

Approved: October 13, 2022

**TOWN OF KENT PLANNING BOARD**

**September 8, 2022**

**FINAL ADOPTED MINUTES**

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

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

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

**Members:**

Phil Tolmach, Chairman  
Dennis Lowes, Vice Chairman  
Simon Carey  
Jacky Beshar, Alternate

Giancarlo Gattucci  
Hugo German  
Stephen Wilhelm

**Absent:**

Bruce Barber, Environmental Consultant  
Sabrina Cruz  
Julie Mangarillo, Rohde, Soyka & Andrews/Consultant

Chris Ruthven, Liaison  
Bill Walters, Building Inspector

**Others in Attendance:**

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

• **Approve Kent Planning Board Minutes from the July 14, 2022 meeting**

Mr. Tolmach asked the Planning Board members if they had read the Minutes from the July 14, 2022 meeting. The Board members stated that they had reviewed the minutes from July. Mr. Tolmach asked for a motion to approve the Planning Board minutes from the July 14, 2022 meeting. The motion was made by Dennis Lowes and seconded by Jacky Beshar. Following were the roll call votes:

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

The motion carried..

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

Mr. John Watson, Principal of Insite Engineering represented the applicants, Mr. & Mrs. Vasi, who also attended the meeting.

This discussion pertained to a continuation of site plan application for this project. Comments were submitted by the Consultants for the Planning Board and were responded to.

Mr. Watson said that comments were received and a re-submittal had been made.

**Ms. Axelson's Comments (memo attached)**

Ms. Axelson said that some of her comments had been addressed, but not all of them and she would like to see more progress. Ms. Axelson advised the Board that no action was recommended pertaining to this project at this time. More information, such as architectural information, was requested. The sidewalk easement was also pending. Off-line consultation may be needed or we can just wait for the next submittal.

**Mr. Andrews Comments (memo attached)**

Mr. Andrews advised the Planning Board that he was also representing Mr. Barber, who was preparing for his youngest daughter's wedding.

Mr. Andrews said that he was going to address Mr. Barber's comments first because they were more substantial than his were. Mr. Barber was looking for additional information, especially since there were wetland issues. Mr. Barber also sent a memo, which was very clear. Once Mr. Barber returns, Mr. Andrews felt it might be useful for the applicant to talk to him regarding his comments.

Mr. Andrews said that most of his issues regarding this property had been resolved. The applicant shares a common driveway with the right of ingress and egress and needed some improvements. The applicant submitted a letter from the owner of the adjacent property stating that they had no objection to this project the applicant making improvements to the right-of-way and entering into a Maintenance Agreement with the applicant. The draft was forwarded to the Planning Board attorney for his opinion. A pipe running across the site is to be relocated. The applicant does not feel that he needs to contact the DOT, however, Mr. Andrews respectfully disagreed. Mr. Andrews noted that because the pipe does accept drainage from the State right of way and there is no viable history of how the connection was made he felt that the applicant should have a consultation with the DOT. A septic system is not proposed and the Putnam County Health Department and Building Department both needed to send a note allowing a holding tank on the property rather than a septic system. Mr. Andrews said that a sidewalk easement was pending and needed to be shown on the plan.

Ms. Axelson asked to be heard again and stated that she recalled illustrations showing the stretch of road where the property was located. On the north end there is a shopping center, some mixed use properties on the same side of the road, two school campuses. South of the site there is another large commercial building. A delicatessen is across the street from the property and a auto body shop is next to it. Ms. Axelson reiterated that no action was recommended at this time.

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Mr. Andrews asked for authorization for the consultants to meet with Mr. Watson to see if the project could advance rather than sending memos back and forth. The Planning Board granted the authorization as requested by Mr. Andrews.

Mr. Watson said that he agreed with the consultants positions and agreed that an off-line discussion would be helpful. Mr. Watson said that he was going to request that a Public Hearing be set for November because there were not a lot of substantive comments which were unresolved. The project is figured out, but there are not a lot of details yet. Mr. Watson asked Ms. Axelson about her comment that a Lead Agency letter had not been circulated yet. Ms. Axelson said that there was not enough material for SEQRA review. Ms. Axelson advised the Board that she had comments which needed to be addressed before environment review was started and that she thought Mr. Barber felt the same way. Mr. Andrews said that Bruce did concur with Ms. Axelson and he agreed with them, but reminded the Planning Board that the decision about opening the Public Hearing was up to them. Mr. Watson respectfully disagreed with the Consultants' opinions and that a Public Hearing should be set because this was the fourth month at which the applicant had appeared. Mr. Watson also said that he felt that enough material had been submitted to allow him to circulate the Lead Agency letter. Mr. Tolmach said that the Planning Board agreed with the Consultants' opinions and that it was premature to schedule a Public Mr. Lowes and Mr. Wilhelm said that they agreed with Mr. Tolmach and the other Planning Board members.

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

Mr. Paul Camarda, the owner of this property, provided an update regarding this project in writing as well as at this meeting. Mr. Camarda said that he has invested 15 million dollars in this project to date. He and the New York State DOT spent 2 million dollars to improve and widen Route 311 and the ramps onto and off of Route 84. Mr. Camarda also worked with East of Hudson and they spent \$300,000 and took drainage from Lake Carmel leaking onto his property and onto Route 311 and took the pipe and built a retention basin which prevented sediment from going into the river and Lake Carmel. Mr. Camarda, the NYSDOT and the County will be making more improvements to Route 311 within a year. Mr. Camarda also said that you need two anchors for a project and that he was talking to a second anchor and then the internet shopping became more popular, making it difficult to get retailers for this project.

Ms. Axelson advised the Planning Board that Mr. Camarda provided this update because a new practice when two 90-day extensions are granted requires the applicant to provide an update to the Planning Board periodically. The approval, which was granted in April, would run from July 8, 2022 to early January 2023 and this was the mid-point.

- **Kent Self Storage, Route 311, Kent, NY; TM: 22.-2-17**

Mr. Tom Skerrigan, of Site Design Consultants, represented the applicant and owner of the property, Mr. Richard Viebrock, who also was at the meeting.

Mr. Skerrigan advised the Planning Board that he had last appeared before the Planning Board in March and that comments had been addressed and resolved. Mr. Andrews confirmed that the drafts of the bond agreements had been submitted and, when approved, would be paid to the Town of Kent.

**Mr. Andrews Comments (memo attached)**

Mr. Barber had no comments and Mr. Andrews said that Board of Health approval and a permit extension from the DOT was granted, which expires November 15, 2022, and another extension may be granted at that time. The Planning Board attorney, Mr. Jeff Battistoni and his colleague, are working on the Stormwater Facility Maintenance and Erosion Control and Stormwater Easement agreements and bonds and were to have submitted before this meeting but had not been submitted yet. Mr. Andrews said that he would try to submit it to the applicant the day after this meeting. The Erosion Control Bond of \$34,414.00 and the Long-Term Stormwater Facility Management Bond of \$48,740.00 was prepared a while ago by Ms. Mangarillo, but remained the same. Mr. Andrews recommended that the Planning Board accept the bond amounts and that, when the bonds were submitted to the Planning Board, the bond agreements and bonds should be forwarded to the Town Board for their approval. The Sidewalk Easement has been submitted and filed. Mr. Andrews said that the next step, after the bonds and Easements have been delivered, the plans are ready for the Chairman and Mr. Andrews signatures. Mr. Andrews deferred to Ms. Axelson.

**Ms. Axelson's Comments**

Ms. Axelson said an off-line discussion had occurred on August 17, 2022 and that she didn't find her submittal and she said she would look for it. If she finds that, everything needed has been submitted she would recommend that the project should move forward.

Mr. Tolmach asked for a motion to approve the Erosion Control Bond for \$34,414.00 and the Long-Term Stormwater Facilities Maintenance Agreement of \$48,740.00, and that, when they are submitted to the Planning Board, they be forwarded to the Town Board for their approval.

The motion was made by Mr. Gattucci and seconded by Mr. Carey. Following were the roll call votes:

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

The motion carried.

- **Putnam Nursing Home, Ludingtonville Road, Kent, NY; TM: 12.-3-40 & 41**

Representatives of the Nursing home, Ms. Deanna Kay (Nursing Administrator) and Mr. Josh Harper (Health Care Administrator for 25 years), attended the meeting.

This project is another project recently granted an extension and required to provide an update to the Planning Board.

Ms. Kay advised the Planning Board that the Board of Health has not approved any projects due to the pandemic. A letter confirming this was also sent to the Planning Board. The applicants are looking forward to moving along.

**Ms. Axelson's Comments**

Ms. Axelson said that it will be two and a half months before the applicants need to apply for another approval and that no action is recommended at this time.

- **White/Vernon Property Horsepound Road, Kent, NY; TM: 33.-1-58.2**

Mr. John Karell represented the applicants, Madeline White and Tristan Vernon.

This project involves construction of a single-family residence. There was an access and egress easement from Horsepound Road to this property, which did not include utilities. Mr. Karell felt that this was an oversight because the sub-division showed a house at the end of the easement and a driveway, so he wondered how you would get an easement without utilities. An alternative is proposed to have 1,400 feet of poles and wires installed coming in from Nichols Street to this house.

**Mr. Andrews Comments (memo attached)**

Mr. Andrews, once again, spoke for himself as well as Mr. Barber and said that he and Mr. Barber had prepared and distributed memos and that most of the remaining issues are administrative. The alternative is viable. This is a de minimis action, a wetland permit has been filed, the disturbance across the wetlands is minimal and the Board of Health has approved this plan. NYSEG will use a tractor to install poles approximately 200 feet apart. Mr. Andrews said that the Public Hearing does not need to be re-opened and that he and Mr. Barber recommended moving this project to an administrative track. Mr. Wilhelm suggested that a letter confirming what type of permit is going to be used because a third party will be involved because NYSEG will contract the work out. Mr. Wilhelm also asked for a letter indicating what type of cribbing will be used in the wetland. Mr. Karell said he would get written confirmation from NYSEG. Mr. Andrews said that the wetlands will not be impacted and that a tractor was going to be used to install the poles and agreed that a letter from NYSEG should be submitted. Mr. Andrews said that he and Mr. Barber recommended that this project should be moved to an administrative track and that the Planning Board accept the plans. Mr. Andrews also recommended that the Erosion Control Bond estimate of \$6,990.00 be accepted by the Planning Board and be forwarded to the Town Board for their approval. Mr. Andrews said that there is a stream and the pole line is above the stream. An email was submitted that said NYSEG was going to use a tractor, but Mr. Andrews agreed that a letter should be submitted. Mr. Lowes referred to Drawing S-1 and S-2 and said that he had requested that the parcel surrounding the White Vernon should be determined and that the tax map number should be placed on the map. Mr. Lowes also asked who owned the right of way and the property where the proposed easement is and asked that this information also be shown on the map. Mr. Lowes also asked for a written agreement pertaining to the easement. Mr. Karell said that this information is shown on the original sub-division plan and is owned by New York City for the watershed and that he will see that it is placed on the plan. The easement was done prior to New York City purchasing the property.

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Mr. Tolmach asked for a motion to move this project to an administrative track and accept the Erosion Control Bond estimate of \$6,990.00 and \$1,000.00 Inspection Fee and forward it to the Town Board for their approval.. The motion was made by Mr. German and seconded by Mr. Lowes. Following were the roll call votes:

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

The motion carried..

- **Raneri Property, Hillside Paper Road, Kent, NY; TM: 44.24-1-3**

Mr. Karell represented Mr. Raneri, the owner of the property. Mr. Karell reminded the Planning Board that this project had been before the Planning Board for some time and the last time was approximately a year ago. There were meetings with the Highway Superintendent regarding a turn-around on Hillside Road for Town trucks. There is a right-of-way and there was concern whether the proposed driveway would be constructed on private property or on a paper road.

**Mr. Andrews Comments (memo attached)**

Mr. Andrews said that he and Mr. Othmer discussed this matter and that a memo would be sent shortly with the details. They believed that the memo was very good and that their plan would work. Mr. Andrews asked for authorization from the Planning Board for him to work with Mr. Karell to resolve this matter.

**Ms. Axelson's Comments (memo attached)**

Ms. Axelson said that she had not been very involved in this project because this really was a road/erosion control issue, but that she had done a review on 7/20/21 and that a really good move was that a merger had occurred so a lot line revision to make the property one big lot was changed and lots were instead merged by the County. Ms. Axelson said that she agreed that off-line consultations were a good idea.

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Mr. Tolmach asked for a motion from the Planning Board to authorize the Planning Board Consultants to work directly with Mr. Karell. The motion was made by Mr. Lowes and seconded by Mr. German. Following were the roll call votes:

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

The motion carried..

- **Annunziata, Smalley Road, Kent, NY; TM: 21.-1-11**

Mr. Karell represented Mr. Annunziata, the owner of this property.

This project has Health approval. A tree plan was requested and submitted. Mr. Karell asked that a Public Hearing be waived because the properties to the north and to the west are vacant. The house to the south is up a hill and not affected by this construction. He also asked that the project be moved to an administrative track.

**Mr. Andrews Comments (memo attached)**

Mr. Andrews said that he and Mr. Barber had prepared memos regarding this project, which were distributed prior to this meeting. Most issues had been addressed, but a couple of things could be improved with grading. Some retaining walls should be removed. Mr. Andrews said that he and Mr. Barber would be comfortable recommending that this be moved to an administrative track after the Public Hearing was held and closed if there were no objections from the public regarding this project. Mr. Wilhelm said that he wanted the applicant to know that no commercial activities would be conducted on this property because it is being developed by a commercial company. Mr. Andrews suggested that a note be added to the plans stating that this property was to be used only for a single family residence.

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Mr. Tolmach asked for a motion to schedule a Public Hearing for Thursday, October 13, 2022 pertaining to this property. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. Following were the roll call votes:

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

The motion carried..

**Ms. Axelson's Comments (memo attached)**

Ms. Axelson did not have any comments regarding this project.

