

**Town of Kent Planning Board  
December 11, 2014**

**Approved: February 12, 2015**

**Minutes  
Town of Kent Planning Board Meeting  
December 11, 2014**

Following the Pledge of Allegiance, the meeting was called to order at 7:30 PM by Mr. Michael McDermott, Chairman of the Town of Kent Planning Board.

**In attendance were the following Planning Board members:**

Michael McDermott, Chairman  
Janis Bolbrock, Vice Chairman  
George Brunner  
Dennis Lowes  
Anthony Mastrangelo (Alternate)

Arthur Singer (Alternate)  
Charles Sisto  
Philip Tolmach  
Glenna Wright

**Others in Attendance:**

Bruce Barber, Environmental Consultant  
Bill Walters, Town of Kent Building Inspector

Julie Mangarillo, Engineering Consultant

**Absent:**

Neil Wilson, Planner

• **Approve Planning Board Minutes from November 13 , 2014**

Mr. McDermott asked for a motion to approve the Planning Board minutes from November 13, 2014. The motion to approve the minutes was made by Mr. Tolmach and seconded by Mr. Sisto. Mr. Lowes pointed out that page 4 needed to be changed – the word “habit” should have been “habitat”. Mr. McDermott asked for a motion to accept the minutes with this change to be made. The roll call vote was as follows:

Mike McDermott	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

- **Wellington Property, Towners Road, Carmel, NY; TM: 33.73 – 1-38 & 39**

The applicants, Jim and Pat Turco, submitted a request for approval of an amended site plan. Ms. Jamie Kieper, of Insite Engineering, represented the applicants and appeared before the Planning Board in regards to a conditional site plan approval. The property is located on the corner of Towners Road and Hill and Dale Road in an R-10 and Towners Road overlay district. There is an existing building on site consisting of retail apartments, office space and storage. The applicants wish to open an ice cream parlor and need to make improvements to the existing parking lot. This matter was before the Planning Board in November. As instructed in November, the plans have been revised and notes were added.

**Mr. Barber's Comments**

Mr. Barber advised the Planning Board that he had inspected the applicant's property to determine if there are Kent jurisdictional wetlands on the property and he verified that there were none. However, there is a jurisdictional watercourse situated off-site, along a paper road. He noted that the Town Planner's Resolution stated that the approval is subject to Board of Health approval if modifications need to be done to the septic system. He said that the applicant had chosen not to depict the wetland or buffer on the plans and said if BOH approval is required a wetland permit may be required. He and Mr. McDermott suggested that the applicant reconsider and put a note on the site plan regarding this. Ms. Kieper said she had no problem putting a note on the plan, but stated that the approval for the previous plan approved by the Board of Health from Capricorn Wholesalers septic system had been for a larger flow septic system than the one being proposed at this time and she had documentation pertaining to this.

**Mr. Wilson's Comments (memo attached)**

Mr. Wilson was not present at the meeting and had asked Mr. McDermott to read his memo.

In his memo Mr. Wilson summarized the application granted in April 1993 and his proposed amendment

Comments were that the Putnam County Planning Department had approved the amended site plan and that note 7 should read that there should be no more than 20 restaurant seats; all other comments from 11/13/14 had been addressed. Attached to the memo was an updated Resolution including a reference to the revised site plan map. He deferred to Bruce Barber with respect to wetland, stream and steep slope; and to Julie Mangarillo regarding site engineering, sewer, water supply and storm management issues.

