

Approved: September 8, 2022

TOWN OF KENT PLANNING BOARD
July 14, 2022
FINAL ADOPTED MINUTES

The Planning Board held their July 14, 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:

Phil Tolmach, Chairman
Dennis Lowes, Vice Chairman
Simon Carey
Sabrina Cruz

Giancarlo Gattucci
Hugo German
Stephen Wilhelm

Jacky Beshar, Alternate

Absent:

Julie Mangarillo, Rohde, Soyka & Andrews/Consultant
Chris Ruthven, Liaison
Bill Walters, Building Inspector

Others in Attendance:

John Andrews, Rohde, Soyka & Andrews
Liz Axelson, Clark, Patterson & Lee, Planner

Bruce Barber, Environmental Consultant

• **Approve Kent Planning Board Minutes from the June 9, 2022 meeting**

Mr. Tolmach asked the Planning Board members if they had read the Minutes from the June 9, 2022 meeting. The Board members stated that they had reviewed the minutes. Mr. Tolmach asked for a motion to approve the Planning Board minutes from the June 9, 2022 meeting. The motion was made by Mr. Lowes and seconded by Mr. Wilhelm. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried..

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

Mr. John Watson, Principal at Insite Engineering, represented the applicants Frank and Christine Vasi, who also attended the meeting. Mr. Watson said that wetlands were not delineated correctly in accordance with the Town of Kent Wetland Codes, so a soil scientist was hired and revised drawings showing the wetland boundaries were submitted along with revised plans and supporting details.

Ms. Axelson's Comments (memo attached)

Ms. Axelson said there may be concerns about hours of operation and that there was no gate, which was fine, but she asked again about the hours of operation. Mr. Wilhelm asked if other storage facilities had specific hours and it was noted that Kent Self Storage were open 2 hours so there was no issue any longer. There was also a question about fencing around the proposed facility. Comment 8.b. pertaining to sidewalks and there was no response to date. Mr. Wilhelm suggested that an easement similar to the one prepared for Kent Self Storage be created and Ms. Axelson agreed that it would be appropriate. Ms. Axelson said that another submittal should be made and that at the next meeting a Public Hearing should be scheduled for the November meeting. A copy of the easement Mr. Battistoni prepared would be sent to Mr. Watson.

Mr. Andrews Comments (memo attached)

Mr. Andrews said that this property derives access from a right-of-way, which should be widened to 24' for the length of the property and pave it. Plans were modified to reflect that. The property owner of the adjoining property had signed a letter saying the applicant may improve the surfaces and it's been submitted to the Planning Board Attorney. A recordable instrument should be created pertaining to this. There were some odd things regarding this property due to previous development on this property. Mr. Andrews said there is a box culvert that crosses Route 52 and the discharge could not be located, but it was found to belong to the property to the north. There is a 24" end pipe and more details need to be provided regarding it. Mr. Andrews suggested that the applicant contact the NYSDOT for more information. Mr. Andrews said that the applicant would need an Erosion Control Permit and a Freshwater Wetland Permit. Mr. Wilhelm asked about signage issues and Mr. Andrews said that would need to be worked out.

Mr Barber's Comments (memo attached)

Mr. Barber asked Mr. Watson show the Board where the final wetland boundaries are. Mr. Watson said a Wetlands consultant had been hired to flag the wetlands on site that were not initially flagged as a wetland, but that was corrected. The original line was along the northern property line along a stream. There is a low area through the center of the property where the wetland soils are. There are now wetlands into the property approximately 50' wide by 80' wide and 100' long. There will now be a substantial encroachment, so buildings were pulled out of the wetlands and are only in the buffer. In order to increase the mitigation. The stormwater basins are larger than they have to be and the buildings will be smaller. The density in the number of plantings will also be increased. Mr. Wilhelm said that Chapter 39A self regulates the Town into a corner because the town code goes far above what the DEP and NYSDEC requires. Mr. Barber said that a NYCDEP watercourse also adjoining the property and impervious surfaces have been removed so a permit is not required from the DEP. Mr. Barber asked Mr. Watson what would preclude having a traditional septic system on the property. Mr. Watson said that the facility would not be manned all the time. Mr. Watson said that a holding tank would be used rather than installing a septic system and the Health Department has been consulted regarding this. An alarm will also be placed on the tank, which would be approximately 1,500 gallon tank. An area is being set aside in the event a septic tank may be installed later. A generator will also be installed. Mr. Barber said that this site has a long history of disturbance and uses and that it is good that this project is being considered. Mr. Barber said that a stormwater practice has been done and he would like the applicants to look at pre and post construction pollutant loading and a stormwater management practice has been designed to meet Chapter 10 of the New York state stormwater design manual. He asked the applicants to look at pre and post-construction loading pollutants to a design at a discharge point and say the pollutant loading is a pre-construction and that by doing everything in the buffer and the stormwater management the pollutant loading will be reduced. The stormwater detention will maintain the hydric soil conditions. There may be a potential with the pipe on the property to do some type of mitigation with it. Some information is pending from the New York State National Heritage. This project will be held over until the October meeting.

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

Mr. Robert Bradley represented the applicants. Mr. Bradley said he received the final Stipulation and the applicant signed it. Mr. Bradley gave it to the Planning Board secretary, who will forward it to the Town of Kent Supervisor for her signature. There will not be sidewalks on this property because they are not necessary.

Mr. Andrews Comments

Mr. Tolmach asked for a motion to authorize him to have the Stipulations forwarded to the Town of Kent Supervisor for her signature and to sign them when they are returned to the Planning Board. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. Following were the roll call votes.

Town of Kent Planning Board Minutes
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Philip Tolmach, Chairman	<u>Aye</u> _____
Dennis Lowes, Vice Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Sabrina Cruz	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Hugo German	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried..

- **Honey Cakes Bakery, 531 Route 52 – Ste. 1, Kent, NY; TM: 33.48-10H**

Ms. Axelson said that she wrote a De-Minimus letter and the applicant did not need to attend the meeting. The sign was approved and no further action was necessary.

- **Bernie's Hidden Treasure, 531 Route 52 – Ste 4, Kent, NY; TM: 33.48-1-6**

Ms. Axelson said that she wrote a De-Minimus letter and the applicant did not need to attend the meeting. The sign was approved and no further action was necessary.

- **Pink Sugar Pastries, Route 52, Ste. 107, Kent, NY; TM: 12.-1-55**

The applicant requested that any remaining funds in the escrow account be refunded. There was one invoice in the amount of \$250.00, which was submitted, processed and deducted from the \$500.00 submitted to the Planning Board. Therefore \$250.00 should be returned to the applicant.

Mr. Tolmach asked for a motion to make a recommendation to the Town Board to have the Finance Department return \$250.00 to the applicant. The motion was made by Mr. Wilhelm and seconded by Ms. Cruz. Following were the roll call votes:

Philip Tolmach, Chairman	<u>Aye</u> _____
Dennis Lowes, Vice Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Sabrina Cruz	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Hugo German	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried..

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

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

A few items still need to be addressed.

- NYCDEP Church Hill Rd.
Forest Management Project
Church Hill Rd., Kent, NY
TM: 12.-1-6 & 12.-1-29.2
Erosion Control Permit/
Status Report

Mr. Andrews said he reviewed the final submittal. The Letter of Assurance needed to be forwarded to the Town Board for them to accept it. When the Town Board accepts the Letter of Assurance, the drawings for this project are ready for signatures. Photographs will need to be submitted later.

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

Mr. Andrews advised the Planning Board that we are waiting for a new submittal for this project. The applicant has been having difficulty with the NYCDEP and the applicant is looking into alternatives to the solar energy planned for this house. They may build the house and rely on a generator. We are waiting for a new submittal as well.

- Kent Self Storage
Route 311, Kent, NY
TM: 22.-2-17
Site Plan Re-approval
Status Report

A reapproval, which expires in one year, was granted and the applicant should be proceeding with this project.

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

We are waiting for clear direction from attorneys.

**Town of Kent Planning Board Minutes
July 14, 2022**

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

The applicant needs to address the 3/24/20 memo before anything else can be done.

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|---|-----------------|---------------|
| • Annunziata/Smalley Corners
Smalley Corners Rd., Kent, NY
TM: 21.-1-11 | Erosion Control | Status Report |
|---|-----------------|---------------|

Waiting for an updated submittal

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

Waiting for an updated submittal.

- | | | |
|--|----------------------------|---------------|
| • Fregosi Marinelli
48 Miller Hill Rd., Carmel, NY
TM: 10.-1-7 | Updated As-Built Site Plan | Status Report |
|--|----------------------------|---------------|

This project has been completed and a site inspection was done. The applicant relocated septic system and moved the house. Stormwater management was modified and improved. Only Board of Health approvals was what held this up. This project may not be closed out because the grass needs to be grown. A CO was issued by the Building Department. Mr. Lowes asked if an As-Built survey was submitted and Mr. Andrews said a partial one was submitted, but an updated one needs to be submitted.

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

Nothing new – waiting for a re-submittal.

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|---------------------------|---------------|
| • Town of Kent Mining Law | Status Report |
|---------------------------|---------------|

Mr. Andrews said that there had been a conference call and that this project had advanced and is near completion.

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Mr. Tolmach asked for a motion to close the meeting at 9:00 PM. The motion was made by Mr. Carey and seconded by Mr. Gattucci. Following were the roll call votes.

Philip Tolmach, Chairman	<u>Aye</u>
Dennis Lowes, Vice Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Sabrina Cruz	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Hugo German	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

JULY 2022
KENT PLANNING BOARD MEETING AGENDA

Workshop: July 07, 2022 (Thursday, 7:30 PM) - Cancelled

Meeting: July 14, 2022 (Thursday, 7:30 PM)

The Kent Planning Board workshop, which was to be held on Thursday, July 7, 2022 at 7:30 P.M. at the Kent Town Hall, is cancelled. The Town of Kent Planning Board will be holding its regularly scheduled monthly meeting on Thursday, July 14, 2022 at 7:30 P.M. at the Kent Town Hall.

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|---|---|--------|
| • Approve Planning Board Minutes from June 9, 2022 Meeting | | |
| • Flintlock Storage
1030 Route 52, Kent, NY
TM; 12.18-1-14 | Erosion Control/Wetland Permit
Site Plan | Review |
| • Holly Property
Winkler's Farm Ct Property, Kent, NY
TM: 33.16-1-8 | Concept Plan | Review |
| • Honey Cakes Bakery
531 Route 52 – Ste 1, Kent, NY
TM: 33.48-1-6 | Sign Approval | Review |
| • Bernie's Hidden treasure
531 Route 52 – Ste 4, Kent, NY
TM: 33.48-1-6 | Sign Approval | Review |
| • Pink Sugar Pastries
Route 52, Ste. 107, Kent, NY
TM: 12.-1-55 | Request to return
Escrow from Sign Approval
Application | Review |

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

- | | | |
|---|-------------------------|---------------|
| <ul style="list-style-type: none"> NYCDEP & Seven Hills
Lake Property Owners Assn (SHLPOA)
Kent, NY
TM: 66.-1-43.1 & 20.11-1-3 (NYC) & 66.-1-43.2 (SHLPOA) | Lot Line Adjustment | Status Report |
| <ul style="list-style-type: none"> NYCDEP Church Hill Rd.
Forest Management Project
Church Hill Rd., Kent, NY
TM: 12.-1-6 & 12.-1-29.2 | Erosion Control Permit/ | Status Report |
| <ul style="list-style-type: none"> White _Vernon Property
Horsepound Rd., Kent, NY
TM: 33.-1-58.2 | Erosion Control | Status Report |

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<ul style="list-style-type: none"> • Kent Self Storage Route 311, Kent, NY TM: 22.-2-17 	Site Plan Re-approval	Status Report
<ul style="list-style-type: none"> • Kent Manor Nichols Rd., Kent, NY TM: 33.-1-79 	Site Plan	Status Report
<ul style="list-style-type: none"> • Route 52 Development/ Kent Country Square Route 52, Kent, NY TM: 12.-1-52 	SEQRA	Status Report
<ul style="list-style-type: none"> • Annunziata/Smalley Corners Smalley Corners Rd., Kent, NY TM: 21.-1-11 	Erosion Control	Status Report
<ul style="list-style-type: none"> • Friel & Pure Gipsy Trail Rd., Carmel, NY TM: 21.-1-27 	Erosion Control	Status Report
<ul style="list-style-type: none"> • Fregosi Marinelli 48 Miller Hill Rd., Carmel, NY TM: 10.-1-7 	Updated As-Built Site Plan	Status Report
<ul style="list-style-type: none"> • Raneri Property Hillside Paper Rd., Kent,, NY TM: 44.24-1-3 	Erosion Control Plan	Status Report
<ul style="list-style-type: none"> • Town of Kent Mining Law 		Status Report

Rev. 1



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

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

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

Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Erosion Control Plan - Completeness
Date:	July 6, 2022	Project:	DEP Church Hill Road Forest Mgmt. TM # 12.-1-6 & 12.-1-29.2

The following materials were reviewed:

- Letter of Response to Town of Kent Planning Board-NYCDEP-Church Hill Road Management Project- from NYC Environmental Protection dated June 2, 2022.
- Church Hill Road Forest Management Project Plan and Environmental Assessment.
- Church Hill Road Forest Management Project Performance Bond letter dated March 28, 2022 with attachments.
- NYC Map-Church Hill Road FMP-Project Map, dated January 25, 2022.
- NYC Map-Church Hill Road FMP-Landing Map, dated January 26, 2022.
- NYC Map-Church Hill Road FMP- Stand Map, dated January 25, 2022.
- NYC Map-Church Hill Road FMP- Tax Parcel Map, dated January 24, 2022.

