

**Minutes**  
**Town of Kent Planning Board Meeting**  
**June 13, 2019 Minutes**  
**FINAL**

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

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

Phil Tolmach, Chairman	Nisim Sachakov
Simon Carey	Charles Sisto
!Giancarlo Gattucci	Stephen Wilhelm
Dennis Lowes	

**Others in Attendance:**

Liz Axelson, Planner  
Bruce Barber, Environmental Consultant  
Bill Walters, Kent Building Inspector

**Absent:**

Julie Mangarillo, Engineer Consultant

• **Approve Planning Board Minutes from May 9, 2019**

Mr. Tolmach asked for a motion to approve the minutes from the May 9, 2019 meeting. The motion was made by Mr. Lowes and seconded by Mr. Sachakov. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

• **GEIRER/CARGAIN PROPERTY, 43 MARIE ROAD, KENT, NY; TM: 22.-1-4**

Mr. Harold Cargain, the property owner, attended the meeting.

**Ms. Axelson's comments**

This was a Public Hearing. Ms. Axelson said that the Public Hearing should be re-opened and she Mr. Barber and Ms. Mangarillo felt that, after the Public Hearing was closed, this project should be moved to an administrative track.

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Mr. Tolmach asked for a motion to open the Public Hearing. The motion was made by Mr. Lowes and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. David Schell, the owner of the adjoining property – 50 Marie Road, asked to be heard. Mr. Schell asked about the erosion control and whether or not it was permanent. Mr. Cargain said that the erosion control was to be done only during construction. Mr. Schell asked if any variances were required and Mr. Cargain said that no variances were required. Mr. Schell was satisfied with the answers to his questions and wished Mr. Cargain luck.

Mr. Barber's Comments

Mr. Barber said that the erosion control plans were put in place during construction pursuant to Chapter 66 of the Town Code, which have been reviewed by the Town Engineer. This is to ensure that there is a permanent vegetative control after the construction is completed to ensure there is no post-construction runoff onto the neighboring properties.

Mr. Tolmach asked for a motion to close the Public Hearing. The motion was made by Mr. Carey and seconded by Mr. Sachakov. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Tolmach asked for a motion to move this project to an administrative track conditioned on addressing any remaining comments of the environmental and engineer consultants. The motion was made by Mr. Carey and seconded by Mr. Sachakov. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Nisim Sachakov	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

• **KENT DEVELOPMENT TIMBER HARVEST, PECKSLIP ROAD, KENT, NY; TM: 12.-1-38 & 42**

Mr. Tolmach asked for a motion to re-open this Public Hearing. The motion was made by Mr. Sachakov and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Aye</u> _____
Nisim Sachakov	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Mr. Jordan Heller, of Quality Forestry Management, represented the applicant.

Mr. Robert Casper, 1171 North Horsepound Road, asked to be heard. Mr. Casper's property is below this property and is concerned about water runoff and erosion.

Mr. Heller stated that the harvest will be on about 50 acres and there will be a significant number of trees left on the property after the harvest is completed. There will be about 3 skid trains on the property and the stability on the skid-trails will be maintained according to DEC regulations. The root systems will be left in place.

Since Mr. Barber and Ms. Mangarillo have some comments to be addressed, Ms. Axelson recommended that the Public Hearing be adjourned until the July meeting.

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Mr. Tolmach asked for a motion to adjourn the Public Hearing for this project to the July meeting.

The motion was made by Mr. Lowes and seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **P & G FARM CORP, 29 SCHRADE ROAD, KENT, NY; TM: 11.-2-44.2**

The owner of this property requested that their erosion control bond in the amount of \$5,100.00 be returned.

The Building department has not issued a CO to date, so this project will be held over until the July meeting

- **KELLEHER/PIDALA PROPERTY, 5 WESTWOOD DRIVE, KENT, NY; TM: 19.12-1-21, 22 & 23**

Mr. Kelleher advised the Planning Board Secretary via telephone that he has decided not to proceed with this application and we are awaiting a formal notification in writing.

- **KENT MATERIALS, ROUTE 52, KENT, NY; TM:**

Mr. Harold Majiid, former owner of this property, asked to be heard. Mr. Majiid advised the Planning Board that there were some violations issued pertaining to this property, which Mr. Watson of Insite Engineering said had been corrected. The Town did not inspect the property and he has sold the property. He will go to the Carmel School district to have them allow inspection of the property. Mr. Majiid asked what the process would be to have his escrow/bonds released since he no longer owns the property.

**Ms. Axelson's Comments**

Ms. Axelson stated that the Planning Board has consulted with the Planning Board Counsel about some issues on this site, Mr. Battistoni of Van DeWater & Van DeWater for his advice. Ms. Axelson read a letter from Mr. Battistoni into the record (attached) in response to a letter received by Mr. Rocco D'Agostino, who represented Mr. Majiid (attached). The full security is to remain in effect for 2 years after completion of the project and the two year period has not begun yet. Mr. Majiid asked if he could replace the cash bond with a surety bond. Ms. Axelson suggested Mr. Majiid email his questions to the Planning Board secretary or the Planning Board attorney and copy the Planning Board secretary. Mr. Wilhelm explained that the usual procedure is being followed pertaining to this project. When an applicant sells the property and a bond is in place he either asks that the bond be transferred to the new owner or that it should remain in place by the developer or former owner of the property. Mr. Majiid said that he is caught in the middle between the Carmel School Board and the Town of Kent. Ms. Axelson said that the owner of the property should allow an inspection and, if the property is stabilized, the bond

could be reduced. Mr. Watson has informed the consultants that some of the issues may have been remedied. Mr. Majiid has a problem with a two-year waiting period and the fact that he has no control over the property. Mr. Wilhelm reiterated that Mr. Majiid should have considered this matter at the time of the closing and should have addressed it. Mr. Tolmach advised Mr. Majiid that this problem was his own fault.

• **ZUCKER PROPERTY, 12 WOODCHUCK COURT, KENT, NY; TM: 21.19-1-5**

Mr. Takaii Kawabata and Mrs. Christina Kawabata of Takatina LLC represented the owners of the property. This project entails construction of an addition and a garage.

Mr. Barber's Comments

There are some outstanding comments and the project has been reviewed by the Homeowners Association and they have no objections. Therefore a waiver of a Public Hearing has been requested and Mr. Barber recommended that this be done. He and the other consultants agreed that this was appropriate. All of the comments will be addressed at the July meeting.

Mr. Tolmach asked for a motion to waive the Public Hearing. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Kawabata said that he feels there is a discrepancy in what was submitted and what was reviewed. The DOH approved drawings were submitted and there was no approval block on it. Mr. Barber said that the BOH reviews plans and stamps them to ensure all the bedroom counts remain the same. If Mr. Karell can provide documentation from the BOH indicating that this requirement was waived it would satisfy the consultants. The outside shower and tub would be connected to the existing septic system and it was shown on the drawings. Mr. Barber said the plan note is on the plans, but the excavation required to get the connection to the house connections seems to be put through the basement wall and needs to be included in the limits of disturbance. This needs to be clarified on the plans. Mr. Barber said that the infiltration structures need to have soil tests done and if the septic system and infiltration are going to be in the wetland buffer additional soil tests need to be done. Mr. Barber said the septic system is shown as a rectangle on the plans and because fixture units are going to be added additional information regarding the size of the tank, location and size of the fields because the entire septic system will be located in the wetland buffer. The Town Engineer will review this information and offer her opinion at a later date. The proposed addition cannot be located outside of the wetland buffer because there was no other location appropriate for the garage. The mitigation plan will include infiltrators and there is a 50' requirement and roof water will be diverted. Mr. Barber said the retaining wall is not sufficient to handle stormwater runoff and more details need to be submitted. Mr. Barber said drawings don't show a grading plan behind the garage and it is probable that limits of disturbance will be exceeded so this area should be included in

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the limits of disturbance. Mr. Barber said that underground utilities need to be shown before the applicant excavates the water line. Mr. Barber did not receive architecture plan and would check with the secretary to see if there was an extra copy.

Ms. Axelson's comments

Ms. Axelson recommended waiving the Public Hearing and said the project is not ready to be moved to the administrative track..

Mr. Tolmach asked for a motion to waive the Public Hearing. The motion was made by Mr. Carey and seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

• **DOGWARD BOUND,**

Ms. Axelson's Comments

Mr. Barber said the applicant has completed comment reviews and submitted a bond estimate in the amount of \$1,500.00, and the Town Engineer recommended the Planning Board accept the bond recommendation.

Mr. Tolmach asked for a motion to accept the bond recommendation of \$1,500.00. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **KENT SELF STORAGE, ROUTE 311, KENT, NY; TM: 22.-2-17**

Mr. Thomas Kerrigan, of Site Design Consultants, represented the applicant. Plans and a SWPPP were submitted in May regarding the change in plans on this project. The impervious surface area has been decreased. The driveway is in the same area, but the building size is smaller. Mr. Kerrigan asked that this matter be discussed further with the consultants

Mr. Barber's Comments

Mr. Barber said this project was previously approved and the property was sold. The new owner wants to build storage units. There are some concerns about thermal issues and stormwater runoff to a trout stream. A wetland permit is required pursuant to Chapter 39A of the Town Code. There are also concerns about runoff to Stump Pond Brook which discharges into Lake Carmel.

Ms. Axelson's Comments

Ms. Axelson has not finalized comments because she has questions regarding Town Code 77-25-5 requiring sidewalks with a 4' tree lawn on public streets and the applicant doesn't believe this is necessary. Ms. Axelson asked for the opinion of the Planning Board. Mr. Wilhelm said there are no other sidewalks on that road. Mr. Tolmach asked what the alternative would be. Ms. Axelson said that if there are going to be other businesses nearby she thought one would be necessary. Mr. Carey said that, since there are other projects proposed such as Patterson Crossing, he thought a sidewalk should be provided. The other Board members agreed. No action was recommended at that time. Mr. Lowes suggested that the site should be graded and a sub base and item 4 material should be put down should a sidewalk ever be necessary. Mr. Kerrigan said he would need to review the plan and a sidewalk would require reroute existing drainage and he said he didn't think it would be practical. Mr. Kerrigan asked about opening a Public Hearing for July. Ms. Axelson said that they felt more information should be submitted before scheduling a Public Hearing.

- **NYCDEP HORSEPOUND ROAD TIMBER HARVEST, KENT, NY; TM:**

Mr. Daniel Lawrence, a forester with NYCDEP, attended the meeting. This project will be done off of Rhinebeck Road. The reason this is being done is because the forest is the best source of drinking water and a diverse structure such as this makes the forest more resilient to disturbance or events such as the tornado. There will be approximately 960 trees over 80 acres will be removed.

Mr. Barber's Comments

Mr. Barber visited the property with Mr. Lawrence and he delineated the wetlands on the property. There are two planned crossings and intermittent water crossings that will not be intruded upon and will be bridged, therefore a wetland permit is not required. Only an Erosion Control Permit is required, and has already been applied for. There are no endangered species which will be at risk. A NYSDEC Negative Declaration has been done. There are some drainage issues which will be addressed during construction and will be left in place to improve the roads. The Highway Superintendent asked that the logging trucks not travel along Horsepound Road because it is being paved and an alternate route is proposed. Mr. Barber and Ms. Axelson recommended scheduling a Public Hearing for July.

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Mr. Tartaro asked to be heard and inquired where the project will be done and if it is in the proximity of Dean Pond. Mr. Lawrence said it will be across the street and on top of the hill. Mr. Tartaro had a friend who he was concerned may be affected, but since they were on the opposite side of the street and would not be affected he was satisfied with the information given.

Mr. Tolmach asked for a motion to schedule a Public Hearing in July. The motion was made by Mr. Sachakov and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

• **ROUTE 52 PROJECT, ROUTE 52, KENT, NY; TM:**

Mr. Tolmach asked for a motion to re-open the Scoping Session for this project. The motion was made by Mr. Wilhelm and seconded by Mr. Sisto. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

**Ms. Axelson's Comments**

Ms. Axelson conferred with Ms. Mangarillo and Mr. Barber and has made most of her revisions to the Scoping Outline. The applicant proposes to submit a petition to the Town Board to make an amendment to the zoning text of the IOC district to create provisions for increased building height and special conditions for increased building and off-setting standards. The proposed height is tentatively proposed to be 4 stories or 70 feet. There has been some wording incur incorporated into the revised Scoping Outline to address this issue. Ms. Axelson is working with Mr. Battistoni, Planning Board Counsel, because there is concern that if the proposed action changes steps may need to be amended to ensure there is no procedural flaws. Another Positive Declaration and notification will need to be sent out and the Kent Town Board will have to be included this time. Based on discussion with Mr. Caruso, Ms. Axelson believes that the Planning Board will continue to be Lead Agency and will work with the Town Board. The Public Scoping session should be continued at the July 11, 2019 meeting.



Mr. Peder Scott represented the applicant. He clarified that the entire project was planned to include a 5 story hotel (Raddison Red) and would be 65 feet high. This would require a 25' variance for building height and increased stories. At the last meeting several options were discussed regarding addressing this issue. Mr. Scott received comments from various agencies and neighbors regarding the scope of this project. Mr. Scott said that an alternative to amend the scoping outline was to close the Public Hearing and attorney could write a letter about changing the zone to incorporate it into the scoping document. The applicant would have 15 days after closing the Scoping Session to respond and nothing would have to be done.

Ms. Axelson said that she recalled early on there was discussion about doing an amendment or applying for a variance for the height and the applicant is within their rights to seek an amendment. If a variance were obtained it would only apply to this property and it was assumed the applicant would go for the variance. However, if there was an amendment to the zoning district it would apply to all properties in the IOC district. Ms. Axelson said that the Planning Board was only looking at this property. Ms. Axelson said she would prefer to continue the Scoping Session and re-circulate the material pertaining to this matter. Mr. Scott said that a letter had been drafted by Cleary Consultants to limit the number of alternatives and it was submitted to the Planning Board. Mr. Cleary referred to the SEQRA handbook. There are approximately 12 alternatives, some of which are not possible or viable and are a burden on the applicant. Mr. Scott would like to reduce the number of alternatives. One more alternative, which would be the inclusion of a truck repair component to the overall project of the truck center. A site plan was shown at the meeting. This would be more conforming to regulations because to serve fuels a repair facility must be included. There would be 4 more acres of disturbance. A named tenant in the area has expressed interest in the project. Mr. Scott asked that the Cleary letter be addressed. The final statement Mr. Cleary made was that to pick and choose which units would be proposed does not meet SEQRA requirement review for alternatives. A lot of tenants are inter-related and the only potential option which could be removed would be the water park. Ms. Axelson said that Mr. Cleary's letter was discussed at the workshop and that she had taken that into consideration in her revised scoping outline. Mr. Scott said that it would be best if Mr. Cleary spoke to Ms. Axelson and the Board agreed that it would be appropriate for them to talk. Mr. Scott said he would define the amendment proposed and one component would be that a minimum of 100 acres would be required to qualify for the amendment.

Mrs. Kathryn Curtiss, who resided at 2 Mooney Hill Road, asked to be heard. Mrs. Curtiss said that she had spoken before about her concerns about this project. Mrs. Curtiss said her objection was to the whole concept of this project and that the height was another problem. She had concerns about the fact that a truck stop will be near a school is out of character for this area. There has been no discussion as to how traffic will be managed. Mr. Caruso said that the goal is to package this issue and to present it to the Town Board. He said that however the height amendment is accomplished changes SEQRA or the environmental impacts. Mr. Caruso hopes the amendment is very simple and will return to the Planning Board before the next meeting. Mr. Wilhelm asked Ms. Axelson what she thought about what Mr. Caruso planned to do. Ms. Axelson said she advised Mr. Caruso to have a discussion with the Town Board to see how to proceed. Ms. Axelson said she hoped the Planning Board would continue as Lead Agency. It would be helpful if the Planning Board was advised sooner rather than later as to how the amendment or variance would be handled. Mr. Louis Tartaro asked to reinforce statements made by Mrs. Curtiss and said the public is unaware of this project and said that a big consideration is the traffic impact, especially since a bus garage will be ¼ mile away from this property. Widening Route 52, installing a traffic light will make this a major project. Before the Planning Board takes any action it should be clarified as to whether there will be a zoning change or a variance.

Ms. Axelson said the Scoping Session should be adjourned until July 11, 2019. The Planning Board discussed this for almost a year and after the scoping document is adopted the applicant will prepare a draft EIS, which will be reviewed and when it is determined that it is sufficient it will be determined complete and a Public Hearing will be scheduled to discuss the Draft EIS.

Mr. Tolmach asked for a motion to adjourn the Scoping Session to July 11, 2019. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

• **BOCCIA PROPERTY, BEACH COURT, KENT, NY; TM: 21.-1-16**

Mr. Barber advised the Planning Board that Mrs. Boccia requested a return of her review fees because her family no longer wants to pursue this project. There was some tree cutting and other changes were made to the property in a wetland buffer without permits when the property was purchased. At that time the Building Inspector, Ms. Julie Butler, spoke to Mr. & Mrs. Boccia and advised them that the violations could and should have been addressed when they applied for permits through the Planning Board. An extensive planting plan was proposed to mitigate the damage done to the property. A bond amount was considered and agreed to by the Board, but the applicant never posted it. The violations remain unresolved and Mr. Barber asked for authorization to send a letter to Mr. & Mrs. Boccia as to how they propose to remedy the situation. No vote was necessary.

