

Town of Kent Planning Board

Approved: May 8, 2014

**Minutes
Town of Kent Planning Board Meeting
April 10, 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.

The following Planning Board members were in attendance:

Michael McDermott, Chairman	Anthony Mastrangelo (Alternate)
Janis Bolbrock, Vice Chairman	Arthur Singer (Alternate)
George Brunner	Philip Tolmach
Dennis Lowes	Glenna Wright

Others in attendance:

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

Absent:

Charles Sisto

• **Approval of Planning Board Minutes from February 28, 2014 and March 13, 2014**

Mr. McDermott asked for a motion to approve the minutes from the February meeting. The motion was made by Mr. Brunner and seconded by Mr. Tolmach. The motion carried. Mr. McDermott asked for a motion to approve the minutes from the March meeting. The motion was made by Ms. Wright and seconded by Mr. Tolmach. The motion carried.

• **Hilltop Estates (Kent Development Corp), Peckslip Road, Kent, NY; TM: 12.-1-38 & 42**

This was a continuation of the Public Hearing on this project. Ms. Jaime Kieper, of Insite Engineering, represented Doug and Richard, the owners of this property. She said that since the last meeting revisions had been made to the stormwater management areas and the access to those basins. There are no longer plans to donate those stormwater areas to the town. The applicant proposes to set up a drainage easement which would encompass those basins, the access and associated drainage pipes. There are also plans to y also are proposing to set up a drainage district which would allow for the nine lots on the top portion of the road to absorb the costs for the maintenance of the stormwater management areas, rather than burdening the town with the expenses. The access road has also been relocated and it will be situated within the drainage easement and will come off of the proposed road. The Planning Board had concerns about the access drive length, steepness and surface. and Mr. John Watson, of Insite Engineering, met with Mr. Richard Othmer (Kent Highway Superintendent) to address them. They visited two access drives which have 10-15% slopes on grass surfaces of considerable length after a significant rainfall event. Mr. Othmer was very impressed and sent a letter to the Planning Board stating that he has no issues with the proposed access drive (attached). Ms. Kieper requested that the Public Hearing be closed at the April meeting and that a Negative Declaration be issued. The DEP and Health Department are waiting for this to be done before giving their approvals.

Mr. McDermott asked for comments from the Planning Board consultants before opening the Public Hearing.

Bruce Barber's Comments (memo attached)

Mr. Barber said the majority of his comments were related to housekeeping elements. He reminded the Planning Board that the commercial site is within the DEC 100' wetland buffer and there will be some disturbance and a wetland permit will be required, unless otherwise stated by the DEC, and documentation should be presented to the Planning Board if this is the case. Mr. Barber said that the applicant is willing to work with him to establish a clustered tree plan to provide as great an environmental benefit as possible. Mr. Barber advised the Board that the applicant is awaiting information on an adjoining lot controlled by the applicant with respect to the DEP watercourse and he deferred to the Town Planner on this matter related to any SEQR issues. Mr. Barber said that there had been discussions about the following items:

- The proximity of the stormwater basins to the adjoining property owner's lot and how to ensure that water from the basins would not flow onto their property. Mr. Watson will provide information with respect to this.
- The viability of the adjoining property owner's trees after the stormwater basins are put in. Information is to be forthcoming on this as well

Julie Mangarill's Comments (memo attached)

Ms. Mangarillo said that she thought that she thought the driveway on lot 10 should have a culvert and that the applicant should check with the Town of Kent Highway Superintendant about this. She requested more details regarding the water storage tank and how the Fire Department will hook up to it.

Mr. McDermott asked for comments from the public regarding this project.

Mr. Arthur Singer asked about the width of the road reduction, particularly the end of the proposed road bordering Dutchess County. He asked about lot 8 and if the homeowner would have responsibility for maintenance of any of the basins or be able to construct a second house. .

Mr. Wilson said that there has always been a bias in the code against cul-de-sacs and the Town encourages continuation of through roads whenever possible.

Mr. Wilson said that lot 8 became what it is because the Town did not wish to accept the donation of the open space so it was merged with lot 8. He responded to the question about whether or not the prospective owner would be responsible for maintenance of the stormwater basins and said that they would not be. He said that, in his opinion, lot 8 should not be subdivided because of the steepness and he felt that any development may impede access to the stormwater facilities.

Mr. McDermott asked Mr. Wilson about the funds for maintenance of the stormwater basins and if that had been addressed. Mr. Wilson said that he would defer to Ms. Kieper about this matter and she said that the drainage district would incur the costs and would get further clarification for the Planning Board.