### Ms. Mangarillo's Comments

Ms. Mangarillo said that previously there had been comments about requests for information waivers and that Mr. Wilson's memo did not mention this. She also said that she felt that the requested waivers were reasonable. She was unsure as to whether or not they should be included in the Resolution. Ms. Mangarillo asked Ms. Kieper to define the list of waivers, which are as follows:

- The requirement of §77-60.F.c of the Town of Kent Zoning Code for *Special Use and Site Plan Requirements* is requested for topography extending 50 feet outward from the site property boundary and 200 feet outward along existing roads. The project proposes to renovate a portion of the existing building, resurface existing asphalt onsite and adjust the existing curb-cut along Towners Road to make safer conditions for users of the site. No regrading of the property is proposed, therefore, it is Insite's opinion that topography does not need to be shown.
- The requirement of §77-60.F.e of the Town of Kent Zoning Code for *Special Use and Site Plan Requirements* is requested for topography and proposed grade elevations at a contour interval of not more than two feet, unless waived by the Planning Board, soil types, slopes in excess of 10% and the location of trees with a diameter of eight inches dbh and greater. No regrading of the property is proposed, therefore, it is Insite's opinion that illustrating the existing topography or slopes in excess of 10% is not necessary. No trees are proposed to be removed, therefore, illustrating any existing trees of eight inch dbh and greater is also not necessary in this application.
- A waiver of the requirement for §77-60.F.f of the Town of Kent Zoning Code for *Special Use and Site Plan Requirements* is requested for the location and capacity or number of all existing and proposed parking areas. The project proposes to delineate the parking area to the east of the existing building. As discussed at the October workshop, it was determined that since the proposed project did not alter the existing parking areas for the existing rental apartments, it was not necessary to delineate the rental apartment parking spaces.

Mr. Barber agreed that the requested waivers were reasonable. Mr. McDermott advised the Planning Board that Mr. Wilson had recommended that the public hearing be waived on the amended site plan change and that they consider granting site plan approval.

Ms. Wright asked if anyone had observed the traffic pattern on this property as it was a very busy intersection. Ms. Kieper said that they had not done a formal traffic study, but that when the wholesale business had been in operation there had not impacted the traffic slow.

Mr. McDermott asked for a motion to waive the public hearing on the amended site plan application. The motion was made by Mr. Brunner and seconded by Mr. Tolmach. The roll call vote was as follows:

Mike McDermott	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

Mr. McDermott read the relevant conditions of the Resolution prepared by Mr. Wilson and asked for a motion to grant site plan approval, based on conditions noted in Mr. Wilson's memo, which are:

- That the applicant respond to the comments prepared by the Town Planner in his memo, dated December 11, 2014;
- The applicant respond to comments from the Environmental Consultant, if there are any;
- The applicant respond to comments from the Planning Board Engineer, if there are any;
- That the project be developed in accordance with the plans submitted and approved by the Planning Board as set above
- Approval from the Putnam County Board of Health (pending), Putnam County Department of Public Works (pending) and The Town of Kent Highway Department (pending);
- Notes be placed on the site plan regarding no powerwashing of vehicles and one regarding the watercourse;
- The requested waivers be granted;

Mr. McDermott asked for a motion to approve the Resolution. The motion was made by Mr. Lowes and seconded by Mr. Brunner. The roll call vote was as follows:

Mike McDermott	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

Mr. McDermott invited the applicants to address the audience about their plans for the property. Mr. Jim Turco and his wife, Patricia, are going to open an ice cream parlor and will also sell hamburgers and hot dogs. He said his wife's family had previously operated a custard stand on Route 52.

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

- Bayswater Pondview Estates      Request to release bond      Discussion  
33.16-1-23 & 24

Ms. Mangarillo said that she was not familiar with this project, but that she understood that this had been for a proposed subdivision which had never materialized. The applicant is in the process of merging the lots into one piece of property and they requested that their bond released. She and Mr. Barber plan on inspecting the property to determine if it is appropriate to release the bond.

- Biben Property      Erosion Control Plan/Wetland Permit      Status Report  
146 S. Knapp Court,      Addition to existing residence  
Kent, NY  
TM: 10.-1-1

Nothing new has been submitted. Mr. Lowes asked the status of this project. Ms. Mangarillo said that the applicant had an open permit that had never been closed out and we were waiting for a Notice of Termination (NOT) on this application and that she and Mr. Barber had inspected the property and verified that the property had been stabilized. They now want to do some additional work on their property which will require wetland and erosion control permits for the addition on their house. We are waiting for new site plans.

