

TOWN OF KENT
PLANNING BOARD

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1. ITEMS FOR SEQRA PUBLIC SCOPING SESSION

- a) Route 52 Development Special Permit,
Site Plan and Erosion Control Plan.

2. ADJOURNMENT

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Kent Town Hall
25 Sybil's Crossing
Kent, New York 10512
May 23, 2019

B E F O R E:

PHILLIP TOLMACH, CHAIRMAN
DENNIS LOWES, VICE CHAIRMAN

SIMON CAREY, Board Member
GIANCARLO GATTUCCI, Board Member
STEPHEN WILHELM, Board Member
CHARLES SISTO, Board Member

NISIM SACHAKOV, Board Member (Not Present)

ALSO PRESENT: VERA PATTERSON, Secretary

BARBARA MARCIANTE,
Official Senior Court Reporter

Route 52 Development-TM: 12.-1-52

1 CHAIRMAN TOLMACH: Good evening, ladies and
2 gentlemen and welcome to the Town of Kent Planning Board
3 SEQRA Determination of Significance for the Route 52
4 Project. Will you join me in the Pledge of Allegiance.

5 (Whereupon, everyone stands and recites the
6 Pledge of Allegiance.)

7 CHAIRMAN TOLMACH: Thank you. This is not our
8 regular Planning Board meeting. This is a SEQRA
9 Determination of Significance, a positive declaration and a
10 setting of public scoping session.

11 On April 11th, 2019, the Town of Kent Planning
12 Board made a Determination of Significance, a positive
13 declaration for the project known as the Route 52
14 Development in accordance with the New York State
15 Environmental Quality Review Act, SEQRA, as set forth in
16 6 NYCRR 617.7, the SEQRA regulations.

17 The Determination, also known as a positive
18 declaration, or Pos Dec, means that the project may result
19 in one or more significant adverse impacts on the
20 environment; an Environmental Impact Statement, an EIS,
21 must be prepared to further assess the impacts, possible
22 mitigation and to explore alternatives to avoid or reduce
23 those impacts.

24 A public scoping session will be held in
25 accordance with SEQRA session tonight, Thursday, May 23rd,

1 2019 at 7:30 p.m. at the Town of Kent meeting room, Town
2 Hall at 25 Sybil's Crossing, Kent, New York 10512 to
3 consider the initial draft scope, and to hear comments from
4 the public and agencies.

5 The Planning Board will also accept written
6 comments on the draft scope for two weeks after this
7 scoping session, and that is until 2:30 p.m. June 6th,
8 2019, which must be mailed or delivered to the Planning
9 Board Secretary at the Planning Board office at the Town
10 Hall address. The scoping outline, after it is revised by
11 the Planning Board to be detailed, will be used for
12 preparation and review of a draft EIS or DEIS.

13 The proposed action is based on applications from
14 Kent Country Square LLC., owner of the subject parcel,
15 known as the Route 52 Development, for approval of a
16 special permit; site plan and erosion control permit and
17 other approvals and permits for development of a
18 137.435-acre parcel, tax parcel No. 12.-1-52 located on New
19 York State Route 52, east of its intersection with
20 Ludingtonville Road, in the IOC,
21 Industrial-Office-Commercial Zoning District in the Town of
22 Kent, Putnam County. The Planning Board has identified the
23 project as a SEQRA Type I Action.

24 The project involves site development to create
25 an approximately 54-acre excavated, graded area for mixed

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1 commercial uses, including two hotels, a conference center,
2 an indoor recreation facility, a truck/rest stop building
3 with retail and restaurants, and a motor vehicle repair and
4 service station geared toward trucks, also known as a truck
5 stop, with fueling, tire shop and possibly other truck
6 services and repair.

7 A variance will be required for building height.
8 The project will also require approvals as per Kent's Town
9 Code for freshwater wetlands and stormwater and erosion
10 control. Three proposed driveways and one emergency access
11 would provide access from Route 52 just east of Interstate
12 84 Exit 17. The site also has frontage on Interstate 84.

13 Do we have to open this as a public meeting?

14 MS. ELIZABETH T. AXELSON: I think what we will
15 do is do whatever recap we need to do and the applicant can
16 describe the project in more detail. And then when we're
17 done with that, it could be opened up so that the public
18 can come up.

19 CHAIRMAN TOLMACH: So I don't have to open it
20 now.

21 MS. ELIZABETH T. AXELSON: Right.

22 CHAIRMAN TOLMACH: Everybody will get a chance to
23 speak. The Board and our helpers have helped us identify
24 many of the concerns of the residents for the Town of Kent.
25 So please listen to what we have to say. And if you still

1 haven't heard about it, then you will get a chance to
2 speak. Take it away, Liz.

3 MS. ELIZABETH T. AXELSON: Okay, first of all, I
4 just want to remind the Board and the public that Vera has
5 a sign-in sheet. Folks who would like to speak, it's right
6 at her desk and Vera had also organized some handouts, if
7 you folks want to follow along. I just want to touch base
8 on --

9 CHAIRMAN TOLMACH: And also when you come up,
10 please speak clearly into the microphone. Thank you.

11 MS. ELIZABETH T. AXELSON: So the purpose of
12 tonight is to express concerns and ask questions that will
13 be added to what is already a fairly hefty revised scoping
14 outline. We're really just looking to hear the input. We
15 will add it to the outline later.

16 I don't believe that we will have time to give
17 responses to questions and concerns. The idea is that
18 those questions and concerns will go into the scoping
19 outline and when the applicant's folks prepare a draft of
20 the Environmental Impact Statement, they will address those
21 concerns and sort of answer those questions in the Draft
22 Environmental Impact Statement.

23 I just want to touch base, briefly, on the
24 process that the Board has been through, which is that they
25 have been reviewing this project for, I think, almost a

1 year, in consultation with Julie Mangarillo, consulting
2 engineer, Bruce Barber, environmental consultant, and I and
3 the Board and Vera and we have all been very much involved
4 in reviewing the project and moving it forward to this --

5 CHAIRMAN TOLMACH: You know, Liz, I don't think
6 you introduced yourself.

7 MS. ELIZABETH T. AXELSON: Oh, I didn't. My name
8 is Liz Axelson. I'm the planner with CPL, Clark Paterson
9 Lake. Thanks.

10 So we have worked diligently to review the
11 project, identified issues of concern, put together review
12 memos, move forward in the New York State Environmental
13 Quality Review Act process to the point that was described
14 just now when Chairman Phil Tolmach read the notice.

15 And let's see. So tonight what we will do, the
16 applicant's folks will do a presentation and then Phil, you
17 can open it up to public comments and people can speak on
18 whatever topic is of concern.

19 We did provide a handout, a one-page handout.
20 And at the bottom of the handout is a list of general
21 issues that are covered in the scoping outline. You can
22 speak on whatever issue you wish that is of concern to you
23 or questions you desire to have answered. That's just
24 provided for a frame of reference.

25 And then I believe depending on how the scoping

1 session goes tonight, after you've opened it, folks have
2 spoken, that we may be able to conclude the scoping
3 session. But as you mentioned in the notice, members of
4 the public and agencies can still submit written comments
5 until Thursday, June 6th at 2:30 p.m. to Vera at her
6 office.

7 That's pretty much it for now. So I guess next
8 the applicants will make a presentation.

9 CHAIRMAN TOLMACH: And everybody should realize
10 the Board will not make decisions, final decisions, on this
11 project for at least a month and probably a lot longer than
12 that.

13 MS. ELIZABETH T. AXELSON: Probably many months.
14 If you want me to just touch on that. What basically may
15 happen is we will receive comments until June 6th. After
16 that, the Board will take up the revised scoping outline at
17 a subsequent meeting and adopt the scoping outline, which
18 means that the applicant's representatives will get to work
19 preparing a draft Environmental Impact Statement.

20 That probably will take a couple months, maybe
21 longer, to put all the reports together. That will be
22 submitted to the Planning Board to be reviewed for
23 completeness. So we may go through another month or so of
24 reviewing for completeness.

25 And at some point, the Planning Board will

1 receive a Draft Environmental Impact Statement that is
2 sufficiently revised so that they can accept it as a
3 complete Draft Environmental Impact Statement. And at that
4 point, they will make an official decision accepting it as
5 complete and they will set a Public Hearing on the Draft
6 Environmental Impact Statement.

7 And I won't bore you with the rest of the
8 process, but that will initiate the more detailed
9 environmental review. Anything else the Board would like
10 me to touch on?

11 CHAIRMAN TOLMACH: Anybody?

12 (Whereupon, there was no response from The
13 Board.)

14 MS. ELIZABETH T. AXELSON: Okay.

15 CHAIRMAN TOLMACH: Thank you, Liz.

16 MS. ELIZABETH T. AXELSON: Now I'll turn it over
17 to the applicant's folks.

18 MR. PEDER SCOTT: Good evening. My name is Peder
19 Scott. I'm a licensed architect and engineer.

20 And before you I present the Kent Country Square
21 Project Route 52. It's 138-acre parcel. It is on Route 52
22 on the north side -- east side of 52, between Exit 17 and
23 18, it's in the commercial zone, the
24 industrial-office-commercial zone. The project before you
25 has many uses. Within that 138-acre parcel, currently we

1 have an existing approved water system.

2 And this project was under scrutiny ten years ago
3 for a residential subdivision. That DEIS, again, was filed
4 with the Town. This is a reuse of that same lot and we're
5 proposing the following uses:

6 We are proposing two hotels, an indoor water park
7 or indoor recreational center, a conference center, a food
8 court, a truck stop, which constitutes diesel fuel
9 distribution and tire repair. We also have looked at
10 various alternatives. There is four that we have prepared
11 to discuss tonight.

12 The project, again, has a water treatment plant,
13 a sewer treatment plant, two stormwater detention treatment
14 ponds. We have about retention ponds and ancillary
15 structural components. We also are going to have dry
16 hydrant facilities for fire safety.

17 We are doing road improvements, both on 52 and at
18 the Exit 17 and 18 per our preliminary traffic report, all
19 of which will be submitted in the DEIS. And that completes
20 my brief discussion.

21 CHAIRMAN TOLMACH: Thank you, Peder. Questions
22 anyone?

23 (Whereupon, there was no response from The
24 Board.)

25 CHAIRMAN TOLMACH: Do either of the other

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1 consultants have anything to add here?

2 (Whereupon, there was no response.)

3 CHAIRMAN TOLMACH: Can I get a motion to open the
4 Public Hearing?

5 BOARD MEMBER WILHELM: I'll make that motion.

6 CHAIRMAN TOLMACH: A second?

7 BOARD MEMBER CAREY: I'll second.

8 CHAIRMAN TOLMACH: All in favor? Aye.

9 BOARD MEMBER CAREY: Aye.

10 BOARD MEMBER GATTUCCI: Aye.

11 VICE CHAIRMAN LOWES: Aye.

12 BOARD MEMBER WILHELM: Aye.

13 BOARD MEMBER SISTO: Aye.

14 CHAIRMAN TOLMACH: Is there anybody in the
15 audience -- do we want to -- is there anyone in the
16 audience who would like to come up and speak? Please do.
17 You have to sign in and you have to speak into the
18 microphone.

19 MR. HENRY BOYD: Hi, there. I already signed in
20 earlier. My name is Henry Boyd, from Boyd Artisan Well
21 Company. I'm also the head of the Chamber from Carmel,
22 Chamber of Commerce in Town.

23 And we would like to welcome a little bit of new
24 business coming into Town. We really appreciate the
25 revenue it's going to take. Maybe it's a little tax break,

1 if we can possibly have it.

2 But there are some things that I wonder about,
3 personally. I know Peder, Peder came to us. We were
4 supposed to do on May 15th last year, were supposed to come
5 and speak in front of the Chamber of Commerce. And this
6 little tornado came through. And for some reason, he
7 didn't show up. Well, looking at that --

8 CHAIRMAN TOLMACH: He went to Kansas.

9 MR. HENRY BOYD: So he did finally come when the
10 weather got better. But one of the problems that I have is
11 there is a whole bunch of trees down on that property.
12 When that tornado came through, it came right up that
13 property to the Dunkin Donuts, took the roof off of Dunkin
14 Donuts.

15 CHAIRMAN TOLMACH: I know we've seen it.

16 MR. HENRY BOYD: Yes, I know we all have. I
17 think that right now we have a little leverage. I think
18 that those trees have been on the ground a year now. If I
19 want to make firewood, I cut down a tree and let it sit a
20 year. We have potential firewood out there. And I think
21 maybe we should ask them to start cleaning up that wood
22 right away.

23 If it's gets dry this summer, which it typically
24 does around here, if it ever stops raining, we have a
25 tremendous fire potential out there. I know the fire

1 department is here, I'm over stepping them a little bit
2 maybe, but I know if you got rid of some of those old
3 trees, you can get around in there a lot better and it
4 would make the Town of Kent a lot safer.

5 We can have us a California style fire right here
6 in the Town of Kent. So I would like to have them address
7 that, if they possibly could.

8 I am totally against your truck stop. There is
9 nobody in the Town of Kent that owns more trucks than I do,
10 I don't think. Maybe the Town does. But the truck stop
11 for me would be great for repairs and things next door, but
12 the trouble is we have the type of people that show up at
13 truck stops, I think they call them parking lot lizards.

14 And maybe if the truck stop was way down by the
15 Sunoco Station where the trucks got right off and into
16 something, it might be all right. But I know it's almost
17 physically impossible. But I'm totally against a truck
18 stop and people staying there and sleeping in their trucks.

19 My next concern is salt in the parking lots. As
20 a well driller, salt is a really, really big issue in this
21 Town. At this building we can't drink the water because of
22 the salt. At my house at the top of the hill, I can't
23 drink the water because of the salt. The schools have
24 really high salt content in their wells.

25 Town of Kent, that's because of the State Highway

1 Department going up through here with the salt trucks.
2 Town of Kent has sworn to me that they do 50/50 salt on our
3 back roads, which helps. But we really got to worry about
4 the salt polluting the rest of the mountain up here.

5 So we have to figure out how they are going to
6 deal with the salt and how they are going to get rid of
7 that. If we have a car wash or a truck wash, why do you
8 have your car washed, to get the salt off of it.

9 I believe that the salt should be maintained in
10 these car washes. You can't kill salt in a sewage
11 treatment plant. No matter what, it's salt water.

12 And we have to have that salt water, especially
13 in the wintertime, hauled off site. They recycle it to a
14 certain point, but after a while the word gets out they are
15 recycling with salt water. And it doesn't do the frame of
16 your car much good. And if they don't do it, then that's
17 something we should do.

18 Traffic safety, we started to address that a
19 minute ago. I can't see all these cars coming up Route 52
20 without putting two more lanes in, a turning lane and the
21 entrancing lane.

22 CHAIRMAN TOLMACH: We had planned that.

23 MR. HENRY BOYD: And so good luck with the State
24 with that. And I mean I drilled the wells in there 30
25 years ago. I don't know about ten years ago you just said.

1 But 30 years ago they tried to put a condo project in
2 there. They went for broke.

3 We had some pretty good wells in there. I don't
4 see enough wells to do it now. But I'm concerned over --
5 these wells were tested back then. They tested some of the
6 wells on the top of the hill.

7 But as you keep pumping the water out of the
8 lower area of the hill, there is, I think, like the school
9 uses a lot of water up at the top. We really have to put
10 some good scientific testing for these wells to see which
11 way, where the water is coming from these wells. And
12 that's all I wanted to say.

13 CHAIRMAN TOLMACH: Very good. Thank you very
14 much. Anybody else? Please.

15 MR. BARRY SANEL: Hi, my name is Barry Sanel.

16 CHAIRMAN TOLMACH: Okay, sign in.

17 MR. BARRY SANEL: Yeah, I already did. I'm Barry
18 Sanel. I live on Peekskill Hollow Road. So I don't live
19 close by where this development is, but I would really be
20 in for this development because I would like to see some
21 more revenue and jobs. And I would like to, when my family
22 comes down from New Hampshire, I would like to have a place
23 for them to stay.

24 So the truck stop, as long as it's properly
25 managed and, you know, it doesn't become a dump, I think

1 that it would be really good for this area to have a place
2 where there could be some -- something going on.

3 I love this Town. I lived here 20 years. I love
4 Kent, but I really think we need some more economic
5 development in this Town. So I think it would be a really
6 good idea. So that's my opinion. Thank you.

7 CHAIRMAN TOLMACH: Thank you. Anyone else?
8 Please.

9 MR. T.J. DONOHUE: How are you doing. My name is
10 T.J. Donohue. I'm the Chief of the Lake Carmel Fire
11 Department. I have numerous concerns. I'll sign in here.

12 First of all, being the height of the buildings
13 proposed, as of now we don't have apparatus that can reach
14 the roofs of these buildings.

15 CHAIRMAN TOLMACH: No, we've discussed that with
16 the architect.

17 MR. T.J. DONOHUE: Water source, there is no
18 hydrants, buildings this size need a lot of water. That's
19 really all I have right now.

20 Access. There's got to be room to put apparatus
21 and everything. Emergency services are going to be
22 expanded. As you know, we're hurting as it is now. So if
23 these buildings are put in, it's going to increase our call
24 volume dramastically(ph). So keep that in mind. Thank
25 you.

1 CHAIRMAN TOLMACH: We will. Thank you. Anyone
2 else? Please come forward.

3 MS. KATHERINE CURTIS: Good evening. My name is
4 Katherine Curtis. I live at 2 Mooney Hill Road in the Town
5 of Kent, Town of Kent resident for over 30 years.

6 It's no secret I've been to some of the early
7 meetings. I really am opposed to this project for a
8 variety of reasons.

9 Esthetically, I think it's over the top for the
10 Town of Kent. One nice hotel I think is something that
11 this Town could use, I agree. I'm not against business.
12 But I think this is a bit much.

13 More specifically, I think, and some of these
14 topics have already been alluded to, the water, the quality
15 of water. What is the water table for this area? And how
16 will it affect other people, whether it be business or
17 homeowners? How are they going to be affected by this huge
18 draw of water to supply all of the buildings that are
19 proposed for this particular site? So I think water is a
20 big issue.

21 I think coupled with that, you have this truck
22 stop, which brings, potentially, quite a few issues, some
23 of which could really be serious for the water table. And
24 you're going to have diesel fuel. You'll have regular
25 gasoline. There is always the potential for fuel spills.

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1 And I will admit, I have not read that document
2 so maybe this issue has been addressed. But how are you
3 going to manage, contain some kind of catastrophic fuel
4 spill. Will you have 100 percent retention on site for any
5 catastrophic spill.

6 It's also been talked about the element that this
7 may bring, and that was one of my very first concerns. The
8 fact that this is located in the vicinity of a school
9 district, school buildings, we don't know what kind of
10 transient population you're going to have coming through.
11 I know that's redundant for transient, but you know what I
12 mean.

13 CHAIRMAN TOLMACH: You mean like these guys?

14 MS. KATHERINE CURTIS: I think that's another
15 factor. And then, of course, the traffic. You now have
16 the potential of having a bus garage built right next to
17 this. So right, if nothing changed right now, that would
18 be a huge problem for congestion along Route 52.

19 You're going to have, if you have this truck
20 stop, you're going to have a lot of trucks. So the
21 reconfiguration of Route 52 and the intersection has to
22 provide for not just one truck at a time, but maybe several
23 trucks at one time trying to make a left-hand turn once
24 they come off 84 to come up to this project.

25 How many -- Henry mentioned at least an extra

1 lane. I think you need two or three extra lanes. You're
2 going to need left-hand turn lanes. And you're going to
3 need extensive longer left-hand turn lanes to accommodate
4 with possible stacking of trucks trying to get into the
5 facility.