The project proposes to remove and salvage downed timber resulting from a blowdown in May 2018, perform a crown thinning and remove overstory in limited areas. The harvest area is approximately 55 acres on two contiguous parcels totaling 84 acres. Access to the harvest area is via an existing access point on Church Hill Road. A New York City Department of Environmental Protection (NYCDEP) forester will manage the project. The area of disturbance associated with the access road and the landing area is approximately 6,220 square feet.

The subject Erosion and Sediment Control Plan is approved. The following comments are provided for the Planning Board's consideration:

1. Engineering concerns have been satisfactorily resolved.
2. It is our understanding that any concerns of the Planning Board's environmental consultant regarding wetland issues and the Town Highway Superintendent regarding Town road use have been resolved as well. If that is not correct, by copy of this memorandum, we request that they identify any open matters.
3. The set of drawings for the erosion control permit to be submitted for signature include:
 - a. Watershed Protection Programs Natural Resources Division – Forestry, Church Hill Road Forest Management Project (FMP) – Project Map

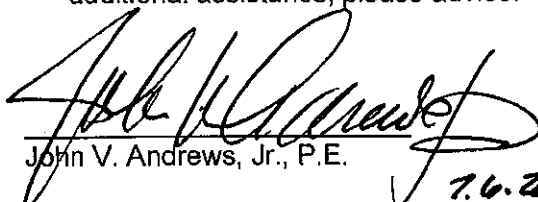
Memorandum
NYCDEP Church Hill Road Forest Management Project
Completeness
TM # 12.-1-6 & 12.-1-29.2
July 6, 2022
Page 2 of 2

- b. Watershed Protection Programs Natural Resources Division – Forestry, Church Hill Road FMP – Landing Map
- c. Watershed Protection Programs Natural Resources Division – Forestry, Church Hill Road FMP – Stand Map
- d. Watershed Protection Programs Natural Resources Division – Forestry, Church Hill Road FMP – Tax Parcel Map

All four (4) identified maps should be submitted as a set.

- 4. For projects by NYCDEP in Kent, the Town of Kent has accepted a letter of assurance from NYCDEP in lieu of a cash bond. The Planning Board accepted such a letter dated March 28, 2022 for this project. The Planning Board Attorney has signed off on the letter. A fully executed version was included in this submittal. If it has not already been done, the letter should be referred to the Town Board for their acceptance.
- 5. 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.
- 6. Prior to Planning Board Chairman's signature of plans, all Planning Board costs and fees including the initial inspection fee deposit and professional review fees incurred during the review and approval of the application must be paid.
- 7. The Planning Board required the Project Sponsor to submit existing conditions photos of Church Hill Road taken immediately prior to the start of work. The photos are to be filed with the Planning Board and shall be used to identify any corrective work necessary at the conclusion of work.

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


John V. Andrews, Jr., P.E. 7.6.2022

cc: Planning Board via email
Bruce Barber via email
Liz Axelson via email
21-261-260

Richard Othmer, Highway Superintendent
Bill Walters via email

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
John Andrews
Bruce Barber
FROM: Liz Axelson, AICP
DATE: July 12, 2022
RE: NYCDEP & NYCDEP Lot Line Revision Review, Seven Hills Lake Drive, and Ninham Road,
Tax Parcels No. 20.-1-43.1; 20.-1-43.2; & 20.11-1-3 / CPL#16570.07

I have reviewed the materials listed at the end of this memorandum per online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning; and 66A. Subdivision of Land. Based on my review I offer the following comments for the Board's consideration: **Updates to my original comments dated June 6, 2022 are provided in bold next to each comment below.**

Zoning Requirements and Standards

1. Regarding the R-80 (Residential) zoning district lot and bulk requirements in Zoning section 77-8. Lot and bulk requirements., and Subdivision of Land regulations section 66A-10., with the proposal being reviewed as a revised lot line application, on lots with no buildings, and no land development proposed, the lot and bulk requirements table on the plat is sufficient. **July 12, 2022 update: This comment did not require a response.**

Subdivision of Land / Revised Lot Line Requirements and Standards

2. The Lot Line Change map must be revised to provide the elements defined in subdivision section 66A-17. Revised lot line plat., as follows: **July 12, 2022 update: Comment 2. a. through 2. d., below have all been addressed.**
 - a. Add notation clearly stating that the subject properties consist of vacant land and that no land development is proposed as part of the lot line revision.
 - b. List site data, including:
 - i. The name of any school, fire, or special districts;
 - ii. Provide the Surveyor's address; and
 - iii. The names and addresses for the applicants' properties.
 - c. Show the name, address and tax identification numbers for all property owners adjacent to the nursery parcel.
 - d. *Based on discussion at the June 2, 2022 Planning Board Workshop, it is my understanding that the Applicant's Representatives are asking that the Planning Board grant a waiver of the requirement to show existing contours at intervals of five feet (5') or less. This requirement is set forth in 66A-17, D., (4)(c), and waiver may be considered given no land disturbance is proposed.*
3. Address the following requirements of section 66A-17, D., (5) and (6):
 - a. #(5) The grantor of lands shall submit a proposed deed conveying the portion of land to the adjoining lot or parcel owner. Said deed must contain a clause stating that:
"This parcel of land is conveyed pursuant to a revised lot line approved by the Planning Board of the Town of Kent, on (date) and does not create any new or



additional building lots or parcels.” **July 12, 2022 update: This comment was not addressed as no proposed deeds were submitted. While deed descriptions were submitted, they did not fully comply with the required language in 66A-17, D., (5).**

- b. #6) The owner of the adjoining lot or parcel shall submit a proposed deed describing, as a single parcel, the existing adjoining lot or parcel along with the property to be conveyed, conveying said increased lot or parcel as a single unified lot or parcel, to himself or herself, or such entity as the owner desires. Said deed shall contain a clause as follows:

“This deed of conveyance is for the sole purpose of unifying into a single lot or parcel lands previously owned by the grantor with lands conveyed to the grantee as a result of a revised lot line approved by the Planning Board of the Town of Kent, on (date).”

July 12, 2022 update: This comment was not addressed as no proposed deeds were submitted. While deed descriptions were submitted, they did not fully comply with the required language in 66A-17, D., (6).

4. Per section 66A-10, F., upon approval, the proposed deeds of conveyance shall be reviewed and approved by the Planning Board Attorney. Upon notification by the Planning Board Attorney the deeds are in conformity with the provisions of Chapter 66A, the applicant shall submit the Mylar for signature by the Planning Board Chairman. **July 12, 2022 update: This comment was not addressed as no proposed deeds were submitted.**
5. When the map is filed, submit a copy of the map filing data to the Planning Board. **July 12, 2022 update: This comment is intended to be addressed after map filing.**
6. Please refer to sections 66A-10, G., and H., regarding conditions of any approval and the timeline for filing, respectively.

Recommendation

7. Please provide written responses to the above comments.
8. The proposed action appears to be a Type II action under the New York State Environmental Quality Review Act (SEQRA) and would not require any determination under the SEQRA.
9. The submittal is fairly complete as per the pertinent code requirements and standards. Given the discussion at the June 2, 2022 Planning Board Workshop, a draft resolution of approval with conditions will be prepared for consideration at the regular meeting.

If you have any questions, please do not hesitate to contact me at 845-686-2309, or e-mail at eaxelson@CPLteam.com.

Materials Reviewed

- Response to comments letter prepared by Tom Boland Jr., PE, NYCDEP, dated June 15, 2022;
- Resultant Deed Description for Seven Hills Lake Development Corporation, preparer not indicated, undated;
- Resultant Deed Description for NYC PID 89, preparer not indicated, undated;
- Resultant Deed Description for NYC PID 2156, preparer not indicated, undated; and
- Plan entitled City of New York Department of Environmental Protection Revised Lot line Plat, prepared by Adolf Jonietz, LS, NYC Department of Environmental Protection, dated June 8, 2022.

Materials Previously Reviewed

- Combined Application Form for Lot Line Change, signed May 17, 2022;
- Short Environmental Assessment Form, signed March 11, 2022;
- Copy of Deed between Seven Hills Lake Development Corporation and City of New York, recorded February 8, 2006; and



- Plan entitled City of New York Department of Environmental Protection Revised Lot line Plat, prepared by Adolf Jonietz, LS, NYC Department of Environmental Protection, dated April 26, 2022.



Cornerstone Associates

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

July 14, 2022

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

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

Dear Chairman Tolmach and Members of the Planning Board:

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

1. Transmittal letter executed by John Watson of Insite Engineering dated 06/18/22, 7 pages.
2. Town of Kent Planning Board Combined Application dated 12/01/21 executed by Frank Vasi dated 06/16/22 (rev.).
3. Copy of email from Andrea Oncioiu of NYCDEP dated 05/31/22.
4. Opinions of Probable Construction Cost: Stormwater Bond Estimate, Erosion Control Bond Estimate, Site Landscaping and Mitigation Planting prepared by Insite Engineering dated 06/15/22.
5. Short-form EAF (Part I) executed by John Watson of Insite Engineering dated 06/16/22 (rev.).
6. Draft Notice of Intent (unexecuted).
7. Copy of deed dated 08/05/21.
8. Plans entitled; "Flintlock Storage" prepared by Insite Engineering dated 006/16/22 (rev.), 7 sheets: EX-1, SP-1, SP-2, SP-3, SS-1, D-1, D-2.

Summary of Application:

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

A: Environmental Review:

Wetlands: The Town of Kent jurisdictional wetland located on the subject property was identified by the presence of hydric soils as per Chapter 39A of the Town of Kent Town

Code. Town of Kent wetland buffer is reflected onto the subject property by the adjoining wetlands and watercourse to the north. The wetland delineation as indicate on Plan Sheet SP-1 is found to be accurate.

The applicant proposes to construct a stormwater management structure, grading, and a portion of the gravel access areas around the building in the Town of Kent wetland and wetland buffer. The applicant requires a wetland permit from the Planning Board.

The wetland area is a depressional, recharge wetland which has a managed lawn vegetation cover. The stormwater management system has been designed to maintain the existing on-site hydric soils and basic recharge function. The installation of wetland plantings in this area will the present function.

The existing wetland buffer on the site consists of managed lawn surface. The applicant is proposing the installation of native plantings in the remaining buffer area as mitigation.

It is acknowledged that stormwater design will need to be in compliance with Chapter 10 of the NYSDEC Stormwater Design Manual. In order to document that the proposed mitigation will be successful in replicating the existing wetland and wetland buffer functions. quantification of pre and post construction pollutant loading is required. Simply oversizing the stormwater basin as indicated is not definitive and with the pollutant analysis performed may be found to be unnecessary. A recognized method such as the "Simple Method" may be utilized or any other method that provides this information. (See Town Code Chapter 39A

Soils and Steep Slopes: The applicant proposes to disturb 1.6 acres of the site. Applicant should indicate any flood plain flood way areas as applicable.

Threatened and Endangered Species: _The site is in the US Fish and Wildlife Bat Recovery zone and therefore restrictions in which tree cutting restrictions to between November 1 and March 31 of the following year may apply.

Cultural Resources: _None as per EAF.

B: Review Comments:

Please see comments above regarding wetland delineation and mitigation.