- Chris Automotive      Amended Site Plan to be submitted      Status Report  
Route 52, Kent, NY  
TM: 33.18-1-17

We are waiting for an amended site plan from the applicant.

- Morini Property      Erosion Control      Status Report  
China Paper Circle, Kent, NY  
TM: 42.18-1-2

We are waiting for the bond to be submitted and the project will be completed. Mr. Lowes asked when the Morinis plan on beginning construction and Ms. Mangarillo said she believed they would start in the spring.

- Seven Hills Lake Dam Rehabilitation (DEP)      Wetland &      Status Report  
Farmers Mills Road, Kent, NY      Erosion Control Permits  
TM: 20.-1-43.1

Ms. Mangarillo spoke with the applicant's engineer and was told that the SWPPP had been approved by DEP and that it would be sent to the Planning Board shortly.

- The bond needs to be submitted by the applicant.

- Mr. Wilson will finish the updated forms and circulate them shortly to the Planning Board.

- Mr. McDermott advised the audience that the Planning Board meeting would be adjourned in order for the Planning Board to go into executive session would be going into an executive session to discuss personnel recommendations to the Kent Town Board for 2015. Any recommendations would be included in the official December 2014 Planning Board minutes.

Mike McDermott	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

Vera Patterson

cc: Planning Board Members  
Building Inspector  
Town Clerk



### **Executive Session Recommendations for Kent Planning Board reappointments for 2015**

The Kent Planning Board adjourned into executive session during the December meeting at 8:00 PM to discuss recommendations to the Town Board for 2015 reappointments the executive session ended at 8:45 PM. Per the parameters of the final budget adopted by the Town Board for 2015, we are not requesting appointment of any alternate members in 2015. Following are our recommendations, which we hope the Town Board will consider and approve at its January organizational meeting.

The following motions were made and carried unanimously.

1. The recommendation was made to ask the Town Board to reappoint Janis Bolbrock as Planning Board Vice Chair for the year 2015. Her term on the Planning Board ends in 2016.
2. The recommendation was made to ask the Town Board to reappoint Michael McDermott as Planning Board Chair for the calendar year 2015. His term on the Planning Board ends in 2019.
3. The recommendation was made to ask the Town Board to reappoint Charles Sisto as a Planning Board Member for a new term beginning January 1, 2015 and ending December 31, 2022.
4. The recommendation was made to ask the Town Board to reappoint Vera Patterson as Planning Board Secretary at a salary as appropriated in the 2015 Adopted Town Budget.
5. The recommendation was made to ask the Town Board to reappoint Bruce Barber of Cornerstone Appraisals, Inc. as Planning Board Environmental Consultant for calendar year 2015 at the terms as appropriated in the contractual line of the 2015 adopted Town Budget.
6. The recommendation was made to ask the Town Board to reappoint Julie Mangarillo of Rohde, Soyka & Andrews Consulting Engineers, P.C. as Planning Board Engineer for calendar year 2015 at the terms as appropriated in the contractual line of the 2015 adopted Town Budget.
7. The recommendation was made to ask the Town Board to reappoint Neil Wilson of Land Resource Consultants, Inc. as Planning Board Planner for calendar year 2015 at the terms as appropriated in the contractual line of the 2015 adopted Town Budget.
8. The recommendation was made to ask the Town Board to reappoint Ronald Blass, Esq., of Van DeWater & Van DeWater, LLP as Planning Board Attorney for calendar year 2015 at the terms as appropriated in the contractual line of the 2015 adopted Town Budget.