6 And I, of course, where I live, deal with the
7 intersection down at Ludingtonville Road and 52 all the
8 time. It's bad now and there is no light over there. So
9 what kind of traffic controlled devices are you going to
10 have? Are you going to have traffic controlled devices at
11 that intersection at the entrance to this project? I just
12 think that there's safety, serious safety concerns about
13 that could potentially create some serious safety issues,
14 if this goes through as planned.

15 That's, as I said, those are some specific
16 concerns, but generally I think it's over the top for this
17 area. Nice hotel, I agree, we do need it. And I don't
18 think people would have a major, major objection to that.
19 Even a conference center I think it's a good idea for this
20 area, but the rest of it I think is too much. Thank you.

21 CHAIRMAN TOLMACH: Thank you. Anyone else?
22 Would anybody else like to speak? Would the esteemed
23 supervisor like to come and say something?

24 SUPERVISOR FLEMING: Sure. I actually just came
25 to observe but --

1 CHAIRMAN TOLMACH: Sorry to put you on the spot.

2 SUPERVISOR FLEMING: No, no, that's okay, that's
3 okay. We have had multiple presentations by Peder Scott
4 and his group at Town Board meetings. And I know that they
5 have been working very closely with the Planning Board on
6 this project.

7 One of the things certainly that has always been
8 talked about in this Town is that we have no business. We
9 have no industry. We have no commercial development.

10 And here we are about to bring this amazing
11 project in, which will be, will lift a tax burden off the
12 residents of this Town. So I am surprised to hear
13 opposition to it.

14 I think the location for this property is, you
15 know, is optimum because it really doesn't impact a lot of
16 residential and I think that --

17 CHAIRMAN TOLMACH: It's right near my house.

18 SUPERVISOR FLEMING: You can always stay in the
19 hotels. And I do believe that certainly, you know, they
20 have listened to us just in the beginning of the design
21 with, you know, putting in screening and talking about
22 making the truck stop not intrusive and blending into the
23 character of the Town of Kent, which I think is wonderful
24 for people not to just come in and be, you know,
25 blockbuster and this is how we're doing it.

1 So I'm hoping that, you know, this project moves
2 forward because, like I said, especially since we just
3 recently had another commercial property taken off the tax
4 rolls in the Town of Kent on Tuesday, I think that we need,
5 we need to advance all of the development that we can,
6 which doesn't negatively impact the rural character of our
7 Town, but still is a benefit to all residents. Thank you.

8 CHAIRMAN TOLMACH: Thank you, Maureen. Is there
9 anybody else who would like to speak?

10 MS. SUSAN KOTZUR: Susan Kotzur, Kent resident.
11 I really just have a question. I'll sign in in a second.
12 It says 54-acre mine excavated, graded area at
13 approximately 140 feet below the existing grade for a mixed
14 use commercial development. Will people be driving down
15 into it like --

16 CHAIRMAN TOLMACH: And never coming back.

17 MS. SUSAN KOTZUR: Pardon?

18 CHAIRMAN TOLMACH: No. That's for excavation
19 where to put the hotels.

20 MS. SUSAN KOTZUR: Okay. Thank you.

21 CHAIRMAN TOLMACH: Thank you, Sue. Last chance,
22 anybody else?

23 (Whereupon, there was no response from the
24 public.)

25 CHAIRMAN TOLMACH: Can I get a motion to close

1 the Public meeting?

2 MS. ELIZABETH T. AXELSON: Just make your motion
3 to close the public scoping session.

4 CHAIRMAN TOLMACH: Right. Can I get a motion to
5 close the public scoping session?

6 BOARD MEMBER GATTUCCI: I'll make the motion.

7 CHAIRMAN TOLMACH: Second?

8 BOARD MEMBER WILHELM: I'll second.

9 CHAIRMAN TOLMACH: All in favor? Aye.

10 BOARD MEMBER CAREY: Aye.

11 BOARD MEMBER GATTUCCI: Aye.

12 VICE CHAIRMAN LOWES: Aye.

13 BOARD MEMBER WILHELM: Aye.

14 BOARD MEMBER SISTO: Aye.

15 CHAIRMAN TOLMACH: The session is closed. Where
16 are we now, Liz?

17 MS. ELIZABETH T. AXELSON: Really, that's it for
18 now. We will see what kind of written comments come in by
19 June 6th and then work on revising the scoping outline and
20 bring it to a Planning Board meeting as soon as possible
21 and hopefully the Planning Board will have reviewed the
22 hefty scoping outline that's been produced and be ready to
23 adopt it at some point.

24 CHAIRMAN TOLMACH: We have to close this meeting,
25 Liz?

1 MS. ELIZABETH T. AXELSON: You can adjourn the
2 meeting. If there's no other business, you can close the
3 public scoping session.

4 CHAIRMAN TOLMACH: Can I get a motion to adjourn
5 the --

6 MS. ELIZABETH T. AXELSON: Wait, wait, wait.

7 MR. MICHAEL CARUSO: We thought it might be
8 worth --

9 CHAIRMAN TOLMACH: Please.

10 MR. MICHAEL CARUSO: I've been waiting so long.
11 Michael Caruso, 3871 Danbury Road, the attorney for the
12 applicant. Good evening, everybody.

13 Before the Board moves forward, I just want to
14 outline one legal issue that we are going to be
15 undertaking. As one of the members of the public
16 indicated, there were concerns about height, visual impact,
17 character of the community.

18 One thing that we need to initiate on the
19 applicant side is an application to the Town Board for a
20 zoning amendment as it relates to the height of the
21 buildings that the two hotels proposed. And the reason why
22 is relating to the design criteria that the operators and
23 the franchisors, in part on us as the operators. Forgive
24 me for the grammar there.

25 So I think, and Peder can talk about, you know,

1 the progression of his renderings. I think he wanted to go
2 through site alternates as well just right on my heels.
3 But we just wanted to convey to the Board that critical to
4 this site is building the features in, you know, out of the
5 immediate viewshed of 52, down towards 84 with the hotels.

6 And we hope, I think that the Town Board, I
7 trust, will understand that the number of height, you know,
8 the height of the buildings may increase, but we're trying
9 to offset that as much as possible by locating at a lower
10 elevation.

11 CHAIRMAN TOLMACH: What do you mean the height of
12 the buildings may increase. You told us one hotel would be
13 two stories and the other four stories.

14 MR. MICHAEL CARUSO: We think that the maximum we
15 would need, correct me if I'm wrong, Peder, is four stories
16 where the Marquis constituting the fifth, and that would
17 only be one of the hotels, potentially. So we just don't
18 want to trip over our own feet and underestimate it.

19 We're not certain that that particular hotel
20 chain will be the suitor. But in any event, we think that
21 the viewshed distance and the drop in elevation will more
22 than mitigate any change or any amendment we're seeking of
23 the height. That's our goal, hopefully, to keep the impact
24 off 52 to a minimum.

25 CHAIRMAN TOLMACH: And you realize the fire

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1 trucks you'll need for those higher buildings --

2 MR. MICHAEL CARUSO: Correct.

3 CHAIRMAN TOLMACH: -- will be more expensive.

4 MR. MICHAEL CARUSO: So I hear. No. There's
5 certainly that understanding, the fire apparatus and
6 emergency service and personnel will have to safely get
7 there and respond. So we have to undertake a real serious
8 study of that, of course.

9 BOARD MEMBER GATTUCCI: Are we still planning on
10 seeing the elevations?

11 MR. MICHAEL CARUSO: Yes, yes. Peder speak to
12 that in terms of the amount of cut, you know, that's done
13 on the site as we discussed previously with the Board. I
14 think that will still be more than adequate for what we
15 have in mind.

16 MS. ELIZABETH T. AXELSON: If I may, Peder.

17 MR. PEDER SCOTT: Please.

18 MS. ELIZABETH T. AXELSON: I need to speak to the
19 Board about the SEQRA process. I guess, I know that in the
20 workshop session we had a discussion about the height issue
21 and kind of weighed the options of doing a zoning change
22 which would effect all of the IOC zoning districts in the
23 Town versus height variance to the ZBA.

24 And I had understood, and I think the rest of the
25 review team has understood, and the Board, that the

1 applicant was to proceed -- that the proposed action would
2 be a variance before the Zoning Board of Appeals.

3 And the whole idea was that the difference in the
4 review process, and particularly the SEQRA process, of
5 going to the Zoning Board of Appeals for a height variance
6 is a simpler process.

7 But to actually change the
8 industrial-office-complex zoning district to allow an
9 increased height would mean that any property in the
10 industrial-office-complex commercial zoning district would
11 have to be examined for that change in height. And I
12 didn't understand that that was the way you wanted to
13 proceed. That changes the scoping outline immediately.

14 So I'm very surprised to have this come up at
15 this juncture. And I would rewrite a portion of the scope
16 to do some kind of a generic analysis if it's going to be a
17 zoning amendment versus the zone -- versus a variance
18 before the Zoning Board of Appeals. So this is -- and I
19 think that the Board should -- I think what we're going to
20 have to do is revise the scope --

21 CHAIRMAN TOLMACH: Absolutely.

22 MS. ELIZABETH T. AXELSON: -- and I think we have
23 to hold another scoping session. This is a project change.
24 Because it effects IOC Zoning Districts throughout the
25 Town.

1 So I'm hoping that this is just an oversight and
2 that we're sticking to the variances, the zoning variances
3 before the Zoning Board of Appeals. Because I don't know
4 that the applicant representatives want to undertake a
5 generic Environmental Impact Statement analysis.

6 BOARD MEMBER WILHELM: Mr. Caruso, can you just
7 speak to that?

8 MS. ELIZABETH T. AXELSON: So let's just get
9 clear on that.

10 MR. MICHAEL CARUSO: I just want to be clear, as
11 I was talking with Mr. Scott, some of the operators and
12 some of the brands, if you will, that require certain site
13 elements to be incorporated into their plans that we have
14 to adhere to to build this site, the way they have in their
15 models, their economic models, don't call for variances.

16 And they warn us a little bit, if you will,
17 against them only due to the fact that there is a little
18 less permanence to that form of approval.

19 So number one is that. Number two is, we're not
20 looking for a whole scale amendment to the IOC District.
21 In this instance, it would be to rewrite one of the
22 exception use criteria to make it a special use permit
23 component, not to the entire district.

24 So it would be permissive. I don't think it
25 would at all change the scope or the scoping outline. It

1 will still be tailored to this specific use and others
2 similarly. We're not asking that the Town Board rewrite
3 the IOC regs completely across the board. That would be a
4 much different scope. So --

5 MR. PEDER SCOTT: Right.

6 MR. MICHAEL CARUSO: -- if that helps.

7 CHAIRMAN TOLMACH: So, go ahead.

8 BOARD MEMBER GATTUCCI: Go ahead.

9 MS. ELIZABETH T. AXELSON: Well, I might as well
10 stay up here. I'm not sure -- I have two questions. One,
11 first of all, an area variance typically runs with the
12 land.

13 MR. MICHAEL CARUSO: It does, of course.

14 MS. ELIZABETH T. AXELSON: So it's not a
15 temporary or impermanent thing. It runs with the land.
16 And I can't possibly recommend to only look at this
17 property if it's a zoning amendment because that zoning
18 amendment could apply to anybody.

19 There is no reason to limit. If there is going
20 to be a zoning amendment, the next person that comes for an
21 IOC, a special permit or site plan, would have the
22 availability of that height variance. And that effects a
23 number of things, you know, beyond visual and esthetic.

24 I guess I had felt that the advantage of
25 considering a height increase was that that would assist in

1 keeping building footprints smaller as opposed to spreading
2 out to try to stick to the height that's permitted. And
3 that I understood. And that's why we had discussed a use
4 -- sorry, an area variance for height.

5 But if this would be a height that could be
6 allowed, it could effect visual and community character in
7 any parcel in the industrial-office-commercial district as
8 well.

9 There's the issue with the fire department that
10 was just raised tonight. So I would like, I would like you
11 to reconsider whether -- I'm not sure I understand the
12 issue with having an individual area variance.

13 So if you guys can address what the issue is that
14 has changed your mind -- this is a pretty major project
15 change. So I'm trying to put on the record what the issues
16 might be. If you can just help us understand what is the
17 problem with the area variance.

18 CHAIRMAN TOLMACH: Would it be better to make the
19 buildings fatter and not as tall?

20 MR. MICHAEL CARUSO: Well, again, you have to
21 look at -- semantics are important here. It's not just
22 pure semantics. Asking the Town Board versus the Zoning
23 Board. Let's treat the Town Board first. What we're
24 asking, presumably, to the Town Board is in the process of
25 amending a portion of its special use regulations as

1 applied to IOC, we're not asking to change in the entire
2 code. We're not asking to create necessarily a precedent.

3 What we are asking them at the Town Board level
4 is to use their comprehensive plan, look at the way their
5 laws are written and the development patterns of the Town
6 and exam each application at the Town Board special permit
7 level. That to us makes more sense because you are not
8 instituting a whole scale change.

9 Secondly, as indicated, if the economic drivers
10 and the business contacts that have spoken to us prefer
11 that route -- and again, from our vantage point going to a
12 Zoning Board and arguing that, for example, for an area
13 variance, arguing that we don't have a self-created
14 hardship is a lot tougher than going to the Town Board and
15 saying here's the reasons why your IOC District on a
16 special permit amendment would benefit and other people
17 maybe able to present the same, you know, intended plans
18 versus coming forward and asking Zoning Board's for relief
19 constantly and just engage in precedent setting.

20 MR. PEDER SCOTT: If I might add?

21 CHAIRMAN TOLMACH: Come to the microphone, Peder.

22 MR. PEDER SCOTT: So in conversations we have to
23 create an as-of-right zoning district to attract the
24 tenants that we need for the hotels. They directly require
25 us to have an as-of-right height requirement to allow the

1 structures. At this point in time, I guess because we're
2 in scoping discussion, I guess the alternatives could be
3 discussed in the scoping document --

4 CHAIRMAN TOLMACH: I don't understand why you
5 didn't know this two weeks ago or a month ago.

6 MR. PEDER SCOTT: Well, we tried to pursue the
7 variance alternative and it was not being well received.
8 And so the option we pursued with, is we get an option for
9 a variance could be discussed in this document or amendment
10 on the special permit to allow the certain heights of
11 buildings.

12 And in a special permit avenue, we can add
13 special conditions; size of lots could be applied to that;
14 locations of the lot; many items which could pretty much
15 focus the global impacts of such a modification to the
16 zoning. Again, we're in -- this is a scoping discussion
17 and we wanted to bring it up at this point in time.

18 CHAIRMAN TOLMACH: Right, Peder. Liz, is there
19 any reason why they shouldn't do that or we shouldn't allow
20 them to do that?

21 MS. ELIZABETH T. AXELSON: I guess here's my
22 concern. The entire scoping outline that we've been
23 discussing and reviewing all along has very specifically
24 described an action --

25 CHAIRMAN TOLMACH: So we would have to start all

1 over again?

2 MS. ELIZABETH T. AXELSON: Well, I think -- I
3 don't know if we would have to start all over again. But
4 the thing is, we don't even have a local law proposed at
5 this time. So we don't -- part of the proposed action now
6 is a petition for a zoning amendment. So we don't even
7 have that piece right now. So we don't even know what the
8 zoning instrument is going to be at this point.

9 I don't know if, you know, I've heard a couple
10 things and they sound interesting. But I don't know how we
11 can move forward on this without having the zoning
12 amendment in the description of action.

13 I mean doing this as an alternative, that still
14 compels the Board, in my opinion, to have to do some kind
15 of a generic look at how, whatever zoning petition might be
16 brought, would affect other land in the IOC.

17 And then the other concern, of course, which I
18 would like to discuss with the Planning Board's attorney is
19 if a petition for a zoning amendment is constructed so
20 specifically as to apply only to one lot, the concern would
21 be does that look like spot zoning.

22 So I would want to be able to at least look at a
23 proposed zoning amendment and be able to have the Planning
24 Board have some dialogue with the applicant about the
25 implications.

1 CHAIRMAN TOLMACH: So if the applicant wants to
2 continue the way they say, we need to adjourn what we're
3 doing because --

4 MS. ELIZABETH T. AXELSON: Yeah. I feel like --

5 CHAIRMAN TOLMACH: -- we're wasting our time.

6 MS. ELIZABETH T. AXELSON: I feel like we
7 shouldn't close the scoping session yet because this is --
8 I mean could it be added to the scope in some way, yes.
9 I'm not saying we have to start all over again, but I would
10 at least like to know what we're talking about.

11 CHAIRMAN TOLMACH: Right, absolutely.

12 MS. ELIZABETH T. AXELSON: And I understand that
13 whatever process the applicant's folks have gone through,
14 whatever change you're dealing with, have some concern --
15 I've never heard of this before, but they have some concern
16 about a variance versus --

17 MR. PEDER SCOTT: Yes.

18 MS. ELIZABETH T. AXELSON: -- you know. So, so I
19 would like to have some kind of a draft petition so we can
20 at least discuss that with the Board.

21 BOARD MEMBER WILHELM: We can still keep moving
22 forward on some of it. We can't finalize it until they
23 actually have a determination of the height that they are
24 trying to do with the building.

25 MS. ELIZABETH T. AXELSON: Right.

1 BOARD MEMBER WILHELM: The EIS can't be
2 completed.

3 CHAIRMAN TOLMACH: Right.

4 MS. ELIZABETH T. AXELSON: Well, we cant' really
5 adopt the scoping outline until we know --

6 BOARD MEMBER WILHELM: Well, the public can still
7 comment, if we're looking at the four-story building and
8 they still have two weeks to comment on that. So as long
9 as that's addressed, that should suffice for the public
10 side.

11 MS. ELIZABETH T. AXELSON: Yes. And then I
12 guess --

13 BOARD MEMBER WILHELM: And then it's up to going
14 to the Town Board to petition whatever you're trying to
15 request and really, it's not really on us. So it just
16 stops until they come forward with whatever they are
17 proposing.

18 CHAIRMAN TOLMACH: Right.

19 MS. ELIZABETH T. AXELSON: I agree that it is
20 partly in the Town Board's seat, but you're the Planning
21 Board. And a zoning referral is going to come to you and
22 you're going to have to make a recommendation on it.

23 But the other thing is that the Planning Board
24 has decided to be lead agency. That 30-day time period has
25 more than passed. That puts you in the seat of considering

1 all of the environmental impacts of the proposed action and
2 the proposed action is changing. It's not unheard of, of
3 course.

4 I guess what I would suggest to the Board is
5 maybe what should happen is have you redo your close the
6 scoping session based on the proposed action described in
7 the scoping outline with the possibility of reopening the
8 public scoping session as needed. That would be my
9 suggestion for now.

10 Again, I'm kind of doing this on the fly. We
11 don't have an attorney here. But those are my thoughts on
12 that. I understand that you may need some flexibility, but
13 again, we haven't seen the instrument so it's a little bit
14 of a surprise.

15 CHAIRMAN TOLMACH: We need to make a motion about
16 that?

17 MS. ELIZABETH T. AXELSON: I would suggest that
18 you make -- amend your motion --

19 CHAIRMAN TOLMACH: Right.

20 MS. ELIZABETH T. AXELSON: -- to close the public
21 scoping session based on the project described in the
22 scoping document revised May 16, 2019 with the option of
23 holding another public scoping session as the Board sees
24 fit, depending on how the proposed action may change.

25 CHAIRMAN TOLMACH: Okay. You have a question?

1 BOARD MEMBER GATTUCCI: I have a question for
2 Liz.

3 CHAIRMAN TOLMACH: Please.

4 BOARD MEMBER GATTUCCI: At this point in time,
5 when you're accepting the scoping document for the truck
6 stop, does that mean that that's how the project is going
7 to go through as a truck stop, and things that go with it
8 or could that be changed?

9 Because I know you said there's going to be an
10 alternative to the truck stop. From the beginning we
11 thought you said there was going to be an alternative to
12 this truck stop.

13 I can't believe there's only four people in this
14 Town that object to this truck stop. The rest of the
15 project looks nice. But the truck stop, a lot of people --
16 I know there is more than four people.

17 And we expected people, you know, at the doors
18 with sandwich boards, and rah rah shish kum ba, like stuff
19 pledged out there, and we don't have any of that. So I
20 feel that the wool has been pulled over the public's eyes.
21 And we need more time for the public to know that there's
22 going to be a truck stop going in the Town.

23 CHAIRMAN TOLMACH: We can leave the public
24 hearing open?

25 MS. ELIZABETH T. AXELSON: We could leave the

1 public scoping session open for now. I guess what would
2 happen if we do it that way would be to reset a public
3 scoping session at your next regular meeting to consider
4 setting a new public scoping session date. And I'm doing
5 all of this verbally so.

6 CHAIRMAN TOLMACH: Yes, I think that's a good
7 idea.

8 MS. ELIZABETH T. AXELSON: So I'm glad we have a
9 Court Stenographer here.

10 CHAIRMAN TOLMACH: There was enough talk before
11 about people in the Town not hearing about this.

12 MS. ELIZABETH T. AXELSON: Well, I know that we
13 did all of the normal publication. We weren't able to put
14 this on the Town's website because there is some
15 transition. So in the future, I may have a notice with a
16 link to the CPL website.

17 CHAIRMAN TOLMACH: One second, Liz. Maureen, did
18 you want to say something?

19 SUPERVISOR FLEMING: Yeah. I really don't
20 appreciate the comment that the truck stop was pulled over
21 the public's eye. Because this project, like I said, has
22 been presented at multiple Town Board meetings. And the
23 truck stop was always a part of the project. The truck
24 stop is not an addition to the project that's just come up
25 this evening.

1 So you may not be in favor of a truck stop, but
2 to say that there has been wool pulled over the public's
3 eyes when -- let me finish -- when at Town Board meetings,
4 which are televised live and which we have people, and
5 which we advertise in the newspaper and which we send out
6 agendas and which we publish backup documents.

7 So the public is aware. The fact that maybe
8 there are four people here who are speaking on this matter
9 is not inconsistent with public hearings in general. And
10 so I think it's just a mischaracterization of what this
11 project might be.

12 Now, you may want to work with the developer on
13 the idea of a truck stop. You might want to make other
14 requirements. But to say that this has suddenly popped up
15 and the public was not aware of it, I mean, I'm aware of
16 people talking about this. I've spoken to a number of
17 people that have called my office --

18 BOARD MEMBER WILHELM: Maureen, this has been a
19 topic of ours for the entire year. So this --

20 SUPERVISOR FLEMING: Excuse me?

21 BOARD MEMBER WILHELM: It's been a topic of ours
22 for an entire year.

23 SUPERVISOR FLEMING: Yeah, it's not new. I mean
24 people watch our meetings on TV. People understand that a
25 truck stop is part of it. So I just really didn't care for

1 the mischaracterization.

2 CHAIRMAN TOLMACH: I think we were just concerned
3 that more people in the Town of Kent should be concerned
4 about this. That's all.

5 SUPERVISOR FLEMING: Well, I mean I think that
6 not everybody shares the opinion that, you know --

7 CHAIRMAN TOLMACH: It's not necessarily that they
8 want or don't want the truck stop. But they should be
9 aware of what is going on in the Town.

10 SUPERVISOR FLEMING: And we have always been
11 transparent.

12 CHAIRMAN TOLMACH: Right, and we try to do that.

13 BOARD MEMBER WILHELM: Can you comment on the
14 zoning amendment that they are talking about?

15 SUPERVISOR FLEMING: I would not until I've
16 spoken to our attorney --

17 BOARD MEMBER WILHELM: Okay.

18 SUPERVISOR FLEMING: -- about the procedural with
19 this. Because, as I said, I'm an attorney, but I'm --

20 CHAIRMAN TOLMACH: Well, you're the next step.

21 BOARD MEMBER WILHELM: Yes.

22 SUPERVISOR FLEMING: Thank you.

23 CHAIRMAN TOLMACH: Thank you, Maureen.

24 MS. ELIZABETH T. AXELSON: All right. So I was
25 just conferring with Bruce. I think we should reopen the

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1 scoping session, request that the applicant provide --

2 CHAIRMAN TOLMACH: We haven't closed it yet, have
3 we? We did close it.

4 BOARD MEMBER CAREY: Yeah, the public one you did
5 close.

6 MS. ELIZABETH T. AXELSON: I think you did close
7 the public scoping session.

8 BOARD MEMBER CAREY: We did close the public one.

9 BOARD MEMBER SISTO: We closed the scoping
10 session. We should be talking to the lawyer before we go
11 ahead --

12 MS. ELIZABETH T. AXELSON: So reopen it.

13 BOARD MEMBER WILHELM: I don't think --

14 MS. ELIZABETH T. AXELSON: Let's request --

15 BOARD MEMBER SISTO: -- hotel came and asked a
16 question about this stuff and then they didn't say anything
17 about this --

18 MS. ELIZABETH T. AXELSON: -- an addendum to the
19 draft scope being provided.

20 CHAIRMAN TOLMACH: Just a second. Charlie,
21 Charlie, you don't think we should do this?

22 BOARD MEMBER SISTO: I think we should --

23 CHAIRMAN TOLMACH: Speak into the microphone.

24 BOARD MEMBER SISTO: I think we should take
25 advice under Counsel. We should bring this in front of

1 Counsel before we go ahead with anything. That's my
2 opinion.

3 BOARD MEMBER WILHELM: I think we should leave
4 the public session closed. That's my personal opinion on
5 it. And it's just the zoning amendment that's going to be
6 presented. The Town Board just doesn't stop us in any way.

7 MS. ELIZABETH T. AXELSON: I'm concerned about a
8 procedural defect in the process. And the Board has
9 certainly put a lot of time into, you know, reviewing
10 concepts with the applicant's folks, making
11 recommendations, going over the scoping outline, preparing
12 for this, trying to move it along as fast as they could.

13 And I feel that at this point we need more
14 information from them about the zoning proposal. And I
15 think there is nothing wrong with reopening the scoping
16 session until such time as we have an addendum to the draft
17 scope so that the Board can discuss, okay, how do we fold
18 this concept into the scoping outline. And then adding --

19 CHAIRMAN TOLMACH: Keeping it open won't prevent
20 us from, you know, from dealing with whatever the lawyer
21 tells us in the future?

22 MS. ELIZABETH T. AXELSON: Right. I mean I would
23 definitely like to seek Jeff Battistoni about this concern.
24 Again, not that the Planning Board and the Town can't be
25 flexible in regards to what kind of zoning, how the zoning

1 is handled in regards to this project. That's not the
2 concern.

3 I just want to make sure that the Planning Board
4 as lead agency, is doing their procedure properly, not
5 leaving themselves open to any challenges that could slow
6 the project down in the long run. I don't think anybody
7 wants that.

8 CHAIRMAN TOLMACH: Couldn't we reopen the scoping
9 session at our next meeting anyway?

10 MS. ELIZABETH T. AXELSON: I would suggest that
11 you make a motion to reopen it now, to be continued at a
12 later date. And the Board can set that date once we have
13 an addendum to the draft scope.

14 And we will look at it as quickly as we receive
15 it. And make revisions as quickly as we can and at a
16 regular meeting set another scoping session date.

17 BOARD MEMBER CAREY: So what you're saying is we
18 open to the public --

19 MS. ELIZABETH T. AXELSON: Reopen it.

20 BOARD MEMBER CAREY: Reopen it.

21 MS. ELIZABETH T. AXELSON: The public scoping
22 session.

23 BOARD MEMBER CAREY: And then address it again at
24 our next meeting.

25 MS. ELIZABETH T. AXELSON: Right. And then set a

1 date for the continuation of the public scoping session at
2 your next regular meeting. And also ask that the applicant
3 provide an addendum to the draft scope.

4 CHAIRMAN TOLMACH: Can I get a motion to --

5 BOARD MEMBER WILHELM: Wait, before we do that,
6 we should ask the applicant if they are okay with this
7 because --

8 MR. MICHAEL CARUSO: I got to give credit to
9 Mr. Scott and Mr. Cleary on this one. I just want to be
10 very clear about this.

11 In the process of scoping the mechanism legally
12 by which the applicant asks either the Town Board or Zoning
13 Board for an increase in height or stories and the way to
14 do that, as in 70 feet maximum height and/or five stories.
15 The language is very simple. The amendment will be very
16 simple.

17 The mechanism that we use to do that, zoning
18 versus Town Board has no impact on SEQRA and scope.
19 Environmental scope doesn't change. We already brought
20 that issue out. It's in the outline.

21 We're certainly amenable to the Board reopening.
22 We're also amenable to the Board discussing as an
23 alternative the fact that we, perhaps the principle way to
24 achieve this might be by Zoning Board application and the
25 alternative might be to the Town Board. I think that kind

1 of satisfies the concerns.

2 BOARD MEMBER WILHELM: I would accept that
3 because we want to keep this project moving forward.

4 BOARD MEMBER CAREY: So we still need to seek
5 legal Counsel to see what we're going to do with this.

6 CHAIRMAN TOLMACH: Right.

7 BOARD MEMBER WILHELM: But that shouldn't change
8 our scoping outline more than adding the alternative --

9 BOARD MEMBER CAREY: But I don't see why leaving
10 the public one open and then addressing it at the next
11 meeting would make or break. I think we should --

12 BOARD MEMBER WILHELM: I think what they are
13 asking for is to open it back up, then have another special
14 meeting.

15 BOARD MEMBER CAREY: Yeah, reopen the public one
16 and we will address it at the next meeting.

17 BOARD MEMBER WILHELM: No. They would want to
18 open up another meeting after that. Next meeting would be
19 for adding another, a special meeting.

20 BOARD MEMBER CAREY: As of right now, we are
21 doing the scoping reference, that document that's there,
22 they are amending this, right?

23 BOARD MEMBER WILHELM: Right.

24 BOARD MEMBER SISTO: I'll make that motion.

25 CHAIRMAN TOLMACH: Can I get a second?

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1 BOARD MEMBER CAREY: Which motion are we making?

2 BOARD MEMBER SISTO: The scoping session --

3 MS. ELIZABETH T. AXELSON: What are you, I just
4 want to be clear, what are you guys voting on right now?

5 CHAIRMAN TOLMACH: What are we voting on?

6 (Whereupon, some Board Members confer.)

7 MS. ELIZABETH T. AXELSON: Okay, just let me
8 review a little bit, get this on the record, okay. So our
9 understanding is that the proposed action involves a
10 variance, an area variance, from the Zoning Board of
11 Appeals for height. That is how we've been proceeding.

12 I believe what I'm hearing, and maybe I'm wrong
13 here, are two possibilities. One is that there is a desire
14 that the area variance for height isn't sufficient for
15 whoever is going to be constructing and managing hotels or
16 whatever. And so the desire is to have a zoning amendment,
17 that that is the preferred option, that the variance is no
18 longer preferred.

19 So there is kind of two options on the table.
20 And the third one is we proceed as if it's an area variance
21 for height with an alternative for a zoning amendment.

22 I just feel very uncomfortable that we don't
23 really know right now what the proposed action is. We know
24 what may ultimately be developed here. I think we have a
25 good sense of that. But how we get there and what needs to

1 be examined under SEQRA is kind of in flux right now.

2 I don't see the problem with the Board holding
3 the public scoping session open. We get comments for two
4 weeks. Maybe we have an addenda, maybe we have a chance to
5 discuss it at the next regular meeting, if we have such
6 materials in time.

7 And then get to the point where the Board can
8 decide what do we need to do with this as a proposed
9 action. And then determine whether we need to set another
10 public scoping session or not.

11 So I would still like you to reopen the public
12 scoping session, request that the applicant provide an
13 addendum to the draft scope to address how they would like
14 to handle this petition for a zoning amendment.

15 The Planning Board will discuss it as soon as
16 they have it in their hands and take it up at the next
17 available regular Planning Board meeting to determine what
18 we need to do with the scope next, which may or may not
19 involve a public scoping session.

20 CHAIRMAN TOLMACH: So what exactly should we vote
21 on?

22 BOARD MEMBER WILHELM: Keep the public scoping
23 session open.

24 MS. ELIZABETH T. AXELSON: So vote to reopen the
25 public scoping session.

1 CHAIRMAN TOLMACH: That's it?

2 MS. ELIZABETH T. AXELSON: Yeah, do that.

3 CHAIRMAN TOLMACH: Can I have a motion?

4 BOARD MEMBER SISTO: I'll make that motion.

5 CHAIRMAN TOLMACH: Do I have a second?

6 BOARD MEMBER CAREY: I'll second that.

7 CHAIRMAN TOLMACH: All in favor? Aye.

8 BOARD MEMBER CAREY: Aye.

9 BOARD MEMBER GATTUCCI: Aye.

10 VICE CHAIRMAN LOWES: Aye.

11 BOARD MEMBER WILHELM: Aye.

12 BOARD MEMBER SISTO: Aye.

13 MS. ELIZABETH T. AXELSON: Okay. I think

14 that's -- I don't know --

15 CHAIRMAN TOLMACH: Do you have anything else to
16 add?

17 MS. ELIZABETH T. AXELSON: Do you guys want to
18 discuss?

19 MR. PEDER SCOTT: I appreciate -- we would
20 appreciate that consideration from the Planning Board
21 because we want to look into the alternatives as well.

22 We just got an amended alternative list, and we
23 would like to respond to that in writing, if we could.
24 That's the only items we're looking at. And again, this
25 could be addressed as an alternative. We would appreciate

1 that time.

2 CHAIRMAN TOLMACH: Thank you, Peder. So could I
3 get a motion to close the meeting?

4 BOARD MEMBER WILHELM: I make a motion to close
5 the meeting.

6 CHAIRMAN TOLMACH: Can I get a second?

7 BOARD MEMBER CAREY: I second.

8 CHAIRMAN TOLMACH: Thank you.

9 (Whereupon, the public scoping session was
10 concluded.)

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17 C E R T I F I C A T I O N

18

19 Certified to be a true and accurate transcript
20 of the stenographic minutes of proceedings taken by the
21 undersigned, to the best of her ability.

22

23 *Barbara Marciante*

24 Barbara Marciante,
25 Official Court Reporter

LEGAL NOTICE # 8
2019
ROUTE 52/KENT COUNTRY SQUARE LLC
SCOPING SESSION
(CONTINUATION FROM MAY 23, 2019)

NOTICE OF THE TOWN OF KENT PLANNING BOARD

SEQRA Determination of Significance (Positive Declaration); and Setting a Public Scoping Session for Thursday, July 11, 2019 at 7:30 PM at Kent Town Hall For the Route 52 Development Special Permit; Site Plan; and Erosion Control Plan. This matter was adjourned on May 23, 2019 to June 13, 2019 and now to July 13, 2019.

On April 11, 2019, The Town of Kent Planning Board made a Determination of Significance ("Positive Declaration") for the project known as the Route 52 Development in accordance with the New York State Environmental Quality Review Act ("SEQRA"), as set forth in 6 NYCRR 617.7, the SEQRA regulations. The Determination, also known as a "Positive Declaration" or "Pos Dec" means that the project may result in one or more significant adverse impacts on the environment; and an environmental impact statement (EIS) must be prepared to further assess the impacts; possible mitigation and to explore alternatives to avoid or reduce those impacts.

A public scoping session will be held in accordance with SEQRA section 617.8 (d) on Thursday, July 11, 2019 at 7:30 PM at the Town of Kent meeting room at Town Hall at 25 Sybil's Crossing, Kent NY 10512, to consider the initial draft scope; and to hear comments from the public and agencies. The Planning Board will also accept written comments on the draft scope for 2 weeks after the scoping session, that is, until 2:30 PM July 25, 2019, which must be mailed or delivered to the Planning Board Secretary at the Planning office at the Town Hall address above. The scoping outline, after it is revised by the Planning Board to be more detailed, will be used for preparation and review of a Draft EIS or DEIS.

The Proposed Action is based on applications from Kent Country Square LLC, owner of the subject parcel, known as the Route 52 Development, for approval of a special permit; site plan; and erosion control permit and other approvals and permits for development of a 137.435-acre parcel (tax parcel No. 12.-1-52), located on NYS Route 52, east of its intersection with Ludingtonville Road, in the IOC (Industrial-Office-Commercial) zoning district, in the Town of Kent, Putnam County. The Planning Board has identified the project as a SEQRA Type 1 Action.

The project involves site development to create an approximately 54-acre excavated, graded area for mixed commercial uses, including 2 hotels; a conference center; an indoor recreation facility; a truck/rest stop building with retail and restaurants; and a motor vehicle repair and service station geared toward trucks (aka a truck stop) with fueling, tire shop and possibly other truck service and repair. A variance will be required for building height. The project will also require approvals as per Kent's Town Code for freshwater wetlands and stormwater and erosion control. Three (3) proposed driveways; and one (1) emergency access would provide access from Route 52 just east of Interstate 84 (I-84) exit 17. The site also has frontage on Interstate 84 (I-84),

For Further Information please contact:

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

Telephone number: 845-225-7802

Email: planningkent@townofkentny.gov

Date: July 1, 2019

By order of:

Vera Patterson, Secretary for
The Town of Kent Planning Board
County of Putnam
State of New York
25 Sybil's Crossing
Kent, NY 10512
planningkent@townofkentny.gov

P. July 1, 2019 thru July 11, 2019

Kent Planning Board Public Hearing Notice #8 2019

Draft July 5, 2019

Resolution of the Town of Kent Planning Board as Lead Agency pursuant to New York State Environmental Quality Review Act ("SEQRA"); Amending the April 11, 2019 Determination of Significance (Positive Declaration); and Adopting a Revised Scoping Outline pending Submittal of Zoning Amendment Petition; and pending No Further Scoping comments 30 days from circulation for Route 52 Development Zoning Amendment; Special Permit; Site Plan; and Erosion Control Plan

Whereas, the Town of Kent Planning Board has received applications from Peder Scott, PE Engineer, as applicant (project sponsor) on behalf of formerly Laurel Realty LLC, now Kent Country Square LLC, owner of the subject parcel, with Tej Pal Sandhu as agent for the applicant, known as the Route 52 Development, for approval of a special permit; site plan; and erosion control permit and other approvals and permits for development of a 137.435-acre parcel (tax parcel No. 12.-1-52), known as "the site" located on NYS Route 52, east of its intersection with Ludingtonville Road, in the IOC (Industrial-Office-Commercial) zoning district, in the Town of Kent, Putnam County; and

Whereas, based on comments by the Applicant's Representatives, the Town of Kent Planning Board anticipates the filing of a petition to the Kent Town Board for an amendment to the Code of the Town of Kent, Chapter 77, Zoning, section 77-25, IOC Lot and bulk requirements, subsection H., to add provisions for increased building height above the IOC zoning district required maximum of three (3) stories or 40 feet (40') to be permitted under certain site or design conditions to be set forth in the petition (hereinafter "zoning amendment"); and

Whereas, the proposed action (project) involves site development of a 137.435-acre parcel to create an approximately 54-acre excavated, graded area for mixed use commercial development. The existing site is vacant, wooded, rocky and steeply sloped with 10 or more wetland areas of various sizes. Proposed site development is located on the western half of the site. Proposed uses include 2 hotels; a conference center; an indoor recreation facility; a truck/rest stop building with retail and restaurants; and a motor vehicle repair and service station geared toward trucks (aka a truck stop) with fueling, tire shop and possibly other truck service and repair. Special use permit approval is required due to the motor vehicle repair shop and service station aspect of the project. An IOC district zoning amendment is anticipated for consideration by the Town Board to address the proposed increased building height. The project will also require approvals in accordance with Kent Code Chapters for freshwater wetlands and stormwater and erosion control and other local, county, and state permits and approvals. Three (3) proposed driveways; and one (1) emergency access would provide access from Route 52 just east of Interstate 84 (I-84) exit 17. The site also has frontage on Interstate 84 (I-84); and

Whereas, the project is depicted on a set of site plans, prepared by PW Scott Engineering & Architecture, dated January 10, 2018, last revised July 20, 2018 (5 plan sheets identified as: ID; EX; SY1; SY2; and SY11); a Statement of Use (project narrative), dated July 18, 2018; and a Full Environmental Assessment Form (Full EAF) Part 1, signed July 26, 2018 and other plans, reports and materials on file at the office of the Kent Planning Board; and

Whereas, the Planning Board has reviewed and discussed the submitted application, plans, Full EAF Part 1 and other submitted materials and discussed the proposed action at several Board meetings including those held on: June 14, 2018; August 2, 2018 (Workshop); September 6, 2018 (Workshop); September 27, 2018; October 4, 2018 (Workshop); October 11, 2018; November 1, 2018 (Workshop); November 8, 2018; January 10, 2019; February 7, 2019 (Workshop); March 7, 2019 (Workshop); March

*Town of Kent Planning Board Resolution of SEQRA Amended
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14, 2019; April 4, 2019 (Workshop) and April 11, 2019, at which it was acknowledged that the magnitude of the proposed action would probably require the preparation of an Environmental Impact Statement as part of the project's review under SEQRA; and

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board took the following steps at its regular meeting on Thursday, October 11, 2018:

- classified the proposed project as a Type I Action under SEQRA as per 6 NYCRR part 617, subsections 617.4 (b)(6)(i), (iii), and (iv);
- declared its intent to serve as Lead Agency in a coordinated review of the Project;
- directed its secretary to circulate notice of its intent to all other involved and interested agencies; and
- circulated materials to involved and interested agencies on or about October 12, 2018 including a memorandum from the Planning Board; a copy of the adopted SEQRA resolution, including a project description; Statement of Use; Full EAF Part 1; and plans; and

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board took the following steps at its regular meeting on Thursday, April 11, 2019:

- established itself as Lead Agency for the purpose of conducting a coordinated review of the proposed action under SEQRA;
- reviewed and adopted the contents of the Full EAF Parts 2 and 3; and Full EAF Part 3 narrative identifying the potential project impacts; and evaluate the magnitude and importance of impacts with the Full EAF Part 3 narrative setting forth the reasons for a determination of significance;
- authorized the Planning Board Chairman to sign the Determination of Significance on the Full EAF Part 3 form, declaring that the project may result in significant adverse impacts on the environment; and an environmental impact statement must be prepared to further assess the impacts and possible mitigation and to explore alternatives to avoid or reduce those impacts;
- setting a date for the public scoping session for Thursday, May 23, 2019; and
- directing the Planning Board Secretary to circulate copies of the April 11, 2019 resolution; Full EAF Parts 2 and 3 and Full EAF Part 3 narrative; and initial draft scope to the Supervisor of the Town of Kent; all other involved and interested agencies; and to make available copies of the draft scope to the public;

Whereas, the Planning Board held a duly noticed and advertised public scoping session in accordance with 6 NYCRR section 617.8 (d) on Thursday, May 23, 2019 at the Town of Kent meeting room at Town Hall at 25 Sybil's Crossing, Kent NY 10512, to consider the draft scope; and accepted written comments on the draft scope for 2 weeks after the scoping session, that is, until 2:30 PM June 6, 2019; and

Whereas, due to a project change raised during the Thursday, May 23, 2019 public scoping session, the Planning Board continued the public scoping session to the next regular meetings of the Board on Thursday June 13, 2019 and July 11, 2019 to be held at the Town of Kent meeting room to further consider the draft scope in light of the project change; and

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Whereas, in anticipation of the forthcoming zoning amendment the Planning Board has reviewed a revised Full EAF Part 2, Identification of Potential Project Impacts; and Full EAF Part 3; and Full EAF Part 3 narrative, prepared by its Planning Consultant in consultation with its Environmental and Engineering Consultants; and

Whereas, the Planning Board has reviewed the criteria for determining significance under SEQRA as set forth in 6 NYCRR 617.7 (a)(1) and (c); and for the reasons set forth in the attached amended Full EAF Part 3 and attached amended Full EAF Part 3 narrative, prepared by its Planning Consultant, the Planning Board has determined that the proposed action, including the recent project change of a zoning amendment to increase building height in the IOC zoning district, may include the potential for at least one significant adverse environmental impact, including generic impacts of the zoning amendment, if approved; and the site is prepared and the project built as depicted in the submitted materials; and

Whereas, the Planning Board has received and reviewed verbal comments at the initial and continued public scoping sessions on May 23, 2019; June 13, 2019; and July 11, 2019; the written record (transcript and minutes) of these scoping sessions; and written comments from the following:

- Memorandum from Janis Bolbrock, dated June 6, 2019;
- Letter from Carol and Patrick Cutillo, undated, received on or about June 6, 2019;
- Letter from Susan Kotzur, dated June 6, 2019;
- Letter from James Bryan Bacon, Esq., PC, on behalf of Ann Fanizzi, environmental advocate, dated June 6, 2019;
- Email from Charles Silver, Ph.D., New York State (NYS) Office of the Attorney General, Environmental Protection Bureau, NYC Watershed Inspector General Scientist dated June 6, 2019, with attached letter from Philip Bein, Watershed Inspector General, Assistant Attorney General, NYS of the Attorney General; and Letter from Charles Silver, Ph.D., WIG Scientist, Environmental Protection Bureau, NYS Office of the Attorney General dated June 5, 2019;
- Email and letter from Cynthia Garcia, Supervisor, SEQRA Coordination Section, New York City Department of Environmental Protection (NYCDEP), dated June 4, 2019; and
- Letter from Jason Brenner, Assistant Engineer, NYS Department of Transportation (NYSDOT), dated May 22, 2019; and

Whereas, based on the commentary received as listed above, the Planning Board has reviewed two versions of revisions to the Draft scoping outline, prepared by its Planning, Environmental and Engineering Consultants, dated May 16, 2019; and July 2, 2019;

Whereas, upon filing of the anticipated petition for a zoning amendment, the Planning Board acknowledges that the Town Board would be an Involved Agency; and

Whereas, the submitted materials are considered to be adequate only for initial review under SEQRA for the purpose of consideration of a determination of significance, however, the materials are not considered to be a complete application at this time for the purposes of setting any public hearings; or making any required referrals; and

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Now Therefore Be It Resolved, that the Planning Board hereby adopts the contents of the attached Full EAF Parts 2 and 3; and attached Full EAF Part 3 narrative, revised to include the change in the Proposed Action, specifically, the anticipated zoning amendment and related generic SEQRA review aspects, as documents that: identify the potential project impacts; and evaluate the magnitude and importance of project impacts with the Full EAF Part 3 narrative setting forth the reasons for a determination of significance;

Be It Further Resolved, that the Planning Board authorizes the Planning Board Chairman to sign the Determination of Significance (Positive Declaration) on the revised Full EAF Part 3 form, declaring the that the project may result in one or more significant adverse impacts on the environment, including generic impacts of the zoning amendment; and an environmental impact statement must be prepared to further assess the impacts and possible mitigation and to explore alternatives to avoid or reduce those impacts; and

Be It Further Resolved, that the Planning Board hereby adopts the scoping outline last revised July 2, 2019 as its final scope based on the Proposed Action described herein, including the anticipated zoning amendment and related generic SEQRA review aspects; the information and commentary available, without the anticipated zoning amendment being filed; and without an opportunity to review any proposed zoning amendment language;

Be It Further Resolved, that the Planning Board hereby directs its secretary to circulate a copy of this resolution; Full EAF Parts 2 and 3 and attached Full EAF Part 3 narrative; and scoping outline last revised July 2, 2019 to: the Project Sponsor; the Supervisor of the Town of Kent; the Town Board of the Town of Kent; and all other involved and interested agencies; and to make available copies of the adopted scope to the public via the Town of Kent website; and

Be It Further Resolved, that the Planning Board hereby directs its Planning Consultant to file a notice of the amended Positive Declaration with the NYS Department of Conservation (NYSDEC) Environmental Notice Bulletin (ENB); and

Be It Further Resolved, that should any further issues that arise, specifically related to the change in the Proposed Action to include a zoning amendment, from circulation of the amended Determination of Significance (Positive Declaration) resolution and attached Full EAF Parts 2; 3; and Part 3 Narrative, within 30 days from the dated the amended materials are circulated; or within 30 days of the date that a copy of the anticipated petition for a zoning amendment is provided to the Planning Board, whichever occurs later, the Planning Board will consider whether another amended Positive Declaration is required; and whether the adopted scoping outline must be revised and re-adopted.

Motion: _____
Second: _____

Phil Tolmach, Chairman _____

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Determination of Significance (Positive Declaration); and Adopting a Revised Scoping Outline
For Route 52 Development Zoning amendment; Special Permit; Site Plan; and Erosion Control Plan
July 11, 2019*

Dennis Lowes, Vice Chairman _____
Charles Sisto _____
Stephen Wilhelm _____
Giancarlo Gattucci _____
Simon Carey _____
Nisim Sachakov _____

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on July 11, 2019.

Vera Patterson, Clerk
Town of Kent Planning Board

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Involved and Interested Agencies

New York State Department of Environmental Conservation
New York State Department of Transportation
New York State Office of Parks, Recreation and Historic Preservation
New York State Office of the Attorney General NYC Watershed Inspector General
New York City Department of Environmental Protection
Putnam County Department of Planning, Development and Public Transportation
Putnam County Department of Health
Town of Kent Supervisor
Town of Kent Town Board
Town of Kent Zoning Board of Appeals
Town of Kent Building Department
Town of East Fishkill Town Clerk
Town of Pawling Town Clerk

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : T Kent Route 52 Dev Site Plan
Date : Adopted 4/11/19; Amended 7/11/19

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>The proposed action may result in mining and construction impacts.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input checked="" type="checkbox"/>

l. Other impacts: The proposed action may result in, or require, modification of existing drainage patterns. The proposed action may result in mining and construction impacts.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Other impacts: The proposed action may result in commercial uses in areas without water and sewer services. The proposed action may result in mining and construction impacts.		<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>The proposed action may result in mining and construction impacts.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Other impacts: The proposed action may not be consistent with the Town of Kent biodiversity requirements. The proposed action may result in mining and construction impacts. _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part I. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input checked="" type="checkbox"/> *See note
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> *See note <input checked="" type="checkbox"/> *See note
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> *See note <input checked="" type="checkbox"/> *See note
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: The proposed action may result in generic impacts of increased building heights in the IOC zone; and may result in mining and construction impacts.		<input type="checkbox"/>	<input checked="" type="checkbox"/>

*The proposed action will require a zoning amendment for building height; and related generic impacts in the IOC zoning district.

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.
(See Part 1. D.2.j)

☐ NO☒ YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Other impacts: The proposed action may result in generic impacts of increased heights/floor area in the IOC zone; and may result in mining and construction impact		<input type="checkbox"/>	<input checked="" type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.
(See Part 1. D.2.k)

☐ NO☒ YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other Impacts: The proposed action may result in generic impacts of increased building heights/floor area in the IOC zone.		<input type="checkbox"/>	<input checked="" type="checkbox"/>

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part 1. D.2.m., n., and o.)

☐ NO☒ YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Other impacts: <u>The proposed action may result in mining and construction impacts.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☒ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/> *See note
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%. See h. Other, below.	C2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/> *See note
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Other: The proposed action will potentially create a large number of jobs; and an increase in the population of the Town may result from employees living locally.		<input type="checkbox"/>	<input checked="" type="checkbox"/>

*The proposed action will require a zoning amendment for building height; and related generic impacts in the IOC zoning district.

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/> *See note
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: The proposed action may result in mining and construction impacts; related truck traffic; and indeterminate demand for proposed commercial uses.		<input type="checkbox"/>	<input checked="" type="checkbox"/>

*The proposed action will require a zoning amendment for building height; and related generic impacts in the IOC zoning district.

PRINT FULL FORM

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Please refer to the Town of Kent Planning Board amended resolution for description of the proposed action.

Please refer to the amended Full Environmental Assessment Form (Full EAF) Part 3 narrative attachment for a list of potentially moderate to large impacts.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Please refer to the Town of Kent Planning Board amended resolution for a list of materials submitted for the proposed action.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Kent Planning Board _____ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☒ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Route 52 Development Zoning Amendment; Site Plan; & Erosion Control Plan, Route 52, Tax Parcel No. 12.-1-52

Name of Lead Agency: Town of Kent Planning Board

Name of Responsible Officer in Lead Agency: Phil Tolmach

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Vera Patterson, Secretary to the Town of Kent Planning Board

Address: Kent Planning Board, 25 Sybil's Crossing, Kent, NY 10512

Telephone Number: 845-225-7802

E-mail: planningkent@townofkentny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**Full Environmental Assessment Form (Full EAF) Part 3 Narrative Attachment
For Route 52 Development Special Permit; Site Plan; and Erosion Control Plan
Route 52, East of the intersection with Ludingtonville Road, Town of Kent, Putnam County, NY
Adopted April 11, 2019 , Draft Amended July 11, 2019**

The proposed action, the Route 52 Development Special Permit; Site Plan; and Erosion Control Plan, may result in the following potentially moderate to large impacts:

Impact on Land

The proposed action may involve the following impacts on land:

- a. construction on land where the depth to water table is less than 3 feet; construction on slopes of 15% or greater; construction on land where bedrock is exposed or generally within 5 feet of the existing ground surface.
- b. excavation and removal of more than 1,000 tons of natural material;
- c. construction that continues for more than one year or in multiple phases;
- d. increased erosion, whether from physical disturbance or vegetation removal (including treatment by herbicides); and
- e. mining and construction impacts.

Impacts on Surface Water

The proposed action may involve the following impacts on one or more wetlands or other surface water bodies (e.g. streams, ponds or wetlands):

- a. creation of a new water body;
- b. construction within or adjoining a freshwater wetland, or in the bed or banks of any other water body;
- c. creation of turbidity in a waterbody, either from upland erosion runoff or by disturbing bottom sediments;
- d. cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation or receiving water bodies;
- e. affect the water quality of any water bodies within or downstream of the site;
- f. application of pesticides or herbicides in or around any water body;
- g. construction of new wastewater treatment facilities;
- h. modification of existing drainage patterns; and
- i. mining and construction impacts.

Impact on Groundwater

The proposed action may involve the following impacts on the use of groundwater, or the potential introduction of contaminants to groundwater or an aquifer:

- a. creation of new water supply wells;
- b. water supply demand may exceed safe and sustainable withdrawal capacity rate of the local groundwater supply or aquifer;
- c. requires wastewater discharge to groundwater;
- d. requires bulk storage of petroleum or chemical products over groundwater or an aquifer;
- e. commercial application of pesticides within 100 feet of potable drinking water or irrigation sources;
- f. results in commercial uses in areas without water and sewer services; and
- g. mining and construction impacts.

Impacts on Air

**Full Environmental Assessment Form (Full EAF) Part 3 Narrative Attachment
For Route 52 Development Special Permit; Site Plan; and Erosion Control Plan
Route 52, East of the intersection with Ludingtonville Road, Town of Kent, Putnam County, NY
Adopted April 11, 2019 , Draft Amended July 11, 2019**

The proposed action may involve the following impacts on air:

- a. federal or state air emission permits may be required, also may emit one or more greenhouse gases at or above the following levels:
 - i. more than 1,000 tons/year of carbon dioxide;
 - ii. more than 3.5 tons/year of nitrous oxide;
 - iii. more than 1,000 tons/year of carbon equivalent of perfluorocarbons;
 - iv. more than .045 tons/year of sulfur hexafluoride;
 - v. more than 1,000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons; and/or
 - vi. 43 tons/year or more of methane;
- b. generation of 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants; or
- c. generation of 50% of the above thresholds; and
- d. mining and construction impacts.

Impact on Plants and Animals

The proposed action may result in a loss of flora and fauna as follows:

- a. reduction in population or loss of individual of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over or near the site;
- b. reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the Federal government;
- c. reduction in population or loss of individual of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over or near the site;
- d. reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government;
- e. removal of, or ground disturbance in, any portion of a designated significant community;
- f. substantial interference with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site;
- g. conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat;
- h. use of herbicides or pesticides;
- i. inconsistency with the Town of Kent biodiversity requirements; and
- j. mining and construction impacts.

Impact on Aesthetic Resources:

The land uses of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the project and scenic or aesthetic resources as follows:

- a. visibility from publicly accessible vantage points, seasonally and year round;
- b. visibility would be apparent to viewers in routine travel; and in recreational or tourism-based activities;
- c. similar (commercial) projects are visible within ¼ mile to 5 miles of the proposed action;
- d. The proposed action, including a zoning amendment, may result in generic impacts of increased building heights in the IOC zone; and

**Full Environmental Assessment Form (Full EAF) Part 3 Narrative Attachment
For Route 52 Development Special Permit; Site Plan; and Erosion Control Plan
Route 52, East of the intersection with Ludingtonville Road, Town of Kent, Putnam County, NY
Adopted April 11, 2019 , Draft Amended July 11, 2019**

- e. mining and construction impacts.

Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of open space resources as follows:

- a. impairment of natural functions, or "ecosystem services", provided by an undeveloped area including stormwater storage; nutrient cycling, and wildlife habitat; and
- b. loss of a current or future recreational resource.

Impact on Transportation

The proposed action may result in a change to existing transportation systems as follows:

- a. traffic may exceed the capacity of the existing road network;
- b. construction of paved parking areas for 500 or more vehicles;
- c. degrade existing transit access;
- d. degrade existing pedestrian or bicycle access;
- e. alter the present pattern of movement of people or goods;
- f. The proposed action, including a zoning amendment, may result in generic impacts of increased building heights/floor area in the IOC zone; and
- g. mining and construction impacts.

Impact on Energy

The proposed action may cause an increase in the use an any form of energy as follows:

- a. a new or upgraded existing substation may be required;
- b. creation or extension of and energy transmission system to serve a commercial use;
- c. use of more than 2,500 megawatt hours (MWhrs) per year of electricity;
- d. heating and cooling of more than 100,000 square feet of building area when completed; and
- e. The proposed action, including a zoning amendment, may result in generic impacts of increased building heights/floor area in the IOC zone.

Impact on Noise, Odor and Light

The proposed action may result in an increase in noise, odor and outdoor lighting as follows:

- a. production of sound above noise levels established by local regulation;
- b. blasting within 1,500 feet of any residences, school, day care center or nursing home;
- c. production of routine odors for more than one hour per day;
- d. creation of light shining into adjoining properties;
- e. creation of lighting creating sky-glow brighter than existing area conditions; and
- f. mining and construction impacts.

Impact on Human Health

The proposed action may have impacts on human health from exposure to new or existing sources of contaminants as follows:

- a. site located within 1,500 feet of a school, day care center, group home, nursing home, or retirement community; and
- b. increased rate of disposal solid waste.

**Full Environmental Assessment Form (Full EAF) Part 3 Narrative Attachment
For Route 52 Development Special Permit; Site Plan; and Erosion Control Plan
Route 52, East of the intersection with Ludingtonville Road, Town of Kent, Putnam County, NY
Adopted April 11, 2019 , Draft Amended July 11, 2019**

Consistency with Community Plans

The proposed action may result in impacts related to consistency with community plans as follows:

- a. land use components different from or in sharp contrast to current surrounding land use patterns, specifically, requiring a zoning amendment for increased building height; and related generic impacts in the IOC zoning district;
- b. may cause the permanent population of the town in which the project is located to grow by more than 5%. Specifically, the proposed action will potentially create of a large number of jobs; and an increase in the population of the Town may result from employees living locally;
- c. inconsistency with zoning regulations, specifically, requiring a zoning amendment for increased building height; and related generic impacts in the IOC zoning district;
- d. change in the density of development that is not supported by existing infrastructure;
- e. located in an area characterized by low density development that will require new public or central infrastructure; and
- f. project may induce secondary development impacts (e.g. residential or commercial development not included in the project).

Consistency with Community Character

The proposed action may result in impacts related to consistency with community character as follows:

- a. may create demand for additional community services (e.g. schools, police, fire, etc.);
- b. inconsistency with the predominant architectural scale and character, specifically, requiring a zoning amendment for increased building height; and related generic impacts in the IOC zoning district;
- c. inconsistency with the character of the existing natural landscape; and
- d. may result in mining and construction impacts; related truck traffic; and indeterminate demand for proposed commercial uses.

**DRAFT ENVIRONMENTAL IMPACT STATEMENT
SCOPING DOCUMENT**

**ROUTE 52 PROJECT
TOWN OF KENT
PUTNAM COUNTY, NEW YORK**

Submitted Draft MARCH 21, 2019, revised July 2, 2019 ~~June 13, 2019~~ ~~May 16, 2019~~

Name of Project: Route 52 Development Zoning Amendment; ~~Special~~ Permit; Site Plan; Wetland Permit; and Erosion Control Plan

Commented (PA1): All changes to all the forms, including the amendment, needs analysis and related zoning and planning projects, etc. by LE per discussion with Planning Board.

Project Location: Town of Kent
Route 52, Kent, NY 10512
Tax Map: Section 12, Block 1, Lot 52

Applicant: Kent Country Square LLC (File new owner/applicant information)
238 Causeway, Lawrence, New York 11559

Owner: Kent Country Square LLC
238 Causeway, Lawrence, New York 11559

SEQRA Classification: Type I Action

Lead Agency: Town of Kent Planning Board
Phil Tolmach, Planning Board Chairman
Town Hall
25 Sybil's Crossing
Kent, New York 10512
(914) 225-8702

Lead Agency Contact: Vera Patterson, Secretary to the Town of Kent Planning Board
Town Hall
25 Sybil's Crossing
Kent, New York 10512
(914) 225-8702

Scoping Session: Thursday, May 23, 2019 at 7:30 PM at the
Town of Kent
Town Hall
25 Sybil's Crossing
Kent, New York 10512

Scoping Comments Due: At the Public Scoping Session, see date above; and/or in writing by Thursday June 6, 2019 by 2:30 PM to the Planning Board office at the address above

Scope Adopted: TBD

DESCRIPTION OF THE PROPOSED ACTION:

The proposed action involves the proposed site-specific development of a 137.435-acre parcel to create an approximately 54-acre mined, excavated, graded area at approximately one hundred forty feet (140') below the existing grade with building first floor elevations of 837 feet (837') # to 841' # for a mixed-use commercial development in the IOC (Industrial-Office-Commercial) zoning district. The existing site is vacant, wooded, rocky and steeply sloped with 10 or more wetland areas of various sizes. The proposed site development is located on the western half of the site. Proposed uses include 2 hotels; a conference center; an indoor recreation facility; a truck/rest stop building with retail and restaurants; and a motor vehicle repair and service station geared toward trucks (aka a truck stop) with fueling, tire shop and possibly other truck service and repair. A forthcoming petition to the Town of Kent Town Board for zoning text amendment will address the intent to develop structures with increased building heights over what is permitted in the IOC zoning district (greater than 3 stories; greater than 40') as has been indicated by Applicant Representatives; and must be detailed via generic analysis. Special use permit approval is required due to the motor vehicle repair shop and service station aspect of the project. A variance will be required for building height. The project will also require approvals in accordance with Kent Code Chapters for freshwater wetlands and stormwater and erosion control and other local, county, and state permits and approvals. Three (3) proposed driveways; and one (1) emergency access would provide access from Route 52 just east of Interstate 84 (I-84) exit 17. The site also has frontage on Interstate 84 (I-84) and Bowen Road (the "Proposed Action" or "Route 52 Project").

GENERAL GUIDELINES:

"Scoping" means the process by which the Lead Agency identifies the potentially significant adverse impacts related to the Proposed Action that are to be addressed in the Draft Environmental Impact Statement (DEIS), including the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed and the identification of non-relevant issues. Scoping provides a Project Sponsor (also referred to as "the Applicant" herein) with guidance on matters which must be considered and provides an opportunity for early participation by Involved Agencies and the public in the review of the Proposed Action. The primary goals of scoping are to focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or nonsignificant.

The DEIS for the Route 52 Project shall cover all items in this Scoping Document. Each impact issue (e.g., soils, surface water, traffic, etc.) can be presented in a separate subsection which includes a discussion of existing conditions, potential impacts associated with the Proposed Action, and mitigation measures designed to minimize the identified impacts. If appropriate, impact issues listed separately in this document may be combined in the DEIS, as long as all issues are addressed.

Narrative discussions shall be accompanied by appropriate tables, charts, graphs, and figures whenever possible. If a particular subject can be most effectively described in graphic format, the narrative discussion should merely summarize and highlight the information presented graphically.

The preferred development plan, which involves less excavation than originally proposed for the entire site, shall be prepared at a scale of 1 inch = 40 feet. Reduced scale drawings shall be incorporated into the DEIS text [Note: The original full-size scale drawings shall also be separately submitted to each of the Involved Agency members as well as their advisors in the quantities required by those agencies.]

Information shall be presented in a manner that can be readily understood by the public. Use of technical terminologies shall be avoided. When practical, impacts shall be described in terms that the lay person can readily understand.

All discussions of mitigation measures shall consider at least those measures mentioned in this Scoping Document. Where reasonable and necessary, they shall be incorporated into the Proposed Action if they are not already so included. For any mitigation measures listed in this Scoping Document that are not incorporated into the Proposed Action, the reason why the Applicant considers them unnecessary shall be discussed in the DEIS. The Applicant may suggest additional mitigation measures where appropriate. When no mitigation is needed, the DEIS shall so indicate.

The document shall be written in the third person (i.e., the terms "we" and "our" shall not be used). The Applicant's conclusions and opinions, if given, shall be identified as those of "the Applicant."

Any assumptions incorporated into assessments of impact shall be clearly identified. In such cases, the "worst case" scenario analysis shall also be identified and discussed.

The entire document shall be checked carefully to ensure consistency with respect to the information presented in the various sections.

ENVIRONMENTAL IMPACT STATEMENT CONTENT

I. FRONT MATERIAL

A. Cover Sheet

The DEIS shall be preceded by a cover sheet that identifies the following:

1. That it is a Draft Environmental Impact Statement.
2. The name or descriptive title of the Proposed Action.
3. Location: Street names, including all frontage, Town of Kent, Putnam County, New York, as well as the tax map designation.
4. The Town of Kent Planning Board as the Lead Agency for the project and the name and telephone number and email address of contact person.
5. The name and address of the Project Sponsor, and the name and telephone number of a contact person representing the Project Sponsor.
6. The name and address of the primary preparer(s) of the DEIS and the name and telephone number of a contact person representing the preparer(s).
7. Date of acceptance of the DEIS [Note: Specific calendar date to be inserted later].
8. Deadline by which comments on the DEIS are due [Note: Specific calendar date to be inserted later].

B. List of Consultants Involved with the Project

The names, addresses, and project responsibilities of all consultants involved with the Proposed Action shall be listed.

C. Table of Contents

All headings which appear in the text shall be presented in the Table of Contents along with the appropriate page numbers. In addition, the Table of Contents shall include a list of figures, a list of charts and tables, a list of appendix items, and a list of additional DEIS volumes, if any.

II. EXECUTIVE SUMMARY

The DEIS shall include a summary. The summary shall only include information found elsewhere in the main body of the DEIS and shall be organized as follows:

- A. Brief description of the Proposed Action.
- B. List of Involved Agencies and required approvals/permits.
- C. Brief listing of the anticipated impacts and proposed mitigation measures for each impact issue discussed in the DEIS. The presentation format shall be simple and concise.
- D. Brief description of the project alternatives considered in the DEIS. A table shall be presented which assesses and compares each alternative relative to the various impact issues.

III. DESCRIPTION OF PROPOSED ACTION

A. Introduction

The introduction shall include site location and description, project acreage, tax map designation and property ownership, zoning, site access, easements, and general site characteristics.

B. Project Purpose, Needs and Benefits

The Proposed Action combines several uses that are unique in the Town of Kent. The purpose and objectives of the Proposed Action will be described from a regional, local, neighborhood and site perspective. Also, the public need for and/or public benefits from implementation of the Proposed Action are to be identified and described.

C. Site Description/Environmental Setting

The site description shall include the following:

- 1. General location; acreage; zoning; and tax map designation.
- 2. Frontage and access.
- 3. Existing site conditions.
- 4. Environmental characteristics, including topography, steep slopes, wetlands, bedrock outcrops, etc.
- 5. Site use history
- 6. Description of any easements, restrictions and/or other conditions that affect the future development and use of the subject site.

D. Description of Surrounding Uses and Facilities

The description shall include the following:

- 1. Commercial, school and government uses along Route 52
- 2. Residential uses west of Route 52 and along Bowen Road.
- 3. Regional and local roadway network, including I-84.

E. Detailed Description of Proposed Action

The following information shall be submitted to accurately document the design, layout and configuration of the Proposed Action:

1. ~~Proposed mining operation, including site reclamation-abandonment ?? and site reclamation; and proposed mining operation, including:~~
 - a. Mining application and permit materials, phasing of mining and reclamation plan, including depth, access, reclamation schedule; and hours of operation for mining.
- b. ~~2. Phasing of construction and project development alternating with phases of mining operations, so that partial mining is done, followed by site development of uses, as follows:~~
 - e. ~~a.~~ first phase of mining is followed by reclamation and truck stop and rest stop development with a certificate of occupancy (C/O) required for completion of phase 1;
 - e. ~~b.~~ second phase of mining followed by reclamation and development of 2 hotels with a C/O required for completion of phase 2; and
 - e. ~~c.~~ third phase of mining followed by reclamation and ~~and then~~ conference center and water park development with a C/O required for completion of phase 3.
 - d. Hours of operation for mining.
 - e. ~~c.~~ Procedure if any aspect phased mining and land development is not completed or pursued.
2. ~~3. Tree removal from storm damage; and erosion control permit~~
4. Describe in detail the forthcoming petition to the Town of Kent Town Board for zoning text amendment to address the need for increased building heights over what is permitted in the IOC zoning district (greater than 3 stories; greater than 40'), with criteria for how increased building height would be allowed, for example, increased setbacks, smaller building footprints, a project site floor area ratio requirement, fire safety measures, underground or decked parking, lot size, etc. The zoning amendment aspect of the Proposed Action will involve a generic review of the effect of the proposed increase in building height for the entire IOC zone.
3. ~~5. Existing zoning, and detailed zoning compliance evaluation.~~
4. ~~6. Overall site master development plan.~~
5. ~~7. Description of proposed uses:~~
 - Convention center
 - Hotels
 - Water park
 - Truck stop; including:
 - Country store (clarify type of retail)
 - Restaurant
 - Food court
 - Rest area
 - Tire shop, including supplemental special use zoning requirements including service and repair in an enclosed building
 - Truck fueling area
 - Truck service and repair (specify)
 - Outdoor seating area

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- Truck parking
 - Truck / Car wash-clarify whether proposed
- Water and wastewater treatment buildings
- Electric car charging station
- Hours of operation for various uses
- 6. Proposed principal and accessory buildings and other improvements, with square footages, noting possible increased floor area in buildings with increased height, as needed, including
 - Refuse enclosures
 - Waste oil receptacles.
- 7. Vehicle access and circulation.
- 8. Pedestrian circulation.
- 9. Parking, noting possible increased floor area in buildings with increased height and corresponding additional required parking, -and loading.
- 10. Emergency access, fire protection, and site security, including water supply for firefighting.
- 11. Stormwater management, impervious surfaces.
- 12. Utilities, including possible need for a new substation.
- 13. Site mining, grading, cut and fill, steep slope impacts, including excavation to approximately one hundred forty feet (140') below the existing grade.
- 14. Landscaping, lighting and photometric plan.
- 15. Wetland and watercourse impacts.
- 16. Tree removal, preservation and reforestation.
- 17. Open space and conservation plan for less developed portions of the site, trails, easements, deed restrictions, etc.
- 18. Sediment and erosion controls
- 19. Preliminary architectural plans including renderings and elevations of facades, building materials, screening of mechanicals, etc.
- 20. Proposed green technologies and/or energy efficient aspects of the Proposed Action.
- 21. Description of any off-site improvements.
- 22. Proposed mining and construction sequencing plans, including phasing plan for mining sequenced with phasing plan for site development, including:
- 23. Hours of construction
- 24. Development agreement.

F. Approvals

Describe jurisdiction of the Town over the site and the various local approvals required, including petition to the Town of Kent Town Board for amended IOC zoning provision. List other County, State, regional and Federal agencies having jurisdiction over the site and the various approvals required, including NYSDOT Highway Work Permit (PERM-33); and Permit Agreement for Highway Work Permits Design Review (Perm 51). Include list of Involved and Interested Agencies. Provide a table listing agencies (full name and abbreviation); the specific name of the permit or approval; and a brief description of the purpose of the permit or approval

Commented [EA2]: Based on 5/27/19 NYSDOT letter

IV. ENVIRONMENTAL ANALYSES

The DEIS shall include a discussion of the existing conditions, potentially significant adverse impacts and proposed mitigation measures for the following:

A. Geology and Soils

1. Existing Conditions

- a. Describe regional and site-specific bedrock geology, including depths to bedrock. Provide an environmental constraints map, including environmentally sensitive lands and soil hydrology, as indicated in the Town of Kent Zoning Code,
- b. Discuss any special geological features on or adjacent to the subject site, including but not limited to the location of significant rock outcrops. Provide map identifying all such features.
- c. Identify and list soil types on the site with discussion of soil characteristics. Include a soils map based on site specific field analysis and review of the National Resource Conservation Services (NRCS) County soil survey and identify location of areas of constrained sensitive soils (soils with shallow depth to bedrock, shallow water table, high erodibility characteristics or having greater than 20% clay content). Provide tables indicating soil characteristics (e.g., HSG group, construction-related and long-term erosion potential, runoff, permeability), limitations and suitability of each soil type for particular land uses, specifically, roads, driveways, sewage disposal areas, underground utility installation, and building construction. Provide copies of all field data soil logs documenting soil conditions (e.g. percolation, depth to ground water and restrictive layers) in all area of site-specific soil testing. Indicate soil testing must be witnessed by the NYCDEP and PCDOH
- d. Discuss prior ?? mining operations. Discuss proposed mining operations and details of all permit requirements.
- e. History of any hazardous materials found at the site based on existing federal and state databases. Provide history of any prior spills and violations.

2. Potential Impacts

- a. construction on land where the depth to water table is less than 3 feet;
- b. construction on land where bedrock is exposed or generally within 5 feet of the existing ground surface, including blasting.
- c. excavation and removal of more than 1,000 tons of natural material;
- d. construction that continues for more than one year or in multiple phases;
- e. mining and construction impacts.
- f. Describe impacts to special geological features of the subject site, if any. Describe location, depth and amount in cubic yards of rock removal and blasting anticipated. Include map showing areas of potential blasting activities. Describe blasting procedures to be followed and materials to be used. Provide a blasting plan in accordance with Town of Kent Code requirements, including Chapter 38, Fire Prevention. Address concerns about blasting and rock crushing vibration and concussion on nearby

Commented [EA3]: Pat Bruce Barber, This revision is from
Cynthia Garcia, NYCDEP, dated 6/4/19

building foundations, interior walls of particularly old homes, water supply wells and piping, retaining walls. Provide phased blasting plan alternative in which certain site improvements will be constructed prior to commencement of the next phase of blasting. Indicate proposed duration of blasting, hours of operation and number of truck traffic trips (providing details of the types of trucks and equipment) required during blasting. Provide proposed truck traffic route and document the condition of all roads to be used for truck traffic during construction activities. Describe plan to repair/mitigate damage to roads and associated infrastructure.

- g. Describe soil types to be impacted, and to what extent, with a grading limit line indicated on the preliminary grading plan. Indicate amount (preliminary cut and fill analysis) and location of earthwork anticipated. Indicate location(s) of soil and rock stockpiles.
- h. Discuss potential impacts of soil limitations on proposed actions, with respect to sewage disposal, stormwater management and erodibility during construction.
- i. Discuss whether on-site rock crushing is proposed. If so, discuss rock crushing procedures to be followed. Provide a plan sheet detailing the locations of all equipment, hours of operation, dust suppression receptors and dust reduction techniques and air quality monitoring.
- j. Provide preliminary grading plan with a limit of disturbance line. Provide post-construction slope map.
- k. Address mining reclamation including detailed plan and phasing as well as stabilization plan.
- l. Describe potential impacts to any on or off-site environmentally sensitive receptors including wetlands, watercourses, waterbodies, groundwater and aquifers.
- m. Discuss petroleum and alternative fuel storage requirements and anticipated storage in connection with the proposed fueling station and potential impacts.
- n. Discuss impacts due to proposed truck washing station(s) and car wash.

3. Mitigation Measures

Potential mitigation measures to explore:

- a. Sedimentation and Erosion Control Plan based upon consideration of a 100-year storm event and proposed modifications to vegetative cover and curve number (CN). Include discussion of initial installation by phase, maintenance, contingency and emergency measures, notification procedures in the event of failure of sedimentation and erosion control measures, and timing of removal. Provide analysis of erosion and sediment control requirements during winter (frozen ground) conditions and during construction with exposed rock and minimal vegetation cover. Provide details of required site inspections and documentation.
- b. Corrective and preventative measures necessary to overcome any soil limitations.
- c. If blasting is proposed, provide a draft blasting mitigation plan, including a discussion of alternatives to blasting (e.g., cutting, ripping, chipping); a

Commented [E44]: Based on updated letter from C and P. C and P received on about 6/6/19

Commented [E45]: Per Bruce Barber. This revision is from Cynthia Garcia, NYCDOT letter of 5/4/19

description of blasting activities, methods and schedules; and a description of the procedures that will be followed to document existing conditions, notify neighboring properties and the pertinent municipal jurisdiction(s) of the timing of blasting activities and remediate potential impacts.