EAF: Page 1, Brief Description: Please correct to indicate :

- 1) There is only a septic tank hold system proposed, not a subsurface sewage treatment system.
- 2) "Disturbance is proposed within the wetland and wetland buffer..."
- 3) Please quantify the amount of disturbance to the wetland and wetland buffer (in square feet). Could not located on Plan Sheet SP-1

Page 2: Question 8a: Please indicate how response was determined.

Page 2: Question 12a, b: Please indicate how response was determined.

Page 3: Question 15: Please indicate how response was determined.

Page 3: Questions 19, 20: Please indicate how responses were determined.

In evaluation the impacts to the wetland and wetland buffer areas please provide responses to the questions found in the Town Code Chapter 39A-8(B)(1-9).

Please see above comments (Wetlands) regarding pollutant analysis

Please provide long-term inspection, reporting and maintenance (including invasive species removal) plan for wetland and wetland buffer mitigation plantings.

Please provide correspondence from NYS Natural Heritage.

The septic system appears to be only a holding tank (lack of leaching area). Consultation with the PCDOH and the Town Building Inspector is required to verify feasibility.

It should be determined if the site is located in a NYCDEP Designated Main Street Area.

Provide lighting plan and indicate if there will be any light pollution.

Provide details of driveway/road access easement to the site. Review by the Planning Board Attorney is required.

Please indicate visual impacts to adjoining properties. Please provide detail and location of the proposed sign.

Please provide information regarding any existing and proposed easements, etc. regarding the pipe which enters the subject property from Route 52 and discharges to the stream to the north. Review by the Town Engineer and referral to NYSDOT is required.

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

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

The applicant is encouraged to provide annotated responses to this review memo Upon receipt of additional information further review will be conducted. Please do not hesitate to contact me should you have any questions.

Sincerely,

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

Bruce Barber, S-PWS, Certified Ecologist
Town of Kent Environmental Consultant



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MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
Julie Mangarillo
Bruce Barber
FROM: Liz Axelson, AICP
DATE: March 24, 2020
RE: Update on Offline Consultation; and Review of Zoning Amendment related information for the Kent Country Square, aka Route 52 Development Site Plan; & Erosion Control Plan, Route 52, Tax Parcel No. 12.-1-52 / CPL# 60096.00

On March 23, 2020, Bruce Barber, Julie Mangarillo, and I had a conference call to review recently submitted materials for the above noted project, provided at the Planning Board's February 6, 2020 Workshop, which are listed at the end of this memorandum.

The call amongst the Planning Board's consultants was followed by a March 23, 2020 conference call with Peder Scott, PE, the Applicant's Engineer; Patrick Cleary, AICP, the Applicant's Planner; and Michael Caruso, the Applicant's Attorney; Bruce Barber; Julie Mangarillo; and Vera Patterson, Planning Board Secretary.

CONFERENCE CALL SUMMARY

The main points of the conference calls are as follows:

1. The objectives of the calls were:
 - a. To review recently submitted materials; and
 - b. To discuss readiness to amend the SEQRA Determination of Significance and/or to amend the scoping outline; and what the Planning Board would need to be able to consider such amendments.
2. The general conclusion was that clarity is needed on key issues such as: confirmation about whether or not a zoning amendment would be part of the proposed action; clarity in the project text that the truck stop is no longer proposed; and updated description about phasing, including alternating phases of mining with phases of site development.
3. The need for a brief project description was discussed noting that a bulleted list describing the previously proposed project might be presented alongside a bulleted list describing the currently proposed project.

4. A tabular summary of key development indicators for the previously and currently proposed project would provide more clarity such as building data (total square footage [SF], number of stories, building footprint in SF, etc.), impervious area, disturbed area, parking, shared parking, etc.
5. Given the new retail component, the effect on local businesses would be considered and require possible scoping outline amendments.
6. Please refer to the zoning amendment commentary below.
7. The recently adopted moratorium about Code Chapter 63 Soil Removal may or may not be applicable to the Proposed Action and it's review under SEQRA since the project involves Planning Board review of previously submitted applications for Special Use Permit and Site Plan under Code Chapter 77; and Steep Slope Protection and Stormwater Management permit under Code Chapter 66. However, given the land development proposal and other applications, it would not appear that an application under Chapter 63 would be needed. I will confer with the Planning Board Attorney and the Town Board Attorney to get their opinion about this matter.
8. Depending on what is submitted as per the comments herein, an amended SEQRA Determination of Significance (Positive Declaration); and an amended Draft Scoping Outline may be prepared for consideration by the Planning Board.

ZONING AMENDMENT ISSUE

Regarding the zoning issue, during the conference calls, I recounted what I knew about whether any official filing had been made about a zoning amendment first discussed at the Planning Board public scoping session of May 23, 2019; and a zoning proposal later discussed at Town Board meetings. I indicated I would provide what I knew with reference to official documents. I reviewed Planning Board and Town Board minutes and related documents. Here are my observations:

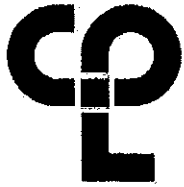
9. Prior to any initiation of review of the project under SEQRA, the Planning Board and its consultants had discussed with Applicant Representatives, among other issues, that the zoning height concern would be handled most effectively via a height variance. This would limit the potential visual, safety and other impacts to a single building or a single site. During many workshop and regular Planning Board meetings, it was indicated that a zoning amendment would not be a recommended approach. Since with a zoning amendment, the increased height buildings would potentially occur in the entire IOC (Industrial-Office-Commercial) zoning district; and the corresponding potential visual, safety and other impacts would occur throughout the IOC, which is a large zone. Accordingly, such a zoning amendment was not desired due to the potential IOC-wide visual, safety, etc. impacts. Also, it was emphasized that it would have to be generically analyzed for the entire IOC zone. So, prior to the initiation of SEQRA, the Proposed Action included a variance for height, but no zoning amendment.
10. Based on the Planning Board's review, on April 11, 2019, the Planning Board's SEQRA Determination of Significance (Positive Declaration) described a project with a variance being required for building height.
11. On May 23, 2019, the Planning Board held its initial SEQRA public scoping session. Near the end of the scoping session, the Planning Board was informed that a zoning amendment might be pursued by the Applicant and Applicant Representatives related to desired building height in excess of what would be allowed in the IOC (Industrial-Office-Commercial) zoning district.

12. On May 23, 2019, the Planning Board noted the change in the proposed action; reopened the public scoping session; and continued it for consideration of the scoping outline at a later date until amended SEQRA procedural documents would be prepared. This allowed the Planning Board's consultants time to amend the SEQRA materials and to prepare for a continued public scoping session for public and agency comment. Refer to the May 23, 2019 transcript at: https://www.townofkentny.gov/sites/kentny/files/uploads/final_signed_minutes_of_rte_52_scoping_session_may_23_2019.pdf
13. A Draft amended SEQRA Scoping outline was distributed on July 2, 2019 to the Planning Board, it's consultants, the Building Inspector and the Town Board liaison to the Planning Board, which included numerous changes throughout related to public and agency comments from the scoping process with revisions about the proposed zoning amendment.
14. A Draft amended SEQRA resolution was distributed on July 5, 2019 to the Planning Board, it's consultants, the Building Inspector and the Town Board liaison to the Planning Board. The resolution included language to amend the SEQRA Positive Declaration related to project changes such as the anticipated zoning amendment petition and to consider adoption of the draft scoping outline of July 2, 2019, which included numerous revisions about the proposed zoning amendment. It was anticipated these amended SEQRA items would be considered at the July 11, 2019 Planning Board meeting.
15. A draft zoning amendment was informally submitted to me; and the Applicant's Representatives by email to on July 11, 2019 from Michael Caruso, Applicant's Attorney. This was forwarded to the Planning Board Chairman, Secretary, the Planning Board's consultants, and the Town Supervisor.
16. On July 11, 2019, the Planning Board adopted the resolution to amend the SEQRA Positive Declaration related to project changes such as the anticipated zoning amendment petition and to adopt the scoping outline. Refer to the July 11, 2019 transcript at: https://www.townofkentny.gov/sites/kentny/files/uploads/rte_52_kent_country_sq_adopted_transcript_of_scoping_session_jul_11_2019_0.pdf
17. Subsequently, I inquired with the Town Clerk's office on several occasions about whether any formal petition by the project Applicant or his representatives had been filed for a zoning amendment related to the Route 52 Development project. To my knowledge, no petition has been filed.
18. The project was discussed at a Town Board meeting on September 24, 2019, including the concern about a possible zoning amendment about height. A Town-Board amendment to Code Chapter 77, Zoning, regarding the IOC district height requirements was discussed at the October 1, 2019 meeting; and was the subject of a public hearing at the October 22, 2019 Town Board meeting. It is my understanding that the Town Board did not adopt the Town-Board amendment to Code Chapter 77, regarding the IOC district height requirements. Please refer to the Town Board meeting minutes on the Town website at: https://www.townofkentny.gov/sites/kentny/files/minutes/tbm_092419.pdf; https://www.townofkentny.gov/sites/kentny/files/minutes/tbm_10.1.19.pdf; and https://www.townofkentny.gov/sites/kentny/files/minutes/tbm_10.22.19.pdf.
19. The question remains whether it would still be possible for the Applicant and their representatives to submit a petition for a zoning amendment. I will confer with the Planning Board Attorney and the Town Board Attorney to get their opinion about this matter. If a petition for a zoning amendment is to be pursued, then the adopted scoping outline, which contains generic review of a zoning amendment throughout need not be changed on this issue.



Materials Reviewed

- Statement of Use, preparer not indicated, believed to be P.W. Scott Engineering dated November 20, 2017, revised January 8, 2020;
- Letter prepared by P.W. Scott Engineering & Architecture, PC, dated January 9, 2020 requesting consultation with Planning Board and consultants;
- Statement of Use, preparer not indicated, believed to be P.W. Scott Engineering dated November 20, 2017, revised January 8, 2020;
-
- Plants entitled Route 52 Development, prepared by P.W. Scott Engineering & Architecture, PC, dated February 1, 2020, including the following:
 - o SY1 Parking Site Plan;
 - o SY2 Overall Grading Plan;
 - o SY2A Storm Water Management Plan;
 - o SY2B Cut and Fill Plan (40' Grid); and
 - o SY3 Overall Site Plan.



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July 5, 2022

Phil Tolmach, Chairman
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, NY 10512

and

William Walters, Building Inspector
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, NY 10512

RE: Honey Cakes Panaderia De Minimis Determination
531 Route 52, Suite 1 / Tax Map ID # 33.48-1-6
CPL Project # 16570.09

Dear Chairman Tolmach:

We have received an application and materials for a sign approval for a sign located at 531 Route 52, Suite 1, on property tax map identification number 33.48-1-6, which is located in the C (Commercial) zoning district. The facade length of the plaza occupancy where Honey Cakes Panaderia and the proposed wall sign would be located is twenty-eight feet (28').

We have reviewed the following materials in the submitted sign plan approval application, in accordance with all pertinent regulations, requirements and standards of the Code of the Town of Kent, Chapter 77, Zoning, including the following:

- combined application and documents signed or dated June 28, 2022; and received July 1, 2022;
- updated, combined application and documents signed or dated June 28, 2022; and received July 5, 2022;
- originally submitted detailed specifications of the proposed wall sign, dimensions and location on a photographic representation of the proposed five foot by one foot (5' X 1') sign, or five square feet (5 SF), submitted by the Applicant, Evelyn Ruballos Soza, apparently prepared by the applicant, received July 1, 2022; and
- revised, submitted detailed specifications of the proposed wall sign, dimensions and location on a photographic representation of the proposed five foot by one foot (5' X 1') sign, or five square feet (5 SF), submitted by the Applicant, Evelyn Ruballos Soza, apparently prepared by the applicant, received July 5, 2022.



RE: Honey Cakes Panaderia De Minimis Determination
531 Route 52, Suite 1 / Tax Map ID # 33.48-1-6
CPL Project # 16570.09

We also examined the site via Putnam County Parcel mapping, GoogleEarth Pro aerial photography and street views and the Town of Kent Zoning map, showing the existing commercial plaza and noting the proposed location of the sign and required setback from the subject property's front lot line.

No lighting is proposed for the 5 SF wall sign, which is consistent with the general design and placement of other wall signs for other occupancies in this commercial plaza. Based on the length of the occupancy's façade of 28 feet, where the proposed business and sign would be located, and zoning subsection 77-37, A (2), and the requirement that a wall sign "... shall not exceed one square foot for every two linear feet of the front building façade ...", then the proposed wall sign would be allowed a maximum size of 14 square feet.

