosion control updates, details regarding construction entrances/exits and and overflow structures for the stormwater.

Mr. Andrews' Comments (Memo Attached)

Mr. Andrews echoed Mr. Barber's comments. Mr. Andrews said that this project came before the Planning Board because it was the subject of an enforcement action from the Building Inspector because much of the work was done without permits. The Building Inspector has issued a Building Permit limited to 5' outside of the Building so no site work can be done outside of the building. The property has an existing well which needs to be shown on the plans and sub-surface disposal system. Mr. Andrews told the Planning Board that the applicant had an existing driveway, which they no longer use, and constructed a new one. The house was vacant for a while, so Mr. Andrews wasn't sure what the condition of the well and disposal system were. The garage was constructed on the opposite side of the house. A driveway profile needs to be submitted and details as to whether or not improvements need to be made to it. Mr. Andrews recommended that no action be taken by the Planning Board until more details are submitted and concerns raised by him and Mr. Barber are addressed. As mentioned previously, a site visit will be scheduled before the January meeting. Mr. Carey asked if a plan for the existing conditions of the property prior to the construction done earlier this year. The applicant said that he had not submitted a plan showing what the property looked like prior to the changes made. However, the survey should show that when it is submitted in January. Ms. Beshar asked Messrs. Andrews and Barber if they could let her know when the site visit was scheduled because she would like to go with them and they said that they would let her know.

- **George & Sally Marriott Property, 189 Mooney Hill Rd., Kent, NY1 TM: 12.-3-3**

Mr. Dan Collins, of Hudson Engineering, represented the applicant. Mr. Collins advised the Planning Board that this property consisted of a one-story ranch style house and there are no wetlands on the site. Mr. Collins said that he had received comments from the consultants, which he would address in the next submittal. No changes to the existing septic system will be necessary, a driveway and a patio.

Mr. Barber's Comments (memo attached)

Mr. Barber said that this project involved construction of a one-story addition to a single-family 3-bedroom residence, a three-car garage, driveway and a patio. The total area of the proposed footprint is 5,355 square feet; land disturbance will be 18,339 square feet (a little less than ½ an acre). There will be stormwater management structures on the property. The site is 3.09 acres in an R-80 district. An Erosion Control Permit is required, but Mr. Barber will not know if a wetland permit is required until he and Mr. Andrews visit the site. Mr. Barber requested the following items: A Bulk-Zoning Table, a full plan sheet, architectural elevations and footprints, a copy of the deed, a grading plan, and setback lines need to be shown on plans.

Mr. Andrews' Comments (memo attached)

Mr. Andrews said that a driveway profile needs to be submitted and there are deficiencies in the SEAF. He could not find the existing well on the plans submitted. An Erosion Control Permit will be required, but because this property is in the East of Hudson Waterway this project will need coverage under the SPDES permit. No action from the Planning Board was necessary at this meeting. A new submittal is expected in January.

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

Ms. Margaret McManus, of Badey and Watson, was the engineer for this project and represented the applicants. This was a second submittal for this project. Ms. McManus made modifications to plans. The house is setback from the wetland buffer. A two-foot wall will be installed at the edge of the buffer near the structure. The driveway was modified and a waiver of 15 percent grade is needed for the portion near the garage. A tree waiver was requested. The applicant does not want to provide a new survey because there is an existing sub-division map and all of the improvements are to be done far away from the property lines and at the completion of the project an as-built plan will need to be submitted and a new survey would be submitted at that time. A blasting permit will not be required and documentation relating to this will be submitted.

Mr. Andrews' Comments (memo attached)

Mr. Andrews advised the Planning Board that his original memo had been addressed and recommended that the survey waiver should be granted because there is a well-defined sub-division plat. A revised Board of Health approval needs to be submitted. The applicant relocated the house away from the wetlands, as advised by the Consultants, which made it necessary to modify the driveway and part of the driveway is now 15 percent grade and a waiver is requested and it should be forwarded to the Highway Superintendent and Kent Fire Department. For comments. Mr. Andrews suggested that the applicant should consider installing the driveway on the north side of a utility pole rather than the south side in order to square it up. The Tree Waiver should be granted because many trees were removed during a timber harvest done previously.

Mr. Barber's Comments (memo attached)

Mr. Barber said that there is a lot of rock and he needs to see architectural plans to show that blasting will not be done on the site. He was happy about the wall being installed near the wetlands. Ms. McManus said that the wall would go from two to six feet on the downhill side because of the grading so the applicant will need to go to the Building Department for a Building Permit. Documentation regarding blasting is necessary. Due to logging on property Mr. Barber also felt the tree waiver should be granted and a Public Hearing be scheduled in January.

Mr. Tolmach asked for a motion to grant the tree waiver. The motion was made by Ms. Beshar and seconded by Mr. German. Following were the roll call votes:

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

The motion carried.

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Mr. Tolmach asked for a motion to waive the need for a boundary survey. The motion was made by Mr. German and seconded by Mr. Carey. Following were the roll call votes:

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

The motion carried.

Mr. Tolmach asked for a motion to schedule a Public Hearing for the January meeting. The motion was made by Mr. Carey and seconded by Mr. German. Following were the roll call votes:

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

The motion carried.

- **Einy Property, 3210 Rte 301, Kent, NY; TM: 43.-2-30**

The applicant for this project withdrew his application, per the advice of the consultants. The Planning Board needed to pass a motion to refund the application fee of \$500.00 and review/escrow after any fees incurred for services rendered are processed.

Mr. Tolmach asked for a motion to refund the application fee and escrow after any invoices for services rendered are processed. The motion was made by Ms. Beshar and seconded by Mr. German. Following were the roll call votes:

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

The motion carried.

**Patterson Crossing Resolution**

Ms. Axelson advised the Planning Board that, due to the fact that the Patterson Crossing Resolution was not reviewed properly at this meeting, she wanted to re-affirm the Resolution to be adopted as prepared and put some things in the record to be redone. Following was her statement:

“Now therefore let it be resolved that the Planning Board hereby affirms its September 9, 2010 findings statement for the Patterson Crossing retail development. Be it further resolved that the project has not materialized or changed from the one approved January 12, 2017, reapproved in November 2017, January 9, 2020 extended November 12, 2020, reapproved May 13, 2021, and extended on April 14, 2022 from the July 8, 2022 expiration date. The Board waives the Public Hearing for the reapproval of an Amended Site Plan, Amended Erosion Control and Steep Slope permit, amended Freshwater Wetland Permit applications. Be it further Resolved the Planning Board hereby re-affirms the assertions of the November 9, 2017 reapproval that the application meets the requirements of Chapters 39A Freshwater Wetlands, 66 Steep Slope Protection and 77 Zoning. Be it further resolved that the Planning Board hereby grant approval with conditions of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein pursuant to Chapter 77 of the Town Code. Be it further resolved that, pursuant to Chapter 66- 6 of the Town Code, the Planning Board waives the maximum slope requirements of Chapter 66-6 to allow maximum slopes of 50 percent, as may be approved by the Planning Board’s professional engineer and grants reapproval with conditions of the Steep Slopes and Erosion Control Permit for the project as described herein. Be it further resolved that, pursuant to Chapter 39-A(7D-1), the Planning Board grants reapproval with conditions of of the Freshwater Wetlands Permit for the regulated activities described herein. Be it further resolved that the Planning Board had granted the above described Amended Site Plan, Steep Slope and Erosion Control and Freshwater Wetland Permit extensions of reapprovals 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, pursuant to the Zoning section of the Town Code, Site Plan Approval shall be void if construction has not begun within one year of the date of Planning Board approval and completed within two years of the date of approval and is allowed two 90-day extensions, which would have expired unless construction had started no later than July 8, 2022 and been completed no later than July 8, 2023. Be it further resolved the Amended Site Plan, Steep Slope and Erosion Control and Freshwater Wetland Permit reapprovals granted herein are subject to the following procedural conditions: they can come back for two 90-day extensions with a check-in in the middle. Be it further resolved that Amended Site Plan, Steep Slope and Erosion Control and Freshwater Wetland Permit reapprovals granted herein are expressly conditioned on completion and compliance with the following 18 conditions noted previously. Ms. Axelson asked the Board to pass a motion adopting this Resolution.



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Mr. Tolmach asked for a motion to adopt the Resolution as read by Ms. Axelson. The motion was passed by Ms. Beshar and seconded by Mr. German. Following were the roll call votes:

Philip Tolmach, Chairman	Aye
Jacky Beshar, Alternate	Aye
Simon Carey	Aye
Sabrina Cruz	Aye
Giancarlo Gattucci	Absent
Hugo German	Aye

The motion carried.

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

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

This property was sold and there are new owners, who have contacted the Planning Board regarding a smooth transition of their application in order to prevent expiration of the prior approvals. They have an appointment with the consultants at the next Monthly Review meeting.

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|--|--|---------------|
| <ul style="list-style-type: none"> <li>Flintlock Storage<br/>1030 Route 52, Kent, NY<br/>TM: 12.18-1-14</li> </ul> | Erosion Control/Wetland Permit/<br>Site Plan | Status Report |
|--|--|---------------|

The applicants are working on a response to previous comments from the consultants. Mr. Andrews said that the applicant listened to the Planning Board's recommendation to get a letter from the Board of Health. Mr. Andrews has been in contact with the Planning Board's Attorney, Mr. Battistoni, and he is formulating an opinion as to what it will take as a condition in the absence of an official easement. It will be incorporated into the Resolution of Approval. Mr. Andrews spoke to the DOT and their position was that as long as the pipe is disconnected and terminated from their culvert, which crosses Route 52, and there is a defined section of open ditch between the end of their culvert and a pipe on site they are good and they do not want any easements. Mr. Andrews has emails verifying what Mr. Andrews stated at the meeting, but Insite Engineering is working on getting something official from the DOT. The DOT asked that the pipe be terminated 19' from the white line.

Ms. Axelson said that the applicants have made some progress on Planning and Zoning comments, which should be addressed in a new submittal.

- Annunziata/Smalley Corners Erosion Control Status Report  
Smalley Corners Rd., Kent, NY  
TM: 21.-1-1

Mr. Andrews advised the Planning Board that he had been in contact with Mr. Karell earlier in the day of the meeting. Due to an oversight on Mr. Karell's part, he neglected to send a response to comments, but would deliver it on Monday. This project is now on an administrative track.

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|---|-----------------|---------------|
| <ul style="list-style-type: none"> <li>White_Vernon Property<br/>Horsepound Rd., Kent, NY<br/>TM: 33.-1-58.2</li> </ul> | Erosion Control | Status Report |
|---|-----------------|---------------|

We are waiting for the applicant to submit their Erosion Control bond.

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



Ms. Axelson said that the applicant is finished, but we are waiting for the map to be attached to the Stipulation

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

Mr. Barber reminded the Planning Board that this had been discussed previously and how to bring this project into compliance. Some soils were brought to the site without following procedure, which may need to be removed. The Planning Board authorized Messrs. Andrews and Barber to work with Mr. Karell as to how to develop a reasonable plan to inspect the soil using DEC standards and they did contact Mr. Karell. However, Mr. Karell resubmitted the same documents submitted previously. Messrs. Andrews and Barber will be meeting with Mr. Karell at the site on December 20<sup>th</sup>.

- 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)

Mr., Andrews said, “the ball is in the applicants’ court” regarding this project. Comments were given to the applicants previously and they have not responded to date. A final plat also needs to be submitted.

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

Mr. Andrews said he did not have any updates pertaining to this project.

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

Ms. Axelson said that Mr. Caruso, the applicants' attorney (is with Cuddy and Feder), contacted Supervisor McGlasson and requested a meeting to discuss a change to the project to include the possibility of a logistics center. The tentative date of January 4, 2023 was not good so they asked to set up the meeting on January 10, 2023. The meeting would involve the Town Supervisor, the Deputy Supervisor, the Consultants and some of the Planning Board members. Ms. Beshar asked that the meeting be a Zoom meeting because she was not available. Mr. Andrews and Ms. Patterson said that it was not appropriate to ask the Supervisor to make this a Zoom call.

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- Town of Kent Mining Law

Status Report

There was nothing new pertaining to the Mining Law.

Mr. Tolmach asked for a motion to close the meeting at 9:15 PM. The motion was made by Ms. Beshar and seconded by Mr. German. Following were the roll call votes:

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

The motion carried.

Respectfully Submitted,



Vera Patterson  
Planning Board Secretary

cc: Planning Board Members  
Building Inspector  
Town Clerk



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- |  |                     |               |
|--|---------------------|---------------|
| • 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 |
| • Realbuto Property<br>49 Tiger Trail, Kent, NY<br>TM: 21.8-1-39   | Erosion Control     | Update        |
| • NYCDEP & Seven Hills<br>Lake Property Owners Assn (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 Mining Law  |                     | Status Report |



# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

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

Subject: Erosion Control Plan

Date: December 6, 2022

Project: 189 Mooney Hill Road  
TM # 12.-3-3

The following materials were reviewed:

- Memorandum from Town of Kent Planning Department-G. Marriott Property dated November 17, 2022.
- Town of Kent Planning Board- Site Plan Checklist-189 Mooney Hill Road.
- Town of Kent Planning Board-Combined Application Form-189 Mooney Hill Road dated November 16, 2022.
- Affidavit to be Completed by Owner.
- Affidavit to be Completed by Agent of Owner.
- Certification of Professional Engineer/Licensed Land Surveyor/Architect.
- Town of Kent-Request for Wetland Delineation Confirmation-189 Mooney Hill Road.
- Short Environmental Assessment Form-189 Mooney Hill Road dated November 16, 2022.
- Stormwater Management Plan and Drainage Analysis-189 Mooney Hill Road prepared by Hudson Engineering & Consulting dated November 3, 2022.
- Drawing C-1- Stormwater Management and Erosion & Sediment Control Plan-189 Mooney Hill Road-prepared by Hudson Engineering & Consulting, dated November 3, 2022, scale 1" =30'.
- Drawing C-2- Details-189 Mooney Hill Road-prepared by Hudson Engineering & Consulting, dated November 3, 2022, scale N.T.S.
- Survey of Property-189 Mooney Hill Road prepared by Link Land surveyors P.C., dated June 15, 2021, scale 1" =40'.

