

Approved: December 8, 2022

**TOWN OF KENT PLANNING BOARD
NOVEMBER 10, 2022
FINAL ADOPTED MINUTES**

The Planning Board held their November 10, 2022 meeting at the Kent Town Hall.

Following the Pledge of Allegiance, Mr. Phil Tolmach, Chairman of the Town of Kent Planning Board, called the meeting to order at 7:30 PM.

The following Planning Board members and Planning Board consultants participated in the meeting held at Kent Town Hall.

Members in Attendance:

Phil Tolmach, Chairman	Hugo German
Jacky Beshar, Alternate Member	Stephen Wilhelm
Sabrina Cruz	

Absent:

Simon Carey	Liz Axelson, Clark, Patterson & Lee, Planner
Giancarlo Gattucci	Chris Ruthven, Planning Board Liaison

Others in Attendance:

John Andrews, Rohde, Soyka & Andrews, Engineer
Bruce Barber, Environmental Consultant
Bill Walters, Building Inspector

• **Approve Kent Planning Board Minutes from the October 13, 2022 meeting**

Mr. Tolmach asked the Planning Board members if they had read the Minutes from the October 13, 2022 meeting. The Board members stated that they had reviewed the October minutes. Mr. Tolmach asked for a motion to approve the Planning Board minutes from the October 13, 2022 meeting. Ms. Beshar made the motion to accept the October minutes and Mr. Wilhelm seconded the motion. Following were the roll call votes:

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

The motion carried.

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

Ms. Jamie LoGuidice, of Insite Engineers, represented the applicants, Christine and Frank Vasi, who also attended the meeting.

Ms. LoGuidice said that a submittal had been made with responses to previous comments made by the Consultants and Planning Board members. Ms. LoGuidice said that the applicants have some concerns regarding the Driveway Right-of-Way Easement language because the neighbor, who had been cooperating with the applicants will not negotiate with them any longer. The applicants' attorney also attended the meeting and could furnish more details. The neighbor feels that they already have an Easement and they do not wish to change it. The neighbor has agreed to allow the site improvement and do not want any other instrument recorded with the County. The Board of Health has been contacted regarding the septic holding tank to be placed on the property and they have not responded to date. In addition, the DOT has been contacted regarding the culvert on the right-of-way and they have not responded to date.

Mr... Wilhelm asked Ms. LoGuidice what the next step was and suggested that she and the applicants not come back to the Planning Board or have a Public Hearing scheduled until the Board of Health and NYSDOT responded to the material, which had been sent to them by Insite Engineering. He thought, by doing this, that the applicant would save some money since no actions would be taken until these matters were resolved. Ms. LoGuidice said that there was no way the neighbor would agree to the new easement, but the previous easement for ingress and egress was still in place and the neighbor had sent a letter authorizing the applicants to provide the necessary improvements to the property. Ms. LoGuidice said that the applicants would like to move forward with the SEQRA. Mr. Wilhelm said that a sidewalk easement was also going to be necessary as well as an easement from the DOT regarding the storm water process... Ms. LoGuidice said that the applicants were aware of this. Mr. Wilhelm said that if the neighbor would not agree to the new easement the applicants would have liability issues and Ms. LoGuidice said they also knew that. Ms. Cruz said that in order to hold the Public Hearing at least one of the outstanding items needed to be resolved. Mr. Wilhelm said that the Planning Board would allow the applicants to move forward with circulating for Lead Agency. Mr. Wilhelm also recommended freezing the escrow account and the consultants would not spend any unnecessary time on the project unless it is agreed to.

The applicants' attorney, Craig Bumgarner, asked to be heard. Mr. Bumgarner advised the Planning Board that there was an easement recorded with the County prior to the subdivision of these two lots. When the applicants began this project, Mr. Bumgarner discussed the easement with the Planning Board attorney, Jeffrey Battistoni, and the question was raised that the easement on file allowed the applicants to cross the property, but did not address the question as to whether or not the applicant could improve the property. At that time, the applicant spoke to the neighbor and they were very receptive. A draft easement was done by Mr. Bumgarner to supplement the existing easement. The language said that the applicant would accept financial responsibility until the applicant was ready to develop their property and the neighbor had issues with that. Mr. Bumgarner said he would like to discuss this matter with the Planning Board attorney and continue to talk to the neighbor.

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Ms Vasi asked if it was necessary to pave the property in order to move forward at this time because there was an ice cream parlor on the property previously and it was not paved. Another question Ms. Vasi had was that since the neighbor had already signed off on allowing the applicant to make the improvements to the right-of-way to have an Amendment to the existing easement. Mr. Wilhelm said that the Town Code requires that the road be paved. Mr. Andrews said that an application for site plan approval for development of a piece of property was submitted to the Planning Board. Access to that property is over an unimproved easement. According to the Town Code, the access for this site plan needs to be over an improved easement. He disagreed that the right of egress and ingress is automatic. Mr. Andrews said that he agreed with Mr. Bumgarner that he should discuss this matter with Mr. Battistoni. Ms. Vasi said that the driveway would absolutely be paved. Ms. Beshar said that the Planning Board was uncomfortable with the three open issues and felt that if two out of the three issues could be addressed it would be great. Mr. German told the applicant that he also felt that they should let the attorneys handle this matter because the neighbor had already changed his mind regarding a previous agreement. A letter notifying the Planning Board to freeze the application and escrow should be sent to the Planning Board. The Planning Board advised Ms. LoGuidice that they could move forward with the referral to the County and the Lead Agency circulation. The Public Hearing would not be scheduled, however, until two out of the three issues have been addressed. Mr. Andrews recommended that the Planning Board allow this project to begin the SEQRA process and circulate material for Lead Agency and to send a letter to the Planning Board asking that the project and escrow be frozen. Mr. Andrews said he would contact Mr. Battistoni.

Mr. Barber said the issue of the wetlands on the property has been resolved due to mitigation to be done by the applicants. This is a rare occasion where the wetland and buffer will be improved. There are a few items still outstanding, but to date the majority of environmental issues have been addressed. A stormwater management basin will be installed, which will increase the hydrology and improve the wetland function with plantings. Pre and Post-construction pollutant loading phosphorous will be reduced for pre-construction levels. Robust plantings will be done in the wetlands and buffers. A three year management plan will also be done to ensure the plants are surviving and a bond estimate is also pending. Ms. LoGuidice said that the Board of Health had given verbal approval, but she understood a written one was also necessary.

Mr. Tolmach asked for a motion to allow this project to begin the SEQRA process, circulate material for Lead Agency and to send a letter to the Planning Board asking that the project and escrow be frozen. The motion was made by Mr. Wilhelm and seconded by Mr. German. Following were the roll call votes:

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

The motion carried.

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

Mr. Andrews said that he, Bruce Barber and Bill Walters had discussed this matter with the applicant and made some suggestions, which the applicant listened to, and was able to change some of the plans and would not be disturbing 5,000 square feet and provided documentation about the excavation. The applicant sent a letter to the Planning Board withdrawing their application.