- **J. Philip Real Estate, 529 Route 52, Kent, NY; TM: 33.48-1-6**

**Ms. Axelson's Comments (memo attached)**

Ms. Axelson said that this project was for approval of a sign and that it did not need to be on the agenda. The original sign was too large, but the applicant made changes to it in order to comply with the Kent Town Code. A deminimus letter was sent to the applicant approving the sign.

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

The applicant requested that their escrow be returned.

Mr. Tolmach asked for a motion to recommend that the escrow for this project be returned and that the recommendation be referred to the Town Board for action. The motion was made by Mr. German and seconded by Mr. Carey. Following were the roll call votes:

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

The motion carried..

- **Honey Cakes Bakery, Route 52 – Suite 1, Kent, NY; TM: 33.48-1-6**

The applicant requested that their escrow be returned.



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Mr. Tolmach asked for a motion to recommend that the escrow for this project be returned and that the recommendation be referred to the Town Board for action. The motion was made by Mr. German and seconded by Mr. Carey. Following were the roll call votes:

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

The motion carried..

**T&M Rustic Home, 1100 Route 52 – Kent Center, Kent, NY; TM: 12.-1-55**

The applicant requested that their escrow be returned.

Mr. Tolmach asked for a motion to recommend that the escrow for this project be returned and that the recommendation be referred to the Town Board for action. The motion was made by Mr. German and seconded by Mr. Carey. Following were the roll call votes:

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

The motion carried..

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

- |                              |                 |               |
|------------------------------|-----------------|---------------|
| • Holly Property             | Erosion Control | Status Report |
| Winkler Farm Court, Kent, NY |                 |               |
| TM: 33.16-1-8                |                 |               |

Mr. Bradley asked to be heard and advised the Planning Board that the only thing which needed to be addressed at this time was to submit a plan to accompany the Stipulation. An email was sent earlier in the day. The plan sent earlier in the day will accompany the Stipulation. A new site plan will be submitted in January, 2023. Ms. Axelson said she would look at the plan tomorrow to ensure that the correct notations were on the right plan.

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

Comments were made by the Consultants and the ball is in the NYCDEP's court. The mylars were to be submitted, but to date none has been delivered.

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

Kent Manor is in the hands of their attorneys and they are pursuing the 5 acre waiver with the DEC. The DEC sent a letter telling them that they still didn't have enough material to grant the waiver and asked for more information. Mr. Andrews and Mr. Barber felt that the DEC was the proper venue to handle this matter and that the Planning Board should stay out of it..

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

Ms. Axelson said that there is nothing new pertaining to this project.

- |   |                 |               |
|---|-----------------|---------------|
| <ul style="list-style-type: none"> <li>Friel &amp; Pure<br/>Gipsy Trail Rd., Carmel, NY<br/>TM: 21.-1-27</li> </ul> | Erosion Control | Status Report |
|---|-----------------|---------------|

Waiting for an updated submittal.

- Town of Kent Mining Law
- Status Report

Mr. Andrews said that there had been several Zoom calls and that he, Ms. Axelson and Mr. Barber have been working on this project and are close to finalizing the draft of this law and will be submitting it to the Town Board within a week. Mr. Tolmach asked if he could also send copies to the Planning Board. Mr. Andrews replied that Chris Ruthven told the consultants to send it to the Town Board first. Mr. Andrews said that he would ask Mr. Ruthven if he could forward it to the Planning Board as well..

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Mr. Tolmach asked for a motion to close the meeting at 8:45 PM. The motion was made by Mr. Carey and seconded by Mr. Gattucci. Following were the roll call votes.

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

The motion carried.

Respectfully Submitted,



Vera Patterson  
Planning Board Secretary

cc: Planning Board Members  
Building Inspector  
Town Clerk

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SEPTEMBER 2022  
KENT PLANNING BOARD MEETING AGENDA  
FINAL

Workshop: September 01, 2022 (Thursday, 7:30 PM)

Meeting: September 08, 2022 (Thursday, 7:30 PM)

The Kent Planning Board workshop is scheduled for Thursday, September 1, 2022 at 7:30 P.M. at the Kent Town Hall. The Town of Kent Planning Board will be holding its regularly scheduled Monthly meeting on Thursday, September 8, 2022 at 7:30 P.M. at the Kent Town Hall.

- Approve Planning Board Minutes from July 14, 2022 Meeting
- Flintlock Storage  
1030 Route 52, Kent, NY  
TM: 12.18-1-14                      Erosion Control/Wetland Permit/  
Site Plan                      Review
- Patterson Crossing  
Route 311, Kent, NY  
TM: 22.-2-48                      Site Plan/Update                      Review
- Putnam Nursing Home  
Ludingtonville Rd., Kent, NY  
TM: 12.-3-40 & 41                      Erosion Control/Update                      Review
- Kent Self Storage  
Route 311, Kent, NY  
TM: 22.-2-17                      Site Plan                      Review
- White\_Vernon Property  
Horsepound Rd., Kent, NY  
TM: 33.-1-58.2                      Erosion Control                      Review
- Raneri Property  
Hillside Paper Rd., Kent, NY  
TM: 44.24-1-3                      Erosion Control Plan                      Review
- Annunziata/Smalley Corners  
Smalley Corners Rd., Kent, NY  
TM: 21.-1-11                      Erosion Control                      Review
- J. Philip Real Estate  
529 Route 52, Kent, NY  
TM: 33.48-1-6                      Sign Approval                      Review
- Bernie's Hidden treasure  
531 Route 52 – Ste 4, Kent, NY  
TM: 33.48-1-6                      Request to return escrow  
for sign approval                      Review

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- |  |   |               |
|--|---|---------------|
| <ul style="list-style-type: none"> <li>• Honey Cakes Bakery<br/>531 Route 52 – Ste 1, Kent, NY<br/>TM: 33.48-1-6</li> </ul>        | <p>Request to return escrow<br/>for sign approval</p> | <p>Review</p> |
| <ul style="list-style-type: none"> <li>• T &amp; M Rustic Home<br/>1100 Route 52 Kent Center, Kent, NY<br/>TM: 12.-1-55</li> </ul> | <p>Request to return escrow<br/>for sign approval</p> | <p>Review</p> |

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

- |   |                            |                      |
|---|----------------------------|----------------------|
| <ul style="list-style-type: none"> <li>• Holly Property<br/>Winkler's Farm Ct Property, Kent, NY<br/>TM: 33.16-1-8</li> </ul>   | <p>Concept Plan</p>        | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• NYCDEP &amp; Seven Hills<br/>Lake Property Owners Assn (SHLPOA)<br/>Kent, NY<br/>TM: 66.-1-43.1 &amp; 20.11-1-3 (NYC)<br/>&amp; 66.-1-43.2 (SHLPOA)</li> </ul> | <p>Lot Line Adjustment</p> | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Kent Manor<br/>Nichols Rd., Kent, NY<br/>TM: 33.-1-79</li> </ul>   | <p>Site Plan</p>           | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Route 52 Development/<br/>Kent Country Square<br/>Route 52, Kent, NY<br/>TM: 12.-1-52</li> </ul>   | <p>SEQRA</p>               | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Friel &amp; Pure<br/>Gipsy Trail Rd., Carmel, NY<br/>TM: 21.-1-27</li> </ul>   | <p>Erosion Control</p>     | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Town of Kent Mining Law</li> </ul>   |                            | <p>Status Report</p> |

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

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July 25, 2022

**RESPONSE TO COMMENTS ANNUNZIATA, SMALLEY CORNERS ROAD, KENT (T)**  
**TM # 21.-1-11**

**John Andrews, November 29, 2021**

1. Acknowledged
2. a. Tree plan attached based upon the Board's requirement.  
b. Noted. It was agreed that there is no easement necessary.
3. EC-1 is attached.
  - c.i. Timeable and schedule provided on the plan.
  - ii. Cost estimate provided in a separate document
    1. Notes added to the plans and notes eliminated have been restored.
4. Notes added
5. b. Vicinity map provided with owner name, tm# and street address of adjacent parcels.
  - c. Maintenance schedule restored.
  - d. Litter control measures are found in the SWPPP
  - e. Maintenance measures are found in the SWPPP
  - f. Contractor certifications are found in the SWPPP
6. Noted.
7. Noted
8. Notes provided or corrected.
9. Some grading revised. Note added relative for the need for a building permit for walls over 3 feet in height.
10. copies of HD permits attached
11. Noted relative to the fee.
12. See this document.

**New Comments**

- b. noted.
- a. Noted.
- b. swale added.
- c. cross section redrawn
- d. Calcs revised and the culvert was sized to match the culvert under the existing downgradient driveway. The c value is determined from the Seelye nomograph which includes pipe slope and size of the pipe, attached.

**BRUCE BARBER, DECEMBER 9, 2021**

**A. Environmental Review Comments**

Wetlands	Bailey Brook and other information shown on the plan.
Trees	tree plan provided.
Steep Slopes	No blasting is proposed. Any rock will be removed by excavation or rock Hammer. As previously indicated it is not possible to determine the Duration of the rock hammering however it is noted that the applicant will be required to comply with the noise ordinance. A note has been added to the plans.
Land Disturbance	Post construction treatment is not required.
Well/Septic	HD approvals attached.

**Other**

- Deed attached.
- 4.24%. Why is that a concern to the Town.
- SEAF attached.
- Based upon a determination from the Building Inspector a ZBA variance has been obtained for the frontage and lot width.
- Drainage will sheet flow onto adjacent lawn and wooded areas. The topography provide for sheet flow to be directed to the drainage ditch and pipe under this property at the front of the property and that drainage ditch continues to a pipe under the driveway on the adjacent property. Inspection of the property and proposed construction indicates that the adjacent property will not be affected. Adversely.
- Tree survey provided.
- Bailey Brook located.
- The drainage ditch easement is not necessary
- EAF revised as requested.

**John Karell, Jr., P.E.**

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

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**VMS Pizza 1, LLC**  
**Richard Annunziata**  
**Smalley Corners Road**  
**Kent (T)**

## **EROSION CONTROL BOND ESTIMATE**

<b>ITEM</b>	<b>QUANTITY</b>	<b>COST/UNIT</b>	<b>TOTAL</b>
Silt Fence	700 LF	\$ 4.00	\$2,800.00
Seed and Mulch	36,100 sf	0.06	2,200.00
Construction Entrance	1	500.00	500.00
Topsoil Stockpile	1	500.00	500.00
<b>TOTAL</b>			<b>\$ 6,000.00</b>

**John Karell, Jr., P.E.**  
**June 29, 2021, revised August 16, 2022**



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

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**STORMWATER POLLUTION PREVENTION PLAN**  
**EROSION AND SEDIMENT CONTROL**

**VMS PIZZA 1, LLC, RICHARD ANNUNZIATA**  
**SMALLEY CORNERS ROAD**  
**TM # 21.-1-11**  
**KENT (T)**

**August 10, 2020, revised November 11, 2021, May 19, 2022**

## **I. Background Information**

### **A. Project Description**

1. The project site is on Smalley Corners Road in the Town of Kent, Putnam County, New York. The site presently is vacant and heavily wooded. It is proposed to construct a single family house, driveway, septic system and well on the property.
2. The site is 1.8 acres in size.
3. It is proposed to construct a single family house served by a septic system, driveway and well. The purpose of this report is to address Storm Water Pollution Prevention and Management for the proposed work.
4. The proposed construction will result in an increase in impervious area of 6,300 square feet and 34,100 square feet of total disturbance.
5. Construction will begin immediately after receiving approval from the Town of Kent Building Department of a SPPP in accordance with the provisions of the Town of Kent Code estimated to be in the fall of 2020. A SPDES General Permit coverage from the New York State DEC is required since the area of disturbance is greater than 5,000 square feet.

### **B. Existing (Pre Development) Conditions**

1. Topography and existing conditions are shown on the site plan. The parcel slopes generally from east to west to a intermittent stream discharging to Lake Ninham to the west. Soils in the proposed area of development on the property are classified by the United States Department of Agriculture Soil Conservation Service as Chatfield Hollis Complex 15-35% (CuD) and Chatfield Hollis 0-15% (CtC), hydrologic group C in the Web Soil Survey.

### **C. Proposed future (Developed) Conditions**

1. The site plan shows all proposed utilities, drainage improvements and grading.
2. The storm water from part of the roof and driveway drainage will continue to sheet flow onto adjacent lawn and wooded areas.
3. Construction sequences are discussed in the appendix to this report and as noted on the plans.
4. The site will be served by a septic system and well.

## **II. Stormwater Management, Treatment and Conveyance**

- A. Storm water treatment is not required since the area of disturbance is less than one acre. Management of storm water from this property will be discharging roof and driveway drainage

to adjacent lawn and wooded areas via sheet flow.

B. Storm water conveyance for this project consists of sheet flow onto adjacent lawn and wooded areas via pvc piping and rip rap outlet protection.

### **III. Stormwater Management**

Treatment of stormwater is not required.

### **IV. Erosion and Sediment Control**

#### **A. Temporary Erosion and Sediment Control Measures**

1. Temporary erosion and sediment control measures in the design of this project are silt fence. The existing driveway will serve as a stabilized construction entrance. The contractor will be responsible for daily sediment cleanup on the driveway, if any. Silt fence are proposed to be installed along the downslope of all areas of disturbance as shown on the site plan, or as determined to be necessary during construction.
2. Runoff will be controlled within the project area. Bare soil areas, disturbed areas, will be seeded and mulched to control possible erosion and slow the velocity of runoff. Such activities shall be initiated by the end of the next business day and completed within 7 days from the date the current soil disturbance activity ceased.
3. Initial grading shall take place to install the sediment control measures. Soil stockpiles shall be stabilized away from any drainage structures or natural drainage paths. Once final grading has been achieved in any area that area shall be seeded and mulched and not redisturbed again.
4. Soil stockpiles must be protected with seeding and/or mulching as soon as possible but no longer than 7 days after ceasing activity. (see item # 2 above)
5. Measures must be in place prior to disturbance of a particular area in order to prevent sediment from traveling off site. This is accomplished on this site by the proper installation of silt fence.
6. Dust shall be controlled to keep the amount of particles/sediment generation by construction activity to a minimum. This will be accomplished by seeding and mulching of disturbed areas and wetting areas prone to airborne dust.
7. All temporary and permanent sediment and erosion control measures must be checked on a weekly basis for functionality and stability. This includes the silt fencing and the stabilized construction entrance. Any bare spots in areas previously seeded will be reseeded and remulched as soon as necessary. In areas where soil erosion and sedimentation is found to be a problem and measures are not in place, appropriate measures must be installed as required by the supervising engineer.

8. Final grading shall match approximately the cut and fill lines as shown on the plans. This must be accomplished within 7 days of the end of the construction activity unless otherwise specified under the Town or DEC permits. (see item # 2 above)

9. Temporary measures shall not be removed until all disturbed areas protected by such measures are fully and properly stabilized.

10. Permanent non structural measures to remain in place are re-established areas of grass and landscaping within the non impervious areas.

11. Pollution prevention measures that will be utilized to prevent construction debris from becoming a pollutant source include:

...Litter control – refuse containers will be provided on the site for the deposition of any debris. The contractor shall police the site at the end of each day, collect litter and deposit litter in the refuse containers.

...Construction chemicals – all construction chemicals including but not limited to equipment fuels and oils and cleaning solvents shall be stored in appropriate containers and within a locked facility overnight.

Any spills of construction chemicals will be immediately cleaned up in accordance with appropriate procedures.

Any significant spill will be immediately reported to the NYSDEC pursuant to State Regulations, procedures and requirements.

...Construction debris will be collected and placed in roll off containers and disposed off site in at an appropriate disposal facility. (Part III.B.1.j)

## **B. Permanent Erosion Control Measures**

1. Permanent erosion control measures employed in the design of the project include stabilization of all disturbed areas with grass.

## **V. Maintenance of Stormwater and Erosion Control Measures**

The project contractor and/or subcontractors shall be responsible to install, construct, repair, replace, inspect and maintain the temporary erosion and sediment control practices included in the SWPPP. The project contractor/subcontractor shall be responsible for constructing the post construction storm water management practices included in the SWPPP. Such measures will be maintained by the project contractor/subcontractor during the entire construction period.

Permanent measures will be maintained by the owner of the property.  
(Part III.A.6) (Part IV)

**Developer/Owner/Applicant**

VMS Pizza 1 LLC, Richard Annunziata  
77 Austin Road  
Mahopac, NY, 10541

The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*. A copy of this certification statement must be provided to the Town of Kent Building Department and Planning Department before commencement of any work on the property:

"I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for storm water discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings. "

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained contractor* responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed.

The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the

certification statement and provide the information listed above.

## **A. Temporary Measures**

### **1. Silt Fence**

Silt fence is proposed down gradient from all disturbed areas proposed on the site. Silt fence is used to collect the transported sediment load due to runoff and to slow said runoff, in an effort to prevent erosion. The silt fence is a temporary barrier of geotextile fabric supported by fence posts at a 10 foot maximum interval.

Sediments shall be removed from behind the fence when it becomes 0.5 feet deep at the fence. It should also be inspected regularly, at least once a week and repaired as needed to maintain a barrier.

## **B. Permanent Measures**

### **1. Permanent vegetation**

All grassed areas shall be maintained to provide a vegetative cover to hold soils in place.

## **VI. General Requirements for Owners or Operators with Permit Coverage**

A. The *owner or operator* shall maintain a copy of the General Permit (GP-0-20-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form and inspection reports at the construction site until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department.

The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection. (Part II.B.C.2)

B. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the *MS4* in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *MS4* prior to commencing construction of the post-construction stormwater management practice. (Part II.C.5)

C. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall also have the MS4 sign the "MS4 Acceptance" statement on the NOT. The *owner or operator* shall have the principal executive officer, ranking elected official, or duly authorized representative from the *regulated, traditional land use control MS4*, sign the "MS4 Acceptance" statement. The MS4 official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The MS4 can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector's* final site inspection certification(s) required in Part V.3. (Part V.A.4)

D. In accordance with the requirements of the Town of Kent per Section 66-6.K (1) of the Town Code, within 10 days after the 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 Annunziata stating that all erosion control measures have been constructed and installed in compliance with the approved plans.

## **VII. Conclusions**

In conclusion, the proposed project shall not result in any negative impact to existing hydrologic condition at the vicinity of the property and proposed storm water management practices conforms to NYSDEC Storm water Management Design Manual and GP-0-20-001. It is noted that since the construction the area of disturbance exceeds 5,000 square feet, coverage under GP-0-20-001 will be required. Finally, the design of all storm water management practices meets the requirements of "Storm water Management and Erosion Control" of the Town of Kent.

**VMS PIZZA 1, LLC, RICHARD ANNUNZIATA  
SMALLEY CORNERS ROAD  
STORMWATER POLLUTION PREVENTION PLAN  
SEQUENCE OF CONSTRUCTION**

The following are sequence and methods of for the reconstruction of a single family house on property owned by Richard Annunziata, Smalley Corners Road, Town of Kent, Putnam County, New York. Erosion and sediment control measures are incorporated into the construction program. Construction of this project will be in one phase.

Proposed erosion and sediment control methods are found on the Site Plan. The erosion controls are designed in accordance with the State of New York, "Guidelines for Urban Erosion and Sediment Control" and the NYS Standards & Specifications for Erosion & Sediment per Town Code, Section 66-6.B.2.g.

The project is expected to start in the fall of 2022 and continue over a one year period.

**A. General Construction Notes**

1. The site shall be disturbed only when and where necessary. Only the smallest practical area of land shall be exposed at any one time during development. When land is exposed, the exposure shall be kept to the shortest practical period of time by immediate stabilization per the stabilization notes, unless specified otherwise. All disturbed areas that are seeded with appropriate seed mixture and procedure are considered stabilized when 80% of the vegetation is achieved.
2. Where ever feasible, natural vegetation shall be retained and protected.
3. The contractor shall inspect all erosion and sediment control devices during all storm events, prior to weekends and prior to all forecasted storm events.
4. The Contractor shall grade and provide stabilization of newly graded and disturbed areas per item 8 of this sequence.

**B. Construction Sequence.**

1. Install all erosion control measures. ( 1/2 day)
2. Rough grade the proposed house area to final grades (3 days)
3. Begin house reconstruction. (10 months)
4. Re Topsoil, seed and mulch all disturbed areas in accordance with the stabilization notes. ( 2 days)
5. Remove all temporary erosion control measures. Restore/backfill to final grade and provide stabilization is necessary. (1 day)
6. Contractor to perform final site clean up and dispose of all debris properly.

**Total construction time one year**

**7. STABILIZATION NOTES**

- A. Grade to finished slopes
- B. Soils shall be scarified.
- C. Topsoil with not less than four inches of suitable topsoil material
- D. Seed as follows:

Spring/Fall Planting: Tall fescue	100	Kobe Gespedza	10
Bahi Grass	25	Rye Grass	40
Temporary Summer Planting:	German Millet	40	
All above units in lbs/sc			
- E. Mulch all disturbed areas.



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

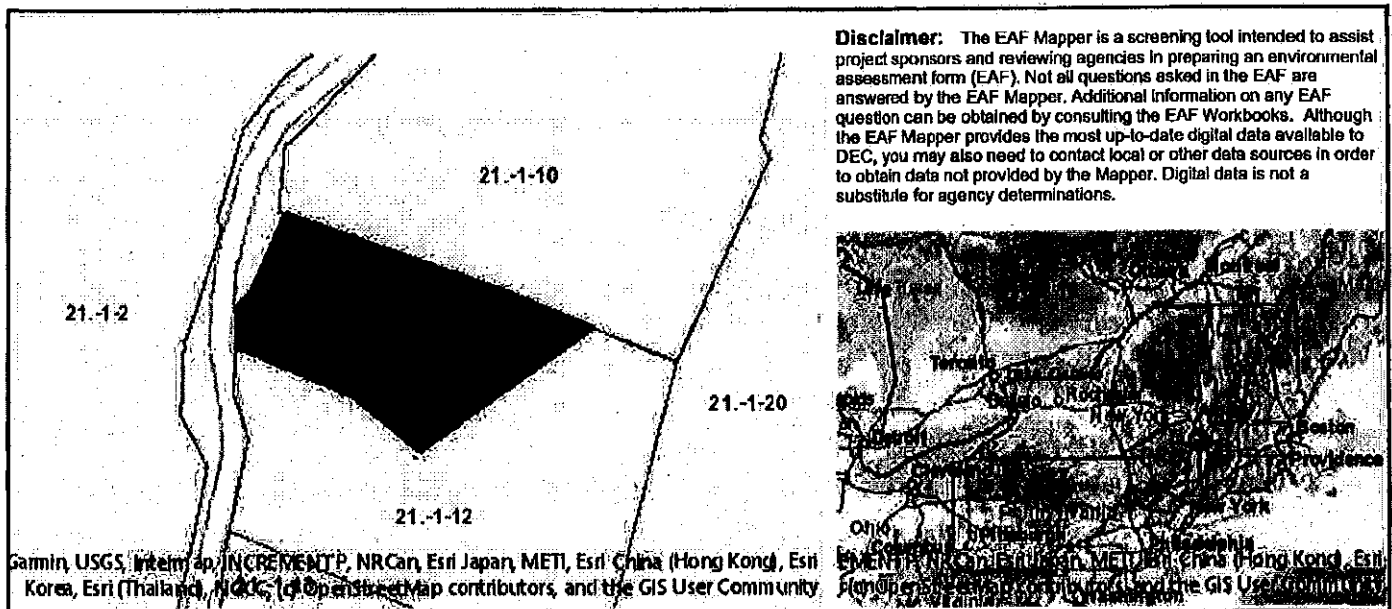
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: ANNUNZIATA HOUSE CONSTRUCTION			
Project Location (describe, and attach a location map): SMALLEY'S CORNER ROAD, KENT CLIFFS NY			
Brief Description of Proposed Action: CONSTRUCTION OF A SINGLE FAMILY HOUSE, DRIVEWAY, SEPTIC SYSTEM AND WELL			
Name of Applicant or Sponsor: VMS PIZZA 1, LLC, RICHARD ANNUNZIATA		Telephone: 914 447 5902 E-Mail: RICHARDANNUNZIATA@AOL.COM	
Address: 77 AUSTIN ROAD			
City/PO: MAHOPAC		State: NY	Zip Code: 10541
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: PUTNAM COUNTY HEALTH DEPARTMENT SEPTIC AND WELL		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.8 acres	
b. Total acreage to be physically disturbed?		0.8 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.8 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ DRILLED WELL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ SEPTIC SYSTEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ An off site wetland exists to the north of this property. All disturbances are much greater than 100 feet from this wetland and the wetland is upgradient from this property. _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:  Stormwater will be directed to the existing drainage course on this property. Treatment of stormwater is not required since the area of disturbance is less than one acre.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>RICHARD ANNUNZIATA</u> Date: <u>JUNE 17, 2021</u>  Signature: _____      Title: <u>OWNER</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



PRE RECORDING COVER PAGE

Michael C. Bartolotti, Putnam Co Clerk  
40 Gleneida Avenue, Room 100  
Carmel, New York 10512

Supporting Documents:

(DEED)

TP-584 Combined Real Estate Transfer Tax Return

RP-5217 Real Property Transfer Report (ORIGINAL/NO COPIES)

IT-2663 Non-Resident Income Tax Return (PAYABLE TO NYS INCOME TAX) (USE ONLY WHEN APPLICABLE)

\*\*\*ALL PAYMENTS OVER \$1000 A CERTIFIED CHECK/MONEY ORDER/GUARANTEE LETTER\*\*\*

InboxID: 54535  
Submitted Date: 08/12/2021 05:56 PM  
Submitted By: CHRISTOPHER SAYEGH  
65 GLENEIDA AVENUE  
CARMEL, NEW YORK 10512  
CSAYEGH@SAYEGHLAW.COM

Document Count: 1

Document 1: DEED  
Party1: VMS PIZZA 1 LLC  
Party2: 230 OAK WEST LLC  
Recording Fee: \$210.00  
Transfer Tax: \$0.00  
Document Total: \$210.00

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Recording Total:	\$210.00
Tax Total:	\$0.00
PROCESSING FEE:	\$1.00
Grand Total:	\$211.00

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR  
(CORPORATION)**

**STATUTORY FORM CC**

THIS IS A LEGALLY BINDING INSTRUMENT. IF NOT FULLY UNDERSTOOD, WE  
RECOMMEND ALL PARTIES TO THE INSTRUMENT CONSULT AN ATTORNEY BEFORE  
SIGNING.

**THIS INDENTURE**, made the 8<sup>th</sup> day of September, 2021,

between VMS Pizza 1, LLC, of 77 Austin Road, Mahopac, NY 10541, a corporation organized under the  
laws of New Jersey,

party of the first part, and

230 Oak Road West LLC, of 13 Concordia Road, Mahopac, New York 10541, a corporation organized  
under the laws of New York,

party of the second part:

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other good  
and valuable consideration, lawful money of the United States, paid by the party of the second part, does  
hereby grant and release unto the party of the second part, Party of the first does hereby grant and release  
unto the party of the second part, his heirs, successors and assigns forever, all that certain plot, piece or  
parcel of land, lying and being in the Town of Kent, County of Putnam, State of New York, more  
particularly described in Schedule A attached hereto.;

Subject to all covenants, easements and restrictions of record, if any, affecting said premises;

**BEING** and hereby intending to convey the same premises as conveyed to the parties of the first  
part by Deed dated July 2, 2021, and recorded in the Putnam County Clerk's Office on July 14, 2021, in  
Liber/Reel 2223 of Deeds, at page 4;

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any  
streets and roads abutting the above described premises to the center lines thereof;

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in  
and to said premises;

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, TO  
HAVE AND TO HOLD the premises herein granted unto the party of the second part, his heirs,  
successors and assigns forever. And the party of the first part covenants that it has not done or suffered  
anything whereby the said premises have been encumbered in any way whatever.

**AND** the party of the first part/grantor, in compliance with Section 13 of the Lien Law, covenants  
that the party of the first part/grantor will receive the consideration for this conveyance and will hold the  
right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of  
the improvement and will apply the same first to the payment of the cost of the improvement before using

District: Carmel CSD

### **SCHEDULE A DESCRIPTION**

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Kent, County of Putnam and State of New York, known and designated as Lot No. 7, as shown on a certain map entitled, "Final Subdivision Plat, known as Upper Nimham Lake Estates", dated January 15, 1987 and revised April 23, 1987 and filed in the Office of the Putnam County Clerk on July 22, 1987 as Filed Map No. 2248A;

TOGETHER with an undivided 4.24% interest in Lot No. 9 as shown on the aforesaid map;

TOGETHER with and subject to such rights in common with others to the use of Upper Lake Nimham;

Said premises are more commonly known as 21.-1-11 and 21.13-1-19 on the Tax Map.

***Deed***

**Title No. \*\*\*Title Number TE\*\*\***

VMS Pizza 1, LLC

To

230 Oak Road West LLC

**District** Carmel CSD

**Section** \*\*\*Premises section TE\*\*\*

**Block** \*\*\*Premises block TE\*\*\*

**Lot** \*\*\*Premises lot TE\*\*\*

**County or Town** Putnam, Kent

**Street Address** Smalley Corners Road and 22 Beach  
Court

Carmel, New York 10512

**Return By Mail To:**

230 Oak Road West LLC,  
13 Concordia Road,  
Mahopac, New York 10541

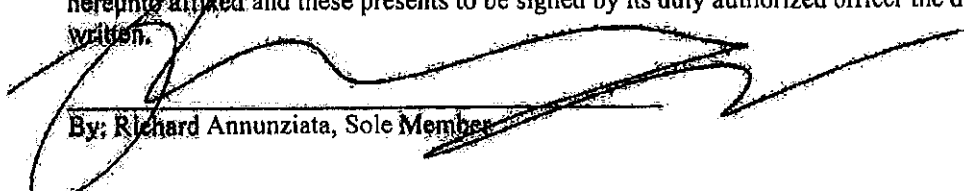
**Reserve This Space For Use Of Recording Office.**

District: Carmel CSD



any part of the total of the same for any other purpose. The word "party" or "grantor" shall be construed as if it read "parties" or "grantors" whenever the sense of this document so requires.

~~IN WITNESSETH~~ WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer the day and year first above written.

  
By: Richard Annunziata, Sole Member

IN PRESENCE OF:

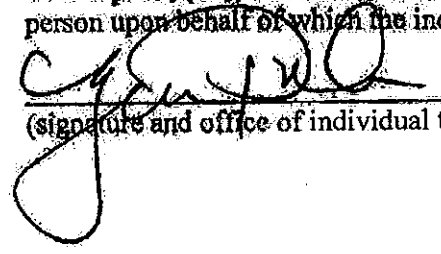
**Acknowledgment by a Person Within New York State (RPL § 309-a)**

STATE OF NEW YORK

)  
) ss.:  
)

COUNTY OF PUTNAM

On the ~~14th~~ <sup>8th day - September</sup> of ~~August~~ <sup>2021</sup> in the year 2021, before me, the undersigned, personally appeared Richard Annunziata, as Sole Member of VMS Pizza 1, LLC, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that they executed the same in their capacity(ies), and that by their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
(signature and office of individual taking acknowledgment)

Zena Dubas  
Notary Public, State of New York  
Registration No.: 02DU6314239  
Qualified in Dutchess County  
Commission Expires: November 3, 2022

District: Carmel CSD

18-6

DR

T.

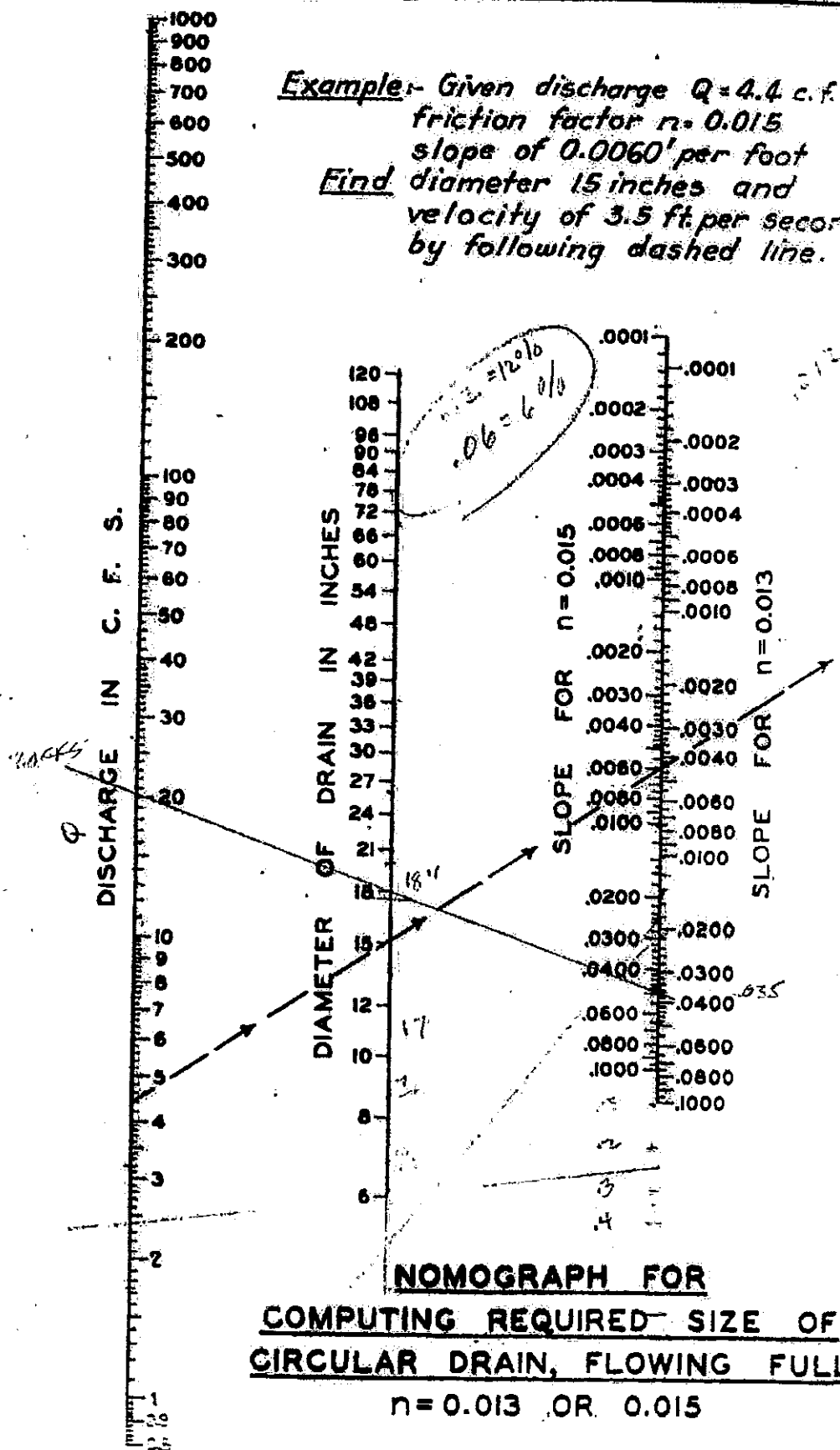
18-72

170 TO 18-02  
A = A C I

higher in value -

## DRAINAGE &amp; SEWERAGE-HYDRAULIC CO

Example:- Given discharge  $Q = 4.4$  c.f.  
friction factor  $n = 0.015$   
slope of  $0.0060'$  per foot  
Find diameter 15 inches and  
velocity of 3.5 ft. per sec.  
by following dashed line.



**PUTNAM COUNTY DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH SERVICES**

**APPLICATION TO CONSTRUCT A WATER WELL**

Please print or type

PCHD Permit #

K-12-92

Well Location	Street Address: <u>SMALLEY CORNERS RD</u>	Town/Village: <u>KENT (T)</u>	Tax Map #
Well Owner:	Name: <u>RICHARD ANNUZIATA</u> <u>VMS PIZZERIA, LLC</u>	Address: <u>77 ASTOR RD</u> <u>MATHEPAT, NY 12541</u>	Phone # <u>914</u> <u>237 1693</u>
Use of Well	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Public Supply	<input type="checkbox"/> Irrigation
1- Primary	<input type="checkbox"/> Business	<input type="checkbox"/> Farm	<input type="checkbox"/> Test/Monitoring
2- Secondary	<input type="checkbox"/> Industrial	<input type="checkbox"/> Institutional	
Amount of Use	Yield Sought: <u>40</u> gpm	People Served: <u>6</u>	Est. of Daily Usage: <u>200</u> gal.
Reason for Drilling	<input checked="" type="checkbox"/> Replace Existing Supply	<input type="checkbox"/> Test/Observation	<input type="checkbox"/> Additional Supply
	<input checked="" type="checkbox"/> New Supply (new dwelling)	<input type="checkbox"/> Deepen Existing Well	
Detailed Reason for Drilling	<u>new well, new house</u>		
Well Type	<input checked="" type="checkbox"/> Drilled	<input type="checkbox"/> Driven	<input type="checkbox"/> Gravel <input type="checkbox"/> Other
Is well site subject to flooding? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is well located in a realty subdivision? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
Name of subdivision: <u>UPPER NINHAMESTATES</u>		Lot No. <u>7</u>	
Water Well Contractor: <u>BOYD</u>		Address: <u>CARLE NY</u>	
Is Public Water Supply available on site? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Name of Public Water Supply: <u>—</u>		Town/Village: <u>—</u>	
Distance to property from nearest water main: <u>—</u>			
Proposed well location & sources of contamination to be provided on separate sheet/plan.			
Date: <u>8/10/2021</u>	Applicant Signature: <u>[Signature]</u>		

**PERMIT TO CONSTRUCT A WATER WELL**

This permit to construct one water well as set forth above, is granted under provisions of Article 10 of the Putnam County Sanitary Code and Subpart 5-2 of Part 5 of the New York State Sanitary Code and provided that within thirty (30) days of the completion of water well construction, the applicant or their designated representative shall: 1) Pump the well until the water is clear. 2) Disinfect the well in accordance with the requirements of the Putnam County Health Department. 3) Submit a Well Completion Report on a form provided by the Putnam County Health Department. 4) The well driller shall abide by all conditions of the permit. 5) During all well drilling operations the well driller shall take appropriate action to assure that any and all water and waste products from such well drilling operations be contained on this property and in such a manner as not to degrade or otherwise contaminate surface or groundwater.

Additional Permit Requirements: \_\_\_\_\_

**APPROVED FOR CONSTRUCTION:** This approval expires two years from the date issued unless construction of the well has been completed and inspected by the PCDOH and is revocable for cause or may be amended or modified when considered necessary by the Commissioner of Health. Any revision or alteration of the approved plan requires a new permit. Well to be constructed by a water well driller licensed by Putnam County.

Date of Issue: 10/19/21

Date of Expiration: 10/19/23

Permit is Non-Transferable

DIVISION OF ENVIRONMENTAL HEALTH SERVICES  
 PUTNAM COUNTY DEPARTMENT OF HEALTH  
 100 N. STATE ST. 3RD FL.  
 PUTNAM NY 12541  
 (518) 537-3000

Permit Issuing Official: [Signature]

White copy – HD file; Yellow copy – Building Inspector; Pink copy – Owner; Orange copy – Well Driller

8/11/21

**PUTNAM COUNTY DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH SERVICES**

**CONSTRUCTION PERMIT FOR SEWAGE TREATMENT SYSTEM**

PERMIT # K-12-92

Located at SMALLEY CORNERS ROAD Town or Village Kent (T)  
Subdivision name UPPER NIPHAM LAKE ESTATES Subd. Lot # 7 Tax Map 21 Block 1 Lot 11  
Date Subdivision Approved 5/22/87 Renewal X Revision \_\_\_\_\_  
Owner/Applicant Name RICHARD ANNONZIATA VMS PIZZA, LLC Date of Previous Approval 8/21/19  
Mailing Address 77 AUSTIN ROAD, MAHOPAC, NY, Zip 10541  
Amount of Fee Enclosed \$500

Building Type WOOD FRAME Lot Area 1.8 AC No. of Bedrooms 4 Design Flow GPD 600

Fill Section Only X Depth 3 Volume 11,000 CY  
PCHD NOTIFICATION IS REQUIRED WHEN FILL IS COMPLETED

Separate Sewerage System to consist of 1250 gallon septic tank and \_\_\_\_\_

Other Requirements: \_\_\_\_\_

To be constructed by JP NILSEN Address CARMEL, NY

Water Supply: \_\_\_\_\_ Public Supply From \_\_\_\_\_ Address \_\_\_\_\_

or: X Private Supply Drilled by BOYD Address Carmel, NY

I represent that I am wholly and completely responsible for the design and location of the proposed system(s) and that the ~~separate sewage treatment system~~ described above will be constructed as shown on the approved amendment thereto and in accordance with the standards, rules and regulations of the Putnam County Department of Health, and that on completion thereof a "Certificate of Construction Compliance" satisfactory to the Public Health Director will be submitted to the Department, and a written guarantee will be furnished the owner, his successors, heirs or assigns by the builder, that said builder will place in good operating condition any part of said sewage treatment system during the period of two (2) years immediately following the date of the issuance of the approval of the Certificate of Construction Compliance of the original system or any repairs thereto.

Signed: AL Kaceer P.E. X R.A. \_\_\_\_\_ Date 8/10/2021  
Address 121 Gushman Road, Mahopac, NY 12542 License # 53277

**APPROVED FOR CONSTRUCTION:** This approval expires two years from the date issued unless construction of the sewage treatment system has been completed and inspected by the PCHD and is revocable for cause or may be amended or modified when considered necessary by the Public Health Director. Any revision or alteration of the approved plan requires a new permit. Approved for discharge of domestic sanitary sewage only.

By: [Signature] Title: APHE Date: 10/19/28

White copy - HD File; Yellow copy - Building Inspector; Pink copy - Owner; Orange copy - Design Professional  
Form CP-97



**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](mailto: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 – <b>Revised Submittal III</b>
Date:	September 1, 2022	Project:	Annunziata – Smalley Corners Rd TM # 21.-1-11

The following materials were reviewed:

- Response to comments-Annunziata, Smalley's Corners Road from John Karell, Jr., P. E. dated July 25, 2022.
- Erosion Control Bond Estimate- Annunziata, Smalley's Corners Road from John Karell, Jr., P. E. dated June 29, 2021, revised August 16, 2022.
- Stormwater Pollution Prevention Plan- Annunziata, Smalley's Corners Road prepared by John Karell, Jr., P. E. dated August 10, 2020, last revised May 19, 2022.
- Putnam County Department of Health-Application to Construct a Water Well-Annunziata, Smalley's Corners Road, dated October 19, 2021.
- Putnam County Department of Health-Construction Permit for Sewage Treatment System- Annunziata, Smalley's Corners Road dated October 19, 2021.
- Drawing EC-1- Erosion Control & Steep Slope Details/Notes- VMS Pizza 1, LLC Smalley's Corner Road prepared by John Karell, Jr. P.E. dated August 25, 2020, last revised November 9, 2021, scale As Shown.
- Drawing S-1-SSTS Trench Plan- VMS Pizza 1, LLC Smalley's Corner Road, prepared by John Karell, Jr. P.E. dated January 7, 2006, last revised August 18, 2022, scale 1" =30'.
- Drawing S-2- Steep Slope & Existing Conditions Plan- VMS Pizza 1, LLC Smalley's Corner Road, prepared by John Karell, Jr. P.E. dated January 7, 2006, last revised August 18, 2022, scale 1" =30'.
- Drawing S-3- Fill Placement Plan- VMS Pizza 1, LLC Smalley's Corner Road, prepared by John Karell, Jr. P.E. dated January 7, 2006, last revised August 18, 2022, scale 1" =30'.
- Drawing S-4- Site & Erosion Control Plan- VMS Pizza 1, LLC Smalley's Corner Road, prepared by John Karell, Jr. P.E. dated January 7, 2006, last revised August 18, 2022, scale 1" =30'.
- Drawing D-1 -Detail/Driveway Profile- VMS Pizza 1, LLC Smalley's Corner Road, prepared by John Karell, Jr. P.E. dated January 7, 2006, last revised August 18, 2022, scale 1" =20'.

The project proposes construction of a single-family home, well, septic and driveway. The lot has pre-existing, non-conforming dimensions for minimum lot width and minimum road frontage. Information

provided indicates the lot has Putnam County Health Department approval for well and septic, but copies of current permits have not been provided.

The subject Erosion and Sediment Control Plan is not approved. Revised or supplementary comments are indicated in **bold**. The following comments are provided for the Planning Board's consideration from a memorandum by Julie Mangarillo, P.E., CPESC dated October 7, 2020 and our review memoranda dated August 9, 2021 and November 29, 2021:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001.
2. Refer to Combined Application Form:
  - b. 2<sup>nd</sup> page (13) – Complete response to #9. Provide a copy of the current deed per item #14. Requesting tree survey waiver – Prior correspondence appears to suggest that one was going to be provided. The Town environmental consultant should weigh in on this request. *Engineer confirmed tree survey waiver request. We defer to the Town Environmental Consultant on this matter.* **[Tree survey provided with a tree removal plan. No exception taken.]**
  - c. 4<sup>th</sup> page (15) – Date of boundary and topo used for base map is noted as January 15, 1987. Provide updated survey and topography. This is particularly important for where the lot meets Smalley Corners Road, the noted "intermittent drainage ditch" and adjacent properties within a minimum of 50 feet of the property line. Also provide information on the other side of Smalley Corners Rd. Based on aerial photos, there do not appear to be any driveways in proximity on the other side of the road, but this is to be confirmed. Updated survey and topography provided. A note has been added concerning the "intermittent drainage ditch" and an easement related thereto. A complete copy of Filed Map 2248A explaining the matter should be provided. *A copy of the filed map has been provided. The map contains no information on the easement referenced on the prior survey. Clarification from the surveyor should be obtained but it appears that may not be possible as the surveyor is retired or semi-retired.* **[No additional information provided. No easement appears to exist. No easement appears necessary.]**
3. Provide the following information as required by Town Code Chapter 66-6.B.2: *The response letter indicates a Drawing identified as EC-1. No such drawing was provided for our review. This impacts Comment Items 4, 5 and 8 as well.* **[Sheet EC-1 incorporated in this most recent submittal. The comments contained herein are addressed by that sheet.**
  - c. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance, and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"

- i. [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.
  - ii. [6] *Provide an estimate for the cost of implementing all elements of the erosion control plan.* **[Estimate provided. We do not have a recommendation on the bond amount at this time as additional information is required.]**
    1. "Construction Method and Sequence" is provided on drawing EC-1. Provide timeframes for the individual steps.
    2. The information was provided in the form of a separate 8 1/2x11 paper. We would strongly recommend that this be added in the form of notes on the plans set. Additionally, a number of notes included on the prior submittal appear to have been eliminated and should be returned to the current plan set for clarity.
4. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)." *Comment remains valid.* **[Note added – Resolved]**
  5. Provide an erosion and sediment control only SWPPP in accordance with GP-0-20-001. Provide required information from Part III.B.1 including:
    - b. Part III.B.1.a – "Background information about the scope of the project, including the location, type and size of project;"
      - i. Provide improved Vicinity Map to locate the property. Provide information on adjoining parcels, such as owner name, tax map number and/or street address. *Comment remains valid.* **[Resolved]**
    - c. Part III.B.1.h – "The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;"
      - ii. Provide details for stabilized construction entrance, stabilized soil stockpiles, concrete truck washout, riprap at outlet of footing & leader drain and for the "intermittent drainage ditch" crossing. Be sure to include these items in the "Erosion and Sediment Control Maintenance Schedule" on drawing EC-1. *Requested details have been provided The Erosion and Sediment Control Maintenance Schedule has been eliminated from the plan and should be restored.* **[Details provided – Locations for the facilities should be added to the Plan set. The locations are inconsistently shown throughout the various plans.]**
    - d. Part III.B.1.j – "A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;"
      - iii. Provide this information. *Comment remains valid.* **[Resolved]**

- e. The Applicant and Applicant's design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP or on the drawings. *Comment remains valid.* **[Resolved]**
  - f. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities. *Comment remains valid.* **[[noted in SWPPP - Add as plan note.]**
6. Provide a Notice of Intent (NOI) for review. **NOI provided as requested. Revisions are possible until a final SWPPP is accepted.**
7. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed. **Form provided as requested. Form will be completed and returned when the SWPPP is ready for acceptance.**
8. Refer to the Drawings: *The various notes were eliminated rather than updated. The notes should be added back to the plan set and corrected/adjusted as applicable* **[Comments have been generally resolved except as noted.]**
- b. On S-1 and EC-1: Under "Town of Kent Standards for Private and Common Driveways" update notes to match current standards in the Town Code, Chapter 57, Article II "Driveway Specifications".
  - c. Provide a driveway profile and cross-section details in conformance with Town Code Chapter 57. Profile provided. Does not match site grading plan. **See comments below.**
  - d. Indicate how runoff from the driveway will be handled before it reaches Smalley's Corners Road. *Comment remains valid.* **See comments below.**
  - e. Provide an as-built of the driveway, including centerline profile, prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Provide a note on the drawing.
  - f. Per letter from Richard Othmer, Jr, Highway Superintendent, dated April 1, 2019, to the Planning Board regarding final approvals, add a note to the drawing that reads, "The Owner will make modifications to the driveway as required by the Highway Superintendent." **[Add as note on the Plan set.]**
  - h. Provide additional information on the "intermittent drainage ditch" crossing. **See comments below.**
  - i. Drawing EC-1, "General Notes" #2 – The area of disturbance is not consistent with the area of disturbance labeled on drawing S-1.
  - j. The outlet for the footing and leader drain appears to be discharging at the steepest part of the parcel. Relocate outlet to avoid discharging in the steep area. **Comment remains valid.**
9. 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. Comment remains valid. **[Our previous comment 'The Engineer may wish to revisit the grading plan. It appears that the proposed retaining walls may be eliminated through grading. If walls are still proposed the comment should appear in the form of a note on the plan set.' Remains valid. Our review of the plan and profile suggest that the walls can be eliminated.]**

11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
12. Provide a written response with future submittals stating how the comments have been addressed.

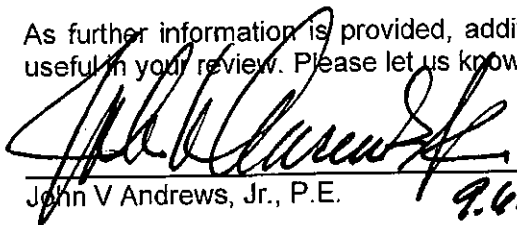
*New Comments:*

- b. As noted above the grading for the driveway does not match the profile. This creates several issues that need to be resolved to move forward. *The driveway profile has been adjusted per discussion in the field with Mr. Karell, the Highway Superintendent and me.*
  - a. The driveway profile includes a portion with a slope of 15%. A waiver from the Planning Board is required. Future submittals should include adequate justification for this waiver. The grading plan does not reflect this driveway slope. All driveway grades should be verified as meeting the requirements of Chapter 57. *The revised driveway includes a portion of 15% requiring a waiver from the Planning Board. We support the request of the Engineer justifying the waiver and recommend that the Planning Board consider granting the requested waiver. [Planning Board should adopt a Resolution, simple verbal granting the requested waiver.]*
  - b. The driveway does not include provisions for handling runoff at the road intersection. There is a suggested low point well back from the edge of pavement but without adequate drainage provisions this is nothing more than an area for ponding. The Engineer may want to consult the Town Highway Superintendent concerning this matter. *The grading for the driveway needs to be adjusted to reflect a swale, running from the low point to the shoulder of the existing road, allowing the low point to drain to the existing shoulder. [Grading does not reflect the swale, but a general location and note requiring the swale are provided.]*
  - c. Cross sections should be provided once the design of the driveway has been settled at the culvert crossing and at the first retaining wall. *A simple cross section has been provided. While it provides some information, it does not address the necessary grading at the culvert. The cross section should be re-drawn at the culvert and detail the end treatment, inverts, and grading through the culvert. [A cross-section at the culvert would facilitate the grading and possibly aid in eliminating the walls.]*
  - d. According to the limited information available there is an easement associated with the intermittent drainage ditch identified on the plans. Justification for the sizing of the proposed culvert should be provided. The driveway culvert should pass a reasonable design storm ( 10-year storm event minimum) without overtopping the driveway or creating off street flooding. *As requested, simple culvert sizing calculations were provided. Further explanation should be provided justifying the c value used in the calculation and explanation of the culvert slope of 3.5%. The plans suggest a slope of approximately 1%. [Response noted – We did not receive revised calculations. Plan*

set should be clearly labelled with pipe material, size, and slope. Inverts should be provided on the plan.]

- c. Per §66-6.F, the public hearing may be waived as this is a minor project for the construction of a new single-family dwelling. We defer to the pleasure of the Planning Board in that regard. The project is ready to schedule a public hearing if that is the Planning Boards determination.
- d. Upon the close of the public hearing, when conducted, provided there are no substantive issues raised, we recommend the remaining project review be referred to the Planning Board consultants to be handled administratively.

As further information is provided, additional 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. 9.6.2022

cc: Planning Board via email  
Richard Othmer, Town Highway Superintendent via email Bruce Barber via email  
Bill Walters via email Liz Axelson via email  
20-261-999-171



## Cornerstone Associates

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

September 8, 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 08/18/22, 8 pages.
2. Letter executed by Heidi Krahling of NYSDEC Natural Heritage Program dated 08/03/22, 1 page.
3. Short-form EAF (Part I) executed by John Watson of Insite Engineering dated 08/18/22 (rev.).
4. Plans entitled; "Flintlock Storage" prepared by Insite Engineering dated 08/18/22 (rev.), 7 sheets: EX-1, SP-1, SP-2, SP-3, SS-1, D-1, D-2.

### **Summary of Application:**

The subject application is to construct four, two-story self-storage buildings (8,200 SF total 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 Town of Kent jurisdictional wetland and wetland buffer areas are accurately depicted on plan sheet EX-1. The applicant proposes 4,820 square feet of disturbance to the wetland area as well as 42,170 square feet of disturbance to the wetland buffer. The applicant requires a wetland permit from the Planning Board.

It must be emphasized that the on-site wetlands have been identified by the presence of hydric soils only. It is possible that the hydrological source of this wetland area was piped

in the past and now drains off-site. The wetland and associated buffer areas consist of managed lawn area and the site has historically had several uses in the past. This site is a rare case in which proposed development affords an opportunity to preserve the wetland and enhance function.

The stormwater management basin has been designed and calculated to provide adequate hydrology to maintain the existing on-site hydric soils and basic recharge function. The installation of wetland plantings in this area will provide a pollutant uptake function. In addition, applicant has provided an analysis indicating that [post-construction phosphorous discharge from the site will be less than pre-construction levels.

The applicant has indicated the potential use of impervious surfaces (asphalt/asphalt binder-plan sheet SP-1) although the EAF indicates these areas are to be gravel. Use of pervious materials as well preventing the storage of potential pollutant sources (vehicles, equipment, salt, chemicals, etc.) is part of the overall consideration of impacts to the wetlands and wetland buffer areas. The use of impervious areas is not appropriate for these areas.

The applicant has indicated that they do not agree that a long-term maintenance plan is required. I respectfully disagree. In order for the wetland and buffer to have a maximum opportunity to survive, the plantings must be inspected and replaced as necessary, herbaceous areas cut as required and invasive species removed.

The applicant has indicated that a bond to ensure the wetland plantings are installed in accordance with the approved plan will be provided. It is recommended that an Opinion of Probable Cost for Mitigation Landscaping and an Opinion of Probable Construction Cost for Site Landscaping (see plan sheet SP-1) be submitted as distinct parts of the erosion and sediment control bond. Upon review by the Planning Board if these numbers are found to be reasonable, it is recommended that the Planning Board 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 information from NYSDEC Natural Heritage and has indicated that tree cutting restrictions will apply "at this time." However, the applicant has not provided information as to why the US Fish and Wildlife Bat Recovery zone tree cutting restrictions (between November 1 and March 31 of the following year) would not apply.

#### **B: Review Comments:**

The application is incomplete. We offer the following comments:

Please provide a wetland permit application if not already submitted.

Please see comments above regarding wetland delineation and mitigation.

Please indicate the total area of wetland and wetland disturbance on the plans. Please provide a long-term inspection, reporting and maintenance (including invasive species removal) plan for wetland and wetland buffer mitigation plantings.

The number of trees and shrubs proposed as mitigation is limited and should be increased to provide a greater density of native species. The live stake materials do not appear to be well suited to be planted in wetland buffer with moderate hydrology conditions. It is unclear what the areas to the north of the berms are to be planted with and how these areas will be maintained.

Provide landscape and mitigation plant cost estimates (labor and materials).

Provide detail of vegetation to be cut and what shall remain undisturbed. The site is 1.67 acres and as per the EAF 1.6 acres are proposed to be disturbed. Please indicate why almost the entire site needs to be disturbed?

It is not clear how all stormwater runoff will be collected and conveyed to the stormwater management basin. Although roof drains are shown where is no apparent infrastructure (catch basins, piping, etc) for the parking and access areas.

The applicant should provide a business plan providing details of the type and materials of indoor (indicated as proposed garages) and outdoor storage uses, hours of operation, staffing, etc. Potential pollutant sources should not be stored or allow to drain or run off into the wetland and wetland buffer.

It is suggested that the Planning Board require the applicant to submit a clear and detailed list of items to be stored in the proposed storage area.

Will repair and maintenance of vehicles or equipment be conducted on the site? Will there be any retail or wholesale sales of vehicles, equipment and/or materials?

Please provide floor plans and indicate any floor drains or vehicle wash areas. Provide all zoning information (building heights) and architectural drawings.

It is unclear if the applicant proposes pervious surfaces or asphalt derivatives in the wetland or wetland buffer. It was a previous understanding that asphalt binder, millings, etc. would not be used. Please clarify.

Conformation that the use of only a septic tank (no leaching area) meets PCDOH and the Town Building Inspector requirements is required. If a leaching area is required, it should be located outside the wetland and wetland buffer.

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

Please indicate visual impacts to adjoining properties. Please provide details of the proposed sign.

Please provide information regarding any existing and proposed easements, etc. regarding the pipe which enters the subject property from Route 52 and discharges to the stream to the north. Review by the Town Engineer is required (the applicant does not agree that coordination with the NYSDOT is relevant).

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 'B. Barber', written in a cursive style.

Bruce Barber, S-PWS  
Town of Kent Environmental Consultant

## MEMORANDUM

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

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning. This review is based on my April 14, 2022 review. Prior comments that have been addressed have been deleted, and comments that remain to be addressed are repeated and updated, as necessary. Based on my review I offer the following comments for the Board's consideration:

### Summary

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

### SEQRA

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

### Zoning Requirements

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



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





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



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

#### Recommendation

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

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

#### Materials Reviewed

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

#### Materials Previously Reviewed



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



# Memorandum

<b>To:</b>	Planning Board Town of Kent	<b>Attn:</b>	Philip Tolmach Chairman
<b>From:</b>	John V. Andrews, Jr., P.E.	<b>Subject:</b>	Special Use Permit/Site Plan/ECP/ Wetland Review Memorandum – 2 <sup>nd</sup> Revised Submittal
<b>Date:</b>	August 31, 2022	<b>Project:</b>	Flintlock Storage. TM # 12.18-1-14

The following materials were reviewed:

- Letter to Town of Kent Planning Board- Flintlock Storage prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated June 16, 2022.
- Phosphorus Loading Analysis -Flintlock Storage prepared by Insite Engineering, dated August 18, 2022.
- Short Environmental Assessment Form-Flintlock Storage dated March 17, 2022, last revised August 18, 2022.
- Letter to Insite Engineering Surveying & Landscape Architecture, P.C- Flintlock Storage from New York State Department of Environmental Conservation dated August 3, 2022.
- Stormwater Pollution Prevention Plan (SWPPP) -Flintlock Storage prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated August 18, 2022.
- Drawing EX-1-Existing Conditions Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated June 9, 2022, last revised August 18, 2022, scale 1" =20'.
- Drawing SP-1-Layout & Landscape Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised August 18, 2022, scale 1" =20'.
- Drawing SP-2 -Grading, Drainage & Utilities Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised August 18, 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 August 18, 2022, scale 1" =20'.
- Drawing SS-1-Steep Slopes & Soils Plan-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised August 18, 2022, scale 1" =20'.
- Drawing D-1-Details-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022 last revised August 18, 2022, scale As Noted.
- Drawing D-2-Details-Flintlock Storage- prepared by Insite Engineering, Surveying & Landscape Architecture, dated March 17, 2022, last revised August 18, 2022, scale 1" =20', scale As Noted.

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

The following comments are provided for the Planning Board's consideration based on our April 11, 2022 and July 14, 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.**[No further comment required]**
2. The subject Erosion and Sediment Control Plan is not approved **[Comment continues]**
3. We defer to the Planning Board's environmental consultant regarding wetland issues.**[Note: Project will require a site-specific Wetland Permit which is separate and distinct from the Erosion and Sediment Control Permit.]**
4. We defer to the Planning Board's planning consultant regarding planning and zoning matters.**[Comment continues]**
6. Provide a SWPPP with post-construction stormwater management practice component in accordance with GP-0-20-001. Provide required information from Part III.B.2 including:*[ The preliminary SWPPP submitted addresses the majority of the items outlined herein. One item that needs additional information is the stormwater planters. We require details of their construction and how runoff from the buildings that they are intended to serve reaches the units and excess runoff control measures. The analysis was performed on a gross contributing area basis with the units sufficient to handle the overall run-off. We require some additional analysis clearly demonstrating the units are sufficient in size to handle the runoff from the actual contributing buildings. A concrete washout detail is provided. The location is not indicated on the plan set.]***[Comment substantially resolved. Planter sizing and details provided. Concrete washout shown]**
8. Provide a cost estimate for the erosion control and stormwater management measures for the purposes of bonding. (Town Code § 66-7 and § 66-24)**[ Various bond estimates have been provided. We are not yet in a position to accept the proposed amounts or otherwise make a recommendation on the amounts as additional information is required]**
10. Provide a Notice of Intent (NOI) for review. **[Draft NOI submitted. We take no exception to the material as submitted. Revisions to the NOI are possible until the SWPPP is accepted.]**

11. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed. **[ Form provided. Once the SWPPP is accepted we will complete and return the MS4 Acceptance Form to the Project Sponsor for filing.]**
12. The project site is located on Route 52. Access to the project site is by means of two (2) driveway connections to an existing 50-foot right-of-way that runs along the southerly property line. No details are provided concerning the rights, obligations, or responsibilities of the project sponsor with respect to this right-of-way. A cursory review of available data at the County Clerk suggests that this lot has the right of ingress and egress only. We could not locate any documentation addressing maintenance or improvement of this right-of-way. The right-of-way access drive appears to have a 24' wide curbed and paved full motion driveway connection to Route 52. Once beyond the entrance, the access drive is of variable width and is labelled as gravel. We recommend that the Planning Board require that the access drive be widened to a uniform 24' foot width and paved to a point 5 foot beyond the radius for the second access drive into the project site. The existing driveway at the southeast corner should be removed and replaced with grass. *[The proposal incorporates the recommended improvements; the driveway is shown at a uniform width of 24' and paved to a point 5' beyond the radius of the second access drive. The engineer submitted documentation today which suggests that the project sponsor has the ability to implement the proposed improvements. The matter is still under review by the Planning Board Attorney. It is his preference to have a recordable agreement with all parties that share this easement that addresses the issue of the improvements, the cost of improvements and the responsibility for maintenance and repair. If or when approval of the application is warranted, this could be a condition of approval.]* **[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.]**
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**

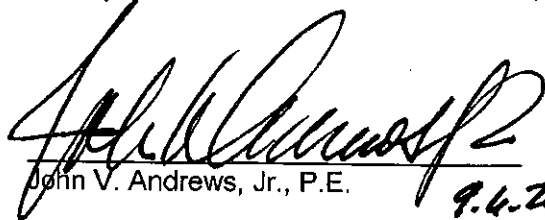
indicated on the plan set. We respectfully disagree with the position of the Engineer as noted in the response letter. We stand by our recommendation that the NYSDOT should be consulted concerning the proposed relocation. The pipe as it exists connects to NYSDOT facilities. There is a limited record 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.]

14. Putnam County Health Department approval is required for the water supply and wastewater disposal system serving the project. The application and SEAF reference a subsurface sewage treatment system. The plan set reflects a holding tank. We question whether a holding tank is acceptable for the proposed office use. Additionally, the Building Inspector should be consulted. The holding tank may not be acceptable. **[Response acknowledges requirement for PCDOH approval. Feasibility or likelihood of receiving such approval remains unclear.]**
15. There are no provisions for refuse handling indicated on the plan. *[Response indicates that a refuse enclosure and detail are shown on Drawing SP-1. We could not locate the referenced information]* **[Resolved]**
17. The applicant is proposing the use of millings within the wetland buffer and elsewhere as an option. We recommend that the millings be eliminated as an optional surface within the wetland buffer, utilizing either compacted Item 4 for or gravel. Given the close proximity of the area outside the buffer to the buffer and the direction of run-off, we recommend that the use of millings not be allowed in this area as well. *[Use of millings has been discontinued. Item 4 or gravel is proposed in lieu of the millings. We consider the matter resolved.]* **[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.]**
19. Provide a lighting plan and details of any proposed site lighting. **[Comment continues. Response indicates that a plan will be provided with future submittals.]**
20. Provide information and details concerning the use of the outdoor storage area. What will be stored in this area? *[Response indicates that the area will be used for large personal items that will not fit in a storage unit, such as motorized vehicles and/or trailers. The area will be enclosed with a solid 6' high stockade fence. We recommend that some control be retained as to the location of the stored items and the arrangement to permit adequate emergency response in that area. It may require some additional notations on the plan.]* **[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.]**
21. Provide a written response with future submittals stating how the comments have been addressed.

Memorandum  
Flintlock Storage – 2<sup>nd</sup> Revised Submittal  
TM # 12.18-1-14  
August 31, 2022  
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**22. Following the last meeting we provided a Sample of the discussed sidewalk easement. No easement is shown or noted on this submittal.**

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. 9.4.2022

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

Bruce Barber via email  
Liz Axelson via email



**EASEMENT REVOCABLE LICENSE AGREEMENT**

THIS ~~EASEMENT REVOCABLE LICENSE AGREEMENT~~ (the "Easement Agreement") is made this \_\_\_ day of ~~August~~ March, 2022, by and between Balaj Carl Traina and Frances Traina (the "Licensors/Grantor"), ~~an~~ individuals residing at 3062 Bainbridge Road, Bronx, New York 10467 ~~22 Walnut Street, Pawling, New York 12564~~ (the "Property"), and Frank Vasi and Christine Vasi Fausto Villatoro (the "Licensee/Grantee"), individuals residing at 51 Sabreina Court, Holmes, New York 12531 ~~an individual residing at 24 Walnut Street, Pawling, New York 12564~~;

WHEREAS, ~~Licensors/Grantor is~~ are the record owners of the ~~P~~premises located on Route 52, in the Town of Kent, County of Putnam and State of New York, which is designated as Town of Kent Tax Map Number 12.-1-56 (the "Property") ~~Property~~; and

WHEREAS, ~~Licensee/Grantee is~~ is the record owner of the premises located at 1030 Route 52, in the Town of Kent, County of Putnam and State of New York, which is designated as Town of Kent Tax Map Number 12.18-1-14 (the "Benefitted Property"); and

WHEREAS, The Property lies immediately south, and adjacent to, the Benefitted Property; and

WHEREAS, Grantee currently enjoys an appurtenant right of way over the Property, which appurtenant right of way is depicted on a subdivision map filed in the office of the Putnam County Clerk as Filed Map #2345;

WHEREAS, The parties desire to confirm the Grantee's right to improve, maintain and repair the aforementioned appurtenant right of way;

desires permission from Licensors to utilize a portion of the Property for the purposes set forth in this Agreement;

WHEREAS, Licensors are willing to grant to Licensee this Revocable License for the purposes set forth herein, subject to the certain terms and conditions contained herein;

WHEREAS, in consideration of receipt of this Revocable License, Licensee agrees to be bound by the terms and limiting conditions contained herein;

NOW, THEREFORE, in consideration of ten (\$10.00) dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Recitals. The foregoing Recitals are true and correct and are made a part of this Easement Agreement by reference.

2. Access Easement Area of Property. ~~Licensee/Grantee~~ Licensee/Grantee shall continue to enjoy the use of the appurtenant right of way which is depicted on the subdivision map filed in the

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office of the Putnam County Clerk as Filed Map #2345 and is further depicted on the attached Schedule "A". For the purposes of this Easement Agreement the appurtenant right of way shall be known as the Access Easement Area and this Easement Agreement ~~may passively use~~ shall provide Grantee the right to install improvements upon, maintain, alter and repair the Access Easement Area.