The project proposes construction of an addition to an existing single-family house with a patio, detached 3-car garage, driveway modifications and stormwater management facilities. The existing house appears to be served by an existing subsurface sewage disposal system and well. It is not known whether there are any changes required or proposed for either. It is unclear whether Putnam County Health Department approval is required.

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

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. Proposed disturbance is 8660 SF. 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.
2. We defer to the Planning Board's environmental consultant regarding wetland issues.
3. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - a. §66-6.B.2.c – Provide "proposed final contours at a maximum contour interval of two feet, locations of proposed structures, underground improvements, proposed surface materials or treatment, and dimensional details of proposed erosion and sediment facilities, as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversion and other similar structures." Final contours are noted in the legend but are not indicated on the plan.
  - b. §66-6.B.2.e – Provide "a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map." A soils report is referenced in the written SWPPP but is not incorporated.
  - c. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"
    - i. [4] Provide dimensional details of proposed erosion and sedimentation facilities as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversions and other similar structures. Concrete washout location and detail required.
    - ii. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
    - iii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
    - iv. [7] Provide a maintenance schedule for erosion control measures.
4. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."
5. Provide an erosion and sediment control only SWPPP in accordance with GP-0-20-001. Provide required information from Part III.B.1 including:

- a. Part III.B.1.c – “A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);”
- b. Part III.B.1.d – “A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;”
- c. Part III.B.1.e – “A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;”
- d. Part III.B.1.h – “The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;”
- e. Part III.B.1.i – “A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;”
- f. Part III.B.1.j – “A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;”
- g. Part III.B.1.l – “Identification of any elements of the design that are not in conformance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.”
- h. The Applicant and Applicant’s design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP.
- i. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
- j. Please note – With issuance of NYSDEC General Permit GP-0-15-002 and continuing in GP-0-20-001, per Part I.B.1.b ‘Soil Stabilization’ “In areas where soil disturbance activity has temporarily or permanently ceased...” and “...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization*



*measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased...* (emphasis added). This should be added as a note to the plan set.

6. SWPPP – GP-0-20-001 Part 1.F.8 - Provide documentation that the project complies with the requirements for historic or archeological sensitive locations.
7. Provide a Notice of Intent (NOI) for review.
8. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
9. The SEAF should be revised as follows:
  - a. Item 3.b should be filled in
  - b. Item 10 should be completed – See also the requirement to show the existing well location.
10. Refer to the Drawings:
  - a. Provide a profile of the revised driveway, demonstrating compliance with Town requirements.
  - b. Under the "Steep Slope and Erosion Control Notes," Item A.1 should read 5000 SF not 1 acre and Item C, replace "GP-02-01" with the current "GP-0-20-001."
  - c. Identify and label the location of the existing well.
11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
12. 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.
13. Provide a written response with future submittals stating how the comments have been addressed.

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

12.7.2022

cc: Planning Board via email  
Bill Walters via email  
22-261-999-181

Bruce Barber via email  
Liz Axelson via email



## Cornerstone Associates

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*Environmental Planning Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

December 8, 2022

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Planning Consultant

**Re: Guylazaca Application**

24 Sol Drive

Section 33.17 Block 1 Lot 48

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

1. Town of Kent Planning Board Application executed by Daniel Mayet, RA dated 10/26/22.
2. Plan entitled; "Single Family Residence Alteration-24 Sol Drive, Lake Carmel, New York" prepared by New York Architect Designers dated 08/25/22, 5 sheets: T-001.00, A-001.00, A-002.00, T-002.00, A-003.00.

### **A: Summary of Application:**

Application is to construct an attached two-car garage (480 square feet) to an existing single-family residence. The total proposed land disturbance is indicated as 4,169 square feet in areas of slopes greater than 15%.

The subject property is 0.93+/- acres and is located on the westerly side of Sol Drive in the R-40 zoning district.

### **B: Planning Board Permits Required:**

Steep slope/erosion and sediment control permit

Wetland permit (to be determined).

### **C: Zoning:**

The applicant has indicated that variances from the Zoning Board of Appeals are not required. Conformation from the Building Inspector is required.

### **D: SEQRA:**

The applicant has not provided a short-form Environmental Assessment form. The proposed action is a Type II action.

### **E: Environmental Review:**

#### Wetlands:

The above referenced plans indicate a wetland area (Wetland Area D) immediately adjacent to the subject property. A site inspection will be conducted to determine if a town wetland permit is required for the proposed action.

#### Trees:

The applicant has not indicated trees that are proposed to be cut. The site is located within the US Fish and Wildlife bat recovery zone which mandates that trees may only be cut between November 1 and March 31 of the following year unless a variance is first obtained.

Soils, Steep Slopes and Rock Outcrop:

Soils/rock outcrop information has not been provided. Construction is proposed in areas of steep slopes (15%+).

Land Disturbance:

The applicant proposes to disturb 0.10+/- acres (4,169 square feet) of land. Calculations regarding cut and fill have not been provided.

Flood Plain:

Information not provided.

Cultural Resources:

Information not provided.

Threatened or Endangered Species:

Information not provided.

Well and Septic System: Applicant is requested to provide as-built septic and well plans. Floor plans should be reviewed by the town building inspector (second floor storage room appears as potential bedroom) to determine the adequacy of the existing septic system

F: Other:

- Please provide a full-size plan set for review.
- Please provide a copy of the property survey.
- Please provide a copy of the deed.
- Provide zoning set back lines/boundaries on the site plan sheet.
- Indicate areas of rock outcropping (if any) and indicate if blasting or rock chipping will be required.
- Please indicate erosion controls around all proposed stockpiles and provide a stabilized construction entrance. Provide grading plan.
- Please indicate overflow location of stormwater structure and footing drains (as applicable).
- Please provide site specific soil testing in the area of the proposed stormwater infiltration structure.
- Please indicate current driveway location and sight distances for proposed driveway. Please indicate how driveway runoff to the road will be addressed.
- Provide cut and fill calculations.
- Please indicate the number and location of trees greater than 6" dbh that will be cut.
- Please provide short-form EAF.
- Alterations are not clear. Please clearly indicate proposed changes.

