

Approved: May 11, 2023

**TOWN OF KENT PLANNING BOARD  
APRIL 13, 2023  
FINAL ADOPTED MINUTES**

The Planning Board held their April 13, 2023 meeting at the Kent Town Hall.

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

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

**Members in Attendance:**

Hugo German, Chairman	Simon Carey, Vice Chairman
Thomas Faraone	Giancarlo Gattucci

**Absent:**

Jacly Beshar  
Sabrina Cruz  
Chris Ruthven, Planning Board Liaison

**Others in Attendance:**

John Andrews, Rohde, Soyka & Andrews, Engineer  
Liz Axelson, Clark, Lee & Patterson, Planner  
Bruce Barber, Environmental Consultant  
Mr. Eric Duden, Planner, Barton & LoGuidice  
Bill Walters, Building Inspector

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

Mr. German asked the Planning Board members if they had read the Minutes from the March 9, 2023 meeting. The Board members stated that they had reviewed the March 9, 2023 minutes and mentioned that there needed to be a couple of amendments made to them.

Mr. German asked for a motion to approve the Planning Board draft minutes with some amendments made to them.

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

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

- **Doherty Electric, 81 Lincoln Dr., Kent, NY; TM: 33.48-1-23**

Mr. Andrews' Comments (memo attached)

Mr. Andrews advised the Planning Board that this applicant owns property on 38 Chauncy Road and 81 Lincoln Drive. This project pertains to a lot revision with some technical matters, which need to be addressed. The Zoning was not clear and the applicants checked with the Building Inspector to get some clarification. The Building Inspector sent a note, dated April 13, 2023, which said that the property on Lincoln Drive was always a residential lot in the R-10 zone and was inadvertently placed in the commercial zone. However, it really should be considered residential and would be a compliant lot. The applicant previously had one compliant lot and one non-compliant lot, which will now be one compliant lot. We need deeds, a short EAF and descriptions. Mr. Andrews recommended that the applicant address the comments in his memo and that a Resolution of Final Approval should be prepared for the May meeting. Mr. Andrews also recommended that a waiver be granted for a topographical survey.

Mr. German asked for a motion to grant a waiver of the Topographical Survey. The motion was made by Mr. Faraone and seconded by Mr. Gattucci. Following were the roll call votes:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

Mr. German asked for a motion to grant the preparation of a Resolution of Final Approval for a Sub-Division. The motion was made by Mr. Faraone and seconded by Mr. Gattucci. Following are the roll call vote:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

- **Old 17 LLC, Old Horsepound Road, Kent, NY; TM: 12.-1-38 & 42**

Ms. Jamie LoGuidice, of Insite Engineering, represented the applicants. Sample bonds from the Planning Board Attorney are pending and a site visit needed to be conducted prior to this meeting in order to assess the current conditions on the property as it relates to construction. Ms. LoGuidice noted that there were some concerns about access limits of construction. An event survey was provided, along with an As Built plan, which was overlaid on top of the approved plans. Nineteen trees were identified, which were removed in excess of the approved plan. A Remediation Plan was provided addressing the replacement of the trees removed. One-to-one tree mitigation outside of the wetland buffer was proposed. Two-to-one mitigation for those trees removed outside of the wetland buffer was proposed, which means a tree and a shrub will be planted. The fill, which was placed in excess in the buffer, will be pulled back and is shown on the plans. Excess seepage coming off of the site during the construction has been addressed. A mitigation plan was requested and submitted by Insite Engineering, which has satisfied both Mr. Andrews and Mr. Barber's requirements. The required work was not as extensive as it was originally thought to be and Mr. Andrews complimented Insite by saying that it was a credible job.

Mr. Andrews' Comments (memo attached)

Mr. Andrews said that there are two components to this action. First is the mitigation and addressing issues brought on themselves by Old 17. Second is the transfer to Rocky's Ridge for completion of their project. A Special Use Permit and a Site Plan was required for this project and, due to a quirk in the Town Code, the Special Use Permit expired. Insite had asked early on for an extension of the Special Use Permit but it was overlooked and now needs to be resolved. Mr. Battistoni, the Planning Board's Attorney, reviewed bonding information, submitted a lengthy memo dated April 12, 2023 (attached), and is advancing.

Mr. Andrews said that what he and Mr. Barber would like to accomplish at this meeting was that the Mitigation Plan be accepted and approved, as submitted, and that the Special Use Permit signed by Old 17 LLC be accepted and approved. Messrs. Andrews and Barber recommended that a Public Hearing for the Special Use Permit and the Mitigation Plan be waived, because, based on the plans, the fact the project has not changed and the differences are mostly construction impact related. Messrs. Andrews and Barber also requested the following actions be taken at the May 11, 2023 meeting:

- Authorization to prepare a Resolution for the adoption of a Special Permit for Old 17 LLC;
- Authorization to transfer ownership of this property to Rocky's Ridge; and
- Authorization to allow the Planning Board's comments relating to bonds and other matters to be released.

Mr. Andrews said that, by taking these actions, "what was broken will now be fixed and will allow the transfer of property from Old 17 to Rocky's Ridge". Mr. Andrews said that the only unusual practice regarding this project is that the buyer is taking the responsibility to complete the mitigation as part of his performance of his overall construction. Mr. Barber said previously that it did not make sense to put in all the mitigation plants in until the project was completed. An agreement down the road may be proposed asking Old 17 to assume responsibility for completing mitigation to keep them on the hook in the background because the problems created were their fault.

Mr. Barber's Comments (Memo Attached)

Mr. Barber said that there was some tree removal and some vegetation removal outside of the limits of disturbance during some construction on this project. A Mitigation Plan was proposed due to this fact. A bond for wetland mitigation is already in place. Ms. LoGuidice determined that the present amount would cover the mitigation plan. The bond will need to be modified to include original plantings and proposed mitigation. When the driveway was cut in, there was a lot of drainage at the edge, which created a lot of water accumulation on Horsepoujd Road. A pipe was installed to bring the water onto a swale. The water will be brought to the existing wetland system to allow it to absorb the water rather than going onto Horsepouns road. About ownership, when the Board considers the Resolution, there should be comments to ensure the plantings are completed pursuant to the plans.

To recap the recommendations made by the Consultants:

The Planning Board should accept and approve the Mitigation Plan, a submitted;

Mr. German asked for a motion to accept and approve the Mitigation Plan as submitted.

Mr. Faraone made the motion to accept and approve the Mitigation Plan and Mr. German seconded it: Following are the roll call votes:

Mr. German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

The Planning Board should make a motion to accept the application for a Special Use Permit to Old 17, which has expired, and transfer it to Rocky's Ridge;

Mr. German asked for a motion to renew the Special Use Permit, previously granted to Old 17 LLC, which has since expired, and to transfer it to Rocky's Ridge.

The motion was made by Mr. Faraone and seconded by Mr. German: Following are the roll call votes:

Following are the roll call votes:

Mr. German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

The Planning Board should make a motion to waive the requirement for a Public Hearing pertaining to the Special Use Permit and the Mitigation Plans because there are no changes to the plans.

The motion was made by Mr. Faraone and seconded by Mr. German. Following are the roll call votes:

Mr. German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

The Planning Board should make a motion to authorize Messrs. Andrews and Barber to prepare a Resolution adopting a Special Use Permit at the May 11, 2023 meeting for Old 17.

The motion was made by Mr. Faraone and seconded by Mr. German. Following are the roll call votes:

Mr. German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

The Planning Board should make a motion authorizing Messrs. Andrews and Barber to prepare a Resolution of Approval with Conditions for the transfer of the property owned by Old 17 to Rocky's Ridge.

Mr. German asked for a motion to authorize Messrs. Andrews and Barber to prepare a Resolution of Approval with Conditions to allow the transfer of property owned by Old 7 LLC to Rocky's Ridge.

The motion was made by Mr. Faraone and seconded by Mr. German. Following are the roll call votes:

Mr. German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

Mr. Andrews asked that the Planning Board make a motion authorizing the Planning Board Counselor, Jeff Battistoni, to release his comments pertaining to the bonds and other matters to allow Jamie LoGuidice to move forward with this project.

The motion was made by Mr. German and seconded by Mr. Faraone. Following are the roll call votes:

Mr. German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

Mr. Andrews and Mr. Barber asked that the Planning Board make a motion recommending that the Wetland Mitigation Bond be modified to incorporate the additional mitigation proposal.