# DECEMBER 2014 AGENDA

Workshop: December 04, 2014 (Thursday, 7:30 PM) Cancelled

Meeting: December 11, 2014 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from November 13, 2014
- Wellington Property  
Towners Road, Lake Carmel, NY  
TM: 33.73-1-38 & 39
- Amended Site Plan
- Review

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

- Pondview Estates  
Discussion  
33.16-1-23 & 24
- Request to release bond
- Biben Property  
Report  
146 S. Knapp Court, Kent, NY  
TM: 10.-1-1
- Erosion Control Plan/Wetland Permit
- Status
- Addition to existing residence
- Chris Automotive  
Report  
Route 52, Kent, NY  
TM: 33.18-1-17
- Amended Site Plan to be submitted
- Status
- Property Inspection
- Morini Property  
Report  
China Paper Circle, Kent, NY  
TM: 42.18-1-2
- Erosion Control
- Status
- Seven Hills Lake Dam Rehabilitation (DEP)  
Report  
Farmers Mills Road, Kent, NY  
TM: 20.-1-43.1
- Wetland & Erosion Control Permits
- Status
- Unger Property  
Report  
89 Ressique Street, Kent, NY  
TM: 2211.-1-29
- Erosion Control Plan
- Status
- Updated Forms  
Discussion
- Executive Session  
Discussion
- Planning Board Organization 2015



# LRC PLANNING SERVICES, LLC

LAND USE/REAL ESTATE/ENVIRONMENTAL CONSULTING

**8 MOREHOUSE ROAD  
KENT, NEW YORK 12603-4010  
TELE: 845-452-3822  
FAX: 845-452-3346**

## MEMORANDUM

TO: Town of Kent Planning Board  
From: Neil A. Wilson  
Date: December 11, 2014  
Re: Wellington Properties Amended Site Plan

With reference to the above matter, we have reviewed the plans and materials submitted by the owner by application dated November 20, 2014 and offer the following for the Board's consideration:

### Summary

1. The application is for approval of an amendment to the original site plan approval granted in April 1993. The proposed amendment would convert 1,000 square feet of the existing indoor space for use as an ice cream shop that would include sale of hamburgers, fries, and the like. Indoor seating may also be offered. Approval from the Putnam County Department of Health will be required both for the food service and the existing on-site sewage treatment system.

### SEQRA

1. As previously discussed the proposed action is a Type II Action for which no environmental review under SEQRA is required.

### Comments on the Site Plan

1. The Putnam County Department of Planning has recommended approval of the project.
2. Note #7 should be revised to read "There shall be no more than 20 restaurant seats . . ."
3. All of our other comments from the November 13, 2014 memorandum have been addressed. We previously circulated a draft resolution of site plan approval. Attached is an updated resolution that includes a reference to this memorandum, to the County Planning Department approval, and to the updated revised site plan map.
4. We defer to Bruce Barber with respect to wetland, stream, and steep slope impact issues.

5. We defer to Julie Mangarillo with respect to site engineering, sewer, water supply, and storm water management issues.

**Recommendation**

1. We recommend that the Board waive a public hearing on the amended site plan change and consider granting amended site plan approval.

**Town of Kent Planning Board  
Amended Site Plan Approval**

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**Matter of Wellington Properties**

**Whereas**, the Town of Kent Planning Board has received an application from Wellington Properties, LLC for Amended Site Plan Approval to allow the conversion of 1,000 square feet of existing indoor commercial space for use as an ice cream shop that would include sale of hamburgers, fries, and the like on property located at 105 Towners Road, tax parcel numbers 33.73-1-38 and 33.73-1-39; and

**Whereas**, the size of the proposed expansion qualifies the proposed activity as a Type II Action under 6 NYCRR 617.5 for which no further environmental review is required; and

**Whereas**, the Putnam County Department of Planning has recommended approval of the site plan under GML 239-m; and

**Whereas**, after review of the application and consideration of the criteria set forth in §77-60 of the Town Zoning Law, the Planning Board hereby finds:

- 1) The project is an application for amendment of a site plan originally approved in April 1993 to allow the conversion of a portion of the existing commercial space for use as an ice cream shop. The use is a permitted use within the R-10 District/Towners Road Overlay District. The Planning Board is satisfied that the proposed site improvements and use are consistent with the amount of land available, and that access to the site would not impede or adversely affect the use and enjoyment of neighboring lands.
- 2) The use is an allowed use in the R-10 District/Towners Road Overlay District, and information provided by the applicant indicates that the overall appearance, size, and dimension of the site improvements are appropriate to the site.
- 3) That the project design is consistent with, and meets the requirements of, §77-60 subparagraphs "F", "G", and "I" - "T" thereof.
- 4) The project design of the proposed expansion would be in harmony with the existing and planned development of contiguous lands and adjacent neighborhoods.
- 5) The project design would have no material adverse effect upon the desirability of adjacent and nearby property for development of other uses allowed within the district.

- 6) The project design is properly related to the uses, goals and policies for land development as expressed in the Town Master Plan.
- 7) The project design would have no effect on existing pedestrian and vehicular access, traffic circulation or layout of the site.
- 8) The project design is sited to take advantage of solar access insofar as practical, including the orientation of the proposed building with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.
- 9) The project design reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and preserves and enlarges upon these assets for recreation, scenic or conservation purposes to the extent practicable.
- 10) The project design conforms to the requirements of the Town Zoning Law and all other applicable local laws.

**Whereas**, the Planning Board has determined that a public hearing would not be held for this application.

**Therefore Be It Resolved**, the Planning Board grants Amended Site Plan Approval for Wellington Properties, LLC as depicted on a Site Plan Map entitled "Amended Site Plan Wellington Properties" prepared by Insite Engineering, dated October 23, 2014 and bearing a latest revision date of November 20, 2014, subject to revision to respond to the conditions of approval as required herein; and

**Be It Further Resolved**, that this Site Plan Approval is expressly conditioned on the completion and/or adherence to following:

- 1) *Respond to the comments of the Town Planner dated December 11, 2014.*
- 2) *Respond to the comments of the Town Environmental Consultant, if any.*
- 3) *Respond to the comments of the Planning Board's Professional Engineer, if any.*
- 4) *The project shall be developed in accordance with the plans and specifications reviewed by the Planning Board as set forth above.*
- 5) *Obtain approval from the following agencies:*

- a) *Putnam County Department of Health – on-site sewage treatment facility and food service.*
  - b) *Putnam County Department of Public Works – highway work permit for proposed curb improvements.*
  - c) *Town of Kent Highway Department – work within the town road right-of-way.*
- 6) *Place the following notes on the site plan the substance of which shall also be express conditions of this approval:*
- a) *“There shall be no washing or power washing of vehicles or equipment on the site.”*
  - b) *“There shall be no vehicles or equipment parked on the site where such vehicles or equipment are advertized for sale.”*
- 7) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans for the development. The erosion control may be changed or modified by order of the Planning Board Engineer or the Town Building Inspector based on field conditions.*
- 8) *At the completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide a certification prepared and sealed by a New York State Licensed Professional Engineer to the Town Building Inspector and the Planning Board that all site work has been carried out and completed in substantial compliance with the approved Site Plan for the project, and shall also provide to the Planning Board and the Town Building Inspector an “as built” survey of the completed development.*
- 9) *This site plan approval shall expire 12 months from the date of approval unless otherwise extended by the Planning Board upon the express written request of the applicant.*
- 10) *Payment of all Planning Board costs and fees including professional review fees incurred during the review and approval of the application.*
- 11) *It is the responsibility of the applicant/project sponsor to submit to the Town Planning Board proof that each of the conditions of this Approval have been completed, and the signature of the Planning Board Chairman shall be withheld pending receipt of a written memoranda from the Planning Board’s Professional Engineer verifying that each of the conditions of this Approval have been completed. The proposed final drawings shall not be accepted by the Planning Board without submission of proof of completion.*

Motion: George Brunner

Second: Phil Tolmach

Michael McDermott, Chairman Aye

Janis Bolbrock, Vice Chairman Aye

George Brunner Aye

Dennis Lowes Aye

Charles Sisto Aye

Phil Tolmach Aye

Glenna Wright Aye

Anthony Mastrangelo (alt.) Aye

Arthur Singer (alt.) Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on December 11, 2014.