- d. If required, provide a draft rock crushing mitigation plan, including a discussion of alternatives to on-site crushing; a description of crushing activities, methods and schedules.
- e. Construction Phasing Plan. Indicate any areas greater than five (5) acres in size (contiguous and/or collective) that are anticipated to not be stabilized during construction. Include details of all required maintenance to temporary stormwater practices.
- f. Discuss any remediation or clean-up measures that will be required or warranted to remove or neutralize any known or potential contaminants on the site.
- g. Discuss installation of proposed fixtures and equipment (including above-ground and underground storage tanks, piping and pumping equipment) to be used for the storage or handling of petroleum, propane or other potential contaminants, whether for sale or for use on the site. Describe required leak prevention and monitoring measures. Describe any special measures such as a response plan that may be required or appropriate due to site groundwater conditions or proximity to environmentally sensitive receptors including water supplying drinking water.
- h. Describe required mining compliance measures including closure requirements and permanent stabilization of the site upon completion of mining activities.
- i. If fill is to be brought to the site, including topsoil, indicate methods of documentation that the fill will be free of contaminants and meet all regulatory requirements.
- j. Describe all chemicals to be used on the site including as required for pool operation and truck/vehicle service and repairs and methods to contain and dispose of these chemicals.
- k. Other.

B. Topography and Slopes

1. Existing Conditions

- a. Describe existing topography, variation in elevation and relationship to surrounding topography.
- b. Prepare slope analysis of the overall site, including narrative and a steep slopes map, showing slope categories 0- 10%, 10-15%, 15-25%, 25%-35% and 35%+. In tabular format indicate the total area and the amount of anticipated disturbance in each slope category in square feet and acres. Provide slope map depicting area(s) of each slope category.

2. Potential Impacts

- a. construction on slopes of 15% or greater;
- b. construction that continues for more than one year or in multiple phases;
- c. increased erosion, whether from physical disturbance or vegetation removal (including treatment by herbicides); and

Commented [EA6]: Per Bruce Barber, this revision is from Cynthia GARD, NYCDP letter of 6/4/19

- d. mining and construction impacts.
- e. Prepare cut and fill analysis for proposed development (preliminary grading plan required). Discuss quality of fill to be brought onto the subject site from off-site locations (if any). If fill is to be brought to the site, including topsoil, indicate methods of documentation that the fill will be free of contaminants and meet all regulatory requirements.
- f. Describe potential impacts to the steep slopes (15% and greater) on the entire site, including but not limited to potential sedimentation impacts and the potential for slope failure.
- g. Discuss long-term post-development impacts due to changes in surface coverage and topography.

3. Mitigation Measures

- a. Identify site planning techniques to avoid steep slopes.
- b. Sedimentation and Erosion Control Plan including steep slope stabilization plan and plans to divert surface water away from steep slopes.
- c. Provide phasing plan to minimize area of disturbance at any one time.
- d. Provide a post development grading plan which includes cut and fill

balances

ed. Other

Commented [EA7]: Per Bruce Barber: This revision is from Cynthia Garcia, NYCDEP letter of 6/4/19

C. Surface Water & Wetlands

1. Existing Conditions

- a. Delineate in the field, survey for accurate location and map existing Town of Kent, NYSDEC, NYCDEP, NWI, and U.S Army Corps of Engineers (USACOE) wetlands, watercourses, waterbodies and vernal pools and associated regulated buffers on the subject site using wetlands definition and methodology appropriate to each jurisdiction. All wetlands should be identified regardless of size.
- b. Provide a report to identify and map existing Town of Kent, NYSDEC, NYCDEP, NWI and USACOE wetlands, watercourses, waterbodies and vernal pools and associated regulated buffers within a distance of not less than 1/4-mile from the site boundaries, expanded as necessary to include all areas that are functionally related or hydrologically connected to and which might reasonably be expected to be impacted by development of the subject site. All wetlands should be identified regardless of size.
- c. For each on-site wetland, indicate:
 - (i) Location.
 - (ii) Wetlands type, including soils, vegetation and hydrology.
 - (iii) Wetlands acreage (approximate for off-site wetlands).
 - (iv) Pertinent jurisdiction.
 - (v) Wetlands functions, as identified in Chapter 39A (Freshwater Wetlands) of the Code of the Town of Kent. Functional analysis shall be based upon one of the accepted methodologies, such as the U.S. Army Corps of Engineers HGM (hydrogeomorphic model), EPW (Evaluation of Planned Wetlands) model or Hollands-Magee Method.
 - (vi) Source of wetland hydrology (e.g. ground water discharge, ground water recharge, etc.).

- (vii) Hydrological analysis (monthly water budget) using a recognized technique such as Pierce. Rainfall data must be obtained from at least the last ten (10) years and must be taken from local rainfall sources. Analysis must include data from the driest, most wet and the average years.
- d. Identify total wetlands acreage on the subject site and percent of site occupied by all wetlands, regulated wetlands and regulated wetlands buffer/adjacent areas using definitions appropriate to each jurisdiction.
- e. Identify and map areas of any applicable regulatory authorities including Town, NYCDEP, NYSDEC, and the USACOE.
- f. Identify waterbodies and watercourses located on, surrounding and hydrologically connected to the subject site, including intermittent and perennial streams.
- g. Identify the possible uses of all surface waters.
- h. Discuss existing drainage areas, patterns, channels and existing discharge points of drainage.
- i. Identify all floodplains, flood elevations, floodways based upon FEMA data and field reconnaissance.
- j. Identify and document any surface waters with significant accumulations of sediment or silt.

2. Potential Impacts

- a. Identify acreage of proposed water bodies or wetlands and construction within or adjoining wetlands buffer/adjacent area disturbances and analyze potential direct and indirect impacts on survey-located wetlands as regulated by the Town of Kent, the NYSDEC, NYCDEP and the USACOE. Discuss area to be disturbed, types of potential disturbance, impact to functional values of the wetland, changes to wetland vegetative composition, modifications to hydrology and hydroperiod, and modifications to the 100-year floodplain, if any. Using a recognized technique such as Pierce analyze and compare the post-construction monthly water budget with the pre-construction monthly water budget of all onsite and adjacent wetlands. Indicate if there will be any change in the depth, surface area or duration of water in these areas and if there will be any increase or decrease in water velocity of volume to or from onsite and adjacent wetlands, waterbodies and watercourses.
- b. Discuss creation of turbidity in a waterbody or wetland from upland erosion runoff or by disturbing bottom sediments; soil erosion, or sources of stormwater discharge that may lead to siltation in wetlands or receiving water bodies; and affects the water quality of wetlands and water bodies within or downstream of the site;
- c. Describe impacts related to the construction of the proposed wastewater treatment facilities and discharge area;
- d. Discuss mining and construction impacts.
- e. Describe permits required for local, State and Federal jurisdictions, if any.
- f. Describe potential for and evaluate the impact of increased sedimentation of wetlands.

- g. Describe potential for and evaluate the impact of increased concentrations of fertilizer, pesticides, herbicides, fungicides and other chemicals proposed for use on the subject site in the existing and proposed wetlands and downstream water bodies.
 - h. Include qualitative analysis of construction-related and long-term impacts to wetlands and their functions, including impact on wildlife habitat, pollution abatement capabilities, stormwater control capabilities and changes in aesthetic value based upon evaluation methodology described above. Analyze any potential thermal changes to receiving waters and calculate and quantify any potential increase in pollutant loading (e.g. phosphorous, nitrogen, total suspended solids, etc. using the simple method).
 - i. Identify any impacts to surface waterbodies or water courses.
 - j. Identify and assess any altered drainage patterns and the potential adverse impacts that increased or, in some cases, decreased runoff amounts would pose to wetlands and watercourses. Assess impacts due to increased impervious surfaces, changes in runoff curves, and changes in vegetative cover and soil characteristics.
 - k. Determine if proposed blasting and cut and fill will intercept or modify existing groundwater conditions affective the hydrology of onsite and adjacent wetlands, waterbodies and watercourse.
 - l. State whether any wetlands, wetland buffers, vernal pools or surface waters will be directly disturbed (e.g. filling, dredging, removal of vegetation, etc.).
 - m. Identify location of any proposed buildings, impervious surfaces major artificial landforms (e.g. retaining walls, berms), or utility lines/connections or roads in relation to surface waters and wetland buffers.
 - n. Identify any secondary disturbance to wetlands or wetland buffers relating to activities or construction outside wetlands or wetland buffer areas such as erosion during site construction, runoff from proposed impermeable surfaces, use of fertilizers, etc.
 - o. Discuss regulatory review process and necessary permit procedures, e.t. NYSDEC/ NYCDEP permits, ACOE approvals, Town of Kent permits.
 - p. Describe any dewatering procedures that may be necessary and potential temporary and permanent impacts to surface waters and wetland buffers.
- 3. Mitigation Measures**

Potential mitigation measures to explore:

- a. Avoidance and minimization of wetland impacts.
- b. Avoidance and minimization of waterbody and watercourse impacts.
- c. Elimination and minimization of fertilizer, pesticide, herbicide, fungicide phosphorous, nitrogen, total suspended solids, thermal changes and other chemical concentrations in existing and proposed wetlands through avoidance and containment, respectively. Develop and include an Integrated Pest Management Plan.
- d. Utilizing the functional analysis and hydrological studies provide a wetland watercourse and waterbody and associated buffer mitigation and

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management plan which will restore modified or lost functions and pre-construction hydrology/water budget.

- e. Discuss the use of pervious pavement materials, preservation of vegetated areas, creation of native or natural vegetation areas and other green practices to reduce impacts.
- f. Discuss methods to prevent or mitigate water turbidity and accumulated sediment.
- f. —
- g. Other.

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D. Stormwater Management

1. Existing Conditions

- a. Discuss existing stormwater runoff quality and quantity within the watersheds of which the subject site is a part, with modeling for 1-, 2-, 5-, 10-, 25-, 50- and 100-year storm events using rainfall data obtained from the process presented on page B.6 in Appendix B of the November 2016 New York State Standards and Specifications for Erosion and Sediment Control "Blue Book".
- b. Discuss and quantify existing conditions in the contributing watershed including ground cover and related curve number (CN).
- c. Discuss existing point and nonpoint pollution sources within the watershed of which the subject site is a part.
 - (1) Subsurface sewage disposal systems.
 - (2) Roadway runoff.
 - (3) Grass clippings and other organic materials containing chemical residues.
 - (4) Fertilizer, pesticide, herbicide, fungicide and other chemical concentrations
 - (5) Other.
- d. Existing pollutant loading including but not limited to sediment and phosphorous as required by NYCDEP, NYSDEC. Utilize the pollutant loading rates published in the March 5, 2015 East of Hudson Stormwater Retrofit Project Design Manual (Revision 1). Methodologies in the Manual Reducing the Impacts of Stormwater Runoff from New Development shall be utilized. In addition, the stormwater analysis shall demonstrate that the practices proposed can adequately treat and attenuate the runoff to predevelopment pollutant levels.
- e. Indicate soil testing must be witnessed by NYCDEP.

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2. Potential Impacts

- a. Provide a Stormwater Pollution Prevention Plan (SWPPP), which must address hotspots for proposed fueling and repair facilities;
- b. Calculate the total impervious areas for the site.
- c. Calculate stormwater runoff quantity; volume of stormwater runoff and peak discharge rates within the watersheds of which the subject site is a part for 1-, 2-, 5-, 10-, 25-, 50- and 100-year storm events.

- d. Identify surface water quality and quantity impacts on receiving wetlands, streams, ponds, and tributary watercourses within the watersheds of which the subject site is a part. Include potential short-term and long-term impacts of runoff carrying fertilizers, pesticides, herbicides, fungicides and other chemicals from lawns, roadways and other impervious surfaces, and sedimentation with respect to increases in post-construction phosphorous, nitrogen, total suspended solids and thermal impacts. Evaluate potential impact of failure of erosion and sedimentation control measures and stormwater control measures both during the construction process and after the proposed development is in operation.
- e. Identify stormwater permits required from the New York State Department of Environmental Conservation (NYSDEC), New York City Department of Environmental Protection (NYCDEP), Town of Kent, or other agencies having jurisdiction.
- f. Discuss impacts associated with construction of proposed infrastructure.
- g. Provide an analysis of the impact of the proposed development on stormwater pollutants, as required by NYCDEP ~~and~~ NYSDEC, and State of New York Office of the Attorney General, Office of the Watershed Inspector General ~~construction~~ related erosion and sedimentation, discharges of turbidity in runoff, increased stormwater flow from additional impervious surfaces, and the creation of runoff containing pollutants.

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3. Mitigation Measures

Potential mitigation measures to explore:

- a. Description of erosion and sedimentation control measures to protect water bodies, wetlands, and tributary watercourses, and maintenance of such measures during construction.
- b. Preliminary Stormwater Pollution Prevention Plan (SWPPP) prepared for the project site in accordance with the Chapter 66 of the Town of Kent Code.
- c. Compliance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (Permit #GP 0- 015-002).
- d. Compliance with the NYCDEP Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources.
- e. Fertilizer, Herbicide, Fungicide and Pesticide Application Plan, if applicable.
- f. Address need to provide bond for construction and post construction stormwater management facilities.
- g. Discuss alternatives such as enhanced treatment and/or the use of green infrastructure practices.
- h. Discuss and quantify the post-construction pollutant loading to the impaired waterbody, Lake Carmel with respect to the current TMDL phosphorous reduction requirements. Indicate how the proposed project may be designed to reduce pre-construction phosphorous and other pollutant loading in order to be compliant with MS4 and TMDL

requirements. Specifically, discuss the New York State Watershed Inspector General's requirements that post-construction phosphorous loading be decreased from pre-construction existing loads (28.6% reduction to East Branch Reservoir and 20% reduction to Middle Branch Reservoir).

h-i Other.

E. Groundwater Quality & Availability

1. Existing Conditions

- Identify existing groundwater resources. Specify nature of studies that will be conducted to determine and ensure continued adequate water supply to surrounding residential and commercial water wells. Provide data from drawdown and notability testing.
- Identify the location of wells on site and adjacent to the site.
- Provide analysis of the adequacy of the existing well water supply on the property.
- Indicate all regulatory agency requirements.
- Provide anticipated water use (gallons per day).

2. Potential Impacts

- Provide a groundwater study; and discuss impacts related to the creation of new water supply wells; water supply demand that may exceed safe and sustainable withdrawal capacity rate of the local groundwater supply or aquifer; address concerns about water quality and quantity effects on neighboring wells, including blasting operations releasing radon into water;
- Discuss potential impacts related to the wastewater facilities subsurface discharge and effects on groundwater and seasonal water table and wetland hydrology;
- Identify effects of the bulk storage of petroleum, truck and vehicle washing or chemical products over groundwater;
- Impact of the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources;
- Identify and assess blasting, mining and construction impacts on groundwater resources.
- Identify potential impacts to groundwater due to interception and/or capture during construction, change in land coverage, recharge, and on-site activities.

3. Mitigation Measures

- Discuss potential mitigation measures, if necessary. Indicate methods to address potential surrounding well failure(s) due to impacts.

F. Vegetation & Wildlife

1. Vegetation

a. Existing Conditions

- Identify and map existing vegetative communities and specific habitats as defined by NYSDEC on the site, including species presence and abundance, size, distribution, dominance and wildlife value.
- Identify the presence of species of special concern, threatened, rare or endangered plant species on or near the subject site based upon existing

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available data (IpAC, NYSDEC, NYNHP, US Fish and Wildlife) and recent field inspection. Include description of species, size and health condition. Conduct a biodiversity study and report results as indicated in the Town of Kent Zoning Code.

- (iii) Survey of location, species, size and health condition of individual trees within the on-site disturbance area to be removed.
- (iv) Provide a tree survey map and report as indicated in the Town of Kent Zoning Code.
- (v) Identify invasive species and map location(s).
- (vi) Provide information, identify and map the landscape ecology, adjoining habitats and wildlife corridors of the site and area and any existing fragmentation.

b. Potential Impacts

- (i) Description of proposed limits of site disturbance and impacts to each habitat and vegetative cover type and species of special concern, threatened, rare or endangered plant species on entire site; and other trees (including specimen trees) identified above. Describe impacts to the biodiversity of the site as indicated in the Town of Kent Zoning Code. Describe impacts to the landscape ecology, adjoining habitats and wildlife corridors.
- (ii) Describe and map cumulative loss of vegetation, overall and by habitat and vegetative cover type, including trees to be removed, upon project completion.
- (iii) Describe and map vegetation to remain as a result of construction, including trees to be preserved, especially at critical buffering locations, such as the site's property lines.
- (iv) Unique or specimen trees worthy of preservation as part of the development, and discussion of any compelling reasons justifying the removal of such trees.
- (v) Increased erosion resulting from removal of vegetation.
- (vi) reduction in population or loss of individual of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over or near the site;
- (vii) reduction in population or loss of individual of any species of special concern or conservation need, as listed by New York State or the Federal government, that are found on, over or near the site;
- (viii) removal of, or ground disturbance in, any portion of a designated significant community;
- (ix) conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat;
- (x) loss of recreational opportunities or a reduction of open space resources due to impairment of natural functions, or "ecosystem services", provided by an undeveloped area including stormwater storage, nutrient cycling, and wildlife habitat
- (xi) use of herbicides or pesticides;
- (xii) inconsistency with the Town of Kent biodiversity requirements; and

(xiii) mining and construction impacts.

#c. Mitigation Measures

Potential mitigation measures to explore:

- (i) Utilization of existing cleared areas to maximum extent possible.
- (ii) Establishment of Clearing Limit Lines and Clearing and Grading Limit Lines (if not the same) to depict maximum limits of areas of disturbance. Preservation of wildlife corridors.
- (iii) Schematic landscape plan for the subject site showing proposed planting areas, as well as their design intent and function (e.g., visual buffer, wetland enhancement, wildlife, street trees, slope stabilization, formal garden, etc.). Typical plant lists for each of specified functions shall be provided. Include a description of the resulting planting character of the site and the length of time it will take to achieve that character. Include scientific names on the proposed landscaping plan, and review New York State invasive species regulations to assure that no invasive species will be used. In addition, avoid the use of plant species known to be invasive in other states, particularly those listed as invasive in neighboring states, but which may not yet appear on the New York list. Species of plants native to New York should be used to the extent practicable for landscaping, soil stabilization, and stormwater mitigation features.
- (iv) Buffer screening to reduce impacts on neighboring properties and area roadways.
- (v) Preservation of trees, to the maximum extent possible. Identify tree planting mitigation sites which may be on and off site.
- (vi) Proposed method of identification and preservation of unique and/or specimen (significant) trees, to the maximum extent possible.
- (vii) Preservation of existing conditions (e.g., forested areas, wetlands).

2. Wildlife

a. Existing Conditions

- (i) List fish and wildlife species (including amphibian, reptile, mammal and bird species) observed as well as those likely to inhabit the project site and within surrounding area. Identify breeding habitat, transitional, staging areas, feeding and roosting sites and travel lanes. Identify species abundance, distribution and dominance.
- (i) Identify the presence of species of special concern, threatened, rare or endangered wildlife on or near the subject site based on existing available data (NYSDEC, NYNHP, US Fish & Wildlife Service IPaC report) and recent field inspection.
- (ii) Complete and provide biodiversity report in accordance with the Town of Kent Zoning Code protocols.

b. Potential Impacts

- (i) Impact on habitat and habitat functions caused by site development (e.g., clearing of vegetation, loss of wetlands).
- (ii) Habitat and wildlife corridor fragmentation.