The motion was made by Mr. German and seconded by Mr. Faraone. Following are the roll call votes:

Mr. German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

• **Ahler Property , 769 Gipsy Tr; Rd//2 O'Brien Ct., Kent, NY; TM: 21-1-19**

Mr. Morrison, a Landscape Architect for this project, represented the applicant. Ms. Anne Vamderlaut also worked on this project. Mr. Morrison said that the pool would be permitted separately and that, therefore, he would like to withdraw the current submittal. There is a retaining wall on the property, which is in bad condition, and is a concern to the applicants. The applicants' plan on moving to the property in the near future, and having children, want to have the wall fixed and they will not be disturbing more than approximately 4,500 square feet. The pool will not be constructed until the fall.

**Mr. Andrews' Comments**

Mr. Andrews said that he, Mr. Barber and Mr. Walters would like to see a new submittal showing the proposed plans for the retaining wall per Mr. Morrison's comments.

It was suggested by the consultants that a new submittal be prepared and delivered to the Planning Board prior to the next meeting and that the applicants and/or their representatives possibly attend the workshop on May 4, 2023 and/or ask for an appointment at the monthly review call.

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

### Mr. Andrews' Comments

Mr. Andrews told the Planning Board that a lot of time has been spent on the Raneri property and that this project is near completion. The scope of work has been determined regarding the work proposed to be covered under an erosion control bond. Based on the plans, the erosion control bond would be \$22,000 and should be accepted and referred to the Town Board. The Wetland Mitigation Plan bond would be \$2,000.00 and there will be a final Inspection fee of \$1,000.00. Mr. Andrew recommended these items be accepted and forwarded to the Town Board Board for their approval. The final bond agreement will be forwarded shortly and drawings to be signed will be submitted within the next week.

Mr. German asked for a motion to accept the following bonds noted above and to forward them to the Town Board for their approval.

- |   |   |             |
|---|---|-------------|
| - | An Erosion Control Bond in the amount of: | \$22,000.00 |
| - | A Mitigation Bond in the amount of:       | \$ 2,000.00 |
| - | A Final Inspection Fee of:                | \$ 1,000.00 |

The motion was made by Mr. Faraone and seconded by Mr. German. Following are the roll call votes:

Mr. German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>

The motion carried.

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

- Dorman Property. 28 Grey Oaks Court, Kent, NY; TM: 33.41-1-14  
38 Grey Oaks Court  
Kent, NY  
TM: 33.41-1-14

Applicant requested that this matter be held over until the May meeting.

- |  |   |               |
|--|---|---------------|
| <ul style="list-style-type: none"> <li>Rocky Ridge (Old 17 LLC) new owners<br/>Old Horsepound Road, Kent, NY ``<br/>TM: 12.-1-38 &amp; 42</li> </ul> | `Site Plan/Time Extension/<br>Approvals to be transferred over<br>To New`` Owners | Status Report |
|--|---|---------------|

This matter was discussed along with Old 17 LLC.

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

Concept Plan

Status Report

We are waiting for a re-submittal for this project. The Stipulation and the Conceptual Plan have been submitted.

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

Erosion Control

Status Report

Final drawings have been delivered and are ready for signature.

- Annunziata/Smalley Corners  
Smalley Corners Rd., Kent, NY  
TM: 21.-1-11

Erosion Control/  
Town Board Approved Bond

Status Report

This is almost ready for Chairman's signature.

- Realbuto Property  
49 Tiger Trail, Kent, NY  
TM: 21.8-1-39

Erosion Control

Status Report

A site inspection is scheduled for Tuesday, April 18, 2023 to witness removal of soil. The consultants will be meeting at Town Hall at 7:45 or at the site at 8:00 AM.

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

Erosion Control Plan  
Alteration/  
2 Car Garage Addition

Status Report

Nothing new submitted

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

Lot Line Adjustment

Status Report

Have been in contact recently. Almost done.

- Kent Manor  
Nichols Rd., Kent, NY  
TM: 33.-1-79

Site Plan

Status Report

A meeting has been scheduled to discuss the project

- Route 52 Development/  
Kent Country Square  
Route 52, Kent, NY  
TM: 12.-1-52

SEQRA

Status Report

Received a memo earlier in the day pertaining to moving forward with this project.



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- Town of Kent Excavation Law

Status Report

The Town Board is moving forward with this project.

Mr. German asked for a motion to close the meeting at 9:30 PM. The motion was made by Mr. Carey and seconded by Mr. Gattucci. Following were the roll call votes:

Hugo German, Chairman	<u>Aye</u>
Simon Carey, Vice Chairman	<u>Aye</u>
Jacky Beshar, Alternate	<u>Absent</u>
Sabrina Cruz	<u>Absent</u>
Thomas Faraone	<u>Aye</u>
Giancarlo Gattucci	<u>Absent</u>

Respectfully Submitted,



Vera Patterson  
Planning Board Secretary

cc: Planning Board Members  
Building Inspector  
Town Clerk

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Town Kent Planning Board Minutes  
April 13, 2023

Workshop: April 06, 2023 (Thursday, 7:30 PM)

Meeting: April 13, 2023 (Thursday, 7:30 PM)

The Kent Planning Board workshop is scheduled for Thursday, April 06, 2023 and The Town of Kent Planning Board meeting will be held on Thursday, April 13, 2023 at 7:30 P.M. at the Kent Town Hall.

- |   |                                    |        |
|---|------------------------------------|--------|
| <ul style="list-style-type: none"> <li>• Approve Planning Board Minutes from March 9, 2023</li> </ul>                                 |                                    |        |
| <ul style="list-style-type: none"> <li>• Doherty Electric<br/>81 Lincoln Dr., Kent, NY<br/>TM: 33.48-1-23</li> </ul>                  | Lot Line Revision                  | Review |
| <ul style="list-style-type: none"> <li>• Old 17 LLC<br/>Old Horsepound Road, Kent, NY<br/>TM: 12.-1-38 &amp; 42</li> </ul>            | Site Plan/Time Extension/new owner | Review |
| <ul style="list-style-type: none"> <li>• Ahlers Property<br/>769 Gipsy Tr; Rd/2 O'Brien Ct.,<br/>Kent, NY<br/>TM: 21.-1-19</li> </ul> | Erosion Control                    | Review |
| <ul style="list-style-type: none"> <li>• Dorman Property<br/>26 Grey Oaks Court, Kent, NY<br/>TM: 33.41-1-14</li> </ul>               | Erosion Control                    | Review |

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

- |  |  |               |
|--|--|---------------|
| <ul style="list-style-type: none"> <li>Rocky Ridge/ new owners<br/>(was Old 17 LLC)<br/>Old Horsepound Road, Kent, NY<br/>TM: 12.-1-38 &amp; 42</li> </ul> | Site Plan/Time Extension/<br>Approvals to be transferred over<br>To New Owners | Status Report |
| <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>                                | Concept Plan   | Status Report |
| <ul style="list-style-type: none"> <li>Friel &amp; Pure Property<br/>Gipsy Trail Rd., Carmel, NY<br/>TM: 21.-1-27</li> </ul>                               | Erosion Control  | Status Report |
| <ul style="list-style-type: none"> <li>Annunziata/Smalley Corners<br/>Smalley Corners Rd., Kent, NY<br/>TM: 21.-1-11</li> </ul>                            | Erosion Control/<br>Town Board Approved Bond                                   | Status Report |

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- |   |  |               |
|---|--|---------------|
| • Realbuto Property<br>49 Tiger Trail, Kent, NY<br>TM: 21.8-1-39  | Erosion Control  | Status Report |
| • Raneri Property<br>Hillside Paper Rd., Kent,, NY<br>TM: 44.24-1-3   | Erosion Control Plan<br>Public Hearing                       | Status Report |
| • Guylazaca/Mayet<br>24 Sol Dr., Kent, NY<br>TM: 33.17-1-48   | Erosion Control Plan<br>Alteration/<br>2 Car Garage Addition | Status Report |
| • NYCDEP & Seven Hills<br>Lake Property Owners Assn<br>(SHLPOA), Kent, NY<br>TM: 66.-1-43.1 & 20.11-1-3 (NYC) & 66.-1-43.2 (SHLPOA) | Lot Line Adjustment  | Status Report |
| • Kent Manor<br>Nichols Rd., Kent, NY<br>TM: 33.-1-79   | Site Plan  | Status Report |
| • Route 52 Development/<br>Kent Country Square<br>Route 52, Kent, NY<br>TM: 12.-1-52  | SEQRA  | Status Report |
| • Town of Kent Excavation Law   |  | Status Report |



# Memorandum

To:	Planning Board Town of Kent	Attn:	Hugo German Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Revised Lot Line Approval – <b>Revised Submittal</b>
Date:	April 3, 2023	Project:	Doherty 81 Lincoln Dr & 38 Chauncey Rd TM # 33.48-1-23 & 33.48-1-18

The following materials were reviewed:

- Drawing-Lot Line Change-Doherty prepared by David L. Odell, PLS, dated March 22, 2023, scale 1" = 20'

The project proposes a property transfer between the parcel at 81 Lincoln Dr. (TM # 33.48-1-23) and the parcel at 38 Chauncey Rd. (TM# 33.48-1-18), reducing the Lincoln Dr parcel by approximately 2628 SF and increasing the Chauncey Rd. parcel by that same amount.