By: Vera Patterson  
Vera Patterson, Planning Board Clerk

Fred Pena  
COMMISSIONER



John Tully  
DEPUTY COMMISSIONER

DEPARTMENT OF  
HIGHWAYS & FACILITIES

RECEIVED

DEC -4 2014

Planning Board  
Town of Kent

November 26, 2014

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

RE: 105 Towners Road, Town of Kent  
Wellington Properties LLC

Dear Chairman McDermott and Members of the Planning Board:

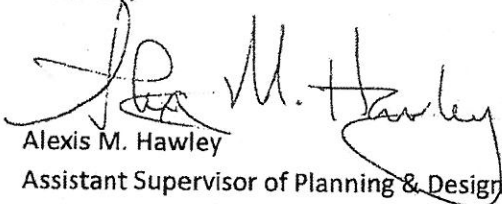
Based on the submitted "Amended Site Plan" with a latest revision date of 11-20-14, this office provides conceptual approval for the proposed work within the County right-of-way for this project.

Please note that no work is to begin within the right-of-way until a permit is applied for and an approved permit is issued by this Department for the work.

If you have any questions, please feel free to contact me.

Thank you.

Sincerely,

  
Alexis M. Hawley  
Assistant Supervisor of Planning & Design

cc: Fred Pena, P.E., Commissioner  
Mark Rosa, P.E., Supervisor of Planning & Design

842 FAIR STREET - CARMEL, NEW YORK 10512  
Tel. No.: 845-878-6331 Fax No.: 845-878-3260



## Vera Patterson

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**To:** Kent Planning Board 2014; Bruce Barber (barberbruce@yahoo.com); JMangarillo@rsaengrs.com; Neil Wilson; Bob Rogers  
**Subject:** FW: Bayswater Pondview request  
**Attachments:** Spencer ltr to Kent 4-21-14.pdf; Town of Kent bonds.pdf

Gary Link, our Assessor, did forward this to the Putnam County Clerk's office to merge the lots, as Mr. Stasz requested.

The matter of releasing the bonds was discussed at our Review meeting and we agreed to put it on the December agenda. As discussed previously, I have a box of material which was archived downstairs in the event we need to look at them prior to recommending that the bond be released. Bruce and Julie discussed maybe having to go out to the site to see the condition of the property. In any event, this is on the December agenda.

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**From:** Vera Patterson [<mailto:planning@townofkentny.gov>]  
**Sent:** Thursday, November 06, 2014 10:35 AM  
**To:** 'Paul Stasz'  
**Cc:** 'Neil Wilson'  
**Subject:** FW: Bayswater Pondview request

I will have to check with the Planning Board to see what actions need to be taken to release the bonds. The Assessor is not in the office today so I cannot verify whether or not the property was combined into one parcel, but I will talk to him tomorrow about this.

I do recall having a conversation with you pertaining to this matter earlier in the year and discussing it with the Assessor and, as he suggested, I advised you that you would need to contact his office regarding combining the parcels.

I will see that this matter is put on our December agenda if possible.

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**From:** Paul Stasz [<mailto:PStasz@ipgllc.com>]  
**Sent:** Wednesday, November 05, 2014 1:45 PM  
**To:** 'planning@townofkentny.gov'  
**Subject:** Bayswater Pondview request

Mrs. Patterson,

You also have a voicemail message on this subject.