Mr. Tolmach asked for a motion to return the fees to the applicant once the billing has been done as well as the application fee. The motion was made by Mr. German and seconded by Ms. Cruz, Following were the roll call votes:

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

The motion carried.

• **Raneri Property, Hillside Paper Rd., Kent, NY; TM: 44.24-1-3**

Mr. Bradley and Mr. Karell represented Mr. Raneri at the Planning Board meeting. Messrs. Bradley and Karell asked the Planning Board to schedule a Public Hearing for December 8, 2022.

Mr. Barber's Comments

Mr. Barber mentioned that a lot of work has been done on wetlands which had been filled in previously. A new wetland system will be created mitigating for the contaminated soil by paving over it or adding additional fill. Mr. Barber said he would recommend that the Planning Board could schedule a Public Hearing.

Mr. Andrews Comments

Mr. Andrews said some technical engineering work needs to be done and he requested permission to discuss this matter directly with Mr. Karell along with Mr. Barber to eliminate some retaining walls in the town right-of-way and grading.

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Mr. Tolmach asked for a motion to schedule a Public Hearing for the December 8, 2022 meeting. The motion was made by Mr. Wilhelm and seconded by Ms. Cruz. Following were the roll call votes:

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

The motion carried.

Mr. Tolmach asked for a motion to authorize Messrs. Andrews and Barber to meet with Mr. Karell directly in order to move the project forward. The motion was made by Mr. Wilhelm and seconded by Ms. Cruz. Following were the roll call votes:

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

The motion carried.

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

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

This project was moved to Administrative Review. Ms. DeBernardi participated on a zoom call and all of her questions were addressed.

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

The bond agreement is being processed at this time and the project is in the process of being moved to an administrative track. Mr. Barber explained that a wetland permit will be granted and mitigation will be done in order to restore the property after heavy equipment is brought in to install the utility poles.

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

Liz Axelson is handling this attaching approved plans to the Stipulation needs to be done.

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| • Realbuto Property
49 Tiger Trail, Kent, NY
TM: 21.8-1-39 | Erosion Control | Update |
|--|-----------------|--------|

The applicant moved forward with his project. Messrs. Andrews, Barber and Walters visited the site and discovered that the work is different than the plans which were submitted previously. Additional fill was also brought in without permission. Earlier in the day of the meeting Mr. Karell sent an email explaining the origin of the fill and proposed a testing scheme. Mr. Andrews said that this should be discussed at the first meeting in December. The soil must be tested again. Mr. Karell asked that this matter be moved to administrative review. Mr. Andrews said it was up to the Planning Board and they recommended that testing similar to the previous testing could be done as long as Messrs. Andrews and Barber were comfortable. They agreed to look at the new material right of way in spite of the late submission of the material earlier in the day.

Mr. Wilhelm made a motion to authorize Messrs. Andrews and Barber to allow this matter to move forward and have the soil testing protocol done it was seconded by Mr. Tolmach. . Following were the roll call votes:

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

The motion carried.

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

Nothing new has been submitted.

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

This project is in the hands of the NYCDEC to consider a five-acre waiver and it is out of the control of the Town.

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

Liz Axelson has been working on this project and nothing new has been submitted recently.

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

The applicant notified the Planning Board earlier in the day that a revised submittal will be submitted for the December meeting.

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

The Planning Board still needs to go over the material submitted.

Ms. Kotzur asked for a copy of the Mining Law. Mr. Andrews said that a foil request would need to be submitted to the Town Board and it would be inappropriate for the Planning Board to send it to her without authorization from the Town Board.

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

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

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|--|-----------------|---------------|
| • Route 52 Development/
Kent Country Square
Route 52, Kent, NY
TM: 12.-1-52 | SEQRA | Status Report |
| • Friel & Pure
Gipsy Trail Rd., Carmel, NY
TM: 21.-1-27 | Erosion Control | Status Report |
| • Town of Kent Mining Law | | Status Report |



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

40 Garden Street
Poughkeepsie, NY 12601
Phone: (845) 452-7515 Fax: (845) 452-8335
E-Mail Address: jmangarillo@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 – Revised
Submittal

Date: November 7, 2022

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 October 17, 2022.
- Letter from John Karell, Jr. P.E. -Summary of Soils Investigation- Raneri, Hillside Road dated October 17, 2022.
- Letter from John Karell, Jr. P.E. -Erosion Control Cost Estimate- Raneri, Hillside Road dated July 2, 2019, last revised October 16, 2022.
- Short Environmental Assessment Form-Raneri House Construction-dated August 30, 2018, last revised January 18, 2019.
- Stormwater Pollution Prevention Plan-Hillside Road, prepared by John Karell, Jr., P.E. dated May 31, 2021, last revised October 16, 2022.
- Town of Kent- Approval Request-Raneri House dated February 13, 2018, last revised August 23, 2021.
- Memorandum to Town of Kent Planning Board-Raneri Erosion Control Permit & SWPPP prepared by CPL Architecture Engineering Planning, dated October 31, 2022.
- Email document from Elizabeth Axelson CPL Team-Raneri Parcel, dated November 2, 2022.
- Drawing S-1-Site & Erosion Control Plan- Raneri Hillside Road, prepared by John Karell, Jr., P.E. dated December 28, 2017, last revised October 15, 2022 scale 1" = 30'.
- Drawing S-2-Steep Slope Plan- Raneri Hillside Road, prepared by John Karell, Jr., P.E. dated December 28, 2017, last revised October 15, 2022 scale 1" = 30'.
- Drawing S-3-Existing Conditions- Raneri Hillside Road, prepared by John Karell, Jr., P.E. dated December 28, 2017, last revised October 15, 2022, scale 1" = 60'.
- Drawing S-4-Driveway Entrance- Raneri Hillside Road, prepared by John Karell, Jr., P.E. dated December 28, 2017, last revised October 15, 2022 scale 1" = 20'.
- Drawing D-1-Health Department Details- Raneri Hillside Road, prepared by John Karell, Jr., P.E. dated December 28, 2017, last revised October 15, 2022, 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 October 15, 2022, 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 October 18, 2022, 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.

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, August 8, 2019 and July 7, 2021. New, revised, or supplementary comments are indicated in **BOLD**.

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.*

Driveway profile and layout need to be revisited. The profile does not match the plan and elevations

- 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.*

See note above – The driveway profile needs to be revised. A cross section should be developed along the cross pipe reflecting both walls and the swale. Comments are not resolved

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.* **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.* **The response indicates that appropriate notes have been added. We were unable to locate the notes. This items needs to be revisited.**

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.* **SWPPP needs to be revised to reflect the current project design**
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. Improvements have been made. The design has advanced. It needs to be finetuned and better coordinated with the driveway*



John V. Andrews, Jr, P.E.