The following comments are provided for the Planning Board's consideration based on our February 1, 2023 memorandum. New or supplementary comments are shown in **bold**.

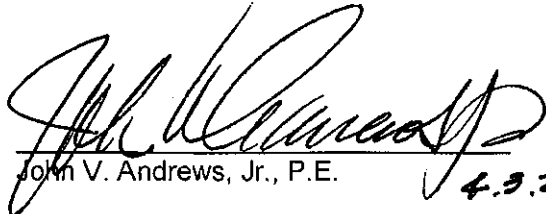
1. There are no proposed improvements associated with this action. This is merely a property transfer and perhaps including a lot merger between consenting parties requiring a revised lot line approval from the Town of Kent Planning Board. The matter is handled as a revised lot line approval. There is no public hearing requirement associated with this action. **[Comment remains valid]**
2. There are some inconsistencies in the application. It appears that three (3) tax parcels are involved, TM # 33.48-1-23 (81 Lincoln), TM # 33.38-1-18( 38 Chauncey) and TM # 33.48-1-19. A portion of TM # 33.48-1-23 is being conveyed to TM # 33.48-1-18 reducing the acreage of TM # 33.48-1-23 to the minimum required of 10,000 square feet and increasing TM # 33.48-1-18 to greater than 15,000 square feet and apparently including its merger with TM # 33.48-1-19. The Planning Board should discuss the intent of the Applicant and confirm the intended outcome. **[ The plat submitted still reflects TM # 33.48-1-19 as a separate parcel. The Applicant should clarify their intent with respect to this parcel. As it is a substandard lot size, in our opinion, it should be combined with the adjoining parcel as part of this action.]**
3. A completed, signed and dated Short Environmental Assessment Form (SEAF) should be submitted as part of the Application. Per 6 NYCRR 617-§ 617.5(c)(5) "granting of individual setback and lot line variances and adjustments" is considered a Type II action,

requiring no further environmental review. We recommend that the Planning Board make such a determination but require the SEAF for record purposes. **[SEAF required]**

4. The zoning designations for the involved parcels are not clear. It appears that TM # 33.48-1-23 is in the R-10 Zoning District and that TM 3 33.48-1-18 is in the C Zoning District. We cannot confirm that based on the Town Zoning Map. If this in fact the case, both lots to be created as part of this action would conform with respect to lot size. **[The zoning designations remain unclear. The plat note provided indicates that both parcels are in the Commercial District. This requires clarification as both parcels would be non-conforming with the subdivision increasing the nonconformity of one of the parcels.]**
5. Conceptually we take no exception to the proposed action. It appears that it is consistent with the subdivision regulations. Future submittals shall include the information required by Town Code Section 66A-17. **[A proper subdivision plat was included in this most recent submittal. It is not consistent with Town Code Section 66A-17]**
6. The following items required by Town Code Section 66A-17 should be provided in future submittals.:
  - Site data table listing the name of any school, fire or special districts, zoning designations of parcels, required and proposed lot area, required and proposed lot width, and required and proposed road frontage. Lot sizes must be shown in square feet or acres. Some information has been provided in the form of notes, but it is incomplete.
  - The grantor of lands shall submit a proposed deed conveying the portion of land to the adjoining lot or parcel owner. Said deed must contain a clause stating that: "This parcel of land is conveyed pursuant to a revised lot line approved by the Planning Board of the Town of Kent, on (date) and does not create any new or additional building lots or parcels." Metes and bounds descriptions should be provided for review.
  - The owner of the adjoining lot or parcel shall submit a proposed deed describing, as a single parcel, the existing adjoining lot or parcel along with the property to be conveyed, conveying said increased lot or parcel as a single unified lot or parcel, to himself or herself, or such entity as the owner desires. Said deed shall contain a clause as follows: "This deed of conveyance is for the sole purpose of unifying into a single lot or parcel lands previously owned by the grantor with lands conveyed to the grantee as a result of a revised lot line approved by the Planning Board of the Town of Kent on (date)." A complete metes and bounds description of the consolidated lot should be provided for review.
7. No topography was provided. We recommend that the Applicant request a waiver such that topographic information not be required on the survey. (Reference - Town Code Section 66A-17.D(4)(c) – existing contours with intervals of five feet or less). The topographic information is not necessary. The lack of such information does not hinder a proper review of the matter. When requested, we recommend the Planning Board consider granting the waiver.

Memorandum  
Revised Lot Line Approval – **Revised Submittal**  
Doherty  
TM # 33.48-1-23 & 33.48-1-18  
April 3, 2023  
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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. 4.3.2023

cc: Planning Board via email  
Bill Walters via email  
22-261-216-05

Bruce Barber via email  
Liz Axelson via email



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

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

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

# Memorandum

To: Planning Board  
Town of Kent

Attn: Hugo German  
Chairman

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

Subject: Erosion Control Plan

Date: April 6, 2023

Project: Ahlers Residence  
TM # 21-1-19

The following materials were reviewed:

- Letter of Transmittal-769 Gipsy Trail Road from MKM Landscape Architecture PC dated March 8, 2023.
- Detailed Plan Application-Ahlers Residence.
- Town of Kent Planning Board Site Plan Checklist-Ahlers Residence dated March 6, 2023.
- Town of Kent Planning Board Combined Application Form-769 Gipsy Lane Road.
- Cover Sheet-769 Gipsy Trail, 2 O'Brien Court, prepared by Mark K. Morrison Landscape Architecture PC.
- Drawing LA-2 Boundary Survey, 769 Gipsy Trail Road, 2 O'Brien Court prepared by Mark K. Morrison Landscape Architecture PC.
- Drawing LA-3 Topographical Survey, 769 Gipsy Trail Road, 2 O'Brien Court prepared by Mark K. Morrison Landscape Architecture PC., dated August 19, 2022 last revised September 1, 2022 scale 1"=20'.
- Drawing LA-4 Location of Well & Septic, 769 Gipsy Trail Road, 2 O'Brien Court prepared by Mark K. Morrison Landscape Architecture PC.
- Drawing LA-5 Existing Conditions at Wall and Meadow, 769 Gipsy Trail Road, 2 O'Brien Court prepared by Mark K. Morrison Landscape Architecture PC.
- Drawing LA-6 Existing Conditions at Gipsy Trail Road, 769 Gipsy Trail Road, 2 O'Brien Court prepared by Mark K. Morrison Landscape Architecture PC.
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The project involves removal and replacement of an existing in ground pool with appurtenances, including filling and grading against an existing retaining wall to otherwise stabilize and eliminate the need for the wall. The proposal requires no additional approvals other than a building permit.

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

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2. We defer to the Planning Board's environmental consultant regarding wetland issues.
3. A completed, signed and dated Short Environmental Assessment Form (SEAF) should be submitted as part of the Application.
4. Provide the following information as required by Town Code Chapter 66-6.B.2. Please note that some of the information has been incorporated into the current application but should be compared against the information contained herein and adjusted accordingly if appropriate.
  - a. §66-6.B.2.g – Provide “a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance, and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:”
    - i. [1] Describe or depict the temporary and/or permanent structural and vegetative measures that will be used to control erosion and sedimentation for each stage of the project, from land clearing to the finished stage.
    - ii. [2] Delineate the area of the site that will be disturbed and include a calculation of the acreage or square footage so disturbed.
    - iii. [3] Include a map drawn at a scale of not less than one-inch equals 40 feet showing the location of erosion and sediment control measures, swales, grassed waterways, diversions, and other similar structures.
    - iv. [4] Provide dimensional details of proposed erosion and sedimentation facilities as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversions, and other similar structures.
    - v. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
    - vi. [7] Provide a maintenance schedule for erosion control measures.
5. §66-6.B.4 – “Provide for compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).”
6. §66-6.B.5 – “Provide for compliance with the New York City Department of Environmental Protection regulations for stormwater discharges.”
7. Provide a note on the drawing stating “Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner



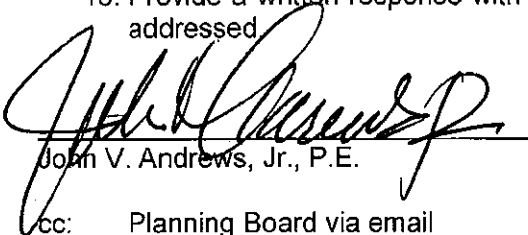
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8. Provide an erosion and sediment control only SWPPP in accordance with GP-0-20-001. Provide required information from Part III.B.1 of that permit, including:
  - a. Part III.B.1.c – "A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);"
  - b. Part III.B.1.d – "A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;"
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  - d. Part III.B.1.f – "A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;"
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- i. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
  - j. Please note, per GP-0-20-001, a SWPPP must be prepared by qualified professional, including a licensed Professional Engineer, Registered Landscape Architect or other NYSDEC endorsed individual(s).
  - k. Please note – With issuance of NYSDEC General Permit GP-0-15-002 and continuing in GP-0-20-001, per Part I.B.1.b 'Soil Stabilization' "In areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days* from the date the current soil disturbance activity ceased..." (emphasis added). This should be added to the plan set in the form of a note.
9. SWPPP – GP-0-20-001 Part 1.F.8 - Provide documentation that the project complies with the requirements for historic or archeological sensitive locations.
10. Provide a Notice of Intent (NOI) for review.
11. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
12. Refer to the Drawings:
- a. The source of fill and the amount to be imported to the site should be identified. All imported fill shall be accompanied by documentation that clearly establishes that the fill is "clean".
  - b. For temporary construction access, a stabilized construction entrance in accordance with New York Standards and Specifications for Erosion and Sediment Control should be specified. A note should be added regarding the removal and restoration of the lawn when the construction entrance is no longer needed. A note should be added regarding removal of any sediment that is tracked onto the road.
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  - d. Under that same section under C, replace "GP-02-01" with the current "GP-0-20-001."
  - e. On Drawing L-8, Section Showing Intent for Berm - the fill slopes should be specified. We suggest the slopes by a max of 1V:3H to allow for mowing. Attention should be paid as to how those slopes will be stabilized. The fill should be compacted in lifts and shaped to meet the final slopes.
13. A bond estimate in amount of \$5000.00 was provided on Drawing L-1, dated March 12, 2023, prepared by Mark K. Morrison Landscape Architecture, PC. We take no position on the estimate as submitted as additional project information is required. We do not have a recommendation on the bond amount at this time.

Memorandum  
Ahlers Residence ECP  
TM # 21-1-19  
April 6, 2023  
Page 5 of 5

14. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
15. Per §66-6.F, the public hearing can be waived as this is considered to be a minor project, essentially removal and replacement of an existing pool with stabilization of a failing retaining wall. We defer to the pleasure of the Planning Board in this regard. We recommend the Planning Board consider waiving the requirement for a public hearing based on a finding that the proposed activity is of a minor nature which would not significantly alter, affect, or endanger steep slopes or result in uncontrolled and excessive erosion.
16. Provide a written response with future submittals stating how the comments have been addressed.



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

cc: Planning Board via email  
Bill Walters via email  
**23-261-999-183**

Bruce Barber via email  
Liz Axelson via email



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

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

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

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# Memorandum(DRAFT)

**To:** Planning Board  
Town of Kent

**Attn:** Hugo German  
Chairman

**From:** John v. Andrews, Jr., P.E.

**Subject:** Erosion Control Plan

**Date:** April 6, 2023

**Project:** Ahlers Residence  
TM # 21-1-19

The following materials were reviewed:

- Letter of Transmittal-769 Gypsy Trail Road from MKM Landscape Architecture PC dated March 8, 2023.
- Detailed Plan Application-Ahlers Residence.
- Town of Kent Planning Board Site Plan Checklist-Ahlers Residence dated March 6, 2023.
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1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. The proposed disturbance is 17,916 SF. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001.
2. We defer to the Planning Board's environmental consultant regarding wetland issues.
3. A completed, signed and dated Short Environmental Assessment Form (SEAF) should be submitted as part of the Application.
4. Provide the following information as required by Town Code Chapter 66-6.B.2. Please note that some of the information has been incorporated into the current application but should be compared against the information contained herein and adjusted accordingly if appropriate.
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stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."

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---

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

cc: Planning Board via email  
Bill Walters via email  
**23-261-999-183**

Bruce Barber via email  
Liz Axelson via email





## Cornerstone Associates

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

April 13, 2023

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Ahlers Application**  
769 Gypsy Lane Road (2 O'Brien Court)  
Section 21 Block 1 Lot 19

Dear Chairman German and Members of the Planning Board:

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

1. Town of Kent Planning Board Combined Application executed by Mark K. Morrison dated 03/06/23.
2. Transmittal letter from MKM Landscape Architects dated 03/08/23, 1 page.
3. Boundary survey prepared by David O'Dell LS, 1 sheet.
4. Topographic Survey prepared by David O'Dell LS dated 01/01/22, 1 sheet.
5. Plans entitled; "769 Gypsy Trail- 2 O'Brien Court" prepared by MKM Landscape Architecture dated March 2023, 8 sheets: Cover, LA-2, LA-3, LA-4, LA-5, LA-6, LA-7, LA-8.

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

Application is to construct a berm against an existing failing retaining wall adjacent to a swimming pool. The total site disturbance is in excess of 5,000 square feet on slopes greater than 15%.

The property is 41+/- acres in size and is improved with a residence and five cabins. It is located on the westerly side of Gypsy Trail Road in the R-80 (single-family residential) zoning district.

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

Steep slope/erosion and sediment control permit

### **C: Zoning:**

A bulk zoning table and set back information has not been provided. The Town Building Inspector should be consulted to determine if there are any proposed improvements which would require zoning review.

**D: SEQRA:**

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

**E: Environmental Review:**

Wetlands:

A site inspection was conducted on March 21, 2023. A drainage ditch was noted adjacent to the existing pool area in which discharge from a plastic pipe was noted. The pipe was not discharging from a wetland area and the drainage ditch does not meet the definitional requirements of a jurisdictional Town of Kent watercourse. Review of the area the proposed limits of disturbance was conducted, and Town of Kent wetland and wetland buffer areas were not noted. No wetland permit is required for the proposed action.

Trees:

The applicant has not provided information regarding tree removal. Please indicate trees that are proposed to be removed on the plans.

Soils, Steep Slopes and Land Disturbance:

The proposed action will be conducted within an area of steep slopes (greater than 15%). An erosion and sediment control plan has been prepared by a qualified professional. This office defers to review by the Planning Board Engineer.

Well and Septic System: The applicant has identified the locations of the well and septic systems. No disturbance to these areas is indicated.

**F: Other:**

- Please provide a short-form EAF (Part I).
- Please provide a current copy of the deed.
- Existing drainage ditch could act as conveyance of sediment during construction. Please indicate how fill will be addressed.
- If fill installation is required, please indicate it will be tested in advance to determine it meets NYSDEC Unrestricted Residential Standards. A copy of the test results shall be submitted to the Town Building Inspector.

Further comments will be provided based on the applicant's response to comments.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Bruce Barber, PWS, Registered Soil Scientist  
Town of Kent Environmental Planning Consultant



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

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

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

# Memorandum(DRAFT)

**To:** Planning Board  
Town of Kent

**Attn:** Hugo German  
Chairman

**From:** John v. Andrews, Jr., P.E.

**Subject:** Erosion Control Plan

**Date:** April 6, 2023

**Project:** Ahlers Residence  
TM # 21-1-19

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- a. Part III.B.1.c – "A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);"
  - b. Part III.B.1.d – "A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;"
  - c. Part III.B.1.e – "A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;"
  - d. Part III.B.1.f – "A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial clearing and grubbing to project completion and achievement of final stabilization;"
  - e. Part III.B.1.i – "A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;"
  - f. Part III.B.1.j – "A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;"
  - g. Part III.B.1.l – "Identification of any elements of the design that are not in conformance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards."
  - h. The Applicant and Applicant's design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP.