As per the provisions of Zoning section 77-60, a site plan approval before the Town of Kent Planning Board would ordinarily be required for the proposed sign. However, as per section 77-60, D. Exemptions and Waivers for De Minimis Activities, subsection (2) De Minimis Waivers, it is my opinion that that this proposed sign is a de minimis construction activity for which site plan approval is not necessary. Under this zoning provision, I recommend that the Building Inspector Issue a building permit.

Sincerely,
Elizabeth Axelson



Planner
CPL

July 5, 2022

Phil Tolmach, Chairman
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, NY 10512

and

Willam Walters, Building Inspector
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, NY 10512

RE: Honey Cakes Panaderia De Minimis Determination
531 Route 52, Suite 1 / Tax Map ID # 33.48-1-6
CPL Project # 16570.09

Dear Chairman Tolmach:

We have received an application and materials for a sign approval for a sign located at 531 Route 52, Suite 103, also known as the Kent Center, on property tax map identification number 33.48-1-6, which is located in the C (Commercial) zoning district. The facade length of the plaza occupancy where Honey Cakes Panaderia and the proposed wall sign would be located is twenty-eight feet (28').

We have reviewed the following materials submitted sign plan approval application, in accordance with all pertinent regulations, requirements and standards of the Code of the town of Kent, Chapter 77, Zoning, including the following:

- combined application and documents signed or dated June 28, 2022; and received July 1, 2022;
- updated, combined application and documents signed or dated June 28, 2022; and received July 5, 2022;
- originally submitted detailed specifications of the proposed wall sign, dimensions and location on a photographic representation of the proposed five foot by one foot (5' X 1') sign, or five square feet (5 SF), submitted by the Applicant, Evelyn Ruballos Soza, apparently prepared by the applicant, received July 1, 2022; and
- revised, submitted detailed specifications of the proposed wall sign, dimensions and location on a photographic representation of the proposed five foot by one foot (5' X 1') sign, or five square feet (5 SF), submitted by the Applicant, Evelyn Ruballos Soza, apparently prepared by the applicant, received July 5, 2022.

We also examined the site via Putnam County Parcel mapping, GoogleEarth Pro aerial photography and street views and the Town of Kent Zoning map, showing the existing commercial plaza and noting the proposed location of the sign and required setback from the subject property's front lot line.

No lighting is proposed for the 5 SF wall sign, which is consistent with the general design and placement of other wall signs for other occupancies in this commercial plaza. Based on the length of the occupancy's façade of 28 feet, where the proposed business and sign would be located, and zoning subsection 77-37, A (2)., and the requirement that a wall sign "... shall not exceed one square foot for every two linear feet of the front building façade ...", then the proposed wall sign would be allowed a maximum size of 14 square feet.

As per the provisions of Zoning section 77-60, a site plan approval before the Town of Kent Planning Board would ordinarily be required for the proposed sign. However, as per section 77-60, D. Exemptions and Waivers for De Minimis Activities, subsection (2) De Minimis Waivers., it is my opinion that that this proposed sign is a de minimis construction activity for which site plan approval is not necessary. Under this zoning provision, I recommend that the Building Inspector issue a building permit.

Sincerely,
Elizabeth Axelson

Planner
CPL



Office (845) 306-5597

Fax (845) 225-5130

Email: buildinginspector@townofkentny.gov

Phil Tolmach, Chairman
Town of Kent Planning Board
25 Sybil's Crossing Kent Lakes NY10512

Elizabeth Axelson
Town of Kent Planner
CPL Architecture, Engineering, Planning

RE: 531 Route 52 –Suite #1 –Honey Cakes Bakery - De Minimus Determination

Dear Chairman and Town Planner:

I have received an application and materials for a sign application, located at 531 Route 52 Suite 4, TM# 33.48-1-6. This sign is considered a Nonresidential in a Commercial, (1 Sq. Ft. per 2 linear ft. of facade) (Per 77-37A2)

Proposed Sign size: 1' ft. x 5' ft. Wall type sign for the building, and
1' ft. x 44.7" inches for the roadway monument

This sign is 5 sq.ft. which is the allowed limit.

After further review, I found that the application is in compliance with the Town code: 77.35B.(1)
As per the provision of Zoning code section 77-60, D. for Exemptions, it's my opinion that this project is a De Minimus project.

Respectfully

Town of Kent
Building Inspector

CC: Planning

STIPULATION

THIS STIPULATION is made this ____ day of _____, 2022 by and between DOUGLAS HOLLY and LAUREL HOLLY, residing at 23 Winklers Farm Court, Carmel, NY 10512, the TOWN OF KENT, maintaining an office at 25 Sybil's Crossing, Kent Lakes, NY 10512, and the TOWN OF KENT PLANNING BOARD, maintaining an office at 25 Sybil's Crossing, Kent Lakes, NY 10512.

WHEREAS, DOUGLAS HOLLY and LAUREL HOLLY are the owners of real property known as 18-26 Winklers Farm Court and identified by Tax Map ID # 33.16-1-8 consisting of approximately 11.00 acres of land located in the R-10 Residential zoning district (10,000 square foot [SF] lot area minimum) in the Town of Kent (herein, the "Property"); and

WHEREAS, there has been a history of litigation related to the Property involving prior owners, as petitioners, and the Town of Kent, the Planning Board of the Town of Kent, and the individual members of the Town of Kent Planning Board (as then serving), as respondents, said litigation occurring in the Supreme Court of the State of New York, County of Putnam, identified by Index No. 1127/79; and

WHEREAS, said litigation involved a dispute about the proper zoning for and use of the Property and resulted in a Judgment from

the Court dated January 30, 1985, consented to in writing by the attorney for the respondents; and

WHEREAS, said Judgment ordered, adjudged, and decreed that the petitioners "shall have the right to construct upon the subject property twenty-seven (27) dwelling units, in addition to the six (6) dwelling units existing thereon"; and

WHEREAS, the Judgment further ordered, adjudged, and decreed that the "petitioners shall submit to the Planning Board the necessary site plan for the approval in accordance with the Rules & Regulations of the said Planning Board"; and

WHEREAS, a long history then ensued of applications and submissions to the Planning Board, and related motions being made by the Town Board, none of which resulted in a complete review of an application for site plan approval, nor in an approval of any such application; and

WHEREAS, as per the Town of Kent's Image Mate Online, which provides current real property tax information, the existing developed multiple residence site referenced above (TM # 33.16-1-8) includes a total of seven (7) dwelling units with a total of eleven (11) bedrooms and eight (8) bathrooms in four (4) residential structures with the following dwelling units and bedrooms:

1. A 3-family, 2,127 SF cape cod style building with 3 dwelling units, including 5 bedrooms and 3 full bathrooms;
2. A 1-family, 608 SF cottage style building, which is 1 dwelling unit with 2 bedrooms and 1 full bathroom;
3. A 1-family, 1,080 SF cape cod style building, which is 1 dwelling unit with 1 bedroom and 2 full bathrooms;
4. A 2-family, 1,568 SF old style building with 2 dwelling units, including 3 bedrooms and 2 full bathrooms;

WHEREAS, DOUGLAS HOLLY and LAUREL HOLLY (the "Applicants") submitted to the Planning Board an Application for site plan approval dated January 20, 2021, which seeks the addition of two (2) residential structures to the Property, one of which would be a multiple residence with four (4) dwelling units, each having two (2) bedrooms and (2) two full bathrooms, and the other being a single family home having two (2) bedrooms and (2) two full bathrooms (the "Application"), which would add a total of five (5) dwelling units with a total of ten (10) bedrooms and ten (10) bathrooms in two (2) residential structures; and

WHEREAS, Robert Bradley for and on behalf of Douglas and Lauren Holly (Applicants) by letter dated July 5, 2021 updated and modified the Application to consist of three (3) residential structures each with four (4) units each having two (2) bedrooms and two (2) full bathrooms and an addition to an existing one

(1)bedroom two (2) bathroom unit (Unit 23) which would add a total of twelve (12) dwelling units with a total of twenty four (24) bedrooms and twenty four (24) bathrooms in three (3) residential structures; and

WHEREAS, the resulting site development including the existing and proposed Residential structures would be a total of nineteen (19) dwelling units with thirty-six (36) bedrooms and thirty two (32) bathrooms in seven (7) residential structures; and

WHEREAS, the Applicant submitted the following updated materials, which were considered by the Planning Board on July 14, 2022:

1. Full Environmental Assessment Form, Part I, Winkler Farm, dated March 14, 2022 (unsigned), revised June 1, 2022;
2. Drawing Number C-020-Existing Conditions Plan-Winkler Farm, prepared by Putnam Engineering, PLLC, September 8, 2021, scale as noted; revised May 31, 2022;
3. Drawing Number C-120-Site Layout Plan-Winkler Farm, prepared by Putnam Engineering, PLLC September 8, 2021, scale as noted; revised May 31, 2022;
4. Drawing Number C-130-Grading and Drainage Plan-Winkler Farm, prepared by Putnam Engineering, PLLC, September 8, 2021, scale as noted; revised May 31, 2022;

5. Drawing C-140-Utilities and SSDS Plan-Winkler Farm,
prepared by Putnam Engineering, PLLC, September 8, 2021,
scale as noted; revised May 31, 2022; and
6. Drawing Number C-160-Trees, Slopes, and Limits of
Disturbance Plan-Winkler Farm, prepared by Putnam
Engineering, PLLC, September 8, 2021, scale as noted;
revised May 31, 2022; and

WHEREAS, instead of having disputes about the density and construction permitted on the Property and possible future applications for additional residential structures, the Applicants, the Town of Kent, and the Town of Kent Planning Board all desire and intend that the Application, if approved in terms of number of residential structures and bedrooms, would be the final one related to the development of this Property and would constitute a full settlement of the issue of the number of dwelling units and bedroom count allowed on the Property;

NOW, THEREFORE, in consideration of the premises, covenants and agreements stated herein, and in consideration of one dollar actual consideration, receipt of which is hereby acknowledged, the parties agree and stipulate as follows:

1. The Application, if approved, shall constitute the final approval for the property in terms of dwelling units and number of bedrooms per dwelling unit. Specifically, the

total site development shall not exceed a total of nineteen (19) dwelling units with thirty-six (36) bedrooms and thirty-two 32 bathrooms in seven (7) residential structures in the existing and proposed configuration described herein. Existing structures that are not existing residential structures (non-residential structures) may not be converted for future residential use. In other words, the Applicants shall not be entitled to any additional residential structures, dwelling units, bedrooms, or bathrooms per dwelling unit as part of any future application related to the Property. The parties acknowledge that the above described unit counts and bedroom and bathroom counts are maximum counts which are not guaranteed and which could be modified downward based upon other approvals needed by the Applicant.

2. Drawing Number C-120-Site Layout Plan-Winkler Farm, prepared by Putnam Engineering, PLLC, September 8, 2021, scale as noted, revised May 31, 2022, clearly identifies existing residential structures, existing non-residential structures, including their types and uses, and proposed residential structures. The site plan also identifies existing and proposed required improvements such as roads, driveways, parking, water supply, wastewater disposal, stormwater management and other improvements required by

the Code of the Town of Kent for site development plans. HOWEVER, the plans above described shall be updated to show the details of the wetland delineation noted on the plans and the actual parking calculations for both existing and proposed structures and uses.

3. The Planning Board shall review the Application as though the dwelling units and bedrooms per dwelling unit meet applicable zoning regardless of the actual designation of the Property pursuant to the current Zoning Code and Zoning Map. The proposed development shall comply with the lot area and bulk requirements, and design standards, of the underlying R-10 zoning district in all respects other than density. The proposed development shall comply with all pertinent requirements and standards for approval of site plans, and subdivision of land;
4. The Planning Board shall review the Application in full accordance with the State Environmental Quality Review Act (SEQRA) process and in compliance with all applicable chapters and provisions of the Code of the Town of Kent, including zoning, freshwater wetlands, steep slopes, and stormwater management.
5. The Planning Board review shall require certification that existing facilities including electric, water and sewer are adequate, functioning and are not in violation of any

standard or regulation and if such violation exists, correction and or repair shall be able to be accommodated as part of the current development proposal.