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

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*Environmental Planning Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

December 8, 2022

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Planning Consultant

**Re: Guylazaca Application**  
24 Sol Drive  
Section 33.17 Block 1 Lot 48

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

1. Town of Kent Planning Board Application executed by Daniel Mayet, RA dated 10/26/22.
2. Plan entitled; "Single Family Residence Alteration-24 Sol Drive, Lake Carmel, New York" prepared by New York Architect Designers dated 08/25/22, 5 sheets: T-001.00, A-001.00, A-002.00, T-002.00, A-003.00.

**A: Summary of Application:**

Application is to construct an attached two-car garage (480 square feet) to an existing single-family residence. The total proposed land disturbance is indicated as 4,169 square feet in areas of slopes greater than 15%.

The subject property is 0.93+/- acres and is located on the westerly side of Sol Drive in the R-40 zoning district.

**B: Planning Board Permits Required:**

Steep slope/erosion and sediment control permit  
Wetland permit (to be determined).

**C: Zoning:**

The applicant has indicated that variances from the Zoning Board of Appeals are not required. Conformation from the Building Inspector is required.

**D: SEQRA:**

The applicant has not provided a short-form Environmental Assessment form. The proposed action is a Type II action.

**E: Environmental Review:**

Wetlands:

The above referenced plans indicate a wetland area (Wetland Area D) immediately adjacent to the subject property. A site inspection will be conducted to determine if a town wetland permit is required for the proposed action.

Trees:

The applicant has not indicated trees that are proposed to be cut. The site is located within the US Fish and Wildlife bat recovery zone which mandates that trees may only be cut between November 1 and March 31 of the following year unless a variance is first obtained.

Soils, Steep Slopes and Rock Outcrop:

Soils/rock outcrop information has not been provided. Construction is proposed in areas of steep slopes (15%+).

Land Disturbance:

The applicant proposes to disturb 0.10+/- acres (4,169 square feet) of land. Calculations regarding cut and fill have not been provided.

Flood Plain:

Information not provided.

Cultural Resources:

Information not provided.

Threatened or Endangered Species:

Information not provided.

Well and Septic System: Applicant is requested to provide as-built septic and well plans. Floor plans should be reviewed by the town building inspector (second floor storage room appears as potential bedroom) to determine the adequacy of the existing septic system

F: Other:

- Please provide a full-size plan set for review.
- Please provide a copy of the property survey.
- Please provide a copy of the deed.
- Provide zoning set back lines/boundaries on the site plan sheet.
- Indicate areas of rock outcropping (if any) and indicate if blasting or rock chipping will be required.
- Please indicate erosion controls around all proposed stockpiles and provide a stabilized construction entrance. Provide grading plan.
- Please indicate overflow location of stormwater structure and footing drains (as applicable).
- Please provide site specific soil testing in the area of the proposed stormwater infiltration structure.
- Please indicate current driveway location and sight distances for proposed driveway. Please indicate how driveway runoff to the road will be addressed.
- Provide cut and fill calculations.
- Please indicate the number and location of trees greater than 6" dbh that will be cut.
- Please provide short-form EAF.
- Alterations are not clear. Please clearly indicate proposed changes.

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*

December 8, 2022

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. Town of Kent Planning Board Application executed by George U. Marriott dated 11/16/22.
2. Property Survey prepared by Link Land Surveyors dated 06/25/21, 1 page.
3. Short-form EAF (Part I) executed by Michael Stein, PE of Hudson Engineering dated 11/16/22.
4. Report entitled "Stormwater Management Plan and Drainage Analysis" prepared by Hudson Engineering dated 11/3/22.
5. Plan entitled; "Proposed Alterations and Additions to 189 Mooney Hill Road" prepared by Hudson Engineering dated 11/03/22, 2 sheets: C-1, C-2.

### **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  
Wetland permit (to be determined).

### **C: Zoning:**

The applicant has not provided a zoning bulk table and therefore zoning compliance cannot be determined.

### **D: SEQRA:**

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

### **E: Environmental Review:**

#### Wetlands:

The above referenced EAF indicates wetlands are within located within a portion of the subject site. A site inspection will be conducted to determine if a town wetland permit/delineation is required for the proposed action.

#### Trees:

The applicant has not indicated trees that are proposed to be cut. The site is located with the US Fish and Wildlife bat recovery zone which mandates that trees may only be cut between November 1 and March 31 of the following year unless a variance is first obtained.

Soils, Steep Slopes and Rock Outcrop:

Soils/rock outcrop information has not been provided. Construction proposed in areas of steep slopes (greater than 15%).

Land Disturbance:

The applicant proposes to disturb 18,339 square feet (0.42+/- acres). The total area of disturbance should be indicated in the EAF. Calculations regarding cut and fill have not been provided.

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: Applicant is requested to provide as-built septic and well plans. Architectural plans should be reviewed by the town building inspector to determine the adequacy of the existing septic system

F: Other:

- Please provide a full-size plan set (including site and architectural plans) for review.
- Please provide architectural floor plans and elevations (existing and proposed).
- Please provide a copy of the deed.
- Please provide a zoning bulk table and indicate zoning set back lines/boundaries on the site plan sheet.
- Indicate areas of rock outcropping (if any) and indicate if blasting or rock chipping will be required.
- Please provide grading plan.
- Please indicate overflow location of stormwater structure and footing drains (as applicable). Please provide details of indicated rain garden.
- Please indicate current driveway location and sight distances for proposed driveway. Please indicate how driveway runoff to the road will be addressed.
- Provide cut and fill calculations.
- Please indicate the number and location of trees greater than 6" dbh that will be cut.

EAF: Page 1: Brief Description: Please provide greater detail of proposed action.

Page 1: Question 3b: Please provide a response.

Page 2: Question 10: Please provide a response.

Page 3: Question 17: Please indicate "Yes" response.