Mr. Curt Fuchs, the adjoining property owner, asked to be heard. He said that he wanted to pick up new plans to review them. He said he had concerns about the future value of his property after the stormwater basins are constructed. He said he had done hydrology research about soil limitations. He said that the land is bedrock and that he would like someone to go over the charts and check the soil. He also said he is worried about groundwater contamination in the area when the drilling is done for the wells and the water tank for the fire department. He asked that the Public Hearing be kept open until these issues are resolved.

Mr. Dennis Lowes asked Ms. Kieper about the soil testing and whether or not they got 7' pits on each lot and she said she wasn't sure what each lot got but it was listed on the plat. She said all the testing holes were listed for the septic systems and that the DEP witnessed the testing and approved it. He asked about the perk testing and said that the DEP also approved that. Mr. McDermott asked Mr. Lowes to explain the perk testing procedure. He said the Health Department and the DEP needs to witness the testing done by backhoe. An area on each of the lots must be 7' prior to reaching bedrock and a hole must be dug with a post hole digger at least 30" deep because that would be the depth of the bottom of a distribution trench in a septic system on day 1 and it must be filled with water. On day 2 the DEP, Health Department and contractor returns to refill the hole to a certain depth and this is done 2-3 times to determine the percolation rate. The timing is taken for a water drop of 3" which gives the average percolation rate of a given soil, which governs the lengths of the piping in the distribution field for the affluent coming out of the septic system into the ground. Mr. McDermott asked Ms. Kieper to confirm all the testing has been done and she said that it had been done. Mr. Lowes asked about two lot line changes and why they had been done. The large one in the middle had been done because the applicant owns that piece of property as well and they are not sure what they want to do with it at this point. Mr. Lowes said it had to be detailed on the plat and Ms. Kieper said it was shown on the map. Mr. Lowes asked about a wedge at the bottom of the hill. Ms. Kieper said it was an existing easement to Mr. Schults, who had encroached on the property and the previous owner had given him permission to do so and Mr. Esposito also had no problem with it. Mr. Lowes said it must be legalized and noted on the plans. Ms. Kieper said that they would see that this was done.

Ms. Bolbrock asked if there were any plans for "LEED construction" and Ms. Kieper said that there were no plans at this time, but the applicant is looking into it.

Neil Wilson's Comments (memo attached)

Mr. McDermott asked Mr. Wilson what actions the Planning Board should take. Mr. Wilson said that he recommended adjourning the Public Hearing until the May meeting, but to authorize him to prepare the draft Negative Declaration and preliminary Sub-division Approval Resolution, which would also include the Lot Line Revision and Stormwater Erosion Control Permits. He said he would prepare these documents and distribute them prior to the workshop in May. He also wanted to point out that the commercial lot has a building shown on it only for illustrative purposes and that will be annotated on the plans. If and when there are plans to develop it they must return to the Planning Board for approval.

Mr. McDermott asked for a motion to adjourn the Public Hearing for Hilltop Estates to the May meeting and to authorize Mr. Wilson to prepare the material mentioned above. The motion was made by Mr. Bruner and Dennis Lowes seconded it.

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>
Anthony Mastrangelo (Alternate)	<u>Aye</u>
Charles Sisto	<u>Absent</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

- **Boccia Property, Beach Court, Kent, NY.; TM: 21.-1-16**

Mr. Harry Nichols represented the applicant and Ms. Sabina Boccia also was present for the meeting. This project is for proposed construction of a one family home on a 22 acre parcel located on the east side of upper Lake Nimham flanked by Beach Court. The soil has been tested and the Board of Health has approved the system and NYC has also been involved in the approvals. There will be a drilled well on the property.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo previously had a question regarding who owns the strip of land from Beach Court accessing the gravel driveway to the property and she said the drawings now show the entire length, but no determination has been made as to ownership and who else has access rights to it. She said it appears that the house on lot 21.13-1-20 connects to the existing gravel drive and the paved section of Beach Court and she doesn't know where the town right-of-way ends and the private access begins, but the answer needs to be made clearly and delineated on the plans. Also, the parcel does not have the required 250' of road frontage and she said the applicant must go to the Zoning Board for a variance. She said that road improvements and grading will need to be done and additional topography information needs to be submitted.

that they owned the access road going into the property. Ms. Mangarillo said that the deed or title search should be presented to prove ownership as well as an updated survey. Mr. McDermott and Ms. Mangarillo recommended that this be referred to the Town Attorney for his opinion.

