

Approved: March 12, 2015

Minutes
Town of Kent Planning Board Meeting
February 12, 2015

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, Chair
Janis Bolbrock, Vice Chair
George Brunner
Dennis Lowes

Charles Sisto
Philip Tolmach
Glenna Wright

Others in Attendance:

Bruce Barber, Environmental Consultant
Julie Mangarillo, Engineering Consultant

Bill Walters, Town of Kent Building Inspector
Neil Wilson, Planner

• **Approve Planning Board Minutes from January 8, 2015 and December 11, 2014**

Mr. McDermott asked for a motion to approve the Planning Board minutes from December 11, 2014. Ms. Bolbrock made the motion to approve the Planning Board Minutes for December 11, 2014 and it was seconded by Mr. Tolmach. Mr. McDermott asked for a motion to approve the minutes for January 8, 2015. The motion was made by Mr. Tolmach and it was seconded by Mr. Sisto. 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.

• **Schulhof-Kravits Property, 8 Cat Briar Road/Gipsy Trail, Kent, NY; TM: 21.19-1-10**

This was a new project for an erosion control plan for an addition to an existing residence. Mr. Jack Karell represented the applicants. Mr. Karell said the proposed plan is to demolish approximately 50% of the existing house and replace it with an addition and to demolish an existing swimming pool and replace it with a new one. Mr. Karell received Board of Health approval and confirmation that the house will be 3 bedrooms, the same as the existing house. The only change would be that there would be a new concrete septic tank installed in place of the old metal one. Most of the work is being done in the existing footprint of the old house and swimming pool.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo noted that there was a new DEC permit for discharges from construction changes and a change was that stabilization for projects in the NYSDEP East of Hudson Watershed must begin the next business day after the work is finished and needs to be completed within seven days. Most of the comments in Ms. Mangarillo's memo related to information required for the erosion control and SWPPP plans, especially under the new permit.

Mr. Barber's Comments (memo attached)

Mr. Barber said that he would inspect this property when the weather permitted it.

Ms. Mangarillo recommended that this project be moved to the administrative track and that the Planning Board consider waiving a Public Hearing because this was an existing residence. Ms. Bolbrock asked if a letter from Gipsy Trail Homeowners Association would be required, as had been done in the past. Ms. Mangarillo said that a previous applicant had been asked to provide a letter from the HOA because the plans had involved changes to the driveway. Ms. Mangarillo and Mr. McDermott said that in this case one was not necessary.

Mr. McDermott asked for a motion to waive a Public Hearing on the erosion control application. The motion was made by Mr. Tolmach and seconded by Ms. Wright. 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 asked for a motion to move this project to the administrative track. The motion was made by Mr. Tolmach and seconded by Ms. Wright. 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.

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

This project required an erosion control and site plan review for a proposed addition to Putnam Nursing and Rehabilitation Home. Mr. Bill Nicholson, of the Congress Companies, Gary Kane from the architectural team, and David Getz of Lehman Getz represented the applicant. Preliminary concepts were presented to the Planning Board at the monthly review meeting on January 23, 2015 and suggestions were incorporated into the plans presented at the meeting. There are two parcels which are involved and the decision has not been made whether or not to combine them or leave them separate. The nursing home is located in an R-80 district and, as discussed at the meeting on January 23, 2015, a nursing facility is not an allowed use nor prohibited in an R-80 district. This matter will need to be resolved. The plans show the 100' wetlands setback which is yet to be verified. Mr. Nichols said that there will be a 50-bed addition in the first phase and when completed the residents will be transferred into. The second phase would consist of renovating and upgrading the existing facility. The financial structure limits the renovations to the existing facility. There will be no increase in beds when the addition is completed.

Mr. Sisto asked if the existing septic system would be adequate when the addition was completed, and the answer was that it would be satisfactory.

Mr. Barber's Comments (memo attached)

Mr. Barber stated that all the comments by Ms. Mangarillo, Mr. Wilson and himself made at the review meeting had been addressed by the applicants. He said that when the weather was better he would again go out to the site to inspect the wetland buffer.

Mr. Wilson's Comments (memo attached)

Mr. Wilson said that one of the things that had been discussed was that when zoning was updated in 2008, nursing homes were not included in the R-80 zone and it should have been. He recommended that the recommendation be sent to the Town Board to set a public hearing to correct this matter.

Mr. McDermott asked for a motion to recommend the change to the code, as recommended by Neil Wilson. The motion was made by Glenna Wright 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. Wilson said that by the time the amendment to the code was made he assumed that the applicant would be ready to begin the site plan review.

Mr. Lowes asked if any wetland mitigation policies would be necessary. Mr. Barber said that it didn't appear that the applicant would be disturbing any wetlands and the Army Corp of Engineers would not need to be involved. The DEC and the Town of Kent would be checking to see if there were any changes made to the jurisdictional wetlands.

• **Kent Materials, Route 52, Kent, NY; TM: 12.-1-44 & 12.-1-48**

Mr. Watson represented Mr. Caruso of G3 Aggregates on the amended site plan application on Kent Materials property and that owned by Mr. Weck to the south of Kent Materials. Rock cutting/mining would be consistent on the Weck property to what was done on the Kent Materials property. The following documents were updated:

- A full EAF standard form (Parts 1-3) was submitted because the new form included more information;
- A SWPPP amendment for Kent Materials and a separate one for the Unit Step property. All of the new earth work was brought onto a new stormwater system on the Unit Step property. The DEP and the town had concerns about the water flowing from one parcel to another, therefore the Kent Materials property was regarded to resolve this issue;
- The Noise Report was revised and included in the submission;
- The bond estimate was revised;
- The Phasing Plan has been revised (there will now be seven phases), and it will allow the applicant to blast in the center and leave a perimeter on the outside until the end of the project.

Mr. McDermott asked Mr. Watson if the final phase would prevent the applicant from leaving the site unstabilized. Mr. Watson said that the applicant will be stabilizing the property with Item 4 and will ensure the property is maintained.

Mr. Watson also noted that a beneficial plan change is that there will now be a 100' foot buffer on the Weck property close to the animal hospital which will reduce the noise level.

Mr. Barber's Comments (memo attached)

Mr. Barber said that his concern related to receptor 4, which is closest to the animal hospital, and he was pleased that this matter had been addressed. Mr. Barber referred to the Weck site plan from the 1980's and mentioned that there was a brook shown on the plan that was no longer present on the property and had been filled in. Mr. Barber said that there were some impacts to the brook, some wet areas which may have been jurisdictional wetlands, and a stormwater discharge system which would need to be addressed. Mr. Barber also wanted to be sure that no more than 5 acres would be disturbed.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo stated that she also suggested moving the temporary sediment trap so that no trees would need to be taken down and it could be reused for some type of mitigation. She also suggested that boulders be used to show where the wetland buffer was and also to protect the swale from the splitter and to ensure that no vehicles drove over it. Ms. Mangarillo asked if the Kent Material bond would be amended, which she preferred not to do, and if there would be a separate bond for the Weck property.

Mr. Wilson's Comments

Mr. Wilson said that a long form EAF had been submitted for this project and that the Kent Planning Board had previously been established as Lead Agency for Kent Materials, but that he felt that since this involved a separate piece of property it was important to recirculate the material establishing the Planning Board as Lead Agency. Mr. Watson confirmed that the mailings would be sent out on Friday, February 13, 2015. Mr. Wilson said that the Planning Board could have another Public Hearing and he thought it would be helpful to do so at the March meeting. Mr. Watson also encouraged the Planning Board to hold the Public Hearing in March.

Mr. Sisto asked Mr. Watson if anyone had expressed an interest in locating their business at the property, as discussed previously. Mr. Watson said that because the project was 3-4 years away from completion no one had expressed an interest. He said that there are some people that are more interested since the project has progressed so well. He said that for that reason nothing was being excavated more than 5 feet and no fill would be brought onto the property. Mr. Caruso said that his company is in the process of closing on the property and that they were actively seeking tenants and has one prominent concrete company interested. He said that they may need to modify the phases and go back to the Planning Board when they confirmed who the applicants were and what their needs might be. He reassured the Planning Board that there will not be a large hole left on the property.

Mr. McDermott asked for a motion to schedule a Public Hearing on this project for Thursday, March 12, 2015. The motion was made by Mr. Tolmach and it was 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.

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

Charles Sisto and Glenna Wright recused themselves from this discussion. Mr. Watson represented the applicants and asked that the bond estimates for the erosion control and stormwater plans be approved. Mr. Tolmach asked Mr. Watson about plans regarding a temporary road onto the property. Mr. Watson advised the Planning Board that this phase (1) only pertains to widening the existing road, putting down Item 4 and installing a sediment trap along the way to get into Patterson prior to building the project.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo confirmed that the applicant is seeking approval of bond estimates for the erosion control and stormwater bonds. She said she hasn't had time to go through the material as thoroughly as she wanted to, but that she didn't expect any problems. She recommended conditionally approving the bond amount until she reviewed the material at the March meeting.

Mr. McDermott asked for a motion to accept the bond estimate with condition that it will not be finalized until Julie Mangarillo reviews the material and that it be referred to the Town Board for their approval. 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>Recused</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Recused</u>

The motion carried.

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

The approvals for this project expires two days before our meeting in March and the applicant is entitled to a 90 day extension and Mr. Watson confirmed that they wished to do so.

Mr. McDermott asked for a motion granting a 90 day extension of approvals on the subdivision and erosion control of Hilltop estates. The motion was made by Mr. Tolmach and seconded by Mr. 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

• **Bayswater Pondview Estates, Carmel, NY; TM: 33.16-1-23 & 24**

The applicants asked for a motion to release a surety bond in the amount of \$85,000.00 to Colonial Insurance Company since this development was never completed.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said this project dates back to the 1990's for townhouses or condominiums, which never was completed. A portion of the property is located in Patterson and another part is in Kent. It was subdivided at that time, however, they now wish to sell the property and are in the process of merging the property. Bonds were provided, which the applicant has asked to have returned. She and Mr. Walters, Building Inspector, inspected the property and confirmed that nothing was ever done on the property. Ms. Mangarillo recommended that the bond be released.

Mr. McDermott asked for a motion to recommend to the Town Board that this bond be released. 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.

- **Chuang Yen Monastery, 2020 Route 301, Kent, NY; TM: 19.-1-40.1**

Ms. Mangarillo's Comments'

Ms. Mangarillo advised the Planning Board that this the applicant sent a letter indicating that this project is well over 90% complete and that there is only a 1,350 square foot staging area which is temporarily stabilized. The applicant requested that approximately 50% of the bond be released. Ms. Mangarillo said that typically the bonds have to be held for two years after completion of the project and that occasionally this rule is waived, but usually for small single family residences.

The Kent Planning Board discussed this matter at their workshop and decided that this had not been done previously and that it would be setting a precedent. Mr. McDermott asked for a motion to deny this request. The motion was made by Mr. McDermott and seconded by Mr. Sisto. 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.

- **Seven Hills Lake Dam Rehabilitation (DEP), FarmrsMills Road, Kent, NY; TM: 20.-1-43.1**

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said the applicant received conditional approval from the Planning Board on this project in the fall of 2014. They were waiting for approvals from the DEP & DEC approvals and have since received them and are now seeking final approval. Since wetland and erosion control permits were required for this project, Mr. Wilson prepared a Resolution to grant the two approvals. Mr. Wilson said that this project differs from others because it involved a DEP funded rehabilitation project. A letter was submitted from them on October 31, 2014 and was accepted previously by the Planning Board, after consulting with the Planning Board Attorney, in place of a surety or cash bond. The standard stormwater easement and maintenance agreements were also waived.

Mr. Barber's Comments (memo attached)

Mr. Barber noted that there were several revisions made to the planting plan, which were included in the SWPPP. He found the plant choices were adequate and the locations would be determined in the field by the DEP and the Town of Kent in the spring and will be inspected when it is completed by the Town of Kent.

Mr. McDermott asked for a motion to adopt the Town of Kent Planning Board Freshwater Wetland Permit and Steep Slope and Erosion Control approvals in the matter of the Seven Hills Lake Dam Rehabilitation project. The motion was made by Mr. Tolmach and seconded by Mr. 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

- **Updated Forms**

Mr. Wilson's Comments (forms attached)

Mr. Wilson advised the Planning that all of the forms had been updated with comments from the Planning Board and was ready to be put on the website. The forms had been distributed to the Planning Board as well. Mr. Wilson recommended a Resolution from the Planning Board to ratify the new instruction and application forms dated February 12, 2015.

Mr. McDermott asked for a motion to ratify and adopt the two forms noted above. 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.

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

- Wellington Property Towners Road, Lake Carmel, NY TM: 33.73-1-38 & 39	Amended Site Plan	Status Report
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The applicants are finishing up with their Board of Health approvals.

- Biben Property 146 S. Knapp Court, Kent, NY TM: 10.-1-1	Erosion Control Plan/ Wetland Permit Addition to existing residence	Status Report
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The applicants need to close out their old permit for their property before opening a new one for the proposed addition.

Mr. McDermott asked for a motion to adjourn the meeting at 9:30. The motion was made by Mr. Tolmach and seconded by Mr. 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>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk

FEBRUARY 2015 AGENDA

Workshop: February 05 2015 (Thursday, 7:30 PM)

Meeting: February 12, 2015 (Thursday, 7:30 PM)

- | | | | |
|---|---|---|------------|
| - | Approve Planning Board Minutes from January 8, 2015 and December 11, 2014 | | |
| - | Schulhof-Kravitz
8 Cat Briar Road/Gipsy Trail, Kent, NY
TM: 21.19-1-10 | Erosion Control | Review |
| - | Putnam Nursing Home
Ludingtonville Road, Kent, NY
TM: 12.-3-40 & 41 | Erosion Control/Site Plan | Review |
| - | Kent Materials (Mountain View)
Route 52, Kent, NY
TM: 12.-1-44 & 12.-1-48 | Amend Site Plan | Review |
| - | Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48 | Approval of Bond Estimate
& Findings Statement | Review |
| - | Hilltop Estates (Kent Development Corp)
Peckslip Road, Kent, NY
TM: 12.-1-38 & 42 | Subdivision/Erosion Control
Extension | Review |
| - | Baywater Pondview Estates
Carmel, NY
33.16-1-23 & 24 | Request to release bond | Review |
| - | Chuang Yen Monastery
2020 Route 301, Kent, NY
TM: 19.-1-40.1 | Landscape Improvement
Bond Reduction Request | Discussion |
| - | Seven Hills Lake Dam Rehabilitation (DEP)
Farmers Mills Road, Kent, NY
TM: 20.-1-43.1 | Wetland & Erosion
Control Permits | Review |
| - | Updated Forms | | Discussion |

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

- | | | |
|---|---|---------------|
| - Wellington Property
Towners Road, Lake Carmel, NY
TM: 33.73-1-38 & 39 | Amended Site Plan | Status Report |
| - Biben Property
146 S. Knapp Court, Kent, NY
TM: 10.-1-1 | Erosion Control Plan/
Wetland Permit
Addition to existing residence | Status Report |



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

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Wilfred A. Rohde, P.E. • Michael W. Soyka, P.E. • John V. Andrews, Jr., P.E.

Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Erosion Control Plan
February 2015 Planning Board
Meeting

Date: February 12, 2015

Project: Schulhof-Kravitz
TM 21.19-1-10

The following materials were reviewed:

- Combined Application Form, dated 1/5/2015
 - Including Owner's affidavit, Agent of Owner's affidavit, Disclosure of Business Interest, Agricultural Data Statement, and Certification of Professional Engineer
- Letter from Putnam County Department of Health, dated 11/17/2014
- Drawings prepared by Manning Silverstein Architects PC, last revised 1/20/2015 including:
 - A-000.00 Site & Erosion Control Notes & Plan
 - A-001.00 Proposed Site Plan & Details
 - A-010.00 Ground & Main Floor Demo & Proposed Plans
 - A-030.00 Exterior Elevations

The project proposes construction of an addition and new pool for a single-family house.

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

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
2. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. §66-6.B.2.b – Provide "existing topography of the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet beyond the limits of the proposed area of disturbance..."
 - i. Provide topography for the full width of Cat Briar Road in the area of the driveway.
 - b. §66-6.B.2.e – Provide "a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be

delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map."

- c. §66-6.B.2.g – Provide "a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control. The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"
 - i. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
 - ii. [6] Provide an estimate for the cost of implementing all elements of the erosion control plan.
 - iii. [7] Provide a maintenance schedule for erosion control measures.
3. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."
4. Provide an erosion and sediment control only SWPPP in accordance with GP-0-15-002. Provide required information from Part III.B including:
 - a. Part III.B.1.b – "A site map/construction drawing(s) for the project, including a **general location map**. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s), floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the construction activity; existing and final contours; **locations of different soil types with boundaries**; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater discharge(s);"
 - i. Provide a general location map and soil type boundaries.
 - b. Part III.B.1.c – "A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);"
 - 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 August 2005, for each stage of the project, including initial land 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 August 2005;”
 - 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. The Applicant and Applicant's design professional are expected to be familiar with the provisions of the newly issued NYSDEC GP-0-15-002, particularly the sections regarding the maintenance of documentation on-site (Part II.C.2), provisions for modifying the SWPPP (Part II.C.5), 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.
 - h. 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.
 - i. Please note, per GP-0-15-002, a SWPPP must be prepared by qualified professional, including a licensed Professional Engineer, Registered Landscape Architect or other NYSDEC endorsed individual(s).
 - j. Please note – With issuance of new NYSDEC General Permit GP-0-15-002, 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)
5. Provide a Notice of Intent (NOI) for review.
6. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
7. Refer to the Drawings:
- a. For the temporary construction access, a stabilized construction entrance in accordance with New York Standards and Specifications for Erosion and Sediment Control is to be specified instead of the existing gravel driveway. A note should be added regarding the removal and restoration of the lawn when the construction entrance is no longer needed.
 - b. Details for the construction entrance and silt fence are to be in accordance with New York Standards and Specifications for Erosion and Sediment Control.
 - c. Under ‘Town of Kent Planning Board Steep Slope & Erosion Control Notes’
 - i. Note #2 indicates no disturbance on slopes steeper than 15%. Based on the contours provided, it appears there are areas within the limits of disturbance that are steeper than 15%. This should be given another look.

- ii. Note #6 states "Architect certifies there will be no post construction increase in water leaving the site." With the increase in impervious surface from the addition, this seems unlikely and difficult to quantify without doing a full hydrologic analysis. Such an analysis is not required for a project disturbing less than one (1) acre.
 - iii. Note #11 states "All topsoil not to be used for final grading shall be removed from the site..." All topsoil is to be kept on-site and within the limits of disturbance as indicated on the drawing. This note is to be revised.
 - iv. Use of fertilizer should be minimized in accordance with NYS Dishwasher Detergent and Nutrient Runoff Law.
- d. Revise all notes regarding time frame for stabilization to meet the new requirements of GP-0-15-002.
 - e. Expand the 'Site Construction Sequence' to include mulch with seeding, as well as steps for final stabilization and removal of temporary erosion & sediment control measures.
 - f. Show a path for construction equipment to access the rear of the house and pool area without damaging existing septic tank and septic field. Adjust the silt fence so it excludes the entire septic field.
 - g. Silt fence must be installed parallel to the contours, not perpendicular to contours.
 - h. Adjust the limits of disturbance and/or the silt fence so all silt fence is within the limits of disturbance.
- 8. Provide a copy of the deed in accordance with #14 on the Combined Application Form.
 - 9. Provide affidavits with the name included at the top of the forms. Complete the Disclosure of Business Interest.
 - 10. Provide an erosion control bond estimate for evaluation.
 - 11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
 - 12. Per §66-6.F, we recommend the public hearing be waived as this is a minor project for an addition to a single family house.
 - 13. We recommend the remaining project review be referred to the Planning Board consultants to be handled administratively.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board Secretary via email
Bill Walters via email
14-261-999-144

Neil Wilson via email
Bruce Barber via email



February 11, 2015

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: **Schulhof-Kravitz Property**
8 Cat Briar Road
Section 21.19 Block 1 Lot 10

I have reviewed the following pertinent documents relative to the above referenced project:

- Letter executed by Anne Manning, dated 01/21/15, 1 page.
- Town of Kent Planning Board Combined Application executed by Anne Manning, dated 01/05/15.
- Plans entitled; "Schulhof Residence" prepared by Manning Silverstein Architects, PC, dated 01/20/15 4 total sheets.

Summary:

The application is to construct an expansion (1,935 SF) to an existing residence, construction of a pool, retaining walls and change in grading.

Comments:

A site inspection will be conducted at earliest opportunity to determine if there are any Town of Kent jurisdictional wetland and/or wetland buffer that will be impacted by the proposed action. Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant

1770 CENTRAL STREET YORKTOWN HEIGHTS, NY 10598
Telephone: 914.299.5293



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

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

Wilfred A. Rohde, P.E. • Michael W. Soyka, P.E. • John V. Andrews, Jr., P.E.

Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: February 2015 Agenda
1/23/2015 site visit and
Bond release request

Date: January 23, 2015

Project: Bayswater Pond View
TM #33.16-1-23 & 24

Reference drawings:

- 'Pond View' drawing set, prepared by Hahn Engineering, dated 6/18/2002

Background: Pond View was a condominium or townhouse project proposed mainly in the Town of Patterson, with some work in the Town of Kent. The property was subdivided with individual lots for the housing units. The project did not move forward in the Town of Patterson or the Town of Kent. At this time, the property owner/developer no longer wants to move forward with the project and is requesting the erosion control bond to be returned. The property owner/developer is currently going through the process with Putnam County to re-merge the individual housing lots back into one large lot.