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



# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

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

Subject: Erosion Control Plan

Date: December 6, 2022

Project: 189 Mooney Hill Road  
TM # 12.-3-3

The following materials were reviewed:

- Memorandum from Town of Kent Planning Department-G. Marriott Property dated November 17, 2022.
- Town of Kent Planning Board- Site Plan Checklist-189 Mooney Hill Road.
- Town of Kent Planning Board-Combined Application Form-189 Mooney Hill Road dated November 16, 2022.
- Affidavit to be Completed by Owner.
- Affidavit to be Completed by Agent of Owner.
- Certification of Professional Engineer/Licensed Land Surveyor/Architect.
- Town of Kent-Request for Wetland Delineation Confirmation-189 Mooney Hill Road.
- Short Environmental Assessment Form-189 Mooney Hill Road dated November 16, 2022.
- Stormwater Management Plan and Drainage Analysis-189 Mooney Hill Road prepared by Hudson Engineering & Consulting dated November 3, 2022.
- Drawing C-1- Stormwater Management and Erosion & Sediment Control Plan-189 Mooney Hill Road-prepared by Hudson Engineering & Consulting, dated November 3, 2022, scale 1" =30'.
- Drawing C-2- Details-189 Mooney Hill Road-prepared by Hudson Engineering & Consulting, dated November 3, 2022, scale N.T.S.
- Survey of Property-189 Mooney Hill Road prepared by Link Land surveyors P.C., dated June 15, 2021, scale 1" =40'.

The project proposes construction of an addition to an existing single-family house with a patio, detached 3-car garage, driveway modifications and stormwater management facilities. The existing house appears to be served by an existing subsurface sewage disposal system and well. It is not known whether there are any changes required or proposed for either. It is unclear whether Putnam County Health Department approval is required.

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

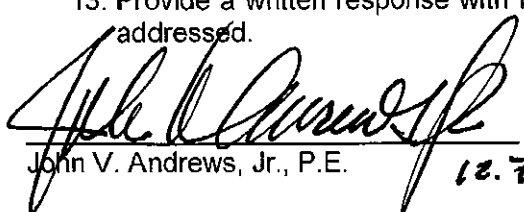


1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. Proposed disturbance is 8660 SF. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001.
2. We defer to the Planning Board's environmental consultant regarding wetland issues.
3. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - a. §66-6.B.2.c – Provide "proposed final contours at a maximum contour interval of two feet, locations of proposed structures, underground improvements, proposed surface materials or treatment, and dimensional details of proposed erosion and sediment facilities, as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversion and other similar structures." Final contours are noted in the legend but are not indicated on the plan.
  - b. §66-6.B.2.e – Provide "a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map." A soils report is referenced in the written SWPPP but is not incorporated.
  - c. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"
    - i. [4] Provide dimensional details of proposed erosion and sedimentation facilities as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversions and other similar structures. Concrete washout location and detail required.
    - ii. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
    - iii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
    - iv. [7] Provide a maintenance schedule for erosion control measures.
4. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."
5. Provide an erosion and sediment control only SWPPP in accordance with GP-0-20-001. Provide required information from Part III.B.1 including:

- a. Part III.B.1.c – “A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);”
- b. Part III.B.1.d – “A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;”
- c. Part III.B.1.e – “A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;”
- d. Part III.B.1.h – “The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;”
- e. Part III.B.1.i – “A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;”
- f. Part III.B.1.j – “A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;”
- g. Part III.B.1.l – “Identification of any elements of the design that are not in conformance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.”
- h. The Applicant and Applicant's design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP.
- i. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
- j. Please note – With issuance of NYSDEC General Permit GP-0-15-002 and continuing in GP-0-20-001, per Part I.B.1.b ‘Soil Stabilization’ “In areas where soil disturbance activity has temporarily or permanently ceased...” and “...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization*

*measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased...*" (emphasis added). This should be added as a note to the plan set.

6. SWPPP – GP-0-20-001 Part 1.F.8 - Provide documentation that the project complies with the requirements for historic or archeological sensitive locations.
7. Provide a Notice of Intent (NOI) for review.
8. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
9. The SEAF should be revised as follows:
  - a. Item 3.b should be filled in
  - b. Item 10 should be completed – See also the requirement to show the existing well location.
10. Refer to the Drawings:
  - a. Provide a profile of the revised driveway, demonstrating compliance with Town requirements.
  - b. Under the "Steep Slope and Erosion Control Notes," Item A.1 should read 5000 SF not 1 acre and Item C, replace "GP-02-01" with the current "GP-0-20-001."
  - c. Identify and label the location of the existing well.
11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
12. 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.
13. Provide a written response with future submittals stating how the comments have been addressed.

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

12. 7. 2022

cc: Planning Board via email  
Bill Walters via email  
22-261-999-181

Bruce Barber via email  
Liz Axelson via email



# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

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

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

Date: December 7, 2022

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 November 17, 2022.
- Town of Kent Affidavit to Be Completed by Owner – Samuel Pure- Steep Slope & Erosion Control.
- Disclosure of Business Interest – Samuel Pure.
- Letter to Town of Kent Planning Board- DRAFT Erosion Control Bond Estimate from Badey & Watson Surveying & Engineering, P.C. dated November 17, 2022.
- Short Environmental Assessment Form - Friel & Pure – Steep Slope & Erosion Control Permit dated November 17, 2022.
- Putnam County Department of Health-Construction Permit for Sewage Treatment System- Friel & Pure, dated April 1, 2021.
- Putnam County Department of Health-Application to Construct a Water Well-Friel & Pure, dated April 1, 2021.
- MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form- Friel & Pure - Steep Slope & Erosion Control Permit.
- 2- CRIS drawings.
- 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 November 17, 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 November 17, 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 November 17, 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, memorandum. Comments from that memorandum 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.
2. The Affidavit to be Completed by Owner needs to be notarized and the heading completed. The Disclosure of Business Interest needs to be completed and signed. **[Resolved]**
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.]**
4. A Short Environmental Assessment Form (SEAF) was provided as part of the Application. The following items need to be expanded or corrected to provide a complete record: **[Resolved]**
  - Item 17 – The YES response should be described.
5. We defer to the Planning Board's environmental consultant regarding wetland issues
6. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - a. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance, and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"
    - i. **[5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant. [Typically the construction sequence includes general durations for each task and the overall project. We understand the response, but we respectfully request relative time frames for the tasks outlined in the sequence and the overall project.]**
  - b. §66-6.B.2.h – Provide "the details of any surface or subsurface drainage systems proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion." Soil testing results in the area of the proposed infiltration system should be provided **[Infiltration eliminated. Soil test data provided. Level spreader added . A detail of the level spreader should be provided.]**
  - c. §66-6.B.2.i – Provide "Any special reports deemed necessary by the Planning Board Engineer to evaluate the application, including but not limited to detailed soils, geologic or hydrologic studies." Sizing calculations should be provided for the infiltration system. **[Infiltration system eliminated – Calculations no longer required.]**