6. The Applicants, in order to obtain approval, must meet all requirements related to Board of Health Approval for water supply and septic systems, roadway access and sight distance, soil erosion and sediment control (including any required Stormwater Pollution Prevention Plan and related permits), recommendations from the Putnam County Department of Planning, requirements of jurisdictional fire and emergency departments or agencies, and requirements of any other agency or board having jurisdiction over the Application. The Applicants shall also comply with any conditions for approval related to utility easements, any common driveway easement and maintenance agreement required, and any performance bonds and related security required.
7. The parties covenant that they will each proceed with due diligence and in good faith to accomplish the objectives of this Stipulation.
8. Each party has had the opportunity to be represented by counsel of its own choosing in the negotiation and execution of this Stipulation and executes this Stipulation knowingly and voluntarily with due authority.

9. This Stipulation shall be binding upon the heirs, successors and/or assigns of each party.

10. This Stipulation shall "run with the land", shall be binding upon all successive owners of the Property and may be recorded with the Putnam County Clerk be any party.

IN WITNESS WHEREOF, the parties have executed this Stipulation as of the date first above written.

TOWN OF KENT

By: Jaime McGlasson, Supervisor

TOWN OF KENT PLANNING BOARD

By: Phil Tolmach, Chairman

DOUGLAS HOLLY, Property Owner and Applicant

LAUREL HOLLY, Property Owner and Applicant

STATE OF NEW YORK)
) ss.:
COUNTY OF PUTNAM)

On _____, 2022 before me, the undersigned, a notary public in and for said state, personally appeared DOUGLAS HOLLY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF PUTNAM)

On _____, 2022 before me, the undersigned, a notary public in and for said state, personally appeared LAUREL HOLLY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF PUTNAM)

On _____, 2022 before me, the undersigned, a notary public in and for said state, personally appeared JAIME McGLASSON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF PUTNAM)

On _____, 2022 before me, the undersigned, a notary public in and for said state, personally appeared PHIL TOLMACH, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public



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

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

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

Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Special Use Permit/Site Plan/ECP/ Wetland Review Memorandum – Revised Submittal
Date:	July 14, 2022	Project:	Flintlock Storage. TM # 12.18-1-14

The following materials were reviewed:

- Letter to Town of Kent Planning Board- Flintlock Storage prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated June 16, 2022.
- Town of Kent Planning Board- Site Plan Checklist-Flintlock Storage, dated June 16, 2022.
- Short Environmental Assessment Form-Flintlock Storage dated March 17, 2022, last revised June 16, 2022.
- MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form-Flintlock Storage.
- Notice of Intent (DRAFT) – Flintlock Storage.
- Preliminary Stormwater Pollution Prevention Plan, Flintlock Storage, dated June 16, 2022, prepared by Insite Engineering, Surveying & Landscape Architecture P.C.
- Opinion of Probable Construction Cost-Flintlock Storage prepared by Insite Engineering, Surveying & Landscape Architecture.
- Email from Andreea Oncioiu to Jamie LoGuidice at Insite Engineering, Surveying & Landscape Architecture P.C. dated May 31, 2022.
- Deed 2228/242
- Drawing EX-1-Existing Conditions Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated June 9, 2022, last revised June 16, 2022, scale 1" =20'.
- Drawing SP-1-Layout & Landscape Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised June 16, 2022, scale 1" =20'.
- Drawing SP-2 -Grading, Drainage & Utilities Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised June 16, 2022, scale 1" =20'.
- Drawing SP-3-Erosion & Sediment Control Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised June 16, 2022, scale 1" =20'.
- Drawing SS-1-Steep Slopes & Soils Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised June 16, 2022, scale 1" =20'.

- Drawing D-1-Details-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022 last revised June 16, 2022, scale As Noted.
- Drawing D-2-Details-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated June 9, 2022, last revised March 17, 2022, scale 1" = 20', scale As Noted.

The proposed project involves construction of a self-storage facility with a small office /maintenance building, subsurface sewage treatment system, stormwater management practices, lighting, and landscaping. The project is located in the Commercial Zoning District. The use is a use permitted by special permit requiring site plan approval. Further, the project includes work within a Town of Kent regulated wetland buffer, requiring issuance of a Town Wetland Permit.

The following comments are provided for the Planning Board's consideration based on our April 11, 2022 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. The project will disturb 1.36 acres of land. Additionally, since the project requires a wetland permit, a Town of Kent Erosion & Sediment Control Permit as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001 is required. Post construction stormwater management practices will be required.**[No further comment required]**
2. The subject Erosion and Sediment Control Plan is not approved**[Comment continues]**
3. We defer to the Planning Board's environmental consultant regarding wetland issues.**[Note: Project will require a site-specific Wetland Permit which is separate and distinct from the Erosion and Sediment Control Permit.]**
4. We defer to the Planning Board's planning consultant regarding planning and zoning matters.**[Comment continues]**
6. Provide a SWPPP with post-construction stormwater management practice component in accordance with GP-0-20-001. Provide required information from Part III.B.2 including:**[The preliminary SWPPP submitted addresses the majority of the items outlined herein. One item that needs additional information is the stormwater planters. We require details of their construction and how runoff from the buildings that they are intended to serve reaches the units and excess runoff control measures. The analysis was performed on a gross contributing area basis with the units sufficient to handle the overall run-off. We require some additional analysis clearly demonstrating the units are sufficient in size to handle the runoff from the actual contributing buildings. A concrete washout detail is provided. The location is not indicated on the plan set.]**
 - a. Part III.B.2.a – "Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;"
 - c. Part III.B.2.c – "A Stormwater Modeling and Analysis Report that includes:

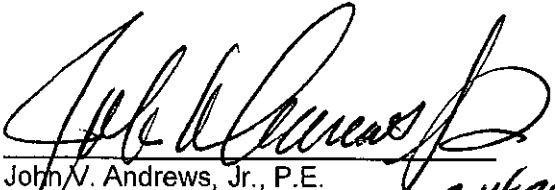
- i. Map(s) showing pre-development conditions, including watershed/sub catchments boundaries, flow paths/routing, and design points.
 - ii. Map(s) showing post-development conditions, including watershed/sub catchments boundaries, flow paths/routing, design points and post-construction stormwater management practices.
 - iii. Results of stormwater modeling (i.e., hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post development runoff rates and volumes for the different storm events.
 - iv. Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the sizing criteria included in the Design Manual.
 - v. Identification of any sizing criteria that is not required based on the requirements included in Part I.C. of this permit; and
 - vi. Identification of any elements of the design that are not in conformance with the performance criteria in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the Design Manual;”
- d. Part III.B.2.d – “Soil testing results and locations (test pits, borings);”
- f. Part III.B.2.f – “An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long-term operation and maintenance of each practice.”
8. Provide a cost estimate for the erosion control and stormwater management measures for the purposes of bonding. (Town Code § 66-7 and § 66-24) **[Various bond estimates have been provided. We are not yet in a position to accept the proposed amounts or otherwise make a recommendation on the amounts as additional information is required]**
10. Provide a Notice of Intent (NOI) for review. **[Draft NOI submitted. We take no exception to the material as submitted. Revisions to the NOI are possible until the SWPPP is accepted.]**
11. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed. **[Form provided. Once the SWPPP is accepted we will complete and return the MS4 Acceptance Form to the Project Sponsor for filing.**
12. The project site is located on Route 52. Access to the project site is by means of two (2) driveway connections to an existing 50-foot right-of-way that runs along the southerly property line. No details are provided concerning the rights, obligations, or responsibilities of the project sponsor with respect to this right-of-way. A cursory review of available data at the County Clerk suggests that this lot has the right of ingress and egress only. We could not locate any documentation addressing maintenance or improvement of this right-of way. The right-of-way access drive appears to have a 24’

wide curbed and paved full motion driveway connection to Route 52. Once beyond the entrance, the access drive is of variable width and is labelled as gravel. We recommend that the Planning Board require that the access drive be widened to a uniform 24' foot width and paved to a point 5 foot beyond the radius for the second access drive into the project site. The existing driveway at the southeast corner should be removed and replaced with grass. **[The proposal incorporates the recommended improvements; the driveway is shown at a uniform width of 24' and paved to a point 5' beyond the radius of the second access drive. The engineer submitted documentation today which suggests that the project sponsor has the ability to implement the proposed improvements. The matter is still under review by the Planning Board Attorney. It is his preference to have a recordable agreement with all parties that share this easement that addresses the issue of the improvements, the cost of improvements and the responsibility for maintenance and repair. If or when approval of the application is warranted, this could be a condition of approval.]**

13. The survey contains several items that are unexplained and have the potential to impact the proposed development plan. These items need to be addressed in some fashion as the project moves forward. These items are a culvert crossing Route 52 for which no outlet could be located, a concrete pad/cover on the southerly property frontage, a 24inch vertical CMP and a concrete pad with sump in the eastern portion of the center of the property. **[The response letter offers explanations for some of the features, likely vestiges of the prior development on the site which make sense and for which we take no exception. The outlet for the culvert that crosses Route 52 has been clarified. Reputedly, the culvert extends across the site and discharges to the property immediately to the north. At its discharge end the pipe is noted as a 24" CMP with an invert elevation. Details of the pipe, its size and material, how it connects to the culvert at Route 52 and what occurs at the various changes in direction remain unknown. No easement appears to be associated with this pipe. The pipe is to be re-routed to accommodate the proposed project. Details of how this is to be accomplished are incomplete. A proposed route, pipe material and structures are shown. Future submittals should address the details of this relocation. We recommend that the NYSDOT be consulted as the existing pipe connects to their facilities. Simple calculations should be provided validating the pipe size to be used. Consideration should be given to providing an easement along the new route.]**
14. Putnam County Health Department approval is required for the water supply and wastewater disposal system serving the project. The application and SEAF reference a subsurface sewage treatment system. The plan set reflects a holding tank. We question whether a holding tank is acceptable for the proposed office use. Additionally, the Building Inspector should be consulted. The holding tank may not be acceptable. **[Response acknowledges requirement for PCDOH approval. Feasibility or likelihood of receiving such approval remains unclear.]**
15. There are no provisions for refuse handling indicated on the plan. **[Response indicates that a refuse enclosure and detail are shown on Drawing SP-1. We could not locate the referenced information]**
16. The office square footage used in the parking calculation appears to be at variance with the square footage reflected on the plan view and in the provided architectural floor plan. Further explanation is required. **[Resolved]**

17. The applicant is proposing the use of millings within the wetland buffer and elsewhere as an option. We recommend that the millings be eliminated as an optional surface within the wetland buffer, utilizing either compacted Item 4 for or gravel. Given the close proximity of the area outside the buffer to the buffer and the direction of run-off, we recommend that the use of millings not be allowed in this area as well. **[Use of millings has been discontinued. Item 4 or gravel is proposed in lieu of the millings. We consider the matter resolved.]**
19. Provide a lighting plan and details of any proposed site lighting. **[Comment continues. Response indicates that a plan will be provided with future submittals.]**
20. Provide information and details concerning the use of the outdoor storage area. What will be stored in this area? **[Response indicates that the area will be used for large personal items that will not fit in a storage unit, such as motorized vehicles and/or trailers. The area will be enclosed with a solid 6' high stockade fence. We recommend that some control be retained as to the location of the stored items and the arrangement to permit adequate emergency response in that area. It may require some additional notations on the plan.]**
21. Provide a written response with future submittals stating how the comments have been addressed.

The comments contained herein should not be considered all inclusive. As additional information is provided, further comments may be offered. We trust the comments are useful in your review. Please let us know if we can be of additional assistance.



John V. Andrews, Jr., P.E. 7.14.2022

cc: Planning Board via email
Bill Walters via email
22-261-262

Bruce Barber via email
Liz Axelson via email



Cornerstone Associates

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

July 14, 2022

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

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

Dear Chairman Tolmach and Members of the Planning Board:

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

1. Transmittal letter executed by John Watson of Insite Engineering dated 06/18/22, 7 pages.
2. Town of Kent Planning Board Combined Application dated 12/01/21 executed by Frank Vasi dated 06/16/22 (rev.).
3. Copy of email from Andrea Oncioiu of NYCDEP dated 05/31/22.
4. Opinions of Probable Construction Cost: Stormwater Bond Estimate, Erosion Control Bond Estimate, Site Landscaping and Mitigation Planting prepared by Insite Engineering dated 06/15/22.
5. Short-form EAF (Part I) executed by John Watson of Insite Engineering dated 06/16/22 (rev.).
6. Draft Notice of Intent (unexecuted).
7. Copy of deed dated 08/05/21.
8. Plans entitled; "Flintlock Storage" prepared by Insite Engineering dated 06/16/22 (rev.), 7 sheets: EX-1, SP-1, SP-2, SP-3, SS-1, D-1, D-2.