The following is offered for consideration by the Planning Board:

A site visit was conducted on 1/23/2015 with William Walters, the Building Inspector. The property is not easily accessible. The property was observed from the far end of Park Road (near the Town of Kent Ryan Park). The property was also observed from Fair Street in the Town of Patterson. Based on these observations and discussion with representatives of the property owner/developer, there has been no visible development on or disturbance to the subject property.

Based upon the site visit and discussion with the project representatives, we have no objection to releasing the bond(s) held by the Town of Kent, subject to the merging of the lots by Putnam County.

Please let us know if you have any questions.


Julie S. Mangarillo, P.E., CPESC

Enclosure: Marked up sketches

cc: Planning Board via email
Bill Walters via email
00-261-50

Bruce Barber via email
Neil Wilson via email



SCALE: 1" = 5.00'



February 11, 2015

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: **Putnam Nursing and Rehabilitation Center**
404 Luddingtonville Road
Section 12 Block 3 Lots 40,41

I have reviewed the following pertinent documents relative to the above referenced project:

- Letter executed by David Getz, P.E of Lehman and Getz dated 01/16/15, 1 page.
- Town of Kent Planning Board Combined Application executed by William A. Nicholson, dated 01/22/15.
- Property Survey (Lot 40 only) prepared by Link Land Surveyors dated 02/12/14 (unsigned/unsealed).
- Conceptual Plans entitled; "Putnam Nursing Home and Rehabilitation Center" prepared by TAT dated 01/21/15, 3 sheets.

Summary:

The application is to expand the existing Putnam Nursing Home.

Comments:

Conceptual plans have been submitted which indicate wetland boundaries as delineated by the applicant's consultant. The proposed action will result in impacts to the indicated wetland and wetland buffer areas.

The Town of Kent jurisdictional wetland boundaries will be confirmed by this office at earliest opportunity that weather and ground conditions permit. Review of this application will be conducted following verification of the wetland boundaries.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'R' followed by a stylized flourish.

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant

1770 CENTRAL STREET YORKTOWN HEIGHTS, NY 10598
Telephone: 914.299.5293



Putnam Nursing Home and Rehabilitation Center
404 Ludingtonville Road, Town Of Kent, NY

Conceptual Design Site Plan

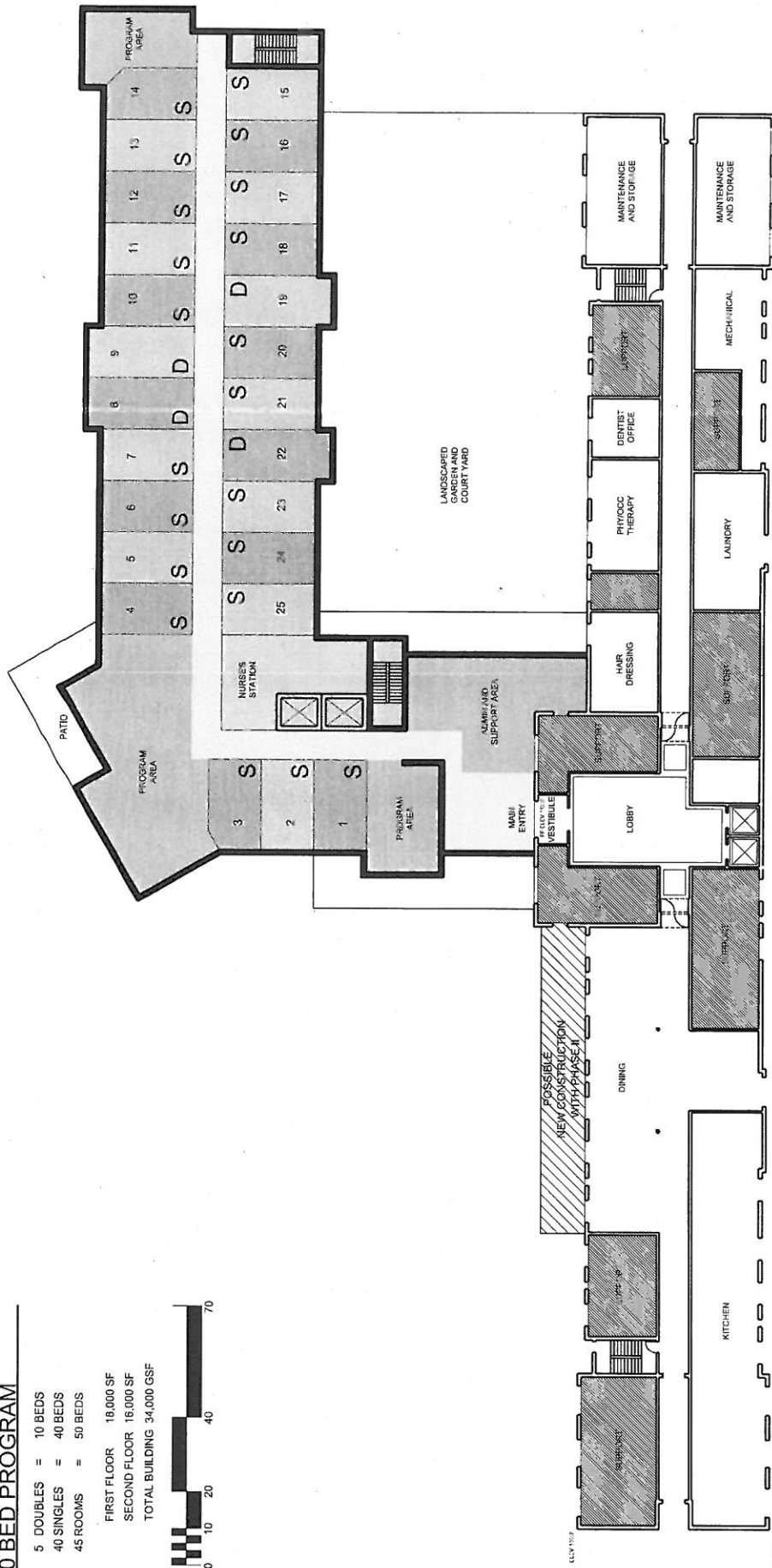
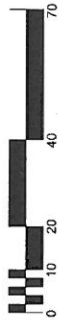
February 10, 2014
DEVELOPER: The Congress Companies
ARCHITECT: The Architectural Team

tat | the architectural team

50 BED PROGRAM

5 DOUBLES = 10 BEDS
 40 SINGLES = 40 BEDS
 45 ROOMS = 50 BEDS

FIRST FLOOR 18,000 SF
 SECOND FLOOR 16,000 SF
 TOTAL BUILDING 34,000 GSF



FIRST FLOOR PLAN

Putnam Nursing Home and Rehabilitation Center
 404 Ludingtonville Road, Town Of Kent, NY

Conceptual Design
 First Floor Plan

February 10, 2014

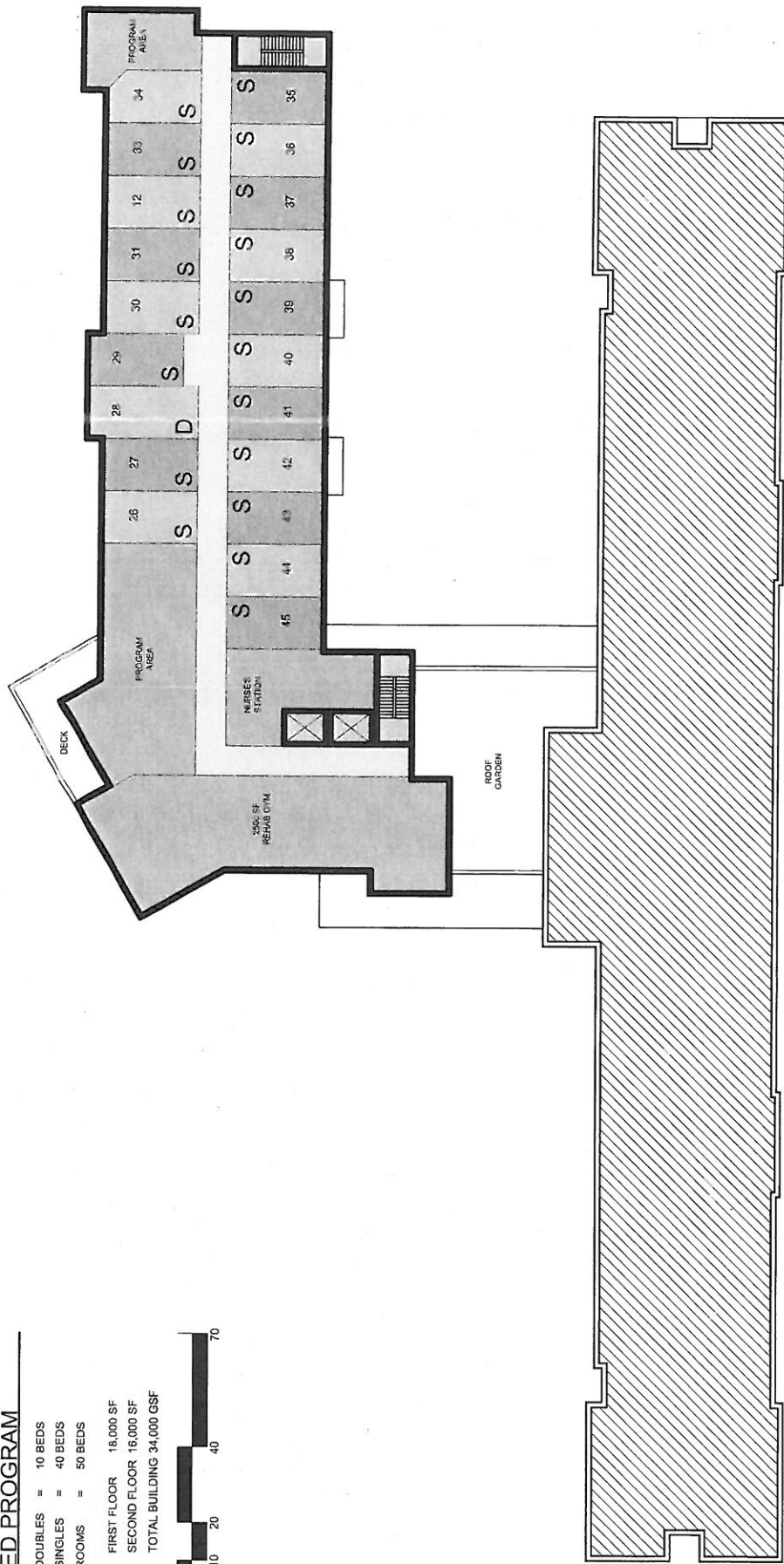
DAVID L. FORT The Congest Company
 ARCHITECT The Architectural Team

tat the architectural team

50 BED PROGRAM

5 DOUBLES = 10 BEDS
 40 SINGLES = 40 BEDS
 45 ROOMS = 50 BEDS

FIRST FLOOR 18,000 SF
 SECOND FLOOR 16,000 SF
 TOTAL BUILDING 34,000 GSF



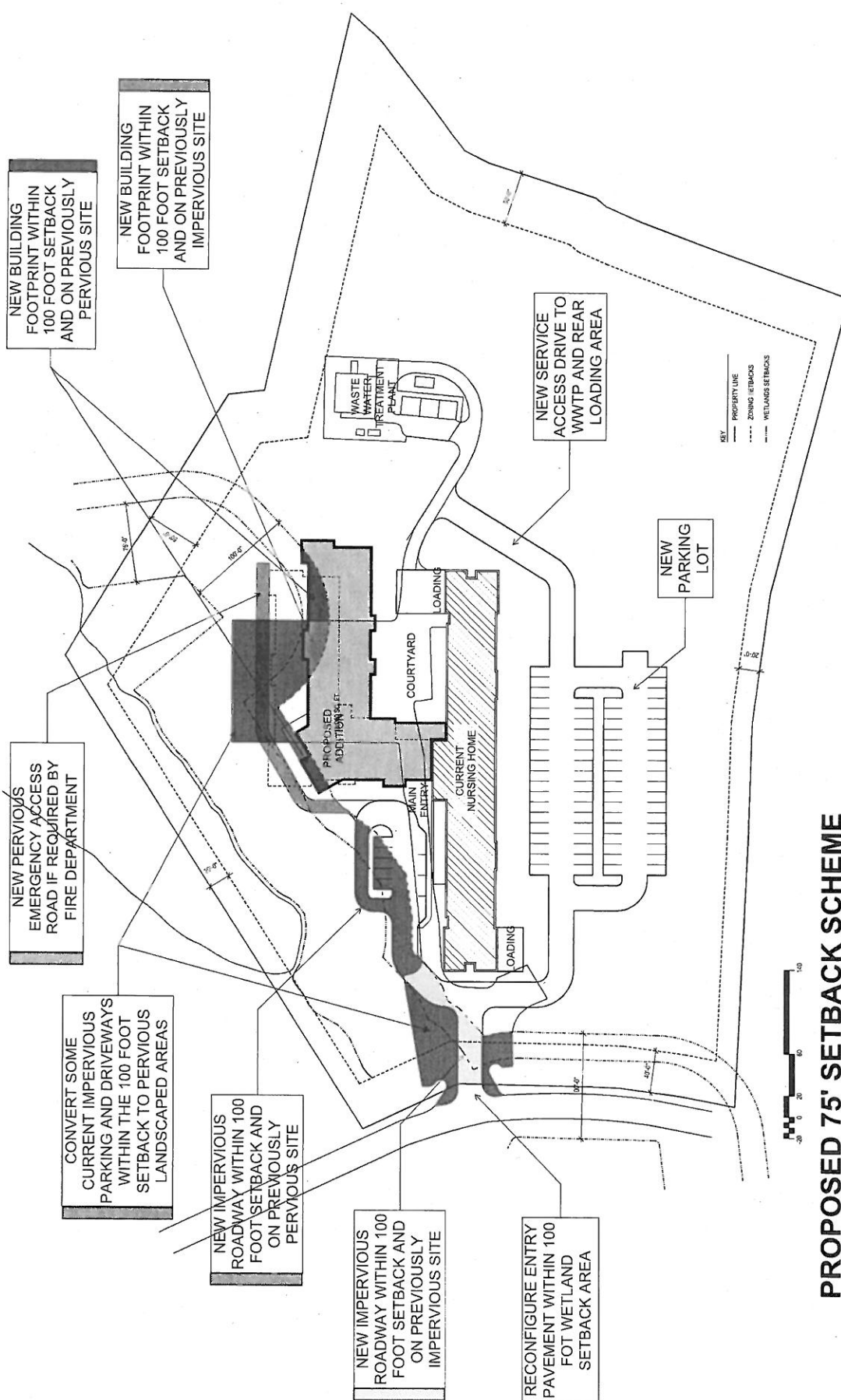
SECOND FLOOR PLAN

Putnam Nursing Home and Rehabilitation Center
 404 Livingstonville Road, Town Of Kent, NY

Conceptual Design
 Second Floor Plan

February 10, 2014
 DEVELOPER: The Congress Companies
 ARCHITECT: The Architectural Team

tat | the architectural team



PROPOSED 75' SETBACK SCHEME

Vera Patterson

From: Neil Wilson [nwilson.lrcplanning@gmail.com]
Sent: Wednesday, February 11, 2015 10:29 PM
To: barberbruce@yahoo.com; Bill Walters; Charles Sisto; Dennis Lowes; George Brunner; Glenna Wright; Janis Bolbrock; Julie Mangarillo; Michael McDermott; Phil Tomalch; planning@townofkentny.gov; Ron Blass
Subject: Putnam Nursing Home
Attachments: Zoning Amendment for Nursing Homes Memo to PB 021215.pdf

Good evening to all.

Attached is a memorandum explaining a proposed zoning amendment to allow nursing homes, convalescent homes, and alternative care housing in the R-80 District. As we discussed the proposed expansion and rehabilitation of the Putnam Nursing Home cannot proceed without amending the code. The memo is self-explanatory.

Neil A. Wilson, Esq.
LRC Planning Services, LLC
8 Morehouse Road
Poughkeepsie, New York 12603-4010
Tele: 845-452-3822
Fax: 845-452-3346

LRC PLANNING SERVICES, LLC

LAND USE/REAL ESTATE/ENVIRONMENTAL CONSULTING

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

MEMORANDUM

TO: Town of Kent Planning Board
From: Neil A. Wilson
Date: February 12, 2015
Re: Proposed Town Zoning Law Amendment
Nursing Homes, Convalescent Homes, and Alternative Care Housing in the R-80 District

As the Board is aware the new owners of the Putnam Nursing Home have submitted a preliminary plan for expansion and rehabilitation of the nursing home. This application was reviewed during the January 23rd consultant review meeting.

During that discussion it was discovered that Nursing Homes, Convalescent Homes and Alternative Care Housing are not listed as permitted uses in the R-80 District. This means that while the Putnam Nursing Home is a legal non-conforming use in the R-80 District and may continue to operate, it cannot be expanded or altered in any way.

Subsequent to the meeting I reviewed my old project notes and drafts of the zoning law that I prepared as part of the November 2008 zoning law revisions, and determined that this was an oversight that appears to have occurred as a result of the change of the zoning for the Putnam Nursing Home site, and large parts of Luddingtonville Road, from Heavy Industrial to R-80 residential. (Keep in mind that the old zoning code allowed nursing homes and single family dwellings in the Heavy Industrial District.)

It is clear from my notes and the drafts that the Town intended to amend the R-80 District regulations so that the nursing home would be a legal conforming use. Unfortunately, that did not happen.

Accordingly, I recommend that the Planning Board review the attached local law amendment, and consider whether to issue a positive recommendation to the Town Board to amend the language of the R-80 District to allow Nursing Homes, Convalescent Homes, and Alternative Care Housing as permitted uses.

RESOLUTION
TOWN BOARD OF THE TOWN OF KENT

Motion by Councilperson _____

Second by Councilperson _____

The following proposed local law, to be known as Local Law No. _____ of 2015, entitled A LOCAL LAW OF THE TOWN OF KENT, PUTNAM COUNTY, NEW YORK TO AMEND CHAPTER 77 "ZONING" OF THE TOWN CODE OF THE TOWN OF KENT TO AMEND THE ALLOWABLE USES IN THE R-80 DISTRICT" is hereby introduced.

WHEREAS, the Town Board of the Town of Kent has received a communication from the Town Planning Board in regard to amending the language of the R-80 District to allow Nursing Homes, Convalescent Homes, and Alternative Care Housing as permitted uses in that district subject to site plan review and approval; and

WHEREAS, according to said communication the failure to include Nursing Homes, Convalescent Homes, and Alternative Care Housing as permitted uses in the R-80 District was an oversight during the adoption of the new town zoning law in November 2008; and

WHEREAS, the lack of action to amend the regulations to allow Nursing Homes Convalescent Homes, and Alternative Care Housing would impede a proposed expansion and rehabilitation of the Putnam Nursing Home located on Luddingtonville Road; and

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Putnam County Department of Planning; and

WHEREAS, because the recommendation in support of the amendment was at the initiative of the Town Planning Board a referral of the proposed amendment to the Planning Board pursuant to §77-63 of the Zoning Law is hereby waived;

NOW THEREFORE BE IT RESOLVED, the Town Board hereby sets a public hearing on the proposed amendment to Article III of Chapter 77 of the Town of Kent Code for _____, 2015, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, Town of Kent, 25 Sybil's Crossing, Kent Lakes, New York; and

BE IT FURTHER RESOLVED, The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and

BE IT FURTHER RESOLVED, The Town Board refers this matter to the Putnam County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and

BE IT FURTHER RESOLVED, The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding towns of the date, the time, and the purpose of the public hearing pursuant to GML 239-nn.

BE IT ENACTED by the Town Board of the Town of Kent:

Article III of Chapter 77 of the Town of Kent Code shall be amended as follows:

ARTICLE III, R-80 Residential District

§ 77-7. Purpose and Permitted Uses.

District Purpose. This district is intended to conserve the more rural land areas within the Town by promoting a balance of open space and low-density, single-family residential uses consistent with natural resource constraints, the conservation of open space areas, and other compatible land use opportunities. In an R-80 Residential District, no building or premises shall be used and no building shall hereafter be erected, altered or added to unless otherwise provided in this Chapter, except for one or more of the following uses:

A) Principal permitted uses. (*) indicates a use that is also subject to Planning Board Site Plan Approval pursuant to §77-60 of this Chapter.

- 1) One-family dwellings, not to exceed one dwelling on a single lot.
- 2) (*) Public parks, playgrounds and recreational areas; firehouses, police stations and other public buildings and uses.
- 3) (*) Cemeteries for the interment of human remains, no crematorium.
- 4) (*) Regularly organized elementary or high schools having a curriculum approved by the Board of Regents of the State of New York, and subject to the following:
 - (a) The minimum lot size shall be five acres.
 - (b) No building, parking or loading area, or part thereof, shall be located within 100 feet of any street line nor within 50 feet of any property line.
- 5) (*) Places of religious worship, including part-time religious schools, provided that no building or part thereof and no parking or loading area shall be located within 75 feet of any street line nor within 50 feet of any property line; and parish houses, parsonages and rectories which shall comply with the requirements set forth herein for one-family dwellings.
- 6) (*) Nursing home, convalescent home, and alternative care housing provided:
 - a) The minimum lot area shall be five acres.
 - b) No building or part thereof or any parking or loading area shall be located within 100 feet of any street or lot line.
 - c) The lot shall be have frontage on a county or state road, and such county or state road

frontage shall serve as the primary point of ingress and egress to the facility.