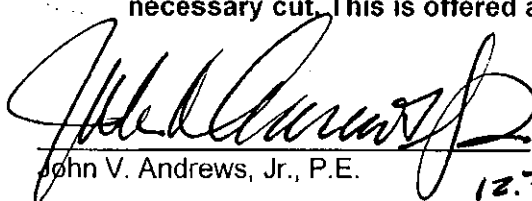
7. §66-6.B.6 – Provide “copies of all applications, permits and approvals required by any other local, state or federal agency associated with the construction and site work/disturbance proposed by the applicant.” Putnam County Health Department approval is required for the onsite well and the onsite 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.]**
8. Provide an erosion and sediment control only SWPPP in accordance with GP-0-20-001. Provide required information from Part III.B.1 including:
  - a. all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s), floodplain/floodway **[resolved]**
  - b. Part III.B.1.d – “A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;” There is a timetable and schedule on the plan. It is rather general and applies only to the erosion control measures. The table is lacking in detail. The section labelled “Completion” is unclear as to its intent. **[See Item 6 herein before above]**
  - c. Part III.B.1.i – “A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;” **[Resolved]**
  - d. Part III.B.1.l – “Identification of any elements of the design that are not in conformance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.” **[Resolved]**
  - e. The Applicant and Applicant’s design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP. These items can be addressed in the form of notes on the plan. **[Plan notes provided – Considered resolved]**
  - f. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities. This can be addressed as a note on the plans. **[Expand note to indicate that copies are required to be submitted.]**
  - g. Please note – With issuance of NYSDEC General Permit GP-0-15-002 and continuing in GP-0-20-001, per Part I.B.1.b ‘Soil Stabilization’ “In areas where soil disturbance activity

has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased..." (emphasis added). **[Resolved]**

9. SWPPP – GP-0-20-001 Part 1.F.8 - Provide documentation that the project complies with the requirements for historic or archeological sensitive locations. **[Resolved]**
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:
  - a. The limits of the stabilized construction entrance should be clearly indicated on the plan. A note should be added addressing the removal of the stabilized entrance and establishment of the driveway when the entrance is no longer required. **[Resolved]**
  - b. There appears to be an existing access (driveway?) in the vicinity of the proposed onsite wastewater treatment system. It is unclear if this access is to be used for construction or otherwise removed. If it is to be used for construction, it should incorporate a stabilized construction entrance and appropriate notes added addressing removal and restoration of the area when the entrance is no longer required. **[Addressed in response letter. No exception taken to response provided.]**
  - c. A portion of the compost filter sock is shown outside the limits of disturbance in the vicinity of the infiltration system. It should be placed inside the limits. **[Infiltration system eliminated. LOD adjusted accordingly. Resolved]**
  - 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.)**
  - e. Given the proximity of house, garage, and driveway to the limits of the wetland buffer, consideration should be given to providing some form of fencing to prevent both erosion and unintended intrusion into the buffer during construction. **[The house garage and driveway locations have been adjusted to increase the distance from the wetland buffer. Specific measures have been incorporated to**
  - f. Provide a location and detail for a concrete washout station. **[Resolved]**
  - g. Under the Steep Slope and Erosion Control Notes," Note C should updated to reflect the current SPDES General Permit, GP-0-20-001. **[Resolved]**
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.]**

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.]**
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.**
18. **The driveway intersection with Gypsy 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.**

  
John V. Andrews, Jr., P.E. 12.7.2022

Attachment

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

Bruce Barber via email  
Liz Axelson via email







## Cornerstone Associates

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

December 8, 2022

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 letter executed by Jason Snyder of Badey and Watson dated, 11/17/22, 4 pages.
2. Copies of well and septic system approvals from the PCDOH dated 04/01/21.
3. Cultural Resource Information System (CRIS) report.
4. Copy of NYSDEC Environmental Resource Mapper map.
5. Copies of NOI and MS4 Acceptance Forms.
6. Erosion and Sediment Control estimate prepared by Jason Snyder dated 11/17/22.
7. Short-form EAF (Part I) executed by Jason Snyder dated 11/17/22.
8. Plans entitled; "Plans prepared for Alison Friel and Samuel Pure" prepared by Badey and Watson dated 11/17/22 (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. This should be confirmed with the Town Building Inspector.

**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.

### Soils, Steep Slopes and Rock Outcrop:

A soils map has been provided. The soils are predominately Chatfield series. The applicant has 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 provide documentation that blasting will not be required. The applicant should provide architectural plans documenting bedroom count and to determine the amount of excavation required to construct the home (full basement, crawlspace, or slab).

### Land Disturbance:

The applicant proposes to disturb 0.99 +/- acres. The Planning Board engineer should review the calculations and feasibility as land disturbance of one acre or more will require a full stormwater pollution prevention plan (SWPPP). This office defers to the Planning Board engineer regarding review of the erosion and sediment control plan and SWPPP.

Well and Septic System: Well and septic system approvals from the Putnam County Department of Health have been obtained.

## **F: Other:**

- Provide architectural plans including proposed floor plans and elevations.
- Indicate total amount of excavation including rock removal. Please document that cut and fill on the site is balanced.
- Please provide documentation to support representation that blasting will not be required.
- The applicant is proposing a maximum height of loose stone walls of six feet. Consultation with the Town Building Inspector is required to determine if engineering analysis is required.
- The applicant has indicated that coir logs will be installed at the limits of disturbance and cut open at the time of completions. Please provide note indicating the logs will be seeded with a native seed mix when cut open to discourage invasive species introduction.
- Please indicate if future logging or substantial tree removal is anticipated on the site.

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

**JOHN KARELL, JR., P.E.**  
**121 CUSHMAN ROAD**  
**PATTERSON, NEW YORK, 12563**  
845-878-7894 FAX 845 878 4939  
[jack4911@yahoo.com](mailto:jack4911@yahoo.com)

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Raneri  
Hillside Road  
Kent (T) TM # 33.18-1-28

**EROSION CONTROL COST ESTIMATE**

ITEM	QUANTITY	COST/UNIT	TOTAL
Silt Fence	600 LF	\$ 4.00	\$2,400.00
Topsoil Stockpile	one (1)	500.00	500.00
Seed and Mulch	31,000 sf	\$0.06	1,860.00
Stabilized Construction Entrance	one (1)	750.00	750.00
Infiltration practices	four (4)	300.00	1,200.00
Swales	400 LF	5	2,000.00
Constructed wetland	one	2,000.00	2,000.00
<b>TOTAL</b>			<b>\$12,710.00</b>

John Karell, Jr., P.E.

July 2, 2019, revised October 16, 2022

## MEMORANDUM

**TO:** Town of Kent Planning Board  
**CC:** Bill Walters  
John Andrews  
Bruce Barber  
**FROM:** Liz Axelson, AICP  
**DATE:** December 7, 2022  
**RE:** Raneri Erosion Control Permit & SWPPP; & Single-Family Lot Development Zoning Requirements, Hillside Paper Road, Tax Parcel No. 33.18-1-28 / CPL# 60094.00

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

### Summary

1. The proposal involves construction of a single-family dwelling on an 9.2-acre site consisting of a single lot (see tax parcel noted above) in the R-10 (One Family Residence) zoning district. The proposed improvements for a single-family lot include a driveway to an "Unimproved Road".
2. The lack of frontage for the lot on which the home is proposed; and the lack of an improved road for access thereto pose problems for the lot development, which are partially addressed. Please refer to the zoning comments below, which detail zoning compliance issues; and recommended potential remedies, some of which have been addressed.