In April 2014, Bayswater Pondview requested that its 15 separate tax parcels be combined into one. (A copy of the request is attached) My discussions with you in April indicated that this request had to be reviewed by the Town Planning Board before it could be acted upon. Furthermore, if approval were given, the parcels would then be combined into a single parcel 33.16-1-28.

The goal was to eliminate the need for performance bonds on the Bayswater Pondview project that has been cancelled. Combining the several parcels into one parcel would eliminate the need for the bonds. (Copies of the bonds are also attached.)

If the parcels have been combined, will the Town of Kent please release the bonds?

## Bayswater Pondview LLC

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Vera Patterson  
Planning Board Secretary  
Town of Kent  
25 Sybil's Crossing  
Kent Lakes, NY 10512

Re: Bayswater Pondview LLC  
Pondview project, Pondview Paper Circle

Ms. Patterson:

As discussed by telephone with Mr. Paul Stasz on April 8, Bayswater Pondview LLC wishes to re-combine the lots related to this project into one tax lot or parcel. The goal is to then request that the construction bonds issued to the Town be released because the Pondview project has been retired and will not go forward.

With this letter, I authorize the Town of Kent Assessor to combine the following tax map numbers into one parcel.

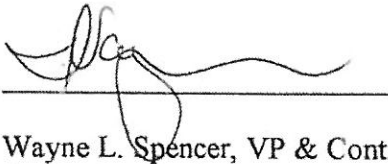
33.16-1-28 and

33.16-1-20, 21, 22, 23, 24, 25, 26, & 27

33.16-1-29, 30, 31, 32, 33, & 34

The resulting one parcel to hereafter be known as 33.16-1-28 Pondview Paper Circle. If the Town Planner assigns a street number, please assign that number to tax map number 33.16-1-28. We have requested copies of the original two bonds and will forward them when they are available. Once the parcels are combined, and the bonds identified, we will write again to request that the bonds released.

Sincerely yours,



---

Wayne L. Spencer, VP & Controller  
Bayswater Pondview LLC  
April 21, 2014

COLONIA INSURANCE COMPANY  
1160 PARSIPPANY BOULEVARD  
PARSIPPANY, NEW JERSEY 07054  
(201) 402 - 1200

PERFORMANCE BOND  
BOND NO. L01757

KNOW ALL MEN BY THESE PRESENTS: That we, BAYSWATER REALTY & CAPITAL  
CORP.

and Co-Principal (s), and COLONIA INSURANCE COMPANY, a New York corporation as Principal  
authorized to do business in the State of New York, having an office and place of business at  
1160 Parsippany Boulevard, Parsippany, New Jersey, as Surety, are held and firmly bound unto  
TOWNSHIP OF KENT, as obligee, in the sum of EIGHTY FIVE  
THOUSAND AND 00/100-----Dollars (\$ 85,000.00-----)  
lawful money of the United States of America, for which payment well and truly to be made, we bind  
ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally firmly by  
these presents.

SIGNED, SEALED AND DATED THIS 24th DAY OF AUGUST, 19 94

Whereas, the Principal has entered into an agreement with the  
TOWNSHIP OF KENT

guaranteeing only that the Principal will complete site improvements as per the \_\_\_\_\_, Obligee,  
ENGINEERS ESTIMATE DATED FEB, 1989 PREPARED BY AJK,  
IS ATTACHED AND MADE PART HERETO.

at certain land known as PONDVIEW SUBDIVISION (FAIR STREET)

all of which improvements shall be completed on or before the date set forth in the agreement.