~~6)7~~(*) Nursery schools, family day-care home, or day-care centers subject to §77-44.5 of this Chapter.

~~7)8~~(*) Public utility structures and rights-of-way, but excluding utility offices, garages, storage yards, and communication facilities.

~~8)9~~Agricultural uses as defined in New York State Agriculture & Markets Law, provided that no building in which farm animals are kept and no storage of manure shall be located nearer than 100 feet to any street line or property line, and provided further that the keeping of horses and livestock shall be permitted only on lots having an area of two acres plus one acre for each such animal in excess of one. In addition, no greenhouse heating plant shall be located nearer than 50 feet to any street line or property line. One farm stand exclusively for the sale of agricultural products grown on the premises is permitted.



Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Amended Site Plan Review

Date: February 12, 2015

Project: Kent Materials TM # 12.-1-44
Weck Parcel (Goldens Bridge Unit
Step Site) TM 12.-1-48

The following material was reviewed:

- Transmittal letter from Insite Engineering, Surveying & Landscape Architecture, P.C., dated 1/22/2015
- Site Plan Comparison – Weck Parcel, prepared by Insite Engineering, dated 1/22/2015
- NYSDEC Environmental Mapper
- Full Environmental Assessment Form (EAF), Parts 1, 2 & 3 dated 1/22/2015
- Amended Stormwater Pollution Prevention Plan, prepared by Insite Engineering dated 1/22/2015 including the Weck Parcel
- Notice of Intent, Draft, undated
- Assessment of the Approved Stormwater Practices, prepared by Insite Engineering, dated 1/22/2015
- Noise Study, prepared by Insite Engineering including Weck Parcel, revised 1/22/2015
- Erosion Control and Stormwater Bond Estimates, prepared by Insite Engineering, dated 1/22/2015
- Site Cross-Sections, Prepared by Insite Engineering, dated 1/22/2015
- Drawings, prepared by Insite Engineering, revised 1/22/2015 including:
 - OP-1, Amended Overall Site Plan
 - SP-1, Amend Layout and Landscaping Plan
 - SP-2, Amended Grading and Utilities Plan
 - SP-3, Amended Sediment and Erosion Control
 - MP-1, Amended Mining Plan
 - D-1, Site Details
 - D-2, Site Details

This project is seeking amended site plan approval for Kent Materials for additional material removal from the adjacent Weck parcel (TM 12.-1-48).

New or supplementary comments are shown in **bold**.

The following is offered for consideration by the Planning Board from a review memo dated 1/8/2015:

6. Provide draft copies of stormwater maintenance agreement with the Town.
 - a. **Response letter indicate draft agreements will be provided in future submittal.**
10. Continue to provide copies of correspondence and/or permits from NYSDEC, NYCDEP, NYSDOT or other agencies.

New comments:

1. Recommend relocating the proposed temporary sediment trap (drawing SP-3) away from the property line and away from the tree line to avoid removing existing trees.
2. The temporary sediment trap can be relocated to an area to intercept the existing stormwater pipes that currently discharge directly to the property line. After the majority of construction/site work is complete, the temporary sediment trap can be converted to provide mitigation for some on-site stormwater and allow for the possibility of infiltration before exiting the property.
3. The proposed mitigation area will have to be protected, such as with boulders, to prevent future encroachments into it.
4. The proposed overflow swale from the flow-splitter will need protection to prevent it from being filled in or otherwise altered in the long-term.
5. During the site visit on 1/15/2015, there were multiple locations of erosion visible on site, particularly on the fill slope east of the building and along steep sections of the driveway. These areas will have to be fully stabilized. Additional measures will likely be necessary to convey runoff down the face of the slope without erosion.
6. If the owner of the Weck parcel has interest in a permanent sign along Route 52, we recommend that be included in this site plan application.

Additional comments may be provided as this project moves forward.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Neil Wilson via email
John Watson, PE, Insite Engineering, via email

Bill Walters via email
Bruce Barber via email
12-261-199-01



February 11, 2015

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: **Kent Materials**
NYS Route 52
Section 12 Block 1 Lot 44

I have reviewed the following pertinent documents relative to the above referenced project:

- Letter executed by John Watson, P.E. of Insite Engineering dated 01/22/15, 3 pages.
- Memo entitled: "Kent Materials-Amended Site Plan, Site Plan Comparison-Weck Parcel dated 01/22/15 prepared by Insite Engineering.
- Report entitled; "Noise Study" prepared by Insite Engineering dated 01/22/15 (rev.).
- Plan entitled; "Site Plan-Gasparrini and Weck" prepared by Bibbo Associates dated 9/12/84 (rev.), 1 sheet: 1 of 2.
- Plan which depicts the present conditions at the site which is undated and unsigned.
- EAF (Parts I, II and III) executed by John Watson of Insite Engineering dated 01/22/15.
- Plans entitled; "Kent Materials-Amended Overall Site Plan" prepared by Insite Engineering dated 01/22/15 (rev.), 7 total sheets: OP-1, SP-1, SP-2, SP-3, MP-1, D-1, D-2.
- Plans entitled; "Kent Materials Site Cross Section Key Map" prepared by Insite Engineering dated 01/22/15, 5 sheets: CS-Key, CS-A, CS-B, CS-C, CS-D
- Draft Notice of Intent prepared by Insite Engineering (unsigned).

Comments:

A: Existing Conditions, Natural Resources: Site Plan-Gasparrini and Weck:

Comparison of this site plan dated 09/12/84 with the above referenced plan which depicts the present conditions at the site reveals the following discrepancies:

A substantial fill section has been added to east of the building. As indicated in the prior memo prepared by this office dated 01/06/15, inspection of visible areas only of this fill section revealed predominately soil mixed with debris such as concrete, asphalt, metals, plastic piping and cloth fabric. The slope was partially stabilized with some evidence of erosion noted. Evidence of recent fill activity was noted at the toe of the slope at the time of inspection.

Stormwater structures were originally specified to discharge to a level spreader on the site. The stormwater piping has been extended and now discharges at the eastern property border and ultimately off site.

A brook identified on the 1984 plan is no longer present and appears to have been partially filled (now under the fill section) and piped and now discharges to form an intermittent watercourse at the eastern property border and ultimately off site.

The "wet area" as identified on the 1984 plan could not be located. The above mentioned brook traversed thorough this wet area.

This office defers to the Town Building Inspector, Planning Board Engineer and Town Planner regarding any additional discrepancies between the 1984 and current conditions plans.

Recommendations:

It is apparent that presently untreated stormwater discharges directly off site and areas of potential wetlands and a watercourse (brook) have been altered. It is recommended that the Planning Board direct the applicant to mitigate for these alterations from the 1984 plan by installing a treatment wetland in the general location of the formerly identified "wet area". All existing piping (former brook and stormwater) should be directed to this area which shall be designed to capture and treat the water to an agreed standard that will ensure that pollutants will not be released off site. This area may be utilized as the sediment trap during construction and may be designed in accordance with the proposed stormwater treatment/infiltration basin as possible.

The Planning Board may consider prohibiting additional fill installation at the site and removal of all debris from the "existing meadow storage area" and other unapproved areas as indicated. Placement of a fence or line of boulders to demarcate this line is recommended (similar to what is reflected in the revised landscaping plan around the wetland buffer).

B: Proposed Construction:

Kent Materials Plans Sheet SP-3:

Provide existing soils information/map and areas of rock outcrop.

It is recommended that the proposed temporary sediment trap be modified to minimally be located outside of the drip line of the indicated tree line. Please see comments above regarding treatment wetlands.

Proposed swale at the western border of the Weck parcel will collect water from both the Weck and Kent Materials property which will then connect to an existing stormwater drainage system on the Weck parcel. All water is indicated to ultimately discharge untreated to the eastern border of the Weck parcel. It is unclear if there is an easement agreement to permit drainage collection on Kent Materials to discharge to the Weck parcel.

Please see comments above regarding capturing presently untreated stormwater on the Weck parcel.

The nature of the collection swales and discharge located to the west of the proposed temporary sediment basin and immediately south of the Kent Materials border (proposed flow splitter) is unclear as the collected water ultimately directly discharges off site to the west. Please indicate connection(s) to Kent Materials site other than existing arrow.

Will active site disturbance on both the Kent Materials and Weck parcels collectively exceed 5 acres at any time?

Is the collective physical alteration of the sites greater than 10 acres?

Please indicate what type of materials are proposed to be stored on the expanded Weck parcel. Will the materials be stored in bins, etc.?

Due to reported poor infiltration of the soils in the area of the proposed sediment trap, what provisions have been made to prevent discharge of turbid water contained in the trap in the event of substantial rainfall/snow melt?

Provide details of infiltration basin maintenance agreement.

EAF:

The Kent Materials EAF has been amended to now include the proposed action on the Weck parcel. Highlighting the changes to the EAF which reflect the Weck parcel would facilitate review.

Has the depth of the existing wells on the Weck property and also the Animal Hospital been determined and impacts to these two water supplies evaluated?

Noise Study:

Receptor #4 (Figure A) is not oriented in the direction of work associated with the Weck parcel. Is the noise potential to the Animal Hospital of Kent been fully considered in the amended application?

Highlighting the changes to the Noise Study which reflect the potential impacts from the Weck parcel would facilitate review.

Other Regulatory Permits Pending:

NYSDEC Mining, Multi-Sector, Air Registration, Construction permits are pending.
DOT: Highway Work Permit pending
NYCDEP: Stormwater and SSTS permits pending.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', with a stylized, cursive-like flow.

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant

1770 CENTRAL STREET YORKTOWN HEIGHTS, NY 10598
Telephone: 914.299.5293



FEB 12 2015
Planning Board
Town of Kent
February 3, 2015

Mr. John M. Watson, PE
Insite Engineering, Surveying & Landscaping, PC
3 Garrett Place
Carmel, New York 10512

Emily Lloyd
Commissioner

Re: Stormwater Pollution Prevention Plan (SWPPP)
Kent Materials (Bonnie Weck Living Trust) Amendment
Tax Map # 12-1-44
Route 52, Kent, NY
Middle Branch Reservoir Basin
DEP Log # 2008-MB-1945-SP.2

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

Dear Mr. Watson:

The New York City Department of Environmental Protection (DEP) has reviewed your application regarding the above referenced project and has determined that the application is *incomplete*. The application is for the review and approval of a second amendment to the October 29, 2013 SWPPP approval for Kent Materials. Based on currently provided information, the project as described in your January 22, 2015 submission letter will require an amendment to the October 29, 2013 SWPPP approval for Kent Materials and a new SWPPP for Bonnie Weck Living Trust. This letter is in reference to the amendment of the October 29, 2013 SWPPP approval for Kent Materials. Mariyam Zachariah will review and issue comments for the Bonnie Weck Living Trust SWPPP. Please be advised that the following information is required before DEP can commence its review:

1. A determination by lead agency on how the proposed changes to the project would affect the existing State Environmental Quality Review Act determination of Non-significance.
2. What is the current progress status of the ongoing construction work at Kent Materials?
3. Full scale plans of the pre and post-development drainage area maps for both the amended Kent Materials and the proposed Bonnie Weck Living Trust.
4. As there are proposed changes to the approved Kent Material SWPPP drainage system, provide an updated/revised drainage analysis for the new drainage.
5. A legal binding agreement mechanism to allow stormwater runoff from the Kent Material site to be discharged onto Bonnie Weck Living Trust property and to ensure the stormwater management practices permanency and long term maintenance.

465 Columbus Avenue
Valhalla, New York 10595

T: (845) 340-7800
F: (845) 334-7175

The review of your application will not commence until DEP receives the necessary information and determines that the application is complete. DEP will notify you within 10 days of its receipt of additional information requested above as to the completeness of your application. Please be advised that failure to submit information to DEP or to follow DEP procedures is grounds to deny approval, pursuant to Section 18-23(b)(3). If you have any questions regarding this matter, you may reach me at (914) 773-4464.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. M. H. Roche".

Jean Marc H Roche
Associate Project Manager
Regulatory Review and Engineering

c: Town of Kent Planning Board
Kent Materials
Bonnie Week Living Trust



RECEIVED

FEB 12 2015

Planning Board
Town of Kent

February 3, 2015

Mr. John M. Watson, P.E.
Insite Engineering, Surveying & Landscape Architecture, P.C.
3 Garrett Place
Carmel, NY 10512

Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

465 Columbus Avenue
Valhalla, New York 10595

T: (845) 340-7800
F: (845) 334-7175

Re: Bonnie Weck Living Trust SWPPP
Tax Map # 12-1-48
Route 52, (T) Kent, New York
Middle Branch Reservoir Basin
DEP Log # 2015-MB-0032-SP.1

Dear Mr. Watson:

New York City Environmental Protection (DEP) has received an application for revision to the approved Kent Materials Stormwater Pollution Prevention Plan. The application includes land clearing and grading of more than two acres, part of which is located on slopes exceeding 15%, on the adjoining parcel, TM#12-1-48. Grading on the Weck property will be intertwined in the construction phase with Mr. Jean Marc Roche's latest Kent Materials SWPPP amendment request. However, please be advised that the work on TM#12-1-48 will be considered as a separate application. DEP reviewed the materials submitted regarding the above referenced SWPPP and has determined that the application for the Weck property is *incomplete*. Please be advised that the following information is required before DEP can commence its review:

General Requirements

- 1) A separate application must be provided for work on Weck Property.
- 2) A copy of the completed NOI submitted to the New York Department of Environmental Conservation SPDES General Permit for stormwater discharges from construction activity, GP-0-10-001 is required. If no NOI is submitted, the information

required in an NOI should be presented.

- 3) SEQRA environmental assessment form and any Draft Environmental Impact Statement or Determination of Nonsignificance issued by the lead agency should be provided.
- 4) Full scale plans of the pre and post-development drainage area maps must be provided.
- 5) Please provide a copy of the stormwater agreement exists between the two property owners (Kent Materials and Bonnie Weck Living Trust) regarding how the runoff will be managed during and post construction.

Report

- 1) The boundaries of any 100-year flood plain (from United States Flood Emergency Management Area Maps) on the site must be provided along with any available 100-year flood elevations and floodway boundaries. If any, an evaluation of the post development impact stormwater runoff will have on identified floodplains or designated flood hazard areas in the community must be given in the narrative.
- 2) A downstream survey of watercourses and/or drainage system that will receive stormwater discharges from the site must be provided in the narrative. For areas where the post-development runoff volume will change you must address the potential impacts of the changes on downstream hydrology. If no impacts are anticipated, the narrative must provide adequate documentation to support the conclusion.
- 3) Tabular information by sub-watershed indicating the acres of impervious surface created by the proposed activities and the acreage for which imperviousness of the land will be changed from pre-construction conditions must be provided.
- 4) Temporary and permanent soil stabilization plan should be explained in the report.
- 5) Description of the measure that will be used to control litter, construction chemicals, and construction debris from becoming a pollutant source in stormwater discharges must be provided.

Erosion & Sediment Control Plan

- 1) The location and size of on and off- site culverts and stormwater management systems that convey runoff to, through and away from the project site. if any, should be shown on the erosion control plan.
- 2) The provisions to prevent erosion of open sections of the stormwater conveyance system and culvert inlets and outfalls must be included.

Post Construction Stormwater Management

- 1) Provide pretreatment sizing and other pipe sizing calculations.

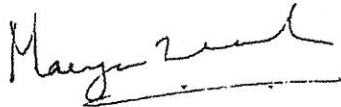
Inspection & Maintenance

- 2) Please provide a draft version of the legally binding mechanism that will be utilized to ensure long term maintenance (see section 3-5 of the NYS DM).

The review of your application will not commence until the DEP receives the necessary information and determines that the application is complete. The DEP will notify you within 10 days of its receipt of the additional information requested above as to the completeness of your application. Please be advised that failure to submit information to the DEP or to follow DEP procedures is grounds to deny approval, pursuant to Section 18-23(b) (3).

Should you have any questions regarding this letter, please call the undersigned at (914)742-2014.

Sincerely,



Mariyam Zachariah
Associate Project Manager
Stormwater Programs

Cc: Steve Caruso
Town of Kent Planning Board

**TOWN OF KENT PLANNING BOARD
FINDINGS STATEMENT
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**MATTER OF PATTERSON CROSSING RETAIL DEVELOPMENT
TOWN OF KENT / TOWN OF PATTERSON**

Involved Agency: Town of Kent Planning Board
 25 Sybil's Crossing
 Kent Lakes, New York 10512

Lead Agency: Town of Patterson Planning Board
 Town Hall
 1142 Route 311
 P.O. Box 470
 Patterson, New York 12563

Applicant: Patterson Crossing Realty, LLC
 1699 Route 6, Suite 1
 Patterson, New York 10512

A. Introduction

This document is a Findings Statement prepared pursuant to and as required by 6 NYCRR 617.11, the implementing regulations of Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act ("SEQRA"). This Findings Statement concerns an application for Site Plan, Freshwater Wetland Permit, and Steep Slopes and Erosion Control Permit approvals related to the development of a commercial retail shopping mall ("Project") in the Town of Patterson and the Town of Kent.

The Project proposed by the Applicant consists of a 382,560 square-foot retail center with management and meeting space, a substation for the Putnam County Sheriff's Department and a 28,000 square-foot garden center on approximately 90.05 acres of predominantly undeveloped land. The portion of the Project located in the Town of Kent would consist of an access driveway to NYS Route 311, a 2,000 square foot retail building, parking for 19 vehicles, and storm water management facilities located both on the Project site and within the State highway right-of-way. The majority of the proposed improvements would be located in the Town of Patterson. The applicant requires Site Plan, Freshwater Wetland, and Steep Slope and Erosion Control Permit approvals for the proposed retail building, the access road, and the storm water management facilities from the Town of Kent Planning Board.

The designated Lead Agency in this matter is the Town of Patterson Planning Board. By virtue of the approvals required for the Project the Town of Kent Planning Board is an Involved Agency. As an Involved Agency the Town of Kent Planning Board is required under SEQRA to issue this Findings Statement prior to taking action on the Site Plan, Freshwater Wetland Permit, and

Steep Slope and Erosion Control Permit approvals.

This Findings Statement certifies the Town of Kent Planning Board's compliance, as an Involved Agency, with the applicable procedural requirements of SEQRA in the review of this action, including but not limited to:

- 1) Providing the Lead Agency with comments on the Scoping Document for a Draft Environmental Impact Statement prepared for the Project; and
- 2) Providing the Lead Agency with comments on the Draft Environmental Impact Statement prepared for the Project; and
- 3) Considering the Final Environmental Impact Statement prepared for the Project; and
- 4) Considering the Findings Statement adopted by the Lead Agency on July 17, 2008 for the Project; and
- 5) On February 11, 2010 convene public hearings on the Site Plan, Freshwater Wetland Permit, and Steep Slopes and Erosion Control Permit applications pursuant to Chapter 77-61, Chapter A81-8, and Chapter 39A-7 of the Town of Kent Code; and
- 6) On May 13, 2010 close the public hearings; and
- 7) Adopting this Findings Statement on September 9, 2010.

This Findings Statement draws upon the facts and conclusions as set forth in the Final Environmental Impact Statement for the Project, the Findings Statement adopted by the Lead Agency, and the responses provided to the Town of Kent Planning Board by the applicant in reply to the comments of the Planning Board, its consultants, and the public in regard to the Site Plan, Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit applications.

This Findings Statement certifies that the Town of Kent Planning Board, as an Involved Agency, has complied with the substantive requirements of the State Environmental Quality Review Act and has given due consideration to the relevant environmental impacts, facts and conclusions disclosed in the FEIS¹ prepared for the action. Further, this Findings Statement contains the facts and conclusions relied upon by the Planning Board, as an Involved Agency, to support its decision regarding the action, and also indicate the "*social, economic and other essential considerations*"² that form the basis for the Board's decisions.

1. 6 NYCRR 617.11(d)(1).
2. 6 NYCRR 617.11(d)(2).

B. Project Description

The Project site is ± 90.05 acres of undeveloped land consisting of five tax parcels located in the Town of Kent and the Town of Patterson. The two tax lots in the Town of Kent (tax identification numbers 22-2-47 and 22-2-48) have a combined area of 16.4 acres. The overall Project is the development of a 382,560 square-foot retail center with management and meeting space, a substation for the Putnam County Sheriff's Department, a 28,000 square-foot garden center, and a $\pm 1,560$ foot long access driveway. The portion of the Project located in the Town of Kent would consist of ± 650 feet of the access driveway to NYS Route 311, a 2,000 square foot retail building, parking for 19 vehicles, and storm water management facilities. The access driveway and portions of the storm water management facilities and retrofit improvements would straddle the boundary between Kent and Patterson. The future of ownership and responsibility for maintenance of the storm water facility needs to be clarified and made definite in a fashion suitable to the Town of Kent to ensure long-term protection of water quality in the Middle Branch Reservoir Basin, which includes Lake Carmel.

A gated emergency access driveway is also proposed. This emergency access driveway would be located wholly within the Town of Patterson and would provide access to Concord Road to the west of proposed Building "B" in Patterson.

Zoning of the Project site in the Town of Kent is Commercial (C). Pursuant to Chapter 77 of the Kent Code the proposed commercial development is a use that is allowed subject to site plan approval by the Planning Board. Similarly, zoning of the site in the Town of Patterson is Industrial (I) which also permits retail commercial development. Because the bulk of the commercially taxable property would be located in the Town of Patterson provisions must be made to ensure that the storm water management facilities, which are shared between the two towns, will be properly maintained and kept in good repair during the life of the Project. Agreement must therefore be reached that the storm water management structures are to be perpetually maintained in compliance with all applicable regulations. The Involved Agency intends to condition any approval on a maintenance agreement between the Town of Kent, the Town of Patterson and the applicant/owner so that regardless of any future changes in ownership of the separate tax parcels in Kent and in Patterson there is an entity in existence that will be responsible to maintain the improvements, and to which the towns may look to for performance of that obligation, and that performance of the maintenance obligations is secured to the greatest extent practicable.

The Planning Board notes that the Project has been modified from the original proposal. As noted in the Lead Agency Findings:

"The Patterson Crossing Retail Center revised plan presented in the FEIS consists of a 382,560 square-foot retail center with management and meeting space, a substation for the Putnam County Sheriff's Department and a 28,000 square-foot garden center

on approximately 90.05 acres of predominantly undeveloped land. The Applicant's initial plan, as presented to the Town in May of 2003, proposed a 425,700 retail center with a roughly 28,200 square foot garden center. Upon further investigation, the Applicant modified the plan to that originally proposed in the DEIS, a 405,850 square foot retail center with a 28,200 square foot garden center. The scale of the project was again reduced to the square footage noted above in response to public and agency comment on the plan presented in the DEIS."³

"The Patterson Crossing Retail Center project at 410,560 total square feet is 23,290 square feet less than the plan presented in the DEIS and 43,100 square feet less than originally presented to the Town in May of 2003. Modifications to the layout have been made to create a focal point of the northernmost building of the retail center within the Town of Patterson, and to reduce the size and visibility of the building within the Town of Kent. Unlike previous plans, the project includes non-retail related space for management, office, and meeting space as well as a Putnam County Sheriff's Department Substation. The plan further reduces the area of impact and the building footprint through the incorporation of two-story buildings that will house retail uses and the previously noted non-retail uses."⁴

C. Construction, Operation, and Maintenance

As noted in the Lead Agency's Findings Statement the Project is expected to be constructed over a two to three-year period with the access driveway, utility infrastructure and storm water management facilities expected to be completed within the first six to eight months.

Within the Town of Kent construction must be carried out in accordance with an erosion and sediment control plan developed to minimize the potential for on-site and off-site soil erosion impacts during construction. Erosion controls include the installation of silt fences, swales, check-dams, erosion control blankets, critical area seeding, turbidity curtains and temporary sedimentation basins to control and minimize erosion during construction, with all such control devices installed prior to any grading or site disturbance, for each part of the construction. There shall be a maximum of 5 acres of exposed soil at any time with no more than 2.5 acres of exposed soil in areas of steep slopes (i.e. equal to or greater than 15%). The construction contractor will be required to maintain the sediment control facilities throughout the entire construction process along with all control measures, and the owner agrees to permit the monitoring of the Project, at reasonable times and in a reasonable manner, throughout the duration of construction by the Planning Board's Professional Engineer and Wetland Consultant. The Town of Kent will require the posting of security to ensure the proper installation and maintenance of erosion and sediment control measures and for site restoration if necessary. In addition, the Town of Kent will be provided with all storm water related documents including but not limited to modifications to the

3. Findings Statement, section 2.2, page 7.

4. Id, section 2.4, page 10.

storm water pollution prevention plan (SWPPP) and site inspection reports. The owner will be required to submit a completed MS4 acceptance form to be executed by the Town of Kent Stormwater Management Officer and Town Engineer as well as written documentation of storm water and erosion and sediment control coverage by NYSDEC as well as approvals from NYCDEP prior to commencing any work. The Town will also require, and all project approvals of the Planning Board will be subject to compliance with, all aspects of Chapter 66 of the Town Code governing storm water management, as administered by the Town, in addition to any mitigating conditions found in this Findings Statement and/or any approval resolution of this Planning Board. This would include the posting of construction security to ensure the proper completion of storm water management facilities. Post-construction safeguards for continued maintenance repair and replacement, if necessary, of the storm water facilities in the Town of Kent must be provided and complied with by the Project to the satisfaction of the Town. In addition, the applicant will be required to deposit monies with the Town to cover the cost of project inspection fees by the Town's engineering, planning, and wetland consultants.

Construction equipment will be staged in the area of the entrance driveway and on level portions of the site. Once the driveways and parking areas are graded, construction material for the buildings can be stored and staged in those areas. Construction vehicles will only enter and exit the property utilizing the driveway at NYS Route 311. The proposed emergency access on Concord Road shall not be used as a construction or material delivery entrance/exit. A construction entrance with an anti-tracking pad will be installed at the site entrance to prevent the tracking of soil onto the state highway. A street sweeper would also be employed to remove accumulated soil at the entrance drive. Material deliveries for the project construction will arrive from both south and north of the site on Route 311. It is expected that material coming from outside the local area will arrive at the site from Interstate Route 84. Workers shall park either on the Project site or in other designated areas and shall not park along Route 311 or within the Route 84 right-of-way.

During construction dust will be controlled by limiting the area of exposed soil at any one time to no more than five (5) acres, as depicted on the Sediment and Erosion Control Plan for the Project. The Plan provides for the sequencing of construction and minimizing the amount of time soil remains exposed. Staging construction materials on either pavement or gravel would reduce the amount of vehicle traffic on exposed soils, thereby reducing the pulverizing of exposed soils through vehicle movement that could result in fine dust being easily lifted into the local atmosphere by light winds and the passage of vehicles. During the summer months or dry periods, a water truck would be employed to wet the pavement and exposed soils to minimize this lifting of dust.

Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent will be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.

Pursuant to Chapter 38, Article II of the Town of Kent Code any blasting activity within the Town

of Kent will require a permit from the Town Fire Inspector. In accordance with Section 38-13.3 of the Town Code blasting may be conducted when authorized by permit Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m., and is prohibited on Saturdays, Sundays and legal holidays.

For blasting operations in the Town of Patterson the Lead Agency will require adherence to the Blasting Mitigation Plan set forth in the Findings Statement. The Involved Agency notes that while the Town of Patterson presently does not have a blasting code, that it is likely that any such code, if adopted by Patterson, would supersede any inconsistent provisions of the Blasting Mitigation Plan.

D. Required Approvals/Permits

The following permits and approvals must be obtained from the Town of Kent:

- Planning Board – Site Plan, Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit approvals.
- Zoning Board of Appeals – Area variance for signage.

It should be noted that the Planning Board's Site Plan Approval is also subject to review and recommendation by the Putnam County Department of Planning pursuant to General Municipal Law §239-1 and §239-m. However, the County's role is limited to issuing a recommendation to approve the Site Plan without change, to approve the Site Plan with modifications, or to deny the Site Plan. In each instance the Planning Board is free to accept or decline the County's recommendation, although a decision to override the County's recommendation requires a super-majority vote (i.e. 5 of 7) of the Planning Board membership.

E. Specific Issues Considered by the Town of Kent Planning Board

1. Storm Water Control / Sediment and Erosion Control

As noted on the proposed Site Plan for the Project, grading for site improvements would alter existing drainage pathways while additional impervious surfaces would increase the rate and volume of runoff during storm events. The proposed Site Plan depicts measures incorporated into the Project design to ensure that storm water flows are managed so as to reduce and eliminate quantitative and qualitative erosion potential to the maximum extent practicable, and reduce the rate of off-site storm water flow so that it would not exceed the pre-development rates. The proposed development must comply with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity Permit No GP-0-10-001. This permit contains the requirements for storm water discharges so as to provide long-term water quality protection for downstream locations. All aspects of the storm water facilities in the Town of Kent, both during construction and post-construction, must comply with the Town's administration of Chapter 66 of the Town Code, including but not limited to such

easements, storm water facility maintenance agreements, and security measures to induce and insure compliance, as the Town shall determine. The applicant is also required to address storm water quality and quantity regulatory compliance under the New York City Department of Environmental Protection's (NYCDEP) review program. The City's storm water review program essentially mirrors the SPDES General Permit regulations in that water quantity and quality protections are mandated for the Project to proceed. Other Best Management Practice recommendations for this Project include temporary erosion control measures that will be utilized during construction, permanent erosion control measures which will exist after construction is complete, and storm water treatment devices. Best Management Practices, which have been incorporated into the design of this project, include storm water quantity (peak flow), quality mitigation, and thermal mitigation⁵. In addition, limits of disturbance areas are defined for each phase of site development to ensure that clear cutting and removal of vegetation that is unrelated to construction of proposed on-site improvements would not occur.

With respect to the specific improvements related to control and treatment of storm water runoff, the Involved Agency notes that current site conditions include uncontrolled runoff from steep slope areas in Kent and in Patterson into the Middle Branch of the Croton River. Erosion and materials deposited into this drainage channel eventually end up in Lake Carmel. As a result the Involved Agency has extensively considered the potential impact of the Project as to whether and how water quality (i.e. phosphorus reduction) could be improved, and has determined the following:

- Chapter 10 of the New York State Stormwater Management Design Manual applies in the design of the storm water facilities for the Project. Chapter 10 does not require that a project be phosphorus neutral. Chapter 10 dictates that the water quality volume is the runoff volume from the 1-year storm, and this runoff must be discharged from the storm water management practice over a 24-hour period. This condition would be met by this Project.
- The NYSDEC requires that the Town of Kent remove at least 14.8 pounds of phosphorus from its storm water discharge for each of the next four years, in addition to the most recent annual reporting period. The total removal requirement for the current five (5) year period is 74.1 pounds of phosphorus.
- The responsibility for removal of at least 14.8 pounds of phosphorus concerns the correction of existing conditions in the town that contribute to the introduction of phosphorus into local waters. The retrofit program is intended to focus on storm water improvements for existing high intensity developments (HID), and is not based on taking credit for mitigation provided in support of new development.
- Under current conditions, the discharge from Concord Road onto the applicant's property and into an eroding "ditch" that drains in the direction of Route 311 results in a discharge of storm water, polluted with

5. The Middle Branch is a classified trout stream, and trout are sensitive to increases in water temperature.

sediment, from the applicant's property into the Middle Branch Croton River. The annual contribution of phosphorus into the Middle Branch from this untreated source is calculated to be ± 14.3 pounds annually.

- Under proposed development conditions, the applicant will by-pass the "ditch" by creating a new rip-rap lined water course into which runoff will be diverted. As a condition of Site Plan Approval the Planning Board will require that the applicant obtain any necessary permits for this work. The by-pass of the eroding "ditch" is calculated to result in a minimum phosphorus reduction of ± 14.3 pounds annually. Absent this work it is calculated that the section of the site that is wholly within the Town of Kent would otherwise contribute less than 5 pounds of phosphorus annually. The Involved Agency acknowledges, but does not necessarily agree with, the applicant's assertion that this work would correct an existing adverse environmental condition that is unrelated to the Project and that the applicant is voluntarily undertaking the work as part of the overall Project site work. Although the Involved Agency considers it arguable as to whether the construction of a by-pass is entirely unrelated to the Project, the Involved Agency does recognize the work as a repair to address an existing environmental condition through which the Town would realize an important benefit in regard to water quality of the Middle Branch and Lake Carmel. The Board also finds that any additional impacts that may be related to this work, including temporary construction impacts, additional disturbance, and earthwork activities, would be greatly outweighed by the documented water quality benefits. In addition, the Planning Board believes that once the "by-pass" improvements have been completed it may be beneficial to fill in or otherwise stabilize the existing drainage ditch. Accordingly, once the abovementioned storm water improvements are completed, the Town will evaluate, for one "wet season" (i.e. spring or fall), the condition of the existing drainage ditch, to evaluate whether filling or stabilization of the ditch is necessary to alleviate any observed erosion condition. Following this evaluation, if the Town or the Applicant determines that the existing drainage ditch should be filled or otherwise stabilized, the Applicant shall diligently apply for and shall obtain any permits necessary to mitigate any observed erosion condition or MS4 violation. In such event the Involved Agency agrees to assist the Applicant in obtaining any required permits and approvals by providing non-financial support (i.e. letters and correspondence) to other permitting agencies. Within twelve (12) months of obtaining any permits and approvals for such work the Applicant shall commence the work which shall be expeditiously (as determined by the Town) completed. In the event no other permits or approvals are required to fill or to stabilize the ditch the applicant shall commence the work within twelve (12) months of the Town's request to undertake the work, provided such request is made prior to the issuance of the final certificate of occupancy for the project. The Applicant shall be required to pay the reasonable cost of monitoring by the Town, and shall post such monies and shall execute such agreements as may be required by the Involved Agency, and approved by the Planning Board Attorney, to give effect to this condition.
- Under current conditions, a large portion of the Interstate 84 interchange at NYS Route 311 contributes a significant volume of untreated sediment and phosphorus into the Middle Branch. The annual

contribution of phosphorus into the Middle Branch from this untreated source is calculated to be ± 23.81 pounds annually.

- Under proposed development conditions, the applicant will construct a pond for the treatment of runoff from the I-84 and Route 311 interchange. The new storm water facilities at the I-84/Route 311 interchange is calculated to result in a minimum phosphorus reduction of ± 11.67 pounds annually.
- Under current conditions, an aged and deteriorated section of 30 inch pipe along the south side of NYS Route 311 is corroded through and is causing sink holes above the pipe and erosion under the pipe, thereby introducing additional sediment and phosphorus into the Middle Branch. The annual contribution of phosphorus into the Middle Branch from this source is calculated to be ± 2.0 pounds annually.
- Under proposed development conditions, the applicant will replace the existing 30 inch pipe and will combine the outlet of the ditch by-pass with the outlet for I-84/Route 311 interchange work. The phosphorus reduction for replacing this failed drainage system is calculated to be ± 2.0 lbs per year.
- By email dated July 27, 2010 from Robert Capowski, P.E. the New York State Department of Environmental Conservation has determined that the diversion of storm water flow from the "ditch", and the installation of storm water management facilities at the Route 84 interchange and the portions of the site within the Route 311 right of way, will qualify as a "retro-fit" under which the Town of Kent may take credit for phosphorus reduction under the Municipal Separate Storm Sewer System (MS4) Permit.
- The Planning Board will condition any approval on no work being started within the NYSDOT right-of-way portion of the Project unless and until title to the land that will contain the storm water treatment basin has been transferred to the Applicant along with the transfer of the phosphorus credits for the state highway right-of-way improvements. This will allow the Town to treat the storm water improvements within the lands that are currently owned by the NYSDOT as an eligible "retro-fit" so that the Town can meet its phosphorus removal obligations as directed by the NYSDEC. This condition shall also include the securing, by the Applicant at the Applicant's expense, any permits and approvals from the NYSDOT, NYSDEC, NYCDEP, and the USACOE, as required.

The Involved Agency is satisfied that the proposed storm water facility improvements, in compliance with the SPDES General Permit and the NYCDEP storm water regulations, will provide the protections required for downstream land owners and surface waters without the need for additional specific mitigation as a condition of approval. Additionally, the Involved Agency notes that the applicant will correct existing conditions that contribute a significant amount of phosphorus into the Middle Branch that ultimately results in the degradation of water quality in Lake Carmel.

The Town and the applicant must address and clarify responsibility for the long-term maintenance and repair of the storm water management facilities located on the Kent portion of the Project. Most of the Project would be located in the Town of Patterson, with part of the Project in Patterson draining in the direction of, and upon, the portion in the Town of Kent. With the exception of a small 2,000 square foot retail building the Kent portion of the Project is almost exclusively devoted to driveway and storm water facilities which do not improve value of the land, and effectively encumber the land with obligations of long-term maintenance of storm water facilities and/or an access driveway. The Planning Board concludes that the Town of Kent, in order to mitigate potential storm water impact to the greatest extent practical, should require a suitable agreement among the Project, the Town of Patterson and the Town of Kent to address the establishment of tax liens by either host municipality upon the portion of the project in its jurisdiction to remedy default by the Project in future maintenance of storm water facilities situated in either of the two municipalities. Such an agreement would address the imbalance of value to project lands as compared to the Town of Kent and the Town of Patterson respectively, and serve as a deterrent to any future "walk away scenario" under which storm water facilities are not maintained, accumulated unilateral municipal tax liens to remedy the default are not satisfied, and the land is potentially lost to real property tax foreclosure. A three-party agreement among the parties is being circulated at this time. The establishment of such an agreement suitable to the Town of Kent is requirement and a condition of this Findings Statement and will be made an express condition of any site plan approvals that may be granted for this project. In addition, the Involved Agency makes it an express condition of this Findings Statement, and any conditions of site plan approval, that the applicant implement and complete any and all storm water and erosion and sediment control measures as discussed and set forth in this Findings Statement.

Accordingly, the potential adverse impacts related to altering existing drainage patterns and increasing the amount of impervious surfaces on the site, subject to these conditions, will be mitigated to the maximum extent practicable.

2. Water course and Controlled Area Impacts

Under Chapter 39A of the Town Code the Town of Kent regulates certain discharges and other activities into wetlands, water bodies, and water courses and their "controlled areas". For purposes of wetlands the "controlled area" extends 100 feet outward from the edge of the wetland boundary, and for water bodies and water courses the "controlled area" extends 100 feet outward from the bank of the watercourse an elevation of less than three feet above the normal waterline, whichever is greater. Chapter 39A prohibits the draining, dredging, excavation, and removal of material, the depositing or storing of any material, and the erection of buildings, roads and structures within regulated wetlands, water bodies, and water courses, and their controlled areas without a permit.

As previously noted, the applicant proposes to undertake the repair and replacement of an aged and deteriorated section of 30 inch pipe along the south side of NYS Route 311 that is corroded through and is causing sink holes above the pipe and erosion under the pipe, resulting in the deposition of sediment and material (including phosphorus) into the Middle Branch that eventually finds its way to Lake Carmel. This work would also include the placement of certain road improvements within the Route 311 right of way that extend into the "controlled area" of the Middle Branch, which is a regulated water body under Chapter 39A of the Town Code. This work will therefore require a permit from the Planning Board and may also require permits or approvals from the NYCDEP and/or the USACOE. The amount of land area within the controlled area that would be disturbed is ± 2850 square feet, or ± 0.065 acres. The proposed storm water retrofits and improvements would serve as mitigation for disturbance to the Town's jurisdictional watercourse controlled area.

The work proposed would result in the elimination of a condition under which the corroded pipe is allowing erosion and sediment to enter the Middle Branch and Lake Carmel. This work would therefore correct a latent and adverse environmental condition, meaning that the work to be performed under the Chapter 39A permit from the Town would be a repair of a condition not caused by or otherwise contributed to by the Project. The work is therefore not a mitigation measure as such, but is a repair that the applicant has agreed to perform as part of the installation of the storm water management facilities for the Project. In return the Town would realize an important benefit in the water quality of the Middle Branch and Lake Carmel.

3. Blasting Impacts

Implementing the proposed development plan may require blasting to establish suitable grades for proposed improvements. However, the areas of potential blasting are more likely to be located in the Town of Patterson portion of the Project. Although not anticipated, blasting may be required in the Town of Kent for the construction of the access road. The design of the road reflects deep cuts that may encounter rock.

Pursuant to Chapter 38, Article II of the Town of Kent Code any blasting activity within the Town of Kent will require a permit from the Town Fire Inspector. In accordance with Section 38-13.3 of the Town Code blasting may be conducted when authorized by permit Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m., and is prohibited on Saturdays, Sundays and legal holidays.

The Involved Agency will also condition any site plan approval on the applicant preparing and submit for approval of the Planning Board a handout for nearby residents which addresses the process of blasting, scheduling, monitoring and all significant pre-blast and post-blast matters, and including a municipal contact name and telephone number in both the Town of Kent and Town of Patterson. This condition will also require the applicant to distribute the handout to all residents within a 1,000 foot radius of the point of blasting.

For blasting operations in the Town of Patterson the Lead Agency will require adherence to the Blasting Mitigation Plan set forth in the Findings Statement. As specified in the Findings Statement the elements of this plan are summarized as follows:

"All structures, including residential dwellings, located within 500 feet of the blast site will be identified. Pre-blasting inspections will be conducted at all off-site structures located within 500 feet of the blast site, if authorized by the property owner. These inspections will include photographic or video documentation. A qualified independent specialist would inspect site foundations within 500 feet of potential blasting sites before and after blasting work. The Applicant will fund all inspection work. The 500-foot radius is based upon technical studies and professional blasting standards, as described in the EIS."

"Neighboring property owners and appropriate municipal representatives (Town Clerk and Police Department) will be notified of the intent to blast not more than 30 days nor less than 72 hours prior to planned blasting activities, and such persons will be notified not more than 72 hours nor less than 24 hours prior to the commencement of blasting. Notification will be accomplished through mailings and by telephone calls to the residents. The mailings documenting the blasting schedule will be sent through the US Postal Service to the appropriate officials and all residents within 500 feet of the site. Phone calls to these residents will be made within the specified time frames noted above to provide additional notification of the pending blasting. The mailed notifications will include information regarding the blasting locations and the approximate time during which the blasting would occur."

"While there is potential for impacts to nearby private or local wells (no public water supply exists in this area), any documented impact to private or local wells will be remedied by the blasting contractor. The Applicant has developed a Blasting Mitigation Plan that includes provisions to monitor wells during the period of construction blasting for a period of not less than two weeks prior to the blast, and two weeks after the final blast has occurred. The well monitoring plan includes the collection of water level data on a representative number of wells within 500 feet of blasting sites, before, during and after blasting. Foundation surveys of structures within 500 feet of the blasting sites are included in this plan. Copies of all documentation concerning off-site structures, including photographic and/or video documentation, will be provided to the Towns of Patterson and/or Kent depending on the location. It is noted that the Applicant and Blasting Contractor cannot survey or monitor pre-blast conditions on relevant adjacent properties unless given permission by the respective owner. An owner in the pre-blast area cannot be allowed to prevent or delay blasting simply by refusing access to their property for the pre-blast inspection. Accordingly, if access is not granted within twenty-one days of when a written request for access is made by certified mail, and access to the property allowed within 60 days of notice, the pre-blast survey may be completed without the inclusion of such property."

"The contractor will conduct test blasting and seismographic monitoring prior to carrying out blasting operations in order to develop a final blasting plan and

determine appropriate on-site blasting techniques. The quantity of explosives would be limited to the amount necessary to fracture the rock without endangering persons or property. Before firing, all targeted areas will be covered with a suitable protective device to prevent escape of broken rock. Seismographic monitoring will continue throughout the periods of blasting at the site, and daily logs of seismographic data, explosive use and field conditions will be maintained."

"Warning flags or other means will be used at a reasonable distance to give proper warning to the public at least three minutes in advance of firing. Blasting would not be conducted between the hours of 5:00 PM and 8:00 AM, nor on Saturdays, Sundays or those legal holidays identified in the EIS."

"The Blasting Contractor retained to complete the blasting is required to be licensed by NY State and carry insurance sufficient to cover all claims for damage to private property. All blasting will be conducted in compliance with New York State requirements (Title 12 of the New York Code of Rules and Regulations (12 NYCRR Part 39). The Town Building Inspector or any professional hydrogeologist retained by the Town (and funded by the Applicant) would be the arbitrator for claims of damage to wells."

The Involved Agency conditions any approval on compliance with the Lead Agency's mitigation and with any conditions of approval by the Town of Patterson Planning Board.

Given that blasting operations within the Kent portion of the Project are subject to the permit requirements of Chapter 38, Article II of the Town of Kent Code, and any blasting within the Patterson portion of the Project would be subject to the specific mitigation set forth in the FEIS and the Lead Agency's Findings Statement, the Involved Agency has determined that the potential adverse impacts related to blasting operations would be mitigated to the maximum extent practicable.

4. Traffic

As noted in the Introduction section of this Findings Statement the Involved Agency participated in the review of traffic related impacts associated with Project. At the time the Lead Agency was soliciting comments on the content of the Scoping Document for the Draft Environmental Impact Statement, the Involved Agency requested that the Lead Agency include the following intersections for analysis in the Traffic Impact Study (TIS):

- Terry Hill and North Terry Hill
- Fair Street and Terry Hill Road
- Horsepound Road and Route 52

6. Findings Statement, section 4.1, page 16.

- Barrett Hill Road and Route 52
- Putnam Drive and Route 311*
- Harvard Drive and Route 311*
- Roslyn Road and Route 311*
- Towners Road and Route 52*

The intersections noted with an asterisk (*) are those the Lead Agency declined to include as study intersections in the TIS prepared for the Project.

As part of the Involved Agency's review of the DEIS and the FEIS for the Project, the Involved Agency retained the services of Creighton Manning Engineers (CME) to review the documents and proposed project plans. After review of the FEIS⁷ CME provided the Involved Agency with the following opinion/recommendation:

1. *"It is agreed that intersection improvements are not required at the intersection of NY Route 311/Ludington Court."*
2. *"It is agreed that the improvements at the NY Route 311/Site Access intersection to include the construction of a westbound left-turn lane and eastbound right-turn lane and the installation of a traffic signal are required as mitigation for the proposed project. These improvements are to be funded by the Applicant."*
3. *"The following comments are offered on the remaining study area intersections in the Town of Kent:"*
 - *"At the NY Route 311/Longfellow Drive intersection a drop in level of service will occur on the Longfellow Drive intersection approach between the No-Build and Build conditions. The FEIS does not recommend improvements at this intersection to mitigate the drop in level of service. However, the DEIS document did illustrate an improvement plan at this intersection to include the extension of widening along NY Route 311 at the Terry Hill Road intersection to provide an eastbound left-turn lane on NY Route 311 at Longfellow Drive. Based on a review of left-turn lane criteria documented by the American Association of State Highway and Transportation Officials (AASHTO) in A Policy on Geometric Design of Highways and Streets (2004), the build condition traffic volumes at this intersection meet the left-turn lane warrants. The proposed (full width) widening on Route 311 should extend to the east beyond the Longfellow Drive intersection so that it could easily be re-striped in the future with a left-turn lane. Figure K-2 and Table K-1 should be modified to revise the*

7. Creighton Manning Engineering, LLP, letter of October 7, 2008 to the Town of Kent Planning Board.

limits of the full width widening."

- *"Without the improvements planned by the County at the intersection of NY Route 311/Terry Hill Road, level of service F conditions will exist on the Terry Hill Road intersection approaches in the Build condition with an increase in the vehicle delay due to site generated traffic. The improvements are needed with the completion of the project and there should be little delay between the site occupancy and the completion of the roadway improvements by the County. Therefore, the FEIS should provide details on the timing of improvements. The Applicant should mitigate the poor operating conditions in the event that the County does not complete the outlined improvements at this intersection. Specific language should be added to the Findings Statement requiring the Applicant to perform an after-study and complete mitigation as necessary if intersection improvements are not completed by the County."*
- *"It should be clear in the FEIS that it is the responsibility of the Applicant to coordinate with NYSDOT to ensure that the necessary traffic signal timing modifications are implemented at the NY Route 311/NY Route 52 intersection. The Findings Statement should require the Applicant to submit verification to the Town of Kent that the work has been completed within 6 months of opening."*
- *"The term of three years for monitoring of the potential traffic signal installation at the NY Route 52/Barrett Hill Road intersection is acceptable. Table K-1 should be modified to clarify that it is the Town of Kent's responsibility to coordinate with the NYSDOT to insure that the TIP improvement is completed."*
- *"The improvements to include a center turn lane on NY Route 52 at Horse Pond Road are listed in the FEIS as the responsibility of the Kent Manor project. The Build analysis shows additional degradations at this intersection due to the project generated traffic. The FEIS needs to provide details on the required mitigation by the Applicant to mitigate the poor operating conditions at this intersection in the event that the Kent Manor project improvements are not realized."*

With respect to the intersections that the Lead Agency declined to specifically include in the TIS the Involved Agency notes that in regard to Putnam Drive/Route 311, and Harvard Drive/Route 311, both Putnam Drive and Harvard Drive access Route 311 via Terry Hill Road and North Terry Hill Road, and that the improved and signalized Terry Hill Road/North Terry Hill Road/Route 311 would be accessible to traffic from Putnam Drive and Harvard Drive. (It should be also noted that Roslyn Road connects from Terry Hill Road to Route 311 thereby allowing

access to these same improvements from Roslyn Road). The Involved Agency also notes that the new signal at Terry Hill Road/North Terry Hill Road/Route 311 would provide a gap in traffic for vehicles entering Route 311 from Roslyn Road thereby alleviating the need for specific improvements at this intersection. As for Towners Road/Route 52, the intersection is currently signalized at Route 52/Nicholls Street/Towners Road and that the TIS identified that the existing improvement would accommodate future Project related traffic.

Since the time of the CME report the Lead Agency has developed a comprehensive list of traffic improvements along with a phasing plan for the implementation of those improvements. In regard to the roadways and intersections located in or immediately adjacent to the Town of Kent the Lead Agency has required the implementation of the following improvements:

Road/Intersection Improvement	Timing
NYS Route 311 at the Project entrance. Improved with right and left turn lanes and a new traffic signal.	Prior to issuance of first certificate of occupancy for any building.
NYS Route 311/Interstate 84 Westbound ramp. New left turn lane, off-ramp turn lane, signalization and queue detection.	Prior to issuance of a second certificate of occupancies equal to, or exceeding 250,000 square feet of buildings.
NYS Route 311/Interstate 84 Eastbound ramp. New left turn lane, off-ramp turn lane, signalization and queue detection will be added.	Prior to issuance of a second certificate of occupancies equal to, or exceeding 250,000 square feet of buildings.
NYS Route 311 and Terry Hill Road. New left turn lane on NYS Route 311, a separate right turn lane on Terry Hill Road and a potential traffic signal. (See also letter from Putnam County dated August 22, 2007.)	Prior to issuance of a second certificate of occupancies equal to, or exceeding 350,000 square feet of buildings.
Traffic volume monitoring, intersection of NYS Route 311 and NYS Route 52 for a period of three years. These data to be used by NYSDOT to optimize signal timing.	To begin upon the issuance of certificates of occupancies for equal to, or greater than 150,000 square feet of building area.
NYS Route 52 and Barrett Hill Road. Place \$100,000 in escrow with the Town of Kent for a new traffic signal.	Monitor NYS Route 52 and Barrett Hill Road in Kent annually for a period of three years after Project opens. Monies can be used for traffic signal if approved by NYSDOT.

Road/Intersection Improvement	Timing
NYS Route 52 and Horsepound Road. Add NYS Route 52 center turn lane.	Applicant for Kent Manor is to bond with Town of Kent. (Part of previously required traffic improvements).
NYS Route 311 and Longfellow Drive. Add separate left turn lane on Route 311.	Prior to issuance of a second certificate of occupancies equal to, or greater than 350,000 square feet of buildings.
Emergency access gates will be installed and locked to prevent unauthorized use; emergency responders such as the local fire department would be provided with keys for the gates.	Prior to issuance of first certificate of occupancy.

As set forth in the table above, the phased implementation of various off-site traffic improvements is based on the incremental increase in traffic at the 150,000, 250,000, and 350,000 square foot building stages for the Project. According to the TIS prepared for the project each 100,000 square foot increase in new building square footage would generate approximately 414 new vehicle trips (207 in and 207 out) during the Saturday peak hour. Based on the distribution analysis approximately 30% of those vehicle trips would be heading westerly on Route 311 for distribution onto other roads such as Terry Hill Road and Route 52 where further distribution would take place onto such roads as Barrett Hill Road, Horse Pound Road, Longfellow Drive, etc. The distribution of Project related (new) traffic at the NYS Route 52 and Horse Pound Road intersection is approximately 12% of the total traffic at the intersection during the peak hour.

In regard to this list of improvements and the timing of their implementation, and the responsibility for their implementation, the Involved Agency takes note that some of the improvements or monitoring efforts are to be undertaken by other agencies who are not bound by this Findings Statement or by any conditions of approval by the Involved Agency, and that the current record does not indicate a firm and unequivocal commitment by those other agencies to implement required mitigation at the time certificates of occupancy would be requested for various parts of the project. Accordingly, the Involved Agency modifies the traffic mitigation for the affected Kent roads and intersections as follows:

Road/Intersection Improvement	Phasing/Timing
1. NYS Route 311 at the Project entrance. Improved with right and left turn lanes and a new traffic signal; and emergency access gates will be installed and locked to prevent unauthorized use. The emergency access road shall be constructed and stabilized so as to accommodate the weight of emergency vehicles.	Prior to issuance of the first certificate of occupancy for any building of any size. Emergency responders such as the local fire department shall be provided with keys for the emergency gates prior to opening of any building of the Project to the public.
2. NYS Route 311/Interstate 84 Westbound ramp. New left turn lane, off-ramp turn lane, signalization and queue detection.	Prior to issuance of a certificate of occupancy(ies) for any number of buildings in which the total gross floor area of the Project would equal or exceed 250,000 square feet.
3. NYS Route 311/Interstate 84 Eastbound ramp. New left turn lane, off-ramp turn lane, signalization and queue detection will be added.	Prior to issuance of a certificate of occupancy(ies) for any number of buildings in which the total gross floor area of the Project would equal or exceed 250,000 square feet.
4. NYS Route 311 and Terry Hill Road. New left turn lane on NYS Route 311, a separate right turn lane on Terry Hill Road, a potential traffic signal, and separate left turn lane from Route 311 onto Longfellow Drive. (See also letter from Putnam County dated August 22, 2007.)	Prior to issuance of a certificate of occupancy(ies) for any number of buildings in which the gross floor area of the Project would equal or exceed 350,000 square feet. Prior to Chairman signature on the site plan map the applicant shall provide Putnam County's commitment to undertake these improvements at the time and in the manner provided herein. In the alternative the applicant shall provide a security to the Town of Kent, in an amount deemed sufficient by the Planning Board, and in a form acceptable to the Planning Board attorney, to cover the cost of the improvements. Said security is also subject to acceptance by the Town Board. Unless otherwise agreed to by the Putnam County DPW the applicant shall be responsible to pay the cost of signal and roadway improvement design and permitting.

Road/Intersection Improvement	Phasing/Timing
<p>5. Traffic volume monitoring, intersection of NYS Route 311 and NYS Route 52 for a period of three years. These data to be used by NYSDOT to optimize signal timing.</p>	<p>To begin upon the issuance of a certificate of occupancy(ies) for any number of buildings in which the total gross floor area of the project is equal to, or greater than 150,000 square feet. The applicant is responsible for the collection of the traffic data and shall, no less than once per year during the monitoring period and within three months of completion of the monitoring, provide the Town of Kent Planning Board with a written report of the prior year results. In addition, the Town of Kent Planning Board shall be provided copies of any and all reports and correspondence between the applicant and the NYSDOT or the Putnam County DPW in regard to the monitoring program. In the alternative the applicant shall provide a security to the Town of Kent, in an amount deemed sufficient by the Planning Board, and in a form acceptable to the Planning Board attorney, to safely cover the cost of the three years of monitoring by the Town. Said security is also subject to acceptance by the Town Board. Unless otherwise agreed by the NYSDOT to assume responsibility, the applicant shall be responsible to implement, or to pay the cost of implementing, any adjustments to the signal timing that may be indicated as required by the monitoring program. Unless otherwise agreed by the NYSDOT to assume responsibility, the applicant shall be responsible to pay the cost of signal and roadway improvement design and permitting.</p>

Road/Intersection Improvement	Phasing/Timing
<p>6. NYS Route 52 and Barrett Hill Road. The applicant shall place \$110,000 in escrow with the Town of Kent as security for a new traffic signal. Said security shall be cash and may be placed by the Town into an interest bearing account. Applicant shall provide such written agreements as may be required by the Planning Board Attorney to implement the monitoring and improvement plan for this intersection, and shall be subject to acceptance by the Town Board. The security shall be paid to the Town of Kent at the time the first certificate of occupancy(ies) for any part of the Project is issued by either the Town of Kent or the Town of Patterson.</p>	<p>The applicant shall monitor NYS Route 52 and Barrett Hill Road in Kent annually for a period of three years after issuance of the first certificate of occupancy. The monitoring plan shall be approved by the Involved Agency, and the NYSDOT if required. Monies shall be deposited for use for a traffic signal if signal warrants are met, and may also be used for other improvements at this intersection, subject to NYSDOT approval of the improvements. The applicant is responsible for the collection of the traffic data and shall, no less than once per year during the monitoring period and within three months of completion of the monitoring, provide the Town of Kent Planning Board with a written report of the prior year results. In addition, the Town of Kent Planning Board shall be provided copies of any and all reports and correspondence between the applicant and the NYSDOT or the Putnam County DPW in regard to the monitoring program. Unless otherwise agreed to by the NYSDOT and the Town the applicant shall be responsible to pay the cost of signal and roadway improvement design and permitting.</p>
<p>7. NYS Route 52 and Horsepound Road. Add NYS Route 52 center turn lane.</p>	<p>Applicant for Kent Manor is to bond with Town of Kent. (Part of previously required traffic improvements).</p>

In addition to the improvements mandated by the Lead Agency, the Involved Agency has also considered the issue of emergency access to the site in the event the main driveway access to NYS Route 311 is partially or wholly blocked. In this regard the Involved Agency notes that the Lead Agency has required the applicant to provide a secondary emergency access connection to Concord Road in Patterson. The Involved Agency notes that a portion of Concord Road is located in Kent, and there are several other roads located in Kent that would be used by emergency vehicles to reach the Project in the event of an emergency. These roads would also serve as an emergency detour route away from the Project. The Involved Agency notes that many of these roads are substandard with respect to their construction when compared to the minimum standards for new town roads, but notes that many of these roads were developed at a time when the homes in the area were seasonal use.

With respect to the potential use of these roads during an emergency the Involved Agency notes that emergency responders may be somewhat challenged by the existing roadway geometry, but that the nature of an emergency means that such usage is expected to occur infrequently, and ideally not at all. In this regard the Involved Agency notes the discussion of emergency access as set forth in the FEIS:⁸

"In addition to the primary driveway access from NYS Route 311, a secondary means for emergency access to the site will be constructed from Concord Road. The primary purpose of the emergency access is to provide for an alternative entrance for emergency vehicles, should the need arise. This access road would be gravel, and gated at both ends. Should this access be needed for ingress and egress for emergency vehicles, traffic flow would be coordinated and handled by the agency in charge of the emergency scene. Both the primary driveway providing access and the emergency access drive are designed to accommodate fire engines and truck traffic."

"The [primary] site access has been redesigned with a climbing lane to permit passing of entering vehicles stopped on the section of the access road in the Town of Patterson. Thus in an emergency, vehicles could exit the site drive even with emergency vehicles entering the site driveway and a stopped vehicle blocking a portion of the entrance in Patterson. With two exiting lanes in the Town of Kent, stranded exiting vehicles in Kent can also be passed. North of the service road crossovers are provided in the median for directing traffic around blockages. South of the service road, traffic can, in an emergency, be directed to use any of six access points to the service road as shown on FEIS Appendix L Figure L-3."

"The emergency access has been redesigned and is proposed as 12 feet wide. The width of Echo Road and Concord Road, at 16 to 23 feet, would accommodate emergency vehicles needing to visit homes on these roads or gain access to the project site. There is no reason to believe the roads would be overwhelmed by emergency vehicles."

"In the unlikely event that traffic would need to be evacuated from the site using the emergency access, a temporary impact would occur, lasting a short time. The emergency access will not be used as a general public access."

With respect to emergencies and the potential need for response vehicles and personnel to react to an event at the Project the Involved Agency notes that any coordination of emergency services would likely occur through personnel at the on-site Sheriff's substation located in the part of the Project in the Town of Patterson. In addition, all of the buildings in the Project will have automatic sprinkler systems for fire suppression, and many will have their own in-store security staff. It is also noted that the main driveway access is a "boulevard" type design, with the "in" and the "out" traffic lanes separated by a median, with extra width (to accommodate large emergency vehicles) provided in both directions. This design allows for use by emergency

8. Patterson Crossing FEIS, Transportation Chapter, pages 22-23.

responders, using either lane, even if there is some blockage of traffic. Further, in the event of an emergency evacuation, all three of these oversized lanes (which are the equivalent of four standard width lanes) would be used to evacuate the site as necessary. The Involved Agency also makes it an express condition of this Findings Statement, and any conditions of site plan approval, that the Applicant maintain all primary, secondary, and emergency access roads so that such roads are usable all-year round. For example, in addition to regular snow removal along the primary access driveway to Route 311 the Applicant shall remove snow along the length of and at the entrance to the emergency access driveway at Concord Road.

As a mitigation measure to deal with the pre-construction projections and uncertainties attached to carrying out actual emergency evacuation of the regional shopping center in a situation when the access drive from Route 311 is unavailable, and pursuant to written request(s) of emergency services providers coordinated by the Putnam County Bureau of Emergency Services, the Project shall make the Project available at such reasonable time and under such reasonable conditions as do not cause business interference, hold harmless the Project owner(s) and all tenants, as to allow the emergency response group to conduct simulated evacuation training exercises. The emergency responders acting under a County sponsored and coordinated emergency simulation shall be entitled to access to the site, under and subject to these conditions, on one occasion after each of the following; (a) subsequent to issuance of the first certificate of occupancy for any building; (b) subsequent to issuance of certificates of occupancy for any number of buildings in which the total gross floor area of the Project would equal or would exceed 250,000 square feet; and (c) subsequent to issuance of certificates of occupancy for any number of buildings in which the total gross floor area of the Project would equal or would exceed 350,000 square feet. This paragraph was added by the Involved Agency as a result of a telephone conference on September 9, 2010 between the Kent Town Planner, Neil Wilson, and Robert McMahon, head of the Putnam County Emergency Services Bureau. A copy of an e-mail summary of that conversation sent by Mr. Wilson to the members of the Involved Agency is attached and incorporated into this resolution as Exhibit "A".

Accordingly, the Involved Agency has determined that potential adverse impacts related to traffic generated by the Project would be mitigated to the maximum extent practicable. In addition, the Involved Agency has determined that potential adverse impacts related to emergency access to and from the Project would be mitigated to the maximum extent practicable.

F. Alternatives Considered by the Town of Kent Planning Board

The Involved Agency notes that the Lead Agency considered the following alternatives in the FEIS as discussed in the Lead Agency's Findings Statement, specifically:

- No Action Alternative
- Alternative Scale or Magnitude

- Alternate Building Orientation
- Alternate Project Size
- Alternative Use

In addition, although not specifically discussed as alternatives in the DEIS, the Involved Agency notes that alternative access routes other than NYS Route 311 were investigated, including Fair Street, Concord Road, and the Interstate Route 84 ramps. With respect to a Fair Street driveway connection the existing steep grade (and a large easement) from the Project to Fair Street render the development of a driveway impractical. With respect to a driveway connection to Concord Road that area is a densely settled residential neighborhood, and it would be simply inappropriate to encourage or allow the development of a main driveway in this location that would be used by hundreds of vehicles during the peak hour. With respect to the Interstate 84 eastbound on-ramp, existing steep slopes prevent developing access at this location. In addition, the NYS DOT acquired the ramp right of way "without access" meaning connection to the ramp is not permitted.

Accordingly, the Involved Agency has determined that the proposed access to Route 311 as shown on the proposed project plans provides a viable and least environmentally intrusive means of ingress and egress for the Project, and that the emergency access on Concord Road provides a viable and least environmentally intrusive means of emergency access for the Project.

G. Other Issues Considered by the Lead Agency and Noted by the Involved Agency

The Involved Agency takes note of the discussion of potential impacts and mitigation measures required by the Lead Agency as set forth in the Lead Agency's Findings Statement in regard to the following issues. The Involved Agency concurs with the discussion of impacts and mitigation for the following matters as set forth in the Findings Statement:

1. Geology
2. Soils
3. Topography
4. Groundwater
5. Surface Waters
6. Wetlands, Streams, and Water bodies
7. Vegetation and Wildlife
8. Traffic and Transportation
9. Noise
10. Utilities

11. Community Services and Facilities
12. Socioeconomic
13. Cultural Resources
14. Cumulative Impacts
15. Air Quality

H. Involved Agency Certification

1. Having considered the Draft EIS, the Final EIS, the Draft Supplemental EIS, and the Final Supplemental EIS, the Lead Agency's adopted Findings Statement, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCCR 617.9, the Involved Agency certifies that:
 - a. The requirements of the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, have been met; and
 - b. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the environmental impact statement; and
 - c. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Name and Address of Involved Agency:

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

Contact:

Russ Fleming, Chairman
Tele: 845-225-7802

ADOPTED BY RESOLUTION OF THE TOWN OF KENT PLANNING BOARD, AS AN INVOLVED AGENCY, ON SEPTEMBER 9, 2010 BY A MAJORITY VOTE OF SAID BOARD.

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on the date set forth above.

Lucy Rinaldi, Clerk
Town of Kent Planning Board

Neil A. Wilson

From: Neil A. Wilson [nwilson@lrcconsult.com]
Sent: Thursday, September 09, 2010 2:04 PM
To: Art Singer; barberbruce@yahoo.com; bluehog90@verizon.net; FelixHyl@gmail.com; fleming@nfsa.org; Janis_Bolbrock@msn.com; K. Michael Rose; mjmedit@gmail.com; Msoyka@rsaengrs.com; Phil Tolmach; planning@townofkentny.gov
Subject: Patterson Crossing, Emergency Services
Attachments: 22.-2-48 - Patterson Crossing - Planning board review letter 1.doc

Good afternoon to all. As an update I am working on the 3rd draft of the Findings and will have that to you in the next couple of hours. The purpose of my writing is to specifically update the Board on my telephone conversation with Putnam County Emergency Services and with the Kent Fire Inspector:

1. Putnam County Emergency Services: I spoke today with Bob McMahon, who heads up the ES Bureau. He stated that the primary non-emergency function of the Bureau is as a clearing house for coordination of emergency service training and coordinating the emergency response plans that are maintained by each of the towns in the county. Ordinarily, his office does not get involved in "normal" daily EMT, Fire, and Police responses. The emergency function of the Bureau, however, kicks in when there is a declared State of Emergency, in which case the Bureau activates the County's Emergency Operations Center, and functions as the overall Incident Commander for all emergency services that may be required for a particular emergency. The State of Emergency allows his office to direct emergency resources where they are needed and to coordinate related evacuation activities. Such states of emergency typically arise during natural weather related events, but that does not exclude non-weather related emergencies. He said that the Bureau regularly coordinates evacuation and emergency response drills for places like Indian Point, and most recently coordinated the evacuation drill at the Kent Nursing Home. The need for an evacuation drill is evaluated on a case-by-case basis, but he did indicate that such drills would not typically involve the evacuation of a retail mall. With respect to updating the County's emergency response plan, he said that the County updates its plan in response to updates by each town, and that each town updates its plans as it sees fit based on new construction activities. He said that the plan updates would take place after the construction and occupancy of a place such as Patterson Crossing.
2. Kent Fire Inspector: I spoke today with Bill Walters, the Town Fire Inspector. Specifically, I asked if he had ever provided any correspondence regarding Patterson Crossing since I did not see any letters from his office in the written EIS record. He provided a letter (attached) that he sent in February 2009 in which he comments on the site plan as to the dimensional requirements of the Fire Code for the access driveway.

Neil A. Wilson, Esq.
LRC Planning Services, LLC
8 Morehouse Road
Poughkeepsie, New York 12603
Tele: 845-452-3822
Fax: 845-452-3346

CIRCULAR 230 NOTICE - Pursuant to applicable regulations promulgated by the United States Department of the Treasury which govern the practice of tax professionals before the Internal Revenue Service, please be advised that any tax advice which may be contained within either this electronic communication or any document attached to this electronic communication and which concludes at a confidence level of at least more likely than not, that one or more significant Federal tax issues addressed herein will be resolved in the taxpayer's favor, is not being rendered by the author of such advice for the purpose of you relying upon said advice as a basis for a claim of the existence of "substantial authority" so as to avoid the imposition of any penalties which may be assessed by the Internal Revenue Service as a result of your reliance upon such advice.

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the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

**Town of Kent Planning Board
Resolution of Time Extension Pertaining To
Final Subdivision Approval
Steep Slope and Erosion Control Permit Approval
Freshwater Wetland Permit Approval**

Matter of Hilltop Estates Subdivision

Whereas, on September 11, 2014 the Town of Kent Planning Board granted conditional Final Subdivision, Revised Lot Line, Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit approvals for the Hilltop Estates Subdivision; and

Whereas, said final approvals are valid for 180 days and may be extended by the Planning Board; and

Whereas, the Board has been advised that the applicant has made substantial progress in completing the conditions of the approvals, including obtaining other agency permits and approvals, although some work has yet to be completed; including acceptance of the various agreements pertaining to the proposed storm water facilities, dedication of the road as a town highway, and the formation of a homeowners' association;

Now Therefore Be It Resolved, that the Planning Board grants a ninety (90) day extension of the Final Subdivision, Revised Lot Line, Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit approvals for the Hilltop Estates Subdivision forward from March 10, 2015, which is the end of the 180 day period; and

Be It Further Resolved, that this resolution is an extension of time only to allow completion of the conditions of the original approvals as set forth in the Board's resolution of September 11, 2014, said conditions remaining unchanged and in force and effect.

Motion:	<u>Phillip Tolmach</u>
Second:	<u>Dennis Lowes</u>
Michael McDermott, Chairman	<u>Aye</u>
Janis Bolbrock, Vice Chairman	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Phillip Tolmach	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Glenna Wright	<u>Aye</u>

Date: February 12, 2015

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on February 12, 2015.

By: Vera Patterson
Vera Patterson, Planning Board Clerk

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JAN 11 2015

Planning Board
Town of Kent

*Civil and Environmental Engineering Consultants
174 Main Street Beacon, NY 12508
Phone: 845-440-6926 Fax: 845-440-6637
www.HudsonLandDesign.com*

December 4, 2014

Mr. Michael McDermott, Chairman
Town of Kent Planning Board
25 Sybil's Crossing
Kent Lakes, NY 10512

RE: Chuang Yen Monastery – Landscape Improvement Project – Bond Reduction Request
2020 Route 301
Tax Parcel(s): 19-1-40.1
Town of Kent, NY

Dear Mr. McDermott:

The improvements at the above referenced site are well over 90% complete. In fact, the only item that is outstanding as of this writing is a small staging area (~1,350 square feet) that is to be temporarily stabilized with gravel over the winter, and then permanently stabilized in the Spring. This area of disturbance represents less than 5% of the total site disturbance of 31,665 square feet that was approved by the Town.

Attached is a bond reduction request calculation. While we realize that the Town will not be able to reduce the bond to the amount requested, we wanted to demonstrate how much of the bonded work is complete.

Should you have any questions or require additional information, please feel free to call me at 845-440-6926.

Sincerely,

Jon D. Bodendorf, P.E.
Principal

cc: Julie Mangarillo, P.E., CPESC
Debra Adamsons/Chuang Yen Monastery

Chuang Yen Monastery
Stormwater Bond Estimate

Item	Quantity	Unit	Unit Cost	Total Cost	% Complete	Reduction Requested
Swale w/checkdams	345	LF	\$7.50	\$2,587.50	100	\$2,587.50
Soil Stockpiles	2	EA	\$500.00	\$1,000.00	100	\$1,000.00
End sections w/riprap pads	3	EA	\$500.00	\$1,500.00	100	\$1,500.00
Additional riprap	50	CY	\$50.00	\$2,500.00	100	\$2,500.00
10" dia. Drainage pipe	455	LF	\$16.75	\$7,621.25	100	\$7,621.25
Seed & Mulch	10,250	SF	\$0.06	\$615.00	50	\$307.50
Silt Fence	255	LF	\$4.00	\$1,020.00	100	\$1,020.00
Total:				\$16,844		\$16,536.25

Quantities per "Erosion & Sediment Control Plan Chuang Yen Monastery",
 prepared by Hudson Land Design, last revised 12/31/12

Reduction Request Calculation by HLD on 11/21/14

February 19, 2013

Hudson Land Design, PC



February 11, 2015

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: **DEP-Seven Hills Lake Homeowners Association**
Seven Hills Lake Dam

I have reviewed the following pertinent documents relative to the above referenced project:

- NYSDEC permit executed by R. Scott Ballard dated 11/3/14.
- NYCDEP permit executed by Mary Galasso dated 12/31/14.
- Plans entitled, Seven Hills Lake Dam" prepared by AECOM dated 01/09/15.
- Stormwater Pollution Prevention Plan prepared by NYCDEP dated 01/2015.

Summary:

The application is rehabilitate the Seven Hills Lake dam embankment. Work will result in the total site disturbance of 20,125 square feet of area including 13,704 square feet of wetland buffer and 3,547 square feet of wetlands.

Comments:

I find the application complete. I have the following comments:

A pre-construction meeting should be scheduled with the Town of Kent Planning Board Engineer and the Town Environmental Consultant present.

Plantings as indicated on Sheet 5 of the SWPPP shall be coordinated with the Town of Kent and DEP as indicated.

This office defers to the Planning Board engineer regarding SWPPP review.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', written in a cursive style.

Bruce Barber, PWS, Certified Ecologist
Town of Kent Environmental Consultant

1770 CENTRAL STREET YORKTOWN HEIGHTS, NY 10598
Telephone: 914.299.5293

**Town of Kent Planning Board
Freshwater Wetland Permit Approval
Steep Slope and Erosion Control Permit Approval**

Matter of Seven Hills Lake Dam Rehabilitation Project

Whereas, the Town of Kent Planning Board has received an application from the New York City Department of Environmental Protection (hereinafter "NYCDEP") for Freshwater Wetland Permit, and Steep Slope and Erosion Control Permit approvals to allow the re-construction and rehabilitation of the Seven Hills Lake Dam; and

Whereas, the Planning Board has determined that the Seven Hills Lake drainage project is a Type II Action under 6 NYCRR 617.5(c)(29); and

Whereas, the Planning Board has determined that a public hearing will not be required; and

Whereas, pursuant to §39A-8(C) of the Town Code the Planning Board hereby finds that the proposed activity meets the standards for issuance of a Freshwater Wetland Permit, specifically:

1. The proposed disturbance to the controlled area (i.e. wetland buffer) would be consistent with the policies of Chapter 39A.
2. The proposed disturbance to the wetland buffer area as depicted on the site plan would be consistent with the land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Kent.
3. The proposed disturbance to the wetland buffer area as depicted on the site plan would be compatible with the public health and welfare.
4. There is no practicable alternative to the loss of the controlled area function.
5. The proposed disturbance would minimize the degradation to the Towns surface water bodies and adverse impacts on the functions and benefits that the surface waters provide.
6. The proposed disturbance would be in compliance with the standards set forth in the New York State Freshwater Wetland Regulations, 6 NYCRR 665.7(e) and (g).

Whereas, pursuant to §66-6(G) of the Town Code the Planning Board hereby finds that the proposed activity meets the standards for issuance of a Steep Slope and Erosion Control Permit, specifically:

1. The proposed activity is in accordance with the legislative findings listed in §66-2 of the Town Code; and
2. The proposed activity is in accordance with the principles and recommendations of the Town of Kent Master Plan; and
3. The proposed activity will not result in creep, sudden slope failure or additional erosion; and

4. The proposed activity will preserve and protect existing watercourses, floodplains and wetlands; and
5. The proposed activity will not adversely affect existing or proposed water supplies or sewage disposal systems; and
6. The proposed activity will stabilize all earth cut and fill slopes by vegetative or structural means; and
7. The Town has agreed to accept the performance assurance of the NYCDEP as set forth in a letter dated October 31, 2014 from the Office of General Counsel for NYCDEP, such assurance accepted in-lieu of a typical performance security.

Therefore Be It Resolved, pursuant to §39A-7(D)(1) of the Town Code the Planning Board grants Freshwater Wetland Permit approval for the regulated activities as described herein.

Be It Further Resolved, pursuant to §66-6 of the Town Code the Planning Board grants Steep Slope and Erosion Control Permit approval subject to final plan review and approval by the Planning Board's Professional Engineer.

Be It Further Resolved, the approvals granted herein are expressly conditioned on development of the project in accordance with the plans and details as depicted on a site plan map set entitled "Seven Hills Lake Dam Right Embankment Rehabilitation" prepared by AECOM consisting of the following Sheets:

1. *Sheet 0 – Site Plan*, dated September 22, 2014
2. *Sheet 1 – General Plan*, dated September 22, 2014
3. *Sheet 2 – Plan and Section*, dated September 24, 2014
4. *Sheet 3 – Excavation Plan*, dated September 24, 2014
5. *Sheet 4 – Erosion and Sediment Control Plan*, dated November 7, 2014
6. *Sheet 5 – Post-Construction Site Plan & Planting Plan*, dated September 22, 2014
7. *Sheet 6 – Soil Disturbance Map*, dated November 7, 2014
8. *Sheet 7 – Access Road Profile and Cross Section*, dated November 25, 2014

Be It Further Resolved, that these Erosion Control Permit and Wetland Permit approvals are expressly conditioned on the completion and/or adherence to following:

- 1) *Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated January 23, 2015.*
- 2) *Address to the satisfaction of the Planning Board the comments of the Planning Board Environmental Consultant as set forth in a memorandum dated February 11, 2015*

- 3) *Prior to the obtaining Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:*
 - a) *Planning Board Engineer approval of the plans to implement the Steep Slope and Erosion Control Permit.*
 - b) *Any required approvals from the NYC Department of Environmental Protection.*
 - c) *Any required approvals from the New York State Department of Environmental Conservation*
 - d) *Any required U.S. Army Corps of Engineers (ACOE) permit(s).*
- 4) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans. The erosion control may be changed or modified by order of the Planning Board Engineer or the Town Building Inspector based on field conditions.*
- 5) *Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.*
- 6) *At the completion of construction 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 prepared and sealed by a New York State Licensed Land Surveyor.*
- 7) *Payment to the Town of Kent the following fees:*
 - a) *Any unpaid or outstanding application fees.*
 - b) *Any review fees accrued by the Planning Board during the review of the application.*
 - c) *An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer, Wetland Consultant, and Planning Consultant.*
- 8) *It is the responsibility of the applicant/project sponsor to submit to the Planning Board proof that each of the conditions of this Approval have been completed and that the response to comments have been completed to the satisfaction of the Planning Board's Professional Engineer, the Planning Board's Environmental Consultant, and the Planning Boards Consulting Planner. The signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Consulting Planner verifying that each of the conditions of this Approval has been completed. The proposed final Sheets shall not be accepted by the Planning Board without submission of proof of completion.*

- 9) This 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 prior to the date of expiration.

Motion: Philip Tolmach
Second: Dennis Lowes
Michael McDermott, Chairman Aye
Janis Bolbrock, Vice Chair Aye
Glenna Wright Aye
George Brunner Aye
Philip Tolmach Aye
Charles Sisto Aye
Dennis Lowes Aye
Date: February 12, 2015

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board on the date set forth above.

Vera Patterson

Vera Patterson, Clerk
Town of Kent Planning Board

JAN 3 15

Planning Board
Town of Kent

PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

SEVEN HILLS LAKE HOMEOWNERS ASSOC
PO BOX 1087
CARMEL, NY 10512-8087

Facility:

SEVEN HILLS LAKE
LAKE SHORE DR
CARMEL, NY 10512

NYC DEPT OF ENVIRONMENTAL
PROTECTION

96-05 HORACE HARDING EXPWY 5TH FL
CORONA, NY 11368
(718) 595-5050

Facility Location: in KENT in PUTNAM COUNTY

Facility Principal Reference Point: NYTM-E: 604.3

NYTM-N: 4592.9

Latitude: 41°28'51.3" Longitude: 73°45'02.6"

Project Location: Seven Hills Lake Dam [WIN# H-31-P44-23-P76-3-P77c; Class B]
Authorized Activity: Repair an area of seepage on the downstream western embankment of the Seven Hills Lake dam (DAM ID#213-2631), including removal of vegetation, excavation of material from within the area of seepage, placement and grading of compacted fill in the repair area, and construction of approximately 90 linear feet (90') of rip-rap embankment protection, in accordance with the plans referenced in Natural Resources Condition No. 1 and as conditioned in this permit.

Permit Authorizations

Dam - Under Article 15, Title 5

Permit ID 3-3722-00153/00009

New Permit

Effective Date: 11/3/2014

Expiration Date: 12/31/2015

Stream Disturbance - Under Article 15, Title 5

Permit ID 3-3722-00153/00010

New Permit

Effective Date: 11/3/2014

Expiration Date: 12/31/2015

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 3-3722-00153/00011

New Permit

Effective Date: 11/3/2014

Expiration Date: 12/31/2015



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: R SCOTT BALLARD, Deputy Regional Permit Administrator
Address: NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD.
NEW PALTZ, NY 12561 -1620

Authorized Signature: _____

Date 11/3/14

Distribution List

- P. Costa, PE - NYCDEP (Corona)
- P. Connery (ecc)
- C. Nadaszki
- L. Masi (ecc)
- B. Drumm (ecc)

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Permit Sign



**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: DAM; STREAM DISTURBANCE; EXCAVATION & FILL IN
NAVIGABLE WATERS**

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by AECOM, signed and sealed by Jean-Pierre Minois, PE, dated 9/22/14 & 9/24/14:
 - A. Sheet Nos. 0 & 1 (2 sheets).
 - B. Sheet Nos. 2 & 3 (2 sheets).
 - C. Report entitled "Phase I Rehabilitation Reconstruction of Dam Right Abutment" dated Sept. 2014.
- 2. Time-of-Year Restriction for Protection of Amphibians & Reptiles** The draw down of Seven Hills Lake required to perform authorized work shall commence immediately, or as soon as possible upon issuance of this permit, in order to protect hibernating amphibians and reptiles.
- 3. Draw Down Rate** Drawdown of Seven Hills Lake shall be done gradually and in a manner which does not cause visible increase in turbidity downstream of the work site nor cause a loss of fish life.
- 4. Approved Construction Documents** All work shall be accomplished in strict conformance with the approved construction documents, as follows:

Drawings prepared by AECOM:

 - A. Sheet Nos. 0 & 1, dated 9/22/14, signed and sealed by Jean-Pierre Minois, PE (2 sheets).
 - B. Sheet Nos. 2 & 3, dated 9/24/14, signed and sealed by Jean-Pierre Minois, PE (2 sheets).

Design Report prepared by AECOM:
Report entitled "Seven Hills Lake Dam Phase I Rehabilitation, Reconstruction of Dam Right Abutment" (7 pages with attachments).
- 5. Start of Construction** The permittee shall notify the Department's Dam Safety section of the proposed date of the preconstruction meeting. The permittee shall notify the Department's Dam Safety section of the proposed date for start of construction within 1 week after issuing the Notice to Proceed to the selected construction contractor.
- 6. Substantial Deviations** Any substantial deviation from the approved construction documents must be approved in writing by the Dam Safety Section prior to implementation. All deviations from the approved plans shall be indicated in the "as-built" records.
- 7. Construction Engineer** Within two weeks of the date of permit issuance, the permittee shall notify the Dam Safety Section, by certified mail (return receipt requested), of the name, address, telephone number and license number of the registered professional engineer responsible for oversight of the dam construction work (construction engineer) and for submission of the construction certification and "as-built" records required under this permit.



8. **Substantial Completion** At least two weeks before the anticipated date, the permittee shall cause the construction engineer to notify the Dam Safety Section in writing by certified mail (return receipt requested) that the work will be substantially complete and ready to impound water so that an inspection of the dam can be scheduled. The Dam Safety Section may waive the inspection in writing and/or issue an Approval to Fill letter after receiving this notification.

9. **Approval to Fill** Upon satisfactory results from the inspection of the dam an "Approval to Fill" letter will be issued by the Dam Safety Section permitting the owner to impound water behind the structure. The water surface shall not be raised above elevation 635.0 until the "Approval to Fill" letter is issued.

10. **As-Built Records** Within four weeks after completion of the permitted work, the permittee shall provide to the Dam Safety Section, one complete set of "as-built" records. "As-built" records shall include at a minimum:

- 1) photos of major work items including, but not limited to, the foundation and key area before filling, and the embankment before rip-rap placement;
- 2) record drawings; and
- 3) representative soil tests for suitable imported material used as fill.