- (iii) Wildlife impacts on neighboring properties caused by displacement of wildlife from the subject site.
- (iv) reduction in population or loss of individual of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over or near the site;
- (v) reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the Federal government;
- (vi) reduction in population or loss of individual of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over or near the site;
- (vii) reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government;
- (viii) removal of, or ground disturbance in, any portion of a designated significant community;
- (ix) substantial interference with nesting/breeding, foraging, or overwintering habitat for the predominant species that occupy or use the project site;
- (x) conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat;
- (xi) use of herbicides or pesticides;
- (xii) inconsistency with the Town of Kent biodiversity requirements; and
- (xiii) mining and construction impacts.

c. Mitigation Measures

Potential mitigation measures to explore:

- (i) Preservation of existing habitat conditions (e.g., forested areas, wetlands).
- (ii) Preservation and creation of wildlife corridors.
- (III) On site and off-site planting and habitat creation.

G. Utilities.

1. Water Supply

a. Existing Conditions

- (i) Identify the location of any public water supply systems in the vicinity of the site including interconnections with adjacent sites and associated easements (if any).
- (ii) Identify the location of the Town of Kent Water District #1 and Water District #2.
- (ii) Identify existing on-site and adjacent wells and water services and any modifications to same.

b. Potential Impacts

- (i) Provide an Engineering report for water supply
- (ii) Provide average daily water demand for proposed use. Include water demand for fire, domestic and irrigation.
- (iii) Identify proposed method of supplying water to the development.

- (iv) Identify provisions for fire protection water supply.

c. Mitigation Measures

- (i) Identify existing capacity and required or planned utility expansions.
- (ii) Discuss potential mitigation measures, if necessary.

2. Sanitary Wastewater Disposal

a. Existing Conditions

- (i) Identify existing sanitary wastewater facilities on or in the vicinity of the project site.
- (ii) Identify any public sewer systems and districts.
- (iii) Provide results of soil testing witnessed by NYCDEP and PCDOH. Include field soil logs.

b. Potential Impacts

- (i) Provide an Engineering report for wastewater treatment including a sewage mounding analysis.
- (ii) Provide anticipated wastewater generation flows for the proposed project.
- (iii) Describe proposed method of treating and disposing of wastewater.
- (iv) Provide description of proposed sanitary sewage treatment facilities and NYSDEC, NYCDEP and PCDOH jurisdiction.

c. Mitigation Measures

- (i) Identify existing capacity and required or planned utility expansions.
- (ii) Discuss potential mitigation measures, if necessary.
- (iii) Describe ownership and management of the sanitary wastewater treatment. Include detailed financial and management plans.

3. Gas & Electric

a. Existing Conditions

- (i) Identify existing electric supply service to the project site.
- (ii) Identify natural gas supply service to the project site (if any).
- (iii) Describe the use of backup generators for each proposed use, building, facility; and fuel storage for generators

b. Potential Impacts

- (i) Identify proposed demand on affected utilities. Identify any easements that may be required.
- (ii) new or upgraded existing substation may be required;
- (iii) creation or extension of and energy transmission system to serve a commercial use;
- (iv) use of more than 2,500 megawatt hours (MWhrs) per year of electricity; and
- (v) heating and cooling of more than 100,000 square feet of building area when completed.
- (vi) Impacts related to the use of backup generators for each proposed use, building, facility; and fuel storage for generators

c. Mitigation Measures.

- (i) Identify existing capacity and required or planned utility expansions.
- (ii) Mitigation related to the use of backup generators for each proposed use, building, facility; and fuel storage for generators

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(iii) Discuss potential mitigation measures, if necessary.

4. Telecommunications

a. Existing Conditions

- (i) Identify existing telecommunications facilities at and in the vicinity of the project site, including telephone, cable, internet and wireless.

b. Potential Impacts

- (i) Identify proposed demand on affected telecommunications facilities. Identify any easements that may be required.

c. Mitigation Measures

- (i) Identify existing capacity and required or planned utility expansions.
(ii) Discuss potential mitigation measures, if necessary.

H. Community Facilities and Services

1. Demographics

a. Existing Conditions

- a. Describe existing Town of Kent population and characteristics

b. Potential Impacts

- a. may cause the permanent population of the town in which the project is located to grow by more than 5%. Specifically, the proposed action will potentially create a large number of jobs; and an increase in the population of the Town may result from employees living locally;
b. may create demand for additional community services (e.g. schools, police, fire, etc.);
c. Provide cost of community services analysis. Provide review comments from town fire, police, ambulance, highway and all associated emergency service personnel.
d. Describe the effect of demographic changes on each type of service in the sections below regarding Police, Fire & EMS, Schools, etc.

c. Mitigation Measures

- a. Discuss possible mitigation for each type of service in the sections below regarding Police, Fire & EMS, Schools, etc.

2. Police

a. Existing Conditions

- (i) Describe the following elements of the Town of Kent Police Department and Putnam County Sheriff's Department:
(1) Staff size and organization of service provider in town.
(2) Location of stations in relation to the subject site.
(3) Average response time to the subject site for service provider.
(4) Service ratio for service provider.

b. Potential Impacts

- (i) Increased demand for services (based upon normal usage of the subject site) and allocation of responsibilities between service providers, including any incident reports or crime statistics information from similar truck stops and facilities related to effects on the surrounding community, including the nearby school, and safety and security of truck drivers.
(ii) Increased costs for service provider.

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- (iii) Adequacy of access to/from and on the subject site, including roadway surface and width, barriers and maintenance.
- (iv) Documented concerns of service provider.

c. Mitigation Measures

Potential mitigation measures to explore:

- (i) Real estate property taxes generated. Indicate impacts if property is not completed or purchased by a tax-exempt entity. Indicate if a PILOT (Payment In Lieu of Taxes) or tax abatement program is anticipated and potential impacts.
- (ii) Private security measures.

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3. Fire & EMS

a. Existing Conditions

- (i) Describe the following elements of the Lake Carmel Fire Department:
 - (1) Staff size and organization of service provider in town.
 - (2) Location of stations in relation to the subject site.
 - (3) Average response time to the subject site for service provider.
 - (4) Service ratio for service provider.
 - (5) Number and type of apparatus for service provider.
 - (6) Water supply and capacity for fire-fighting purposes.
 - (7) Transport time to the nearest hospital for service provider.
 - (8) Adequacy of access for service provider.

b. Potential Impacts

- (i) Increased demand for services (based upon normal usage of the subject site) and allocation of responsibilities between service providers, including any incident reports or crime statistics information from similar truck stops and facilities related to effects on the surrounding community, including the nearby school; and safety and security of truck drivers.
- (ii) Increased costs for service provider.
- (iii) Adequacy of access to/from and on the subject site, including roadway surface and width, barriers and maintenance.
- (iv) Documented concerns of service provider.
- (v) Adequacy of access related to building height noting:
 - (1) potential for buildings with increased height over what is permitted in the IOC zoning district (greater than 3 stories; greater than 40'); for the project site; and
 - (2) generical analysis for other sites in the IOC that would be allowed higher buildings due to the proposed zoning amendment
- (iv) Water supply and pressure for firefighting purposes.

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c. Mitigation Measures

Potential mitigation measures to explore:

- (i) Real estate property taxes generated.
- (ii) Fire suppression sprinklers, halon fueling station systems and standpipe systems.
- (iii) Provision of fire hydrants and water supply systems for the subject site.

- (iv) Need for equipment to provide service to:
 - (1) buildings higher than what would be permitted in the IOC zoning district (greater than 3 stories; greater than 40') for the project site; and
 - (2) generic analysis for other sites in the IOC that would be allowed higher buildings due to the proposed zoning amendment

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4. Solid Waste and Recycling

a. Existing Conditions

- (i) Identify whether the Town of Kent Refuse-Recycling Department will service this commercial development.
- (ii) Identify private refuse and recycling operators in the area.
- (iii) Identify private carting arrangements.
- (iv) Identify solid waste disposal and recycling locations.

b. Potential Impacts

- (i) increased rate of disposal solid waste.
- (ii) Identify amount of solid waste and recycling anticipated to be generated from the site (based upon normal usage levels)
- (iii) Discuss possible solid waste escape from receptacles and being blown or washed onto nearby lands; and/or into waterways or off-site.

c. Mitigation Measures

- (i) Discuss potential mitigation measures, if necessary.
- (ii) Describe green solid waste and green recycling methods.
- (iii) Describe on-site containment (refuse enclosures) away from stormwater flow paths to prevent solid waste from entering waterways.

5. Schools

a. Existing Conditions

- (i) Describe the location of the subject site in relation to the Carmel Central School District that serves the site.

b. Potential Impacts

- (i) Indicate if the project does not include a residential component, so no increase in enrollment direct impacts to the Carmel Central School District will occur.
- (ii) Identify any indirect impacts to the Carmel Central School District.
- (iii) Discuss how the jobs created by the various commercial operations will result in employees, and their families, living in the community, possibly adding school age children to the Schools' enrollments (iii)
Potential use of component elements of the project by school district.

- (v) Discuss if the mining operation including blasting, rock chipping, crushing, processing and associated truck traffic will generate noise, dust, radon or other pollutants and any other potential disruption of the school and learning environment
- (vi) Indicate if truck traffic will create hazardous pedestrian or bus conditions to the school

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Bobrock letter of June 6, 2019

c. Mitigation Measures

- (i) Discuss potential mitigation measures, ~~if necessary~~. Discuss tax implications of the project.

#6. Open Space and Recreation

#a. Existing Conditions

#b. Potential Impacts

#Loss of recreational opportunities or a reduction of open space resources due to loss of a current or future recreational resource. Discuss potential land adjacent to Bowen Road to be preserved as passive recreational open space.

#c. Mitigation Measures

I. Traffic and Transportation.

1. Existing Conditions.

- a. Describe the roadway characteristics in the area surrounding the Project Site.
- b. For the weekday AM, PM and Saturday Peak Hours, document and show on figures, the existing traffic volumes using historical data and manual turning movements traffic counts at the following intersections (i.e., "Study Area"):
 - NYS Route 52 and Bowen Road
 - NYS Route 52 and Farmers Mill Road
 - NYS Route 52 and N. Horsepound Road
 - NYS Route 52 and NYS Route 311
 - NYS Route 52 and Ludingtonville Road
 - Ludingtonville Road and I-84 westbound
 - Ludingtonville Road and I-84 eastbound
- c. Conduct capacity analysis (Level of Service) for each of the above intersections using the SYNCHRO software.
- d. Summarize the existing Levels of Service in tabular format, including delays by lane group, approach and overall intersection as appropriate, as well as volume/capacity ratios.
- e. Provide a summary description of existing public transportation facilities in the vicinity of the site.
- f. Estimate traffic volumes in the Study Area in the future without the Proposed Project (i.e., "No Build") in a future design year to the estimated time/year of project completion, utilizing:
 - A background growth factor based on historical data.
 - Estimated traffic volumes from other pending or approved projects in the area, if any, as identified and provided by the Town (Patterson Crossing, Kent Materials, school district bus garage, Other projects ?).
- g. Calculate the Design Year No-Build traffic volumes for each of the peak hours and show on figures.
- h. Conduct capacity analysis (Level of Service) for each of the above intersections using the SYNCHRO software for the Design Year No-Build condition.

- i. Summarize the Levels of Service in tabular form for the Design Year No-Build condition, as described above.
- j. Provide baseline study of the condition of all roads and associated infrastructure.
- k. Indicate that the project is classified as a Major Commercial Development

f. by **NYS DOT**

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2. Potential Impacts

- a. traffic may exceed the capacity of the existing road network;
- b. construction of paved parking areas for 500 or more vehicles;
- c. degradation of existing transit access;
- d. degradation of existing pedestrian or bicycle access;
- e. the present pattern of movement of people or goods may be altered; and
- f. general and truck traffic from mining; and construction may result in specific traffic impacts, address likely routes and alternate routes.
- g. Estimate Site Generated Traffic based on the information published by the Institute of Transportation Engineers (ITE) as contained in their report entitled *Trip Generation, 10th Edition, 2017*. If ITE does not provide sufficient data for certain land uses, provide appropriate trip generation estimates with supporting data. Assign the Site Generated Traffic Volumes to the roadway network based on the anticipated arrival and departure distributions.
- h. Combine the Site Generated Traffic Volume with the Design Year No-Build traffic volumes to obtain the Build Traffic Volumes for each of the peak hours and show on figures, including the proposed site driveways.
- i. Conduct capacity analysis (Level of Service) for each of the above intersections, including the proposed site driveways, using the SYNCHRO software for the Build condition.
- j. Summarize the Levels of Service in tabular form for the Design Year Build condition, as described above.
- k. Prepare alternative analyses for alternative site access driveway operations, as may be applicable.
- l. Prepare traffic signal warrant analyses where appropriate and accident study at the intersections of Ludingtonville Road and State Route 52 and as indicated where appropriate. Include modern and transfer switch requirements at signals P-40 (Farmers Mills Road and Route 52) and P-54 (Route 52 and Route 51).

3. Mitigation Measures.

Based on the results of the traffic analyses, identify improvements to the traffic and transportation system where necessary. The impact of proposed improvements shall be identified and analyzed consistent with the methodology and format of the Project-impact analysis.

- a. Improvements at proposed intersections
- b. Hours of operation for mining and construction
- c. Hours of operation for various uses

J. Land Use and Zoning

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1. Existing Conditions

- a. Describe existing land uses and zoning district designations on the subject site, within a 1/2-mile from the site boundaries.
- b. Discuss history of the land use of the project site.
- c. Discuss the recommendations for the site and surrounding area as set forth in the Town of Kent Comprehensive Plan.
- f. Discuss recommendations of other pertinent planning documents prepared by other agencies; including the Town of Kent Recreation Master Plan, Putnam County Commercial Corridor Planning & Feasibility Study, Putnam County Transportation Task Force Recommendations, Putnam County Main Street Partnership Planning Study.
- g. Discuss the range of permitted and specially permitted uses in the IOC zoning district; bulk requirements; design standards
- h. Provide a summary list and discuss pertinent code chapters and sections pertaining to the project from mining and excavation through construction
- #i. Depending on the provisions in the forthcoming zoning amendment, provide a list of all parcels in the IOC zoning district on which the increased building height provision might apply; and describe and list the heights of existing structures in the IOC zoning district.
- #j. Discuss building height provisions in the Code of the Town of Kent Zoning for nonresidential districts, including a table summarizing the heights permitted in each.

2. Potential Impacts

- a. land use components different from or in sharp contrast to current surrounding land use patterns, for example, the proposal is an intensive mixed commercial development in a community with few comparable developments;
- b. inconsistency with zoning regulations, specifically, provide a generic analysis of the forthcoming petition to the Town of Kent Town Board for zoning text amendment to address provisions for increased building heights over what is permitted in the IOC zoning district (greater than 3 stories; greater than 40'), including the overall effect of the proposed increase in building height for all affected parcels in the IOC zone, including increased visibility and gross floor area, building mass and corresponding architectural design, accessibility for firefighting and emergency exits purposes, building maintenance and repairs, heating and cooling, etc.
- ~~b-c. requiring a building height variance;~~
- ~~e-d. change in the density of development that is not supported by existing infrastructure;~~
- ~~f-e. located in an area characterized by low density development that will require new public or central infrastructure; and~~
- f. project may induce secondary development impacts (e.g. residential or commercial development not included in the project).
- g. Discuss the rationale and need for a zoning amendment to allow increased height buildings in the IOC, including supportive reasoning.
- e.—

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- ~~f-h.~~ Describe the compatibility of the proposed action with existing land uses and zoning district designations on the subject site and within the areas studied above for the project site; and generically for all other sites in the IOC that would be allowed higher buildings due to the proposed zoning amendment. Address concern about a truck stop being located near an elementary school.
- ~~g-i.~~ Discuss the consistency of the proposed use with articulated land use and planning policies and recommendations of the Town of Kent, Putnam County, and other pertinent agencies for the subject site and the areas studied above.
- ~~h-j.~~ Discuss consistency and compliance with the IOC district uses, special uses, bulk requirements and design standards, supplementary use regulations, requirements and standards, etc., in zoning sections 77-24 to 77-26 and other zoning sections including procedures, requirements and standards for special use and site plan. Regarding bulk requirements, discuss the forthcoming proposed zoning amendment provisions for increased building height for the project site; and analyze generically for all other sites in the IOC that would be allowed higher buildings due to the proposed zoning amendment. Discuss consistency and compliance with other pertinent zoning provisions and with other pertinent Town of Kent code chapters
- ~~i-k.~~ Discuss consistency and compliance with the items in the summary list of pertinent code chapters and sections pertaining to the project from mining and excavation through construction
- ~~j.~~ Discuss the need for height variance, including supportive reasoning
- ~~l.~~ Describe potential impacts associated with use of the Proposed Action on existing community character.
- ~~m.~~ Provide; refer to and describe the results of a housing needs assessment to address the needs of person who would be employed at the various business on the developed site.
- ~~k.~~ ~~mn.~~ Describe and analyze growth inducing impacts due to the proposed development. Include in this analysis the identification of other large approved, proposed or potential developments in the area and evaluate and quantify cumulative impacts. Fully consider the potential impact of the proposed Route 52 bus garage.

Commented [EA20]: Added in 6/6/19 letter from Bob Brock

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3. Mitigation Measures

- a. Discuss provisions in the proposed zoning amendment intended to balance or offset site development effects on projects where the increased building height provision would be allowed. For example, increased yard setbacks; underground parking; smaller building footprints; or reduced impervious coverage would be considered where increased height structures (greater than 3 stories; greater than 40') are proposed.

Describe mitigation measures including, but not limited to methods such as site configuration and design, use of buffers and screening, building design to reduce impacts on the surrounding community. In addition, describe proposed mitigation measures to minimize potential impacts to surrounding land uses. Consider cumulative impact of other development

- proposals that are currently planned or proposed for the area surrounding the subject site.
- b. Discuss remedies for aspects of the development that are not consistent and compliant with the items in the summary list of pertinent code chapters and sections pertaining to the project from mining and excavation through construction. Provide reasoning for any waivers or relaxation of requirements or standards.

K. Visual Resources and Community Character.

1. Existing Conditions.

- a. Provide analysis of the existing visual character of the subject site as viewed from publicly accessible viewpoints seasonally and year-round surrounding roads and surrounding properties, based upon use of photographs, site line diagrams and/or cross-sections, as appropriate. Include, Route 52 and I-84. Existing views shall be clearly described in narrative form and supplemented with appropriate graphic illustrations with and without vegetation.
- b. List of all parcels in the IOC zoning district on which the increased building height provision might apply; and describe and list the heights of existing structures in the IOC zoning district.
- c. Provide crime statistics information from similar truck stops and facilities.

2. Potential Impacts.

- a. Provide a Visual Impact Analysis, including narrative, a viewpoints map, before and after illustrations to address:
 - i. extensive changes to site topography, including excavation and mining;
 - ii. visibility of proposed buildings and large parking lots;
 - iii. removal of vegetation; and
 - iv. possible impacts on the view of the site from nearby roadways, recreational facilities or other viewpoints within the project site's environs;
- b. The Visual Impact Analysis and assessment of impacts on community character should address the project site; and include generic analysis and assessment of all other sites in the IOC that would be allowed higher buildings due to the proposed zoning amendment, including description of how proposed land uses are different from, and in sharp contrast to, current land use patterns between the project and scenic or aesthetic resources as follows:
 - i. visibility from publicly accessible vantage points, seasonally and year-round;
 - ii. visibility would be apparent to viewers in routine travel; and in recreational or tourism-based activities;
 - iii. similar (commercial) projects are visible within ¼ mile to 5 miles of the proposed action;
 - iv. proposed mining and construction will result in visual impacts related to views of the site's existing topography and vegetation.
 - v. inconsistency with the predominant architectural scale and character;
 - vi. inconsistency with the character of the existing natural landscape; and
 - vii. may result in mining and construction impacts; related truck traffic; and indeterminate demand for proposed commercial uses.