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

Bruce Barber via email
Liz Axelson via email



Cornerstone Associates

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

November 10, 2022

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Einy Application
3210 Route 301
Section 43 Block 2 Lot 30
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. Combined Town of Kent Planning Board application executed by Mickey Walker dated 09/08/22.
2. Plans entitled; "Einy Residence" prepared by the Neave Group dated 10/10/22 (rev.), 4 total sheets/

Summary of Application:

The subject application is to demolish an existing above-ground pool and construct a 16' x 50' inground pool in the same location, construct a concrete patio and walkway and pool fence.

The subject site is 7.25+/- acres in size and is located on the western side of Route 301 in an R-80 zoning district.

It has been determined by the town building inspector that the pool excavation will be greater than 100 cubic yards.

A: Required Permits:

Erosion and sediment control permit
Wetland permit (TBD).

B: Zoning:

The subject property is located in an R-80 (Residential) zoning district and does not require zoning variances (pending conformation from town building inspector).

C: SEQRA:

The proposed action is a Type II action under SEQRA, and additional environmental review is not required.

A: Environmental Review:

Wetlands: The applicant has indicated that there are no wetland or wetland buffer areas within the proposed limits of disturbance. A site inspection will be conducted to confirm this information.

Trees: The applicant does not propose to cut any trees.

Soils/Steep Slopes: site soils information has not been provided. The pool is proposed in an area that does not contain steep slopes.

Threatened and Endangered Species: applicant has not provided an Environmental Assessment Form (EAF).

B: Review Comments:

The application is incomplete. We offer the following comments:

A site inspection will be conducted to confirm that there are no town wetland or wetland buffer areas within the proposed limits of disturbance.

Please provide site soils on the site plan sheet.

Please provide a short-form EAF.

This office defers to the Planning Board Engineer regarding erosion and sediment control 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,



Bruce Barber, S-PWS
Town of Kent Environmental Consultant



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

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Poughkeepsie, NY 12601
Phone: (845) 452-7515 Fax: (845) 452-8335
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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

Date: November 7, 2022

Project: Einy-3210 Route 301
TM #43.-2-30

The following materials were reviewed:

- Town of Kent Memorandum with attachments-Galit Einy-dated October 24, 2022.
- Town of Kent Planning Board Site Plan Checklist-3210 Route 301-dated September 6, 2022.
- Town of Kent Planning Board Combined Application Form-3210 Route 301-dated September 7, 2022.
- Affidavit of Ownership-3210 Route 301.
- Putnam County Office of Consumer Affairs-Home Improvement Registration dated October 21, 2021.
- Drawing-Topographic Survey of Property- Einy Residence- prepared by Oicle Land Surveying dated October 6, 2022, scale 1" =30'.
- Drawing Sheet 1- Site Plan-Einy Residence- prepared by Neave Group revision date October 18, 2022, scale 1" =50'.
- Drawing Sheet 2- Site Plan-Einy Residence- prepared by Neave Group revision date October 18, 2022, scale 1" =50'.
- Drawing Sheet 3- Demo Plans-Einy Residence- prepared by Neave Group revision date October 18, 2022, scale 1" =50'.
- Drawing Sheet 4- Grading & ESC Plans-Einy Residence- prepared by Neave Group revision date October 18, 2022, scale 1" =50'.

The project proposes the demolition of an existing above ground pool and the installation of an in-ground pool in the same location with as associated patio and other ancillary improvements, including fencing and walkways.

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

1. The proposed project is within the NYCDEP East of Hudson watershed. The proposed site disturbance appears to be under 5000 square feet (SF). The project appears to involve soil removal of more than 100 CY. Pursuant to Town Code § 66-5.A(4), a Town of Kent Erosion and Sediment Control Permit is required. Based on the current identified

limits of disturbance it does not appear that coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001 is required.

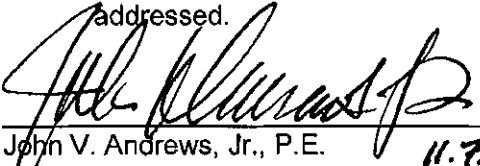
2. The proposed soil removal amount should be clearly identified on the plan set and in the application. The engineer should revisit the limits of disturbance based on the definition of disturbance as found in Town Code § 66-4. Based on our review of the work proposed including the demolition plan and considering the definition of disturbance, it appears that the proposed limits may need to be expanded. The expanded limits may exceed the 5000 SF limit which would trigger the requirement for coverage under the SPDES General permit.
3. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. Final grading is not clearly indicated on the plan set. §66-6.B.2.c – Provide “proposed final contours at a maximum contour interval of two feet, locations of proposed structures, underground improvements, proposed surface materials or treatment, and dimensional details of proposed erosion and sediment facilities, as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversion and other similar structures.”
 - b. §66-6.B.2.e – Provide “a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map.”
 - c. §66-6.B.2.f – Provide “the depth to bedrock and depth to water table shall be identified in all areas of disturbance”. It should be clearly indicated whether rock removal is required.
 - d. Erosion control measures are indicated. Appropriate details should be incorporated into the plan set. §66-6.B.2.g – Provide “a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance, and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall.”
 - i. [1] Describe or depict the temporary and/or permanent structural and vegetative measures that will be used to control erosion and sedimentation for each stage of the project, from land clearing to the finished stage.
 - ii. [2] Delineate the area of the site that will be disturbed and shall include a calculation of the acreage or square footage so disturbed.
 - iii. [3] Include a map drawn at a scale of not less than one inch equals 40 feet showing the location of erosion and sediment control measures, swales, grassed waterways, diversions and other similar structures.
 - iv. [4] Provide dimensional details of proposed erosion and sedimentation facilities as well as calculations used in the siting and sizing of sediment

basins, swales, grassed waterways, diversions, and other similar structures.

- v. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
 - vi. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
 - vii. [7] Provide a maintenance schedule for erosion control measures.
- e. §66-6.B.2.h – Provide “the details of any surface or subsurface drainage systems proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.”
4. §66-6.B.3 – Provide “a written narrative explaining the nature of the proposal, including any future development anticipated for the property and whether alternative locations exist for the proposed activity”.
5. §66-6.B.4 – “Provide for compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).”
6. §66-6.B.5 – “Provide for compliance with the New York City Department of Environmental Protection regulations for stormwater discharges.”
7. Provide a note on the drawing stating “Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s).”
8. Refer to the Drawings:
- a. A note should be added regarding the removal and restoration of the lawn when the construction entrance is no longer needed.
 - b. Details for the construction entrance and silt fence are to be in accordance with New York Standards and Specifications for Erosion and Sediment Control.
 - c. The following note should be added to the plans: “Special additional sediment and erosion control measures, as warranted by field conditions, and as specified by the site engineer, the Town of Kent Building Inspector or the Town Engineer shall be installed by the contractor when so directed.”
9. 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.
10. The proposed activity is minor nature and will not significantly alter, affect, or endanger steep slopes or result in uncontrolled and excessive erosion as it involves the removal of a pool and its replacement in essentially the same location with an inground pool. Based on Town Code §66-6.F, we recommend the public hearing be waived.