Permit Applications Review (Applicants' Attendance Not Required at Workshop/Discussion)

- |  |                      |               |
|--|----------------------|---------------|
| • Fregosi Property<br>Kentview Dr., Kent, NY<br>TM: 10.20-1-69 | Erosion Control Plan | Status Report |
|--|----------------------|---------------|

On administrative track

- |   |                      |               |
|---|----------------------|---------------|
| • Fregosi/Marinelli<br>Miller Hill Rd., Kent, NY<br>TM: 10.-20-1-17 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Awaiting a new submittal.

- |  |                      |               |
|--|----------------------|---------------|
| • Baillargeon Property<br>Kentview Dr., Kent, NY<br>TM: 10.20-1-71 | Erosion Control Plan | Status Report |
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A review was done and the drawings are ready to be signed.

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| <ul style="list-style-type: none"> <li>• Realbuto Property<br/>49 Tiger Trail, Kent, NY<br/>TM: 21.8-1-19</li> </ul> | Erosion Control Plan | Status Report |
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Waiting for a bond estimate.

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|---|----------------------|---------------|
| <ul style="list-style-type: none"> <li>• O'Mara<br/>Lhasa Ct., Kent, NY<br/>TM: 31.9-1-6</li> </ul> | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

Awaiting bond estimate.

- |   |                                    |               |
|---|------------------------------------|---------------|
| <ul style="list-style-type: none"> <li>• Raneri Property<br/>Hillside Paper Rd., Kent,, NY<br/>TM: 44.24-1-3</li> </ul> | Erosion Control Plan/<br>Soil Test | Status Report |
|---|------------------------------------|---------------|

There are outstanding issues pertaining to this project.

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|---|---|---------------|
| <ul style="list-style-type: none"> <li>• DiSanza Property<br/>381 Ludingtonville Rd., Holmes, NY<br/>TM: 12.-3-63 &amp; 64</li> </ul> | Erosion Control Plan/<br>Wetland Permit | Status Report |
|---|---|---------------|

Awaiting a new submittal and additional escrow

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|--|---|---------------|
| <ul style="list-style-type: none"> <li>• Putnam Nursing &amp;<br/>Rehabilitation Center<br/>404 Ludingtonville Rd.,, Kent, NY<br/>TM: 12.-3-40 &amp; 41</li> </ul> | Erosion Control/Site Plan//<br>Wetland Permit | Status Report |
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Will be on the July agenda.

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| <ul style="list-style-type: none"> <li>• Rofriguez/Olson Property<br/>104 Smalley Ct.,, Kent,, NY<br/>TM: 21.-1-10</li> </ul> | Sub-Division        /<br>Soil Test | Status Report |
|---|------------------------------------|---------------|

..Will be on the July agenda.

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|---|------------------------|---------------|
| <ul style="list-style-type: none"> <li>• Patterson Crossing<br/>Route 311, Kent, NY<br/>TM: 22.-2-48</li> </ul> | Conditions of Approval | Status Report |
|---|------------------------|---------------|

A revised Phasing Plan has been submitted

- |   |                       |               |
|---|-----------------------|---------------|
| <ul style="list-style-type: none"> <li>• Bourgeois Property<br/>100 Lakeshore Dr.,, Kent,, NY<br/>TM: 21.-1-10</li> </ul> | Erosion Control Plan/ | Status Report |
|---|-----------------------|---------------|

Submitted a SWPPP

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|---|----------------------|---------------|
| • Cabrera Property<br>126 Hortontown Road, Kent, NY<br>TM: 19.-1-35 | Erosion Control Plan | Status Report |
|---|----------------------|---------------|

A waiting a new submittal

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| • Von Rosenvinge Property<br>451 Pudding St., Kent, NY<br>TM: 31.17-1-7 | Erosion Control Plan<br>for In-Ground Swimming Pool | Status Report |
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Awaiting an update on the planting plan.

Mr. Tolmach asked for a motion to close the meeting at 9:00 PM. The motion was made by Mr Wilhelm and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nissim Sachakov	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson  
Planning Board Secretary

cc: Planning Board Members  
Building Inspector  
Town Clerk

JUNE 2019

KENT PLANNING BOARD AGENDA

Workshop: June 06, 2019 (Thursday, 7:30 PM)

Meeting: June 13, 2019 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from May 2019
- Gierer (Cargain) Property                      Erosion Control Plan                      Review  
43 Marie Road, Kent, NY 10512              Public Hearing  
TM: 22.-1-42
- Kent Development Timber Harvest              Erosion Control                      Review  
Peckslip Rd., Kent, NY                      Public Hearing  
TM: 12.-1-38 & 42
- Kelleher/Pidala Property                      Lot Line Adjustment                      Review  
5 Westwood Dr., Kent, NY                      Waiver Request  
TM: 19.12-1-21, 22, 23
- Kent Materials                      Request to Release Bond                      Review  
NYS Rte. 52, Kent, NY  
TM: 12.-1-44
- P & G Farm Corp.                      Request to Release                      Review  
29 Schrade Rd., Kent, NY                      Erosion Control Bond  
TM: 11.-2-44.2
- Zucker Property                      Erosion Control Plan/                      Review  
12 Woodchuck Ct., Kent, NY                      Wetland Permit  
TM: 21.19-1-5
- Dogward Bound                      Erosion Control Plan/                      Review  
461 Richardsville Road, Kent, NY                      Site Plan/Accept Bond  
TM: 30.12-1-1
- Kent Self Storage                      Site Plan/Erosion Control                      Review  
Rte. 311, Kent, NY  
TM: 22.-2-17
- NYCDEP Horsepound Ridge Forest              Erosion Control/Timber Harvest              Review  
Management Project                      Wetland Permit  
Horsepound Rd., Kent, NY  
TM: 33.-1-44, 45 & 33.6-1-71

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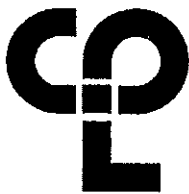
- |   |   |               |
|---|---|---------------|
| <ul style="list-style-type: none"> <li>• Route 52 Development/<br/>Peder Scott Project<br/>Route 52, Kent, NY<br/>TM: 12.-1-52</li> </ul> | <p>SEQRA</p>  | <p>Review</p> |
| <ul style="list-style-type: none"> <li>• Boccia Property<br/>Beach Court, Kent, NY<br/>TM: 21.-1-16</li> </ul>                            | <p>Erosion Control Plan/<br/>Wetland Permit<br/>Requesting Review Fees Refund</p> | <p>Review</p> |

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

- |   |  |                      |
|---|--|----------------------|
| <ul style="list-style-type: none"> <li>• Fregosi Property<br/>Kentview Dr., Kent, NY<br/>TM: 10.20-1-69</li> </ul>  | <p>Erosion Control Plan</p>                          | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Fregosi/Marinelli Property<br/>Miller Hill Road, Kent, NY<br/>TM: 10.-1-17</li> </ul>  | <p>Erosion Control Plan</p>                          | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Baillargeon Property<br/>Kentview Dr., Kent, NY<br/>TM: 10.20-1-71</li> </ul>  | <p>Erosion Control Plan/<br/>Wetland Permit</p>      | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Realbuto<br/>49 Tiger Trail, Kent, NY<br/>TM: 21.8-1-39</li> </ul>   | <p>Erosion Control Plan/Bond</p>                     | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• O'Mara<br/>Lhasa Ct., Kent, NY<br/>TM: 31.9-1-6</li> </ul>   | <p>Erosion Control Plan</p>                          | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Raneri Property<br/>Hillside Paper Rd., Kent,, NY<br/>TM: 44.24-1-3</li> </ul>   | <p>Erosion Control Plan/<br/>Soil Test</p>           | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• DiSanza Property<br/>381 Ludingtonville Rd., Holmes, NY<br/>TM: 12.-3-63 &amp; 64</li> </ul>   | <p>Erosion Control Plan/<br/>Wetland Permit</p>      | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Putnam Nursing &amp;<br/>Rehabilitation Center Addition<br/>404 Ludingtonville Road, Holmes, NY<br/>TM: 12.-3-40 &amp; 41</li> </ul> | <p>Erosion Control/Site Plan/<br/>Wetland Permit</p> | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Rodriguez_Olson<br/>104 Smalley Corners Rd., Kent, NY<br/>TM: 21.-1-10</li> </ul>  | <p>Sub-Division</p>                                  | <p>Status Report</p> |
| <ul style="list-style-type: none"> <li>• Patterson Crossing<br/>Route 311, Kent, NY<br/>TM: 22.-2-48</li> </ul>   | <p>Conditions of Approval</p>                        | <p>Status Report</p> |

**Town of Kent Planning Board Minutes  
June 13, 2019**

- |   |   |               |
|---|---|---------------|
| <ul style="list-style-type: none"><li>• Bourgeois Property<br/>100 Lakeshore Dr., Kent, NY<br/>TM: 33.58-1-9</li></ul>    | Erosion Control Plan                                | Status Report |
| <ul style="list-style-type: none"><li>• Cabrera Property<br/>126 Hortontown Road, Kent, NY<br/>TM: 19.-1-35</li></ul>     | Erosion Control Plan                                | Status Report |
| <ul style="list-style-type: none"><li>• Von Rosenvinge Property<br/>451 Pudding St., Kent, NY<br/>TM: 31.17-1-7</li></ul> | Erosion Control Plan<br>for In-Ground Swimming Pool | Status Report |



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## MEMORANDUM

**TO:** Town of Kent Planning Board  
**CC:** Bill Walters  
Julie Mangarillo  
Bruce Barber  
**FROM:** Liz Axelson, AICP  
**DATE:** May 14, 2019  
**RE:** Putnam Nursing & Rehabilitation Center Addition Site Plan, 404 Ludingtonville Road, Holmes, Tax Parcels No. 12.-3-40 & 41 / CPL# 14820.00

I reviewed the materials listed at the end of this memorandum; online mapping sources; and the Code of the Town of Kent, Chapter 77, Zoning. Based on my review I offer the following comments for the Board's consideration:

### Summary

1. The proposal involves site plan; erosion control; and wetland permit approvals for the renovation of and addition to an existing nursing home and other improvements to be made on an approximately 10.9-acre site developed and partially wooded lot (see tax parcels listed above) in the R-80 (One Family Residence) zoning district.
2. My review is limited to the Zoning and planning comments below. I defer to the Planning Board's Consulting Engineer and Environmental Consultant review for all other aspects of the project.
3. On January 10, 2019, the Planning Board made a simple motion to send the March 3, 2015 Planning Department memorandum and attachments to the Town Board for discussion of a zoning text amendment to allow nursing homes in the R-80 Zoning District. In their resolution the Board recommended that the Town Board set a public hearing and consider action on the zoning amendment. See Zoning comments below.

### SEQRA

4. I have no further comments on the Full EAF; and defer to the Planning Board's Environmental Consultant for review of Full EAF section D. and E. pertaining to other aspects of the project.

### Zoning & Site Plan

5. During initial review of this application at the October 4, 2018 Planning Board Workshop, it was noted the proposed use is not listed as either a principal use or a special permit use in the R-80 district. Ordinarily, a low-density residential district would allow this type of alternate care housing. Zoning provisions for nonconforming uses were reviewed, specifically in section 77-47. B., yet the proposal would exceed the twenty-five percent (25%) enlargement allowed.
6. Discussion of a zoning text amendment that had been initiated in 2015 indicates this is not a new zoning concern. Please refer to the enclosed March 3, 2015 Planning Department memorandum pointing to the Planning Board's intent to suggest that the Town Board remedy zoning oversight. Based in part on my prior comments the Planning Board sent a recommendation to the Town Board as described above. A Town Board public hearing on the recommended zoning amendment to allow nursing homes in the R-80 Zoning District is set for May 21, 2019.



7. At the October 11, 2018 Planning Board meeting, I recommended that the parcels, which make up the site be merged into a single tax parcel. Since that meeting the Applicant's Architect informed me that it is preferred by the Applicant and their Representatives that tax parcel 40 (the nursing home lot), which is federally financed, remain separate. My understanding is that this is because the adjoining tax parcel 41, which is undeveloped and intended for new employee parking, is separately financed; and that the owner may consider amending its legal description to include cross easements and access right of ways for the two parcels. This proposal was presented in an email from the Applicant's Architect. Submit project narrative for the Planning Board's consideration.
8. I note that based on tax parcel information, two separate entities that own the two lots, which make up the project site: Putnam Operations Acquisition I, LLC; and Putnam Operations Acquisition II, LLC. Provide copies of deeds for the Planning Board's files.
9. The Applicant's representatives have offered cross access easements and access rights of way, which would address certain aspects of the combined use of 2 lots as a single land development. These measures seem to be more permissive and may not sufficiently bind the separately-owned lots together as the site for an approved site plan, which would be enforceable by the Town of Kent. Clear plan notation and other information must address the following:
  - a. Prior comments requested, and the survey sheet now shows an area as a "Proposed Cross Easement for Development, Use, Access & Stormwater Control" with a boundary description. Add notation about its use by Parcel I; and referencing related legal instruments. Provide a copy of these instruments for review by the Planning Board Attorney.
  - b. Add similar notation to sheet L1.0 and show the easement on L1.0.
  - c. Since the two lots are owned by different entities, identify a single entity that would have the authority for control of the entire site and the use thereof. "Putnam Nursing and Rehabilitation Center" is noted on plan sheet L1.0, yet this appears to describe the facility, not necessarily a controlling entity. A legal instrument describing the controlling entity must be referenced in plan notation. Provide a copy of the instrument for review by the Planning Board Attorney.
10. Town zoning tables are now included on the plans for each of the 2 lots with the northern lot as the location for the nursing home and nearly all required improvements. While the zoning table for the northern lot, Parcel I (Tax Parcel No. 12.-3-40) is complete and accurate, provide a complete table for Parcel II (Tax Parcels No. 12.-3-41) with the parking and pre-existing, noncomplying dumpster demonstrating how each aspect of the lot and bulk requirements for the R-80 district for a use accessory to a nursing home, as set forth in zoning section 77-8, A. through H., either:
  - a. Complies with the requirement (list front and rear dumpster setbacks);
  - b. Can be considered as a pre-existing, noncomplying condition (5-acre minimum lot requirement and area less than 5 acres; and list side dumpster setbacks); or
  - c. Would require an area variance.
11. Regarding the zoning lot and bulk requirements table presented on plan sheet T1.0, address the following:
  - a. Neither lot complies with the existing R-80 minimum lot width requirement of 250'; and would be pre-existing noncomplying. However, the values in the table could not be verified as the map scales may not be accurate due to the size of various plan sheets.
  - b. Neither lot complies with the existing R-80 minimum lot frontage requirement of 250'; and would be pre-existing noncomplying. However, the values in the table could not be verified as the map scales may not be accurate due to the size of various plan sheets.
  - c. While existing and proposed values are provided for both Parcels I and II corresponding to the maximum impervious surface coverage requirement (30%), these values must supported by the total building footprints plus all impervious surfaces in SF.



12. Regarding the design standards in zoning section 77-9, address the following:
  - a. Explain why a portion of the proposed paved area in Lot 41 is excluded from the limit of disturbance. Revise the limit of disturbance line or label the area excluded therefrom.
  - b. Expand and revise the landscaping plan to address the following:
    - i. Add buffer plantings along the site frontage, including evergreen trees to obscure the view of parking from Ludingtonville Road.
    - ii. Label existing tree rows and wooded areas to remain as appropriate.
    - iii. Show existing and proposed lawn or meadow areas.
    - iv. Consider plantings at the top of the bioretention areas; and detention pond.
    - v. Add a tree planting detail.
    - vi. Clarify why there are 2 plant schedules.
    - vii. Revise plant lists to include more native varieties.
    - viii. Add notation about preserving the integrity of the landscaping for the life of the site.
  - c. Add a planted island to enhance the look of the driveway and guide traffic flow. Include directional signs. This improvement would also address parking and site treatment requirements. See comments below.
13. Clearly show any existing and proposed signs, labeling their locations, including any freestanding or wall-mounted signs. Address any pertinent general requirements in zoning section 77-35; and requirements for signs in residential districts as per section 77-36. Provide a tabular summary of existing and proposed signs including pertinent sign requirements. Signage will be reviewed in detail later.
14. Provide a lighting plan complying with zoning section 77-44.3. A. through D. Address existing and proposed lighting, including illumination of the employee parking area.
15. Revise the plans to address the required site plan information in section 77-60. F, as follows:
  - a. On the survey sheet label the main building as nursing home or nursing and rehabilitation center, yet not hospital.
  - b. Similarly, on the Layout Plan and related plan sheets, label the main building as nursing home or nursing and rehabilitation center.
  - c. Label any fire access roads and fire protection features.
  - d. As per the zoning sections cited above, show the location, height, size and design of all signs.
  - e. Show and label traffic circulation patterns including directional signage.
  - f. While a Planning Board signature block is provided, contact the Planning Board Secretary for the typical text and format, which should indicate it is site plan; and probably include the following information:  
 "Approval is hereby granted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 Town of Kent Planning Board  
 Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by      Chairman: \_\_\_\_\_"

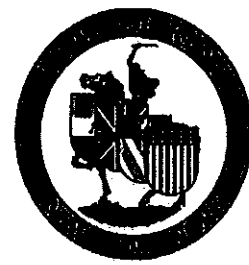
### Recommendation

16. The Planning Board should direct the applicant to:
  - a. address the comments above; and
  - b. provide additional information for a complete application.
17. Since the application is not be complete, no action is required by the Planning Board at this time.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at [eaxelson@CPLteam.com](mailto:eaxelson@CPLteam.com).