Mr. Barber's Comments (memo attached)

Mr. Barber said that he had visited the property and saw that there is a watercourse fed by a substantial wetland area adjacent to this property, which has not been recognized as jurisdictional to the Town of Kent. He said if improvements are made to the driveway it may be within the 100' setback of upper Lake Nimham. Therefore, there is the potentiality of jurisdictional Kent wetlands, a Class B NYSDEC Lake which is regulated, and since there is a watercourse it may require DEP involvement. In this case a stormwater permit may be necessary. He recommended that the wetlands be delineated by a consultant of the applicant's choice and followup with Mr. Barber. The applicant should also contact DEC and DEP for their decisions and requirements. He will contact the Putnam County Health Department to discuss whether or not soil testing has been conducted. The site is comprised of a great deal of ledge and boulders, but has been cleared and the prior Building Inspector issued violations related to this/ There is also a shed which may be in the wetlands area, which has not been approved. He will work with Mr. Walters to see the status of the violations. The proposed limits of disturbance on this project is 41,120 square feet and it doesn't appear to include driveway improvements and if it is to be included the limits of disturbance will be greater. He recommended the Planning Board schedule a site walk.

Mr. Wilson's Comments (no memo)

Mr. McDermott asked Mr. Wilson for input regarding the ownership question. Mr. Wilson suggested the applicant obtain a title search and submit it to the Planning Board and forwarded to the Planning Board Attorney, Mr. Ronald Blass, for his opinion. Mr. McDermott spoke to Mr. Nichols about Mr. Wilson's suggestions and Mr. Nichols advised him to contact the Town Attorney. Mr. McDermott responded by telling him that the procedure was for the applicant to contact the Town Attorney.

Ms. Boccia asked to be heard and said that when the violation was issued regarding the clearing of the property and that she had immediately stopped and met with Ms. Butler, She was told by Ms. Butler that eventually an Erosion Control Plan would have to be prepared and approved. Mr. McDermott advised her to contact the current Building Inspector. Ms. Boccia advised Mr. McDermott that she has a deed with proof of ownership as well as confirmation of this from her title company. Mr. McDermott told her to see that her engineer had copies of this documentation.

- **Frangel Realty, Route 52, Kent, NY; TM: 33.48-1-6**

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo reminded the Planning Board that this project pertained to the applicant connecting to the Town sewer main on Route 52. This application was referred to the Town Board because each building must have its own lateral connection. However, Frangel Realty has three buildings on their site and had previously intended to have laterals meet on the property and flow into one manhole. Because of the change in the sewer law the Town Board needed to approve this plan and had done so. All requirements have now been met and she recommended conditional site plan approval.

Mr. McDermott discussed a memo sent from Arthur Singer (attached) regarding the chain of custody for materials and confirmed with Ms. Mangarillo that his concerns had been addressed. Ms. Mangarillo said that new material submitted on April 10, 2014 had a note regarding this (her response to Arthur's note attached).

Mr. Wilson's Comments (memo attached)

Mr. Wilson amended his site plan approval document, with input from Ms. Mangarillo (attached). Paragraph 9 was added to Page 4 and the prior language on Paragraph 10 had been modified regarding fees. Mr. Wilson said that he had determined that this is a Type II action under SEQR. He recommended that conditional approval be given and that the applicant continue working with Ms. Mangarillo to get the maps ready for signature.

Mr. McDermott asked for a motion to grant conditional amended Site Plan Approval, a Steep Slope and Erosion Control Permit Approval which is consolidated into one document. Mr. Tolmach made the motion and it was seconded by Mr. Mastrangelo.

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>
Anthony Mastrangelo (Alternate)	<u>Aye</u>
Charles Sisto	<u>Absent</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

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

- Scott Frey (Zappolo Property)	Erosion Control/	Status Report
Bowen Road, Kent, NY	Wetland Permit	
TM: 22.-1-24		

Ms. Mangarillo said that this project had been referred to the Town Board for approval and that they were almost ready for the Chairman to sign the final drawings

- Lakeview Church	Site Plan	Status Report
Route 52, Carmel, NY		
TM: 33.18-1-14		

We are awaiting resubmittal to address conditions of their site plan approval.

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| - Buckley Property
12 Par Court, Carmel, NY
TM: 42.7-1-20 | Erosion Control/
Driveway Variance | Status Report |
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The applicant has submitted all the documentation and are ready for the Chairman to sign their drawings.

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| - Morini Property
China Paper Circle, Kent, NY
TM: 42.18-1-2 | Erosion Control | Status Report |
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One of the outstanding items is approval from the Sedgewood for their improvements and are working through that.

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| - Kent Materials (Mountain View)
Route 52, Kent, NY
TM: 12.-1-44 | Amend Site Plan | Status Report |
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This project was approved by the Planning Board Chairman before the April 10, 2014 meeting and are moving ahead. Mr. McDermott noted for the record that local citizens had recently called the Planning Board office to comment on how much better the site looked.

Mr. McDermott asked for a motion to adjourn the meeting. The motion was made by Mr. Brunner and seconded by Mr. Tolmach. The motion carried. The meeting adjourned at 8:40 PM.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk