

Approved: September 11, 2014

Minutes
Town of Kent Planning Board Meeting
August 14, 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

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
Neil Wilson, Planner

Absent:

Anthony Mastrangelo (Alternate)

• **Bill Nulk, President Putnam County Chamber of Commerce**

Mr. McDermott introduced Mr. Nulk, President of the Putnam County Chamber of Commerce.

Mr. Nulk said he was representing the Putnam County Industrial Development Agency. The mission of the IDA is to attract and retain good businesses in Putnam County and to bring new jobs to the county. Ms. Bolbrock asked Mr. Nulk to expand on some of the benefits IDA offers to businesses. Mr. Nulk said that they can assist with loan guarantees, bonding possibilities and tax abatements. Mr. McDermott asked how businesses could contact the IDA. Mr. Nulk said they have a website or they may contact him directly.

• **Approve Planning Board Minutes from July 10 , 2014**

Mr. McDermott asked for a motion to approve the Planning Board minutes from July 10, 2014. The motion to approve the minutes was made by Janis Bolbrock and seconded by Philip 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>
Anthony Mastrangelo	<u>Absent</u>
Arthur Singer	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

- **Sunoco, Route 52, Kent, NY; TM: 12.-1-43**

Ms. Laurie Pettingill represented the applicant, who submitted an Amended Site Plan, regarding modifications to the interior equipment as well as slight exterior changes to this establishment. They will be adding a deli case, a bench and two stools to the interior. Everything else will remain the same. The outside will be the same, but they want to change the color of the gooseneck lights from silver to silver with a red band.

Mr. Neil Wilson's comments (memo attached)

Mr. Wilson said that the principal concern was the addition of seating and that he had gone over the plans from 2004 and 2005. The final approved plan did not include seating and the concern was the adequacy of parking. This was also a concern at the present time. Mr. Wilson said the proposed interior changes are minimal and the changes to the exterior are also minor. He recommended that a motion be made to waive the Public Hearing and another to approve the amended architectural plans. He said he would include all the pertinent details in his Resolution.

Mr. McDermott asked for a motion to waive the Public Hearing on the Sunoco Amended Site Plan Application. The motion was made by Mr. George Brunner and seconded by Dennis Lowes. 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	<u>Absent</u>
Arthur Singer	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

Mr. Lowes asked if there would be any additional load on the existing septic system. Ms. Pettingill said that the restroom and fixtures would remain the same and that she didn't anticipate any additional demand on the septic system.

Mr. McDermott asked for a motion to approve the amended architectural plans as presented for the Sunoco Gas Station. The motion was made by Mr. Philip Tolmach and seconded by George 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>
Anthony Mastrangelo	<u>Absent</u>
Arthur Singer	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

- **Sheridan Property, Gatehouse Court, Kent, NY; TM: 43.-2-18**

Mr. Thomas Nejame, a swimming pool contractor, represented the applicants who were seeking approval for site plan and erosion control approvals. The proposed in-ground swimming pool dimensions are: 17' x 36' and will be constructed behind the house and deck. It will not be located near the septic system.

Mr. Barber's Comments (memo attached)

Mr. Barber said that an earlier map had a watercourse on the property and he visited the site and confirmed that it is on the property and it has enough flow and vegetation to support the fact that it is a perennial watercourse and regulated by the Town of Kent as shown on the prior map with an associated 100' buffer. A wetland permit would be required.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that her records show that in 2001 an application for an erosion control plan was submitted for construction of the house and driveway, which remains open. She suggested that before proceeding with the pool application the initial erosion control plan be closed. She wanted to see an updated survey showing the topography of the property.

Mr. Lowes asked if a "Wetland Delineation" should also be conducted. Mr. Barber said that the watercourse was shown on a prior survey and he was confident that a surveyor could pick up the boundaries and that nothing further needed to be done.

- **Lewis/Ackerley Property, 72 Barrett Circle Court, Kent, NY; TM: 42.12-1-24,25**

Ms. Yoon Young Hur and Ms. Teresa Ball of Matthew Baird Architects and Mr. Jack Karrel represented the applicants. The applicants propose to demolish an existing house and construct a new single-family house, detached garage and a swimming pool. The well will be connected to the new house and they hope to reuse the existing septic system and supplement it with new fields outside of the wetland set-back.

Ms. Mangarillo's Comments (memo attached)

One of her main comments was that the current plan doesn't show any proposed grading to show where the garage, pool and house are going to be located. Ms. Mangarillo provided the bond estimate, but suggested holding off on approving it at the present time.

Mr. Barber's Comments (memo attached)

Mr. Barber said that the aspect he wanted to address was that the existing septic system is located in a Kent Wetland Buffer and has the potential of contaminating the lake. He urged the Planning Board to have the applicant construct a new septic system outside the wetland and buffer with a 100 % expansion area.

Mr. Wilson's Comments (memo attached)

When the application first came in Mr. Wilson did not realize that the house was going to be demolished and a new one constructed. He said that once the structure is removed a property loses its legal non-conforming status. He confirmed that a wetland permit would be required for this property.

Ms. Bolbrock asked if the Fire Department had inspected the roads and Mr. Wilson said that they had inspected the roads and had no concerns.

Ms. Ball asked if the applicant wasn't allowed to use the existing septic system what the process would be in determining the location of the new system. Mr. Karrel said that the Board of Health had been approached and he expected to get approval from them within the next month to use the existing system. He asked the Planning Board to approve the plans conditionally in order to proceed with this project.

Ms. Mangarillo said that she was not comfortable approving the plan until further details were furnished.

Mr. McDermott asked Mr. Barber to speak again. Mr. Barber said that he was not clear about whether the applicant was going to de-commission the existing system when constructing the new system. Mr. Karrel said they would be disconnecting the old one when the new one was approved.

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

Mr. McDermott asked Mr. Sisto and Ms. Wright to recuse themselves from this discussion and asked Mr. Singer to step in.

Mr. McDermott noted that the applicant submitted material pertaining to a request for an extension for approvals and that he felt that granting an extension would not be possible because all the extensions allowable had already been granted and will soon be running out. He asked Mr. Wilson to explain the process which would need to be followed. He said that the current approvals will expire in November and that new applications and fees had been submitted to re-apply. He suggested that the Planning Board would need to re-issue all of the prior site plan, erosion control and wetland permits without changes from 2010. They also needed to decide if a Public Hearing would be warranted. If the Planning Board decided to re-issue the approvals they would be in effect beginning November for one year and would have two 90 day extensions for a total of 18 months. If the Planning Board wanted to hold a Public Hearing Mr. Wilson recommended opening it in September. Mr. Wilson also stated that a SEQRA may not be re-opened in its entirety.

Mr. Singer asked why the Planning Board was not treating the request from the applicant as if it was a new application. Mr. Wilson said that everything remained the same and had been approved. He said that he was not suggesting that the consultants and Planning Board members would not be reviewing the plans nor would they be rushing the reapprovals. Mr. Singer reiterated that some of the Planning Board members are new and seeing these plans for the first time.

Mr. Tolmach asked about the pollution potential and if the water should be retested. Mr. Wilson deferred to Mr. Barber and Ms. Mangarillo regarding the question about pollution to the lake and re-testing.

Ms. Bolbrock asked if all of the site plan conditions had been satisfied from the prior approvals. Mr. Wilson said that Mr. Contelmo would answer this question.

Mr. Jeff Contelmo represented the applicant on this project. A memo from Mr. Camarda (attached) had also been submitted explaining why this project had not proceeded as planned. Mr. Contelmo apologized for the wording of the applicant's request and agreed that it should have been for reapproval of the plans. He said that the project had been affected by the recession and economy. He said that since there had not been any changes to the environment or to the regulations the request for re-approval should be granted. Mr. Contelmo said that the SEQRA investigation was very extensive and that the lake was being monitored very closely. Ms. Bolbrock asked whether or not the conditions of approval had been satisfied, specifically documentation from the Army Corp of Engineers. Mr. Contelmo told her that their involvement had pertained to replacement of the drainage pipes along Route 311 and that the work had been completed and that their involvement was ended. Ms. Bolbrock asked about a letter from the Army Corp of Engineers related to the watercourses because it could tie into the Croton Reservoir. Mr. Contelmo said that pipes along Route 311 had been corroding and that the watercourses were close to the drainage pipes. The Army Corp of Engineers authorized Insite to perform the repairs and the work has been completed. He said that many of the conditions remain open, but will be affected by the business arrangement made with the tenants. Mr. Brunner asked about a trench which ran across the property. Mr. Contelmo said that that the work has not been undertaken to date, but will be improved later.

Mr. McDermott asked Mr. Barber to speak about the questions about the Army Corp of Engineers involvement and the phosphorous pollution to Lake Carmel and the possibility of re-opening of SEQRA. Mr. Barber said that since the application was approved the only regulatory aspect that has changed was a revised SWPPP permit issued in 2010 and that Ms. Mangarillo would be reviewing this material. With respect to the pollutant question Mr. Barber reminded the Planning Board that there was a lot of analyses done by the applicant in order to reduce the phosphorous and sediment loading into the cove area of Lake Carmel. In addition to the stormwater basins required by DEC the trenches were going to be restored and mitigated. He said that the phosphorous pollutant was caused by septic systems around the lake. Mr. Barber said the Army Corp's involvement was limited to an area along Route 311, but that he had not seen any correspondence from them and would look into it.

Mr. McDermott asked Mr. Contelmo to return to the podium for further discussion. Mr. Contelmo said that the applicant is locked into the original SWPPP and is not bound to keep changing the plan, but they are bound by any new administrative changes in reporting. He said that any technical plans had been approved; therefore any new regulations do not apply to this project. Regarding the revision date on the DEP SWPPP – when the highway improvements were made the DEP asked Insite to amend the overall phasing plan in Patterson and Kent because the highway improvements were planned at the end of the project.

Mr. Singer said that Mr. Contelmo cited a case law and asked him to give him the name of the case law and Mr. Contelmo said that he did not have that information.

Mr. McDermott asked Mr. Wilson to confirm what was expected of the Planning Board regarding this project. Mr. Wilson said that the applicant must submit all material required for a site plan and it would be treated as if it were a new project. He said that all the documents would be discussed to see if there were any changes to the site plan, erosion control, freshwater and wetland permit plans. He said that he, Ms. Mangarillo and Mr. Barber would review everything and prepare memos regarding their findings for the next meeting. The legal standard for reapproval and what case law states would also be investigated and documented. Mr. Wilson recommended that any further discussion be deferred to September. Mr. Singer asked where the applicant was with the town of Patterson. Mr. Contelmo said that the applicant has approximately 12 approvals from other agencies and they are current. Patterson granted an extension through October of 2015. Mr. McDermott asked Mr. Contelmo to furnish documentation pertaining to the other approvals and their status. Mr. Contelmo said he would do so.

Mr. McDermott asked for an update regarding the following Permit Applications:

- Hilltop Estates (Kent Development Corp)	Subdivision/Erosion Control	Status Report Discussion
Peckslip Road, Kent, NY		
TM: 12.-1-38 & 42		

Mr. Watson and Mr. Esposito were present at the meeting. Mr. Watson reported the status of DEP, NYSDEC and Putnam County Department of Health approvals. The DEC wetland permit was approved. NYSDEC and Putnam County Health Department have issued comments and he expects to respond to them within two weeks. He doesn't expect any plan changes and will send a cover letter responding to comments from Ms. Mangarillo rather than submitting new plans. He asked the Planning Board to consider preparing a Resolution for the next meeting.

Ms. Mangarillo said that most of her comments were minor and confirmed that she was waiting for the approvals from the other agencies.

Mr. McDermott asked Mr. Wilson to discuss the stormwater maintenance fee of \$3,000.00. Mr. Wilson said that this fund was requested by the Highway Superintendant, Mr. Othmer, and still needed to be discussed. The applicant has decided to form an Homeowners Association and to eliminate the need for the \$3,000.00 maintenance fee. He said he would like to discuss this matter further with Mr. Watson and the applicant at the consultants' review meeting. Mr. Wilson said that he would agree to prepare the Resolution, but the Planning Board still needed to determine whether or not a Public Hearing should be held. He did not see a need for one, but suggested the Planning Board decide in September. Mr. Lowes asked Mr. Watson the status of the scale on the adjoining property and Mr. Watson said that the scale is not on the subject property, but on the adjoining property. Mr. Esposito said that he was told that it had been removed.