The "as-built" records shall be signed and sealed by the construction engineer and shall include identification of all changes to the approved construction documents.

11. **Completion of Work** Within two weeks after the completion of the permitted work, the permittee shall provide the Dam Safety Section by certified mail (return receipt requested) an original signed and sealed statement from the construction engineer that the project has been completely constructed under his/her care and supervision and in accordance with the construction documents approved by the Department ("certification"), with a copy to the Regional Permit Administrator.

12. **Dam Safety Section Contact Information** When used in this permit, the contact information for the Dam Safety Section is:

Dam Safety Section
NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

13. **DEC Notification Required** The permittee must provide notification to the Department at least 48 hours prior to the start of construction activities affecting Seven Hills Lake or the tributary to Boyds Corners Reservoir. Such notification shall be provided via electronic mail to Brian Drumm, Bureau of Habitat Protection Manager, at this web address: brian.drumm@dec.ny.gov.

14. **Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.



15. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
16. **Materials Removed from Bed and Banks** Any debris or excess materials from construction of this project shall be immediately and completely removed from the bed and banks of all water areas to an appropriate upland area for disposal.
17. **Disposal of Excavated Materials** All excavated materials shall be disposed of in an appropriate upland area and be suitably stabilized so that it cannot reasonably re-enter Seven Hills Lake or the tributary to Boyds Corners Reservoir.
18. **Stabilize Disturbed Areas** All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass and mulched with hay or straw within one week of final grading. Mulch shall be maintained until a suitable vegetative cover is established.
19. **No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.
20. **State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
21. **State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
22. **State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY 12561 -1620

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Dam, Stream Disturbance, Excavation & Fill in Navigable Waters.



5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

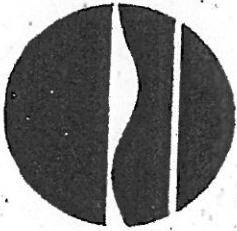


Item D: No Right to Trespass or Interfere with Riparian Rights

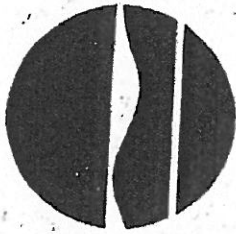
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: SEQR Type II Action Under the State Environmental Quality Review Act (SEQR), this project has been determined to be a Type II Action and therefore is not subject to further procedures under this law.

New York State
Department of Environmental Conservation



NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

*Seven Hills Lake
Homeowners Assoc.*

Permittee: NYC DEP

Permit No. 3- 3722-0015319

Effective Date: 11/3/14

Expiration date: 12/31/15

☐ Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is **NOT** a permit.

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Platt Corners Road, New Paltz, New York 12561-1620
FAX: (845) 255-4659
Website: www.dec.ny.gov



IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

- ☐ Applicable only if checked. Please note all work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

SB
Scott Ballard
Environmental Analyst
Telephone (845) 256-3055

☐ Applicable Only if Checked for **STORMWATER SPDES INFORMATION**: We have determined that your project qualifies for coverage under the General Stormwater SPDES Permit. You must now file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at: <http://www.dec.ny.gov/chemical/43133.html>

☐ Applicable Only if Checked **MS4 Areas**: This site is within an MS4 area (Municipal Separate Storm Sewer System). Therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505

In addition, DEC requests that you provide one electronic copy of the approved SWPPP directly to Natalie Browne at NYS DEC, 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860.



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

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

Wilfred A. Rohde, P.E. • Michael W. Soyka, P.E. • John V. Andrews, Jr., P.E.

Memorandum

To: Planning Board
Town of Kent

Attn: Michael McDermott
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Completeness Review
Erosion Control & Wetland Permits

Date: 1/23/2015

Project: Seven Hills Lake Dam Rehab – DEP
TM # 20.-1-43.1, 20.-1-43.2,
20.11-1-3

The following materials were reviewed:

- Transmittal letter prepared by AECOM, dated 1/9/2015
- Disclosure of Business Interest form, submitted via email 11/7/2014
- Response to comments, prepared by AECOM, dated 1/7/2015
 - Attached "Estimated discharge from the 15-in culvert at Seven Hills Lake Drive
- Letter from NYCDEP regarding performance bond, dated 10/31/2014
- Letter of project acceptance from NYCDEP EOH Stormwater Programs, dated 12/31/2014
- NYSDEC permit authorizations dated 11/3/2014 for:
 - Dam – Article 15, Title 5
 - Stream Disturbance – Article 15, Title 5
 - Excavation & Fill in Navigable Waters – Article 15, Title 5
- "Construction Stormwater Pollution Prevention Plan" dated January 2015
 - Including Notice of Intent (NOI), signed by PE 11/7/2014, signed by owner/operator 12/12/2014
- Drawings "Seven Hills Lake Dam Right Embankment Rehabilitation," prepared by AECOM, including:
 - Sheet 0, Site Plan, dated 9/22/2014
 - Sheet 1, General Plan, dated 9/22/2014
 - Sheet 2 Plan and Section, dated 9/24/2014
 - Sheet 3, Excavation Plan, dated 9/24/2014
 - Sheet 4, Erosion and Sediment Control Plan, dated 11/7/2014
 - Sheet 5, Post-Construction Site Plan & Planting Plan, dated 9/22/2014
 - Sheet 6, Soil Disturbance Map, dated 11/7/2014
 - Sheet 7, Access Road Profile and Cross Section, dated 11/25/2014

The project proposes rehabilitation of the embankment for the dam at Seven Hills Lake by NYCDEP. The work requires construction of an access route and temporary parking and construction staging area. The project will require both Town of Kent Erosion Control Permit and Wetland Disturbance Permit. The project was referred to the administrative track at the 9/11/2014 Planning Board meeting.

New or supplementary comments are shown as **bold**.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a review memo dated 9/11/2014:

8. Provide an erosion and sediment control only SWPPP in accordance with GP-0-10-001. Provide required information from Part III.B including:
 - g. The Applicant and Applicant's design professional are expected to be familiar with the provisions of GP-0-10-001, particularly the sections regarding the maintenance of documentation on-site (Part II.C.2), provisions for modifying the SWPPP (Part II.C.5), 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. 10/8/2014 – Expand section 1.1.2 of the SWPPP to include final inspection and *sign-off* of the Notice of Termination (NOT) before the NOT can be submitted to NYSDEC.
 - ii. 1/23/2015 – SWPPP has been revised to include MS4 inspection prior to submittal of the NOT. However, it should also include that the MS4 has to sign-off on the NOT form before the NOT can be submitted to NYSDEC. This should be clarified either within the SWPPP narrative or as a note on the drawings.
13. Provide information on the drawing regarding the construction access and staging area after dam repair work is complete. Will the construction access be removed and stabilized with vegetation?
 - a. 10/8/2014 – Can width of permanent access be decreased from the width needed during construction to reduce amount of impervious surface area?
17. 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. This is separate from the review fee already provided.
 - a. 10/8/2014 – The 9/23/2014 response to comments states "the inspection fee will be paid to the town at the time the inspection request is made." Payment of the inspection fee is required prior to the Planning Board Chairman signing the drawings. (This comment has been left in as a reminder.)
20. We defer to the Planning Board's environmental consultant regarding wetland issues.

New Comments:

1. Drawing Sheets 1 and 4 include a note "The contractor shall *design*, clear and grade the site access to be suitable for the required construction activities..." (emphasis added). As included in previous review memo, the engineer is responsible for the design, not the contractor. Based upon the proposed grading on Sheet 5 and access road proposed profile on Sheet 7, the engineer has already designed the access road. "Design" should be removed from the note.

2. Drawing Sheets 1 and 4, Note #2 states changes to the ESC Plan "...shall be submitted to DEP for approval." Include the Town of Kent as well.
3. Repeat the proposed grading for the access drive shown on Sheet 5 to Sheet 1.
4. On Sheet 5, specify that the section of temporary access road that is to be removed will be scarified or decompacted prior to being seeded as stated in the SWPPP. Additionally, add that seeded areas will be mulched, which is in accordance with NY Standards and Specifications for E&SC.
5. The "Response to Comments" includes calculations for "Estimated discharge from the 15-in culvert at Seven Hills Lake Drive." These calculations are to be incorporated into the SWPPP. Perhaps they can be added as an appendix at the end of the SWPPP with updated cover sheet and table of contents to avoid having to re-print the entire SWPPP.
6. Label existing culvert beneath Seven Hills Lake Drive on the drawing set.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board Secretary via email
Bill Walters via email
Bruce Barber via email
Neil Wilson via email
Erin Guire, AECOM via email
14-261-217

AECOM

AECOM
605 Third Avenue
New York, New York 10158
www.aecom.com

212 984 7300 tel
212 681 7535 fax

Transmittal

RECEIVED

JAN 13 2015

Planning Board
Town of Kent

TO: Vera Patterson
Planning Board Secretary
25 Sybil's Crossing
Kent, NY 10512

FROM: Jean-Pierre Minois (AECOM)

DATE: January 9, 2015

RE: Seven Hills Lake Dam Rehabilitation

WE ARE SENDING YOU:

- | | | |
|---|---|-----------------------------------|
| <input type="checkbox"/> ATTACHED | <input type="checkbox"/> UNDER SEPARATE COVER VIA | |
| <input type="checkbox"/> SHOP DRAWINGS | <input checked="" type="checkbox"/> DOCUMENTS | <input type="checkbox"/> TRACINGS |
| <input type="checkbox"/> PRINTS | <input type="checkbox"/> SPECIFICATIONS | <input type="checkbox"/> CATALOGS |
| <input type="checkbox"/> COPY OF LETTER | <input type="checkbox"/> OTHER: | |

QUANTITY	DESCRIPTION
6	Sets of full size drawings
10	Sets of 11 X 17 inch drawings
1	NYCDEP Approval of the SWPPP
1	NYSDEC Protection of Waters Permit

IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE

REMARKS: One hardcopy of this submittal package plus the SWPPP will be mailed directly to Julie Mangarillo at Rohde, Soyka, & Andrews Consulting Engineers in Poughkeepsie, NY and to Bruce Barber at Cornerstone Associates in Yorktown Heights.

COPY WITHOUT ATTACHMENTS: P. Costa (DEP), L. Gomez (DEP), J. Caggiano (DEP),
T. Boland (DEP), J. Mangarillo (Kent PB Consultant),
B. Barber (Kent PB Consultant)



Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
prush@dep.nyc.gov

465 Columbus Avenue
Valhalla, New York 10595

Tel. (845) 340-7800
Fax (845) 334-7175

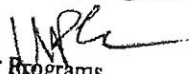
December 31, 2014

RECEIVED

JAN 13 2015

Planning Board
Town of Kent

To: Thomas Boland, Jr.
EO Assistant Dam Safety Engineer

From: Mary P. Galasso 
EOH Stormwater Programs
Regulatory and Engineering Programs

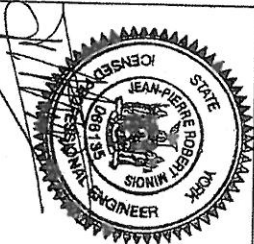
Subject: Seven Hills Lake Dam Rehabilitation

New York City Department of Environmental Protection (DEP), Regulatory and Engineering Programs (REP) section received the latest submission received for the above referenced project on December 19, 2014. Upon review of the Stormwater Pollution Prevention Plan (SWPPP) last revised December 18, 2014 and the associated drawings, REP finds the proposal acceptable.

Please note the following conditions.

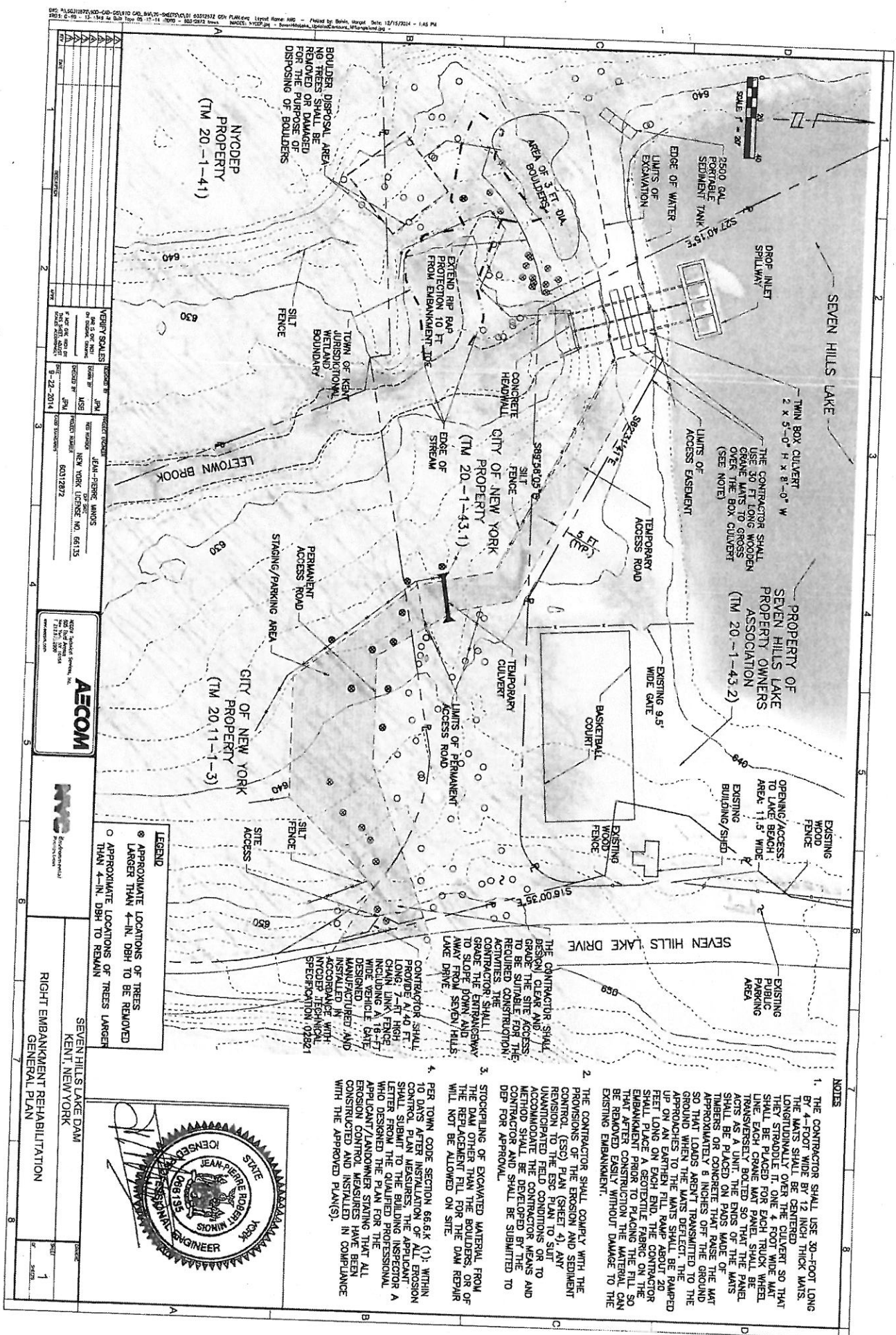
- A pre-construction meeting must be scheduled to include a representative from REP as well as the contractor and Eastern Operations personnel.
- Please notify REP at least 48 hours prior to the commencement of construction activities so that routine site inspections by REP may be scheduled.
- Alteration or modification of any activity in a manner which would require an amended SWPPP pursuant to Part III C of the New York State Department of Environmental Conservation General Permit No. GP-010-001 requires REP review.

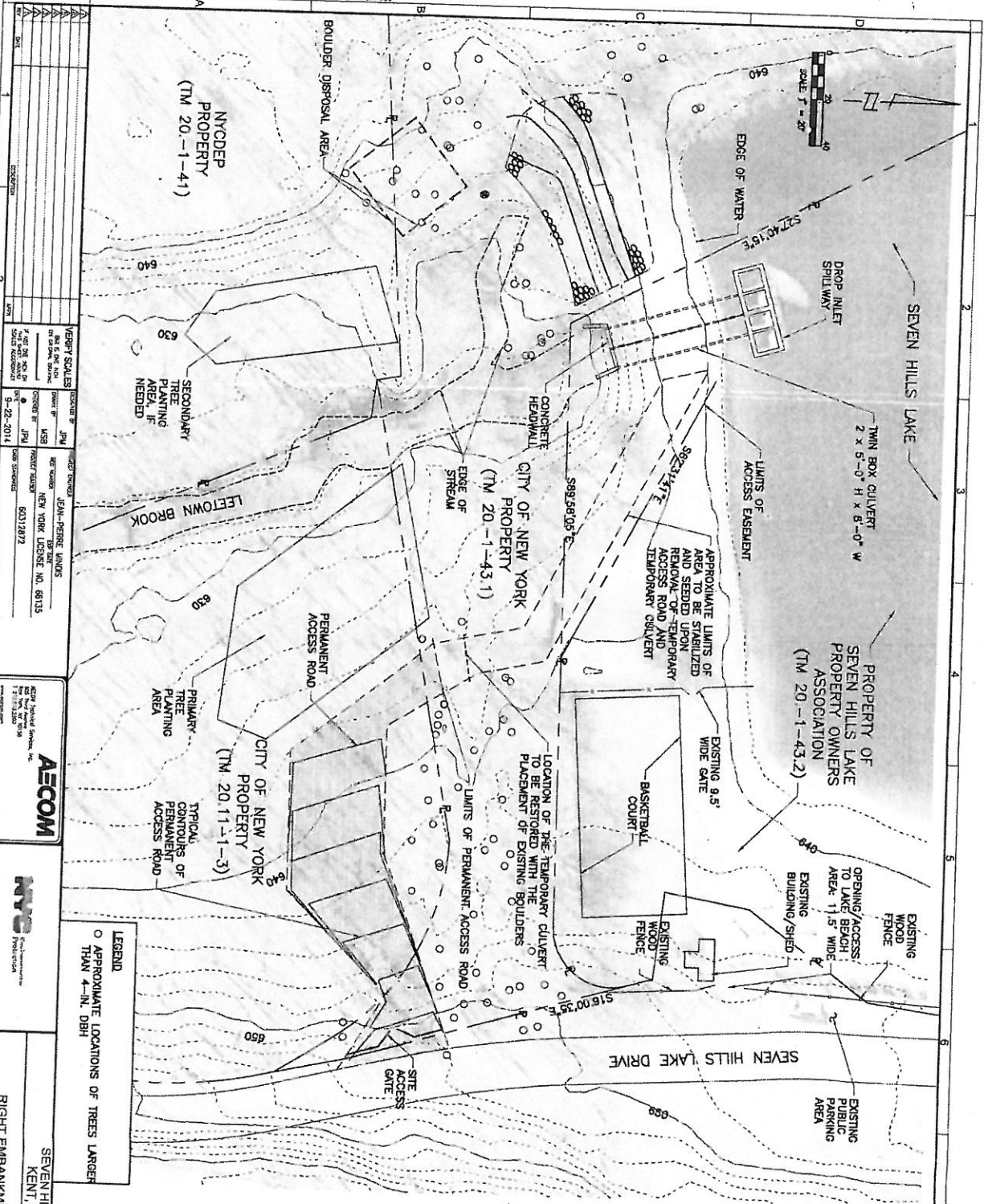
If you have any questions, or to schedule a pre-construction meeting, please call me at 914) 773 4440. Thank you.