- i. In accordance with Part III.A.6, provide copies of the Contractor Certifications and copies of training certificates prior to the start of earth-disturbing activities.
  - j. Please note, per GP-0-20-001, a SWPPP must be prepared by qualified professional, including a licensed Professional Engineer, Registered Landscape Architect or other NYSDEC endorsed individual(s).
  - k. Please note – With issuance of NYSDEC General Permit GP-0-15-002 and continuing in GP-0-20-001, per Part I.B.1.b 'Soil Stabilization' "In areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased..." (emphasis added). This should be added to the plan set in the form of a note.
9. SWPPP – GP-0-20-001 Part 1.F.8 - Provide documentation that the project complies with the requirements for historic or archeological sensitive locations.
10. Provide a Notice of Intent (NOI) for review.
11. Provide an MS4 SWPPP Assessment Form with Sections I and II completed.
12. Refer to the Drawings:
- a. The source of fill and the amount to be imported to the site should be identified. All imported fill shall be accompanied by documentation that clearly establishes that the fill is "clean".
  - b. For temporary construction access, a stabilized construction entrance in accordance with New York Standards and Specifications for Erosion and Sediment Control should be specified. A note should be added regarding the removal and restoration of the lawn when the construction entrance is no longer needed. A note should be added regarding removal of any sediment that is tracked onto the road.
  - c. The language on Drawing L-1 - Note A under "Notes" is at variance with the referenced Code Section – Item 1 should read "Any disturbance involving 5000 SF or more of lawn area."
  - d. Under the same section under C, replace "GP-02-01" with the current "GP-0-20-001."
  - e. On Drawing L-8, Section Showing Intent for Berm - the fill slopes should be specified. We suggest the slopes by a max of 1V:3H to allow for mowing. Attention should be paid as to how those slopes will be stabilized. The fill should be compacted in lifts and shaped to meet the final slopes.
13. A bond estimate in amount of \$5000.00 was provided on Drawing L-1, dated March 12, 2023, prepared by Mark K. Morrison Landscape Architecture, PC. We take no position on the estimate as submitted as additional project information is required. We do not have a recommendation on the bond amount at this time.

14. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
15. Per §66-6.F, the public hearing can be waived as this is considered to be a minor project, essentially removal and replacement of an existing pool with stabilization of a failing retaining wall. We defer to the pleasure of the Planning Board in this regard. We recommend the Planning Board consider waiving the requirement for a public hearing based on a finding that the proposed activity is of a minor nature which would not significantly alter, affect, or endanger steep slopes or result in uncontrolled and excessive erosion.
16. Provide a written response with future submitted stating how the comments have been addressed.

---

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

cc: Planning Board via email  
Bill Walters via email  
**23-261-999-183**

Bruce Barber via email  
Liz Axelson via email



## Cornerstone Associates

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

April 13, 2023

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Old 17 LLC Application**  
North Horsepound and Peckslip Roads  
Section 12 Block 1 Lots 38, 42  
Town of Kent, New York

Dear Chairman German and Members of the Planning Board:

As per your request, the following documents have been reviewed relative to the above referenced application:

Transmittal letter executed by Jamie LoGiudice RLA of Insite Engineering dated 03/24/23, 1 page.

Plans entitled; "Old 17, LLC" prepared by Insite Engineering dated 03/20/23, 4 sheets: OM-1, OM-2, RM-1, Rm-2.

### Application Summary:

This is an application to resolve an existing violation on the site. A total of 15 trees were cut and an area of wetland buffer was disturbed. These actions were not on the approved plans. The applicant has quantified the amount of tree cutting and disturbance and has submitted a mitigation plan.

### Mitigation Plan:

The applicant is proposing to remove areas of fill deposited in the wetland and wetland buffer area.

Disturbance outside the limits of disturbance not in the wetland buffer shall remain in place and areas and fill shall be installed in areas of cut which will be restored with compact leaf litter.

Sixteen trees and twelve shrubs shall be planted as mitigation for the cut trees and shrubs.

### Review Comments:

The mitigation planting plan is found to be acceptable in replacement of the cut trees.



1. The applicant should provide an analysis of the cost of the mitigation plantings (labor and materials) and determine if an amendment to the existing wetland bond amount is required.
2. Please provide a timeline of what stage of construction will the plants be installed.
3. Applicant should provide a three-year mitigation planting maintenance schedule on the plans.
4. Construction debris including brick and asphalt as well as asphalt millings have been installed in the wetland buffer on the driveway surface. Use of these materials in this area were not on the approved plans.
5. A ground water seep was noted at the driveway cut. This resulted in drainage/flooding to North Horsepound Road. A cross over pipe at the driveway and road intersection has been installed to reduce flooding. It is suggested that the applicant design a pipe that will collect water at the seep and direct it under the driveway to the area just below the stormwater management system. The water should be allowed to percolate into the wetland area to preserve pre-construction hydrology and reduce the potential for future flooding.
6. This office defers to the Engineer to the Planning Board regarding erosion control and site engineering findings and the Planning Board attorney regarding review of the bonds.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Bruce Blüher, PWS, Registered Soil Scientist  
Town of Kent Environmental Consultant



## Cornerstone Associates

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

April 13, 2023

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Dorman Application**  
26 Grey Oaks Court  
Section 33.41 Block 1 Lot 14

Dear Chairman German and Members of the Planning Board:

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

1. Town of Kent Planning Board Combined Application dated 03/13/23.
2. Stormwater Pollution Prevention Plan prepared by John Karell Jr. PE dated 03/15/23.
3. Short-form EAF (Part I) executed by John Dorman dated 03/13/23.
4. Narrative of proposed action, 1 page.
5. Narrative entitled; "Adjustments to Dorman Sitting room design (versus original design) to be responsive to KPB feedback from Site Visit on March 23, 2023" 2 pages.
6. Erosion and Sediment Control Cost Estimate prepared by John Karell, JR PE dated 03/10/23, 1 page.
7. Copy of deed dated 03/16/18.
8. Plan entitled; "Dean and Marybeth Dorman" prepared by John Karell, JR. PE dated 03/10/23, sheet: S-1.
9. Plan entitled; "Dean and Marybeth Dorman" prepared by John Karell, JR. PE dated 03/27/23 (rev) 1 sheet: S-1.

**A: Summary of Application:**

Application is to construct a walkway and recreation room overlooking Lake Carmel (sections of the application materials indicate a proposed breezeway rather than a walkway. Clarification is required).

The property is 1.65+/- acres in size and is improved with a residence and detached garage/office area. It is located on the southerly side of Grey Oaks Road in the R-10 (single-family residential) zoning district.

**B: Planning Board Permits Required:**

Steep slope/erosion and sediment control permit.  
Wetland permit

**C: Zoning:**

A bulk zoning table and setback information has not been provided. The Town Building Inspector should be consulted to determine if there are any proposed improvements which would require zoning review.

**D: SEQRA:**

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

**E: Environmental Review:**

Wetlands:

A site inspection was conducted on March 21, 2023. The proposed improvement will disturb a Town of Kent wetland buffer area immediately adjacent to Lake Carmel. The applicant has submitted a wetland permit application.

The area proposed to be disturbed is steeply sloping and is presently covered with native vegetation. This wetland buffer has a strong functional value as it filters pollutants from surface and ground water before they can enter Lake Carmel which is a NYSDEC listed impaired waterbody. It is noted that the subject septic system is located on the site immediately above the wetland buffer area in question. A Lake Carmel study (TMDL) indicated that septic systems are one of the major sources of pollutants to the lake.

It is recommended that the Planning Board request the applicant to consider alternative location for the proposed action that will not impact the natural wetland buffer area water a wetland buffer (See Town Code Chapter 39A-8(C)(4).

A wetland mitigation plan will be required to be submitted if further review of the proposed action.

Trees:

The applicant has not provided information regarding tree removal. Please indicate trees that are proposed to be pruned or removed on the plans.

Soils, Steep Slopes and Land Disturbance:

The proposed action will disturb 0.1 acres (4,356 square feet) and will be conducted within an area of steep slopes (greater than 15%). An erosion and sediment control plan has been prepared by a qualified professional. This office defers to review by the Planning Board Engineer.

The proposed action will create 650 square feet of impervious surface. There is no proposed treatment.

Well and Septic System: The applicant has identified the locations of the well and septic systems. No disturbance to these areas is indicated.

**F: Other:**

- Applicant is requested to provide alternatives to the proposed action which will not disturb the natural wetland buffer area.
- Please provide a bulk zoning table and site plan setbacks to determine zoning compliance.
- Provide a copy of a current property survey.
- Provide a wetland buffer mitigation plan.
- Indicate all trees that are proposed to be cut or pruned on the site plan.
- Provide proposed building cross sections to determine visual impacts.
- Clarify if the recreation room will be connected to the house by an open walkway or a covered breezeway.
- Indicate clear limits of disturbance line on the plans.
- Indicate if all work can be done by hand (rather than requiring machinery).
- Indicate if rock removal will be required.
- Provide septic system details (a tank or equivalent). Provide distance from septic tank/fields to proposed foundation/permanent installations.
- Provide all utility connections to the proposed recreation room. Will there be any plumbing and/or heating of this area?