Mr. McDermott asked for a motion to authorize Mr. Wilson to prepare a Resolution of Final Approval with conditions required for the September meeting. At that time the decision would be made regarding the need for a Public Hearing. The motion was made by Mr. George Brunner and seconded by Mr. Philip 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>
Anthony Mastrangelo	<u>Absent</u>
Arthur Singer	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

- Kent Materials Kent, NY TM: 12.-1-44	Amend Site Plan	Status ReportRoute 52,
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Ms. Mangarillo asked to discuss Kent Materials before moving on to Precision Armory and said that Kent Materials had asked her to look at their phasing plan again. She asked Mr. Watson to give an update to the Planning Board. Mr. Watson said that the crushing had been going on for a while and that there had been six blasts that went well. He said that the applicant is 1/3 of a way through Phase 2 and asked to make some modifications in order to proceed to Phase 3 if Ms. Mangarillo agreed. Ms. Bolbrock said she only recalled three phases and Mr. Watson said that there had always been four phases. Mr. Watson said Phase 4 was the final part of the plan when the buildings would be constructed or the land would be stabilized if there were no buyers. Ms. Mangarillo said that she had reviewed the plans and had advised the applicant that they could proceed with Phase 3 at that time. Mr. Barber was asked for his opinion and he said that he had no concerns, but would inspect the property if the Planning Board wanted him to do so. Ms. Mangarillo said she would propose that a site visit be scheduled for the next week with Messrs. Barber and Walters.

- Precision Armory Route 52, Carmel, NY TM: 33.14-1-10	Site Plan Switching Buildings	Status Report
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Ms. Mangarillo said that she had issued her completeness review memo was still waiting for comments regarding documentation from the DOT approval of the curb cutchanges on the property.

- Boccia Property Beach Court, Kent, NY TM: 21.-1-16	Erosion Control	Status Report
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Ms. Mangarillo is still waiting for documentation from the applicant regarding access issues.

- Lakeview Church Route 52, Carmel, NY TM: 33.18-1-14	Site Plan	Status Report
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Ms. Mangarillo received revised plans and issued a memo that all comments have been addressed and the drawings are ready for Chairman's signature.

- Morini Property China Paper Circle, Kent, NY TM: 42.18-1-2	Erosion Control	Status Report
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Ms. Mangarillo said that this is still open.

- Putnam Concrete 301 Route 52, Kent, NY TM: 44.6-1-7	Site Plan/Erosion Control Plan Code Violations	Status Report
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This is also still open and we've had no new discussion with the owners.

Mr. Walters advised the Planning Board that he had met with Mr. Dring both in his office and on site. Mr. Dring has been moving soil in the rear of the property and he had put up a silt fence to protect the property and the wetlands. Approximately 1/3 of the soil has been removed and it has been leveled. Mr. Dring wants to have it all removed by Labor Day and Mr. Walters agreed to allow him to do that. Several neighbors have contacted him complaining about noise and changes of use to the property. Mr. Walters said that the DEC has cited Mr. Dring as well, but he does not know the outcome.

Mr. McDermott asked for a motion to adjourn at 9:15 PM. The motion to adjourn was made by Mr. Brunner and seconded by Mr. Tolmach. The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

AUGUST
2014
AGENDA

Workshop: August 07, 2014 (Thursday, 7:30 PM)

Meeting: August 14, 2014 (Thursday, 7:30 PM)

- Bill Nulk, President Putnam County Chamber of Commerce
Introduction
- Approve Planning Board Minutes from July 10, 2014
- Sunoco
Route 52, Kent, NY
TM: 12.-1-43
Amended Site Plan
Review
- Sheridan Property
Gatehouse Court, Kent, NY
TM:
Site Plan/Erosion Control
Review
- Lewis/Ackerley Property
Review
72 Barrett Circle Court, Kent, NY
TM: 42.12-1-24, 25
Wetland & Erosion Control Permits
- Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48
Site Plan /Permit Extensions
Discussion

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

- Hilltop Estates (Kent Development Corp)
Discussion
Peckslip Road, Kent, NY
TM: 12.-1-38 & 42
Subdivision/Erosion Control
Status Report
- Precision Armory
Report
Route 52, Carmel, NY
TM: 33.14-1-10
Site Plan
Switching Buildings
Status
- Boccia Property
Report
Beach Court, Kent, NY
TM: 21.-1-16
Erosion Control
Status
- Lakeview Church
Route 52, Carmel, NY
TM: 33.18-1-14
Site Plan
Status Report

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

Erosion Control

Status

- Putnam Concrete
Discussion/Workshop
301 Route 52, Kent, NY
TM: 44.6-1-7

Site Plan/Erosion Control Plan

Code Violations

Revised 8/11/14