Materials Reviewed

- Transmittal Memorandum by David Schlosser, AIA, Schopfer Architects, LLP, dated February 28, 2019 with list of drawings;
- Response letter prepared by David A. Schlosser, AIA, Schopfer Architects, LLP, dated February 28, 2019 referring to the following Exhibits:
  - o Exhibit 1: Owner Documentation, dated May 2014;
  - o Exhibit 2: Description of Proposed Cross Easement For Development, Use, Access & Stormwater Control, not dated;
  - o Exhibit 3: Memo from Julie S. Mangarillo, P.E., dated October 5, 2018;
  - o Exhibit 4: Memo from Bruce Barber, dated October 9, 2018;
  - o Exhibit 5: Memo from Liz Axelson, dated December 11, 2018;
- Disclosure of Business Interest, signed by David Schlosser, undated;
- Application for Site Plan; Freshwater Wetland; and Steep Slope & Erosion Control signed August 21, 2018, revised February 28, 2019, with affidavits and certification;
- Architectural Narrative prepared by Schopfer Architects, LLP, dated August 21, 2018, revised February 28, 2019;
- Full Environmental Assessment Form, signed August 21, 2018, revised February 28, 2019;
- SWPPP Acceptance Form with attached FEMA Map, unsigned, undated;
- Geotechnical Report prepared by Kevin Patton, PE, dated December 3, 2018;
- Wetland Functions & Values Assessment prepared by David Griggs, ERS Consultants, Inc., dated December 14, 2018;
- Title Sheet prepared by David Schlosser, RA, Schopfer Architects, LLP, entitled Additions and Renovations (or Renovations and Additions) Putnam Nursing and Rehabilitation Center, dated February 18, 2019, revised February 28, 2019;
- Topographic Survey of Property Situate in the Town of Kent, Putnam County, New York, prepared by Eric J. Link, LS, Link Land Surveyors, P.C., dated July 11, 2013, revised February 13, 2019;
- Plans prepared by David A. Getz, P.E., Lehman & Getz, PC, entitled Renovations and Additions Putnam Nursing and Rehabilitation Center, dated February 21, 2018, revised February 19, 2019, except as noted below, including the following:
  - o Layout Plan;
  - o Grading and Utility Plan;
  - o Erosion and Sediment Control Plan;
  - o Removals Plan;
  - o Profiles and Details;
  - o Profiles and Details;
  - o Project Watershed, revised December 18, 2018; and
  - o Existing Conditions Slope Map, revised December 18, 2018.



Office (845) 306-5597

Fax (845) 225-5130

Email: [buildinginspector@townofkentny.gov](mailto:buildinginspector@townofkentny.gov)

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

April 18<sup>th</sup>, 2019

RE: Putnam Nursing and Rehabilitation Center  
404 Ludingtonville Rd. – TM 12.-3-40

To whom it may concern;

After the planning board meeting that was conducted on April 11, 2019, it was discussed that the trash compactor and its associated equipment dealing with its location with the planner Liz Axelson. I have viewed and inspected this equipment during my employment as the Town Fire inspector as far back as October 5<sup>th</sup>, 1998. This equipment has not moved since that time. As now the Town Building Inspector, in my opinion this equipment is pre-existing non-conforming accessory use to the main building.

Any further question on this matter you can contact me at any time at 845-225-3900 or [buildinginspector@townofkentny.gov](mailto:buildinginspector@townofkentny.gov)

Respectfully

Town of Kent  
Building Inspector



# Memorandum

**To:** Planning Board  
Town of Kent

**Attn:** Philip Tolmach  
Chairman

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

**Subject:** Amended Site Plan, Erosion Control  
Permit, Wetland Permit

**Date:** May 13, 2019

**Project:** Putnam Nursing & Rehabilitation  
Center Renovations & Addition  
TM # 12.-3-40 & 41

The following materials were reviewed:

- Cover letter dated 2/28/2019
- Putnam Acquisition I, LLC Incumbency Certificated, dated May 2014
- Description of Proposed Cross Easement for Development, Use, Access & Stormwater Control, prepared by Link Land Surveyors, P.C., undated
- Combined Application Form, signed August 21, 2018, revised 2/28/2019 including Disclosure of Business Interest Form and
  - Exhibit 1 – Architectural Narrative dated August 21, 2018, revised 2/28/2019
- Full Environmental Assessment Form (EAF), signed August 21, 2018, revised 2/28/2019
- MS4 SWPPP Acceptance Form, with Sections I and II completed
- National Flood Hazard Layer Firmette, dated 12/18/2018
- Putnam Nursing – Wetland Functions & Values Assessment, prepared by ERS Consultants, Inc., dated December 14, 2018
- Geotechnical Investigation Report, prepared by Kevin L. Patton, P.E., dated December 3, 2018
- Stormwater Pollution Prevention Plan (SWPPP) prepared by Lehman & Getz, P.C. Consulting Engineers, dated 2/21/2018, revised 2/19/2019, including Notice of Intent (NOI)
- Erosion Control Bond Estimate prepared by Lehman & Getz, P.C., dated 8/21/2018
- Drawing set prepared by Schopfer Architects LLP, including:
- Drawing-T1.0-Cover Sheet -Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Schopfer Architects, LLP, revised 2/28/2019
- Drawing-Topographic Survey - 404 Ludingtonville Road, prepared by Link Land Surveyors P.C. dated 7/11/13 amended 8/10/17, last revised 2/13/2019
- Drawing-L1.0-Layout Plan -Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., last revised 2/19/2019,
- Drawing-L1.1-Grading and Utility Plan- Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., last revised 2/19/2019,
- Drawing-L1.2-Erosion and Sediment Control Plan- Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., revised 2/19/2019
- Drawing-L1.3-Removals Plan- Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., last revised 2/19/2019,

- Drawing-L1.4-Profiles & Details, Sheet 1- Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., last revised 2/19/2019,
- Drawing-L1.5-Profiles & Details, Sheet 2 -Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., last revised 2/19/2019,
- Drawing-E-1-Project Watershed -Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., LLP, last revised 12/18/2018
- Drawing-E-2-Existing Conditions Slope Map -Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., LLP, last revised 12/18/2018

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

The project proposes construction of an addition to the Putnam Nursing and Rehabilitation Center. Proposed site work includes construction of a new parking lot and stormwater management facilities. Project will not increase the number of beds.

Since the last submittal, there has been extensive improvement for the access that reaches the rear of the property, both for emergency vehicles and maintenance vehicles to the treatment plant.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated October 5, 2018:

1. Refer to Combined Application Form –
  - c. Provide a copy of the deed(s)
    - i. **The 2/28/2019 response letter indicates deed "to be provided by Owner under separate cover." Deeds have not been received at this time.**
2. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
5. Provide an erosion and sediment control only SWPPP in accordance with GP-0-15-002. Provide required information from Part III.B including:
  - d. Please note – With issuance of new NYSDEC General Permit GP-0-15-002, per Part I.B.1.b 'Soil Stabilization' "In areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased...*" (emphasis added).
    - i. Revise wording regarding time frames on Drawing L1.2 "Erosion Control Notes" #5 and 7. Also in the SWPPP Narrative (Appendix D), under Stabilization Practices.

1. **Notes #5 & 7 still need to be revised on L1.2. The SWPPP Narrative, Appendix D, under Stabilization Practices still has a reference to 14 days.**
10. An erosion control bond estimate of \$13,030 was included with the submittal. A separate bond estimate for long term stormwater management facilities will have to be provided. In addition, agreements and easements for the stormwater management facilities with the Town will have to be prepared by the Planning Board Attorney. At this time, we recommend waiting to approve the bond amount until further in the review and approval process.
  - a. **Acknowledged. Stormwater management facility bond estimate has not been received at this time.**
11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
  - a. **Acknowledged.**
12. We defer to the Planning Board's environmental consultant regarding wetland issues.
13. We defer to the Planning Board's planning consultant regarding planning and zoning issues.

**New Comments:**

1. Submit signed Notice of Intent prior to final approval.
2. Provide information in the SWPPP or on the drawings regarding Soil Restoration. Refer to question 27a, on page 8 of the Notice of Intent.
3. Soils and depth to rock information is required for both the DEC general permit and Town of Kent erosion control permit. The Geotechnical Investigation Report, prepared by Kevin L. Patton, dated 12/3/2018 is to be incorporated into the SWPPP.
4. Provide notes on the drawing requiring any sediment tracked onto Ludingtonville Road will be removed promptly.
5. Proposed cross easement will have to be reviewed and approved by the Planning Board's attorney.
6. The revised drawings are to be submitted to the Fire Department for review and comment. The Fire Department may request input from the Planning Board's Fire Code consultant.

As additional information is provided, additional comments may be offered.

  
Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
15-261-220

Bruce Barber via email  
Liz Axelson via email



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## MEMORANDUM

**TO:** Town of Kent Planning Board  
**CC:** Bill Walters  
Julie Mangarillo  
Bruce Barber  
**FROM:** Liz Axelson, AICP  
**DATE:** May 14, 2019  
**RE:** Putnam Nursing & Rehabilitation Center Addition Site Plan, 404 Ludingtonville Road, Holmes, Tax Parcels No. 12.-3-40 & 41 / CPL# 14820.00

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12. Regarding the design standards in zoning section 77-9, address the following:
  - a. Explain why a portion of the proposed paved area in Lot 41 is excluded from the limit of disturbance. Revise the limit of disturbance line or label the area excluded therefrom.
  - b. Expand and revise the landscaping plan to address the following:
    - i. Add buffer plantings along the site frontage, including evergreen trees to obscure the view of parking from Ludingtonville Road.
    - ii. Label existing tree rows and wooded areas to remain as appropriate.
    - iii. Show existing and proposed lawn or meadow areas.
    - iv. Consider plantings at the top of the bioretention areas; and detention pond.
    - v. Add a tree planting detail.
    - vi. Clarify why there are 2 plant schedules.
    - vii. Revise plant lists to include more native varieties.
    - viii. Add notation about preserving the integrity of the landscaping for the life of the site.
  - c. Add a planted island to enhance the look of the driveway and guide traffic flow. Include directional signs. This improvement would also address parking and site treatment requirements. See comments below.
13. Clearly show any existing and proposed signs, labeling their locations, including any freestanding or wall-mounted signs. Address any pertinent general requirements in zoning section 77-35; and requirements for signs in residential districts as per section 77-36. Provide a tabular summary of existing and proposed signs including pertinent sign requirements. Signage will be reviewed in detail later.
14. Provide a lighting plan complying with zoning section 77-44.3. A. through D. Address existing and proposed lighting, including illumination of the employee parking area.
15. Revise the plans to address the required site plan information in section 77-60. F, as follows:
  - a. On the survey sheet label the main building as nursing home or nursing and rehabilitation center, yet not hospital.
  - b. Similarly, on the Layout Plan and related plan sheets, label the main building as nursing home or nursing and rehabilitation center.
  - c. Label any fire access roads and fire protection features.
  - d. As per the zoning sections cited above, show the location, height, size and design of all signs.
  - e. Show and label traffic circulation patterns including directional signage.
  - f. While a Planning Board signature block is provided, contact the Planning Board Secretary for the typical text and format, which should indicate it is site plan; and probably include the following information:  
 "Approval is hereby granted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 Town of Kent Planning Board  
 Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by      Chairman: \_\_\_\_\_"

#### Recommendation

16. The Planning Board should direct the applicant to:
  - a. address the comments above; and
  - b. provide additional information for a complete application.
17. Since the application is not be complete, no action is required by the Planning Board at this time.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at [eaxelson@CPLteam.com](mailto:eaxelson@CPLteam.com).

Materials Reviewed

- Transmittal Memorandum by David Schlosser, AIA, Schopfer Architects, LLP, dated February 28, 2019 with list of drawings;
- Response letter prepared by David A. Schlosser, AIA, Schopfer Architects, LLP, dated February 28, 2019 referring to the following Exhibits:
  - o Exhibit 1: Owner Documentation, dated May 2014;
  - o Exhibit 2: Description of Proposed Cross Easement For Development, Use, Access & Stormwater Control, not dated;
  - o Exhibit 3: Memo from Julie S. Mangarillo, P.E., dated October 5, 2018;
  - o Exhibit 4: Memo from Bruce Barber, dated October 9, 2018;
  - o Exhibit 5: Memo from Liz Axelson, dated December 11, 2018;
- Disclosure of Business Interest, signed by David Schlosser, undated;
- Application for Site Plan; Freshwater Wetland; and Steep Slope & Erosion Control signed August 21, 2018, revised February 28, 2019, with affidavits and certification;
- Architectural Narrative prepared by Schopfer Architects, LLP, dated August 21, 2018, revised February 28, 2019;
- Full Environmental Assessment Form, signed August 21, 2018, revised February 28, 2019;
- SWPPP Acceptance Form with attached FEMA Map, unsigned, undated;
- Geotechnical Report prepared by Kevin Patton, PE, dated December 3, 2018;
- Wetland Functions & Values Assessment prepared by David Griggs, ERS Consultants, Inc., dated December 14, 2018;
- Title Sheet prepared by David Schlosser, RA, Schopfer Architects, LLP, entitled Additions and Renovations (or Renovations and Additions) Putnam Nursing and Rehabilitation Center, dated February 18, 2019, revised February 28, 2019;
- Topographic Survey of Property Situate in the Town of Kent, Putnam County, New York, prepared by Eric J. Link, LS, Link Land Surveyors, P.C., dated July 11, 2013, revised February 13, 2019;
- Plans prepared by David A. Getz, P.E., Lehman & Getz, PC, entitled Renovations and Additions Putnam Nursing and Rehabilitation Center, dated February 21, 2018, revised February 19, 2019, except as noted below, including the following:
  - o Layout Plan;
  - o Grading and Utility Plan;
  - o Erosion and Sediment Control Plan;
  - o Removals Plan;
  - o Profiles and Details;
  - o Profiles and Details;
  - o Project Watershed, revised December 18, 2018; and
  - o Existing Conditions Slope Map, revised December 18, 2018.



# Memorandum

**To:** Planning Board  
Town of Kent

**Attn:** Philip Tolmach  
Chairman

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

**Subject:** Amended Site Plan, Erosion Control  
Permit, Wetland Permit

**Date:** May 13, 2019

**Project:** Putnam Nursing & Rehabilitation  
Center Renovations & Addition  
TM # 12.-3-40 & 41

**The following materials were reviewed:**

- Cover letter dated 2/28/2019
- Putnam Acquisition I, LLC Incumbency Certificated, dated May 2014
- Description of Proposed Cross Easement for Development, Use, Access & Stormwater Control, prepared by Link Land Surveyors, P.C., undated
- Combined Application Form, signed August 21, 2018, revised 2/28/2019 including Disclosure of Business Interest Form and
  - Exhibit 1 – Architectural Narrative dated August 21, 2018, revised 2/28/2019
- Full Environmental Assessment Form (EAF), signed August 21, 2018, revised 2/28/2019
- MS4 SWPPP Acceptance Form, with Sections I and II completed
- National Flood Hazard Layer Firmette, dated 12/18/2018
- Putnam Nursing – Wetland Functions & Values Assessment, prepared by ERS Consultants, Inc., dated December 14, 2018
- Geotechnical Investigation Report, prepared by Kevin L. Patton, P.E., dated December 3, 2018
- Stormwater Pollution Prevention Plan (SWPPP) prepared by Lehman & Getz, P.C. Consulting Engineers, dated 2/21/2018, revised 2/19/2019, including Notice of Intent (NOI)
- Erosion Control Bond Estimate prepared by Lehman & Getz, P.C., dated 8/21/2018
- Drawing set prepared by Schopfer Architects LLP, including:
- Drawing-T1.0-Cover Sheet -Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Schopfer Architects, LLP, revised 2/28/2019
- Drawing-Topographic Survey - 404 Ludingtonville Road, prepared by Link Land Surveyors P.C. dated 7/11/13 amended 8/10/17, last revised 2/13/2019
- Drawing-L1.0-Layout Plan -Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., last revised 2/19/2019,
- Drawing-L1.1-Grading and Utility Plan- Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., last revised 2/19/2019,
- Drawing-L1.2-Erosion and Sediment Control Plan- Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., revised 2/19/2019
- Drawing-L1.3-Removals Plan- Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., last revised 2/19/2019,

- Drawing-L1.4-Profiles & Details, Sheet 1- Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., last revised 2/19/2019,
- Drawing-L1.5-Profiles & Details, Sheet 2 -Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., last revised 2/19/2019,
- Drawing-E-1-Project Watershed -Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., LLP, last revised 12/18/2018
- Drawing-E-2-Existing Conditions Slope Map -Renovations and Additions-Putnam Nursing and Rehabilitation Center, prepared by Lehman & Getz, P.C., LLP, last revised 12/18/2018

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

The project proposes construction of an addition to the Putnam Nursing and Rehabilitation Center. Proposed site work includes construction of a new parking lot and stormwater management facilities. Project will not increase the number of beds.

Since the last submittal, there has been extensive improvement for the access that reaches the rear of the property, both for emergency vehicles and maintenance vehicles to the treatment plant.

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated October 5, 2018:

1. Refer to Combined Application Form –
  - c. Provide a copy of the deed(s)
    - i. **The 2/28/2019 response letter indicates deed "to be provided by Owner under separate cover." Deeds have not been received at this time.**
2. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002.
5. Provide an erosion and sediment control only SWPPP in accordance with GP-0-15-002. Provide required information from Part III.B including:
  - d. Please note – With issuance of new NYSDEC General Permit GP-0-15-002, per Part I.B.1.b 'Soil Stabilization' "In areas where soil disturbance activity has temporarily or permanently ceased..." and "...is located in one of the watersheds listed in Appendix C [Entire New York City Watershed located east of the Hudson River] the *application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days* from the date the current soil disturbance activity ceased..." (emphasis added).
    - i. **Revise wording regarding time frames on Drawing L1.2 "Erosion Control Notes" #5 and 7. Also in the SWPPP Narrative (Appendix D), under Stabilization Practices.**

1. **Notes #5 & 7 still need to be revised on L1.2. The SWPPP Narrative, Appendix D, under Stabilization Practices still has a reference to 14 days.**
10. An erosion control bond estimate of \$13,030 was included with the submittal. A separate bond estimate for long term stormwater management facilities will have to be provided. In addition, agreements and easements for the stormwater management facilities with the Town will have to be prepared by the Planning Board Attorney. At this time, we recommend waiting to approve the bond amount until further in the review and approval process.
  - a. **Acknowledged. Stormwater management facility bond estimate has not been received at this time.**
11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
  - a. **Acknowledged.**
12. We defer to the Planning Board's environmental consultant regarding wetland issues.
13. We defer to the Planning Board's planning consultant regarding planning and zoning issues.