A. No parking shall be permitted upon the Access Easement Area. Additionally, no landscaping shall be permitted and/or installed within or upon the Access Easement Area unless agreed to in writing by Grantor.

B. Grantee shall be solely responsible for the maintenance of the Access Easement Area unless and until the Benefitted Property is improved by the Grantor.

the northerly A portion of the Property may be used by Licensee for the purpose of and may maintaining and using the one existing retaining and wall, existing stone wall, existing dirt path, and existing stockage fence (the "Improvements") which are located on the northerly boundary of the Property and more particularly shown on the survey map depicted in the attached as Schedule "A". The Property shall not be used for any other purpose whatsoever without the prior written consent of Licensors. Licensee further covenants that no nuisance or hazardous trade or occupation shall be permitted or carried on, in or upon said Property nor shall Licensee do anything on the Property, which will increase the risk of hazard, fire, or catastrophe, and no waste shall be permitted or committed upon or damage done to the Property.

4

~~may not assign or transfer this Agreement, except upon the express prior written authorization of Licensors.~~

5. Termination. This Revocable License is only a right to use, and grants no estate or ownership rights in the Property. This Agreement is revocable at any time by Licensors. Licensors may revoke this Agreement by giving written notice to Licensee ("Written Notice") specifying the date of termination, with such notice to be given not less than thirty (30 days) six (6) months prior to the date specified therein. Licensee shall have thirty (30) days after receipt of such Written Notice Upon termination, Licensee must to remove the Improvements from the Property, restore all portions of the Property to their natural condition before the installation of the Improvements and to discontinue all use of the Property.

6. Maintenance. Licensee shall maintain the Improvements in good repair.

7. Damage to Property. LicenseeGrantee shall be responsible for all damage to the Property arising out of or resulting from, directly and/or indirectly, the use of the Property by LicenseeGrantee, his guests, agents, visitors, and invitees. LicensorsGrantor shall notify LicenseeGrantee immediately upon discovery of any damage to the Property. LicenseeGrantee shall correct and repair the damage within one (1) week of notification or knowledge of the damage unless otherwise directed by LicensorsGrantor.

8. Notices. Any notice given pursuant to this Agreement by either party to the other shall be in writing and mailed by certified mail, return receipt requested, postage prepaid.

and addressed as follows:

- A. A.—Applicable Law and Venue. The laws of the State of New York and applicable federal, state and local laws, rules, regulations and guidelines shall govern this Easement Agreement, and the venue for any legal proceeding arising out of this Easement Agreement shall be Putnam Dutchess County, New York.
- B. B.—Amendment. This Easement Agreement may not be amended except in writing by mutual agreement of the parties, nor may rights be waived except by an instrument in writing signed by the party charged with such waiver.
- C. C.—No Third-Party Beneficiaries. There are no intended third-party beneficiaries to this Easement Agreement.
- D. D.—Severability. If any provision of this Easement Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.
- E. E.—Headings. Headings used in this Easement Agreement are for convenience only and shall not affect the construction of this Easement Agreement.
- F. F.—Singular and Plural Forms. Whenever the sense of this Easement Agreement may make it necessary or appropriate, any singular word or term used herein shall include the plural and any masculine word or term shall include the feminine and neuter genders, and vice versa
- G. FG.—Integration. The foregoing constitutes the entire agreement between the parties and no additional or different oral representation, promise, or agreement shall be binding on any of the parties hereto with respect to the subject matter of this Easement Agreement.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement the day and year set opposite their respective signatures.

DATED: \_\_\_\_\_  
\_\_\_\_\_ Carl Traina, Licensor

16 \_\_\_\_\_ Bangall \_\_\_\_\_ RD \_\_\_\_\_ LLC  
DATED: \_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_ Frances Traina, Licensor \_\_\_\_

\_\_\_\_ DATED: \_\_\_\_

\_\_\_\_ Grantor

46 Bangall RD LLC Frank Vasi, Grantee  
ed By: Eric Nardozzi, Member

\_\_\_\_ Christine Vasi, Grantee

46 Bangall RD LLC Fausto Villatoro, Licensee Grantee

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF DUTCHESS )

On the       day of August ~~March~~ in the year 2022 before me, the undersigned personally appeared Balaj Carl Traina and Frances Traina, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF PUTNAM ~~DUTCHESS~~ )

On the       day of August ~~March~~ in the year 2022 before me, the undersigned personally appeared Frank Vasi and Christine Vasi ~~Fausto Villatore~~, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**RE: Updated Flintlock Storage Review Memorandum**

Elizabeth Axelson &lt;EAxelson@CPLteam.com&gt;

Fri 8/26/2022 6:43 PM

To: Planning Kent <planningkent@townofkentny.gov>; Building Inspector <buildinginspector@townofkentny.gov>; Sabrina Cruz <scrudz1211@gmail.com>; bestscapes@hotmail.com <bestscapes@hotmail.com>; dinothecat@yahoo.com <dinothecat@yahoo.com>; dmlls@verizon.net <dmlls@verizon.net>; gattucci76@gmail.com <gattucci76@gmail.com>; spmcarey@gmail.com <spmcarey@gmail.com>; spwilhelm@gmail.com <spwilhelm@gmail.com>; barberbruce@yahoo.com <barberbruce@yahoo.com>; jandrews@rsaengrs.com <jandrews@rsaengrs.com>

Cc: Jaime McGlasson <jmcglasson@townofkentny.gov>; Christopher Ruthven <cruthven@townofkentny.gov>

📎 2 attachments (235 KB)

Flintlok Storg site to shopng centr PCPrclAcs Mrkup 082322 prnt.pdf; Flintlock Storage site to shopng centr Zong markup 082322 prnt.pdf;

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DO NOT click links, DO NOT open attachments, DO NOT forward if you were not expecting this email or if it seems suspicious in any way! REMEMBER: NEVER provide your user ID or password to anyone for any reason!

Hello again – In order to examine the future need for sidewalks in the area along Route 52 where the proposed Flintlock storage application is located, I created a couple annotated maps for the Planning Board to review. See attached.

Happy Weekend!

Liz

**Elizabeth (Liz) Axelson, AICP**

Direct: 845.686.2309

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**From:** Elizabeth Axelson **Sent:** Friday, August 26, 2022 6:30 PM **To:** Planning Kent <planningkent@townofkentny.gov>; Building Inspector <buildinginspector@townofkentny.gov>; Sabrina Cruz <scrudz1211@gmail.com>; bestscapes@hotmail.com; dinothecat@yahoo.com; dmlls@verizon.net; gattucci76@gmail.com; spmcarey@gmail.com; spwilhelm@gmail.com; Bruce Barber (barberbruce@yahoo.com) <barberbruce@yahoo.com>; jandrews@rsaengrs.com **Cc:** Jamie McGlasson <jmcglasson@townofkentny.gov>; Christopher Ruthven <cruthven@townofkentny.gov> **Subject:** Updated Flintlock Storage Review Memorandum **Importance:** High

Hello Everyone – Attached please find my updated Flintlock Storage Review Memorandum as a pdf and in Word.

This will be forwarded to the Applicant's Engineer in a subsequent email.

Take care,  
Liz





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*CPL has moved! Our new location is:*

*26 IBM Road*

*Poughkeepsie NY 12601*

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Direct: 845.686.2309

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**From:** Elizabeth Axelson **Sent:** Thursday, April 14, 2022 4:49 PM **To:** Planning Kent  
 <[planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)>; Building Inspector <[buildinginspector@townofkentny.gov](mailto:buildinginspector@townofkentny.gov)>; Sabrina Cruz  
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[gattucci76@gmail.com](mailto:gattucci76@gmail.com); [spmcarey@gmail.com](mailto:spmcarey@gmail.com); [spwilhelm@gmail.com](mailto:spwilhelm@gmail.com); Bruce Barber  
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## MEMORANDUM

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

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning. This review is based on my July 14, 2022 review. Prior comments that have been addressed have been deleted, and comments that remain to be addressed are repeated and updated, as necessary. Based on my review I offer the following comments for the Board's consideration:

### Summary

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

### SEQRA

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

### Zoning Requirements

5. A primary concern on this site is the right-of-way (ROW) labeled on the Layout plan sheet as "Existing Gravel Drive to Remain", which ROW is located on an adjoining property and abuts project site's southern property line. The ROW and existing gravel driveway providing access to the subject site's proposed driveways is located on the adjacent tax parcel, ID 12.-1-56. Specific concerns are as follows:



Comments are as follows.

- a. The site plan shows apparent improvements such as curbing, planted median areas and asphalt driveway entrances within the bounds of the ROW, that is, a portion of proposed

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Flintlock Storage Special Use Permit & Site Plan, 1030 Route 52, Tax Parcel No. 12.18-1-14 / CPL#16570.04

Page 2

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

concern given nearby residences. **The Planning Board should discuss this item.**

- g. Revise the previously submitted architectural illustrations to indicate title, prepare and
- 7. Regarding zoning section 77-22. Lot and bulk requirements, a Commercial Zoning Requirements Table is provided on the plans.
  - a. As per prior comments, regarding subsection 77-22. E., provide a table on the plan



Flintlock Storage Special Use Permit & Site Plan, 1030 Route 52, Tax Parcel No. 12.18-1-14 / CPL#16570.04

Page 3

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

standards in zoning section 77-23; and special use and site plan requirements and standards in 60. F. through T. Address the following comments:

- a. The plan set should include an index listing the sheet numbers and titles.
- b. The signature blocks are shown on the existing conditions plan yet should be on a sheet most like a site plan, which would likely be the Layout and Landscape Plan. Add



Flintlock Storage Special Use Permit & Site Plan, 1030 Route 52, Tax Parcel No. 12.18-1-14 / CPL#16570.04

Page 4

- c. One of the signature blocks is for "Owner/Applicant". Provide separate blocks for "Owner" and "Applicant", as needed. Refer to 77-60. F. (v) and (w).
  - d. While location of the proposed freestanding sign is properly shown as being set back 3' from the road centerline, provide the height, size and design of the sign as per Zoning section 77-37 Signs in nonresidential districts. A freestanding sign not exceeding 20' in height and not greater than 8' in height is permitted.
  - e. Since a wall or façade sign is also permitted, which size is based on the linear foot length of the building façade, shown any such proposed sign, demonstrating conformance with requirements.
  - f. Provide a lighting plan as per 77-60. F. (n).
10. The application and plans are incomplete. Refer to the above comments per the Special use and Site Plan requirements and standards in zoning sections 77-59 through 77-61, and related supplementary zoning requirements and standards. The Applicant's representatives should review pertinent requirements, and standards, and revise the plans accordingly.
11. Please provide written responses to the above comments.

#### Recommendation

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

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

#### Materials Reviewed

- Cover letter from John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Combined Application, for Site Plan, Freshwater Wetland and Steep Slope & Erosion Control, signed by Vasi June 16, 2022;
- Short EAF signed by John M. Watson, PE, March 17, 2022, revised June 16, 2022;
- SWPPP Acceptance Form, undated;
- Preliminary Stormwater Pollution Prevention Plan, prepared by John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Opinion of Probable Construction Cost documents (4), regarding: stormwater, erosion control, site landscape and mitigation planting, respectively, prepared by Insite Engineering, Surveying & Landscape Architecture dated June 16, 2022;
- Copy of email dialogue about pond and watercourse in flagged wetland dated May 31, 2022;
- Copy of Putnam County Recording Page for Deed with attachments, dated August 19, 2021;
- Plan set entitled Flintlock Storage, prepared by John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated March 17, 2022, revised June 9, 2022, including the following sheets:
  - o Existing Conditions Plan;

- Layout & Landscape Plan;
- Grading Drainage and Utilities Plan;
- Erosion & Sediment Control Plan;
- Steep Slopes & Soils Plan;
- Details (2 sheets);
- Copy of Putnam County Clerk's Recording Page, for Deed for Frank Vasi, tax ID 12.18-1-14, dated 8/19/21



Flintlock Storage Special Use Permit & Site Plan, 1030 Route 52, Tax Parcel No. 12.18-1-14 / CPL#16570.04

Page 5

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

S:\Projects\Kent\_T\2022 PB\04 Flintlock Storage\G Comm\Correspondence\Correspondence\Flintlock Storage Revw Mem fr Kent PB 071422.doc

**RE: Updated Flintlock Storage Review Memorandum**

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Happy Weekend!