Now, therefore, the condition of this obligation is such, that if the Principal shall carry out all the  
terms of said agreement relating to the site improvements only and perform all the work as set forth  
therein all within the time set forth in said agreement, then this obligation shall be null and void,  
otherwise to remain in full force and effect. This bond is not transferable or assignable. It is a further  
condition of this bond that in the event the Principal shall, during the period of time within which this  
bond is in force and effect, have transferred title to the property upon which the site improvements are  
required to be made or in the event the Principal is a corporation, shall have transferred a majority of its  
shares and the Surety shall advise the Obligee of such transfer then and in that event, the Obligee  
agrees that it will immediately require such transferee to post a replacement bond and will further  
cause a Cease and Desist Order to be issued with regard to the project, until such time as such a  
replacement bond has been delivered to the Obligee. Otherwise, the obligations of this bond shall  
remain in full force and effect, but in no event to be assignable.

No party other than the Obligee shall have any rights hereunder as against the Surety.

The aggregate liability of the Surety of the Bond Obligation set forth herein shall not exceed the  
penal sum hereof for any cause or reason whatsoever, inclusive of attorney's fees or other costs.

PRINCIPAL: BAYSWATER REALTY &  
CAPITAL CORP.

ATTEST: \_\_\_\_\_

BY: \_\_\_\_\_ L.S.

ATTEST: \_\_\_\_\_

rv.

**COLONIA INSURANCE COMPANY**  
**1160 PARSIPPANY BOULEVARD**  
**PARSIPPANY, NEW JERSEY 07054**  
**(201) 402 - 1200**

**PERFORMANCE BOND**  
**BOND NO. L01758**

**KNOW ALL MEN BY THESE PRESENTS:** That we, BAYSWATER REALTY & CAPITAL CORP.

TOWNSHIP OF KENT as Principal  
and Co-Principal (s), and **COLONIA INSURANCE COMPANY**, a New York corporation  
authorized to do business in the State of New York, having an office and place of business at  
1160 Parsippany Boulevard, Parsippany, New Jersey, as Surety, are held and firmly bound unto  
00/100, as obligee, in the sum of FIVE THOUSAND AND  
00/100 Dollars (\$ 5,000.00)  
lawful money of the United States of America, for which payment well and truly to be made, we bind  
ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally firmly by  
these presents.

**SIGNED, SEALED AND DATED THIS** 24th **DAY OF** AUGUST, 19 94

Whereas, the Principal has entered into an agreement with the  
TOWNSHIP OF KENT, Oblige  
guaranteeing only that the Principal will complete site improvements as per the TOWNSHIP OF KENT  
RESOLUTION WHICH IS ATTACHED AND MADE PART HERETO.

at certain land known as PONDVIEW SUBDIVISION (FAIR STREET MONUMENTS)

all of which improvements shall be completed on or before the date set forth in the agreement.

Now, therefore, the condition of this obligation is such, that if the Principal shall carry out all the  
terms of said agreement relating to the site improvements only and perform all the work as set forth  
therein all within the time set forth in said agreement, then this obligation shall be null and void,  
otherwise to remain in full force and effect. This bond is not transferable or assignable. It is a further  
condition of this bond that in the event the Principal shall, during the period of time within which this  
bond is in force and effect, have transferred title to the property upon which the site improvements are  
required to be made or in the event the Principal is a corporation, shall have transferred a majority of its  
shares and the Surety shall advise the Oblige of such transfer then and in that event, the Oblige  
agrees that it will immediately require such transferee to post a replacement bond and will further  
cause a Cease and Desist Order to be issued with regard to the project, until such time as such a  
replacement bond has been delivered to the Oblige. Otherwise, the obligations of this bond shall  
remain in full force and effect, but in no event to be assignable.

No party other than the Oblige shall have any rights hereunder as against the Surety.

The aggregate liability of the Surety of the Bond Obligation set forth herein shall not exceed the  
penal sum hereof for any cause or reason whatsoever, inclusive of attorney's fees or other costs.

**PRINCIPAL:** BAYSWATER REALTY &  
CAPITAL CORP.

**ATTEST:** \_\_\_\_\_

**BY:** \_\_\_\_\_

*L.S.*