Summary of Application:

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

A: Environmental Review:

Wetlands: The Town of Kent jurisdictional wetland located on the subject property was identified by the presence of hydric soils as per Chapter 39A of the Town of Kent Town

Code. Town of Kent wetland buffer is reflected onto the subject property by the adjoining wetlands and watercourse to the north. The wetland delineation as indicate on Plan Sheet SP-1 is found to be accurate.

The applicant proposes to construct a stormwater management structure, grading, and a portion of the gravel access areas around the building in the Town of Kent wetland and wetland buffer. The applicant requires a wetland permit from the Planning Board.

The wetland area is a depressional, recharge wetland which has a managed lawn vegetation cover. The stormwater management system has been designed to maintain the existing on-site hydric soils and basic recharge function. The installation of wetland plantings in this area will the present function.

The existing wetland buffer on the site consists of managed lawn surface. The applicant is proposing the installation of native plantings in the remaining buffer area as mitigation.

It is acknowledged that stormwater design will need to be in compliance with Chapter 10 of the NYSDEC Stormwater Design Manual. In order to document that the proposed mitigation will be successful in replicating the existing wetland and wetland buffer functions. quantification of pre and post construction pollutant loading is required. Simply oversizing the stormwater basin as indicated is not definitive and with the pollutant analysis performed may be found to be unnecessary. A recognized method such as the "Simple Method" may be utilized or any other method that provides this information. (See Town Code Chapter 39A

Soils and Steep Slopes: The applicant proposes to disturb 1.6 acres of the site. Applicant should indicate any flood plain flood way areas as applicable.

Threatened and Endangered Species: The site is in the US Fish and Wildlife Bat Recovery zone and therefore restrictions in which tree cutting restrictions to between November 1 and March 31 of the following year may apply.

Cultural Resources: None as per EAF.

B: Review Comments:

Please see comments above regarding wetland delineation and mitigation.

EAF: Page 1, Brief Description: Please correct to indicate :

- 1) There is only a septic tank hold system proposed, not a subsurface sewage treatment system.
- 2) "Disturbance is proposed within the wetland and wetland buffer..."
- 3) Please quantify the amount of disturbance to the wetland and wetland buffer (in square feet). Could not located on Plan Sheet SP-1

Page 2: Question 8a: Please indicate how response was determined.

Page 2: Question 12a, b: Please indicate how response was determined.

Page 3: Question 15: Please indicate how response was determined.

Page 3: Questions 19, 20: Please indicate how responses were determined.

In evaluation the impacts to the wetland and wetland buffer areas please provide responses to the questions found in the Town Code Chapter 39A-8(B)(1-9).

Please see above comments (Wetlands) regarding pollutant analysis

Please provide long-term inspection, reporting and maintenance (including invasive species removal) plan for wetland and wetland buffer mitigation plantings.

Please provide correspondence from NYS Natural Heritage.

The septic system appears to be only a holding tank (lack of leaching area). Consultation with the PCDOH and the Town Building Inspector is required to verify feasibility.

It should be determined if the site is located in a NYCDEP Designated Main Street Area.

Provide lighting plan and indicate if there will be any light pollution.

Provide details of driveway/road access easement to the site. Review by the Planning Board Attorney is required.

Please indicate visual impacts to adjoining properties. Please provide detail and location of the proposed sign.

Please provide information regarding any existing and proposed easements, etc. regarding the pipe which enters the subject property from Route 52 and discharges to the stream to the north. Review by the Town Engineer and referral to NYSDOT is required.

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

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

The applicant is encouraged to provide annotated responses to this review memo. Upon receipt of additional information further review will be conducted. Please do not hesitate to contact me should you have any questions.

Sincerely,

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

Bruce Barber, S-PWS, Certified Ecologist
Town of Kent Environmental Consultant

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
John Andrews
Bruce Barber
FROM: Liz Axelson, AICP
DATE: July 14, 2022
RE: Flintlock Storage Special Use Permit & Site Plan, 1030 Route 52, Tax Parcel No. 12.18-1-14 /
CPL#16570.04

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, Chapters 77, Zoning. This review is based on my April 14, 2022 review. Prior comments that have been addressed have been deleted, and comments that remain to be addressed are repeated and updated, as necessary. Based on my review I offer the following comments for the Board's consideration:

Summary

1. The proposal is to convert a vacant site into an indoor storage establishment, including five (5) proposed buildings, access, driveway, and parking areas. The site is a 72,606 square foot (SF), or 1.67-acre parcel in the Commercial (C) Zoning District. The proposed structures include: a 760 SF an apparently 2-story office building, with 2 overhead doors; and 4 storage-unit buildings, including 66 units and an outdoor storage area as follows:
 - a. a 1,200 SF building with 6 storage units;
 - b. a 2,400 SF building with 16 storage units;
 - c. a 2,000 SF building with 20 storage units; and
 - d. another 2,000 SF building with 20 storage units; and
 - e. a fenced in, paved, 5,500 square foot (SF) outdoor storage area.
2. The project will require physical site changes and disturbance.

SEQRA

3. The proposal may be an Unlisted Action as per the SEQRA regulations.
4. I defer to the Planning Board's Environmental Consultant, yet it is noted there are wetlands on the site.

Zoning Requirements

5. A primary concern on this site is the right-of-way (ROW) labeled on the Layout plan sheet as "Existing Gravel Drive to Remain", which ROW is located on an adjoining property and abuts the project site's southern property line. The ROW and existing gravel driveway providing access to the subject site's proposed driveways is located on the adjacent tax parcel, ID 12.-1-56. Specific concerns are as follows:
 - a. The site plan shows apparent improvements such as curbing, planted median areas and two asphalt driveway entrances within the bounds of the ROW, that is, a portion of proposed



- site improvements would be located off of the subject parcel. Prior comments requested that a narrative be provided about this and documentation demonstrating whether the ROW provides the proposed project the right to make such improvements. Recent updates note that the property owner and applicant representatives have conferred, and further information will be provided.
- b. The proposed access from the subject parcel appropriately includes asphalt driveways and related curbing, entering onto an "Existing Gravel Drive to Remain", which is not acceptable. The entire entrance into the site should be fully paved for durability and to prevent gravel spillage onto Route 52 given the increased traffic from the proposed development. Accordingly, a length of the "Existing Gravel Drive" would have to be paved. This would necessitate a ROW that provides the proposed project the right to make such improvements. A very basic, one-page signed document was submitted that notes that the intent to allow "... improvements for ingress and egress such as paving, plowing, improved drainage, widening, lighting and/or any other reasonable improvements." Yet a draft of a document in recordable form remains to be provided.
 - c. Please refer to Kent Code chapter 57 article II. Driveway Specifications. Also, refer to zoning section 77-34.3 Buildable lot., regarding access. As noted above, the property owner and applicant representatives have conferred, and further information will be provided.
6. The proposed indoor storage establishment requires a special use permit, in addition to site plan approval, as per zoning section 77-21. C. (13). Please define the proposed use and development and provide required information by addressing the following:
- a. Add a floor plan layout to the plan set to show the area in square feet of the first and second floors of the office building, and the floor area of the garages.
 - b. Prior comments requested clarification about whether any apartment is intended on the second floor of the office building. The recently submitted response letter notes there will not be an apartment, yet the second floor would be for storage. Revised the site plan set, including architectural plans accordingly.
 - c. Prior comments asked about the numerous storage spaces that are ten feet (10') by 20', or 200 SF, and whether these are intended for any type of vehicle storage. The response notes they could be used for vehicle storage depending on the needs of the renter.
 - d. Similarly, the previously submitted illustration of "Automotive storage building" indicates that the 10' by 10' units are intended for vehicle storage. The response notes they could be used for vehicle storage depending on the needs of the renter.
 - e. I defer to the Planning Board's Environmental Consultant and Consulting Engineer about any permitting requirements for vehicle storage.
 - f. Notation was added the plan set specifying the proposed days and hours of construction and operation, including use of storage units and outdoor storage, which would allow 24-hour operation for renter access to storage units. This may be a concern given nearby residences. **The Planning Board should discuss this item.**
 - g. Revise the previously submitted architectural illustrations to indicate title, prepare and date.
7. Regarding zoning section 77-22. Lot and bulk requirements, a Commercial Zoning Requirements Table is provided on the plans.
- a. As per prior comments, regarding subsection 77-22. E., provide a table on the plans with a breakdown of all impervious surface areas including the outdoor storage area, all parking and loading areas, and all accessways.



- b. Prior comments noted that while a stockade fence is proposed, which may have a more natural look, there is a concern about its durability over time. Provide plan notation about maintenance and replacement of the fence due to wear and tear from outdoor storage use. The response letter indicates a note was added, which was not found in the plan set.
- c. As per prior comments, provide actual proposed building height in the table.
- 8. Regarding 77-23. A. Design standards, address the following:
 - a. As per 77-23. A. (1) (a) through (c), screening and landscaping must be a height of not less than 6' to screen through all seasons of the year. Address the following:
 - i. In response to prior comments, a planting schedule was added to the plans including species type, varieties, and size of each plant species proposed of not less than 6', specifying planting height, and including deciduous trees. I defer to the Planning Board's Environmental Consultant about whether the landscape plan includes sufficient complement of native varieties,
 - ii. In response to prior comments, a more natural blend of trees and their placement is now proposed at the rear of the site, behind the outdoor storage area. Check and revise the Site Plan List, under Shrubs, to correct the key item for Viburnum dentatum to be "VD".
 - iii. Show and label any vegetation to be retained with notation or specifications for its protection, particularly along the northern side of the site. Refer to 77-23. A. (7)
 - b. Prior comments noted that as per 77-23. A. (5), "Sidewalks shall be provided along any existing or proposed public street. The sidewalks shall be separated from the street by a tree lawn at least four feet wide." **The Planning Board should discuss this item.**
 - c. As per prior comments, provide an architectural illustration and rendering of the street frontage elevation to demonstrate compatibility with the character of both buildings along the frontage per 77-23. A. (6) and to prevent windowless facades per 77-23. A. (9). See 77-60. T.
 - d. As per prior comments, provide an architectural plans, illustrations and renderings of the proposed storage buildings to address the need for pitched roofs per 77-23. A. (11); and for design considerations for buildings along the site's frontage per 77-23. A. (13). Also refer to 77-60. I. (1) and M.
 - e. As per prior comments, show and label a proposed refuse enclosure. Add reference to and a detail for the refuse enclosure. See 77-60 N (2).
 - f. As per prior comments, per 77-23. A. (18), a primary entrance should be oriented to the lot frontage. However, given that 3 lots have access to a partially improved ROW, it is recommended that the existing and proposed uses continue using the shared access. Yet as noted above, narrative and documentation are needed to demonstrate whether the ROW provides the proposed project is entitled to use the ROW and to make the proposed improvements.
- 9. As per prior comments, this submittal and plans was reviewed in more detail regarding the design standards in zoning section 77-23; and special use and site plan requirements and standards in 77-60. F. through T. Address the following comments:
 - a. The plan set should include an index listing the sheet numbers and titles.
 - b. The signature blocks are shown on the existing conditions plan yet should be on a sheet that is most like a site plan, which would likely be the Layout and Landscape Plan. Add notation referring to all the sheets in the rest of the plan set.



- c. One of the signature blocks is for "Owner/Applicant". Provide separate blocks for "Owner" and "Applicant", as needed. Refer to 77-60. F. (v) and (w).
 - d. While location of the proposed freestanding sign is properly shown as being set back 35' from the road centerline, provide the height, size and design of the sign as per Zoning section 77-37 Signs in nonresidential districts. A freestanding sign not exceeding 20 SF per side and not greater than 8' in height is permitted.
 - e. Since a wall or façade sign is also permitted, which size is based on the linear foot length of the building façade, shown any such proposed sign, demonstrating conformance with requirements.
 - f. Provide a lighting plan as per 77-60. F. (n).
10. The application and plans are incomplete. Refer to the above comments per the Special use and Site Plan requirements and standards in zoning sections 77-59 through 77-61, and related supplementary zoning requirements and standards. The Applicant's representatives should review pertinent requirements, and standards, and revise the plans accordingly.
11. Please provide written responses to the above comments.

Recommendation

12. The Planning Board should direct the applicant to address the comments above.
13. The application is for the development and use of a vacant site yet is incomplete and information is needed for further review. Accordingly, no Planning Board action is recommended at this time.