- c. Provide analysis of the visual character of the subject site after development as viewed from surrounding roads and surrounding adjacent properties, based upon use of photographs, computer simulations, site line diagrams and/or cross-sections, as appropriate, using the NYSDEC Program Policy, Assessing and Mitigating Visual Impacts, DEP-00-2 as a guideline. Altered views shall be clearly described in narrative form and supplemented with appropriate graphic illustrations.
- d. Assess the visual impact of the proposed project in context with other existing structures in the study area.
- e. Provide architectural renderings, details and photosimulations illustrating height massing, scale and facade treatments. Photosimulations shall use photographs of existing and proposed conditions during the leaf and leafless seasons.
- f. Describe impacts associated with proposed lighting plan and how lighting may impact adjoining properties.
- f.g. Refer to potential increased demand for emergency, fire and police services section under the EIS section for community facilities and services.

3. Mitigation Measures.

Potential mitigation measures, for generic and site-specific impacts, to explore:

- a. Measures aimed at reducing visual impact.
- b. Preservation of existing trees.
- c. Establishment of setbacks from property lines.
- d. Height of structures
- e. Establishment of Clearing Limit Lines to depict maximum limits of areas of disturbance.
- f. Landscaping, including buffer screening plans.
- g. Building architecture
- h. Other.

L. Fiscal and Market Impacts

1. Existing Conditions.

- a. Provide existing tax revenues to the Town of Kent, Carmel Central School District, Putnam County, New York State and any other taxing jurisdictions from the existing subject site.
- b. Provide an overview of the market and need for hotels.
- c. Provide an overview of the market and need for the water park.
- d. Provide an overview of the market and need for the conference center.
- e. Provide an overview of the market and need for the truck stop

2. Potential Impacts.

- a. Discuss whether and how the proposed development would address the market demand and need for truck stop; hotels; water park; and conference center.
- b. Estimate temporary (construction) employment and permanent employment associated with the proposed action.
- c. Prepare an economic impact assessment of the direct, indirect and induced effects on employment, output and earnings in the Town of Kent by the temporary (construction) and permanent (operations) activity associated with the proposed development. Quantify the expected economic impacts to the local economy during the construction period. Identify the number

of jobs (in person-years) to be generated directly and indirectly as a result of construction. Calculate income to the local economy from sales of construction material, construction labor and sales tax. Address hotel tax and sales tax impacts.

- d. Compare future tax revenues resulting from the proposed project with current tax revenues generated from the existing project site.
- e. Provide a Fiscal Impact Analysis including possible effects on police, fire and other emergency services, including project specific and generic analysis of effects of the forthcoming proposed zoning amendment for increased building height in the IOC zoning district.
- f. Provide, refer to and describe the results of a housing needs assessment to address the needs of person who would be employed at the various business on the developed site.

3. Mitigation Measures.

- a. Describe any measures that would be pursued to maximize economic benefits to the community from the proposed project.
- b. Describe any measures to address increased demand for police, fire and emergency services and adequacy of each service providers' facilities related to:
 - (1) the forthcoming proposed zoning amendment for increased building height in the IOC zoning district; and
 - (2) the effects of the overall development on the surrounding community* and safety and security of truck drivers.

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gb. Other.

M. Historic, Archaeological and Cultural Resources.

1. Existing Conditions.

- a. Describe historic or archaeological resources on the subject site, including any stone chambers, caves or signs of mining. Include information obtained from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) and Kent Historical Society.
- b. A descriptive detail of the Project including the proposed direct impact areas will be submitted to the New York State Office of Parks, Recreation and Historic Preservation (NYOPRHP) as part of the SEQR consultation process. The project notification paperwork will be submitted electronically to NYOPRHP using that agency's Cultural Resources Information System (CRIS).
- c. Prepare a Phase 1A Literature Search and Sensitivity Assessment for cultural (historical and archaeological) resources; and provide copies of any submittals the NYS Office of Parks, Recreation and Historic Preservation (NYS OPRHP; or SHPO via CRIS);
- d. If NYS OPRHP determines that a Phase 1B or Phase 2 cultural resources assessment is needed, the appropriate Cultural Resources study will be conducted.
- e. Identify any properties listed on the State or National Register of Historic Places on or within a 1/2-mile of the subject site's boundaries.

- f. Identify locally significant properties within a 1/2-mile of the subject site's boundaries.
- g. Identify and map existing on-site stone walls.

2. Potential Impacts.

- a. Discuss how the Proposed Action would impact historic, cultural or archaeological resources on, or in the vicinity of the project site.
- b. Describe and show the extent of removal of stone walls.
- c. Other.

3. Mitigation Measures.

Potential mitigation measures to explore:

- a. Preserve historic and archeological resources on the subject site.
- b. Describe use of removed stone from walls in site landscaping, or for borders of developed areas.
- c. Other.

N. Open Space**1. Existing Conditions.**

- a. Include description of open spaces on or surrounding the project site and within 1/2 mile. Provide summary of parks and recreation facilities in the Town of Kent.

2. Potential Impacts.

- a. Describe potential impacts to open space areas.
- b. Discuss the open space plan for the Proposed Action.
- c. Discuss impairment of natural or ecosystem functions of the undeveloped site for habitat areas, changes of stormwater flows, loss of potential recreational resource
- d. Link with open space issues under Vegetation and Wildlife; and Community Facilities and Services.

3. Mitigation Measures.

- a. Any proposed mitigation as a result of impacts to open spaces.
- b. Discuss how proposed open space areas are to be protected and maintained. If restrictions such as deed restrictions, conservation easements or other prohibitions in future development are proposed, discuss what legal mechanism will be put into place to ensure perpetual preservation of open spaces.
- c. Discuss the potential for donation of open space.
- d. Other.

O. Air Quality & Noise & Light**1. Air Quality****a. Existing Conditions**

- (i) Summarize existing ambient air quality conditions in the region based on published New York State Department of Environmental Conservation ambient air quality monitoring data available from the New York State Department of Environmental Conservation-operated monitors closest to the site and provide a comparison to the applicable National Ambient Air Quality Standards. Locate air

quality monitoring receptors and indicate testing parameters including dust monitoring.

- (ii) Determine if the potential development would interfere with the attainment or maintenance of the New York and/or National Ambient Air Quality Standards (NAAQS) established by the Federal Clean Air Act Amendments.

- (iii) Indicate baseline radon gas levels in the area of the subject site.

(ii)

b. Potential Impacts

- (i) Provide a qualitative analysis of the potential air quality impacts resulting from truck and equipment traffic during construction, truck and vehicle idling during operation, site preparation, construction, post construction and project operational activities as required under criteria set forth in the New York State Department of Transportation Environmental Procedure Manual, Chapter 1, Air Quality (January 2001, as updated).
- (ii) NYSDOT Environmental Procedures Manual identifies a screening process to determine if project specific (microscale) air quality analyses are warranted. Generally, intersections impacted by a project, with a build condition Level of Service (LOS) C or better are excluded from microscale air quality analysis. The screening process also considers proximity to potentially sensitive receptors (i.e. schools, hospitals). If, based on the results of the screening, further analysis is warranted, it will be determined if it is appropriate to conduct further analysis as part of the DGEIS, or as part of subsequent site-specific environmental analyses.
- (iii) federal or state air emission permits may be required, also may emit one or more greenhouse gases at or above the following levels:
 - i. more than 1,000 tons/year of carbon dioxide;
 - ii. more than 3.5 tons/year of nitrous oxide;
 - iii. more than 1,000 tons/year of carbon equivalent of perfluorocarbons;
 - iv. more than .045 tons/year of sulfur hexafluoride;
 - v. more than 1,000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons; and/or
 - vi. 43 tons/year or more of methane;
- (iv) generation of 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants; or
- (v) generation of 50% of the above thresholds; and
- (vi) mining and construction impacts, including blasting operations releasing radon into air.
- (vii) production of sound above noise levels established by local regulation;

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- (viii) blasting within 1,500 feet of any residences, school, day care center or nursing home;
- (ix) production of routine odors for more than one hour per day;
- (x) creation of light shining into adjoining properties;
- (xi) creation of lighting creating sky-glow brighter than existing area conditions; and

(xii) mining and construction impacts.

(xiii) Increases in radon or other gas concentrations

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c. Mitigation Measures

- (i) Discuss potential methods for mitigation of potential adverse impacts resulting from the proposed action. Include analysis of truck routing and trip frequency and potential modifications. Include analysis of engineering and construction techniques to reduce short-term impacts from truck and vehicle traffic emissions, blasting and fugitive dust creation. Measures to be considered should include minimization/proper enclosure of stockpiles soils, dust suppression, limitations of vehicle idling, etc.
- (ii) Discuss long-term mitigation measures including measures to reduce traffic congestion, controls on vehicle idling, fuel station vapor recovery, etc.

2. Noise

a. Existing Conditions

- (i) Summarize existing noise conditions on and surrounding the subject site.
- (ii) Examination of current ambient sound levels through short-term monitoring at different times of day and night including sleeping hours. Provide map of receptor locations including school and residential areas.
- (iii) Description and discussion of the Town of Kent Noise Ordinance.

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b. Potential Impacts

- (i) Provide a noise impact analysis to address:
 - i. Rock removal and blasting, chipping and processing;
 - ii. Construction activities;
 - iii. Tire repair; service aisle and other truck service areas; and
 - iv. Truck traffic;
- (ii) Provide a qualitative assessment of the truck and vehicle traffic and construction related noise impacts and the project's adherence to Chapter 48, Noise of the Kent Town Code.
- (iii) Provide a qualitative assessment of the post-construction, long-term operational impacts of noise, and the project's adherence to Chapter 48, Noise of the Kent Town Code.
- (iv) Determine future ambient noise levels for the No-Build and Build Conditions.
- (v) Identify and evaluate noise data obtained from sensitive receptors (such as hospitals, adult continuing care communities,

Commented [EA36]: Per Bruce Barber, this is from Cutillo letter, undated.

Commented [EA37]: Per Bruce Barber, this is from Cutillo letter, undated.

schools, houses of worship, community facilities, etc.) and neighborhoods that might be affected by the increased sound levels during construction or post-construction operations.

- (vi) Describe and evaluate potential ambient and peak short-term noise generation from construction equipment and traffic, blasting, mining and rock crushing, building, and preparation and peak long-term effect from traffic (including truck deliveries) associated truck stop, conference center, hotel and water park operations, HVAC equipment and any other noise-generating feature of the Proposed Action following construction.
- (vii) Calculate noise levels at site boundaries and at sensitive receptors and surrounding neighborhoods. Indicate both peak-noise levels and any anticipated sub-peak noise levels that may be disturbing to sensitive receptors or surrounding neighborhoods during night hours. Noise impacts should be determined by comparing noise levels of the Proposed Action with the levels recommended in NYSDEC guidance document DEP-001, Assessing and Mitigating Noise Impacts (October 2000 or most recent).

c. Mitigation Measures

- (i) Discuss potential methods for mitigation of potential adverse impacts resulting from the proposed action. Identify mitigation measures appropriate for construction and post-construction phases of the Proposed Action, including placing mufflers or baffles on both mobile and stationary engines and equipment, limiting hours during which certain noise-generating activities may take place, etc.

#3. Light

#a. Existing Conditions

Describe current ambient lighting levels.

#b. Potential Impacts

#i creation of light shining into adjoining properties;

#ii creation of lighting creating sky-glow brighter than existing area conditions. Provide light plan with all potential sources of light pollution. Provide information on proposed signage.

#iii Describe zoning provisions in sections 77-40.1; and 77-44.3

#c. Mitigation

#i describe full-cut-off and shielded lighting; timers and photosensitive lighting controls; limits on hours of operation for aspects of proposed uses

P. Hazardous Materials

1. Existing Conditions.

- a. Prepare and summarize the findings of a Phase I Environmental Site Assessment performed in accordance with applicable law, regulations and guidelines (such as the American Society for Testing and Materials).
- b. Investigate of the Project Site and surrounding area's history of the presence of hazardous substances through the analysis of historical records, aerial photographs, historic maps, municipal records, field observations and interviews with individuals familiar with the history of the area.
- c. Review of federal and state databases and records for documentation of potential liabilities relevant to the Project Site, such as the US EPA's CERCLIS (Comprehensive Emergency Response Compensation and Liability Information System), the National Priorities List (NPL), NYSDEC Inactive Waste Disposal Report, New York Spills Database, among others.

2. Potential Impacts.

- a. Identify impacts resulting from the presence of hazardous substances.
- b. Identify impacts resulting from operation of the truck stop, including fuel storage, emergency generator fuel storage and spill protocols, materials storage, etc.
- c. site located within 1,500 feet of a school, day care center, group home, nursing home, or retirement community; and
- d. increased rate of disposal solid waste.

3. Mitigation Measures.

- a. Compliance with NYSDEC Bulk Storage regulations for on-site fuel storage.
- b. Emergency shut off switches for fuel pumps
- c. Leak detection technology, if applicable
- d. Address potential methods for mitigating adverse impacts.

Q. Construction Impacts

1. Potential Impacts.

- a. Describe proposed construction phasing, overall schedule for project completion, and hours of construction operation.
- b. Describe the equipment and materials storage and/or staging area, anticipated number of construction workers, anticipated lighting and security, and the delivery means and methods.
- c. Describe the erosion and sediment control plan for the proposed project and any stormwater management practices to be used on a temporary basis.
- d. Describe how the infrastructure relevant to the completion of each phase will be implemented, and any potential impacts.
- e. Assess the potential environmental impacts anticipated due to the construction of the proposed project including traffic, noise, air quality, dust, erosion and sedimentation and its impact on the surrounding area.
- f. Specifically address whether blasting is proposed and discuss potential impacts upon surrounding land uses.

- g. Describe potential impacts to workers and the community from the development of the site (during and post-construction) regarding any known or discovered hazardous conditions. Include a discussion of potential health hazards resulting from the presence or handling of hazardous materials.
- h. Discuss potential impacts to NYC watershed, and any other off-site environmentally sensitive receptors including wetlands, watercourses, groundwater and adjoining wells.
- i. Discuss petroleum bulk storage requirements and anticipated storage with the proposed truck stop and assess potential impacts to groundwater and surface water.
- j. Discuss the use, storage and containment of any chemicals, fluids or other materials on the site to be used in the construction and/or operation of the proposed improvements.
- k. Discuss the development of an Integrated Pest Management Plan.

2. Mitigation Measures.

- a. Discuss construction management techniques.
- b. Enforcement.
- c. Erosion control plans
- d. Ideal management practices to be employed, along with mechanisms to minimize impacts related to partial project completion. LEED practices and certification.
- e. If blasting is proposed, discuss potential mitigation measures.
- f. Discuss any clean-up or mitigation measures that are required.
- g. Propose a maintenance grounds keeping plan that specifies chemicals and their intended use (e.g. fertilizer, pesticides, salt, sand, deicing materials) and indicate storage location and conditions for these chemicals.
- h. Provide details of snow removal and deicing including stockpile locations
- i. Provide details of the operation of the pool and associated waterpark equipment.
- j. Provide details to public and customers separate from on-going construction activities as construction phases are completed.
- k. Other.

V. REASONABLE ALTERNATIVES TO BE CONSIDERED

The description and evaluation of the following alternatives to the Proposed Action shall address all of the topics in Section IV of this document, shall be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed, shall be analyzed in terms of the impact issues listed above in summary and matrix format, and shall reflect compliance with all applicable regulations of the Town of Kent. Alternatives shall include the following:

- A. No Action.
- B. Alternative excavation: Deeper excavation that the proposed action, to approximately one hundred eighty feet (180') below the existing grade with building elevations from 770' to 780'-ft with parking under buildings and decked parking. ***LJZ/Julie check this with their Planners comments.

C. **Alternative excavation with minimal mining and excavation, which may involve tiered development**

D. **Reduced Development alternatives:**

1. Two Hotels and Truck stop only with no water park or conference center
2. Two Hotels; Truck stop; and or conference center only with no water park.
3. Two Hotels; Truck stop; and truck repair facility; and conference center only with no water park
- 2.
3. Two Hotels; conference center; water park; and no Truck stop
4. Truck stop and truck car wash with no hotels, no conference center and no water park
5. All proposed uses included with each use reduced by thirty percent (30%) (reduction of gross floor area, parking spaces, etc.)
4. Reduced scale impact alternative that attempts to minimize impervious surfaces and reduce eliminate impacts to trees, steep slopes or wetlands buffers.

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Commented [EA38]: Change to reduced development alternatives as per Clear 6/4/19 letter and discussion with Planning Board.

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#E. **Alternative Access:**

- #1 Single Boulevard entrance on Route 52 with driveways off of the boulevard for all uses; and with a separate emergency only access
- #2. Currently proposed access configuration with a separate emergency only access

#F. **Alternative Zoning Compliance approach regarding Increased Building Height: Pursuit of Area Variance for Building Height for the Proposed Site-Specific Development of the project site only.** Alternate Phasing of construction and project development alternating with phases of mining operations, so that partial mining is done, followed by site development of uses. For example, first phase of mining is followed by development of 2 hotels; second phase of mining followed by truck stop and rest stop development; third phase of mining and then conference center and water park development.

Commented [EA40]: New AIP and deletion of old AIP as per Clear 6/4/19 letter and discussion with Planning Board.

#G. **Alternative with mining only and no land development.**

VI. ADVERSE IMPACTS THAT CANNOT BE AVOIDED IF THE PROPOSED ACTION IS IMPLEMENTED

Identify adverse environmental impacts identified in Chapter IV of the DEIS that cannot be avoided based on the implementation and construction of the Proposed Action.

VII. OTHER REQUIRED ANALYSES

A. Irreversible and Irretrievable Commitment of Resources.

Identify natural and human resources that will be consumed, converted or made unavailable for future use from the implementation and construction of the Proposed Action.

B. Impacts on the Use and Conservation of Energy.

Identify impacts that could result as potential impacts from the implementation and construction of the Proposed Action on the use and conservation of energy. Identify sustainable and green building practices.

C. Growth Inducing Aspects of the Proposed Action

This section should evaluate the effects of the proposed action, including the forthcoming proposed zoning amendment for increased building height in the IOC zoning district, as it relates to the potential to induce growth in the Town of Kent. The growth inducing aspect of the proposed action will describe and evaluate any potential that the proposed action may have for triggering further development in terms of attracting similar, additional, or ancillary uses, significant increases in local population, increasing the demand for support facilities, and increasing the commercial and residential development potential for the local area. This section shall present secondary and cumulative impacts to housing, commercial economic development, additional traffic, water and wastewater needs. Provide; refer to and describe the results of a housing needs assessment to address the needs of person who would be employed at the various business on the developed site.

D. Cumulative Impacts

This section should evaluate the effects of the proposed action, including the forthcoming proposed zoning amendment for increased building height in the IOC zoning district, as it relates to when multiple actions affect the same resource(s). These impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present and reasonably foreseeable future actions.

VIII. SOURCES AND BIBLIOGRAPHY**IX. APPENDICES**

- A. All SEQRA documentation, including a copy of the Environmental Assessment Form (EAF), the Positive Declaration and the DEIS Scope.
- B. Copies of all official correspondence related to issues discussed in the DEIS.
- C. Copies of all technical studies, in their entirety.