**New Comments:**

1. Submit signed Notice of Intent prior to final approval.
2. Provide information in the SWPPP or on the drawings regarding Soil Restoration. Refer to question 27a, on page 8 of the Notice of Intent.
3. Soils and depth to rock information is required for both the DEC general permit and Town of Kent erosion control permit. The Geotechnical Investigation Report, prepared by Kevin L. Patton, dated 12/3/2018 is to be incorporated into the SWPPP.
4. Provide notes on the drawing requiring any sediment tracked onto Ludingtonville Road will be removed promptly.
5. Proposed cross easement will have to be reviewed and approved by the Planning Board's attorney.
6. The revised drawings are to be submitted to the Fire Department for review and comment. The Fire Department may request input from the Planning Board's Fire Code consultant.

As additional information is provided, additional comments may be offered.

  
Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
15-261-220

Bruce Barber via email  
Liz Axelson via email



# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

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

Subject: Erosion Control Plan –  
Completeness Review

Date: May 20, 2019

Project: Fregosi – Kentview Drive  
TM # 10.20-1-69

The following materials were reviewed:

- Cover letter prepared by Roy Fredriksen, P.E., dated March 20, 2019
- Letter NYSDEC Division of Environmental Permits, Region 3, April 6, 2018
- Certification of Professional Engineer
- Drawings prepared by Roy Fredriksen, PE
  - Stormwater Pollution Prevention Plan (Erosion & Sediment Control) revised 3/20/2019
- Notice of Intent (NOI) revised 3/20/2019

The project proposes construction of a single family house with individual well, septic and driveway. The parcel is a pre-existing, non-conforming lot for lot width. Information provided seems to indicate Putnam County Health Department approval for well and septic is in progress.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated May 10, 2018:

4. Provide the following information as required by Town Code Chapter 66-6.B.2:
  3. §66-6.B.2.h – Provide "the details of any surface or subsurface drainage systems proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion."
    - i. Include additional notes for home owner for long term maintenance and operation of the infiltrators and the infiltration trench. Provide field testing to prove sufficient distance from bedrock or water table.
  4. **5/20/2019** - Response letter states "the long term maintenance is included on the Infiltration Detail. Deep holes were dug in the area of infiltrators to a depth of 7 feet."

**There is a note regarding inspection and maintenance for the "Infiltration Trench". No similar note could be located for the**

**the Cultec Recharger. Notes for long-term inspection and maintenance are to be easy to locate on the drawing by future homeowners.**

**Provide field report with location of deep holes for infiltrators.**

9. Refer to the Drawings:

- c. Based on the experience of the adjacent homeowner, a catchbasin may be recommended at the inside corner of the driveway to prevent road runoff from flowing onto the driveway near the garage and creating an icing condition.
  - i. 9/28/2018 - If applicant prefers not to have a catchbasin in this location, state this in response letter.
  - ii. 5/20/2019 – This item was not addressed in the response letter. A catchbasin is not proposed on the inside corner of the driveway in the latest submittal. Based on this, it is assumed the applicant does not want a catchbasin in that location. This item is considered complete.

- 10. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.

The following comments are provided for the Planning Board's consideration from a memo dated July 12, 2018:

9. Provide Health Department approvals when available.

- a. 5/20/2019 – Copies of Health Dept approvals have not been received.

The following comments are provided for the Planning Board's consideration from a memo dated September 27, 2018:

- 3. Label distance from septic to infiltrators. Confirm the infiltrators are included on drawing submitted to/approved by the Health Department.
  - a. 5/20/2019 – Distance has been labeled. Provide confirmation that infiltrators are included on the drawing approved by the Health Department.

**New Comments:**

- 1. Provide detail for yard basins.
- 2. Per 3/20/2019 response letter, #6, "The driveway has a positive grade along Kentview Drive to guide rain water past the lot." This is contrary to Town driveway code which requires the 1<sup>st</sup> 30 feet of a driveway to slope down and away from the road. This is also within the Town road right of way. This request for change to driveway standard has been forwarded to Richard Othmer, Jr, the Highway Superintendent for review and approval.
  - a. Via email on 5/17/2019, Richard Othmer has indicated the driveway proposal is acceptable. This comment is considered complete.



3. Per letter from Richard Othmer, Jr, Highway Superintendent, dated April 1, 2019, to the Planning Board regarding final approvals, add a note to the drawing that reads, "The Owner will make modifications to the driveway as required by the Highway Superintendent."
4. The note on the drawing above the driveway profile "No construction chemicals allowed on site" will be difficult to comply with. We believe this note is in response to the requirement from NYSDEC GP-0-15-002 Part III.B.1.j - "A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges." To address this requirement, notes typically include language like construction chemicals, (including paint, adhesives, cleaners, etc,) will be stored in closed containers, in quantities limited to the project needs and protected from rain and wind.
5. Provide written response with future submittals stating how the comments have been addressed.



Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
18-261-999-158

Bruce Barber via email  
Liz Axelson via email

## Indiana Bat Project Review Fact Sheet New York Field Office

The following fact sheet is intended to provide information to assist project sponsors, as well as any involved Federal and State agencies, with the review of activities that occur within the likely range of the Indiana bat (*Myotis sodalis*) within the State of New York. This fact sheet can be used to assist with compliance with the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). **PLEASE NOTE - this fact sheet does not apply to wind development projects as they involve many unique considerations.** Contact the U.S. Fish and Wildlife Service (Service) directly for technical assistance for wind projects. In addition, information on evaluating impacts from wind projects on Indiana bats can be found at <http://www.fws.gov/midwest/endangered/mammals/inba/WindEnergyGuidance.html>.

### *Background*

The Indiana bat is federally- and New York State-listed as an endangered species with a range that extends from the Midwest to northeastern and southeastern parts of the United States. Additional information on Indiana bat occurrences can be found at <http://ecos.fws.gov> and <https://www.fws.gov/northeast/nyfo/es/NYSpecies.htm>.

The Indiana bat typically hibernates in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer, and fall. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags with exfoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. The minimum size roost tree observed to date is 2.5 inches diameter breast height (d.b.h.) for males and 4.3 inches d.b.h. for females. However, maternity colonies generally use trees greater than or equal to 9 inches d.b.h. Overall, roost tree structure appears to be more important to Indiana bats than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. However, shaded roosts may be preferred in very hot conditions. As larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees. Additional information on potentially suitable summer habitat can be found in the Draft Indiana Bat Recovery Plan (Service 2007) at <http://www.fws.gov/northeast/nyfo/es/IndianaBatapr07.pdf> and at <http://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html>

Streams associated with floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) where abundant supplies of flying insects are likely found, provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts on a regular basis. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures (Service 2007). While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.

Threats include disease (white-nose syndrome), habitat loss or degradation, human disturbance, contaminants, and collision with wind turbines.

**Indiana Bat Project Review Fact Sheet**  
**New York Field Office**

*Evaluation of Presence or Probable Absence*

To determine whether the proposed project site may be occupied by the Indiana bat, the Service recommends the following analytical approach<sup>1</sup>:

Step 1. Is the proposed project within an area<sup>2</sup> identified by the Service as known or likely to contain Indiana bats?

- No: No further coordination regarding the Indiana bat is necessary at this time.
- Yes: Proceed to Step 2.

Step 2. Is there existing information regarding probable presence/absence of Indiana bats (*e.g.*, proximity to hibernacula, prior summer netting/acoustics)<sup>3</sup>?

- No: Proceed to Step 3.
- Yes: Document existing information and coordinate with the Service.

Step 3. Is there any suitable Indiana bat habitat<sup>4</sup> present within the proposed action project area?

- No: No further coordination regarding the Indiana bat is necessary at this time.
- Yes: Determine whether the proposed project involves any effects to Indiana bats.

*Determination of Effects*

Determine for each project whether effects to Indiana bats or their habitat are expected. If there are impacts to habitat while bats are not present, assess the scale and scope of those impacts to determine whether bats returning in the spring may be affected.

For example, consider whether a project may result in temporary or permanent increases in noise, vibration, dust, chemical use, lighting, vehicle use, and general levels of human activity. Also, consider whether a project may result in temporary or permanent loss, degradation, and/or fragmentation of roosting, foraging, swarming, commuting, or wintering habitat.

Certain transportation projects have already been evaluated and processes developed in accordance with a Rangewide Consultation and Conservation Strategy:

<https://www.fws.gov/Midwest/endangered/section7/fhwa/>

*Surveys for Indiana Bats*

Should suitable Indiana bat habitat be present and should the proposed project have the potential for impacting Indiana bats, coordinate with the Service to determine whether 1) assuming presence or 2) conducting surveys<sup>5</sup> is the best approach. Due to the limited time frame when bat surveys can be completed and in order to avoid project delays, it is strongly recommended that the project sponsor (or involved Federal agency) contact the Service as early as possible during

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<sup>1</sup> This reflects our current understanding but future studies may require a revision to this guidance.

<sup>2</sup> <https://ecos.fws.gov/ipac/>

<sup>3</sup> <http://www.fws.gov/northeast/nyfo/es/NYSpecies.htm> and <http://www.dec.ny.gov/animals/38801.html>

<sup>4</sup> <http://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html>

<sup>5</sup> <http://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html>

## Indiana Bat Project Review Fact Sheet New York Field Office

project planning to determine if surveys or additional avoidance and/or minimization measures are appropriate. Should Indiana bat presence be detected, the Service should be contacted immediately for further assistance in determining whether your action may impact Indiana bats. If no bats are detected after protocol surveys, submit the results as soon as possible for our review in accordance with the timeframes agreed upon during the review of the survey scope of work.

### *Conservation Measures*

Conservation measures are designed to minimize the likelihood of adverse impacts or result in beneficial effects to Indiana bats from projects. The following guidance represents general recommendations that may be incorporated into the proposed project design as appropriate.

### Project Siting

- Avoid removing or damaging documented roosts or trees surrounding roosts.
- Avoid impacts to forest patches with documented roosts/foraging use (*e.g.*, forest within 0.25 mile of known roosts).
- Minimize impacts to all forest patches.
- Maintain forest patches and forested connections (*e.g.*, hedgerows, riparian corridors) between patches.
- Maintain natural vegetation between forest patches/connections and developed areas.
- Maintain at least 35%<sup>6</sup> of forest habitat within maternity colony home range<sup>7</sup>.
- Restore and/or protect on- and off-site habitat.
- Avoid impacting potential roost trees to the greatest extent practicable
  - Retain standing live trees that have exfoliating (separated from cambium) bark.
  - Retain black locust, shellbark, shagbark, and bitternut hickories as possible, regardless of size or condition (live, dead, or dying).
  - Retain standing snags as much as possible regardless of species.

### Project Construction

- When >10 miles from a P3 or P4 hibernaculum or >20 miles from a P1 or P2 hibernaculum<sup>8</sup>, but within the summer range of the Indiana bat, the clearing of potential roost trees, generally  $\geq 4$  inches should occur from October 1 through March 31<sup>9</sup>.
- When <10 miles from a P3 or P4 hibernaculum or <20 miles from a P1 or P2 hibernaculum, clearing should be conducted from October 31 to March 31.
- Use bright flagging/fencing to demarcate trees to be cleared.

<sup>6</sup> Minimum % forest cover within Indiana bat maternity colony home range (NYSDEC unpublished data)

<sup>7</sup> For explanation of how to delineate Indiana bat maternity colony home range, please see the Indiana Bat Section 7 and Section 10 Guidance for Wind Energy Projects document located at <http://www.fws.gov/midwest/Endangered/mammals/inba/index.html>

<sup>8</sup> See Service 2007 for definitions of Priority 1-4 hibernacula. Contact the NYFO for information regarding the closest hibernaculum to your project

<sup>9</sup> Site specific information may allow for deviations from the listed dates. Also, there may be cases (*e.g.*, very small number of trees) when we believe the likelihood of impacts is low regardless of when tree removal occurs.

**Indiana Bat Project Review Fact Sheet**  
**New York Field Office**

**Project Operations/Maintenance**

- Minimize lighting impacts (*e.g.*, limit number of lights, direct lights downward, fully shield lights, use motion sensors or timers).
- Conduct activities in a manner that will minimize impacts to potential drinking water sources for bats.

As we better understand a given proposed project, including any proposed conservation measures for Indiana bats, we may have additional recommendations. Project sponsors should seek assistance from the Service to develop these measures.

*Information to Provide to the Service*

The project's environmental documents should identify project activities that might result in impacts to the Indiana bat or their habitat. Information on any potential impacts and the results of any recommended habitat analyses or surveys for the Indiana bat should be provided to the New York Field Office and will be used to evaluate potential impacts to the Indiana bat and/or their habitat, and to determine the need for further coordination or consultation pursuant to the ESA. We encourage the project sponsor to submit these materials as early in the planning process as possible to all appropriate parties (*e.g.*, involved Federal/State agencies, the New York State Department of Environmental Conservation, Service).

Specifically, the following information should be provided:

- whether a Federal agency is involved or not;
- a detailed project description;
- a map of the proposed project area with coarse vegetation cover types (*e.g.*, emergent wetland, open field) in acres;
- a summary table of current vs. proposed future acreage of each cover type;
- provide number or acreage of trees proposed for removal and timing of removal;
- an overlay of the project on the vegetation map;
- a description of the forested area onsite, including the type of forest (*e.g.*, oak-hickory), approximate stand age, and presence of dead or live trees with split branches or trunks or exfoliating bark;
- photographs representative of all cover types on the site and encompassing views of the entire site;
- a topographic map with the project area identified; and
- a summary of proposed conservation measures.

**References:**

U.S. Fish and Wildlife Service. 2007. Indiana Bat (*Myotis sodalis*) Draft Recovery Plan: First Revision. U.S. Fish and Wildlife Service, Fort Snelling, MN. 258 pp.

## U.S. Fish & Wildlife Final Ruling on the Northern Long-Eared Bat

### Overview:

Effective on February 16, 2016, the U.S. Fish and Wildlife Service (FWS) finalized a ruling under the authority of section 4(d) of the Endangered Species Act of 1973 as it relates to the northern long-eared bat (*Myotis septentrionalis*; listing status: threatened). The northern long-eared bat population has been severely impacted by the White-Nose Syndrome (WNS) in areas known as the White-Nose Syndrome Zone (WNS Zone; see Area of Impact section). In order to combat the threat to the species in the WNS Zone, FWS has issued the following ruling:

### Ruling

In an effort to protect this species during their most sensitive life cycles (while in hibernation and during pup season), the FWS final 4(d) ruling prohibits:

**Purposeful Take** - For all areas within the range of the northern long-eared bat, all purposeful take is prohibited except:

- Removal of northern long-eared bats from human structures.
- Defense of human life (e.g., public health monitoring for rabies).
- Removal of hazardous trees for the protection of human life and property.

### **Incidental Take**

For areas of the country not affected by white-nose syndrome (WNS) (i.e., areas outside the WNS zone), there are no prohibitions on incidental take.

For areas of the country impacted by WNS (i.e., areas inside the WNS zone), incidental take is prohibited under the following circumstances:

- If it occurs within a hibernaculum (or hibernation site).
- If it results from tree removal activities and
  - the activity occurs within 0.25 mile (0.4 km) of a known hibernaculum; or,
  - the activity cuts or destroys a known, occupied maternity roost tree or other trees within a 150 foot radius from the maternity roost tree during the pup season from June 1 through July 31.
- Incidental take of northern long-eared bats as a result of the removal of hazardous trees for the protection of human life and property is also not prohibited.

### Guidance from the Fish & Wildlife Service

The FWS has developed a helpful guide when assessing your property - the Key to the Northern Long-Eared Bat 4(d) Rule for Non-Federal Activities.

(<http://www.fws.gov/Midwest/endangered/mammals/nleb/KeyFinal4dNLEB.html>).

### Area of Impact – The White-Nose Syndrome Zone

The range of the northern long-eared bat extends to 37 States, the District of Columbia, and 13 Canadian Provinces. Tree farmers who may be potentially impacted by this ruling are those located within the white-nose syndrome zone (WNS Zone).

The Northern Long-Eared Bat Final 4(d) Rule Map (aka WNS Zone Map) provides the implementation boundaries of this rule. FWS used data on the presence of the fungus causing the disease, or evidence of the presence of the disease (WNS) in the bats within a hibernaculum to estimate the area of impact. Confirmed evidence of infection at a location within a county is mapped as a positive detection for the entire county. In addition, FWS added a 150-mile buffer to the county line to account for the spread of the fungus from one year to the next. Given the rapid rate of spread of WNS, the WNS map is subject to change and will be updated the first of every month if there are new counties with verified occurrences of WNS.

All information is cited from the FWS final ruling documentation. Please visit <http://www.fws.gov/Midwest/endangered/mammals/nleb/index.html> for more details. State specific information and resources are listed here: <http://www.fws.gov/Midwest/endangered/mammals/nleb/nhisites.html>

#### AFF Recommendations for Management:

1. *Comply with the ATFS Standards of Sustainability*

Continue to follow all federal and state regulations as they pertain to threatened and endangered species and the protection of their habitat, pursuant to

Standard 5 - Fish, Wildlife, Biodiversity and Forest Health:

Performance Measure 5.1 *Forest-management activities shall protect habitats and communities occupied by threatened or endangered species as required by law.*

- INDICATOR 5.1.1 *Landowner shall confer with natural-resource agencies, state natural-resource heritage programs, qualified natural-resource professionals or review other sources of information to determine occurrences of threatened or endangered species on the property and their habitat requirements.*
- INDICATOR 5.1.2 *Forest-management activities shall incorporate measures to protect identified threatened or endangered species on the property.)*

2. *Understand your exposure.*

We recommend landowners follow the FWS guidance by contacting your local wildlife agency to determine if there is a known hibernacula and/or known maternity roosting trees on or near your property. However, surveys are not required prior to performing forest management activities if they are not required by state regulation.

3. *Protect any impacted areas and update your management plan accordingly.*

Establish ¼ mile buffer around known hibernacula and seasonal restrictions on timber harvest within 150 feet of a known, occupied maternity roost tree during the pup season (June 1 through July 31) as noted in the ruling and the FWS guidance.

4. *Prepare for and adapt to the spread of WNS.*

Given the rapid rate of spread of WNS, the WNS zone map is subject to change and will be updated the first of every month if there are new counties with verified occurrences of WNS. We recommend landowners and their foresters review the latest Northern Long-Eared Bat Final 4(d) Rule Map and consult their local wildlife agency prior to performing any tree removal projects that could adversely impact the northern long-eared bat.

5. *Maintain vigilance of how non-timber removal forest management activities may impact the northern long-eared bat.*

Be cognizant of forest management activities that do not involve tree removal but may result in incidental takes of northern long-eared bats. FWS differentiates between forest management activities that involve tree removal and those that do not. While the FWS acknowledges the many positive impacts of active forest management and does not prohibit activities such as pesticide application or prescribed burning, please be aware of how non-timber removal forestry activities may impact local bat populations.

#### Definitions:

- "Purposeful take" includes the capture and handling of individual bats. Take in this manner includes both capture and handling to remove bats from human structures and take that is for research purposes (e.g., attaching a radiotracking device). Other purposeful take would include intentional removal of bats from hibernacula or the intentional killing or harassing of bats under any circumstance.
  - The term "harass" (50 CFR 17.3) means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering.
  - The term "harm" (50 CFR 17.3) means an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.
- "Incidental take" is defined at 50 CFR 17.3 as any taking otherwise prohibited, if such taking is incidental to, and not the purpose of, an otherwise lawful activity.
  - Examples of incidental take (or non-purposeful take as it is sometimes referred to in this rule) include land management actions, such as implementation of forestry practices, where bats may be harmed, harassed, or killed as a result of those otherwise lawful actions. The actions contemplated in this rule include a wide range of actions for purposes such as right-of-way development and maintenance, forestry, land use for development unrelated to wildlife management, management of lands as habitats other than bat habitat (e.g., prairie), energy production and transmission, and other activities.
  - Incidental take within the context of this rule is regulated in distinct and separate manners relative to the geographic location of the activity in question.
- "Known hibernacula" are defined as locations where northern long-eared bats have been detected during hibernation or at the entrance during fall swarming or spring emergence.

- "Known, occupied maternity roost trees" are defined as trees that have had female northern long-eared bats or juvenile bats tracked to them or the presence of females or juveniles is known as a result of other methods.
- "Tree removal" is defined as cutting down, harvesting, destroying, trimming, or manipulating in any other way the trees, saplings, snags, or any other form of woody vegetation likely to be used by northern long-eared bats.
- "Human structures" are defined as houses, garages, barns, sheds, and other buildings designed for human entry.



# Northern Long-Eared Bat Hibernacula Locations

These are not exact locations -

we recommend at least a 1-mile buffer for initial screening

Lat_dd	Long_dd
44.10	-73.53
43.92	-73.62
41.37	-74.20
44.00	-75.96
42.66	-74.02
43.00	-76.03
41.93	-73.98
41.84	-74.10
43.75	-73.57
41.88	-74.06
41.86	-74.08
41.86	-74.08
41.87	-74.08
41.87	-74.08
41.87	-74.07
42.69	-74.39
43.91	-73.62
42.70	-74.39
41.37	-73.65
44.08	-73.45
44.48	-73.57
43.70	-74.21
44.11	-73.52
43.75	-73.50
44.00	-75.95
43.56	-73.49
42.69	-74.40
42.69	-74.39
42.69	-74.13
43.87	-73.47
42.69	-74.33
44.18	-73.55
41.21	-74.24
41.87	-74.07
41.21	-74.24
42.68	-74.24
42.39	-74.45
41.20	-74.27
41.20	74.26
43.02	-78.48
44.48	-73.63
42.69	-74.38
42.69	-73.37
41.84	-74.10
42.58	-73.96

# Northern Long-Eared Bat Hibernacula Locations

41.30	-74.05
42.69	-74.12
42.88	-74.52
43.75	-73.57
42.59	-78.04
44.03	-76.05
42.89	-74.48
41.17	-74.23
44.64	-73.97
42.70	-74.15
42.24	-73.89
43.85	-73.59
41.27	-74.20
42.68	-74.27
42.69	-74.13
44.24	-73.36
44.18	-73.56
41.59	-74.44
41.37	-74.01
43.02	-78.48
43.91	-73.61
41.43	-73.85
41.43	-73.85
42.71	-74.27
42.00	-73.53
42.73	-74.43
42.28	-73.63
42.64	-73.99
42.55	-73.94
44.46	-73.68
Schoharie County	
41.51	-74.54
41.59	-74.45
Schoharie County	
43.84	-74.07
42.68	-74.23
41.27	-74.11
43.78	-74.11
43.47	-73.57
43.14	-73.93
41.26	-74.12
42.58	-73.97
43.90	-73.61
43.83	-73.41

# Northern Long-Eared Bat Maternity Roost Locations

<b>Towns with summer records - contact NYSDEC to determine if roost is near your project</b>	<b>County</b>
Allen, Angelica, Belfast, Caneadea, Friendship, New Hudson	Allegany
Ellicottville, Farmersville, Great Valley, Little Valley, Lyndon, Machia, Mansfield, Napoli, New Albion, Otto, Salamanca	Cattaraugus
Ledyard, Scipio, Springport	Cayuga
Chautauqua, Ellington, Gerry, Westfield	Chautauqua
Collins, Wales	Erie
Alexandria, Black River, Champion, Clayton, Evans Mills, LeRay, Philadelphia, Rutland, Theresa, Watertown	Jefferson
Copenhagen, Denmark, Diana	Lewis
Brookville, Muttontown, Oyster Bay, Oyster Bay Cove, Upper Brookville	Nassau
Camillus, Clay, Geddes, Liverpool, Lysander, Salina, Van Buren	Onondaga
Cornwall, Highlands, Woodbury	Orange
Hector	Schuyler
Hammond	St. Lawrence
Cameron, Canisteo, Caton, Jasper, Lindley, Tuscarora	Steuben
Brookhaven, Dering Harbor, East Hampton, Huntington, Islandia, Islip, Lloyd Harbor, Mastic Beach, Riverhead, Sag Harbor, Shelter Island, Shoreham, Smithtown, Southampton, Southold, Village of the Branch	Suffolk
Bennington, Sheldon	Wyoming

June 6, 2019

Susan Kotzur  
89 Nimham Rd.  
Carmel : Kent Cliffs, NY 10512

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

Dear Chairman Tolmach and Members of the Board:

After attending Town Board Meetings and now Planning Board Meetings, the Route 52 Development proposal of a truck stop, garage, truck wash area, 2 hotels, a conference center, and an indoor water park is not conducive for the nature of the Town of Kent, in Putnam County.S

It appears that the project owner has not been forthcoming with information in regard to the project to either the Town Board of Kent or the Town of Kent Planning Board. What the proposed plans indicate is a 3 story building plan, not a 4 story, plus 1 more story, as was stated at the scoping review at the May 23<sup>rd</sup> meeting of the Planning Board. I'm sure that you have heard the term "Bait and Switch"? Well I believe this project to be just that. This is a new owner and a new plan.

When I hear or see the word "TOWN" I think of a town, as being where one can be safe and know what is going on, and according to Websters Dictionary the definition of Town is: ' a group of houses ; hamlet; village, 2. a more or less concentrated group of houses and private and public buildings, larger than a village but smaller than a city;.

Town of Kent is not a City, if it was a City I would not have moved to Kent. If I wanted buildings more than 3 stories , I would have moved to a City. Truck stops do not belong in the Town of Kent, which is a small bedroom community. The Town of Kent does not have large venues that large numbers of out of town visitors need overnight facilities. There are enough surrounding cities with hotels for this need.

A truck stop with gas pumps and truck washing facilities, two hotels, a conference center and an indoor water park is way over the top for any town.

A small hotel would be a nice feature for the town of Kent, or how about affordable senior housing for the empty nesters who want to stay in the Town of Kent and be close to their grandchildren.

The Town of Kent actually had a B & B open for business on Rt. 301, but was so heavily taxed there was no way of survival with the few travelers that passed along through our little town.

The Planning Board should do more due diligent with home work on this proposed project.

I am urging the Planning Board of Kent to stop this very invasive project and get a more realistic plan for the Rt. 52 corridor through the Town of Kent.

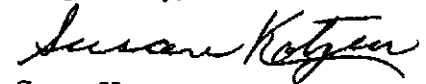
Furthermore, is anyone thinking of the effects all the blasting and mining could have on the surrounding aquifers and wells, that the residents of Kent rely on for their liveliness of businesses, homes, and schools.

Blasting of rock and grinding of stone and hauling by trucks of these products will be very loud and disruptive to the school children. Blasting of rock has also been known to release radon into the air and water, which is well known to be in this area. This proposed project is so very close to two of elementary schools in the Town of Kent, children at such a young age( from kindergarten to fourth ) grade could be at risk of health issues. The Carmel / Kent schools have just recently passed a vote to build a bus garage away from the school buildings to better the air quality and quiet the sound of the noisy buses.

So now you want to put yet another similar situation in the very close proximity to the schools?

I urge the Town of Kent Planning Board to reconsider this project in its entirety.

Respectfully,

A handwritten signature in cursive script, appearing to read "Susan Kotzur".

Susan Kotzur

June 6, 2019  
TO: KENT Planning Board  
From: Janis Bolbrock - ~~T#~~ 58 Farmers  
Mills Rd  
RE: Kent Route 52 Project

Having reviewed the May 16<sup>th</sup>, 2019 Draft Environmental Impact Statement Scoping Document I have also drafted a list of negative impacts that are very concerning to the local residence of the Route 52 Project.

1) The quantity of water that will be utilized for this project, I know will be estimated, but is a major concern to the neighboring residents. Residents have well water, the quantity and quality of their water will be affected. Blasting and mining releases radon to both air and water.

2) The negative impact to our environment is greatly increased by the steep slopes and large number of wet lands.

3) The location of a Truck Stop so close to our Elementary Schools is alarming.

Patrick Cut: 1100  
Carol & Patrick Cutillo gma: 1.1

Cuttillo's Restaurant

1196 Farmers Mills Rd.

Carmel, NY 10512

845 225-8936

Vera Patterson, Secretary kent Planning Board

Town Hall

25 Sybil's Crossing

Kent, New York 10512

As a property & Business owner directly across from the Route 52 Development project, being proposed by Kent Country Square LLC. We have concerns about the 54 acre mining operation. The vibration and concussion from the blasting and rock crushing could cause damage to our property. The possible cracking foundation, interior plaster walls of the 100 + Year old Building, our water supply, underground pipes, and the rock retaining walls that sit along Route 52. As well as any excessive water runoff that might cause damage to any structure or ground water quality. Your consideration in this matter would be appreciated.

Thank You,

Carol Cutillo and Patrick Cutillo

*Carol Cutillo*  
*Patrick Cutillo*



# Department of Transportation

Received  
rfo/date/year

**ANDREW M. CUOMO**  
Governor

**MARIE THERESE DOMINGUEZ**  
Acting Commissioner

**LANCE MacMILLAN, P.E.**  
Regional Director

**MAY 8 0 2019**

Planning Department  
Town of Kent

May 22, 2019

Phillip Tolmach  
Town of Kent Planning Board  
26 Sybil's Crossing  
Kent Lakes, NY 10512

**Re: SEQRA# 18-222 Route 52 Development  
Route 52, Putnam County**

Dear Mr. Tolmach:

The New York Department of Transportation (NYSDOT) is in receipt of the DEIS Scoping Document and the environmental assessment form for the proposed project.

Because of the project size, it has been designated as a Major Commercial Development. NYSDOT has a specific fee schedule and procedures for the review of Major Developments and Highway Work Permits. Please instruct the applicant to address the following requirements. Subsequent to the applicant's response, a Project Identification Number (PIN) will be generated and submissions will be accepted for review.

1. Please submit a HIGHWAY WORK PERMIT APPLICATION (PERM 33-COM). It must be signed by the applicant and the name/address provided. The PERM 33-COM form combines a three-stage application with an interactive checklist and provides assistance in determining what studies may be required. It also provides links to standard details and clearly outlines what is to be shown on a plan submission. As a direct result of utilizing the PERM 33-COM, packages will be more complete and review time will be reduced. The Applicant may access the PERM 33-COM at [www.dot.ny.gov/permits](http://www.dot.ny.gov/permits).
2. A check for \$2,000 made out to the New York State Department of Transportation to commence the review process.
3. Also required is a PERMIT AGREEMENT FOR HIGHWAY WORK PERMITS DESIGN REVIEW (PERM 51). The PERM 51 form must be completed by the applicant. The Application No. and PIN will be filled in by the Regional Traffic Engineering & Safety Group. The applicant should be aware that the \$2,000 fee referenced thereon shall be the minimum cost for the Department's review time and is non-refundable. Hereafter, all Department employees assigned the responsibility of reviewing any documents, plans, maps, etc., which are directly related to the subject proposal, shall charge their review time to this project. The applicant will then be billed periodically by the Department for the actual cost of our review and processing of the respective project. Such billings which exceed the minimum \$2,000 initial fee must be paid immediately upon receipt or the Highway Work Permit shall not be issued, or shall be revoked.
4. The items noted above shall be forwarded to the Regional Highway Work Permit Coordinator (address below).



Phillip Tolmach  
May 22, 2019

Page 2

Once the PIN is established, the applicant may submit one complete set of the planning documents described below to each of the following:

Regional HWP Coordinator  
NYS Department of Transportation  
4 Burnett Blvd.  
Poughkeepsie, NY 12603

Permit Engineer  
NYS Department of Transportation  
106 Ludingtonville Road  
Holmes, NY 12531

**Planning Documents:**

1 set of site plans showing proposed access, and Highway Improvement plans (if available) in paper and PDF format, 1 copy of drainage shell/SWPPP in PDF format, 1 copy of Synchro analysis of affected intersections on disc (actual files), 1 copy of the Traffic Impact Study (TIS) in paper and PDF format.

Please note in addition to the paper copy, all future submissions must also include electronic PDF files on CD, DVD, or thumb drive.

Signal warrant analysis and accident study should be conducted at the intersections of Ludingtonville Rd. and State Route 52. NYSDOT would also like Modems and Transfers Switches be installed at signals P-40(Farmers Mills Rd. and Route 52) and P-54(Route 52 and Route 311).

If you have any question you can contact me at [Jason.Brenner@dot.ny.gov](mailto:Jason.Brenner@dot.ny.gov).

Very truly yours,



Jason Brenner  
Assistant Engineer

cc: Greg Bentley, Resident Engineer, Residency 8-3  
Peder W. Scott, PE

## **ITEM 683.08020104 – 3G/4G LTE GATEWAY MODEM WITH ANTENNA**

### **DESCRIPTION**

Under this item the Contractor shall furnish and install a 3G/4G LTE/GPS gateway modem at the location(s) specified in the contract documents or as shown on the plans.

Each unit shall include an externally mounted antenna that can be installed on the exterior of a cabinet or pole as shown in the contract documents. Unless otherwise specified, or as directed by the Engineer, the antenna shall be mechanically bolted to prevent unauthorized removal and sealed to prevent water from entering the cabinet. Each external antenna shall be compatible with 4G LTE, 3G, and 2G cellular frequencies and include two integrated high gain MIMO cellular/4G antennas with a GPS connector in a single weather tight unit. The connector style shall be matched to the cellular modem provided.

The Contractor shall provide the Engineer all appropriate information necessary to provision the modem with any of the carriers listed below so that NYSDOT can activate the modem(s). NYSDOT will supply SIM cards where applicable.

### **MATERIALS**

#### **General:**

The modem and antenna shall be ruggedized and suitable for outdoor use, capable of operating under a variety of power options including solar applications. In locations where solar is the primary power source the modem shall be capable of monitoring the voltage and powering down as needed to conserve battery life.