Memorandum
Einy – 3210 Route 301- ECP
TM # 43.-2-30
November 7, 2022
Page 4 of 4

11. Retaining walls over 3 feet in height require a building permit per Town Code Chapter 27, §27-8.B(5). If a retaining wall is over 3 feet in height and proposed within a yard setback, a variance may be needed from the ZBA. Consult with the Building Inspector.
12. Provide a written response with future submittals stating how the comments have been addressed.


John V. Andrews, Jr., P.E. 11.7.2022

cc: Planning Board via email
Bill Walters via email
22-261-999-179

Bruce Barber via email
Liz Axelson via email



Cornerstone Associates

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

November 10, 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. Comment response memo executed by John Watson of Insite Engineering dated 10/20/22, 7 pages.
2. Report entitled; "Stormwater Pollution Prevention Plan for Flintlock Storage" prepared by Insite Engineering dated 10/20/22
3. Wetland Buffer Monitoring and Maintenance Plan prepared by Insite Engineering dated 10/20/22, 4 pages.
4. Statement of Use prepared by Insite Engineering dated 10/20/22, 1 page. .
5. Document entitled; "Easement Agreement", unsigned/undated.
6. Document entitled;" Sidewalk Easement Agreement", unsigned/undated.
7. Opinion of Probable Cost for Stormwater Bond Estimate prepared by Insite Engineering dated 10.20.22, 1 page.
8. Opinion of Probable Cost for Erosion Control Bond Estimate prepared by Insite Engineering dated 10/20/22, 1 page.
9. Opinion of Probable Cost for Site Landscaping prepared by Insite Engineering dated 10/20/22, 1 page.
10. Opinion of Probable Cost for Mitigation Planting prepared by Insite Engineering dated 10/20/22, 1 page.
11. Plan sheet entitled. "Flintlock Storage-Site Section" prepared by Insite Engineering dated 10/20/22, 1 sheet.
12. Architectural Plans entitled, "Flintlock Storage" prepared by Richard Vail, RA, dated 10/17/22, 10 total sheets, A1, A2, A3, A4, A5, A6, A7, A8, A9, A10.
13. Plans entitled; "Flintlock Storage;" prepared by Insite Engineering dated 10/20/22\18/22 (rev.), 8 sheets: EX-1, SP-1, SP-2, SP-3, SS-1, LP-1, D-1, D-2.

Summary of Application:

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

A: Environmental Review:

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

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

The applicant has provided an Opinion of Probable Cost for Mitigation Landscaping and an Opinion of Cost for Site Landscaping. This office finds these probable costs to be reasonable and it is recommended that the Planning Board accept these probable costs and indicate that the bonds shall be released after a three-year period measured from the date of issuance of the certificate of occupancy when it is verified by the Town that at least 80% of the planted species are viable.

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

B: Review Comments:

The application is incomplete. We offer the following comments:

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

Please revise the document to indicate that the stormwater practice will be installed in part within the town jurisdictional wetland.

Please indicate the maximum height of materials stored within the outdoor storage area.

Please indicate if any salt or other deicing materials will be stored on the site.

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

Please indicate if there will be any retail or wholesale sales of vehicles, equipment and/or materials.

Please indicate location of trash enclosure.

Plan Sheet EX-1; General Note #11: Please also indicate that there shall not be any vehicle or equipment maintenance or repairs conducted on the site.

Please provide plan note indicating that the property will be operated in compliance with Chapter 48 (Noise) of the Town Code.

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

The access easement to the site is pending.

Information from the NYSDOT regarding the drainage pipe from Route 52 is pending.

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

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

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

Sincerely,

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

Bruce Barber, S-PWS
Town of Kent Environmental Consultant



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

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

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

Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Special Use Permit/Site Plan/ECP/ Wetland Review Memorandum – 3 rd Revised Submittal
Date:	November 7, 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 October 20, 2022.
- Opinion of Probable Construction Cost-Erosion Control Bond Estimate-Flintlock Storage prepared by Insite Engineering dated October 20, 2022.
- Opinion of Probable Construction Cost-Stormwater Management Bond Estimate-Flintlock Storage prepared by Insite Engineering dated October 20, 2022.
- Opinion of Probable Construction Cost-Site Landscaping-Flintlock Storage prepared by Insite Engineering dated October 20, 2022.
- Opinion of Probable Construction Cost-Mitigation Planting-Flintlock Storage prepared by Insite Engineering dated October 20, 2022.
- Opinion of Probable Construction Cost-Erosion Control Bond Estimate-Flintlock Storage prepared by Insite Engineering dated October 20, 2022.
- Statement of Use-Flintlock Storage- prepared by Insite Engineering dated October 20, 2022.
- Wetland Buffer Monitoring & Maintenance Plan-Flintlock Storage, dated October 20, 2022.
- Stormwater Pollution Prevention Plan-Flintlock Storage-prepared by Insite Engineering dated October 20, 2022.
- Drawing EX-1-(2) Existing Conditions Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated June 9, 2022, last revised October 20, 2022, scale 1" =20'.
- Drawing SP-1-(2) Layout & Landscape Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised October 20, 2022, scale 1" =20'.
- Drawing SP-2-(2) Grading, Drainage & Utilities Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised October 20, 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 October 20, 2022, scale 1" =20'.

- Drawing SS-1-Steep Slopes & Soil Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised October 20, 2022, scale 1" =20'
- Drawing LP-1-Lighting Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated October 20, 2022, scale 1" =20'.
- Drawing D-1-Details-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022 last revised October 20, 2022, scale As Noted.
- Drawing D-2-Details-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised October 20, 2022, 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, July 14, 2022, and August 31, 2022 (signed September 9, 2022) memoranda. Comments from those memoranda not included herein have been satisfactorily resolved. New or supplementary comments are shown in **bold**.

1. The proposed project is within the NYCDEP East of Hudson watershed. 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.
[Comment retained for record purposes]
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]**
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.] [All requested improvements are shown. Response letter indicates that an easement instrument is to be provided. Future submittals shall include a draft of the necessary easement. The final form and content shall be acceptable to the Planning Board Attorney. Filing of the easement should be a condition of any approval if or when one is issued.]* **[Draft easement included, based on Planning Board attorney draft. A call was conducted with the Applicant and the involved easement Owner. No conclusion was reached. Easement remains incomplete. We stand by the recommendation that a filed easement be a condition of any approval if or when considered.]**
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.]* **[Pipe is shown to be rerouted. Details have been**