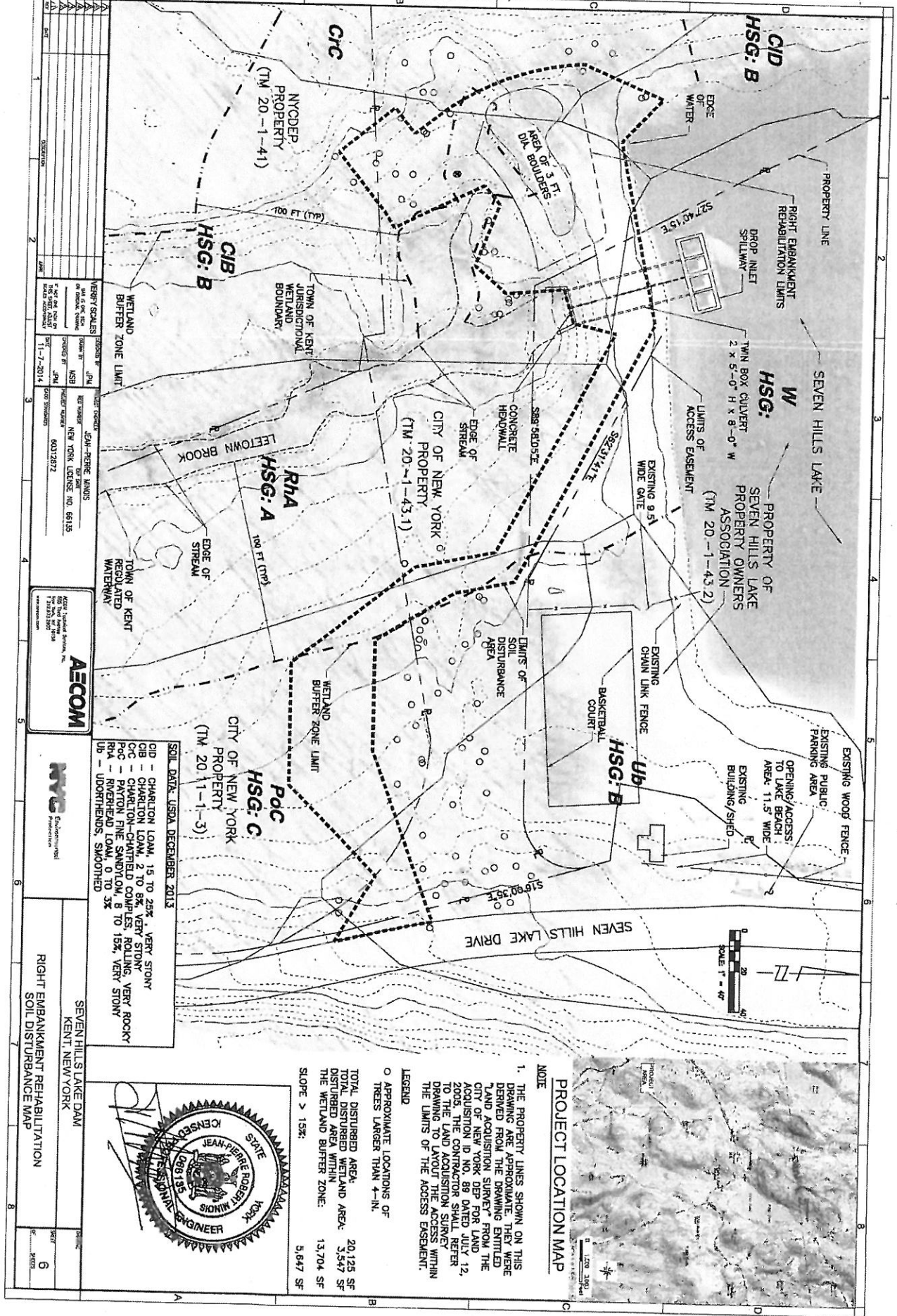
1. THE PROPERTY LINES SHOWN ON THIS DRAWING ARE APPROXIMATE. THEY WERE DERIVED FROM THE DRAWING ENTITLED "LAND ACQUISITION SURVEY" FROM THE CITY OF NEW YORK DEPT FOR LAND ACQUISITION ID NO. 89 DATED JULY 12, 2005. THE CONTRACTOR SHALL REFER TO THE LAND ACQUISITION SURVEY DRAWING TO LAYOUT THE ACCESS WITHIN THE LIMITS OF THE ACCESS EASEMENT.

○ APPROXIMATE LOCATIONS OF TREES LARGER THAN 4-IN.





- NOTES**
1. THE PROPERTY LINES SHOWN ON THIS DRAWING ARE APPROXIMATE. THEY WERE DERIVED FROM THE DRAWING ENTITLED "LAND ACQUISITION SURVEY" FROM THE CITY OF NEW YORK DEP. FOR LAND ACQUISITION ID NO. 89 DATED JULY 12, 2005.
 2. CONTRACTOR SHALL REFER TO THE STORMWATER POLLUTION PREVENTION PLAN FOR MEASURES TO BE IMPLEMENTED TO COMPLETE THE PROJECT.
 3. A TOTAL OF 20 TREES SHALL BE PLANTED WITHIN THE DEMARCATED PLANTING AREAS. THE TREES SHALL BE SIX TO SEVEN FEET TALL (3 GALLON POTS). TREES SHALL CONSIST OF BLACK GUM (*NYSSA SYLVATICA*), SHADOBUSH (*AMELANCHIER ALBIFLORA*), SASSAPARILLA (*SASSAPARILLA ALABAMA*), AND/OR EASTERN HOP HORNBERRY (*OSTRYA VIRGINICA*). BLACK GUM TREES SHALL BE PLANTED IN WETTER AREAS. THE AREA ABOVE EACH PLANTED ROOT BALL SHALL BE MULCHED, AND ANY DISTURBED SOIL WITHIN THE PLANTING AREAS SHALL BE STABILIZED AND SEEDED. THE CONTRACTOR SHALL COMPLETE WITH DETAILED SPECIFICATION FOR PLANTING IN ATTACHMENT G OF THE SWPPP. THE FINAL LOCATION OF THE TREES SHALL BE DETERMINED IN COORDINATION WITH THE TOWN OF KENT AND DEP.
 4. THE CONTRACTOR SHALL USE ENANT CONSERVATION SEED RIGHT-OF-WAY MIXTURE (ENYMX-132-1) (OR EQUIVALENT) APPLIED AT 30 LBS./ACRE. SEEDS SHALL BE APPLIED WITHIN THE ENTIRE LIMIT OF THE TEMPORARY ACCESS ROAD IMMEDIATELY FOLLOWING ROAD REMOVAL AND STABILIZATION, AND SEEDS SHALL BE APPLIED TO ANY DISTURBED AREAS STABILIZED FOLLOWING TREE PLANTING AND COMPLY WITH DETAILED SPECIFICATION FOR SEEDING IN ATTACHMENT G OF THE SWPPP.



VERY SCALES

DATE	BY	REVISION
11-7-2014	JPM	1.0
11-7-2014	JPM	1.1
11-7-2014	JPM	1.2
11-7-2014	JPM	1.3
11-7-2014	JPM	1.4
11-7-2014	JPM	1.5
11-7-2014	JPM	1.6
11-7-2014	JPM	1.7
11-7-2014	JPM	1.8
11-7-2014	JPM	1.9
11-7-2014	JPM	2.0

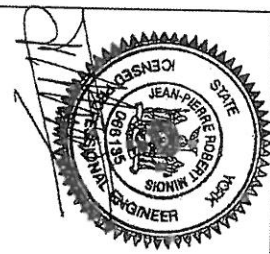
AECOM
 10000 Old County Road
 Suite 200
 New York, NY 10019
 Tel: 212-512-2000
 Fax: 212-512-2001
 Email: aecom@aecom.com

NYC
 Department of Environmental Protection
 10000 Old County Road
 Suite 200
 New York, NY 10019
 Tel: 212-512-2000
 Fax: 212-512-2001
 Email: nyc@nyc.gov

SEVEN HILLS LAKE DAM
 KENT, NEW YORK
 RIGHT EMBANKMENT REHABILITATION
 SOIL DISTURBANCE MAP

SHEET
 6
 OF
 6

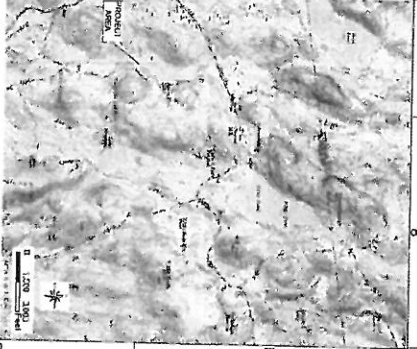
SOIL DATA: USDA, DECEMBER 2013
 CID - CHARLTON LOAM, 15 TO 25% - VERY STONY
 CIB - CHARLTON LOAM, 2 TO 8% - VERY STONY
 C/C - CHARLTON-CHAFFIELD COMPLEX, ROLLING, VERY ROCKY
 RHA - RIVERHEAD FINE SANDY LOAM, 8 TO 15% - VERY STONY
 POC - RIVERHEAD LOAM, 0 TO 3%
 U/B - UDOORHEADS, SMOOTHED

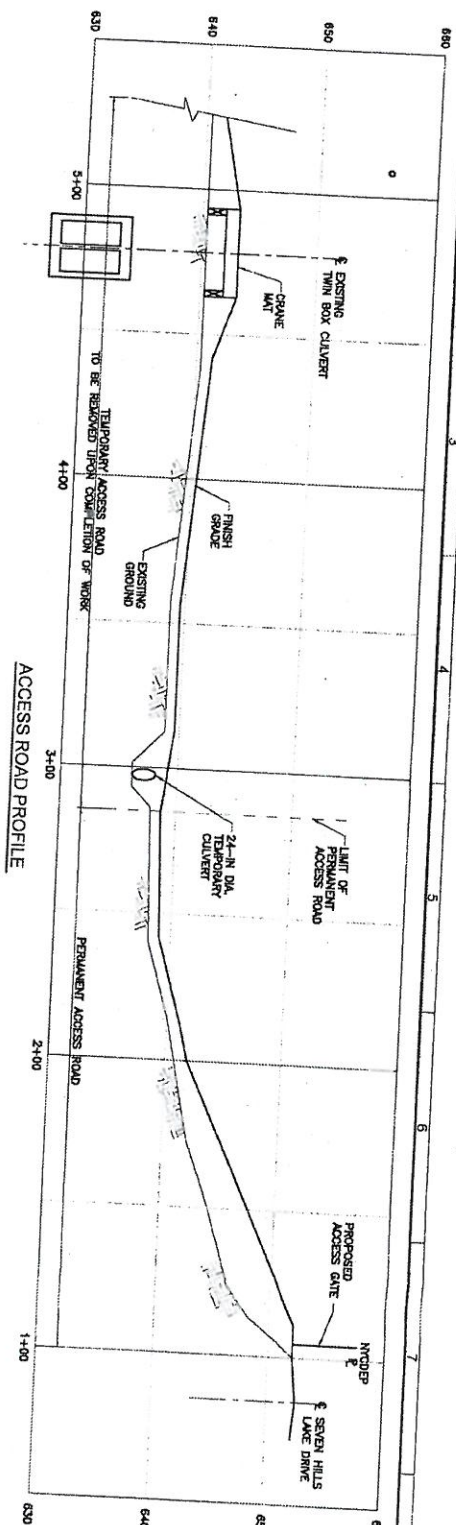


LEGEND
 O APPROXIMATE LOCATIONS OF TREES LARGER THAN 4-IN.
 TOTAL DISTURBED AREA: 20,125 SF
 TOTAL DISTURBED AREA WITHIN DISTURBED AREA WITHIN: 3,547 SF
 THE WETLAND BUFFER ZONE: 13,704 SF
 SLOPE > 15%: 5,647 SF

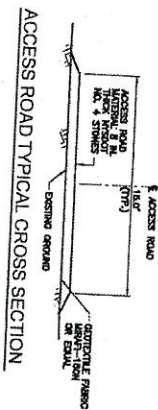
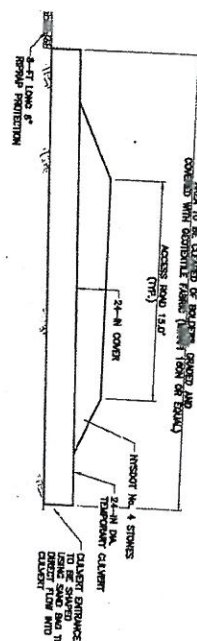
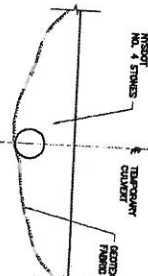
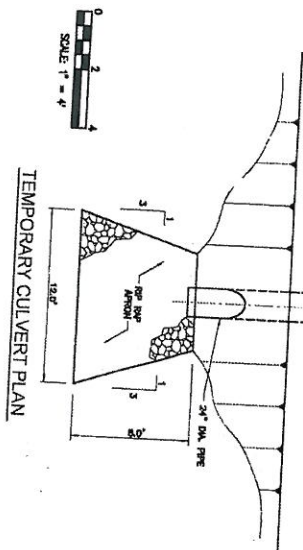
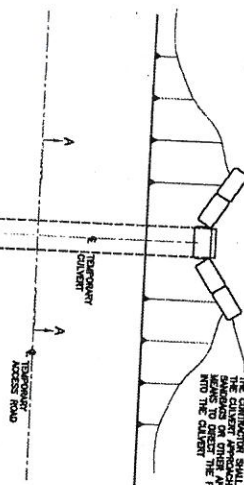
NOTE

PROJECT LOCATION MAP



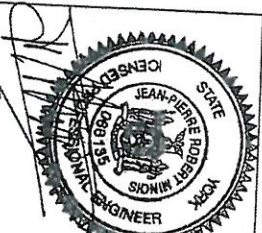


THE CONTRACTOR SHALL SUBMIT THE CULVERT APPROACH USING SANDPACS OR OTHER APPROVED MEANS TO DIRECT THE FLOW INTO THE CULVERT.



ACCESS ROAD PROFILE AND CROSS SECTION

SEVEN HILLS LAKE DAM
KENT, NEW YORK



A=COM

ME
© 1997 by
Purdue University

[illegible]

SECRET

	DATE	
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A		
A		
EY		

1

Yolanda D. Cappelli
Town Clerk



Phone: (845) 225-2067
Fax: (845) 306-5282
lcappelli@townofkentny.gov

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

March 30, 2015

Ms. Robyn Rost
Account Executive Surety
Wells Fargo Insurance Services
7 Giralda Farms
2nd Floor
Madison, NJ 07940

Re: Release of Surety Bond – Bayswater Pondview LLC

Dear Ms. Rost:

The Town of Kent Planning Board received a request from Mr. Wayne Spencer, VP & Controller of Bayswater Pondview LLC that proposed subdivision has been retired and requests that the attached Surety Performance Bond No. L01767 in the amount of \$85,000.00 from Colonia Insurance Company be released to you.

Please let me know if you have any questions.

Sincerely,

Yolanda D. Cappelli
Town Clerk

Encl.

Cc: Town Board, Planning Board, Mangarillo

Yolanda D. Cappelli
Town Clerk



Phone: (845) 225 - 2067
Fax: (845) 306-5282
lcappelli@townofkentny.gov

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

March 30, 2015

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Please let me know if you have any questions.

Sincerely,

Yolanda D. Cappelli
Town Clerk

Encl.

Cc: Town Board, Planning Board, Mangarillo

Approved: _____

Minutes
Town of Kent Planning Board Meeting
March 12, 2015
Draft

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, Chair
Janis Bolbrock, Vice Chair
Dennis Lowes

Charles Sisto
Philip Tolmach
Glenna Wright

Others in Attendance:

Bruce Barber, Environmental Consultant
Julie Mangarillo, Engineering Consultant

Bill Walters, Town of Kent Building Inspector
Neil Wilson, Planner

Absent:

George Brunner

• **Approve Planning Board Minutes from February 12, 2015**

Mr. McDermott asked for a motion to approve the Planning Board minutes for February 12, 2015. Mr. Lowes made the motion and it was seconded by Ms. Wright. The roll call vote was as follows:

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

The motion carried.

• **Kent Materials, Route 52, Kent, NY; TM: 12.1-44 &12.-1-48**

Mr. Watson, of Insite Engineering, and Mr. Steve Caruso, the owner of the Kent Materials, were at the meeting. This was a Public Hearing for an amended site plan for Kent Materials which would encompass Mr. Weck's property.

Mr. Wilson said he asked for a long form EAF at the January meeting because we were going through the Lead Agency circulation and that the EAF has been provided. All the involved agencies and Putnam County Planning have responded and there were no objections. A March 6, 2015 letter was received from the DEP with comments on water quality and Mr. Wilson felt it appropriate for the applicant to respond to that note before anything is done relative to SEQRA. He included the listing of items completed relative to the site plan requirements and was satisfied with where we are to date. Mr. Wilson thanked Mr. Watson for the updated noise study and said the applicant had incorporated the mitigation called out as a result of the report. Mr. Wilson indicated that we may be ready to take action on SEQRA in April, depending on the responses to the March 6, 2015 DEP letter.

Dr. Feldman, the owner of the adjoining property (Kent Animal Hospital), asked to be heard regarding this matter. He said he had concerns about an existing right of way on his property which involves Mr. Weck, but was worried about what would occur if the Weck property were sold in the future. He said that he needed something on the record regarding the manner in which any future owners of the Weck property can utilize the driveway, which is shared with Dr. Feldman. Mr. McDermott advised Mr. Feldman that any changes to the property would have to be approved by the Planning Board. Mr. McDermott asked Mr. Wilson to address this issue. Mr. Wilson said that there are two separate site plans at the present and that if there were a proposal going forward it would have to go before the Planning Board and that a lot line adjustment would be necessary. He said there would also have to be a Public Hearing held. Mr. Lowes asked if it would be possible to put an annotation on the site plan stating that the use of the right-of-way would be denied for construction vehicles. Mr. Caruso agreed to allow a note to be put on the plans prohibiting construction traffic on the driveway by Kent Materials vehicles.

Mr. McDermott asked for a motion to adjourn the Public Hearing to be continued at the April meeting. The motion was made by Mr. Tolmach and seconded by Ms. Wright. The roll call vote was as follows:

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

The motion carried.

- **Holmes Presbyterian Conference Center, 60 Denton Lake Road, Holmers, NY; TM: 2.-1-48 & 49**

This was a site plan approved in the past which has expired because of the way the calendar fell. Mr. Finn, of Sedovic Architects, represented the applicant. He requested an extension of the site plan approval from February of 2014 and advised the Planning Board that no substantive changes have been made to the Plans. At that time the Board of Health requested several months of additional monitoring of the water levels of the leach fields on the property, which has been completed and approved. Putnam County Health Department also completed their review of the water treatment design with minor comments, which have been addressed, and the applicant met with the BOH to address any remaining concerns they may have. Mr. McDermott noted that this is not an extension, but a reapproval of the site plan. Mr. McDermott asked Mr. Wilson to explain that the reapproval gives the applicant a full year and two 90 day extensions. The same Resolution of reapproval done in February of 2014 was prepared by Mr. Wilson, which incorporated all the reasons the reapproval should be granted.

Mr. Barber's Comments (memo attached)

Mr. Barber advised the Planning Board he had done a site inspection and said the property fronts onto Pine Pond on Gypsy Trail, but it is not shown on the plans. He noted that all the disturbance is outside of the 100' of the lake buffer, but recommended that the applicant note that there will be no disturbance within 100' of the lake on the plans.

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

- | | | |
|---|---|---------------|
| - Putnam Nursing Home
Ludingtonville Road, Kent, NY
TM: 12.-3-40 & 41 | Erosion Control/Site Plan
Wetland Permit | Status Report |
|---|---|---------------|

We are waiting for a re-submittal from the applicant.

Mr. McDermott mentioned that there is no place in the Town of Kent where a nursing home is allowed according to the Town Code and Mr. Lowes asked earlier in the meeting if the Town Board had been notified. A memo was given to the Town Board after the February meeting pertaining to this issue. The Town board subsequently sent a memo asking that the Planning and Zoning Boards compile a list of Town Codes which need to be ratified. Ms. Mangarillo said that some of our fees also would need to be reviewed. Mr. McDermott suggested that a workshop be held on April 2, 2015 and that the consultants provide input at that time regarding the changes to the Codes. He asked for input from the Planning Board and they agreed that it would be a good idea.

- | | | |
|---|-----------|---------------|
| - Patterson Crossing
Route 311, Kent, NY
TM: 22.-2-48 | Site Plan | Status Report |
|---|-----------|---------------|

Ms. Mangarillo said that the applicants are working through their final conditions and Chairman's signature. She said she needed to review the bond estimate and the agreements also needed to be reviewed. Mr. McDermott asked Mr. Watson to advise Mr. Contelmo of the status. Mr. Watson said that he was under the impression that everything had been submitted by their firm and they were anxious to get final approval. Mr. Watson said he had contacted Mr. Blass about the status of the agreements and was waiting for a return call from him.

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

Ms. Mangarillo said that Mr. Blass is working with Mr. Watson on the agreements for this project. Mr. Wilson said he had worked on the agreements in the past week and circulated them. The agreements and easements had been forwarded by Mr. Blass to Insite to be forwarded to applicant's attorney.

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

Ms. Mangarillo advised the Planning Board's review of this project is completed and the drawings have been signed. She, Mr. Barber and Mr. Walters participated in a pre-construction meeting on March 12, 2015.

- | | | |
|--|-------------------|---------------|
| - Wellington Property
Townners Road, Lake Carmel, NY
TM: 33.73-1-38 & 39 | Amended Site Plan | Status Report |
|--|-------------------|---------------|

Ms. Mangarillo advised the Planning Board that the applicant received Health Department approval and should receive Planning Board approval in the near future. New drawings need to be delivered to the Planning Board office.

(845) 225-7802

TOWN OF KENT
PLANNING BOARD
25 SYBIL'S CROSSING
KENT LAKES, NEW YORK 10512

Fax (845) 306-5283



FEBRUARY
2015
AGENDA

Workshop: February 05 2015 (Thursday, 7:30 PM)

Meeting: February 12, 2015 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from January 8, 2015
 - Baywater Pondview Estates
Carmel, NY
33.16-1-23 & 24
Request to release bond
Review
 - Kent Materials (Mountain View)
Route 52, Kent, NY
TM: 12.-1-44 & 12.-1-48
Amend Site Plan
Review
 - Schulhof-Kravitz
8 Cat Briar Road/Gipsy Trail
Kent, NY
TM: 21.19-1-10
Erosion Control
Review
 - Putnam Nursing Home
Ludingtonville Road, Kent, NY
TM: 12.-3-40 & 41
Erosion Control/Site Plan
Review
 - Chuang Yen Monastery
2020 Route 301, Kent, NY
TM: 19.-1-40.1
Landscape Improvement
Bond Reduction Request
Discussion
- Permit Applications Review (Applicants attendance not required/Workshop Discussion):
- Wellington Property
Towners Road, Lake Carmel, NY
TM: 33.73-1-38 & 39
Amended Site Plan
Status Report
 - Biben Property
146 S. Knapp Court, Kent, NY
TM: 10.-1-1
Erosion Control Plan/Wetland Permit
Addition to existing residence
Status Report
 - Seven Hills Lake Dam Rehabilitation (DEP)
Farmers Mills Road, Kent, NY
TM: 20.-1-43.1
Wetland & Erosion Control Permits
Status Report
 - Updated Forms
Discussion