If you have any questions, please do not hesitate to contact me at 845-686-2309, or e-mail at eaxelson@CPLteam.com.

Materials Reviewed

- Cover letter from John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Combined Application, for Site Plan, Freshwater Wetland and Steep Slope & Erosion Control, signed by Frank Vasi June 16, 2022;
- Short EAF signed by John M. Watson, PE, March 17, 2022, revised June 16, 2022;
- SWPPP Acceptance Form, undated;
- Preliminary Stormwater Pollution Prevention Plan, prepared by John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Opinion of Probable Construction Cost documents (4), regarding: stormwater, erosion control, site landscaping, and mitigation planting, respectively, prepared by Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Copy of email dialogue about pond and watercourse in flagged wetland dated May 31, 2022;
- Copy of Putnam County Recording Page for Deed with attachments, dated August 19, 2021;
- Plan set entitled Flintlock Storage, prepared by John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated March 17, 2022, revised June 9, 2022, including the following sheets:
 - o Existing Conditions Plan;
 - o Layout & Landscape Plan;
 - o Grading Drainage and Utilities Plan;
 - o Erosion & Sediment Control Plan;
 - o Steep Slopes & Soils Plan;
 - o Details (2 sheets);
- Copy of Putnam County Clerk's Recording Page, for Deed for Frank Vasi, tax ID 12.18-1-14, dated 8/19/21; and
- Document about right-of-way signed by Lyn Balaj, dated July 12, 2022.

Materials Previously Reviewed



- Cover letter from John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated March 17, 2022;
- Plan set entitled Flintlock Storage, prepared by John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated March 17, 2022, including the following sheets:
 - o Layout & Landscape Plan;
 - o Grading Drainage and Utilities Plan;
 - o Erosion & Sediment Control Plan;
 - o Steep Slopes & Soils Plan;
 - o Details (2 sheets);
- Survey of Property, prepared for Frank & Christine Vasi, by Stephen Miller, LS, Badey & Watson Surveying & Engineering, PC, dated November 16, 2021, revised July 24, 2009;
- Combined Application, for Site Plan, Freshwater Wetland and Steep Slope & Erosion Control, signed by Frank Vasi March 14, 2022;
- Short EAF signed by John M. Watson, PE, March 17, 2022;
- Architectural illustrations, UNTITLED, PREPARER NOT INDICATED, UNDATED;
- Illustration of Automotive Storage Building, with storage unit layout, prepared by LTH Steel Structures, dated 2/24/14;
- Copy of Putnam County Clerk's Recording Page, for Deed for Frank Vasi, tax ID 12.18-1-14, dated 8/19/21; and
- Memorandum from Vera Patterson, Planning Board Secretary, regarding checks for fees and escrow, dated March 17, 2022, with attachments.

MEMORANDUM

TO: Town of Kent Planning Board
CC: Bill Walters
John Andrews
Bruce Barber
FROM: Liz Axelson, AICP
DATE: July 14, 2022
RE: Flintlock Storage Special Use Permit & Site Plan, 1030 Route 52, Tax Parcel No. 12.18-1-14 / CPL#16570.04

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, Chapters 77, Zoning. This review is based on my April 14, 2022 review. Prior comments that have been addressed have been deleted, and comments that remain to be addressed are repeated and updated, as necessary. Based on my review I offer the following comments for the Board's consideration:

Summary

1. The proposal is to convert a vacant site into an indoor storage establishment, including five (5) proposed buildings, access, driveway, and parking areas. The site is a 72,606 square foot (SF), or 1.67-acre parcel in the Commercial (C) Zoning District. The proposed structures include: a 760 SF an apparently 2-story office building, with 2 overhead doors; and 4 storage-unit buildings, including 66 units and an outdoor storage area as follows:
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 - b. a 2,400 SF building with 16 storage units;
 - c. a 2,000 SF building with 20 storage units; and
 - d. another 2,000 SF building with 20 storage units; and
 - e. a fenced in, paved, 5,500 square foot (SF) outdoor storage area.
2. The project will require physical site changes and disturbance.

SEQRA

3. The proposal may be an Unlisted Action as per the SEQRA regulations.
4. I defer to the Planning Board's Environmental Consultant, yet it is noted there are wetlands on the site.

Zoning Requirements

5. A primary concern on this site is the right-of-way (ROW) labeled on the Layout plan sheet as "Existing Gravel Drive to Remain", which ROW is located on an adjoining property and abuts the project site's southern property line. The ROW and existing gravel driveway providing access to the subject site's proposed driveways is located on the adjacent tax parcel, ID 12.-1-56. Specific concerns are as follows:
 - a. The site plan shows apparent improvements such as curbing, planted median areas and two asphalt driveway entrances within the bounds of the ROW, that is, a portion of proposed



- site improvements would be located off of the subject parcel. Prior comments requested that a narrative be provided about this and documentation demonstrating whether the ROW provides the proposed project the right to make such improvements. Recent updates note that the property owner and applicant representatives have conferred, and further information will be provided.
- b. The proposed access from the subject parcel appropriately includes asphalt driveways and related curbing, entering onto an "Existing Gravel Drive to Remain", which is not acceptable. The entire entrance into the site should be fully paved for durability and to prevent gravel spillage onto Route 52 given the increased traffic from the proposed development. Accordingly, a length of the "Existing Gravel Drive" would have to be paved. This would necessitate a ROW that provides the proposed project the right to make such improvements. A very basic, one-page signed document was submitted that notes that the intent to allow "... improvements for ingress and egress such as paving, plowing, improved drainage, widening, lighting and/or any other reasonable improvements." Yet a draft of a document in recordable form remains to be provided.
 - c. Please refer to Kent Code chapter 57 article II. Driveway Specifications. Also, refer to zoning section 77-34.3 Buildable lot., regarding access. As noted above, the property owner and applicant representatives have conferred, and further information will be provided.
6. The proposed indoor storage establishment requires a special use permit, in addition to site plan approval, as per zoning section 77-21. C. (13). Please define the proposed use and development and provide required information by addressing the following:
- a. Add a floor plan layout to the plan set to show the area in square feet of the first and second floors of the office building, and the floor area of the garages.
 - b. Prior comments requested clarification about whether any apartment is intended on the second floor of the office building. The recently submitted response letter notes there will not be an apartment, yet the second floor would be for storage. Revised the site plan set, including architectural plans accordingly.
 - c. Prior comments asked about the numerous storage spaces that are ten feet (10') by 20', or 200 SF, and whether these are intended for any type of vehicle storage. The response notes they could be used for vehicle storage depending on the needs of the renter.
 - d. Similarly, the previously submitted illustration of "Automotive storage building" indicates that the 10' by 10' units are intended for vehicle storage. The response notes they could be used for vehicle storage depending on the needs of the renter.
 - e. I defer to the Planning Board's Environmental Consultant and Consulting Engineer about any permitting requirements for vehicle storage.
 - f. Notation was added the plan set specifying the proposed days and hours of construction and operation, including use of storage units and outdoor storage, which would allow 24-hour operation for renter access to storage units. This may be a concern given nearby residences. **The Planning Board should discuss this item.**
 - g. Revise the previously submitted architectural illustrations to indicate title, prepare and date.
7. Regarding zoning section 77-22. Lot and bulk requirements, a Commercial Zoning Requirements Table is provided on the plans.
- a. As per prior comments, regarding subsection 77-22. E., provide a table on the plans with a breakdown of all impervious surface areas including the outdoor storage area, all parking and loading areas, and all accessways.



- b. Prior comments noted that while a stockade fence is proposed, which may have a more natural look, there is a concern about its durability over time. Provide plan notation about maintenance and replacement of the fence due to wear and tear from outdoor storage use. The response letter indicates a note was added, which was not found in the plan set.
- c. As per prior comments, provide actual proposed building height in the table.
- 8. Regarding 77-23. A. Design standards, address the following:
 - a. As per 77-23. A. (1) (a) through (c), screening and landscaping must be a height of not less than 6' to screen through all seasons of the year. Address the following:
 - i. In response to prior comments, a planting schedule was added to the plans including species type, varieties, and size of each plant species proposed of not less than 6', specifying planting height, and including deciduous trees. I defer to the Planning Board's Environmental Consultant about whether the landscape plan includes sufficient complement of native varieties,
 - ii. In response to prior comments, a more natural blend of trees and their placement is now proposed at the rear of the site, behind the outdoor storage area. Check and revise the Site Plan List, under Shrubs, to correct the key item for *Viburnum dentatum* to be "VD".
 - iii. Show and label any vegetation to be retained with notation or specifications for its protection, particularly along the northern side of the site. Refer to 77-23. A. (7)
 - b. Prior comments noted that as per 77-23. A. (5), "Sidewalks shall be provided along any existing or proposed public street. The sidewalks shall be separated from the street by a tree lawn at least four feet wide." **The Planning Board should discuss this item.**
 - c. As per prior comments, provide an architectural illustration and rendering of the street frontage elevation to demonstrate compatibility with the character of both buildings along the frontage per 77-23. A. (6) and to prevent windowless facades per 77-23. A. (9). See 77-60. T.
 - d. As per prior comments, provide an architectural plans, illustrations and renderings of the proposed storage buildings to address the need for pitched roofs per 77-23. A. (11); and for design considerations for buildings along the site's frontage per 77-23. A. (13). Also refer to 77-60. I. (1) and M.
 - e. As per prior comments, show and label a proposed refuse enclosure. Add reference to and a detail for the refuse enclosure. See 77-60 N (2).
 - f. As per prior comments, per 77-23. A. (18), a primary entrance should be oriented to the lot frontage. However, given that 3 lots have access to a partially improved ROW, it is recommended that the existing and proposed uses continue using the shared access. Yet as noted above, narrative and documentation are needed to demonstrate whether the ROW provides the proposed project is entitled to use the ROW and to make the proposed improvements.
- 9. As per prior comments, this submittal and plans was reviewed in more detail regarding the design standards in zoning section 77-23; and special use and site plan requirements and standards in 77-60. F. through T. Address the following comments:
 - a. The plan set should include an index listing the sheet numbers and titles.
 - b. The signature blocks are shown on the existing conditions plan yet should be on a sheet that is most like a site plan, which would likely be the Layout and Landscape Plan. Add notation referring to all the sheets in the rest of the plan set.



- c. One of the signature blocks is for "Owner/Applicant". Provide separate blocks for "Owner" and "Applicant", as needed. Refer to 77-60. F. (v) and (w).
 - d. While location of the proposed freestanding sign is properly shown as being set back 35' from the road centerline, provide the height, size and design of the sign as per Zoning section 77-37 Signs in nonresidential districts. A freestanding sign not exceeding 20 SF per side and not greater than 8' in height is permitted.
 - e. Since a wall or façade sign is also permitted, which size is based on the linear foot length of the building façade, shown any such proposed sign, demonstrating conformance with requirements.
 - f. Provide a lighting plan as per 77-60. F. (n).
10. The application and plans are incomplete. Refer to the above comments per the Special use and Site Plan requirements and standards in zoning sections 77-59 through 77-61, and related supplementary zoning requirements and standards. The Applicant's representatives should review pertinent requirements, and standards, and revise the plans accordingly.
11. Please provide written responses to the above comments.

Recommendation

12. The Planning Board should direct the applicant to address the comments above.
13. The application is for the development and use of a vacant site yet is incomplete and information is needed for further review. Accordingly, no Planning Board action is recommended at this time.

If you have any questions, please do not hesitate to contact me at 845-686-2309, or e-mail at eaxelson@CPLteam.com.

Materials Reviewed

- Cover letter from John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Combined Application, for Site Plan, Freshwater Wetland and Steep Slope & Erosion Control, signed by Frank Vasi June 16, 2022;
- Short EAF signed by John M. Watson, PE, March 17, 2022, revised June 16, 2022;
- SWPPP Acceptance Form, undated;
- Preliminary Stormwater Pollution Prevention Plan, prepared by John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Opinion of Probable Construction Cost documents (4), regarding: stormwater, erosion control, site landscaping, and mitigation planting, respectively, prepared by Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Copy of email dialogue about pond and watercourse in flagged wetland dated May 31, 2022;
- Copy of Putnam County Recording Page for Deed with attachments, dated August 19, 2021;
- Plan set entitled Flintlock Storage, prepared by John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated March 17, 2022, revised June 9, 2022, including the following sheets:
 - o Existing Conditions Plan;
 - o Layout & Landscape Plan;
 - o Grading Drainage and Utilities Plan;
 - o Erosion & Sediment Control Plan;
 - o Steep Slopes & Soils Plan;
 - o Details (2 sheets);
- Copy of Putnam County Clerk's Recording Page, for Deed for Frank Vasi, tax ID 12.18-1-14, dated 8/19/21; and
- Document about right-of-way signed by Lyn Balaj, dated July 12, 2022.

Materials Previously Reviewed



- Cover letter from John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated March 17, 2022;
- Plan set entitled Flintlock Storage, prepared by John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated March 17, 2022, including the following sheets:
 - o Layout & Landscape Plan;
 - o Grading Drainage and Utilities Plan;
 - o Erosion & Sediment Control Plan;
 - o Steep Slopes & Soils Plan;
 - o Details (2 sheets);
- Survey of Property, prepared for Frank & Christine Vasi, by Stephen Miller, LS, Badey & Watson Surveying & Engineering, PC, dated November 16, 2021 used July 24, 2009;
- Combined Application, for Site Plan, Freshwater Wetland and Steep Slope & Erosion Control, signed by Frank Vasi March 14, 2022;
- Short EAF signed by John M. Watson, PE, March 17, 2022;
- Architectural illustrations, UNTITLED, PREPARER NOT INDICATED, UNDATED;
- Illustration of Automotive Storage Building, with storage unit layout, prepared by LTH Steel Structures, dated 2/24/14;
- Copy of Putnam County Clerk's Recording Page, for Deed for Frank Vasi, tax ID 12.18-1-14, dated 8/19/21; and
- Memorandum from Vera Patterson, Planning Board Secretary, regarding checks for fees and escrow, dated March 17, 2022, with attachments.

July 11, 2022

I Lina Balaj, owner/beneficiary of property located at
1020 Smadbeck Ave. (Rte. 52) in the Town of Carmel/Kent,
in relation to the easement on the property of 1030 Rte. 52 for Right of
Way, state that easement includes the right to make improvements
for ingress and egress such as paving, plowing, improved drainage, widening,
lighting and/or any other reasonable improvements.

Lina Balaj
Owner / Beneficiary

7/12/2022
Date



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July 5, 2022

Phil Tolmach, Chairman
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, NY 10512

and

William Walters, Building Inspector
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, NY 10512

RE: Bernie's Hidden Treasures Sign De Minimis Determination
531 Route 52, Suite 4 / Tax Map ID # 33.48-1-6
CPL Project # 16570.10

Dear Chairman Tolmach:

We have received an application and materials for a sign approval for a sign located at 531 Route 52, Suite 4, on property tax map identification number 33.48-1-6, which is located in the C (Commercial) zoning district. The facade length of the plaza occupancy where Bernie's Hidden Treasures and the proposed wall sign would be located is twenty feet (20').

We have reviewed the following materials in the submitted sign plan approval application, in accordance with all pertinent regulations, requirements and standards of the Code of the Town of Kent, Chapter 77, Zoning, including the following:

- combined application and documents signed or dated June 28, 2022; and received July 5, 2022;
- submitted detailed specifications of the proposed wall sign, and dimensions of the proposed five foot by one foot (5' X 1') sign, or five square feet (5 SF), submitted by the Applicant, Margie and Bernard Gastelu, apparently prepared by the applicant, received July 5, 2022; and
- Photograph of the storefront where the proposed sign would be located, received July 5, 2022.

We also examined the site via Putnam County Parcel mapping, GoogleEarth Pro aerial photography and street views and the Town of Kent Zoning map, showing the existing commercial plaza and noting the proposed location of the sign and required setback from the subject property's front lot line.

No lighting is proposed for the 5 SF wall sign, which is consistent with the general design and placement of other wall signs for other occupancies in this commercial plaza. Based on the length of the occupancy's facade of 20 feet, where the proposed business and sign would be located, and zoning subsection 77-37, A (2), and the requirement that a wall sign "... shall not exceed one square foot for



RE: Bernie's Hidden Treasures Sign De Minimis Determination
531 Route 52, Suite 4 / Tax Map ID # 33.48-1-6
CPL Project # 16570:10

every two linear feet of the front building façade ...", then the proposed wall sign would be allowed a maximum size of 10 square feet.

As per the provisions of Zoning section 77-60, a site plan approval before the Town of Kent Planning Board would ordinarily be required for the proposed sign. However, as per section 77-60, D. Exemptions and Waivers for De Minimis Activities, subsection (2) De Minimis Waivers, it is my opinion that that this proposed sign is a de minimis construction activity for which site plan approval is not necessary. Under this zoning provision, I recommend that the Building Inspector issue a building permit.

Sincerely,
Elizabeth Axelson



Planner
CPL



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: July 7, 2021

Project: Raneri – Hillside Road
TM # 33.18-1-28, 33.80-1-1,
44.24-1-3

The following materials were reviewed:

- Letter to Town of Kent Planning Board-Revisions to Plans- Raneri, Hillside Road from John Karell, Jr., P.E., dated June 8, 2021.
- Letter to Town of Kent Planning Board-Response to Comments- Raneri, Hillside Road from John Karell, Jr., P.E., dated October 31, 2019.
- Letter to Mr. Robert Bradley from Town of Kent Highway Department, dated October 23, 2019.
- Memorandum to Jack Karell, Jr. P.E.-Hillside Road Spur from Town of Kent Highway Department, dated June 8, 2021.
- Letter to John Karell, Jr., P.E. from Andy Tse dated April 2, 2019.
- Letter to John Karell, Jr., P.E. from New York Department of Health-Paneri & Realbuto Lots, dated August 22, 2019.
- Drawing-Raneri Sampling Locations, Hillside Road.
- Design Data Sheet-Stormwater-Raneri-Hillside Road.
- Stormwater Pollution Prevention Plan-Hillside Road, prepared by John Karell, Jr., P.E. dated May 31, 2021.
- Drawing S-1-Site & Erosion Control Plan- Raneri Hillside Road, prepared by John Karell, Jr., P.E. dated December 28, 2017, last revised June 5, 2021, scale 1"=30'.
- Drawing S-3-Existing Conditions- Raneri Hillside Road, prepared by John Karell, Jr., P.E. dated December 28, 2017, last revised July 4, 2019, scale 1"=60'.
- Drawing D-1-Health Department Details- Raneri Hillside Road, prepared by John Karell, Jr., P.E. dated December 28, 2017, last revised June 5, 2021, scale 1"=30'.
- Drawing D-2-Erosion Control Details- Raneri Hillside Road, prepared by John Karell, Jr., P.E. dated December 28, 2017, last revised June 5, 2021, scale 1"=30'.
- Drawing D3-Erosion Control & Steep Slope Notes- Raneri Hillside Road, prepared by John Karell, Jr., P.E. dated March 10, 2018 last revised June 5, 2021, scale As Shown.

The project proposes construction of a single-family home with driveway, well and septic. Information provided indicates the lot has Putnam County Health Department approval for septic, but copy has not been provided.

The project received a conditional 280A variance from the ZBA for open development plan on 7/15/2019.

Revised or supplementary comments are shown in **bold**.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from memos dated 10/5/2018 and August 8, 2019:

2. 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-0-15-002.
7. Refer to the Drawings:
 - e. Due to the steepness of the driveway (8-9%) a stabilized swale, series of stabilized discharge points or other method to reduce erosion of the slope from driveway runoff should be provided.
 - i. 1/7/2019 response letter indicates "driveway drainage is under design".
 - ii. **The plans reflect a swale with a single point of discharge. The identified point is not at the low point. The design does not address erosion in the steep sections. Check dams may be required to reduce velocity. The engineer needs to revisit the manner and method of discharge from the swale.**
 - iii. **The swale detail does not match the plan notations. The plan notations call for a "curtain drain with 8" perforated PVC pipe below.**
 - iv. **The provided SWPPP does not clearly address driveway drainage.**
 - h. Provide top and bottom wall elevations.
 - i. 1/7/2019 response letter indicates "wall designs are in process..."
 - ii. **Top and bottom wall elevations are provided for some of the walls but not all. All walls should be indicated with a top and bottom elevation. The guiderail is graphically shown behind the wall in plan view but on top of or in the wall in the detail.**
 - iii. **Walls are indicated on both sides of the driveway. The swale is shown between the face of wall and the driveway. There are two walls shown in a section. The engineer should provide 'to scale' cross-sections at key points to reflect the wall, driveway, swale, and their dimensional relationship.**
 - m. Drawing D-2 Erosion Control Details
 - v. For the retaining wall detail - Additional drainage through the walls (weep holes) may be needed. As the walls are for the driveway, they will have to be designed to carry emergency vehicles. Provide additional calculations. Guiderails should also be provided along portion of driveway.

1. 1/7/2019 response letter indicates "design of drainage for the driveway including guiderails are in process."
2. **More information should be provided for the retaining wall. Wall construction is unclear. No design calculations or supporting information is provided.**
3. **No details are provided for the culvert crossing under multiple walls. See also the comments hereinbefore above concerning 'to scale' cross-sections at key locations.**
12. 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 remains applicable.**
13. We defer to the Planning Board's environmental consultant regarding wetland issues. **It appears that a wetland permit will be required. There does not appear to be any work in the wetland but there are incursions into the wetland buffer area.**
14. We defer to the Planning Board's planning consultant regarding planning and zoning issues.

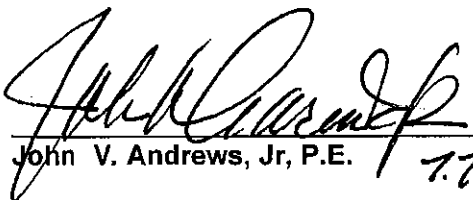
New Comments:

1. We defer review of deed and ownership issues to the Planning Board attorney. **It is still not clear that all ownership and access issues have been resolved.**
2. Regarding the miscellaneous, contaminated fill that the driveway will be constructed across, provide details regarding how the exposed contaminated soil will be handled and disposed of. Provide details on how driveway is to be constructed on stable ground, without unsuitable fill and organics beneath it. **Please see comment below concerning contaminated soils. Driveway construction on stable ground without organics needs to be addressed. A comprehensive written scope of work addressing construction and the handling, removal, and disposal of unsuitable soils whether contaminated or other should be provided.**
3. The email from Andy Tse of State Health Department states:
"For the Raneri lot, the impacted soil, with the semi-volatile organic detections, can be used beneath the pavement or subsurface. The NYSDEC recommends that if there is any remaining impacted soil not be placed below pavement, that it should be properly disposed of offsite."

There is more area of that fill section with "impacted soils" than just what will be capped beneath the asphalt driveway. How will the rest of the "impacted soils" be handled? Provide a letter from NYSDEC regarding how the rest of the "impacted soils" are to be handled. **The intent of the plan is unclear when it comes to the contaminated soils. The limit of the area containing the contaminated soils should be clearly indicated on the plan set. A detailed scope of work should be provided clearly outlining how the soils are to be treated, which soils are to remain, which soils are to be removed which soils are to be asphalt capped and lastly how soils to remain are to be addressed.**

Memorandum
Raneri ECP – Revised Submittal
TM # 33.18-1-28, 33.80-1-1, 44.24-1-3
July 7, 2021
Page 4 of 4

4. Refer to Notes "Soil Erosion and Sediment Control Notes" on Drawing D-1 and D-2
 - a. #2 & #3 – remove inclusion of out-of-date timeframe of "21 days". **Resolved**
5. Provide a revised Erosion Control Bond Estimate once design of driveway drainage has been completed. Be sure to include the infiltration practices. **The estimate provided should be expanded to include the two(2) diversion swales.**
6. SWPPP – Provide a revision date. **SWPPP has been redated. The soil tests for the infiltration practice should be included in the SWPPP. In addition, minimum calculations establishing the sizing for the Infiltration practice shown should be included.**
7. **The applicant proposes to extend Hillside Road and further provide some form of an extension down Sunset Road with the driveway serving this project deriving its access off the Hillside Road extension and along the Sunset Road portion. The construction details of the Hillside Road extension are indicated in a simple note describing the desired specifications. This note should be expanded, establishing a minimum paved width, and identifying Town inspection requirements. A cross section would be helpful. Adequate and convenient provisions for a truck turn around should be provided at the terminus of Hillside Road and incorporated into the current design/layout.**


John V. Andrews, Jr, P.E. 7.7.2021

cc: Planning Board via email
Bill Walters via email
18-261-999-157

Bruce Barber via email
Liz Axelson via email