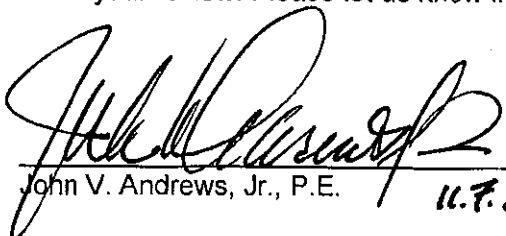
improved but remain incomplete. The pipe material size and slope need to be indicated on the plan set. *We respectfully disagree with the position of the Engineer as noted in the response letter. We stand by our recommendation that the NYSDOT should be consulted concerning the proposed relocation. The pipe as it exists connects to NYSDOT facilities. There is a limited record with respect to this pipe. There are no records of when and/or how this pipe was connected to the NYSDOT facilities. There is no easement associated with it. The pipe clearly handles run-off from the NYSDOT right of way. Any changes to this pipe should be subject to NYSDOT review and comment. The written SWPPP on Page 6 suggests that this pipe is a Town of Kent drainage pipe. To the best of our knowledge and belief, the Town is not involved in this pipe in any manner. The SWPPP should be corrected.* **[Details remain incomplete. The response indicates that they have been provided but they are not on the sheet provided for our review. NYSDOT has been contacted. No response has been received. The SWPPP has been corrected.]**

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. Can be condition of an approval if or when considered]**
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 in proposed in lieu of the millings. We consider the matter resolved.]* *[This item was resolved in the last submission. The proposal has changed again. The area is now noted as being Item 4 or asphalt binder. The Planning Board should acknowledge use of asphalt in this area.]* **[Now considered resolved. Area to receive asphalt binder and a gravel diaphragm has been added to treat runoff prior to entering wetlands]**
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.]* **[Resolved – Lighting plan provided. No exception taken.]**
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.]* *[Response noted. We respectfully disagree with the response. We were not seeking over restrictive limitations merely some reasonable limitations to ensure adequate emergency access response in that area. Unless they are proving 24/7 monitoring, some limited restrictions appear necessary for after hour access.]* **[See Statement of Use. Add portions as notes to plan, specifically the signage wording**

and the final two paragraphs in the Statement of Use. Resolved with the addition of the notes.]

21. Provide a written response with future submittals stating how the comments have been addressed.
22. *Following the last meeting we provided a Sample of the discussed sidewalk easement. No easement is shown or noted on this submittal.* **[Easement shown and noted on the Plan set. Easement language reviewed by the Planning Board Attorney. Easement to be signed and filed as a condition of approval if or when considered]**
23. The following bond estimates have been provided by Insite:
 - a. An erosion control bond estimate of \$6,460.00.
 - b. A long-term stormwater management facility bond estimate of \$57,045.00.
 - c. An opinion of probable construction cost for mitigation landscaping of \$17,413.50 for wetland mitigation
 - d. An opinion of probable construction cost for site landscaping of \$17,680.00 for erosion control landscaping.
 - e. We have no recommendation on the bond estimates listed above, prepared by Insite Engineering at this time. Once all matters have been settled and following the close of the public hearing, a recommendation will be made on the bond amounts.

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. 11.7.2022

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

Bruce Barber via email
Liz Axelson via email

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

RESOLUTION OF RE-APPROVAL –
December 8, 2022

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

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

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

Whereas, the Town of Kent Planning Board had received an application from Patterson Crossing Realty, LLC, 1699 Route 6, Suite 1, Patterson, New York 10512 for re-approval of an Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit approvals that were approved on January 12, 2017 to allow the development of a 382,560 square-foot retail center for a project known as Patterson Crossing Retail Development ("Project"); and

Whereas, the Planning Board originally granted Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit approvals for the Project on September 9, 2010; and

Whereas, due to the complexity of the project and the number of other agency approvals that were necessary for work to commence, including poor economic conditions that have prevailed since 2008, the Planning Board re-approved all of the project permits and approvals on May 10, 2012, May 9, 2013, and October 9, 2014, along with several time extensions, including a re-approval granted on March 10, 2016 that extended all of the approvals forward to March 10, 2017, and re-approval of amended plans and permits for the Project that were granted on January 12, 2017 forward to July 8, 2018; and

Whereas, on November 9, 2017, pursuant to §77-60 and §77-61 of the Town Code, the Planning Board granted re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development, forward from July 9, 2018 including, pursuant to §77-61(C) of the Town Code, two additional 90-day extensions to the re-approvals so that all approvals granted on that date would expire on January 5, 2020; and

Whereas, the adopted November 9, 2017 re-approval resolution also included the following decisions:

1. Pursuant to §66-6 of the Town Code, the Planning Board waived the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by the Planning Board's Professional Engineer, and granted re-approval of the Steep Slope and Erosion Control Permit for the project as described herein;
2. Pursuant to §39A-7(D)(1) of the Town Code, the Planning Board granted re-approval of the Freshwater Wetland Permit for the regulated herein; and
3. The Amended Site Plan, Steep Slope and Erosion Control Permit and Freshwater Wetland Permit re-approvals granted were expressly conditioned completion of, and compliance with, 19 conditions as set forth in the adopted resolution as attached hereto;

Whereas, the Town of Kent Planning Board had received a letter from Jeffrey Contelmo, PE, Insite Engineering, dated December 19, 2019 and application fees on behalf of Patterson Realty Company, LLC, 1699 Route 6, Suite 1, Carmel, New York 10512 for extension of an Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit approvals that were re-approved on November 9, 2017, which were to expire on January 5, 2020 to allow the Project to move forward; and

Whereas, the Applicant and his Representatives have provided information to address the 19 conditions of approval, which materials are on file at the Planning Board office and engaged in off-line consultation with the Planning Board's Consulting Engineer, Environmental Engineer and Planner since the November 8, 2017 approval, in the end of 2018 and throughout 2019;

Whereas, the Board is required to consider whether re-approval of the previously granted permits and approvals raise new or previously unanticipated planning impacts or concerns and whether such impacts or concerns necessitate reconsideration of the Board's prior SEQRA Determination; and

Whereas, the Board's consideration of potentially significant environmental issues also takes into account any changes to the project size or to the neighborhood surrounding the project

site such that the Board might otherwise be compelled to re-consider the Findings Statement that was adopted on September 9, 2010; and

Whereas, after such re-consideration the Board finds that there has been no substantive or material change to the proposed project design from the plans that were originally approved on September 9, 2010, as amended, and approved on January 12, 2017, and re-approved on November 9, 2017 that raise new or previously unanticipated environmental concerns that might warrant re-opening the Board's previous environmental review; and

Whereas, the Board has examined the project site and the character of the neighborhood adjacent to the project site and finds that, with the exception of storm water improvements installed by the New York State Department of Transportation along the adjacent state highway, and the work performed on the site by the East of Hudson Corporation to remediate a large gulley near Brentwood Road and Greenridge Court which had been a significant source of erosion and degradation of surface water quality including landscaping and a new gate at the entrance at Brentwood Road and Greenridge Court used by East of Hudson Corporation to access the gulley work site, there have been no material change to the project site or to the neighborhood that might warrant a full site plan review; and

Whereas, because the Project has not materially changed from the one approved on January 12, 2017 when the Planning Board considered re-approval in November 2017, the Planning Board waived a public hearing on the application for re-approval of the Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit applications; and

Whereas, the Board had previously referred the applications to the Putnam County Department of Planning for review and recommendation pursuant to GML 239-m, and said Department has previously recommended approval of the project without change; and

Whereas, the Planning Board has reviewed the application for re-approval of the Amended Site Plan approval and has determined that the requirements of §77-60 and §77-61 of the Town Zoning Law have been met; and

Whereas, pursuant to §77-61(B) and §66-6 of the Town Code the Planning Board finds that the proposed Amended Site Plan meets the requirements of the Zoning Law, specifically:

1. The layout of the proposed driveway access and storm water management facilities of the Project in Kent would have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods. As noted in the adopted Findings Statement, the Board's review of the project plans indicates that proper provisions have been made for the capture and treatment of storm water runoff so that flooding of adjacent properties would be avoided. In addition, the project plans include landscaping of the access driveway and in certain areas of the storm

water management facilities to reduce the visual impact of the improvements to adjacent and nearby properties.