#### **Operating Requirements:**

##### **Power:**

- Input Voltage: 7 to 36 VDC
- LTE Idle Power: 900 mW (75 mA @ 12 VDC)
- Standby Mode Power: 53 mW (4.4 mA @ 12 VDC) triggered on low voltage, I/O or periodic timer
- Low voltage disconnect to prevent battery drain (for solar applications)
- Configurable I/O pin on power connector
- Digital Input ON Voltage: 2.7 to 36 VDC
- Analog Input: 0.5-36 VDC

##### **Environmental:**

- Operating Temperature: -22°F to +158°F
- Storage Temperature: -40°F to +185°F
- Humidity: 90% RH @ 60°C
- Military Spec MIL-STD-810G conformance to shock, vibration, thermal shock, and humidity
- IP64 rated ingress protection
- Hazardous Environments: Class 1 Div 2

##### **Cellular WAN:**

## **ITEM 683.08020104 – 3G/4G LTE GATEWAY MODEM WITH ANTENNA**

- Supported Carriers: Verizon, AT&T, Sprint, T-Mobile USA, US Cellular, Rogers, Bell, Telus
- Supported Frequency Bands LTE: 1900(B2), AWS(B4), 850(B5), 700(B13), 700(B17), 1900(B25)
- WCDMA: 2100(B1), 1900(B2), AWS(B4), 850(B5), 900(B8)
- EV-DO/CDMA: 800(BC0), 1900(BC1), 1700(BC10)
- GSM/GPRS/EDGE: Quad-band
- Dual SIM Interfaces (2FF)

### **Data Interfaces:**

- 10/100/1000 Ethernet (RJ45)
- RS-232 serial port (DB-9)
- USB 2.0 Micro-B Connector
- 3 SMA antenna connectors (primary, diversity, GPS)
- Active GPS antenna support

### **LAN/Security Features:**

- Network Address Translation (NAT)
- Port Forwarding with Host Port Routing
- NEMO/DMNR
- VRRP
- Dynamic DNS
- VPN IPsec, GRE, and OpenVPN Client
- Split Tunnel
- Multiple Subnets
- DNS, DNS Proxy
- DHCP Server
- IP Passthrough
- VLAN
- PPPoE
- Remote Authentication (LDAP, RADIUS, TACACS+)
- DMZ
- Inbound/Outbound Port filtering and MAC Address Filtering

### **External Antenna:**

- Dual 3G/4G MIMO internal antenna's with integrated GPS
- Low profile with threaded bolt and gasket for external mounting
- Frequencies: Cellular/LTE = 824-896 MHz; 1850-1995 MHz; 698-798 MHz; 1710-1770 MHz; 2110-2170 MHz; 2570-2620 MHz
- GPS = 1575.42 MHz
- VSWR: 1.5:1 or less at resonant point
- Gain: 698-896 MHz: 3 dBi; 1710-2620 MHz: 4 dBi
- Radiation Pattern: OMNI Directional
- Polarization: Vertical

**ITEM 683.08020104 - 3G/4G LTE GATEWAY MODEM WITH ANTENNA**

**CONSTRUCTION DETAILS**

Once a unit has been completely installed it shall be the Contractors responsibility to make sure each antenna has been oriented to maximize the available signal. After the modem has been provisioned NYSDOT shall test each modem remotely for communications prior to acceptance. Any adjustments to the antenna that may be necessary to improve signal strength after the unit has been installed shall be done so by the Contractor at no additional cost to the State.

**METHOD OF MEASUREMENT**

This work will be measured as the number of EACH cellular modem with antenna that is satisfactorily furnished and installed.

**BASIS OF PAYMENT**

The unit price bid shall include the cost of furnishing all labor, materials, and equipment necessary to complete the work.

**ITEM 680.94997008 – FURNISH AND INSTALL ELECTRICAL  
DISCONNECT / GENERATOR TRANSFER SWITCH**

**DESCRIPTION** - Under this item, the Contractor shall furnish and install a electrical disconnect / generator transfer switch as shown on the plans, or the standard sheets or as ordered by the Engineer.

**MATERIALS** – The Contactor shall furnish a electrical disconnect / generator transfer switch from a manufacture listed on the current New York State Department of Transportation Traffic Signal Laboratory's Approved Product List.

**CONSTRUCTION DETAILS** - The electrical disconnect / generator transfer switch shall be attached to the pole or cabinet as shown on the plans or the standard sheet or as ordered by the Engineer.

**METHOD OF MEASUREMENT** - This item will be measured for payment as the number of electrical disconnects / generator transfer switches furnished installed and accepted by the Engineer-in-Charge.

**BASIS OF PAYMENT** - The unit price bid shall include the cost of all labor, material and equipment necessary to complete the work as shown on the plans, on the standard sheets, or as ordered by the Engineer.



June 4, 2019

Mr. Phillip Tolmach, Chairman  
Town of Kent Planning Board  
25 Sybil's Crossing  
Kent, New York 10512

*Vincent Sapienza P.E.  
Acting Commissioner*

**Re: Route 52 Development – Draft Scope  
NYS Route 52  
Town of Kent, Putnam County, NY  
Tax Map #: 12.-1-52  
DEP Log#: 2017-MUL-0675-SQ.1**

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

Dear Mr. Tolmach and Members of the Planning Board:

465 Columbus Avenue  
Valhalla, NY 10595

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Kent Planning Board's (Board) Notice of Positive Declaration and Public Scoping Session.

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

DEP respectfully submits the following comments for the Board's consideration:

#### **IV. Environmental Analysis**

##### **B. Geology and Soils**

1. In addition to a sediment and erosion control plan, permanent stabilization of the site once the mining operation is complete should be included and discussed in the DEIS, as the mining operation precedes the actual development of the site.
2. Potential impacts of any soil limitations on the proposed sewage disposal area should be discussed. As noted farther below, soil testing for the proposed disposal area must be witnessed by DEP.

##### **C. Topography and Slopes**

3. A post development grading plan should also be required that includes the cut and fill balances.

##### **D. Surface Water & Wetlands**

4. Potential impacts on wetlands, particularly wetland hydroperiod, as a result of the proposed WWTP disposal area should be discussed.

##### **E. Stormwater Analysis**

5. DEP has met with the applicant's representative and informed the project sponsor that soil testing for the proposed stormwater

management practices in NYC's watershed must be witnessed by DEP to verify conditions are suitable for the proposed practices. To date, soil testing has not been witnessed by DEP. As such, it has not been fully demonstrated that the proposed method of stormwater treatment will function as intended. It is imperative that soil testing be scheduled as soon as possible. The project sponsor is advised to contact Andreea Oncioiu at (914) 749-5356 to make arrangements.

#### **G. Groundwater Quality & Availability**

6. Potential impacts on groundwater and the seasonal water table as a result of the proposed WWTP and disposal area should be discussed in the DEIS.

#### **Utilities (erroneously labeled as G in the Draft Scope)**

7. Sanitary Wastewater Disposal - A sewage mounding analysis is required as the proposed design flows exceed 5,000 gallons per day. This information was not discussed in the Draft Scope and must be presented in the DEIS.
8. DEP has met with the applicant's engineer on 12/14/17 and discussed the importance of having both the County Health Department and DEP witness soil testing in the proposed subsurface treatment areas. As this has not been scheduled yet, it has not been fully demonstrated that suitable viable areas exist and can accommodate the proposed action. As the action's full build-out is questionable, it is again recommended that the project sponsor schedule soil testing as soon as possible with both the County and DEP.

It is imperative that accurate projected wastewater flows be discussed in the DEIS as the treatment area is situated within West Branch Reservoir drainage basin. As West Branch Reservoir is located within the 60-day travel time to water supply intakes, it is subject to various water quality protection initiatives.

9. Ownership and management of all project components should be included in this section.

#### **V. Reasonable Alternatives**

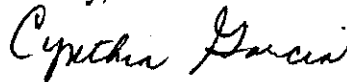
10. The scope's section on alternatives, specifically alternative 3 "Alternative plan layouts, modification or elimination of uses" is extremely general and leaves much discretion to the applicant during DEIS development. The Board may want to be more specific in terms of the number of alternatives they want considered, and which alternative layouts, modifications, or elimination of uses they would like to see. From a water quality standpoint, DEP recommends a reduced scale/impact alternative that attempts to minimize impervious surfaces and reduce/eliminate impacts to steep slopes or wetlands/buffers. The information should be quantified to the extent possible and should be presented in sufficient detail so that a meaningful evaluation of alternatives is possible.

#### **VII. Other Required Analysis**

11. The project sponsor should ensure the DEIS includes sufficient consideration of growth inducing impacts. The discussion should include a sufficient level of detail so that reasonable conclusions can be made. As per the SEQRA Handbook, this section should consider the likelihood that the proposed action may induce further development. This analysis should identify the type of activities that might be induced by the proposed project, and discuss any potential environmental impacts.
12. The Cumulative impacts appears to be too broadly defined. At a minimum, the Board should consider requiring that the applicant identify other large, approved or proposed developments in the area and evaluate cumulative impacts in light of these developments. The information provided should be quantified where possible and should be presented in sufficient detail to allow for adequate evaluation.

Thank you for the opportunity to provide comments. You may reach the undersigned at [cgarcia@dep.nyc.gov](mailto:cgarcia@dep.nyc.gov) or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia, Supervisor  
SEQRA Coordination Section

X: B. Orzel, USACE  
J. Petronella, NYSDEC  
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**JAMES BRYAN BACON, ESQ., P.C.**

**Attorney and Counselor at Law**

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(845) 419-2338

June 6, 2019

Phil Tolmach, Chair  
Planning Board of the Town of Kent  
25 Sybil's Crossing  
Kent, NY 10512

Via Electronic Mail to [planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)

*Re: Scoping Comments – Rt. 52 Development*

Dear Mr. Tolmach and members of the Town Board,

Please accept the following scoping comments submitted on behalf of Ann Fanizzi, environmental advocate, relating to the Rt. 52 development proposal (“project”) as proposed by the Applicant.

The scoping document at IV, deletes a number of provisions relating to land use and community character. Since this baseline information is important to understanding the project, the categories should be analyzed and discussed by the Applicant, or a rational explanation should be offered as to why the information is not important to the public and SEQRA process.

Regarding the scope’s “Surface Water and Wetland Impacts” C(2)(d)(e) and “Stormwater Management” (1)(d), we strongly agree that the DEIS must include pre and post-development annual total phosphorus (“TP”) loadings to properly assess impacts upon the Croton Watershed, Lake Carmel and the Middle Branch reservoir.

Identification of the TP loading is also necessary to ensure consistency with Federal, State and local laws designed to rehabilitate the Croton’s polluted reservoirs. A lack of a TP loading analysis would render it impossible for involved agencies such as the Town’s Planning Board, New York State Department of Environmental Conservation (“DEC”), New York City Department of Environmental Protection (“DEP”) and the public to assess TP impacts.

For past projects, DEP's scoping comments in the Croton Watershed<sup>1</sup> request that the scope should include:

In addition to providing a discussion on the site's existing pollutant load, methods for reducing post-development pollutant loading for should be discussed.

Since the project site is located in an East of Hudson drainage basin determined by the NYSDEC which exceeds its total maximum daily load (TMDL) for phosphorus, the DEIS should discuss the project within the context of DEC's TMDL program, namely assess the total phosphorus loading generated from the site, and evaluate the impact of the project on the Town's ability to achieve the TMDLs. To the extent that the project will increase the phosphorus loading, mitigation should be planned so that the project has a positive or neutral impact on the Town's ability to meet the TMDL.

Consequently, to comply with SEQRA's "hard look" requirement, the Applicant must complete a pollutant loading analysis for TP detailing precisely how the Applicant will achieve a "no net increase" in TP as compared with pre-development loadings.

In fact, to advance the state and Croton municipalities' water quality goals, the project should result in an overall *reduction* of TP loadings.

As discussed below, requiring a reduction in TP loadings would satisfy, the Town's mandated reduction strategies targeting phosphorus to ensure that the project does not result in further degradation of water quality in the New Croton.

## **I. Federal, State and Local Regulatory Framework**

The Clean Water Act<sup>2</sup> ("CWA") resulted in a series of federal, state and local requirements to rehabilitate polluted waterbodies, including impaired drinking water sources such as the New Croton.

To achieve the CWA's goal of rehabilitating the nation's waters, three primary initiatives have been implemented by the states - waterbody use classifications, water quality standards ("WQS") and antidegradation.

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<sup>1</sup> See DEP scope comments dated June 11, 2014 for the *Rosehill* Condominium project in the Town of New Castle.

<sup>2</sup> 33 U.S.C. §1313.

### A. WQS and TMDLs

With a target year of 1979, the CWA required states:

to study their water bodies, set quality standards, prioritize their water-quality improvement needs, and establish Total Maximum Daily Loads<sup>3</sup> (“TMDLs”) for pollutants. The benefit of this approach is that it facilitates the state’s ability to meet its water-quality standards by controlling those sources of pollution that are easiest to control.

*Natural Resources Defense Council, Inc. v. Fox*, 30 F.Supp.2d 369, 374 (S.D.N.Y. 1998).

Almost twenty years later, DEC finally compiled a list of the state’s polluted waterbodies. DEC identified the New Croton as impaired<sup>4</sup> in violation of the state’s WQS for phosphorus.

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<sup>3</sup> A TMDL describes a value of the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards.

<sup>4</sup> As explained by the NYS Attorney General’s office:

“Each year during the summer and fall, phosphorus in the New Croton sets off a biological chain reaction. It promotes algae blooms that result in poor water taste, odor and color. Phosphorus-induced algae blooms also reduce dissolved oxygen in the bottom waters (due to increased bacteria ingesting dead algae), cause increased levels of the heavy metal pollutants iron and manganese, and increase levels of organic carbon. The chlorine-based disinfection of waters that are high in organic carbons results in the formation of chemicals that are suspected of having a number of serious adverse health impacts.

These water quality problems at the New Croton have created an ‘operational nightmare’ for DEP. As water quality degrades each summer (with a corresponding increase in customer complaints), DEP has to shut down the flow from the New Croton or blend New Croton waters with higher quality waters from the Catskills to dilute the pollutants. These reservoir shut downs often occur for months at a time. Such actions by DEP support a finding that the New Croton water quality often does not meet its New York State classification and best use as a source of drinking water. This problem, if unaddressed, could significantly worsen under drought conditions, flooding scenarios, operational failures in other portions of the water supply system, or increased demand for water in the New York metropolitan area over time.” “Reducing Harmful Phosphorus Pollution in the New York City Reservoirs through the Clean Water Act’s ‘Total Maximum Daily Load’ requirements: a Case-study of the New Croton Reservoir and

The state's WQS for phosphorus permits *no discharge of any amount* "that will result in growths of algae, weeds and slimes that will impair the waters for their best usages." 6 NYCRR §703.2. The New Croton is one of eight Croton reservoirs impaired by phosphorus, a condition which poses a serious threat to public health and safety.

Following its compilation of a list of impaired waterbodies, DEC developed Phase I and Phase II TMDL implementation plans for the Croton targeting reductions in phosphorus to bring these waters back into compliance with the state's WQS.

DEC's Phase II TMDLs identified a total phosphorus reduction target of 14,861 pounds per year<sup>5</sup> ("lbs/yr") for the eight impaired Croton reservoirs and allocated specific reduction targets to each basin.

Lake Carmel is severely impaired by phosphorus and has its own TMDL.<sup>6</sup> "The phosphorus load reduction required to meet the TMDL is calculated to be 1,609 lb/yr (59% reduction)."<sup>7</sup>

## **II. Implementation**

### **A. The MS4 Permit**

Implementing the 2009 Plan, DEC's SPDES General Permit<sup>8</sup> for stormwater discharges from MS4s (GP-0-10-002) states:

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Recommendation to EPA." (7/5/00 Press Release and Report at [www.oag.state.ny.us/press/2000/jul/jul05a\\_00.html](http://www.oag.state.ny.us/press/2000/jul/jul05a_00.html)).

<sup>5</sup> Or 6,741 kilograms per year. See "Nonpoint Source Implementation - Phase II NYC Watershed Phosphorus TMDL (March 2002) pg. 8 available at: <http://www.dec.ny.gov/chemical/23835.html>.

<sup>6</sup> [http://www.dec.ny.gov/docs/water\\_pdf/lakecaremtmdl.pdf](http://www.dec.ny.gov/docs/water_pdf/lakecaremtmdl.pdf).

<sup>7</sup> Id. at 27.

<sup>8</sup> DEC also regulates phosphorus discharges under its SPDES stormwater permit. Specifically:

[N]o SPDES or other permit shall be issued authorizing any such discharge:

(e) When the conditions of the permit do not provide for compliance with the applicable requirements of the CWA, or regulations promulgated under the CWA; and...

*Covered entities* must develop (for newly authorized MS4s, implement) and enforce a SWMP [Stormwater Management Plan] designed to reduce the discharge of pollutants from small MS4s to the maximum extent practicable (“MEP”) in order to protect water quality and to satisfy the appropriate water quality requirements of the ECL and the CWA. The objective of the permit is for MS4s to assure achievement of the applicable water quality standards.<sup>9</sup>

[and]

*Covered entities* shall modify their SWMP to meet the additional requirements as set forth in Part IX.A to address phosphorus as the POC [“Pollutant of Concern”] for the portion of their storm sewershed in the watershed.<sup>10</sup>

Under the MS4 general permit, MS4 operators must modify their SWMPs to ensure that reduction of the pollutant of concern specified in the TMDL is achieved. *Id.* at 23.<sup>11</sup>

## **B. Kent’s SWMP**

In order to improve the reservoirs’ water quality, the Town’s SWMP §66-2(B)(1) states it will meet the requirements of DEC’s MS4 permit and GP-02-02. Specifically, §66 directs the Town to achieve the following:

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...The provisions of each issued SPDES permit shall ensure compliance with... more stringent limitations, including those:

(ii) necessary to implement a total maximum daily load/wasteload allocation/load allocation established pursuant to Section 303(d) of the Act and 40 CFR Part 130.7.

6 NYCRR §§750-1.3(e), 1.11(a)(5)(ii).

<sup>9</sup> Municipal Separate Storm Sewer Systems Permit, GP-0-10-002 (May 2010) at pg. 14 available at <http://www.dec.ny.gov/chemical/43150.html>.

<sup>10</sup> *Id.* at Part III(2)(b)(a).

<sup>11</sup> See also DEC’s response to comment 27 in the “Croton Watershed Phase II TMDL Implementation Plan Comment Responsiveness Summary” (January 15, 2009) “DEC is requiring all MS4s in the East of Hudson watershed to reduce phosphorus pollution in the NYC watershed through compliance in the MS4 General Permit.” At: <http://www.dec.ny.gov/chemical/23835.html>.

- (1) Meet the requirements of minimum control measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, as hereafter amended or revised;
- (2) Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, as hereafter amended or revised;
- (3) Preserve steep slopes to the greatest extent practicable and to regulate their use to protect the public interest;
- (4) Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- (5) Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- (6) Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable;
- (7) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety; and
- (8) Ensure that all activities involving land clearing and/or land disturbance in all areas of the Town are carried out so as to ensure the maximization of benefits to the public and the residents of the Town and the protection of the natural and man-made environment, by ensuring that soil erosion is controlled to the maximum extent practicable.

Similarly, the MS4 Permit requires that:

**Once a TMDL is issued for an impaired water, the no net increase will be the minimum requirement.**<sup>12</sup> (Emphasis added).

### C. SEQRA

SEQRA requires the lead agency to certify that the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.<sup>13</sup>

DEC's 2009 plan as well as the EPA, the National Research Council,<sup>14</sup> and case law all clearly rely upon the lead agency under SEQRA to analyze and mitigate phosphorus loadings in order to meet WQS.

For example, the 2009 Plan states that local governments "*provide the first line of regulatory oversight by controlling local land use activity.*" *Id.* at 6; Emphasis added). Indeed:

*Each local government in the Croton watershed is required to collect basic site specific data for all projects and programs within their jurisdiction that potentially affect phosphorus loads and monitor project and program implementation status.*

*See Id.* at pg. 6 "Task 2.1a Local Government"; Emphasis added.

Similarly, EPA recommended that projects in the NYC watershed result in a "no net increase in [phosphorus] loadings over pre-existing construction conditions." EPA further urged that stormwater management plans "include as much site-specific data as possible and that the most conservative measures are utilized to reduce stormwater loadings."<sup>15</sup>

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<sup>12</sup> "2010 MS4 Permit (GP-0-10-002) Responsiveness Summary Response" (May 2010) to comment 39 at pg. 26. Available at <http://www.dec.ny.gov/chemical/43150.html>.

<sup>13</sup> 6 NYCRR §617.11(d)(5).

<sup>14</sup> The National Research Council is the working arm of the United States National Academies, (comprised of the National Academy of Sciences, National Academy of Engineering and the Institute of Medicine) which produces reports that shape policies, inform public opinion, and advance the pursuit of science, engineering, and medicine.

<sup>15</sup> "Assessing New York City's Watershed Protection Program" (May 2000) at pg. 192; Available at: <http://www.epa.gov/region2/water/nycshed/fadmidrev.pdf>.

Additionally, the National Research Council's assessment of efforts to rehabilitate NYC's watershed<sup>16</sup> cited SEQRA as the only means to implement the CWA's antidegradation policy:

As set forth in federal regulations, *antidegradation dictates that waterbodies cannot be allowed to sustain pollutant loadings that will prevent them from meeting their specific use classification* and associated water quality criteria. [Antidegradation's] most important role is to describe the necessary steps that must be taken when additional pollutant loading is proposed that would eliminate part or all of a waterbody's assimilative capacity...<sup>17</sup>

*An explicit consideration of a receiving water's assimilative capacity should be required as part of draft environmental impact statements....* The stated purpose of antidegradation is for communities, regulators, and dischargers to consider the assimilative capacity of waterbodies. However, this language is not part of federal regulations and, as a consequence, most state antidegradation policies do not require an explicit consideration of assimilative capacity. Although such a consideration is an integral part of the SPDES permitting program, it is less obvious during the SEQR process. *Because SEQR is the only avenue for regulating nonpoint sources that will impact water quality, this requirement for addressing assimilative capacity is critical if the SEQR process is to be relied upon for implementing New York's antidegradation policy.*

*Id.* at pg. 373, Emphasis added.

In addition to implementing antidegradation, the lead agency must identify and ensure mitigation of impacts such as phosphorus loadings – even where the expertise for such decisions may lie elsewhere. (See for example, *Coca Cola Bottling Co. v DEC of Estimate*, 72 NY2d 674 [1998], holding that while a lead agency may rely on outside sources, it must exercise its own critical judgment and is principally responsible for crafting appropriate mitigation.) (See also *Penfield Panorama Area Community, Inc. v Town of Penfield Planning Bd.* 253 AD2d 342, [4th Dept 1999]: the lead agency “must exercise its critical judgment on all of the

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<sup>16</sup> “Watershed Management for Potable Water Supply: Assessing the New York City Strategy” (2000). Available at [http://www.nap.edu/openbook.php?record\\_id=9677&page=360](http://www.nap.edu/openbook.php?record_id=9677&page=360).

<sup>17</sup> “Assimilative capacity” refers to the ability of a body of water to cleanse itself; its capacity to receive waste waters or toxic materials without deleterious effects and without damage to aquatic life or humans who consume the water.



issues presented” during the SEQRA review; and *Department of Environmental Protection v. Department of Environmental Conservation*, 120 AD2d 166 [3rd Dept 1986] where compliance with another agency’s regulations does not absolve the lead agency from reviewing the project’s impacts.)

Consequently, the Applicant should analyze the downstream Stump Pond Stream, identify its classification and calculate its assimilative capacity.

Finally SEQRA explicitly requires inquiry into whether a project creates “a material conflict with a community’s current plans or goals as officially approved or adopted”<sup>18</sup> such as the Croton TMDL program.

### **III. Project Setting**

The project is located in the New Croton watershed. The site drains to the Stump Pond Stream which empties into the northeast corner of Lake Carmel. Lake Carmel then feeds into the Middle Branch reservoir. As above, Lake Carmel is severely impaired by phosphorus with the phosphorus load reduction calculated to be 1,609 lb/yr - a 59% reduction requirement.<sup>19</sup> The Applicant should review this specific TMDL report for compliance with its objectives.

Most significantly, for projects in the Croton – including the Middle Branch basin - the Watershed Inspector General has required new projects to meet the reduction requirements of the applicable TMDL.<sup>20</sup> Thus, for this project, the Applicant should calculate pre-development phosphorus loadings and design the stormwater controls so that the post-development loads are 59% lower than the pre-development phosphorus loads.

Further, the Applicant should identify whether it will be seeking tax abatements and a PILOT agreement.

A full traffic study needs to be completed analyzing build-out traffic with all approved projects in the vicinity that might contribute to overloading existing intersections.

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<sup>18</sup> 6 NYCRR §617.7(c)(1)(iv).

<sup>19</sup> Id. at 27.

<sup>20</sup> See page 20 of Watershed Inspector General comments dated August 23, 2018 on the Logistics Center in the Town of Southeast within the Middle Branch basin.  
[http://www.townofsoutheast-ny.com/DocumentCenter/View/2288/NIL\\_NYS-Attorney-General\\_082318](http://www.townofsoutheast-ny.com/DocumentCenter/View/2288/NIL_NYS-Attorney-General_082318)

If there are residential wells that may be impacted, then draw tests should be conducted.

Regarding sewage disposal, because this area is a drinking water supply, additional analyses should be conducted on absorption rates of soils and the seasonally high water table must be identified to ensure that sewage disposal will adequately protect the water supply and lead to no degradation of water quality or classifications of downstream waters.

Thank you for your consideration of these important issues.

Respectfully,



James Bacon

June 6, 2019

Susan Kotzur  
89 Nimham Rd.  
Carmel : Kent Cliffs, NY 10512

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

Dear Chairman Tolmach and Members of the Board:

After attending Town Board Meetings and now Planning Board Meetings, the Route 52 Development proposal of a truck stop, garage, truck wash area, 2 hotels, a conference center, and an indoor water park is not conducive for the nature of the Town of Kent, in Putnam County.S

It appears that the project owner has not been forthcoming with information in regard to the project to either the Town Board of Kent or the Town of Kent Planning Board. What the proposed plans indicate is a 3 story building plan, not a 4 story, plus 1 more story, as was stated at the scoping review at the May 23<sup>rd</sup> meeting of the Planning Board. I'm sure that you have heard the term "Bait and Switch"? Well I believe this project to be just that. This is a new owner and a new plan.

When I hear or see the word "TOWN" I think of a town, as being where one can be safe and know what is going on, and according to Websters Dictionary the definition of Town is: ' a group of houses ; hamlet; village, 2. a more or less concentrated group of houses and private and public buildings, larger than a village but smaller than a city;.

Town of Kent is not a City, if it was a City I would not have moved to Kent. If I wanted buildings more than 3 stories , I would have moved to a City. Truck stops do not belong in the Town of Kent, which is a small bedroom community. The Town of Kent does not have large venues that large numbers of out of town visitors need overnight facilities. There are enough surrounding cities with hotels for this need.

A truck stop with gas pumps and truck washing facilities, two hotels, a conference center and an indoor water park is way over the top for any town.

A small hotel would be a nice feature for the town of Kent, or how about affordable senior housing for the empty nesters who want to stay in the Town of Kent and be close to their grandchildren.

The Town of Kent actually had a B & B open for business on Rt. 301, but was so heavily taxed there was no way of survival with the few travelers that passed along through our little town.

The Planning Board should do more due diligent with home work on this proposed project.

I am urging the Planning Board of Kent to stop this very invasive project and get a more realistic plan for the Rt. 52 corridor through the Town of Kent.

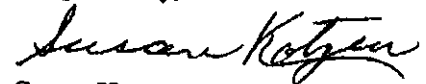
Furthermore, is anyone thinking of the effects all the blasting and mining could have on the surrounding aquifers and wells, that the residents of Kent rely on for their liveliness of businesses, homes, and schools.

Blasting of rock and grinding of stone and hauling by trucks of these products will be very loud and disruptive to the school children. Blasting of rock has also been known to release radon into the air and water, which is well known to be in this area. This proposed project is so very close to two of elementary schools in the Town of Kent, children at such a young age( from kindergarten to fourth ) grade could be at risk of health issues. The Carmel / Kent schools have just recently passed a vote to build a bus garage away from the school buildings to better the air quality and quiet the sound of the noisy buses.

So now you want to put yet another similar situation in the very close proximity to the schools?

I urge the Town of Kent Planning Board to reconsider this project in its entirety.

Respectfully,

A handwritten signature in cursive script, appearing to read "Susan Kotzur".

Susan Kotzur

## Re: application/change of ownership form



Michael Caruso <mvcarusolaw@gmail.com>

Fri 5/10, 9:28 AM

Planning Kent

*Re 52*

Reply all |

Inbox

Change of ownership - ...  
681 KB

Download

Action Items

### PUTNAM COUNTY NOTICE

**THIS EMAIL IS FROM AN EXTERNAL SENDER!** DO NOT click links, DO NOT open attachments, DO NOT forward  
If you were not expecting this email or if it seems suspicious in any way! REMEMBER: NEVER provide your user ID  
or password to anyone for any reason!

Vera:

Per your email, attached is the application first page (executed) reflecting the change in ownership.

Regards,  
Mike

On Fri, May 10, 2019 at 1:26 AM Planning Kent <[planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)> wrote:

as discussed, just fill out the top sheet and send it back to me and bring it with you tonight.

Thanks.

Vera Patterson

Reply all | Delete Junk |

25 Sybil's Crossing

Kent, NY 10512

845-225-7802 (P)

845-306-5283 (F)

[planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)

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Michael V. Caruso, P.C.  
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TOWN OF KENT PLANNING BOARD  
SITE PLAN CHECKLIST

APPLICANT NAME: Kent Country Square, LLC  
 ADDRESS: 238 Caraway, Lanesville, NY 11559

CONTACT TELEPHONE NUMBER: Tejpal Sandhu (managing member)  
 TM: Sect. 22, Bl. 2, Lot 52 (516) 503-4241

The following preliminary information must be included on the site plan. Please either check box as completed or indicate N/A (not applicable).

1. ☐ The dimensions of all property lines
2. ☐ Identify scale used
3. ☐ Name of all adjacent roads and driveway location
4. ☐ Sight distances if new curb cut is requested
5. ☐ Easements for utilities including overhead
6. ☐ All existing structures (including pools) shown and labeled as to their use and the distance from proposed structure and property lines
7. ☐ Distance from the proposed structure to ALL property lines
8. ☐ Completed bulk zoning table
9. ☐ Location of any wetland, stream, lake or body of water within 100 feet of the property line.
10. ☐ Location of septic system (including 100% expansion area)
11. ☐ Location of well head
12. ☐ Pre and post-construction topography (grading plan)
13. ☐ Total limit of disturbance line
14. ☐ Area(s) of disturbance where slopes are greater than 15%
15. ☐ Total area of disturbance calculation (in square feet)
16. ☐ Erosion and sediment control plan (if area of disturbance is greater than 5,000 square feet)
17. ☐ Cost estimate (breakdown) to implement erosion and sediment control plan
18. ☐ KNOX box system (if commercial property)

Check list completed by:

Michael V. Caruso, Esq.  
 (Print or type name here)

Applicant's Attorney  
 (Print or type Title here)

[Signature]  
 (Signature)

5/19/19  
 (Date)

DO NOT WRITE BELOW THIS LINE (OFFICIAL USE)

Plans Date Stamped: \_\_\_\_\_ Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
ENVIRONMENTAL PROTECTION BUREAU

June 5, 2019

Ms. Vera Patterson  
Town of Kent Planning Board  
Town Hall  
25 Sybil's Crossing  
Kent, NY 10512

Re: Route 52 Project – Draft Scoping Document  
Tax Map: Section 12, Block 1, Lot 52  
Route 52, Putnam County  
Kent, New York

Dear Ms. Patterson and Members of the Planning Board:

The Office of the Watershed Inspector General ("WIG" or "WIG Office")<sup>1</sup> respectfully submits these comments on the scoping document for the draft environmental impact statement ("DEIS") concerning the proposed Route 52 Project. The project is in the Town of Kent in Putnam County, NY. We write to recommend that the stormwater management section of the Project's DEIS employ more recent and accurate climate data.

**Route 52 Project Description**

The proposed Route 52 Project is located on a vacant, wooded and steeply-sloped 137.5-acre parcel, with 10 or more wetlands. Approximately 54 acres on the western half of the site are to be excavated for a mixed-use commercial development. The proposed development includes 2 hotels, a conference center, an indoor recreation facility, and a truck stop with a restaurant and

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<sup>1</sup> The position of WIG was established by Executive Order No. 86 on August 19, 1998, and continued in accordance with Executive Orders issued by successive governors. See 9 NYCRR §§ 5.86, 6.5. Pursuant to these Executive Orders, the WIG's purpose is "to enhance current efforts to protect the New York City drinking water supply from activities that have the potential to adversely affect the New York City Watershed reservoirs and tributaries." See *id.*, § 5.86. The WIG is a joint appointee of the Governor and Attorney General within the employ of the Attorney General.



associated retail area. In addition, a gas station and motor vehicle service station are proposed which will require the approval of a special use permit.

### **The East Branch and Middle Branch Reservoirs**

The proposed Project is located entirely within the New York City Watershed ("Watershed"), an area that comprises only 4.2% of New York's lands yet serves as the source of drinking water for over 9 million residents. Runoff from the proposed Project drains into the East Branch and Middle Branch Reservoirs that are part of the Croton Watershed. The Croton Watershed has traditionally provided drinking water to approximately 900,000 people on an average daily basis and is the source of drinking water for upwards of 2.5 million people during drought or emergency conditions. The New York State Department of Environmental Conservation ("DEC") has designated the East Branch Reservoir as a class "AA" water body and the Middle Branch Reservoir as a class "A" water body. As such, the East Branch and Middle Branch Reservoirs are to be maintained at a very high quality -- one that allows them to serve as a source of drinking water.

The East Branch and Middle Branch Reservoirs are classified as "phosphorus restricted" basins by the New York City Department of Environmental Protection ("DEP"). Excess phosphorus in reservoir water can promote algae blooms, including toxin-emitting blue-green algae. Algae blooms can lead to enormous increases in bacteria which consume and deplete oxygen from reservoir bottom waters. Low dissolved oxygen levels suffocate or drive off fish and can impair the taste, odor, and color of water. Iron, manganese and hydrogen sulfide, which are normally bound to the sediment at the bottom of the reservoir, mobilize into the water column under low to no oxygen conditions.

Phosphorus levels in the East Branch and Middle Branch Reservoirs must be reduced to achieve water quality standards specified under state and federal law. Moreover, these reservoirs are subject to a more stringent protection program for phosphorus that was developed pursuant to the Clean Water Act -- known as the "total maximum daily load" ("TMDL"). This program establishes pollution "budgets" for a watershed that should not be exceeded. Under the current TMDL pollutant budgets approved by the U.S. Environmental Protection Agency ("EPA"), existing phosphorus loadings to the East Branch Reservoir must be reduced by 993 kilograms per year (a 28.6% reduction). In addition, existing phosphorus loading must be reduced by at least 204 kilograms per year (a 20% reduction) in the Middle Branch Reservoir. All of these reductions must come from mitigating polluted runoff, as the TMDL's pollutant budget already takes into account the full upgrade of all sewage treatment plants to their highest feasible technology levels.