Further comments will be provided based on the applicant's response to comments.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Bruce Barber, PWS Registered Soil Scientist  
Town of Kent Environmental Planning Consultant



## Cornerstone Associates

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

April 13, 2023

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Ahlers Application**  
769 Gypsy Lane Road (2 O'Brien Court)  
Section 21 Block 1 Lot 19

Dear Chairman German and Members of the Planning Board:

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

1. Town of Kent Planning Board Combined Application executed by Mark K. Morrison dated 03/06/23.
2. Transmittal letter from MKM Landscape Architects dated 03/08/23, 1 page.
3. Boundary survey prepared by David O'Dell LS, 1 sheet.
4. Topographic Survey prepared by David O'Dell LS dated 12/01/22, 1 sheet.
5. Plans entitled; "769 Gypsy Trail- 2 O'Brien Court" prepared by MKM Landscape Architecture dated March 2023, 8 sheets: Cover, LA-2, LA-3, LA-4, LA-5, LA-6, LA-7, LA-8.

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

Application is to construct a berm against an existing failing retaining wall adjacent to a swimming pool. The total site disturbance in excess of 5,000 square feet on slopes greater than 15%.

The property is 41+/- acres in size and is improved with a residence and five cabins. It is located on the westerly side of Gypsy Trail Road in the R-80 (single-family residential) zoning district.

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

Steep slope/erosion and sediment control permit

### **C: Zoning:**

A bulk zoning table and set back information has not been provided. The Town Building Inspector should be consulted to determine if there are any proposed improvements which would require zoning review.

**D: SEQRA:**

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

**E: Environmental Review:**

Wetlands:

A site inspection was conducted on March 21, 2023. A drainage ditch was noted adjacent to the existing pool area in which discharge from a plastic pipe was noted. The pipe was not discharging from a wetland area and the drainage ditch does not meet the definitional requirements of a jurisdictional Town of Kent watercourse. Review of the area the proposed limits of disturbance was conducted, and Town of Kent wetland and wetland buffer areas were not noted. No wetland permit is required for the proposed action.

Trees:

The applicant has not provided information regarding tree removal. Please indicate trees that are proposed to be removed on the plans.

Soils, Steep Slopes and Land Disturbance:

The proposed action will be conducted within an area of steep slopes (greater than 15%). An erosion and sediment control plan has been prepared by a qualified professional. This office defers to review by the Planning Board Engineer.

Well and Septic System: The applicant has identified the locations of the well and septic systems. No disturbance to these areas is indicated.

**F: Other:**

- Please provide a short-form EAF (Part I).
- Please provide a current copy of the deed.
- Existing drainage ditch could act as a conveyance of sediment during construction. Please indicate how this will be addressed.
- If fill installation is required, please indicate it will be tested in advance to determine it meets NYSDEC Unrestricted Residential Standards. A copy of the test results shall be submitted to the Town Building Inspector.

Further comments will be provided based on the applicant's response to comments.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Bruce Barber, PWS, Registered Soil Scientist  
Town of Kent Environmental Planning Consultant

## MEMORANDUM

**TO:** Town of Kent Planning Board  
**CC:** Bill Walters  
John Andrews  
Bruce Barber  
**FROM:** Liz Axelson, AICP  
**DATE:** April 3, 2023  
**RE:** Doherty Lot Line Revision Review, 81 Lincoln Drive & 38 Chauncey Road, Tax Parcel No. 33.48-1-23 & 33.48-1-18 & 33.48-1-19 / CPL#16570.00-00012

I have reviewed the materials listed at the end of this memorandum per online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning; and 66A. Subdivision of Land. Discussion at the application review meeting on October 27, 2022 with Planning Board Consultants and Applicant representatives is also considered. Based on my review I offer the following comments for the Board's consideration:

### Zoning Requirements and Standards

1. The previously submitted conceptual sketch of the proposed lot line adjustment between the 3 existing lots 33.48-1-23, 33.48-1-18 and 33.48-1-19 showed the creation of 2 lots as follows:
  - a. Tax parcel 33.48-1-23 would be reduced from approximately 12,627.9 square feet (SF) to 10,000 SF because a 2,627.9 SF portion of parcel 33.48-1-23 would be conveyed to adjoining 33.48-1-18; and
  - b. With the 2,627.9 SF portion of Tax parcel 33.48-1-23 being conveyed to parcel 33.48-1-18, which would also be combined with parcel 33.48-1-19, the resulting area of parcel 33.48-1-18 would be approximately 16,627.6 SF.
  - c. Accordingly, the proposed 10,000 SF parcel 33.48-1-23 would require at least one area variance for lot area (the C zone requirement is a 15,000 SF lot); and the proposed parcel 33.48-1-18 with approximately 16,627.6 SF would conform to the lot area requirement.
  - d. The above described concept discussed at the February 2, 2023 workshop, including the need for one or more area variances from the Town of Kent Zoning Board of Appeals, appears to be reasonable and feasible. However, the submitted lot line change plans must be revised to properly and clearly depict the above-described proposal. See the comments below regarding subdivision and lot line requirements and standards.
2. All three subject lots are located in the C (Commercial) zoning district. Please refer to the corresponding lot and bulk requirements in Zoning section 77-22. Lot and bulk requirements, and Subdivision of Land regulations sections 66A-10., C. and 66A-17, D., (2). Since the proposal is being reviewed as a revised lot line application, revise the submitted plan by adding a zoning table as follows:
  - a. Provide a column showing the requirements in the lot and bulk requirements in 77-22., A. through G. (lot area, width, frontage, coverage, yard setbacks, accessory building or use setbacks, etc.).
  - b. The completed zoning table should include as many columns needed to list the existing and proposed values for the subject parcels corresponding to the lot and bulk requirements in 77-22., A. through G. It is possible that some of the existing and



proposed values for the subject parcels would be existing noncomplying conditions, or may require variances.

3. It is noted that the lot area requirement is 15,000 square feet (SF) in the C (Commercial) zoning district. As soon as the plan is revised to list the proposed lot areas and other values corresponding to the lot and bulk requirements, the need for variances from the Town of Kent Zoning Board of Appeals (ZBA) can be determined. Refer to 66A-10, C.

#### Subdivision of Land / Revised Lot Line Requirements and Standards

4. Submit a Short Environmental Assessment Form Part 1 as required in 66A-17, C.
5. As noted in comment 2 above, section 66A-17, D., (2), the plan should include a table of zoning requirements and existing and proposed values for all lots involved.
6. Regarding the Subdivision of Land regulations section 66A-10, Procedure for revised lot line approval, subsection . B., the proposed lot line revision should be depicted clearly on the submitted map. Specifically, clarify the lot lines to be deleted, the proposed lot lines and resulting lot boundaries, as follows:
  - a. Show lot lines to be deleted with dashed lines.
  - b. Label lot lines to be deleted with a callout indicating "Lot line to be deleted".
  - c. Label proposed new lot lines with solid, bolder lines.
  - d. Label proposed lot lines with a callout indicating "Proposed Lot line".
7. Address Subdivision of Land regulations section 66A-10, C., as set forth above under "Zoning Requirements and Standards".
8. Provide a table describing the conveyance of land between the parcels with rows for each lot and with columns listing:
  - a. the existing lots and their corresponding areas in square feet (SF) and acres;
  - b. the areas to be conveyed (+ or -) in square feet (SF) and acres; and
  - c. the resulting lot areas in square feet (SF) and acres.
9. The Owner Consent signature block has two owners listed, so the title and language of the "Owner's Consent" should be revised accordingly regarding the title, "Owners' Consent" and reference to "Owners", "owners", "they" and "owners consent".
10. It is not clear that it is necessary to include the two signature blocks entitled "Real Property Tax Certification" and "Commissioner of Finance Certification" on the lot line change map. This should be confirmed through consultation with the Applicants' and Planning Board's attorneys. Then the plan should be revised accordingly.
11. The Lot Line Change map must be revised to provide the elements defined in subdivision section 66A-17. Revised lot line plat., as follows:
  - a. List site data, including the name of any fire, or special districts;
  - b. Show the location of the existing septic system on lot 33.48-1-18; and
  - c. Show the location of any existing well and/or septic system on lot 33.48-1-19, or add a note indicating there is neither a well nor any septic system.
  - d. Address the following requirement of section 66A-17, D., (5):

"The grantor of lands shall submit a proposed deed conveying the portion of land to the adjoining lot or parcel owner. Said deed must contain a clause stating that:  
*'This parcel of land is conveyed pursuant to a revised lot line approved by the Planning Board of the Town of Kent, on (date) and does not create any new or additional building lots or parcels.'*"





12. Per section 66A-10, F., upon approval, the proposed deeds of conveyance shall be reviewed and approved by the Planning Board Attorney. Upon notification by the Planning Board Attorney the deeds are in conformity with the provisions of Chapter 66A, and all of the conditions of any Planning Board approval have been addressed, the applicant shall submit the Mylar for signature by the Planning Board Chairman.
13. Please refer to sections 66A-10, G., and H., regarding conditions of any approval and the timeline for filing, respectively.

#### Recommendation

14. The Planning Board should direct the applicant to address the comments above. The Applicants and their representative should address these comments at their earliest convenience.
15. Please provide written responses to the above comments.
16. Although no Planning Board action is recommended at this time, pending a more detailed submittal approval with conditions may be considered.

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

#### Materials Reviewed

- Combined Application Form for Lot Line Change, signed, UNDATED, submitted on or about December 19, 2022;
- Conceptual sketch of Lot Line Adjustment, 38 Chauncey Road, preparer not indicated, undated, submitted in January 2023;
- No submittal letter was provided; and
- Plan entitled Lot Line Change prepared for Robert & Katherine Doherty, prepared by David L. Odell, PLS, dated March 22, 2023.



# Memorandum

To:	Planning Board Town of Kent	Attn:	Hugo German Chairman
From:	John V. Andrews, Jr., P.E.	Subject:	Revised Lot Line Approval – <b>Revised Submittal</b>
Date:	April 3, 2023	Project:	Doherty 81 Lincoln Dr & 38 Chauncey Rd TM # 33.48-1-23 & 33.48-1-18

The following materials were reviewed:

- Drawing-Lot Line Change-Doherty prepared by David L. Odell, PLS, dated March 22, 2023, scale 1' = 20'

The project proposes a property transfer between the parcel at 81 Lincoln Dr. (TM # 33.48-1-23) and the parcel at 38 Chauncey Rd. (TM# 33.48-1-18), reducing the Lincoln Dr parcel by approximately 2628 SF and increasing the Chauncey Rd. parcel by that same amount.

The following comments are provided for the Planning Board's consideration based on our February 1, 2023 memorandum. New or supplementary comments are shown in **bold**.

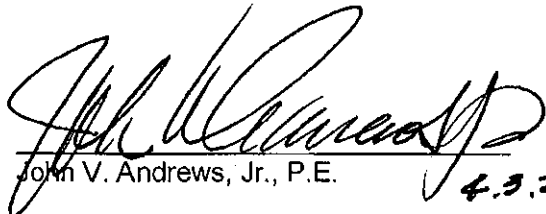
1. There are no proposed improvements associated with this action. This is merely a property transfer and perhaps including a lot merger between consenting parties requiring a revised lot line approval from the Town of Kent Planning Board. The matter is handled as a revised lot line approval. There is no public hearing requirement associated with this action. **[Comment remains valid]**
2. There are some inconsistencies in the application. It appears that three (3) tax parcels are involved, TM # 33.48-1-23 (81 Lincoln), TM # 33.38-1-18( 38 Chauncey) and TM # 33.48-1-19. A portion of TM # 33.48-1-23 is being conveyed to TM # 33.48-1-18 reducing the acreage of TM # 33.48-1-23 to the minimum required of 10,000 square feet and increasing TM # 33.48-1-18 to greater than 15,000 square feet and apparently including its merger with TM # 33.48-1-19. The Planning Board should discuss the intent of the Applicant and confirm the intended outcome. **[ The plat submitted still reflects TM # 33.48-1-19 as a separate parcel. The Applicant should clarify their intent with respect to this parcel. As it is a substandard lot size, in our opinion, it should be combined with the adjoining parcel as part of this action.]**
3. A completed, signed and dated Short Environmental Assessment Form (SEAF) should be submitted as part of the Application. Per 6 NYCRR 617-§ 617.5(c)(5) "granting of individual setback and lot line variances and adjustments" is considered a Type II action,

requiring no further environmental review. We recommend that the Planning Board make such a determination but require the SEAF for record purposes. **[SEAF required]**

4. The zoning designations for the involved parcels are not clear. It appears that TM # 33.48-1-23 is in the R-10 Zoning District and that TM 3 33.48-1-18 is in the C Zoning District. We cannot confirm that based on the Town Zoning Map. If this in fact the case, both lots to be created as part of this action would conform with respect to lot size. **[The zoning designations remain unclear. The plat note provided indicates that both parcels are in the Commercial District. This requires clarification as both parcels would be non-conforming with the subdivision increasing the nonconformity of one of the parcels.]**
5. Conceptually we take no exception to the proposed action. It appears that it is consistent with the subdivision regulations. Future submittals shall include the information required by Town Code Section 66A-17. **[A proper subdivision plat was included in this most recent submittal. It is not consistent with Town Code Section 66A-17]**
6. The following items required by Town Code Section 66A-17 should be provided in future submittals.:
  - Site data table listing the name of any school, fire or special districts, zoning designations of parcels, required and proposed lot area, required and proposed lot width, and required and proposed road frontage. Lot sizes must be shown in square feet or acres. Some information has been provided in the form of notes, but it is incomplete.
  - The grantor of lands shall submit a proposed deed conveying the portion of land to the adjoining lot or parcel owner. Said deed must contain a clause stating that: "This parcel of land is conveyed pursuant to a revised lot line approved by the Planning Board of the Town of Kent, on (date) and does not create any new or additional building lots or parcels." Metes and bounds descriptions should be provided for review.
  - The owner of the adjoining lot or parcel shall submit a proposed deed describing, as a single parcel, the existing adjoining lot or parcel along with the property to be conveyed, conveying said increased lot or parcel as a single unified lot or parcel, to himself or herself, or such entity as the owner desires. Said deed shall contain a clause as follows: "This deed of conveyance is for the sole purpose of unifying into a single lot or parcel lands previously owned by the grantor with lands conveyed to the grantee as a result of a revised lot line approved by the Planning Board of the Town of Kent on (date)." A complete metes and bounds description of the consolidated lot should be provided for review.
7. No topography was provided. We recommend that the Applicant request a waiver such that topographic information not be required on the survey. (Reference - Town Code Section 66A-17.D(4)(c) – existing contours with intervals of five feet or less). The topographic information is not necessary. The lack of such information does not hinder a proper review of the matter. When requested, we recommend the Planning Board consider granting the waiver.

Memorandum  
Revised Lot Line Approval – **Revised Submittal**  
Doherty  
TM # 33.48-1-23 & 33.48-1-18  
April 3, 2023  
Page 3 of 3

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. 4.3.2023

cc: Planning Board via email  
Bill Walters via email  
22-261-216-05

Bruce Barber via email  
Liz Axelson via email

**MEMORANDUM**

**TO:** Town of Kent Planning Board  
**CC:** Bill Walters  
John Andrews  
Bruce Barber  
**FROM:** Liz Axelson, AICP  
**DATE:** April 3, 2023  
**RE:** Doherty Lot Line Revision Review, 81 Lincoln Drive & 38 Chauncey Road, Tax Parcel No. 33.48-1-23 & 33.48-1-18 & 33.48-1-19/ CPL#16570.00-00012

I have reviewed the materials listed at the end of this memorandum per online mapping resources; and the Code of the Town of Kent, Chapters 77, Zoning; and 66A. Subdivision of Land. Discussion at the application review meeting on October 27, 2022 with Planning Board Consultants and Applicant representatives is also considered. Based on my review I offer the following comments for the Board's consideration:

**Zoning Requirements and Standards**

1. The previously submitted conceptual sketch of the proposed lot line adjustment between the 3 existing lots 33.48-1-23, 33.48-1-18 and 33.48-1-19 showed the creation of 2 lots as follows:
  - a. Tax parcel 33.48-1-23 would be reduced from approximately 12,627.9 square feet (SF) to 10,000 SF because a 2,627.9 SF portion of parcel 33.48-1-23 would be conveyed to adjoining 33.48-1-18; and
  - b. With the 2,627.9 SF portion of Tax parcel 33.48-1-23 being conveyed to parcel 33.48-1-18, which would also be combined with parcel 33.48-1-19, the resulting area of parcel 33.48-1-18 would be approximately 16,627.6 SF.
  - c. Accordingly, the proposed 10,000 SF parcel 33.48-1-23 would require at least one area variance for lot area (the C zone requirement is a 15,000 SF lot); and the proposed parcel 33.48-1-18 with approximately 16,627.6 SF would conform to the lot area requirement.
  - d. The above described concept discussed at the February 2, 2023 workshop, including the need for one or more area variances from the Town of Kent Zoning Board of Appeals, appears to be reasonable and feasible. However, the submitted lot line change plans must be revised to properly and clearly depict the above-described proposal. See the comments below regarding subdivision and lot line requirements and standards.
2. All three subject lots are located in the C (Commercial) zoning district. Please refer to the corresponding lot and bulk requirements in Zoning section 77-22. Lot and bulk requirements, and Subdivision of Land regulations sections 66A-10., C. and 66A-17, D., (2). Since the proposal is being reviewed as a revised lot line application, revise the submitted plan by adding a zoning table as follows:
  - a. Provide a column showing the requirements in the lot and bulk requirements in 77-22., A. through G. (lot area, width, frontage, coverage, yard setbacks, accessory building or use setbacks, etc.).
  - b. The completed zoning table should include as many columns needed to list the existing and proposed values for the subject parcels corresponding to the lot and bulk requirements in 77-22., A. through G. It is possible that some of the existing and



proposed values for the subject parcels would be existing noncomplying conditions, or may require variances.

3. It is noted that the lot area requirement is 15,000 square feet (SF) in the C (Commercial) zoning district. As soon as the plan is revised to list the proposed lot areas and other values corresponding to the lot and bulk requirements, the need for variances from the Town of Kent Zoning Board of Appeals (ZBA) can be determined. Refer to 66A-10, C.

#### Subdivision of Land / Revised Lot Line Requirements and Standards

4. Submit a Short Environmental Assessment Form Part 1 as required in 66A-17, C.
5. As noted in comment 2 above, section 66A-17, D., (2), the plan should include a table of zoning requirements and existing and proposed values for all lots involved.
6. Regarding the Subdivision of Land regulations section 66A-10, Procedure for revised lot line approval, subsection . B., the proposed lot line revision should be depicted clearly on the submitted map. Specifically, clarify the lot lines to be deleted, the proposed lot lines and resulting lot boundaries, as follows:
  - a. Show lot lines to be deleted with dashed lines.
  - b. Label lot lines to be deleted with a callout indicating "Lot line to be deleted".
  - c. Label proposed new lot lines with solid, bolder lines.
  - d. Label proposed lot lines with a callout indicating "Proposed Lot line".
7. Address Subdivision of Land regulations section 66A-10, C., as set forth above under "Zoning Requirements and Standards".
8. Provide a table describing the conveyance of land between the parcels with rows for each lot and with columns listing:
  - a. the existing lots and their corresponding areas in square feet (SF) and acres;
  - b. the areas to be conveyed (+ or -) in square feet (SF) and acres; and
  - c. the resulting lot areas in square feet (SF) and acres.
9. The Owner Consent signature block has two owners listed, so the title and language of the "Owner's Consent" should be revised accordingly regarding the title, "Owners' Consent" and reference to "Owners", "owners", "they" and "owners consent".
10. It is not clear that it is necessary to include the two signature blocks entitled "Real Property Tax Certification" and "Commissioner of Finance Certification" on the lot line change map. This should be confirmed through consultation with the Applicants' and Planning Board's attorneys. Then the plan should be revised accordingly.
11. The Lot Line Change map must be revised to provide the elements defined in subdivision section 66A-17. Revised lot line plat., as follows:
  - a. List site data, including the name of any fire, or special districts;
  - b. Show the location of the existing septic system on lot 33.48-1-18; and
  - c. Show the location of any existing well and/or septic system on lot 33.48-1-19, or add a note indicating there is neither a well nor any septic system.
  - d. Address the following requirement of section 66A-17, D., (5):

"The grantor of lands shall submit a proposed deed conveying the portion of land to the adjoining lot or parcel owner. Said deed must contain a clause stating that:  
*'This parcel of land is conveyed pursuant to a revised lot line approved by the Planning Board of the Town of Kent, on (date) and does not create any new or additional building lots or parcels.'*"



12. Per section 66A-10, F., upon approval, the proposed deeds of conveyance shall be reviewed and approved by the Planning Board Attorney. Upon notification by the Planning Board Attorney the deeds are in conformity with the provisions of Chapter 66A, and all of the conditions of any Planning Board approval have been addressed, the applicant shall submit the Mylar for signature by the Planning Board Chairman.
13. Please refer to sections 66A-10, G., and H., regarding conditions of any approval and the timeline for filing, respectively.

#### Recommendation

14. The Planning Board should direct the applicant to address the comments above. The Applicants and their representative should address these comments at their earliest convenience.
15. Please provide written responses to the above comments.
16. Although no Planning Board action is recommended at this time, pending a more detailed submittal approval with conditions may be considered.

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

#### Materials Reviewed

- Combined Application Form for Lot Line Change, signed, UNDATED, submitted on or about December 19, 2022;
- Conceptual sketch of Lot Line Adjustment, 38 Chauncey Road, preparer not indicated, undated, submitted in January 2023;
- No submittal letter was provided; and
- Plan entitled Lot Line Change prepared for Robert & Katherine Doherty, prepared by David L. Odell, PLS, dated March 22, 2023.



Putnam County  
Department of Planning, Development,  
and Public Transportation

[www.putnamcountyny.com](http://www.putnamcountyny.com)

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Carmel, NY 10512

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Acting Administrator  
of Planning

Phone: (845) 878-3480  
Fax: (845) 808-1948

SECTION 239 CASE REFERRAL

Case Received: 3-16-23

Report Required: 4-16-23

Completed: 3/20/2023

Application Name: Flintrock Storage

Referral #: 23-PC-27

TOWN: Carmel: ☐

Philipstown: ☐

VILLAGE:

Kent: ☒

Putnam Valley: ☐

Brewster: ☐

Patterson: ☐

Southeast: ☐

Cold Spring: ☐

Referred by: PB: ☒

ZBA: ☐

Town Board: ☐

Historic District Review Board: ☐

Nelsonville: ☐

Location of Project: 1030 NYS Route 52, Town of Kent, NY

Present Zone:

C

Tax Map #:

12.18-1-14

Type of action:

Variance: ☐

Zoning Ordinance: ☐

Master Plan: ☐

Subdivision: ☐

Special Use Permit: ☐

Subdivision Regulations: ☐

Site Plan: ☒

Rezoning: ☐

Certificate of Appropriateness: ☐

Zoning Amendment/Interpretation: ☐

DECISION BY COUNTY:

Approved as Submitted: ☒

Modification: ☐

Disapproved: ☐

Basis for Decision Other than Approval:

Town should confirm that shown ROW access  
is a legally filed permanent easement; our  
GIS does not show ROW.

Reviewed by:

Barbara Barosa

Barbara Barosa, AICP, Senior Planner

(Signature)

(Title)

Received  
mo/date/year

MAR 23 2023

Planning Department  
Town of Kent



# Adjustments to Dorman Sitting-room design (versus original design) to be responsive to KPB feedback from Site Visit on March 23, 2023

Planning Department  
Town of Kent

Several KPB Consultants (Bruce and John), Bill Walters (inspector) and Chairman Hugo German came to do a site visit on Thursday morning, March 23.

During an informal debrief, they asked us to consider adjustments or compromises to help mitigate wetlands disruption and protect more of the vegetation.

We've spent a lot of time evaluating options and adjustments, and have created and documented 3 options that we believe will help.

This note will describe those adjustments, but first we wanted to share the primary intent of the proposed project from the outset. The driving design objective of this proposed structure is to have a beautiful structure when viewing "from the lake" (stone and glass with metal conical roof), and to replicate the unobstructed exceptional views that can only be obtained currently by standing outside on the leading edge of the existing deck. Those great views are only available half the year as the deck is not all-weather. Moving the structure backward (away from the water) would negate both of those objectives, as it would put more trees (and the existing deck) in view, and it would be less spectacular from the water.

We have discussed and drafted 2 compromises/adjustments below that we believe will significantly support KPS's intent to minimize earth and shrubbery impact.

1. We will raise the elevation another 18-24" above what was currently planned. We would set the elevation of the floor of the new structure to be the exact same as the level of the existing deck floor. This would require 2 or 3 steps UP to the new octagon structure at the end of the breezeway to achieve that higher elevation. A higher elevation will require less "top-trimming" from the existing vegetation below, and will help with adjustment #2 below.
2. We will design the structure such that no more than 33% of the octagon structure will be on a foundation (only the back 3 sides, the ones furthest from the lake). Our original design showed ~50% of the structure having a foundation, but we will modify the structural design to ensure that 67% of the octagon is on piers, not foundation. Piers have minimal impact to the existing vegetation and earth.

We have also created a draft of a 3<sup>rd</sup> option, which is moving the entire structure back 5' to be in exact alignment with the leading edge of the existing deck. Originally it was designed to be 5' in front of the leading edge of the existing deck so that the view from 1 of the 3 main windows would not be looking directly into a deck a few feet away. We'd strongly prefer to keep the "front" edge of the piers structure per the original design (so we optimize the view from all 3 water-facing windows). But, if moving it back 5' were to be required, we would still proceed with the project. If the leading edge were

requested/required to be even further back, we don't think the project outcome would be worth the effort and cost.

Thank you all for your consideration. We hope you find these adjustments as sincere compromises to help mitigate the KBP's concerns, and you will allow us to build this beautiful structure that will be enjoyed visually by all around the lake for generations to come.

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