2. The proposed access driveway and storm water management facilities would have no material adverse effect upon the desirability of such neighborhoods for the uses contemplated by this Chapter. As noted in the adopted Findings Statement, the Project must, as a condition of those findings and of this resolution of approval, comply with Chapter 66 of the Town Code in regard to the construction, operation and maintenance of storm water management facilities, including the posting of securities sufficient to ensure the completion of any required improvements, and the providing of such agreements, remedies and security as the Town shall require for the continued maintenance and repair of such facilities. In addition, any required blasting would be subject to the permit requirements of Chapter 38 of the Town Code, and construction activities shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM as set forth in Chapter 48 of the Town Code.
3. The proposed access driveway and storm water management facilities would be properly related to the uses, goals and policies for land development as expressed in the Town Comprehensive Plan.
4. Pedestrian and vehicular access, traffic circulation and the general layout of the site would be properly planned with regard to the safety of vehicles and pedestrians using the site, as well as those on neighboring properties and streets.
5. The improvements proposed for the Kent portion of the project are properly oriented so as to take advantage of solar access with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.
6. The location of the access driveway and storm water management facilities reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and shall, to the maximum extent practical, preserve and enlarge upon these assets for recreation, scenic or conservation purposes.
7. The proposed use and improvements conform to the requirements of the Chapter 77 of the Town of Kent Code.

Whereas, pursuant to §39A-7(D)(1) of the Town Code the Planning Board has reviewed the application for re-approval of the Freshwater Wetland Permit and has determined that the requirements of Chapter §39A, "Freshwater Wetlands" of the Town Code have been met as noted in the Findings Statement adopted by the Involved Agency:

"Under Chapter 39A of the Town Code the Town of Kent regulates certain discharges and other activities into wetlands, water bodies, and water courses and their "controlled areas". For purposes of wetlands the "controlled area" extends 100 feet outward from the edge of the wetland boundary, and for water bodies and water courses the "controlled area" extends 100 feet outward from the bank of the watercourse an elevation of less than three feet above the normal waterline, whichever is greater. Chapter 39A prohibits the draining, dredging, excavation, and removal of material, the depositing or storing of any material, and the erection of buildings, roads and structures within regulated wetlands, water bodies, and water courses, and their controlled areas without a permit."

"As previously noted, the applicant proposes to undertake the repair and replacement of an aged and deteriorated section of 30-inch pipe along the south side of NYS Route 311 that is corroded through and is causing sink holes above the pipe and erosion under the pipe, resulting in the deposition of sediment and material (including phosphorus) into the Middle Branch that eventually finds its way to Lake Carmel. This work would also include the placement of certain road improvements within the Route 311 right of way that extends into the "controlled area" of the Middle Branch, which is a regulated water body under Chapter 39A of the Town Code. This work will therefore require a permit from the Planning Board and may also require permits or approvals from the NYCDEP and/or the USACOE. The amount of land area within the controlled area that would be disturbed is ± 2850 square feet, or ± 0.065 acres." The proposed storm water retrofits and improvements would serve as mitigation for disturbance to the Town's jurisdictional watercourse controlled area.

"The work proposed would result in the elimination of a condition under which the corroded pipe is allowing erosion and sediment to enter the Middle Branch and Lake Carmel. This work would therefore correct a latent and adverse environmental condition, meaning that the work to be performed under the Chapter 39A permit from the Town would be a repair of a condition not caused by or otherwise contributed to by the Project. The work is therefore not a mitigation measure as such, but is a repair that the applicant has agreed to perform as part of the installation of the storm water management facilities for the Project. In return the Town would realize an important benefit in the water quality of the Middle Branch and Lake Carmel."

Whereas, pursuant to §39A-8(C) of the Town Code the Planning Board hereby finds that the application for re-approval of the Amended Site Plan meets the requirements for issuance of a Freshwater Wetland Permit, specifically:

1. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the policy of this chapter.
2. The proposed disturbance to the controlled area of the Middle Branch surface waters is consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
3. The proposed disturbance to the controlled area of the Middle Branch surface waters is compatible with the public health and welfare.
4. There is no practicable alternative to the loss of the controlled area function.
5. The proposed disturbance would minimize the degradation to the Towns surface water bodies and adverse impacts on the functions and benefits that the surface waters provide.
6. The proposed disturbance would be in compliance with the standards set forth in the New York State Freshwater Wetland Regulations, 6 NYCRR 665.7(e) and (g).

Whereas, pursuant to condition number 19 of the November 9, 2017 Planning Board approval, at the regular meeting on March 14, 2019 the Planning Board reviewed and approved the International Blasting Pamphlet, which is attached to a Resolution of Re-Approval adopted on January 9, 2020; and

Whereas, on January 9, 2020, pursuant to §77-60 and §77-61 of the Town Code the Planning Board granted re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described in that resolution and pursuant to §77-61(C) of the Town Code, the “site plan approval shall be void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval. Prior to its expiration, the site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods.”; and all approvals granted January 9, 2020 would accordingly expire unless construction was started no later than January 8, 2021 and completed no later than January 8, 2022; and

Whereas, on January 9, 2020, the Planning Board granted Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit re-approvals as set forth in the adopted resolution; and

Whereas, a letter from the Applicant's Engineer, Jeffrey Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated October 15, 2020, was submitted on behalf of the Applicant, Paul Camarda, CRI, requesting extension of the January 9, 2020 Re-Approvals; and

Whereas, pursuant to §77-60 and §77-61 of the Town Code, on November 12, 2020, the Planning Board granted two 90-day extensions of the January 9, 2020 re-approval of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein and pursuant to §77-61(C) of the Town Code, the "site plan approval shall be void if construction is not started within one year of the date of Planning Board approval, and completed within two years of the date of such approval. Prior to its expiration, the site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods."; noting that for the expiration date of January 8, 2021, the subsequent 180-day period would end Wednesday, July 7, 2021; the next regular Planning Board meeting date of July 8, 2021, 1 day later; and the extensions granted herein shall accordingly expire unless construction is started no later than July 8, 2021 and completed no later than July 8, 2022; and