### SEQRA

3. The proposed action appears to be a SEQRA Type 2 action as per Part 617, section 617.5 (c)(11); (16); and (17) as it is the construction of a residential structure and related improvements.
4. Depending on the outcome of legal review of access and "paper street" concerns, a remedy may result in the action being an Unlisted action.

### Single-family Lot Development Zoning Requirements

5. I defer to the Planning Board's Engineering and Environmental Consultants about the specifics of the Erosion Control Permit & SWPPP; soils mapping; and soil testing results and related measures.
6. The Planning Board should continue to consult with the Planning Board's Consulting Attorney about access and frontage concerns as set forth in his memorandum of November 3, 2022 and noted in the code-related comments below. It is noted that a copy of a correction deed document, or parts thereof, was submitted apparently in response to the Planning Board Attorney's comments. Please refer to the comments in the November 3, 2022 letter about the need for recording of a consolidated deed and any items remaining to be addressed that may be considered as conditions of the issuance of any permit.
7. Prior comments described the project site as consisting of 3 tax parcels, which were then proposed to be merged by a lot line revision to make up one 9.2-acre site. The submitted copy of a correction deed



document, or parts thereof, with pages dated November 3, 2020, lists 3 parcels, including 2 smaller lots and a larger, central parcel. Please refer to the maps attached to my October 31, 2022 memorandum, which were based on the Putnam County eParcel mapping platform showing the current and prior tax parcel configurations. It appears that the correction deed described above was intended to result in a merger of the 3 parcels resulting in a single 9.2-acre lot. Address the following:

- a. While parts of the correction deed documents were submitted on or about 6/4/21, they did not include any map or boundary description. Provide a full copy of the correction deed documents.
  - b. The actual current boundary of the resulting single 9.2-acre lot, parcel number 33.18-1-28, should be properly shown on plan sheet S-3 Existing Conditions. Sheet S-3 was not resubmitted. A copy of plan sheet S-3, highlighted to illustrate the correct property boundary, has been provided to the Planning Board and Applicant as an attachment to an email sent on 11/29/22.
  - c. As per prior comments, notation must be added to all plan sheets to describe the deed correction action.
  - d. As per prior comments, notation referring to the 3 former separate parcels should be deleted and/or corrected to refer to the apparently resulting 9.2-acre lot.
  - e. As per prior comments, the plan set must be revised to correct survey references and notes and tax parcel numbers to refer to the apparently resulting 9.2-acre lot.
  - f. While I defer to the Planning Board Attorney, it is my understanding per his 11/3/22 letter, that a consolidated deed should be recorded, for the merger of the 3 former parcels into 1 lot of 9.2-acres. Accordingly, there is no need for a lot line revision map or approval.
  - g. If the above comment is correct, then the plans should be fully revised to eliminate all unnecessary lines and references about "lot lines to be removed" on any of the sheets in the plan set. Sheet S-3 was not resubmitted.
8. Prior comments requested more information about the subject parcel, including of the "filed maps relative to this property". Address the following:
- a. The Planning Board should read the informative October 23, 2019 letter to Robert Bradley from the Town of Kent Highway Superintendent. Consultation between the Planning Board, Town Board and Highway Superintendent about how steps A through D at the end of the Highway Superintendent's letter would be implemented and, specifically, the roles of the Applicant and his representatives; and the role of the Town.
  - b. As noted above, continued consultation with the Planning Board Attorney is recommended.
9. As per prior comments, a zoning table of lot and bulk requirements was added to the plan set corresponding to the R-10 district as set forth in zoning section 77-16, A. through H. Revise sheet S-1 and the Zoning Schedule on sheet D-3 to demonstrate compliance with all of the requirements and proposed conditions as follows:
- a. All labeled yard setbacks should include the total proposed lot area, which resulted from the apparent lot merger.
  - b. While the lot width was correctly labeled on Sheet S-1 per the total width of the merged parcel in the plan view, provide a revised version of Sheet D-3 with an updated Zoning Schedule table.
  - c. The proposal may be in compliance with the requirement for a "buildable lot" as referenced in section 77-16, H.; and the supplementary lot requirement in Article IX, section 77-34.3. Continued consultation with the Planning Board Attorney is recommended regarding the ownership of the unimproved street and jurisdiction over review of any proposed development plan. Please refer to the comment below about access.



- d. Correct Sheet S-1 by updating the “Plan Sheets” list to include Sheet S-4 “Driveway Entrance 20 Scale”.
10. My prior comments noted Zoning section 77-51, Land use and building permits, subsection B.(1) stating no building permit shall be issued for “The construction or alteration of any building upon a lot without access to a street or highway except upon application to and approval by the Board of Appeals, as set forth in section 280-a of the Town Law.” The Applicant and representatives applied to the Town of Kent Zoning Board of Appeals; and obtained approval on July 15, 2019 of a “280A variance”. Revise the note at the bottom of the Zoning Schedule on sheet D3 to read as follows: “The Town of Kent Zoning Board of Appeals granted a variance in accordance with section 280-a of the Town Law on July 15, 2019.”
11. As per prior comments, continuing consultation with the Town Highway Superintendent and guidance from the Planning Board’s Attorney regarding the “paper” streets’ ownership, status and disposition is needed to finalize the development plan for the improvement of the unimproved street, as shown on the plans. I note the following:
  - a. According to Code Chapter 57, Roads and Driveways, the preparation and review of a road plan is needed.
  - b. It is suggested that such a road plan would be limited to portions of Unimproved Sunset Road and Unimproved Hillside Road to where existing roadway improvements are located.
  - c. This may involve review by the Planning Board and Town Board.
12. A clearer note was added to plan sheet S-1 where the proposed asphalt driveway enters onto unimproved Hillside Road. I defer to the Planning Board’s Engineering Consultant about the proposed specifications; and the Planning Board’s Attorney about jurisdiction over any improvements to the unimproved road.
13. Continued consultation with the Planning Board Attorney is needed to finalize the above recommended procedural steps.

#### Recommendation

14. In order to fully clarify ownership, status, and disposition of the existing “paper” streets, I recommend the following steps:
  - a. Direct the Applicant and their representatives to fully confer and respond to the Planning Board’s Attorney’s November 3, 2022 memorandum; and
  - b. Fully update the plan set to reflect the lot merger as noted herein.
15. It is recommended that the Planning Board’s Attorney continue to be consulted about the comments herein.

If you have any questions, please do not hesitate to contact me at my direct line at 845-686-2309, or e-mail at [exelson@CPLteam.com](mailto:exelson@CPLteam.com).