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**From:** Elizabeth Axelson **Sent:** Thursday, April 14, 2022 4:49 PM **To:** Planning Kent <[planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)>; Building Inspector <[buildinginspector@townofkentny.gov](mailto:buildinginspector@townofkentny.gov)>; Sabrina Cruz <[scrutz1211@gmail.com](mailto:scrutz1211@gmail.com)>; [bestscapes@hotmail.com](mailto:bestscapes@hotmail.com); [dinothecat@yahoo.com](mailto:dinothecat@yahoo.com); [dmills@verizon.net](mailto:dmills@verizon.net); [gattucci76@gmail.com](mailto:gattucci76@gmail.com); [spmcarey@gmail.com](mailto:spmcarey@gmail.com); [spwillhelm@gmail.com](mailto:spwillhelm@gmail.com); Bruce Barber ([barberbruce@yahoo.com](mailto:barberbruce@yahoo.com)) <[barberbruce@yahoo.com](mailto:barberbruce@yahoo.com)>; [jandrews@rsaengrs.com](mailto:jandrews@rsaengrs.com) **Cc:** Jamie McGlasson <[jmcglasson@townofkentny.gov](mailto:jmcglasson@townofkentny.gov)>; Christopher Ruthven <[cruthven@townofkentny.gov](mailto:cruthven@townofkentny.gov)> **Subject:** Flintlock Storage Review Memorandum

Hello Everyone – Attached please find my Flintlock Storage Review Memorandum. This will be forwarded to the Applicant's Engineer in a subsequent email. Take care, Liz



**Elizabeth (Liz) Axelson, AICP**

Direct: 845.686.2309

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## MEMORANDUM

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

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning. This review is based on my A 14, 2022 review. Prior comments that have been addressed have been deleted, and comments that remain to be addressed are repeated and updated, as necessary. Based on my review I offer the following comments for the Board's consideration:

### Summary

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

### SEQRA

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

### Zoning Requirements

5. A primary concern on this site is the right-of-way (ROW) labeled on the Layout plan sheet as "Existing Gravel Drive to Remain", which ROW is located on an adjoining property and abuts project site's southern property line. The ROW and existing gravel driveway providing access to the subject site's proposed driveways is located on the adjacent tax parcel, ID 12.-1-56. Specific concerns are as follows:



COMMENTS ARE AS FOLLOWS:

- a. The site plan shows apparent improvements such as curbing, planted median areas and asphalt driveway entrances within the bounds of the ROW, that is, a portion of proposed

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Flintlock Storage Special Use Permit & Site Plan, 1030 Route 52, Tax Parcel No. 12.18-1-14 / CPL#16570.04

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

- concern given nearby residences. **The Planning Board should discuss this item.**
- g. Revise the previously submitted architectural illustrations to indicate title, prepare and
7. Regarding zoning section 77-22. Lot and bulk requirements, a Commercial Zoning Requirements Table is provided on the plans.
- a. As per prior comments, regarding subsection 77-22. E., provide a table on the plan



Flintlock Storage Special Use Permit & Site Plan, 1030 Route 52, Tax Parcel No. 12.18-1-14 / CPL#16570.04

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

standards in zoning section 77-23; and special use and site plan requirements and standards in 60. F. through T. Address the following comments:

- a. The plan set should include an index listing the sheet numbers and titles.
- b. The signature blocks are shown on the existing conditions plan yet should be on a sheet is most like a site plan, which would likely be the Layout and Landscape Plan. Add



Flintlock Storage Special Use Permit & Site Plan, 1030 Route 52, Tax Parcel No. 12.18-1-14 / CPL#16570.04

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- c. One of the signature blocks is for "Owner/Applicant". Provide separate blocks for "Owner" and "Applicant", as needed. Refer to 77-60. F. (v) and (w).
  - d. While location of the proposed freestanding sign is properly shown as being set back 3' from the road centerline, provide the height, size and design of the sign as per Zoning section 77-37 Signs in nonresidential districts. A freestanding sign not exceeding 20' in height and not greater than 8' in height is permitted.
  - e. Since a wall or façade sign is also permitted, which size is based on the linear foot length of the building façade, shown any such proposed sign, demonstrating conformance with requirements.
  - f. Provide a lighting plan as per 77-60. F. (n).
10. The application and plans are incomplete. Refer to the above comments per the Special use and Site Plan requirements and standards in zoning sections 77-59 through 77-61, and related supplementary zoning requirements and standards. The Applicant's representatives should review pertinent requirements, and standards, and revise the plans accordingly.
11. Please provide written responses to the above comments.

### Recommendation

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

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

### Materials Reviewed

- Cover letter from John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Combined Application, for Site Plan, Freshwater Wetland and Steep Slope & Erosion Control, signed by John M. Watson, PE, dated June 16, 2022;
- Short EAF signed by John M. Watson, PE, March 17, 2022, revised June 16, 2022;
- SWPPP Acceptance Form, undated;
- Preliminary Stormwater Pollution Prevention Plan, prepared by John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Opinion of Probable Construction Cost documents (4), regarding: stormwater, erosion control, site landscape and mitigation planting, respectively, prepared by Insite Engineering, Surveying & Landscape Architecture, PC, dated June 16, 2022;
- Copy of email dialogue about pond and watercourse in flagged wetland dated May 31, 2022;
- Copy of Putnam County Recording Page for Deed with attachments, dated August 19, 2021;
- Plan set entitled Flintlock Storage, prepared by John M. Watson, PE, Insite Engineering, Surveying & Landscape Architecture, PC, dated March 17, 2022, revised June 9, 2022, including the following sheets:
  - o Existing Conditions Plan;

- Layout & Landscape Plan;
- Grading Drainage and Utilities Plan;
- Erosion & Sediment Control Plan;
- Steep Slopes & Soils Plan;
- Details (2 sheets);
- Copy of Putnam County Clerk's Recording Page, for Deed for Frank Vasi, tax ID 12.18-1-14, dated 8/19/21



Flintlock Storage Special Use Permit & Site Plan, 1030 Route 52, Tax Parcel No. 12.18-1-14 / CPL#16570.04

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

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**Flintlock Storage**

Jamie LoGiudice, RLA <jlogiudice@insite-eng.com>

Wed 9/7/2022 1:03 PM

To: Planning Kent <planningkent@townofkentny.gov>; jandrews@rsaengrs.com  
<jandrews@rsaengrs.com>; eaxelson@cplteam.com <eaxelson@cplteam.com>; barberbruce@yahoo.com  
<barberbruce@yahoo.com>; Phil Tolmach <bestscapes1@hotmail.com>

Cc: jwatson@insite-eng.com <jwatson@insite-eng.com>; Christine Vasi <vasifamily@comcast.net>; Craig  
Bumgarner <cbumgarner@ctblaw.net>; jbattistoni@vandewaterlaw.com  
<jbattistoni@vandewaterlaw.com>

📎 1 attachments (29 KB)

Vasi-Easement.docx;

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DO NOT click links, DO NOT open attachments, DO NOT forward if you were not expecting this email or if it seems suspicious in any way! REMEMBER: NEVER provide your user ID or password to anyone for any reason!

Good afternoon all,

Please see the attached draft document for the Right-of-Way easement associated with Flintlock Storage. We will include a copy of this document in the next submission package but wanted to get this everyone to keep the ball rolling so to speak and obtain any comments as quickly as possible. Let us know if you have any questions or concerns. We look forward to discussing the project further at the meeting tomorrow night.

Thank you,  
Jamie



Jamie L.

LoGiudice, RLA, Associate  
Project Landscape Architect

**INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.**

3 Garrett Place  
Carmel, New York 10512  
(845) 225-9690 x124  
(845) 225-9717 Fax  
www.insite-eng.com

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## EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (the "Easement Agreement") is made this \_\_\_\_ day of August, 2022, by and between \_\_\_\_ Balaj (the "Grantor"), an individual residing at 3062 Bainbridge Road, Bronx, New York 10467, and Frank Vasi and Christine Vasi (the "Grantee"), individuals residing at 51 Sabrina Court, Holmes, New York 12531;

WHEREAS, Grantor is the record owner of the premises located on Route 52, in the Town of Kent, County of Putnam and State of New York, which is designated as Town of Kent Tax Map Number 12.-1-56 (the "Property"); and

WHEREAS, Grantee is the record owner of the premises located at 1030 Route 52, in the Town of Kent, County of Putnam and State of New York, which is designated as Town of Kent Tax Map Number 12.18-1-14 (the "Benefitted Property"); and

WHEREAS, The Property lies immediately south, and adjacent to, the Benefitted Property; and

WHEREAS, Grantee currently enjoys an appurtenant right of way over the Property, which appurtenant right of way is depicted on a subdivision map filed in the office of the Putnam County Clerk as Filed Map #2345;

WHEREAS, The parties desire to confirm the Grantee's right to improve, maintain and repair the aforementioned appurtenant right of way;

NOW, THEREFORE, in consideration of ten (\$10.00) dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Recitals. The foregoing Recitals are true and correct and are made a part of this Easement Agreement by reference.
2. Access Easement Area. Grantee shall continue to enjoy the use of the appurtenant right of way which is depicted on the subdivision map filed in the office of the Putnam County Clerk as Filed Map #2345 and is further depicted on the attached Schedule "A". For the purposes of this Easement Agreement the appurtenant right of way shall be known as the Access Easement Area and this Easement Agreement shall provide Grantee the right to install improvements upon, maintain, alter and repair the Access Easement Area.
  - A. No parking shall be permitted upon the Access Easement Area. Additionally, no landscaping shall be permitted and/or installed within or upon the Access Easement Area unless agreed to in writing by Grantor.
  - B. Grantee shall be solely responsible for the maintenance of the Access Easement Area unless and until the Benefitted Property is improved by the Grantor.
3. Indemnification. Grantee shall, at all times hereafter, indemnify and hold harmless Grantor from and against any and all claims, damages, losses and expenses, arising out

of or relating to, either directly or indirectly, Grantee's use of the Property, including, but not limited to, claims, damages, losses or expenses resulting from bodily injury, sickness, disease, personal injury or death, or the injury to or destruction of tangible property including the loss of use resulting therefrom.

4. Duration. The rights established in this Easement Agreement shall run with the Property in perpetuity and shall bind all Owners of the Property and their respective successors, heirs, executors, administrators, personal representatives, and assigns.

5. Damage to Property. Grantee shall be responsible for all damage to the Property arising out of or resulting from, directly and/or indirectly, the use of the Property by Grantee, his guests, agents, visitors, and invitees. Grantor shall notify Grantee immediately upon discovery of any damage to the Property. Grantee shall correct and repair the damage within one (1) week of notification or knowledge of the damage unless otherwise directed by Grantor.

6. Miscellaneous.

- A. Applicable Law and Venue. The laws of the State of New York and applicable federal, state and local laws, rules, regulations and guidelines shall govern this Easement Agreement, and the venue for any legal proceeding arising out of this Easement Agreement shall be Putnam County, New York.
- B. Amendment. This Easement Agreement may not be amended except in writing by mutual agreement of the parties, nor may rights be waived except by an instrument in writing signed by the party charged with such waiver.
- C. No Third-Party Beneficiaries. There are no intended third-party beneficiaries to this Easement Agreement.
- D. Severability. If any provision of this Easement Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.
- E. Headings. Headings used in this Easement Agreement are for convenience only and shall not affect the construction of this Easement Agreement.
- F. Singular and Plural Forms. Whenever the sense of this Easement Agreement may make it necessary or appropriate, any singular word or term used herein shall include the plural and any masculine word or term shall include the feminine and neuter genders, and vice versa
- G. Integration. The foregoing constitutes the entire agreement between the parties and no additional or different oral representation, promise, or agreement shall be binding on any of the parties hereto with respect



to the subject matter of this Easement Agreement.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement the day and year set opposite their respective signatures.

\_\_\_\_\_  
, Grantor

\_\_\_\_\_  
Frank Vasi, Grantee

\_\_\_\_\_  
Christine Vasi, Grantee

STATE OF NEW YORK                   )  
COUNTY OF                         ) SS:  
  )

On the \_\_\_\_\_ day of August in the year 2022 before me, the undersigned personally appeared \_\_\_\_\_ Balaj, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK )  
COUNTY OF PUTNAM ) SS:

On the \_\_\_\_\_ day of August in the year 2022 before me, the undersigned personally appeared Frank Vasi and Christine Vasi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

## Questions answered? RE: Adopted Resolution 11 for Holly\_Winkler Ct. Stipulation

Elizabeth Axelson <EAxelson@CPLteam.com>

Wed 8/31/2022 8:04 PM

To: Planning Kent <planningkent@townofkentny.gov>; barberbruce@yahoo.com  
<barberbruce@yahoo.com>; jandrews@rsaengrs.com <jandrews@rsaengrs.com>; Building Inspector  
<buildinginspector@townofkentny.gov>; jbattistoni@vandewaterlaw.com  
<jbattistoni@vandewaterlaw.com>; josterhoudt@vandewaterlaw.com <josterhoudt@vandewaterlaw.com>  
Cc: Alexa Brandihall <abrandihall@townofkentny.gov>; Accountant <accountant@townofkentny.gov>; Lana  
Cappelli <lcappelli@townofkentny.gov>; Phil Tolmach <bestscapes1@hotmail.com>

📎 4 attachments (2 MB)

Holly\_Winkler Adopted Stipulation July 2022.pdf; 8381-C-120-SITE PLAN Revisd 072522.pdf; Winkl Farm Signd 060122 EAF  
Last Pg emld 072922.pdf; 8381-C-120-SITE PLAN revised 053122.pdf;

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Hello Everyone – Since there are a couple of emails going around about the Holly Winkler Stipulation, I am pasting them all into 1 email dialogue in an effort to clear up details. Please scroll down to see how all this email is related to the questions below. This all began with Lana's email of 7/26/22, scroll down to the bottom, to all about "adopted Resolution 11 for Holly Winkler Ct. property". See the 1<sup>st</sup> attachment to this email. Thank you Lana.

My email of 8/23/22, scroll down, my question 1 regarding "details of the wetland delineation", may or may NOT have been answered by the email and attachment that Vera sent 7/29/22, scroll down, which 2 attachments are the 2<sup>nd</sup> and 3<sup>rd</sup> attachments to this email dialogue.

Then look at Bruce's email below of 8/23/22. The problem is I had 2 or more versions of the site plan with the same pdf name. So I renamed the attached plan item to reflect the revision date of 7/25/22, which includes a new plan note number 9. Bruce please compare this 7/25/22 plan with the 4<sup>th</sup> attachment, which is the site plan revised 5/31/22, which does not include note 9. If you would please verify that this answers my question about "I am not sure the plans were updated related to the details of the wetland delineation". Otherwise please advise what remains to be done to update the plan "related to the details of the wetland delineation".

Regarding your question Vera, we never asked them to put any sort of signature block on any of the plan sheets as these were conceptual plans for the purpose of a stipulation of settlement; and were never intended to be signed. So, these plans are not intended for site development, nor should they be signed.

After the stipulation is fully filed with the concept plans, then the Applicant's may proceed to apply for site plan approval based on the terms of the stipulation, yet providing fully detailed site plans when they intend to do so.

I hope this helps. Please call my cell phone with any questions: 914-388-4035. Thank you all!

Take care,