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

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

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

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

Now Therefore Be It Resolved, the Planning Board hereby affirms its September 9, 2010 Findings Statement for the Patterson Crossing Retail Development in its entirety; and

Be it Further Resolved, because the project has not materially changed from the one approved on January 12, 2017 and re-approved on November 9, 2017 and January 9, 2020, extended on November 12, 2020, re-approved on May 13, 2021, and extended on April 14, 2022 from the July 8, 2022 expiration date, the Planning Board hereby waives a Public Hearing on the application for 2 90-day extensions of the re-approval of the Amended Site Plan, Amended Steep Slope and Erosion Control Permit, and Amended Freshwater Wetland Permit applications; and

Be it Further Resolved, that the Planning Board hereby reaffirms the assertions of the November 9, 2017 re-approval that the application meets the requirements of Chapter 39A, "Freshwater Wetlands"; Chapter 66 "Steep Slope Protection and Stormwater Management" and Chapter 77 "Zoning";

Be It Further Resolved, the Planning Board hereby grants re-approval with conditions of the Amended Site Plan Approval for the Patterson Crossing Retail Development as described herein and pursuant to the Code of the Town of Kent Chapter 77 Zoning, Article XVII, Sections 77-60 and 77-61;

Be It Further Resolved, pursuant to §66-6 of the Town Code the Planning Board waives the maximum slope requirements of Chapter 66 to allow maximum slopes of 50% as may be approved by the Planning Board's Professional Engineer, and grants re-approval with conditions of the Steep Slope and Erosion Control Permit for the project as described herein; and

Be It Further Resolved, pursuant to §39A-7(D)(1) of the Town Code the Planning Board grants re-approval with conditions of the Freshwater Wetland Permit for the regulated activities as described herein; and

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

Be It Further Resolved, that pursuant to §77-60 and §77-61 of the Town Code, the "site plan approval shall be void if construction is not started within one year of the date of Planning Board approval and completed within two years of the date of such approval. Prior to its expiration, the site plan approval may be renewed by written request of the applicant for up to two additional ninety-day periods."; and accordingly, the reapprovals with conditions granted on May 13, 2021, herein would have expired unless construction had started no later than July 8, 2022 and been completed no later than July 8, 2023; and

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

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

Be It Further Resolved, the Amended Site Plan, Steep Slope and Erosion Control Permit, and Freshwater Wetland Permit re-approvals granted herein are expressly conditioned completion of, and compliance with, the following:

- 1) *The Project shall be developed in accordance with the plans and specifications that have been reviewed by the Planning Board, specifically:*
 - a) *Site plan map set prepared by Insite Engineering, Surveying & Landscape Architecture, P.C, consisting of the following drawings:*
 - i) *VM-1K, Vicinity Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - ii) *EX-1K, Existing Conditions Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - iii) *SS-1K, Soils & Slopes Map, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - iv) *SP-1K, Overall Site Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - v) *SP-2K, Layout & Landscape Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - vi) *SP-3K, Grading & Utilities Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - vii) *SP-4.1K, Overall Phasing Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
 - viii) *SP-4.2K, Sediment & Erosion Control Plan, dated January 21, 2016 and bearing*

a latest revision date of December 15, 2016.

- ix) SP-4.3K, Sediment & Erosion Control Plan, dated January 21, 2016, revised February 18, 2016 and bearing a latest revision date of December 15, 2016.*
- x) SP-5K, Kent Watercourse Controlled Area Improvement Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xi) PR-1K, Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xii) PR-2K, Drainage Profiles, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xiii) L-1K, Lighting Plan, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xiv) DA-1K, Site Drainage Areas Contributing to the Middle Branch of the Croton River, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xv) D-1K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xvi) D-2K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xvii) D-3K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*
- xviii) D-4K, Site Details, dated January 21, 2016 and bearing a latest revision date of December 15, 2016.*

Prior to obtaining the Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:

- b) The site plan set shall be amended to include the location and a design detail for the security gate to be installed at the Brentwood Road and Greenridge Court entrance as previously described herein. **This gate has been installed. This condition has been addressed.***
- c) Planning Board Professional Engineer and Wetland Consultant approval of the Storm Water Pollution Prevention Plan and Steep Slope Permit (Chapter 66 of the Town Code). **This condition has been addressed.***
- d) Planning Board Professional Engineer, Attorney, and Wetland Consultant approval of any agreements required under Chapter 66 of the Town Code to ensure the performance of the Project obligations regarding that Chapter, and any Storm Water Pollution Prevention Plan and Steep Slope Permit issued thereunder. **This condition is nearly addressed, yet proof of collateral must be provided, in a form acceptable to the Town Attorney, before the plans are signed.***
- e) Town Board approval of the agreement(s), as set forth in §E(1) of the Involved Agency's Findings Statement, to address the establishment of tax liens by either host municipality upon the portion of the project in its jurisdiction to remedy default by the Project in future maintenance of storm water facilities situated in either of the two municipalities, and acceptance and execution of said agreement(s) by the Town Board of the Town of Kent, the Town Board of the Town of Patterson, and the applicant/owner, unless the Town Board elects to pursue other or alternative forms of security. **This condition is nearly addressed, yet proof of collateral must be provided, in a form acceptable to the Town Attorney, before the plans are signed.***
- f) NYS Department of Transportation approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement. **This condition has been addressed.***
- g) Putnam County DPW approval for the specific traffic mitigation improvements within county highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement. **This condition has been addressed.***

- h) *Town of Kent Highway Department approval for the specific traffic mitigation improvements within town highway rights-of-way and payment of funds related to monitoring of traffic as set forth in section E(4) of the Involved Agency's Findings Statement. **This condition has been addressed.***
 - i) *Any required approvals from the NYC Department of Environmental Protection. **This condition has been addressed.***
 - j) *Any required approvals from the Putnam County Department of Health. **This condition has been addressed.***
 - k) *Any required U.S. Army Corps of Engineers (ACOE) permit(s). **This condition has been addressed.***
- 2) *Implementation, maintenance, and/or completion, as may be the case, of any mitigation and conditions set forth in sections "C", "D", and "E" of the Involved Agency's Findings Statement adopted September 9, 2010 is an express condition of the Site Plan Approval, the Steep Slope and Erosion Control Permit Approval, and the Freshwater Wetland Permit Approval granted herein. **This is an ongoing compliance requirement.***
 - 3) *During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required mitigation as set forth in the Lead Agency's Findings Statement and the Involved Agency's Findings Statement. **This is an ongoing compliance requirement.***
 - 4) *During and after construction the applicant shall adhere to, and the site shall be maintained in accordance with, any required conditions of this approval and the Town of Patterson Planning Board's Site Plan Approval. **This is an ongoing compliance requirement.***
 - 5) *At all times the applicant shall maintain the site in accordance with the approved Site Plan and any on-going conditions of Site Plan Approval as set forth herein or as required by any other permitting or approving agency, including the MS4 approved SWPPP. **This is an ongoing compliance requirement.***
 - 6) *There shall be no vehicles parked and offered for sale on the site. **This is an ongoing compliance requirement.***

- 7) *At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification sealed and signed by a New York State Licensed Professional Engineer to the Town Building Inspector and the Planning Board that all site work has been carried out and completed in compliance with the approved Site Plan for the project, and shall also provide to the Planning Board and the Town Building Inspector an "as built" survey of the completed improvements. **This is an ongoing compliance requirement.***
- 8) *Payment to the Town of Kent the following fees:*
 - a) *Any unpaid or outstanding application fees. **This condition has been addressed.***
 - b) *Any review fees accrued by the Planning Board and the Town Board during the review of the application. **The status of review fees shall be provided by the Planning Board Secretary.***
 - c) *An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer, Wetland Consultant, and Planning Consultant. **The applicant must deposit \$2,000 into an escrow account with the Town to be replenished when the account balance is reduced to \$500.***
- 9) *Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated September 9, 2010 and March 10, 2016. **This condition has been addressed.***
- 10) *Address to the satisfaction of the Planning Board the comments of the Planning Board Wetland Consultant as set forth in a memorandum dated August 2010 and February 11, 2016. **This condition has been addressed.***
- 11) *It is the responsibility of the owner/applicant to submit to the Planning Board proof that the conditions of this Site Plan Approval have been completed, and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board Planning Consultant verifying that the conditions of this approval have been completed. **This is an ongoing compliance requirement.***
- 12) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans for the development and shall be maintained in a good and functional condition during the course of site work and construction. **This is an ongoing compliance requirement.***

- 13) Except for "field changes" as may be approved by the Planning Board Professional Engineer or Wetland Consultant, the project shall be constructed in accordance with the project plans as set forth above. Any changes to the Site Plan and any changes to the Freshwater Wetland Permit shall be subject to the prior approval of the Planning Board before any such changes are implemented. **This is an ongoing compliance requirement, except for "field changes" as per the Code of the Town of Kent, Chapter 66A, Subdivision of Land; and Chapter 77, Zoning definitions of "field change" and related procedures for approval of "field changes".***
- 14) Pursuant to Chapter 38, Article II of the Town of Kent Code any blasting activity within the Town of Kent will require a permit from the Town Fire Inspector. In accordance with Section 38-13.3 of the Town Code blasting may be conducted when authorized by permit Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m., and shall be prohibited Saturdays, Sundays and legal holidays. For blasting operations in the Town of Patterson the Applicant shall adhere to the requirements set forth in the Lead Agency's Findings Statement subject to the review and approval of the Town of Patterson. **This is an ongoing compliance requirement.***
- 15) Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM. **This is an ongoing compliance requirement.***
- 16) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance and repair of the storm water management facilities located in the Town of Kent portion of the Project. **These arrangements are subject to Attorney review and approval and require provision of bonds and execution by the Town Supervisor, and any necessary updates to any bonds. This is an ongoing compliance requirement.***
- 17) Approvals are conditioned upon arrangements acceptable to the Town Board concerning responsibility for future maintenance, repair, and replacement of water and wastewater facilities situated within the Town of Kent portion of the Project. **This condition has been addressed.***

18) The applicant will prepare and submit for approval of the Planning Board a handout for nearby residents which addresses the process of blasting, scheduling, monitoring and all significant pre-blast and post-blast matters, and including a municipal contact name and telephone number in both the Town of Kent and Town of Patterson. The applicant will distribute the approved handout to all residents within a 1,000 foot radius of the point of blasting. An Informational Blasting Pamphlet was approved by simple resolution of the Planning Board on March 14, 2019. This is an ongoing compliance requirement.

Motion: _____

Second: _____

Phil Tolmach, Chairman

Dennis Lowes, Vice Chairman

Simon Carey

Giancarlo Gattucci

Hugo German

Stephen Wilhelm

Sabrina Cruz

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

Vera Patterson, Clerk
Town of Kent Planning Board

ATTACHMENTS:

Adopted Certified April 14, 2022 Planning Board Extension of Re-Approval

Adopted Certified May 13, 2021 Planning Board Re-Approval

Adopted Certified November 12, 2020 Planning Board Extension of Re-Approval

Adopted Certified January 9, 2020 Planning Board Re-Approval

Adopted, certified November 9, 2017 Planning Board Approval

Information Blasting Pamphlet approved by simple resolution of the Planning Board on March 14, 2019.



Cornerstone Associates

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

November 10, 2022

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Raneri Application
Hillside Avenue
Section 32.18 Block 1 Lot 28
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised that I have reviewed the following documents submitted relative to above referenced application

- Comment response memo executed by John Karell, Jr. PE dated 10/17/22, 3 pages.
- Town of Kent Combined Planning Board Application executed by Jerry Raneri dated 08/23/21 (rev.).
- Summary of Soils Investigation memo executed by John Karell, Jr. PE dated 10/17/22, 1 page.
- Erosion and sediment control bond estimate executed by John Karell, Jr PE dated 10/16/22 (rev.).
- Short-form EAF (Part I) executed by Jerry Raneri dated 1/18/19 (rev.).
- Stormwater Pollution Prevention Plan executed by John Karell, Jr PE dated 10/16/22 (rev.).
- Plans entitled; "Jerry Raneri-Hillside Road: prepared by John J. Karell, Jr., P.E. dated 10/18/22 (rev.), 7 sheets: D-1, D-2, D-3, S-1, S-2, S-3, S-4.

A: Soils:

The applicant has indicated the contaminated soils found on the site will be remediated in accordance with NYSDEC and NYSDOH requirements. In addition, the applicant has indicated that all organic materials will be removed under the area of the proposed road and driveway prior to construction of these areas.

The plan should include a detail of the proposed remediation and the location of the remediation on the plan sheets.

Please indicate the location of the organic soils that will be removed.

B: Wetlands:

The applicant has submitted a wetland permit application and proposes a rain garden as wetland and wetland buffer mitigation.

The design of the rain garden should be revised to mimic a natural wetland system and hydrologically connect to the adjoining wetland system.

A details planting and long-term maintenance and invasive species removal plan should be provided.

A separate bond estimate should be provided for the wetland mitigation which should be held for a period of three (3) years after the issuance of a Certificate of Occupancy when it is verified by the Town that at least 80% of the planted species as shown on the plan are viable.

C: Other

Applicant has not provided a survey of all trees greater than 8' dbh (see 04/12/18 memo) or indicated trees that are to be cut. Applicant is requesting a waiver from the Planning Board.

Property survey should be signed and sealed by a NYS Licensed Land Surveyor.

Please submit full size, hard copy plan sheets as the materials submitted were difficult to read.

This office defers to the Town Engineer regarding review of the erosion and sediment control plan and site plan and the Town Planner and Planning Board Attorney regarding review of the planning and legal elements of this application. Please do not hesitate to contact me should you have any questions.

Sincerely,

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

Bruce Barber, PWS
Town of Kent Environmental Consultant