#### Materials Reviewed

- Response letter from John Karell, Jr, PE, dated December 1, 2022;
- Plans (Partial set) entitled Jerry Raneri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, most sheets, revised November 30, 2022, with other revision dates noted below, including the following:
  - o S-1 Site & Erosion Control Plan, revised November 30, 2022;
  - o S-2 Steep Slope Plan, revised November 30, 2022;
  - o S-4 Driveway Entrance, revised November 30, 2022;



- D-1 Health Department Details, revised August 18, 2022; and
- D-2 Erosion Control Details, revised November 30, 2022.

Materials Previously Reviewed for July 7, 2021 Memorandum

- Response letter from John Karell, Jr, PE, dated October 17, 2022;
- Summary of Soils Investigation, from John Karell, Jr, PE, dated October 17, 2022;
- Plans entitled Jerry Raneri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, revised October 18, 2022, including the following:
  - Site & Erosion Control Plan;
  - Steep Slope Plan;
  - Existing Conditions;
  - Driveway Entrance;
  - Health Department Details;
  - Erosion Control Details; and
  - Erosion Control & Steep Slope Notes.

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- Response letter from John Karell, Jr, PE, dated June 8, 2021;
- Copy of Memorandum from Richard Othmer, Town of Kent Highway Department, regarding fill at Hillside Road Spur, dated June 8, 2021;
- Copy of Memorandum from Richard Othmer, Town of Kent Highway Department, regarding legal status of Hillside Road, dated October 23, 2019, with the following attachments:
  - Raneri Sampling Locations map, preparer not indicated, not dated;
  - Copy of design data sheet, preparer not indicated, dated 5/3/18 and 5/4/18;
  - Copy of email from Andy Tse, dated April 2, no year;
  - Letter from Andy Tse, NYS Department of Health, dated August 22, 2019;
- Copy of Putnam County Recording Page for Jerry Raneri, with Grantor/Mortgagor listed as Raneri/Raneri, with attached correction deed page with a date of 03 November 2020, with attached tax forms;
- Response letter from John Karell, PE, dated March 24, 2019;
- Plans entitled Jerry Raneri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, revised as noted below, received June 17, 2021, including the following:
  - Existing Conditions, revised July 4, 2019; and
  - Site & Erosion Control Plan, revised June 5, 2021;
  - Health Department Details, revised June 5, 2021;
  - Erosion Control Details, revised June 5, 2021;
  - Erosion Control & Steep Slope Notes, revised June 5, 2021.
- \*\*\*\*\*
- Email from Planning Board Attorney, dated July 30, 2019, responding to Charbonneau memorandum of July 24, 2019;
- Memorandum from Joseph Charbonneau, Attorney regarding deeds, dated July 24, 2019, with attachments;
- Copy of Zoning Board of Appeals Decision letter of July 15, 2019;
- Submittal letter to Zoning Board of Appeals for 280-a Variance from John Karell, PE, dated July 4, 2019;
- Plan sheet entitled Jerry Raneri, Hillside Road, Site & Erosion Control Plan, prepared by John Karell, Jr., PE, dated December 28, 2017, last revised July 4, 2019 (no other plan sheets were submitted);
- Response letter from John Karell, PE, dated March 24, 2019;
- Plans entitled Jerry Raneri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, revised March 19, 2019, except as noted below, including the following:
  - Site & Erosion Control Plan;
  - Steep Slope Plan;
  - Health Department Details;
  - Erosion Control Details; and
  - Erosion Control & Steep Slope Notes, dated March 10, 2018, revised January 4, 2019.

Materials Previously Reviewed for February 14, 2019 Memorandum

- Response letter from John Karell, PE, dated January 17, 2019;
- Response letter to Bruce Barber from Evan J. Fogle, P.L.S., dated January 21, 2019;
- Response letter from John Karell, P.E., dated January 7, 2019;
- Description of parcel letter from Evan J. Fogle, P.L.S., dated January 7, 2019
- Resolution #100 of 2017 Putnam County Legislature;
- Liber 1487 Page 0360-0364, Putnam County Recording and Endorsement Page, dated October 7, 1999;
- Filed Map number 108a, "Hill & Dale Country Club Inc", dated July 14, 1931;
- Filed Map number 130D, "Fifth Map of Lake Carmel", dated June 2, 1930;
- Filed Map number 130L, "Fourteenth Map of Lake Carmel", dated August 18, 1930;
- Filed Map "Final Subdivision Plat of Gateway Estates", dated March 3, 1974;
- Topographic survey of property, parcels A and B, prepared by Evan J. Fogle, P.L.S., revised January 5, 2019;
- Plans entitled Jerry Raneri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, revised January 4, 2019, except as noted below, including the following:
  - Site & Erosion Control Plan;
  - Steep Slope Plan;
  - Existing Conditions;
  - Health Department Details;
  - Erosion Control Details; and
  - Erosion Control & Steep Slope Notes, dated March 10, 2018, revised January 4, 2019.





Materials Previously Reviewed

- Response letter from John Karell, PE, dated August 30, 2018;
- Letter from Ted Kozlowski, Certified wetland Delineator, dated July 20, 2018;
- Design Data sheet dated May 4, 2018;
- Short EAF Part 1, signed August 30, 2018;
- Letter from the NYSDEC dated August 9, 2018;
- Memorandum from Richard Othmer, Town of Kent Highway Superintendent, dated June 5, 2018;
- Letter from Georgianne Berte, Premier Abstract, LTD, dated August 30, 2018; and
- Plans entitled Jerry Ranieri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, except as noted below, including the following:
  - o Site & Erosion Control Plan, revised August 9, 2018;
  - o Steep Slope Plan;
  - o Existing Conditions;
  - o Health Department Details, revised August 9, 2018;
  - o Erosion Control Details, revised August 9, 2018; and
  - o Erosion Control & Steep Slope Notes, dated March 10, 2018.
- Application for Steep Slope & Erosion, signed 2/13/18 with attached affidavits; certifications; agricultural data statement; and Request for Wetland Delineation Confirmation;
- Stormwater Pollution-Prevention Plan, prepared by John Karell, Jr. PE, dated March 2, 2018 with attached NOI;
- Short EAF, unsigned, dated March 5, 2018;
- Copy of document entitled "Bargain and Sale Deed with Covenant Against Grantor's Acts" apparently executed on or about June 20, 2002;
- Plans entitled Jerry Ranieri, Hillside Road, prepared by John Karell, Jr., PE, dated December 28, 2017, except as noted below, including the following:
  - o Site & Erosion Control Plan;
  - o Steep Slope Plan;
  - o Existing Conditions;
  - o Health Department Details;
  - o Erosion Control Details; and
  - o Erosion Control & Steep Slope Notes, dated March 10, 2018.