Turbidity in water can help to transport pathogens, serve as food for pathogens, promote the regrowth of pathogens in the water distribution system, and shelter pathogens from exposure to disinfectants such as chlorine. The organic particles that cause turbidity can also combine with chlorine to create problematic disinfection by-products that are possible carcinogens and suspected of increasing the risk of miscarriage. For these reasons, the EPA in its Surface Water Treatment Rule, prohibited raw water turbidity measurements in unfiltered drinking water at the intake to the distribution system in excess of 5 nephelometric turbidity units ("NTU"). See 40

CFR § 141.71(a)(2). For an overview of the public health concerns raised by turbidity in drinking water, see U.S. EPA, *Guidance Manual for Compliance with the Interim Enhanced Surface Water Treatment Rule: Turbidity Provisions*, Office of Water, EPA 815-R-99-010, April 1999, Chapter 7 (and numerous cited references); see also Kistemann, T., et al., *Microbial Load of Drinking Water Reservoir Tributaries During Extreme Rainfall and Runoff*, Applied Environmental Microbiology, Vol. 68, No. 5, pp. 2188-2197 (May 2002); Naumova, E., et al., *The Elderly and Waterborne Cryptosporidium Infection: Gastroenteritis Hospitalizations Before and During the 1993 Milwaukee Outbreak*, Emerging Infectious Diseases, Vol. 9 No. 4, pp. 418-425 (2003).

## **WIG Recommendations**

### **Stormwater Management**

According to Stormwater Management Section E. of the Initial Draft DEIS Scoping Document, dated March 21, 2019, the DEIS will calculate and describe pre- and post-development peak run-off rates and volumes for the 1-, 2-, 5-, 10-, 25-, 50- and 100-year storm events. In addition, a pollutant loading analysis (PLA) will be calculated using the 1993 "Reducing the Impacts of Stormwater Runoff from New Development" manual.

1. Essential to calculating the pre- and post-development peak run-off rates for the 1-, 2-, 5-, 10-, 25-, 50- and 100-year storm events is the underlying climate data, as extreme precipitation events can result in stormwater pollution and localized and widespread flooding with damage to property, degradation of water quality, and possible loss of life. Accounting for these events is critical to effective engineering design and regulations. In January 2011, the Northeast Regional Climate Center (NRCC) website [www.precip.net](http://www.precip.net) was created to provide access to and produce tables of current meteorological data. The DEIS needs to pair the current updated rainfall values with updated distribution curves to generate accurate rainfall runoff relationships. This can be accomplished by importing the updated NRCC rainfall value table into a HydroCAD (or other applicable hydrologic model) program, to create updated rainfall distribution curves. A step by step description of this process is presented on page B.6 in Appendix B of the November 2016 New York Standards and Specifications for Erosion and Sediment Control "Blue Book". Once these new rainfall distributions have been incorporated into the HydroCAD or another applicable model, the program should be run. The results from this program should more accurately predict stormwater runoff performance based on current climate data.
2. A pollutant loading analysis needs to be performed for phosphorus. The above referenced 1993 DEC manual is outdated in its projections for event mean concentrations. We recommend that the pollutant loading rates published in the March 5, 2015 East of Hudson Watershed Corporation Stormwater Retrofit Project Design Manual (Revision 1) be used for this analysis. The Stormwater Pollution Prevention Plan (SWPPP) must demonstrate that there is no net increase in TP loads from the project site after development as compared to the site prior to disturbance. In addition, the existing TP load should be reduced by the appropriate percentages for

the respective reservoirs noted above. This may be accomplished with enhanced onsite stormwater management practices and/or offsite stormwater mitigation within these watersheds.

3. In addition to the NYCDEP and NYSDEC, please send the Watershed Inspector General's Office a copy of all preliminary and draft stormwater pollution prevention plan (SWPPP) documents for review.

If you have any questions about the Watershed Inspector General's scoping comments, please do not hesitate to contact the undersigned.

Thank you for your consideration of these comments.

Respectfully submitted,



Philip Bein  
Watershed Inspector General  
Assistant Attorney General  
Environmental Protection Bureau  
Office of the Attorney General  
The Capitol  
Albany, New York 12224  
(518) 776-2413



Charles Silver, Ph.D.  
WIG Scientist  
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Cc: Cynthia Garcia DEP  
Matt Giannetta DEP  
Tom Snow DEC



# Department of Transportation

**ANDREW M. CUOMO**  
Governor

Received  
mto/date/year

**MARIE THERESE DOMINGUEZ**  
Acting Commissioner

**MAY 30 2019**

**LANCE MacMILLAN, P.E.**  
Regional Director

May 22, 2019

Planning Department  
Town of Kent

Phillip Tolmach  
Town of Kent Planning Board  
26 Sybil's Crossing  
Kent Lakes, NY 10512

**Re: SEQRA# 18-222 Route 52 Development  
Route 52, Putnam County**

Dear Mr. Tolmach:

The New York Department of Transportation (NYSDOT) is in receipt of the DEIS Scoping Document and the environmental assessment form for the proposed project.

Because of the project size, it has been designated as a Major Commercial Development. NYSDOT has a specific fee schedule and procedures for the review of Major Developments and Highway Work Permits. Please instruct the applicant to address the following requirements. Subsequent to the applicant's response, a Project Identification Number (PIN) will be generated and submissions will be accepted for review.

1. Please submit a HIGHWAY WORK PERMIT APPLICATION (PERM 33-COM). It must be signed by the applicant and the name/address provided. The PERM 33-COM form combines a three-stage application with an interactive checklist and provides assistance in determining what studies may be required. It also provides links to standard details and clearly outlines what is to be shown on a plan submission. As a direct result of utilizing the PERM 33-COM, packages will be more complete and review time will be reduced. The Applicant may access the PERM 33-COM at [www.dot.ny.gov/permits](http://www.dot.ny.gov/permits).
2. A check for \$2,000 made out to the New York State Department of Transportation to commence the review process.
3. Also required is a PERMIT AGREEMENT FOR HIGHWAY WORK PERMITS DESIGN REVIEW (PERM 51). The PERM 51 form must be completed by the applicant. The Application No. and PIN will be filled in by the Regional Traffic Engineering & Safety Group. The applicant should be aware that the \$2,000 fee referenced thereon shall be the minimum cost for the Department's review time and is non-refundable. Hereafter, all Department employees assigned the responsibility of reviewing any documents, plans, maps, etc., which are directly related to the subject proposal, shall charge their review time to this project. The applicant will then be billed periodically by the Department for the actual cost of our review and processing of the respective project. Such billings which exceed the minimum \$2,000 initial fee must be paid immediately upon receipt or the Highway Work Permit shall not be issued, or shall be revoked.
4. The items noted above shall be forwarded to the Regional Highway Work Permit Coordinator (address below).

Once the PIN is established, the applicant may submit one complete set of the planning documents described below to each of the following:

Regional HWP Coordinator  
NYS Department of Transportation  
4 Burnett Blvd.  
Poughkeepsie, NY 12603

Permit Engineer  
NYS Department of Transportation  
106 Ludingtonville Road  
Holmes, NY 12531

**Planning Documents:**

1 set of site plans showing proposed access, and Highway Improvement plans (if available) in paper and PDF format, 1 copy of drainage shell/SWPPP in PDF format, 1 copy of Synchro analysis of affected intersections on disc (actual files), 1 copy of the Traffic Impact Study (TIS) in paper and PDF format.

Please note in addition to the paper copy, all future submissions must also include electronic PDF files on CD, DVD, or thumb drive.

Signal warrant analysis and accident study should be conducted at the intersections of Ludingtonville Rd. and State Route 52. NYSDOT would also like Modems and Transfers Switches be installed at signals P-40(Farmers Mills Rd. and Route 52) and P-54(Route 52 and Route 311).

If you have any question you can contact me at [Jason.Brenner@dot.ny.gov](mailto:Jason.Brenner@dot.ny.gov).

Very truly yours,



Jason Brenner  
Assistant Engineer

cc: Greg Bentley, Resident Engineer, Residency 8-3  
Peder W. Scott, PE

**DESCRIPTION**

Under this item the Contractor shall furnish and install a 3G/4G LTE/GPS gateway modem at the location(s) specified in the contract documents or as shown on the plans.

Each unit shall include an externally mounted antenna that can be installed on the exterior of a cabinet or pole as shown in the contract documents. Unless otherwise specified, or as directed by the Engineer, the antenna shall be mechanically bolted to prevent unauthorized removal and sealed to prevent water from entering the cabinet. Each external antenna shall be compatible with 4G LTE, 3G, and 2G cellular frequencies and include two integrated high gain MIMO cellular/4G antennas with a GPS connector in a single weather tight unit. The connector style shall be matched to the cellular modem provided.

The Contractor shall provide the Engineer all appropriate information necessary to provision the modem with any of the carriers listed below so that NYSDOT can activate the modem(s). NYSDOT will supply SIM cards where applicable.

**MATERIALS**

**General:**

The modem and antenna shall be ruggedized and suitable for outdoor use, capable of operating under a variety of power options including solar applications. In locations where solar is the primary power source the modem shall be capable of monitoring the voltage and powering down as needed to conserve battery life.

**Operating Requirements:**

**Power:**

- Input Voltage: 7 to 36 VDC
- LTE Idle Power: 900 mW (75 mA @ 12 VDC)
- Standby Mode Power: 53 mW (4.4 mA @ 12 VDC) triggered on low voltage, I/O or periodic timer
- Low voltage disconnect to prevent battery drain (for solar applications)
- Configurable I/O pin on power connector
- Digital Input ON Voltage: 2.7 to 36 VDC
- Analog Input: 0.5-36 VDC

**Environmental:**

- Operating Temperature: -22°F to +158°F
- Storage Temperature: -40°F to +185°F
- Humidity: 90% RH @ 60°C
- Military Spec MIL-STD-810G conformance to shock, vibration, thermal shock, and humidity
- IP64 rated ingress protection
- Hazardous Environments: Class 1 Div 2

**Cellular WAN:**

## **ITEM 683.08020104 – 3G/4G LTE GATEWAY MODEM WITH ANTENNA**

- Supported Carriers: Verizon, AT&T, Sprint, T-Mobile USA, US Cellular, Rogers, Bell, Telus
- Supported Frequency Bands LTE: 1900(B2), AWS(B4), 850(B5), 700(B13), 700(B17), 1900(B25)
- WCDMA: 2100(B1), 1900(B2), AWS(B4), 850(B5), 900(B8)
- EV-DO/CDMA: 800(BC0), 1900(BC1), 1700(BC10)
- GSM/GPRS/EDGE: Quad-band
- Dual SIM Interfaces (2FF)

### **Data Interfaces:**

- 10/100/1000 Ethernet (RJ45)
- RS-232 serial port (DB-9)
- USB 2.0 Micro-B Connector
- 3 SMA antenna connectors (primary, diversity, GPS)
- Active GPS antenna support

### **LAN/Security Features:**

- Network Address Translation (NAT)
- Port Forwarding with Host Port Routing
- NEMO/DMNR
- VRRP
- Dynamic DNS
- VPN IPsec, GRE, and OpenVPN Client
- Split Tunnel
- Multiple Subnets
- DNS, DNS Proxy
- DHCP Server
- IP Passthrough
- VLAN
- PPPoE
- Remote Authentication (LDAP, RADIUS, TACACS+)
- DMZ
- Inbound/Outbound Port filtering and MAC Address Filtering

### **External Antenna:**

- Dual 3G/4G MIMO internal antenna's with integrated GPS
- Low profile with threaded bolt and gasket for external mounting
- Frequencies: Cellular/LTE = 824-896 MHz; 1850-1995 MHz; 698-798 MHz; 1710-1770 MHz; 2110-2170 MHz; 2570-2620 MHz
- GPS = 1575.42 MHz
- VSWR: 1.5:1 or less at resonant point
- Gain: 698-896 MHz: 3 dBi; 1710-2620 MHz: 4 dBi
- Radiation Pattern: OMNI Directional
- Polarization: Vertical

**ITEM 683.08020104 - 3G/4G LTE GATEWAY MODEM WITH ANTENNA**

**CONSTRUCTION DETAILS**

Once a unit has been completely installed it shall be the Contractors responsibility to make sure each antenna has been oriented to maximize the available signal. After the modem has been provisioned NYSDOT shall test each modem remotely for communications prior to acceptance. Any adjustments to the antenna that may be necessary to improve signal strength after the unit has been installed shall be done so by the Contractor at no additional cost to the State.

**METHOD OF MEASUREMENT**

This work will be measured as the number of EACH cellular modem with antenna that is satisfactorily furnished and installed.

**BASIS OF PAYMENT**

The unit price bid shall include the cost of furnishing all labor, materials, and equipment necessary to complete the work.



**ITEM 680.94997008 - FURNISH AND INSTALL ELECTRICAL  
DISCONNECT / GENERATOR TRANSFER SWITCH**

**DESCRIPTION** - Under this item, the Contractor shall furnish and install a electrical disconnect / generator transfer switch as shown on the plans, or the standard sheets or as ordered by the Engineer.

**MATERIALS** - The Contactor shall furnish a electrical disconnect / generator transfer switch from a manufacture listed on the current New York State Department of Transportation Traffic Signal Laboratory's Approved Product List.

**CONSTRUCTION DETAILS** - The electrical disconnect / generator transfer switch shall be attached to the pole or cabinet as shown on the plans or the standard sheet or as ordered by the Engineer.

**METHOD OF MEASUREMENT** - This item will be measured for payment as the number of electrical disconnects / generator transfer switches furnished installed and accepted by the Engineer-in-Charge.

**BASIS OF PAYMENT** - The unit price bid shall include the cost of all labor, material and equipment necessary to complete the work as shown on the plans, on the standard sheets, or as ordered by the Engineer.



# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

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

Subject: Erosion Control Plan –  
Completeness Review

Date: May 20, 2019

Project: Fregosi – Kentview Drive  
TM # 10.20-1-69

The following materials were reviewed:

- Cover letter prepared by Roy Fredriksen, P.E., dated March 20, 2019
- Letter NYSDEC Division of Environmental Permits, Region 3, April 6, 2018
- Certification of Professional Engineer
- Drawings prepared by Roy Fredriksen, PE
  - Stormwater Pollution Prevention Plan (Erosion & Sediment Control) revised 3/20/2019
- Notice of Intent (NOI) revised 3/20/2019

The project proposes construction of a single family house with individual well, septic and driveway. The parcel is a pre-existing, non-conforming lot for lot width. Information provided seems to indicate Putnam County Health Department approval for well and septic is in progress.

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

The subject Erosion and Sediment Control Plan is not approved. The following comments are provided for the Planning Board's consideration from a memo dated May 10, 2018:

4. Provide the following information as required by Town Code Chapter 66-6.B.2:
  3. §66-6.B.2.h – Provide "the details of any surface or subsurface drainage systems proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion."
    - I. Include additional notes for home owner for long term maintenance and operation of the infiltrators and the infiltration trench. Provide field testing to prove sufficient distance from bedrock or water table.
  4. **5/20/2019** - Response letter states "the long term maintenance is included on the Infiltration Detail. Deep holes were dug in the area of infiltrators to a depth of 7 feet."

**There is a note regarding inspection and maintenance for the "Infiltration Trench". No similar note could be located for the**

**the Cultec Recharger. Notes for long-term inspection and maintenance are to be easy to locate on the drawing by future homeowners.**

**Provide field report with location of deep holes for infiltrators.**

9. Refer to the Drawings:

- c. Based on the experience of the adjacent homeowner, a catchbasin may be recommended at the inside corner of the driveway to prevent road runoff from flowing onto the driveway near the garage and creating an icing condition.
  - i. 9/28/2018 - If applicant prefers not to have a catchbasin in this location, state this in response letter.
  - ii. **5/20/2019 -- This item was not addressed in the response letter. A catchbasin is not proposed on the inside corner of the driveway in the latest submittal. Based on this, it is assumed the applicant does not want a catchbasin in that location. This item is considered complete.**

- 10. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.

The following comments are provided for the Planning Board's consideration from a memo dated July 12, 2018:

9. Provide Health Department approvals when available.

- a. **5/20/2019 -- Copies of Health Dept approvals have not been received.**

The following comments are provided for the Planning Board's consideration from a memo dated September 27, 2018:

- 3. Label distance from septic to infiltrators. Confirm the infiltrators are included on drawing submitted to/approved by the Health Department.
  - a. **5/20/2019 -- Distance has been labeled. Provide confirmation that infiltrators are included on the drawing approved by the Health Department.**

**New Comments:**

- 1. Provide detail for yard basins.
- 2. Per 3/20/2019 response letter, #6, "The driveway has a positive grade along Kentview Drive to guide rain water past the lot." This is contrary to Town driveway code which requires the 1<sup>st</sup> 30 feet of a driveway to slope down and away from the road. This is also within the Town road right of way. This request for change to driveway standard has been forwarded to Richard Othmer, Jr, the Highway Superintendent for review and approval.
  - a. Via email on 5/17/2019, Richard Othmer has indicated the driveway proposal is acceptable. This comment is considered complete.

3. Per letter from Richard Othmer, Jr, Highway Superintendent, dated April 1, 2019, to the Planning Board regarding final approvals, add a note to the drawing that reads, "The Owner will make modifications to the driveway as required by the Highway Superintendent."
4. The note on the drawing above the driveway profile "No construction chemicals allowed on site" will be difficult to comply with. We believe this note is in response to the requirement from NYSDEC GP-0-15-002 Part III.B.1.j - "A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges." To address this requirement, notes typically include language like construction chemicals, (including paint, adhesives, cleaners, etc.) will be stored in closed containers, in quantities limited to the project needs and protected from rain and wind.
5. Provide written response with future submittals stating how the comments have been addressed.

  
Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
18-261-999-158

Bruce Barber via email  
Liz Axelson via email